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И.А.Медведев

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ПРИ ОРГАНИЗАЦИИ САМОСТОЯТЕЛЬНОЙ РАБОТЫ ПО ИНОСТРАННОМУ  
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Шифр работы, присвоенный организацией: 29

Заместитель начальника института

по научной работе

д.с.н., профессор

Д.Д.Невирко

Научный руководитель

доцент кафедры

иностранных языков (кафедра №11)

к.филол.н., доцент

Н.А. Ермакина

Красноярск 2013

## СПИСОК ИСПОЛНИТЕЛЕЙ

Научный руководитель  
доцент кафедры иностранных  
языков (кафедра №11)  
к.филол.н., доцент

Н.А. Ермакина

Исполнители:

заведующая кафедрой иностранных  
языков (кафедра №11)  
к.пед.н., доцент

Т.В. Куприянчик

доцент кафедры иностранных  
языков (кафедра №11)  
к.филол. н., доцент

М.А. Арская

## РЕФЕРАТ

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ИНОСТРАННЫЙ ЯЗЫК, ПРОФЕССИОНАЛЬНО-ОРИЕНТИРОВАННОЕ ОБУЧЕНИЕ, САМОСТОЯТЕЛЬНАЯ РАБОТА, ВНЕАУДИТОРНОЕ ЧТЕНИЕ, ПРОФЕССИОНАЛЬНО-ОРИЕНТИРОВАННЫЕ ТЕКСТЫ, ОБУЧЕНИЕ ЧТЕНИЮ

Объект исследования – процесс самостоятельной работы при обучении иностранному языку в учебных учреждениях ФСКН.

Цель исследования – методически обосновать эффективность использования профессионально ориентированных текстов при организации самостоятельной работы курсантов, студентов и слушателей в процессе обучения иностранному языку в учебных учреждениях ФСКН России.

Методы исследования: анализ научной и учебно-методической литературы по проблемам организации самостоятельной работы и обучения иностранным языкам в неязыковых вузах; отбор и систематизация аутентичных профессионально-ориентированных текстов.

В результате анализа путей активизации самостоятельной работы в процессе обучения иностранному языку в учебных учреждениях ФСКН России, подготовлен сборник текстов для внеаудиторного чтения.

Практическое назначение результатов исследования: использование в учебном процессе при организации самостоятельной работы курсантов, студентов и слушателей учебных учреждений ФСКН России.

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## ВВЕДЕНИЕ

Обучение иностранному языку в неязыковом вузе является неотъемлемой частью подготовки высококвалифицированных специалистов. Оно предусматривает закрепление и дальнейшее совершенствование базового общеобразовательного уровня владения языком в сочетании с углубленной профильной языковой подготовкой, ориентированной на использование полученных знаний в сфере будущей профессиональной деятельности. Приобретение курсантами (студентами) коммуникативной компетенции ориентировано на формирование такого уровня владения иностранным языком, который позволит использовать его в различных областях профессиональной деятельности, научной и практической работе, в общении с зарубежными коллегами, а также в целях дальнейшего самообразования.

В формировании профессионально-ориентированной коммуникативной компетенции обучающихся важная роль отводится самостоятельной работе. Самостоятельная работа, как вид деятельности, стимулирующий активность, самостоятельность, познавательный интерес с целью поиска необходимой информации, приобретения знаний, использования этих знаний для решения учебных, научных и профессиональных задач, представляет собой важную составляющую учебного процесса.

Актуальность темы исследования обусловлена необходимостью поиска путей активизации самостоятельной работы в процессе обучения иностранному языку в учебных учреждениях ФСКН. Самостоятельная работа курсантов (студентов) позволяет сделать процесс формирования иноязычной коммуникативной компетенции непрерывным и развивать у обучаемых потребность в постоянном самообразовании; она предоставляет в распоряжение преподавателя дополнительный резерв времени для расширения и углубления знаний учащихся по иностранному языку в условиях профессионально ориентированного обучения. Поиск путей ее активизации является наиболее актуальным и перспективным в области разработки проблемы по повышению эффективности учебной деятельности.

Объектом данного исследования является процесс самостоятельной работы при обучении иностранному языку в учебных учреждениях ФСКН России.

Предмет исследования – обучение чтению профессионально-ориентированных текстов на иностранном (английском) языке в процессе самостоятельной работы.

Цель исследования – методически обосновать эффективность использования профессионально ориентированных текстов при организации самостоятельной работы курсантов, студентов и слушателей в процессе обучения иностранному языку в учебных учреждениях ФСКН.

Цель исследования обусловила последовательное решение следующих задач:

а) анализ учебно-методической литературы по вопросам обучения чтению профессионально-ориентированных текстов при организации самостоятельной работы по иностранному языку;

б) отбор и систематизация аутентичных профессионально-ориентированных текстов для самостоятельной работы по иностранному языку;

в) разработка системы упражнений для формирования умений чтения профессионально-ориентированных текстов;

г) оформление результатов исследования в виде заключительного отчета и сборника текстов для внеаудиторного чтения.

Внеаудиторное чтение как форма самостоятельной работы по иностранному языку способствует формированию необходимых языковых навыков и речевых умений, а также расширяет фоновые знания курсантов (студентов) в области юриспруденции и правоохранительной деятельности. Работа с аутентичным текстовым материалом позволяет создать необходимый уровень мотивации, активизировать фоновые знания языкового, речевого и социокультурного характера, обратить внимание курсантов на важные и значимые по содержанию стороны текста, использовать задания опережающего характера; контролировать степень сформированности различных языковых навыков и речевых умений, развивать умения интерпретации текста; развивать информационно-коммуникативные умения, связанные с умением систематизировать и обобщать информацию, а также

научить курсантов интерпретировать образно-схематическую информацию, сжимать текст и выделять его основное содержание, использовать полученную информацию в будущей профессиональной деятельности.

# 1. ТЕОРЕТИКО-МЕТОДОЛОГИЧЕСКОЕ ОБОСНОВАНИЕ ПРОБЛЕМЫ ОБУЧЕНИЯ ЧТЕНИЮ ПРОФЕССИОНАЛЬНО-ОРИЕНТИРОВАННЫХ ТЕКСТОВ ПРИ ОРГАНИЗАЦИИ САМОСТОЯТЕЛЬНОЙ РАБОТЫ ПО ИНОСТРАННОМУ ЯЗЫКУ

## 1.1 Самостоятельная работа в условиях профессионально ориентированного обучения иностранному языку в вузе

На сегодняшний день владение иностранным языком является неотъемлемой частью подготовки специалиста любой профессиональной сферы, так как оно способствует развитию основных общекультурных компетенций, на которых базируется профессиональная компетентность выпускника вуза.

Среди общекультурных компетенций может быть выделена иноязычная компетенция, которая представляет собой «интегративное системно-ценностное новообразование специальных и иноязычных знаний, и умений и ценностных отношений, определяющее способность личности управлять своей деятельностью от постановки цели, выбора способа до контроля и оценки полученного результата»<sup>1</sup>, то есть совокупность знаний, навыков и умений, формируемых в процессе обучения иностранному языку, а также способность к выполнению определенной деятельности на основе полученных знаний, навыков и умений.

Формирование иноязычной компетенции как составляющей профессиональной подготовки выпускника неязыкового вуза невозможна в рамках только учебного процесса. Необходим комплексный подход, включающий различные формы, виды и способы становления и реализации иноязычной компетенции. При этом речь идет о необходимости применения различных видов аудиторной, самостоятельной и внеаудиторной работы<sup>2</sup>.

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<sup>1</sup> Сахарова Н.С. Содержание иноязычной компетенции студентов университета / Н.С. Сахарова // Вестник Оренбургского государственного университета. – 2003. – №7. – С. 15 – 19.

<sup>2</sup> Зиновкина М.М. Педагогическое творчество / М.М. Зиновкина. – Москва: Московский государственный индустриальный университет, 2008. – С. 61.

### 1.1.1 Роль и место самостоятельной работы при изучении иностранного языка в неязыковом вузе

Одной из основных задач высшего профессионального образования в современных условиях является формирование личности специалиста, способного к самообразованию, творческой инновационной деятельности, способного самостоятельно ориентироваться в потоке профессиональной информации, постоянно повышать квалификацию и профессионально совершенствоваться. Идея Болонской системы построена на организации самостоятельной работы студентов, на повышении их личной ответственности и на постоянном контроле за ходом обучения, при этом самостоятельная работа определяется как индивидуальная или коллективная учебная деятельность, осуществляемая без непосредственного руководства педагога, но по его заданиям и под его контролем<sup>1</sup>.

В вузе самостоятельной работе отводится важная роль как средству профессионального становления будущего специалиста. Она служит активизации резервных возможностей студентов, приобщает их к научно-исследовательской деятельности средствами иностранного языка, прививает им такие важнейшие умения, как информационный поиск, выделение главного, оценка полученной информации, участие в профессиональном общении.

В процессе профессионально-языкового становления личности будущего специалиста целью самостоятельной работы студентов по иностранному языку является формирование навыков работы с иноязычными профессионально-ориентированными источниками информации, что включает чтение, перевод, извлечение профессионально значимой информации, ее личностная оценка и дальнейшее использование в возможных ситуациях предстоящего профессионального общения, а также формирование устных и письменных речевых умений по общеобразовательным и профессионально - ориентированным темам.

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<sup>1</sup> О.А. Обдалова Содержание обучения иностранному языку в условиях активизации аудиторной и внеаудиторной самостоятельной деятельности учащихся // Вестник ТГУ. – 2007. – № 295, с. 72 – 79.

Таким образом, в условиях профессионально-ориентированного обучения иностранному языку самостоятельная работа обучающихся приобретает особую роль, так как позволяет не только совершенствовать языковую компетенцию, но и готовит к умению ставить и решать профессиональные задачи, используя средства иностранного языка.

Данное положение находит подтверждение в Федеральных государственных образовательных стандартах высшего профессионального образования (ФГОС ВПО) третьего поколения, которые отражают изменения требований к уровню и качеству профессиональной и языковой подготовки будущих специалистов, конкретизируют роль и место самостоятельной работы в структуре учебного процесса современного вуза.

Так, согласно требованиям Федеральных государственных образовательных стандартов высшего профессионального образования по направлению подготовки 030900 Юриспруденция (квалификация (степень) "бакалавр"<sup>1</sup> и по направлению подготовки (специальности) 031001 Правоохранительная деятельность (квалификация (степень) "специалист")<sup>2</sup>, одним из необходимых условий в рамках реализации компетентностного подхода и с целью формирования и развития профессиональных навыков обучающихся является «широкое использование в учебном процессе активных и интерактивных форм проведения занятий ... в сочетании с внеаудиторной работой».

Основной целью организации самостоятельной работы является разработка такой системы, которая создаст для каждого курсанта (студента) предпосылки получения и пополнения знаний, непрерывного развития, самосовершенствования и самореализации.

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<sup>1</sup> Федеральный государственный образовательный стандарт высшего профессионального образования по направлению подготовки (специальности) 031001 Правоохранительная деятельность (квалификация (степень) "специалист") : утв. приказом Министерства образования и науки РФ от 14.01.2011 № 20

<sup>2</sup> Федеральный государственный образовательный стандарт высшего профессионального образования по направлению подготовки 030900 Юриспруденция (квалификация (степень) "бакалавр") : утв. приказом Министерства образования и науки РФ от 31.05.2011 № 1975

Роль преподавателя в организации самостоятельной работы определяется конкретными задачами, которые решаются курсантами (студентами) в зависимости от этапа обучения и уровня их подготовки. Задача преподавателя заключается в управлении самостоятельной деятельностью обучающихся, что предусматривает определение объема и содержания самостоятельной работы, обеспечение ее рациональной организации и формирование у курсантов (студентов) умений самостоятельно получать и обрабатывать информацию, творчески решать задачи, формулировать собственное мнение по определенным вопросам и самостоятельно выполнять задания. Преподаватель также осуществляет контроль качества выполнения учебных заданий, анализирует итоги самостоятельной работы студентов.

Таким образом, самостоятельная работа студентов является одним из необходимых условий успешного изучения иностранного языка, она предполагает большую индивидуализацию заданий, большую свободу исследовательского поиска, ориентацию на формирование профессиональных компетенций, увеличение творческой активности и инициативности студентов, что происходит за счет применения практико-ориентированных учебных материалов и интеграции межпредметных связей.

### 1.1.2 Формы самостоятельной работы

Обучение иностранному языку в неязыковых вузах предполагает следующие формы занятий:

- аудиторные групповые занятия под руководством преподавателя;
- обязательная самостоятельная работа студента по заданию преподавателя, выполняемая во внеаудиторное время;
- индивидуальная самостоятельная работа студента.

Формы и виды самостоятельной работы определяются содержанием учебной дисциплины. Место, время проведения самостоятельной работы, формы контроля самостоятельной работы могут быть разными. Это может быть:

- самостоятельная работа на аудиторных занятиях, которая включает перевод со словарем, составление планов, просмотр фрагмента учебного фильма, прослушивание аудиозаписи, составление ситуаций с использованием лексических единиц, подготовка диалогов по ситуации и т.д.;

- самостоятельная работа под контролем преподавателя в форме тестов, выполнение письменных заданий, реферирование текстов и т.д.;

- внеаудиторная самостоятельная работа, выполняемая студентом по заданию преподавателя, но без его непосредственного участия.

Внеаудиторная самостоятельная работа учащихся по иностранному языку в вузах неязыковых специальностей является одной из обязательных форм учебных занятий. Являясь следствием правильно организованной учебной деятельности на занятии, она позволяет сделать процесс формирования иноязычной коммуникативной компетенции непрерывным и развить у обучаемых потребность в постоянном самообразовании.

Виды заданий для внеаудиторной самостоятельной работы могут включать: чтение дополнительных текстов, составление плана текста, аналитическая обработка текста (аннотирование и др.), работу со словарями и справочниками, использование аудио- и видеозаписей, компьютерных программ, Интернета и др., ответы на контрольные вопросы, подготовка сообщений, докладов. Их содержание и характер могут иметь вариантный и дифференцированный характер, учитывать специфику специальности, изучаемой дисциплины, индивидуальные особенности студента.

Рабочими учебными программами преподаваемых в СибЮИ ФСКН России дисциплин «Иностранный язык» и «Иностранный язык в сфере юриспруденции» предусмотрены следующие виды внеаудиторной самостоятельной работы курсантов, слушателей и студентов:

- внеаудиторное чтение (чтение и перевод текстов / статей профессионально-ориентированного характера), которое является обязательным компонентом выполнения учебного плана дисциплины;

- выполнение заданий и упражнений по грамматике и лексике;

- выполнение заданий поисково-исследовательского характера (проектов) по

профессионально ориентированной тематике с использованием Интернет-ресурсов;

- реферирование и аннотирование текстов правовой тематики на иностранном языке и др.

Перечисленные формы занятий могут дополняться внеаудиторной работой разных видов, характер которой определяется интересами студентов (встречи с носителями языка, просмотры художественных и видеофильмов, участие в научно-практических конференциях и т.д.)<sup>1</sup>.

Анализ научной и учебно-методической литературы позволяет сделать вывод о том, что в настоящее время в высших учебных заведениях одной из самых актуальных форм внеаудиторной самостоятельной работы по иностранному языку признается индивидуальное внеаудиторное чтение, которое в неязыковом вузе нацелено на извлечение, в первую очередь, профессионально-ориентированной информации и обладает «мощным потенциалом активизации познавательной способности студентов, формирования устойчивой положительной мотивации»<sup>2</sup>.

### 1.1.3 Внеаудиторное чтение как форма самостоятельной работы по иностранному языку в вузе

Место и роль самостоятельного внеаудиторного чтения в условиях профессионально-ориентированного обучения иностранному языку определяется тем, что «изучить язык вне языковой среды можно только при условии целенаправленного, регулярного и обильного чтения специальной литературы»<sup>3</sup>.

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<sup>1</sup> Иностранный язык : рабочая учебная программа по специальности 031001.65 Правоохранительная деятельность / сост. Т.В. Куприянчик, М.А. Арская, А.А. Арский. – Красноярск: СибЮИ ФСКН России, 2012. – 35 с.

Иностранный язык в сфере юриспруденции : рабочая программа по направлению подготовки 030900 Юриспруденция / сост. М.А. Арская, А.А. Арский, Т.В. Куприянчик. – Красноярск: СибЮИ ФСКН России, 2012. – 32 с.

<sup>2</sup> Ломохова С.А. Самостоятельная работа студентов по иностранному языку в неязыковом вузе // Известия ПГПУ им. В.Г. Белинского Общественные науки №12 (16) 2009, С. 195.

<sup>3</sup> Циммерман Г.Н. Обучение профессионально ориентированному чтению студентов юридической специальности: Дис. ... канд. пед. наук. – СПб., 2007. – 34 с.

Чтение является видом речевой деятельности, позволяющим не имитировать, а воспроизводить одну из форм реального иноязычного общения.

Для специалиста, работающего в условиях глобализации и интернационализации рынка труда, умение получать информацию из различных источников, в том числе на иностранных языках становится необходимым условием успешной профессиональной деятельности. Умение читать и понимать иностранную литературу является одним из основных требований к уровню подготовки курсантов (студентов), предъявляемых в рабочих учебных программах по иностранным языкам любого высшего профессионального учебного заведения. По мнению Е. Н. Солововой неизменным и очевидным остается тот факт, что именно искусство чтения является системообразующей основой для формирования информационно-академических умений<sup>1</sup>.

Проблема обучения профессионально ориентированному чтению курсантов (студентов) юридических специальностей не теряет своей актуальности. Это обусловлено рядом объективных причин. Прежде всего, аспект чтения иноязычных текстов по специальности в системе подготовки будущего специалиста рассматривается не только как один из видов иноязычной речевой деятельности, но и как основа для обучения говорению, аудированию и письму на изучаемом языке.

В условиях профессионально-ориентированного обучения иностранному языку внеаудиторное чтение как вид самостоятельной работы имеет четко выраженный познавательный характер, поскольку не только является одним из способов сохранения и обогащения активного словарного запаса обучающихся, но также способствует формированию навыков самостоятельной работы с иностранной литературой по специальности. Будучи обязательным компонентом профессионально-ориентированного обучения иностранному языку внеаудиторное чтение представляет собой эффективный инструмент профессионально-языкового становления специалиста. Именно в процессе самостоятельного внеаудиторного

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<sup>1</sup> Соловова Е. Н. Практикум к базовому курсу методики обучения иностранным языкам: учеб. пособие для вузов. – М.: Просвещение, 2004. – С. 192.

чтения аутентичных текстов курсанты (студенты) находят дополнительную информацию по своей специальности.

Тем самым чтение выступает как средство формирования профессиональной коммуникативной компетентности, являющейся необходимым условием для эффективной профессиональной деятельности будущего юриста.

Это обстоятельство является необходимым условием создания устойчивой мотивации при обучении иностранному языку, а также важным критерием отбора текстового материала для методического обеспечения данного вида самостоятельной работы.

Следует отметить, что обязательным условием успешной организации самостоятельной работы является контроль, который, как и в любой учебной деятельности, должен носить плановый систематический характер. Поэтому учебным планом дисциплины предусматривается обязательная периодичность контроля внеаудиторного чтения. Преподавателем систематически проводится контроль выполнения заданий по внеаудиторному чтению. Основные приемы проверки понимания текста включают в себя: выборочный перевод, пересказ содержания, выполнение заданий по тексту.

Внеаудиторное чтение приучает курсантов (студентов) к самостоятельной работе над литературой на иностранном языке; развивает и совершенствует их речевые умения; расширяет активный словарь; учитывая специализацию студентов, выявляет и развивает их индивидуальные творческие способности; расширяет кругозор, способствующий глубоким познаниям.

1.2 Методические аспекты обучения чтению профессионально-ориентированных текстов при организации самостоятельной работы по иностранному языку в вузе

Внеаудиторное чтение в неязыковом вузе представляет собой комплексную систему, структурными компонентами которой являются цель, задачи, функции внеаудиторного чтения, процесс его организации, включающий содержание

текстового материала, методику обучения чтению профессионально-ориентированных текстов, учебно-методическое обеспечение, управление процессом обучения и контроль.

В этой связи следует рассмотреть проблему отбора текстового материала для внеаудиторного чтения, комплекс заданий и упражнений для обучения чтению профессионально-ориентированных текстов, а также содержание учебно-методического обеспечения данного вида самостоятельной работы.

### 1.2.1 Профессионально ориентированные тексты как содержательный компонент внеаудиторного чтения

При организации внеаудиторного чтения по иностранному языку следует учесть, что его эффективность, в значительной степени, определяется качеством учебно-методического обеспечения.

Тенденция приблизить учебные условия в процессе обучения иностранному языку к реальной ситуации проявляется в использовании аутентичных, профессионально - ориентированных учебных материалов. Профессионально-ориентированные тексты это тексты, позволяющие извлекать информацию по специальности, расширять кругозор будущих юристов, формировать гибкость мышления, приобретать навыки научно-информационного поиска, а также навыки общения на профессиональные темы.

Аутентичные материалы являются значимым и незаменимым источником при обучении иностранному языку. Главная причина этого состоит в том, что аутентичность рассматривается как характеристика естественной языковой среды, что приобретает особую актуальность в условиях фактически полной изоляции от носителей языка.

В связи с этим учебные материалы, предназначенные для самостоятельной работы курсантов и студентов учебных учреждений ФСКН России, должны включать в себя специально отобранные аутентичные юридические тексты,

содержащие профессионально значимую и социокультурную информацию и являться неотъемлемой частью всего комплекса учебно-методических материалов.

В условиях обучения в неязыковом вузе тексты для внеаудиторного чтения должны соответствовать целям и задачам профессионально-ориентированного курса иностранного языка, обеспечивать интегрированное обучение всем видам речевой деятельности, содержать профессионально-значимую для курсантов (студентов) и студентов информацию.

Согласно рабочим учебным программам юридического института ФСКН России дисциплины «Иностранный язык» и «Иностранный язык в сфере юриспруденции» в логическом и методическом отношении взаимосвязаны с другими преподаваемыми дисциплинами, поскольку пользуются понятийно-терминологическим аппаратом и содержательной базой таких курсов как «Теория государства и права», «Конституционное право», «Гражданское право», «Уголовный процесс», «Уголовное право», «Правоохранительные органы». Междисциплинарные связи реализуются через использование иностранного языка как средства получения профессиональной информации из иноязычных источников, а также через использование научных и практических профессиональных знаний в качестве ситуативной основы для моделирования организации профессионального общения на занятиях<sup>1</sup>.

Таким образом, профессионально ориентированные тексты не только усиливают прагматический аспект, но и способствуют тому, что иностранный язык рассматривается как средство интеллектуального, социального и профессионального развития.

Разумеется, тематика учебного материала для внеаудиторного чтения по специальности не может и не должна полностью дублировать тематику текстов

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<sup>1</sup> Иностранный язык : рабочая учебная программа по специальности 031001.65 Правоохранительная деятельность / сост. Т.В. Куприянчик, М.А. Арская, А.А. Арский. – Красноярск: СибЮИ ФСКН России, 2012. – 35 с.

Иностранный язык в сфере юриспруденции : рабочая программа по направлению подготовки 030900 Юриспруденция / сост. М.А. Арская, А.А. Арский, Т.В. Куприянчик. – Красноярск: СибЮИ ФСКН России, 2012. – 32 с.

специального учебника, но основные, базовые темы, а также темы, представляющие собой наибольшую языковую трудность для студентов, должны быть представлены в соответствии с логикой развития основного специального курса.

