

Cops, Crime Courts

We'll learn about:

- Why people do crimes
- What courts consider when giving penalties
- Rights and responsibilities with police
- Street and protest laws
- How criminal courts operate

Key Words

Word	Meaning	
arrest	stop someone and detain (hold) them under law	
assault	attack physically <i>By pushing him it was an assault.</i>	
authority	power - to give orders, make decisions, punish <i>The police had authority to search the car.</i>	
bail	release of a person while they wait to go to court <i>She was given bail to turn up to court in a week.</i>	
consequence	the result or effect <i>The consequences were that he had to pay a large fine and got criminal record.</i>	
crime	an act which can be punished by the law <i>Stealing is a crime.</i>	
criminal	<i>person who is found guilty of a crime</i>	
evidence	<i>information showing something is true. Proof</i>	
fine	<i>money to pay as a penalty (also, good, thin)</i> <i>He asked for more time to pay off the fine.</i>	
guilt, guilty	<i>blame, fault, responsible</i>	
innocent innocence	<i>not to blame, not guilty, not at fault</i> <i>She was innocent as she didn't take it.</i>	
offence	<i>wrong doing, break the law, illegal (annoyance)</i> <i>What you did was an offence</i>	
responsibility	<i>have to do something, to blame for something</i>	
victim	<i>person harmed as result of a crime or event</i> <i>She was a victim of a terrible crime.</i>	

Key Words

Find the highlighted words:

Police must stop crime and keep the community safe. **If police** treat you badly you can make an official **complaint** about this.

'Arrest' means to stop someone and **detain** (hold) them under law.

If you didn't do the crime then you're innocent and should plead '**not guilty**' in court.

Three other words are in the grid which make up a wise message about this:

If police think you've broken the law, they have authority to arrest you. If you fight against police when they're trying to arrest you, then you can be charged with 'resisting arrest'. Even if you didn't commit (do) any crime. So it's unwise to resist arrest, even if you haven't broken the law.

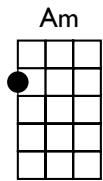
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Beat the Rap?



Beat the Rap

Ukulele



When you deal with _____
You have a right to be treated with dignity
Play it cool, know the rules, remember we are free Innocent unless
proved _____.

Police have the right and _____ to protect the community
and enforce all law _____ and only use force reasonably.

Can you beat the rap? Rap beat.beat
Beat beat. 'Beat the Rap' rap. Beat beat.

You have a _____
to prove your identity
Give police your name and address
And don't _____.

You have a _____ to silence
and to be treated without violence.
If you are charged with a criminal _____
got a right to see a lawyer to act in your defence.

You have a right to tell your story in the _____ of this
land, with an _____, if you can't understand
and the court must have sufficient _____
to prove you guilty of the _____.

We all must face the legal _____
If found guilty of a criminal offence
Ignorance of the law is _____
You can act in self-defence but don't get loose

If authorities show you no respect
You have a right to _____. You can object.
Expect to be treated with _____

'Beat the rap' – means to get off or beat a criminal charge.
The 'rap' is the sound of the judge's hammer (gavel) on the bench.

Listen closely to the song.

What are the key messages?

Analyse the music.

Learn to play it on ukulele.

www.rails.org.au/education

offence

right

evidence

guilty

authority

respect

responsibility

courts

consequence

resist arrest

equally

interpreter

duty

no excuse

offence

complain

Causes of Crime

A crime is an act which the State says will be punished by the law. Police will charge a person who they think did, or helped do, a crime. They will then have to go to a court.

Police will prosecute (continue) the case in court and if it is proved that you did (are guilty of) the crime, the court will sentence (punish) you.

Criminal law is different to civil law. Civil law deals with legal rights and responsibilities between people. People, not the police, bring legal actions or 'sue'. The police are not involved in civil law matters.

Cases	What might be reasons for these crimes?
<p>Bee is 13. He loses his basketball so steals a new one from a shop. He loves the game and practised at home with a ball and hoop his father had given him. His father has been in and out of jail a few times for theft and other crimes.</p>	
<p>Seedee goes out with his fiancée and friends to celebrate their engagement. Seedee gets really drunk and as they happily stagger home, Seedee thinks someone passing by is making fun of him and flirting with his fiancée. Seedee king hits the person who falls and cracks his head, and later dies.</p>	
<p>Jay believes that men should be the boss of the house. He was taught that by his family. Jay controls the household money and the friends his wife sees. He also slaps her if she talks back at him.</p>	
<p>Kay's parents are poor and often don't have enough food for their family. Kay finds a credit card and does some paywaves to buy food and clothes for the family.</p>	
<p>Emmen has no friends. He tries to join a group in his neighbourhood and they tell him he needs to steal something to prove he's tough. He steals a Tee shirt and is caught.</p>	
<p>Peecue became very depressed after her marriage broke down. She began taking cocaine to help her feel better. She's caught by police with cocaine.</p>	
<p>Artee was made to marry a man years ago and the marriage worked out very well. Artee has now pressured her 18 year old daughter Elle to travel overseas and marry an 'acceptable' man from her old home country. Elle didn't want to.</p>	

