**Crimes against People and Property**

**Introduction:**

Actus Reas: means the “guilty act” meaning the act of physically committing a crime.

Mens Rea: meaning the “guilty mind” and means when you have the intent in committing an offence.

Types of Mens Rea:

Direct Intention: Say someone plans to kill someone and they manage to complete it. They had direct intention to kill that person.

Indirect Intention: Someone plans to burn down a flat to scare someone but accidently kills her instead.

Recklessness: Someone is speeding and hits someone that would be recklessness because they are not thinking about the possible consequences

Coincidence: Someone steals something, and you were one of the people there when the item got stolen that would be a coincidence

Transferred Malice: Say someone was shooting at someone trying to kill them but accidently shot an innocent bystander instead and killed them that would be transferred malice.

Strict Liability: This is when you commit a speeding crime and get caught with CCTV and they can see it was you that would be Strict Liability meaning you cannot appeal it at all and can have no defence for it.

**Fatal Offences:**

Corporate Manslaughter: refers to the offence of causing death resulting from breaches of duty of care within a company or organisation. In the UK, this is regulated by the Corporate Manslaughter and Homicide Act of 2007 under section one which defines that any organisation can be held liable for deaths caused by its management shortcomings. Corporate Manslaughter doesn’t blame individuals for the deaths caused but the whole company is at fault.

Involuntary Manslaughter: When someone accidentally causes the death of another, usually by acting carelessly or recklessly, it is known as involuntary manslaughter. This offence is covered by common law in the UK rather than a specific statute. In general, there are two primary categories: gross negligence manslaughter, which occurs when there is a serious breach of a duty of care, and constructive manslaughter, which occurs when death is the result of an illegal act. Both kinds need proof that the defendant's actions were sufficiently blameworthy to sustain a manslaughter conviction.

Voluntary Manslaughter: When someone purposefully kills another but does it in a way that reduces the crime from murder to manslaughter, it is called voluntary manslaughter. Loss of control, diminished culpability, and unlawful conduct manslaughter are the three primary defences that are frequently used in the UK, where it is considered a less serious crime than murder. Common law provides the majority of the framework for voluntary manslaughter; however, statutes like the Coroners and Justice Act 2009, which specifically address the loss of control defence, also have an impact. The most important thing is that the defendant acted in a way that lessens moral culpability even though they intended to murder or seriously hurt someone.

Murder: The unlawful killing of another person with the aim to kill or seriously injure them is known as murder, which is a serious criminal offence. The common law definition of murder in the UK distinguishes it from manslaughter by requiring the presence of malice aforethought, which indicates that the accused had a planned intent to kill or do great bodily damage. The Homicide Act of 1957 and the Coroners and Justice Act of 2009, for example, contain statutory provisions that address particular issues of the law surrounding murder, such as the standard for demonstrating intent and the defence of reduced responsibility. A mandatory life sentence is usually imposed upon a murder conviction.

**Non-Fatal Offences:**

Common Assault: is a criminal act that involves an intentional or reckless application of unlawful force to another person, or the threat of the same, in circumstances where that other person is in fear of receiving immediate harm. Injury is not essential—it covers everything from threatening gestures to minor physical contact, such as pushing or slapping. The key element is the victim's perception of imminent harm.

Battery: can be defined as an instance when unlawful physical force is applied intentionally or in a reckless manner to another person without a person's consent. There must be actual physical contact, although the contact can be slight, since hitting, punching, or even slapping also constitutes battery. Both Assault and Battery are included under one Section, Section 39 of the Criminal Justice Act 1988, in England and Wales.

Actual bodily harm [ABH]: is any criminal act where, by an assault or battery, more than minor physical harm results to a victim, such as bruises, cuts, or any other kind of injury considered to be more than trifling. Force is applied intentionally or in a reckless way, and those injuries are inflicted. ABH, in England and Wales, is under the purview of Section 47 of the Offences Against the Person Act 1861.

