

**Міністерство освіти і науки України
Національний університет “Чернігівська політехніка”**

English for Law Enforcement

Методичні вказівки до самостійних занять з англійської мови
для підготовки здобувачів вищої освіти освітнього ступеня «бакалавр»
спеціальності 262 «Правоохоронна діяльність»

Частина II

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Іноземна мова за професійним спрямуванням

English for Law Enforcement. Методичні вказівки до самостійних занять з англійської мови за професійним спрямуванням для здобувачів вищої освіти освітнього ступеня «бакалавр» спеціальності 262 «Правоохоронна діяльність» II частина / Укл.: Шевченко Ю.В., Литвин С.В. – Чернігів: НУ ”Чернігівська політехніка”, 2020. – 60 с.

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ВСТУП

Методичні вказівки призначені для самостійних занять здобувачів вищої освіти спеціальності «Правоохоронна діяльність» та укладені відповідно до чинної робочої програми з дисципліни «Іноземна мова».

Мета методичних вказівок – сприяти формуванню професійно-орієнтованої іншомовної компетенції в читанні, усному і писемному мовленні, що здійснюється в межах ситуативного професійного контексту.

Методичні вказівки містять 4 модулів, в які входять 8 тем із текстами для читання, завданнями для перевірки прочитаного, лексичними та граматичними вправами, завданнями на розвиток умінь усного мовлення та письма. Граматичні вправи розроблені на лексичному матеріалі з фаху. Підібраний текстовий матеріал є органічним компонентом професійної підготовки здобувачів вищої освіти спеціальності «Правоохоронна діяльність». Різноманітність та варіативність завдань сприятимуть реалізації диференційованого та індивідуального підходів до здобувачів вищої освіти. Фахові тексти та система вправ допоможуть майбутнім правоохоронцям оволодіти відповідною термінологічною лексикою, підготують їх до спілкування іноземною мовою у професійному середовищі.

У кінці методичних вказівок подано граматичний коментар з поясненням граматичного матеріалу, що відпрацьовується у граматичних вправах цього посібника. Граматичний коментар ілюстрований прикладами з лексичним наповненням зі спеціальності «Правоохоронна діяльність».

Module 5. Judiciary

Unit 1. Judicial System in Ukraine

1.1 Answer the questions:

1. What is a judicial system?
2. What types of courts in Ukraine do you know?
3. What are their jurisdictions?

1.1.1 Match the following English words and expressions with their Ukrainian equivalents:

1) interpretation	a) судові рішення
2) court decisions	b) тлумачення
3) issues	c) питання
4) mandatory	d) обов'язковий
5) impartial	e) здійснювати
6) to perform	f) неупереджений
7) limitations	g) обмеження
8) to review	h) переглядати

1.1.2 Read the text to understand what information on administrative law is of primary importance or new for you

JUSTICE IN UKRAINE

The judicial system of Ukraine is outlined in the 1996 Constitution of Ukraine. The judicial system of Ukraine consists of three levels of courts of general jurisdiction.

Prior to the judicial reform introduced in 2016 the system consists of four levels. The Cassation Court of Ukraine existed until 2003. Those courts were recognized as unconstitutional by the Constitution Court of Ukraine.

Local Courts. Ukraine has 74 district courts. In 2018 they replaced the 142 local general courts. Courts of Appeal (combining criminal and civil jurisdiction), consisting of: regional courts of appeal; courts of appeal of the cities of Kyiv.

Prior to the judicial reform introduced in 2016, there were parallel Specialized Courts of Appeal (either commercial or administrative jurisdiction) consisting of the commercial courts of appeal and the administrative courts of appeal.

Supreme Court is the highest court within the system of courts of general jurisdiction, conducting the review regarding unequal application of the rules of substantive law by the cassation courts and subject to cases when international judicial institution the jurisdiction of which is recognized by Ukraine has established the violation of international obligations by Ukraine. **The Constitutional Court of Ukraine** is a special body with authority to assess whether legislative acts of the Parliament, President, Cabinet are in line with the Constitution of Ukraine. This Court also gives commentaries to certain norms of the Constitution or laws of Ukraine.

The High Anti-Corruption Court of Ukraine is to be established before the end of 2018. Cases concerning corruption in Ukraine will be brought directly to this court. Appeals will be considered by a completely separate Appeal Chamber of the High Anti-Corruption Court. The law on the High Anti-Corruption Court of Ukraine came into force on 14 June 2018.

Abolished High courts with specialized jurisdiction

In the judicial reform introduced in 2016 the following three courts were abolished and its tasks transferred to special chambers of the Supreme Court of Ukraine.

- The High Specialized Court on Civil and Criminal Cases, covering civil and criminal cases;
- The High Administrative Court of Ukraine, covering administrative cases;
- The High Commercial Court of Ukraine, covering commercial cases.

Since 2014, Ukraine has allowed videotaping of court sessions without obtaining the specific permission of the judge, within the limitations established by law. In 2015 the Open Court Project launched with the aim of videotaping court proceedings in civil, commercial, administrative cases. The Open Court Project has videotaped over 7000 court cases in courts at different levels. The videos are stored, indexed and published in the public domain.

1.1.3 Read the following statements and decide if they are true or false

1. Ukraine has a three-level system of justice.
2. Supreme Court is the highest court of Ukraine.
3. The Constitutional Court of Ukraine deals with corruption.
4. Ukraine has allowed videotaping of court sessions since 2012.

1.1.4 Make up five questions to the text 1.1.2 and write your summary

Vocabulary practice

1.2 Give the English equivalents of the following and make up your sentences with some of them:

судочинство, судові рішення, тлумачення, обов'язковий, здійснювати, неупереджений, обмеження, переглядати судові рішення, відеозапис, повноваження, у відповідності з, дозвіл, засідання суду.

1.2.1 Read the articles from the Constitution of Ukraine and fill in the gaps with the following words and word phrases:

the weight of evidence, dismissed from, permanent terms, are elected by, appointment, established by law, independent, a single judge, is proved, an accused person, by appeal and cassation, specific judicial jurisdiction, legal liability

Article 128

The first 1.____ of a professional judge to office for a five-year term is made by the President of Ukraine. All other judges, except the judges of the Constitutional Court of Ukraine, 2.____ the Verhovna Rada of Ukraine for 3.____ by the procedure established by law. The Chairman of the Supreme Court of Ukraine is elected to office and 4.____ office by the Plenary Assembly of the Supreme Court of Ukraine by secret ballot, by the procedure 5._____.

Article 129

In the administration of justice, judges are 6._____ and subject only to the law. Judicial proceedings are conducted by 7._____, by a panel of judges, or by a court of the jury.

The main principles of judicial proceedings are:

- 1) legality;

- 2) equality before the law and the court of all participants in a trial;
 - 3) ensuring that the guilt 8.____;
 - 4) adversarial procedure and freedom of the parties to present their evidence to the court and to prove 9.____ before the court;
 - 5) prosecution by the procurator in court on behalf of the State;
 - 6) ensuring the right of 10.____ to a defense;
 - 7) openness of a trial and its complete recording by technical means;
 - 8) ensuring complaint of a court decision 11.____, except in cases established by law;
 - 9) the mandatory nature of court decisions.
- Persons guilty of contempt of court or of showing disrespect toward the judge are brought to 12.____.

1.2.2 Render into English

1. Суд першої інстанції – це суд, уповноважений у межах своєї компетенції розглядати і вирішувати кримінальні, цивільні, господарські, адміністративні справи. Суди першої інстанції розглядають справу по суті, встановлюючи обґрунтованість, необґрунтованість чи часткову обґрунтованість позову.

2. Суд апеляційної інстанції – це суд, який розглядає апеляції на рішення судів першої інстанції, що не набули законної сили, з вирішенням питання про законність і обґрунтованість рішень, що оскаржуються.

3. Касація – це спосіб оскарження судових рішень, які вступили в законну силу, до вищого спеціалізованого суду або до Верховного Суду України.

Speaking

1.3 Imagine that you are a lecturer at law department be ready to give your presentation on court system of Ukraine

Writing

1.4 Imagine that you have been just appointed as a judge. Write a letter to your pen friend from the UK describing your job (types of cases, rights and duties, challenges etc.)

Grammar focus: Active or Passive

1.5 Open the brackets using the verbs in correct forms of active or passive

1. Judicial proceedings (to conduct) by a single judge or by a panel of judges.
2. The law (to determine) principles of judicial proceedings in courts of specific judicial jurisdiction.
3. In Ukraine justice (to administer) exclusively by courts functioning independently of other bodies or officials.
4. The jurisdiction of courts (to extend) to all legal relations that arise in the State.
5. Ukraine's judicial system (to make up) of courts of general jurisdiction and the Constitutional Court.
6. The unified system of courts general jurisdiction (to form) in accordance with the territorial principle and the principle specialization.
7. The Constitutional Court of Ukraine (to decide) on the issues of conformity of laws and other legal acts with the Constitution.
8. When we (to come) into the court room, the last meeting of the Supreme Court (to finish).
9. You (to meet) the accused in court tomorrow.
10. I already (to pass) the examination in Constitutional law.
11. According to the Constitution justice (to administer) only by courts
12. I was sure the court (to staff) by the end of last month.

Unit 2. Judiciary in the UK and the USA

2.1 Answer the question:

1. What form of government has the UK?
2. What do you know about court system of the UK?

2.2 Match the following English words and expressions with their Ukrainian equivalents:

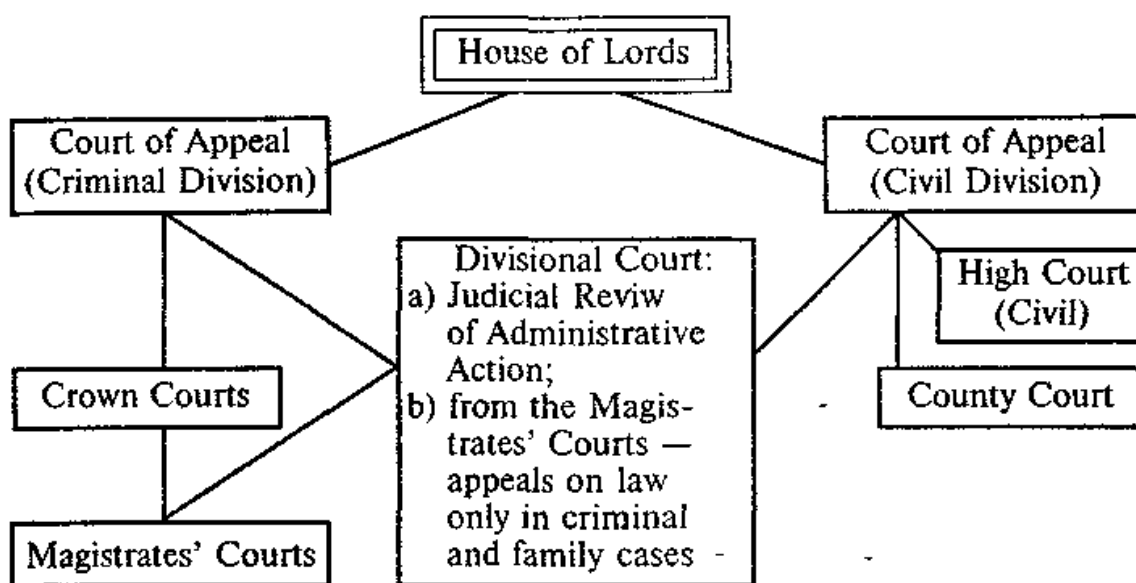
1) debt collection	a) попереднє слухання
2) preliminary hearing	b) достатньо доказів
3) sufficient evidence	c) віддати до суду
4) to commit for trial	d) видавати патент
5) inferior court	e) сімейна справа
6) to license	f) мировий суддя
7) domestic issue	g) стягнення боргу
8) Justice of the Peace	h) нижчий, підлеглий суд

2.2.1 Read the following text to understand what information is new for you and do the tasks below:

ADMINISTRATION OF JUSTICE IN ENGLAND AND WALES

The organization of the English judicial system makes a distinction between «the High Court», «inferior courts» and «quasi judicial bodies».