Causes of Crime

The causes of crime are complex.

Research shows there are some things which bring a higher risk that someone might do crime. Sometimes it might be because of poor parenting, or bad friends, or drug abuse.

Poverty, especially if it leads to poor parenting, can be a factor.

Sometimes people think they have been treated unfairly and may want to hit back by being violent or doing other crime. Some people are violent when they haven't learnt to control anger. Many men use violence in the home to control their partners. Extreme control can be against the law even if there is no physical violence.

All these things can increase the chance of doing crime, But many people who have these backgrounds don't get into crime at all, or if they do they soon stop.

Who's to blame?

At what age do you think the law should hold people responsible for crimes? Why?

In Australia a child aged under 10 cannot be charged with a crime.

Children aged 10 to under 14 can only be charged if the police can prove that the child knew what they were doing was wrong.

Children under 18 are dealt with by the Children's Court for criminal offences. People 18 and over get dealt with in adult courts

Children's courts usually give lesser penalties than adult courts because of the age and lack of experience of the young person.

Jay wants to make friends with a group. The leader says Jay must steal something to show he's 'tough' before he can join the gang. What might Jay do? What would you do? Why?

Some people join groups or 'gangs' to feel they belong and are accepted, or because of peer pressure, or for protection, or to be 'cool'. There are many positive sports, art and community activities that groups can get into. These are 'good gangs'. But If the group is involved in violent, aggressive or criminal behavior it can badly affect your whole life. It's strong to say 'No' to pressure to join bad gangs.

Punishing Crime



The purpose of punishment	What do these words mean?
retribution deterrence rehabilitation protecting society	

Judges and Magistrates have power to punish people who break the criminal law. They must look at a range of factors when deciding the penalty (sentence) such as; the maximum or minimum penalty set by law, any injury caused, what caused the criminal behaviour, any previous offences. Parliaments have made laws to guide courts in sentencing (for example, google Penalties and Sentences Act 1992 (Qld), section 9)

Judges and Magistrates usually have choice (discretion) as to a range of penalties.

What factors might judges take into account when deciding if a penalty should be lighter or heavier?

You be the Judge and give penalties for these crimes mentioned before.

Crime	You're the Judge, What penalty you would give and why?
Bee – stealing	
Seedee – murder	
Jay – family violence	
Kay - stealing	
Emmen - stealing	
Pecue – possessing dangerous drugs	
Artee – forced marriage	

Police

Questioning

advice

safe

interpreter

why

questions

name

adult

polite

Legal Aid

legal

officer in charge

break

urgently

detain

Police have a very hard job. Their role is to keep the community _____ and to catch people who _____ the law.

I must give police my _____ and address if they ask.

It is wise to be _____ with police and not get aggressive.

If police question me I can say "I will help officer but I want to know _____ you are asking me _____".

If I have information to help police I can give it to them. But if I'm worried I can say: "I will cooperate but I don't want to say anything more until I get legal _____".

If I am under 18 I must have an _____ support person when questioned by police unless it's a very minor offence.

If someone doesn't understand English well, they can ask for an _____ when questioned by police.

Police must

You do not have to

You must

Police can

you should

You have

they must

may be

_____ give your name and address to police if they question you.

_____ answer any other questions unless the law requires.

This is called the 'right to silence'.

If police question you about a serious offence (called an 'indictable' offence) they must give you a 'caution'. This means _____ tell you that anything you say could be used as evidence against you.

If you do speak with police _____ tell the truth.

Anything you say _____ recorded by police without you knowing.

_____ show you their ID if they question you when they are not in uniform.

_____ a right to have a support person for serious offences if under 18

_____ detain (hold) a person for questioning for up to 8 hours (but can only question for 4 hours) and must apply to a Magistrate if they want to detain beyond that time.

