

### Chapter 1 : Center for Problem-Oriented Policing | Problem Guides | Financial Crimes Against the Elderly

*A former Pine Island woman charged with withdrawing \$48, from the bank account of a vulnerable adult made her first appearance Thursday in Olmsted County District Court. Rita Marie Rose,*

After talking to the officer s who were the first ones on the scene and learning from them of any changes that might have been made to the scene since their arrival, such as turning lights on or off or opening doors or windows, start the examination by working your way into the body using great care to avoid disturbing or destroying any evidence as you do. Carefully observe the floor or ground surrounding the body. Look for items of evidence or of evidential value such as stains, marks, etc. Remember to look up too, every crime scene is 3 dimensional. Another technique to you assist in locating evidence is to shine a flashlight on the ground at an oblique angle. Yes, even in the daytime. Look at the items as they are located. Pay close attention to everything as you approach the body at this time, do not dismiss anything until its evidentiary value can be determined. Are there any footprints or drag marks? Is there anything on the floor or ground that may be stepped on or destroyed? Only one investigator at a time should approach the body! Determine what, if anything, has been moved or altered by the suspect s or anyone else prior to your arrival. Has the body been moved? If so, by whom and for what reason? Never move or alter the positioning of the body! Make close visual examinations of the body and the area immediately around it. Look between the arms and legs without moving them. Look at the arms, hands and fingers. Are there defense wounds? Is there anything under the nails that you can see at this time? If you can, try to determine the cause of death and the instrument or method used. Take careful notes of the external appearance of the body and the clothing or lack of clothing. Look at or for lividity, decomposition, direction of blood flow patterns, remember the law of gravity. Is the blood flow consistant with it? Describe the clothing, and especially the condition of the clothing. Do folds or rolls indicate the body had been dragged? If so, in what direction? Note those folds and rolls, diagram them then photograph them. They could assist you in determining the method of transportation or placement of the body at the location where it was found. There could be trace evidence in the folds and rolls too. Describe the location and appearance of wounds, bruises, etc. Make careful and detailed observations. Describe not only what you see, but also what you do not see! Forget about what you think you see! If something is missing, note it. For example, if you observe an area on the wrist that is not tanned by the sun, note it. DO NOT state that a wristwatch is missing. What if the victim had an I. Examine the scene for the presence and absense of blood. If any is located, note the amount, size and shape of the drops and degree of coagulation or separation of it. Photograph it using a scale and always taking the pictures from a 90 degree angle. At this time, you should be making a sketch of the scene. It can be a rough, freehand sketch drawn on a blank piece of paper or in your notebook. You should include in the sketch things like the location of all doors, windows, furniture, the victim and anything else you feel it is necessary to document. A sketch should be made in all murder cases and any other case involving a death where there is any question of cause or at the discretion of the investigator. Measurements can then be made of the location to show the size of the area drawn, the width and height of doors, windows, tables, the bed or any other items needed. This will also geographically locate the victims body and items of evidence within the scene. Photos of the scene can give a distorted view of the relationship of the body to other fixed objects due to camera angle, size of lense, lighting, etc. To accurately depict the scene it is possible to use photos in conjunction with the finished diagram. Something to keep in mind about the sketch is this, you should have enough information in it so you could give it to another investigator and that person would be able to complete a finished diagram without the need to revisit the scene. Photographs The investigator should have the photographer, if one is available, or, if not that lucky, then the investigator himself should ensure that; Overall photos of the scene are taken to show the approach to the area, street signs, street light locations in relation to the actual scene, street addresses and identifying objects at the scene. Pictures should also be taken of every room in the house, even if their relationship to the crime scene is not readily apparent. Photograph the scene from at least 2 opposite corners, but from all four corners is even better. This way, nothing is missed or hidden from view by intervening objects. Photograph the body and the

immediate vicinity around the body. If you have a camera boom, take pictures from ceiling height down of the victim and any other evidence. This perspective often shows things missed when viewed from ground or eye level. Keep a photo log. Another idea to keep in mind when photographing the exterior of an indoor scene or an exterior scene is to take photos of the spectators who are standing around watching the activities. Many times the perpetrator will return to observe the actions of the police or fire personnel. This seems to be especially true in arson cases. Additionally, photos may help identify reluctant witnesses who can be identified and interviewed at a later time. Once the photos are taken, the investigator should now make a detailed examination of the victim. The presence or absence of blood, saliva, vomit, lung purge, their direction and flow. The best idea is to begin at the head and work down to the feet. Look for cuts, bruises, stab wounds or bullet holes. Document maggot activity if present. When the body is moved, check the underside of the body for wounds and underneath the body for items of an evidentiary value. Record the temperature of the body, the surface it is laying on, and the interface area between the two. Obtain the ambient temperature. If a maggot mass is present, take the temperature of the mass. Do not attempt to learn the victims identity by going through the pockets of the victims clothing. Identification photos and finger and palm prints should be taken at the Medical Examiners office too. In some jurisdictions these things can be done at the scene. If the Medical Examiner is comfortable with the competency of the crime scene investigators or if their forensic investigators are present to observe and document the actions of the crime scene investigators, some Medical Examiners will not have a problem with these things being done at the scene. Notifying the Medical Examiner The crime scene investigator, the detective or the supervisor on the scene should notify the medical examiner of the type of death case they are investigating. Since the determination of cause and manner of death often depends on the evidence recovered at the scene, the Medical Examiner may elect to respond to the scene personally or send one of his forensic investigators in his place. A relationship of trust and honesty is essential. Since any investigation requires a team effort, steps must be taken to ensure that a harmonious atmosphere is in place and remains that way. There are certain notifications that must be made during the preliminary investigation. The Medical Examiners Office should be notified and apprised of the situation as soon as possible after a murder has been discovered. They should also be notified if there is any unattended or suspicious death being investigated. If any change in status in the case occurs, they should be made aware of it. Florida law charges the Medical Examiner with determining the cause and manner of death in any case that he deems necessary, including but not limited to murder, unattended death cases, suicides and cases involving communicable diseases or public health hazards. The prompt notification will also result in the timely arrival of trained professionals who can assist the investigator in the determination of an approximate time of death. Continuing the Search Search the immediate area around the body divide the room into a grid and work outward from the body. Have another investigator retrace your steps and recheck the grids for any missed evidence. Do not touch areas or articles which have the possibility of being processed for latent fingerprints. Expand the search to the remainder of the building or scene. Personal notepads, diaries, phone books and answering machines or the tapes in them are good sources of information. Check the caller I. Missing personal belongings or items that have been moved or removed may provide valuable information. The scope or intensity of the search of the scene depends on the particular situation and the conditions present. It would be difficult to proceed with a detailed examination of a scene without adequate lighting. To do so would probably result in the overlooking of evidence or the destruction of trace or latent evidence. It is impossible to describe all the possibilities which could occur in an improper search of a scene. One final note, be cognizant of someones expectation of privacy or legal standing. If that possibility exists, a search warrant or written consent to search must be obtained. The term "latent" means hidden, not visible.

