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# CRIMINOLOGY

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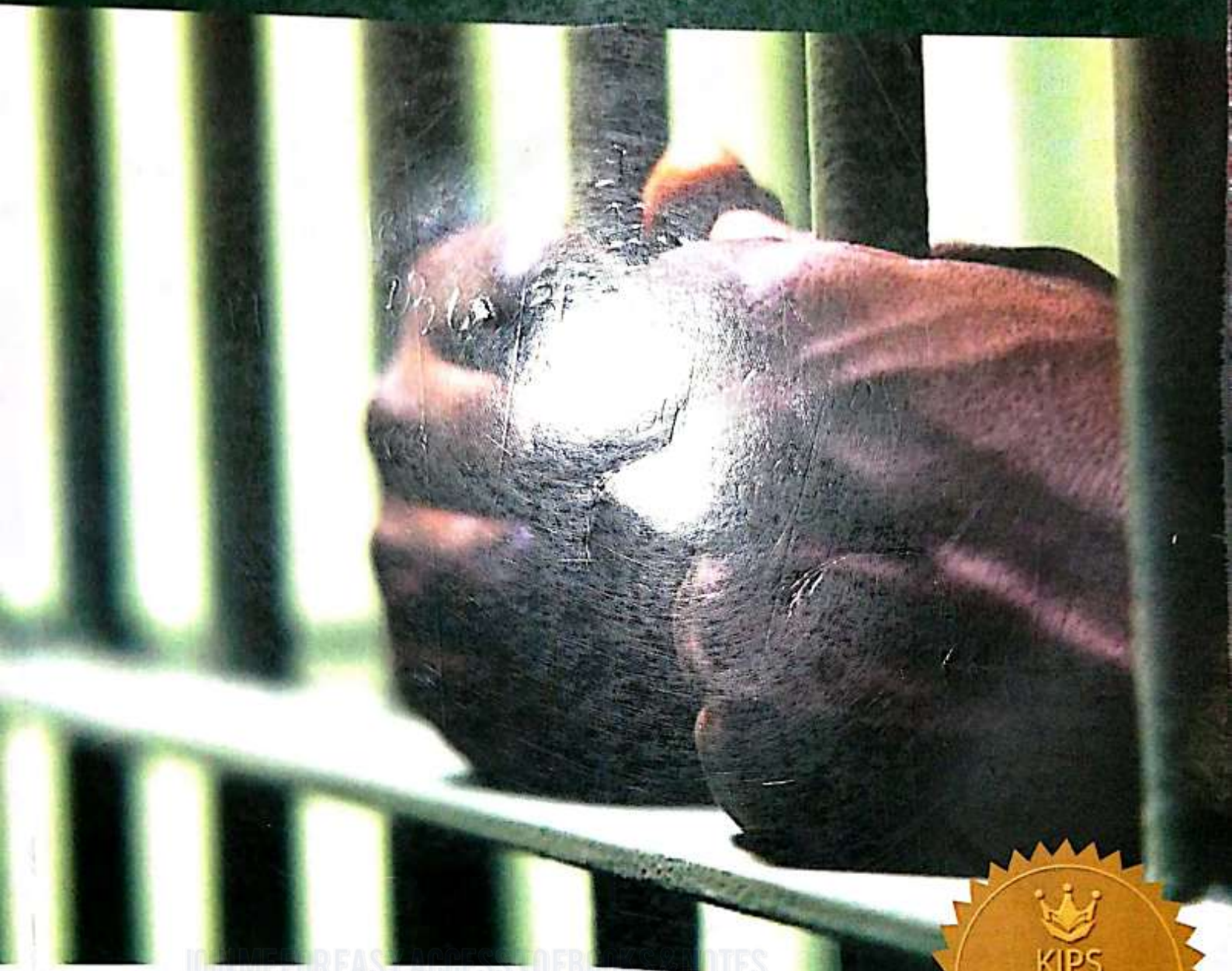

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# KIPS

## CRIMINOLOGY

## CSS-PMS SERIES

**FOR**

**CSS, PMS & Other Competitive Exams**

**Editor**

**Nasir Khan**

PH.D Scholar Media & Crime

**Chief Editor**

**Dr. Shahid Wazir Khan**

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***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.*

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## A Massage 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

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# 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 from 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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CHAPTER NO.1

# INTRODUCTION TO CRIMINOLOGY

## 1. BASIC CONCEPT OF CRIME

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.



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# 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."



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**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.



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**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.



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**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.



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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 fo any group that exercises control over large illegal enterprises (such as the drug trade, illegal gambling, prostitution, weapons smuggling, or money laundering).



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A key sociological concept in the study or 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 NeilsHoyvald 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 is 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.



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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.



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**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.



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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



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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



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## 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



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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



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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



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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. a voluntary act which the sinner intends in such-and-such matter, and

b. 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



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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



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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.



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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.



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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 rule 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:



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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



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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.



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# 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



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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.



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- **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.



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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.



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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.



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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.



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## 3. PROFESSIONAL CRIMINALS

Crimes committed by persons for whom criminally punishable acts are a permanent occupation and the primary source ofmoney. Persons who engage in professional crime have the skills and means necessary for criminal activity and specializein 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.



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# 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.



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**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.



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**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,



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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



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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



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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;



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- 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 chose 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.



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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 Jermey 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 Guiseppe 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



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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".



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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



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person's mental makeup that is present at birth. Freud (1933) believed the id represents the uncons 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.



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## 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



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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.



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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



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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 orginal 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.



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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 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 individuals 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.

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



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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.



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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



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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 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



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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



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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



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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



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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.



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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 "–hadīth 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:



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- 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 of 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.



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CHAPTER NO. 5

# JUVENILE DELINQUENCY

## 1.0 MEANINGS AND DEFINITION JUVENILE DELINQUENCY

جرم / قصوروار

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 statue. 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,



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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).



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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** |



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| | | | | | |
|---|---|---|---|---|---|
| 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**

| | | Percentage of total Juvenile court cases, 2013 | | |
|---|---|---|---|---|
| Most serious offense | Number of cases | 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.



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### 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



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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



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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. *f*
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.



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## 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



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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

(I) 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.



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(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;



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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,



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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 live.

## 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;



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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



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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.



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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



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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.



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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 parenspatriae, 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



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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



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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.



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## 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 reformative, 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.



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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" (Earle1896/1995, 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.



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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 Zealandand nearly all of Europe. In the past, apprenticesto 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, Asiaand 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 justices 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;



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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 present convicted offenders from relapsing in to 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 biding 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.



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## 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, retributionorjust 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



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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.



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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.



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CHAPTER NO. 6

# 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.



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## 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.



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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



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- 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



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- when inferences from silence are sought in terms

## Other Principles of Investigation

1. **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.
2. **Accuracy:** This requires collection and recording of clear and complete information establishing the facts, whether incriminating or exculpatory.
3. **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.



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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.



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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

a. 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.

b. Classification of intelligence



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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 sbe 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. It 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.



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## 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



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- 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



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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).



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## 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 ILJ's study. For the most part, forensic evidence collected at crime scenes was easy to classify into the correct categories.



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CHAPTER NO.7

# 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.



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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



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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.



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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:



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- 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.



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## 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.



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## 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



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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.



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CHAPTER NO. 8

# 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.



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## 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. FRISKS

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



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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.



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### 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).



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## 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



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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



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CHAPTER NO. 9

# 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.



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## 1.1. CORE FUNCTIONS

INTERPOL has identified four core functions on which to concentrate its efforts and resources:

### 1. Secure global police communications services –

INTERPOL manages a global police communications system known as I-24/7 which enables police in all of its member countries to request, submit and access vital police data instantly in a secure environment.

### 2. Operational data services and databases for police –

INTERPOL manages a range of databases with information on names and photographs of known criminals, wanted persons, fingerprints, DNA profiles, stolen or lost travel documents, stolen motor vehicles, child sex abuse images and stolen works of art. INTERPOL also disseminates critical crime-related data through its system of international notices. There are seven kinds of notices, of which the most well-known is the Red Notice, an international request for the provisional arrest of an individual.

### 3. Operational police support services –

INTERPOL has six priority crime areas; corruption, drugs and organized crime, financial and high-tech crime, fugitives, public safety and terrorism, and trafficking in human beings. INTERPOL also operates a 24-hour Command and Coordination Centre to assist any member country faced with a crisis situation, co-ordinate the exchange of information and assume a crisis-management role during serious incidents.

### 4. Police training and development –

INTERPOL provides focused police training initiatives for national police forces, and also offers on-demand advice, guidance and support in building dedicated crime-fighting components. The aim is to enhance the capacity of member countries to effectively combat serious transnational crime and terrorism. This includes sharing knowledge, skills and best practices in policing and the establishment of global standards for combating specific crimes.

## 1.2. Rules and governance

INTERPOL's Constitution prohibits 'any intervention or activities of a political, military, religious or racial character.' The intention is to assist international police co-operation even where diplomatic relations do not exist between particular countries. Action is taken within the limits of existing laws in different countries and in the spirit of the Universal Declaration of Human Rights.

It's supreme governing body is the General Assembly, which meets once a year to take all major decisions affecting general policy and comprises delegates appointed by member countries. Each country represented has one vote and all votes carry equal weight.

The Executive Committee oversees the execution of the decisions of the General Assembly and the work of the Secretary General. It has 13 members, elected by the General Assembly, who represent all regions of the world. The president, who chairs the committee, serves a four-year term; three vice-presidents and nine delegates serve for three years each.



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The secretary general, the organization's chief executive and senior full-time official, is responsible for overseeing INTERPOL's day-to-day work of international police co-operation and for implementing the decisions of the General Assembly and Executive Committee. Nominated by the Executive Committee and confirmed by at least two-thirds of the General Assembly, he serves an initial five-year term.

## 1.3. Member Countries:

There are 187 members in INTERPOL, ranging from Afghanistan to Zimbabwe. The following countries are not members: Samoa, Palau, Solomon Islands, Kiribati, Federated States of Micronesia, Tuvalu, Vanuatu and North Korea. The following regions are sub-bureaus: Bermuda, Gibraltar, Cayman Islands, Anguilla, Montserrat, British Virgin Islands, Turks and Caicos, Puerto Rico, American Samoa, Hong Kong and Macao

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## 1.4. INTERPOL's Roles

Let's take a closer look at INTERPOL'S various roles. INTERPOL is involved in three main areas:

- Crisis response
- Event security
- Crime prevention

INTERPOL addresses crisis response in a couple of different ways. First, INTERPOL responds to major crimes. INTERPOL sends an Incident Response Team, which is a specialized police force sent to aid an INTERPOL country when that country faces a major crime or serious police issue, such as rioting. Incident Response Team members are known for their police expertise and experience.



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Second, INTERPOL addresses crisis response by sending Incident Response Teams to INTERPOL countries when those countries experience large natural disasters, such as floods or earthquakes. An Incident Response Team can also be sent for manmade disasters, such as bombings. In general, Incident Response Teams are used to support the existing police forces in INTERPOL countries when local forces are overwhelmed or overpowered.

Now let's look at how INTERPOL addresses event security. INTERPOL helps with major events by sending an INTERPOL Major Events Support Team, which is a specialized police force sent to aid an INTERPOL country when that country hosts a large, international event. These teams are used for events like the Olympics and the World Cup. The support team brings expertise and experience to the security planning for the event and also to the policing of the event.

Lastly, let's look at how INTERPOL addresses crime prevention. INTERPOL mostly addresses crime prevention through its vast network of police forces. Together, the INTERPOL bureaus use intelligence to investigate incidents and apprehend suspects. INTERPOL forces work together to find known criminals and bring them to justice. Together, INTERPOL forces also focus on many types of Internet-based crimes, such as closing down websites that sell illegal drugs or exploit children.

## 1.5. What crimes does INTERPOL investigate?

Drug trafficking, organized crime, financial and high-tech crimes including counterfeiting and money laundering, public safety and terrorism, human trafficking, corruption, environmental crimes and crimes against humanity.

In addition, INTERPOL's Fugitive Investigation Service keeps an eye out for suspects globally with its Red Notice alerts that notify member states when one nation has issued an arrest warrant for a suspect.

Financing

INTERPOL is primarily financed by member countries, whose governments pay annual statutory contributions calculated using a framework agreed on by members.

## 1.6. Operational Data Services And Databases For Police

Through I-24/7, member countries, including the Force, have direct and immediate access to a wide range of databases, including Nominal Data; Stolen and Lost Travel Documents; Stolen Motor Vehicles; Stolen Works of Art; DNA Profiles; Fingerprints, and Counterfeit Payment Cards.

INTERPOL also disseminates critical crime-related data through a system of international notices. Based on the requests from member countries, the INTERPOL General Secretariat (IPSG) produces notices in all of the organisation's four official languages: Arabic, English, French and Spanish.

The seven types of notices and their objectives are:

## 1. Red Notice

To seek the arrest or provisional arrest of wanted persons, with a view to extradition.



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### 2. Yellow Notice

To help locate missing persons, often minors, or to help identify persons who are unable to identify themselves.

### 3. Blue Notice

To collect additional information about a person's identity or activities in relation to a crime.

### 4. Black Notice

To seek information on unidentified bodies.

### 5. Green Notice

To provide warnings and criminal intelligence about persons who have committed criminal offences and are likely to repeat these crimes in other countries.

### 6. Orange Notice

To warn police, public entities and other international organisations about potential threats from disguised weapons, parcel bombs and other dangerous materials.

### 7. Purple Notice

To provide information on modi operandi, procedures, objects, devices or hiding places used by criminals

## 2.0. EUROPOL

Europol is the European Union law enforcement agency that handles criminal intelligence. Its aim is to improve the effectiveness and co–operation between the competent authorities of the Member States in preventing and combating all forms of serious international organised crime and terrorism.

The idea of establishing some form of cooperation between European police forces to tackle transnational crime is as old as the notion of European unity itself. The first move towards informal cooperation was taken in the 1970s, with the setting up of the Trevi group by European Communities' interior and justice ministers. Trevi's initial concern was to address international terrorism, but it soon extended its focus of attention to cover other areas of cross-border crime within the European Community.

Europol is the European Union's law enforcement agency whose main goal is to help achieve a safer Europe for the benefit of all EU citizens. We do this by assisting the European Union's Member States in their fight against serious international crime and terrorism.

The establishment of Europol was agreed in the Treaty on European Union of 7 February 1992. Based in The Hague, Netherlands, Europol started limited operations on 3 January 1994 in the form of the Europol Drugs Unit (EDU) fighting against drug-related crimes. The Europol Convention was ratified by all EU member states and came into force on 1 October 1998. Following a number of legal acts related to the Convention, Europol commenced its full activities on 1 July 1999. Progressively, other important areas of criminality



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were added. On 1 January 2002, the mandate of Europol was extended to deal with all serious forms of international crime as listed in the annex to the Europol Convention. In its meeting in Luxembourg 06 April 2009 the Council of the European Union, Justice and Home Affairs, adopted a decision transforming Europol into an EU body from 01 January 2010. Within the new legal framework changes can be introduced more rapidly in response to trends in crime. Europol's current direct Member State funding will be replaced by funding via the general budget of the EU. This will make Europol become an EU body subject to the Financial Regulation and the Staff Regulations of the European Communities.

Large–scale criminal and terrorist networks pose a significant threat to the internal security of the EU and to the safety and livelihood of its people. The biggest security threats come from terrorism, international drug trafficking and money laundering, organized fraud, counterfeiting of the euro currency, and people smuggling. But new dangers are also accumulating, in the form of cybercrime, trafficking in human beings, and other modern-day threats. This is a multi–billion euro business, quick to adapt to new opportunities and resilient in the face of traditional law enforcement measures.

- Europol headquarters in The Hague, the Netherlands
- working closely with law enforcement agencies in the 28 EU Member States and in other non-EU partner states and organisations
- more than 900 staff
- 185 Europol Liaison Officers (ELOs)
- around 100 criminal analysts
- over 18 000 cross–border investigations each year

## 2.1. MANDATE OF EUROPOL

Europol supports the law enforcement activities of the member states mainly against:

- Illicit drug trafficking;
- Illicit immigration networks;
- Terrorism;
- Forgery of money (counterfeiting of the euro) and other means of payment;
- Trafficking in human beings (including child pornography);
- Illicit vehicle trafficking;
- Money laundering.

In addition, other main priorities for Europol include combating crimes against persons, financial crime and cybercrime. Europol comes into action when an organised criminal structure is involved or a case of terrorism or serious crime has occurred which affects two or more Member States. The recent extension of the mandate means that Europol may support Member States investigations into serious crime that is not necessarily carried out by organised groups; e.g. a serial killer operating in two or more Member States.

Europol supports member states by:



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- Facilitating the exchange of information, in accordance with national law, between Europol liaison officers (ELOs). ELOs are seconded to Europol by the member states as representatives of their national law enforcement agencies;
- Providing operational analysis in support of operations;
- Generating strategic reports (e.g. threat assessments) and crime analysis on the basis of information and intelligence supplied by member states and third parties;
- Providing expertise and technical support for investigations and operations carried out within the EU, under the supervision and the legal responsibility of the member states concerned.
- Europol is also active in promoting crime analysis and harmonisation of investigative techniques within the member states.

## 2.2. VALUES

We will fulfill our commitments through the efforts of our staff. In line with our mission and vision, we attach importance to the following five values which best characterise the culture of Europol and the work of its people:

- Integrity
- Accountability
- Initiative
- Teamwork
- Effectiveness

### Unique Services

- support centre for law enforcement operations
- hub for criminal information and organisations
- centre for law enforcement expertise
- one of the largest concentrations of analytical capability in the EU
- produces regular assessments and reports
- high-security, 24/7 operational centre
- central platform for law enforcement experts from the European Union countries

## 2.3. MAIN GOALS AND VISION

Following this ambitious strategy, Europol will address the most important challenges ahead, but will also exploit all opportunities to make further progress and deliver tangible benefits. The strategy guides Europol on a planned path to implementing its main goals and vision, delivering a unique set of operational services for the EU in three main areas:

**•To function as the principal EU support centre for law enforcement operations**

More will be done to maximize the operational value of information held by Europol and to streamline the delivery of analysis and other operational services. Europol is taking a leading role in establishing more effective cooperation between agencies and law enforcement partners, including Euro just and Interpol.



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**•To become the criminal information hub of the European Union**

Cooperation between Member States, in identifying common information gaps and investigation priorities is essential and will be strengthened. Europol's unique capabilities provide the opportunity to grow as a central information hub in the EU, to address these issues, and build an information platform capable of facilitating a more effective operational response to key security threats. Further development of Europol's Secure Information Exchange Network Application (SIENA) will bring Europol closer to the law enforcement 'front line'.

**•To develop further as an EU centre for law enforcement expertise**

Europol pioneers new techniques based on innovation and best practice as well as facilitating knowledge sharing and quality training in specialist areas, such as euro counterfeiting, terrorism and the dismantling of drug laboratories.

**State-of-the-Art Technology**

International crime and terrorist groups operate worldwide and make use of the latest technology. To ensure an effective and coordinated response, Europol needs to be equally flexible and innovative, and make sure its methods and tools are up to date. We have state-of-the-art databases and communication channels, offering fast and secure capabilities for storing, searching, visualizing and linking information.

Gathering, analyzing and disseminating this information entails the exchange of large quantities of personal data. Europol sets and adheres to the highest standards of data protection and data security.

**Areas of Expertise**

Since Europol can offer a flexible response, we focus on different areas of criminal and terrorist activity from year to year, depending on the demands of the situation. Our main priorities, however, tend to remain relatively stable, reflecting those of international criminal and terrorist groups. Over the years we have built up substantial experience in fighting drug trafficking, illicit immigration networks and trafficking in human beings, illicit vehicle trafficking, cybercrime, money laundering and forgery of money. Europol is the European central office to combat euro counterfeiting. Europol enjoys excellent cooperation arrangements with law enforcement partners in Europe and beyond. It also values its accountability arrangements and data protection regime, which are among the most robust and transparent in the world.

We welcome public interest in our work and trust that the contents of this website offer the reader a good illustration of our activities, the responsible way in which they are carried out, and the impact they are having on making Europe safer.

## 2.4. Difference between Interpol and Europol

Interpol and Europol are structured differently and therefore provide different possibilities for international law enforcement co-operation. Interpol is a network of police agencies in countries worldwide, whereas Europol mainly supports the EU Member States. Interpol and Europol have different but related roles in the fight against organised crime and



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therefore there is no competition between the organisations. To enhance international law enforcement co–operation a co-operation agreement was signed between the two organisations in 2001.

# 3.0. UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC)

## 3.0. INTRODUCTION

The United Nations Office on Drugs and Crime (UNODC) is a United Nations office that was established in 1997 the Office for Drug Control and Crime Prevention by combining the United Nations International Drug Control Program (UNDCP) and the Crime Prevention and Criminal Justice Division in the United Nations Office at Vienna. It is a member of the United Nations Development Group and was renamed the United Nations Office on Drugs and Crime in 2002. In 2016 - 2017 it has an estimated biannual budget of US$700 million

UNODC is a global leader in the fight against illicit drugs and international crime. Established in 1997 through a merger between the United Nations Drug Control Programme and the Centre for International Crime Prevention, UNODC operates in all regions of the world through an extensive network of field offices. UNODC relies on voluntary contributions, mainly from Governments, for 90 per cent of its budget.

UNODC is mandated to assist Member States in their struggle against illicit drugs, crime and terrorism. In the Millennium Declaration, Member States also resolved to intensify efforts to fight transnational crime in all its dimensions, to redouble the efforts to implement the commitment to counter the world drug problem and to take concerted action against international terrorism.

UNODC seeks to achieve security and justice for all by helping States and their peoples to protect them against the threats posed by drugs, crime and terrorism. The UNODC's work is guided by mandates and driven by the needs of Member States as defined in the UNODC Strategy for the period 2008-2011. UNODC work is also guided by a broad range of international legally binding instruments, such as the UN Convention against Transnational Organized Crime and the UN Convention against Corruption, and a set of UN standards and norms on crime prevention and criminal justice. Fostering respect for and adherence to the rule of law is at the centre of the international community's efforts to address crime, drugs and terrorism. Governance and anti-corruption, strengthening justice systems and improving safety and security are key aspects of UNODC's work in promoting the rule of law world-wide.

UNODC covers about 150 countries through its Field office network (i.e. regional, country and programme offices). Besides operating at the national level, the Office is developing a new generation of regional programmes (i.e. East Asia and Pacific, Eastern Africa, West Africa, North Africa/Middle East, Central America/Caribbean, and the Balkans) to promote the rule of law and human security. Key objectives are to ensure full ownership by Member States, alignment with regional and national policies and priorities, close engagement with the UN system as a whole, and coordination with other donors/development agencies.



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## 3.1. OBJECTIVE

UNODC was established to assist the UN in better addressing a coordinated, comprehensive response to the interrelated issues of illicit trafficking in and abuse of drugs, crime prevention and criminal justice, international terrorism, and political corruption. These goals are pursued through three primary functions: research, guidance and support to governments in the adoption and implementation of various crime-, drug-, terrorism-, and corruption-related conventions, treaties and protocols, as well as technical/financial assistance to said governments to face their respective situations and challenges in these fields.

These are the main themes that UNODC deals with:

- Alternative Development,
- Corruption,
- Criminal Justice,
- Prison Reform and Crime Prevention,
- Drug Prevention,
- Treatment and Care,
- HIV and AIDS,
- Human Trafficking and Migrant Smuggling,
- Money Laundering,
- Organized Crime,
- Piracy,
- Terrorism Prevention.

## 3.2. Core functions

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The three pillars of the UNODC work programme are:

- Field-based technical cooperation projects to enhance the capacity of Member States to counteract illicit drugs, crime and terrorism
- Research and analytical work to increase knowledge and understanding of drugs and crime issues and expand the evidence base for policy and operational decisions
- Normative work to assist States in the ratification and implementation of the relevant international treaties, the development of domestic legislation on drugs, crime and terrorism, and the provision of secretariat and substantive services to the treaty-based and governing bodies

In pursuing its objectives, UNODC makes every effort to integrate and mainstream the gender perspective, particularly in its projects for the provision of alternative livelihoods, as well as those against human trafficking.



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According to the UNODC's Strategy for 2012-2015, main tasks of the UNODC's work are:

1. Countering transnational organized crime, illicit trafficking and illicit drug trafficking (Objectives: to promote effective responses to transnational organized crime, illicit trafficking and illicit drug trafficking by facilitating the implementation at the normative and operational levels of the relevant United Nations conventions)/
2. Countering corruption (Objectives: to prevent and combat corruption, in line with the United Nations Convention against Corruption).
3. Terrorism prevention (Objectives: To promote and strengthen a functional criminal justice regime against terrorism that is effective and is implemented by States in accordance with the rule of law).
4. Strengthening criminal justice system (Objectives: to strengthen the rule of law through the prevention of crime and the promotion of effective, fair, humane and accountable criminal justice systems, in line with the United Nations standards and norms in crime prevention and criminal justice and other relevant international instruments).
5. Prevention of drug use, treatment and reintegration, and alternative development (Main Objectives: reduction of drug abuse and HIV/AIDS through effective prevention campaigns; treatment, care, rehabilitation, and reintegration into society of drug users; development and implementation of effective, comprehensive, integrated drug demand reduction policies and programmes based on scientific evidence; fostering and strengthening of international cooperation based on the principle of shared responsibility in sustainable alternative development, including, where appropriate, preventive alternative development).
6. Research, trend analysis and forensics (Objectives: enhanced knowledge of thematic and cross-sectoral trends for effective policy formulation, operational response and impact assessment, based on a sound understanding of drug, crime and terrorism issues).
7. Policy support (Objectives: to facilitate policy and operational responses on issues related to drug control, crime prevention and criminal justice).

## 3.3. Membership

The Commission is composed of 40 Member States elected by the Economic and Social Council, with the following distribution of seats among the regional groups:

(a) Twelve for African States;

(b) Nine for Asian States;

(c) Eight for Latin American and Caribbean States;

(d) Four for Eastern European States;

(e) Seven for Western European and other States.



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# 4.0 United Nations Asia and Far East Institute (UNAFEI)

*"Promote regional cooperation in the field of crime prevention and the treatment of offenders through training and research programs."*

## 4.1. Introduction

The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) is a United Nations regional institute, established in 1962 by agreement between the United Nations and the Government of Japan, with the aim of promoting the sound development of criminal justice systems and mutual cooperation in Asia and the Pacific Region.

The main objective of UNAFEI is to

*"Promote regional cooperation in the field of crime prevention and the treatment of offenders through training and research programs."*

During its 40 years of activity, approximately 2,000 overseas officials and 1,000 Japanese officials have participated in UNAFEI trainings. Current UNAFEI trainings are held seven times a year, including three major international courses and a corruption prevention course. The goal is to stimulate cooperation, share knowledge, and strengthen the UNAFEI network. One hundred and twenty-five participating countries and the United Nations are included.