Анализ методической литературы показывает, что при отборе текстов следует руководствоваться следующими принципами:

- соответствие языковой сложности текстов этапу обучения в рамках программных требований, что предполагает отбор учебного материала с учетом степени его сложности для восприятия, репродуктивной и в дальнейшем продуктивной учебной работы курсантов (студентов);

- соответствие содержания текстов учебным целям и профессиональным интересам курсантов (студентов);

- соответствие коммуникативной тематике дисциплины, что предполагает совпадение содержания с общей программой обучения и является единицей развертывания тематической стратегии.

Текстовый материал должен отбираться в соответствии со следующими критериями: аутентичности, актуальности, значимости, информационной насыщенности учебного материала, доступности текста с точки зрения языка и содержащейся в нем информации, коммуникативной и прагматической ценности, вариативности учебного материала. Его организация должна иметь коммуникативную направленность, направленность на самостоятельную деятельность, а также интегративный (междисциплинарный) и тематико-ситуативный характер.

Одним из основных критериев подбора аутентичных текстов должен также стать критерий новизны информации. Использование таких текстов поможет студентам оперировать основными терминами юридического профиля, формировать языковые навыки и умения, необходимые для реального профессионального общения. Тематика аутентичных профессионально-ориентированных текстов усиливает мотивационную готовность студентов юристов к чтению, потребность в получении информации.

## 1.2.2 Обучение чтению профессионально-ориентированных текстов при организации самостоятельной работы по иностранному языку

Исследования в области обучения чтению иноязычных текстов по специальности широко представлены в методической литературе. В ряде работ рассматриваются особенности процесса чтения профессионально-ориентированных (специальных) текстов, анализируются приемы работы над ними, а также умения, необходимые для протекания данного вида чтения; разработана система упражнений для формирования умений понимания спецтекстов и способы контроля понимания прочитанного (О.Д. Кузьменко, К. Фоломкина, О.Н. Корнева, Т.И. Ковальчук, А.Н. Волосова, В.А. Татаринцов и др.).

Обучение чтению текстов по специальности будет эффективным, если оно будет проводиться на основе:

- дидактических принципов сознательности, поэтапности, доступности, посильности, индивидуального подхода;

- методических принципов концентрической повторяемости и связности учебного материала, коммуникативности, программирования процесса обучения, комплексной мотивации, учета родного языка, правового толкования терминов, учета уровня профессиональных знаний.

В зависимости от цели обучения различают просмотровое, ознакомительное, изучающее и поисковое чтение.

В основе каждого вида чтения лежат следующие умения:

- 1) понимание общего содержания: получать общее представление о прочитанном; определять, есть ли в тексте интересующая читателя информация;

- 2) понимание основного содержания: определять и выделять основную информацию текста; отделять информацию первостепенной важности от второстепенной; устанавливать связь (логическую, хронологическую) событий, фактов; предвосхищать возможное развитие действия, события; обобщать изложенные в тексте факты; делать выводы по прочитанному и т.д.;

3) извлечение полной информации из текста: полно и точно понимать факты, детали, выделять информацию, подтверждающую, уточняющую что-либо; устанавливать взаимосвязь событий; раскрывать причинно-следственные отношения между ними, определять главную идею, сравнивать, сопоставлять информацию и др.;

4) понимание необходимой (интересующей) информации: определять в общих чертах тему и жанр текста; выявлять информацию, относящуюся к какому-либо вопросу, определять важность (ценность) информации и др.

Принимая во внимание то, что содержательным компонентом внеаудиторного чтения являются профессионально-ориентированные тексты, позволяющие формировать фоновые знания обучающихся и расширять кругозор будущих юристов, формировать гибкость мышления, приобретать навыки научно-информационного поиска, а также навыки общения на профессиональные темы, мы считаем, что внеаудиторное чтение - это информативное чтение (как вид изучающего), т.е. чтение с целью извлечения из текста необходимой или интересующей курсанта (студента) информации, в отличие от учебного чтения, предусматривающего овладения техникой чтения.

Методика обучения различным видам чтения, включая информативное, имеет целью формирование умений, связанных: а) с восприятием информации, содержащейся в тексте, б) с пониманием языкового материала, в) с пониманием содержания текста профессиональной направленности, г) с интерпретацией содержания текста, а также умений особого рода (профессионально и социокультурно ориентированной интерпретации), которые направлены на выявление и анализ ценностей, особенностей иноязычной профессиональной среды и культуры, представленных в тексте, с позиции личностно формирующего и образующего потенциала профессионально-ориентированной информации.

Упражнения для каждого вида чтения разделены на группы, соответствующие следующим этапам чтения:

- этап до начала чтения текста (pre-reading activities), предполагающий моделирование знаний, необходимых и достаточных для восприятия конкретного

текста, направленный на устранение смысловых и языковых трудностей его понимания и на формирование навыков и умений чтения;

- этап процесса непосредственного чтения текста (reading activities), в ходе которого формируются умения и навыки чтения, устной и письменной коммуникации;
- этап после чтения текста (post-reading activities), ориентированный на проверку понимания прочитанного, контроль степени сформированности умений и навыков чтения, устной и письменной коммуникации и возможного использования полученной информации в профессиональной деятельности.

Что касается информативного чтения, комплекс упражнений для формирования умений чтения профессионально-ориентированных текстов может быть представлен следующей системой упражнений:

1. Задания на этапе до чтения текста (reading activities):

Exercise 1. Read the title and say what the text will be about.

Exercise 2. Read the text and find out key words.

Exercise 3. Try to understand the underlined words. Check in the dictionary.

1. Задания на этапе процесса чтения текста (reading activities):

Exercise 1. Read the text and divide it into logical parts. Give each part a title.

Exercise 2. Find the key words in the sentences.

Exercise 3. Range the facts given in the text according to the extent of their importance.

Exercise 4. List the data which you consider to be the most important. Why?

Exercise 5. Add some facts without changing the structure of the text.

Exercise 6. Find in the text those facts which can be used for the annotation.

Exercise 7. Read the summary of the text. Fill in the gaps with words or phrases needed.

2. Задания на этапе после чтения текста (post-reading activities):

Exercise 1. Put the sentences into correct order.

Exercise 2. Answer the questions.

Exercise 3. Write the annotation / theses on the basis of the text.

Чтобы создать монологическое высказывание на основе информации, полученной из проработанного текста, курсанты (студенты) должны иметь сформированные умения понимания информации целого текста и ее извлечения с определенной целью.

Умения информативного чтения можно формировать посредством следующих упражнений, направленных на выделение смысловых единиц в тексте и понимание единичных фактов, установление смысловой связи между единичными фактами текста, объединение отдельных фактов текста в смысловое целое<sup>1</sup>:

- read the first paragraph, find the sentence which has the basic (main) information
- choose the sentences which describe ....
- indicate the paragraph which tells about ...
- find (write, name) main (key) facts which tell about ...
- find facts that confirm / deny / characterize ...
- explain the following idea about ...
- name the issues raised in the text.

Заключительным этапом работы над текстами является выполнение послетекстовых упражнений, направленных на обеспечение контроля понимания основного содержания прочитанного текста, развитие умений выражать оценочные суждения о прочитанном. Здесь можно предложить следующие задания<sup>2</sup>:

- answer the following questions
- name the information in this text which was surprising / new / useful / boring ...

Why?

- explain the visual materials given to the text
- agree / disagree with the following statements
- enlarge the following statements
- complete the summary by the appropriate words from the passage.

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<sup>1</sup> Куимова М.В. Иноязычный письменный текст как основа обучения устной профессионально-ориентированной речи студентов нелингвистических специальностей / М.В. Куимова, Н.А. Кобзева // Молодой ученый. – 2011. – №3. – Т.2. – С. 19 – 21.

<sup>2</sup> Там же

Особого внимания требует работа по формированию у курсантов (студентов) так называемых справочно-навигационных умений, таких как: работа с общим и специальным двуязычным словарем, работа с общим и специальным двуязычным электронным словарем<sup>1</sup>.

Чтение профессионально ориентированных текстов в рамках внеаудиторной работы предполагает обязательное составление словаря терминов. Помимо основной цели – расширения лексического запаса - применение такой формы работы студентов может способствовать:

- созданию дополнительной языковой базы для использования в учебных и профессиональных целях (написание рефератов, докладов на иностранном языке и т.д.);
- расширению филологического опыта курсантов (студентов) путем языкового анализа слов, правил их заимствования в другие языки;
- изучению способов словообразования.

При этом необходимо рекомендовать студентам руководствоваться следующими общими правилами:

- отобранные термины и лексические единицы должны относиться к широкому и узкому профилю специальности;
- отобранные термины и лексические единицы должны быть новыми для студента и не дублировать ранее изученные;
- отобранные термины и лексические единицы должны быть снабжены транскрипцией и переводом на русский язык (во избежание неточностей рекомендуется пользоваться специализированным словарем);
- отобранные термины и лексические единицы предназначены для активного усвоения.

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<sup>1</sup> Перлова И.В. Содержание самостоятельной работы студентов с иноязычным электронным текстом / И.В. Перлова // Вестник Пермского нац. иссл. политехнического ун-та. Проблемы языкознания и педагогики. – 2011. – № 5. – С. 60-67.

Учебные материалы для самостоятельной работы должны быть организованы методически таким образом, чтобы компенсировать отсутствие контакта с преподавателем и, следовательно, взять на себя основную его функцию – функцию управления самостоятельной деятельностью студента на всех ее этапах.

Предложенная система заданий не является универсальной, это один из возможных вариантов организации внеаудиторного чтения. Кроме того, следует еще раз отметить, что целью подготовки курсантов (студентов) в неязыковом вузе по иностранному языку является достижение такого уровня практического владения языком, который дает возможность пользоваться языком для получения дополнительной информацией по избранной специальности, а также участвовать в общении с носителями языка по профилю вуза.

1.2.3 Учебно-методическое обеспечения организации внеаудиторного чтения в процессе обучения иностранному языку в вузе

Разработка комплекса методического обеспечения учебного процесса является важнейшим условием эффективности самостоятельной работы студентов.

Методически обеспечить самостоятельную работу студентов – это значит:

- составить перечень форм и видов самостоятельной работы;
- сформулировать цели и задачи каждого из них, разработать инструкции или методические указания;
- подобрать учебную, справочную, методическую и научную литературу.

Для организации внеаудиторной самостоятельной работы по иностранному языку могут использоваться:

- учебно-методические комплексы;
- методические пособия и тематические разработки;
- словари, электронные учебники;
- ресурсы сети Интернет.

Дидактическое обеспечение внеаудиторного чтения по иностранному языку в рамках данного исследования представлено сборником профессионально-ориентированных текстов.

Учебное пособие подготовлено для курсантов (студентов), обучающихся по направлению подготовки 030900.62 Юриспруденция и по специальности 031001.65 Правоохранительная деятельность и изучающих дисциплины «Иностранный язык» и «Иностранный язык в сфере юриспруденции».

Цель учебного пособия – дальнейшее совершенствование умений информативного чтения и профессионально-ориентированной речи, формирование фоновых знаний обучающихся и расширение кругозора будущих юристов и сотрудников органов наркоконтроля, формирование гибкости мышления, приобретение навыков научно-информационного поиска.

Отбор текстового материала определялся, в первую очередь, тематическим планом преподаваемых в СибЮИ ФСКН России дисциплин «Иностранный язык» и «Иностранный язык в сфере юриспруденции». В соответствии с тематическим планом сборник текстов для внеаудиторного чтения содержит тексты (материал) по следующим разделам:

- «Профессия юриста» (Profession of a Lawyer);
- «Право как система. Виды права» (Law as a System. Kinds of Law);
- «Работа полиции» (Police Work);
- «Преступление и наказание» (Crime and Punishment);
- «Преступления, связанные с наркотиками» (Drug Related Crime);
- «Молодежь и наркотики. Профилактика наркомании» (Youth and Drugs. Drug Abuse Prevention);
- «Судебная система. Судебный процесс» (Court System. Trial);
- «Органы по борьбе с незаконным оборотом наркотиков», «Правоохранительные органы и международные организации в борьбе с наркотиками» (Drug Control Agencies. Law Enforcement Agencies and International Cooperation in Fighting Drugs);
- «Расследование преступлений» (Investigation of Crime) и др.

В качестве источников аутентичного текстового материала при подготовке сборника текстов были использованы официальные сайты правоохранительных органов зарубежных стран (Metropolitan Police, Federal Bureau of Investigation), антинаркотических ведомств (DEA – Drug Enforcement Administration), таких международных организаций, как Interpol, Europol, EMCDDA (European Monitoring Centre for Drugs and Drug Addiction), UNODC (United Nations Office on Drugs and Crime) и др.

В сборнике текстов предлагается система заданий, которые могут быть использованы при работе с материалом на предтекстовом, текстовом и послетекстовом этапах:

На предтекстовом этапе предлагаются следующие виды работ:

1. Прочитайте текст и выпишите ключевые слова и словосочетания, составляющие тематическую основу текста.
2. Прочитайте текст и найдите в нем повторяющиеся слова, которые составляют тематическую основу текста.
3. Подчеркните в тексте слова и словосочетания, которые можно выделить в качестве ключевых.
4. Составьте цепочку из основных фактов текста, в которой ключевые слова были бы связаны по смыслу.
5. Подчеркните в тексте слова, наиболее точно и лаконично выражающие главную мысль автора.
6. Назовите и выпишите из текста ключевые слова, которые можно использовать в качестве опоры при обсуждении проблемы, освещаемой в тексте.
7. Составьте план текста.
8. Прочтите абзац и постарайтесь понять его, не обращая внимания на незнакомые слова.
9. Прочтите абзац (текст) и постарайтесь понять его без словаря.
10. Прочтите ... абзац и, не обращая внимания на незнакомые слова, найдите в нем предложение, содержащее основную информацию.
11. Разделите текст на смысловые части и озаглавьте каждую часть.

12. Прочтите текст и постарайтесь определить его тему. Используйте в качестве ориентиров заглавие, головные строки, термины, интернациональные слова.

13. В каждом абзаце текста определите ключевое предложение. Найдите абзац, который содержит основную мысль всего текста.

14. Скажите о чем, судя по заглавию и концовке, может идти речь в данном тексте, Прочтите текст, найдите подтверждение или опровержение вашему предположению.

15. Прочтите заключительные абзацы текста и, основываясь на их содержании, скажите о чем идет речь в тексте. Прочтите весь текст и проверьте себя.

На текстовом этапе предлагаются следующие виды работ:

1. Прочтите первый (второй, третий ...) абзац текста и найдите в нем предложение, содержащее основную информацию.

2. Прочтите первый (последний) абзац текста и скажите, о чем идет речь в тексте.

3. Прочтите текст до конца. Найдите в первом (втором ...) абзаце предложение, содержащее аргументацию главной мысли предшествующего абзаца.

4. Прочтите текст с тем, чтобы ответить на вопросы по основному содержанию текста.

5. Прочтите текст и назовите основные вопросы, которые обсуждаются в нем.

6. Назовите основные проблемы, затронутые в тексте.

7. Найдите (зачитайте, выпишите) главные факты текста.

8. Расположите следующие предложения текста в логической последовательности и пронумеруйте их по порядку.

9. Составьте список вопросов к тексту.

10. Подготовьте план пересказа текста.

11. Разделите текст на смысловые части и озаглавьте их.

12. Напишите предложения в последовательности, отражающей события в тексте.

13. Составьте к тексту вопросы, ответы на которые могли бы служить планом пересказа текста.

На послетекстовом этапе предлагаются следующие виды работ:

1. Ответьте на вопросы к тексту.
2. Выберите правильный ответ на вопрос из нескольких данных.
3. Составьте план прочитанного текста.
4. Расположите смысловые части текста в логической последовательности.
5. Перескажите текст.
6. Обобщите понятую вами информацию в виде резюме.
7. Составьте тезисы к прочитанному тексту.
8. Составьте вопросы к тексту.
9. Назовите основную, на ваш взгляд, функцию прочитанного текста (информативная, оценочная, воздействующая или функция убеждения).
10. Скажите, что было для вас особенно интересно узнать из текста и почему.

При работе со сборником в соответствии с принципом индивидуализации обучения и в зависимости от уровня языковой подготовки курсантов (студентов) преподаватель вправе самостоятельно определять задания и вопросы, контролирующие умение студента понять общее содержание, детали и структуру текста.

## 2. СБОРНИК ПРОФЕССИОНАЛЬНО-ОРИЕНТИРОВАННЫХ ТЕКСТОВ ДЛЯ ВНЕАУДИТОРНОГО ЧТЕНИЯ

### 2.1 Profession of a Lawyer

#### Legal Profession

England is almost unique in having two different kinds of lawyers, with separate jobs in the legal system. The legal profession is divided into two branches: barristers and solicitors, who are sometimes called the junior branch. Both barristers and solicitors are professions held in high regard. This division of the legal profession is of long standing and each branch has its own characteristic functions as well as a separate governing body. The training and career structures for the two types of lawyers are quite separate.

The traditional picture of the English lawyer is that the solicitor is the general practitioner, confined mainly to the office. If a person has a legal problem and needs the assistance of the law, either because he has a dispute, or because he is in trouble, or concerned with a question of inheritance or transfer of property, he will go to a solicitor and seek his advice in a personal interview. There is no end to variety of matters which can appear on a solicitor's desk. They deal with all the day-to-day work of preparing legal documents for buying and selling houses, making wills, writing legal letters, they do the legal work involved in conveyancing, probate, divorce. Solicitors work on court cases for their clients outside the court: in a civil action solicitors have the right to speak in the lowest Courts when the case is one of divorce, recovering some debts, matrimonial matters, petty crimes. If a case, civil or criminal, is more serious or difficult, or has to be heard in a higher court, solicitors engage a barrister to whom they hand over the task of representing the client in the court. They prepare a case for barristers to present in the higher courts and the barrister receives it in the form of a brief from which he plans his advocacy in the particular case.

Law Society is a governing body of solicitors. Solicitors usually work together in partnerships, or "firms". To qualify as a solicitor a young man joins a practising solicitor as a "clerk" and works for him whilst studying part time for the Law Society exams. When

you have passed all the necessary exams, you may apply to the Law Society to be “admitted”, then you can start business on your own. It is not necessary for you to go to university.

In England, the decision is between becoming a barrister or a solicitor. Although solicitors and barristers work together on cases barristers specialize in representing clients in court. A barrister can only be consulted indirectly, through a solicitor. Thus they are not paid directly by clients, but are employed by solicitors. Most barristers are professional advocates but it is a mistake to regard a barrister entirely as an advocate. A barrister must be capable of prosecuting in a criminal case one day, and defending an accused person the next.

A would-be barrister must first register as a student member of one of the four Inns of Court: Gray’s Inn, Lincoln’s Inn, Inner Temple or Middle Temple and keep twelve terms as a student at his Inn. A student must pass a group of examinations to obtain a Law degree and then proceed to a vocational course, highly practical in nature, the passing of which will result in his being called to the Bar.

Barristers are experts in the interpretation of the Law. They advise on really difficult legal matters (this is known as “taking counsel’s opinion”). So barristers spend a lot of time at paper work apart from their actual appearances in court where they wear wigs and gowns in keeping with the extreme formalities of the proceedings.

Judges are usually chosen from the most senior barristers, and once appointed they cannot continue to practise as barristers.

The highest level of barristers have the title Q.C. (Queen’s Counsel). The status is bestowed on about 30 counsellors a year by the Queen on the advice of the Lord Chancellor. Before a junior counsel can hope to achieve the status (“to take silk” as this process is called) he must be able to point to at least 10 years successful practice as a barrister. The Q.C. is expected to appear only in the most important cases.

A lot of work in English solicitor’s offices is undertaken by managing clerks, now called “legal executives”, who are a third type of lawyers. They have their own professional and examining body – “The Institute of Legal Executives”.

Taking the legal profession as a whole, there is one practicing lawyer per 1200 people. This compares with about one lawyer per 600 in the USA. There are about 5,000 barristers and 50,000 solicitors, the number which is rapidly increasing, and they make up by far the largest branch of the legal profession in England and Wales.

Many people believe the distinction between barristers and solicitors should be eliminated in England. The government is considering various proposals, but there are arguments for maintaining, as well as removing, the division.

### What Is a Solicitor? What Does a Solicitor Do?

I am a solicitor and I am often asked what solicitors do. Despite most towns in England and Wales having at least one firm of solicitors, a lot of people don't know why we're here and what we can offer.

Broadly stated, solicitors give "legal advice" and offer "legal services". That's why we're known as lawyers (we're one of two types of lawyers, the other being barristers).

What are "legal services"? They are remarkably wide-ranging. A legal service could be conducting the sale of a business, preparing Wills for husband and wife, drawing up a charter for a local Working Men's Club, helping an employee prepare an unfair dismissal claim, buying a house, drawing up contracts between companies, suing someone, preparing a Lasting Power of Attorney, offering "no win, no fee" personal injury claims, advising a person at a police station, assisting take-overs of multi-million pound businesses, and so on and so on.

No one solicitor is an expert on all these areas. I specialise in Wills, probate, Lasting Powers of Attorney and a few other things, but questions I have been asked include: "how does it feel to have to go to a police station at 3 a.m.?" and "I've made a CD, how do I copyright it?". Neither has any relation to my work. Like all solicitors, I am not an expert on all the law (it would be foolhardy to attempt it!), and instead I specialize so that I can offer the best possible service.

Also, no one firm of solicitors has experts on all areas of law (or if there is one, it's news to me!). Many law firms are "high street" firms, concentrating on the areas of law which affect many peoples' day-to-day lives, such as family matters, Wills, probate,

conveyancing, employment and so on. Many law firms describe themselves as "commercial" firms, concentrating on services for businesses, such as contracts, take-overs, commercial property deals and so on. Other law firms concentrate, for example, on personal injury matters. Many firms, such as mine, sit in the middle of the road and offer a broad spectrum of services.

To find out if your local solicitor can help you, call them up and ask, or e-mail them via their website. You will be put through to a specialist who will tell you whether the firm can help and how much it should cost. Alternatively, seek assistance further afield. A few law firms have a progressive attitude to taking on clients at a distance, and will gladly receive calls from all over the country. One more option is to visit the Law Society website which lists all solicitors in England and Wales and gives details of their specialist areas.

Solicitors are more tightly regulated than most professions in this country. We are overseen by the Solicitors Regulation Authority, an independent body with the dual aims of ensuring excellent service and satisfaction for clients. My impression is that solicitors are shaking off the old impression of fuddy-duddiness. These days, English commercial firms are at the centre of the legal world and provide cutting edge services invaluable to their huge corporate clients, while many "high street" practices are modernising and becoming increasingly proactive.

Interestingly, no law firm in this country is a limited company. That's why solicitors' businesses are called firms, practices or partnerships (all essentially describe the same thing).

These days, non-solicitors are allowed to offer some (but not all) legal services. For example, there are many people called "Will writers" who offer cut-price Wills, and the same goes for conveyancing. Often, these provide a good service, and often not. For something as important as buying a house or making a Will, many people prefer to head for a firm of solicitors. With this comes the reassurance of professionals who have undergone structured and well regulated training over many years (and mandatory training on an ongoing basis) and close regulation of the business by the Solicitors Regulation

Authority. On top of this is friendly face-to-face service, which is my favourite part of the job.

## 2.2 Becoming a Police Officer

### What Is a Police Officer?

Although every society has incorporated its own form of law enforcement, officers as we know them today first came to fruition in England in 1748, with the formation of the Bow Street Runners, a collection of volunteers who walked the streets to maintain the peace. Since then, police forces the world over have organized into national, state, and local peace officer organizations, all with their own focus and expertise.