The main courts are outlined below:



Tribunals. There are some 60 different tribunals mostly hearing disputes that are «administrative» in nature. The range of subject matters include immigration law, social security, industrial relations.

Magistrates' Courts. Some 620 magistrates' courts hear the small cases which form the great majority of criminal matters. Most of the 26,000 justices sitting as magistrates are lay judges. In the larger towns and metropolitan areas, some 60 professional judges sit as stipendiary magistrates. Magistrates are assisted on matters of law by a legally qualified clerks.

Magistrates' Courts hear less serious criminal cases where trial by jury is either not elected or is not available. They also have significant jurisdiction in civil matters relating to domestic issues such as maintenance payments to deserted wives and children, adoption proceedings concerning care of children and disputes. Magistrates also have jurisdiction with regard to disputes arising out of statutory debt collection

(income tax, national insurance and social security contributions, and property tax payments).

One of the functions of the Magistrates' Court is to conduct a preliminary hearing, to decide whether there is sufficient evidence to commit the accused for trial in a higher court. In addition to these judicial functions, the magistrates act as licensing authorities for pubs, the houses, restaurants, and other public places.

In spite of the fact that magistrates are unpaid and only receive small allowances, there is no shortage of people who would like to sit on the bench. Appointments are made by the Lord Chancellor on the recommendation of a local committee for each area, and in theory anyone without a criminal record can become a Justice of the Peace (JP). A large number of JPs are people who are, or have been, prominent in local government or «public life», and appointment to the bench is often regarded as a recognition of public service, as it confers considerable social prestige.

2.2.2 Find answers to the following questions in the text above:

1. What cases are heard by magistrates' courts?
2. How many magistrates' courts are there in Britain?
3. What courts deal with industrial relations?
5. What courts usually hear domestic issues?
6. What are the domestic issues which are usually heard by magistrates' courts?
7. What is the function of the magistrates' courts in criminal cases?
8. What other functions in addition to judicial ones do the magistrates perform?
9. Are magistrates elected or appointed?
10. Who may become a justice of the peace?

Vocabulary practice

2.2.3 Give the English equivalents of the following and make up your sentences with some of them:

судова система, мировий судя, сімейна справа, стягнення боргів, процедура усиновлення, піклування про дітей, досьє злочинця, достатньо доказів, призначення на посаду судді, попереднє слухання.

2.2.4 Fill in the gaps with the following phrases:

district courts, judicial independence, impartial judgments, protect rights and liberties, to resolve disputes, equal justice, are appointed for life, the highest court, the trial courts, criminal matters

The federal courts are often called the guardians of the Constitution because their rulings 1. ___ guaranteed by the Constitution. Through fair and 2. ___, the federal courts interpret and apply the law 3. _____. The courts do not make the laws. That is the responsibility of Congress. Nor do the courts have the power to enforce the laws. That is the role of the President and the many executive branch departments and agencies. The Founding Fathers of the nation considered an independent federal judiciary essential to ensure fairness and 4. ___ for all citizens of the United States. The Constitution they drafted promotes 5. ___ in two major ways. Federal judges 6. ___, and they can be removed from office only through impeachment and conviction by Congress. The Supreme Court is 7. ___ in the federal judiciary. Congress has established two levels of federal courts under the Supreme Court: 8. ___ and the appellate courts. The United States 9. ___ are the trial courts of the federal court system. Within limits set by Congress and the Constitution, the district courts have jurisdiction to hear nearly all categories of federal cases, including both civil and 10. ___.

Writing

2.3 Render into English

А. В Англії є понад 620 магістратських судів. Вони розглядають невеликі справи. З питань закону магістратам допомагають кваліфіковані клерки. Крім невеликих кримінальних справ вони розглядають і цивільні справи. Одна з функцій магістратських судів — попереднє слухання для вирішення питання про те, чи є достатньо доказів, щоб віддати обвинуваченого під суд до вищестоящего суду. Кримінальний суд присяжних діє також як апеляційний суд для осіб, визнаних винними судами магістратів. Палата лордів це найвищий суд Великобританії. До його складу належать лорд-канцлер та десять судових лордів, які призначаються Палатою лордів.

В. Судова влада США складається з Верховного суду і федеральних судів нижчих інстанцій. Трактуючи закони, суд може прийти до висновку, що той чи

інший закон, в тому числі і, прийняті окремими штатами, порушують конституцію. Верховний суд США - суд вищої інстанції. Його рішення не підлягають апеляції і можуть бути змінені тільки іншим рішенням Верховного суду чи поправками до конституції. Членство у Верховному суді довічно, проте судді можуть піти у відставку, на пенсію або бути зняті з посади. Більшість судових справ у США - розглядаються в судах штату на основі законів штату.

Speaking

2.4 Imagine that you are a lecturer at law department be ready to give your presentation on court system of the UK and the USA

Grammar focus: Sequence of Tenses

2.5 Change into indirect speech paying attention to sequence of tenses:

1. He said : “I work as a sheriff in California”. 2. He said: ”The investigator's job is to prepare the materials of the case for court hearing.” 3. The prosecutor said: ”The accused person is not guilty”. 4. The investigator said: “We have found a witness.” 5. The judge said: “Ask the witnesses to come into the court room”. 6. The old man said: “I am going to notary to make the will”. 7. The policeman ordered the criminal “Don’t move! Put your hands up!” 8. The man said:”I have seen the robbery. 9. The judge said to the prosecutor “Show us the physical evidence of the crime”. 10. He said:” We will have received the judicial decision by tomorrow”.

Module 6. Administrative Justice

Unit 1. Administrative Law

1.1 Answer the questions:

1. What does administrative law deal with?
2. What countries have common law system?
3. Does administrative law of a common law country differ from that one in the civil law country?

1.2 Match the following English words and expressions with their Ukrainian equivalents:

1) to encompass	a) обіймати, охоплювати
2) maladministration	b) визначати
3) to define	c) здійснювати
4) to perform	d) повноваження
5) powers	e) стосовно
6) in relation to	f) виносити рішення
7) to adjudicate	g) доступ до
8) access to	h) не належне управління

1.2.1 Read the text to understand what information on administrative law is of primary importance or new for you

ADMINISTRATIVE LAW IN THE US

United States administrative law encompasses a number of statutes and cases which define the extent of the powers and responsibilities held by administrative agencies of the United States Government. The executive, legislative, and judicial branches of the U.S. federal government cannot always directly perform their constitutional responsibilities. Specialized powers are therefore delegated to an agency, board, or commission. These administrative governmental bodies oversee and monitor activities in complex areas, such as commercial aviation, medical device manufacturing, and securities markets.

Administrative law may be defined in four parts. Namely, the legal rules and principles that: 1) define the authority and structure of administrative agencies; 2) specify the procedural formalities employed by agencies; 3) determine the validity of agency decisions; and 4) define the role of reviewing courts and other governmental entities in relation to administrative agencies. Review of administrative decisions can take place internally and externally.

The federal system of administrative law is made up of four elements:

1) Tribunals – independent bodies which provide ‘merits review’, that is, examining and ‘re-making’ government decisions.

2) Courts – providing ‘judicial review’ of the lawfulness of government decision-making.

3) The Commonwealth Ombudsman – a permanent office holder with the power to investigate maladministration.

4) Freedom of Information – laws which create a general right of access to official information, subject to exclusions

U.S. federal agencies have the power to adjudicate, legislate, and enforce laws within their specific areas of delegated power. Agencies "legislate" through rulemaking - the power to issue regulations administrative law is codified as the Code of Federal Regulations.

The authority of administrative agencies stems from their organic statute, and must be consistent with constitutional constraints and legislative intent. Federal administrative agencies have the power to issue rules that have the effect of substantive law. The power to do so extends to all regulations necessary to carry out the purposes of the Administrative Procedure Act, rather than being limited to powers expressly granted by the statute. The power extends to substantive rules as well as procedural rules.

The benefits of having a system for review of administrative decisions that is well established and independent include encouraging higher-quality decision making and building public confidence in government administration.

1.2.2 Decide if the following are true or false:

1. The three branches of power of the U.S. federal government cannot always directly perform their constitutional responsibilities.

2. The task of an agency, board, or commission is to oversee and monitor activities in complex areas, such as commercial aviation, medical device manufacturing, and securities markets.

3. Tribunals provide 'judicial review'.

4. The Commonwealth Ombudsman examines and 're-makes' government decisions.

1.2.3 Make up five questions to the text in 1.2.1 and write your summary

Vocabulary practice

1.3 Explain the following legal terms in English:

administrative law, the Commonwealth Ombudsman, rulemaking, maladministration, executive branch, administrative agencies, to bring a court case

1.3.1 Fill in the gaps with the following phrases:

lawfulness of/ subordinate to/ through case law/ prevents the misuse of power/ a public body/ the scope of the powers/impartial/he circumstances/as judicial review/to bring a court case

Administrative law forms part of the common law of England and Wales. It has been developed over many years by the judiciary 1.____. It provides the means by which the judiciary controls and 2.____by the executive. Apart from the UK Parliament (which is sovereign), all other public bodies are 3.____the law. There are two aspects to checking whether 4.____has acted within the law:

- public bodies must not act outside their powers. It involves ensuring both that the person/ body performing a function is the person/ body with the power to perform that function, and that the person/ body does not exceed 5.____given to them;

- public bodies must exercise their powers in a lawful way - different considerations arise depending on 6.____, but broadly this can involve ensuring that something done by a public body is reasonable, done for a proper purpose, proportionate and procedurally fair, and that the public body discharged its functions in a way that was 7.____ and took into account all relevant considerations.

There is a specific court procedure for challenging the 8.____something done by a public body. The procedure is known 9.____and it enables a person 10.____to claim a specific legal remedy.

Writing

1.4 Render into English:

Предмет адміністративного права становлять суспільні відносини, які виникають з метою реалізації захисту прав громадян, створення нормальних умов для функціонування громадського суспільства й держави.

Такі відносини пов'язані з:

- 1) діяльністю органів виконавчої влади;
- 2) внутрішньо організаційною діяльністю інших державних органів, підприємств, установ, організацій;
- 3) управлінською діяльністю органів місцевого самоврядування;
- 4) здійсненням правосуддя у формі адміністративного судочинства.

