

**МІНІСТЕРСТВО ОСВІТИ І НАУКИ УКРАЇНИ
ЧЕРНІГІВСЬКИЙ НАЦІОНАЛЬНИЙ ТЕХНОЛОГІЧНИЙ УНІВЕРСИТЕТ**

English for Law Enforcement

Методичні вказівки до самостійних занять з
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Content

Introduction	4
Module 7. Constitutional Law	
Unit 1. The Nature of Constitutional Law.....	5
Unit 2.Types and Functions of Constitutions.....	8
Module 8. Judicial Systems	
Unit 1. Judicial system in Ukraine	12
Unit 2. Judiciary in the UK and the USA.....	15
Module 9. Administrative Law	
Unit 1. The Nature of Administrative Law	19
Unit 2. Administrative Offenses and Responsibility.....	23
Module 10. Criminal Law	
Unit 1. The Nature of Criminal Law	26
Unit 2. Crimes and Criminals.....	30
Module 11. Criminal Investigation	
Unit 1. Forensic Science	35
Unit 2. Methods of Criminal Identification.....	37
Module 12. Criminal Justice and Punishment	
Unit 1. Court Trial	39
Unit 2. Punishment	44
References	49

ВСТУП

Методичні вказівки призначені для самостійних занять для студентів спеціальності 262 “Правоохоронна діяльність” та укладені відповідно до чинної робочої програми з дисципліни “Іноземна мова (за професійним спрямуванням)”.

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 6 модулів, в які входять 12 тем із текстами для читання, завданнями для перевірки прочитаного, лексичними та граматичними вправами, завданнями на розвиток умінь усного мовлення та письма. Підібраний текстовий матеріал є органічним компонентом професійної підготовки студентів спеціальності 262 “Правоохоронна діяльність”. Різноманітність та варіативність завдань сприятимуть реалізації диференційованого та індивідуального підходів до студентів. Фахові тексти та система вправ допоможуть майбутнім правоохоронцям оволодіти відповідною термінологічною лексикою, підготують їх до спілкування іноземною мовою у професійному середовищі.

Module 7. Constitutional Law

Unit 1. The Nature of Constitutional Law

1.1 Answer the questions

1. What does constitutional law study?
2. Who developed the idea of a constitution?

1.2 Read the text and write five questions and summary

CONSTITUTIONAL LAW

Constitutional law is the law which establishes, empowers and regulates institutions of government. Simple as it may seem, there is a complication because constitution has three meanings. First, it means all the laws regulating government. From this first meaning comes a second meaning where constitution refers to a system of government. Finally, constitution is used in a narrow sense to mean a document or statute, called “Constitution” containing basic constitutional rules.

The concept of constitution was first outlined in Aristotle’s classification of governments identified with constitution. He believed that the best form of constitution is the combination of monarchy, aristocracy and democracy so that citizens could realize their rights and carry out the duties for the benefit of the whole society.

The modern ideological roots of the idea of constitutional law are connected with the names of Thomas Hobbes, John Locke and other scholars who claimed the concept of concentration of powers and separation of powers and developed the notion of social contract. According to the above-mentioned notion, people in society willingly give up absolute freedom for sake of security and prevention of rule of “the law of the jungle” (the principle that only the strongest will survive).

The works of these philosophers influenced upon the authors of the US Constitution and the French Declaration of the Rights of Man and the Citizen.

As the constitution is the framework for government then constitutional law is the study of foundational laws of nation states. Constitutions may limit or define the authority and procedure of political bodies to provide for enforcement of new laws and regulations.

Constitutional law is the body of law governing the implementation and interpretation of the constitution. It defines the range and application of the terms of the Constitution and covers fundamental aspects of the application of government authority in the nation states. It is a field of law that is both complex and broad. Some constitutional lawyers maintain that the Constitution purposely remains vague and subject to interpretation so that it may be adopted to the circumstances of a changing society. Other constitutional scholars however, maintain that the provisions of the Constitution should be strictly construed and their provisions applied in a very literal manner.

Vocabulary practice

1.3 Match each word in A with the definition of a word in B

A. Prime minister, count, flexible, statute, republic, statesman, democracy, politician, to abolish, standart, legitimacy, kingdom.

- B**
1. Accordance with law.
 2. A written law.
 3. Easily bend.
 4. An established measure or model.
 5. A state in which the sovereign power is vested in representatives chosen by the people.
 6. A land ruled by a king.
 7. To do away with entirely.
 8. One who is skilled or experienced in the management of governmental affairs.
 9. One skilled in government or actively engaged in some branch of it; a person closely affiliated with a political party.
 10. Rule by the people.
 11. European nobleman of a certain rank.
 12. The designation of the chief executive of several governments.