Today, police officers still “keep the peace,” protecting properties and people and investigating crimes that happen in local communities. They provide emergency assistance, keep order at major entertainment events, participate in surveillance and counter-terrorism efforts, or apply special investigative skills to major crimes like murders, drug trafficking cases, or fraud. Often known as “cops”, they work in what can be considered dangerous situations.

Should you decide to pursue law enforcement you too could have this experience. You could also work in many other capacities as a law enforcement officer, from becoming a fish and game warden who patrols undeveloped lands to a border patrol agent who enforces immigration laws. You can also apply to become a federal officer for agencies like the CIA or FBI. Regardless of the police officer career path you pursue, it can be a rewarding career for those who want to give back to their communities, keep them safe, and help citizens live productive lives.

### Why Should I Become a Cop?

People are motivated to become police officers for many reasons, including an inclination to help others, a desire to have an exciting career, or simply to have a respected job with good benefits like a decent salary and secure retirement plan. But being a cop is not always as exciting as it seems on television. While you can expect to put yourself in dangerous situations for the sake of others, sometimes you should also be prepared to

work long hours that may interfere with your personal life. You will have to deal with everyday violations of the law by doling out tickets, investigating noise complaints, and writing incident reports.

No matter what position you hold as an officer, you must be a person of good moral character so that you do not abuse the power that you are given. Take the time to examine your reasons for wanting to become a police officer before you take the steps to apply to become a cop.

Before applying to a police force, see if your skills and personality are typical of people who become cops. According to O\*NET (the nation's primary source of occupational information) successful police officers and detectives are skilled in active listening, critical thinking, and assessment. These skills are all valuable on the job since police must use all their senses in combination with perception in order to monitor tense situations and quickly decide how to respond. Police should also be good at problem solving and negotiation because they must be able to persuade people to stay calm and make the right choices.

#### How Do I Become an Officer?

Becoming an officer of the law will take a lot of effort and preparation. You will encounter some differences in requirements to become a police officer according to the police force you apply to, but there are some universal requirements you will have to meet whether you apply to the FBI or the county sheriff's office. No matter what type of peace officer you want to be, expect to need the following qualifications:

- Earn at least a high school diploma or GED (General Education Degree), and know that a college degree will give you an advantage in the job market
- Demonstrate your physical fitness for the job through agility, strength and endurance tests
- Pass a criminal history check
- Pass the civil service exam, which tests your problem-solving abilities, general knowledge and aptitude for the job

- Impress people with your interview, where you'll demonstrate why you are a viable, trustworthy candidate for a job protecting the public
- Complete police academy training, where you will study subjects like policing tactics, crime scene processing, police ethics, and proper use and care of firearms

Although it is not always necessary to earn a college degree in order to become a police officer, it is highly recommended that you do so. Educational requirements for police officers are not consistent across the U.S., but many states require cops to hold at least an associate's degree. Some states even require a bachelor's degree in criminal justice or a related field like sociology or public administration.

As you explore the resources available to you on this site, consider what type of police officer you would like to become. You can be a local, county, state or federal officer; a uniformed or plainclothes detective or cop; and within your department, you can be a standard officer, or work in specialized units, like patrolling by horseback, bicycle, motorcycle, or aided by dogs in K-9 units. Browse the state information on this site for how to become a police officer in your location.

### Police Ethics

Throughout an officers career there will be many occasion when the officers' ethics will be put to the test and it will be up to the officer not to allow his own ethics to weaken or become compromised. So many officers find themselves in situations in which they have a serious ethical decision to make and whether or not they make the right decision will depend on that officers ethics. The decision the officer makes can also have drastic effect on how the officer's career as well as personal life play out.

I have been fortunate enough through my five-year career in Law Enforcement in that I have not been faced with any serious moral dilemmas. By the nature of the job of law enforcement you can surmise that there are many occasions when a police officer can be confronted with a moral dilemma. The question is not will an officer be confronted with a moral dilemma; it is instead when an officer will be faced with one. Throughout my career I have often referred to the Law Enforcement Code of Ethics which is a code that

embodies everything a police officer should be. This code was established by the Peace Officers Research Association of California in 1956 and since then has made its way throughout the country to Police departments and its officers. Many department mission statements have been derived from the very words that appear on the code of ethics.

#### Code of Ethics

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality, and justice. I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities. I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession. . . law enforcement.

#### Conclusion

Ethical and moral decision are a big part of the job a police officer has. The officer will likely be faced with decision of this nature over and over again through the career. In most cases the decision the officer makes will either make or break them as an officer and the decision they make will either strengthen or weaken their ethically values. Fortunately over the past several years, the job of policing has become more professionalized and requirement to hold the job as a police officers have been increased. Special attention is

also being placed in the area of ethics training and this is resulting in the majority of officers around the county getting some form of this training throughout the career. The results of these efforts unfortunately have not been able to weed out all of the bad apples in the field, but these steps have served to make the officers on the streets more aware of the issue of morals and ethics. This training as shown to be very valuable to the officer, the department and the community the police have sworn to protect.

### Five Reasons to Be a Police Officer

For those of you who are on the fence about deciding your career, here are five reasons to consider becoming a police officer:

- The opportunity to save lives, every day

As a law enforcement officer, you'll probably save someone's life every day you come to work. At times, this may involve pulling a victim out of a burning car or providing first aid and basic life support to a shooting victim before paramedics arrive. Other times, it may be giving someone the Heimlich maneuver on your lunch break.

Aside from these obvious examples, though, your mere presence and consistent enforcement of laws will save countless lives that you'll never know about. Every speeding ticket you write, every fight you break up and every incident of domestic violence you respond to may have been a fatality in the making before you prevented it.

- Helping people make better choices.

It's no secret that police officers most often encounter people when they're at their worst. Drug addicts, gang members, thieves, spousal abusers and people who drive under the influence of alcohol or drugs are just a few examples of the kinds of people you'll meet.

Believe it or not, one of the most satisfying aspects of working as a law enforcement officer is the unique opportunity you have to show these people a better way. They are usually a captive audience and, if treated kindly and respectfully, will listen to what you have to say. Though you may never know it, what you say and how

you treat the lowliest criminal may play a huge role in whether or not they make better choices in the future.

- Diversity of job tasks
- In law enforcement, every day has the potential to be completely different from the last. Your entire work day can change in an instant, at any time. There's no better environment for those who abhor monotony than that of police work.

Not only is each shift different from the last, but the opportunities to diversify job tasks are abundant, as well. Are you tired of patrol? Transfer into investigations. Bored of investigating traffic crashes? Work towards becoming a K-9 officer. Working in law enforcement allows motivated people to try their hand at a host of unique and interesting skills and job tasks.

- New day, new challenge

Almost everybody enjoys a challenge, and there are few career fields more challenging than law enforcement. Police work, performed well, invokes all sorts of challenges, both mental and physical.

Yes, you'll chase people and have to outsmart the bad guys, but in the end, it's all about problem solving. Officers often work with individuals in conflict to come up with mutually agreeable solutions. With the advent of community-oriented policing, a great deal of police work now involves helping people solve problems to keep them out of the criminal justice system, rather than taking action to put them in it. In the field, law enforcement officers have to serve as doctor, lawyer, judge, counselor, babysitter, teacher, and the list goes on.

- Serve the community

For many, it is an immensely satisfying thing to know that their work serves a greater good. There are plenty of personally rewarding aspects of police work, but the knowledge that what you do will hopefully help scores of people in the long run is perhaps the biggest "intangible" reward.

People are social animals, and it's in our DNA to want to help each other. Working as a police officer fulfills this desire that so many of us have, while at the same time providing an opportunity to support yourself and your family.

## More Reasons to Work in Law Enforcement

Of course, these are just a few reasons to consider working in law enforcement. There are far more benefits to the job, perhaps even too numerous to list. If you're looking for a great job with great rewards, you can do far worse than law enforcement.

## Law Enforcement Facts

Law enforcement is a broad term which encompasses any setup that is put in place to promote adherence to law - in an organized manner, by identifying and punishing people who violate the rules and norms of the society. Simply put, a law enforcement officer is a person who enforces the law of the land. Even though the term entails the court system and correctional facilities for the role they play in the criminal justice system as well, it is more often used to refer to those government agencies which directly engage in patrolling and/or surveillance to detect and dissuade various criminal acts or investigate criminal cases and apprehend those who violate the law.

Each nation has its own law enforcement agencies, and every state or province of that nation may have a law enforcement agency of its own. Similarly, there can be more than one law enforcement agency within the nation or state which may be dealing with a specific type of crime such as economic offenses, drug related crimes, etc. The term 'police' refers to those individuals who work to enforce the law, protect life and property of the people and reduce civil disorder in the society. It is important to note that law enforcement is just a part of the broad concept of policing, and not the concept as a whole.

## Law Enforcement in the United States of America

As in most nations of the world, even in the United States the term 'law enforcement' specifically refers to those agencies which detect, dissuade and investigate criminal acts, and apprehend the offenders. The Federal Bureau of Investigation (FBI) is the principal government investigation agency in the United States of America. It looks into matters concerning violation of Federal Law within the national territory. At the same time, it is also entitled the task of conducting national security investigations.

Other Federal agencies which can be included in the category of law enforcement agencies in the United States of America include the U.S. Drug Enforcement Administration (DEA) - which looks into the matters involving illegal drugs, the Bureau of Alcohol, Tobacco, Firearms, and Explosives - which investigates the violations of Federal firearms and explosives laws as well as alcohol and tobacco tax regulations. Other law enforcement agencies which come under the purview of the U.S. Department of Homeland Security are the U.S. Customs and Border Protection (CBP), the U.S. Immigration and Customs Enforcement, etc. These agencies along with courts and prisons form the criminal justice system of the United States.

#### Interesting Law Enforcement Facts

Law enforcement in the United States is carried out by different agencies at many different levels. While the Federal law enforcement agencies look into the matters which affect the nation as a whole, the authority of the state police and county police is mostly restricted to their jurisdiction. As of today, the number of sworn-in law enforcement officers serving in various agencies in the United States of America stands at 900,000. Given below are more of such interesting facts about law enforcement agencies and officers with reference to the United States.

The history of law enforcement in the United States can be traced back to the establishment of New York City Sheriff's Office in 1626.

While the law enforcement officers worked without a salary on a part-time basis initially, the first full-time, paid officers were hired by the City of Boston in 1712. On 24th September, 1789, the first post of Federal law enforcement officer - the Marshal, was created by the U.S. Congress. A total of 13 U.S. Marshals were appointed by President George Washington himself.

In 1835, the first proper law enforcement agency - i.e. a full-fledged unit, was established in the state of Texas. The oldest law enforcement agency of the United States, it was eventually named the Texas Rangers.

The first recorded death of an officer in the line of duty came in 1791, and since then as many as 19,000 U.S. law enforcement officers have sacrificed their lives in the line of duty.

The National Law Enforcement Officers Memorial (NLEOM) in Washington, D.C., is a memorial honoring the officers who lost their lives in the line of duty.

According to the preliminary data compiled by the National Law Enforcement Officers Memorial Fund (NLEOMF), 162 officers died in the line of duty in 2010. Statistical data suggests that somewhere around 56,000 law enforcement officers are assaulted in the United States every single year; wherein somewhere around 16,000 are left seriously injured.

On 9/11 - which was the deadliest day for the entire world, and not just the United States, 72 law enforcement officers died responding to the terrorist attacks. The Supreme Court of the United States Police is perhaps the smallest U.S. federal law enforcement agency with a total strength of 145 sworn-in officers. As you see for yourself, being a law enforcement officer is not at all an easy task. If it is safe for us to move around freely in society today, it is only because these uniformed officers stand between us and the bad elements in the society - and that highlights the importance of law enforcement very well. There is absolutely no doubt about the fact that these officers deserve a lot more respect than what they get.

### FBI Agent Career Path

The Federal Bureau of Investigation Agency was started in the 1920s by J. Edgar Hoover and today represents the United States' premier law enforcement agency for federal crimes. It is also the country's front line against espionage within U.S. borders. Obtaining a career as an FBI special agent requires completing a lengthy list of prerequisites and criteria.

#### Prerequisites

Before applying here are the things you must consider. You must be a U.S. citizen to apply for a job with the FBI. Recruits must be at least 23 years old at the time of application, but younger than 37 by the time they are assigned full agent status. In some cases, veterans can obtain an age waiver, so check with your local bureau office for details if you are interested in becoming an FBI agent after age 37. All recruits must have a four-year college degree from an accredited educational institution. New graduates must have

evidence of at least three years of work experience prior to application, and every recruit has to have a valid driver's license. Recruits need to be willing and able to work anywhere the FBI has an office. Expect to get moved around often, as new agents are often assigned to different states and locations than where they were recruited.

If qualified, you will undergo an extensive background check to validate your history, including any government records, past personal history, and tax records. Understand that applying to the FBI means you will have to disclose your personal history to investigators, who will build an extensive personal profile based on hiring investigations, interviews with friends, references, neighbors, co-workers, former employers, teachers, and acquaintances.

### Training and Testing

Recruits are given extensive physical and class training on how to function, operate, work, and cooperate as a special agent, working alongside other agents in the FBI. After passing the initial training, recruits are designated as special agents and assigned to their home station in any of the 50 states, territories, or international offices where the FBI operates.

### Specializations

Special agents are hired into the FBI in one of five categories: accounting, information technology, language, law, and the catch-all diversified category. Requirements for each sector of the FBI vary:

- Accounting candidates must have a CPA (Certified Public Accountants) license or have worked in a progressively demanding role in public finance and accounting, such as federal accounting or a state controller's office.
- Information technology candidates must have an IT degree, an electrical engineering degree, or an industry Cisco certification for network management. Those who come in with an industry certification must have a college degree in another field.
- Language candidates must have a bachelor's degree in a specific language aside from their primary language. The FBI's demands change from time to time for languages, so those who have a needed skill tend to get prioritized on demand. For example,

candidates with Arabic, Russian, and Asian language capabilities are currently highly sought after.

Law candidates must have a law degree from a recognized law school.

The diversified category is a catch-all for multi-talented recruits who wish to enter the FBI. A college bachelor's degree is required as well as work experience or an advanced degree.

### Narcotics Officer

Are you ready to start an exciting new career in law enforcement? Would you enjoy working as one of the front-line members of the war on drugs? By becoming a narcotics officer, you can work for agencies including the DEA, FBI, ATF (Bureau of Alcohol, Tobacco, Firearms and Explosives), Marshals Service, and other branches of law enforcement to enforce narcotics laws and to help curb the drug problem in the United States. If this sounds like your dream job, start your career training by going back to college today.

#### Job Description of a Narcotics Officer

When you work as a narcotics officer, you will work toward enforcing local, state, and federal drug laws. This includes investigating drug-related crimes including possession and trafficking through the use of a variety of techniques and resources. This may involve surveillance, undercover work, K9 units, finding and using informants, and close work with other agencies. In many cases, narcotics officers coordinate task forces, buy and bust operations, and other drug enforcement tactics. They also serve warrants, apprehend suspects, and assisted in prosecution of offenders. A narcotics officer will often be required to testify in court as to the nature of the bust used to apprehend the violator.

This career is highly variable, exciting, rewarding and dangerous. The hours are often long and irregular and require much time away from home. Officers often deal with violent suspects and death. However, this can be the perfect job for the right candidate.

#### How to Enter this Career

The first step is to begin working as a police officer or other member of law enforcement. It can be helpful, but not necessary, to earn a criminal justice degree from an

accredited traditional or online university before starting your training. You will need a minimum of a high school diploma or GED, a valid driver's license, U.S. citizen status, and training from a certified basic police academy. With the failing economy, many law enforcement agencies have had to make tough cuts. Getting your P.O.S.T certification and/or a criminal justice degree can qualify you for more positions and higher earnings than those without such credentials. In addition, anyone who wishes to work at the federal level will be required to hold a minimum of a bachelor's degree.

After you have earned a few years of law enforcement experience, you may test for promotions and/or special assignments, including those of the Narcotics Task Force. The positions are highly competitive, due in large part to the tremendous pay raises that come with the promotion. As such, it is important to get as much additional experience, skills, and education as possible to give yourself an edge over the competition. It is also vital to possess a record of accountability, honesty, integrity, dedication, professionalism, teamwork, and respect.

Once you have completed the necessary steps to become a narcotics officer, you will be rewarded with a fantastic career that provides you with satisfaction, stimulation, fantastic benefits, and a great salary. This salary varies greatly from one agency to another and depends on your particular position but the average is around \$57,000 a year. If you are ready to land the job that has it all, start working toward this great career today by signing up for classes.

### Narcotics Officer - the 2 Important Things You Must Do before Becoming a Narcotics Officer

The Narcotics Officer is a very important individual when it comes to the Criminal Justice System. This Law Enforcement Officer's role is to enforce the various laws that regulate illegal drugs and activities put into place by the Federal and State governments. Enforcing these laws and eliminating these substances from the streets of the nation is the ultimate goal of the Narcotics Officer.

In addition to this, these individuals are expected to conduct and conclude investigations that are criminal in nature, and infiltrate any type of activity by organizations promoting illegal drug activity and sponsorship.

In this article, I cover the 2 important things you must do before becoming a Narcotics Officer. In no order of importance, they are:

#### 1. Narcotics Officer Education:

One of the first things that you must do before becoming a Narcotics Officer is to attain the required training. There are certain training and educational requirements that must be completed prior to your being considered for a position in a Narcotics department. The first, and most basic, component to your Law Enforcement career is attending a Criminal Justice Training Academy. Many individuals may refer to this as the "Police Academy".

In the academy, you will learn the basics of the standard Law Enforcement career. Firearms, Defensive Tactics, First Responder, Crime Scene Investigations, and Defensive Driving are just a few of the topics that you will cover during this part of your training.

Once you have completed the Criminal Justice Training Academy, you will likely be expected to pursue specialized training classes that focus on the elements of Narcotics, their regulation, the laws regarding these drugs, and various types of procedures that you can use in the field.

You will also have to complete detailed training on Crime Scene Investigations and Organized Crime. You must also attend regular physical training and strengthening courses to ensure that you are physically prepared to hit the streets as a Narcotics Officer.

Many Law Enforcement Agencies now require that Narcotic Officers complete a minimum of two to four year degree offered by a college. This college education will give you the upper hand against your competition.

#### 2. Narcotics Officer Skills:

Law Enforcement Agencies look for many different types of skills when it comes to Narcotics Officers. All basic Law Enforcement skills that are learned in the Police Academy are an absolute must. In addition to these, a high proficiency in the area of self

defense, handling firearms, and controlling stress levels while in the line of duty are also required when seeking a position in the Narcotics department.

Effective communication skills in the area of speaking, writing, and electronic communication methods are also important. Documentation is important in the law enforcement field. So being able to communicate in the above methods will make your job easier.

Last, but not least by any means, Narcotic Officers are expected to uphold a high level of professionalism, tact, and honesty. You may be required to testify in the court of law. High level of professionalism, tact, and honesty will come in handy in this situation.

I have just introduced you to the 2 most important things that you must do before becoming a Narcotics Officer in a Law Enforcement Agency. If you are looking for an exciting career in Criminal Justice, you should look into the Narcotics Officer profession! It will be a good idea to do more research before starting this career. You should do so by visiting websites which cover the profession in more detail.

## DEA Agent Career Profile

### Salary, Education Requirements and Work Environment of an DEA Agent

Whatever your opinions on local, state and federal drug laws and enforcement, it's difficult to deny illegal and illicit drug use is a problem that touches nearly every aspect of society. Across the world, the drug trade has been tied to terrorism as well as all sorts of other illegal and harmful behaviors.

In the United States, the Drug Enforcement Agency has been created within the Department of Justice to combat the effects of drug trafficking. If you believe it's worthwhile to work toward eradicating illegal drug sales, use and associated criminal activities, you may want to consider a career as a DEA special agent.

### Job Functions and Work Environment of DEA Special Agents

DEA agents have a unique and special role within law enforcement. They are assigned to investigate every facet of the the illegal drug industry. This means agents may be sent to work anywhere in the country or even the world.

DEA special agents work closely with state and local law enforcement agencies, as well as fellow federal law enforcement associates, to coordinate investigations and enforcement efforts. Drug enforcement agents are just as likely to work behind the scenes in support of local efforts as they are to take the lead in enforcing federal drug policy.

The job of a drug enforcement agent often includes:

- Conducting surveillance
- Report writing
- Preparing and obtaining search and arrest warrants
- Coordinating federal, state and local drug enforcement efforts
- Participating in undercover operations
- Tracking and arresting suspected criminals
- Providing courtroom testimony
- Handling weapons, drugs and large sums of money
- Conducting and coordinating investigations

A career as a DEA agent carries with it some special risks, chiefly in the realm of undercover work. Due to the nature of the job, undercover agents may be tasked with transporting large amounts of illegal drugs or money. Because of the dangers inherent in being discovered, they do not always carry law enforcement credentials. This means they may be subject to arrest by local law enforcement officers who are unaware of their activities in addition to the risks from the criminal element.

Working as a DEA agent can provide scores of unique job opportunities and interesting tasks. It may include extensive travel and assignments to remote and perhaps even undesirable locations.

#### Education and Skill Requirements for DEA Agents

Getting hired as a DEA agent is a highly competitive prospect. Candidates must be at least 21 years old and younger than 37 at the time of appointment. The DEA utilizes strict hiring standards. A rigorous background investigation, to include a polygraph exam and psychological screening, is required. Candidates must also undergo a physical abilities test to ensure they are physically capable of performing the job.

According to the agency, the most competitive candidates will have earned at least a four-year degree in criminal justice or a related program, such as police science or criminology. Preferably, they will hold a master's degree in criminal justice or criminology.

Fluency in a foreign language, especially Spanish, Russian, Arabic, Hebrew, Chinese, Japanese or Nigerian dialects, are a major plus. Additionally, skills in computer science, finance and accounting, economics and engineering fields are desired.

Once hired, prospective agents undergo an intensive 18-week training program at the DEA Training Academy in Quantico, Virginia. During the academy training, agents will receive their first duty assignment. As a condition of employment, candidates must agree to be assigned anywhere the agency requires them.

#### Job Growth and Salary Outlook for Drug Enforcement Special Agents

Drug enforcement is an ongoing issue that requires constant attention. Even as the problem continues, the landscape of federal drug policy is constantly changing. This means new challenges and new opportunities may be on the horizon for agents. It also means there will continue to be a need for drug enforcement agents.

As with most federal law enforcement jobs, the DEA conducts periodic hiring campaigns. In order to stay up to date with employment opportunities within the agency, prospective candidates are encouraged to contact their nearest DEA recruiting office.

First-year agents can expect to earn a base salary between \$47,000 and \$57,000, depending on the location of their first assignment. They are also eligible for law enforcement availability pay (LEAP), which can earn them considerably more each year. After 4 years with the agency, DEA agents may become eligible for promotion and a salary of more than \$90,000 per year.

#### DEA Training Academy

From 1985 to 1999, DEA satisfied the need to educate Basic Agents by sharing training facilities with the Federal Bureau of Investigation (FBI) at the FBI Academy, located on the Marine Corps Base at Quantico, Virginia. As both the DEA's and the FBI's

training missions expanded, it became clear that the DEA needed its own dedicated training facility.

On March 31, 1997, a construction contract for the DEA Training Academy was awarded to the Turner Construction Company. The groundbreaking ceremony for the new academy was held on April 21, 1997. The Academy opened on April 28, 1999.