**Chapter 2 : London violent crime could take 'a generation' to solve - General News - calendrierdelascience**

*crime causation: sociological theories This entry focuses on the three major sociological theories of crime and delinquency: strain, social learning, and control theories. It then briefly describes several other important theories of crime, most of which represent elaborations of these three theories.*

The Home Office minister Victoria Atkins denied that police cuts could be blamed, saying a government study had found no apparent connection between police numbers and earlier rises in violent crime. Mr Khan recently launched an initiative based on the public health approach pioneered in Glasgow. But, speaking on the Radio 4 Today programme, he acknowledged that based on their example, to really make significant progress can take up to ten years. Youre passing the buck Piers Morgan CUTS OFF Sadiq Khan in tense knife crime clash Speaking to BBC Radio 4s Today programme after three males between the ages of 15 and 22 died in stabbing incidents on Thursday, Friday and Sunday, Khan said London had since followed the example of Glasgow, which saw a significant drop in violent crime after establishing a violence reduction unit to treat the problem in a holistic way. But he said the effects would not be immediate. Itll take some time. The reason I know itll take some time is because of the lessons weve learned from places like Glasgow in Scotland, where it took them some time to turn this thing around. Sadiq Khan, the mayor of London, has said turning the capitals knife crime problem around could take up to ten years. Asked how long it might take, Khan said: According to Glasgow â€” and weve got the violence reduction unit in Glasgow helping us â€” to really make significant progress can take up to 10 years, and a generation. Get The International Pack for free for your first 30 days for unlimited Smartphone and Tablet access. The day before Jay Hughes, 15, was fatally stabbed near a chicken shop in Bellingham, south-east London. He insisted that London is a safe global city â€” but the rise in violent crime is unacceptable. Khan said the challenge was to break a wider culture in which the use of knives had become normalised among many young people. The reason why they say this is because they saw in Scotland what were seeing in London, which is children in primary school thinking not only is it OK to carry a knife, but it gives them a sense of belonging, joining a criminal gang. It makes them feel safer, and they dont see anything wrong in getting involved in this sort of behaviour, he said. On the one hand weve got to be tough in relation to enforcement, and thats why weve got officers as part of the violent crime taskforce doing intelligence-led stop and searches, taking knives off our streets, offensive weapons off our streets, guns off our streets, making arrests. At the same time, on the other hand, weve got to be giving young people constructive things to do, investing in youth centres, youth workers, after-school clubs. Khan said efforts had been hampered by a significant drop in police numbers, and a loss of facilities such as youth centres. In London weve had a public health approach in the context of record cuts in policing and public services. Some critics of Khans approach have called for a resumption in routine stop-and-search operations, a tactic which has been used less since Theresa May as home secretary changed the approach amid concerns people were being unfairly targeted. The London mayor said the Metropolitan police had set up a taskforce to target habitual knife carriers in certain areas, which had made more than 1, arrests in six months, and that there had been a wider increase in stop and search. But youll appreciate that because we have fewer officers than any time since at a time when our population is going up, its more and more difficult. Atkins disputed this, saying: As a result of that very intensive piece of work we found that the claim about police numbers isnt supported by the evidence of previous spikes in serious violence. Atkins said the nature of crime is changing, for example with gang activities being organised via social media. When we talk about the nature of crime were taking into account, for example, that the gangs that are behind the vast majority of these murders, are using social media to communicate. Sadiq Khan today said it could take a generation for the bloody knife crime epidemic gripping London to be tackled. The London Mayor said children in primary schools have started carrying knives and to make significant progress fighting the scourge can take up to 10 years. But his comments risk sparking fury from the families of those murdered who have pleaded for an immediate end to the violence. Mr Khan was quizzed about what he is doing to tackle the bloody carnage after four people were stabbed to death in London in the past five days. Sadiq Khan appeared on Good Morning Britain today,

pictured, and said it could take a generation for the bloody knife crime epidemic gripping London to be tackled. It will take some time. I know that because of the lessons we've learnt from places like Glasgow, where it took them some time to turn this round. A woman in her 30s is fighting for her life after being knifed multiple times in Chadwell Heath, pictured, last night. A woman is fighting for her life in hospital after being stabbed multiple times by a man following a row. Police were called to a property in Chadwell Heath, east London, at around 8. A year-old man was arrested at the scene on suspicion of attempted murder following reports of a man and woman arguing in the area. It comes as hundreds more officers are patrolling the streets of London after a week of violence in the capital with four people being killed in knife attacks. London Mayor Sadiq Khan said this morning he has also reassigned more than officers to violent crime from traffic duty following the series of stabbings. They saw in Scotland what we are seeing in London, which is children in primary schools thinking not only is it OK to carry a knife, but it gives them a sense of belonging in joining a criminal gang and it makes them feel safer and they see nothing wrong in getting involved in this sort of behaviour. On one hand, we've got to be tough in relation to enforcement. That's why we've got officers as part of the violent crime task force doing intelligence-led stop and search, taking knives off our streets, guns off our streets, making arrests. At the same time, on the other hand, we've got to give young people constructive things to do, investing in youth centres, youth workers, after-school clubs. Mr Khan blamed the spike in violence on the cuts to police numbers and youth services which have hit London over the past eight years. But Home Office Minister Victoria Atkins denied that cuts to the number of police on the streets had helped fuel the crime epidemic. In the late s there was a similar spike in violence and there were many, many more police officers on the streets in that day and age, she said. Of course, violence has been around as long as human beings have been around, but we have seen " and the Met Commissioner herself has talked about " the ways in which gangs are much more ruthless than they used to be. But Home Office Minister Victoria Atkins file picture denied that cuts to the number of police on the streets had helped fuel the crime epidemic. Gangs are behind the vast majority of these murders, and the gang leaders are using social media to communicate " using mobile communications in a way that 10 or even five years ago simply wasn't possible. We and the police and others have to face up to the reality that criminals are changing their crime types and we have to be able to tackle that. Kyall Parnell was the first victim of London's year of violence, he was stabbed on the night of New Year's Eve. Vijay Patel was beaten to death in January after refusing to buy Rizla cigarette papers for a teenager. A murder investigation was opened in She died at Great Ormond Street Hospital three days later. The year-old was gunned down on February 12 and died at the scene in Barnet, north London. He died outside the former home of Queen frontman Freddie Mercury. He was attacked on 25 February and died in hospital on March Two teens, 15 and 17, charged with murder. A post-mortem found the cause of death was a complex skull fracture 45 David Potter, 50, was found dead inside a house in Tooting High Street on March 26 after suffering from stab injuries. The year-old was initially arrested for murder but cleared of all charges and faces no further action. Russell Jones, 23, became the eighth person in a week to be killed in London in March when he was ambushed outside shops in Enfield 54 Israel Ogunisola, 18, in Hackney after being stabbed, also on April 4. The victim approached police who performed first aid but he died at the scene after 25 minutes. Post-mortem gave cause of death as blunt force trauma to the head. A year-old man also shot went to a north London hospital. Her son Majid Butt, 51, has been charged. A special post-mortem examination gave the cause of death as intra-cerebral haemorrhage. The Romanian national's family revealed that her unborn child also died. Drill rapper Latwaan Griffiths died of stab wounds after he was dumped in a Camberwell street by a moped rider 87 Janek Brakonecki, 57, a Polish national, found critically injured in a car park off Leytonstone High Road on Saturday July 7th. He had been dumped in the street by a moped rider. Joel Urhie was found dead inside the burnt-out shell of his family home in Deptford earlier this month 93 Malik Chattun, 22, from Surbiton, stabbed to death in group fight in Kingston just after 2am on Aug 5. A post-mortem found she had suffered injuries consistent with an assault.