1.3.1 Fill in the blanks using the words given below:

has been suggested, can be used, defines, may influence, interpretation of statutes

The influence of constitutional differences upon the role of the judiciary in the application of law is the question of utter importance as it 1.____, for example, the

extent to which adjudication embodies policy as well as the permissible techniques which 2.____ in the interpretation of statutes.

Two constitutional factors the notion 3.____ of the judicial role and judicial interpretation. Firstly, the formal relationship between legislature and judiciary may be significantly different in different political systems. Secondly, there may be structural differences in the modes of operation of legislatures.

It 4.____ that these factors lie behind the differences of approach in different governmental systems, the one favouring a conservative, literal, even “wooden” approach to the 5.____, the other inclining towards more liberal, flexible attitudes.

1.3.2 Translate into English paying special attention to the active vocabulary on the topic “Constitutional Law”:

Конституційне право спирається на Конституцію як головний закон держави та основу поточного законодавства країни. Під Конституцією, що є головним джерелом системи права у державі, розуміється сукупність актів та конституційних звичаїв, які проголошують права та свободи людини та громадянина, визначають основи суспільного устрою, форму правління та територіального статусу, а також основи організації центральних та місцевих органів влади.

Конституційне право - це система правових норм, що закріплюють та регулюють групу суспільних відносин, а саме:

1. соціально-економічний, політичний та територіальний устрій держави;
2. забезпечення реалізації прав та свобод людини та громадянина;
3. систему державної влади;
4. систему внутрішнього самоврядування.

Grammar Focus

1.4 Open the brackets using the verbs in correct forms (Present, Past, Future Indefinite, Continuous)

1. The Constitutional Court of Ukraine (to decide) on the issues of conformity of laws and other legal acts with the Constitution. 2. You (to meet) the accused in court tomorrow. 3. They (to inform) him of the penalty tomorrow? 4. He often (to interview) the suspects. 5. There (to be) no courts in ancient societies? 6. Revenge (to be) a major component of early law. 7. After the Norman Conquest English courts (to begin) to take part in lawmaking. 8. A student (to read) the text about the

Constitutional Court of Ukraine yesterday? 9. In a criminal case the state (to initiate) the suit. 10. In a civil case the victim (to bring) the suit. 10. There (to be) no courts in ancient societies. 11. He (to commit) a grave crime yesterday. 12. A defense-lawyer (to represent) the accused. 13. The policeman (to arrest) a robber yesterday.

Unit 2. Types and Functions of Constitutions

2.1 Answer the questions

1. What types of constitutions do you know?
2. What is the function of constitutions?

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

A CONSTITUTION – THE STANDART OF LEGITIMACY

Constitution is the body of doctrines and practices that form the fundamental organizing principle of a political state. In some states, such as the United States, the constitution is a specific written document; in others such as the United Kingdom, it is a collection of documents, statutes, and traditional practices that are generally accepted as governing political matters. States that have written constitutions may also have a body of traditional or customary practices that may or may not be considered to be of constitutional standing. Virtually every state claims to have a constitution, but not every government conducts itself in a consistently constitutional manner.

In its wider sense, the term constitution means the whole scheme whereby a country is governed: and this includes much else besides law.

In its narrower sense, the term ‘constitution’ means the leading legal rules, usually collected into some document that comes to be almost venerated as “The Constitution”. But no country’s constitution can be compressed within the compass of one document, and even where the attempt has been made, it is necessary to consider the extralegal rules, customs, and conventions that grow up around the formal document.

Written constitutions. In most Western countries the constitution, using the term in the narrower sense, is a scheme of government that has been deliberately adopted by the people; examples are the Constitution of the United States, drawn up

in 1787 and ratified in 1789 and still in essentials unchanged; the constitution of the Weimar Republic or that of the Federal Republic of Germany, brought into force in 1949; and the constitutions that France has had since the Revolution. The constitution in these countries is the basis of public law; it is usually enacted or adopted with special formalities; special processes are devised for its amendment and sometimes safeguards are inserted to ensure that certain provisions are unalterable.

The English constitution. In England there is no one document or fundamental body of law that can be described as a “constitution” in the sense that has been discussed above. The absence of any such document or of any distinction between public and private law has led to the suggestion (perhaps first made by Alexis de Tocqueville) that there is in England no constitution. Certainly the English constitution has no existence apart from the ordinary law; it is indeed part of that very law. Magna Carta, the Petition of Right act, the Habeas Corpus Act, the Bill of Rights, and the Act of Settlement are the leading enactments; but they are in no sense a constitutional code; and, without a host of judicial decisions, scores of other statutes of much less importance, and a mass of custom and convention, these statutes would be unworkable. The sources of English constitutional law are diffuse – statutes, judicial precedent, textbooks, lawbooks, the writings of historians and political theorists, the biographies and autobiographies of statesman, the columns of every serious newspaper, the volumes of Hansard, the minutiae of every type of government record and publication. This is what is meant by saying the English constitution is “unwritten”: it is not formally enacted; its rules have to be sought out in a dozen fields, not in any one code. Similarly, it is flexible, and here the contrast is with a rigid constitution. There are no special safeguards for constitutional rules; constitutional law can be changed, amended, or abolished just like any rule of private law; there is no field in which Parliament is forbidden to legislate.