UNAFEI holds two international training courses and one international senior seminar annually. The international training course that is held in spring deals mainly with the treatment of offenders, while the one held in autumn concentrates on crime prevention and countermeasures against various crimes. The international senior seminar tackles current criminal justice issues. In addition to acquiring knowledge and skills during the official training sessions seminar participants also benefit significantly from the opportunities to network and interact with the professionals from the different regions, not only Asia and the Pacific, but also Africa, Latin America and Europe.

## 4.2. Role and Functions

UNAFEI is guided by the United Nations Conventions, Criminal Policies, and Standards of Norms, as well as being administrated by the Japanese government. The Japanese government has been funding UNAFEI since 1970. Training is financed by the ODA (Official Development Assistance), which is a corporation assisting developing countries. Participants. UNAFEI fights against transnational crimes such as organized crimes, economic crimes and corruption, and cybercrimes, and assist the development of sound criminal justice systems, promoting cooperation. International Activities held by UNAFEI include international courses and senior seminars, for example, regional seminar on Good Governance for Southeast Asian countries, dispatch of staff as experts, and overseas joint seminars. Extracurricular activities include study tours, sports, cultural activities, and Japanese lessons, which are arranged by volunteers. Participants get to know each other and build friendship.



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In 1962, UNAFEI held its first International Training course. Since then, one seminar and two international training courses are held every year.

For each course and seminar, a theme is chosen on the crime prevention and criminal justice by the professors and director. The theme has to fit the policies of the United Nations and the Ministry of Justice, and to fit the International Trend, based on the needs of the participating countries. Developing countries lack of resources and equipment, so they need cooperation from other countries. The United Nations works to develop friendly relations and peace between the nations of the world. The Ministry of Justice works to achieve prosperity. Cooperation is always the key to solving problems.

Training includes activities of public lectures and group discussions between experts, professors, and participants. Visiting experts have professional or expertise that they are can apply to the discussion topics, and they encourage and enhance the participants.

There are 3 fundamental approaches of training. The first approach is the practical approach. This involves practical work-lectures and group discussion, allowing the exchange of knowledge for finding effective solutions related to everyday work. The second approach is the integrated approach. By discussing with people who have different methods, authorities, expertise, backgrounds, and experiences, the solutions build up from different aspects. This is an opportunity of breaking down occupational boundaries. The third approach of training is the comparative approach. When comparing problems (using presentations), participants can experience different cultures and legal practices.

## 4.3. Contribution in the Enhancement of Justice

The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) is a United Nations regional institute, established in 1962 by agreement between the United Nations and the Government of Japan. UNAFEI's main activities are to hold international training courses and seminars for criminal justice personnel from around the world and to conduct studies and research in the field of crime prevention and offender treatment. Following the United Nations policies and efforts concerning criminal justice, UNAFEI contributes to promoting the sound development of criminal justice systems and mutual co-operation among UN member states, especially developing countries in the Asia and Pacific Region.

UNAFEI's activities, fully funded by the Government of Japan, are highly valued as part of Japan's contributions to the international community. UNAFEI is operated under the joint auspices of the Government of Japan and the United Nations, based on the exchange of official documents between these two governing bodies. The United Nations Training Cooperation Department in the Research and Training Institute of the Ministry of Justice, assuming full responsibility for0 financing and personnel, conducts training courses, surveys, and research in co-operation with the United Nations. The Director of the department serves as the Director of UNAFEI, in consultation with the United Nations. Professors, who are selected from among judges, public prosecutors, and correctional and probation officers, and the secretariat undertake the programming and implementation of UNAFEI's activities in co-



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operation with related organizations, such as the Japan International Cooperation Agency (JICA) and the Asia Crime Prevention Foundation(ACPF).

UNAFEI is the oldest of the regional United Nations institutes located around the world (Africa, Latin America, Northern Europe,etc.). UNAFEI contributes to the planning and implementation of United Nations policies concerning worldwide crime prevention and offender treatment, keeping close contact with the United Nations Office on Drugs and Crime (UNODC) in Vienna and other United Nations Crime Prevention and Criminal Justice Programme Network Institutes (PNI).

# 5.0 UNITED NATIONS INTERNATIONAL CHILDREN'S EMERGENCY FUND (UNICEF)

## 5.1. INTRODUCTION

UNICEF has a long history of working in emergencies and humanitarian contexts, both natural and man-made. Originally called the United Nations International Children's Emergency Fund, the organization was created to provide humanitarian assistance to children living in a world shattered by the Second World War. Much has changed since then, but UNICEF's fundamental mission has not.

The international community is faced with increasingly complex humanitarian crises which place children and women at significant risk. On average, UNICEF responds to more than two hundred emergencies every year, informing and shaping these interventions as a global leader for children.

The caseload for humanitarian action will continue to grow and in so doing will challenge UNICEF's capabilities and those of the entire humanitarian system. This will be the result of a combination of old drivers of humanitarian needs such as conflict and natural disasters exacerbated by the combined effect of climate change and urbanization. The needs will also be exacerbated by the youth bulge and possible shocks related to prices, financial markets and natural resources.

At the same time, many countries have considerably strengthened national disaster management capacity and coordination of humanitarian assistance. They have invested in systems and structures that have reduced vulnerability over time. The number of national NGOs has grown and there has been a notable cultural/geographic diversification of international NGOs. Much has been learnt in recent years about responding to large-scale humanitarian crises and adapting traditional approaches to effectively provide support to countries in chronic crises, in transition or those that are highly exposed to disasters risk. UNICEF adapted and simplified its emergency response procedures based on learning from its experience in recent large-scale emergencies, including systems to trigger early action. It also established permanent and dedicated capacities to fill gaps and shortcomings identified in past humanitarian situations, notably around human resources. These reforms are underway but still require dedicated attention and focus.



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The humanitarian system has experienced many changes in recent years. Many countries have considerably strengthened national disaster management capacity and coordination of humanitarian assistance. The number of national NGOs has grown and their influence and there has been a notable cultural/geographic diversification of international NGOs. The Transformative Agenda pursued by The Inter-Agency Standing Committee (IASC) addressed some of the shortcomings of the systems and lessons from major disasters in 2010, resulting in the December 2012 "TA Protocols" which set the parameters for improved collective action in humanitarian emergencies. Humanitarian action is also influenced by changes in the development assistance system and trends in UN Security Council mandates, including the development of systems and tools to support transitions in line with past and new Quadrennial comprehensive policy review (QCPR) recommendations, the peace building architecture, integrated UN missions, and the protection of civilians agenda.

UNICEF's Humanitarian Action aims to effectively address the implications of these trends for its work and resources. In this context, the mainstreaming of humanitarian action within UNICEF's overall programmes both at the global level and country level will be maintained because it provides unique opportunities to better link humanitarian response with development programmes to both build resilience and promote rapid recovery and transitions, especially in conflict and fragile affected sand/or disaster prone countries.

The United Nations International Children's Emergency Fund (UNICEF) was created by the United Nations in 1946 to provide food, clothing, and healthcare to the children of post-World War II Europe. In 1953, UNICEF became a permanent part of the United Nations. While its name was shortened to United Nations Children Fund at that time, it is still is referred to as UNICEF.

UNICEF expanded the scope of its activities in the 1960s to include advocating for and advancing children's rights to education, healthcare, and nutrition. UNICEF won the Nobel Peace Prize in 1965. UNICEF eventually expanded its scope to the struggle of women, especially mothers, in the developing world. For example, it launched its 'Women in Development Programme' in 1980. In 1982, UNICEF commenced a new children's health program that focused on monitoring growth, oral rehydration therapy, advocating breastfeeding, and immunization. In 1989, the UN General Assembly adopted the Convention on the Rights of the Child, which UNICEF uses as guidance for its programs.

## 5.2. Mandate and Objectives

- UNICEF believes that nurturing and caring for children are the cornerstones of human progress.
- UNICEF was created with this purpose in mind to work with others to overcome the obstacles that poverty, violence, disease and discrimination place in a child's path.
- We believe that we can, together, advance the cause of humanity.

## 5.3. Objectives of UNICEF

- UNICEF is mainly focused on the growth and welfare of children and youth, as this organization knows that, these people are going to be the architect of the future.



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- It is engaged in many programs to provide the right nutrition to malnourished children in many backward countries of the world.
- It discourages child labor vehemently, and consistently. UNICEF focuses on giving every child an education. It is also taking all those necessary steps to ensure that every child could get the basic education for free.
- It is also fighting against gender inequality. UNICEF is arranging different programs in different parts of the world to teach parents to see both boys and girls with the same importance.
- UNICEF is undertaking different programs to reduce the child mortality rate by giving them proper treatment.
- UNICEF is also fighting against child abuse, violence and exploitation.
- UNICEF is also fighting against endemic diseases such as malaria. It has a noble aim to eradicate many endemic diseases from world.
- It is also taking many steps to administer proper immunization, especially to children. This organization is distributing free vaccines in many areas, where people can't afford to buy vaccines.
- There are many countries in the world, where people are not getting water to drink. In those areas, UNICEF takes many expensive measures to provide water to the people.

## 5.4. Main Functions

Following are some of the functions of UNICEF:

- Providing Basic Education Infrastructure to the world
- Increasing Child Survival rate in the developing world.
- Gender equality through education for girls.
- Protection of children from any form of violence and abuse
- Protecting and advocating the rights of children.
- Immunization of infants from different diseases.
- Provision of adequate nutrition and safe drinking water to children

## 5.5. Members

The Executive Board is made up of 36 Member States, elected to three-year terms by the Economic and Social Council, with the following regional allocation: Africa (8 seats),Asia (7), Eastern Europe (4), Latin America and Caribbean (5) and Western Europe and Others (12).

## 5.6. UNICEF Social Inclusion and Policy

UNICEF focuses on the critical impact social and economic policy issues have on children. Our work is centered around Recovery, Child, Social, Migration and Social protection

Building on field experience and working in alliance with other United Nations agencies, UNICEF collaborates with partners to stimulate dialogue around macro level policies that guide national frameworks, legislative reform and budgetary allocations affecting children and families. Read more on Policy Matters; which showcase results of UNICEF's upstream policy analysis and advocacy and highlights new thinking on social policy areas.



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A network of UNICEF social policy advisors and officers workto develop and strengthen important external partnerships at country, regional and global levels with ministries of finance, parliaments, the World Bank, the International Labour Organization, United Nations Development Programme and United Nations Department of Economic and Social Affairs, among others.

Child poverty is a multidimensional phenomenon and can be measured in many ways. It is imperative that governments make a commitment to child poverty reduction, recognizing and responding to child poverty is the first priority, alongside building expertise and improved approaches to child poverty measurement. Understanding child poverty to the fullest possible extent is vital. While an adult may fall into poverty temporarily, falling into poverty in childhood can last a lifetime – rarely does a child get a second chance at an education or a healthy start in life. As such, child poverty threatens not only the individual child, but is likely to be passed on to future generations, entrenching and even exacerbating inequality in society. UNICEF is working to more fully understand how and where children are experiencing poverty, to allow a more nuanced set of policy responses in national mechanisms such as poverty-reduction strategies.

## 5.7. Global Study on Child Poverty and Disparities

UNICEF launched a Global Study on Child Poverty and Disparitiesin September 2007 to strengthen the profile of children at the national policy table. The study aims to influence the economic and social policies that affect resource allocations, and hopes to make children a priority in national programmes addressing the poverty of families raising children. The study addresses the health, education and protection needs of children living in poor, vulnerable households, unsafe circumstances and disadvantaged communities on the global study on child poverty and disparities blog.

Despite some progress towards the Millennium Development Goals, millions of women and children are still left behind even in countries that have demonstrated improvement overall. UNICEF has taken on an enhanced organizational commitment to leveraging evidence, analysis, policy and partnerships to promote gender equality and deliver results for all children. The Global Study on Child Poverty and Disparities, carried out in50 countries and seven regions with UNICEF support, is part of that effort.

The study produces comparable analyses on child poverty and disparities in nutrition, health, education and child and social protection through collaboration with national and international partners. The results and process of the study have generated evidence, insights and networks that have been used as leverage to influence national development plans, and inspired and fed into poverty reduction strategies or sector-wide approaches, common country assessments and other development instruments. With support from a number of experts and international research. centers, the social policy and economical analysis unit in UNICEF's division of policy and planning created a comprehensive Global Study Guide to help carry out the study in each participating country.



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It is found that context-specific evidence to assess policy responsiveness to outcomes related to child poverty and disparities. With a comprehensive approach, this analysis uses the material and deprivation approach to measure child poverty and assess how these approaches interact with one another. The country analyses are conducted by teams of national experts in collaboration with UNICEF country focal points, and include participatory mechanisms to engage with multiple stakeholders at the country level. A core, global network of child poverty experts across50 countries should foster knowledge sharing and collaboration across every region. Individual country reports are at the heart of the global study, and we envision that they will serve as the building blocks for regional and global reports.

### 5.8. Social Protection Strategic Framework

UNICEF has been working on social protection for many years as part of its global mandate to advocate for and expand children's rights and opportunities. This work includes supporting governments in the development and strengthening of programmes and policies, advocating for child and gender-sensitive social protection, as well supporting the Social Protection Floor Initiative. It is thus with great pleasure that UNICEF announces the launch of its first global Social Protection Strategic Framework.

This newly released document presents UNICEF's approach to social protection, makes the case for child-sensitive interventions, promotes the development and strengthening of integrated social protection systems, discusses the importance of a multi-sector approach that maximizes linkages for improving sector outcomes, and discusses current debates including social protection financing, expansion of coverage, and inclusive design. Moreover, the Framework proposes a collaborative policy agenda for social protection – including UNICEF's potential role as a platform to engage development partners in leveraging social protection for children.

## 6.0 INTERNATIONAL POLICE ASSOCIATION (IPA)

### 6.1. INTRODUCTION

The International Police Association(IPA) is the largest organisation for police officers in the world, founded by British sergeant Arthur Troop(1914–2000). The Association has 64 national Sections and over 420,000 members and associate members.

The IPA - the largest police organisation in the World - was founded on 1 January 1950. Since that time, its Esperanto motto "Servo per Amikeco" (Service through Friendship) has reached more people than could have been imagined.

The Association was formed because a police sergeant from Lincolnshire, England, Arthur Troop, wanted to create a channel for friendship and international co-operation amongst police officers. With the help of early pioneers he helped to found other national sections in Western Europe, Africa, America (north and south), Asia and Australasia. In 1955, at the first International Executive Committee meeting in Paris, he became the first International Secretary General, a post he held until 1966.



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In the Queen's Birthday Honours List of 1965 Arthur Troop was awarded the British Empire Medal for his work in founding the IPA. At the 26th IEC Conference in Vienna, in 1995, he was awarded the IPA World Police Prize. The association's 50th Anniversary World Congress was held in Bournemouth in May 2000.

## 6.2. Motto of the Association

Since its Founding, the Association's Esperanto motto of

*"Servo per Amikeco" – meaning "Service through Friendship", has reached more people than could have been imagined.*

## 6.3. Purpose of the IPA

The purpose of the IPA is to create bonds of friendship and to promote international co-operation amongst its members and other policing services internationally.

## 6.4. Aims and Objectives of the IPA

The Aims of the IPA include the development of cultural relations amongst its members, a broadening of their general knowledge and an exchange of professional experience. In addition, it seeks to foster mutual help in the social sphere and to contribute, within the limits of its possibilities, to the peaceful co-existence of different peoples and to the preservation of world peace.

The International Police Association undertakes:

- To promote among the police services of all the member Sections respect for law and order;
- To develop social and cultural activities and to encourage the exchange of professional experiences;
- To enhance the image of the police in the countries of its member Sections and to help improve relations between the police and the general public;
- To encourage personal contacts by organising exchange visits of individuals and groups, arranging group holidays and initiating pen-friendships;
- To foster youth exchanges and international youth meetings with a view to promoting greater tolerance and understanding between people, and understanding for the work of the police;
- To facilitate a regular exchange of publications between the National Sections and to provide an information service for the National IPA publications containing news on all subjects of relevance to the Association;
- To promote international publications, and to help with the preparation of a bibliography of police works and, wherever possible, of all works connected with the law or legal matters;
- To facilitate international co-operation through friendly contacts between police officers of all continents and to contribute to a mutual understanding of professional problems.
- Friendship Weeks, Sports Events and Anniversary Celebrations with social and cultural flavours are held regularly, both nationally and internationally.



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- Professional Study, Exchange or Travel Scholarships are encouraged in many Sections and are available to those seeking professional exchanges.
- Hobby Groups, allow members to share their interests with other like-minded people. For example, Radio Amateurs, Computer Enthusiasts, Stamp Collectors, Pen-friends, etc.
- Participation of Members' families: The Association welcomes and encourages involvement of spouses, partners and children.
- Social Events are enjoyed at local (Branch) level to establish and maintain bonds of friendship and camaraderie.

## 6.5. International Affiliation

Internationally more than 60 IPA Sections (Countries) are affiliated to the Association. The total individual membership of the IPA stands well over 400 000 members.



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CHAPTER NO.10

# MODERN CONCEPTS IN CONTEMPORARY CRIMINOLOGY

The following concepts are included

- Terrorism, Radicalism and War on Terror
- Media's representation of Crime and the Criminal Justice System

## 1.0. TERRORISM

Terrorism is the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

the most common definition of terrorism is used, which includes the following:

- It is the use of violence or threat of violence in order to purport a political, religious, or ideological change.
- It can only be committed by non-state actors or undercover personnel serving on the behalf of their respective governments.
- It reaches more than the immediate target victims and is also directed at targets consisting of a larger spectrum of society.
- It is both mala prohibita (i.e., crime that is made illegal by legislation) and mala in se (i.e., crime that is inherently immoral or wrong).

Terrorism' currently lacks the precision, objectivity and certainty demanded by legal discourse. Criminal law strives to avoid emotive terms to prevent prejudice to an accused, and shuns ambiguous or subjective terms as incompatible with the principle of non-retroactivity. If the law is to admit the term, advance definition is essential on grounds of fairness, and it is not sufficient to leave definition to the unilateral interpretations of States. Legal definition could plausibly retrieve terrorism from the ideological quagmire, by severing an agreed legal meaning from the remainder of the elastic, political concept. Ultimately it must do so without criminalizing legitimate violent resistance to oppressive regimes and becoming complicit in that oppression.

### 1.1. Types of Terrorism

You will need to be familiar with the five types of terrorism.

- **State-Sponsored terrorism**, which consists of terrorist acts on a state or government by a state or government.
- **Dissent terrorism**, which are terrorist groups which have rebelled against their government.



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- **Terrorists and the Left and Right**, which are groups rooted in political ideology.
- **Religious terrorism**, which are terrorist groups which are extremely religiously motivated and
- **Criminal Terrorism**, which are terrorists acts used to aid in crime and criminal profit.

## 1.2. Why does terrorism exist?

The reasons are complex and plentiful. The factors that motivate people to join and remain in terrorist groups can be religious, economic, social, psychological, retaliatory, and so forth. Below is a list of fifteen causes, based on an extensive examination of journal articles and books on terrorism written by various experts on the matter

1. **Religion Extremism:** religious fanaticism is an extreme sense of ideological zeal complemented by a focused and unrelenting set of activities that express the high dedication of one or more people to their own belief system(s). Radical religious Islamism has been identified as a root cause of terrorism. The Islamist attacks against civilians from Glasgow to Jakarta confirm that many Islamists are ideologically determined to engage in terrorism. In the early 1950s, Hizbut-Tahrir (The Liberation Party) advocated the collapsing of Arab regimes and the formation of an Islamic state. In 1952, Jordan and all other Arab states banned the party. Ironically, European countries such as Great Britain have permitted Islamic parties to establish ideological roots. Ex-Islamist Ed Husain, the author of The Islamist, argues that this British course of action was a blunder, as proved by the 2005 London bombings committed by Islamist terrorists.
2. **Oppression:** terrorism can be the result of groups' portrayal of governments (and their actors) as oppressive. Terrorism, then, feeds on the desire to reduce the power of opponents. In autocratic societies, military-occupied areas, or even in the international arena where political expression is limited, groups opposing the current state of affairs may engage in terrorism as a principal method of expression and not as a last resort. Especially in the case of nationalist-separatist movements (e.g., ETA, Hamas), terrorists often invoke the unfairness of their treatment by governments that deprive them of identity, dignity, security, and freedom as the main reason for joining terrorist groups.
3. **Historical grievances:** Terrorists target governments and groups they view as responsible for historical injustices. Chechen terrorists have defended their terrorist attacks by alluding to Russia's long-lasting rejections of Chechen desire for independence, and the old and cruel history of Russian invasion of Chechnya dating back to the 17th century. The Basque separatist movement ETA, Sikh extremists (in India), the IRA, the ANC (in South Africa), and pro-Palestinian terrorist groups have all looked for vengeance for historical grievances. Reports on Palestinian suicide bombers systematically refer to historical grievances, such as resentment, humiliation, sorrow, and the aspiration for vengeance and retaliation. Resentment and revenge are a major principle in the writings of the Shi'ite thinkers of jihad. Jihadists exploit collective narratives of humiliation and revenge to rationalize the need to kill themselves, civilians, and even fellow Muslims, as is the case in Iraq.



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4. **Violations of international law:** In the terrorist's mind, a wrong can be the violation of some basic right treasured by the terrorist. The right may have been infringed on by a historical incident, such as a war or multiple violations of international law (e.g., genocide and unlawful dispossession of local inhabitants). The international rule of law is the standard by which all nations are subject to and bound by supranational legal covenants.
5. **Relative deprivation:** multiple scholars have found a strong link between poverty and terrorism.87 In view of the 70% adult unemployment rate in Gaza, the GDP of less than $1,000 throughout the Palestinian Territories, the very limited economic opportunities due to the unsettled Israeli–Palestinian conflict, and the cultural prominence of the male wage-earner role, it is easy to allude to the possibility that relative deprivation has helped trigger Palestinian terrorism. Sageman (2004) describes how the Core Arabs (from Saudi Arabia, Egypt, Yemen, and Kuwait) sent abroad to study by their rich families were rejected, underemployed, and possibly discriminated against. Hence, they found themselves in a state of relative deprivation in comparison with the natives of their host countries.

The Maghreb Arabs living or born in France may experience such relative deprivation too. In both cases, the Arabs' perception of relative deprivation may have been assuaged by their espousal of radical Islam; this is a way for them to rebuild their dignity, to be "born again," and to disseminate their values. In Peru, the popularity of the Shining Path (Sendero Luminoso) in the 1960s, where government economic restructurings initially gave hope but then failed, is another historical case of relative deprivation.90

6. **Hatred toward the global economic hegemony:** Countries that express hatred toward the global economic hegemony will produce more terrorist groups. The background that gave birth to Al Qaeda, namely Afghanistan and Pakistan, symbolizes this notion.91 Many terrorists abhor the World Trade Organization (WTO). According to the Bureau of Economic Analysis, the September 11, 2001 attacks shattered $16 billion of private and government property, including structures, computer equipment, and software. The loss is of the same degree as that caused by Hurricane Andrew in 1992 and the California earthquake of 1994.92
7. **Financial gain:** Terrorism can be used for sheer financial gain. Generally, corporate hostage taking in Central and South America, and hostage taking by the Abu Sayyaf group in the Philippines, happens more out of a desire to earn a ransom than achieving political goals. In 1987, the Iran-Contra scandal concluded with an arms-for-hostage deal, even when the Reagan administration initially refused to negotiate with terrorists.93 After Palestinian bombers commit suicide, their families earn subsequent social status and are usually secured a financial reward.94
8. **Racism:** Racism can be a powerful method for dehumanizing adversaries and accomplishing moral disengagement. Gottschalk and Gottschalk (2004) found that both Palestinian and Israeli terrorists draw on stereotypes and racism to dehumanize the other group. Similarly, the FBI-watched Aryan Brotherhood (a group of devious



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bikers formed in U.S. prisons) identifies with Nazi ideals (as noticed with their Nazi symbols) and has vowed to remove the Jewish and Black races out of the earth.

9. **Guilt by association:** For terrorists, you are the company that you keep. For example, the 2004 Madrid train bombings were executed by an Al Qaeda-inspired terrorist cell. One of the motives was Spain's involvement in the Iraq War, where the country had troops. Likewise, since decolonization in continents like Africa and South America, the West has been the target of terrorist attacks because it has been accused of making local minorities of Westernized people become comprador ruling elites.

10. **Supporting sympathizers:** Because terrorism is the weapon of the oppressed, an important goal is to push the stronger power (e.g., U.S.) into unleashing against the terrorists' perceived support base. Such acts of retaliation, cruelty, and counterterrorism often turn the stronger power into a support for sympathizers, like a recruiting driver for the terrorist cause. For example, a chief Al Qaeda objective would have been to trigger U.S. retaliation so that the U.S. was seen as violently repressive.

11. **Mortality salience:** Mortality salience refers to anxiety over one's own death. It is examined the effect of mortality salience on Iranian and U.S. students and their respective espousal of martyrdom (terrorism) or extreme military intervention (counterterrorism). When Iranian students answered questions about their own demise, they rated the student who advocated martyrdom as higher than the student who opposed it. However, among politically conservative U.S. students, mortality salience increased advocacy for extreme military interventions by U.S. forces

12. **Narcissism:** A common characteristic among many of these terrorists is a propensity to externalize to look for outside sources to blame for personal inadequacies. Without being bluntly paranoid, terrorists over-rely on the ego defense of projection. Other prominent characteristics were a defensive grandiosity and a larger-than-life self-absorption with little concern for others' feelings. Crenshaw (1990) observed various self-satisfying or self-aggrandizing motives for resorting to terrorist behavior and an increase in personal status for terrorists whose actions are praised by their communities, or at least by their fellow group members.

13. **Sensation-seeking:** Another variable suggested as a reason for being drawn to the path of terrorism is sensation-seeking. Here, sensation-seeking denotes the inherent risk and excitement that a terrorist career may provide. Researchers contend that it is highly plausible that sensation-seekers are more likely to join an organization that uses violent tactics. Sensation-seeking entails personal reward, including the thrill of the combative lifestyle and a feeling of empowerment through violence. The appeal and excitement of terrorism, perhaps the fascination for some individuals, lie in part in the physical danger it involves. Some terrorists have been reported to be stress-seekers seeking to increase the emotional intensity or the level of activation of the organism. Stress-seekers meticulously plan their behavior, respond more to internal than external necessities, and frequently repeat stressful activities. Moreover, repetition of the stressful situation becomes not only addictive and fanatical but also escalatory; the stress-seeker is forced to perform more to achieve the same high.



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14. **Failure of conventional channels of expression:** In democratic civilizations, the use or threat of using terrorist violence is seen by some scholars, like Chomsky (2006), as the definitive failure of conventional channels of political expression and legitimate systems of authority. A related concept is the Death of Statecraft, whereby diplomats fail to negotiate with their counterparts or nation-states do not attempt at engaging in communicative action. As a result, people deploy more lethal actions. Terrorism, then, becomes a by-product of violations of diplomacy and other forms of political expression.