## Chapter 3 : Preventing Crime Scene Contamination

*Approaches to defining crime that take account of these multiple dimensions are known as pluralist conflict theories. From the perspective of cultural conflict, different cultures, ethnic groups, or subcultures compete for dominance.*

The final results of a properly documented crime scene is the ability of others to take our finished product to use in either reconstructing the scene or the chain of events in an incident and our court room presentation. In documenting the scene there are actually 3 functions or methods used to properly document the crime scene. Those methods consist of written notes which will ultimately be used in constructing a final report, crime scene photographs, and a diagram or sketch. Consistency between each of these functions is paramount. Each method is important in the process of properly documenting the crime scene. The notes and reports should be done in a chronological order and should include no opinions, no analysis, or no conclusions. The final report should tell a descriptive story. Each department or agency has a method which they use for written documentation of the crime scene. The importance of sharing information can never be over-looked. This article is intended to share ideas in the area of uniform documentation as an example of the format that is used by my department. We use a narrative section of the report divided it into 5 categories. The categories are summary, scene including a detailed body description if in a death investigation , processing, evidence collected, and pending. The summary would basically give the details of how we were initiated into the investigation. Doe, this writer was requested to respond to assist in processing the scene of an armed robbery involving 4 unknown masked subjects. For further details of this investigation refer to Det. Our summary is brief and does not include a lot of he said, she said information. In the scene section of the narrative we give a detailed description of the scene as it is seen upon our approach. The scene description usually includes anything that is unusual and out of place. Any weather or environment conditions are also included. Again this is a description of what we see not what we think. The Evidence observed, its location, condition, or anything remarkable about the item will be included in our scene description section. This would also correspond to any identification markers used to number or label the items of evidence. These remarks would all be consistent with any numbers, letters, or labels indicated in the photographs, or drawn into a sketch of the scene. The processing section is for our units to describe what we did, if assistance was needed during the processing stages, who we had assisting, and what functions they did. The evidence collection section is to organize what evidence we and others assisting were able to recover from the crime scene, where the items were recovered from, and what part of the lab the items were directed to for analysis. The pending section would be for any known tasks that would need to be completed at a later date in the investigation. Recently I was asked to give an opinion on the crime scene portion of a cold case investigation which had occurred more than 20 years earlier. I agreed to take a look at everything to give my interpretation of the crime scene from the work product. So the reports and pictures were ordered from the original files. When the items came in the mail the report consisted of a one page, one paragraph narrative. The scene photographs consisted of several overall prospective of a wooded area. I could be of no assistance to my fellow college. But the experience best illustrates how important it is to properly use the tools at hand. We are brought in to assist in the beginning stages of an investigation when very limited information is known. We should realize that our work product may need to be viewed extensively by someone years from now for interpretation. The written documentation, photographs, and simple sketch need to tell the scene story. Hopefully by sharing this simple organized method it will be of some assistance to you. He took an exceptionally active part in the science of forensic crime scene investigations, including development of new techniques, publishing methodology of crime scene procedures, and teaching. Mike developed new techniques for gathering and cataloging crime scene evidence including the lifting of fingerprints, vehicle tire impressions, and footwear impressions. He published more than thirty crime scene articles on crime scene evidence collection and for the International Association for Identification and was awarded The Good of the Association Award in for his innovative identification methodology and techniques. He taught crime scene investigation procedures and techniques at police departments around the country and took great pride at instructing smaller Florida police departments in the

latest techniques in evidence gathering. Mike performed the tough detailed oriented forensic work at many major crime scenes and disasters over two-decades. He gathered, processed, and identified the DNA evidence used to convict the Tamiami Strangler for a string of heinous murders in His thoughtful gathering of evidence at the ValuJet crash allowed families to reach closure for the deaths of loved ones. Mike Byrd died after a more than two year battle with multiple myeloma cancer. Articles by Mike Byrd.