Grievous Bodily Harm (GBH): is a serious criminal offense involving intentionally or recklessly causing severe physical harm to another person, such as broken bones, deep wounds, or life-threatening injuries. GBH can be charged under Section 20 (reckless) or Section 18 (intentional) of the Offences Against the Person Act 1861 in England and Wales. Section 18 carries a more severe penalty due to the requirement of intent.

Malicious Wounding: is a criminal act of an intentional or reckless causing of serious injury, specifically causing a break in the skin—a wound—or other serious injury to another using a weapon or any other means likely to cause injury. This is an offense under Section 20 of the Offences Against the Person Act 1861, and it is often charged coupled with GBH because there is an infliction of serious injuries but not to the extent of proving an intent to cause the most serious harm.

**Theft Offences:**

**Burglary:**

According to the stealing Act of 1968, a burglary is when someone enters a building illegally with the intention of committing a crime, mainly stealing, but it can also include offences like assault or criminal damage. It may happen when someone enters with the intention of stealing or when they steal something. Forced or unapproved entry is possible. While non-dwelling burglary usually carries a maximum sentence of 10 years, dwelling burglary has a maximum sentence of 14 years. The intent to conduct a crime is sufficient for a burglary accusation, even if nothing is taken

**Robbery:**

Robbery is a theft offence in which someone's property is taken by force or the threat of force. Because it involves violence or intimidation, it is a more serious crime than theft. It is a crime of both theft and assault since the victim must be physically hurt or intimidated immediately during the steal. The maximum penalty for robbery is life in prison; the severity of the punishment is determined by the victim's injuries and the amount of force employed. The use of force makes it a far more serious violation than ordinary theft, even if the stolen property is not valuable.

**Making off without Payment:**

According to the Theft Act of 1978, making off without payment is when someone purposefully departs without paying for goods or services they have received, knowing that payment is necessary and planning to do so indefinitely. Situations like as leaving a restaurant, hotel, or petrol station without paying are usually covered by this crime. In contrast to theft, it involves the authorised acquisition of goods or services but the dishonest avoidance of payment. If convicted in a Crown Court, the maximum punishment for stealing money is 2 years’ imprisonment.

**Handling stolen goods**

According to the Theft Act of 1968, handling stolen items entails knowingly obtaining, holding, selling, or helping to dispose of stolen things. When handling the commodities, the individual must have known or suspected that they were stolen. This is a significant violation since it creates a market for stolen goods, which makes it easier for theft to continue. Because handling stolen items contributes to criminal activity, the maximum penalty is 14 years in jail.

**Obtaining Property by Deception**

Previously defined under the Theft Act of 1968, obtaining property by deceit entails dishonestly obtaining property by making a false claim with the intention of misleading the owner. Lying about one's identity, situation, or intentions to get cash, merchandise, or other assets could fall under this category. This offence had harsh penalties, reflecting its reliance on dishonesty to unlawfully obtain property, even though it was replaced by fraud offences under the Fraud Act 2006.

**Obtaining Services by Deception**

Under the Theft Act of 1978, obtaining services by deception meant dishonestly obtaining services, such transportation, lodging, or utilities, by making a false claim with the intention of evading payment. The Fraud Act of 2006 replaced this offence; however, it brought attention to the use of deceit to get services for which one does not have a legitimate claim. The value of the services and the specifics of the crime determined the penalties.

**Fraud offences:**

**False Representation:**

Section 2 of the Fraud Act 2006 defines fraud by false representation as when a person dishonestly makes a false representation with the intent to gain for themselves or another, to cause loss to someone else, or to expose them to a risk of loss. The portrayal, whether in words, conduct, or writing, must be false or misleading. One example is using someone else's credit card without permission and falsely claiming to be authorised. This crime carries a maximum punishment of ten years in prison or an infinite fine.

**Failing to disclose information:**

According to Section 3 of the Fraud Act 2006, fraud by failure to disclose occurs when someone dishonestly withholds information that they are legally obligated to share with the intention of benefiting oneself or harming another person. One example would be failing to disclose to your car insurance company that you have penalty points on your driver's license when you apply for a policy. The maximum penalty for this offence is ten years in prison or an infinite fine.