2.2.1 Answer the questions

1. What is constitution?
2. What does a constitution form?
3. What does the term “constitution” mean (in its wider and narrower senses)?
4. Can a constitution be compressed within the compass of one document?
5. What other documents is it necessary to consider except constitution?
6. Why are special processes devised for the amendment?
7. Is there any document or fundamental body of law in England?

8. What did the absence of constitution lead to in England?
9. What are the leading enactments in England?
10. What are the sources of English constitutional law?
11. What is meant by saying that the English constitution is “unwritten”?

2.2.2 Find out whether the statements are true false or not mentioned in the text

1. Constitution forms the fundamental organizing principal of a political state.
2. Constitution may be a specific written document or a collection of governing political matters.
3. A body of traditional practices may never be considered to be of constitutional standing.
4. Every state claims to have a constitution.
5. Any constitution can be compressed within the compass of one document.
6. Constitution is a scheme of government adopted by the people.
7. France has had the constitution since the Revolution.
8. Safeguards are inserted to ensure that certain previsions are unalterable.
9. There is no constitution in England.
10. The English constitution has no existence apart from the ordinary law.
11. Alexis de Tocqueville was a French lawyer.
12. There are no special safeguards for constitutional rules.

2.2.3 Finish the sentences

1. Constitution is the body ...
2. In the USA the constitution is a ...
3. In England the constitution is ...
4. Not every government conducts itself in ...
5. In its wider sense, the term constitution means ...
6. In its narrower sense, the term constitution means ...
7. No constitution can be compressed within ...
8. Special processes are devised for ...
9. Sometimes safeguards are inserted to ensure that ...
10. The English Constitution has no existence apart from ...
11. The source of English constitutional law are ...
12. There is no field in which English Parliament is forbidden ...

Vocabulary practise

2.3 Write out from the text words and word combinations for the following

зведення (кодекс) теоретичних положень, особливий документ, для порядку внесення поправок, вміщати, скасовувати, в значенні, закон про права громадян звертатись до суду, закон, видавати закони, протокол, незмінний, гнучкий.

2.3.1 Open the brackets choosing a suitable word or words. Translate the sentences into Ukrainian

1. In its (wider, narrower) sense, the term “constitution” means the leading rules. 2. In the United Kingdom the constitution is a collection of (documents, statutes) and traditional practices. 3. A body of (traditional or customary) practices may be of constitutional standing. 4. Every state claims to have (a constitution, a body of laws). 5. Not every government (conducts, behaves) itself in a constitutional manner. 6. It is necessary to consider the extralegal (rules, customs) and conventions that grow up around a constitution. 7. No country’s constitution can be compressed within the compass of one (law, statute, document).

2.3.2 Open the brackets choosing a suitable word. Translate the sentences into Ukrainian

1. Ukraine has a (democratic, federal) political system. 2. A President can (make, issue) orders without the (approval, adoption) of the Verkhovna Rada in some matters. 3. The people elects a president to a (four-year, five-year) term. 4. Ukrainian (16,18) years old or older may vote. 5. Citizens of Ukraine (perform, are free of) military services. 6. The amount of taxes and duties are determined by the (law, courts of general jurisdiction). 7. Citizens are equal before (the law, regional courts). 8. A president is elected (directly, secretly). 9. A president is elected by (the votes, the people’s deputies). 10. The constitution of Ukraine consists of 161 (chapters, articles).

Speaking

2.3 Prepare your reports about the Constitution of Ukraine

Grammar Focus

2.4 Use the prompts to make sentences in the Present Perfect Tense

1. I/not complete/my studies/yet

I haven't completed my studies yet.

2. I/already/read/twenty pages of a Constitution

3. You/ever/give an interview?

4. How long/you/know each other?

5. She/never/take part in any competition

6. They/publish/ three articles on this topic

7. He/not do/ anything exciting this week

2.4.1 Put the verbs in brackets into the future perfect or future perfect continuous

1. By 3 o'clock she (study) for six hours. 2. By the end of next month, Sam (finish) the project. 3. He (not/start) the project before Tuesday. 4. I hope (buy by the time I'm thirty-five). 5. Hopefully, they (learn) everything by the time they sit the exam. 6. By 4 o'clock, I (sit) in the police office for three hours. 9. By Christmas, he (work) for National Police for eighteen months. 10. By next weekend, Brian (search) the victim's house.

