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Санкт-Петербургский университет

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ИНОСТРАННЫЙ ЯЗЫК В СФЕРЕ ЮРИСПРУДЕНЦИИ

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В учебном пособии представлена подборка профессионально-ориентированных текстов на иностранном языке (английском), предназначенных для чтения, перевода и анализа; тематика текстов соответствует программе дисциплины «Иностранный язык в сфере юриспруденции». Тексты сопровождаются упражнениями для самостоятельного выполнения с целью закрепления навыков работы с лексическим материалом, а также общим глоссарием. Пособие включает теоретический материал по выбранным грамматическим темам и соответствующие грамматические упражнения.

Предназначено для курсантов и слушателей образовательных организаций системы МВД России. Предполагается использовать пособие в качестве дополнительного материала на практических занятиях по дисциплине «Иностранный язык в сфере юриспруденции».

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Unit 1
TYPES OF CRIMES.
DETECTING, PREVENTING AND COMBATING CRIME

Text 1: Nature of Crime

Exercise 1. Read and translate:

A crime may be considered as an act (the active behaviour of a person), or as an omission (the non-performance of acts which it was his duty to perform, such as failure to use authority).

Each crime is composed of a number of individual elements. The total sum of those elements is known as the *corpus delicti* (the body of the crime). The body of the crime characterizes the purpose of the criminal act, the form and method of a criminal action, the character of the guilty conduct and so forth.

The body of the crime in any act is a ground for establishing criminal responsibility against the offender and has several basic common elements:

- a voluntary act or omission;
- “a guilty mind” or “knowledge of the wrongfulness of conduct”;
- chain of causation.

As a rule, premeditated criminal activity consists of several stages: preparation, attempt and commission. Preparation of a crime is the search for or adaptation of means or instruments, or any other premeditated creation of conditions for the commission of a crime. Preparation of a crime is generally a punishable offence. But in cases where the person plotting a crime has not gone beyond the preparations, the court usually imposes a milder penalty or none at all.

An attempt is a premeditated act directly aimed at the commission of a crime but not completed for reasons not depending on the will of the guilty person. An attempt is also a punishable offence. But in determining the penalty the court must take into consideration the character and the degree of the danger to society involved in the act committed by the guilty person, the degree to which the criminal intent has been put into effect, and the causes that prevent the full commission of the crime.

Commission of a crime is considered as performed when the guilty person has carried out the act containing the *corpus delicti* of a crime.

In theory of crime there are two other legal categories: “object of crime” and “subject of crime”. The subject of crime is a person who commits the crime and is responsible for it. Only persons who have

attained a certain age (usually 16 years of age) and are *compos mentis* can be subjects of a crime.

The object of crime is under criminal law social relations guarded by criminal legislation. This means that all crimes prescribed by the Criminal Code are in the final count aimed against social relations taking shape and developing in society. However, each crime has an immediate object. Thus, murder has as its immediate object human life; theft — state or personal property; rowdiness — public law and order [1, c. 8–9].

Exercise 2. Find in the text the English equivalents for Russian legal terms and expressions:

Цель преступного деяния; цепь причинно-следственных связей; уголовная ответственность; уголовное производство; умышленные преступные действия; совершение преступления; человек, замышляющий преступление; установить наказание; принимать во внимание; преступный умысел; привести в действие; уголовное законодательство; Уголовный Кодекс.

Exercise 3. Classify all crimes given in the list into violent or nonviolent ones:

Armed robbery, blackmail, vagrancy, arson, fraud, murder, speeding, shoplifting, burglary, assault, libel, battery, theft, treason, smuggling, assassination, money laundering, perjury, homicide, bigamy, drug dealing, forgery, embezzlement, gambling, extortion, manslaughter.

Exercise 4. Match the types of crimes given in Exercise 1 with their definitions (Attention! there are some extra words in the list above):

- 1) a generic term for the killing of another person;
- 2) any instance in which one party deceives or takes unfair advantage of another;
- 3) actual use of illegal force on another person;
- 4) attempt to transform illegally acquired money into apparently legitimate money;
- 5) attempt to use illegal force on another person;
- 6) betraying your country to a foreign power;
- 7) breaking into a private home with the intention of committing a felony;
- 8) driving a vehicle in excess of the permitted limit;
- 9) getting money from people by threatening to publicize facts they do not want revealed;

- 10) getting money from people by using threats;
- 11) going through a ceremony of marriage when you are still married to someone else;
- 12) killing a public figure illegally and intentionally;
- 13) making an illegal copy of a banknote or document;
- 14) possession of and/or trading in illegal substances;
- 15) setting fire to a building;
- 16) taking goods illegally into or out of a country;
- 17) taking the property of another without right or permission;
- 18) telling lies when you have sworn an oath to say what is true in court;
- 19) unlawful killing of a person with intent;
- 20) unlawful killing of a person without malicious intent and therefore without premeditation;
- 21) unlawful taking of another's property using a dangerous weapon;
- 22) using illegally or stealing money which you are looking after for someone else;
- 23) writing, publishing or broadcasting a statement which damages someone's character.

Text 2: Criminal Responsibility

Exercise 1. Read and translate:

Criminal responsibility is not limited only to those who perform the criminal acts themselves. As a general principle, anyone who “aids and abets” the perpetrator by encouraging or in any way knowingly helping him (for instance, by providing information, implements, or practical help) is an accomplice and is considered equally guilty. Those who actually perform the criminal act (e.g., wielding the weapon that strikes the fatal blow) are called principals in the first degree; those who assist at the time of the commission of the offense (e.g., holding the victim down while the principal in the first degree strikes the blow) are principals in the second degree; and those who assist before the crime takes place (e.g., by lending the weapon or by providing information) are accessories before the fact. As a general rule, all are equally responsible in the eyes of the law and liable to the same punishment. In many cases the accessory before the fact will be considered more culpable — if, for instance, he has instigated the offense and arranged for it to be committed. In some cases, the person who actually performs the act that causes the crime is completely innocent of evil intent — for instance, the nurse who administers to a patient, on the

doctor's instructions, what she believes to be medicine but what is in fact poison. In this situation the person who carries out the act is an innocent agent and is not criminally responsible; the person who causes the innocent agent to act is the principal in the first degree. The accessory after the fact is one who helps a felon to evade arrest or conviction, by, for example, hiding him or destroying evidence [2].

Exercise 2. Find in the text the English equivalents for Russian legal terms and expressions:

Совершить преступное деяние; преступник (3); сообщник; быть в равной степени виновным; подлежать наказанию; виновный (2); провоцировать на совершение преступления; злой умысел; избежать ареста; избежать наказания; прятать; уничтожать.

Exercise 3. Using the text, find words in the text which have a similar meaning to:

- to commit the criminal act
- the criminal
- to help
- to give information
- to avoid

Text 3: Classification of Crimes in the United States

Exercise 1. Read and translate:

(I) In the USA the decision of how a crime should be classified rests with the individual jurisdiction. Each state has developed its own body of criminal law and consequently determines its own penalties for the different crimes. Thus, the criminal law of a given state defines and grades offenses, sets levels of punishment, and classifies crimes into different categories.

(II) The most common classification is the division between felonies and misdemeanors. This distinction is based primarily on the degree of seriousness of the crime: a felony is a serious offense and a misdemeanor is a less serious one.

(III) In the United States today, felonies include serious crimes against the person such as criminal homicide, robbery, and rape, or crimes against property, such as burglary and larceny. A felony is punishable by death penalty or imprisonment in a state or federal penitentiary (prison for felons) for more than one year. Misdemeanors include petty larceny, assault and battery, the unlawful possession of drugs, disturbing the peace

or reckless driving. A misdemeanor is punishable by a fine or imprisonment in the county jail (local jail for minor offenders) or both, depending upon state law.

(IV) The felony-misdemeanor classification has a direct effect on the offender charged with the crime. A person convicted of a felony may be barred from certain fields of employment or from entering some professional fields of study, such as law or medicine. A person with a felony offender's status might be denied the right to hold public office, vote or serve on a jury.

(V) Whether the offender is charged with a felony or a misdemeanor also makes a difference at the time of arrest. Normally, the law of arrest requires that if the crime is a misdemeanor and has not been committed in the presence of a police officer, the officer cannot make an arrest. This is known as the in-presence requirement. In contrast, an arrest for a felony may be made regardless of whether the crime was committed in the officer's presence, as long as the officer has reasonable grounds to believe that the person has committed the felony.

(VI) Another important effect of this classification is that a court's jurisdiction often depends on whether a crime is considered a felony or a misdemeanor. A person charged with a felony must be tried by a court that has jurisdiction over this type of offense. Some states prosecute felonies only on indictment. This means that a person accused of a felony ordinarily has a legal right to a preliminary hearing and presentment of the charges by indictment of a grand jury or information.

(VII) In addition to serious felony crimes and less serious offenses labeled misdemeanors, some jurisdictions also have a third category of least serious offenses called violations. These violations, ordinarily of town, city, or county ordinances, are regulatory offenses that may not require criminal intent. Examples include health and sanitary violations, unlawful assembly, public disturbances, and traffic violations. Violations are usually punishable by a fine or a short jail term [3].

Exercise 2. Using the text find definitions to these legal terms:

- Felony
- Misdemeanor

Exercise 3. Skim the text and make up a list of:

- serious offenses
- less serious offenses

Exercise 4. Answer the following questions:

1. Who makes the decision of how a crime should be classified in the USA?
2. What is the most common classification of offenses in the USA?
3. What crimes do the felonies include?
4. What crimes do the misdemeanors include?
5. What is the third category of offences?
6. What do violations include?
7. How can a felony be punished?
8. How can a misdemeanor be punished?
9. How can a violation be punished?

Exercise 5. Complete the sentences:

1. The most common classification is the division between _____ and misdemeanors.
2. A felony is punishable by _____ or imprisonment.
3. A _____ is punishable by a fine or imprisonment.
4. A person convicted of a felony may _____ from certain fields of employment.
5. A court's _____ often depends on whether a crime is considered a felony or misdemeanor.
6. Some states prosecute felonies only on _____.
7. Some jurisdictions have a third category of least serious offenses called _____.
8. These violations, ordinarily of town, city or county _____, are regulatory offenses.

