

CRIME CONTROL, PREVENTION AND TREATMENT

Crime as defined by the Oxford dictionary is an action or omission which constitutes an offence and is punishable by law or in other words an act that is forbidden or the omission of a duty that is demanded by a public law which makes the offender liable for punishment by that law and which also causes grievous harm to the peace and harmony of the society in general. Thus there is a need to control and curb its existence for which we need crime control, its prevention and its treatment. Initiating such action will reduce its existence in the society. Penology often focuses on the use of criminal penalties as a means of deterring people from committing crimes and temporarily or permanently incapacitating those who have already committed crimes from re-offending.¹ Crime prevention is also widely implemented in some countries, through government police and, in many cases, private policing methods such as private security and home defense.² This paper focuses on the various strategies and law enforcements that could be adopted and ideas to improve the present existing policies. This research paper further focuses on the lacunas that are present in the system because of which we often fail to provide a proper treatment. Right now it is a matter of the global concern. There is a need for effective measures to be taken for protection of every citizen's rights.

This paper has attempted to answer the following research questions:

- What are the latest strategies that could be relied upon to regulate and minimize crime?
- How proper legislations of “the law enforcement could help prevent and provide treatment of crime?
- Critically analyzing the existing policies for the treatment of offenders and suggesting ideas that could restrain crime?
- What are the best possible remedies that could be adopted for treatment of crime?

¹ 18 U.S.C. & 3553

²The Basic Approach (Policy Statement), 2009 Federal Sentencing Guidelines Manual

Sources relied upon are: Primary sources in the form of IPC & CrPC. and secondary sources in the form of Articles and books that have been used to answer the various research questions. The

Method of writing of this project is Analytical as well as Descriptive.

The main purpose of proposing this paper is to postulate ideas for crime prevention, control and its treatment and to also make a valuable contribution to the Indian society. Because there is an urgent need to control crime in all vistas of society, not only in the interest of humanity but also for the progress of the country.

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INTRODUCTION

Crime control and prevention has a long history in all the parts of the world. Most countries now recognize that prevention of crime and treatment of offenders is necessarily required to protect the society and provide its citizens a secured environment. Social defense and correction cannot be considered as unrelated to the total culture and the social and economic fabric of society.³ This is evident from the fact that “the battle against crime does not end in the court room door but continues through imprisonment to release and beyond”⁴. Despite improved correctional methods and recent innovation in criminal procedure and sentencing law, the problems of crime and criminal continues. It’s a challenge to the “new era of penology”⁵ The old belief that harsh and lengthy punishments are necessary for the security of the society has become obsolete in the present context. Currently, the approach of penologists to crime prevention centers round five major considerations⁶, namely:

- The offender is essentially a human being. Therefore, greater stress should be on individualism of the offender for his reformation;
- The object of imprisonment is to bring about prisoner's re-socialization through the process of rehabilitation;
- There is greater need for legislative participation in the shaping of correctional policy and subjection of correctional theory and practice to rule of law in the administration of criminal justice.⁷
- Control of delinquency implies ecological interpretation of sociological problems. Therefore, in order to hold in check the incidence of crime, the conditions conducive to criminality must also be kept under control.

³ Perlman & Allington: The Tasks of Penology (Third Reprint 1970) p.4

⁴ Some Aspect of Crime In Bangladesh, [source: <http://www.assignmentpoint.com/arts/social-science/aspect-crime-bangladesh.html>]

⁵ Prof. N.V. Paranjape: Criminology and Penology (12th Edition), Central Law Publications, p. 537

⁶ Ibid.

⁷ Silving: “Rule of Law in Criminal Justice” in Essays In Criminal Science (1961 Ed.). Chap. 5.

- There is need for 'socializing' the administration of criminal justice by greater public participation and intervention by representatives of the community, both in criminal court proceedings and in the execution of sentences. Thus, criminal justice and the community must be brought closer together, since those who judge and those who are judged are both parts of the same society. Social participation in the administration of criminal justice is possible through introduction of jury system, honorary magistrates⁸, people's assessors, technical advisers and administrative boards.⁹

CRIME CONTROL

Crime is no longer viewed as only one problem to a given society. Rather it is an integral part of understanding a nation's socio cultural, political, and economic situation. Sometimes various social problems stem from 'uncoordinated and unsystematic' social changes, particularly among those who are unable to adapt to ever-changing new environments. Rapid social change always tends to produce social disorganization, which includes crime. Although every society experiences various degrees of social change and consequent increases in crime and crime rates, rates of change differ from one society to another. If this is indeed the case, then it is possible to understand a society by examining changes in crime and crime rates where they are used as an index for measuring societal changes and their characteristics.