2.4.2 Put the verbs in brackets into the past perfect simple

1. Jason (to return) home before the robbers escaped. 2. Lucy (to pack) her suitcase by the time you called her? 3. A policeman (not/ to finish) my lunch when uncle Bill came. 4. After Sarah (to do) the police report, she had coffee with her friends at a cafe. 5. When the inspector got to the garage, the mechanic (not/ to repair) his car.

Module 8. Judicial Systems

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?

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.

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 Render into English

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. 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.

Grammar focus

1.3 Open the brackets using the verbs in correct forms of Passive Voice

1. Criminal law typically (to enforce) by the government. 2. The Greeks believed that laws (to make) by the people for the people. 3. He (to punish) already for being drunk while driving a car. 4. The principle of limited government (to establish) by the Magna Carta. 5. The document (to study) by the time the Dean came into the room. 6. The famous criminal (to arrest) the day before yesterday. 7. The verdict (to announce) when he came in the court room. 8. The opening statement (to announce) five minutes ago. 9. The fingerprints (to indentify) when chief officer came into the room.

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:

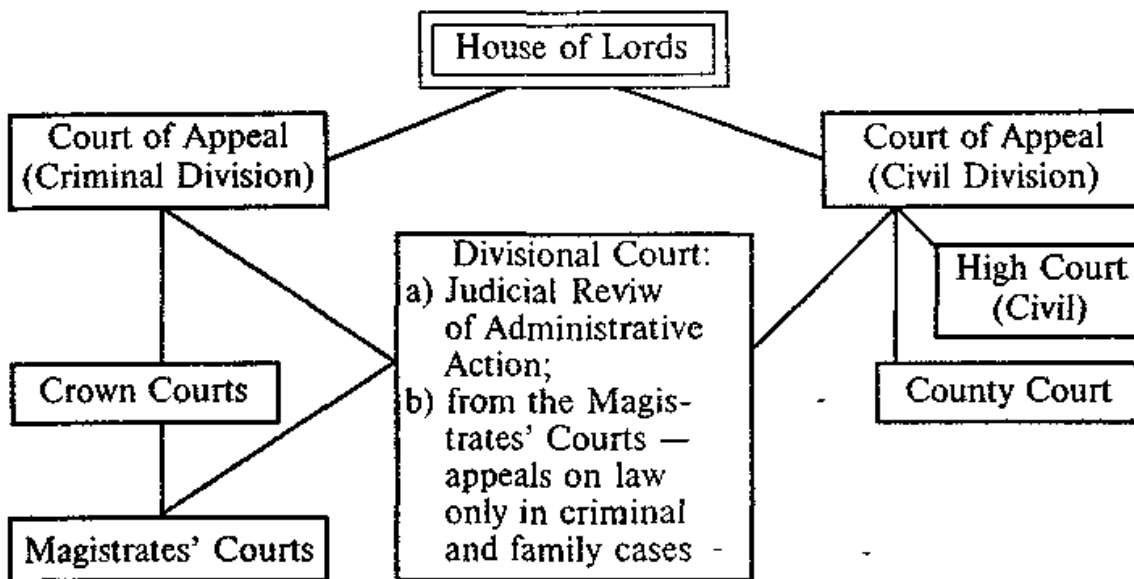
1) debt collection	a) попереднє слухання
2) preliminary hearing	b) достатньо доказів
3) sufficient evidence	c) віддати до суду
4) to commit for trial	d) видавати патент
5) inferior court	e) сімейна справа
6) to license	f) мировий суддя
7) domestic issue	g) стягнення боргу
8) Justice of the Peace	h) нижчий,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

Grammar focus

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

1. The law (to determine) principles of judicial proceedings in courts of specific judicial jurisdiction. 2. In Ukraine justice (to administer) exclusively by courts functioning independently of other bodies or officials. 3. The jurisdiction of courts (to extend) to all legal relations that arise in the State. 4. Ukraine's judicial system (to make up) of courts of general jurisdiction and the Constitutional Court. 5. The unified system of courts general jurisdiction (to form) in accordance with the territorial principle and the principle specialization. 6. The Constitutional Court of Ukraine (to decide) on the issues of conformity of laws and other legal acts with the Constitution. 7. When we (to come) into the court room, the last meeting of the Supreme Court (to finish). 8. I already (to pass) the examination in Constitutional law.

Module 9. Administrative Law

Unit 1. The Nature of Administrative Law

1.1 Answer the questions:

1. What does administrative law deal with?
2. 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.

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.