The DEA Training Academy is a 185,000 square foot building containing:

- 125 double-occupancy rooms (250-bed dormitory)
- 3 tiered classrooms, each seating 50 students
- 2 management classrooms, each accommodating 50 students
- An international translation-capable classroom, seating 50 students
- 3 computer classrooms with workstations to accommodate 92 students
- Practical areas for fingerprinting, interviewing, and wiretap training
- 6 break-out training rooms
- 4 person tele-work station
- Computer Resource Center
- Student support services, including a gift shop, nurse's station, mail room, laundry, dry cleaners, banking facilities, and a 250-seat cafeteria.

Each classroom is equipped with rear screen, state-of-the-art audiovisual technologies. Through a podium located in the classroom, the instructor has access to the DEA Firebird computer system, laptop hookups, wireless keypads for PowerPoint Presentations, audio and videotapes, 35 mm slides, and a document camera that can show overheads or evidence samples. A cable television system is also available to permit real-time viewing of news conferences or special events. Each classroom has a camera mounted in the room so presentations in that classroom can be recorded or broadcast to every other classroom, and even to the dormitory if a student is ill and unable to attend class. Three computer classrooms are devoted to training students in DEA Automated Information Systems, as well as general computer skills. The computer classrooms are also equipped with state-of-the-art capabilities.

The DEA Training Academy is used for Basic Agent training, Basic Diversion Investigator training, Basic Intelligence Research Specialist training, Basic Forensic

Science training, professional and executive development training, certification training, and specialized training. The Academy is also used to conduct drug law enforcement seminars for state and local law enforcement personnel, and through the use of specially equipped classrooms, international drug training seminars for foreign law enforcement officials. The Academy's international classroom has the capacity to simultaneously translate an instructor's course of instruction into three different languages.

#### Domestic Training

##### Basic Agent Training

Over the past five years, the Office of Training has graduated more than 1,800 DEA Special Agents from our Basic Agent Training program. Typically, class sizes range from 40 to 50 Basic Agent trainees. The average age of these students is 30 years. Approximately 60 percent of all trainees arrive with prior law enforcement experience, while 30 percent come from a military background. In addition, the majority of the students possess a bachelor's degree and nearly 20 percent have some post-graduate educational experience.

The curriculum is a 18-week resident program that places strong emphasis upon leadership, ethics, and human dignity. Academic instruction provides the basics of report writing, law, automated information systems, and drug recognition, as well as leadership and ethics. Underpinning the instruction is a rigorous 84-hour physical fitness and defensive tactics regimen designed to prepare new Special Agents to prevail in compliant and non-compliant arrest scenarios.

Students receive 122 hours of firearms training including basic marksmanship, weapons safety, tactical shooting, and deadly force decision training. An integral part of Basic Agent training is an emphasis upon respect for human life, leadership and ethics, human dignity, and sound judgment in the use of deadly force. During the training, students are required to apply their classroom knowledge in a series of increasingly demanding practical exercises designed to test leadership, decisiveness, and knowledge of procedures and techniques that will be used in the field.

In order to graduate, students must maintain an academic average of 80 percent on academic examinations, pass the firearms qualification test, successfully demonstrate

leadership and sound decision-making in practical scenarios, and pass rigorous physical task tests. Upon graduation, students are sworn in as DEA Special Agents and assigned to DEA field offices located across the United States.

#### Domestic Training

#### Practical Applications

The Practical Applications Unit (TRDP) provides all surveillance and undercover training for Basic Agent Trainees, Special Agent In-service classes and International Sensitive Investigations Unit students.

All TRDP training utilizes practical exercises to present real-life scenarios that challenge students with realistic and increasingly complex situations designed to reinforce and apply the principles and techniques learned in the classroom.

Basic Agent trainees are taught basic surveillance, undercover operations, prisoner processing, operational planning, report writing, and the use of technical equipment. All practical exercises emphasize the principles of teamwork, leadership, and sound judgment.

TRDP also conducts two in-service courses on Contemporary Issues in the Undercover process and Risk Management. The Contemporary Issues in the Undercover Process course is a three day advanced class that addresses undercover issues with a combination of classroom lectures, tabletop exercises, and practical exercises. The Risk Management Course is given to Special Agents attending Advanced Agent Course, Group Supervisor Institute, and other non-DEA law enforcement counterparts. This course exposes the attendees to the principles of risk management as they apply to undercover operations, search warrants and confidential sources.

#### Domestic Training

#### Tactical Training

The Tactical Safety and Survival Unit is responsible for providing a comprehensive defensive tactics program, which incorporates the physical fitness program as a critical component. The defensive tactics program provides the trainees with realistic self-defense skills, incorporating proper arrest and control procedures, fighting skills, mental conditioning, and development of physical stamina through exercise, to prepare the student to overcome both armed and unarmed attacks. Further, all Basic Agent trainees

receive instruction in the appropriate techniques and strategies for conducting arrest and search warrants, along with felony vehicle stops and vehicle-involved arrests. In addition, in-service Special Agents and Group Supervisors are trained in planning, organizing, and executing drug-oriented raids.

The Tactical Safety and Survival Unit is also responsible for conducting critical incident management and operational planning for DEA Group Supervisors during the agency's Group Supervisor Institute. A comprehensive review of all DEA-related critical incidents provides Group Supervisors with relevant and up-to-date instruction in risk management and risk avoidance.

#### Domestic Training

#### Firearms Training

The Firearms Training Unit provides firearms instruction to Basic Agent trainees and in-service classes. The unit conducts Firearms Instructor certification and the training for all firearms instructors in the field. It is also responsible for the testing and evaluation of all firearms, ammunition, ballistic protection, gear, and firearms-related equipment.

Basic Agent trainees receive 122 hours of firearms training including basic marksmanship, combat shooting skills, and tactics. Each student receives individual instruction and practice in using shoulder-fired weapons, firing while using a ballistic shield, and firing in low-light environments.

Deadly force scenarios are simulated using the Firearms Automated Training System (FATS). This computer simulator tests decision making and reaction time by employing drills that hone combat shooting skills. These drills emphasize respect for human life and the importance of the proper use of deadly force.

#### Domestic Training

#### Clandestine Laboratory Training

The Clandestine Laboratory Training Facility is located at the new 32,000 square foot Clan Lab facility located adjacent to the DEA Training Academy in Quantico, Virginia. With the increase in the number of clandestine laboratory seizures throughout the country, there has been a corresponding escalation of problems confronting state and local agencies that are called to the scene of these laboratories. Often, it is state or local police

who first encounter these laboratories and must ensure that they are investigated, dismantled, and disposed of appropriately.

The DEA Basic Clandestine Laboratory Certification School is the most widely recognized law enforcement-sponsored clandestine laboratory training course meeting OSHA standards. It is available for DEA Special Agents and state and local officers throughout the United States and abroad. The DEA Clandestine Laboratory Training Unit also conducts an Advanced Site Safety Officer School for DEA and state and local officers. This school is designed to certify attendees as Clandestine Laboratory Site Safety Officers, an OSHA requirement for every clandestine laboratory site. Advanced assessment and investigative techniques are taught at this school.

Because of the unique circumstances involving the actual raiding of a clandestine laboratory site, it was determined that there was a need for tactical training specifically designed for clandestine laboratory operations. The Clandestine Laboratory Tactical Training School was developed in FY 2000 and is designed for Special Agents and narcotics officers who are involved in clandestine laboratory raids, but have limited tactical training and experience. Their training includes the full use of issued equipment including air purifying respirators and self contained breathing apparatus.

In addition to the domestic mission of training DEA Special Agents and state and local law enforcement personnel, the Clandestine Laboratory Training Unit provides First Responder/Awareness training and a First Responder/Awareness Train-the-Trainer Program to officers throughout the United States and law enforcement agencies throughout the world.

### Law Enforcement Training

The law enforcement field draws diverse personalities and offers lots of different career paths. Training programs for these careers share some basic characteristics, including physical and psychological conditioning and the encouragement of personal and group responsibility. In many cases, you can earn your degree online or on-campus, depending on your location and schedule.

### Careers & Jobs with Law Enforcement Training

Typical law enforcement associate degrees are completed in two years, and can qualify you for entry-level work as a police officer, security guard, investigator, or corrections officer. Credits may also be transferred to bachelor's degree programs if you choose to continue your education at any point.

Bachelor's degree programs can lead to greater skills and can begin or advance careers in police departments and investigation units. Students can earn their bachelor's in private security, forensic science, crime scene investigation, or homeland security. Bachelor's degree programs can be completed in four years; if you have already earned an associate degree in law enforcement, it can often be done in two.

To advance further, you can earn your master's in any of the programs mentioned above. To gain

#### Police Academy Course Hours Sliced and Diced

In case you wanted to know how those hundreds of course hours are divided, here's the breakdown from the Los Angeles Police Department Police Academy:

- Academics: 230 hours
- Driving: 40 hours
- Firearms: 113 hours
- Human Relations: 100 hour
- Law: 105 hours
- Physical Training: 142 hours
- Tactics: 98 hours
- TOTAL: 828 hours

#### Breaking into the DEA

The Drug Enforcement Agency holds some of the most sought-after jobs in the law enforcement field. Started in 1973 by President Richard Nixon, the agency has the dual task of stopping the use of illegal drugs in the U.S., as well as halting drug smuggling from other countries into the U.S. With offices all over the world, the DEA has 10,800 employees and a budget of over \$2.4 billion.

The DEA has very competitive standards and only takes the cream of the crop when looking for special agents. Find out if you have what it takes to make it in the DEA.

### Have the Background

As a cop, you already have the background and training that the DEA is looking for. Those with law enforcement and military experience are preferred over all other applicants. All applicants must have a bachelor's degree, with special attention going to those with a criminal or law degree, and those who are multi-lingual are some of the most sought-after candidates in the DEA. Your best bet in getting started is to attend an orientation that local DEA offices offer to potential candidates.

### Know the Requirements

The DEA has some of the strictest guidelines for employment. In addition to having a law enforcement and/or legal background, one must also be in top physical condition and pass a Physical Task Test. Candidates cannot be under 21 or over 37 and must be a U.S. citizen. Candidates must also pass an interview session, which includes a psychological evaluation. In addition, the DEA requires an extensive background check on every potential employee.

### Pass the In-Depth Investigation

Employees of the DEA are constantly scrutinized about drug use. Any previous or current drug use will absolutely exclude you from being considered. Drug tests happen randomly throughout your career at the DEA. In addition, when you apply, you must fill out a Drug Questionnaire that lists all your previous drug interactions. You don't just have these tests to worry about — an extensive police background investigation is done on each candidate, which includes interviews with everyone in your life — family, friends, bosses, co-workers, neighbors, and even teachers. There are also credit and criminal record investigations and a polygraph test that each employee has to pass.

### Pick a Specialty

The DEA offers many different career paths that will suit any background in law enforcement. The most common, and also most dangerous, are the Special Agents who work directly in the field. These positions require more training and physical tests than most of the other positions.

If the field isn't right for you, there are plenty of other opportunities. Diversion Investigators are in charge of the direct investigations of the sale and distribution of controlled substances. If you are more into forensics, there are plenty of opportunities in the DEA, such as Forensic Chemist or Fingerprint Specialist. Or if you'd rather work with data, try your hand as a Intelligence Research Specialist.

### Ace the Training

Training for the DEA — which happens at their academy at the US Marine Corps base in Quantico, Virginia — is a 16-week program, including an intense 122-hour firearms training, which tests everything from weapon safety to tactical shooting and marksmanship. The agency's firearm of choice is the Glock 22 and Glock 23 in .40 caliber ammunition. According to the DEA training site, a large part of the training focuses on “respect for human life, leadership and ethics, human dignity, and sound judgment in the use of deadly force.” The trainees are expected to translate those lessons into real-life simulation exercises before they can pass training.

## 2.3 Law as a System. Kinds of Law

### What Is Law?

Laws are rules made by the government that tell people in a society how they should act. While every society has some type of law, it can take many different forms depending on the given society. Stable societies depend on government officials to enforce the laws and the citizens to obey them.

### Laws and Values

Laws generally reflect people's ideas about right and wrong. However, not everything that is immoral is illegal. Laws often change over time as a society's values change. One goal of the law in democratic societies is to respect the majority's wants while protecting the rights of those who have less of a voice in the system.

### Human Rights

Human rights are the rights that belong to people simply because they are human beings. Most countries have agreed to recognize and respect human rights by signing the

Universal Declaration of Rights. The United Nations has developed a system of international treaties that protects specific human rights. Many countries also create laws aimed at protecting human rights. Our Constitution, Bill of Rights, and other state and federal laws are all influenced by a desire to protect human rights.

Balancing Rights with Responsibilities / Americans enjoy many individual rights, but some people argue that these rights must be balanced with social responsibilities to foster a sense of community.

### Kinds of Laws

Law can be divided into two major categories: civil and criminal. Criminal laws regulate public conduct. In a criminal case, the government brings legal action against a person and imposes a penalty. Civil laws regulate relations between private individuals and may be enforced in a civil action by a private citizen (or group) who feels wronged. Sometimes the same act or wrong can be tried as both a civil and criminal case. However, criminal cases require a higher standard of evidence for conviction than civil cases, because the penalties are more severe.

### Our Constitutional Framework

The United States Constitution is the highest law in the United States and the longest lasting written constitution in the world. The United States Constitution sets forth guidelines for the organization of the government, lists the government's powers and limits, and outlines the freedoms of United States citizens. The Constitution also designates that the federal government's power must be divided among three branches, each with distinct roles and checks on the other branches' power. In addition to federal power being shared among the three branches, power is also divided between the federal and state governments. Each state has its own constitution, which organizes its government and sets out the rights of its people. These constitutions, like the federal Constitution, are difficult to change, but amendment processes exist and are used when necessary.

## The Law – Our Safeguard

Everyone is affected by the law every day. No one can live in a modern industrial society without meeting the law in many different ways each day

Every time we drive a car we must pay attention not only to the criminal law but also to the requirements of the civil law of negligence. Every time a visitor enters our homes we become legally responsible for his safety - we owe him what lawyers call "a duty of care", whether we know it or not.

Even the most private and natural parts of our lives - birth, marriage and death - have significant legal aspects.

In all these ways the law is a framework for the actions of citizens. In its most familiar form it tells us not to do something. The criminal law supports these prohibitions by an elaborate system of threatened penalties: and civil law often has a similar purpose - it compensates the person injured by someone else's negligence, and so indirectly discourages negligent conduct.

But law is more than a network of rules saying "Thou shall not". It also enables people to do the things they wish to do - getting married or divorced, adopting a child or making a will, for instance. It lays down the requirements for licences - a licence to drive a car, for example, or a licence to sell wines and spirits in a restaurant. It provides the rules for the relationship between manufacturers and the people who use their products, between estate agents and people who wish to buy or sell houses.

The law marks out the limits of the power of individuals to control their affairs. A man may play a musical instrument - provided he does not play it too loudly. A woman may marry the man of her choice - provided he is not too closely related. A family can enlarge their home - provided they can show in the application for planning permission that their plans will not diminish the value of their neighbours' homes or damage the environment.

It is well known that ignorance of the law is no excuse; but in our modern society, where the law touches so many steps of our daily lives, ignorance of the law is also a positive risk - for it often deprives people of their legal rights.

Tenants leave their homes in response to a notice to quit - unaware that they may have legal protection. Consumers fail to appreciate that they have legal remedies against the retailer who has sold them defective goods: they sign 'guarantees' which deprive them of their legal rights. People injured in accidents refrain from taking proceedings against the person responsible because they do not know that it is possible to get damages for pain and suffering.

Knowledge of the law, therefore, is not merely an agreeable social and intellectual advantage. Knowledge of the law is the way in which we can safeguard ourselves, our families and our possessions, by assuring ourselves of the rights and remedies which the legal system provides.

## 2.4 Crime and Punishment

### Types of Crimes

The field of criminal law divides crimes into several categories. The category of crime dictates the type of criminal act, the mental state, and the degree of punishment. Three broad categories of crimes are crimes against the person, crimes against property, and white-collar crimes.

The categories of crimes are further divided by the designated punishment for the crime. The categories of punishment are felony, misdemeanor, and petty misdemeanor. Each represents a different category of punishment.

Felonies are the most serious crimes. A felony is any crime that is punishable by imprisonment for more than one year. The seriousness of a felony crime is indicated by the possible sentence for the offense.

Some felonies are capital crimes – crimes that are punishable by the death penalty. Other felonies are punishable by sentences up to life imprisonment, up to ten years' imprisonment, and up to five years' imprisonment.

Crimes that are punishable by incarceration of one year or less are misdemeanors. Misdemeanors are regarded as less serious offenses that do not require time in prison –

nearly all misdemeanor sentences are served in a county or local jail. In many states, any crime that is not specifically categorized as a felony is treated as a misdemeanor.

Petty misdemeanors are offenses that do not require incarceration. These offenses are usually punishable by a fine. Petty misdemeanors are often administrative offenses, such as failure to acquire a necessary permit. Since petty misdemeanors do not require incarceration, there is no right to a jury trial for these offenses.

### Crimes Against Persons

Crimes against the person are the most serious crimes because the offense involves physical harm to another person. Crimes against the person are also called violent crimes for this reason. The great majority of crimes against the person are felonies.

Homicide is an obvious crime against the person. The death of another person, whether caused by recklessness, the heat of the moment, or premeditation, is the ultimate act of violence. The differences between the degrees of homicide — first degree murder, second degree murder, and manslaughter — are differences in the intent of the defendant. The greater the degree of intent, the greater the degree of punishment.

Of course, aggravating circumstances have an effect on the perceived seriousness of the crime as well. A defendant convicted of homicide may face enhanced penalties if the homicide involved illegal drugs or the use of a gun. The federal government may seek the death penalty if the victim of the homicide was a federal law enforcement officer.

Other crimes against the person include robbery, sexual assault, and assault and battery. These crimes typically require that the offense use a degree of force or that the victim be placed in fear of physical harm. Each crime requires a violent act or the threat of a violent act.

### Crimes Against Property

Crimes against property do not usually involve force or fear of harm. The criminal act is the act of damaging or attempting to gain the property of another. Crimes that damage the property of another include trespass, vandalism, and arson. Crimes that attempt to gain the property of another are burglary, larceny, theft, and forgery.

Crimes that damage the property of another may involve violent acts, but because there is no physical injury to a person, they are not classified with other violent crimes.

The intent of these crimes is the damage to property, even if harm to a person occurs. For example, a person who willfully and maliciously burns a building owned by another has committed the crime of arson. If the owner is trapped in the building or is killed trying to extinguish the fire, the defendant may also be guilty of a crime against the person.

Crimes that attempt to gain the property of another are also distinguished from crimes against the person by the lack of physical harm. A robbery has the purpose of gaining the property of another, but is a crime against the person because it requires placing the victim in fear of physical harm.

Larceny — the wrongful taking of the property of another — however, does not require physical harm to the victim. In fact, it is possible to commit larceny without the victim's knowledge that the act has taken place. Other crimes against property that do not require any knowledge on the part of the victim include forgery and obtaining goods by false pretenses.

### White-Collar Crimes

White-collar crimes are a special category of crimes against property. These crimes are usually business-oriented. Most white-collar crimes involve the use of a business position or occupation to commit the crime. Many, but not all, are in furtherance of some business interest. This does not mean that the offender does not receive personal gain, but personal gain is seldom the primary motive for these crimes.

The business scandals of the last few years have made the public well aware of the many varieties of white-collar crime. It includes insider trading as in the Imclone scandal and accounting fraud as in the Enron scandal. It also includes embezzlement, bribery, and wire and mail fraud. White-collar crimes are typically complex and difficult to prove.

Convictions in these cases usually rely on a combination of documents and the testimony of participants. Because white-collar crime is not considered a violent crime, offenders are often sentenced to serve time in minimum-security prisons.

### Drug Abuse and Crime

#### Extent of the Problem

The connection between drug abuse and crime is well known. Drug abuse is implicated in at least three types of drug related offenses: (1) offenses defined by drug

possession or sales, (2) offenses directly related to drug abuse (e.g., stealing to get money for drugs), and (3) offenses related to a lifestyle that predisposes the drug abuser to engage in illegal activity (e.g., through association with other offenders or with illicit markets).

Untreated substance abuse adds significant costs to communities, including violent and property crimes, prison expenses, court and criminal costs, emergency room visits, child abuse and neglect, lost child support, foster care and welfare costs, reduced productivity, unemployment, and victimization. Successful drug abuse treatment in the criminal justice system can help reduce crime as well as the spread of HIV/AIDS, hepatitis, and other infectious diseases. It is estimated that for every dollar spent on addiction treatment programs, there is a \$4 to \$7 reduction in the cost of drug-related crimes.

#### Effective Treatment for Criminal Offenders

Studies show that treatment can cut drug abuse in half, reduce criminal activity up to 80 percent, and reduce arrests up to 64 percent. Based on a review of this and other scientific literature on drug abuse treatment and criminal behavior, in 2006 NIDA released “Principles of Drug Abuse Treatment for Criminal Justice Populations”. This publication discusses 13 principles proven through research to help criminal justice organizations tailor treatment programs to better serve their populations. In brief, these principles are:

- Drug addiction is a brain disease that affects behavior.
- Recovery from drug addiction requires effective treatment, followed by management of the problem over time.
- Treatment must last long enough to produce stable behavioral change.
- Assessment is the first step in treatment.
- Tailoring services to fit the needs of the individual is an important part of effective drug abuse treatment for criminal justice populations.
- Drug use during treatment should be carefully monitored.
- Treatment should target factors that are associated with criminal behavior.
- Criminal justice supervision should incorporate treatment planning for drug abusing offenders, and treatment providers should be aware of correctional supervision requirements.

- Continuity of care is essential for drug abusers re-entering the community.
- A balance of rewards and sanctions encourages prosocial behavior and treatment participation.
- Offenders with co-occurring drug abuse and mental health problems often require an integrated treatment approach.
- Medications are an important part of treatment for many drug abusing offenders.
- Treatment planning for drug abusing offenders who are living in or re-entering the community should include strategies to prevent and treat serious, chronic medical conditions, such as HIV/AIDS, hepatitis B and C, and tuberculosis.

Drug abuse treatment can be incorporated into criminal justice settings in a variety of ways. These include treatment as a condition of probation, drug courts that blend judicial monitoring and sanctions with treatment, treatment in prison followed by community-based treatment after discharge, and treatment under parole or probation supervision. Outcomes for substance abusing individuals can be improved by cross-agency coordination and collaboration of criminal justice professionals, substance abuse treatment providers, and other social service agencies. By working together, the criminal justice and treatment systems can optimize resources to benefit the health, safety, and well-being of individuals and the communities they serve.

## Drugs Laws around the World

### United Kingdom

The British system revolves around the Misuse of Drugs Act 1971. This legislation classifies drugs into three groups - A, B and C. Class A drugs are the most harmful and include heroin and cocaine. Class B includes cannabis. Class C includes steroids and some tranquilisers.

Drugs which are classified are illegal for sale and consumption. That means it is a criminal offence to possess or sell the drugs, and the courts can fine and jail offenders or order some other form of community-based sentence.

The former Home Secretary, David Blunkett, downgraded cannabis from B to C - but that decision was reversed by one of his successors.

The past year has seen a tense debate between scientific advisers and ministers over the best way to approach the prohibition of some drugs, including so-called "legal highs".

Many of these laboratory-designed drugs have now been banned - and the new coalition government is planning legislation to temporarily ban new legal highs as they emerge on the market before scientific research into the effects has been completed.

#### The Netherlands

Many people believe that some drugs are legal in the Netherlands because of the availability of cannabis - but the reality is more complicated. The Dutch system tolerates licensed "coffee shops", where people can buy small amounts of cannabis for personal consumption. But the trafficking and sale of drugs remains illegal.