One of the ironies of modern public policy is that heavy spending on the criminal justice system may, over the long term, cause an increase in crime. This is because spending for external social control takes away from nurturing activities that build self-control by socializing people and giving them a stake in society. Simply, spending too much on external control and too little on nurturance may trigger a vicious cycle in which poor nurturance increases the number of people who are likely to commit crimes; more crime stimulates spending for external controls and further diminishes funding for nurturing programs; and diminished funding for nurturing programs produces more potential criminals.

⁸ Some Aspect of Crime In Bangladesh, [source: <http://www.assignmentpoint.com/arts/social-science/aspect-crime-bangladesh.html>]

⁹Agarwal R.S. : Prevention of Crime (1977 Ed.) p.46

Avoiding this dilemma requires a balanced approach to crime control that includes both external strategies that deter criminal acts and reduce criminal opportunities over the near term and nurturing strategies that act over the long term to decrease the concentration of criminality in society. However, maintaining this balance is difficult because media sensationalism, political expediency, and public impatience create a demand for quick fixes to problems that are complex and deeply embedded. A balanced approach can only become feasible if crime control policies are guided by a complete and systematic understanding of crime. The same evolutionary ecological principles that organize the life sciences can provide such an understanding.

Competing Crime Control Strategies: One of the central resource allocation problems faced by contemporary democratic societies is how to achieve the proper balance between two types of crime control strategies: (1) nurturing activities that help socialize people to exercise self-control and increase the stake they have in society; and (2) external forms of social control such as deterrence and protection/avoidance that, respectively, increase the perceived costs of crime and limit criminal opportunities.

Strategies for Crime Control: The general paradigm identifies three different types of crime control strategies. What distinguish them from one another are not the techniques employed, nor the governmental agencies that employ them, nor the ideological bent of their advocates. Instead, they differ in terms of strategic focus. In other words, they are differentiated by whether they attempt to block opportunities for crime (protection/avoidance), alter the outcome of conscious or unconscious decision-making that precedes a criminal act (deterrence), or alter the broad strategic style with which people approach many aspects of their lives (nurturance).

The attributes of these different crime control strategies are discussed in greater detail elsewhere. A mix of all the three types of strategies is required to deal effectively with crime.

- Protection/avoidance strategies alone cannot succeed over the long term because of arms race dynamics and the limits of incapacitation.
- Deterrence strategies alone cannot succeed because of the lack of forethought evidenced by many offenders and our inability to increase certainty of punishment in large social aggregates without substantially diminishing individual freedoms.

- Nurturing strategies alone cannot succeed because individual variation and frequency-dependent payoffs for different behavioral strategies assure that there always are some people who are motivated to use force, fraud, or stealth to obtain resources: either to make the best out of a bad situation, or to take advantage of a good situation. That is, some individuals have competitive advantages over others within a particular niche because (1) personal characteristics make them more able to compete using a particular behavioral strategy (i.e., cooperate, work alone, steal, etc.); (2) they value the resource more highly and thus will compete harder; and (3) the behavioral strategy they employ is superior to that employed by others attempting to exploit the niche.

PREVENTION

What may be called as the end results of the process of Criminality? It may be questioned, therefore, whether Police arrest and imprisonment is concerned with the prevention of crime and criminality, since its main fixation is with the custody of criminals. But concurrent with the custodial function there has always gone an obligation for correction and reform of the criminal, and these latter activities are indivisible from an interest in prevention.

However, we can say that we are too much dependent upon inhibitory legislation and legal penalties in the field of morality, and too little upon the encouragement of voluntary devotion to the standards which we have set up as our ideal. The social structure is becoming so shaken as to alarm even those who are firm in their belief in the wisdom of such legislation. Legislation cannot replace public opinion-to be effective it must be an expression of public opinion. In a complex civilization such as ours it is hard to distinguish between cause and effect, even in regard to obviously antisocial demonstration, and any remedies suggested must be applied with caution, else the good intentions be disturbed by sudden and accidental accompaniments.¹⁰

Crime is a social problem that cannot be ameliorated without the combined effort of all branches of social science and social administration. The criminal is a product of his social situation as well as his bio-social personality.¹¹ The prevention of crime and the rehabilitation of the

¹⁰ URL: <http://www.jstor.org/stable/1135276> .Accessed: 29/01/2014 02:17

¹¹ Edgar A. Doll, The Scientific Point of View toward the Prevention of Crime. The Journal Of Criminal Law And Criminology (1931-1951), Vol. 27, No. 2 (July - Aug, 1936), pp. 203-206. (Published by Northwestern University). Accessed: 29/01/2014 02:18.

criminal, therefore, call for combined effort in the fields of biological and social sciences and in social welfare administration.