15. **Communication and publicity:** This is a major premise of this book, and several chapters are devoted to communication and publicity. In essence, by killing adversaries or innocent civilians, terrorists seek to publicize their cause, communicate demands, air grievances to bulldoze authorities, sway the public policy agenda, or gain concessions. If publicity is constrained or unsatisfactory to the group's tactical goals, the group's terrorist violence will probably escalate. After the British press and population reacted to the London terrorist bombings of July 7, 2005 (and the failed attacks two weeks later) with defiance and a stiff upper lip, Ayman al-Zawahiri, Al Qaeda's new #1 (also called "the Egyptian doctor"), felt compelled to issue additional threats through the Qatar-based Al Jazeera TV station.

## 1.3. RADICALISM AND WAR ON TERROR

Radicalism means political orientation of those favoring revolutionary change. In political science, the term radicalism is the belief that society needs to be changed, and that these changes are only possible through revolutionary means.

Radicalism more accurately reflects the political and ideological dimension of the threat. No matter how diverse the causes, motivations, and ideologies behind terrorism, all attempts at premeditated violence against civilians share the traits of violent radicalism. Second, while terrorism is a deadly security challenge, radicalism is primarily a political threat against which non-coercive measures should be given a chance. There is nothing preordained in the possible transition from radicalism to terrorism. All terrorists, by definition, are radicals. Yet all radicals do not end up as terrorists. In fact, only a few radicals venture into terrorism. At the same time, it is clear that most terrorists start their individual journey towards extremist violence first by becoming radicalized militants. Since radicalism is often a precursor to terrorism, focusing on radicalism amounts to preventing terrorism at an earlier stage, before it is too late for non-coercive measures. Finally, radicalism, unlike terrorism, has social dimensions.

There are radicalized societies where acts of terrorism find some sympathy and degree of support. It is impossible to talk about terrorism as a social phenomenon, however. There are no 'terrorist' societies. The relative popularity of certain terrorist networks in the Islamic world can only be explained within the framework of such radicalized societies where extremist violence finds a climate of legitimacy and implicit support. Such radicalized societies are permeated by a deep sense of collective frustration, humiliation, and deprivation relative to expectations. This radicalized social habitat is easily exploited by terrorists. This is why focusing



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on the collective grievances behind radicalism is probably the most effective way of addressing the root causes of terrorism. This effort at prevention can be conceived of as a first line of defense against terrorism.

The goal is to reduce the social, economic, and political appeal of terrorism by isolating terrorists and winning over potential recruits. Once the challenge is defined as such, the next and more difficult step is to identify an effective strategy to fight radicalism. The socioeconomic and political context where radicalism takes root, particularly in the context of the Arab world, presents an urgent situation for the West. This enabling environment can be altered most effectively by focusing on relative deprivation and human development. The next two sections of the article will focus on these concepts from within the context of the broader Middle East.

"Dismissing the social and economic causes of radicalism on the grounds that some terrorists have middle-class backgrounds is simplistic and misleading."

Globalization creates an acute awareness about opportunities available elsewhere. This leads to frustration, victimization, and humiliation among growing cohorts of urbanized, undereducated, and unemployed Muslim youth who are able to make comparisons across countries. The scale of youth frustration is compounded by a demographic explosion, growing expectations, weak state capacity, and diminishing opportunities for upward mobility in most parts of the Muslim world.3 Globalization further exacerbates this situation because restive Muslim masses of both genders are caught in the growing tension between religious tradition and western modernity.

An effective strategic campaign against radicalism in the Arab and Islamic world at large should take the socio-economic dimension of this collective frustration very seriously. Little can be done in the short-term about deeply rooted cultural and psychological grievances. But quite a lot can be done in the social and economic sphere. Take the question of political Islam for example. Weak Muslim states are often unable to provide adequate social and economic services. The capacity gap within Muslim states such as Egypt, Jordan, Morocco, and Pakistan creates a vacuum that is frequently filled by grassroots Islamic organizations that provide goods and services in crucial areas such as health, education, and housing. The strength of these Islamic networks is magnified by the weaknesses of the state system. In that sense, the absence of effective public services opens the field for the rise of Islamic networks with their own political agendas.

Finally, in addition to socioeconomic decay, the absence of constitutional liberties brings a 'political' dimension to relative deprivation in the Arab world. In other words, there is a growing gap between political aspirations and the realities on the ground. Improving educational standards without increasing prospects for employment, or providing jobs without creating outlets for political and social participation all create a combustible mix in the Arab world. The growing numbers of educated but unemployed youth are particularly alarming. It is, after all, the educated youth who have the highest political aspirations and expectations, and thus, it is they who are the most frustrated when their expectations are unmet.



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The growth of unemployment among the educated often creates a class of 'frustrated achievers' who may end up becoming radicalized militants looking for a political cause to hang on to.4 Repressive political systems exacerbate these dynamics. In most authoritarian Muslim countries, the mosque is the only institution not brutally suppressed by the regime. And when the mosque is the only outlet for mass politics, the outcome is predictable: the Islamization of dissent. As dissent turns Islamic, what naturally follows is the politicization of Islam. Political Islam thus slowly evolves into a resistance movement against injustice, state oppression, and western support for repressive regimes.

While debate over the root causes of terrorism rages in the world, extremists continue to lure destitute radicals to their cause. Counter-terrorism needs to place the breeding grounds for these impoverished sympathizers at the center of their efforts. A new strategy and a new method ought to be adopted to prevent radicals from becoming a threat in the form of terrorism. "Fighting radicalism with human development" specifically social and economic development should emerge as a new public narrative and long-term objective for a smarter effort at strategic counter-terrorism.

Apolarized debate about the underlying causes of violent extremism in the Islamic world has taken place among western policymakers, analysts, and academics ever since the cataclysmic terrorist attacks of September 11, 2001. Broadly speaking, two major views have emerged. In one camp, the center-left maintains that the struggle against the root causes of terrorism should prioritize social and economic development. Inspired by modernization theory, this camp sees social and economic development as the precursor of democratization. It also considers educational and economic empowerment as the best antidote against radicalization and terrorist recruitment. Since poverty and ignorance often provide a breeding ground for radicalism, socioeconomic development appears compelling as an effective antidote.

# 2.0. MEDIA'S REPRESENTATION OF CRIME AND THE CRIMINAL JUSTICE SYSTEM

## 2.1. INTRODUCTION:

The media, both in the mainstream and alternative sources, such as social media and weblogs, play a large role in how members of society are informed of events that may affect them directly or indirectly. Mass media has arguably become the main source of news, entertainment, recreation, and product information in the western world. For many people, the media informs them about events that affect their lives.

As a victim service worker who may be called upon to work with victims who are dealing with the media, or who may be called upon to work with the media directly, it is important to understand how the media works. While it can perform an important public service, media outlets are, first and foremost, a business. In the current global financial crisis, news media is a struggling business.



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## 2.2. Types of Media and Coverage

There are different types of media and coverage:

1. **National media**– Does not generally cover individual crime stories unless there is some unique or sensational aspect to it. A high-profile homicide case, like the Robert Pickton case, may garner national attention because it involved a serial killer, a large number of victims, allegations of police negligence, etc. The case of the alleged gang rape of a young woman in British Columbia at a party in which pictures were taken and posted on a social networking site also garnered lots of national media attention because of the number of alleged assailants and the involvement of photos being put on the Internet.

When a case does spark national interest, the media intensity rises. Radio talk shows may begin discussing the underlying issues and television documentary shows may do stories on similar cases. This may or may not directly involve the victim, but its impact can be serious, especially if the coverage causes people to talk about the victims without all the facts, or a distorted view of the facts. National media also covers crime issues more generally, for example, if parliament is considering a justice related bill, national reporters may want to find victims who can speak to the issue (for example, a new law on street racing);

2. **Local media**– Cover most of the crime stories in a specific geographic area, usually a city or county. They often provide the most in depth coverage of crime that occurs, as well as limited coverage of items from the national media. Due to their focus on events, victim service workers will likely be in touch with local media more frequently than national media.

3. **Web-based media**– Weblogs, online sharing and social media websites are growing at a rapid pace. Many newspapers put their entire papers online and also do special stories that only appear online. The fact that information can be instantly published and broadly distributed has dramatically increased the speed at which news travels – instead of waiting for tomorrow's newspaper, stories can be posted online in minutes or faster. In fact, news has become instantaneous and this was seen most recently in the Russell Williams' sentencing hearing where reporters were tweeting details live from the courtroom and publishing information on their online blogs. Also, of concern from a victim service point of view is the posting of anonymous comments or remarks attached to online articles that can be hurtful to victims because they are uninformed or mean spirited.

4. **Hard news**– Is current news items that are covered as they are happening, or shortly after they have occurred. Hard news is time sensitive and delivered in a manner that suggests that the public needs to know about it when it is most current. The story may not be news in a day or so. A serious crime, an arrest or a verdict in a high-profile case are all examples of hard news.



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5. **Soft news**– Often includes human interest stories that are not time sensitive. They may be features, follow-ups or more in-depth looks at hard news stories. An in-depth story about a victim or his/her family may be an example of soft news.
6. **Columns/Editorials**– Unlike journalists, columnists and editorialists produce columns and editorials that are not free from bias and they do not just report facts. Their work goes beyond a presentation of information and facts to give their personal opinions. If an offender was given a sentence that was perceived as too lenient, a columnist might write a column complaining about judges.

## 2.3. Focus of media on crime

Crime stories constitute the fourth largest category of stories for newspapers and television after sports, general interest and business which is an over-representation of the actual amount of crime occurring. Research suggests that over 50% of crime stories in a sample of Canadian newspapers dealt with offences involving violence but offences involving violence represent less than 6% of reported offences. This is likely a significant factor in the public belief that crime is on the rise. For example, Canada fortunately has a relatively low homicide rate. Every year, approximately, 600 Canadians are murdered and because murder remains a relatively rare event in our society, most of these murders will garner some media attention. So while homicide makes up less than 1% of crimes committed in Canada, it garners a significant amount of media coverage of crime.

The media is most likely to focus on stories that highlight the unique, the sensational, the extreme, and those that have the potential to impact the greatest number of people. For crime-related stories, the media are most likely to focus on events that have occurred multiple times, for example a number of assaults or break-ins that are centred in a small geographic area, or those that are very unlikely to occur. Homicides committed by young offenders are often front page news and may cause people to believe that youth violence is at significant levels, despite being incredibly rare. The reason they are so newsworthy is because they are so rare they shock us, are unique and because of that, may dominate headlines for days and weeks, thereby giving the public a distorted view of how common these crimes are.

The media does not just decide what stories get that kind of attention, but what stories do not get that kind of attention. The murder of a homeless man is not likely to get as much media attention as the murder of a teenage girl from a middle class family. The media can focus on a story, thereby making it headline news, or ignore a different story, and the public will never know.

While focusing on the sensational and most violent crimes, it may seem the media ignores the more common types of crime that are more likely to affect individual readers or viewers, such as single instances of auto theft or break and enter. The media also rarely covers sexual assault and partner assault cases, which are largely crimes that impact women and children and are the focus of many victim service provision agencies in Canada. These serious crimes against women and children often remain hidden from law enforcement, which influences media coverage because they tend to cover crimes that come to the attention of the formal criminal justice system.



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## 2.4. Stranger crimes get more coverage

The media also tends to focus on crimes committed by strangers rather than the more common crimes which are committed by someone known to the victim. The abduction of a child by a stranger will garner far more attention than the abduction of a child by a parent. The sexual assault of a woman in her home by someone who broke in will be more newsworthy than a woman who is assaulted in her home by her husband. While this may be explained by the fact that a single case of domestic assault is unlikely to have wide impact on the community, it also hides these crimes and creates the impression that these cases are not reported to the police or prosecuted, which may discourage other victims from seeing the merit in reporting their abuse.

This kind of coverage may give people a false sense of security. As parents, we tell our children to be wary of strangers, or to not to walk alone at night, but few of us are educated about the real dangers. The reality that victim service providers are well aware of is that people are more likely to be assaulted by someone they know and that we are at greater risk of violence in our own homes. The media's focus on stranger crimes asserts the myth that many people have that if they avoid certain situations or doing what the victims did, they will be safe.

## 2.5. The "ideal" victim

Some media coverage reinforces the notion of the good or ideal victim, one who is more innocent than others. A woman who was sitting in her home at night watching television when the offender broke in would appear to be the "good or ideal" victim over the woman who invited the offender into her home, or met him while out at a bar.

Those who are ideal victims include children, some women and the elderly. Young men, the homeless, those with drug problems, sex workers, etc., may find it much more difficult to achieve *legitimate* victim status. In this sense, there is the danger of creating a hierarchy of victimization. Race, social class and status also play a role, and whether or not it is done intentionally, it is perpetuated by the media. Whether we agree or disagree with how the media chooses to report crimes and the impact it has on victims, as victim service providers, we have a role to assist victims dealing with the media and a unique opportunity to educate the media and the public about crime, victims and the impacts of reporting.

Service providers must also remember that the purpose of the media is to provide the public with the information they want about their community. The way an issue is framed by the media can lead the public to make judgments about some victims being more innocent or ideal than others. For example, the public will view a youth injured due to gang activity and violence very differently than an elderly person who is swarmed and robbed.

## 2.6. Difficulties in Characterizing Media Representations of Crime and Justice

Although scholarly interest in the media, crime, and justice has existed since at least the 1920s, researchers with a specialist focus on criminology did not begin to look at this topic until after the Second World War. The first task that they set for themselves, one that continues



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to serve as a staple ingredient in many contemporary projects, was to delineate the idiosyncratic renderings of crime and justice in the media. This could be done by comparing media content with the images of crime and justice furnished by systematic study (i.e., by criminology). For example, in perhaps the earliest study of this type, compared changes in the amount of column inches devoted to crime in newspapers with changes in the volume of crimes recorded by the police. He found that the two were not associated.

Much recent work has used content analysis to compare the proportional representation of different crime types, offenders, and criminal justice outcomes in the media with that found in official statistics. It is found that fictional crime programs broadcast deal almost exclusively with murders, whereas murders never accounted for more than 0.5 percent of offenses known to the police. It shows that the offenders featured in these media samples were older and of higher social status than the typical offender caught by the police. However, summarized more recent research that indicated that young violent offenders and offenders from ethnic minorities were overrepresented in news items compared to official statistics. Finally, it is found that the clear-up rate for offenses reported in the news was above the general clear-up rate achieved by the police during the same period.

Beyond simple comparisons like this, representational processes begin to look more complex. For example it is identified four "myths" about sex offenders that they are "compulsive, homogenous, specialists and incapable of benefiting from treatment" which, they claimed, are perpetuated by the media. Nevertheless, only 38 percent of the articles they examined contained at least one of these myths. Researchers have noted the penchant for certain news items to use strong condemnatory terms for offenders, such as "fiend" or "beast" for sex offenders; yet this is to highlight the well-known difference between "tabloid" and "quality" news, which may be blurring but has not disappeared. An influential perspective for examining the "construction" of crime and justice has been that of "framing," which studies particular configurations of problem definitions, causal interpretations, moral evaluations, and treatment recommendations. However, frames are seen to originate in ideology, politics, culture, and science, rather than the media. The latter mainly serve as a means for communicating frames for there are usually several frames in existence at any given time and as a source of information for researchers interested in studying them. For example,it is identified five frames that characterize political, policy, media, and private "talk" about crime. This kind of variety in the media's depictions of crime and criminal justice makes it very difficult to posit straightforward effects of the resulting cor tent.

Criminologists link what is often claimed to be the media's idiosyncratic renderings of crime and justice with two additional claims that would be significant if they were well supported. The first is that crime and criminal justice are prominent topics in the media. However, general inventories of media content show that these are merely two among many subjects in the news, such as the economy, civil rights, sport, and international affairs and not the most frequent. In the realm of fiction, where classificatory tasks seem much more complicated, films or shows about "crime" or "justice" sit alongside many others about "romance,""comedy,""science fiction," and so on.



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The second claim is that most people get their information about crime and justice from the media; at least, that is what they say when asked about it. This claim would seem unproblematic given that most criminological events cannot be witnessed directly, but it fails to give due consideration to other sources of information, such as that relayed by friends and acquaintances, or that which can be gained through personal experience as a protagonist or victim of crimes or, perhaps more important, lesser delicts of equal moral consequence to the individual. More significantly, attention needs to be paid to the priority accorded to different sources of information and to the notion of "information" itself. What, exactly, is captured from the media? Perhaps people *believe* that the media are an important source of information, when something other than a single survey question used as a method of measurement might reveal different processes at work. Some of the limitations to survey research for measuring respondents' contact with the media have been explored by who found that many people overstate their viewing of TV news sometimes quite considerably.

## 2.7. How Media Constructs Crime

In making the case for and in developing this position, I have become more and more convinced that there has to be a realist but critical understanding of the role of the media – it is clear the media does have a significant influence on the wider public as a whole, but also on scholars and researchers. Even academic criminologists rely, to greater or lesser degrees, on the way it presents our area of interest and scholarship. Even if people might gain a first-hand understanding of the prison service, for instance, through working in or studying the area, it is almost inevitable that their first ideas and comprehension of prisons and imprisonment will have come from the media – from television, or film, or books, or newspapers.

The same is true for other areas of the criminal justice system. And much of this initial information will have been gained from what might be termed the popular media – the largest television viewing figures and newspaper readership figures are from media sources which academics may not view as reliable or authentic. However, I would argue that that is a little irrelevant if it is the case that people believe the representations of crime, criminals, police, courts, prisons or whatever that they have seen in a film or a television soap or read about in a tabloid newspaper; or indeed if they believe that, at the least, such representations are based on and reasonably close to reality. It follows, then, that to a certain extent, it is sensible, and realistic, to accept that those representations become real for many people.

The basis of this position is that the media constructs representations of crime and justice and in doing so presents an often sensationalised representation; and this does not just impact on the public's lay view of crime but also on criminal justice practitioners. This is not to argue that crime is merely a social construct or fail to acknowledge that the social harm caused by crime is real. This is reflected in what could be seen as a journey in relation to the development of the academic study of crime and justice from a broadly interactionist perspective toward a realist but critical perspective, acknowledging the influence of left realism. Put simply, crime can be both constructed through the media but it is underpinned by often harmful and certainly illegal acts.



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This approach helps provide an understanding of how crime, both as a concept but also a real event, develops, is reproduced and then can be transformed in our society, and particularly through the media of the day. While it is appropriate to acknowledge the role of post-modernism and cultural criminology, and in particular the emphasis on how the spread of and role of the media has influenced the manner in which certain activities come to be constructed as criminal and how it is also important to consider everyday consumption of crime as drama and entertainment, I would argue for a more realist approach. This is not to deny the influence of cultural criminology, both generally and on my thinking and approach more specifically.

Overall then, it is vital to emphasize and then to conceptualize how media representations have played a key role in helping develop a greater understanding of crime, criminals and justice. Also, and while adopting an objective and critical approach, how such representations deserve to be accepted as real and therefore legitimate and important areas of examination. The academic study of crime and justice, in all its forms, needs to take account of the importance of the media, both historically and how it has developed, in helping an understanding of the extent, form and also the explanations for crime and crime control. The links between crime, justice and media representations can be found throughout contemporary and historical culture - in film, literature, the press, television, the internet – and merit the attention of the criminological endeavor.



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CHAPTER NO.11

# MODERN LAW ENFORCEMENT AND CRIME PREVENTION INTELLIGENCE-LED POLICING

## 1.0. Intelligence-led policing

Intelligence-led policing (ILP) is a policing model built around the assessment and management of risk. Intelligence officers serve as guides to operations, rather than operations guiding intelligence. Intelligence-led policing has entered the lexicon of modern policing, especially in the UK and more recently Australia. There is still a lack of clarity among many in law enforcement as to what intelligence-led policing is, what it aims to achieve, and how it is supposed to operate.

Intelligence-led policing is the application of criminal intelligence analysis as an objective decision-making tool in order to facilitate crime reduction and prevention through effective policing strategies and external partnership projects drawn from an evidential base.

The aim of intelligence-led policing can be interpreted from the tactical tasking priorities. The four elements concentrate on:

1. targeting offenders (especially the targeting of active criminals through overt and covert means);
2. the management of crime and disorder hotspots;
3. the investigation of linked series of crimes and incidents; and
4. the application of preventative measures, including working with local partnerships to reduce crime and disorder

The crime is not randomly distributed, with the corollary that identification of hotspots of criminal activity is a worthwhile pursuit. It recognizes the importance of working with partnerships to achieve crime prevention, and finally that there should be a spotlight on targeting the criminal and not a focus on the crime. This latter principle is, to a large extent, based on research that shows a small percentage of active and repeat offenders (recidivists) commit a disproportionately large amount of crime. While the National Intelligence Model provides one definition of intelligence-led policing, this paper will explore the process of crime reduction through intelligence-led policing. Good intelligence analysis is vital, but research is also essential to identify crime reduction strategies that actually work and have solid evidential support.



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## 1.1. Crime prevention implications

ILP is often viewed [by whom?] as a management tool instead of a crime reduction strategy. Jerry Ratcliffe claims ten benefits of the use of intelligence led policing:

- Supportive and informed command structure
- Intelligence-led policing is the heart of an organization-wide approach
- Integrated crime and criminal analysis
- Focus on prolific and serious offenders
- Analytical and executive training available
- Both strategic and tactical tasking meetings take place
- Much routine investigation is screened out
- Data are sufficiently complete, reliable and available to support quality products that influence decision-making
- Management structures exist to action intelligence products
- Appropriate use of prevention, disruption and enforcement

It is argued that these all help prevent crime by creating a police force that is more efficient with its resources. There is also a growing recognition citation needed within policing that external agencies may hold the key to long-term crime reduction. These agencies, such as local councils, housing authorities, and health and education departments, are believed to have a greater potential to impact a wider range of causal factors. As agencies share information amongst each other, a larger "network of intelligence" is created, which proponents hope, when used effectively, will cause a substantial decrease in crime.

## 1.3. How it Work?

It is important to be clear on the "mechanism" for any crime reduction or prevention initiative, as this helps to understand why it works. In the model of intelligence-led policing, it shall assume that the criminal environment is a permanent feature of the operating environment for police services. Although it is dynamic and fluid, constantly changing in shape, composition and size, it remains a reality that there will always be a criminal environment that the police will need to understand for subsequent operations to be effective. To be truly intelligence-led, the first stage of the model is to be able to interpret the criminal environment. This is usually performed by an intelligence section or unit, and relies on a range of information sources both within and external to the police service. The information that this unit obtains should, in an intelligence-led environment, be passed as some form of intelligence to people who can actually impact in a positive manner on the criminal environment.

This second stage requires the intelligence structure to be able to identify and influence the decision-makers. It should be noted that this requires both an ability to identify the decision makers, as well as to influence their thinking regarding the types of reduction strategies that are implemented.

Finally, the model requires the decision-makers to have the enthusiasm and skills to explore ways to reduce crime and to have a positive impact on the criminal environment.



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The model therefore has three structures, and three processes, each of which are discussed in turn below.

## 1. The Criminal Environment

For different levels of policing, the criminal environment to be studied may be different. For example, a local rural police station will have a different criminal environment to compete with compared to a national strategic drugs unit. However the principle remains the same: although there are significant differences (but also some overlaps) in the type of criminal environment to be understood, each level is faced with a challenging criminal situation that is dynamic, has different memberships and structures, and it is hoped can be changed and influenced by police strategies.

## 2. Intelligence

Intelligence can be defined as "a value-added product, derived from the collection and processing of all relevant information relating to client needs, which is immediately or potentially significant to client decision-making". A broader view of intelligence could incorporate the view that intelligence is a structure, a process and a product. In most police services, the intelligence unit or section is a recognised internal organisation with people, skills, methods and an organisational structure. Intelligence is also a process, incorporating a continuous cycle of tasking, data collection, collation, analysis, dissemination and feedback, prior to the next or a refined task. This continuous process is responsible for the generation of an intelligence product, which is designed to shape the thinking of decision-makers. Within the model shown at Figure 1, intelligence therefore requires a number of organisational structures to work effectively in both the interpretation of the criminal environment and the dissemination of a product that can shape the thinking of decision-makers.

## 3. Interpreting the Criminal Environment

How capable are the systems, people, analytical tools and collective understanding to be able to interpret the criminal environment? An effective system requires investment in people, tools and systems, but also an understanding of the functions and limitations of an intelligence system. This is especially the case with a policing style that emphasises the criminal and not the crime as the focal point for intelligence. Often unrealistic expectations can dampen enthusiasm for intelligence-led operations when, for example, an intelligence analyst is unable to precisely predict the next date, time and place of a burglary. In a recent review of Northamptonshire Police in the UK, HMIC found that the National Intelligence Model definition of intelligence-led policing was not widely known amongst intelligence staff. When the people that are tasked with being the hub of intelligence-led policing are not familiar with what intelligence-led policing is, it draws into question the value that they can add to information they receive. Even when clear direction is given, this component of the model requires coordination of sources, data storage and retrieval, analytical tools and training to enable the maximum benefit to be derived.



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## 1.4. The Decision-Makers

All operational and leadership ranks have the capability to impact on the criminal environment. Commanders control resources, but the newest probationers often spend the most time on the streets in an operational capacity. Accurate targeting of police activities to the "hot spots" and "hot times" of crime has substantial support as a crime reduction technique, but it requires the necessary intelligence (in this example, the hot places and hot times) to find its way to the decision-makers and for those decision-makers to properly understand and respond to the information.

## Influencing the Decision-makers

As the Australian Customs Service's definition shows, "intelligence" is a product that is "immediately or potentially significant to client decision making". Dissemination is the method of informing the client, yet conveying the significance of even the most stimulating intelligence is a fine art. It is probably impossible to count the number of intelligence failures that have occurred due to an inability of the intelligence organisation to "sell" its product, or the failing of the decision-maker (the intelligence client) to recognise the value of the product. Intelligence also has to compete with other pressures on the decision-maker. For example, a police commander may have an objective intelligence product that recommends targeting a particular group of criminals but may be constrained by the covert nature of the group or by competing demands, such as a possible adverse community reaction, pressures from the media, or financial constraints. Even good intelligence has to compete to influence decision makers. The model in Figure 1 is described as a policing and crime reduction process, because it is not necessarily the case that a decision-maker works for the police. Increasingly, through local partnerships, it is being recognised that decision-makers for crime reduction also exist outside of the police service. A comprehensive intelligence system can recognise this and influence a broad range of internal and external decision makers.

## 1.5. Impacting on the Criminal Environment

The whole process has little value if at the last stage the decision-maker, be they commissioner or probationer, cannot influence the criminal environment and effect crime reduction. There are limitations to the ability of police to significantly change crime rates, but this does not mean that the police cannot achieve any reductions, and that they cannot achieve maximum efficiency in the process. A number of policing-focused tactics have been positively evaluated as having recognised crime prevention benefits, including increased directed patrols in street-corner hot spots of crime and the proactive arrest of serious repeat offenders. There is a tendency, however, for what really works in policing to be overshadowed by schemes that have significant public appeal, but for which the crime reduction evidence is disputed. These schemes include Neighbourhood Watch, DARE (Drug Abuse Resistance Education), and community policing that has no clear crime risk-factor focus all of which have been evaluated overseas as not appearing to significantly reduce crime.