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The court will enquire into the financial circumstances of the offender and fix the fine at the level reflecting seriousness of the offence, taking account of the circumstances of the case and the means to pay. Discharge sentencing Discharges may either be conditional or absolute. A conditional discharge is where the court discharges an offender on the condition that no further offences are committed during a specified period up to a maximum of three years. They are used when it is deemed that a punitive sentence is unnecessary. If the offender re-offends during the conditional discharge period, the court can re-sentence for the original offence as well as passing sentence for the latest offence s. An absolute discharge means that, in effect, no penalty is imposed. Such a sentence is likely to be ordered where an offender has technically committed an offence but is morally blameless for it. In both cases, the court may still make ancillary orders such as costs and compensation. A sentence will only normally be deferred where the change in circumstances is such that the punishment will not be necessary, or a lesser penalty will be imposed if the offender complies with the terms of the deferred sentence. The offender must consent to the deferment. Ancillary powers of the courts[ edit ] The courts can make orders which are ancillary to the main sentence. Compensation and restitution orders[ edit ] The courts can make an order that the offender pay a sum of money to his victim in compensation. There is a presumption that the court will make an order in an appropriate case since reasons must be given if no order is made. In the event that the offender still has the stolen property the court will make a restitution order for the return of the goods to the victim. Disqualification from driving[ edit ] Where an offender who is charged and convicted with a driving offence, the courts have the power to disqualify the offender from driving for a certain length of time, which will depend on the type and severity of the offence. There is a mandatory minimum 12 months for drink-driving offences. For previous drink-driving convictions within the preceding ten years, the minimum period of disqualification is three years. The courts also have the power to disqualify offenders for any offence where a vehicle was used in the commission of the offence, for example using a car to commit burglaries in rural areas. Deprivation and forfeiture orders[ edit ] The court can order an offender to be deprived of property he has used to commit an offence. A person convicted of a drink-driving offence can be deprived of his or her vehicle. The Proceeds of Crime Act [26] also gives the courts the power to take from criminals all profits from a crime up to six years before conviction. Young offender sentences[ edit ] The term "young offender" includes all offenders under the age of There are considerable variations in the different sentences available for those under 18, under 16, under 14 and under Offenders under 18 are normally dealt with in the youth court. In a case where a youth is jointly charged with an adult, they will both appear before the adult court, although that court may choose to remit the youth to the youth court for sentencing. The relevant provisions are contained in the Criminal Justice Act , which introduced the sentence to replace borstal training. The minimum period of detention is 21 days. Detention and training orders[ edit ] This sentence was implemented by the Crime and Disorder Act The sentences will be between four months and two years, with part of the sentence being served in custody and part half under supervision the community. The "youth offending team" YOT will draw up a plan of supervision which the offender is required to meet upon his release from custody - failure to do so may result in his being brought back to court and returned to detention. Supervision may be under an officer of the YOT, a probation officer or social worker. For those aged between 10 and 13, this power is only available where the crime committed carries a maximum sentence of at least 14 years for adults. For those aged between 14 and 17, it is also available for causing death by dangerous driving, or for causing death by driving under the influence by drink or drugs. The length imposed by the judge cannot exceed the maximum sentence available for an adult. This is an indeterminate sentence which allows the offender to be released when suitable. The judge in the case can recommend a minimum number of years that should be served before release is considered, and the Lord Chief Justice will then set the tariff. If an offender reaches 22 while he or she is still serving the sentence he or

she will then be transferred to an adult prison. Community orders[ edit ] Community orders can only be given to young offenders aged 16 and over. The same requirements used for adults can be imposed, including an unpaid work requirement, an activity requirement, a prohibited and a curfew requirement. The only exception is the curfew limit which can be imposed from 10 upwards. Attendance centre orders[ edit ] Attendance centre orders are only available to offenders aged 10â€” They involve attendance at a special centre for two hours per week up to a maximum of 36 hours for those aged between 16 and 24, and a maximum of 24 hours those aged 10 to 17. The minimum number of hours is usually 12, but can be less for those aged under 16. The centres used to be run by the police but are now run by the probation service; they are usually held on a Saturday afternoon and will include organized leisure activities and training. An Attendance centre order cannot be made if the offender has served a period of detention prior to the new offence. Supervision orders[ edit ] Those who are 18 and under can be placed under supervision for a period of up to three years, supervision being provided by one of the following: These requirements can be any of the following: Fines[ edit ] The maximum amount that can be fined varies with the age of the young offender. Reparation orders[ edit ] Reparation orders can be imposed on offenders under the age of 17. However, this order cannot be made in combination with a custodial sentence, Community Service order or an Action Plan Order. An order will require the offender to make reparation, as specified in the order, to a person or persons who were victims of the offence, or were otherwise affected by it, or to the community at large. The order is for a maximum of 24 hours and the reparation order must be completed under supervision within three months of its imposition. Discharges[ edit ] Discharges may be used for defendants of any age, and are commonly used for first-time young offenders who have committed minor crimes. The courts cannot conditionally discharge an offender in the following circumstances: Reprimands and warnings[ edit ] Reprimands and warnings are not sentences passed by the court, but methods by which the police can deal with offenders without bringing a case to court. For a reprimand or warning to be given, there has to be evidence that a child or young person has committed an offence and admits it. The police must also be satisfied that it would not be in the public interest for the offender to be prosecuted in court. A reprimand or warning can only be given if the offender has never been convicted of any offence. The first step is the reprimand. This can only be given if the young offender has not been previously reprimanded or warned. Even then, it should not be used where the police officer considers the offence so serious that a warning would be required. Any offender can be warned only if he has not been warned before or if an earlier warning was more than two years before. The child or young offender when warned must be referred to the Youth Offending Team. The YOT will assess the case and, unless it considers it inappropriate to do so, arranges for the offender to participate in a rehabilitation scheme. Parental responsibility[ edit ] If parent of a young offender agree, they can be bound over to keep their child under control for a set period of time up to one year. If a parent unreasonably refuses to be bound over then the court can fine that parent instead. Parents can also be bound over to ensure that a young offender complies with their community sentence order s. Where a young offender under 16 who is fined then the court is required to take the parents financial situation into account in deciding the order. Parenting orders[ edit ] A parenting order is an order under the Crime and Disorder Act 1998. Under such an order a parent can be mandated to attend counselling or guidance sessions for up to three months on maximum basis of one session per week. Also, the parent may be required to comply with the conditions imposed by the courts; for example, [31] taking the child to and from school and ensuring an adult supervises the child after school a court may make decide to make a parenting order where: There is the presumption that penetrating order will be issued to the parents of those under 16 who are committed of an offence unless it is felt as not desirable if so the court must state why. Youth Offending Teams[ edit ] Main article: The aim of their establishment is to co-ordinate and build co-operation between agencies involved in youth justice and especially the probation service and social services. YOTs are responsible for co-ordination of the prisons of the youth justice service in their area. The composition of such a team must include a probation officer, a police officer, a representative of the local health authority and a person nominated by the chief education officer. Anyone else who is deem appropriate may joint the task force. Mentally ill offenders[ edit ] Broadmoor Hospital The law of England and Wales recognises that, so far as possible, mentally ill defenders should not receive punitive sentences, however, they should receive treatment. The courts have a wide array of

power available to them, in addition to the ordinary sentences which can be passed, there are special provisions aimed at treating mentally ill offenders in a suitable manner. The primary additional powers available to the courts are to: The details of such treatments can be found in Section Mental health treatment requirement of the Criminal Justice Act A hospital order will only be made if the condition suffered by the offender make it appropriate that the offender should stay in hospital for the treatment. However, there are some instance where the protection of the public is a key element in issuing a sentence. Under s 41 of the Mental Health Act [34] offenders who have severe mental health problems, who are considered a danger to the public, can be sent to a secure hospital such as Broadmoor Hospital. These issues can only be done through the Crown Court. The order can be if necessary for an indefinite period of time. If the offender has been issued with an indefinite sentence they can only be released with permission of the Home Secretary or following a hearing of the Mental Health Review Tribunal.