In effect, the Dutch have a system where cannabis sales are decriminalised in an effort to separate out its consumption from other drugs on the market.

#### Portugal

In 2001, Portuguese law was changed to decriminalise the possession of small amounts of proscribed drugs for personal use. If police discover someone carrying a small dose of a drug, they will confiscate the substance and refer the user to a "Dissuasion Commission". This body assesses their level of addiction, and the appropriate education or treatment required. In other words, the state treats a user less like a criminal and more like a patient.

The Portuguese government claims that under the system there has been a decrease in deaths and the number of people being treated for addictions has risen.

#### United States

The US led the way on the prohibition of drugs when former President Richard Nixon declared a "war on drugs". The federal system in the US is essentially the same as in the UK - harmful drugs are banned, and possession or trafficking results in a criminal charge.

However, the picture is complicated by the power of states to pass their own laws. Thirteen states, led by California, have decriminalised the consumption of cannabis for medicinal purposes - although in some cases the law conflicts clearly with federal legislation.

The bigger picture is the US government's role in attempting to contain the flow of drugs from South America - and also Afghanistan - into North American and Europe.

### Colombia

This country is at the heart of the US government's international efforts on combating drug production and trafficking - a great deal of money has been spent targeting the cartels.

But internally, Colombia's judges decided in 1994 that it was unconstitutional to punish people for possessing small amounts of drugs for personal use.

The government of former President Alvaro Uribe, a staunch US ally who stepped down earlier this month, won support to reverse the court's decision by changing the constitution. The new law aims to force addicts into treatment, rather than allow their imprisonment.

### The Purpose of Criminal Punishment

People who break the law are punished. Criminal penalties range from a small fine or community service to the death penalty. Why are criminals punished? To justify imposing punishment on one of its members, a society must have a purpose.

Most people accept that there are consequences for criminal conduct. The consequences are generally unpleasant and extract from the lawbreaker either his liberty or his property. Once someone is found guilty of a crime, either a felony or a misdemeanor, punishment is imposed.

There is not a single reason to impose a penalty. The reasons for punishing lawbreakers are varied, and the reasons vary with the crime. Each punishment has a purpose:

- Retribution or Revenge
- Deterrence/Public Education
- Incapacitation
- Rehabilitation

Retribution or Revenge

A crime is considered an act that not only injures the specific victim, but also harms society. A person's harmful acts may outrage the society as a whole. This gives rise to a desire for revenge, and punishing the criminal tends to satisfy that need.

Additionally, having a person punished by society provides some measure of revenge for the specific victim of the act. If society provides an adequate punishment, the need for an individual to seek revenge personally is diminished and providing incentive to seek retribution through law enforcement.

In some instances, laws require restitution to the victim. Criminal law is generally reserved for the vindication of society, and often a victim will need to file a separate civil lawsuit to recover damages.

#### Deterrence/Public Education

Imposing a penalty for a criminal act is also intended to deter that person from repeating the act. If the penalty is significant enough, the lawbreaker will think twice before doing it again. Also, when the penalties are well known and there is public dissemination of penalties for a particular crime, it is expected that others who might contemplate the crime would be deterred from engaging in the prohibited activity. In the course of human history the deterrence aspect of criminal punishment has had gruesome chapters, including public executions and leaving corpses of the crucified to hang upon the cross.

When there is a trial, sentencing and punishment imposed, there is often attendant publicity. This publicity is part of the deterrent factor in imposing a criminal penalty. Deterrence is frequently an argument used to support the death penalty.

#### Incapacitation

Jail or prison terms generally lengthen with the seriousness of the crime. The longer sentences serve the ends of revenge and deterrence, and serve another purpose. The longer a person is in custody, the less opportunity that person has to commit new crimes. This is particularly true of repeat offenders. This is one reason for laws known as "three strikes" imposing long prison terms or even life sentences on individuals with multiple convictions.

When an offender has not been deterred by prior penalties, protection of potential victims from that offender becomes an important consideration. Long jail or prison terms for individuals with multiple DUI's are becoming common as a protection for society. At some point it is in society's interest to protect itself by a certainty that a dangerous person is unable to harm others and incapacitation through custody serves that interest.

### Rehabilitation

There is also a value that every human life has meaning and worth. A belief exists that a spark of good is in everyone, even those who break society's laws. With that thought in mind, places that were previously known as jail or prison have become Departments of Correction.

Some rehabilitation may come from within a person who is incarcerated. Criminals who are imprisoned may evaluate their actions and reshape their behavior. When their liberty is restored they may restrict their actions to the boundaries of the law. Often programs are offered to offenders to assist in dealing with certain problems. Participation in programs such as drug and alcohol counseling or domestic violence education serves potentially to rehabilitate an individual.

Involvement in such programs is often a condition of either continued freedom or reduction of jail time.

### The Morality of Criminal Punishment

Criminal punishment's morality rests upon the concepts of retribution, deterrence, incapacitation and rehabilitation. These ideas are employed to validate society's imposition of punishment on offenders.

## What Are the Different Forms of Punishment?

In case of a legal punishment, a person is punished if he or she acts in an illegal way. Illegal punishment is a different type of punishment from other punishments because in case of a legal punishment, the punishment is authorized by a legal authority, it follows rules of the constitution, it allows only certain kinds of punishment and penalizes the person because he or she has done something that is forbidden by law. To know in detail about legal punishments, browse through the articles in this topic.

## Forms of Punishment

A brief write-up on the different forms of punishment for crimes ranging from second degree misdemeanor to felony, followed by the judicial systems across the world.

After the completion of the trial, the court sentences the guilty to a punishment, which is directly proportional to the severity of crime committed by him. The sentencing usually differs from one jurisdiction to another. For instance, a felony which may amount to a capital punishment according to the judicial system of a particular country, may amount to life term imprisonment in another. That being said, punishment is quite a broad concept, which is open to several interpretations. However, at the end of the day, everything comes down to a single point objective - to ensure that justice prevails in the society.

When found guilty of a particular crime, he is sentenced in accordance to the law of the land. He may be imprisoned, sent on probation, sentenced to community service or slapped with a fine. Though not as common as these methods of punishments, capital punishment (for serious crimes) is also in practice in several countries around the world - including democracies like the United States and India.

**Imprisonment:** Imprisonment or incarceration, wherein the person is put in jail as a lawful punishment, is perhaps one of the most common punishment in the world. Retribution, i.e. the act of correcting a person for his misconduct, is the main purpose of imprisonment. But this also serves other purposes like deterrence, incapacitation and rehabilitation. The term, or the period, that the convict has to spend in the prison depends on several factors, most prominent ones being the area of jurisdiction and severity of the crime. Even though it is the most common form of punishment, even imprisonment has been subjected to intense criticism as a result of incidents wherein people falsely accused of a crime had to spend life term in prison.

**Probation:** Yet another widely used form of punishment, probation is most often used in lieu of imprisonment. A person is sentenced to probation for misdemeanors as well as a felony of a lesser degree. In some cases the convict may have to spend a part of his sentence in the prison. The person on probation is supposed to abide by the probation conditions set by the court. For instance, he is restricted from possessing weapons or moving out of the area of jurisdiction. The probation officer is assigned the task to ensure

that the person is follows these probation rules properly. If required, the court can change its orders, and send the convict back to the prison.

**Fine and Restitution:** Though both involve paying a particular sum of money, there is a difference between the two. Fine is supposed to be paid by the convict to the government, while restitution is supposed to be paid by the convict as a compensation to the affected party. This form of punishment is generally given when the judge is convinced that the convict is not a threat to the society. In case of a fine, it can either be given individually or along with a specific period of imprisonment. If required, the court can also confiscate the property of the convict, especially when the crime is serious and the person convicted is in no position of paying the fine.

**Community Service:** A form of alternative sentencing, community service requires the convict to work for the society, either partly or entirely, in lieu of the sanction or fine imposed on him. Generally, a person is sentenced to community service for varying degrees of misdemeanor, or for a non-violent felony, though in rare cases. The person may have to get involved in a specific activity related to the crime. For instance, a person held for possession of banned substance may have to join a group working to create awareness about the hazards of the substance abuse. Such form of punishment is most often given to famous people with significant public appearance, as the law believes that allowing a celebrity to do community service will result in some good to the society, as opposed to imprisoning him.

**Capital Punishment:** Capital punishment, also referred to as the death penalty, is one of the most severe forms of punishment. A person may be sentenced to death penalty for crimes like murder, homicide, rape, etc., depending on the provisions in the law of the land. The most important objectives of capital punishment are deterrence - conveying a message that such acts will not be tolerated in the society, and incapacitation - making sure that the person doesn't repeat such heinous action/s. The different methods used to carry out death penalty executions today include hanging, electrocution, lethal injection, and firing squad. Inclusion of capital punishment as a part of the judicial process has been a subject of debate since quite some time now. While some argue that it is absolutely immoral act on the part of the system, others feel it is necessary to establish a crime free

society.

Basically, punishment is given to an individual to make him repent, ensure justice to the victim, and set an example for the rest of the society. If punishment serves either one or all of these purposes, then sentencing the criminals is a necessity.

### Legal Systems and Penalties

Drug traffickers today are making rings around us because of our unwillingness and inability to adapt our legal systems to deal with them. Most, if not all, countries in the European Union have effective laws for bringing drug traffickers, dealers and pushers to book. However, methods and requirements on police and customs and the legal profession itself in targeting, tracking, arresting and bringing drugs criminals to court vary greatly. This makes effective co-operation difficult. Again and again one learns of cases where the scent on a criminal case having been allowed to go dry or a big time criminal has escaped the net because of differing laws and practices. Disagreement or inability to act over controlled deliveries (monitoring the journey of a shipment known to contain drugs across borders), tracking devices attached to vehicles, pursuit across borders, inability to make a quick arrest, different laws in regard to search, are just a few examples where co-operation and success break down because of the law. We can quite understand the sensitivities involved as regards the protection of national sovereignty. Nonetheless the Treaty on European Union specifically requires greater co-operation between member states in the Union matters regarding terrorism and drugs trafficking and this must surely include a mutual approach to adapting our laws to deal with drug trafficking.

There has to date been no systematic evaluation of the penalties which are being imposed in different countries and in differing circumstances for the trafficking, dealing, pushing and possession of drugs. Today the degree of severity of penalties between for example the United Kingdom and the Netherlands for varying drug offences is enormous. But there are also great differences of approach to sentencing in a single country like Germany. States like Bavaria have a much tougher approach compared to those like Nordrhein-Westfalen. We need to make a complete analysis but in so doing be aware that

even those caught with large amounts of drugs are seldom the ring leaders, who distance themselves from the drug trafficking they organize.

The question of penalties for drug using and possession for personal use continues to be one of continuing debate and differences of opinion. We welcome the increasing awareness in courts across the European Union that imprisonment for using or small possession of drugs can be counter-productive. More often than not prisons are hot-beds for drugs, where not only are all sorts of drugs available but where needle sharing takes place with the attendant certainty of spreading AIDS. A study in the U.K. shows that 43% of male prisoners had used drugs prior to their arrest and that 23% of women had been dependant on drugs prior to entering prison. In addition addicts who are not criminals themselves come into contact with the culture of criminality in prison and are influenced by it. There is also the danger of young men and women who are not drug addicts and are given gaol sentences for relatively minor offences such as shop lifting. Very often they are introduced to drugs whilst in prison and become addicts. It is known too that within prison the availability of drugs and consequent drug debt lead to violence and extortion amongst inmates. We also doubt the benefit of allowing a person off a gaol sentence provided he or she agrees to have rehabilitation. It has been found by experience that drug addicts can only be helped to 'kick their habit' provided they themselves have the will to do so. If they do not, the rehabilitation process is almost always useless. There is also the ridiculous situation, which often arises, where addicts who have not come before the courts and who do want of their own free will to obtain rehabilitation, are unable to do so because the facilities are not available. So in effect an addict may have to create an offence before he is offered rehabilitation.

We recommend the following steps should be taken:

1. There should at an early stage be a full-scale review of drugs in prison across the EU and the effects that these have on inmates. Recommendations should take into account that law enforcement measures must go hand in hand with drug treatment and drug education initiatives.

2. There should be a complete review of different sentencing practices and the effects of various penalties on drug users. The aim should be to establish which practices yield best results and should be recommended for wider use.

3. There must be a uniform policy for sentencing the major criminals in the drugs trade. This must include effective extradition.

### Pros and Cons of Capital Punishment

Debates on whether capital punishment is morally correct in a civilized society have been going on for ages. Let's look at some pros and cons of death sentence. Capital punishment is the death penalty given by the government of a country, to people who have committed hideous crimes like homicide, rape, etc. Death penalty has been a way of punishing people since ages. Although there are some countries that have abolished death penalty from their law, there are still many which still practice the act of killing a person for crime. Death penalty is prevalent in the US, Asian and Middle Eastern countries. Some of the ways of executing criminals are hanging, shooting, electrocution and giving lethal injections.

People have different opinions on the issue of death penalty given to a convict. While some think that death penalty is necessary for those who have committed a terrible crime, there are others who consider it as an immoral act that goes against the values of humanity.

#### Advantages

A person who has committed a crime like killing or raping another person should be given death penalty, which is as severe punishment as the act. It is said that when a criminal is given a death penalty, it dissuades others in the society from committing such serious crimes. They would refrain from such crimes due to fear of losing their lives. This would definitely help in reducing crime rate in society.

If a criminal is jailed, he may again commit the same crime after being released from prison. Giving him death penalty would make sure that the society is safe from being attacked by criminals. It seems to be an appropriate punishment for serial killers and for those who continue to commit crimes even after serving imprisonment.

Some believe that instead of announcing life imprisonment for the convicts, where they would have to live a futile life behind closed bars, it is better to kill them. It is said that imprisoning someone is more expensive than executing him. Rather than spending on a person who may again commit terrifying crime, it is better to put him to death. Death penalty is equated as revenge for pain and suffering that the criminal inflicted on the victim. Some people strongly believe that a person who has taken the life of another person does not have a right to live. Sentencing such a criminal can give relief to the family members of the victim that their loved one has obtained justice.

It is also important for the safety of fellow prison inmates and guards, as people who commit horrifying crimes like murder are believed to have a violent personality and may, in future, attack someone during imprisonment. These reasons emphasize the importance of death penalty for the safety and betterment of human society. However, there is another section of people who believe that it is an immoral and unethical act of violence.

#### Disadvantages

If we execute a person, there will be no difference between us and the criminal who has committed the horrifying crime of killing another person.

Capital punishment is not always just and appropriate. Usually, it has been seen that poor people have to succumb to death penalty as they cannot afford good lawyers to defend their stance. There are very rare cases of rich people being pronounced a death penalty. Also, an individual from minority communities are more likely to be given death penalty.

Every human being is entitled to receive a second chance in life. Putting a convict behind bars is always a logical option than killing him, as there is a chance that he may improve. People who have served life sentences are reported to have bettered their earlier ways of living and have made worthwhile contribution to the society.

There is also a chance that an individual is innocent and is wrongly charged for a crime he has never committed. There have been cases where people were released after being given death sentence, because they were proved innocent. There are also cases where a person's innocence was proved after he was put to death. Hence, it is best to avoid executing a person.

It is reported that there is no relation between death penalty and crime rate i.e giving death penalty does not decrease crime rate in the society. Crimes are prevalent in countries where death penalty exists and where it has been abolished.

The question whether death penalty is a moral or an immoral act in a cultured society, does not have a definite answer. Whether to give death penalty to a criminal or not, may depend on his earlier criminal records and the seriousness of the crime he has committed. But, do we really have the right to take the life of our fellow human beings?

### Facts about Capital Punishment

Capital punishment or the death penalty has always been a controversial topic, considering its legal and moral implications. While some claim that it is an effective way of curbing the crime rate, others argue that it is an inhumane and cruel method of punishment.

Capital punishment or the death penalty is when a person is put to death by the state as a punishment for a crime, following a legal trial. Public opinion on the hot subject of capital punishment has always been divided. Many reasons have been cited in support and against its practice. Supporters have termed it as a crime deterrent, but those against it claim that it does not deter crime; it only lowers the moral levels of the government. The implementation of capital punishment in the US dates back to 1608, after which it has undergone many reforms over the past two centuries. The application of it is very rare, mostly for aggravated murder, and it has also been abolished in some of the US states and territories.

### World Facts about Capital Punishment

Amnesty International reports that 141 countries have, as of May 2012, abolished capital punishment in law or practice.

China ranks highest when it comes to the number of executions per year. While official figures are not available, experts estimate a number close to 2000 every year. Iran, North Korea, Yemen, and the US carry out the most number of executions per year, apart from China.

Methods of execution include decapitation, electrocution, gas chamber, hanging,

lethal injection, shooting (firing squad), and stoning.

China, India, Indonesia and the US are collectively home to 60% of the world's population. These are also countries that practice capital punishment.

Capital punishment has been abolished in all European countries, with the exception of Belarus.

The UN Convention on the Rights of the Child which came into being in 1995, banned the death penalty for people who were below the age of 18 when the crime was committed.

### Capital Punishment in the US

Capital punishment is prevalent in 33 states currently.

The federal law allows capital punishment for people convicted of treason, espionage, and other homicide-related crimes. In 2012, 43 convicts were executed in 9 states across the US. In the past century, more than 40 women have been executed here. Figures as of April 1, 2012 tell us that 61 women are on the death row. The youngest person executed in the US was George Stinney of South Carolina, in 1944. He was 14 at the time of the execution.

The US Supreme Court banned the practice of capital punishment in 1972, but it was later reinstated in 1976. The total number of executions since then has crossed the 1000-mark.

Since 1973, 140 people were off the death penalty for being falsely convicted. As we move towards progress, the voice against capital punishment is gaining momentum. Everywhere around the world, we hear of people trying to urge those in power to do away with this system for its inability to curb crime. Here are some facts that support the movement to abolish the death penalty.

Since its inception, there have been cases where innocent people have been issued the death penalty. For instance, the controversial Timothy Evans case is regarded as a major miscarriage of justice, which eventually led to the abolition of capital punishment in the UK in 1965.

Capital punishments come with a hefty price tag, and the expenses that follow are settled using precious tax dollars. Estimates claim that capital punishment is roughly 20

times more expensive than a sentence of life imprisonment without parole. Most importantly, there is no concrete evidence which suggests that capital punishment actually deters crime.

Much has been said about the pros and cons of capital punishment. Its efficiency as a deterrent to crime is yet to be established and whether it is a justified solution to crime still remains a debatable issue.

## The Death Penalty for Drug Offences

### Tipping the Scales for Abolition

Executions for drug offences have escalated in countries such as Iran and Saudi Arabia against a trend towards abolition globally, reveals a new Harm Reduction International (HRI) report *The Death Penalty for Drug Offences, Global Overview 2012: Tipping the Scales for Abolition*. The report reveals that over 540 people were executed for drug offences in Iran in 2011, a trend that continues in 2012 and represents a five-fold increase since 2008. At least 16 people were executed for drugs in Saudi Arabia in the first six months of 2012, compared with one person in 2011.

Death sentences have tripled in Pakistan from at least five in 2009, to at least 16 in 2011. The report coincides with Pakistan's first execution since 2008. A former soldier convicted of murder in 2008 was executed on November 15th. British national, Khadija Shah, is among those imprisoned in Pakistan for alleged drug offences and faces the death penalty.

The figures come against a backdrop of declining political will by a growing number of South East Asian countries to enforce their own capital drug laws. There has been an absence of executions in Indonesia and Thailand since 2008, and Malaysia and Singapore have taken steps in 2012 to review the mandatory death penalty for drug offences.

Despite the absence of executions, increasing death sentences handed down in Malaysia remain a concern, with the number increasing year on year since 2009.

Two significant exceptions in the region are China and Vietnam where data on the death penalty remain a state secret, thus hiding the true numbers of those sentenced and

put to death. Executions are known to have taken place in both countries and China is widely considered to execute the more people than any other country.

“While there is cause for optimism on some fronts, hidden behind the statistics is a truly horrifying picture of inhumane drug enforcement,” said HRI Executive Director Rick Lines. “The identities of many of those sentenced to die or executed are rarely made public but in those few instances when the details are revealed, the same pattern emerges - the condemned are very often poor, disadvantaged and desperate.”

The report says that while alarming numbers of people have been sentenced to death and executed for drugs worldwide political efforts and legal challenges in recent years have increased the potential to reduce the amount of people facing the death penalty for drugs in the future. Tipping the Scales for Abolition documents four high profile court cases that challenged the death penalty for drugs in India, South Korea, Singapore and Indonesia. Two were successful – in India and South Korea judicial discretion won out over the mandatory death penalty.

“Politically, governments seem increasingly uncomfortable with the death penalty for drug offences,” said Baroness Vivien Stern, Chair of the All Party Parliamentary Group on the Abolition of the Death Penalty, speaking at the report’s launch today in the House of Lords event. “Even Malaysia, which many see as a very repressive state on drug laws, is currently debating whether to remove the mandatory death penalty, and has placed a moratorium on executions until that decision has been made. This is very encouraging. But there is much more to be done.”

Key findings of Tipping the Scales for Abolition include:

- 33 states or territories retain the death penalty for drug offences, an increase in the past year due to the creation of South Sudan. Only 13 now retain the mandatory death penalty for drug offences.

- Fewer than 10 countries in fact carried out executions for drug offences in 2011/2012, confirming international movements away from the practice.

- No executions for drug offences in Malaysia, Indonesia or Thailand in 2011/2012, but death sentences continue to be handed down in high numbers in Malaysia (at least 83 in 2011).

- Among the small group of states carrying out executions, many hundreds were put to death - the majority in China and Iran.

- In Iran executions for drugs have increased five-fold since 2008 to over 500 per year (in both 2010 and 2011), often without fair trial. Public hanging are common and execution rates have remained high in 2012.

- Beheadings for drug offences have taken place in Saudi Arabia. At least 16 people were executed in the first six months of 2012, a considerable increase compared with one person executed for drugs in the whole of 2011.

- Death sentences have tripled in Pakistan, from at least 5 in 2009, to at least 16 in 2011.

- Data on the death penalty remain a state secret in China and Viet Nam meaning that the true number of those sentenced and put to death is unknown. China is widely considered to remain the country that executes the most people each year.

The release of *Tipping the Scales for Abolition* comes amid concerns raised by Harm Reduction International, Human Rights Watch, Amnesty International, Reprieve and other human rights groups about millions of dollars in bilateral and UN drug enforcement aid to death penalty states, including Iran. The intention of the financial and technical assistance is to help seize drugs and arrest suspected traffickers, but the groups say that such assistance legitimises the ongoing killings of those convicted and may be facilitating the capture of individuals later put to death.

Harm Reduction International has also documented international funding and UN assistance to other death penalty states, including China, Viet Nam, and Pakistan, where a British woman, Khadija Shah, currently faces the death penalty for drug trafficking (4).

“Khadija is just one of the many victims of the hugely destructive war on drugs. Just twenty-five years old, she is imprisoned in infamous Adiala jail in Pakistan, in fear for her life and that of her newborn child, also incarcerated with her” said Maya Foa of legal action charity, Reprieve, which is assisting Ms Shah.

“Donors and the UN Office on Drugs and Crime are effectively legitimising the death penalty at crucial time, when every effort is needed to move towards abolition,” concluded Lines.