Police

Search

not aggressive

stolen goods

stop injury

reason

search warrant

Police have power under law to stop and search you or your vehicle if they believe you have _____, illegal drugs or a weapon. They don't need a search warrant.

Police must have a _____ to search someone's place. But they don't need a warrant if they're invited in, or if they believe that evidence of serious offences will be hidden or destroyed.

If police come to search your home you should ask the _____. You can say 'I don't consent to this search officer. I want to see a search warrant first please.' Keep repeating this. Be firm but _____ as you could be charged with 'obstructing police'.

Police can also enter property without permission to arrest someone and to _____ or noise.

Arrest

notice to attend

summons

not free

detain

must tell

fingerprint

force

arrest

If police think you've broken the law they can:

- _____ (order) you to go to a court
- give an 'on the spot' _____ court
- _____ you

If arrested you are _____ to go,

Police _____ you why you are being arrested.

If arrested, Police will _____ and photograph you and may take DNA samples.

Police can use reasonable _____ to arrest someone, but not so much force as to cause serious injury. Police can call on the public to help them with an arrest.

Police can also _____ (hold) someone: to search them; or to stop injury; or at a crime scene; or to question them about a serious offence.

The law gives police wide powers. In Queensland the main law is the *Police Powers and Responsibilities Act 2000*.

Innocent or Guilty?

It is a basic principle of criminal justice that we are all innocent unless proved guilty. Discuss.

guilty

punishment

learnt

police

conviction

court

Legal Aid

It is the _____ not the _____ who have the power to decide if you are _____ (you did the offence).

It is the court not the police who say what _____ a person might get.

You should get legal advice from a _____ duty lawyer before you plead 'guilty' or 'not guilty' to a criminal charge.

If guilty, you should tell the court what you've _____ and why you won't break the law again. It's useful if you can get genuine references which say you're a good person and should be given a chance. In some cases the court may not record a _____, which means you won't have a criminal record.

Bail

court

must give

can

promise

free

must stay

If charged you may get 'police bail'. '**Bail**' is a _____ to turn up at court. You are _____ to leave the police station but you must go to court on the date you are told, otherwise the court will punish you.

The police _____ you the name, rank and station of your arresting officer in writing before they release you.

If police refuse bail you _____ in police custody till you go to court. If your case is not finished on the day you go to court you _____ ask the court for bail.

The _____ may or may not grant you bail.

On the Streets

shouting

move on

resist

reason

obstruct

scared

If I behave in a public place in a way that disturbs others it can be against the law. For example, swearing and _____ in a way which might make others feel _____ or not able to enjoy the public space. This is called 'public nuisance'. 'Nuisance' means to annoy or bother.

If Police think someone will disturb the peace they can make them _____ from a public place and not come back for 24 hours. Police must have a good _____ for doing this. If you don't move on when police tell you then you can be arrested.

It is against the law to _____ police or try to _____ police if they want to arrest you. To 'obstruct' means to block or get in the way of. 'Resist' means to fight against.

Public Protests

It is a basic right in a democracy for people to hold public gatherings to peacefully protest. Notice must be given to the police and local council who have to ensure the protest will be safe with the least disruption to the public and protect the rights and freedoms of others. If they want to refuse permission they must get a court to agree to the refusal. In Queensland public protest laws are under the Peaceful Assembly Act 1992.

Discuss why the right to public protest is important to a democracy.

Advice and complaints

I have

complaint

1800 527 527

legal advice

Legal Aid

If I am treated badly by police I can say: "I am upset about how I was treated. I want to make a _____. I can complain to the Officer in Charge of the police station and then get _____.

_____ a right to speak to a lawyer.

I will get free advice from _____. Their phone number is 1300 651 188.

Legal Aid also has a Youth Legal Advice Hotline where lawyers give advice about talking with police – the number is 1800 LAQ LAQ which is _____.