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

1.5 Choose the correct option paying attention to Sequence of Tenses

1. The solicitor said that his case difficult.

- a) was b) is c) had been

2. He asked if his case ... by the famous advocate Vasnetsov the day before.

- a) would be tried b) is tried c) has been tried

3. Newspapers reported that the session its work two weeks later.
a) had begun b) is beginning c) will begun
4. He wondered if the committee all questions on the agenda.
a) would discuss b) is discussing c) discusses
5. I thought it a financial bill.
a) was b) is being c) is
6. He asked me what types of legal profession in the UK I
a) knew b) knows c) know
7. The judge said that the suspected man ... guilty.
a) had been found b) is found c) has been found
8. He said that he a barrister the next week.
a) had hire b) will hire c) would hire
9. He wondered if the judge ... already.... the sentence.
a) had passed b) is passing c) has passed
10. A solicitor said that he the case yet.
a) hadn't prepared b) hasn't prepared c) wouldn't prepared

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?

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	c) 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?

Vocabulary practice

2.2 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.

2.2.1 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

2.3 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 10. Criminal Justice

Unit 1. The Nature of Criminal Law

1.1 Answer the following questions?

1. What does criminal law deal with?
2. How are crimes classified?

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

Vocabulary practice

1.2 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.

Grammar focus

1.3 Translate into Ukrainian paying attention to Gerund and Participle

1. I like your idea of becoming a prosecutor. 2. He remembers having been sentenced to ten months for shoplifting. 3. My friend dreams of becoming a traffic policeman. 4. Having collected all the evidence they were able to start the investigation. 5. The convicted person was standing, with his arms crossed and his head bent. 6. A man speaking to the prosecutor is the father of the accused. 7. He mentioned very interesting facts about the suspected speaking to the police officer.

1.3.1 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 ...

Unit 2. Crime and Criminals

2.1 Answer the following questions?

1. Can you give definition of a crime?
2. How are crimes classified?
3. Give your examples of crimes.

2.2 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 uprootedness 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.

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

2.3 Read the text and choose from A-G the one which best fits each space

1-5. There are two extra phrases which you do not need to use

- A. Thankfully, the police arrived
- B. He was charged
- C. The burglar was arrested
- D. The burglar was known in the area for breaking into houses
- E. The police told her not to panic
- F. The police asked us if anything else was missing
- G. The police asked us if we had called to the police

Hungry Burglar Caught Red-Handed

Last night, the police finally caught the well-known ‘hungry’ burglar in action in the house of Barbara Fitzpatrick. **1.**___ when owners were either gone or asleep, and simply eating or taking whatever food he could find. Many victims simply woke up or returned to find their fridges completely empty. That was not the case for Barbara, however. She was asleep when she heard strange noises coming from the kitchen. She quietly went downstairs and saw a chubby man, of about 40, eating her chicken leftover. She immediately called the police and asked them to come to her house as quickly as possible. **2.**___ and said that they would be there in no time. They also told her to stay in her room for safety reasons. “I had heard stories of the hungry thief from friends and some neighbors” who had been victims of his food raiding, so I was prepared., Barbara says. **3.**___ before the thief had time to finish my roast chicken, They also found about ten bags of food he was ready to take with him before he left.” People like Tim and Miranda were not so lucky. They returned home once to find one of their front windows broken and their kitchen a mess. There were scraps of food everywhere and pots and pans scattered on the floor. It was very bizarre’, says Miranda. **4.**___ We checked to see if our money and jewellery were gone, but they were intact. It was just the food. We asked our neighbours if they had heard or seen anything but nobody had. I had never encountered anything like this.“ The police confirmed the identification of the man by matching his fingerprints with some that had been left on food containers from his previous burglaries. After the burglar confessed, the police asked him why he had committed those crimes. He said that he was a homeless man who was simply hungry and preferred eating home cooked

meals to stealing from supermarkets. He also said that he never stole anything apart from food. 5. ___ with burglary and can face up two years in prison.

2.3.1 Retell the story above

Vocabulary practice

2.4 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 party 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.

2.4.1 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

Grammar focus

2.5 Translate the sentences paying attention to Infinitive and Infinitive Complexes:

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.

Module 11. Crime Investigation

Unit 1. Forensic Science

1.1 Answer the question:

1. What does forensic science study?
2. Would you like to work in the sphere of forensic science? Why?

1.2 Read the text about forensic science and write five questions and summary

Forensic science, also known as criminalistics, is the application of science to criminal and civil laws, mainly—on the criminal side—during criminal investigation, as governed by the legal standards of admissible evidence and criminal procedure.

Forensic scientists collect, preserve, and analyze scientific evidence during the course of an investigation. While some forensic scientists travel to the scene of the crime to collect the evidence themselves, others occupy a laboratory role, performing analysis on objects brought to them by other individuals.