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## 1.6. Integration of Intelligence-Led Policing Into the Policing Paradigm

Intelligence-led policing can be closely associated with problem oriented policing in that they are both tactics that can support a broader policing paradigm such as community policing. Some intelligence units use a problem solving methodology, such as, analyses, respond and assess as the framework for prioritization. An evidential base is therefore significant to both problem-oriented policing in the analysis and response stage, and to intelligence-led policing in the selection of crime reduction plans. Problem-oriented policing provide a case management orientated focus for intelligence-led targeting, where the "case" may be an individual, organised crime group, or high crime location. This compartmentalisation of problems into manageable "chunks" is more in line with the case orientation of other professions, and potentially provides for greater managerial accountability. The broader policing philosophy, such as community policing, will be important in providing the "context" for the success or failure of the intelligence-led policing mechanism. This is an important point, because while the mechanism for intelligence-led policing may be sound, it can be introduced to situations where the context is not appropriate for that style of policing. For example, a community policing objective may be to reduce fear of crime. As such, a Neighbourhood Watch arrangement may succeed in the chosen objective, but might not be selected from an intelligence-led policing regime that strives for an actual reduction in crime.

## 1.7. Threats and Opportunities

A review of a burglary reduction program found strong evidence for an intelligence driven short-term policy; a more thorough evaluation of the long term impact is planned. Generally, however, there is a paucity of explicit evaluations of intelligence-led policing. As time passes the new strategy should receive more attention from evaluators, if they can avoid the tendency to concentrate on the policing approach on the street, rather than the managerial systems that create, fuel and drive the approach. Intelligence-led policing strives for greater efficiency in policing, but it has also been accompanied by other efficiency methods, some of which conflict with intelligence-led policing.

There is a performance culture in many police services which strives to measure everything possible, and it is a concern that the benefits of intelligence-led policing will be lost in a quagmire of operational statistics and micromanagement. As Albert Einstein said, "not everything that can be counted counts, and not everything that counts can be counted". A case in point is response times. Many police services now record the response time of officers getting to priority and routine calls for service, and they build improvements of response time into performance agreements for management and front-line officers. Unfortunately the research evidence is fairly conclusive: improving response times to calls for service does not reduce crime.

The expansion of a performance culture can drive police from the hard-to-quantify areas such as community policing and crime prevention to simply concentrate on whatever they are being measured against. Scott expressed these concerns when she recognised the impact of the performance culture on two police divisions in London, finding that the



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mechanisms of the new public management were focusing policing objectives on the measurable and the quantifiable, and as a result were driving a return to reactive policing.

Another potential problem is the use of a strategy that emphasises the deployment of tactics once reserved for serious "high impact, low volume" criminals against high volume, more mundane, offenders. This "principle of proportionality" is an area that will have to be managed to maintain public confidence in police tactics that are more focused and targeted, but also potentially more invasive . Concerns have been raised regarding both the financial benefits, and the implications for police legitimacy with a strategy that includes increasing the use of criminal informants. All of this said, there is a real opportunity to engage the public and gather their support for a policing practice that is objective, focused and cost-effective. It is difficult to argue against efficiency and value-for-money, as these factors were the driving forces behind intelligence-led policing in the first place. The drive towards intelligence-led policing has to be tempered by realistic expectations.

# 2.0 COMMUNITY POLICING

*"Establishing and maintaining mutual trust is the central goal of community partnership." (UN Charter)*

## 2.1. Introduction

The system of allocating police officers to particular areas so that they become familiar with the local inhabitants. It is a philosophy of full service personalized policing, where the same officer patrols and works in the same area on a permanent basis, from a decentralized place, working in a proactive partnership with citizens to identify and solve problems.

Community policing creates partnerships between law enforcement agency and other organizations like government agencies, community members, nonprofit service providers, private businesses and the media. The media represent a powerful pattern by which the police can communicate with the community. Community policing recognizes that police cannot solve every public safety problem alone, so interactive partnerships are created. The policing uses the public for developing problem-solving solutions.

The contemporary community policing movement emphasizes changing the role of law enforcement from a static, reactive, incident-driven bureaucracy to a more dynamic, open, quality-oriented partnership with the community. Community policing philosophy emphasizes that police officers work closely with local citizens and community agencies in designing and implementing a variety of crime prevention strategies and problem-solving measures.

## 2.2. Implementation of Community Policing

Common implementations of community-policing include:

- Relying on community-based crime prevention by utilizing civilian education, neighborhood watch, and a variety of other techniques, as opposed to relying solely on police patrols.
- Re-structuralizing of patrol from an emergency response based system to emphasizing proactive techniques such as foot patrol.



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- Increased officer accountability to civilians they are supposed to serve.
- Decentralizing the police authority, allowing more discretion amongst lower-ranking officers, and more initiative expected from them

## 2.3. Comparison Traditional Policing and Community Policing

The goal of traditional policing is to protect law-abiding citizens from criminals. They do this by identifying and apprehending criminals while gathering enough evidence to convict them. Traditional beat officers focus on duty is to respond to incidents swiftly, and clear emergency calls. Many officers working busy shifts only have time to respond to and clear emergency calls. This type of policing does not stop or reduce crime significantly; it is simply a temporary fix to a chronic problem.

In contrast, community policing's main goal is to assist the public in establishing and maintaining a safe, orderly social environment. While apprehending criminals is one important goal of community policing it is not necessarily the most important goal. Community policing is concerned with solving the crimes that the community is concerned about, and solving concerns by working with and gaining support from the community. The most effective solutions include coordinating police, government resources, citizens, and local business to address the problems affecting the community. They get in touch with the community in a variety of ways including: polls or surveys, town meetings, call-in programs, and meeting with interest groups. They use these connections to understand what the community wants out of its police officers and what the community is willing to do to solve its crime problem.

The structure of the community policing organization differs in that police assets are refocused with the goals of specific written rules to give more creative problem solving techniques to the police officer to provide alternatives to traditional law enforcement.

Community policing main goal is to assist the public in establishing and maintaining a safe, orderly social environment. While apprehending criminals is one important goal of community policing it is not necessarily the most important goal. Community policing is concerned with solving the crimes that the community is concerned about, and solving civilian concerns by working with and gaining support from the community. The most effective solutions include coordinating police, government resources, citizens, and local business to address the problems affecting the community. They get in touch with the community in a variety of ways including: polls or surveys, town meetings, call-in programs, and meeting with interest groups. They use these connections to understand what the community wants out of its police officers and what the community is willing to do to solve the crime problem.

The structure of the community policing organization differs in that police assets are refocused with the goals of specific written rules to give more creative problem solving techniques to the police officer to provide alternatives to traditional law enforcement

## 2.4. Goal of Community Policing

"Effective community policing depends on optimizing positive contact between patrol officers and community members." (Anonymous)



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The goal of community policing is to reduce crime and disorder by carefully examining the characteristics of problems in neighborhoods and then applying appropriate problem-solving remedies. The "community" for which a patrol officer is given responsibility should be a small, well-defined geographical area. Beats should be configured in a manner that preserves, as much as possible, the unique geographical and social characteristics of neighborhoods while still allowing efficient service.

The goal of community policing is to bring the police and the public it serves closer together to identify and address crime issues. Instead of merely responding to emergency calls and arresting criminals, police officers in such programs get involved in finding out what causes crime and disorder, and attempt to creatively solve problems in their assigned communities. To do this police must develop a network of personal contacts both inside and outside their departments. This contact is fostered by foot, bike, or horse patrols any effort that gets a police officer out of his or her squad car. The community policing philosophy now dominates contemporary police work.

The contemporary community policing movement emphasizes changing the role of law enforcement from a static, reactive, incident-driven bureaucracy to a more dynamic, open, quality-oriented partnership with the community. Community policing philosophy emphasizes that police officers work closely with local citizens and community agencies in designing and implementing a variety of crime prevention strategies and problem-solving measures. To accomplish these initiatives, it is crucial that officers feel closely integrated with the majority of citizens and agencies in the community they serve. Typically, this means that officers perceive themselves as sharing important community values, beliefs, and goals. It also implies that officers are confident of community support and involvement in their decisions and actions.

Many common elements in community-oriented policing include:

- Relying on community-based crime prevention by utilizing civilian education, neighborhood watch, and a variety of other techniques, as opposed to relying solely on police patrols.
- Re-structuralizing of patrol from an emergency response based system to emphasizing proactive techniques such as foot patrol.
- Increased officer accountability to civilians they are supposed to serve.
- Decentralizing the police authority, allowing more discretion amongst lower-ranking officers, and more initiative expected from them.

## 2.5. Community Alienation among Police Officers and Its Effect on Community Policing

The experience of community alienation among police officers would appear to be anathema to effective community policing efforts for at least two essential reasons. First, alienation appears to be closely tied to the experience of mastery. Mastery is typically defined as a state of mind in which an individual feels autonomous and experiences confidence in his or her ability, skill, and knowledge to control or influence external events. Community policing requires departments to flatten their organizational pyramid and place even more decision-



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making and discretion in the hands of line officers. Thus, it would seem logical that as the level of community alienation or isolation that officers experience increases, there will be a corresponding decrease in officers' sense of mastery in carrying out their expanded discretionary role. Second, a strong sense of community integration for police officers would seem to be vital to the core community policing focus of proactive law enforcement. Proactive enforcement is usually defined as the predisposition of police officers to be actively committed to crime prevention, community problem-solving, and a more open, dynamic quality-oriented law enforcement-community partnership.

Several effects of alienation on police officers' behavior have been demonstrated in the literature. For example, scholars found that a lack of community support resulted in an increased sense of alienation and a greater degree of apathy among police officers. It was also found that a lack of community support and working in a larger populated community was associated with an increased sense of alienation and a greater degree of inactivity among police officers. Moreover, it was discovered that an increased sense of alienation resulted in a greater degree of negative feelings and lethargy among police officers. Finally, it was found that the more police officers felt socially isolated from the community they served, the more they withdrew and the more negative they felt towards its citizens.

## 2.6. Evaluating Community Policing

Determining whether community policing is effective or not is a whole different dilemma. For traditional policing, determining whether police or policies are effective or not may be done by evaluating the crime rate for a geographic area. Community policing is more complicated than simply comparing crime rates. Due to the fact that there is no universally accepted definition of community policing and policies vary widely between departments there is also no universally accepted criteria for evaluating community policing. However there are some commonly used structures. One possible way to determine whether or not community policing is effective in an area is for officers and key members of the community to set a specific mission and goals when starting out. Once specific goals are set, participation at every level is essential in obtaining commitment and achieving goals. Street-level officers, supervisors, executives, and the entire community should feel the goals represent what they want their police department to accomplish. Objectives and goals should be reevaluated periodically to determine what progress the department and officers have made; along with whether or not those same goals are important to the community.

Departments must do some major soul-searching about whether or not the organizational changes necessary to implement effective, alienation-resistant, community-orientated policing. To this effect, "how many departments have actually changed the entrance requirements for new officers to reflect changes in the police role? How many have changed recruit training from a military oriented academy to a curriculum more in tune with the new role demanded by community policing? How many departments have flattened their organizational pyramid and placed more decision making in the hands of officers? How many chiefs have turned the organization "upside-down" and have committed to participatory dialogue with officers as a major part of their management style? How many departments



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have actually changed their organizational culture? How many departments have structurally changed on a city-wide basis? Unfortunately, we submit to you, only a very select few".

# 3.0. PUBLIC PRIVATE PARTNERSHIP (PPP)

## 3.1. Introduction

A public-private partnership is a co-funding approach to the development of public investments such as infrastructure projects, or the provision of services. This may involve partnerships between the private sector and governments, government bodies, the police etc. and non-government organizations, institutes, foundations, universities.

It is a long-term contract between a private party and a government entity, for providing a public asset or service, in which the private party bears significant risk and management responsibility, and remuneration is linked to performance.

There are usually two fundamental drivers for PPPs. Firstly, PPPs are claimed to enable the public sector to harness the expertise and efficiencies that the private sector can bring to the delivery of certain facilities and services traditionally procured and delivered by the public sector. Secondly, a PPP is structured so that the public sector body seeking to make a capital investment does not incur any borrowing. Rather, the PPP borrowing is incurred by the private sector vehicle implementing the project. On PPP projects where the cost of using the service is intended to be borne exclusively by the end user, the PPP is, from the public sector's perspective, an "off-balance sheet" method of financing the delivery of new or refurbished public sector assets. On PPP projects where the public sector intends to compensate the private sector through availability payments once the facility is established or renewed, the financing is, from the public sector's perspective, "on-balance sheet"; however, the public sector will regularly benefit from significantly deferred cash flows.

## 1.2. Benefits of PPP

The following are the benefits of PPP

- Shared responsibility - for community safety and quality of life, acting as exemplary social actors
- Harnessing innovative ideas and skills – creativity Harnessing technical and in-kind services – resources, equipment. management expertise, job opportunities
- Harnessing wider business network
- Cost efficiencies and information sharing
- Helping ensure sustainability of projects or programmes

## 1.2. Challenges and Barriers

Public private partnerships have seen a large increase over the years in part because local and state governments rely heavily on the growing number of non-profits to provide many public services that they cannot. Entering into a public private partnership can be rewarding as well as destructive if not done with caution and education. Partnerships need balance from both parties as well as continuous maintenance. If entered into lightly, one can find its organization falling in various areas proving to be one of many partnership failures.



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1. **Flexibility** between the two partners as well as the contract and staff involved throughout the process. If one party feels they are losing some of the control they may work on adopting more rules and regulations throughout the process instead of working together to be flexible and mediate an issue.
2. **Timeline** Non-profits are working on a long-term timeline. Many of their goals can only be achieved with long-term commitment; this is where their focus will lie. For-profit organizations are more short-term oriented because of short-term goals focusing primarily on profitability. Finally, government agencies' timeline depends a lot on election timelines and therefore can change regularly.
3. **Focus of the project** Partners may not have the same focus when entering into a partnership even though they think they might.
4. **Funding priorities** When parties can't agree on where funding should go this can sometimes lead to losses in time, resources, and the overall funding for the project. Funding priorities for government bodies looks typically at where the public's funds were spent in relation to the contract made. This then typically is looked at as in how many hours of participations, forms filled out, meals served. Etc. Neighborhood organizations or small and local non-profits saw a broad source of funding during the early years but there has been a shift in funding more recently reducing the overall funding and seeing more of it go to larger agencies focusing on large grants.
5. **Accountability** With the rise in public private partnerships there is also a rise in the responsibility that the non-profits tend to hold. With the government relying on many more of these organizations to provide the public services they cannot it is also proving difficult for the government to hold these non-profits responsible. When responsibilities are not set to the letter this can cause some in managerial positions to take the back seat, seeing their counterparts taking the initiative to get tasks done. This leaves an unbalance of work and sometimes those with the most stills are not doing the job. This can also be brought on by under management causing more problems such as a lack of focus for the projects, mismanaged funding, and miscommunication.
6. **Communication or understanding** One of the largest issues that can be discussed, communication can be a huge downfall and can contribute to many of the other risks within partnerships. It can be said that when entering into a cross-sector partnership it is difficult to understand and collaborate due to the diversity and differing languages spoken amongst the sectors. Items like performance measures, goal measurements, government regulations, and the nature of funding can all be interpreted differently thus causing blurred lines of communication.
7. **Autonomy within the partnership.** While working together is important it is still a strength to be able to work on parts of the project alone, take initiative when needed, and keep some individualism throughout the process. This is beginning to happen more with the privatization of public private partnerships where the private organization may own the partnership itself and the government then keeps full responsibility for it. This keeps parts of the partnership separate for focus.



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8. **Conflicts** can arise from any of the above topics but even outside issues or forces may bring a partnership to a halt. Even though these partnerships are entered into with the best of intentions even the most trivial issues can snowball into greater conflict halting a partnership dead in its tracks. Having no understanding and communication between parties can cause conflicts with use of language, stereotyping, negative assumptions, and prejudice about the other organization. These conflicts can be related to territorialism or protectionism, and a lack of commitment to working within the partnership.

## 1.4. Possible solutions:

Some research leads us to believe that partnerships are not natural for business and managers do not want to depend on others but it is possible with careful solutions.

1. Creating an ongoing narrative about partnerships and how will these be developed, maintained, terminated. This is especially prevalent to the local and state governments who rely heavily on the non-profits for the public services. Many partnerships can be terminated early due to issues with trust and cooperation during the contract implementation process. These issues can be avoided when the organization has initial guidelines for dos and don'ts.
2. Creating a formal control mechanism for the partnership.
   a. Insure that there is a continuous commitment with negotiations in any time of trouble and even an outline for termination procedures if necessary.
   b. In addition items like conflict resolution, outreach and organizational development are items that managers can work on and even assign specialists to each task. Creating a timeline to be followed throughout the partnership assists in mutual understanding and communication as well. Assigning specialists to work with skills in communication, conflict resolution, negotiation and policy analysis cross-sector partnerships have also been able to flourish.

## 1.5. Public Private Partnership in Policing

Public law enforcement officials have relied on private citizens for information in solving crimes and assisting the prosecutor in convicting offenders for centuries, long before the emergence of the first truly professional metropolitan police department in London in 1829. Bounty programs had been in effect for centuries prior to that, sometimes under the authority of the executive branch of government and sometimes under the jurisdiction of the courts, to encourage private citizens to bring information to law enforcement officials to assist them in solving crimes and bringing offenders to justice.

The professionalization of policing in the nineteenth century served to substantially legitimize and strengthen public safety and security as a more exclusively public sector responsibility, first in the United Kingdom and eventually in the United States and elsewhere. This began to change in the United States in the 1960s, as soaring crime rates exposed serious flaws in the professional model of policing.

In 1960, police departments had been comfortably operating out of a set of notions about professionalism that had served the public well for decades, ideas that came to be



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substantially modified toward the end of the twentieth century: that the police were the primary authorities on crime and how to respond to it, that police supervisors and executives were the locus of authority within the police hierarchy, that it was too risky to allow patrol officers to exercise substantial discretion even in routine matters, that the basic pathways to reduced crime were through more rapid response to calls for service and more arrests, that more police could only help to increase arrest rates and shorten response times, that the public was not equipped to provide much help to police other than as witnesses, that building good community relations was useful primarily for damage control rather than as an end in itself, and that adherence to these precepts would give the police a better image and earn respect among the general public. This model of policing made sense in the first half of the twentieth century, when many police departments throughout the country had been struggling for years to overcome reputations for ineptness, corruption, and brutality.

## 1.6. Trends and implications for the public and private policing sectors

1. **The rise of a substantial and multifaceted** private security industry has imposed new demands on and problems for police departments, but it has simultaneously raised rich opportunities for law enforcement agencies to leverage their scarce resources toward a more effective and efficient capacity for serving the general public. As they exploit such opportunities, however, the police must be mindful of the need to develop partnerships with private agents with eyes wide open to the risks inherent in those pursuits. A fundamental objective should be to establish a coherent framework for assessing public-private partnerships, to ensure that arrangements that bolster public safety and security are strengthened while ones that harm society or offer costly, ineffective, or ethically dubious solutions to security are quickly revealed and aborted.
2. **Are partnerships involving sworn officers**, private security personnel, and civilians generally superior to the use of any of these components alone? Can future police partnerships with private businesses be structured more constructively, without eroding the legitimacy of police organizations? Should we expect these partnerships to be adversely affected in the new era of terrorism? One answer to all of these questions is clear: Sweeping generalizations are dangerous and cookie cutter solutions are likely to be unsuccessful. To be effective, public-private security partnerships must be developed situational. This has been established cross-nationally (Bhanu and Stone 2004), and it is likely to be equally true from one jurisdiction to another within any large political entity.
3. **The varieties of public policing,** private security forces, and modes of civilianization are as vast as the needs of the public. Private security alternatives range from well-trained and well-paid agents, often current or former sworn officers who operate in coordination with municipal police departments, to plant guards whose job is simply to call the police when they observe suspicious activity, to vigilante groups and gang-like organizations that often compete with local police for the control of neighborhoods. Similarly, civilianization in a given department may be warranted for some positions



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but not others, depending on the needs of the community, the skills of the sworn officers, local labor market conditions, and other factors. Meaningful comparisons require a thorough assessment of the key particulars in the matter.

As local budgets for public safety continue to become constricted by taxpayers increasingly unwilling to tax themselves, municipal police and county sheriff's departments must find new ways to leverage their scarce resources by building even stronger alliances with private security agencies and personnel that satisfy conventional norms of legitimacy. When they fail to do so, they risk losing some of their most capable officers to lucrative positions as private investigators and executives of private security agencies.

4. **The great challenge in forming** effective public-private partnerships for the future is to do so with job enrichment inducements that maintain the loyalty of the most valuable personnel resources. Opportunities to prevent and solve potentially grave problems in the new era of terrorism certainly provide one such inducement. Officers so motivated are less likely to be interested in leaving the department and less likely to bend when faced with tensions between public responsibilities and private inducements. Partnerships are fine when they serve the general public, but they must be built on a foundation that ensures that the officer's overarching responsibility to serve public interests will not be compromised.
5. **More enlightened policing, especially in the form of community** policing and problem-oriented policing, has been credited with a substantial share of the decline in crime throughout the end of the twentieth and early part of the twenty-first centuries. One cannot discard the prospect that improved public-private partnerships in policing have contributed to these developments. As long as police departments maintain a healthy set of incentives and provide strong, ethical leadership, the public safety sector should be able to build on these gains for the foreseeable future.



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CHAPTER NO.12

# GENDER, CRIME, RURAL, AND URBANIZATIONA IN PAKISTAN

The following concepts are discussed in this chapter

- Gender and Crime in Urban and Rural Pakistan
- Crime and Urbanization, Organized Crime and White-Collar Crime

## 1.0 Gender and Crime in Urban and Rural Pakistan

Gender is the single best predictor of criminal behavior: men commit more crime, and women commit less. This distinction holds throughout history, for all societies, for all groups, and for nearly every crime category. The universality of this fact is really quite remarkable, even though many tend to take it for granted.

Most efforts to understand crime have focused on male crime, since men have greater involvement in criminal behavior. Yet it is equally important to understand female crime. For example, learning why women commit less crime than men can help illuminate the underlying causes of crime and how it might better be controlled.

This discussion of gender and crime first reviews both current and historical information on the rates and patterns of female crime in relation to male crime. The discussion is followed by a consideration of theoretical explanations of female crime and gender differences in crime. Finally, the authors briefly outline a "gendered" approach to understanding female crime that takes into account the influence of gender differences in norms, in socialization, in social control, and in criminal opportunities, as well as psychological and physiological differences between men and women.

Similarities in male and female offending rates and patterns

Both males and females have low rates of arrest for serious crimes like homicide or robbery; and high rates of arrest for petty property crimes like larceny-theft, or public order offenses such as alcohol and drug offenses or disorderly conduct. In general, women tend to have relatively high arrest rates in most of the same crime categories for which men have high arrest rates. For example, rates of homicide are small for both sexes (about 17 offenders for every 100,000 males, about 2 offenders per 100,000 females), as compared to larceny rates, which measure about 800 offenders per 100,000 males and 380 offenders per 100,000 females.

Male and female arrest trends over time or across groups or geographic regions are similar. That is, decades or groups or regions that have high (or low) rates of male crime tend to also have high (or low) rates of female crime. For example, in the second half of the twentieth century, the rates of arrest for larceny-theft increased dramatically for both men and



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women; and declined even more dramatically for both men and women in the category of public drunkenness. Similarly, states or cities or countries that have higher than average arrest rates for men also have higher arrest rates for women.

Male and female offenders have similar age-crime distributions, although male levels of offending are always higher than female levels at every age and for virtually all offenses. The female-to-male ratio remains fairly constant across the life span. The major exception to this age-by-gender pattern is for prostitution, where the age-curve for females displays a much greater concentration of arrests among the young, compared to an older age-curve for males. A variety of factors account for this difference. For example, males arrested under a solicitation of prostitution charge may be men old enough to have acquired the power to be pimps or the money to be customers men who often put a premium upon obtaining young females. The younger and more peaked female age curve clearly reflects differing opportunity structures for crimes relating to prostitution. Older women become less able to market sexual services, whereas older men can continue to purchase sexual services from young females or from young males. The earlier physical maturity of adolescent females also contributes to their dating and associating with older male delinquent peers.

Female offenders, like male offenders, tend to come from backgrounds marked by poverty, discrimination, poor schooling, and other disadvantages. However, women who commit crime are somewhat more likely than men to have been abused physically, psychologically, or sexually, both in childhood and as adults.

## 1.1. Relationship of crime with gender

The relations between men and women, both perceptual and material. Gender is not determined biologically, as a result of sexual characteristics of either women or men, but is constructed socially. It is a central organizing principle of societies, and often governs the processes of production and reproduction, consumption and distribution'. Despite this definition, gender is often misunderstood as being the promotion of women only. Normally gender issues focus on women and on the relationship between men and women, their roles, access to and control over resources, division of labour, interests and needs. Gender relations affect household security, family well-being, planning, production and many other aspects of life.

The term violence against women has been defined as the range of sexually, psychologically, and physically coercive acts used against women by current or former male intimate partners.

It is the most pervasive yet least recognized human right abuse in the world. Some of the other terms that are used interchangeably to describe the issue include intimate partner violence, courtship violence, domestic violence, domestic abuse, spouse abuse, battering, and marital rape.

In Pakistan, domestic violence is considered a private matter, as it occurs in the family, and therefore not an appropriate focus for assessment, intervention or policy changes. Women have to face discrimination and violence on a daily basis due to the cultural and religious



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norms that Pakistani society embraces. According to an estimate, approximately 70 to 90% of Pakistani women are subjected to domestic violence.9 Various forms of domestic violence in the country include physical, mental and emotional abuse. Some common types include honor killing, spousal abuse including marital rape, acid attacks and being burned by family members. Spousal abuse is rarely considered a crime socially unless it takes an extreme form of murder or attempted murder which could range from driving a woman to suicide or engineering an accident (frequently the bursting of a kitchen stove).

Indeed, domestic violence has become an epidemic in Pakistani society but unfortunately, nowadays, it has alarmingly increased in urban areas as compared with rural society. Recent reports and reliable surveys conducted on urban Pakistani society suggest that nearly two in every four women experience domestic violence in their life in the forms of verbal abuse, assault and battery, restriction of personal liberty, economic control, or marital rape. Several surveys conducted in women's prisons also reveal significant correlation between domestic violence and crimes committed by women. One of the learned speakers, at a one-day workshop on 'Prisoners' Vulnerability: lacking awareness' held at the Federal Judicial Academy, Islamabad, under the auspices of the Law and Justice Commission of Pakistan, said that over 60 per cent of the women who committed crimes had suffered from domestic violence in the past. Keeping in view the growing domestic violence against women in urban Pakistan, it is suggested that the government should launch a series of reform projects and policy experiments to enhance the capacity of legal institutions and empower justice sector stakeholders to intervene and reduce domestic violence across the country.