## Alcatraz: Federal Prison 1934-1963

Born of necessity, perhaps even political expediency, Alcatraz represents the federal government's response to post-Prohibition, post-Depression America. Both the institution and the men confined within its walls are a part of this era, and in order to be studied with any degree of understanding, it must be attended to with a focus on this time period. Prisons are a reflection of society and the reflection offered by Alcatraz is one of great clarity. The collaborative effort of attorney general Homer Cummings and Director of the Bureau of Prisons, Sanford Bates, produced a legendary prison that seemed both necessary and appropriate to the times.

The emergence of persistent assertions about J. Edgar Hoover's interest and influence with regard to Alcatraz cannot be corroborated, but neither have they been completely denied. With the public peace constantly threatened by crime, a response had to be made and Alcatraz was that response. An in-house memo issued by Cummings shortly after taking office addressed the subject of creating a special prison for kidnapers, racketeers, and individuals guilty of predatory crimes. A remote site was sought, one that would prohibit constant communication with the outside world by those confined within its walls. Although land in Alaska was being considered, the availability of Alcatraz Island conveniently coincided with the government's perceived need for a super-prison. Having taken possession of the former Army prison and having circumvented the San Francisco citizens who were concerned at the prospect of vicious criminals in the near vicinity, the Bureau of Prisons set about selecting a warden who could do the job. A well-organized, no-nonsense businessman and prison administrator with twelve years of experience in the California Department of Corrections, James A. Johnston was to be that man. Johnston had retired at the time of his appointment by the Department of Justice, and its acceptance resulted in his serving as warden of Alcatraz for the next fourteen years. Classified as a concentration model, where difficult-to-manage prisoners from other institutions would be concentrated under one roof, Alcatraz served as an experiment. Segregation on this scale had not before been practiced, and only time would indicate its success or failure. Warden Johnston and the second Director of the Bureau of Prisons, James V. Bennett, both were men well ahead of their time. Visionaries in the field of penology, their knowledge

enabled Alcatraz to function as it had been hoped and to serve later as a model for the federal prison located in Marion, Illinois.

### Who's Who on Alcatraz

Contrary to popular myth, Alcatraz was to confine only a few of the infamous headline-makers of the era. Of the 1545 men to do time within its walls, the vast majority were not to be found on wanted posters adorning post office walls. Alcatraz was, of course, home to Al Capone for slightly under four and a half years. Transferred from USP Atlanta in August of 1934, Capone was among the first "official" shipment of prisoners to be received. His arrival generated bigger headlines than the opening of the institution, giving birth to the endless myth of Alcatraz. The most difficult aspect of Capone's management in Atlanta was his constant contact with family members who took up residence at a nearby hotel. Through this channel of communication Capone continued to run his organization in Chicago. He also worked at corrupting officers and enlisting fellow prisoners as personal servants. Influence and privilege were lost at Alcatraz where Capone was assigned menial jobs and treated in accordance with others. In failing health due to syphilis, he was transferred to FCI Terminal Island in January of 1939, and then on to USP Lewisburg, released from there in November of that same year.

Arriving on the second "official" shipment to Alcatraz in September of 1934 was George "Machine Gun" Kelly. Involved first in bootlegging, he was apprehended and sentenced to Leavenworth. At the conclusion of a three-year stay, Kelly emerged from prison in touch with some of America's best bank robbers, and immediately pursued a new line of work. From lucrative bank jobs, he advanced to kidnapping in 1933, holding for ransom a wealthy Oklahoma oil magnate. His capture resulted in the first Lindbergh Law trial and it was a courtroom sensation. Kelly was given a life sentence and returned to USP Leavenworth, within months being transferred to Alcatraz. He was considered a model prisoner by the officers with whom he came in contact, causing some question regarding his transfer to the more secure institution. Headlines and Hoover must here be considered. After seventeen years on Alcatraz, Kelly suffered a mild heart attack and was returned

again to Leavenworth in 1951. Within months of being paroled in 1954, a final attack ended his life at the age of 59.

From early days as a petty thief, Alvin Karpis moved on in his career to join Ma Barker and form the Barker-Karpis partnership literally laying waste to the Midwest between 1931 and 1936. His flamboyant style of robbery and kidnapping earned him the absolute wrath of J. Edgar Hoover. Karpis soon found himself with a new title, that of Public Enemy No. 1, and his name was recognized throughout the country. Avoiding capture for some fifteen months after the Barkers were apprehended, Karpis was finally taken into custody in New Orleans on May first, 1936. By August of that year, Karpis was residing on Alcatraz where he would spend the next 26 years, transferred to USP-McNeil Island in April of 1962, and released from the federal prison system via deportation to Canada in 1969. Leaving that country to assume residency in Spain, Karpis committed suicide in 1979.

#### Newgate New York's First Prison

Newgate, New York's first state prison, is unremembered today. Unlike Auburn and Sing Sing, it planted no seeds for the correctional future. Nor did it last long. Newgate opened in 1797 and closed 31 years later when the new Sing Sing prison was ready to take prisoners sentenced out of New York City. Begun with high hopes as the solution to the problem of crime, Newgate's inadequacy to the task was apparent almost immediately. Its first steps proved to be fatal ones. Newgate represented a rejection of the approach to crime and punishment that had prevailed in the colonies. Crime in colonial times was seen as sin; it had always been with us and always would be. Since the criminal's depravity was considered as natural and inerasable as a leopard's spots, reformation was not an aim of punishment. Punishment was to deter the offender as well as the crowds who gathered to watch.

Loss of liberty was seldom used as punishment: mere confinement was for paupers and orphans, debtors, the debilitated and insane and other nuisances. Confinement was also used to hold suspected wrong-doers pending trial.

By the time the colonies won independence, Americans viewed vengeful retribution as a brutal remnant of monarchical tyranny. Free now to discard the outmoded laws and traditions of the homeland, New York and other former colonies could act on better ideas, and better ideas were in abundance. The Enlightenment of the Eighteenth Century had produced a habit of mind characterized by disdain for authority and traditional doctrines, a love of liberty, and a faith in universal progress. In the field of penology, new ideas from Europe were widely known in the former colonies. In his 1764 *An Essay on Crimes and Punishment*, Italy's Cesare Beccaria had concluded that the indiscriminate severity and inconsistent application of the criminal laws in Europe were hindrances to law and order. The harshness of the laws promoted disrespect for authority, and people were reluctant to cooperate in bringing petty thieves to the gallows. The failure to distinguish degrees of wrong doing, according to Beccaria, was an invitation to more serious crime. To prevent crime, Beccaria said, "see to it that the laws are clear and simple and that the entire force of a nation is united in their defense."

For New York to join the vanguard, all that was needed was someone to assert leadership. That someone was Thomas Eddy. Eddy was born in Philadelphia in 1758 to Irish immigrants. He later settled in New York City and, after achieving financial success as an insurance broker, was able to devote himself to his many philanthropic interests. He opposed imprisonment for debt, served on Quaker committees to aid American Indians, and helped found the House of Refuge for paupers and the New York Bible Society. In 1805, he helped establish a free school for poor children in New York City, a step toward a public school system. He was an active supporter of the New York Hospital and helped found the Bloomingdale Asylum for the Insane. But Eddy was chiefly known as a penologist and was called "the John Howard of America" by his contemporaries. Prompted by outbreaks of disorder in the New York City jail, he traveled to Philadelphia in 1796 with General Philip John Schuyler, the father-in-law of Alexander Hamilton and a member of the New York State Senate, to examine the Walnut Street Jail, founded six years earlier by Quakers and already famous as the foremost correctional institution of the times. Eddy and Schuyler were fully taken with the Jail's enlightened philosophy, its orderly and humane management, and its claims of success in bringing about safer conditions on the

streets of Philadelphia. On their return to New York, it was short work to persuade the State Legislature to rewrite the penal code and to establish prisons on the Philadelphia model.

## 2.5 Drug Related Crime

### How Much Crime Is Drug Related?

When we think of the links between drugs and crime we usually think about dependent users of drugs like heroin and crack cocaine...

... who commit crimes such as theft, burglary, fraud and shoplifting to get money to buy drugs. However, drugs and crime are also linked in a number of other ways including:

- People who use or supply illegal drugs getting caught – see How many people are convicted of drug offences?
- People who commit violent offences while under the influence of drugs, particularly alcohol. Drunkenness is associated with a majority of murders, manslaughters and stabbings and half of domestic assaults.
- Alcohol and drug-related driving offences.
- Violence involving drug dealers who may clash with rival gangs or be violent towards drug users who owe them money.

Some research studies have found that a lot of acquisitive crime (stealing) is committed by dependent users of heroin and crack cocaine trying to pay for their drugs. Some show a high proportion of people arrested for a range of offences testing positive for drug use. It has been suggested that one third to over a half of all acquisitive crime is related to illegal drug use.

### Cost of drug-related crime

Examples of users needing £15,000 to £30,000 a year to fund drug habits have often been given. To make such amounts of money from stolen goods police often suggest multiplying by three – on the basis that stolen goods will fetch about one third of their normal value. There are estimates of around 320,000 heroin and / or crack users in England, with around 170,000 of them in treatment in any one year. That is a lot of theft,

burglary, fraud or shoplifting if all are stealing to pay for things. This has led some people to suggest that well over half of all acquisitive crime is drug-related and that the market value of goods stolen involved could be between £2-2.5 billion each year.

This can all seem very frightening and has often been sensationalised in the media. The picture given may be exaggerated for a number of reasons:

- Many people who are dependent on drugs like heroin and crack cocaine were involved in criminal activity before becoming dependent on drugs, so the drug use may not be the cause of the crime.
- Poverty, unemployment and social exclusion are often underlying factors rather than the drug use itself.
- Many people commit crimes in order to feed, clothe and house themselves and their families.
- Some users have jobs, benefits or other forms of income that are used to purchase drugs.
- Many users do not use large amounts of street drugs all the time. Dosage and frequency of use may go up or down and they may also have access to other substitute drugs, such as heroin users being prescribed methadone.
- Most people who use illegal drugs (the majority are non-problematic users) do not commit crimes to get money to pay for the drugs.

Taking these factors into account researchers from DrugScope estimated that between one and 21 per cent of the total cost of acquisitive crime is associated with people who were dependent on heroin.

The fact that acquisitive crime is focused on poorer, inner city areas makes for a lot of stress and difficulty for people who live there. However, understanding the relationship between drugs and crime is about keeping matters in perspective rather than falling for media scare stories.

### What Are Drug Crimes?

Drug crimes come in several different varieties, and the connections that exist between drugs and crime can sometimes be very nuanced and complex. Many

governments outlaw the use of certain substances, usually in order to protect societies from the behaviors these substances might instigate while simultaneously protecting users from their harmful effects. When people use these chemicals or sell them, they might be prosecuted by the government and sent to jail. There are also crimes that aren't directly related to the use of drugs, but instead have a connection to the way drugs make people behave, and those might also be called drug crimes.

Many governments choose to focus their anti-drug activities on drug crimes related to selling or manufacturing. In theory, this approach is meant to cut off the drug trade at its source. Some people believe this is a more practical approach because drug users usually drastically outnumber suppliers or sellers, which means it generally takes less work and manpower to handle the volume of cases generated.

In some governments, there is also a lot of focus on stopping drug crimes by going after drug users. These countries often try to deter people from using drugs by making the penalties for drug crimes extremely stiff. Often times, people are given a light sentence on their first arrests with increasing penalties for each subsequent arrest. Some people disapprove of aggressive penalties towards drug users because many of them may be addicts, and it may be extremely difficult for them to stop. People who disagree with these aggressive tactics sometimes favor things like rehabilitation instead.

In certain cases, drug use can be connected to crimes that only relate to drugs in an indirect way. For example, an addict might choose to rob someone to get money for the purpose of buying drugs. The primary crime in this example is robbery, but many people would consider it a drug crime as well, because without drugs, it probably wouldn't have happened in the first place. Other examples include infighting amongst illegal drug sellers and crimes dealers commit to avoid being caught by the police.

Some people feel the best way to deal with drug crimes is to legalize more substances, but this approach is fairly controversial. Proponents feel that drug crime enforcement is a serious drain on resources, and they worry that drug laws can create more crime than they stop by generating a black market. Others feel the consequences of legalizing drugs would be far worse than the crimes related to enforcement of drug laws.

## Drug Offences

The five main offences related to drugs are: possession, trafficking, possession for the purpose of trafficking, importing or exporting, and production.

As well as creating the offences, the CDSA (Controlled Drugs and Substances Act ) sets out the sentences for each crime. For most of the offences, the sentences given in the Act are maximums only; the actual sentence for most offenders will be less. Some offences carry a minimum sentence. That is the least a convicted person will receive. Where no minimum is stated in the Act, the judge can choose any of the sentencing alternatives allowed under the Criminal Code.

### Possession

The offence of possession is the least serious of the drug offences. Possession means that a person has a drug in his or her custody and knows it. Possession includes more than just carrying the drug on your body. It also includes having the drug stashed away, having someone keep it for you, or even knowing about and consenting to someone in the same room or vehicle having the drug. More than one person can be charged with possession of the same drugs.

To convict someone of possession, the Crown must prove three things: 1) that the substance in question is a Schedule I, II, or III drug; 2) that the person charged had control of the drug in some way; and 3) that the person charged knew or suspected that the substance was a drug, even if he or she did not know exactly what kind of drug.

Except as authorized under the regulations, possession of Schedule I, II, or III drugs is illegal. The regulations authorize possession, for example, to allow for administration of a drug by prescription. There is no offence of possession for Schedule IV drugs, which include many common prescription drugs.

In most cases possession is a dual offence. It can be prosecuted by either the summary conviction or the indictable procedure. This is no longer the case for possession of small amounts of marijuana and other forms of cannabis. Possession of these Schedule II substances in a small amount (the amounts are specified in Schedule VIII) is a summary conviction offence only.

The actual sentences given to those who are found guilty of possession can vary a great deal. First offenders who have only a small amount of a drug in their possession often get an absolute or conditional discharge. Such a sentence means that the offender will not have a criminal record. A fine, however, is common; this sentence results in a criminal record.

### Trafficking

The CDSA defines "traffic" as "to sell, administer, give, transfer, transport, send, or deliver" a controlled substance listed in Schedules I to IV or to offer to do any of these things. "Traffic" also includes selling a prescription for the drug. This is a broad definition. It includes more than the simple act of selling a narcotic. For example, merely passing a joint to a friend is technically trafficking in a drug, although it would likely be treated as simple possession. However, the more serious charge of trafficking sometimes can be laid in circumstances where you might not expect it. In one case, under the law that was in effect before the CDSA, a man brought home drugs for his and his wife's use. However, because the drugs were for more than just him, the situation was considered more than simple possession. He was convicted of trafficking. The law under CDSA prohibits virtually the same activities as the previous law.

Trafficking is a serious offence. It carries a maximum sentence of life imprisonment for Schedule I and II substances. However, under the CDSA a lesser penalty exists for trafficking in marijuana and other forms of cannabis. Trafficking in these Schedule II drugs in a small amount (the amounts are specified in Schedule VII) carries a maximum sentence of up to five years less a day.

Under the law that was in effect before the CDSA, a first offence usually resulted in a jail sentence of 3 to 9 months for the sale of small quantities of drugs such as marijuana. Judges imposed longer sentences for the sale of larger quantities of so-called "soft" drugs or for the sale of more serious drugs.

### Possession for the Purpose of Trafficking

For this charge, the Crown must prove all the elements of possession of a drug, plus an intention to traffic in that drug. Since it is impossible for anyone to read the intention in another person's mind, possession for the purpose of trafficking is evidenced by the

quality or quantity of the drug (is it too much for personal use?), the discovery of equipment, such as scales for weighing the drug, or the way the drug is packaged (were several small bags found?).

Sentences for possession for the purpose of trafficking are the same as those for trafficking. There is a lesser penalty for possession for the purpose of trafficking in a small amount of a Schedule II drug, just as there is for trafficking and for possession.

#### Importing and Exporting

Importing or exporting means taking a drug across the Canadian border. A person need not have physically carried the drug over the border. Taking part in the arrangements or the planning of the act can lead to a charge of importing.

It is against the law to import or export any of the substances in Schedules I through IV. It is also against the law to import or export certain chemicals which can be employed in the manufacture of the substances listed in those schedules, except as authorized in the regulations. These chemicals are listed in Schedules V and VI. The drugs in Schedule VI are described as "precursors". The importing and exporting offences apply equally to them. Until the CDSA became law there was no control over importing and exporting these substances.

Sentences vary, up to life imprisonment, depending on the drug classification, and whether the matter is treated as an indictable offence or a summary conviction offence.

"Zero tolerance" rules apply to Canadians who bring any amount of a banned drug into the United States. A person who takes a drug across the U.S. border may be charged with an offence under American law. In addition to any charges, a person who uses a vehicle to transport drugs will have the vehicle confiscated.

#### Production

It is an offence to produce any of the substances listed in Schedules I, II, III, or IV. To produce includes both to manufacture a chemical substance and to grow or cultivate plants, such as marijuana or opium poppies. The definition of "produce" is broad, and includes offering to produce a controlled substance.

A person who grows substantial quantities of marijuana plants may also be charged with possession of marijuana for the purpose of trafficking.

## Possession of the Proceeds of Drug Offences

A person may also be charged with possession of the proceeds of a drug offence. For example, if a person is arrested following a drug deal, and he or she is caught with money received from the sale of drugs, this charge can apply.

## Impaired Driving

We usually think of impaired driving as an offence that results from drinking alcohol and then getting behind the wheel. But a person may be charged with impaired driving while under the influence of drugs, even if they haven't consumed any alcohol. A person may also be charged with impaired driving when they have been drinking, even though their blood alcohol level is less than 0.08. The offence occurs when a person's ability to drive is impaired by either alcohol or drugs. It is the effect that the drugs or alcohol has on a person, not the amount consumed. These driving offences are found in the Criminal Code, not the CDSA.

Although this charge is a dual offence, the minimum sentences are the same whether the summary conviction or the indictable procedure is used. The minimum sentence for a first offence is a \$600 fine. A second offence means at least 14 days in jail, and a further offence will result in a jail term of at least 90 days. The maximum sentence for a summary conviction offence is six months in jail, while the indictable procedure has a limit of five years imprisonment. If anyone is injured or killed, an impaired driver faces higher maximum sentences. A conviction for impaired driving also means the suspension of driving privileges. (More information on this offence can be found in the sections on Alcohol.)

## Sentencing

The CDSA contains a statement that the fundamental purpose of sentencing is to contribute to the respect for the law and the maintenance of a just, peaceful and safe society. Sentencing should encourage rehabilitation of offenders and acknowledge the harm done to victims and to the community.

The CDSA lists certain circumstances which make an offence more serious. Use of a weapon, violence or threats of violence and selling to or involving young people or children are examples of these aggravating circumstances.

When there are aggravating circumstances the judge may choose to impose a more serious sentence, including a sentence of imprisonment. If the judge decides not to send the offender to jail, the judge must give reasons for that decision.

#### Consequences of a Conviction

A conviction for a criminal offence can have serious consequences beyond the sentence that the judge imposes. A criminal record may prevent a convicted person from following some careers or may interfere with travel plans. A person may not be allowed to work for the government or a bank, or may have difficulty entering a profession such as medicine, law, or teaching. It may not be possible to get a licence to drive a taxi. The Canadian government could refuse to issue a Canadian passport, a document that is necessary to enter most foreign countries. Even if a passport is granted, some countries will not allow people who have a criminal record to cross their border.

#### Drug Offences in Canada

In Canada, drug offences are codified in the Controlled Drugs and Substances Act. The act makes it illegal to possess, traffic, produce and import any drug that falls under its control. Drug offences are serious and a conviction for an offence can result in harsh penalties and could prevent you from travelling to the United States.

Examples of drugs that are prohibited by the Controlled Drugs and Substances Act include: cocaine, marijuana, heroin and ecstasy.

Types of Drug Offences: There are various offences that a person can be charged with under the CDSA. Below is a summary of each offence.

Possession of a prohibited substance – It is illegal to possess a drug that is prohibited under the CDSA. A person can be in possession of an item in a number of different ways. The CDSA refers to Section 4(3) of the Criminal Code for the different ways that a person can be in possession of an item. A person will possess an item if it is in their actual possession. A person will also be in possession of an item if that person knowingly has it in the actual possession of another person or stores it in a place for his own personal use or that of another person. In addition to proving that the accused was in

possession of a prohibited drug, the prosecutor must also prove that the accused knew he was in possession of the drug.

Possession of a prohibited substance for the purpose of trafficking – This offence alleges that the drugs you are alleged to be in possession of is not for your own personal use. The offence alleges that your purpose for possessing the substance is so you can traffic it. Trafficking is defined under Section 2 of the CDSA as: to sell, administer, give, transfer, transport, send or deliver the substance and includes selling an authorization to obtain the substance. Lastly, trafficking covers situations where a person offers to do anything that is listed above. In a prosecution for this type of offence, the prosecutor will often call an expert to testify about whether the amount of drugs is inconsistent with personal use.

Trafficking in a Substance – It is illegal to traffic prohibited drugs. The penalties can range from a discharge to life in prison. Trafficking is not limited to the sale of a drug but includes other actions that are listed under the definition of trafficking in the CDSA.

Importing – It is illegal to import into Canada any drug that is listed in Schedules I – VI of the CDSA. The offence of importing is completed the moment drugs are brought onto Canadian land. The Prosecutor does not need to prove that an accused knew which prohibited drug was imported into Canada – all the Prosecutor needs to show is that the accused knew they imported a prohibited drug. This means that it is not a defence to a charge of importing cocaine that the accused thought they were importing marijuana.

Production – The CDSA prohibits a person from producing any substances listed in Schedules I – IV. The definition of produce means to obtain the substance by any method or process. This includes: manufacturing, synthesizing or using any means of altering the properties of the substance. Production also includes cultivating, propagating or harvesting the substance or any living thing that the substance may be extracted. In a prosecution for production, the prosecutor must prove that an accused grew the prohibited drug, that the accused knew that it was a specified prohibited drug and that the accused produced it.

There are numerous defences that need to be explored if you have been charged with a drug offence – including applications to exclude evidence pursuant to the Canadian

Charter of Rights and Freedoms. It is crucial that you allow a lawyer to review your case with you before you decide how to proceed. Contact Morrie Luft, a Toronto criminal lawyer, at 416-433-2402 for more information or to set up an appointment.

### What is Drug Trafficking?

Drug trafficking is the term used to describe the production, distribution and sale of illegal drugs. In the United States, such drugs include cocaine, heroin, PCP, LSD, methamphetamines and marijuana. Penalties for drug trafficking may vary, but in most places penalties are intended to be severe enough to discourage individuals from engaging in selling drugs.

Drug trafficking is a major source of crime worldwide. Not only is there physical danger inherent in the use of illegal drugs, but drug smuggling is also frequently accompanied by other crimes such as murder, kidnapping, prostitution and assault. Authorities work full time all over the world to prevent the use and sale of illegal drugs, as both represent enormous dangers to society.

While laws vary according to jurisdiction, individuals charged with drug possession usually face stiff penalties, which include property forfeiture, hefty fines and time in prison. In some countries, such as China, drug sales may be punishable by death. In certain jurisdictions, when people are caught smuggling or selling drugs, individuals will sometimes hire a drug trafficking lawyer who specializes in defending individuals accused of such crimes. Even with legal counsel, however, drug trafficking laws designed to deter people from producing and selling drugs are strictly applied.

In the United States, a special government agency exists for the sole purpose of monitoring and discouraging drug trafficking. The Drug Enforcement Administration, also known as the DEA, is a federal agency which exists to enforce American drug laws by thoroughly investigating people suspected of the production, distribution, smuggling and sale of illegal drugs. The DEA functions with the help and cooperation of private citizens and lawmakers, as well as other local, state and international law enforcement agencies.