**Chapter 5 : Eyewitness Testimony Can Be Tragically Mistaken**

*Joint bank accounts. Under the guise of helping the elder with his or her financial affairs, the offender has his or her name added to the elder's bank account, allowing the offender to deposit, withdraw, or transfer funds.*

It then briefly describes several other important theories of crime, most of which represent elaborations of these three theories. Finally, efforts to develop integrated theories of crime are briefly discussed. All of the theories that are described explain crime in terms of the social environment, including the family, school, peer group, workplace, community, and society. These theories, however, differ from one another in several ways: Strain theory Why do people engage in crime according to strain theory? They experience strain or stress, they become upset, and they sometimes engage in crime as a result. They may engage in crime to reduce or escape from the strain they are experiencing. For example, they may engage in violence to end harassment from others, they may steal to reduce financial problems, or they may run away from home to escape abusive parents. They may also engage in crime to seek revenge against those who have wronged them. And they may engage in the crime of illicit drug use to make themselves feel better. Agnew, however, points to certain types of strain not considered in these previous versions and provides a fuller discussion of the conditions under which strain is most likely to lead to crime. The major types of strain. Agnew describes two general categories of strain that contribute to crime: While strain may result from the failure to achieve a variety of goals, Agnew and others focus on the failure to achieve three related goals: Money is perhaps the central goal in the United States. All people, poor as well as rich, are encouraged to work hard so that they might make a lot of money. Further, money is necessary to buy many of the things we want, including the necessities of life and luxury items. Many people, however, are prevented from getting the money they need through legal channels, such as work. This is especially true for poor people, but it is true for many middle-class people with lofty goals as well. As a consequence, such people experience strain and they may attempt to get money through illegal channels—such as theft, selling drugs, and prostitution. Studies provide some support for this argument. Criminals and delinquents often report that they engage in income-generating crime because they want money but cannot easily get it any other way. And some data suggest that crime is more common among people who are dissatisfied with their monetary situation—with such dissatisfaction being higher among lower-class people and people who state that they want "a lot of money. People want to be positively regarded by others and they want to be treated respectfully by others, which at a minimum involves being treated in a just or fair manner. While people have a general desire for status and respect, theorists such as James Messerschmidt argue that the desire for "masculine status" is especially relevant to crime. There are class and race differences in views about what it means to be a "man," although most such views emphasize traits like independence, dominance, toughness, competitiveness, and heterosexuality. Many males, especially those who are young, lower-class, and members of minority groups, experience difficulties in satisfying their desire to be viewed and treated as men. These people may attempt to "accomplish masculinity" through crime. They may attempt to coerce others into giving them the respect they believe they deserve as "real men. There have been no large scale tests of this idea, although several studies such as that of Elijah Anderson provide support for it. Finally, a major goal of most adolescents is autonomy from adults. Autonomy may be defined as power over oneself: Adolescents are often encouraged to be autonomous, but they are frequently denied autonomy by adults. The denial of autonomy may lead to delinquency for several reasons: Such negative treatment may upset or anger people and crime may be the result. Studies have found that a range of negative events and conditions increase the likelihood of crime. Factors influencing the effect of strain on delinquency. Strainful events and conditions make people feel bad. These bad feelings, in turn, create pressure for corrective action. This is especially true of anger and frustration, which energize the individual for action, create a desire for revenge, and lower inhibitions. There are several possible ways to cope with strain and these negative emotions, only some of which involve delinquency. Strain theorists attempt to describe those factors that increase the likelihood of a criminal response. Among other things, strain is more likely to lead to crime among individuals with poor coping skills and resources. Some individuals are better able to cope with strain legally than others. For

example, they have the verbal skills to negotiate with others or the financial resources to hire a lawyer. Related to this, strain is more likely to lead to delinquency among individuals with few conventional social supports. Family, friends, and others often help individuals cope with their problems, providing advice, direct assistance, and emotional support. In doing so, they reduce the likelihood of a criminal response. Strain is more likely to lead to delinquency when the costs of delinquency are low and the benefits are high; that is, the probability of being caught and punished is low and the rewards of delinquency are high. Finally, strain is more likely to lead to delinquency among individuals who are disposed to delinquency. Certain individual traits—like irritability and impulsivity—“increase the disposition for delinquency. Another key factor is whether individuals blame their strain on the deliberate behavior of someone else. Finally, individuals are more disposed to delinquency if they hold beliefs that justify delinquency, if they have been exposed to delinquent models, and if they have been reinforced for delinquency in the past see below. A variety of factors, then, influence whether individuals respond to strain with delinquency. Unfortunately, there has not been much research on the extent to which these factors condition the impact of strain—and the research that has been done has produced mixed results. Social learning theory 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. According to social learning theory, juveniles learn to engage in crime in the same way they learn to engage in conforming behavior: 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 of crime. 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. 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. The individual eventually takes drugs with them, after which time they stop calling her a coward. 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. 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. Data indicate that individuals who are reinforced for crime are more likely to engage in subsequent crime, especially when they are in situations similar to those where they were previously reinforced. Beliefs favorable to crime. Other individuals may not only reinforce our crime, they may also teach us beliefs favorable to crime. Most individuals, of course, are taught that crime is bad or wrong. They eventually accept or “internalize” this belief, and they are less likely to engage in crime as a result. Some individuals, however, learn beliefs that are favorable to crime and they are more likely to engage in crime as a result. Few people—including criminals—generally approve of serious crimes like burglary and robbery. Surveys and interviews with criminals suggest that beliefs favoring crime fall into three categories. And data suggest that each type of belief increases the likelihood of crime. First, some people generally approve of certain minor forms of crime, like certain forms of consensual sexual behavior, gambling, “soft” drug use, and—for adolescents—alcohol use, truancy, and curfew violation. Second, some people conditionally approve of or justify certain forms of crime, including some serious crimes. These people believe that crime is

generally wrong, but that some criminal acts are justifiable or even desirable in certain conditions. Many people, for example, will state that fighting is generally wrong, but that it is justified if you have been insulted or provoked in some way. Gresham Sykes and David Matza have listed some of the more common justifications used for crime. Several theorists have argued that certain groups in our society—especially lower-class, young, minority males—are more likely to define violence as an acceptable response to a wide range of provocations and insults. And they claim that this "subculture of violence" is at least partly responsible for the higher rate of violence in these groups. Data in this area are somewhat mixed, but recent studies suggest that males, young people, and possibly lower-class people are more likely to hold beliefs favorable to violence. There is less evidence for a relationship between race and beliefs favorable to violence. Third, some people hold certain general values that are conducive to crime. These values do not explicitly approve of or justify crime, but they make crime appear a more attractive alternative than would otherwise be the case. Theorists such as Matza and Sykes have listed three general sets of values in this area:

*A case involving the email account of former Alaska Governor Sarah Palin illustrates how serious it can be to break the laws regarding email privacy and hack into someone else's email account. This case provides a useful example of the law in this area.*