While developing stronger legislation *issine qua non*, it will be equally necessary to strengthen community level awareness and collect responses to incidences of domestic violence. Educational institutions may be taken on board to raise awareness about this chronic issue. Radio and television channels should be requested to show dramas and features, which discourage the growing inhuman tendency of violence against women in society. Above all, the National Commssion on the Status of Women should be asked to play a proactive role in raising awareness and advocacy against this despicable social behaviour in our society.

Gender-based violence (GBV) is a major public health and human rights problem throughout the world. It is prevalent in rich and poor countries, in rural and urban areas, in situations of conflict and in peace, and in the aftermath of natural disasters.

Whenever around the globe we are talking about gender based violence, usually the discussion is based more on highlighting violence against women as it is believed that worst forms of violence by men against women can be noted in every society. According to statistical data from UN, nearly 5000 women are killed in the world every year only in the name of 'honor'. Globally, at least one in three women and girls face some kind of violence in her lifetime. World Health Organization's World Report on Violence and Health notes that "one of the most common forms of violence against women is that performed by a husband or male partner".

Gender based violence is not only observable in third world countries like Pakistan but also in developed countries like USA. According to the National Center for Injury Prevention



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and Control, in US, women experience about 4.8 million intimate partner-related physical assaults and rapes every year. Also in 2005, 1181 women were killed by their intimate partners in US.

Gender based Violence in many of the developing countries might not be seen as violence rather as a cultural practice and normal part of their life. Usually the violent behavior of males specially husbands towards their female members especially wives goes unreported as it is done behind closed doors and we may find females never complaining of it.

## 1.2. Gender Based Violence and Pakistan:

Pakistan is not a country who has not seen gender based violence on the land. Thousands of individuals particularly women have been victimized by gender based violence. In the patriarchal society of Pakistan, women who make up 56% of the total population bear the brunt of poor governance, social and economic systems and feudalism. They face many forms of violence like rape, gang rape, forced marriages, acid throwing, stove burning, customary practices of Karo Kari and Wanni, domestic violence, sexual harassment at workplace, honor killings etc but has remained to be of no importance for judiciary of Pakistan, particularly the lower judiciary where even cases demanding immediate justice for the victim remain pending for months and years and even some people withdraw cases in the mean time because of the threats they receive from the opponent accused party.

This thing, instead of uprooting violence from the society, has given oxygen to elements who keep on assaulting women. According to an estimate, during the last ten years, 73913 cases of violence against women had been reported. In 2008, according Dawn newspaper, 7773 cases of violence against women were reported. Only in the early six months of year 2009, the cases that were reported went upto 4514.

## 1.3. Forms of Gender Based Violence in Pakistan:

The Islamic Republic of Pakistan is the sixth most populous country in the world, with a Gender-related Development Index ranking of 125th out of 169 countries, and a Gender Empowerment Measure rank of 99 out of 109 countries. Violence against women both violates and impairs against women show a serious departure from or nullifies the enjoyment by women of their tradition, local culture and the teachings of Islam human rights and fundamental freedoms... In all and other religions. Many forms of violence against societies, to a greater or lesser degree, women are not recognized as crimes or violations and girls are subjected to physical, sexual and of women's rights. Even where gender-based psychological abuse that cuts across lines of violence is criminalized, perpetrators may not be income, class and culture

Following is the gender based form of violence, we can observe in Pakistan:

- Murder
- Acid throwing
- Forced Marriages
- Rape/ Gang Rape
- Abduction or kidnapping
- Domestic torture (by in laws and relatives)



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- Custodial Violence
- Sexual Harassment

## 1. Murder:

Murder can be defined in legal terms as "an act of killing persons unlawfully with intention". Murder is regarded as one of the harshest forms of violence and also exists in big significant numbers. According to Federal Bureau of Statistics, Government of Pakistan, during the year, 1998-2007, 96708 cases of murder were reported whereas 123396 cases of attempted murder were reported. According to another statistical data, people are murdered at the rate of almost 12000 per total population each year in Pakistan. . Like many countries, the constitution of Pakistan suggests from life imprisonment to death penalty for the accused found guilty but the culprits often seem to remain at large if they have links with the influential people.

In Pakistan, people are murdered for many reasons, like in revenge by opponent parties, for political reasons, over tribal and domestic disputes. There is another horrific root cause of murder which has consumed the lives of many people. That is murder in the name of 'honor'.

## 1. Honor killings:

In this form of brutal murder, women are mostly the victims. In all the four provinces, honor killings have different names like Kalakali in Punjab, Karokari in Sindh, Siyakaari in Baluchistan and taurtoora in NWFP. According to United Nations Population Fund (UNFP) in Pakistan, every year, 1000 women are killed only in the name of honor. For many people specially in rural and backward areas, it is a violence which may not be violence rather an act by 'men' to protect the honor of their family which according to their perceptions, give them full liberty to kill their wives if they doubt they have illicit relations with someone else and also kill their daughters and sisters who marry someone after their own heart and going against their family's consent so that they could teach them and other female members a 'lesson'. Also in such forms of violence, men are also victimized to some extent but the ratio of women is greater than that of men.

The practices of honor killings are more common in rural areas because most of such practices take place with consent of the landlords who have close ties with law enforcement agencies and the alleged are often at large. The National Assembly of Pakistan passed a law for controlling this practice in 2004 however the statistics show such practices are still carried out.

## 2. Acid Throwing:

Acid throwing is another brutal form of violence that we can see in Pakistan .In this, perpetrators of these attacks throw acid on the victim usually on their faces which not only disfigures their face, burn tissues of their body but also expose their bones and even dissolve them. The consequences of these attacks include blindness and permanent scarring of the face and the body. Mostly the women are victim of these attacks. According to an estimate, up to 400 women fall victim to acid attacks perpetrated by their husbands or in-laws each year in Pakistan.



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Reports have shown some reasons behind such brutal incidents. Usually, acid throwing attacks have been used as a form of revenge for refusal of sexual advances, proposals of marriage and demands for dowry. Property disputes are also one of the causes of such incidents.

Even though not all acid throwing cases are reported, an even lesser number of acid burn victims are provided any justice. Belonging to poor or marginalized fringes of the society, most acid survivors can hardly afford the cost of their own healing and are thus fated to continue suffering, lest the handful of relevant organizations succeed in reaching out to them. The victim is faced with physical challenges, which require long term surgical treatment, as well as psychological challenges, which require in-depth intervention from psychologists and counsellors at each stage of physical recovery.

Depression and anxiety are common amongst all patients with large burn injuries; however for victims with acid injuries, the physical scarring can lead to feelings of shame and embarrassment, resulting in the survivor living a life in hiding due to fear of prejudice and stigma from their peers and the community.

## 3. Forced Marriages:

In Pakistan, many young girls/women are forced into wed-lock against their consent. Although, the Islamic laws give full liberty to women to marry after her own heart but this fact remains to be quite far from people who are only Muslims by name. In urban areas of Pakistan, marriages take place with girls' consent but it is in the backward areas where the problem lies. Despite the aforementioned Act, the tradition is still practiced in some areas through Vanni and Watta Satta.

## 4. Rape/Gang Rape

Fourth form of violence is rape that we see in Islamic State of Pakistan. Often, young girls and women are victims of gender-based rape in our society. Talking about rape cases against women, often, jirgas and panchayits had been found giving verdicts where people of victim's party were ordered to rape the female members of accused. Also, in many other cases it has been found that women are raped in revenge for seeking divorce, refusing marriage proposals, marrying of their own choice, defying cultural norms and for many other efforts at independent decision making. We can also call rape an advanced stage of sexual harassment. In some cases, it is found that fake aalims and pirs were accused of rape that fooled people of getting away with evil spirits.

## 5. Abduction or Kidnapping:

Kidnapping means "to take away a person against his will or consent by use of force and fraud and keeping the person in false imprisonment without any legal authority either for ransom or for other criminal activity". The word abduction is also same in meaning but in legal terms, abduction refers to women's kidnap.

Talking in the context of gender based violence, usually males and most of times young aged men are abducted or kidnapped for ransom, however in many other cases, abduction is done for other criminal purposes like demanding government or state authority to release the



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kidnapper's companions being arrested in various interrogations or at local level to force others to meet their demands in return for the person being kidnapped. In cases of women, they are more abducted for attempted rapes or even in revenge if the proposal for marriage is rejected.

With the rise of insurgency, the kidnapping has taken another reason which demands people to follow their perspectives of life rather than allowing them to live according to an individual's own standards. Some reports suggest that men and even women were kidnapped to teach them a lesson and to force them to lead life according to Islam.

## 6. Domestic torture (By in laws and Relatives):

Domestic torture and abuse is a widespread issue in Pakistan and victims include women belonging to all sections of society. They are beaten, mutilated and even burnt by their relatives often on quite petty issues. Often the women in houses are less aware of their rights and that is why they do not think that this is infact, violence against them or even if they can understand that they do not have so much strength in their voices to raise them against the male chauvinist approach.

## 7. Custodial Violence:

Custodial violence has also proved one of the brutal forms of injustice. It has not only affected the person accused but also his family. In many of the cases police has subjected the accused under severe torture for two reasons: To force the person to confess about the criminal act and to show efficiency in investigation or to extort bribery.

Some reports suggest that the person is not genuinely guilty or supposed to be guilty but to file a fake case against him subjected him to torture. Also, in some reports it has been found that if the person accused in a crime could not be arrested, police in support of influential people has arrested his relatives and detained them for many several days so that the accused could hand over him to police despite our law under which relatives of accused cannot be detained.

Women have also bore the brunt of custodial violence. There are cases that were being raped under custody by police officials. But the sad fact is that 95% of custodial violence reports against women go unreported.

## 8. Sexual Harassment:

Sexual harassment is defined as "any unwelcome sexual advance, request for sexual favours or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment or the attempt to punish the complainant for refusal to comply to such a request or to make it a condition for employment."

In Pakistan, sexual harassment is on rise. All women who face harassment suffer adverse effects, and according to some estimates, almost 80 to 90 percent of women face some sort of harassment in public places, educational sectors and in the workplace. Among the most common forms of harassment in Pakistan are the discomforting gazes that follow a woman wherever she goes, as soon as she sets foot outside her home.



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The dynamics of harassment at the workplace take on special significance considering the amount of time an adult spends at the workplace and the spillover effects on career growth, worker productivity. Media reports suggest that there has come up many issues regarding sexual harassment in various working sectors but the authority could not take serious action against the person accused because of lack of policies on sexual harassment.

The National Assembly did approve a bill against sexual harassment on August 4, 2009 which was to be ratified after approval from Senate in November but no importance was given and had to be withdrawn automatically since it could not be approved by Senate.

# 2.0. CRIME AND URBANIZATION, ORGANIZED CRIME AND WHITE-COLLAR CRIME

## 2.1. CRIME AND URBANIZATION

Crime is a common and dangerous thing in our society. Specially criminal activities damage the basement of a country. Urbanization basically carries some materials of this crime. I have tried to show the focused main nature and impact of crime in society. And consequence of crime in urban area. We know that when criminal know the process of crime then thee get new opportunity to do it. Urbanization has given much opportunity and much facility to do crime. When we notice in our city area then we can found many scenery of crime, and how some criminal activities destroy our traditional status and the way of development. At present crime has speeded in rural area but here there is no the shed of urbanization. For hence the rule of urbanization is very little in rural area.

Criminal activities are a burden for a nation. I have tried to indicate the violence and correlation of crime and urbanization. By urbanization is responsible for crime. Urban people mainly doesn`t interest to know the feature of urban crime. By this way singular intention of city dweller can minimize the hidden agenda of crime. At any cost we have to find out every hidden cause of urban crime by researching issue.

Crime and urbanization is the common topics in the present world. Urbanization create many process to occur crime. In the other hand crime creates many problems in city life. In sociological perspective crime and urbanization are correlated. Crime is an activity which is against the law and the fact that the linkage between Criminal activities and the socio-economic development of the society is undeniable. Moreover, the relationship between crime and evolution of mankind may also be considered a historical one as Cain (first son of Adam and Eve) committed first crime when he murdered his brother Able because of jealousy. Due to the complex nature of the subject of crime, for example, regarding its causes and consequences, various academic disciplines such as criminology, sociology, geography, psychology and demography study it from their own perspective. A relatively new emerging field, however, is the economics of crime which tries to identify the socio-economic causes and consequences of criminal activities in a society.

## 2.2. Impacts of Urban Violence and Poverty

- City homicide rates tend to be higher than national Averages.
- Highly urbanized and poorer areas of cities present the highest risks of homicide, and homicide rates can be several times higher in low-income areas than in the rest of the city.



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- At the global level, male homicide rates are roughly double female rates. At the national level in poor settings, the ratio can be even more extreme.
- Endemic urban violence has been shown to gradually transform relationships in ways that erode effective collective action which is essential for enabling predictable exchanges within political, market and social domains.

## 2.3. Gendered risks and impacts of urban violence

- Across rural and urban settings, men are much more likely to kill or be killed. In urban settings, males are more likely to suffer physical assault and violent robbery. Women suffer much higher rates of sexual violence and domestic violence.
- Girls exposed to violence in the home may be predisposed to entering into abusive relationships. In a range of countries, women were twice as likely to report abuse by intimate partners if their own mothers had been abused.
- In contexts of gang violence and open warfare, sexual violence involving girls and women is often used as a form of coercion and intimidation, and as a way of defining rival groups.
- City design can influence gendered patterns of insecurity. Feminist critiques show that the physical and social spaces of cities reflect unequal gender relations in a given society. For instance, as suburbanization shaped patterns of labor and mobility to and from urban centers, public transportation designed for the needs.

## 2.4. Relationship Between Crime and Urbanization

Crime is a social disease. It destroys our social life and our basic production. Urbanization has created much scope in this factor. From old time to today's modern societies, crime has always been a hot subject and kept its place in every day's agenda. In particular, as and development of countries increase, in general, from to another, it is expected that crime rate should decline over time. However, it does not decline, and it has become more important in the second half of this century. It is pointed out years ago that "Crime has probably become more important during the last forty years". Every society has its own values system. Crime is defined by mainly thes values system. For one reason or the other, there has been crime in every society throughout history though the rate, type, cause, and effect on each society might be highly different.

While 30 percent of world population was living in urban areas in 1950, it was about 47 percent in 2000, and estimated to reach 60percent in 2030.1 Therefore, it is crucial to understand the relationship between crime and urban areas.

Urbanization is a newly invented matter. but crime isn`t5.but there ar4e huge number of relation between crime and urbanization. In urban area is full of facility which facility are responsible to occur crime in urban area. Relationship between crime and urbanization may be uncertain. Mash and Masih state "At low levels of the urbanization, crime may be high because of sparsely urbanization may lead to decrease in crime because of closer proximity of and finally, with even urbanization, crime may rise because individuals may not identify whether they are engaged in a legal or illegal activity. It is found positive relationship between city size and. Thus, we can say that urbanization may have both negative and positive effects on crime in different urban setting. It needs an empirical investigation to see which effect outweighs.



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Urbanization has also brought new challenges in terms of conflict, violence and urban governance – and citizen security in particular. The World Bank's landmark 2011 *World Development Report* highlighted the significance of violence as a development problem. Its work noted how violence is changing, becoming less structured around notions of civil war and conflict, and more focused around criminal violence, terrorism and civil unrest.

Urban crime concept has developed from the nature of crime. If we notice the nature of crime so it will be clear to us the consequences of crime. Many of the population suffer from urban crime. Specially young people who involved in this crime.

Crime is an old word in the context of Pakistan. Rome ancient time to present time it available in Pakistan. Different types of crime have speeded in all over the country. If we notice in the village of Pakistan here crime patterns is different. Because here urbanization is absent. Urban environment is totally favorable to occur crime. But rural environment doesn't favorable to occur crime. We know that there are many facility of urbanization. Urbanization gives the opportunity to communicate with other countries very easily. Foreign culture is available. We can enjoy other culture from the help of urbanization.

In the other hand urbanization gives the negative effect on our social life. In the urban society men become criminal .Because in the urban area police system become corrupted. Judicial system also becomes corrupted. Many common people face crime by new process. Some crime which crime is created by urbanization. Such as Mobile phone threat, video pornography, murder, and cyber crime. All crime is created by urbanization. In the ancient time there was not availability of mobile phone, there was absent of corrupted judicial system, corrupted police system etc.

In the present era we can identify that school going girl are faced eve- teasing by mobile phone. Some of the corrupted people catch video pornography by illegal way. And the development process of the country is destroyed by these types of crime. If we want to develop our country is following developed countries so we have to recover all types of crime from city area.

## 2.5. Recommendation

There are many problem in urban area .Crime is the major problem in urbanization. Every citizen should concern about this problem. Pakistan is a developing country, and it's an over populated country. Many population involved in different types of crime. some recommendation are noted here-

- Urban citizen should concern about urban crime.
- government should take different preventive stapes.
- crime related journal should broadcast in media.
- Daily newspapers should publish pure and truthful news.
- Police has to play an important role to recover crime from urban area.
- Judicial system will run without political handicapped.
- Pakistan can participate in crime related convention with developed countries.



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# 3.0 WHITE-COLLAR CRIME AND ORGANIZED CRIME

Two major categories of crime attracted considerable attention from the U.S. criminal justice system during the twentieth century and posed far greater costs to society than usual street crime. They were white-collar crime and organized crime. Both involved illegal activities through enterprises. An enterprise is a group of associated individuals such as a business partnership, corporation, or union. The key difference between the two is that white-collar criminals try to profit off of legitimate businesses in a nonviolent way, while organized crime seeks profits through illegal businesses and frequently employs physical intimidation and violence. In addition, white-collar crime can involve one person or a group of individuals. Organized crime usually employs a large number of crime bosses and members.

## 3.1. WHITE-COLLAR CRIME

White-collar crime is a term used to describe non-violent crimes, generally of a financial nature, that are committed by businesspeople or public officials. The term itself comes from the fancy button-up dress shirts that people in those professions are generally known to wear.

White-collar crime is a financially motivated, nonviolent crime committed for illegal monetary gain. White-collar crime, is similar to corporate crime, because white-collar employees are more likely to commit

- Bank Fraud
- Blackmail:
- Bribery:
- Cellular Phone Fraud:
- Computer fraud:
- Counterfeiting:
- Credit Card Fraud:
- Currency Schemes:

The term "white-collar crime" was coined in 1939 by Edwin Sutherland, who defined it as a "crime committed by a person of respectability and high social status in the course of his occupation" in a speech entitled "The White Collar Criminal" delivered to the American Sociological Society. Much of Sutherland's work was to separate and define the differences in blue-collar street crimes such as arson, burglary, theft, assault, rape, and vandalism, which are often blamed on psychological, associational, and structural factors. Instead, white-collar criminals are opportunists, who learn to take advantage of their circumstances to accumulate financial gain. They are educated, intelligent, affluent, and confident

# 4.0. ORGANIZED CRIME

Organized crime refers to crimes that can be either violent or non-violent in nature, and are generally committed for profit of a group of people with a hierarchical internal structure. The organized nature of these enterprises gave the term its genesis. Organized crimes include such crimes as racketeering, robbery, theft, drug dealing, assault and trafficking and smuggling of illegal goods and humans for prostitution.



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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.

Other organizations including states, militaries, police forces, and corporations may sometimes use organized-crime methods to conduct their activities, but their powers derive from their status as formal social institutions. There is a tendency to distinguish organized crime from other forms of crime, such as white-collar crime, financial crimes, political crimes, war crime, state crimes, and treason. This distinction is not always apparent and academics continue to debate the matter.

For example, in failed states that can no longer perform basic functions such as education, security, or governance (usually due to fractious violence or to extreme poverty), organized crime, governance and war sometimes complement each other. The term "Parliamentary Mafiocracy" has been used to describe democratic countries whose political, social and economic institutions come under the control of a few families and business oligarchs.

## 4.1. Similarities Between White-Collar Crime and Organized Crime

While there are myriad differences between the two, similarities do exist between the two types of crime. Both terms refer to crimes that are committed within the guise of a legal operation, whether as a corporation or a legal cover business such as garbage hauling. Both terms include crimes that may not have individual victims so much as they have richer victims like defrauding businesses or embezzling government funding. And both terms generally refer to an extended series of crimes committed together in furtherance of profit, such as a combination of extortion, fraud and embezzlement.

## 4.2. Differences Between White-Collar Crime and Organized Crime

There are marked differences between white-collar crime and organized crime. White-collar crime rarely includes any violent offenses, while organized crime often does. White-collar crimes are generally each punishable individually but not in the aggregate; however, organized crimes can be punished separately but also together as racketeering, the legal term for certain illegal activities committed as part of an ongoing criminal enterprise. Racketeering is punishable under federal law by the Racketeer Influenced and Corrupt Organizations Act, known as RICO. Finally, white-collar crimes are generally masked behind corporations or other high-level business, while organized crime is generally hidden behind less esteemed fronts such as garbage hauling, licensed gambling and auto repair shops.



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CHAPTER NO.13

# HUMAN RIGHTS

## 1.0. Introduction

The basic rights and freedoms to which all humans are considered to be entitled, often held to include the rights tolife, liberty, equality, and a fair trial, freedom from slavery and torture, and freedom of thought and expression. This is called Human Rights.

Human rights are held by all persons equally, universally, and forever. Human rights are inalienable: you cannot lose these rights any more than you can cease being a human being.

Human rights are indivisible: you cannot be denied a right because it is "less important" or "non-essential." Human rights are interdependent: all human rights are part of a complementary framework. For example, your ability to participate in your government is directly affected by your right to express yourself, to get an education, and even to obtain the necessities of life.

Another definition for human rights is those basic standards without which people cannot live in dignity. To violate someone's human rights is to treat that person as though she or he were not a human being. To advocate human rights is to demand that the human dignity of all people be respected.

In claiming these human rights, everyone also accepts the responsibility not to infringe on the rights of others and to support those whose rights are abused or denied.

## 1.1. Human Rights Abuse

"Human rights violations are among the root causes of every form of insecurity and instability. Failure to ensure good governance, the equitable rule of law and inclusive social justice and development can trigger conflict, as well as economic, political and social turmoil," (Anonymous)

There is now near-universal consensus that all individuals are entitled to certain basic rights under any circumstances. These include certain civil liberties and political rights, the most fundamental of which is the right to life and physical safety. Human rights are the articulation of the need for justice, tolerance, mutual respect, and human dignity in all of our activity. Speaking of rights allows us to express the idea that all individuals are part of the scope of morality and justice.

To protect human rights is to ensure that people receive some degree of decent, humane treatment. To violate the most basic human rights, on the other hand, is to deny



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individuals their fundamental moral entitlements. It is, in a sense, to treat them as if they are less than human and undeserving of respect and dignity. Examples are acts typically deemed "crimes against humanity," including genocide, torture, slavery, rape, enforced sterilization or medical experimentation, and deliberate starvation. Because these policies are sometimes implemented by governments, limiting the unrestrained power of the state is an important part of international law. Underlying laws that prohibit the various "crimes against humanity" is the principle of nondiscrimination and the notion that certain basic rights apply universally.

Human rights describe equal rights and freedom for anyone and everyone regardless of race, color, sex, language, religion or political affiliation. All humans live in societies together. As stated by the U.N. declaration of Human Rights in 1948 "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." This statement defines that each and every human is entitled to all rights. Human rights are fundamental to human existence. There may be disagreement on the details of human rights, but barely any on the basic aspects of them. Human rights were always violated in human history.

Maslow's hierarchy of needs can attest to the basic fundamental human rights that we all share. In order to be at a level of satisfaction an individual must meet five basic criteria. The basic needs are the physiological needs, safety needs, needs of love and affection, needs for esteem, and once everything else is met, self-actualization or as Maslow describe it, "the need to be and do that which a person was born to do." This ties in with human rights in that it can connect us and become equals. Even though the U.N. has made a declaration concerning human rights, we as humans should not have an international governing body lay it out for us. Leaders, citizens, all people should know that we are all free and have rights that should be met. If not, measures should be taken to make sure that every human being's rights are not violated.

## 1.2. What happens when Human Rights Abuse?

- Forcibly evicting people from their homes (the right to adequate housing)
- Contaminating water, for example, with waste from State-owned facilities (the right to health)
- Failure to ensure a minimum wage sufficient for a decent living (rights at work)
- Failure to prevent starvation in all areas and communities in the country (freedom from hunger)
- Denying access to information and services related to sexual and reproductive health (the right to health)
- Systematically segregating children with disabilities from mainstream schools (the right to education)
- Failure to prevent employers from discriminating in recruitment (based on sex, disability, race, political opinion, social origin, HIV status, etc.) (The right to work)
- Failure to prohibit public and private entities from destroying or contaminating food and its source, such as arable land and water (the right to food)



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- Failure to provide for a reasonable limitation of working hours in the public and private sector (rights at work)
- Banning the use of minority or indigenous languages (the right to participate in cultural life)
- Denying social assistance to people because of their status (e.g., people without a fixed domicile, asylum-seekers) (the right to social security)
- Failure to ensure maternity leave for working mothers (protection of and assistance to the family)
- Arbitrary and illegal disconnection of water for personal and domestic use (the right to water).

# 2.0. HUMAN RIGHTS ABUSE OF CHILDREN

"To guarantee the human rights of children is to invest in the future". (Amnesty International)

Millions of children have no access to education, work long hours under hazardous conditions and are forced to serve as soldiers in armed conflict. They suffer targeted attacks on their schools and teachers or languish in institutions or detention centers, where they endure inhumane conditions and assaults on their dignity. Young and immature, they are often easily exploited. In many cases, they are abused by the very individuals responsible for their care. We are working to help protect children around the world, so they can grow into adults.

## 2.1. Common Problem which Children Face

common problems children face, such as:

- Refugees (children make up over half of the world's refugees)
- Hazardous labor exploitation
- physical abuse
- sexual violence and exploitation
- recruitment as child soldiers
- Police abuse and arbitrary detention of street children
- Orphans and abandoned children without adequate care
- Sexual abuse and trafficking
- Lack of access to education, or substandard education

## 2.2. Types of Child Abuse

The World Health Organization distinguishes four types of child maltreatment: physical abuse; sexual abuse; emotional and psychological abuse; and neglect.