In addition to their laboratory role, forensic scientists testify as expert witnesses in both criminal and civil cases and can work for either the prosecution or the defense. While any field could technically be forensic, certain sections have developed over time to encompass the majority of forensically related cases. Forensic science is a combination of two different Latin words: *forensis* and *science*. The

former, forensic, relates to a discussion or examination performed in public. Because trials in the ancient world were typically held in public, it carries a strong judicial connotation. The second is science, which is derived from the Latin word for 'knowledge' and is today closely tied to the scientific method, a systematic way of acquiring knowledge. Taken together, then, forensic science can be seen as the use of the scientific methods and processes in crime solving.

(from Wikipedia)

1.3 Render into English

Криміналістика — наука про закономірності злочинної діяльності та її відображення в джерелах інформації, які слугують основою для розробки засобів, прийомів і методів збирання, дослідження, оцінки і використання доказів з метою розкриття, розслідування, судового розгляду та запобігання злочинів. Основоположником криміналістики як науки є австрійський юрист і кримінолог Ганс Гросс

1.4 Read the text about detectives and be ready to speak about their duties

Detectives

In most countries detectives may obtain their position by competitive examination covering such subjects as principles, practices and procedures of investigation; interviewing and interrogation; criminal law and procedures; applicable law governing arrests, search and seizures, warrants and evidence; police department records and reports; principles, practices and objectives of courtroom testimony; and police department methods and procedures.

Detective Police, also called Investigations Police (USA) are responsible for investigations and detective work. Detectives are plainclothes investigators who gather facts and collect evidence for criminal cases. They conduct interviews, examine records, observe the activities of suspects, and participate in arrests.

Mass media have done much to create a romanticized version of the detective. Their counterparts do exist in real life but the 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 for DNA identification. Most detectives are trained in

modern investigative techniques and in the laws of evidence and criminal procedure. They spend most of their time on paperwork and hours of interviewing.

Grammar focus

1.5 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 he (to have) money he would hire a good barrister. But he does not have enough money.

1.5.1 Make up your own sentences using Conditional sentences of 0, 1, 2 types and active vocabulary on the topic

Unit 2. Methods of Criminal Identification

2.1 Answer the question:

1. How do you understand the term “criminal identification”?
2. What methods of criminal identifications do you know?

2.2 Read the following article and write ten questions and summary

Police Lineups, Other Identification Methods, and Legal Counsel

The prosecution may not admit into evidence in-court identification of defendants based on out-of-court lineups or show-ups if they were obtained without the presence of defendant's counsel. Courts have found that a defendant's counsel is necessary at a lineup because these lineups provide the potential for both intentional and unintentional errors. Without the defendant's attorney present at the lineup, these errors may not be discovered and remedied prior to trial.

This rule doesn't apply to other methods of obtaining identifications and other evidentiary material relating to the defendant, including:

- Blood samples;
- DNA samples;

- Handwriting samples; and
- Voice samples.

In these cases, there is far less chance that the absence of counsel at the time the evidence is obtained from the defendant might lead to a misidentification and prevent the defendant from getting a fair trial.

Police Lineups and the Problem of Misidentification

Eyewitness testimony can be a powerful form of evidence at a trial, but there are many situations where even the most confident eyewitness can mistake the identity of the accused. After all, while observing a crime, an eyewitness often has a very short period of time to observe what's happening, let alone remember specific details of the offender's appearance. In fact, where a weapon is involved, eyewitnesses tend to focus more on the weapon than on the person holding it.

Also, a witness will need to remember what they saw (and not be influenced by their own biases or media reporting about the crime) if they're later called to help law enforcement identify a suspect or to testify in court, which can sometimes be a year or so after the crime took place. Memories can fade or even change with time.

According to the results of one study of inmates later exonerated through DNA testing, 75 percent of their cases involved eyewitness misidentification. Thankfully in those cases, DNA evidence eventually corrected the mistake, but such misidentification can happen whenever the procedures used by law enforcement are not reliable. For example:

- Police may present a witness with photos or a lineup with only one suspect matching the witness description, so only that individual stands out;
- The police officer conducting the identification procedure may know the suspect and, intentionally or unintentionally, signal this knowledge to the witness;
- Police may present photos or a lineup one-by-one instead of side-by-side, making it difficult for a witness to make comparisons and distinctions; and
- Police may not have a method for determining the witness' confidence level in their identification.

It's precisely concerns over such reliability problems, and their consequences, which created the need for defense counsel in some situations involving witness identifications.

2.2.3 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

2.4.1 Make up your own sentences using Conditionals type III and active vocabulary on the topic

Module 12. Criminal Justice 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 systems for conducting a trial do you know?

1.2 Read the text and write a summary to it

Systems for Conducting a Trial

There are two primary systems for conducting a trial: adversarial and inquisitorial.