Exercise 6. Using the paragraph reference given in brackets, find words in the text which have a similar meaning to:

- offense, wrongdoing, an illegal act, violation (I)
- punishment, retribution (I)
- penalty, sentence (I)
- categorize, group, sort, grade (I)
- jail, penitentiary (III)
- be excluded (IV)
- need, demand, provision, order (V)
- reason, justification, motive, cause (V)
- power, authority (VI)
- aim, purpose, idea, plan (VII)
- disorder (VII)

Exercise 7. Find in the text the English equivalents for these Russian legal terms and expressions:

Совокупность уголовно-правовых норм; быть запрещенным; занимать государственную должность; совокупность норм, регулирующих наложение ареста; произвести арест; необходимость присутствия; веские основания; предварительное слушание; обвинительный акт, составленный Большим жури; обвинительное заключение, составленное прокурором без участия Большого жури; постановление муниципального органа; правонарушения, находящиеся в юрисдикции регулятивных органов.

Text 4: About Some Types of Crimes

Exercise 1. Read and translate:

In common law, arson consisted of setting fire to the dwelling of another person. In English law any kind of damage deliberately caused by fire — even setting fire to rubbish — is now arson, but generally setting fire to a building is necessary. The gravity of the crime may depend on the extent to which life is endangered — the law may distinguish between arson endangering life, or arson of occupied buildings, and other forms of arson, but most systems consider the crime a serious one. The motivation of those who commit arson differs — arson may be committed as an act of revenge against an employer or by a jealous lover, for example, or by persons who find excitement in fires or have pathological impulses to set fires. Some arson is more rationally motivated — a burglar may set fire to a house to conceal the evidence of his crime, as may an employee who is anxious to conceal accounts from an auditor. Another phenomenon is setting fire to premises belonging to the fire setter in order to make a fraudulent insurance claim [4].

Theft (or larceny) is probably the most common crime involving a criminal intent. The traditional definition of theft specified the physical removal of an object that was capable of being stolen, without the consent of the owner and with the intention of depriving the owner of it forever. This intention, which has always been an essential feature of theft, does not necessarily mean that the thief must intend to keep the property — an intention to destroy it, or to abandon it in circumstances where it will not be found, is sufficient. In many legal systems the old definition has been found to be inadequate to deal with modern forms of property that may not be physical or tangible (a bank balance, for instance, or data stored on a computer), and more sophisticated definitions of theft have been adopted

in modern legislation. The distinction that the common law made between theft (taking without consent) and fraud (obtaining with consent, as a result of deception) has been preserved in many modern laws, but the two crimes are rarely regarded as mutually exclusive, as they were in the past. It is now accepted that an act may constitute both theft and fraud, as in the theft and subsequent sale of an automobile [4].

Burglary is defined as unlawful entry into a building or a living space with the intent of stealing something or causing harm to another person. The essence of burglary is normally the entry into a building with a criminal intent. Entry without the intent to commit a crime is merely a trespass, which is not criminal in many jurisdictions. Although the motivation of most burglars is theft, but it is possible, for instance, to commit burglary with intent to rape. Burglary involving an offender entering a home or living space is considered “residential burglary.” Entering a store, shop, office building, or other structure used for business purposes with the intent to steal something, or to commit another type of felony, is considered “commercial burglary” [5].

Robbery is the taking of something of value, whether money or property, from another person in circumstances of violence. Robbery cases may consist of many different acts ranging from using verbal threats to use of weapons. Robbery takes many forms — from the mugging of a stranger in the street, in the hope of stealing whatever he may happen to have in his possession, to much more sophisticated robberies of banks, involving numerous participants and careful planning [6].

Exercise 2. Complete the sentences:

1. _____ generally consists of setting fire to the property of another person.
2. Burglars sometimes set fire to a house _____ the evidence of their crimes.
3. Generally, theft is a criminal act which consists in the physical removal of an object without _____ of the owner.
4. Generally, fraud is considered as a crime connected with obtaining something from a person with consent as a result of _____.
5. _____ is a crime of breaking into a house or a building with intent to steal things.
6. _____ is a commission of theft in circumstances of violence.
7. _____ is connected with stealing from a stranger in the street.

Text 5: Organized Crime

Read and translate:

In addition to that segment of the population made up of individual criminals acting independently or in small groups, there exists a so-called underworld of criminal organizations engaged in offenses such as organized vice (drugs, prostitution, pornography, loan-sharking, gambling), cargo theft, fraud, robbery, kidnapping for ransom, and the demanding of “protection” payments. [Loan-sharking is lending money at extremely high rates of interest.] In the United States and Canada, the principal source of income for organized crime is the supply of goods and services that are illegal but for which there is continued public demand. Organized crime in the United States is a set of shifting coalitions between groups of gangsters, business people, politicians, and union leaders. Many of these people have legitimate jobs and sources of income. In Britain groups of organized criminals have not developed in this way, principally because the supply and consumption of alcohol and opiates (a type of drug that contains opium and makes you want to sleep), gambling, and prostitution remain legal but partly regulated. This reduces the profitability of supplying such demands criminally. British crime organizations tend to be relatively short-term groups drawn together for specific projects, such as fraud and armed robbery, from a pool of professional criminals. Crime syndicates in Australia deal with narcotics, cargo theft and racketeering. [Syndicate is a group of people or companies who join together in order to achieve a particular aim. Racketeering is a dishonest way of obtaining money, such as by threatening people.] In Japan, there are gangs that specialize in vice and extortion. In many Third World countries, apart from the drug trade, the principal form of organized crime is black-marketeering, including smuggling and corruption in the granting of licenses to import goods and to export foreign exchange. Armed robbery, cattle theft, and maritime piracy and fraud are organized crime activities in which politicians have less complicity. Robbery is particularly popular and easy because of the availability of arms supplied to nationalist movements by those who seek political destabilization of their own or other states, and who may therefore exploit the dissatisfaction of ethnic and tribal groups [7].

Text 6: “White-Collar” Crimes

Read and translate:

Crimes committed by business people, professionals, and politicians in the course of their occupation are known as “white-collar” crimes, after the typical attire of their perpetrators. Criminologists tend to restrict the term to those illegal actions intended by the perpetrators principally to further the aims of their organizations rather than to make money for themselves personally. Examples include conspiring with other corporations to fix prices of goods or services in order to make artificially high profits or to drive a particular competitor out of the market; bribing officials or falsifying reports of tests on pharmaceutical products to obtain manufacturing licenses; and constructing buildings or roads with cheap, defective materials. The cost of corporate crime in the United States has been estimated at \$200,000,000,000 a year. Such crimes have a huge impact upon the safety of workers, consumers, and the environment, but they are seldom detected. Compared with crimes committed by juveniles or the poor, corporate crimes are very rarely prosecuted in the criminal courts, and executives seldom go to jail, though companies may pay large fines. The term white-collar crime is used in another sense, by the public and academics, to describe fraud and embezzlement. Rather than being crime “by the firm, for the firm,” this constitutes crime for profit by the individual against the organization, the public, or the government. Tax fraud, for example, costs at least 5 percent of the gross national product in most developed countries. Because of the concealed nature of many frauds and the fact that few are reported even when discovered, the cost is impossible to estimate precisely. The economic cost of white-collar crime in most industrial societies is thought to be much greater than the combined cost of larceny, burglary, auto theft, forgery, and robbery [7].

Grammar Revision: The Present Perfect Tense

I. Значение *Present Perfect*

Present Perfect Tense (Present Perfect) — это настоящее совершенное время в английском языке, которое обозначает действие, которое совершилось в прошлом или недавнем прошлом (при этом точное время не важно), и виден результат (связь с настоящим):

The judges have passed sentences on 20 cases. — Судьи вынесли приговоры по 20 делам.

Somebody has robbed her purse; she must apply to the police. — У неё украли кошелёк, она должна обратиться в полицию.

Present Perfect может также оформлять действие, которое совершилось в ещё не законченный период времени — *this week* (на этой неделе), *this morning* (сегодня утром), *today* (сегодня):

This week we have found 2 missing persons. — На этой неделе мы нашли двоих пропавших людей. (Неделя ещё не закончилась, результат может поменяться)

Today police officers have stopped 4 offenders. — Сегодня полицейские задержали четверых правонарушителей. (Они уже это сделали, но сегодняшний день еще не закончился)

— Кроме того, с помощью *Present Perfect* можно описать опыт, который с вами произошёл.

I have never been to the Great Britain. — Я никогда не бывал в Великобритании.

He has learned the Constitution by heart. — Он выучил Конституцию наизусть.

II. Образование *Present Perfect*

Время **Present Perfect** образуется при помощи форм вспомогательного глагола *have / has* (выбор в пользу первой или второй формы зависит от подлежащего) и *Past Participle* (причастия прошедшего времени смыслового глагола, которое либо образуется при помощи добавления к инфинитиву (V) окончания *-ed* (если это правильный глагол), либо берётся из таблицы неправильных глаголов (V3 — третья форма)).

Таким образом, формула образования *Present Perfect* выглядит так:

I / You / We / They + have + Ved (V3)

She / He / It + has + Ved (V3)

В разговорной речи часто можно встретить сокращенные формы вспомогательного глагола. Так, форма *have* может сократиться до 've, а форма *has* — до 's:

I have done my tasks. = I've done my tasks. — Я выполнил свои задачи.

He has identified the burglar. = He's identified the burglar. — Он установил личность взломщика.

III. Слова-маркеры времени Present Perfect

Present Perfect употребляется с особыми маркерами:

Already — уже (обычно ставится между вспомогательным и основным глаголом и используется в утверждениях)

Just — только что (обычно ставится между вспомогательным и основным глаголом)

Yet — уже, еще (используется в отрицательных и вопросительных предложениях, обычно ставится в конце предложения)

Still — все еще (в отличие от yet, still обычно ставится перед вспомогательным глаголом)

Ever — когда-либо (используйте, чтобы спросить об опыте вашего собеседника, обычно ставится перед основным глаголом)

Never — никогда (ставится перед смысловым глаголом. Хотим напомнить, что в английском языке слово never употребляется с глаголами в положительной форме, без частицы not)

Recently, lately — в последнее время, недавно

Since — с какого-то момента

For — на протяжении

Once — однажды

Before — раньше

Примеры:

I've studied English since my childhood. — Я учу английский язык с детства.

I have (=I've) never seen this person before. — Я никогда раньше не видел этого человека.

Police have just located the offender. — Полицейские только что обнаружили правонарушителя.

Have you ever interrogated a criminal? — Вы когда-либо допрашивали преступника?

Exercise 1. Choose the correct form:

1. He *have / has* just finished training.
2. She is my best friend. I *have / has* known her for five years.
3. We *have / has* lived in Saint-Petersburg since 2000.
4. They *have / has* not planned their holiday yet.
5. I *have / has* not seen him for a long time.
6. He *have / has* never been here before.
7. The cadets *have / has* done all the exercises.
8. Police *have / has* finally arrested the shoplifter.
9. You *have / has* already finished your report!
10. The patrol *have / has* located a suspicious car.