September 22, One of their concerns is that eyewitness testimony in the case had been recanted also concerns cognitive scientists. Others reporting the man who originally implicated Davis was actually the killer. Things happen quickly; the emotional charge of witnessing a crime may keep people from cuing into important details. They pay more attention to a gun than to the face of the person holding it. Often, "the information getting into the memory system is very limited," Zaragoza told LiveScience. The next source of memory uncertainty happens during the investigation. Suggestive questioning can distort memories, Zaragoza said. Each time you relive the crime, either out loud to an investigator or in your own head, that distorted memory is strengthened. In one famous case, year-old college student Jennifer Thompson was raped at knifepoint by an intruder in her bedroom. She went to the police and worked with an artist to draw a composite sketch. In photo, in a lineup and in court, she identified her rapist as Ronald Cotton. What happened to Cotton and Thompson, chronicled in the book "Picking Cotton: Our Memoir of Injustice and Redemption" St. For instance, in his most recent research published in January in the Journal of Experimental Psychology, Chan found that participants who witnessed a crime in the form of watching the Fox TV show "24" and then were asked to describe what they saw were also more susceptible to integrating both true and false information into their memories immediately afterward. Asking people to describe the memory seems to open a window for new learning to occur. Studies have shown that cross-racial identifications a white person identifying a black suspect or vice versa tend to be less reliable. Crucially, witnesses can sometimes feel confident about false memories, Zaragoza said. There are ways to improve the quality of eyewitness accounts, Zaragoza added. It helps to gather testimony early, before memories can become contaminated. There are also guidelines on how to make police lineups as neutral as possible, to avoid subtly influencing a witness to pick the wrong suspect. But as long as criminal trials drag over many years, the potential for memory contamination will still exist, Zaragoza said.

## Chapter 7 : PENALTIES FOR COMPUTER HACKING

*Things happen quickly; the emotional charge of witnessing a crime may keep people from cuing into important details. If there's a weapon, Zaragoza said, people tend to become hyper-focused on it.*

Share on Facebook Felonies and Misdemeanors In all states, crimes are classified as either misdemeanors less serious crimes or felonies more serious crimes. Felonies and misdemeanors differ in significant ways: In general, felonies carry a potential sentence to state prison; misdemeanors, by contrast, involve possible incarceration in a county or local jail. In most states, misdemeanor sentences are not longer than one year, whereas felony sentences are longer. In states that have the death penalty, certain felonies can also result in a sentence of death. A person with a felony conviction may lose the right to vote and may also be barred from serving on a jury. Certain professional licenses may become off-limits, and convicted felons may find it difficult to obtain jobs and housing. By contrast, those with a misdemeanor conviction will not face such serious consequences. This article explains how states assign sentences to felonies. For information on how states do the same to misdemeanor crimes, see Misdemeanor Charges: How States Classify Felony Crimes For purposes of assigning sentences to each felony offense, many states divide felonies into subcategories. Others assign sentences on a crime-by-crime basis, and some use a hybrid approach, as explained below. To get more information in your state, jump ahead to felony classification laws by state. Each subcategory has its own sentence or sentence range. Every statute defining a crime in Missouri identifies the crime by class; once you know the class, you can learn the possible sentence for that offense by referring to the law that sets the sentence for each class. No subcategories Some states, however, do not use subcategories. They simply assign a sentence to every misdemeanor and felony, crime-by-crime. For example, felonies in Pennsylvania are either first, second, third degree, or unclassified crimes. To learn the sentence for a particular first degree crime, you would refer to the statute that states the sentence for all first degree offenses. But if the crime is identified as an unclassified crime, the sentence will be right in the statute defining the offense. The Kansas Grid Kansas has a unique sentencing scheme. Instead of classes or levels, or crime-by-crime designations, Kansas has a complicated grid that takes into account the severity of the particular crime and the criminal history of the defendant. This means that a crime that did not involve heinous facts, committed by a first-time offender, will be punished less severely than the same offense committed in a brutal way by a repeat offender. Federal Felonies Congress has adopted a system for federal felony offenses that is similar to the grid used in Kansas. Judges use these guidelines as a starting point when imposing a sentence. For more about the federal system, see Federal Sentencing Guidelines.

*Crime and Criminality Chapter CRIME AND CRIMINALITY It is criminal to steal a purse, It is daring to steal a fortune. It is a mark of greatness to steal a crown.*

Actions required Representations can be made orally or in writing at any time while a suspect is in police detention or at charge. Representations may be made to: The police officer or member of police staff should accurately record the content and context of the representation in the custody or identification parade record, or in their pocket notebook. The facts or arguments presented by the legal adviser may become a matter of issue in legal proceedings. Maintaining records of all representations and how they were resolved will assist in the event of any subsequent review. Interview structure In addition to the PEACE model, there are a number of other considerations that need to be taken into account when structuring an interview. Downstream monitoring Suspects and their legal representatives must be made fully aware if remote monitoring of the interview is to take place. It should include the names of the officers monitoring the interview and the purpose of the monitoring, ie, for training or to assist with the investigation. The emphasis is to check the accuracy of the account, identify potential lines of enquiry and then challenge an account if necessary. Each stage provides convenient points to break and also to reappraise the objectives. The introduction is also likely to include the formal caution: You do not have to say anything. Anything you do say may be given in evidence. The suspect should be reminded of their entitlement to free legal advice. After probing, the lead interviewer should verbally summarise the information. Each false account should be treated as a separate objective. The interviewer should use questioning to probe and summarise. Necessity to arrest Two recent cases highlight the challenges raised regarding necessity to arrest. Both cases went to appeal, and in each case the claims were in relation to unlawful arrest. Richardson found in favour of the claimant, and Hayes found in favour of the defendant. In Hayes v Chief Constable of Merseyside Police, the QC defending Hayes contested that this should be a three-point test, and to justify an arrest the arresting officer should pass through a three-stage thought process. It is this last point which is contentious and not found in the Act. The court consequently found in favour of the defendant. These cases demonstrate that each one should be considered on its own merits. Richardson v CC West Midlands Police A teacher, who had been arrested and detained after voluntarily attending a police station following allegations that he had assaulted a pupil, was awarded damages for false imprisonment. His arrest was deemed to be unlawful because the arresting officer failed to show that she had reasonable grounds for believing that his arrest was necessary, as required by the Police and Criminal Evidence Act s 24 4. Hayes v CC Merseyside Police In this case the court restated the correct test for exercising the statutory power of arrest. The court held that it was common ground for the police to justify an arrest. Dismissing the appeal, the court held a constable had to show two things: The first of such conditions had been met. As to the second, it was not a requirement that a constable should have actively considered all possible courses of action alternative to arrest and taken into account all relevant considerations and excluded all irrelevant ones; all that had to be shown was that the constable believed that arrest was necessary, and for a subsection 5 reason, and that, objectively, that belief was reasonable. Legal issues A person is innocent until proved guilty. It is the duty of the prosecution to prove their case against a person suspected of committing an offence. A suspect is under no obligation to provide material to an investigator or prosecutor which is likely to be self-incriminating or which will assist the prosecution case. This can be difficult for officers who are not experienced in investigative interviewing. Preparation is key to dealing with these situations. The interviewer should try not to be swayed by the no comment response. The practical problem is not so much whether to continue questioning when no responses are being given, but how to do in an effective and acceptable way. The suspect must be given an opportunity to respond to all the relevant questions and be given enough time to decide if they would like to respond. A no comment interview can be off-putting for even the most experienced interviewer. The most important point to remember is that the suspect must be given the opportunity to respond to any relevant information, therefore, all planned questions must be asked. The interviewer should ask all the relevant questions as if the interviewee was responding. It is important that no