In common law systems, an adversarial or accusatory approach is used to adjudicate guilt or innocence. The assumption is that the truth is more likely to emerge from the open contest between the prosecution and the defense in presenting the evidence and opposing legal arguments with a judge acting as a neutral referee and as the arbiter of the law. In several jurisdictions in more serious cases, there is a jury to determine the facts, although some common law jurisdictions have abolished the jury trial. This polarizes the issues, with each competitor acting in its own self-interest, and so presenting the facts and interpretations of the law in a deliberately biased way. The intention is that through a process of argument and counter-argument, examination-in-chief and cross-examination, each side will test the truthfulness, relevancy, and sufficiency of the opponent's evidence and arguments. To maintain fairness, there is a presumption of innocence, and the burden of proof lies on the prosecution. Critics of the system argue that the desire to win is more important than the search for truth. Further, the results are likely to be affected by structural inequalities. Those defendants with resources can afford to hire the best lawyers. Some trials are or were of a more summary nature, as certain questions of evidence were taken as resolved.

Inquisitorial: In civil law legal systems, the responsibility for supervising the investigation by the police into whether a crime has been committed falls on an examining magistrate or judge who then conducts the trial. The assumption is that the truth is more likely to emerge from an impartial and exhaustive investigation both before and during the trial itself. The examining magistrate or judge acts as an inquisitor who directs the fact-gathering process by questioning witnesses, interrogating the suspect, and collecting other evidence. The lawyers who represent the interests of the State and the accused have a limited role to offer legal arguments and alternative interpretations to the facts that emerge during the process. All the interested parties are expected to co-operate in the investigation by answering the magistrate or judge's questions and, when asked, supplying all relevant evidence. The trial only takes place after all the evidence has been collected and the investigation is completed. Thus, most of the factual uncertainties will already be resolved, and the

examining magistrate or judge will already have resolved that there is prima facie of guilt. Critics argue that the examining magistrate or judge has too much power in that he or she will both investigate and adjudicate on the merits of the case. Although lay assessors do sit as a form of jury to offer advice to the magistrate or judge at the conclusion of the trial, their role is subordinate. Further, because a professional has been in charge of all aspects of the case to the conclusion of the trial, there are fewer opportunities to appeal the conviction alleging some procedural error.

1.3 Answer the following questions

1. Why is it important to behave properly in a courtroom?
2. Where can people find information on court etiquette?

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

1. objection	a) ВИМОГИ
2. requirements	b) заперечення
3. appropriately	c) перебивати
4. to address	d) належним чином
5. to interrupt	e) позивач
6. litigant	f) звертатися

1.3.2 Read the text and be ready to tell what rules about court etiquette V. Dearing offers her students from her years of experience as an attorney

Etiquette is essential for making a good impression. This is especially true in the courtroom, where there are many stated, and unstated, rules of conduct for litigants, attorneys, jurors, and other attendees.

Legal professionals begin their lessons on the fine points of courtroom etiquette during their education. It is in their legal studies they can learn about the professional requirements of their careers. Vicki Dearing, Legal Studies program director at South University, Montgomery, offers her students insights into courtroom etiquette from her years of experience as an attorney. She recalls the basic etiquette rules she learned as a law student.

Etiquette Rule No. 1: The judge not only represents the ultimate authority in the court, but also the law. This is why when a person addresses the court, the judge is

the main focal point. “As a law student, the first thing I learned about courtroom etiquette was when the judge entered the courtroom you stood up and did not sit down until he/she did,” Dearing says. “The next thing I learned was when you first addressed the court you would say, ‘May it please the court, my name is Vicki Dearing...’ and then you told the judge the name of your client and stated the business you had before the court that day.”

Legal professionals are also guided by legal ethics and rules of professional conduct. They are ethically bound to be truthful to the court.

Lawyers, clients, witnesses, and jurors must observe courteous and orderly behavior. Some of the basic courtroom etiquette rules require people to be on time; be polite to the judge, opposing counsel, and court staff; and dress appropriately.

Other etiquette rules include asking permission to approach a witness and remaining courteous when disagreeing with the judge’s ruling on an objection or motion.

“Litigants should address the court as ‘your honor,’ and respond to any ‘yes,’ or ‘no’ questions with a sir or ma’am following the response,” Dearing says. “Often, if the judge has particular requirements of the litigants, for example no cell phone in the courtroom, the signs will be posted when you come through security.”

“In terms of litigants before the court, I always tell my clients to tell the truth if asked a question; be early; get a haircut if necessary; wear nice clothes – a collared shirt for men and they must tuck in their shirt and wear a belt,” Dearing says.

Good manners and proper courtroom etiquette may determine whether a party will win or lose a case.

Basic Courtroom Etiquette Rules

Wear clothing that would be appropriate for business.

Arrive on time. Turn off electronic devices and cell phones before entering the courtroom. Be polite to the judge, opposing counsel, and court staff.

Rise when the judge and jury enter and leave the courtroom.