Exercise 2. Open the brackets using the Present Perfect Tense:

1. The criminal (to brake) the law.
2. Investigators (to establish) the corpus delicti.
3. The court (to pronounce) the sentence.
4. The accused (to be punished) by a fine.
5. A person who (to attain) a certain age and is *compos mentis* can be subject of a crime.
6. He (to break) into a building by night.
7. These persons (to be convicted) of a felony.
8. Police (to detect) a burglary.
9. This bank robbery (to involve) numerous participants and careful planning.
10. The operative group just (to arrive) to the crime scene.

Unit 2

TYPES OF PUNISHMENT

Text 1: Types of Punishment

Exercise 1. Read and translate:

People who violate law may be punished in a variety of ways according to the seriousness of crime they have committed. Punishment may take forms ranging from a fine to an imprisonment. More serious crimes are given harsher penalties.

Certain punishments require offenders to provide **compensation** for the damage caused by their crimes. There are three chief types of compensation: fines, restitution, and community service. A **fine** is a monetary penalty imposed on an offender and paid to the court. Fines are often used in civil cases when the offence is not very serious and the offender has not been in trouble before.

In addition to fines, criminal defendants may be ordered to pay **restitution** to the victims of their crimes. Restitution is different from fines because fines are punitive, while restitution is compensatory. Some types of crimes will result in mandatory restitution as part of the sentence. These may include, for example, drunk driving or domestic violence. Restitution is also very common in theft crimes, white collar crimes, and other cases in which a victim suffered a direct financial loss. The defendant will be ordered to pay back the value of the money or property that they stole.

Offenders sentenced to **community service** perform services for the state or community rather than directly compensating the crime victim or victims. Some of the money saved by the government as a result of community service work may be diverted to a fund to compensate crime victims.

For more serious or repeated crimes the usual punishment is **imprisonment** (incarceration). Criminals may be incarcerated in jails or in prisons. Jails typically house persons convicted of misdemeanours (less serious crimes), as well as individuals awaiting trial. Prisons are state or federally operated facilities that house individuals convicted of more serious crimes, known as felonies. The length of sentences varies from a few days to a lifetime.

Probation and parole are privileges which allow criminals to avoid prison or to be released from prison after serving only a portion of their sentences. The goals of probation and parole are to rehabilitate offenders and guide them back into society while minimizing the likelihood that they will commit a new offense.

A judge may grant **probation** as an alternative to imposing a jail sentence. Probation is ordered when the circumstances and seriousness of the crime suggest that the probationer is not a threat to society and that incarceration is not an appropriate punishment. The probationer may freely live in the community, but must abide by certain conditions of probation for a period of time specified by the court and report regularly to an appointed probation officer. General conditions of probation may include living where directed, participating in rehabilitation programs, being fitted with electronic tags (or monitors), submitting to drug and alcohol tests and maintaining employment. Probationers may be required to show proof to the court that they have complied with all conditions of probation. If a probationer fails to comply with all required conditions, the court may revoke probation and require the probationer to serve a jail sentence.

Parole is granted after an offender has served a portion of his or her prison sentence. Thus, parole differs from probation in that it is not an alternative sentence, but rather a privilege granted to some prisoners after a percentage of their sentence has been served. Parolees must abide by certain terms and conditions while they are on parole. If a parolee violates the conditions of parole, his parole will be revoked and he will be re-imprisoned.

The most extreme form of punishment is death. Execution of an offender is known as **capital punishment**. Like corporal punishment, capital punishment has been abolished in our country.

In declaring a sentence, a judge may take into account the following: prior criminal record, the age of the offender and other circumstances surrounding the crime, including cooperation with law enforcement officers, the amount of loss to victims, whether a weapon was used in the crime, the age or helplessness of the victims.» [8]

Exercise 2. Find in the text the English equivalents for Russian legal terms and expressions:

Нарушать закон; более суровые наказания; компенсация; общественные работы; штраф; возмещение убытков; заключение под стражу; гражданские дела; осуждённые за незначительные правонарушения; условное наказание; условно-досрочное освобождение; угроза обществу; отозвать (отменить) условное наказание; отбывать наказание; носить электронные браслеты; отбывать тюремное заключение; смертная казнь; выносить приговор; уголовное прошлое; возраст правонарушителя; сотрудничество с правоохранительными органами.

Exercise 3. Agree or disagree with the following sentences:

1. There is only one type of punishment.
2. A fine is a kind of a monetary assessment.
3. Confinement in jail or prison for a period of time is called incarceration.
4. Fines are often used as criminal punishment.
5. Community service is one of the three types of compensation for the damage caused by crimes.
8. The most serious or repeat offenders are incarcerated.
9. Individuals who are awaiting trial are kept in prisons.
10. Serious crimes are also known as misdemeanours.
11. Probation is an alternative to a jail sentence.
12. Probation is ordered when the crime is more serious.
13. Parole is an alternative sentence.
14. Capital punishment is the most extreme form of punishment.
15. Both corporal and capital punishments have been abolished in Russia.

Exercise 4. Answer the following questions:

1. What does punishment for a crime depend on?
2. Which kinds of punishment do you know?
3. What is a fine?
4. What types of crimes often result in mandatory restitution?
5. What does community service require?
6. How does the length of sentences vary?
7. When is probation ordered?
8. What do general conditions of probation include?
9. What is a parole?
10. What is the most extreme form of punishment?
11. What does a judge take into account in declaring a sentence?

Exercise 5. Match the words with their definitions:

1 fine	a physical punishment, such as flogging or beating
2 capital punishment	b a place for long-term incarceration for a crime
3 jail	c a place of confinement for time periods longer than those usual for a police station lock-up and shorter than those usual for a prison

4 parole	d a special place where a convicted person serves his sentence
5 imprisonment	e a release from prison, before a sentence is finished, that depends on the person, keeping clean and doing what he or she is supposed to do while out. if the person fails to meet the conditions, the rest of the sentence must be served
6 probation	f a sum of money exacted as a penalty by a court of law or other authority
7 corporal punishment	g a sentence (usually, jail time) that the judge allows the convicted person to avoid serving (e.g. if the person continues on good behaviour, completes community service, etc.)
8 house arrest	h unpaid work, intended to be of social use, that an offender is required to do instead of going to prison
9 suspended sentence	i the state of being kept as a prisoner in one's own house, rather than in a prison
10 community service	j the most severe of all sentences: that of death. also known as the death penalty
11 prison	k the sentencing of a criminal to a period of time during which they will be deprived of their freedom
12 prison cell	l a kind of punishment given out as part of a sentence, which means that instead of jailing a person convicted of a crime, a judge will order that the person reports to an officer regularly and according to a set schedule

Text 2: Types of Prisons in Britain

Exercise 1. Read and translate:

In Britain prisons are classified administratively as local or central prisons.

Local prisons serve a variety of purposes — holding prisoners awaiting trial or sentencing and prisoners serving shorter sentences, up to about 18 months. There the worst overcrowding occurs. Prisoners serving longer sentences are detained in central prisons.

Central prisons are large maximum-security prisons holding more than 1,000 offenders in conditions of strict security. For security, prisoners are classified into four categories, from A (prisoners likely to attempt escape, and constituting, if successful, a significant danger to the public) to D (prisoners who can be trusted to work in conditions of minimal security). Prisoners who are not considered a danger to the community may be confined in low-security or open prisons, where there is normally no obstacle to a prisoner's absconding. Women are normally held in separate institutions.

Young people who have done something illegal are kept in detention centers because they are too young to go to prison. The purpose of these institutions is rather treatment, correction than punishment. Detention centers for young offenders serving sentences that must not exceed four months are based on the principle of strict discipline and physical activity [9].

Exercise 2. Answer the questions:

1. What two main types of prisons in Britain do you know?
2. What other correctional institutions are mentioned in the text?
3. What is the worst thing that can happen in prisons?
4. What are central prisons?
5. What are the purposes of local prisons?
6. For what prisoners do the categories A and D exist?
7. Where are young offenders detained?
8. What is the purpose of detention center?

Exercise 3. Find in the text the English equivalents for these Russian legal terms and expressions:

Ожидать суда; ожидать вынесения приговора; содержаться в заключении; отбывать наказание; представлять значительную опасность; предпринять побег; центр для содержания под стражей; малолетний преступник.

Text 3: Types of Prisons in the USA

Exercise 1. Read and translate:

In the United States and Canada, prisons house different types of offenders. Prison administrators differentiate offenders according to the degree of risk they pose to other inmates and to prison personnel. Criteria for assigning inmates to different custody levels include the person's current conviction offense, history of violence, past behaviour in prison, and sentence length. In the United States, the Federal Bureau of Prisons uses a multilevel scale to determine an inmate's custody level.

Custody levels include minimum-security, medium-security, and maximum-security. Each higher custody level means closer supervision, more elaborate security, and more intensive inmate control. About 20 percent of all correctional institutions in the United States are multilevel, including minimum-, medium-, and maximum-security levels of custody within the same institution. Some multilevel facilities also include super-maximum security areas.

Some prisons in Canada and the United States are designed exclusively for women. Special institutions house juvenile offenders. Other prisons provide medical services or psychological counseling and therapy to offenders with physical or mental ailments.

Prisons and Jails

Prisons differ from jails. Jails are facilities operated by local authorities and used to confine adult criminal offenders who have short-term sentences (in the United States, sentences of less than one year). Jails are used to house offenders, awaiting trial, witnesses in protective custody, probation and parole violators, and juveniles awaiting transfer to juvenile facilities.

The majority of jails in the United States are small, consisting of a single building with several cell blocks. Prison facilities, by contrast, usually spread out over several acres, with high walls surrounding the perimeter.

Prisons house long-term offenders, they usually offer vocational and educational programs for inmate's rehabilitation. Most jails do not have such programs. Jails also lack other inmate facilities that exist in prisons, such as exercise facilities, small stores, and doctors, counselors, and other professionals.

Prisons are also divided into a system of custody levels, where more dangerous inmates are separated from less dangerous ones. Armed guards occupy strategic positions in towers to deter prisoners from escape attempts. Prisons and most jails in the United States segregate male and female inmates

and juveniles. However, some jails—known as lock-ups—consist of one or two large cells into which all arrested individuals are placed [10].