A few of the other American agencies that specifically work to reduce instances of drug trafficking include the Federal Bureau of Investigation (FBI), Bureau of Alcohol,

Tobacco, Firearms and Explosives (ATF), as well as various immigration, customs and border patrol agencies, which work to stop illegal substances from crossing national borders. The International Criminal Police Organization (Interpol) also regularly coordinates with each of these agencies, and similar agencies in other countries, to discourage illegal drug sales internationally.

Globally, drug trafficking is a multibillion dollar industry. As a profitable industry, illegal drug sales also fund the purchase of illegal weapons often used to fund organized crime and civil wars in developing countries. Even with stringent law enforcement efforts and penalties, authorities worldwide engage in a constant struggle to stop the illicit drug trade.

## 2.6 Law Enforcement Agencies and International Organizations in Fighting Drugs

### What Is International Law Enforcement?

International law is any set law, regulation or practice that is developed to establish the acceptable conduct between independent countries. These laws can be used to describe the conduct of the government, groups within the countries or individual people. International laws are developed by many different means including treaty law, laws of the sea, customs laws and international humanitarian law. When a country, group or individual violates an international law, they risk the chance of coming under international law enforcement and will need to be punished for their crimes. Common laws that involve international law enforcement are drug trafficking, terrorism, weapons smuggling, human trafficking and human rights violations. The three major organizations that play a large role in international law enforcement are The Bureau of International Narcotics and Law Enforcement Affairs, International Criminal Police Organization (INTERPOL) and The United Nations.

The Bureau of International Narcotics and Law Enforcement Affairs is an organization within the United States that works to fight against international smuggling of narcotics and international crimes. They set up programs and policies that are used to recognized and stop international crime. They directly advise the President, Secretary of

State and other governmental agencies as needed. When international laws are found to be broken, this is the agency within the United States government that is used for international law enforcement.

INTERPOL is the world's largest international police force and is comprised of one hundred and eighty-eight countries. This strong international force works together to fight and prevent international crimes and together they form a united front in international law enforcement. The INTERPOL police even attempt to enter into countries that refuses to abide or recognize international law. This organization is headquartered in France but is able to cross borders as needed to provide international law enforcement.

The United Nations (UN) is an international organization that is comprised of one hundred and ninety-two countries and they work together to promote world peace. The UN has worked since its creation in 1945 to negotiate many treaties between countries to help set policy and regulations. They also held the Vienna Convention which aided in developing general regulations to be used in day-to-day business between countries. The UN also helped create the Laws of the Sea finalized in 1994, which allows for better international law enforcement on the various seas and oceans of the world. The UN developed the International Law Commission whose members meet annually to discuss the international laws and techniques for international law enforcement.

#### European Commission Report

The Commission's report to the Council and the European Parliament on a European Union Action Plan to combat drugs in the period 1995-1999 is a factual, low key but rather uninspiring document. It does, of course, have positive elements. Amongst these it emphasises that effective action to combat drugs requires a comprehensive and integrated approach but it does not sufficiently identify those matters which require the greatest degree of priority or plead convincingly for the better use or for an increased allocation of funds. The Commission remains bland in the face of wasted funds being allocated for the purposes of crop substitution, it makes no clear distinction between the ring leaders amongst the drug traffickers, the wholesalers, the retailers and the small time pushers. It does not argue for at least an equal allocation of funds for prevention and rehabilitation. It

fails, even by inference, to point to a lack of cohesion in drug matters within its own departments and between the Council and the Commission which have different competencies made under the Treaty of European Union. It completely fails to acknowledge that our drug policies to date have failed to tackle the increasing power of the drugs traffickers and to curb the ever growing influence of black money in our society. In short there is no sense of urgency. It is, therefore, important that this Parliament and its Civil Liberties Committee help to identify where the main problems lie and put forward additional and coherent recommendations for improving the situation.

The European Commission's report deals with three areas:

- Action in Demand Reduction.
- Action to combat illegal drugs trafficking
- Action in the International Sphere.

In this working document and in the resolution we put forward we will deal with the second two areas above and NOT the first. This is because the Commission has made a separate action programme in the field of public health, which has been reported on separately by this Parliament. It is also because your rapporteur wrote a full report in the last five year session of the Parliament for the Youth and Education Committee on the whole subject of Education and Drugs of Abuse.

Our recommendations have not changed since then. Finally this report is limited, regretfully, by Parliament's rules limiting the length of reports.

We wish to make it absolutely clear from the outset that, although this report concentrates primarily on the legal and policing aspect of drugs of abuse, it is on the prevention and rehabilitation sides of the fight against drugs that most progress can be made. We wish to see at least 50% of all funding for drugs from both EU and National budgets going towards health, education and rehabilitation and we will continue to press for this relentlessly through the life of the Parliament. If the demand for drugs cannot be reduced amongst our young people, a large market will continue to exist which will be satisfied by the drugs traffickers.

We also wish to stress our view that harm reduction policies must be pursued with vigour and intelligence. Young people who are addicted to drugs need help. Help may

come in the form of re-habilitation. It may also come in the form of controlled maintenance. It would be wrong to prescribe a common approach to drugs maintenance since the attitudes of society and the needs of drugs takers vary according to circumstances. There is no case for anything but open debate on the subject of treatment and rehabilitation in whatever form including that of both methadone and heroin. However, it will be for the Drugs Monitoring Unit in Lisbon to carefully collate all evidence of success and failure in this regard so as to help establish what methods work and why and in what circumstances.

### Main Bodies Dealing with Cross-Border Trafficking

#### Interpol and Europol

About 60% of all enquiries coming to Interpol relate to drugs and about 80% of the one million or so messages transmitted by this organisation involve Europe. Interpol is necessary because it operates in an international capacity and has members from across the world. Europol, on the other hand, is destined to operate as an EU body hopefully to obtain information about drugs and drug trafficking and with the ability to analyse it and to initiate, if not carry out, investigations resultant upon this analysis. Both bodies, in this context, have separate and complimentary roles. Europol can only operate effectively and indeed be worth its creation if it is given legitimacy through the signing and ratification of a Convention. It is most unfortunate that national governments have so far held up the signing of this Convention on the count of information disclosure or competence. If information exchange is to be the only use to which Europol is to be put then it would have been better to locate customs and police officers in a separate part or an adjacent building to Interpol in Lyon. The French Presidency has stated that it will ensure that a Convention for Europol is signed by July 1995. We ask our French colleagues to do their utmost to ensure that this Convention does not produce a toothless paper tiger. Europol must have at its disposal, at the very least, a comprehensive data base and in time should be able to work in co-ordinating investigation with national police and customs forces.

## The World Customs Organization

The WCO has been recently re-structured. It now works with six regions each of which has a headquarters which is responsible for organising specific intelligence gathering within its area. WCO headquarters continues to be in Brussels with European headquarters based in Warsaw. For too long international customs and police operated in parallel but separate tracks. Drugs co-operation was insufficient and objectives dissimilar. Customs went for the drugs, the police for the criminal. The situation has been transformed over the past five years. The WCO and Interpol are on the point of establishing an official memorandum of understanding. Both bodies now operate a monthly electronic reporting system about drug movements and seizures. This links in to the UN. There do, however, remain problems of differing software and computer systems for communications. These must be tackled if further progress is to be made. Further improved customs and police co-operation can result in increased seizures of drugs and better knowledge of drugs criminal organisations and their methods of operation. This can be done by profiling and analysing techniques without the necessity for disclosing names, where this is not possible. Germany now operates 24 joint customs/police operational groups investigating drugs smuggling. Joint money laundering and precursor units also operate out of Wiesbaden. Even so across the EU there is still so much more to be done in locating drugs traffickers, their modes of transport and concealment and methods of transferring funds. We need to improve our knowledge about those who are travelling on false passports. It should, therefore, be the aim to establish joint customs/immigration/police teams at all major points of entry into the EU. On the borders with Eastern Europe these should be added to by joint East/West teams. These should be mobile and should be well trained and equipped with the most up-to-date equipment including making use of satellites so that information can be transferred immediately from the remotest border points to a central data point for analysis.

## The Fight against Drugs

The drugs problem continues to worsen inexorably from year to year. International drugs cartels are becoming more aggressive and more expansionist in attacking new

markets with new drugs with ever changing distribution patterns and with increasing skill in concealment and in handling the money from their sales. Even more worrying, they are using their increasing resources to interfere in the democratic and economic processes of countries by political influence and by taking over key sectors of business and financial services.

The annual street sales value of illicit drugs is now estimated to have reached over 500,000 million US dollars a year. This is a sum larger than the national budgets of many countries.

Increasingly we see drug cartels collaborating with terrorist groups, using drugs to purchase their weapons. The political, social and economic stability of nation states is, therefore, being affected by the drugs trade. The main victim of drugs is and will continue to be those young people who are ensnared into taking drugs and becoming addicted to them. However, whilst crime at street level may continue to be more immediately apparent as a threat to our daily safety, it is the steady enlargement of the power of big time criminal organizations which feed for growth on drugs trafficking that is the main threat of our time.

The international drug trade is highly organized. Traffickers are able to employ the finest brains, whether these be legal, financial, logistical or those of chemists. They employ the most modern equipment and technology to produce, transport and distribute their drugs and to assist in laundering the monies from them. The biggest drug traffickers are now able to run and finance their entire operation without coming into contact with the drugs themselves and in many cases living, thanks to satellite communication, on yachts or in lands where the law effectively cannot touch them. They remain unharmed because they can rarely be linked to specific drugs smuggling operations or where they are, no proof can be established as to their guilt. Due to their limitless wealth the drug barons can buy protection from criminal prosecution or, in the event that such protection is not forthcoming, use violence to eliminate incriminating witnesses.

The flood of heroin from Asia, cocaine from South America, cannabis from North Africa and synthetic drugs from European bases is unstoppable. Bigger and more frequent seizures by customs may indicate greater success in tracing drug shipments. More often

than not these seizures are an indication of an increased flow of drugs. The real success or otherwise of a country's drugs seizures can only be truly measured when the elements of street price and purity are added to the equation. If prices are low and purity high, greater seizures will only confirm a greater availability of drugs.

On the side of law and order we observe that police forces and customs are co-operating in the war against drugs far more effectively than was the case ten or even five years ago. But they are still inadequately equipped and lack sufficient manpower. At a time when we are congratulating ourselves on being able to dispense with customs officers as our borders come down, we are throwing away a trained resource which will increasingly be seen to be necessary in the pursuit of big time drugs criminals. Unless too we can match the traffickers, in provision of the best available technical, electronic and chemical analysis equipment, we will be fighting with one arm tied behind our backs.

All member and applicant countries of the European Union must be fully committed to international co-operation against drugs trafficking and the growing menace of international crime. A steady move must take place to multi-lateral co-operation throughout the European Union in matters such as extradition, penalties, powers of pursuit, sharing of information etc. Timetables must be set, but in the meantime, bilateral agreements with every country on these important matters should be put in place. This will require a high degree of political will which is not yet sufficiently evident. We must surely expect that our action must be anticipatory and not always reactive to the exigencies imposed by criminal organizations.

## 2.7 Youth and Drugs. Drug Prevention

### Youth and Drug Use

We live in a complex, highly stressed world that is filled with mixed messages. As a result, it's not always easy for today's youth to understand and cope with their surroundings. Young people are often told that tobacco, alcohol and other drugs are dangerous. Yet some of the adults around them may use these substances to manage stress or when socializing. In the media, substance use is sometimes linked to death. At other

times, it's linked to fun and presented as "normal" adult behaviour. This confusion over the benefits and harms of substance use can add more stress to a young person's life.

What kind of pressures do young people face?

Teens face many pressures and influences. This can make growing up very difficult for some young people.

Some of the pressures come from parents and school. Others come from friends, music, the media and the internet.

Often these pressures result in teens feeling they need to be everything to everybody: smart, athletic, outgoing, popular, slim, sexy, fun, and so on.

Some forms of pressure and stress can motivate a young person to follow their passions and fulfill their dreams. But too much pressure (or the wrong kind of influences) can cause some young people to crumble. Stress is one of the reasons some teens may use drugs.

Besides stress, what are other reasons teens use alcohol and other drugs?

Most teens first try alcohol or other drugs for the experience. They may have heard about a drug and are curious about how it will affect their thinking and behaviour. Many teens believe they can safely try a drug a few times without getting hurt.

There are many reasons why a teen might use drugs recreationally or even regularly:

- They have no reason not to. (There's no sport, hobby or long-term goal that is affected by their substance use.)
- They're bored and don't know how to get "un-bored."
- They feel socially isolated and have trouble relaxing around people their age.
- Their friends use drugs and they want to feel like they belong in the group.

Is there a relationship between teen drug use and mental health disorders?

Studies show that some teens use drugs to help them cope with or mask their anxiety or depression. But it also works the other way around. Using drugs can lead to or worsen emotional problems in a teen who may be vulnerable to mental health disorders (because of a personal or family history of mental disorders).

Problem substance use (for example, binge drinking in order to get drunk) among teens is often linked to disruptive behaviour disorders such as attention deficit hyperactivity disorder and conduct disorder.

What will happen if a teen uses drugs?

The earlier a child begins using alcohol and other drugs, the more likely they are to develop substance-related problems later on in life.

It is especially dangerous for a teen under 16 years old to use substances. Alcohol and other drugs can impair their physical, mental and emotional development. Older teens—those between 16 and 19—may be able to experiment with drugs with less risk of harm. But because they are not fully grown, they cannot safely consume the same amount as adults.

Binge drinking and binge drugging (using a lot quantity of drug in a short time) put teens at risk of short-term harms. These include falls, accidents, violent encounters and unwanted sexual activity.

Repeated use of a drug can, after time, lead to tolerance. This means the teen needs an increasing amount of a drug to get the same effects. Continued use can also lead to dependence. This means they feel they need the drug to feel normal and to cope with challenges in their daily life.

Long-term heavy substance use can lead to a variety of health issues. It can also lead to problems with employment and relationships.

When a young person is bingeing on or regularly using a drug, it could be a sign that something is troubling them. It could also mean that they've been using a drug for so long that it has become a habit. They may need help to break their habit.

What are some ways to prevent a teen from developing a drug problem?

Drug prevention starts early and at home. Parents and caregivers can begin by revisiting their own substance use patterns. Children often develop substance use patterns similar to those of the adults in their lives.

Parents and caregivers can also help by being open, loving and attentive. Young people who know they're loved have more confidence and a stronger sense of self-worth.

They can handle peer pressure better. And they're better able to overcome problems at school and at home.

### What Are Substance Abuse and Addiction? (Part 1)

Jason's life is beginning to unravel. His grades have slipped, he's moody, he doesn't talk to his friends, and he has stopped showing up for practice. Jason's friends know he has been experimenting with drugs and now they're worried he has become addicted.

Defining an addiction is tricky, and knowing how to handle one is even harder.

The difference between substance abuse and addiction is very slight. Substance abuse means using an illegal substance or using a legal substance in the wrong way. Addiction begins as abuse, or using a substance like marijuana or cocaine.

You can abuse a drug (or alcohol) without having an addiction. For example, just because Sara smoked pot a few times doesn't mean that she has an addiction, but it does mean that she's abusing a drug — and that could lead to an addiction.

People can get addicted to all sorts of substances. When we think of addiction, we usually think of alcohol or illegal drugs. But people become addicted to medications, cigarettes, even glue!

And some substances are more addictive than others: Drugs like crack or heroin are so addictive that they might only be used once or twice before the user loses control.

Addiction means a person has no control over whether he or she uses a drug or drinks. Someone who's addicted to cocaine has grown so used to the drug that he or she *has* to have it. Addiction can be physical, psychological, or both.

#### Physical Addiction

Being physically addicted means a person's body actually becomes dependent on a particular substance (even smoking is physically addictive). It also means building tolerance to that substance, so that a person needs a larger dose than ever before to get the same effects.

Someone who is physically addicted and stops using a substance like drugs, alcohol, or cigarettes may experience withdrawal symptoms. Common symptoms of withdrawal are diarrhea, shaking, and generally feeling awful.

## Psychological Addiction

Psychological addiction happens when the cravings for a drug are psychological or emotional. People who are psychologically addicted feel overcome by the desire to have a drug. They may lie or steal to get it.

A person crosses the line between abuse and addiction when he or she is no longer trying the drug to have fun or get high, but has come to depend on it. His or her whole life centers around the need for the drug. An addicted person — whether it's a physical or psychological addiction or both — no longer feels like there is a choice in taking a substance.

## What Are Substance Abuse and Addiction? (Part 2 )

### Signs of Addiction

The most obvious sign of an addiction is the need to have a particular drug or substance. However, many other signs can suggest a possible addiction, such as changes in mood or weight loss or gain. (These also are signs of other conditions too, though, such as depression or eating disorders.)

Signs that you or someone you know may have a drug or alcohol addiction include:

#### Psychological signals:

use of drugs or alcohol as a way to forget problems or to relax

withdrawal or keeping secrets from family and friends

loss of interest in activities that used to be important

problems with schoolwork, such as slipping grades or absences

changes in friendships, such as hanging out only with friends who use drugs

spending a lot of time figuring out how to get drugs

stealing or selling belongings to be able to afford drugs

failed attempts to stop taking drugs or drinking

anxiety, anger, or depression

mood swings

#### Physical signals:

changes in sleeping habits

feeling shaky or sick when trying to stop  
needing to take more of the substance to get the same effect  
changes in eating habits, including weight loss or gain

### Getting Help

If you think that you or someone you care about is addicted to drugs or alcohol, recognizing the problem is the first step in getting help.

Many people think they can kick the problem on their own, but that rarely works. Find someone you trust to talk to. It may help to talk to a friend or someone your own age at first, but a supportive and understanding adult is your best option for getting help. If you can't talk to your parents, you might want to approach a school counselor, relative, doctor, favorite teacher, or religious leader.

Unfortunately, overcoming addiction is not easy. Quitting drugs or drinking is probably going to be one of the hardest things you or your friend have ever done. It's not a sign of weakness if you need professional help from a trained drug counselor or therapist. Most people who try to kick a drug or alcohol problem need professional assistance or a treatment program to do so.

### Why Do Young People Use Drugs?

People use drugs for many different reasons. Typically adolescence is a time of experimentation. Young people may take drugs as they struggle to establish their independence in a society where alcohol and other drugs are associated with being an adult.

Other reasons that young people may use alcohol and other drugs include:

- curiosity
- social influences (peer pressure)
- enjoying the feeling – for example, the effects of ecstasy include increased energy and confidence
- risk taking and rebellion can be exciting, especially when it involves parental disapproval and illegal substances

- escapism – alcohol and other drugs may be used as a means of avoiding problems associated with family life, school or work frustrations, friendship and relationship difficulties, low self esteem and/or depression. These problems should be addressed as early as possible to prevent any related drug use from escalating.

Importantly, the reasons that young people don't use drugs include that they're just not interested, and that they're addictive and/or bad for your health.

How many young people use alcohol and other drugs?

Although many young people will experiment with alcohol and other drugs (legal or illegal) at some stage, most will not go on to experience problems.

The findings of a major survey of households across Australia suggest that:

- 59.3% of 12–17 year olds have never had one full serve of alcohol.
- 95.5% of 12–17 year olds have never smoked a cigarette.
- 81.3% of 14–17 year olds have never used an illegal drug.
- The most commonly used illegal drug is cannabis, with 11% of young people aged between 12 and 17 years having used it at least once in their lifetime.
- The average age for first time use of tobacco is 16 years; alcohol 17 years; and cannabis 18.5 years.

A survey of Australian secondary school students aged 12–17 years, found that:

- 86% of 14 year old students had tried alcohol.
- Smoking cigarettes became more common as students progressed through secondary school.
- Cannabis was the most commonly used illicit substance among secondary school students, with 18% of all secondary school students aged between 12 and 17 years reporting the use of cannabis at some time in their life.
- 5% of students reported having used amphetamines.
- 5% of students reported having used hallucinogens during their lifetime.
- 4% of students reported having used ecstasy. Recent use of ecstasy was not common among any age group.
- 3% of students reported having used steroids without a doctor's prescription.
- 3% of students reported having used cocaine.

- 2% of students reported that they had used opiates such as heroin or morphine without a doctor's prescription

It is hard to know what statistics about alcohol and other drug use mean for you and your child. While most young people do not use drugs, a small but significant percentage do. If you are a parent of a child who has used them, you are not alone.

#### What Are the Risks?

Although most young people who experiment with alcohol and other drugs don't experience major issues, drug use can cause many and varied problems. Using legal or illegal drugs may not only affect the young people themselves, but also friends, family and others around them.

The short term risks of alcohol and other drug use include risk of injury, loss of possessions, relationship problems, time away from school or work, and perhaps even trouble with the law. The longer term risks include the risk of developmental problems, dependence, and chronic health problems.

The risks associated with drinking can be far greater for young people than for adults, because they are still developing, both physically and emotionally. This means that drinking is more likely to cause physical, mental health and social problems for them. Furthermore, as our brains are still developing until our mid-20s, heavy drinking before this age is likely to cause problems with brain development, and can lead to difficulties with memory and learning.

Mental health issues associated with drug use can range from problems that affect a person's self-esteem, confidence and happiness through to major psychoses. There is evidence that regular use of some drugs (such as cannabis), especially if regular, heavy and commencing at a young age, increases the likelihood of mental health problems occurring in people who have a personal or family history of mental illness.

### Universal Drug Prevention Programs

Caring School Community Program (Formerly, Child Development Project). This is a universal family-plus-school program to reduce risk and strengthen protective factors among elementary school children. The program focuses on strengthening students' "sense

of community,” or connection, to school. Research has shown that this sense of community has been key to reducing drug use, violence, and mental health problems, while promoting academic motivation and achievement.

Classroom-Centered (CC) and Family-School Partnership (FSP) Intervention. The CC and FSP interventions are universal first-grade interventions to reduce later onset of violence and aggressive behavior and to improve academic performance. Program strategies include classroom management and organizational strategies, reading and mathematics curricula, parent-teacher communication, and children’s behavior management in the home.

Guiding Good Choices (GGC) (Formerly, Preparing for the Drug-Free Years). This curriculum was designed to educate parents on how to reduce risk factors and strengthen bonding in their families. In five 2-hour sessions, parents are taught skills on family involvement and interaction; setting clear expectations, monitoring behavior, and maintaining discipline; and other family management and bonding approaches.

Life Skills Training (LST) Program. LST is a universal program for middle school students designed to address a wide range of risk and protective factors by teaching general personal and social skills, along with drug resistance skills and education. An elementary school version was recently developed and the LST booster program for high school students helps to retain the gains of the middle school program.

Lions-Quest Skills for Adolescence (SFA). SFA is a commercially available, universal, life skills education program for middle school students in use in schools nationwide. The focus is on teaching skills for building self-esteem and personal responsibility, communication, decision-making, resisting social influences and asserting rights, and increasing drug use knowledge and consequences.

Project ALERT. Project ALERT is a 2-year, universal program for middle school students, designed to reduce the onset and regular use of drugs among youth. It focuses on preventing the use of alcohol, tobacco, marijuana, and inhalants. Project ALERT Plus, an enhanced version, has added a high school component, which is being tested in 45 rural communities.

Project STAR. Project STAR is a comprehensive drug abuse prevention community program to be used by schools, parents, community organizations, the media, and health policymakers. The middle school portion focuses on social influence and is included in classroom instruction by trained teachers over a 2-year timetable. The parent program helps parents work with children on homework, learn family communication skills, and get involved in community action.