**Obtaining goods and services dishonestly:**

According to Section 11 of the Fraud Act of 2006, dishonestly obtaining services is when someone obtains services for which they must pay by lying or acting dishonestly with the goal of not paying. This can involve deception to avoid paying for expert services or using a fake credit card to access a subscription service. The maximum penalty for the offence is five years in prison or an endless fine.

**Ponzi Schemes:**

When returns are provided to previous investors using the funds of more recent investors rather than from profits made from the running of a legal firm, this is known as a Ponzi scheme. The plan is unsustainable overall since it depends on an ongoing stream of new investments to pay returns to previous investors. Ponzi schemes are prohibited under multiple fraud laws, including the Fraud Act 2006, and anyone implicated can face serious penalties, including long prison sentences and fines. The strategy eventually collapses as it becomes difficult to recruit enough new investors to pay returns, leading to losses for those at the bottom of the pyramid.

**Boiler Room:**

High-pressure sales techniques are employed in boiler rooms, a form of investment fraud, to persuade victims to purchase fraudulent or non-existent stocks, shares, or other financial instruments. Usually working from call centres, the scammers approach prospective investors with unsolicited calls and try to convince them to purchase expensive or worthless stocks. According to multiple fraud laws, such as the Fraud Act of 2006, boiler room schemes are prohibited, and individuals who engage in them risk harsh punishments, such as fines and jail time. These frauds are based on lies and manipulation, and when the plan fails, victims frequently lose a large sum of money.

**Business Related Fraud:**

Crimes like bribery, corruption, and the use of counterfeit currency are all considered forms of business-related fraud. Bribery is when someone proposes, provides, or receives money to sway other people's business decisions. Corruption is the misuse of authority for one's own benefit, frequently in business or government transactions. The creation or use of counterfeit currency to defraud others is known as counterfeit money fraud. These acts are prohibited by several laws, such as the Fraud Act 2006 and the Bribery Act 2010, and those who commit them risk harsh punishments, such as lengthy jail terms and hefty fines. These kinds of fraud damage companies and results in large financial losses.

**Criminal Damage:**

**Aggravated Criminal Damage:**

According to Section 1 of the Criminal Damage Act of 1971, aggravated criminal damage is when someone wilfully damages or destroys property while also intending to risk life or knowing that their acts could cause injury. This can include destroying automobiles, setting property on fire, or vandalising structures with the intention of hurting other people. Compared to ordinary criminal damage, aggravated criminal damage is more serious and carries harsher penalties, up to life in prison if found guilty. It illustrates the additional risk that the offender's activities posed, particularly if doing so might have put life in danger.

**Arson:**

According to Section 1 of the Criminal harm Act of 1971, arson is the deliberate or careless setting of property on fire that results in harm or the threat of injury. This may entail igniting houses, cars, or other objects, which could result in fatalities or serious damage. Arson is a serious felony that carries a life term in prison if it puts someone's life in danger. Given the significant harm and danger that flames can inflict on people, property, and the environment, arson entails harsh penalties even in cases when no life is in danger.

**Aggravated Arson:**

According to Section 1 of the Criminal Damage Act of 1971, aggravated arson is when someone intentionally sets fire to property knowing that their acts could endanger life. This type of arson is more severe since it endangers life in addition to causing property damage. Given the seriousness of the crime and the possible harm resulting from the wilful or careless risk of life by fire, a conviction for aggravated arson carries a life imprisonment sentence.

**Vandalism:**

According to the Criminal Damage Act of 1971 Section 1, vandalism is when someone wilfully or carelessly destroys or damages another person's property without that person's consent. This can involve doing things like smashing windows, damaging cars, or spray-painting graffiti on walls. Vandalism entails penalties, such as fines or incarceration, even though it is typically seen as a less serious violation than arson or aggravated criminal damage. The amount of damage and the specifics of the offence determine how harsh the punishment will be. Property owners suffer from vandalism, which can sometimes result in expensive repairs.