Exercise 2. Answer the questions:

1. What do criteria for assigning inmates to different custody levels include?
2. What types of security do custody levels include?
3. What does each higher custody level mean?
4. What is the main difference between jails and prisons?
5. What do the majority of jails in the USA look like?

Exercise 3. Agree or disagree with the following sentences:

1. There are prisons and jails in the USA.
2. Both prisons and jails offer educational and vocational programs.
3. Young offenders are confined in jails.
4. Jails usually consist of one building.

Exercise 4. Which of the types of imprisonment do the following statements determine: a) jails b) prisons

1. These institutions confine prisoners with short sentences.
2. These institutions house pre-trial offenders.
3. These institutions confine long-term offenders.
4. These institutions have vocational and educational programs.
5. These institutions have doctors, teachers, counselors.
6. These institutions have no exercise facilities.
7. These institutions operate according to the system of custody level.
8. These institutions consist of only one or two cells.

Text 4: Types of Penitentiary Institutions in the Russian Federation

Exercise 1. Read and translate:

The penitentiary system of Russia comprises different types of correctional institutions: pre-trial detention centers, educative or juvenile colonies, corrective colonies of different regimes, prisons. There are also separate institutions for former law-enforcement and judicial officers.

1. Pre-trial detention center is a penitentiary institution providing isolation for the following categories of suspects, accused, defendants and convicted persons: persons under investigation and awaiting trial; the defendants who are on trial; convicts waiting for escort or following in transit, as a rule, to institutions that execute sentences in the form of deprivation of liberty: correctional colonies, educational colonies, settlement colonies; detainees awaiting extradition.

2. Educational colony for minors is intended for serving punishment by adolescents aged 14 to 18 years. The sentence depends on the severity of the crime, the categories of crimes being: kidnapping, robberies and thefts, rogue assault, car theft, acts of vandalism, damage or destruction of cultural property, distribution and theft of drugs.

3. The corrective colony is the most common, with 705 institutions in 2019 across the administrative divisions of Russia. Corrective colony regimes are categorized as very strict/special, strict, general, and open.

3.1. Settlements are open-prison institutions and they house offenders convicted for up to 5 years of crimes committed by negligence and crimes of small and medium gravity. There is no uniform there and practically no guards; prisoners live in dormitories or (with the administration's permission) in rented apartments within the boundaries of the institutions; relatives may live with prisoners (with the administration's permission).

3.2. General regime colonies (minimum security) house all groups of males, apart from those listed below, and women, apart from those sentenced to strict regime colonies.

3.3. Strict regime colonies (medium to maximum security) house first-time offenders convicted of particularly grave crimes, repeat offenders, who have previously been sentenced to imprisonment, and females convicted of particularly grave repeat crimes.

3.4. Special regime colonies (maximum security) are for males convicted of particularly dangerous repeat crimes, who have been sentenced to life imprisonment.

4. Pursuant to Russian legislation, a prison is the strictest form of punishment. Offenders sentenced to imprisonment for a term of more than 5 years for committing particularly serious crimes are serving their sentences in prisons. Prisons are enclosed by a high (up to 10 m) fence equipped with security devices (alarms, video cameras, etc.), rows of barbed wire, etc., and patrolled by armed guards and dogs. Prisoners are kept in permanently locked mass cells, which they leave only to go to work, take exercise, or see a visitor. There are separate units for different groups of prisoners serving their term; for prisoners engaged in prison service; for prisoners being punished (punishment cell); production areas; exercise yards; etc. [11]

Exercise 2. Answer the questions:

1. What types of correctional institutions does the penitentiary system of Russia comprise?
2. What categories of persons do pre-trial detention centers provide isolation for?
3. What is the age of minors serving punishment in educational colonies?
4. What are the main types of corrective colonies in Russia?
5. What kind of offenders are serving their sentences in prisons?

Exercise 3. Complete the sentences:

1. _____ of Russia comprises different types of correctional institutions.
2. _____ is a penitentiary institution providing isolation for the following categories of suspects, accused, defendants and convicted persons.
3. _____ is intended for serving punishment by adolescents aged 14 to 18 years.
4. _____ are open-prison institutions and they house offenders convicted for up to 5 years of crimes committed by negligence and crimes of small and medium gravity.
5. _____ are for males convicted of particularly dangerous repeat crimes, who have been sentenced to life imprisonment.

Exercise 4. Choose the correct preposition:

1. Pre-trial detention center is a penitentiary institution providing isolation for the persons on/under investigation and awaiting trial.
2. Educational colony for minors is intended of/for serving punishment by adolescents aged 14 to 18 years.
3. The sentence depends from/on the severity of the crime.
4. Settlements are open-prison institutions and they house offenders convicted for/of up to 5 years.
5. Strict regime colonies house first-time offenders convicted for/of particularly grave crimes.
6. Pursuant for/to Russian legislation, a prison is the strictest form of punishment.
7. Prisons are enclosed by a high fence equipped by/with security devices and patrolled by/with armed guards and dogs.

Grammar Revision: The Present Perfect Tense (in interrogative sentences)

Вопросительные предложения, содержащие Present Perfect, могут быть как общими, требующими ответа «да» или «нет», так и специальными, начинающимися с вопросительных слов.

I. Общее вопросительное предложение, содержащее глагол в Present Perfect образуется по следующей формуле:

Have + I / You / We / They + Ved (V3)

Has + She / He / It + Ved (V3)

Have you finished the classes? — Ты закончил занятия?

Has he just arrived home? — Он только что приехал домой?

II. Специальные вопросительные предложения образуются по следующей формуле:

Вопросительное слово + have + I / You / We / They + Ved (V3)

Вопросительное слово + has + She / He / It + Ved (V3)

How long have you been here? — Как давно вы здесь находитесь?

What has he just said? — Что он только что сказал?

NOTE! Важно помнить, что при ответе на вопрос, в котором прозвучал глагол в Present Perfect, обязательно должен присутствовать вспомогательный глагол в соответствующей форме:

“Have you ever run a marathon?”

“Yes, I have.”

“Have we met before?”

“Yes, I think we have.”

Возможны и более короткие варианты ответов:

“Have you interviewed the witnesses?”

“Not yet.”

Exercise 1. Transform statements into questions:

1. They have helped him.
2. You have made a wonderful speech.
3. She has just arrived from Moscow.
4. I have done it.
5. We have answered all the questions.
6. She has provided all the details.
7. He has done all his assigned work.

Exercise 2. Answer the questions:

1. Has the teacher checked all the answer sheets?
2. Have you performed all the duties?
3. Has he attended the meeting?
4. Have you given your consent for this activity?
5. Have your colleagues confirmed their membership of the library?
6. Have you ever been to the North Pole?
7. Has he listened to the lectures carefully?

Unit 3

INVESTIGATING CRIME. STAGES OF INVESTIGATION

Text 1: What is a Criminal Investigation?

Exercise 1. Read and translate:

A criminal investigation is an official effort to uncover information about a crime. It is a progression of activities or steps moving from evidence gathering tasks, to information analysis, theory development and validation, forming reasonable ground to believe, and finally to the arrest and charge of a suspect. A criminal investigation collects information about a crime in order to: determine if a crime has been committed, identify the perpetrator, apprehend the perpetrator and provide evidence to support a conviction in court. Several other outcomes such as recovering stolen property or deterring individuals from engaging in criminal behaviours have also been associated with the process.

There are generally three ways that a person can be brought to justice for a criminal act. First, and probably the least likely, the individual will be driven by his conscience to immediately confess. Second, an officer of the law can catch him in the act. Third, and most common, a criminal investigation can identify him as suspect, after which he may confess or be convicted by trial.

In most cases, when a crime is committed, officials have two primary concerns. They want to know who committed the crime, and what the motive was. The reason why a person breaks a law is called the motive.

The motive does not always come after identifying the perpetrator in a criminal investigation. Sometimes the motive is suspected or known and used to catch the criminal. This is often true with crimes such as kidnappings and murders. Notes or other forms of evidence may be left that reveal why the crime has been committed.

Criminal investigations are usually conducted by police. There are other official agencies that have the authority to investigate and launch criminal charges. In the United States, these include the Federal Bureau of Investigation (FBI) and the Internal Revenue Service (IRS). In the UK these include the Criminal Investigation Department (CID) and the National Crime Agency (NCA). In Russia these include the Investigative Committee of Russia (the main investigative agency) and the Federal Security Service (the main domestic security agency).

Police and other officials may use a variety of methods to conduct criminal investigations. Sometimes they work with their canine co-

workers. They may also use various scientific techniques such as fingerprint and ballistics analysis, that demand specialized knowledge or training [12].

Exercise 2. Answer the questions:

1. What is a criminal investigation?
2. What are the main aims of a criminal investigation?
3. What is called the motive of a crime?
4. What are the main investigation agencies in the USA?
5. What are the main investigation agencies in the UK?
6. What are the main investigation agencies in Russia?

Exercise 3. Find in the text the English equivalents for these Russian legal terms and expressions:

Уголовное расследование; сбор улик; поддержать обвинение в суде; поиск похищенного имущества; удержание людей от участия в преступном поведении; быть привлечённым к ответственности; поймать с поличным; Федеральное Бюро Расследований США; Отдел Уголовного Розыска Британии; Следственный Комитет России; Федеральная Служба Безопасности России; баллистическая экспертиза; специальные знания и навыки.

Text 2: Surveillance as One of the Main Criminal Investigation Techniques

Exercise 1. Read and translate:

To investigate crimes properly, police use several special techniques such as interviews, crime scene photography, surveillance, background checks or document searches.

Surveillance is the close observation of a person, place, or object. It is the practice of watching a subject in order to document the interactions or whereabouts of the subject. Surveillance is used in missing person searches, cheating spouse investigations, recurrent theft, worker's compensation cases, vandalism, fraud investigations.

There are a variety of ways to carry out surveillance, including the use of electronics, physical observation, conducting interviews, and using technology.

Electronic Surveillance is the type of documentation private investigators most often use. It involves utilizing devices like television, wiretapping, and radios to document activity. It also includes monitoring an individual's use of their phones, email, and social media.

Physical Observation is when investigators physically follow or watch a subject. This can potentially involve disguises, stakeouts, and multiple investigators.

Interviews are conducted by investigators to discover as much information as possible about the subject. The people interviewed could include family members, neighbors, friends, or coworkers.

Technical Surveillance encompasses digital photography and video/audio recordings. Examples of these are surveillance cameras used by businesses and dash cameras used by both police officers and private investigators.

Why Conduct Surveillance?

There are a variety of reasons to conduct a surveillance investigation: to prevent crime, to obtain evidence of a crime, to obtain evidence in civil suits, to document an individual's location, to document activities in/around a location, to obtain information for interrogation purposes, to obtain information to be used in court.