Frustration and alienation caused by "disadvantaged" competition for success is the "root cause" of crime. "Frustration is one driving force behind violation of the criminal law," Stuart Palmer notes at one point. "A major form of frustration is one-sided, uneven economic competition where the individual wants to win and yet is doomed to lose. A shortage, especially in the lower socio-economic strata, of persons who can serve as non-criminal role models is another primary source of crime."¹² It is believed that one who has already served a sentence is "seven more times likely to commit repeated crime than one who has not committed crime at all."¹³

In the past we have assumed that crime could be curtailed by methods of repression through punishment. History has witnessed the extremity of barbarism to which this philosophy led. But experience has proved, beyond doubt, that repressive measures hardly solve the problem if they do not actually aggravate it.

A great change can be brought in by shifting the control from the ordinary criminal police authorities to a specially created morals police, as has been done in some European countries. The credentials for morals police are entirely different from those of the ordinary police. The group of such a police force may be composed of both men and women with the professional qualifications of social workers, parole or probation officials, rather than of patrolmen, constables, and detectives. The creation of the morals police would enable the community to build up the morale in the cities, to keep in touch with unstable individuals, and to supply to modern cities the social pressure of public opinion which was present in a simpler and older civilization.¹⁴ The final purpose of the morals police would be to identify those who are anti-social because of mental disorders. In this group would be included not only those now recognized as mentally disordered or in-sane, but also those criminals who, are, under present

¹² Jon Snodgrass, *The Prevention of Crime by Stuart Palmer*, (1973-), *The Journal Of Criminal Law And Criminology* Vol. 65 no.3 (Sep, 1974), P-435; for a detailed discussion of the same please refer Stuart Hunter Palmer, *The Prevention of Crime* (New York: Behavioral Publications, 1973).

¹³ Nathaniel Cantor, *The Prevention of Repeated Crime by John Barker Waite*. *American Sociological Review*, Vol. 9, No. 6 (Dec., 1944), pp. 701-702.

¹⁴ Herman Adler, *The Prevention of Crime*, *Journal of Criminal Law and Criminology* (1931-1951), Vol. 23, No. 1 (May - Jun.,1932), pp. 81-84. Published by: Northwestern University Stable.

conditions, beyond therapeutic reach. There should be substituted for such legislation as the Baume's Law, for instance, a system of constant supervision by the morals police of those persons unable to conform to the standard of what is considered safe behavior. Such persons need not be removed permanently from the community, but should be placed under super-vision and removed temporarily at such times as their treatment or training requires.¹⁵

The scientific study of the offender is a recent development in the history of crime. The scientific point of view is that crime can be prevented up to certain extent through reforms and rehabilitation of persons who might be constant offenders. To achieve reformation of the offender, and thereby prevent his persisting in a life of crime, the scientific point of view seeks to understand the personality of the offender in relation to the social circumstances to which he is subject.

Social scientists have argued for a long time that the reduction and prevention of crime and other social problems require the reduction and elimination of their sources. Recognizing and understanding that the social situation may be the precipitating cause of crime, the scientific point of view emphasizes the personality of the offender, his attitudes, habits, capabilities, and aptitudes as pre-disposing factors which, if adequately safeguarded, may prevent the criminal social situation from becoming effective.¹⁶

Protection Provided To International Diplomats Against Crime

International Diplomats includes; A Head of State, including any member of a mutually respectful body performing the functions of a Head of State under the constitution of the State concerned, a Head of Government or a Minister for Foreign Affairs, whenever any such person is in a foreign State, as well as members of his family who accompany him; It also includes; any representative or official of a State or any official or other agent of an international organization of an intergovernmental character who, at the time when and in the place where a crime against him, his official premises, his private accommodation or his means of transport is committed, is

¹⁵ Id at p.84

¹⁶ Supra 5 at p.204.

entitled pursuant to international law to special protection from any attack on his person, freedom or dignity, as well as members of his family forming part of his household.¹⁷

Crime committed against such high profile people is very much dangerous to international peace and order. Day in and day out, murder, kidnapping or attack upon the person or liberty of such person take place. Each State Party has made these crimes punishable by appropriate penalties which take into account the seriousness of such act.