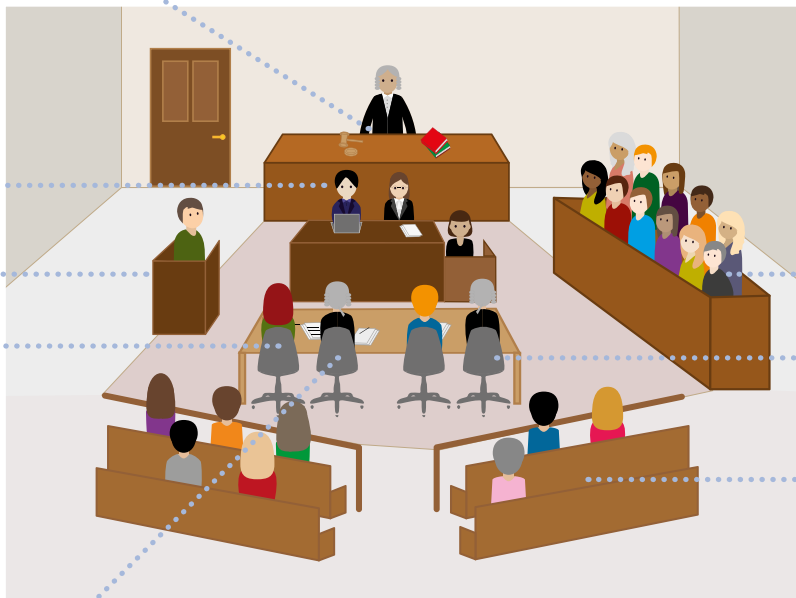
Court



Most courts are open to the public. Visit them.

Name the roles in a criminal court. What do they do?

- Prosecution
- Judge/Magistrate
- Court clerk
- Witness
- Defendant/Accused
- Defence counsel
- Public
- Jury



Place the statements below in the correct section:

- Sit quietly
- Hear all of the evidence against me
- Talk respectfully
- Give evidence to help my case
- tell the truth
- Arrive on time
- Have a lawyer
- appeal the decision
- fair judge or magistrate
- Have an interpreter if needed

My rights in court	My responsibilities in court

Court in Action

Visit a court and see how they operate. In a democracy justice must be transparent and most courts are open to the public. The Children's Court for people under 18 is not open to the public.

Role-play a police and court scene. Make one up or use the role-play and language activities from 'Thief' produced by Refugee and Immigration Legal Service (RAILS).

Complete the word	Definition
I	did no wrong
S	to look carefully for something
E	information or facts showing if something is true
T	a person who steals
V	someone who is harmed or wronged
S	to take something without consent of the owner
W	Saw something or has information to give
G	you did it
L	untruth
T	fact, correct

Circle the correct words

Police Officer witness:

"I ask/asked the defendant about the bag. He say/said nothing. I say/said I suspected there may be stolen good/goods in the bag so I had a right under law to search. We search/searched the bag and found a wallet and a red tee shirt."

Police Office witness:

"The defendant first say/said the T shirt was his. I then ask/asked him about the wallet and he say/said 'I don't know anything about it'. I then tell/told him I was arresting him on two charges of stealing."

Prosecutor to accused:

"You lied/lie about the T shirt and now you're lie/lying about the wallet."

Defence lawyer to witness:

'So you don't/didn't get a chance to clearly see/ saw who steal/ stole your wallet'

Crime Role Play

Write a 'crime thriller' and role play the criminal process from crime to court.

arrested

bail

legal advice

questioned

searched



Here's an example:

Vee is at home in her bedroom and hears a noise at the front door. She hurries out and sees a man taking her wallet and computer from the kitchen table. He pushes past Vee as he runs out with the goods. The computer and wallet had important documents and photos in them, plus cash. Vee is very shaken and calls police. She gives them a statement. Police then question, search and arrest a suspect.

You can then play a court scene. (See also an example in the 'Thief' resource which includes a script for court - www.rails.org.au/education)

Call the Police

131 444

Call the Police, they've got to come for sure

In emergency, call triple zeeeeee Ro.

Oh Oh Oh

131 444 (repeat)

Police statement

Write how you investigated and found enough evidence to charge the accused with a crime.

Victim statement

Write about what happened. Include how it made you feel. Discuss how crime affects victims.

Accused/Defendant

You give identity details to police but don't answer more questions. You call Legal Aid and tell your story to a lawyer. The lawyer advises if you broke the law and about the criminal process. You have to decide whether to plead guilty or not guilty. The lawyer must fight for your best interests but cannot lie and has an over-riding duty to the court.

Judge/Magistrate

If there is a 'guilty' plea the judge then hands down a sentence (punishment). If there is a 'not guilty' plea the police (Prosecution) bring witnesses and evidence and the defendant then presents their case. Each witness must promise to tell the truth and is then questioned by each side. After hearing all the evidence, if the judge has a 'reasonable doubt' that the accused did the crime, then the decision must be 'not guilty'. In the most serious cases a 'jury' of citizens from the community sits in court and decides on what they believe are the facts and whether the accused is guilty. If the accused is guilty they are 'convicted' and the judge hands down a sentence.