How Surveillance Works?

An investigator will get to know the client first to determine the depth and means of the study. Then he will conduct an extensive background check on the subject. Vital information includes the subject's name, address, phone number, physical description, photograph, and local relatives. Their habits, hobbies, schedules, and coworkers are also important to note. Next, an investigator will familiarize themselves with the area where the investigation will be taking place, usually via maps and pictures. Being familiar with the location during both the day and night will result in a more effective investigation. An investigator will then decide on what equipment the particular case calls for and know how to most effectively use it. Some of this could be equipment specifically for investigators, like dash cameras or tinted windows, but also included are things as simple as a flashlight and a full tank of gas. An investigator will then start investigating, keeping in mind common sense (like don't let the subject make eye contact, don't park conspicuously, and don't walk by the house more than once).

During their investigation, the investigator will also take extensive notes, including dates and times, in order to report to both client and court the most accurate information as possible.

Exercise 2. Answer the questions:

1. What is surveillance?
2. What is electronic surveillance?
3. What is physical observation?
4. What are the main reasons to conduct surveillance?
5. What equipment may be often used by an investigator when he conducts surveillance?
6. What does vital information include?

Exercise 3. Match the English words and word combinations with their Russian equivalents:

1 surveillance	a поиск пропавших людей
2 interaction	b частный детектив
3 stakeout	c гражданский иск
4 civil suit	d взаимодействие, общение
5 private investigator	e засада, слежка
6 vital information	f здравый смысл
7 missing person search	g наблюдение
8 tinted window	h крайне необходимая информация
9 common sense	i прослушивание телефонных разговоров
10 wiretapping	j тонированное стекло

Exercise 4. Complete the sentences:

1. To investigate crimes properly, police use several _____.
2. There are a variety of ways to _____ surveillance.
3. Physical Observation is when investigators physically _____ a subject.
4. The people interviewed could include _____, _____, _____ or _____.
5. An investigator will then start investigating, keeping in mind _____.

Text 3: The Structure of Reactive Criminal Investigations

Exercise 1. Read and translate:

Criminal investigations can be either **reactive**, where the police respond to a crime that has already occurred, or **proactive**, where the investigation may go on before and during the commission of the offense.

The reactive criminal investigation process can be organized into several stages.

The first stage is initial discovery and response. Of course, before the criminal investigation process can begin, the police must discover that a crime occurred or the victim (or witness) must realize that a crime occurred and notify the police. In the vast majority of cases it is the victim that first realizes a crime occurred and notifies the police. Then, most often, a patrol officer is dispatched to the crime scene or the location of the victim.

The second stage, the initial investigation, consists of the immediate post-crime activities of the patrol officer who arrives at the crime scene. The tasks of the patrol officer during the initial investigation are to arrest the culprit (if known and present), locate and interview witnesses, and collect and preserve other evidence.

If the perpetrator is not arrested during the initial investigation, then the case may be selected for a follow-up investigation, the third stage of the reactive investigation process. The follow-up investigation consists of additional investigative activities performed on a case, and these activities are usually performed by a detective.

Finally, at any time in the process the case may be closed and investigative activities terminated (e.g., victim cancels the investigation, the crime is unfounded, there are no more leads available, or an arrest is made). If an arrest is made, or an arrest warrant is issued, primary responsibility for the case typically shifts to the prosecutor's office. The detective then assists the prosecutor in preparing the case for further processing [13].

Exercise 2. Find in the text the English equivalents for these Russian legal terms and expressions:

Реагировать на совершённое преступление; совершение правонарушения; процесс уголовного расследования; сообщить в полицию; патрульный офицер полиции; место преступления; арестовать преступника; дополнительное расследование; дополнительные следственные действия по делу; ордер на арест.

Exercise 3. Answer the following questions:

1. What is a reactive criminal investigation?
2. What is a proactive criminal investigation?
3. What does the first stage of a reactive criminal investigation include?
4. What does the second stage of a reactive criminal investigation consist of?
5. What are the tasks of the patrol officer during the immediate post-crime activities?
6. What happens when the perpetrator is not arrested during the initial investigation?
7. When may the case be closed and investigative activities terminated?

Text 4: Sources of Information and Evidence in Criminal Investigations

Exercise 1. Read and translate:

The major problem for the police in conducting criminal investigations is determining the utility of the information (evidence) collected. While much information may be discovered or otherwise available to the police, only a small portion of it may be accurate, complete, and relevant in establishing the identity of the culprit. Not all types of information are equal in this regard, some types of evidence are usually more useful than others.

— *Information from physical evidence.* Physical evidence is evidence of a tangible nature relating directly to the crime. Physical evidence includes such items as fingerprints, blood, fibers, and crime tools (knife, gun, crowbar, etc.). Physical evidence is sometimes referred to as forensic or scientific evidence, implying that the evidence must be scientifically analyzed and the results interpreted in order to be useful. Physical evidence can help to establish the elements of a crime and can associate or link victims to crime scenes, offenders to crime scenes, victims to victims, instruments to crime scenes, offenders to instruments, and so on.

— *Information from people.* Beside physical evidence, another major source of information in a criminal investigation is people, namely witnesses and suspects. Witnesses can be classified as either primary or secondary. Primary witnesses are individuals who have direct knowledge of the crime because they overheard or observed its occurrence. This classification would include crime victims who observed or who were otherwise involved in the offense. Eyewitnesses would also be included

here. Secondary witnesses possess information about related events before or after the crime. Informants (or street sources) and victims who did not observe the crime would be best classified as secondary witnesses.

A suspect can be defined as any individual within the scope of the investigation who may be responsible for the crime. Note that a witness may be initially considered a suspect by the police because information is not available to rule him or her out as the one responsible for the crime.

Besides the basic information about the particulars of the criminal event and possibly the actions of the perpetrator (to establish a *modus operandi*), another important type of information often provided by witnesses is eyewitness descriptions and identifications. Such information is quite powerful in establishing proof but the problem is that eyewitness identifications are often quite inaccurate and unreliable.

Along with physical evidence, witnesses, and suspects, there are a number of other sources that can provide useful information in a criminal investigation. These include psychological profiling, crime analysis, and the general public.

— *Psychological profiling* is a technique for identifying the major personality, behavioural, and background characteristics of an individual based upon an analysis of the crime(s) he or she has committed. The basic theory behind psychological profiling is that the crime reflects the personality and characteristics of the offender much like how clothes, home decorations, and the car you drive reflect, to some degree, your personality.

— *Crime analysis* is another potentially powerful source of information in a criminal investigation. Crime analysis is the process of identifying patterns or trends in criminal incidents.

— *The general public* is a potentially useful source of information in criminal investigations. The public consists of people who have information relating to a particular crime or criminal but often cannot be identified through traditional methods (like a neighborhood canvass) [14].

Exercise 2. Find in the text the English equivalents for Russian legal terms and expressions:

Установление личности преступника; вещественные доказательства; орудия преступления; место преступления; источник информации; свидетели; очевидцы; обладать информацией; подробности преступления; действия преступника; широкая общественность (неограниченный круг лиц); опрос соседей.

Exercise 3. Answer the following questions:

1. What is the major problem for the police in conducting criminal investigations?
2. What is physical evidence?
3. What kind of items does physical evidence include?
4. What can physical evidence link?
5. Who are the primary witnesses?
6. Who are the secondary witnesses?
7. What is psychological profiling?
8. What is crime analysis?
9. Who does the general public consist of?

Exercise 4. Match the sources of information with their definitions:

psychological profiling	the process of identifying patterns or trends in criminal incidents
crime analysis	a potentially useful source of information consisting of people who have information relating to a particular crime or criminal but often cannot be identified through traditional methods
general public	a technique for identifying the major personality, behavioural, and background characteristics of an individual based upon an analysis of the crime(s) he or she has committed

Text 5: Crime Scene Reconstruction

Exercise 1. Read and translate:

Crime scene reconstruction is determined as the process of working out the sequence of events before, during, and after the commission of a crime.

In forensic science, there are three areas of importance in determining the components of a crime scene: (1) specific incident reconstruction, (2) event reconstruction, and (3) physical evidence reconstruction. Specific incident reconstruction is connected with road traffic accidents, bombings, homicides, and accidents of any severity. Event reconstruction deals with connections between evidence, sequence of events, and identity of those involved. Physical evidence reconstruction focuses on such items as

firearms, blood traces, glass fragments, and any other objects that can be stripped for DNA analysis.

Reconstruction starts when the investigator takes a first walk through the scene where the crime took place. Even at this stage, it may be possible to construct a rough hypothesis of what may have happened and how. A hypothesis is a set of ideas or a general picture of what may have happened.

While the investigator is forming a first impression, others are recording the scene and gathering evidence. Crime scenes vary enormously, from a petty theft or break-in to violent crime that may involve fire or explosions. The principles of investigation remain the same, although the investment of time and energy into it will vary with the seriousness of the crime. The investigator will want to establish who was involved, what are the identities of the victim, perpetrator, and witnesses. They also need to know where, when, how, and why the crime took place.

The crime scene is first documented through note-taking, video, photography, and sketching. The investigating team will then search for, record, collect, and take away various kinds of evidence such as tool marks, hair, bloodstains, fibers, and footprints.

To render trace and other types of evidence valid and admissible to the court, it is essential to have strict control of how the site is investigated to avoid undue interference or contamination. That is why access to the crime scene has to be limited and those involved will always proceed from the police cordon to the site of the crime itself down a common approach path, which will be set so as to allow minimal interference with any evidence.

The investigators often carry out their own experiments to test the hypothesis. For instance, in establishing the relative location of victim and perpetrator in a shooting incident, it is important to know the distance between the gun and the point of impact. Was the victim shot from in front or behind? Was the suspect shooting at point-blank range or from a distance? Simulation experiments to solve this question would involve shooting an identical weapon from different distances at a laboratory target. The resulting damage from the bullet could then be compared to that found at the actual scene of the crime.

The investigators must then relate all the evidence they have collected and analyzed with other information, such as autopsy reports and witness statements, continually refining or even rejecting their original hypothesis.

New information may continue to come in and must be examined to see if it is consistent with the hypothesis. A murder weapon or even a body may be found during the investigation. Maybe a witness will change or

add to their statement. The final reconstruction is the investigator's presentation of the sequence of events before, during, and after the crime. It gives the location and position of everyone involved. More important, it tells how and why the crime occurred. The investigators can expect to be challenged in court, of course. While investigators can never be sure of what actually happened at the scene of the crime, if they have used scientific principles and their experience in the reconstruction they can play a valuable role in explaining the crime and seeing that justice is done.