But are these punishments and penalties effective and how such situations should be tackled to maintain international decorum is a serious question which needs to be immediately addressed.

State party can establish jurisdiction over the crimes committed. Constant coordination among member states can also be used as a preventive measure to stop such unlawful activities. States Parties shall take all practicable measures to prevent preparations in their respective territories for the commission of those crimes within or outside their territories; exchanging information and coordinating the taking of administrative and other measures as appropriate to prevent the commission of those crimes.¹⁸

The State Party in which it has reason to believe that an alleged offender has fled from its territory, communicate to all other States concerned, directly or through the Secretary-General of the United Nations, all the pertinent facts regarding the crime committed and all available information regarding the identity of the alleged offender.¹⁹

¹⁷ Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents including Diplomatic Agents, Annexed to General Assembly resolution 3166 (XVIII) of 14 December 1973. United Nations, *Treaty Series*, vol. 1035, p. 167.

¹⁸ Article 4, Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents including Diplomatic Agents, Annexed to General Assembly resolution 3166 (XVIII) of 14 December 1973.

¹⁹ Article 5, Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents including Diplomatic Agents, Annexed to General Assembly resolution 3166 (XVIII) of 14 December 1973.

CORRECTIVE MEASURES AND TREATMENT OF CRIME

20th century pragmatism has brought in its wake a new wave of reformation in the realm of penal justice and correctional services. The shift from “crime” to “criminal” i.e. from the act of the criminal, to the personality of the offender, this concept has brought a revolutionary change in the field of penology and criminal science. New methods of science are now devised for crime detection and apprehension of criminals. The working of prison institutions has been remodeled to suit the modern corrective methods of treatment of offenders. All these measures speak of the growing concern of modern penologists for crime prevention.

Reviewing the progress of sentencing procedures in context of prevention of crime, Curtis Bok suggests that we are presently passing through various phases of criminological development.²⁰ And the third phase of criminological development which illustrates the period of past one hundred years when “treatment” and not “punishment”, became the guiding principle for all penological reforms. Greater emphasis was on the treatment of offenders through clinical methods rather than confining them inside the closed prisons.

Besides the necessity for a change in legal attitude towards correctional services, there is a need for greater legislative participation in shaping of penal policies. The law should be flexible so as to adapt itself to changing socio-economic needs of society²¹.

The principle of classification has propagated, whereby different types of offenders shall be grouped on the basis of their personality and social responsibility. According to such classification, the treatment of the offender can be systematically related to the causes of his crime. This system leads to an intelligent program of reformatory and penal methods whereby each offender can receive that type of correction which is best suited to his capabilities. The various programs of suspended sentence, probation, minimum custody, maximum custody, and life sentence can be adjusted to the individual offender. Similarly, the treatment facilities of general hospitals, mental hospitals, educational agencies, religious agencies, industrial and

²⁰ Curtis Bok: Problems in Criminal Law, (1952), p. 58

²¹The Third United Nations Congress on Prevention Of Crime and Treatment of Offenders, Agenda item (1965)

occupational activities, and the like, can be used to the best advantage according to their need.²² To achieve such a program it is required that classification clinics be arranged as adjuncts to the courts and to the correctional institutions, which will provide for the comprehensive study of the offender and the social circumstances involved in his crime.

This scientific study of the offender is, of course, limited to those who have already committed offenses, and the success of the method as an agency for prevention grows out of the program of correction. It is obvious, however, that the fields of social science represented in such a program can exercise preventive measures designed to avoid the commitment of crime by developing programs of social welfare for those individuals who, in general, seem to be constitutionally predisposed toward the likelihood of criminal careers.²³

Despite the theoretical stress on economics, none of the prevention programs concern economic institutions. Palmer discusses the schools, police, courts, probations and prisons. Proposals are made for the improvement and more efficient operation of each institution. Importance is placed on educating children, the public and the professionals about crime causation and more capable role performance.²⁴ Strengthening secondary institutions, however, does not change primary economic conditions.²⁵

The organization of, treatment technologies inmate association, prison hostels, and home visits by passed the prison officer. Presumably, the reformatory goal increases inmate movement and the initiative of prisoners, but at the same time it destroys social control. One could, of course, argue that increasing an inmate's initiative and responsibility is more likely to lead to rehabilitation and in the final analysis to control.²⁶

²² The Scientific Point of View toward the Prevention of Crime Author(s): Edgar A. Doll Source: Journal of Criminal Law and Criminology (1931-1951), Vol. 27, No. 2 (Jul. - Aug., 1936), pp. 203-206 Published by: Northwestern University Stable. Accessed: 29/01/2014 02:18.