Grammar focus: Gerund, Participle

1.5 Translate into English using gerund:

1. Поліцейський почав ретельно вивчати справу, щодо адміністративної відповідальності. 2. Вони з нетерпінням чекають на ув'язнення небезпечного злочинця. 3. Перестаньте звинувачувати всіх. 4. З цим не слід сперечатися: клієнти шукають високо кваліфікованих спеціалістів у галузі права. 5. Питання щодо адміністративного правопорушення треба розглянути ретельно.

1.5.1 Use your own ideas and complete the following sentences with the appropriate gerund form:

1. He is accused of...2. I insist on telling...3. He didn't succeed in finding...4. Before becoming a judge one must...5. Making contracts ...6. They are suspected of...7. I am looking forward to...8. Without considering the evidence of the accused the jury can't...9. After explaining the rules to the accused the judge began...10. They kept on discussing ...

1.5.2 Translate the sentences into Ukrainian paying attention to Participle:

1. A man speaking to the prosecutor is his father. 2. He mentioned very interesting facts speaking with the students. 3. Having collected all the evidence they were able to start the investigation. 4. The convicted person was standing, with his arms crossed and his head bent. 5. The evidences presented to police were not sufficient. 6. He was reading the article about administrative law making notes. 7. The men working in the Procurator's Office are my colleagues. 8. Hearing the strange noise the police officer turned around. 9. The burglar breaking into their house at night was not alone, somebody helped him. 10. Having realized what was happening he called the police immediately.

1.5.3 Substitute the verbs in brackets with Participle II according to the model and translate the sentences into Ukrainian

Model: Some agencies have had additional procedural requirements (to impose). - Some agencies have had additional procedural requirements imposed.

1) When Congress has specified that the administrative adjudication must be formal, the APA requires that the agency's decision be made upon a record (to

establish) in a trial-type hearing, and that an initial decision be (to make) by the officer who hears the evidence.

2) The "administrative law judge," makes an initial decision (to base) on (to reason) analysis, written findings of fact, and conclusions of law.

3) Questions of law include allegations that constitutional or statutory rights have been denied, failure to observe (to require) procedures, and the agency's scope of authority.

Unit 2. Administrative Offenses and Responsibility

2.1 Answer the following questions:

1. What do administrative offense mean?
2. What is the task of administrative judiciary?
3. What documents provide administrative responsibility in Ukraine?

2.1.1 Match the following English words and expressions with their Ukrainian equivalents:

1) administrative offenses	a) соціальна відповідальність
2) social responsibility	b) поправки
3) amendments	с)кримінально-процесуальне законодавство
4) penal procedural legislation	d) адміністративна відповідальність
5) obligations	e) профілактика
6) administrative responsibility	f) висока свідомість
7) prevention	g) дотримання законів
8) high consciousness	h) кримінальна відповідальність
9) observance of the laws	i) обов'язки
10) criminal liability	j) адміністративні правопорушення

2.1.2 Read the Code of Ukraine to understand what information is of primary importance or new for you

Article 1. Tasks of the Code of Ukraine about administrative offenses

Task of the Code of Ukraine about administrative offenses is protection of the rights and freedoms of citizens, property, the constitutional system of Ukraine, the rights and legitimate interests of the companies, organizations and the organizations, the established law and order, legality strengthening, the prevention of offenses, education of citizens in the spirit of exact and steady observance of the Constitution and the laws of Ukraine, respect for the rights, honor and advantage of other citizens, to rules of the hostel, fair accomplishment of the, social responsibility.

Article 2. Legislation of Ukraine on administrative offenses

The legislation of Ukraine on administrative offenses consists of this Code and other laws of Ukraine. The laws of Ukraine on administrative offenses before their inclusion in accordance with the established procedure in this Code are applied directly. Provisions of this Code extend also to administrative offenses, responsibility for which making is provided by the laws which are not included in the Code yet. Changes can be made to the legislation of Ukraine on administrative offenses only by the laws on introduction of amendments to this Code and other laws of Ukraine establishing the administrative responsibility, and/or the legislation of Ukraine on criminal liability, and/or the penal procedural legislation of Ukraine. Questions of rather administrative responsibility for customs offense are regulated by the Customs code of Ukraine.

Article 6. Prevention of administrative offenses

Executive bodies and local government bodies, public organizations, labor collectives are developed and perform the actions directed to the prevention of administrative offenses, identification and elimination of the reasons and conditions promoting their making on education of citizens in the spirit of high consciousness and discipline, strict observance of the laws of Ukraine.

Local government bodies, local public administrations, providing according to the Constitution of Ukraine of compliance with laws, protection of the state and public order, the rights of citizens, coordinate work of all state and public bodies on the prevention of administrative offenses in the territory, direct activities of the administrative commissions and other bodies accountable to them designed to combat administrative offenses.

2.1.3 Answer the following questions:

1. What are the tasks of the Code of Ukraine about administrative offenses?
2. What does the legislation of Ukraine on administrative offenses consists of?
3. What bodies perform prevention of administrative offenses in Ukraine?

2.2 Translate the following article into Ukrainian:

Article 14-1. Responsibility of owners (co-owners) of vehicles

To the administrative responsibility for offenses in the field of safety of traffic in case of their fixing by the special technical means working in the automatic mode having functions photo and filmings, videos or means photo and filmings, videos are attracted owners (co-owners) of vehicles.

In the presence of the circumstances testimonial of making of the violation provided by part one of this Article, other person, the owner (co-owner) of the vehicle can within ten days from the date of delivery to it resolutions on imposing of penalty report about the corresponding circumstances (the vehicle was in ownership or use of other person, was disposed from its ownership owing to illegal actions of other persons and so forth) to body (official) which issued the decree on imposing of administrative punishment. For examination and check of these circumstances accomplishment of the resolution on imposing of administrative punishment stops until establishment of person who made this offense.

Vocabulary practice

2.3 Give the English equivalents of the following and make up your sentences with some of them:

соціальна відповідальність, поправки, кримінально-процесуальне законодавство, адміністративна відповідальність, профілактика, дотримання законів, кримінальна відповідальність, обов'язки, адміністративні правопорушення.

2.3.1 Fill in the gaps with the following phrases:

the degree of his fault/administrative offense/ in the field of traffic safety/ for abuse of/ brought to the administrative responsibility

Article 33. General rules of imposing of collection for administrative offense

Collection for 1.____is imposed in the limits established by this Code and other laws of Ukraine. When imposing collection nature of committed offense, the identity of the violator, 2.____, property status, circumstances mitigating and aggravating responsibility except cases of imposing of collection for the offenses 3.____including fixed in the automatic mode and 4.____regulations of stop, the parking, the parkings of vehicles fixed in the mode of photographing (video) are considered. Features of imposing of collection by hearing of cases without participation of person 5.____for the offenses in the field of traffic safety fixed in the automatic mode and for the abuse of regulations of stop, parking, parkings of vehicles fixed in the mode of photographing (video) are established by Articles 279-1 - 279-4 of this Code.

Grammar focus : Infinitive, Participle, Gerund

2.4 Translate the sentences paying attention to Infinitive and Infinitive Complex:

1. The criminal is expected to be arrested tomorrow. 2. He was seen to enter the courtroom. 3. They are sure to be innocent. They have not committed that crime. 4. He is said to deal with this dangerous case. 5. They considered him to be the best investigator in London. 6. The policeman allowed the criminal to have a smoke. 7. The policeman was glad to have arrested the dangerous criminal. 8. He is glad to help police. 9. The police wanted a dangerous criminal to plead guilty. 10. Criminals are upset to be arrested . 11. The suspect is happy to have been found innocent. 12. He seems (to investigate) that grave crime for about two years.

2.4.1 Open the brackets using the infinitive or the ing-form of the verb:

1. We didn't have an opportunity... (to apprehend) him. 2. The most offences... (to involve) criminal law are the offenses against the state. 3. Copyright law protects literary and artistic works... (to include) paintings and sculpture. 4. They want him... (to pay) damages. 5. I have never heard him... (to start) criminal proceedings. 6. They look forward to... (to charge) him with the crime he has committed. 7. The offence turned out.... (to be) committed while sleepwalking, and this act can't be qualified as a crime. 8. The police want the dangerous criminal... (to plead) guilty because they are sure he has committed that crime. They have enough evidences.

Module 7. Criminal Justice

Unit 1. Criminal Law. Crimes and Criminals

1.1 Answer the following questions?

1. What does criminal law deal with?
2. Can you give definition of a crime?
3. How are crimes classified?
4. Give your examples of crimes.

1.1.1 Match the following English words and expressions with their Ukrainian equivalents:

1) intend	a) дрібний злочин
2) misdemeanor	b) змова
3) felony	c) кримінальне переслідування
4) conspiracy	d) обґрунтований обшук
5) criminal prosecution	e) достатні підстави
6) unreasonable search	f) обвинувачений, підсудний
7) sufficient grounds	g) намір
8) defendant	h) кримінальна відповідальність
9) to prosecute	i) тяжкий злочин
10) criminal liability	j) переслідувати

1.1.2 Read the text for general understanding and do the tasks below

CRIMINAL LAW

A crime is an act that a legislature has defined as **socially harmful**. To be found **criminally responsible**, a person must commit a criminal act and also intend to commit the act. Classifications of crime may depend on the seriousness of the act as determined by the duration of **punishment** or by the type of social harm the statute intends to prevent or deter. The former classification thus categorizes crimes as **felonies** and **misdemeanors** while the latter classification categorizes crimes as offenses against the person and offenses against property.

To be found guilty of a criminal offense, it is not necessary to commit the intended crime. An attempt to commit the crime is **punishable** as well. However, a person cannot be convicted of an **attempt** to commit a crime unless he could have been convicted of the crime itself had his attempt been successful. It is also a criminal offense to work with others toward the commission of a crime. Thus, when two or more people combine to carry out an unlawful purpose, they may be found guilty of conspiracy. Just as the guilt of one party may be imputed to the participants in a conspiracy, the criminal act of an agent may be imputed to his principal, if the principal shares the agent's intent. When a corporation is involved, the guilt of individual employees may in some circumstances be imputed to the corporation.

Before criminal responsibility can attach, the **accused** must have intended in some way the criminal consequences of his act. This criminal intent requirement, known as *mens rea*, is in some instances dispensed with. Many regulatory codes dealing with public health and safety, for example, prescribe that failure to adhere is a criminal violation, irrespective of the violator's intent. There are, however, no precise lines or comprehensive criteria for distinguishing between crimes that require a mental element and crimes that do not.

The criminal law recognizes certain excuses that may limit or overcome criminal responsibility. In rare instances, mistake of law may serve as an excuse; more common is ignorance or mistake of fact. The defense of entrapment may also be used **to escape criminal responsibility**. While the police may employ undercover agents or decoys, they are permitted to use such techniques only to detect criminal activity, not to instigate it. Lack of mental capacity can also operate as a defense to criminal prosecution. Thus, infancy, insanity and intoxication may in some cases serve as an excuse for the commission of a crime.

A criminal prosecution begins when there is probable cause to believe that the accused committed the crime. The accused is then arrested – either with or without a warrant, depending upon the circumstances – and is brought before the magistrate for a preliminary hearing to determine whether there are **sufficient grounds** to hold the accused for trial. Subsequent to this hearing, the prosecutor must either file an information stating the charge or ask the grand jury for an indictment, a formal declaration of charges. Thereafter, the defendant is arraigned, brought before a judge to enter his plea. If he pleads not guilty, the case goes to trial; if he pleads guilty, the judge will **impose a sentence**.