Promoting Alternative Thinking Strategies (PATHS). PATHS is a comprehensive program for promoting emotional health and social skills. The program also focuses on reducing aggression and behavior problems in elementary school children, while enhancing the educational process in the classroom.

Skills, Opportunity, And Recognition (SOAR) (Formerly, Seattle Social Development Program). This universal school-based intervention for grades one through six seeks to reduce childhood risks for delinquency and drug abuse by enhancing protective factors. The multi-component intervention combines training for teachers, parents, and children during the elementary grades to promote children's bonding to school, positive school behavior, and academic achievement.

The Strengthening Families Program: For Parents and Youth 10–14 (SFP 10–14). This program offers seven sessions; each attended by youth and their parents, and is conducted through partnerships that include state university researchers, cooperative extension staff, local schools, and other community organizations.

## Prevention of Substance Abuse and Mental Illness

### Strategic Prevention Framework

The Strategic Prevention Framework (SPF) uses a five-step process known to promote youth development, reduce risk-taking behaviors, build assets and resilience, and prevent problem behaviors across the life span. The SPF is built on a community-based risk and protective factors approach to prevention and a series of guiding principles that can be utilized at the federal, State/tribal and community levels.

The idea behind SPF is to use the findings from public health research along with evidence-based prevention programs to build capacity within States/Tribes/Territories and

the prevention field. This in turn will promote resilience and decrease risk factors in individuals, families, and communities.

The Strategic Prevention Framework Steps (SPFS) require States, Territories, federally recognized Tribes and Tribal organizations, and communities to systematically:

- Assess their prevention needs based on epidemiological data,
- Build their prevention capacity,
- Develop a strategic plan,
- Implement effective community prevention programs, policies and practices
- Evaluate their efforts for outcomes.

Throughout all five steps, implementers of the SPF must address issues of sustainability and cultural competence.

#### Strategic Prevention Framework State Incentive Grant (SPF SIG)

The Strategic Prevention Framework State Incentive Grant (SPF SIG) program is one of SAMHSA's infrastructure grant programs. SAMHSA's infrastructure grants support an array of activities to help grantees build a solid foundation for delivering and sustaining effective substance abuse and/or mental health services. The SPF SIGs, in particular, provide funding to States, Territories, and federally recognized Tribes and Tribal organizations to implement SAMHSA's Strategic Prevention Framework in order to:

- prevent the onset and reduce the progression of substance abuse, including childhood and underage drinking,
- reduce substance abuse-related problems in communities, and;
- build prevention capacity and infrastructure at the State/Tribal/Territory and community levels.

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#### Partnerships for Success: State and Community Prevention Performance Grants

This program is designed to help States and U.S. territories reduce State-wide substance abuse rates by addressing gaps in their current prevention services and increasing their ability to reach out to specific populations or geographic areas with serious, emerging substance abuse problems. The grants aim to achieve a quantifiable decline in State-wide substance abuse rates by incorporating a strong incentive to grantees that have met or exceeded their prevention performance targets.

## 2.8 Court System

### The Administration of the Legal Systems (Criminal Cases)

The structure of the courts in all three jurisdictions within the United Kingdom tends to be arranged according to the subject-matter of cases brought before the courts rather than the source of the laws to be applied. The latter did form the basis for a great deal of court structure until the end of the nineteenth century and even now has some influence.

#### England and Wales Courts

##### Criminal Cases

The more serious criminal cases are tried on the basis of a document called the indictment - the defendant is indicted on criminal charges specified in the indictment by the prosecutor. In most cases, the prosecution is on behalf of the Crown (the State) and is handled by an official agency called the Crown Prosecution Service, which takes the case over from the police who have already investigated most of the evidence. The first stage will be to decide whether there is a case to answer - what is called a *prima facie* case. This process, called committal, will be dealt with by a magistrate on the basis of evidence disclosed in papers provided by the prosecutor. If the case proceeds, it is heard in the

Crown Court (there is only one Crown Court but it has about 70 centres around the jurisdiction). The trial is before a judge and jury. The judge presides over the trial process by attempting to ensure clarity and fairness. The judge must also consider and decide on legal issues (such as whether a piece of evidence is admissible - should be put before the jury) and also instruct the jury as to the correct view of the law relevant to the case. The jury decides the facts - whose story is more believable - and applies the law to those facts. So, it is the jury not the judge which reaches a verdict on the guilt or innocence of the defendant. In criminal cases, the prosecution has the burden of proof - it must prove guilt, rather than the defendant having to prove innocence. The standard (= level) of proof is heavy - guilt must be proven beyond reasonable doubt.

In less serious criminal cases (which comprise over 90% of criminal cases, the case is sent for summary trial in one of over 400 magistrates' courts. A summary trial means there is no committal and no jury. The trial is before a bench of magistrates. In most cases, there are three magistrates who are "lay" persons - in other words, they are not professional judges nor are they lawyers, but, like the jury, they are persons from the local community. However, there is now an increasing number of "stipendiary" magistrates - paid magistrates who are qualified lawyers. Stipendiary magistrates are, for historical reasons, most common in London and in other large cities.

Those defendants who are dissatisfied by the verdict may be able to appeal:

- from the Magistrates' Courts, there is an appeal to the Crown Court on matters of fact or law
- from the Crown Court, it might be possible to appeal to the Criminal Division of the Court of Appeal on matters of fact or law
- certain legal disputes arising in the magistrates' courts or the Crown Court can be taken before the Divisional Court of the High Court
- finally, matters of important legal dispute arising in the Crown Court or Divisional Court may be appealed to the Supreme Court.

## Getting to Know the U.S. Court Systems

The United States court system is actually many court systems: a federal system and 50 state systems. Each has its own structures and procedures. All are multi-tiered. Legal cases begin in a lower court and sometimes work their way up to a higher court. Some cases initiated in a state court system ultimately end up in the federal court system.

### State Courts

Most legal issues are resolved in state trial courts, the courts at the lowest tier in a state's court system. Depending on the specific structure of your state's court system, trial courts may be city or municipal courts, justice of the peace or jp courts, county or circuit courts, or even regional trial courts.

Most states have two levels of trial courts: trial courts with limited jurisdiction and trial courts with specific jurisdiction. Jurisdiction simply refers to the types of cases a court can hear. For example, trial courts of limited jurisdiction - which can include municipal courts, magistrate courts, county courts and justice of the peace courts - hear some kinds of civil cases, juvenile cases, minor criminal cases and traffic violations. Most legal problems are resolved in this kind of trial court.

Some trial courts with limited jurisdiction also hold pretrial hearings for more serious criminal cases.

Courts of general jurisdiction include circuit courts, superior courts, district courts, or courts of common pleas, depending on your state. They hear lawsuits that involve greater amounts of money or more serious types of crimes than the cases heard in trial courts of limited jurisdiction.

Many states also have specialized trial courts that hear cases related to a very specific area of the law. These courts can include probate courts, family law courts, juvenile courts, and small claims courts.

Next tier up in the typical state court system are the appellate courts. These courts don't hold trials but instead review the decisions and procedures of the trial courts in their systems and either uphold or reverse their decisions or modify the amount of a monetary reward.

Lower court decisions are not automatically appealed. You must initiate an appeal and provide a legal basis for appealing.

Every state has a court of last resort, generally called the "supreme court." Although supreme court decisions are final within a state court system, sometimes they can be appealed to the U.S. Supreme Court. Like appellate courts, supreme courts review the decisions and the procedures of lower courts; they don't hold trials.

#### Federal Courts

Most of the federal court system is divided into districts and circuits. There is at least one federal district in every state, but populous states can have multiple districts. Texas has northern, western, southern and eastern districts.

Generally, federal lawsuits start out at the district level in a federal court. Most are civil, not criminal, cases involving legal issues that fall within the jurisdiction of the federal government, not state government. If a lawsuit deals with certain types of federal law, it is heard in a special federal court. Tax court, bankruptcy court, court of federal claims, and court of veteran appeals are all examples of special federal courts.

Each federal circuit includes more than one district and is home to a Federal Court of Appeal. This court plays a role analogous to a state appellate court.

At the very top of the federal court system is the U.S. Supreme Court. Its legal interpretations are The Final Word on the law in this country. The nine justices who sit on the Supreme Court are nominated by the President and approved by the U.S. Senate. They can remain on the court until their death or until they resign.

The U.S. Supreme Court hears only a very small number of cases. To get to that level, a case must usually work its way up through the lower tiers of a state court system and/or the federal system.

The Constitution only allows certain kinds of cases to be heard by the federal courts. In general, these courts are limited to cases that involve the following:

- Issues of Constitutional law
- Certain issues between residents of different states
- Issues between U.S. citizens and foreigners
- Issues that involve both federal and state law

## Court System in the United States

The U.S. court system is divided into two administratively separate systems, the federal and the state, each of which is independent of the executive and legislative branches of government. Such a dual court system is a heritage of the colonial period. By the time the U.S. Constitution had first mandated (1789) the establishment of a federal judiciary, each of the original Thirteen Colonies already had its own comprehensive court system based on the English model. Thus, the two systems grew side by side and came to exercise exclusive jurisdiction in some areas and overlapping, or concurrent, jurisdiction in others.

### The Federal Court System

Of the two systems, the federal is the less complicated. According to Article III of the Constitution, "The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." In accordance with this directive, the federal judiciary is divided into three main levels.

At the bottom are the federal district courts, which have original jurisdiction in most cases of federal law. Made up of 92 districts, the federal district court system has at least one bench in each of the 50 states, as well as one each in the District of Columbia and Puerto Rico. There are from 1 to more than 20 judges in each district, and, as with most federal jurists, district court judges are appointed by the President and serve for life. Cases handled by the federal district courts include those relating to alleged violations of the Constitution or other federal laws, maritime disputes, cases directly involving a state or the federal government, and cases in which foreign governments, citizens of foreign countries, or citizens of two or more different states are involved.

Directly above the district courts are the United States courts of appeals, each superior to one or more district courts. Established by Congress in 1891, the court of appeals system is composed of 11 judicial circuits throughout the 50 states plus one in the District of Columbia. There are from 6 to 27 judges in each circuit. In addition to hearing appeals from their respective district courts, the courts of appeals have original jurisdiction

in cases involving a challenge to an order of a federal regulatory agency, such as the Securities and Exchange Commission.

The highest court in the federal system is the Supreme Court of the United States, the only federal court explicitly mandated by the Constitution. Since 1869 it has been composed of one Chief Justice and eight Associate Justices. The Supreme Court sits in Washington, D.C., and has final jurisdiction on all cases that it hears. The high court may review decisions made by the U.S. courts of appeals, and it may also choose to hear appeals from state appellate courts if a constitutional or other federal issue is involved. The Supreme Court has original jurisdiction in a limited number of cases, including those that involve high-ranking diplomats of other nations or those between two U.S. states.

In addition, the federal judiciary maintains a group of courts that handle certain limited types of disputes. Included among such special federal courts are the Court of Federal Claims, which adjudicates monetary claims against the U.S. government, and the Tax Court. Special court judges, unlike those in the three main levels of the federal judiciary, do not serve for life. The U.S. armed forces have courts-martial for cases involving military personnel.

At the end of the 1990s, controversy had arisen over the response of federal appeals courts to steadily increasing caseloads. Critics charged that the courts were saving few cases for full consideration and were perfunctorily affirming many lower court decisions rather than publishing reasoned opinions; many felt that this practice was eroding confidence in the system and was denying litigants a chance for further review by the Supreme Court. Defenders of the practice responded that it was necessary if speedy resolution of cases were to occur.

### State Court Systems

The system of state courts is quite diverse; virtually no two states have identical judiciaries. In general, however, the states, like the federal government, have a hierarchically organized system of general courts along with a group of special courts. The lowest level of state courts, often known generically as the inferior courts, may include any of the following: magistrate court, municipal court, justice of the peace court, police court, traffic court, and county court. Such tribunals, often quite informal, handle only

minor civil and criminal cases. More serious offenses are heard in superior court, also known as state district court, circuit court, and by a variety of other names. The superior courts, usually organized by counties, hear appeals from the inferior courts and have original jurisdiction over major civil suits and serious crimes such as grand larceny. It is here that most of the nation's jury trials occur. The highest state court, usually called the appellate court, state court of appeals, or state supreme court, generally hears appeals from the state superior courts and, in some instances, has original jurisdiction over particularly important cases. A number of the larger states, such as New York, also have intermediate appellate courts between the superior courts and the state's highest court. Additionally, a state may have any of a wide variety of special tribunals, usually on the inferior court level, including juvenile court, divorce court, probate court, family court, housing court, and small-claims court. In all, there are more than 1,000 state courts of various types, and their judges, who may be either appointed or elected, handle the overwhelming majority of trials held in the United States each year.

### The Function of the Jury

The function of the jury is to weigh up the evidence and to decide what the true facts of the case are or what actually happened. The judge gives the direction to the jury on the relevant law, which the jury has to apply to the facts of the case in order to reach a verdict. If it is a criminal case and the jury has given a verdict of guilty, then the judge will decide on appropriate sentence. In civil cases, juries function is to decide on how much money should be awarded in damages.

#### The Jury in Criminal Cases

Although juries are very important in the criminal justice system, they actually deal only in a minority of the cases. Criminal offences are classified into three categories. "Summary" offences are the minor offences and less serious and are triable only in the magistrate's courts. For example minor traffic offences. The most serious kind of offences is "indictable only" which must be tried in the Crown Court. Between these extremes kinds there is another kind of offences called as "triable either way." Such cases, as it is clear from the name, can be tried either in the magistrate's courts if the magistrates are

willing to here the case and the defendant consents or in the Crown Court. In these cases, the defendant has the right to insist on being tried in the Crown Court, so either the magistrates or the defendant can opt for trial in the Crown Court. Jury can try a case in the Crown Court and if the defendant pleads not guilty, and the trial proceeds further, he or she will be tried before a jury. The majority of the criminal cases are summary only because they are least serious and commonly committed, and as a result 95% of the cases are heard in the magistrates courts, where the juries have no role (this also includes those cases in which accused pleads guilty in either way offences). Out of the remaining 5% of the cases heard in the Crown Court, in majority of the cases either defendant pleads guilty, so there is no need of a jury or the judge directs the jury that law demands that they acquit the defendant. As a result the juries actually decide only around 1% of criminal cases. But on the other hand this 1% amounts to 30,000 trials and these are the most serious ones come before the court.

It is very difficult to answer that why defendants opt for Crown Court trial instead of a magistrate court, but research shows that there is a perception that there are more chances of acquittal before a jury than before a magistrate. This perception is born out by statistical evidence showing acquittal rates of approximately 40% in jury trials as compared with 25% in magistrate's courts.

Apart from its historical role in the English legal system, jury trial is under attack in recent years. Governments have attempted to reduce the use of juries in criminal cases in order to save money. The Criminal Law Act 1977 removed the right to jury trial in a number of offences by making most driving offences and relatively minor criminal damage cases summary only. Since 1977, more and more cases have been removed from the jury trail by making them summary only. Criminal Justice Act has increased the sentencing power of the magistrate from 6 months to 12 months in a single offence and this could be increased further to 18 months by delegated legislation. The purpose behind this is that more cases will be tried in the magistrate's courts rather than being referred up to Crown Court to be tried an expensive jury. Another step to reduce the number of jury trials is that the Criminal Justice Act 2003 also allows trial by judge alone in the crown court in two situations:

Where a serious risk of jury tempering exists; or where the case involves complex or lengthy financial and commercial arrangements.

### Juries in Civil Cases

The erosion of the use of the juries in civil cases was gradual and appears to have started in the middle of nineteenth century, when judges were given right in certain situations, to refuse to let a case be heard before a jury and to insist that it be heard in front of a sole judge. As a result the use of jury in civil cases is now almost obsolete. The Supreme Court Act 1981 gives a qualified right to jury trial in the following four cases only: libel and slander; malicious prosecution; false imprisonment; and fraud. In these cases jury trial is to be granted, unless the court is of the opinion that the trial requires any prolonged examination of documents or accounts, or any scientific or local investigation which can not be made by the jury. In all other cases the right to jury trial is at the discretion of the court.

#### Qualifying for Jury Service

Eligibility for the jury service used to depend upon the existence of the property qualification, and the juries were criticized for being 'predominantly male, middle-aged, middle-minded and middle class'.

The qualifications for a person to act as juror and the prohibition from acting as a juror have significantly changed in the last few decades. The number of jurors remained unchanged (twelve). The age limit has been reduced to eighteen years and eligibility to act as a juror has been extended which include anyone who is registered on electoral register and who is not excluded for some specific reason. The basic qualification for jury service is that a person must be between 18 and 70 years of age and must have been a resident in the United Kingdom for at least 5 years since the age of 13 is qualified for jury service.

Schedule 1, part 1 of the Juries Act 1974, as amended by the Juries Disqualifications Act 1984, classes four categories of persons as ineligible for jury service: the judiciary, members of the legal profession and other persons connected with the administration of justice (e.g. the probation service, the crown prosecution service), members of the clergy and mentally ill.

Schedule 1, part II, as amended, disqualifies any person who has been sentenced in the United Kingdom to more than 5 years imprisonment, and the persons who have served any part of certain sentences in the past 10 years, have been placed on probation in the last 5 years, or are currently on bail in criminal proceedings.

Under schedule 1, part III of the 1974 Act, there are certain categories of the persons who although eligible but may claim to be excused as of right to serve as juror, if they have more pressing duties than jury service. Which include Members of medical profession, members of armed forces and Members of Parliament.

Jurors are randomly selected from the electoral register, so any one listed on the electoral register may be require serving as a juror provided that all the requirements are complied with. Research shows that there have been significant changes in the composition of juries since 1972. However, still there appears to be an inadequate representation of women and ethnic minorities. In his Review of the Criminal Courts Lord Justice Auld Concluded that despite the reforms of previous decades, juries still lacked diversity and were not sufficiently representatives of the communities from which they were drawn.

### Supreme Court of the United States

Supreme Court is highest court of the United States, established by Article 3 of the Constitution of the United States.

#### Scope and Jurisdiction

Section 1 of Article 3 of the Constitution provides for vesting the judicial power of the United States in one supreme court and in such inferior courts as Congress establishes. Section 2 defines the scope of U.S. judicial power and establishes the jurisdiction of the Supreme Court. The judicial power extends to all cases arising under the Constitution, laws, and treaties of the United States; to cases concerning foreign diplomats and admiralty practice; and to diversity cases (those between citizens of different states) and cases in which the United States or a state is a party (however, the Eleventh Amendment, adopted in 1798, forbids federal cognizance of cases brought against a state by citizens of another state or by citizens of a foreign state).

The cases in which the Supreme Court has original jurisdiction - i.e., where another court need not first consider the controversy—are those in which diplomats or a state is a party; even here, it has been held, inferior courts may enjoy concomitant jurisdiction. In all other federal cases the Supreme Court exercises appellate jurisdiction, but subject to limitations and regulations made by Congress.

#### Procedures

The court's annual term begins in October. Five justices constitute a quorum to hear a case, and decision is rendered by majority vote. In the event of a tie, the previous judgment is affirmed. Under the Judiciary Law as amended in 1934, cases are usually brought to the court by appeal or by writ of certiorari. The appeal procedure is used when the highest state court has declared that a U.S. statute is unconstitutional or that a state statute does not violate the U.S. Constitution, laws, or treaties. If a lower federal court rules that a U.S. statute is unconstitutional, the government may prosecute an immediate appeal. Certiorari is granted at the court's discretion, with most applications refused. It may be used to review the constitutional decisions of state courts of last resort and federal decisions on any important matter, especially when the inferior courts are in disagreement.

#### Functions

The Supreme Court has two fundamental functions. On the one hand, it must interpret and expound all congressional enactments brought before it in proper cases; in this respect its role parallels that of the state courts of final resort in making the decisive interpretation of state law. On the other hand, the Supreme Court has power (superseding that of all other courts) to examine federal and state statutes and executive actions to determine whether they conform to the U.S. Constitution. When the court rules against the constitutionality of a statute or an executive action, its decision can be overcome only if the Constitution is amended or if the court later overrules itself or modifies its previous opinion. The decisions are not confined to the specific cases, but rather are intended to guide legislatures and executive authority; thereby they mold the development of law. Thus, in the U.S. governmental system the Supreme Court potentially wields the highest power.

The Supreme Court, however, has found many constitutional limitations on its powers, and has voluntarily adopted others so as not to interfere unduly with the other branches of government or with the states. Though there are some notable exceptions, the court has a standing policy of eschewing political disputes, i.e., issues that are considered to be policy matters of legislative or executive authorities. The court rarely attempts to infringe upon the power of the President over foreign affairs. Self-imposed restraints, observed only intermittently, include consideration of a constitutional issue only if the case cannot be considered on other grounds, and the formulation of constitutional decisions in the narrowest terms.

### Membership

Members of the court are appointed by the President with the advice and consent of the Senate. Like all federal judges, they retain their office indefinitely during "good behavior". The size of the Supreme Court is not prescribed by the Constitution; it is set by statute. The court began in 1789 with six members and was increased to seven in 1807, to nine in 1837, and to ten in 1863. In 1866 the membership was reduced to eight to prevent President Andrew Johnson from filling any vacancies. Since 1869, the court has comprised nine members.

## ЗАКЛЮЧЕНИЕ

В формировании профессионально-ориентированной коммуникативной компетенции курсантов (студентов) в вузе важная роль отводится самостоятельной работе. Самостоятельная работа, как вид деятельности, стимулирующий активность, самостоятельность, познавательный интерес с целью поиска необходимой информации, приобретения знаний, использования этих знаний для решения учебных, научных и профессиональных задач, представляет собой важную составляющую учебного процесса. Она является не только видом работы, но и организованной формой обучения, характеризующейся высокой активностью обучающихся, отсутствием непосредственного взаимодействия с преподавателем во время выполнения работы, и осуществлением управляющего взаимодействия во время консультации.

Изучение научно-методической литературы и практического опыта организации учебного процесса позволяет сделать вывод о том, что в условиях профессионально ориентированного обучения иностранным языкам в неязыковых вузах одним из основных видов самостоятельной работы следует рассматривать внеаудиторное чтение, которое является эффективным средством формирования и развития не только иноязычной, но и профессиональной компетенции будущих специалистов.

Эффективность развития навыков профессионально-ориентированного чтения в значительной мере достигается рациональным отбором и методической обработкой текстов для учебного процесса. Методически верная организация внеаудиторного чтения позволяет оптимизировать учебный процесс, существенно расширить общекультурный и профессиональный кругозор курсантов (студентов), создать у них устойчивую мотивацию овладения иностранным языком как средством получения профессионально значимой информации и повышения профессиональной компетентности.

Учебные материалы для самостоятельной работы должны быть организованы методически таким образом, чтобы компенсировать отсутствие контакта с

преподавателем и, следовательно, взять на себя основную его функцию – функцию управления самостоятельной деятельностью курсанта (студента) на всех ее этапах.

Дидактическое обеспечение внеаудиторного чтения по иностранному языку в рамках данного исследования представлено сборником профессионально-ориентированных текстов. В сборнике представлены аутентичные тексты из англоязычных источников по широкому и узкому профилю будущей специальности курсантов и студентов.

Основная цель пособия – дальнейшее совершенствование умений информативного чтения и профессионально-ориентированной речи, формирование фоновых знаний обучающихся и расширение кругозора будущих юристов и сотрудников органов наркоконтроля, формирование гибкости мышления, приобретение навыков научно-информационного поиска.

Нацеленное на извлечение информации, внеаудиторное чтение обладает мощным потенциалом развития познавательной активности студентов, иноязычной коммуникативной компетенции, опосредованных профессиональных компетенций, а также формирования устойчивой положительной мотивации.

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