Exercise 2. Complete the sentences:

1. _____ deals with road traffic accidents, bombings, homicides, and accidents of any severity.

2. A _____ is a set of ideas or a general picture of what may have happened.

3. While the investigator is _____ a first impression, others are _____ the scene and _____ evidence.

4. The investment of time and energy into the investigation varies with the _____ of the crime.

5. The crime scene is _____ through note-taking, video, photography, and sketching.

6. Only those involved will always proceed from the _____ to the site of the crime itself.

7. Witnesses may sometimes change or add to their _____.

8. The _____ gives the location and position of everyone involved and tells how and why the crime occurred.

Exercise 3. Find in the text the English equivalents for Russian legal terms and expressions:

Реконструкция места преступления; последовательность событий; судебно-медицинская экспертиза; первичное предположение (гипотеза); общая картина; мелкая кража; взлом; насильственное преступление; неоправданное вмешательство; доступ к месту преступления; полицейское оцепление; вскрытие; орудие убийства; быть оспоренным в суде; играть важную роль; правосудие свершилось.

Exercise 4. Choose the correct preposition:

1. Specific incident reconstruction deals *for / with* road traffic accidents, bombings, homicides, and accidents of any severity.

2. Physical evidence reconstruction focuses *in / on* such items as firearms, blood traces, glass fragments, and any other objects.

3. The crime scene is first documented *from / through* note-taking, video, photography, and sketching.

4. The investigators often carry *out / on* their own experiments to test the hypothesis.

5. The resulting damage *from / for* the bullet could then be compared to that found at the actual scene of the crime.

Grammar Revision: Prepositions

Правильное употребление предлогов составляет особую сложность в английском языке, что связано с рядом факторов. Прежде всего, это многозначность таких служебных слов. Один и тот же предлог может иметь множество значений, связанных с разными контекстами. Например, предлог **in** может означать:

— нахождение предмета внутри чего-либо: The pen is in the box.

— нахождение лица в определённом месте: My sister lives in Moscow.

— указание на определённое время суток: We met with my colleagues in the morning.

— указание на определенный год (The suspect was born in 1983.) и так далее. Можно привести ещё более десятка случаев употребления данного предлога в английском языке, не говоря уже о многочисленных случаях, когда его использование обусловлено особенностями управления конкретных существительных (например, decrease in — снижение числа чего-либо) или глаголов (например, specialize in — специализироваться в чём-либо). Ниже приводится сводная таблица, включающая наиболее часто используемые предлоги английского языка и примеры их функционирования в конструкциях с существительными и глаголами.

Существительное + предлог

Предлог	Пример использования
against	crime against — преступление против
for	arrest for — арест за; case for — случай для; criteria for — критерии для; compensation for — компенсация за; conditions for — условия для; ground for — основание для; problem for — проблема для;

Предлог	Пример использования
	program for — программа для; reason for — причина для; responsibility for — обязанность за; service for — услуга для; technique for — методика для; unit for — единица чего-либо
from	damage from — урон от; information from — информация от
into	entry into — проникновение в
of	accidents of — случаи; act of — действие; amount of — количество; availability of — доступность; category of — категория; commission of — совершение; consumption of — потребление; cost of — стоимость; circumstance of — условие; degree of — степень; destabilization of — дестабилизация; dissatisfaction of — неудовлетворение; division of — подразделение; effect of — эффект; element of — элемент; evidence of — свидетельство; example of — пример; feature of — черта; field of — поле; goal of — цель; gravity of — тяжесть; hypothesis of — гипотеза; identity of — личность; knowledge of — знание; length of — длина; location of — местоположение; method of — метод; nature of — природа, сущность; object of — объект; observation of — наблюдение;

Предлог	Пример использования
	process of — процесс; percentage of — процент; picture of — картина; position of — положение; preparation of — подготовка; principle of — принцип; profitability of — выгода; progression of — развитие; purpose of — цель; removal of — удаление; result of — результат; scene of — сцена (место); sequence of — последовательность; seriousness of — серьёзность; set of — набор; severity of — суровость; site of — место; scope of — масштаб; source of — источник; stage of — сцена; supply of — поставки; task of — задача; term of — срок; theft of — кража; type of — тип; variety of — многообразие; victim of — жертва; use of — использование
to	access to — доступ к; alternative to — альтернатива; danger to — угроза; effort to — усилие; intent to — намерение; obstacle to — препятствие; right to — право
with	cooperation with — сотрудничество

Глагол + предлог

Предлог	Пример использования
at	aim at — нацеливаться на
in	engage in — участвовать; involve in — вовлекать; keep in — содержать; specialize in — специализироваться
into	classify into — классифицировать; divide into — разделяться на; organize into — объединять(ся)
for	intend for — предназначать; provide for — обеспечивать; select for — подбирать; wait for — ждать; convict for — осуждать на
from	deter from — сдерживать; separate from — отделять; release from — выпускать; vary from ... to — варьироваться от... до...
of	charge of — обвинять; consist of — состоять; convict of — осуждать за
on	base on — основываться на; depend on / upon — зависеть от; go on — <i>зд.</i> продолжаться; impose on — навязывать
out	carry out — выполнять; spread out — распространять; work out — вырабатывать
to	add to — добавлять; belong to — принадлежать; listen to — слушать; pose to — представлять собой; refer to — ссылаться на; relate to — относить к; report to — подчиняться; respond to — реагировать; sentence to — приговаривать; transfer to — переносить

with	associate with — ассоциироваться; charge with — обвиняться в; comply with — подчиняться; deal with — иметь дело с; fit with — подходить
up	make up — составлять

Exercise 1. Choose the right preposition (refer to the list: Существительное + предлог):

1. All the cadets have different degrees *of / in* ability.
2. They are charged with possession of a gun with intent *to / of* commit a robbery.
3. He didn't realize the severity *of / on* the committed offence.
4. It is essential to avoid the damage *of / from* hazardous activities of some plants.
5. We need measures to limit the scope *in / of* criminals' activities.
6. The law recognizes a person's fundamental right *to / for* defend one's home and his property.
7. Most businesses provide useful services *of / for* their customers.
8. Cooperation *of / with* the residents increases the effectiveness of the work of police.
9. This criminal always leaves behind a calling card at the scene *in / of* each crime.
10. Investigators use a lot of various techniques *at / for* solving crimes.
11. There were no grounds *of / for* detention that man.
12. Any punishment for the crime preparation, provided it is not a repeated commission *of / for* crime, cannot exceed half of the maximum punishment envisaged in the relevant chapter of the Criminal Code.
13. The increasing availability *of / in* illicit drugs has caused quantitative and qualitative local drug abuse changes.
14. The study shows the increasing percentage *in / of* crime figures.
15. Both registered data and victimization surveys are necessary to provide more accurate picture *at / of* crime.

Exercise 2. Choose the right preposition (refer to the list: Глагол + предлог):

1. The measures taken are aimed *on / at* increasing the stability in this region.
2. He will report *to / at* a federal prison in this region.

3. The criminal was sentenced *for / to* a ten-year imprisonment.
4. Strict measures deterred people *from / against* committing some serious offences.
5. This man was convicted *for / of* crimes he did not commit.
6. It is crucial to respond quickly *to / at* residents' complaints.
7. That was intended *to / for* fighting the terrorism.
8. All our activities comply *to / with* the law.
9. Judges refer *to / with* the precedents while deciding new cases.
10. Police offices have to deal *at / with* unabiding citizens.

Exercise 3. Translate the following sentences into Russian. Mind the prepositions.

1. Совершение преступного деяния подтверждается наличием состава преступления.
2. Преднамеренная преступная деятельность состоит из нескольких этапов: подготовка, покушение и совершение.
3. Во время ареста имеет значение, обвиняется ли преступник в совершении уголовного преступления или проступка.
4. Лицо, обвиняемое в уголовном преступлении, должно предстать перед судом, обладающим юрисдикцией в отношении данного вида преступлений.
5. Тяжесть преступления может зависеть от его степени опасности для жизни.
6. Грабеж — это совершение кражи в условиях насилия.
7. Некоторые виды наказания требуют от правонарушителей предоставления компенсации за ущерб, причиненный их преступлениями.
8. Правонарушители, приговоренные к общественным работам, оказывают услуги государству или обществу.
9. Судья может назначить испытательный срок в качестве альтернативы тюремному заключению.
10. Условно-досрочное освобождение — это не альтернативное наказание, а скорее привилегия, предоставляемая некоторым заключенным после отбытия определенного срока наказания.
11. Молодые люди, совершившие что-то незаконное, содержатся в центрах содержания под стражей, потому что они слишком молоды, чтобы попасть в тюрьму.
12. Тюремны подразделяются на уровни содержания под стражей, где более опасные заключенные отделены от менее опасных.

13. Поселения являются пенитенциарными учреждениями открытого типа, и в них содержатся правонарушители, осужденные на срок до 5 лет за преступления, совершенные по неосторожности, и преступления небольшой и средней тяжести.

14. Правонарушители, приговоренные к лишению свободы на срок более 5 лет за совершение особо тяжких преступлений, отбывают наказание в тюрьмах.

15. Уголовное расследование — это официальная попытка раскрыть информацию о преступлении.

16. Уголовное расследование — это последовательность действий или шагов, переходящих от задач по сбору доказательств к анализу информации, разработке и проверке теории, и, в итоге, приводящих к аресту и предъявлению обвинения подозреваемому.

17. Электронное наблюдение включает в себя мониторинг использования человеком своих телефонов, электронной почты и социальных сетей.

18. Следователь принимает решение о том, какое оборудование требуется в конкретном случае и должен знать, как наиболее эффективно его использовать.

19. Уголовные расследования могут быть либо реактивными, когда полиция реагирует на уже совершенное преступление, либо упреждающими, когда расследование может продолжаться до и во время совершения преступления.

20. Процесс оперативного уголовного расследования может быть организован в несколько этапов.

21. Вещественные доказательства — это доказательства материального характера, имеющие непосредственное отношение к преступлению.

22. Основными свидетелями являются лица, которые непосредственно знают о преступлении, потому что они невольно слышали или наблюдали за его совершением.

23. Доступ на место преступления должен быть ограничен.

24. При установлении относительного местоположения жертвы и преступника в инциденте со стрельбой важно знать расстояние между пистолетом и точкой удара.

25. Первоначальное расследование, состоит из непосредственных действий патрульного офицера, который прибывает на место преступления после его совершения.