The **defendant** in a criminal case is entitled to certain protections spelled out in the Constitution. These include the right to be free from **unreasonable searches** and seizures; the prohibition on government against prosecuting a person twice for the same offense (double jeopardy); the right against self-incrimination; the right to a speedy trial; the right to cross-examine; the right to counsel; and the prohibition against cruel and unusual punishment.

1.1.3 Choose the correct option according to the text

1. *Crime*

- a) is an act that a legislature has defined as socially harmful;
- b) is something your Daddy tells you not to do;
- c) is the official interpretation of a socially unacceptable activity.

2. *Felonies and misdemeanors*

- a) are the classification of crime by the type of social harm the statute intends to prevent;
- b) are the classification of crime by the time when it was committed;
- c) are the classification of crime by the seriousness of the act.

3. *To conspire*

- a) is to combine with other people to carry out an unlawful purpose;
- b) is to talk to other people about the possibility of committing an unlawful purpose;
- c) is to egg on other students to miss the lecture.

4. *Mens rea*

- a) is the wrong way of writing the plural of "men";
- b) is the premeditation by the accused, in some way, of the criminal consequences of his act;
- c) is the harmful action or failure to carry out one which endangers the safety of other people.

5. *The Defense of Entrapment*

- a) is the concept that police may not instigate the crime;

- b) is the plea of being framed up by one's own friends (accomplices);
- c) is the act of counter entrapment, used by criminals to frame up police officers.

6. Insanity

- a) is the state of being not-particularly sane;
- b) is the state when the person does not fully comprehend what he/she is doing;
- c) is the one of the pleas based on the lack of mental capacity.

7. Intoxication

- a) is the state of being drunk;
- b) is the state of being toxic;
- c) is the state of being poisoned by soft drinks.

8. Warrant

- a) is a formal authorization needed for the arrest of the accused;
- b) is a partial justification of the actions undertaken by the police;
- c) is a pardon granted by the grand jury to the accused on the grounds of his/her mental incapacity.

1.1.4 Make up five questions to the text and write your summary

1.1.5 Explain in English the words and phrases pointed out in the text.

Make up your sentences with them

1.2 Read the text and match the following headings with the sections below. There are two extra ones you do not need to use

- A. Psychological and psychiatric theories
- B. Biological theories
- C. Multiple causation theory
- D. Social environment theories
- E. Theological and ethical theories
- G. Climatic theory
- H. Marriage theory
- I. Divorce theory

The Causes of Crime

(1) No one knows why crime occurs. The oldest theory, based on theology and ethics, is that criminals are perverse persons who deliberately commit crimes or who do so at the instigation of the devil or other evil spirits. Although this idea has been discarded by modern criminologists, it persists among uninformed people and provides the rationale for the harsh punishments still meted out to criminals in many parts of the world.

(2) Since the 18th century, various scientific theories have been advanced to explain crime. One of the first efforts to explain crime on scientific, rather than theological grounds was made at the end of the 18th century by the German physician and anatomist Franz Joseph Gall, who tried to establish relationships between skull structure and criminal proclivities. This theory, popular during the 19th century, is discredited and has been abandoned. A more sophisticated theory — a biological one — was developed late in the 19th century by the Italian criminologist Cesare Lombroso, who asserted that crimes were committed by persons who are born with certain recognizable hereditary physical traits. Lombroso's theory was disproved early in the 20th century by the British criminologist Charles Goring. Goring's comparative study of jailed criminals and law-abiding persons established that so-called criminal types, with innate dispositions to crime, do not exist. Recent scientific studies have tended to confirm Goring's findings. Some investigators still hold, however, that specific abnormalities of the brain and of the endocrine system contribute to a person's inclination toward criminal activity.

(3) Another approach to an explanation of crime was initiated by the French political philosopher Montesquieu, who attempted to relate criminal behavior to natural, or physical environment. His successors have gathered evidence tending to show that crimes against person, such as homicide, are relatively more numerous in warm climates, whereas crimes against property, such as theft, are more frequent in colder regions. Other studies seem to indicate that the incidence of crime declines in direct ratio to drops in barometric pressure, to increased humidity, and to higher temperature.

(4) Many prominent criminologists of the 19th century, particularly those associated with the Socialist movement, attributed crime mainly to the influence of poverty. They pointed out that persons who are unable to provide adequately for

themselves and their families through normal legal channels are frequently driven to theft, burglary, prostitution, and other offences. The incidence of crime especially tends to rise in times of widespread unemployment. Present-day criminologists take a broader and deeper view; they place the blame for most crimes on the whole range of environmental conditions associated with poverty. The living conditions of the poor, particularly of those in slums, are characterized by overcrowding, lack of privacy, inadequate play space and recreational facilities, and poor sanitation. Such conditions engender feelings of deprivation and hopelessness and are conducive to crime as a means of escape. The feeling is encouraged by the example set by those who have escaped to what appears to be the better way of life made possible by crime.

Some theorists relate the incidence of crime to the general state of a culture, especially the impact of economic crises, wars, and revolutions and the general sense of insecurity and up rootedness to which these forces give rise. As a society becomes more unsettled and its people more restless and fearful of the future, the crime rate tends to rise. This is particularly true of juvenile crime, as the experience of the United States since World War II has made evident.

(5) The final major group of theories is psychological and psychiatric. Studies by such 20th century investigators as the American criminologist Bernard Glueck and the British psychiatrist William Healy have indicated that about one-fourth of a typical convict population is psychotic, neurotic, or emotionally unstable and another one-fourth is mentally deficient. These emotional and mental conditions do not automatically make people criminals, but do, it is believed, make them more prone to criminality. Recent studies of criminals have thrown further light on the kinds of emotional disturbances that may lead to criminal behavior.

(6) Since the mid-20th century, the notion that crime can be explained by any single theory has fallen into disfavor among investigators. Instead, experts incline to so-called multiple factor, or multiple causation theories. They reason that crime springs from a multiplicity of conflicting and converging influences — biological, psychological, cultural, economic and political. The multiple causation explanations seem more credible than the earlier, simpler theories. An understanding of the causes of crime is still elusive, however, because the interrelationship of causes is difficult to determine.

1.2.1 Make up five questions and a summary to the text above

1.3 You are going to read a magazine article about burglar-friendly houses. Choose from the list A-I the sentence which best summarizes each part (1-5) of the article. There are two extra sentence which you do not need to use.

- A. Houses which are very private are less safe.
- B. Make your possession easy to identify.
- C. Burglars look at our houses differently to the way we do.
- D. Burglars are attracted by signs of absence.
- E. Large homes suggest large bank accounts.
- F. “The first time you have your house broken into probably won’t be the last”.
- G. Call the police if you have been burgled.

Do you Live in a Burglar-Friendly House?

1 _____ It's the last thing you want to hear when you've just been burgled, but the awful truth is that if you've been burgled once, you'll probably be burgled again. Why? Because some of us have 'burglar-friendly' houses.

2 _____ You should take a good look at your house – not as you normally do, but as a burglar would. If you were a burglar, which home would you choose to rob, - a house with a shiny new car parked outside or one with a rusty vehicle? Anything which signals nice possessions and money will certainly catch the burglar's eye.

3 _____ People may complain about their nosy neighbours, but there's no better way of stopping burglars than having watchful neighbours around. If a house is far away from others, or hidden from the road, it is more attractive to burglars, who think they can get in and out without being noticed. So a burglar alarm is a good idea. And remember, you may get privacy from a tall hedge or a high wall – but so does a burglar.

4 _____ By leaving newspapers and letters sticking out of the letter-box or full milk bottles on the doorstep, you are giving burglars the green light to break into your home. Similarly, if you're away from the house at regular times – out at work or doing the shopping – then your home is also in danger of being burgled. Ask a neighbour to keep an eye on your house at these times.

5 _____ It's a good idea to take photos of your valuable possessions. By doing that, if you're burgled, you'll be able to identify stolen

property, which could lead to the thief being put behind bars. It is also possible to label valuable items such as TVs and videos with your postcode. If they are stolen, this will make them easier to find. One more good idea is to ask for a crime prevention officer to visit your home and identify weak points in its security.

Vocabulary practice

1.4 Give the English equivalents of the following and make up your sentences with some of them:

дрібний злочин, змова, кримінальне переслідування, обґрунтований обшук, достатні підстави, обвинувачений, намір, кримінальна відповідальність, тяжкий злочин, переслідувати, умовне покарання, типові злочини, призвести до шкідливих наслідків, бути схильним до чогось, бути ув'язненим, порушення громадського порядку.

1.4.1 How do we call a person who:

1. attacks and robs people, often in the street
2. sets fire to property illegally
3. breaks into houses or other buildings to steal
4. steals from shops while acting as an ordinary customer
5. deliberately causes damage to property
6. steals things from people's pockets in crowded places
7. gets secret information from another country
8. buys and sells drugs illegally
9. helps a criminal in a criminal act
10. murders for political reasons or a reward
11. makes counterfeit money or signatures
12. brings goods into a country illegally without paying tax

1.4.2 Fill in the gaps with the following phrases. There are two extra ones
*are tried/ is committed/ is committed/ is fined / is punished / is put /is resolved/
was caused*

A crime is a wrong which 1).....against society. The wrongdoer 2).....: he or she 3).....in prison or 4)..... a sum of

money. A tort, on the other hand, is a wrong which 5).....against an individual. The injured party-can sue the wrongdoer and receive damages from the court. Criminal sanctions exist to make society safer and to keep people from committing certain acts. Tort remedies exist to make the injured parry whole again for the harm which 6).....by the wrongdoer. A key difference between the two is that a crime requires a criminal intent, whereas a tort can result without intent to cause harm on the wrongdoer's part.

Speaking

1.5 Read and comment on the following quotation

“Ignorance of the law excuses no man; not that all men know the law, but because it is an excuse every man will plead, and no man can tell how to confute him”

John Selden, English historian and a lawyer

Writing

1.6 This is a part of a letter that a law student has sent to you

Dear,

I've just found out that I've failed my exam in Criminal law. The question I had to answer was not very difficult: “The sources of criminal law in the USA”. I was sure that it's worth speaking about precedent – and that's all, but the lecturerer wasn't satisfied with my answer and gave me bad mark; he even didn't explain what my mistake was. The good thing is that I will be able to retake the exam in two weeks, but I'm so scared to fail it again! What can I do? Please, help me!

Best regards

Mark Brown

Write him a letter giving your advice. Use the following useful expressions and the following plan

Useful expressions:

Start with: I just got your letter; I think I can help you; I was sorry to hear about your problem.

Giving advice: You should...; Why don't you...? It would be a good idea...; The best thing you can do is...; I strongly advice you to...; Your mistake was...; If I were you, I'd...

Finish with: I hope this helps you; Let me know what happens; Hope this advice is of some help to you; Things will get better soon.

Plan

Introduction:

Dear....