gaps are left for the defence to fill at court. Failure to ask all the relevant questions in the first place may preclude inferences being drawn in court. An inference can also be drawn when a defendant is silent on charge s 34 1 b. For further information see the right to silence and the ECHR. The jury can be invited to consider why an innocent party would refuse to answer reasonable questions and whether any defence offered was plausible. The judge may also draw attention to an explanation offered, which after consideration of all the evidence, may be less convincing than an explanation, which was offered at the time the suspect was being interviewed under caution and could, therefore, be checked. The court will not be able to draw an adverse inference unless the investigator has, prior to putting questions to the suspect, warned them that their failure or refusal to give an account may not allow the court or jury to draw a proper inference. In serious cases consideration should be given to the preparation of an adverse inference pack. Six conditions There are six conditions which must be met when showing adverse inference. The failure to mention these facts must occur before or on being charged. The suspect failed to mention a fact which was later relied on in their defence. The provision only applies to criminal proceedings. Refusal of legal representation Although the suspect must be advised of their right to legal representation, they may decline to consult a legal representative or choose not to have them present during an interview. Case law Considerable case law has developed which refines the legislation and provides an interpretation for investigators, eg, six conditions. Investigators should regularly review their legal knowledge to ensure they remain up to date. Failure to do this may lead to an investigator conducting an interview in a manner which does not allow a court the opportunity to draw a proper inference. Legal knowledge can be updated by the regular review of databases such as:

**Chapter 9 : Theft - Wikipedia**

*The law punishes hacking under the computer crime statutes. These crimes carry penalties ranging from a class B misdemeanor (punishable by up to six months in prison, a fine of up to \$1,, or both) to a class B felony (punishable by up to 20 years in prison, a fine of up to \$15,, or both).*

The aggravating factors to be taken into account in determining the appropriate sentence for an offence are as follows: Section 21A 4 provides: The court is not to have regard to any such aggravating or mitigating factor in sentencing if it would be contrary to any Act or rule of law to do so. The following sequential propositions can be extracted from the case with reference to the principle of proportionality: The common law principle of proportionality requires that a sentence should neither exceed nor be less than the gravity of the crime having regard to the objective circumstances: It is not open for a court to use prior convictions to determine the upper boundary of a proportionate sentence. Prior convictions are pertinent to deciding where, within the boundary set by the objective circumstances, a sentence should lie: In the latter case, retribution, deterrence and protection of society may all indicate that a more severe penalty is warranted. A person who has been convicted of, or admits to, the commission of other offences will, all other things being equal, ordinarily receive a heavier sentence than a person who has previously led a blameless life. Imposing a sentence heavier than otherwise would have been passed is not to sentence the first person again for offences of which he or she was earlier convicted or to sentence that offender for the offences admitted but not charged. It is to do no more than give effect to the well-established principle in this case established by statute that the character and antecedents of the offender are, to the extent that they are relevant and known to the sentencing court, to be taken into account in fixing the sentence to be passed. Undetected or ongoing criminal offending If an offender has committed offences that had gone undetected and unpunished until current proceedings, or is being punished for a series of ongoing offences, the offender may have no record of prior convictions despite having committed numerous offences. In many respects the position may be compared with a sexual offender who commits a number of offences on young persons over a number of years where those offences go undetected for a long time. He cannot rely on the fact that he has no previous convictions when he comes to be sentenced for those offences. These offences are of a very different nature but, so far as relying on prior good character, it seems to me that similar considerations apply. This assessment, however, still depends upon the circumstances of the individual case. It is obvious that, even if taken into account only for the purpose of withholding leniency, offences committed after the offence for which sentence is imposed can result in increased punishment in the sense that the punishment is greater than it would have been in the absence of the later offences. The later offending illustrated that the conduct for which the offender stood for sentence was not an aberration but rather the start of a course of conduct: The later offending was relevant not by way of aggravating the offences but by depriving the offender of any leniency to which he might otherwise have been entitled by the fact that he had no criminal record at the time of the commission of the original offences: The fact that the offender had no criminal record at the time was not considered to be a significant factor in the determination of the appropriate sentence. But in the circumstances of this case and given the seriousness of the conduct for which he was before Hidden J we do not think that the fact that MAK had not been convicted of sexual assault offences when he committed the offences against TW or TA was a basis for treating as a mitigating factor the absence of any criminal record. Prior convictions subject of pending appeal Prior convictions are to be taken into account even in circumstances where the convictions are the subject of a pending appeal on the basis that verdicts are not to be treated as provisional, pending their confirmation on appeal: For general purposes other than in proceedings before a court, an offender is not required to disclose spent convictions when questioned as to his or her criminal record: The absence of a prior record as a mitigating factor Section 21A 3 e provides that a mitigating factor to be taken into account in determining the appropriate sentence for an offence includes the offender not having any record or any significant record of previous convictions. It provides that a certificate may be issued by a judge, magistrate, registrar or other proper officer of the court detailing particular convictions and sentences. Foreign convictions Evidence of