Unit 4
CRIME SCENE SEARCH.
RESPONSIBILITIES OF POLICE OFFICERS AT THE CRIME SCENE.
COLLECTING EVIDENCE, TYPES OF EVIDENCE

Text 1: Crime Scene Searching

Exercise 1. Read and translate:

The crime scene is the area where the crime was committed or where signs of offense were discovered. Crime scene search means special investigative and operational activities intended to examine the place of crime in order to clear up the purpose, motive of the crime, to identify the offender as well as to establish the nature and extent of the damage, the causes and conditions that contributed to the crime, and to identify the responsible person. The main reason for conducting the survey is a disclosure of a crime.

Arrival to the crime location must be done as soon as possible. The first step is to establish a restricted outer perimeter by using a rope or a barrier for keeping onlookers away from the indicated area. Police barricades and guards are to help with securing the scene, as well.

Before collecting the evidence, the crime scene investigators have to ascertain the proceedings of a search process.

The initial steps in the crime scene investigation can be regarded as a **Scene Recognition** stage. The other equally important moment is **the Scene Documentation**. Its function is to present consistent images of the crime scene through an application of written notes and reports, videography, photographs and sketching. The report should contain only the facts given in a chronological order, excluding any analysis or conclusion.

The searching team should take the photographs before anything is moved, handled or initiated into the scene. The pictures will assist in the analysis process since they serve as a visual record of the scene and the detected evidentiary items. Sketching a crime scene depicts the position and relationship of items. The advantage of a sketch is in its covering ability for both the entire scene and its particular aspects. The sketch artist may point out the height of the doorframe, the size of the room, the distances between some objects, or the diameter of the hole left with a bullet.

Along with Scene Recognition and Scene Documentation stages, the recovery step of the crime scene searching, called **the Evidence Collection**, which provides the law enforcement investigation with the necessary information.

After the main stages of a search, the final survey should be conducted. Its mission is to review all aspects of the process. The personnel should discuss the search. The final photo of the scene is supposed to show the final condition of the latter. In this stage, the investigating team has to ensure that all evidence is found, and all documentation is correct and complete. Documented in a quality manner results of crime scene search help to reconstruct the events and, therewith, provide further background information for making a successful conclusion of the case.

The process of crime scene search should be organized properly and accurately. Cases can remain unexposed if the officer or investigator conducting a search accepts some pieces of evidence as inconsiderable and fails to collect and preserve them. Thus, the personnel engaged into the process should be well informed about the search rules of the crime scene [15].

Exercise 2. Answer the following questions:

1. What is a crime scene?
2. What are the main purposes for crime scene searching?
3. What is the main reason for conducting the survey?
4. When must arrival to the crime location be done?
5. What are the main stages of a search?
6. What is the function of the Scene Documentation?
7. When does the searching team take photographs of the crime scene?
8. What are the main advantages of sketching?
9. What is the mission of the final survey?
10. How should the process of crime scene search be organized?

Exercise 3. Categorize the words from the list:

Rope, investigator, sketch, conclusion, collecting, onlooker, doorframe, sketching, depicting, barrier, offender, survey, bullet, documentation, sketch artist, photograph, recognition.

person	item	process
...

Text 2: Integrity of the Crime Scene. Crime Scene Securing

Exercise 1. Read and translate:

When an investigator arrives at a crime scene, the need to protect that crime scene becomes a requirement. The first priority is to protect the life and safety of people, the need to protect the crime scene and its related evidence is a secondary concern. As part of crime scene management, protecting the integrity of the crime scene involves several specific processes:

a) Locking down the crime scene

Very often, first responders and witnesses, victims, or the arrested suspect may still be inside the crime scene. Locking down the crime scene means that all ongoing activities inside the crime scene must stop, and everyone must leave the crime scene to a location some distance from the crime scene area. Once everyone has been removed from the crime scene, a physical barrier, usually police tape, is placed around the outside edges of the crime scene.

b) Setting up crime scene perimeters

Defining of the edges of the crime scene with tape is known as establishing a crime scene perimeter. The crime scene perimeter defines the size of the crime scene, and it is up to the investigator to decide how big the crime scene needs to be. The size of a crime scene is usually defined by the area where the criminal acts have taken place. For some crime scenes with natural barriers, such as buildings with doorways, it is easy to create a crime scene perimeter defining access.

c) Establishing a path of contamination

Once the crime scene perimeter has been established and lock down has taken place, it becomes necessary to ensure that no unauthorized persons cross that perimeter. The next step is to establish a designated pathway where authorized personnel can re-enter the crime scene to conduct their investigative duties. This pathway is known as a path of contamination and it is established by the first investigator to re-enter the crime scene after it has been locked down.

d) Establishing crime scene security

One of the most important aspects of securing the crime scene is to preserve the scene with minimal contamination and disturbance of physical evidence. It is necessary to establish a security system that will ensure that no unauthorized person(s) enters the crime scene and causes contamination. For this purpose, a crime scene security officer is assigned to regulate the coming

and going of persons from that crime scene. The assigned security officer is responsible for creating and maintaining the Crime Security Log. He should also ensure that there is no immediate threat to other responders as well as to survey the scene for dangerous persons and control the situation and notify supervisory personnel and call for assistance if necessary [16].

Exercise 2. Answer the following questions:

1. What is the first priority in the crime scene search?
2. What is a secondary concern in the crime scene search?
3. What specific processes does protecting of the crime scene involve?
4. What does locking down the crime scene mean?
5. What is generally placed around the outside edges of the crime scene?
6. What is establishing a crime scene perimeter?
7. What does the crime scene perimeter define?
8. What is a path of contamination?
9. Who is the path of contamination established by?
10. Why is a security system necessary to be established?
11. Who is assigned to control the integrity of a crime scene?
12. What is the assigned security officer responsible for?

Exercise 3. Find in the text the English equivalents for Russian legal terms and expressions:

Неприкосновенность места преступления; безопасность людей; оцепление места преступления; полицейская лента; естественные границы; траектория наименьшего воздействия; уполномоченный персонал; посторонние лица; порча вещественных доказательств; журнал; непосредственная угроза; руководящие сотрудники.

Text 3: Evidence Collection

Exercise 1. Read and translate:

All items that are considered as evidence are of great importance for a case solving. Evidence Retrieval occurs with the help of specific methods, techniques and procedures. The kinds of evidence may include: trace evidence (broken glass, unknown chemicals, drugs, and paint residue), impressions (footwear, fingertips), body fluids (blood), hair and fibers, documents (suicide note, diaries), weapons, and firearms evidence (knives, guns, bullet holes). The process of searching the crime scene evidence is tedious and time-consuming. It may involve many people from different organizations. Moreover, police officers, the district attorney, crime

investigators, the medical examiner, specialists and detectives should be present at the crime scene. However, for making the final decision and finding the problem resolution only one person should be in charge.

The process of gathering evidence has its own organization. First, the authorized team must initiate a preliminary survey of the scene and recognize special problem areas. Cautiously walking through the search area, the investigator has to identify and protect transient physical evidence. The required actions of a prior survey include taking preliminary photographs, selecting a narrative technique (written, audio, or video), and developing a general theory of the crime. The investigators begin a detailed search after conducting the preliminary survey.

The search for physical evidence signifies recognition of the items as pieces of evidence and their proper collecting. Detailed survey includes some search methods to be applied.

a) Strip or lane search pattern is usually used for covering large or open areas. During such investigation search personnel will line up shoulder to shoulder; usually an arm's distance away from each other and move slowly along examining parallel strips of terrain. Moving forward together the team tries to avoid missing areas.

b) Grid search method is suitable for indoors and outdoors searching. It is the most thorough seeking technique. Checking the area primarily from east to west and then from south to north, provides a double check of the inspected area.

c) Spiral or circular search method may be used for outdoor or underwater exploration. It is conducted by a single searcher who moves either from outermost boundary towards the center or the centermost to outward.

d) If the scene is divided into smaller sectors that are assigned for doing a thorough search by team members, we are dealing with zone or sector search method.

Searching team should remember that crime scenes are three-dimensional and, therefore, it is required to look up. If any item comes into view, the investigator must immediately preserve it, tag and log it for a crime record. The forensics will be provided with the accurate information received in a Documentation stage owing to a visual record of the process. This stage occurs during a second walk-through of the scene. The equipment and devices applied during the scene investigation include digital and film cameras, various lenses, flashes, filters, a tripod, a sketchpad, graph paper, measuring tape, rulers and a notepad. All these are

the techniques of a documenting phase. While searching the scene, the personnel and the person in charge have to take into account a lot of details: if there are any signs of forced entry, if there is anything out of place or if there are any tire marks in the area around the building. Thus, the investigator must be able to recognize what should be present at a scene but is not (victim's vehicle/wallet) and what is out of place and might have been left by the assailant [17].

Exercise 2. Find in the text the English equivalents for Russian legal terms and expressions:

Раскрытие преступления (дела); поиск вещественных доказательств; неизвестные химические вещества; частицы краски; предсмертная записка; пулевые отверстия; задействовать людей; окружной прокурор; судмедэксперт; район поиска; выстраиваться плечом к плечу; поисковая группа; протокол осмотра места преступления; измерительная лента; линейка; блокнот; принимать во внимание; признаки взлома; транспортное средство; кошелёк; преступник.

Exercise 3. Choose the right words:

1. Broken glass is a (an) *impression* / *trace evidence*.
2. Bullet holes are *impressions* / *firearms evidence*.
3. The district attorney *is* / *is not* allowed to be present at the crime scene.
4. Walking through the search area, the investigator has to *remove* / *identify* transient physical evidence.
5. The investigators begin a detailed search *after* / *before* conducting the preliminary survey.
6. The search for physical evidence signifies *protection* / *recognition* of the items as pieces of evidence.
7. Strip or lane search pattern usually involves *one person* / *several persons*.
8. Spiral or circular search method may be used for *outdoor* / *indoor* exploration.

Exercise 4. Using the text, find the words which have a similar meaning to:

- a search
- to collect evidence
- a forensic scientist
- a criminal

Text 4: Managing Evidence

Exercise 1. Read and translate:

Physical evidence is of value only if it helps to prove a case or clear a suspect. The most valuable evidence may be worthless if inefficiently handled. Thus, finding, collecting and preservation of physical evidence are the most important phases in a criminal investigation.