Para 1: Express sympathy

Main body

Para 2: Give your advice

Conclusion

Para 3: End the letter offering some encouragement

Unit 2. Crime Investigation

2.1 Answer the question:

1. What methods of criminal identifications do you know?
2. Have you ever witnessed the scene of a crime? What was it?

2.2 Match the following English words and expressions with their Ukrainian equivalents:

1. fingerprints	a) свідчення свідків
2. DNA profiling	b) аналіз ДНК
3. crime lab	c) аналіз за допомогою мікроскопа
4. testimonial	d) криміналістична
5. evidence	e) лабораторія
6. microscopic examination	f) відбитки пальців
7. probability	g) вірогідність
8. perpetrator	h) злочинець, правопорушник

2.2.1 Consult a dictionary and practice their pronunciation. Pay attention to the stress

2.2.2 Read the text and find the information about

- a) types of evidence at the scene of a crime;
- b) methods of identification of crimes
- c) lineup identification

IDENTIFICATIONS

Most police investigations begin at the scene of a crime. There are some types of evidence that is located and recovered at a scene: 1) Impression **evidence** includes fingerprints, tool marks, footwear, fabric impressions, tire marks and bite marks. 2) Biological evidence includes blood, body fluids, hair, nail. 3) Trace evidence includes paint, glass and fibres. 4) Firearms include weapons, gun powder patterns, casings, projectiles, and cartridges. Experts are particularly adept in the microscopic examination of spent bullets and cartridge cases.

The use of **DNA profiling** is regarded as reliable as fingerprinting to check the unique characteristics of an individual. **Fingerprints** (also includes palm prints and bare footprints) are the best evidence to place an individual at the scene of a crime. The identifying fingerprint pattern dusted with powder could be seen and photographed or digitally recorded. By comparing fingerprints at the scene of a crime with the fingerprint record of suspected persons, **absolute proof** of the presence or identity of a person can be established.

If using the method of DNA analysis, then blood can be matched back to an individual with **a high degree of probability**. DNA profiling can positively identify an individual from a specimen of blood, **hair roots** etc.

Police often ask eyewitnesses to identify a suspect from a lineup or an array of photos. A lineup or photo array involves placing a suspect or a photo of a suspect among people who are not suspected of committing the crime (fillers) and asking the eyewitness to identify the perpetrator.

Misidentification by eyewitnesses has played a role in a high number of wrongful convictions and has led criminal justice experts to look more closely at the effectiveness of identifying suspects from live and photographic lineups.

Most U.S. law enforcement agencies use the simultaneous lineup, in which the eyewitness views a lineup of individuals or **a photo array**; that is, all individuals are viewed at the same time. However, some research has indicated that a sequential

lineup, in which photographs are presented to the witness one at a time, produces fewer false identifications as well as fewer true identifications.

The two types of lineups require different mental processes from the witness: For **sequential lineups**, witnesses must exercise "absolute judgment," comparing each photograph or person only to their memory of what the offender looked like. In **simultaneous lineups**, witnesses must use "relative judgment" to compare lineup photographs or members to each other.

2.2.3 Complete the following sentences according to the information from the text:

1. To obtain a position of an investigator one has to pass an examination on such legal subjects as...
2. Investigator's job includes...
3. At a scene of a crime some types of physical evidence may be recovered such as...
4. Fingerprinting is a method of....
5. A lineup or photo array involves.....

Vocabulary practice

2.3 Be ready to explain in English the words and phrases pointed out in the text above. Make up your sentences with them

2.3.1 Give the Ukrainian equivalents of the following and make up your sentences with some of them: fingerprints, footwear, sequential lineups, to identify the perpetrator, law enforcement agencies, misidentification, to compare lineup photographs, to identify a suspect, spent bullets, to compare fingerprints.

2.3.2 Render into English:

Для розслідування справи слідчі та детективи використовують різні методи і засоби. Для розкриття злочину необхідно враховувати багато аспектів. Важливим завданням є збір свідчень та доказів і пошук потенційного підозрюваного. В процесі допиту свідків слідчий може отримати важливу інформацію щодо винності особи, присутності підозрюваного на місці злочина. Цей факт може бути підтверджений чи навпаки завдяки перевірці фізичних

доказів. Існують спеціальні методи встановлення ідентичності особи: аналіз відбитків пальців та ДНК. Шляхом порівняння відбитків пальців на місці злочину та відбитків підозрюваного можна встановити абсолютний доказ присутності або ідентичності особи.

2.3.3 Fill in the gaps with the following phrases: *conduct interviews / investigation/ detectives/ warrants and evidence/ Investigations Police/ collect evidence/ for DNA identification/ investigative techniques*

In most countries 1.____ may obtain their position by competitive examination covering such subjects as principles, practices and procedures of 2.____; interviewing and interrogation; criminal law and procedures; applicable law governing arrests, search and seizures, 3.____; police department records and reports; principles, practices and objectives of courtroom testimony; and police department methods and procedures. Detective Police, also called 4.____(USA) are responsible for investigations and detective work. Detectives are plainclothes investigators who gather facts and 5.____for criminal cases. They 6.____, examine records, observe the activities of suspects, and participate in arrests. Modern detective may easily be someone who sits at a computer screening lots of methods used in commission of a crime or who tests samples 7.____. Most detectives are trained in modern 8.____and in the laws of evidence and criminal procedure.

Speaking

2.4 Explain why collecting physical evidence is very important in the investigation of any crime

Grammar focus : Conditionals

2.5 Open the brackets using the appropriate form of the verb:

1. If we (to know) anything about the crime we will phone you. 2. If you approach a barrister directly you (to be sent) to a solicitor. 3. If he passes the examination set by the Council of legal Education he (to become) a barrister. 4. If the police (to find) witnesses they will interview them. 5. If I had seen the robbery yesterday I (to call) the police. 6. If the criminal had not left his fingerprints he (not to be found). 7. If he (to have) money he would hire a good barrister. But he does not have enough money.

Short detective stories

2.6 Read a story about a bank robbery. Fill in the gaps and answer the questions below

£5,000 Bank Robbery in the City

There was a bank robbery in central London yesterday. Just before closing time yesterday, a man 1)_____ the Butcher Street Branch of the National Westminster Bank. He was carrying a shotgun, and wearing a stocking mask over his head. There were only a few customers in the bank at the time. He 2)_____ on the floor, and forced the manager to put the money in a sack. 3)_____ he was leaving, the security guard tried ring the alarm. The robber shot him and the guard is now in St. Patrick's Hospital. Surgeons are trying to save 4)_____ 5)_____ the police arrested a man in South London. He is now trying to prove his alibi.

- | | |
|------------------------|---------------------|
| 1. a) entered in | c) left |
| b) entered | d) was entering |
| 2. a) made them to lie | c) made lie to them |
| b) made them lying | d) made them lie |
| 3. a) As | c) After |
| b) As soon as | d) Before |
| 4. a) him alive | c) his life |
| b) his death | d) his from death |
| 5. a) Last at night | c) Lastly night d |
| b) Late night | d) Last night |

2.6.1 Answer the questions:

1. Which of the following is not true?
 - a) there weren't many customers in the Bank when the robber came
 - b) just before closing time yesterday, a man came into the Butcher Street Branch of the National Westminster Bank and deposited £5,000
 - c) when the man went into the Bank, he was carrying a shotgun
 - d) 5,000 was stolen from the National Westminster Bank yesterday

2. When did the robbery happen?
 - a) at midnight a day ago
 - b) three hours before closing time of the Bank
 - c) just before the Bank opened
 - d) shortly before closing time of the Bank yesterday

3. How many customers were there in the Bank when the robbery happened?
 - a) there weren't many customers there
 - b) the Bank was packed with customers
 - c) there was only one customer there
 - d) there were quite a few customers in the Bank

4. Why did the robber shoot the security guard?
 - a) the security guard wanted to escape with the sack full of money
 - b) the security guard asked the manager not to put the money in the sack
 - c) the security guard tried to ring the alarm
 - d) the security guard didn't put the money in a sack

5. Whom did the police arrest last week?
 - a) the manager of the bank
 - b) the robber
 - c) the security guard who didn't manage to ring the alarm
 - d) a man trying to prove that he didn't rob the bank

2.7 Read a story about a murder, fill in the gaps and answer the questions below

Mr. Reilly?

"Mr. Reilly? This is Colonel Montgomery of Scotland Yard. I'm afraid I have some bad news for you. Your brother-in-law has just been murdered."

"Oh, my God," said the voice on 1) _____ end of the line. "I only saw Micky last night. I can't believe this is true. Are you sure it's him?"

"The 2) _____ is positive, Mr. Reilly. I would like to come straight over and talk to you about who would have a motive for killing him."

An hour later, Colonel Montgomery was seated in Reilly's flat.

"It's no secret that Micky had enemies," said Reilly. His business partner, Harold Smith, once 3) _____ him of stealing money from their business. They had some violent arguments. Then there's my sister's husband, Charles Johnes, who thought Micky had 4) _____ with his wife. Charles, I am embarrassed to say, is associated with the underworld. Another person who could have killed Micky is my wife's brother Billy...

There was no need to continue. From what Mr. Reilly said everything was obvious. He gave himself 5) _____ when he mentioned the name of his murdered brother-in-law: he had at least three brothers-in-law.

2.7.1 Answer the questions:

1. Which of the following is not true?

- a) murder was committed and Colonel Montgomery was to investigate the crime
- b) colonel Montgomery was afraid to break the news to Mr. Reilly
- c) Mr. Reilly was positive he saw his brother-in-law the day before
- d) colonel Montgomery was an efficient investigator

2. Mr. Reilly was the only person who:

- a) had an alibi
- b) recognized the murderer
- c) was guilty
- d) had a motive for murder

3. Judging by Mr. Reilly's evidence:
- a) he had the motive to kill Micky
 - b) it was impossible to solve the crime
 - c) Micky was murdered by his brother-in-law
 - d) he had connections with the underworld

4. Who murdered Micky?
- a) Charles
 - b) Billy
 - c) Mr. Reilly
 - d) At least three brothers-in-law

5. The word underworld means:
- a) the world "down under"
 - b) the world full of ghosts and goblins
 - c) the world of mystery and magic

2.8 Read a story about a mugger, fill in the gaps and answer the questions below

The 1)_____Successful Mugger

87-year-old Lady Tucker was walking down New York's East 66th Street. She looked like an easy prey – small, grey-haired and expensively dressed. Ramos came up on his bicycle and grabbed her handbag. Lady Tucker hit him on the head with her umbrella, knocking him off his bicycle, and started screaming.

The 2)___ mugger tried to get back onto his bicycle and escape, but Lady Tucker 3)___ hitting him. A lorry driver, hearing her screams, came and joined in the fight. They 4)_____ fighting, until a policeman arrived and took Ramos prisoner. Lady Tucker 5)_____ medical help, saying that she felt fine. But she allowed the policeman to escort her home.