### 1. Physical abuse

Among professionals and the general public, people often do not agree on what behaviors constitute physical abuse of a child. Physical abuse often does not occur in isolation,



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but as part of a constellation of behaviors including authoritarian control, anxiety-provoking behavior, and a lack of parental warmth

Corporal punishment involves hitting ('smacking', 'slapping', 'spanking') children, with the hand or with an implement whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing children's mouths out with soap or forcing them to swallow hot spices)

## 2. Sexual abuse

Child sexual abuse (CSA) is a form of child abuse in which an adult or older adolescent abuses a child for sexual stimulation. Sexual abuse refers to the participation of a child in a sexual act aimed toward the physical gratification or the financial profit of the person committing the act. Forms of CSA include asking or pressuring a child to engage in sexual activities (regardless of the outcome), indecent exposure of the genitals to a child, displaying pornography to a child, actual sexual contact with a child, physical contact with the child's genitals, viewing of the child's genitalia without physical contact, or using a child to produce child pornography. Selling the sexual services of children may be viewed and treated as child abuse with services offered to the child rather than simple incarceration.

## 3. Psychological abuse

There are multiple definitions of child psychological abuse:

- In 2013, the American Psychological Association (APA) added Child Psychological Abuse to the DSM-5, describing it as "non-accidental verbal or symbolic acts by a child's parent or caregiver that result, or have reasonable potential to result, in significant psychological harm to the child.
- In 1995, APSAC defined it as: spurning, terrorizing, isolating, exploiting, corrupting, denying emotional responsiveness, or neglect" or "A repeated pattern of caregiver behavior or extreme incident(s) that convey to children that they are worthless, flawed, unloved, unwanted, endangered, or only of value in meeting another's needs"
- In the United States, states laws vary, but most have laws against "mental injury"
- Some have defined it as the production of psychological and social defects in the growth of a child as a result of behavior such as loud yelling, coarse and rude attitude, inattention, harsh criticism, and denigration of the child's personality. Other examples include name-calling, ridicule, degradation, destruction of personal belongings, torture or killing of a pet, excessive criticism, inappropriate or excessive demands, withholding communication, and routine labeling or humiliation.

Victims of emotional abuse may react by distancing themselves from the abuser, internalizing the abusive words, or fighting back by insulting the abuser. Emotional abuse can result in abnormal or disrupted attachment development, a tendency for victims to blame themselves (self-blame) for the abuse, learned helplessness, and overly passive behavior.



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## 4. Neglect

Child neglect is the failure of a parent or other person with responsibility for the child, to provide needed food, clothing, shelter, medical care, or supervision to the degree that the child's health, safety or well-being may be threatened with harm. Neglect is also a lack of attention from the people surrounding a child, and the non-provision of the relevant and adequate necessities for the child's survival, which would be a lacking in attention, love, and nurture.

Some observable signs of child neglect include: the child is frequently absent from school, begs or steals food or money, lacks needed medical and dental care, is consistently dirty, or lacks sufficient clothing for the weather. The 2010 Child Maltreatment Report (NCANDS), a yearly United States federal government report based on data supplied by state Child Protective Services (CPS) Agencies in the U.S., states, "as in prior years, neglect was the most common form of maltreatment".

Neglectful acts can be divided into six sub-categories:

- Supervisory Neglect: characterized by the absence of a parent or guardian which can lead to physical harm, sexual abuse or criminal behavior;
- Physical Neglect: characterized by the failure to provide the basic physical necessities, such as a safe and clean home;
- Medical Neglect: characterized by the lack of providing medical care;
- Emotional Neglect: characterized by a lack of nurturance, encouragement and support;
- Educational Neglect: characterized by the caregivers lack to provide an education and additional resources to actively participate in the school system; and
- Abandonment: when the parent or guardian leaves a child alone for a long period of time without a babysitter.

# 3.0. HUMAN RIGHTS ABUSE OF WOMEN

Violence against women is a violation of human rights that cannot be justified by any political, religious, or cultural claim. A global culture of discrimination against women allows violence to occur daily and with impunity. Amnesty International calls on you to help us eradicate violence against women and help women to achieve lives of equality and human dignity.

Violence against women is rampant in all corners of the world. Such violence is a human rights violation that manifests itself in a number of ways, including:

## 1. Violence against women in custody

The imbalance of power between inmates and guards is a result of prisoners' total dependency on correctional officers and guards' ability to withhold privileges and is manifest in direct physical force and indirect abuses. Because incarcerated women are largely invisible to the public eye, little is done when the punishment of imprisonment is compounded with that of rape, sexual assault, groping during body searches, and shackling during childbirth. Women are often coerced into providing sex for "favors" such as extra food or personal hygiene



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products, or to avoid punishment. There is little medical or psychological care available to inmates. Though crimes in prison such as rape are prevalent, few perpetrators of violence against female inmates are ever held accountable. In 1997, for example, only ten prison employees in the entire federal system were disciplined for sexual misconduct.

## 2. Acid Burning and Dowry Deaths

Women's subjugation to men is pervasive in the political, civil, social, cultural, and economic spheres of many countries. In such societies, a woman who turns down a suitor or does not get along with her in-laws far too frequently becomes a victim of a violent form of revenge: acid burning. Acid is thrown in her face or on her body and can blind her in addition to often fatal third-degree burns. Governments do little to prevent the sale of acid to the public or to punish those who use it to kill and maim. Similarly, the ongoing reality of dowry-related violence is an example of what can happen when women are treated as property. Brides unable to pay the high "price" to marry are punished by violence and often death at the hands of their in-laws or their own husbands.

## 3. "Honor" Killings

In some societies, women are often looked upon as representatives of the honor of the family. When women are suspected of extra-marital sexual relations, even if in the case of rape, they can be subjected to the cruelest forms of indignity and violence, often by their own fathers or brothers. Women who are raped and are unable to provide explicit evidence, are sometimes accused of zina, or the crime of unlawful sexual relations, the punishment for which is often death by public stoning. Such laws serve as a great obstacle inhibiting women from pursuing cases against those who raped them. Assuming an accused woman's guilt, male family members believe that they have no other means of undoing a perceived infringement of "honor" other than to kill the woman.

## 4. Domestic violence

Violence against women is a global pandemic. Without exception, a woman's greatest risk of violence is from someone she knows. Domestic violence is a violation of a woman's right to physical integrity, to liberty, and all too often, to her right to life itself. When states fail to take the basic steps needed to protect women from domestic violence or allow these crimes to be committed with impunity, states are failing in their obligation to protect women from torture.

## 5. Female Genital Mutilation

Female genital mutilation is the removal of part or all of the external female genitalia. In its most severe form, a woman or girl has all of her genitalia removed and then stitched together, leaving a small opening for intercourse and menstruation. It is practiced in 28 African countries on the pretext of cultural tradition or hygiene. An estimated 135 million girls have undergone FGM with dire consequences ranging from infection (including HIV) to sterility, in addition to the devastating psychological effects. Though all the governments of the countries in which FGM is practiced have legislation making it illegal, the complete lack of enforcement and prosecution of the perpetrators means FGM continues to thrive.



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## 6. Human Rights Violations Based on Actual or Perceived Sexual Identity :

Sexuality is regulated in a gender specific way and maintained through strict constraints imposed by cultural norms and sometimes through particular legal measures supporting those norms. The community, which can include religious institutions, the media, family and cultural networks, regulates women's sexuality and punishes women who do not comply. Such women include lesbians, women who appear "too masculine," women who try to freely exercise their rights, and women who challenge male dominance. Lesbian women, or women who are perceived to be lesbian, experience abuses by state authorities in prisons, by the police, as well as private actors such as their family and community. Numerous cases document young lesbians being beaten, raped, forcibly impregnated or married, and otherwise attacked by family members to punish them or "correct" their sexual identity. Lesbians in the United States face well-founded fears of persecution by police because of their sexual identity and violence against lesbians occurs with impunity on a regular basis.

## 7. Gender Based Asylum

The UN High Commission on Refugees advocates that "women fearing persecution or severe discrimination on the basis of their gender should be considered a member of a social group for the purposes of determining refugee status." (*Guidelines on the Protection of Refugee Women*) Such persecution may include harms unique to their gender such as, but not limited to, female genital mutilation, forcible abortion, domestic violence that the state refuses to act on and honor killings. However, women seeking asylum in the United States rarely gain refugee status based on claims of gender-related violence, as U.S. asylum adjudicators apply a restrictive interpretation of the international definition of a refugee entitled to persecution. In particular, lesbian women seeking asylum from sexuality-based persecution in their countries of origin often, and legitimately, fear disclosing their sexuality to authorities.

## 8. The Problem of Impunity

Perpetrators of violence against women are rarely held accountable for their acts. Women who are victims of gender-related violence often have little recourse because many state agencies are themselves guilty of gender bias and discriminatory practices. Many women opt not to report cases of violence to authorities because they fear being ostracized and shamed by communities that are too often quick to blame victims of violence for the abuses they have suffered. When women do challenge their abusers, it can often only be accomplished by long and humiliating court battles with little sympathy from authorities or the media. Violence against women is so deeply embedded in society that it often fails to garner public censure and outrage.

# 4.0. HUMAN RIGHTS ABUSE OF MINORITIES

"Minorities in all regions of the world continue to face serious threats, discrimination and racism, and are frequently excluded from taking part fully in the economic, political, social and cultural life available to the majorities in the countries or societies where they live."( *UN High Commissioner for Human Rights*)



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All countries in the world include persons belonging to national or ethnic, religious and linguistic minorities, enriching the diversity of their societies. Although a great variety of minority situations exist, common to all is the fact that, too often, minorities face multiple forms of discrimination resulting in marginalisation and exclusion. Achieving effective participation of minorities and ending their exclusion requires that we embrace diversity through the promotion and implementation of international human rights standards.

The protection of the rights of minorities is provided for under article 27 of the International Covenant on Civil and Political Rights and article 30 of the Convention on the Rights of the Child. However, the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities is the document which sets essential standards and offers guidance to States in adopting appropriate legislative and other measures to secure the rights of persons belonging to minorities. Overall, States through their commitments under treaty law, and minorities themselves, or their representatives can influence the human rights monitoring and implementation procedures and work toward securing effective participation and inclusion.

The fundamental pillar of human rights and minority legal protection are the principles of non-discrimination and equality which constitute the basis of all core human rights treaties. They apply to everyone in relation to all human rights and freedoms and prohibit discrimination on the basis of a list of non-exhaustive categories such as race, colour, religion, language, nationality and ethnicity. Through respect for these two principles, the enjoyment of many human rights can be secured, including the right to effective participation in decision-making by minorities and in particular minority women.

Minority rights are being increasingly recognized as an integral part of the United Nation's work for the promotion and protection of human rights, sustainable human development, peace and security. OHCHR has a leading role within the UN system in this respect, as the Office has highlighted countering discrimination as one of its thematic priorities in the period from 2010 to 2013. OHCHR is also taking a lead in the Inter-Agency work on minority issues, in line with Article 9 of the Declaration, by ensuring that coordinated effort is made towards advancing and prioritising minority rights throughout the UN system.

## 4.1. Combating Discrimination against Minorities

Virtually all countries in the world have national or ethnic, linguistic and religious minorities within their populations. Many violations of civil, political, economic, social and cultural rights have a basis in discrimination, racism and exclusion on the grounds of the ethnic, religious, national, or racial characteristics of the victim group.

Minority issues have been on the agenda of the United Nations for more than 60 years. Already in 1948 the General Assembly declared that the United Nations could not remain indifferent to the fate of minorities. The 2005 World Summit Outcome reaffirmed the importance of minority rights' protection and promotion to the work of the United Nations, stating that "the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural diversity and heritage of society."



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The main point of reference for the international community regarding the rights of minorities is the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic Religious and Linguistic Minorities, adopted by the General Assembly in 1992. It includes a list of rights to which persons belonging to minorities are entitled, including the right to enjoy their own culture, to profess and practice their own religion and to use their own language. The Declaration reaffirms the rights of persons belonging to minorities to enjoy all human rights and fundamental freedoms in accordance with the principles of non-discrimination and equality before the law. Other key principles include the protection of existence, promotion and protection of identity, and the right to effective participation.

## 4.2. Activities of the United Nations

- The Indigenous Peoples and Minorities Unit is the entity within the Office of the High Commissioner for Human Rights specifically tasked with furthering the rights of persons belonging to minorities, including their struggle against discrimination. The Unit builds national capacity, including through human rights training for members of the civil society within the framework of the Minority Fellowship Programme; conducts research and analysis; provides substantive input to the work of the Independent Expert on Minority Issues and the Forum on Minority Issues; and engages with the wider community forging partnerships, raising awareness about the Declaration and other key standards and mobilizing support for anti-discrimination measures through legislation, policies and programmes. The Unit also coordinates the Inter-Agency Group on Minority Issues and provides support to the Office on the ground and UN country teams in their efforts to promote the rights of persons belonging to minorities and to eliminate discrimination against them.
- The Independent Expert on minority issues has a mandate to promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and to identify best practices and possibilities for technical cooperation by the UN human rights office.
- The Forum on Minority Issues serves as a platform for promoting dialogue and cooperation on issues pertaining to national or ethnic, religious and linguistic minorities and provides thematic contributions and expertise to the work of the Independent Expert on minority issues.
- The UN human rights office supports the activities of a number of human rights treaty bodies as well as special procedures which all devote attention to situations and rights of persons belonging to minorities (see especially the Committee on the Elimination of Racial Discrimination and Human Rights Committee).
- The UN human rights office supports the Working Group of Expert on People of African Descent, which elaborates short, medium and long term proposals for the elimination of racial discrimination against people of African descent.

## 5.0. HUMAN RIGHT PROTECTION

Protecting human rights is closely linked to advancing long-term, sustainable development. Rights are both part of the goal of development and instrumental to attaining other goals such as economic growth or democracy.



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The links between rights and development are many and complex:

- **Lack of rights leads to exclusion** and marginalization of citizens, which lies at the root of much poverty, even in resource-rich environments.
- **Lack of rights exacerbates conflict** and leads to cycles of violence.
- **Having rights means that people participate** in making choices about their own lives, unleashing their own creative energies and strengthening social unity.
- **Living within a rights-protecting culture** allows people to develop to the maximum of their capabilities.

## 5.1. Protection of rights:

Actions or programming aimed at preventing or avoiding rights violations by the state, such as:

- Protection of human rights defenders.
- Increasing the capacity of vulnerable populations (including victims of torture or war trauma, people with disabilities, indigenous or tribal peoples, LGBT individuals, labor activists, detainees, women and children) to defend their rights and advocate for themselves.
- Atrocity prevention, aimed at preventing attacks on vulnerable or marginalized populations.
- Efforts to stop human trafficking and protect its victims.

## 5.2. Promotion of rights

Actions or programming aimed at advancing rights, empowering communities and rights advocates, and advancing awareness, including:

- Legislation and regulations aimed at preserving human rights in national law.
- Human-rights education and awareness, especially among particularly vulnerable or marginalized populations.
- Transitional justice or support for the different ways in which societies come to terms with a legacy of past human-rights violations and/or war crimes.

## 5.3. Principles:

A way of working and thinking that imbues all our development work—a cross-cutting issue with applicability to everything we do:

- Individuals have rights; our goal is to help them realize those rights.
- Governments have duties; our goal is to help them carry out those duties.
- "Do no harm"; our programming should not inadvertently lead to rights violations, including forced displacement or systematic discrimination of people.
- Protecting human rights strengthens resiliency by helping states and communities address underlying grievances that cause instability and conflict.

## 5.4. Steps to Protect Human Rights

Human rights are fundamental rights that all human beings possess regardless of their race, ethnicity, sex, national or ethnic origin, color, residence, religion or any other status.



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These rights cannot be earned and they cannot be taken away, but they can be repressed or violated by individuals, nations or governments. While there are a number of national and international laws in place to protect human rights, every person has an affirmative duty to also promote and protect these rights. Individuals can promote human rights locally by participating in activist events, or professionally by becoming a human rights lawyer or working for a human rights organization.

## 1. Recognize civil rights.

In 1948, the United Nations General Assembly set forth the Universal Declaration of Human Rights (UDHR), which is a list of human rights inherent to all people. Members of the UN pledged to protect and promote these rights. The largest concentration of rights in the UDHR can be categorized as "civil rights," which are rights related to one's physical integrity and protection under the law. The first 18 tenets of the UDHR set forth individual's civil rights, which include:

- The right to equality and the right to life, liberty, and personal security.
- Freedom from discrimination, slavery, and from torture and degrading treatment.
- The right to recognition as a person before the law and equality under the law.
- The right to a remedy from a competent tribunal and to a fair public hearing.
- Freedom from arbitrary arrest and exile and from interference with privacy, family, home and correspondence.
- The right to be considered innocent until proven guilty.
- The right to free movement in and out of one's own country and the right to asylum from persecution in other countries.
- The right to a nationality and the freedom to change it.
- The right to marriage and family, and to own property.
- Freedom of belief and religion

## 2. Identify political rights.

Human rights that are political in nature include those rights related to a person's participation in government and the freedom from governmental intrusion. These rights are set forth in Articles 19 to 21 of the UDHR and include:

- Freedom of opinion and expression and the right to information.
- Freedom of peaceful assembly and association.
- The right to participate in government, equal access to public service in his or her country, and the right to vote in free elections

## 3. Recognize economic and social rights.

These rights establish the conditions that are necessary for individuals to prosper and to have an adequate standard of living. Articles 22 to 26 of the UDHR set forth economic and social rights, which include:

- The right to social security.



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- The right to participate in desirable work and to join trade unions.
- The right to rest and leisure and an adequate living standard for one's health and well-being.
- The right to education, which is free during elementary and fundamental stages of development

## 4. Be aware of cultural rights.

Article 27 of the UDHR sets forth a person's cultural rights. These rights include the right to participate in the cultural life of the community and the protection of the moral and material interest in a person's own scientific, literary or artistic production

## 6.0 ROLE OF CIVIL SOCIETY: PROTECTION OF HUMAN RIGHTS

It is of paramount importance to clarify the roles and limits of civil society in the protection of human rights. The protection of groups and individuals as well as their rights falls under the State functions. This covers the establishment of standards, laws and institutions that derive their legitimacy from popular sovereignty, and are capable of protecting the rights of individuals and groups. However, we are witnessing a paradoxical process. The expansion of freedom and the democratization process are accompanied by a civic disengagement, political demobilization and a crisis of confidence in institutions and political parties. Given the persistence of authoritarian reflexes, this only reinforces the belief that civil society can replace the state and political parties, while having neither the capacity nor the vocation. Its fundamental vocation is to set itself up as against power, which should not be considered as necessarily against the power.

It goes without saying that the role of civil society in promoting human rights takes in this context a fundamental value. Ultimately, it is about forming a citizen sufficiently armed to defend his/her rights. The aim is to achieve the empowerment which entails the participation of individuals in the definition of their rights and freedoms. Beyond its role of monitoring respect for human rights, laws and their constitutionality, safeguarding the physical security of person, safeguarding the lawful property, safeguarding public properties, elements that are central in the protection and empowerment, civil society has a role to play as:

- a force of proposal of new social values that respect human dignity, physical security of person, freedoms and responsibilities, as every right implies its corollary: a duty;
- a force of change by mobilizing people;
- a force for generating ideas with the support of experts and researchers ;
- a catalyst for new practices on the ground that give its work a social pillar, strength and legitimacy.
- It goes without saying that this control approach is part of democracy-building, which is:
- A moral requirement, a practice and an instrument of justice, equality and rule of law;
- A control of the community on the powers, a way of ensuring opportunity for people to participate in the process of decision-making, implementation and monitoring of projects.



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- A possibility for people to freely choose their leaders, participate in the management of power, control their representatives and put an end to their mandates in the event of failure.

Within this context, particularly in societies under transition, civil society cannot act alone and should support the establishment of national institutions for the protection of human rights. As mediation bodies, these institutions can fully play their role only if they enjoyed full autonomy vis-à-vis the state and acted in strong collaboration with civil society. They should be the place where the voice of society can be heard and the constraints facing the State can be expressed, in order to:

- consolidate constitutional human rights guarantees;
- adopt and implement an integrated national strategy against impunity;
- draw up and implement public policies in the areas of justice, security and law enforcement, education and in-service training, and ensure active involvement of all components of society;
- strengthen the control of the constitutionality of laws and autonomous regulations resulting from the executive branch;
- ensure security governance, which entails the upgrade, clarification and publication of regulations.

In addition, the choices and the imperatives of economic liberalization and privatization of basic public services generate and exacerbate social exclusion and security excesses, which are enhanced by a globalization that favors restrictions on freedom of movement of people and security policies.

In this context, in order to fulfill its role of promoting and protecting human rights, civil society must rethink its relation with the state, whose nature is crucial in the strategy to be adopted.

- How to overcome mistrust and suspicions in such a way as to enable defenders of human rights, through partnerships, to contribute to training and raising the awareness of security officers in respecting the autonomy and independence of associations?
- How to affirm the independence of members of parliament and make them allies and a counterweight to the executive branch?
- How to control the way parliamentarians fulfill their responsibilities and commitments vis-à-vis citizens?
- How to promote clear provisions on the separation of powers, namely constitutional, legal and institutional mechanisms that are likely to ensure a better balance between the executive and the legislature?

This requires upgrading and strengthening the action and political participation, knowing that civil society could not actually become strong and flourish if political society, whose function is to manage institutions, was not strengthened. Without a regulatory body, that is a legitimate state with fair laws and strong independent judiciary, civil society, vague concept, with components socially, politically and culturally heterogeneous, could eventually induce perverse effects of localism, regionalism, fragmentation of actions and visions, privatization and exasperation of violence. Under these conditions, civil society would not perform its function which is, inter alia, the promotion and protection of rights humans.



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# 7.0. ROLE OF NGO'S IN PROTECTING HUMAN RIGHTS

Several nongovernmental organizations around the world have dedicated their efforts to protecting human rights and advocating against human rights abuses. In fact, major human rights NGOs maintain websites and other platforms documenting violations and calling for remedial action both, at government and even grass-roots levels. Through these platforms, they have been able to acquire public support and condemn abuses of human rights considering the fact that calls for reforms are always successful when backed by strong advocacy from the public.

In order to help in the protection of human rights, quite a number of nongovernmental organizations like Amnesty International, Human Rights Watch, Human Rights Without Frontiers, Human Rights Action Center among others have been on the front line, monitoring the actions of governments and exerting pressure on them to act in accordance with human rights principles. As a result of this, various governments have been able to also initiate programs advocating against human rights abuses. In some cases, such pressure has also pushed some government to arrest, prosecute and charge individuals who have been accused of acts of human rights violations.

The term non-governmental or non-profit is normally used to cover the range of organisations which go to make up civil society. Such organisations are characterised, in general, by having as the purpose of their existence something other than financial profit. However, this leaves a huge multitude of reasons for existence and a wide variety of enterprises and activities. NGOs range from small pressure groups on, for example, specific environmental concerns or specific human rights violations, through educational charities, women's refuges, cultural associations, religious organisations, legal. foundations, humanitarian assistance programmes and the list could continue all the way to the huge international organisations with hundreds or even thousands of branches or members in different parts of the world. In this section, we look briefly at the significant role that such organisations have had, and continue to have, in the protection of human rights throughout the world. At nearly every level of the different attempts to preserve the dignity of individual citizens when this is threatened by the power of the state, NGOs play a crucial role in:

- fighting individual violations of human rights either directly or by supporting particular 'test cases' through relevant courts
- offering direct assistance to those whose rights have been violated
- lobbying for changes to national, regional or international law
- helping to develop the substance of those laws
- promoting knowledge of, and respect for, human rights among the population.

The contribution of NGOs is important not only in terms of the results that are achieved, and therefore for the optimism that people may feel about the defence of human rights in the world, but also because NGOs are, in a very direct sense, tools that are available to be used by individuals and groups throughout the world. They are managed and co-ordinated – as many organisations are – by private individuals, but they also draw a large part of their strength from other members of the community offering voluntary support to their cause. This fact gives them great significance for those individuals who would like to contribute to the improvement of human rights in the world.



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The 1993 UN World Conference on Human Rights – known as the Vienna Conference – was attended by 841 NGOs from throughout the world, all of which described themselves as working with a human rights mission. Though an impressive figure in itself, this actually represented only a tiny fraction of the total number of human rights NGOs active in the world.

Most self-professed "human rights organisations" tend to be engaged in the protection of civil and political rights. The best known of such organisations, at least on the international stage, include Amnesty International, Human Rights Watch, the International Federation for Human Rights, Human Rights First and Interights. However, as we have seen, civil and political rights are just one category of the many different human rights recognised by the international community, and new rights are continuing to emerge, even today. When we take this into account and consider the NGOs active in countering poverty, violence, racism, health problems, homelessness and environmental concerns, to name just a few, the actual number of NGOs engaged in human rights protection, in one form or another, runs into the hundreds of thousands throughout the world.

NGOs may attempt to engage in the protection of human rights at various different stages or levels, and the strategies they employ will vary according to the nature of their objectives – their specificity or generality; their long-term or short-term nature; their local, national, regional or international scope, and so on.

## a. Direct assistance

It is particularly common for NGOs working on social and economic rights to offer some form of direct service to those who have been victims of human rights violations. Such services may include forms of humanitarian assistance, protection or training to develop new skills. Alternatively, where the right is protected by law, they may include legal advocacy or advice on how to present claims. In many cases, however, direct assistance to the victim of a violation or a human rights defender is either not possible or does not represent the best use of an organisation's resources. On such occasions, and this probably represents the majority of cases, NGOs need to take a longer term view and to think of other ways either of rectifying the violation or of preventing similar occurrences from happening in the future.

## b. Collecting accurate information

If there is a fundamental strategy lying at the base of the different forms of NGO activism, it is perhaps the idea of attempting to "show up" the perpetrators of injustice. Governments are very often able to shirk their obligations under the international treaties, or other rights standards, that they have signed up to because the impact of their policies is simply not known to the general public. Collecting such information and using it to promote transparency in the human rights record of governments is essential in holding them to account and is frequently used by NGOs.

They attempt to put pressure on people or governments by identifying an issue that will appeal to people's sense of injustice and then making it public. Two of the best known examples of organisations that are reputed for their accurate monitoring and reporting are Amnesty International and the International Committee of the Red Cross. Both of these organisations possess authority not only among the general public but also at the level of the UN, where their reports are taken into account as part of the official process of monitoring governments that have agreed to be bound by the terms of international treaties.



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## c. Campaigning and lobbying

International actors often engage in campaigning and advocacy in order to bring about a policy change. Again, there are numerous forms, and an NGO will try to adopt the most appropriate one, given the objectives it has in mind, the nature of its "target", and of course, its own available resources. Some common practices are outlined below.

Letter-writing campaigns are a method that has been used to great effect by Amnesty International and other NGOs. People and organisations "bombard" government officials with letters from thousands of its members all over the world.

Street actions or demonstrations, with the media coverage that these normally attract, may be used when organisations want to enlist the support of the public or to bring something to the public eye in order to 'name and shame' a government.

The media will frequently play an important part in lobbying practices, and social media and the Internet are now assuming an increasingly significant role.

Shadow reports are submitted to UN human rights monitoring bodies to give an NGO perspective of the real situation regarding the enjoyment of human rights in a particular country.