Stand when speaking to the judge, making or meeting an objection, or questioning a witness.

Do not interrupt others while they are talking.

Refer to the judge as “Your Honor.”

Vocabulary practice

1.4 Translate into Ukrainian

1. different degrees of proof; 2. selection of a jury; 3. to prove the defendant's guilt beyond a reasonable doubt; 4. deliberation and decision by the jury; 5. an adversary proceeding; 6. preponderance of the evidence; 7. a fraction more weighty and believable; 8. questions of fact; 9. closing arguments; 10. a contest between opponents; 11. neutral referee; 12. to rule on questions of law; 13. evidence favoring the other party; 14. more clear and convincing evidence

1.4.1 Translate into English

1. вердикт журі; 2. судовий процес є змаганням; 3. сторона-заявник; 4. вага та ступінь переконливості доказів; 5. виставлення свідків та наведення доказів; 6. доводити вину підсудного поза всякими сумнівами; 7. переконливіші докази; 8. тягар лягає на сторону-заявника; 9. добір присяжних; 10. консультація з питань права; 11. вирішення питання факту злочину; 12. попередні виступи адвокатів сторін; 13. сторона-заявник завжди виступає першою; 14. вагоміші та переконливіші докази; 15. кінцеві аргументи адвокатів; 17. напутні слова судді присяжним.

1.4.2 Render into English

Свідку може бути запропоновано ідентифікувати окремі предметні докази, такі як документи або фотографії. Як правило, свідок не може висловлювати власну думку або робити висновки із своїх свідчень, за винятком випадків, коли він свідчить як експерт. Під час свідчень адвокат відповідача може висувати заперечення щодо показань свідка. Після того як адвокат позивача закінчує опитування свідка, адвокат відповідача отримує право перехресного допиту свідка протилежної сторони. Перехресний допит є фундаментальним правом американської системи правосуддя.

Grammar focus

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

1. He wishes he (not to drink) alcoholic drinks before going to the party yesterday. 2. He wishes (not to break) the American Law. He would not be arrested by sheriff. 3. I wish I (to be) at yesterday's party: it must have been very merry. 4.

They wished they (not to see) this horrible scene again. 5. The prisoner wishes he (to be) free now lying on the beach somewhere in Mayami. 6. The investigator is investigating a very grave case and can't find enough evidences. He wishes (to find) enough evidences to disclose the case. 7. He wishes (to appeal) his case. He is sure he would have won the case.

1.5.1 Make up your own sentences using “wish sentences” and active vocabulary on the topic

Unit 2. Punishment

2.1 Answer the following questions:

1. What types of punishment do you know?
2. Which of them are implemented in Ukraine?

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

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.

2.4 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 дешевої робочої сили. 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 дешеву робочу силу, а також недержавні установи залучали до обслуговування тюремної системи.

Grammar focus

2.5 Read the following sentences translating the words in brackets into English. Use correct non-finitive form:

1. A criminal lawyer is a lawyer (що спеціалізується) in felonies. 2. A war criminal is a person (визнаний винним) in crimes against humanity. 3. Criminal procedure is the rules (що регулюють) the investigation of crimes; the arrest, (обвинувачення) and a trial of (звинувачених) criminals; and the (винесення вироку) of those convicted. 4. Criminal liability is a responsibility for (скоєння) a

crime. 5. Murder is the unlawful crime (скоєний) against a person. 6. (Озброєне) robbery is the unlawful act of taking another's property (використовуючи) some dangerous weapon.

2.5.1 Translate the following sentences into English paying attention to modals and their equivalents

1. Кожен заарештований чи затриманий повинен бути поінформований щодо причини його арешту чи затримання. 2. Кожен затриманий має право оскаржити в суді своє затримання. 3. Родичі заарештованої чи затриманої особи повинні бути поінформовані негайно про його чи її арешт. 4. Затримана чи арештована особа повинна бути звільнена відразу, якщо не було відповідного рішення суду.

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

1. They want the investigator... (to arrest) the criminal. 2. I have never heard him... (to commit) a crime. 3. The offence turned out... (to commit) a crime while (to sleepwalk) and this act cannot be qualified as a crime. 4. We did not have an opportunity... (to apprehend) him. 5. Authority is the control (to result) from a community's system of rules. 6. The civil law includes cases (to relate) to family, property and contracts. 7. Family law includes the laws (to govern) marriage, divorce and welfare of children. 8. We can't believe him (to commit) a crime. 9. I suspect him of (to copy) this computer program. 10. They sold the original work for low price (to leave) the original creator without a chance to get economic reward. 11. He is glad (to find) innocent. 12. She seems (to investigate) the case for two weeks. 13. The criminal is sad (to catch) by the police. 14. He is known (to be) a good defence lawyer. 15. She is believed (to be innocent).

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