- | | | | |
|------------------|-------------|-----------------|----------------|
| 1. a) less | b) least | c) worse | d) bad |
| 2. a) criminal | b) prolific | c) romantic | d) unfortunate |
| 3. a) kept | b) stayed | c) left | d) advised |
| 4. a) were sorry | b) started | c) went on | d) thought of |
| 5. a) declared | b) detested | c) insisted for | d) refused |

2.8.1 Answer the questions:

1. Which of the following is not true?

- a) Lady Tucker looked like the previous prey of Ramos — small, grey-haired and expensively dressed
- b) Lady Tucker proved to be a good fighter
- c) Lady Tucker was courageous
- d) Lady Tucker was resourceful

2. Why did Ramos decide to mug Lady Tucker?

- a) because he thought that it won't be difficult to cope with the task
- b) he liked small, grey-haired and expensively dressed ladies
- c) he liked Lady Tucker
- d) New York's East 66th Street was the place where he used to mug

3. Why didn't Ramos retreat?

- a) Lady Tucker didn't want him to leave her at the crucial moment
- b) He didn't manage to do it
- c) He was far from his bicycle
- d) He couldn't do it because of the handbag

4. Why did Lady Tucker shout?

- a) she wanted to frighten Ramos
- b) Ramos wanted to hit her
- c) Lady Tucker didn't like the mugger
- d) she hoped to get help

5. The word mugger means:

- a) person who wins
- b) member of police force
- c) person who decides in a contest, dispute, etc
- d) person who attacks violently and robs. .

Module 8. Trial and Punishment

Unit 1 . Court Trial

1.1 Answer the questions:

1. What people can take part in a court trial?
2. What does a trial begin with?
3. What is the principle of a jury selection?
4. What are the duties of an investigator in criminal proceedings?

1.2 Match the following English words and expressions with their Ukrainian equivalents:

1. to initiate prosecutions	a) звільнити присяжних
2. contentious case	b) призначити покарання
3. to be empowered	c) мати право, повноваження
4. to detain in custody	d) тримати під арештом
5. charge	e) оголосити перерву в суді
6. to free on bail	f) звільнити під заставу
7. to remand	g) повернути під варту
8. writ of habeas corpus	h) судовий наказ про захист недоторканності особи від свавільного арешту
9. to apply for a writ	i) просити про винесення судового наказу
10. to show beyond reasonable doubt	j) довести поза розумним сумнівом
11. to discharge the jury	k) розпочати судові переслідування
12. to adjourn the court	l) обвинувачення
13. impose a penalty	m) спірна справа

1.2.1 Read the text to understand what information is of primary importance or new for you

COURT PROCEDURE IN THE UK

Although it is possible for any private citizen to institute criminal proceedings, in practice prosecutions are usually initiated by the police. In serious or contentious

cases details are sent to the Director of Public Prosecutions, and it is he who decides whether the case should be proceeded with or not.

Arrests are usually made by police officer. A person can be detained in custody without charge for up to ninety six hours. Once charged a defendant can be freed on bail, although if the police consider that he or she might disappear they are entitled to object to bail, and ask that the defendant be kept in custody. The decision however, is left to the magistrate. If a person is freed on bail, securities must be given, either by the accused or by someone acting for him or her. In serious cases the accused is usually remanded until the case against him or her has been prepared. If a person who is detained considers that this detention is unlawful he or she can apply for a writ of habeas corpus which requires that cause for the detention is shown before the court.

English criminal law assumes that a person is innocent until proved guilty. It is the responsibility of the prosecution to show beyond any reasonable doubt that the defendant has committed the offence of which he or she is accused. If this cannot be done a verdict of not guilty must be returned. Everyone accused of an offence has the right to employ a legal adviser to present the case, and if he or she cannot afford to do so he or she can be provided with legal aid at public expense. All criminal trials, with a few exceptions, such as those involving official secrets, are heard in open court, and the trial is conducted according to strict rules of procedure. All evidence must be given in the presence of the accused, and the defendant, or his or her counsel, has the right to question all the witnesses. The prosecution may also question the defense witnesses, but they cannot cross-question the accused, unless he or she decides to go into the witness-box.

As the terms «prosecution» and «defense» suggest, an English trial is a contest, in which both sides try to convince the jury that the case which they are presenting is the truth. The judge acts as referee in this contest, and when one side thinks that its opponents are breaking the rules it can appeal to the judge for a ruling. The judge's powers of interference are limited, and he or she may only intervene in order to advise on a point of law, or to clarify an obscure point.

After the prosecution and defense have concluded their cases, and both sides have presented their final speeches, it is the judge's duty to sum up. In the summing up speech the judge is expected to outline the case and explain the legal issues involved to the jury. Once the judge has summed up, the jury consider their verdict, and in serious cases this can take quite a long time. Should it become apparent that the jury cannot decide on a verdict they will be discharged and a new jury will be

selected to hear the trial all over again. If a verdict of not guilty is arrived at the accused is freed at once. If he or she is found guilty it is the judge's responsibility to pronounce a sentence. This may be done at once, or the judge may in certain circumstances adjourn the court so that he or she has time to consider what penalty should be imposed.

1.2.2 Answer the following questions :

1. By whom are prosecutions usually initiated?
2. Can a private citizen institute criminal proceedings?
3. Who is empowered to make an arrest?
4. Can a person be detained in custody without a charge? For how long?
5. Once charged, can a defendant be freed? On what condition?
6. Who decides the issue of bail?
7. Are the accused usually freed on bail in serious cases?
8. In what cases can the detained person apply for a writ of habeas corpus?
9. Is a person assumed guilty after arrest?
10. What must the prosecution show in court?
11. In what cases is a legal adviser provided at public expense?
12. Are all criminal cases heard in open court?
13. Can the accused be cross-questioned by the prosecution?
14. Why is an English trial considered to be a contest?
15. What is the task of the judge in such a contest?
16. When do the jury begin to consider the verdict?
17. What takes place if the jury arrive at a verdict of «not guilty»?
18. What does the judge do if the accused is found guilty?

Vocabulary practice

1.3 Give the Ukrainian equivalents of the following word phrases:

to clarify an obscure point, to outline the case, to consider the verdict, to discharge the jury, to pronounce the sentence, to impose a penalty, the accused, the defendant, witness, obscure point, penalty, legal issue, trial, sentence, bail, prosecution, contentious case, warrant, detention, reasonable doubt.

1.3.1 Give the English equivalents of the following and make up your sentences with some of them:

ордер на арешт, спірна справа, судове переслідування, карне переслідування, розумний сумнів, ув'язнення, доказ, відкрите судове засідання, обвинуватити особу в, тримати під арештом, розпочати судове переслідування, порушити кримінальну справу, повернути особу під варту, звільнити під заставу, довести поза всяким розумним сумнівом, довести, що особа винна, звільнити присяжних, розглядати вердикт, викладати коротко суть справи, призначити покарання, оголосити перерву в суді.

1.3.2 Match the English phrases in 1-5 with their Ukrainian equivalents A-E.

1. Generally, a court will not enforce a judgment unless the winning party request enforcement and pays all spending court costs.

2. There are a number of methods to enforce money judgments. The three most common methods are “garnishment”, “attachment”, and “foreclosure”.

3. A number of legal proceedings may be conducted after the trial is over. In civil cases, it may be necessary to take steps to enforce the judgment.

4. In criminal cases, particularly serious cases, sentencing is often a separate proceeding.

5. Wages can be garnished only once per month and only 25 percent of the wages due can be taken at any one time.

A. Після закінчення судового процесу можуть здійснюватись деякі післясудові процедури. У випадку цвільних справ може бути необхідним вжити певних заходів, щодо виконання рішень суду.

B. Як правило суд не вживає заходів щодо виконання рішення, поки сторона, яка виграла справу, не подасть клопотання про виконання рішення та не сплатить всі необхідні судові витрати.

C. Арешт на заробітню плату може здійснюватись лише раз на місяць і одночасно може утримуватися тільки 25% заробітку.

D. Для примусової сплати встановленого грошового відшкодування існує кілька способів. Найпоширенішим з них є: накладання арешту на майно боржника, що перебуває у третьої особи накладання арешту на майно боржника та позбавлення права викупу заставленого майна.

E. У кримінальних справах, особливо у справах пов'язаних із вчиненням тяжких злочинів, винесення вироку нерідко становить окрему процедуру.

Speaking

1.4 Read the case and get ready for a role play “Trying a case”.

1.4.1 Enact the preliminary investigation of the case conducted by two counsels: the counsel for the Prosecution and the counsel for the Defense

Case: *Mrs June Brown was detained for shoplifting. She was accused of having stolen a girl’s woolen pullover. Mrs Brown refused to say anything and consequently the police were called and she was charged with theft. The facts are the following: Mrs Brown was in a hurry. She wanted to buy a new pull over for her daughter Jean before taking her to her cousin’s birthday party. Mrs Brown found a pullover in the shop she called at with her daughter on her way to the party. As soon as she had paid for the pullover she saw that Jean had chocolate all over her face and hands. Furious she asked a sales assistant where the toilets were. Then in the toilet Mrs Brown changed Jean’s old pullover for the new one They would have to run if they were going to ever get to the party. But in the street she was grabbed by a man accompanied by a woman. The woman said that they had reason to believe that Mrs Brown was shoplifting. The evidence against Mrs Brown was that the woman, Mrs Baker, a store detective, had entered the toilets and had seen Mrs Brown putting a new pullover over her daughter’s head.*

Cast list

Mrs June Brown, the accused

Mrs Mary Baker, a store detective

Miss Becky Smith, a sales assistant

Mr Clark Timpson, the sales manager

Miss Nora Lain, a customer in the shop

Counsel for the Prosecution

Counsel for the Defense

What you must decide

On the basis of the evidence collected by the two counsels during the investigation you must decide whether the matter should be brought to court.

Role cards

Counsel for the Defense

While interviewing the participants of the incident - Mrs Brown, the defendant, Miss Smith, the sales assistant, Mrs Baker, the store detective, Mr Timpson, the sales manager and Miss Nora Lain, a customer - you try to prove that your client is innocent and the charge brought against her is groundless. In summing up your arguments you emphasize that a suspect is innocent until proven guilty. You have no doubt that this is an “open-and-shut” case and should never be brought to trial.

Counsel for the Prosecution

In the course of the investigation you interview everybody concerned: Mrs Brown, the accused, Miss Smith, the sales assistant, Mrs Baker, the store detective, Mr Timpson, the sales manager and Miss Nora Lain, a customer. You ask everybody to tell you about their part in the incident and thus you make them reveal the basic facts of the case and their respective role in it. You try to verify the truthfulness of their testimony. First ask them questions about themselves: their name, occupation, the reasons for their actions in the situation with the idea of looking for things that will make Mrs Brown seem guilty. On completion of the investigation sum up your observation.

Mrs June Brown

You are a part time school teacher with two children of your own rather difficult to manage. Thus you are always pressed for time and easily lose your temper. During the investigation you show your indignation at the false charge imposed upon you. The only person you are willing to talk the matter over is your lawyer whom you give a full and truthful account of your behaviour in the shop. When you were stopped that day by the sales manager and accused of shoplifting you felt insulted and became angry.

Miss Becky Smith

You have been working as a sales assistant for three years. That day you were serving on the knitwear counter. You remember a woman who you now recognise as the defendant, Mrs Brown, buying a pullover for her daughter. You remember her well because the girl was eating a chocolate ice-cream and smeared it all over her face while Mrs Brown was paying for the pullover. The customer said she must clean the girl up as she was taking her to a birthday party. You showed Mrs Brown where the toilets were and she hurried away.