**Analysis of Scenario’s:  
  
Scenario 1: Tom and Bill work for “Sanders”, a building company. They are told by their foreman, Pete, to hoist some bricks up onto the scaffolding. As they do so, the rope breaks and Tom falls to the ground. He dies from his injuries.**

Section 1 of the Corporate Manslaughter and Corporate Homicide Act of 2007 applies in this case since Tom passed away because of dangerous working conditions at "Sanders." The size of the business determines the sanctions for this infraction. They range from £540,000 to £2,800,000 for more serious situations (Category A) and from £350,000 to £2,000,000 for less severe cases (Category B) for small businesses. Although the corporation was at fault, Tom's experience may have lessened the degree of negligence, therefore I would go for a Category B fine. This occurrence may result in enhanced safety procedures and training for the organisation. But it may also cost them contracts, damage their reputation, and result in job losses. This provides some justice and acknowledges the company's shortcomings for Tom's family. Unfortunately, no punishment can reverse the preventable death toll.

**Scenario 2: Mary is 90 years old and is suffering from dehydration. She is admitted to her local hospital, but because of lack of staff on the ward, she is given a jug of water on her bedside cabinet, which she cannot reach. No intravenous drip of fluids is inserted to aid her recovery. She dies three days later.**

Corporate manslaughter, which occurs when a company's extreme negligence results in someone's death, is the crime in question. Section 1 of the Corporate Manslaughter and Corporate Homicide Act of 2007 addresses this violation and holds companies accountable for their failure to provide adequate care for their employees.  
  
The severity of the situation determines the penalties for corporate manslaughter. The range of fines for a Category B case is £3,000,000 to £12,000,000. The fine range for a more serious Category A case is £4,800,000 to £20,000,000. Because of the significant degree of carelessness involved, the hospital's negligence in this case lasted for three days, making it a Category A crime.

Since the issue was not resolved for several days, I would categorise this as Category A if I were deciding on the punishment. To demonstrate how serious the failure was and to pressure the hospital into making significant improvements, a hefty fine would be required.  
  
One positive result for the hospital could be that they would develop new policies, increase their workforce, and enhance patient care to prevent such issues. However, there are drawbacks as well, like financial loss from fines, harm to company brand, and increased expenses for system improvement and employee training.

Good outcomes for Mary's family could include receiving payment, witnessing justice being done, and the hospital acknowledging their errors, which could provide some solace. The greatest drawback is Mary's death, which neither money nor penalty can undo.  
  
This example demonstrates the dire consequences of subpar treatment and the importance of organisations acting responsibly and providing adequate care for those who are most in need.

**Scenario 3: Michael, a supervisor in a factory, raises his fist behind James as though to hit him, but then walks away. James is told by a colleague what has happened and in retaliation James begins a series of silent phone calls to Michael’s work extension, which make Michael afraid.**

Here, the offenses involved are common assault and silent call phone call. Under the minute effect, these come under Criminal Justice Act 1988, Section 39 which contains minor assaults along with other associated conducts.

These carry a maximum sentence of up to 26 months in prison for the most serious incidents-simple to most serious, referred to as Category 1. Because no direct threats were made in this circumstance, it would likely fall in the less serious cases, Category 3, whereby sentencing might be reduced to a fine instead of jail.

Category 3 would be my verdict because there were no threats involved, and the amounts taken were less. A fine in this regard would be more applicable since it keeps the offender responsible for his actions but does not incur undue harshness for a comparative minor action.

Some positives for the offender of a lighter sentence include that they will not have to suffer a more serious sentence, they have the opportunity to rehabilitate, and they will not likely act out the same behaviour again. On the other hand, some negatives include that they now have a criminal record, which might prohibit them from pursuing jobs in specific fields such as teaching, receiving any visa to travel to certain countries may be problematic, and they may even lose their current job.

The positive outcome for the victim would be that he feels safer, knowing that justice has been served. The sentence proves that the offender's actions were wrong. In contrast, the victim may still feel paranoid or concerned about any future actions and may also feel that the sentence was not hard enough.

This situation also proves that dealing with even minor offenses should be carried out fairly, with an appropriate balance of accountability and the opportunity for the offender to learn his lesson and modify his behavior.