²³ The Scientific Point of View toward the Prevention of Crime Author(s): Edgar A. Doll Source: Journal of Criminal Law and Criminology (1931-1951), Vol. 27, No. 2 (Jul. - Aug., 1936), pp. 203-206 Published by: Northwestern University Stable. Accessed: 29/01/2014 02:18.

²⁴ Supra at 6 P-436.

²⁵ Id.

²⁶ Jon Snodgrass, *The Prevention of Crime by Stuart Palmer*, THE JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY (1973-), VOL. 65, NO. 3 (SEP., 1974), P-435; for a detailed discussion of the same please refer J. E. Thomas. Boston: Routledge & Kegan Paul, (1972); *The English Prison Officers Since 1850: A Study In Conflict*, Pp. Xv, 248.

The new legislation must limit the possibility of character degradation, it must keep dangerous persons under suppression or even in segregation; it must reform the criminal, and finally, continue to protect and assist him in law-abiding conduct.²⁷

Palmer proposes changes in childrearing and recommends changes in the curriculum of elementary and high schools which would permit the teaching of the behavioral sciences—anthropology, psychology, and sociology. Children should understand some of the forces that shape human behavior. His recommendations for change in police and judicial systems are familiar. The police should become more professional and community relations oriented. The courts should operate more efficiently and eliminate the double-standard of justice. Many victimless crimes should become either civil offenses or no offenses at all. Palmer's most far-reaching proposal concerns the establishment of community-based correctional centers within the urban core.²⁸

In all directions active measures are being taken to prevent the development of delinquent traits in children, and to treat them along psychological lines when they first make their appearance. Thus child guidance clinics, special schools and classes for the backward, voluntary associations which supplement the work of statutory committees, advisory psychiatrists in connection with the children's and juvenile courts, and the education of teachers in regard to the significance of abnormal traits in their pupils, all such developments and organizations are calculated to do something to diminish the incidence of delinquency in the community.²⁹

²⁷ Supra 7, P- 702.

²⁸ Review by: John W. Martin, *The Prevention of Crime* by Stuart Palmer.

Social Forces, Vol. 53, No. 3 (Mar., 1975), (pp. 531-532). Published by: Oxford University Press

²⁹ Dr. Gillespie, *Prevention And Treatment Of Crime* Source: *The British Medical Journal*, Vol. 2, No. 3639 (Oct. 4, 1930), pp. 570-571 (Published by: BMJ)

CONCLUSION

Crime is to be controlled not by changing the functioning of our institutions, but rather through increased vigilance on the part of residents, either individually, collectively, or both, in defending themselves and the social order. We may have to make changes in the functioning of some basic institutions in the society if we are to truly address the crime problem.

Conservative criminologists will view the "victimization deterrence" approach as an end in itself, as a strategy which aids the formal agents of social control in addressing the crime problem. Liberal criminologists who promote the "social disorganization and social control" approach see the "victimization deterrence" strategy as part of the larger strategy of residents playing a role in the functioning of basic institutions within their community to address the causes of crime. However, critical criminologists may see the preceding two models as steps in the process of building community, from the reactive to the proactive stage. The latter stage is one which can only be reached through the struggle of residents to address the fundamental features of the social order which limits community development and limits the ability to address the crime problem itself. In conclusion, in reviewing the different approaches to using the community to control crime, one must be aware of the different assumptions which each of these approaches are making regarding the conception of the community, the cause of crime, and the weaknesses of the approach.

Thus, Crime is not a rule it is the outcome of mental illness in the ordinary sense, although there is a small percentage which definitely is so, but a cognate manifestation of social maladjustment. There are, for instance, the more crude and obvious causes, such as defective home environment and training, and also the more personal and less conscious factors, which involve repression and perversion of instinctive trends.