Mrs Mary Baker

You are a store detective. Previously you were employed as a policewoman. In all your years of working for the police you have never made a false arrest. That day as you entered the toilets of the store you saw a woman taking the labels off a new pullover and putting it on her daughter. The woman seemed very nervous and excited. When you entered she immediately hurried out. Her behaviour made you suspect her of stealing the pullover. You followed the woman, calling the Sales Manager, Mr Timpson, to help you. When you stopped the woman outside the store she became very angry and refused to say anything in her defence so the police were called and she was formally charged with shoplifting.

Mr Clark Timpson

You are a sales manager at a large department store. Your job is to supervise the sales on the ground floor of the shop. That day you noticed one of the store detectives, Mrs Baker, trying to attract your attention. You realized that she was following someone she suspected of shoplifting. You joined Mrs Baker and as the suspect left the shop you grabbed her by the arm. Mrs Baker told the woman that she was suspected of shoplifting. The woman became very angry. You took her to your officer but she continued to protest about being arrested. She insisted on having paid for the pullover but refused to show you the receipt. She refused to say anything until her lawyer arrived. You therefore called the police and the woman was charged with shoplifting.

Miss Nora Lain

You are a secretary at an office. You don't like to go straight home after work (you are single), so very often you go window-shopping. That day as you were in a large store and entered the toilets you saw a woman hurriedly changing her daughter into a new pullover. She left the toilets in a hurry. You followed her (you are a great reader and admirer of Agatha Christie). After the woman was stopped by some people and the police arrived you addressed the police officer offering him evidence. You are enjoying it all, absolutely sure that justice must be done. You even hope that the case will get into the newspapers and the girls at the office will see your name or even a photo.

1.4.2 Give an account of the incident as it was seen by Anne, Mrs Brown's daughter

Writing

1.4.3 Write a letter which Mr Brown, the husband of the accused person, might have sent to a local newspaper, protesting about the illegal actions of the staff of the store

Grammar focus: "I wish" sentences

1.5 Open the brackets using the appropriate form of the verb:

1. He wish I (to work) as a detective in the USA. But he is an accountant. 2. He wishes he (not to drink) alcoholic drinks before going to the party yesterday. 3. He wishes (not to break) the American Law. He would not be arrested by sheriff. 4. I wish I (to be) at yesterday's party: it must have been very merry. 6. They wished they (not to see) this horrible scene again. 7. The prisoner wishes he (to be) free now lying on the beach somewhere in Mayami. 8. The investigator is investigating a very grave case and can't find enough evidences. He wishes (to find) enough evidences to disclose the case. 9. He wishes (to appeal) his case. He is sure he would have won the case. 10. The unfortunate student failed the exam in Criminal Law. He is sad and wishes (not to miss) the lessons during the semester and (to prepare) for the exam.

Unit 2. Punishment

2.1 Answer the following questions:

1. Why are offenders punished?
2. What types of punishment do you know?
3. Which of them are implemented in Ukraine?
4. What punishment do you consider to be the least/most severe?

2.2 Match the following English words and expressions with their Ukrainian equivalents:

1. pain	a) правопорушення, проступок
2. particular circumstances	b) біль
3. confinement in jail	c) покарання
4. substitute	d) заміщувати

5. punishment	e) страта
6. revenge-based	f) особливі умови
7. misdemeanour	g) заснований на помсті
8. execution	h) ув'язнення
9. cruelty	i) жорстокість
10. to reduce	g) зменшувати

2.2.1 Read the text for general understanding

TREATMENT OF CRIMINALS

1. _____ Various correctional approaches developed in the wake of causation theories. The old theological and moralistic theories encouraged punishment as retribution by society for evil. This attitude, indeed, still exists. The 19th-century British jurist and philosopher Jeremy Bentham tried to make the punishment more precisely fit the crime. Bentham believed that pleasure could be measured against pain in all areas of human choice and conduct and that human happiness could be attained through such hedonic calculus. He argued that criminals would be deterred from crime if they knew, specifically, the suffering they would experience if caught. Bentham therefore urged definite, inflexible penalties for each class of crime; the pain of the penalty would outweigh only slightly the pleasure of success in crime; it would exceed it sufficiently to act as a deterrent, but not so much as to amount to wanton cruelty. This so-called calculus of pleasures and pains was based on psychological postulates no longer accepted.

2. _____ The Bentham approach was in part superseded in the late 19th and early 20th centuries by a movement known as the neoclassical school. This school, rejecting fixed punishments, proposed that sentences vary with the particular circumstances of a crime, such as the age, intellectual level, and emotional state of the offender; the motives and other conditions that may have incited to crime; and the offender's past record and chances of rehabilitation. The influence of the neoclassical school led to the development of such concepts as grades of crime and punishment, indeterminate sentences, and the limited responsibility of young or mentally deficient offenders:

3. _____ At about the same time, the so-called Italian school stressed measures for preventing crime rather than punishing it. Members of this school argued that individuals are shaped by forces beyond their control and therefore

cannot be held fully responsible for their crimes. They urged birth control, censorship of pornographic literature, and other actions designed to mitigate the influences contributing to crime. The Italian school has had a lasting influence on the thinking of present-day criminologists.

4.____ The modern approach to the treatment of criminals owes most to psychiatric and case-study methods. Much continues to be learned from offenders who have been placed on probation or parole and whose behavior, both in and out of prison, has been studied intensively. The contemporary scientific attitude is that criminals are individual personalities and that their rehabilitation can be brought about only through individual treatment. Increased juvenile crime has aroused public concern and has stimulated study of the emotional disturbances that foster delinquency. This growing understanding of delinquency has contributed to the understanding of criminals of all ages.

5.____ During recent years, crime has been under attack from many directions. The treatment and rehabilitation of criminals has improved in many areas. The emotional problems of convicts have been studied and efforts have been made to help such offenders. Much, however, remains to be done. Parole boards have engaged persons trained in psychology and social work to help convicts on parole or probation adjust to society. Various states have agencies with programs of reform and rehabilitation for both adult and juvenile offenders. Many communities have initiated concerted attacks on the conditions that breed crime. Criminologists recognize that both adult and juvenile crime stem chiefly from the breakdown of traditional social norms and controls, resulting from industrialization, urbanization, increasing physical and social mobility, and the effects of economic crises and wars. Most criminologists believe that effective crime prevention requires community agencies and programs to provide the guidance and control performed, ideally and traditionally, by the family and by the force of social custom. Although the crime rate has not drastically diminished as a result of these efforts, it is hoped that the extension and improvement of all valid approaches to prevention of crime eventually will reduce its incidence.

2.2.2 Read the text again and match the headings (A-G)with the paragraphs (1-5) There are two extra ones you do not need to use

- A. Rehabilitative programs
- B. Psychiatric and case-study methods
- C. Bentham approach

- D. Neoclassical school
- E. Preventive approach
- F. Marriage approach
- G. Criminal school

2.2.3 Make up five questions to the text and write your summary

Vocabulary practice

2.3 Explain the following in English: corporal punishment, fine, probation, community service, capital punishment, felonies, misdemeanours, grave crime, prison, convicted, transgressor, imprisonment, correctional labor institutions.

2.3.1 Give the English equivalents for the following word combinations and make up your sentences with some of them:

тілесне покарання, запобігти злочину, неправомірні дії, грошова компенсація, суворе фізичне покарання, громадські роботи, компенсувати шкоду жертвам злочину, страта злочинця, смертна кара.

2.3.2 Complete the text with the following words and phrases:

disclosing and exposing crimes /penal system / transgressor /not profitable/ convict labor/ life imprisonment/ State Department Executing Penalties/ criminal punishments/ using correctional and bringing up means/ forced medical treatment/ professional training and education/ rights and freedoms of an individual

Penal System of Ukraine

From the beginning of human history, society has a problem of crime and criminal. At first to keep a criminal in prison was 1.____. It was easier just to kill 2.____. With development of industry crimes not only increased in number but became more various. Governments found economic advantages in 3.____. As the laws increased so did correctional labor institutions and 4.____. Now in many countries including Ukraine the most severe form of punishment is 5._____.

In 1998 Penal Department was created in independent Ukraine.

Ukrainian 6.____(USDEP) is a centralized state executive organ with a special status which realizes state policy as for executing 7.____. It subordinates territorial Organs of Executing Penalties and Inspection on criminal performance.

The main tasks of USDEP are:

- to realize sole state policy according to executing criminal punishments;
- to work out recommendations as for: arrested persons, executing court decisions , 8.____ provided for by the law;
- to supervise executing court decisions on separate kinds of complementary punishments;
- to provide 9.____of alcohol and drug addict;
- to provide the observance of laws by Organs and Institutions of Executing Penalties (OIEP), prevention crimes among convicts, 10.____committed in OIEP, carrying out inquiries and operational search activity;
- to head OIEP: to organize working activity for convicts and to provide them with 11.____;
- to protect 12.____in conditions of serving criminal punishment.

Writing

2.4 Render into English

2014 р. було прийнято ряд законів спрямованих на покращення умов перебування засуджених у в'язницях, зокрема, право на необмежену переписку, користування мобільними телефонами та Інтернетом, право соціальне забезпечення, оформлення пенсій та оплачувану роботу.

Однак, пенітенціарна система України залишається на межі занепаду, а запровадження системи приватних в'язниць могло б стати альтернативою існуючим державним закладам.

Як показує міжнародний досвід, приватні в'язниці можуть не тільки покращити стан пенітенціарної системи, а й принести в державний бюджет додаткові кошти. Відповідно до закордонного досвіду, управління державними закладами позбавлення волі передається приватним структурам.Вагомим стимулом для вкладання капіталу приватним інвестором у «тюремну» сферу є певне державне фінансування та можливість використання ув'язнених як дешеvu робочу силу. Яскравим прикладом популярності приватних в'язниць є Сполучені Штати Америки. Передумови для появи приватних в'язниць у США існували ще в ХІХ ст., коли підприємці використовували ув'язнених як дешеvu

робочу силу, а також недержавні установи залучали до обслуговування тюремної системи.

Speaking

2.5 State your opinion about Institutions of Executing Penalties in Ukraine. Do you agree with the statement that a convict must only feel lack of freedom? Does this statement work for our society and our mentality?

Grammar focus: Revision

2.6 Open the brackets using the verbs in correct forms of Active or Passive

1. He often (to interview) the suspects. 2. The judges (to reach) a decision yet? 3. After the graduating from the Academy he (to want) to become a Police Officer. 4. They (to inform) him of the penalty tomorrow. 5. There (to be) no courts in ancient societies? 6. Revenge (to be) a major component of early law. 7. Robber (to arrest) yesterday at midnight? 8. Many articles concerning problems in legal and social sciences (to publish) this year. 9. Three students (to send) to the International Conference this week. 10. The very dangerous criminal (to look for) everywhere now.

2.6.1 Change into Indirect Speech:

1. He said: “They participate in a trial yesterday.” 2. She said: “I have already received attorney’s certificate”. 3. He begged the criminal: “Please, please do not kill me!” 4. She asked: “How is the Prosecutor General appointed?” 5. She asked me: “Why do you want to be a police officer?” 6. They asked me: “Do you want to be a prosecutor?” 7. The prosecutor said: “The accused person is not guilty”. 8. The investigator said: “We have found a witness”. 9. The judge said to the clerk: “Ask the witnesses to come into the court room”. 10. The policeman ordered the criminal “Don’t move! Put your hands up!”