In addition to demonstrations of support or public outrage, NGOs may also engage in private meetings or briefings with officials. Sometimes the mere threat of bringing something to the public eye may be enough to change a policy or practice, as in the story below. Whilst this used to be mobilised, at one time, through tapes, posters and faxes, it is now mobilised through email campaigns and petitions, internet sites, blogs and electronic social networks.

In general, the greater the backing from the public or from other influential actors (for example, other governments), the more likely is it that a campaign will achieve its objectives. Even if they do not always use this support directly, NGOs can ensure that their message is heard simply by indicating that a large popular movement could be mobilised against a government or many governments.

## d. Human rights education and awareness

Many human rights NGOs also include, at least as part of their activities, some type of public awareness or educational work. Realising that the essence of their support lies with the general public, NGOs will often try to bring greater knowledge of human rights issues to members of the public. A greater knowledge of these issues and of the methods of defending them is likely to engender a greater respect and this, in turn, will increase the likelihood of being able to mobilise support in particular instances of human rights violations. It is that support, or potential support, that lies at the base of the success of the NGO community in improving the human rights environment.



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CHAPTER NO.14

# MONEY LAUNDERING AND CYBER CRIME

## 1.0 MONEY LAUNDERING

Money laundering is the process of creating the appearance that large amounts of money obtained from serious crimes, such as drug trafficking or terrorist activity, originated from a legitimate source.

Money laundering is the generic term used to describe the process by which criminals disguise the original ownership and control of the proceeds of criminal conduct by making such proceeds appear to have derived from a legitimate source.

The processes by which criminally derived property may be laundered are extensive. Though criminal money may be successfully laundered without the assistance of the financial sector, the reality is that hundreds of billions of dollars of criminally derived money is laundered through financial institutions, annually. The nature of the services and products offered by the financial services industry (namely managing, controlling and possessing money and property belonging to others) means that it is vulnerable to abuse by money launderers.

### 1.1. How is the offence of money laundering committed?

Money laundering offences have similar characteristics globally. There are two key elements to a money laundering offence:

1. The necessary act of laundering itself i.e. the provision of financial services; and
2. A requisite degree of knowledge or suspicion (either subjective or objective) relating to the source of the funds or the conduct of a client.

The act of laundering is committed in circumstances where a person is engaged in an arrangement (i.e. by providing a service or product) and that arrangement involves the proceeds of crime. These arrangements include a wide variety of business relationships e.g. banking, fiduciary and investment management.

The requisite degree of knowledge or suspicion will depend upon the specific offence but will usually be present where the person providing the arrangement, service or product knows, suspects or has reasonable grounds to suspect that the property involved in the arrangement represents the proceeds of crime. In some cases the offence may also be committed where a person knows or suspects that the person with whom he or she is dealing is engaged in or has benefited from criminal conduct.

### 1.2. Are all crimes capable of predicating money laundering?

Different jurisdictions define crime predicating the offence of money laundering in different ways. Generally the differences between the definitions may be summarised as follows:



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1. Differences in the degree of severity of crime regarded as sufficient to predicate an offence of money laundering. For example in some jurisdictions it is defined as being any crime that would be punishable by one or more years imprisonment. In other jurisdictions the necessary punishment may be three or five years imprisonment; or
2. Differences in the requirement for the crime to be recognized both in the country where it took place and by the laws of the jurisdiction where the laundering activity takes place or simply a requirement for the conduct to be regarded as a crime in the country where the laundering activity takes place irrespective of how that conduct is treated in the country where it took place.

In practice almost all serious crimes, including, drug trafficking, terrorism, fraud, robbery, prostitution, illegal gambling, arms trafficking, bribery and corruption are capable of predicating money laundering offences in most jurisdictions.

## 1.3. Can Fiscal Offences such as tax evasion predicate Money Laundering?

The answer depends upon the definition of crime contained within the money laundering legislation of a particular jurisdiction.

Tax evasion and other fiscal offences are treated as predicate money laundering crimes in most of the world's most effectively regulated jurisdictions.

## 1.4. Why is money laundering illegal?

The objective of the criminalisation of money laundering is to take the profit out of crime. The rationale for the creation of the offence is that it is wrong for individuals and organisations to assist criminals to benefit from the proceeds of their criminal activity or to facilitate the commission of such crimes by providing financial services to them.

## 1.5. How is money laundered?

The processes are extensive. Generally speaking, money is laundered whenever a person or business deals in any way with another person's benefit from crime. That can occur in a countless number of diverse ways.

Traditionally money laundering has been described as a process which takes place in three distinct stages.

## 1.6. Methods and Stages of Money Laundering

There are three stages involved in money laundering; placement, layering and integration.

**1. Placement** –This is the movement of cash from its source. On occasion the source can be easily disguised or misrepresented. This is followed by placing it into circulation through financial institutions, casinos, shops, bureau de change and other businesses, both local and abroad. The process of placement can be carried out through many processes including:

- Currency Smuggling – This is the physical illegal movement of currency and monetary instruments out of a country. The various methods of transport do not leave a discernible audit trail.



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- Bank Complicity – This is when a financial institution, such as banks, is owned or controlled by unscrupulous individuals suspected of conniving with drug dealers and other organised crime groups. This makes the process easy for launderers. The complete liberalisation of the financial sector without adequate checks also provides leeway for laundering.
- Currency Exchanges – In a number of transitional economies the liberalisation of foreign exchange markets provides room for currency movements and as such laundering schemes can benefit from such policies.
- Securities Brokers – Brokers can facilitate the process of money laundering through structuring large deposits of cash in a way that disguises the original source of the funds.
- Blending of Funds – The best place to hide cash is with a lot of other cash. Therefore, financial institutions may be vehicles for laundering. The alternative is to use the money from illicit activities to set up front companies. This enables the funds from illicit activities to be obscured in legal transactions.
- Asset Purchase – The purchase of assets with cash is a classic money laundering method. The major purpose is to change the form of the proceeds from conspicuous bulk cash to some equally valuable but less conspicuous form.

**2. Layering** – The purpose of this stage is to make it more difficult to detect and uncover a laundering activity. It is meant to make the trailing of illegal proceeds difficult for the law enforcement agencies. The known methods are:

- Cash converted into Monetary Instruments – Once the placement is successful within the financial system by way of a bank or financial institution, the proceeds can then be converted into monetary instruments. This involves the use of banker's drafts and money orders.
- Material assets bought with cash then sold – Assets that are bought through illicit funds can be resold locally or abroad and in such a case the assets become more difficult to trace and thus seize.

**3. Integration** – This is the movement of previously laundered money into the economy mainly through the banking system and thus such monies appear to be normal business earnings. This is dissimilar to layering, for in the integration process detection and identification of laundered funds is provided through informants. The known methods used are:

- Property Dealing – The sale of property to integrate laundered money back into the economy is a common practice amongst criminals. For instance, many criminal groups use shell companies to buy property; hence proceeds from the sale would be considered legitimate.
- Front Companies and False Loans – Front companies that are incorporated in countries with corporate secrecy laws, in which criminals lend themselves their own laundered proceeds in an apparently legitimate transaction.



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- Foreign Bank Complicity – Money laundering using known foreign banks represents a higher order of sophistication and presents a very difficult target for law enforcement. The willing assistance of the foreign banks is frequently protected against law enforcement scrutiny. This is not only through criminals, but also by banking laws and regulations of other sovereign countries.
- False Import/Export Invoices – The use of false invoices by import/export companies has proven to be a very effective way of integrating illicit proceeds back into the economy. This involves the overvaluation of entry documents to justify the funds later deposited in domestic banks and/or the value of funds received from exports.

This three staged definition of money laundering is highly simplistic. The reality is that the so called stages often overlap and in some cases, for example in cases of financial crimes, there is no requirement for the proceeds of crime to be 'placed'.

# 2.0. CYBER CRIME

## 2.1. Introduction

Cybercrime is defined as a crime in which a computer is the object of the crime (hacking, phishing, spamming) or is used as a tool to commit an offense (child pornography, hate crimes). Cybercriminals may use computer technology to access personal information, business trade secrets, or use the Internet for exploitive or malicious purposes. Criminals can also use computers for communication and document or data storage. Criminals who perform these illegal activities are often referred to as hackers. Cybercrime may also be referred to as computer crime.

Cybercrime encompasses a wide range of activities, but these can generally be broken into two categories:

- Crimes that target computer networks or devices. These types of crimes include viruses and denial-of-service (DoS) attacks.
- Crimes that use computer networks to advance other criminal activities. These types of crimes include cyberstalking, phishing and fraud or identity theft.

Cybercrime may be committed by individuals or small groups, as well as by criminal organizations that are often spread around the world and committing crimes on an unprecedented scale. Cybercrime has the unusual characteristic that the victim and the perpetrator may never come into direct contact; in many cases, perpetrators and victims are separated by thousands of miles. To further reduce the chances of detection and prosecution, cybercriminals often choose to operate in countries with weak or nonexistent cybercrime laws.

## 2.2. Types of Cyber Crimes

When any crime is committed over the Internet it is referred to as a cyber crime. There are many types of cyber crimes and the most common ones are explained below:

**1. Hacking:** This is a type of crime wherein a person's computer is broken into so that his personal or sensitive information can be accessed. In the United States, hacking is classified as a felony and punishable as such. This is different from ethical hacking, which many



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organizations use to check their Internet security protection. In hacking, the criminal uses a variety of software to enter a person's computer and the person may not be aware that his computer is being accessed from a remote location.

**2. Theft:** This crime occurs when a person violates copyrights and downloads music, movies, games and software. There are even peer sharing websites which encourage software piracy and many of these websites are now being targeted by the FBI. Today, the justice system is addressing this cyber crime and there are laws that prevent people from illegal downloading.

**3. Cyber Stalking:** This is a kind of online harassment wherein the victim is subjected to a barrage of online messages and emails. Typically, these stalkers know their victims and instead of resorting to offline stalking, they use the Internet to stalk. However, if they notice that cyber stalking is not having the desired effect, they begin offline stalking along with cyber stalking to make the victims' lives more miserable.

**4. Identity Theft:** This has become a major problem with people using the Internet for cash transactions and banking services. In this cyber crime, a criminal accesses data about a person's bank account, credit cards, Social Security, debit card and other sensitive information to siphon money or to buy things online in the victim's name. It can result in major financial losses for the victim and even spoil the victim's credit history.

**5. Malicious Software:** These are Internet-based software or programs that are used to disrupt a network. The software is used to gain access to a system to steal sensitive information or data or causing damage to software present in the system.

**6. Child soliciting and Abuse:** This is also a type of cyber crime wherein criminals solicit minors via chat rooms for the purpose of child pornography. The FBI has been spending a lot of time monitoring chat rooms frequented by children with the hopes of reducing and preventing child abuse and soliciting.

**7. Ransomware :**This is one of the detestable malware-based attacks. Ransomware enters your computer network and encrypts your files using public-key encryption, and unlike other malware this encryption key remains on the hacker's server. Attacked users are then asked to pay huge ransoms to receive this private key.

**8. Botnets:** Botnets are networks of compromised computers, controlled by remote attackers in order to perform such illicit tasks as sending spam or attacking other computers. Computer Bots can also be used act like malware and carry out malicious tasks. Then can be used to assemble a network of computers and then compromise them.

**9. Social Engineering:** Social engineering is a method where the cyber criminals make a direct contact with you using emails or phones – mostly the latter. They try to gain your confidence and once they succeed at it, they get the information they need. This information can be about you, your money, your company where you work or anything that can be of interest to the cyber criminals.

**10. Remote Administration Tools:** Remote Administration Tools are used to carry out illegal activities. It can be used to control the computer using shell commands, steal files/data, send location of the computer to a remote controlling device and more.



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**11. Exploit Kits:** A vulnerability means some problem in the coding of a software that enables cyber criminals to gain control of your computer. There are ready to use tools (exploit kits) in the Internet market which people can buy and use it against you. These exploit kits are upgraded just like normal software. Only difference is these are illegal. They are available mostly in hacking forums as well as on the Darknet.

**12. Scams:** Notable among Internet scams are, scams which misuse the Microsoft name and other general tech support scams. Scamsters phone computer users randomly and offer to fix their computer for a fee. Every single day, scores of innocent people are trapped by scam artists into Online Tech Support Scams and forced to shell out hundreds of dollars for non-existent computer problems.

## 2.3. Categories of Cyber Crime

Cyber crimes are broadly categorized into three categories, namely crime against

1. Individual
2. Property
3. Government

Each category can use a variety of methods and the methods used vary from one criminal to another.

**1. Individual:** This type of cyber crime can be in the form of cyber stalking, distributing pornography, trafficking and "grooming". Today, law enforcement agencies are taking this category of cyber crime very seriously and are joining forces internationally to reach and arrest the perpetrators.

**2. Property:** Just like in the real world where a criminal can steal and rob, even in the cyber world criminals resort to stealing and robbing. In this case, they can steal a person's bank details and siphon off money; misuse the credit card to make numerous purchases online; run a scam to get naïve people to part with their hard earned money; use malicious software to gain access to an organization's website or disrupt the systems of the organization. The malicious software can also damage software and hardware, just like vandals damage property in the offline world.

**3. Government:** Although not as common as the other two categories, crimes against a government are referred to as cyber terrorism. If successful, this category can wreak havoc and cause panic amongst the civilian population. In this category, criminals hack government websites, military websites or circulate propaganda. The perpetrators can be terrorist outfits or unfriendly governments of other nations.

## 2.4. Causes of Cybercrime

There are many reasons why cyber-criminals commit cyber-crime, chief among them are these three listed below:

### 1. Passion of youngsters :

Cyber crimes can be committed for the sake of recognition. This is basically committed by youngsters who want to be noticed and feel among the group of the big and tough guys in



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the society. They do not mean to hurt anyone in particular; they fall into the category of the Idealists; who just want to be in spotlight.

## 2. Desire of Making quick money :

Another cause of cyber-crime is to make quick money. This group is greed motivated and is career criminals, who tamper with data on the net or system especially, e-commerce, e-banking data information with the sole aim of committing fraud and swindling money off unsuspecting customers.

## 3. Misconception of fighting a Just cause :

Thirdly, cyber-crime can be committed to fight a cause one thinks he believes in; to cause threat and most often damages that affect the recipients adversely. This is the most dangerous of all the causes of cyber-crime. Those involve believe that they are fighting a just cause and so do not mind who or what they destroy in their quest to get their goals achieved. These are the cyber-terrorists.

## 4. Capacity to store data in comparatively small space :

The computer has unique characteristic of storing data in a very small space. This affords to remove or derive information either through physical or virtual medium makes it much easily.

## 5. Confidential Information is online :

Confidential data from security firms, scientific databases, financial institutes and even governmental organizations is stored online and on networks. This allows cyber criminals to initiate unauthorized access and use it for their own needs. Complex technology can be manipulated and firewalls can be bypassed, allowing criminals to gain access to security codes, bank accounts and other information.

## 6. Negligence :

Sometimes simple negligence can give rise to criminal activities, such as saving a password on an official computer, using official data in a public place and even storing data without protecting it. The cyber criminal can take advantage of such negligence and use it to obtain, manipulate and forge information. Negligence is very closely connected with human conduct. It is therefore very probable that while protecting the computer system there might be any negligence, which in turn provides a Cyber Criminal to gain access and control over the computer system.

## 7. Complexity in understanding :

The computers work on operating systems and these operating systems in turn are composed of millions of codes. Human mind is fallible and it is not possible that there might not be a lapse at any stage. The cyber criminals take advantage of these lacunas and penetrate into the computer system.

## 8. Loopholes in system :

Operating systems have complex codes that can be decoded or manipulated to gain access to the system. There are always loopholes in security that a professional cyber criminal



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can find and hack into. The traditional bank robber researched the security system and took advantage of it; a cyber thief is not much different, except he can breach security virtually.

## 9. New Form of Crime :

There are so many modes of criminal activity on the Net that the traditional policing methods and the laws that bind criminals at times lose jurisdiction in cyber crime cases. This is why there are so many crimes being committed online.

## 10. Accessibility to Victims :

The amount of people online allow criminals to target their victims without being physically present. Police find it impossible to implicate people when the trail is online. Child pornography, pedophiles who bait their victim's online; rapists who meet their targets through online social networks and hackers who gather information and use it to their own criminal ends without ever being a part of the network are just a handful of criminal examples.

## 11. Inaccessibility to Criminals :

The problem encountered in guarding a computer system from unauthorized access is that there is every possibility of breach not due to human error but due to the complex technology. By secretly implanted logic bomb, key loggers that can steal access codes, advanced voice recorders; retina imagers etc. that can fool biometric systems and even bypass firewalls can also be utilized to get past many a security system. Though technology is improving there is a long way to go before cyber criminals can be policed vigilantly.

## 12. Lack of Evidence :

One cause of increasing cyber crime is the lack of evidence to bind the criminal by law. There are so many ways to hide the trail of a cyber crime and little to actually police the criminal. Consider a pedophile who baits his victim through email or social networks. The police can trace the information to the criminal, but unless solid physical evidence is found, the trail cannot be used in a court of law. Loss of evidence is a very common & obvious problem as all the data are routinely destroyed. Further collection of data outside the territorial extent also paralyses this system of Crime Investigation.

## 13. Drawbacks in judiciary system :

- Large number of vacancies in trial courts,
- Unwillingness of lawyers to become judges,
- Failure of the apex judiciary in filling vacant HC judges posts.
- Judiciary corruption

This delays the decision making and punishment and might also lead to wrong decisions. This encourages other criminals to be casual and fearless.

## 2.5. The Types of Criminals

The cyber criminals comprise of various groups/ category. This division may be warranted on the basis of the aim in their mind. The following are the categories of cyber criminals-



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## 1. Children and youngsters between the age group of 6 – 18 years:

The reason for this type of criminal actions in children is seen chiefly because of the curiosity to know and discover the stuff. Other similar reason may be to show themselves to be wonderful in the midst of other kids in their group. Further the reasons may be emotional or psychological too

## 2. Structured hackers :

These kinds of hackers are mostly structured mutually to execute certain goal. The reason may be to fulfil their fundamentalism, political prejudice, etc. The Pakistanis are believed to be one of the best class hackers on the globe. They chiefly target the Indian government sites with the intention to accomplish their political aims.

## 3. Expert hackers / crackers :

Their labor is provoked by the colour of money. These kinds of hackers are mostly in a job to hack the site of the rivals and get possible, consistent and precious information. Moreover they are even engaged to crack the system of the boss in essence as a measure to make it safer by noticing the dodges.

## 4. Dissatisfied employees :

This group comprise those persons who have been either bagged by their boss or are disappointed with their boss. To punish, they usually hack the system of their employer.

## 2.6. How to Tackle Cyber Crime

To tackle cybercrime effectively, establish multidimensional public-private collaborations between law enforcement agencies, the information technology industry, information security organizations, internet companies and financial institutions.

Cybercrime is not restricted to one single industry. Indeed, cyber attacks through attackers' professional connection to the financial sector may be experienced by every single internet user and result in huge material or/and immaterial damage. More must be done to harness the intelligence of network and information security stakeholders, not only to provide a more accurate and comprehensive assessment of cybercrime, but also to ensure that responses are effective and timely.

To tackle cybercrime efficiently, it is essential to establish active partnerships and cooperation between the private sector, information security organizations, financial institutions and public institutions to investigate cybercrime, to supervise financial market transactions and to enforce laws. Without efficient private-public cooperation, cybercrime will never be tackled effectively. The private sector needs to be assured of a confidential relationship in which information can be exchanged for investigative and intelligence purposes.

It has been seen that most cyber criminals have a loose network wherein they collaborate and cooperate with one another. Unlike the real world, these criminals do not fight one another for supremacy or control. Instead they work together to improve their skills and even help out each other with new opportunities. Hence, the usual methods of fighting



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crime cannot be used against cyber criminals. While law enforcement agencies are trying to keep pace with cyber criminals, it is proving to be a Herculean task. This is primarily because the methods used by cyber criminals and technology keeps changing too quickly for law enforcement agencies to be effective. That is why commercial institutions and government organizations need to look at other methods of safeguarding themselves.

The best way to go about is using the solutions provided by Cross-Domain Solutions. When organizations use cross domain cyber security solutions, they can ensure that exchange of information adheres to security protocols. The solution allows organizations to use a unified system comprising of software and hardware that authenticates both manual and automatic transfer and access of information when it takes places between different security classification levels. This allows seamless sharing and access of information within a specific security classification, but cannot be intercepted by or advertently revealed to user who is not part of the security classification. This helps to keep the network and the systems using the network safe.

Cross Domain Solution offers a way to keep all information confidential by using safe and secure domains that cannot be tracked or accessed. This security solution can be used by commercial and governmental organization to ensure an impenetrable network while still making sure that users can get access to the required information easily.

Collaboration, particularly with the information technology sector, is needed to identify features of future communications technologies liable to criminal exploitation. Law enforcement agencies must work in partnership with those who will influence the future business and operating environment, so that all concerned can better anticipate changes in criminal behavior and technological misuse.



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CHAPTER NO.15

# THE ROLE OF NAB, FIA AND ANF

## 1.0 NATIONAL ACCOUNTABILITY BUREAU (NAB)

**'Say no to corruption'**

*Allah's Messenger [PBUH) cursed the one who bribes and the one who takes bribe. Hadith*

### 1.1. Introduction

The National Accountability Bureau is Pakistan's apex anti-corruption organization. It is charged with the responsibility of elimination of corruption through a holistic approach of awareness, prevention and enforcement. It operates under the National Accountability Ordinance-1999. With its headquarter at Islamabad, it has seven regional offices at Karachi, Lahore, Peshawar, Quetta, Rawalpindi, Multan and Sukkur. It takes cognizance of all offences falling within the National Accountability Ordinance (NAO).

The National Accountability Bureau is an autonomous and constitutionally established federal institution responsible to build efforts against corruption and prepare critical national economic intelligence assessments against economic terrorism to the Government of Pakistan. It has come under criticism for inhumane treatment of its detainees and the sweeping powers bestowed upon it under the National Accountability Ordinance 1999 promulgated by a military junta. Pakistan's parliamentary committee that monitors corruption cases has criticized The National Accountability Bureau for its unwillingness to prosecute former Army officers involved in corruption scandals

For the initial three years, the focus of its functions was directed only at detection, investigation and prosecution of white-collar crime. Those prosecuted include politicians, public service officials and other citizens who were either guilty of gross abuse of powers, or through corruption had deprived the national exchequer of millions or resorted to other corrupt practices. In February 2002, NAB launched the National Anticorruption Strategy (NACS) project. The NACS team conducted broad based surveys, studied external models of international anti-corruption agencies and involved local stakeholder. All pillars of National Integrity System were studied in detail. After identifying the causes of corruption in each pillar, a comprehensive strategy and a detail action plan was recommended. Breaking away from traditional enforcement based routines NACS has recommended a comprehensive process. Relevant amendments have been made in NAO and now NAB is empowered to undertake prevention and awareness in addition to its enforcement functions.

The NAB is empowered to undertake any necessary prevention and awareness, in all means, in addition to enforce its operations against the economic terrorism and financial crimes. It was established on 16 November 1999 and its sphere of operation has been expanded and extended since. The constitution grants to launch investigations, conduct inquiries, and issues arrests warrants against the individuals suspected in the financial



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mismanagement, terrorism, corruptions (all in private-sector, state-sector, defence sector, and corporate-sector), and directs cases to accountability courts

## 1.2. Policy Statement of NAB

National Accountability Bureau (NAB) has been established to eradicate corruption from the country, under National Accountability Ordinance 1999, as amended from time to time.

The National Accountability Ordinance 1999 confers extra ordinary powers on the Bureau to eradicate corruption from the society. The immense responsibility so assigned makes it imperative that such powers must be exercised properly, fairly and maintaining very high standards of integrity.

The Bureau has three principal functions:

1. Awareness
2. Prevention
3. Enforcement

This Code of Conduct and Ethics lays down the general provisions of conduct and interaction which must be followed by all employees of NAB, while performing their professional duties at work as well as operating outside their offices.

The purpose of this code is also to create a professional and efficient work environment in NAB; develop mutual cooperation and trust of the employees towards their co-workers; enhance the esteem of NAB staff and make efforts to protect the individual, society and the state from corruption.

As an employee of NAB, you hold a special position of trust and the image of NAB could seriously be damaged if such trust is betrayed in any form.

The Code should not be read as a set of rules, or the words should not be interpreted for their legal meaning. It is intended to simply convey the obligations placed on and the behaviour expected of all the employees of NAB whether permanent, on contract, or engaged by virtue of any other terms and conditions. This Code of Conduct and Ethics will be reviewed periodically and updated to reflect the changes occurring both within and outside NAB.

## 1.3. Core Values of Nab

### 1. Integrity

- To do the right thing the right way and at the right time
- Being honest and responsible
- Focus on what is right for both the organization and the society

### 2. Honor

- Self respect
- Dignity
- High moral and ethical standards



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### 3. Dedication

- Commitment to cause
- Sincerity of purpose

### 4. Dependability

- Reliable in performance of duty
- Absolute trustworthiness
- Responsible for the assigned job

### 5. Judgment

- Weighing facts for the right course of action
- Sound decisions, without missing the details

### 6. Tact

- Completion of task without generating hostility
- Courtesy and respect to others
- Discreet to avoid embarrassments or defamation

### 7. Courage

- Ability to do what needs to be done regardless of fear or risk
- Resolute and firm in dispensing one's duty
- Overcome difficulty with dignity

### 8. Proactive

- Ability to foresee the problem
- Initiative to suggest the right action

### 9. Justice

- Being impartial and consistent to apply reward and punishment
- Fair in discharge of duties
- Avoiding favoritism and nepotism

## 1.4. CONFLICT OF INTERESTS, AND HOW TO DEAL WITH IT?

Conflict of interests, or the perception that may have arisen can do great damage to the reputation of both NAB and its employees. It could also interfere with your ability to do your job with detached objectivity. While you have to take responsibility for identifying and managing any conflict of interest, it needs to be done with the knowledge and advice of your superiors. The potential for development of conflict of interests arises when an individual with various interests in a matter has to take decisions concerning that matter. In the case of NAB employee, the situation is of concern when one is a public interest, his or her duty, and another is a private interest.

When the public interest that you must serve, comes into conflict with a private interest that you may have, public interest must come first on all such occasions.



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Financial conflict of interests might arise out of association with business interests, ownership of shares or finding out information that could be of financial benefit.

For NAB employees other private interests which might arise include those pertaining to a member of your family, a family member's business associates, a friend, a current or past work mate, a person who dislikes or is disliked by you and many other relationships.

Our social system at times dictates that you or your close relatives are approached to gain favors from your position in NAB. In order to ensure that conflict of interests do not interfere with the work of NAB, and in order to ensure that public has confidence in the impartiality of NAB, such conflict of interests must be declared to NAB on occurrence.