previous convictions in a foreign country may be taken into account in sentencing, even though the foreign procedures have not conformed to local trial methods: Federal offenders A court sentencing a federal offender must take into account antecedents: Child offenders A distinction needs to be made between recording a conviction in respect of an offence committed by a juvenile and the admission of evidence of prior offences, where those offences were committed by a juvenile. Recording a conviction Section 14 1 Children Criminal Proceedings Act deals with recording a conviction against a child. Subsection 1 does not limit any power of a court to proceed to, or record, a conviction in respect of a child who is charged with an indictable offence that is not disposed of summarily: Admission of evidence of prior offences Section 15 sets out the test for the admission of evidence of prior offences where those offences were committed when the offender was a child. This is a well recognised obligation and it is difficult to see how the sentencing process could be properly carried through without the Crown fulfilling it: Special rule for child sexual offences There is a statutory exception to this rule introduced by the Crimes Amendment Sexual Offences Act Circumstances where good character may carry less weight There are also classes of offences where good character may carry less weight than others because they are frequently committed by persons of otherwise good character. For example, it has been held that less weight may be afforded to this factor in cases of: As to adding to the above list, it has been held that there is not a sufficient basis to add offences involving possession of prohibited firearms, but the court can consider the issue of weight in an individual case: The category of offences in relation to which courts have said that less weight should be given on sentence to evidence of prior good character is not closed: It must determine whether the prisoner is of otherwise good character. In making this assessment, the sentencing judge must not consider the offences for which the prisoner is being sentenced. If a prisoner is of otherwise good character, the sentencing judge is bound to take that fact into account. The weight to be given to good character on sentence depends, to an extent, on the character of the offence committed: Good character was a precondition to his registration as a physiotherapist. The otherwise good character of the offender is only one of a number of matters the court must consider and the nature and circumstances of the offence is of utmost importance: Gleeson CJ, however, added the following observation: Sometimes it refers only to an absence of prior convictions and has a rather negative significance, and sometimes it refers to something more of a positive nature involving or including a history of previous good works and contribution to the community. Remorse is but one feature of post-offence conduct upon which an offender may seek to rely as a matter which has the potential to mitigate penalty. The manner in which the issue of remorse is approached is not unique to either the sentencing process or to the courtroom. Indeed, it is a common feature of everyday existence. Ordinary human experience would suggest that it is only natural that a person who has committed some misdeed would wish to make the most favourable impression possible in seeking to make amends for it. An offender who is found to be remorseful, in the particular way required by s 21A 3 i , is entitled to the benefit of that finding in mitigation, and if other things are equal, may anticipate a lesser sentence than a co-offender who has not been found to be remorseful. Thus the absence of remorse may explain why a heavier sentence was imposed upon the co-offender, insofar as it has the consequence that the offender has not been able to establish the mitigating factor of remorse. However, as was common ground on appeal, regard may not be had to the absence of remorse in imposing a heavier sentence. The preferable course is not to quantify a discount for remorse, see Section 21A 3 i â€” remorse shown by the offender at [ ]. The extent to which leniency will be afforded on the ground of contrition will depend to a large degree upon whether or not the plea resulted from a recognition of the inevitable: The strength of the Crown case is relevant to the question of remorse: An offender who takes the course of admitting guilt at an early stage should not, because of that, lose the benefit of a subsequent plea of guilty: In addition to remorse, a plea of guilty may indicate acceptance of responsibility and a willingness to facilitate the course of justice: However, as in the case of other subjective considerations, the court must nevertheless impose a sentence which reflects the objective seriousness of the offence: Advanced age may affect the type or length of penalty to be imposed, and may be relevant in combination with other factors at sentence such as health. A court cannot overlook that each year of a sentence of imprisonment may represent a substantial proportion of the life left of an offender: On the other hand, a life sentence may be the appropriate sentence where a person of advanced age commits

very serious crimes: Age is not a licence to commit an offence: Moreover, while the age of a person standing for sentence needs to be taken into account, as do any other circumstances such as the classification of the offender, or illness, that may make imprisonment more onerous, lest a punishment be imposed that is out of proportion to the objective and subjective criminality involved, this cannot give rise to an expectation that the elderly can offend with relative impunity. Proportionality or balance remains a guiding principle. An appropriate balance has to be maintained between the criminality of the conduct in question and any damage to health or shortening of life. It simply is not the law that it never can be appropriate to impose a minimum term which will have the effect, because of the advanced aged [sic] of the offender, that he well may spend the whole of his remaining life in custody. It is only in relatively rare cases that the Smith principle is applicable: Ill-health cannot be allowed to become a licence to commit crime, nor should offenders expect to escape punishment because of the condition of their health. It is the responsibility of the correctional services authorities to provide appropriate care and treatment for sick prisoners and the court will not interfere: Serious injuries suffered by an offender as a consequence of a motor vehicle accident, for which he or she is responsible are included: This does not necessarily mean that a prison sentence should not be imposed, or that the sentence should be less than the circumstances of the case would otherwise require: Special circumstances Serious physical disabilities or poor health rendering imprisonment more burdensome to the offender than for the average prisoner has been held to establish special circumstances warranting a longer period on parole: The case contains a comprehensive discussion of Australian and overseas cases and literature. By its nature, and as its name indicates, FASD involves a spectrum of disorders. The particular disorder of an individual with FASD may be severe, it may be minor. FASD may lead to a varying number of deficits of varying intensity. Thus blanket propositions about how a diagnosis of FASD bears on the sentencing process should be avoided. Rather, attention must be directed to the details of the particular diagnosis of FASD, including the nature and extent of the specific disabilities and deficits, and how they bear upon the considerations relevant to sentence. Implementation of strategies that identify and support people with FASD who come into contact with the education, criminal justice and child protection systems. This is especially so where the mental condition contributes to the commission of the offence in a material way: One purpose of sentencing is to deter others who might be minded to offend as the offender has done. The principle is well recognised. It applies in sentencing offenders suffering from mental illness, and those with an intellectual handicap. The retributive effect and denunciatory aspect of a sentence that is appropriate to a person of ordinary capacity will often be inappropriate to the situation of a mentally retarded offender and to the needs of the community. The purposes overlap and often point in different directions. In every case, what is called for is the making of a discretionary decision in the light of the circumstances of the individual case, and in the light of the purposes to be served by the sentencing exercise. Some conditions do not attract the principle. Weight will need to be given to the protection of the public in any such case. Indeed, one would have thought that element would be of particular weight in the case of a person who is said to have what a psychiatrist may classify as an Antisocial Personality Disorder. Standard non-parole period provisions The High Court said in Muldrock at [27] that: It is to be determined wholly by reference to the nature of the offending. Section 21A 3 j also refers to an offender not being aware of the consequences of his or her actions because of a disability, as a mitigating factor. A causal relationship between the mental disorder or abnormality and the commission of the offence will not always result in a reduced sentence. The existence of such a causal relationship in a particular case does not automatically produce the result that the offender will receive a lesser sentence, any more than the absence of such a causal connection produces the automatic result that an offender will not receive a lesser sentence in a particular case. For example, the existence of a causal connection between the mental disorder and the offence might reduce the importance of general deterrence, and increase the importance of particular deterrence or of the need to protect the public. However, if the offender acts with knowledge of what he or she is doing and with knowledge of the gravity of the actions, the moderation need not be great.