2.6.2 Choose the correct variant paying attention to the forms of Gerund, Participle and Infinitive

1. Authority is the control ... from a community's system of rules.
a) to result b) resulting c) resulted

2. The policemen ...here came from Lviv
a) work b) working c) having worked d) being working
3. The civil law includes cases ... to family, property and contracts.
a) relating b) related c) to be related
4. Family law includes the laws ... marriage, divorce and welfare of children.
a) governed by b) governing c) to govern
5. I saw him ...the dangerous suspect.
a) to interrogate b) interrogating c) having interrogated d) being interrogated
8. This lecture in Criminal Law is worth ...
a) attending b) attend c) have attend d) to be attend
9. They are known ...hard-working detectives
a) to be b) to being c) be d) have been
10. I suspect him ... his business partner.
a) of killing b) to kill c) being killed

2.6.3 Open the brackets using Conditional Sentences and “I wish”

1. He wishes he (know) English well. But he doesn't. 2. If she requires legal advice she (to have to go) to a legal adviser. 3. She has lost the case. But if she (to hire) to a good defense lawyer she would have not lost that case last week. 4. He is in prison now. He wishes (not to break) the law. 5. I wish I (to be) at yesterday's lecture in Criminal law. It must have been very interesting. 6. They wish they (not to see) that scene of murder. 7. If a mother (not to leave) her child alone in the street the kidnappers (not to kidnap) him. 8. She is a cleaner. She wishes (to be) a successful advocate. 9. If he (not to drive) at a very high speed yesterday, the traffic officer (not to fine) him. 10. He wishes (to pass) the exam in legal English excellently next week.

GRAMMAR GUIDE

* (Продовження. Початок див. English for Law Enforcement. Методичні вказівки до самостійних занять з англійської мови для здобувачів вищої освіти освітнього ступеня «бакалавр» спеціальності 262 «Правоохоронна діяльність» І частина / Укл.: Шевченко Ю.В., Литвин С.В. – Чернігів: НУ «Чернігівська політехніка», 2020. – 73 с.)

THE INFINITIVE

Інфінітив – це неособова форма дієслова, яка лише називає дію взагалі, безвідносно до того, хто її виконує і коли. У всіх своїх формах і функціях інфінітив має частку *to*.

Таблиця 1 – **Форми інфінітива**

Форми інфінітива	Active	Passive
Simple	to arrest	to be arrested
Continuous	to be arresting	
Perfect	to have arrested	to have been arrested
Perfect Continuous	to have been arresting	

Об'єктна інфінітивна конструкція має у своєму складі інфінітив і вживається у функції додатка. Об'єктна інфінітивна конструкція вживається після дієслів, що виражають

а) сприймання за допомогою органів чуття: *to see, to hear, to feel, to watch, to observe, to notice* (після цих дієслів інфінітив вживається без частки *to*): *Suddenly I heard her call the criminal's name.* – Раптом я почув, що вона назвала ім'я злочинця.

б) бажання, намір, почуття: *to want, to wish, to desire, to like, to dislike, to hate, to intend, would like*: *They wanted him to plead guilty.* – Вони хотіли, щоб він визнав свою провину.

в) думку, припущення, сподівання: *to consider, to believe, to think, to find, to know, to expect, to suppose*: *They considered him to be the best investigator in London.* – Вони вважали його найкращим слідчим у Лондоні.

г) наказ, прохання, дозвіл, пораду, примус: *to order, to ask, to request, to allow, to permit, to advise, to recommend, to cause, to force, to make, to let* (після дієслів *to let, to make* інфінітив вживається без частки *to*):

The policeman allowed the criminal to make a call. – Поліцейський дозволив злочинцю подзвонити.

Суб'єктна інфінітивна конструкція. До її складу входить інфінітив, а вся конструкція виконує роль підмета речення.

Суб'єктний інфінітивний комплекс вживається:

а) із дієсловами *to say, to report* у пасивному стані:

He is said to deal with this dangerous case. – Кажуть, що він займається цією небезпечною справою.

б) із дієсловами (у пасивному стані), що означають думку, припущення, сподівання: *to think, to know, to consider, to believe, to suppose, to expect*:

The criminal is expected to be arrested tomorrow. – Сподіваються, що злочинця арештують завтра.

в) із дієсловами (в пасивному стані), що виражають сприймання за допомогою органів чуття – *to see, to hear, to feel, to notice, to observe, to watch*:

He was seen to enter the courtroom. – Бачили, як він входив у будинок.

г) із дієсловами *to seem, appear, happen, chance, turn out, prove*:

She seemed not to listen to the sentence. – Здавалося, вона не слухає вирок.

д) із словосполученнями *to be sure, to be certain, to be likely, to be unlikely*:
They are sure to be innocent. – Вони, напевно, невинні.

THE GERUND

Герундій – це неособова форма дієслова, яка має властивості іменника і дієслова. Форми герундія утворюються за допомогою закінчення *-ing*, яке додається до основи дієслова. Герундій має одну просту і три складні форми:

Таблиця 2 – **Форми герундія**

Форми герундія	Active	Passive
Simple	arresting	being arrested
Perfect	having arrested	having been arrested

Simple Gerund, активний і пасивний, виражає дію, що відбувається одночасно з дією, вираженою дієсловом-присудком у реченні в теперішньому, минулому або майбутньому часі:

My friend dreamed of becoming a traffic policeman. – Мій друг мріяв стати офіцером дорожньої поліції.

Perfect Gerund, активний і пасивний, вживається для позначення дії, яка передує дії, вираженій дієсловом-присудком у реченні:

He remembers having been sentenced to ten months for shoplifting. –

Він пам'ятає, як його засудили до 10 місяців тюремного ув'язнення за крадіжку в магазині.

Герундій разом з іменником або присвійним займенником, що стоїть перед ним й позначає діяча, утворює герундіальний зворот і передає самостійну думку:

I remember my friends having helped me then. –

Я пам'ятаю, що мої друзі допомогли мені тоді.

У реченні герундій може бути підметом, частиною присудка, прямим або непрямым додатком чи означенням. Наприклад:

Learning the basic practical skills of police work helps them become more skilful police officers. – Оволодіння основними практичними навичками поліцейської роботи допомагає їм стати досвідченішими офіцерами поліції.

Our aim is helping the community. – Наша мета – допомогати суспільству

Подібно до іменника він часто вживається з прийменниками і присвійними займенниками: *I like your idea of becoming a lawyer.* – Мені подобається твоя ідея стати юристом.

THE PARTICIPLE (I, II)

Participle I – це неособова форма дієслова, що має властивості прикметника і прислівника. Participle I утворюється за допомогою закінчення *-ing*, яке додається до основи дієслова. Participle I має такі форми:

Таблиця 3 – **Форми дієприкметника**

Форми Participle I	Active	Passive
Simple	arresting	being arrested
Perfect	having arresting	having been arrested

Participle I відповідає українському дієприкметнику активного стану теперішнього часу та дієприслівнику недоконаного виду:

A man speaking to the prosecutor is his father. – Чоловік, який розмовляє із прокурором його батько.

He mentioned very interesting facts speaking with the students. - Він згадав дуже цікаві факти, розмовляючи із студентами.

Participle I Simple вказує на те, що дія, виражена ним, здійснюється одночасно з дією, вираженою присудком.

Participle I Perfect вказує на передування його дії дії присудка:

Having collected all the evidence they were able to start the investigation. – Зібравши всі докази, вони могли почати розслідування.

Participle II – це неособова форма дієслова, що має властивості дієслова і прикметника. Participle II має тільки одну форму – до правильних дієслів додається закінчення *-ed*, для неправильних дієслів – III форма дієслова.

Незалежна дієприкметникова конструкція може вводитись прийменником *with*:

The convicted person was standing, with his arms crossed and his head bent. – Засуджений стояв зі схрещеними руками та опущеною головою.

CONDITIONAL SENTENCES

В англійській мові слід розрізняти такі типи умовних речень:

1. Умовні підрядні речення першого типу виражають реальні умови в теперішньому чи майбутньому часі для реальних дій чи фактів, виражених у головному реченні:

Таблиця 4 – Умовні речення першого типу

If-clause (hypothesis)	Main clause(result)
if + Present Simple/ Continuous/ Perfect/ Perfect Continuous	Future/ Imperative/can/may/must/should +bare infinitive

e.g. *If we know anything about this crime, we will tell you.*

Якщо ми дізнаємось щось про злочин- ми розкажемо тобі.

2. Умовні підрядні речення другого типу виражають неймовірні або малоймовірні припущення, які відносяться до теперішнього або майбутнього часу:

Таблиця 5 – Умовні речення другого типу

If-clause (hypothesis)	Main clause(result)
If + Past Simple/ Continuous	Would/could/might/+bare infinitive

e.g. *If I were the prosecutor, I would put him into prison.*

Якби я був прокурором – я б відправив його до в'язниці.

У головному реченні вживається допоміжне дієслово **should/would/might** і інфінітив смислового дієслова, а в підрядному реченні — форма, яка збігається з формою **Past Indefinite/Continuous**

3. Умовні підрядні речення третього типу виражають нереальні умови для дій, вказують на те, що могло б відбутися у минулому, але не відбулося:

Таблиця 6 – Умовні речення третього типу

If-clause (hypothesis)	Main clause(result)
If + Past Perfect/ Past Perfect Continuous	Would/could/might/+have+Past Participle

e.g. *If he hadn't left his fingerprints on the gun yesterday, the police would not have found him.*

Якби він не залишив відбитки пальців вчора, поліція не знайшла б його.

У головному реченні вживається допоміжне дієслово **should/would/might/could** і перфектний інфінітив, а в підрядному реченні — форма, яка збігається з формою **Past Perfect/Past Perfect Continuous**

Таблиця 7 – Умовні речення нульового типу

If-clause (hypothesis)	Main clause(result)
If +Present Simple	Present Simple

e.g. *If the accused is found innocent, he is released.* – Якщо обвинуваченого визнають винним, його звільняють.

“I WISH” sentences

В додаткових підрядних реченнях, що залежать від дієслова **to wish**, вживається:

1) **Past Subjunctive** (співпадає по формі з Past Indefinite) та вказує на бажану дію в теперішньому чи майбутньому

e.g., *I wish I were a notary.*

— Я би я хотів, щоб я був нотаріусом.

— Шкода, що я не нотаріус. (Second Conditional)

2) **Past Perfect Subjunctive** (співпадає по формі з Past Perfect) та вказує на бажану дію в минулому

e.g., *I wish you had told us the truth yesterday.*

— Шкода, що ти не розповів нам правду вчора.

— Добре було б, якби ти розповів нам правду. (Third Conditional)

3) В додаткових підрядних реченнях, які залежать від дієслова **to wish** вживається **would + infinitive**, якщо ми хочемо висловити бажання про те, щоб ситуація змінилася або зараз, або в майбутньому, хоча не дуже сподіваємось на це.

В більшості випадків зміна ситуації не залежить від особи, що висловлює побажання

e.g. *I wish he would agree to go to the police.*

— Я б хотів, щоб він погодився піти до поліції. (Would + Infinitive)

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