## 1.5. Functions of NAB

NAB was established under NAO 1999. Being Pakistani apex anticorruption organization, it has been mandated with the responsibility of elimination of corruption through a holistic approach of Enforcement, Prosecution, Awareness and Prevention. It has jurisdiction over whole of Pakistan and takes cognizance of all offences falling within the NAO against holders of public office and other persons. NAB aims:-

- To be one of best amongst world's anti-corruption agencies to eliminate corruption through pragmatic and holistic approach.
- To establish a strong anti-corruption institutional & legal framework and to spread awareness regarding ill effects of corruption in the society, through education by creating a robust civil society. This in turn will demand clean government.
- To lake cognizance of corruption and corrupt practices for eradication of such practice and accountability of those responsible.
- To take effective measures for detection, investigation, prosecution and speedy disposal of cases of corruption and corrupt practices.
- National Accountability Ordinance, 1999
- Soon after taking over in 1999, General Pervaiz Musharraf announced his seven points agenda which included the resurgence of the economy, reinstatement of law and order, dispensation of speedy justice and swift and across–the-board accountability. Hence the National Accountability Ordinance (NAO) came into existence. The NAO is the most comprehensive piece of legislation to date in Pakistan for controlling corruption but at the same time it gives NAB extraordinary powers. Following are the few powers that NAO gives to the NAB

## 1.6. National Accountability Ordinance, 1999

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## 1.7. Powers of Chairman"

Some of the main powers of the Chairman, NAB include:

- order non-bail able arrest of the accused for inquiry and investigation for a maximum of 90 days;
- order freezing of the property of the accused;
- c) call for information from or examination of any person and the production of any document relevant to the proceedings;
- d) request a foreign state for all kinds of assistance necessary for investigation; and
- e) release an accused if he returns to NAB the assets acquired through corruption among others.

NAO gives too many powers to the Chairman NAB and this ordinance can be a powerful instrument of unleashing terror if the Chairman is an irresponsible person. Many critics are of the view that a large number of provisions in this ordinance are the violation of the basic human rights. Following are the major ones:

### 1. Detention without Warrant

The NAO gives the power to the Chairman to detain any person alleged of being corrupt and keep him in custody for 90 days until proven culpable. Initially, some people were arrested without any evidence of their involvement in corruption but after that Supreme Court gave a verdict that NAB can arrest someone only if they have any evidence strong enough to arrest any individual for further interrogation.

### 2. Plea Bargain

NAB will not punish any individual accused of corruption if he/she surrenders all the looted wealth. Plea Bargaining is a subject of severe criticism because such provisions let those criminals go who deserve punishments.

Such provisions also make NAB a money recuperating agency but not one which effectively punishes corrupt people and restrain it by setting up examples. Such provisions also gives an impression that there has been some sort of a deal between the criminals and the NAB authorities and this gives an impression that if you have money in this country, you can get yourself out of trouble.

### 3. Imprisonment

Under the NAO, if someone is caught for the offence of corruption, he is made punishable with 14 years of rigorous imprisonment. This law is applicable to all the individuals living in Pakistan, except serving personnel's of the armed forces of Pakistan and judiciary.

Exemption of Armed Forces and Judiciary from NAB

Serving personnel's of the Armed Forces and judiciary are not answerable to NAB under this ordinance. It is worth mentioning here that according to the report of Transparency International, lower judiciary is the second most corrupt government department in Pakistan and unlike Armed Forces of Pakistan, judiciary does have any internal control mechanism to keep a check on their officials.



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### 4. High Profile Politicians not convicted

Till today, not even a single prominent politician has been successfully prosecuted. In July 2000, NAB prepared a case against Nawaz Sharif for his alleged involvement in corruption as charged by General Musharraf, then Chief Executive of Pakistan. He was sentenced to 14 years' imprisonment but due to some political reasons he was pardoned and exiled to Saudi Arabia. In the general elections of 2002, all those elected to the assemblies were the same people linked with corruption in the past and in some cases ministries were given to those who had either their cases pending or were already convicted

### 5. National Anti-Corruption Strategy

As mentioned earlier, NAB has now also seen made responsible for enhancing awareness related to corruption and for its prevention in addition to its enforcement function. An amendment was made in NAO in 2002 and an attempt was made to develop an anti corruption preventive model named "National Anti-Corruption Strategy (NACS)". This model was developed because NAB was of the view that enforcement alone would not be enough to control corruption and hence NACS came into existence. This model focuses on curbing corruption by adopting three pronged approach of awareness, prevention and enforcement.

*'One of the biggest curses from which India is suffering. I do not say that other countries are free from it, but, I think our condition is much worse, is bribery and corruption. That really is a poison. We must put it down with an iron hand," Quaid-e-Azam Muhammad Ali Jinnah Address to the First Constituent Assembly 11 August 194?*

## 2.0. FEDERAL INVESTIGATION AGENCY (FIA)

### 2.0. Introduction

The Federal Investigation Agency came into existence in 1975, following the promulgation of the FIA Act, 1974 with the primary role of the eradication of corruption. In 2004, government transferred Anti-Corruption wing of the FIA to the NAB but on 16 August, 2004 this wing of FIA was restored vide notification dated 24 October, 2008.

The FIA carries out the investigations in receipt of reports of corruption, either through the Prime Minister's Accountability and Coordination Cell or directly from the public and after the investigations, the cases are forwarded for trial by the accountability courts. The performance of FIA is very poor owing to many reasons like it is a corrupt agency with a strong element of harassment, it has a status of an attached department that comes under the interior ministry, it has many political appointees and it has multiple mandates.

The FIA is headed by the appointed Director-General who is appointed by the Prime Minister, and confirmed by the President. Appointment for the Director of FIA either comes from the high-ranking officials of police or the civil bureaucracy. The Director General of the FIA is assisted by three Additional Director-Generals and ten Directors for effective monitoring and smooth functioning of the operations spread all over the country.

The FIA is headquartered in Islamabad and also maintains a separate training FIA Academy, also in Islamabad which was opened in 1976. In 2002, FIA formed a specialised



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wing for investigating Information and Communication Technology (ICT) related crimes. This wing is commonly known as the National Response Centre for Cyber Crimes (NR3C) and has the credit of arresting 12 hackers, saving millions of dollars for the government exchequer. This wing of the FIA has state-of-the-art Digital Forensic Laboratories managed by highly qualified Forensic Experts and is specialised in Computer and Cell Phone Forensics, cyber/electronic crime investigation, Information System Audits and Research & Development. Officers of the NR3C carry out training for Officers of Police and other Law Enforcement Agencies of Pakistan.

The mission of FIA is to achieve excellence in FIA by promoting culture of merit, providing continuous professional training, ensuring effective internal accountability, encouraging use of technology and having a meaningful feedback mechanism.

## 2.1. FIA's Professional Mandate

- Investigation into specialized and organized crime
- Immigration and Anti Smuggling
- Personal Identification Secure Comparison and Evaluation System(PISCES Computerized Control and Exit
- Anti Human Smuggling and Trafficking
- Counter Terrorism(Special Investigation Group)
- Money Laundering( Excluding narcotics and anti corruption proceed)
- Automated Finger Print Identification System(AFIS)
- Cyber Crime and Plastic Money Fraud
- Intellectual Property Rights(IPR)
- Interpol (National Central Bureau)
- National Criminal Database(NCDB)
- Forensic and Technical Support
- Training and Capacity Building

## 2.2. Major Functions of FIA

The major functions of FIA is to enforcement of laws relating to Smuggling,

- Narcotics,
- Currency offences,
- Foreigners,
- Immigration & Passports and
- offences having inter-provincial ramification.

## 2.3. WINGS

FIA has the following wings which perform different operation

1. Anti-Corruption Wing



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2. Economic Crime Wing
3. Counter Terrorism Wing
4. Immigration Wing
5. Anti-Human Trafficking and Smuggling
6. Technical Wing
7. Interpol
8. Electricity, Gas, Oil Anti-theft Unit
9. IPR Branch
10. Legal Branch

## 1. Anti-corruption Wing

Anti-Corruption and Economic Crime Wing of FIA transferred to National Accountability Bureau (NAB) on 16.08.2004 have been restored vide notification dated 24.10.2008. The Anti-Corruption Wing is an important part of FIA, which deals with organized crimes other than terrorism and human trafficking. This wing is headed by a senior police officer as Additional Director General at the HQ who is responsible for assisting the Director General and coordinating operations of the zonal directors.

## Functions of Anti-Corruption Wing

a. Anti-Corruption
b. Spurious Drugs
c. Counterfeit Currencies
d. PPC and other Special Laws
e. Important Cases of ACW

## Spurious Drugs

The illicit trade of production/ supply, distribution, and sale of drugs are posing a serious threat to the lives of the innocent citizens and has serious ramifications such as:

- Loss of Government revenue/ tax evasion
- Undermines Government health agendas and regulatory regimes
- Undermines legitimate trade and commerce
- Defrauds the consumers and health industry
- Erodes corporate investment and productivity
- Encourages organized crime

FIA's crime wing has taken up the challenge to eradicate the illicit trade in drugs and has recovered spurious drugs valuing over Rs.416 million and seized eight illegal manufacturing units. Special drug units have been established in the provincial headquarters. The FIA has registered 67 cases in the years 2005 & 2006.

## Counterfeit Currencies

The increasing instances of counterfeiting of currency in various parts of the country hold serious repercussions for the national economy. FIA crime wing is responsible to deal



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with the currency counterfeiting. A task force is working led by the Governor, State Bank of Pakistan and the FIA is a member thereof. The FIA is maintaining a database of all the culprits of counterfeit currency cases across the country. The FIA coordinates with the provincial/ local law enforcement agencies in cases registered in their jurisdictions.

## 2. Economic Crime Wing (ECW)

The Anti-Corruption and Economic Crime Wing of FIA transferred to National Accountability Bureau (NAB) on 16.08.2004 have been restored vide notification dated 24.10.2008. The Anti-Corruption and Economic Crime Wing of FIA transferred to National Accountability Bureau (NAB) on 16.08.2004 have been restored vide notification dated 24.10.2008.

## 3. Counter Terrorism Wing (CTW)

In 2003 Federal Government assigned Counter Terrorism role to FIA. Hence CTW formerly SIG was formally established in May 2003. CTW Officers were provided extensive training and some equipment by US government, Anti Terrorism Assistance Program, in the area of crime scene analysis, computer forensic analysis, cyber terrorism, terrorist financing investigations and post blast explosives analysis etc

### CTW Vision

To identify, arrest and prosecute Most Wanted Terrorists and to become a centre of excellence for specialized counter-terrorist investigations.

### Counter Terrorism Functions of CTW

- Identify and arrest most wanted terrorist.
- Detect & investigate terrorist financing/money laundering cases.
- Crime Scene & Explosive analysis of major terrorist incidents. ›Detect, seize and prosecute hate material.
- Computer / Cell Phones forensic analysis and Cyber Terrorism Investigations.
- Prepare Terrorist Incident Analysis and Threat Assessment Reports for Federal Govt.
- Build a National Database of terrorist entities.
- Training courses for Police Departments.
- Crime Scene & Explosive analysis of major terrorist incidents.
- Cyber Investigation Unit (CIU) and Computer Forensic Lab.

CIU consist of 05 IT Experts which are highly trained to investigate Cyber Terrorism enquiries/cases and conduct Computer/Cell phone Forensics. Govt. of Pakistan has notified SIG computer forensic lab as first notified lab for the purpose of electronic forensic and the SIG IT experts appear as Forensic Experts in courts. So far SIG forensic experts have conducted over 100 forensic analysis for different police departments. CIU has also developed the following software

- Terrorists Information System (TIS)
- Terrorist Incident Analysis (TIA)
- Case Monitoring System (CMS)
- Personnel Record Database (PERREC)



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- Human Trafficker Information System
- Terrorist Financing Investigation Unit (TFIU)

A TFIU has so far successfully conducted 61 enquires on request of Interpol, FMU and International partners. Facilitates Investigation and Prosecution of cases in courts of law. Provides training to Financial Investigators and has developed SOPs for TF Investigations. FIE liaisons with Financial Monitoring Unit (FMU/FIU), State Bank of Pakistan, Commercial Banks, Financial Institutions. Analysis and monitoring of implementation of rules and regulations pertaining to terrorist financing. Represents SIG / FIA on various national and international forums for supporting efforts to combat money laundering & terrorist financing.

## 4. Immigration Wing (IW)

Combat human trafficking activities and resist illegal immigration in Pakistan

## 5. Technical Wing (TW)

Tasked to make efforts to protect Pakistan against foreign intelligence operations and espionage as well as using scientific assistance to resolve high-technology crimes.

## 6. Legal Branch (LB)

Responsible to provide legal guidance in all administrative and operational matters as well as protectcivil rights.

## 7. National Central Bureau (NCB)

To combat transnational/national criminal organizations and enterprises with assistance fromInterpoland FBI.

## 8. Anti-Human Trafficking Unit (ATU)

Tasked to combat major violent crimes, to ensure country-wide coverage of human trafficking, as well as to prevent and protect the victims of trafficking

## 9. Intellectual Property Rights Branch (IPR)

Modern world is confronted with five wars of globalization

- Illicit market for
- Arms
- Drugs
- Money
- Human beings
- Intellectual Property

"Right to own property is recognized by every socio political and economic system of the world. Ownership of the property is a fundamental right in all systems of justice. Every system provides different types of warranty to ensure peaceful possession of property, tangible and intangible."

"Intellectual Property includes a patent, industrial design, layout design of integrated circuits, copyright and related rights, service mark, trade mark, trade name, undisclosed information or trade secrets, traditional knowledge, geographical indications, technical know-how and ideas for new products and markets, including the commercial information about customer or any combination thereof"



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The international trade community adopted number of measures in order to curtail the violations of Intellectual Property Rights across the world. These IP initiatives are led by the World Intellectual Property Organization (WIPO) and also involve the World Trade Organization (WTO) Convention on IP rights. The WTO agreement, covers IP issues i.e. Trade Related Aspects of Intellectual Property Rights (TRIPS). IPR violation is a barrier to foreign direct investment in Pakistan

## 10. IPR Branch

The concerned courts of IPR cases are Special Judge (Central), Senior Civil Judge, Civil Judge, Judicial Magistrate and Allaqa Magistrate of the concerned districts.

## 2.4. Government's Resolve

a. Combating IPR crimes for the purpose of developing the local industries is one of the priorities set out by the Government of Pakistan
b. As a first step, IPO-Pakistan was created under Intellectual Property Rights Ordinance 2005.
c. Copy Right Ordinance 1962 was placed on the Schedule of FIA.
d. Enforcement of IPR Laws became essential.

# 3.0. ANTI-NARCOTICS FORCE (ANF)

## 3.1. Introduction

The Anti-Narcotics Force is a Federal Executive bureau of the Government of Pakistan, tasked with combating the narcotics smuggling and use within Pakistan. ANF works under umbrella of Pakistan Army and Ministry of Interior and Narcotcs Control. Due to misconception on Section 4 of ANF ACT 1997, the force's head consisted the active-duty general officer of Pakistan Army. Although the law prescribes that any competent person may be appointed as Director General.

The ANF is a civil law enforcement agency and its members are conferred powers of Police officers and thus governed by the Police order 2002, currently in force. Currently, because the administration includes only military personal not acquainted with civil laws or court procedures, the bureau has the highest dropout rates of employees of all the Government departments.

The Eighteenth amendment in the Constitution of Pakistan 1973 also has abolished the dangerous drugs topic from the concurrent list and hence the legal existence of Anti Narcotics Force at the Federal Level in under debate and consideration to be devolved to the Provincial setups.

As the primary drug law enforcement agency, the ANF collects intelligence and is responsible for arrests, investigation and prosecution of offenders. It is also involved in seizures of drug-generated assets and curbing of money-laundering. The ANF is also responsible for demand reduction programs. Powers to carry out counter narcotics operations have been delegated by the ANF to the Pakistan Coast Guard and Pakistan Rangers.

The Anti Narcotics Force (ANF), the primary drug control agency in Pakistan, collects and publishes annual statistics on drug related crime. Several changes in the Pakistan penal



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code have had positive implications for the prosecution of drug related cases. ANF's conviction rate has improved over the last few years and stood at 8 percent in 2006.

The existing resources (staffing and finances) available within the ANF are not adequate to interdict the movement of these drugs in a wide geographical expanse. The ANF has a vast area of responsibility. Pakistan has over 2,500 km of porous border with Afghanistan and approximately 900 km with Iran. This is in addition to the 1,062 km long coastal belt and a 1600 km border with India. There are seven official border entry / exit points in addition to eight international airports, three seaports and 11 dry ports. The ANF has a round the clock presence at all the international airports and seaports; however, the dry ports and border entry / exit points are checked by the ANF at random and on the basis of intelligence received. The ANF's border control responsibility is shared with other law enforcement agencies including Frontier Corps Balochistan and NWFP, Punjab and Sindh Rangers, Pakistan Customs and Pakistan Coast Guard. The importance of inter-agency cooperation can therefore not be over-emphasized. At times, Pakistan's narcotics interdiction efforts are impeded due to border forces being heavily committed on counter-terrorist operations.

## 3.2. Salient features of mandate given to ANF are as under:

- To inquire, investigate and prosecute all offences related or connected with intoxicants, narcotics and precursors.
- Trace and freeze the assets.
- Coordinate elimination and destruction of Poppy cultivation.
- Provide assistance to other law enforcement agencies and share information with all national and International agencies on drug related matters.
- Arrange and coordinate training of own staff and members of other law enforcement agencies related to narcotics.
- Maintain liaison with all international narcotics control authorities and represent Pakistan in conferences and seminars.
- Perform any other related functions that may be assigned by the Federal Government.

## 3.3. FUNCTIONS OF ANF

- Conduct of drug law enforcement operations through its field component and subsequently ensuring culmination of law enforcement operational cycle through legal proceedings.
- Investigation, freezing, litigation, legal disposal of assets acquired with drug money.
- Launching of yearly campaigns by relevant Regional Directorate(s) to eliminate/destroy Poppy cultivation.
- Training of own and other law enforcement agencies' students in Anti Narcotics Force Academy.
- Acting as leading drug law enforcement agency, heads the Inter Agency Task Force that comprises all relevant law enforcement agencies.
- Has signed Memorandum of Understanding with numerous countries and works in close coordination with their drug law enforcement agencies.
- All above functions are conducted in coordination with relevant Directorates in Headquarters Directorate General Anti Narcotics Directorate.



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Anti Narcotics Force has a strategic role in fight against the drugs. Specific responsibilities have been given by the Federal Government through SRO 787(I)/2004 dated 16 September 2004 to Anti Narcotics Force, Provincial Excise and Police Departments, Customs Department, Frontier Corps (Balochistan), Frontier Corps (Khyber Pakhtunkhwa), Pakistan Rangers (Sindh), Pakistan Rangers (Punjab), Coast Guards and Maritime Security Agency to exercise powers and perform functions under Sections 21, 22, 23, 37(2) and 38 of Control of Narcotic Substances Act, 1997 (XXV of 1997) within the areas of their respective jurisdiction.

## 3.4. ANF Intelligence and Investigation

There are distinct stages for Investigating a case.

### Stages

Assets of the convicts in narcotics cases are confiscated in favour of Federal Government through following stages usually:-

- **Tracing:** Finding out the true sources, disposition, movement or ownership of assets and includes determining the movement or conversion of assets by any means.
- **Freezing:** Prohibiting by an order made by the Special Court or an officer authorized under CNS Act 1997 the transfer, conversion, disposal or movement of any assets and includes the holding, controlling, assuming custody or managing any assets in pursuance of such order and, in the case of assets which are perishable the disposal thereof
- **Forfeiture:** Forfeiting of asset /property in favour of Federal Government.
- **Realization:** On finalization of forfeiture of assets and execution petition, the assets are realized in favor of Federal Government.

## 3.5. LAWS OF ANF

Assets Investigation is conducted under relevant sections / provisions provided by the following laws:-

- Control of Narcotics Substance Act, 1997
- Anti Narcotics Force Act, 1997
- Criminal Procedure Court 1898
- Anti Money Laundering Act, 2010
- Prevention of Smuggling Act, 1977

## 3.6. ANF's Role in Fighting the Menace of Drugs

All over the world, millions of people are drug addicts due to various reasons like, depression, injustice, bad company, poverty and lust of becoming rich through shortcuts. Some of the people involve themselves in drug trafficking and do not even care about the strictness of the respective country's laws.

Such people ultimately proceed to heaven as a result of extensive usages of drugs or courts' awards. According to UN Office on Drugs and Crime (UNODC) nearly 200 million people are using illicit drugs such as cocaine, cannabis, hallucinogens, opiates and sedative hypnotics worldwide. UNODC with help of local forces has, over the years, been actively involved in launching campaigns to mobilize support for drug control.



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In this regards, the joint action teams comprises of the local agencies and UN representatives encourages people in society to actively take part in these campaigns. It is pertinent to mention that 40% of total narcotics and drugs produced in Afghanistan are trafficked through Southern Route (Pakistan) while 25% are trafficked through Northern Route i.e. Central Asian Republics (CARs). The earned money is also being used in fomenting regional terrorism. Many TTP leaders and brother of Hamid Karzai, Afghan president were also allegedly involved in drugs trafficking. The world community In December 1987 through UN General Assembly has decided to observe June 26 as the International Day against Drug Abuse and Illicit Trafficking. In this regard, objective has been set for the member's countries to make efforts to create an international society free of drug abuse. This resolution recommended further action with regard to the report and conclusions of the 1987 International Conference on Drug Abuse and Illicit Trafficking. The general assembly has also decided that to address drug issue politically since criminals of many countries involved in drug business.

Due to the regional dynamic, Pakistan remained very prostrate to drugs mafia since its inception and as result of poor security environment due to Afghan crises. Therefore, being a responsible nation, our government has raised Anti Narcotics Force (ANF) in 1995 by combining Anti Narcotics Task Force (ANTF) and Pakistan Narcotics Control Board (PNCB).

Notably, Pakistan Narcotics Board (PNB) was set up in 1957, in the Revenue Division in order to fulfill Pakistan's obligations under the International Opium Convention of 1925. Pakistan Narcotics Board (PNB) comprised representatives from the Provincial Governments and some Federal Ministries and Divisions. Pakistan ratified the Single Convention on Narcotics Drugs, 1961 on 15th August, 1965. With a view to meet its obligations under the said Convention, the Government of Pakistan, through a declaration of 8 March, 1973, reorganized the PNB as Pakistan Narcotics Control Board (PNCB). The Anti Narcotics Task Force (ANTF) was established in December 1991. In February 1995 ex PNCB and ANTF were amalgamated to constitute the Anti Narcotics Force. The operational strength of ANF is just 1,974. On average, one person seized over 126 kgs contrabands in 2013.

The ANF draws strength from local laws, UN Conventions against illicit Trafficking in Narcotic Drugs – 1961, UN Conventions against illicit Trafficking in Narcotic Drugs and Psychotropic Substances – 1971 and 1988 and Memorandum of Understanding (MoUs) – Pakistan has signed MoUs with 30 Countries for fighting the menace of drugs.

These contributions of ANF really produced excellent results through effective monitoring and evaluation mechanism. In this regard institutions like National Anti-Narcotics Council (NANC), National Narcotics Control Committee (NNCC), and Senate Standing Committee on Interior & Narcotics Control, National Assembly Standing Committee on Interior & Narcotics Control, Inter Agency Task Force (IATF), Planning and Monitoring Unit (PMU) closely watch and ensure the implementation of National ANF Policy

ANF being the lead agency to control and eradicate drugs from the country has three fold strategies, which includes supply reduction, demand reduction and co-ordination at national and international levels. The Supply Reduction Strategy Includes dismantling of drug trafficking networks, limiting the smuggling, trafficking and distribution of Narcotics in the country and strict control on movements of Precursor Chemicals through an elaborated precursor control regime.



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The Demand Reduction Strategy includes reducing the demand of illicit drugs through awareness programmes, preventive education, treatment and rehabilitation programmes.

International Cooperation Strategy includes enhancing international cooperation in fight against drugs by maintaining liaison with all national and international narcotics control authorities such as UNODC, International Narcotics Control Board (INCB), Interpol, Drug Enforcement Agency (US), Serious Organized Crime Agency (UK) etc. ANF also represents Pakistan in international conferences, seminars & workshops as lead Anti Narcotics Agency.

To implement the strategies in true letter and spirit, ANF has prepared "Drug Abuse Control Master Plan 2010-14". In this regard, the force achieved tremendous results with regards to seizing, arresting smugglers and assisting drugs addicted in their rehabilitation phases.

During seizing operation ANF arrested 45 foreigners who were involved in drugs trafficking. In year 2013 the force employees displayed greater sense of responsibility while making significant dent in major drug trafficking organizations by apprehending important members of these networks. The number of drug cases registered remained almost the same (693 in 2012 and 692 in 2013) however number of drug traffickers arrested was 10.2% higher than 2012. The total numbers of persons arrested in 2013 were 796 as compared to 722 in 2012.

On timely and real-time information sharing by ANF in 2013, six countries of the world have seized 362 kgs of heroin, 15 kgs of cocaine, 15 kgs Crystal and 5100 Diazepam tablets as compared to only 139.926 Heroin and 9.3 kg Hashish in 2012.

International Controlled Delivery (ICD) Operations initiated by ANF resulted into seizure of 50 kg heroin, 3000 Kg hashish and 1000 kg Cocaine in different parts of the world in the year in question, far greater than the 2012 statistics of ICD operations when the seizure of heroin was 30.84 kgs. Number of foreigners arrested inside Pakistan also rose from 42 in 2012 to 47 in 2013. ANF also assisted 26 other international drug law enforcement agencies of the world in 2,040 various international enquiries in 2013 as compared to 914 enquiries in 2012 – a marvelous 123% increase from the cooperation in 2012.

During year 2013 the ANF destroyed Hashish 83456.49 Kgs , Opium 26452.96 Kgs, Heroin 10911.79 Kgs , Morphine 4958.52 Kgs, Ephedrine 24.90 Kgs, Cocaine 0.098 Kgs, Morphine Injections 16204 Nos, and Acetic Anhydride 479.95 litres.

The major operation has been launched poppy cultivation zones of Pakistan where worth millions of rupees poppy crops have been destroyed. Whereas, in Afghanistan the production of poppy and drug trafficking have been remained very high. According to current research of "The Afghanistan Research and Evaluation Unit's (AREU)" 36 percent reported increase in 2012-13 follows the 18 percent increase between 2010-11 and 2011-12, and has produced what the United Nations Office on Drugs and Crime (UNODC) calls a "sobering" record high level.

In short, Anti Narcotics Force of Pakistan is a multi-faceted force, recognized internationally for being professional, and has shown excellence in every mandated task in the last year. Led by professionals and owned by its dedicated members, Anti Narcotics Force, no doubt, stands prominent amongst world's leading drug law enforcement agencies. The credit goes to each and every member of the force working in whatever capacity, fighting the menace of drugs wholeheartedly throughout the year and making year 2013 a huge success. At the end the country benefited, the world benefited, the mankind benefited!



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