«Physical evidence is something that is concrete, something that can generally be measured, photographed, analyzed, and presented as a physical object in court. Circumstantial evidence is, as the name implies, a specific circumstance. For example, a suspect is accused of burglary, and the shoes he is wearing are proved to have made certain impressions found at the scene of a crime. The shoes and the imprint are physical evidence, while the fact that the suspect was wearing the shoes when arrested is circumstantial evidence. Someone else could have worn the shoes at the time the burglary was committed, therefore that type of evidence is not specific as are the shoe and the imprint.» [18]

If there are witnesses, the investigator needs corroborative evidence; if there are no witnesses, the entire case must often be proved through physical evidence alone.

The intrinsic value of physical evidence often depends on its location. A hat on one's head has little significance but if it is found beside a murder victim it might become of great importance.

There is no such thing as a perfect crime, a crime that leaves no traces — there is only the inability to find the evidence.

When the investigating officer arrives at a crime scene it is necessary that he should first protect the scene and prevent anybody from touching any object.

The preliminary survey is to acquaint the investigating officer with the entire scene and its important details. After he has completed his preliminary survey the photographer may go to work. It is important that the investigator should accompany the photographer, pointing out various objects of possible evidential value. He should note possible location of latent prints (invisible prints), and guard against contamination of such objects and surfaces.

After the general scene has been completely photographed, the officer with casting equipment casts all possible imprints, if such are present, and then the fingerprint man should work on various objects. He should also note movable objects where fingerprints may be found, and should carefully remove them to a safe place for dusting and developing later.

As the fingerprint man completes his work, the investigator may go to work thoroughly searching the scene of possible evidential value.

As evidence is found, it should be marked, carefully packaged, each article separately, and placed in some locality where it will not be destroyed or contaminated, until it is transported to a laboratory.

Exercise 2. Complete the sentences using the words from the box:

circumstantial, value, a cast, examined, the preliminary survey, to clear, contamination, to prove, marked, fingerprints, gathering, removed, corroborative, to protect

1. Physical evidence is of value only if it helps ... a case or ... a suspect.

2. The first phase in handling physical evidence is ... all potential evidence at the scene of a crime.

3. If a shoe imprint is found at the crime scene, ... should be made and compared with the shoe.

4. ... may be found on any object of possible evidential value.

5. No article should be moved or touched until it has been photographed and ... for fingerprints.

6. If there are witnesses, the investigator needs ... evidence.

7. The first responsibility of an officer is ... the crime scene.

8. The investigating officer should prevent ... of objects which may bear fingerprints.

9. After being photographed objects where fingerprints may be found should be carefully ... from the scene.

10. When the fingerprint man completes his work, the investigating officer should examine the scene for articles of possible evidential

11. All evidence found at the scene of a crime should be ... and packaged carefully and transported to a laboratory.

12. The aim of ... is to acquaint the investigator with the entire crime scene and its important details.

13. Besides physical and corroborative there is also ... evidence.

Exercise 3. Read the definitions and give the name of the corresponding actions or notions:

1. All articles found at the scene of a crime which help prove a case are called

2. The prints of the hands left by a criminal on objects which he touched during the commission of the crime are called ...

3. The process of observing the whole of the crime scene and noting the location of its objects is called

4. The process of using special powder to develop latent prints is called

5. A person who can give information about the crime or the criminal is called a

6. An imprint left by the criminal which cannot be seen without special techniques is called

Exercise 4. Translate the sentences into English:

1. Следователь должен собрать все вещественные улики на месте преступления.

2. Во время предварительного осмотра следователь знакомится с местом происшествия и его деталями.

3. Цель вещественных улик — обеспечить доказывание.

4. Полицейский должен обеспечить сохранность места происшествия.

5. Каждый преступник оставляет следы.

6. Предметы на месте преступления нельзя трогать, поскольку на них могут быть отпечатки пальцев.

7. Все предметы, на которых могут быть скрытые отпечатки, следует осторожно изъять с места происшествия.

8. Все вещественные улики, найденные на месте происшествия, должны быть промаркированы, упакованы и отправлены в лабораторию.

Text 5: What are the Different Types of Evidence?

Exercise 1. Read and translate:

Evidence collected at a scene may be extremely useful for the investigation, because this may prove that a crime has been committed, establish key elements of a crime and link a suspect with a crime scene or a victim, establish the identity of a victim or suspect, corroborate verbal witness testimony and even exonerate the innocent.

There are several types of evidence that may be used in a court setting. Evidence can be direct or circumstantial. Direct evidence is the items in a court case that can be seen or certain types of eyewitness testimony. Circumstantial evidence is usually a series of events or characterization that implies guilt. All the facts that are collected for a court case are tied together to help a judge or jury make a decision to convict or not to convict someone on trial.

Direct evidence can be physical objects or testimony under oath that leads directly to the crime and person who committed it. This type of proof should point to the guilty person and should leave no doubt. It should prove the exact circumstances of the crime. [19]

Physical evidence is one type of direct evidence and is often much more reliable than testimonial evidence. Physical evidence can be any material or object and take any form (be large as a building, fleeting as an odor, small as a hair and even microscopic as DNA). Common Types of Physical Evidence are: drug and toxic substance, resins, plastics, fingerprints, paints, explosive residues, hair, gunshot residues (GSR), serial numbers, tissues, firearms and ammunition, documents, pollen, impressions, fibers, wood material, petroleum products, soil, feathers, alcohols (esp. ethanol), glass, bones, rubber material, blood and other body fluids, tool marks.

Physical evidence refers to any material items that would be present at the crime scene, on the victims, or found in a suspect's possession. The physical signs tell the story of how the crime was believed to have happened. Some of the physical signs can be gathered right away. This can include broken glass, weapons, drugs, and other items left behind at the scene.

Other physical evidence taken from a crime needs to be gathered and then examined at a lab. This could include blood or hair samples. Even though the item is physical, it has to be sent to a lab where forensic scientists will observe it and determine its identity and origin. Once the lab can give investigators a full report on these items, they can often be used to prove guilt in court. DNA is a type of physical evidence that is used in many cases, and it is considered highly reliable, especially for excluding suspects.

Circumstantial evidence is all the actions that can imply guilt of a suspect. A person who is on trial for a criminal case may be asked to reveal what he or she did in the weeks before the crime or the weeks after the crime. The events that occurred during this time could foreshadow that person committing the crime.

Another form of circumstantial evidence is witness testimony. People who know the person on trial may talk under oath about his or her character or how he or she would react in specific situations. This type of testimony is to showcase that the person under suspicion has the mental ability to commit the crime. It usually takes a combination of circumstantial and direct evidence to convict someone of a crime.» [19]

Exercise 2. Find in the text the English equivalents for these Russian legal terms and expressions:

Улики; ключевые элементы; личность потерпевшего; личность подозреваемого; показания свидетелей; показания очевидцев; оправдать невиновных; предполагать виновность; показания под присягой; не оставлять сомнений; образцы; предоставить полный отчёт; доказать виновность в суде; ДНК; токсичные вещества; боеприпасы; следы использования инструментов; отправлять в лабораторию; исследовать в лаборатории; полный отчёт; исключить подозреваемых; подразумевать виновность; обвиняемый; быть под подозрением; обвинить в совершении преступления.

Grammar Revision: The Gerund

Герундий — неличная форма глагола, оканчивающаяся на **-ing** и обладающая свойствами глагола и существительного. По своему значению герундий приближается к русским отглагольным существительным, обозначающим процесс, например:

burning — горение, building — строительство

investigating — расследование, discussing — обсуждение

Формы герундия

	<i>Active</i>	<i>Passive</i>
<i>Non-Perfect</i>	investigating	being investigated
<i>Perfect</i>	having investigated	having been investigated

Примечание. Отрицательная частица **not** употребляется **перед** герундием: not investigating, not being investigated.

Свойства герундия

Герундий, как и все неличные формы глагола, обладает двойной природой и объединяет в себе свойства глагола и имени существительного.

Глагольные свойства герундия

1. Герундий имеет формы действительного и страдательного залога:
I don't like interrupting people. Мне не нравится прерывать людей.
I don't like being interrupted. Мне не нравится, когда меня прерывают.

2. Герундий имеет формы относительного времени. Перфектная форма герундия обозначает действие, предшествующее действию глагола-сказуемого. Неперфектная форма обозначает действие, происходящее одновременно с действием глагола-сказуемого или следующее за ним.

They accuse him of lying. Они обвиняют его в том, что он лжет (одновременность).

They accuse him of having lied. Они обвиняют его в том, что он солгал (предшествование).

3. Герундий может определяться наречием.

Reading aloud is useful. Читать вслух полезно.

Свойства имени существительного, присущие герундию

1. Герундию могут предшествовать предлоги:

He is **against discussing** this problem here. Он против того, чтобы обсуждать эту проблему здесь.

2. Герундий может определяться притяжательным местоимением или существительным в притяжательном падеже.

I don't mind **your** being present. Я не возражаю, чтобы вы присутствовали.

We were surprised at **John's** appearing on TV. Мы удивились, что Джон выступил по телевидению.

Однако в современном английском языке наряду с притяжательным местоимением и существительным в притяжательном падеже герундий может определяться существительным в общем падеже или личным местоимением в объектном падеже.

Обладая рядом свойств имени существительного, герундий часто выступает в предложениях в качестве дополнения и следует за глаголом-сказуемым. Часть глаголов управляет герундием напрямую, без предлога, а часть глаголов требует после себя сначала предлог, а уже затем герундий. Ниже приведены два списка таких глаголов.

Глаголы, после которых непосредственно следует герундий:

- admit — допускать
- avoid — избегать
- appreciate — ценить
- complete — завершать
- confess — признаваться

- consider — рассматривать
- deny — отрицать
- delay — задерживать
- discuss — обсуждать
- enjoy — получать удовольствие
- excuse — извиняться
- fancy — нравиться
- finish — заканчивать
- involve — включать в себя
- justify — оправдывать
- keep — продолжать
- mention — упоминать
- mind (в отрицательных и вопросительных предложениях) —

возражать

- miss — пропускать
- practice — заниматься
- postpone — откладывать
- quit — прекращать
- recall — вспоминать
- risk — рисковать
- resist — противостоять
- report — сообщать
- resent — негодовать
- suggest — предлагать
- tolerate — терпеть

Глаголы, управляющие предлогами:

- accuse of — обвинять
- apologize for — извиняться
- approve of — одобрять
- count on — рассчитывать
- carry on — продолжать
- complain of — жаловаться
- confess to — признаваться
- congratulate on — поздравлять
- depend on — зависеть
- dream of — мечтать
- decide against — решать

- disapprove of — не одобрять
- forgive for — прощать
- give up — бросать
- hear of — слышать
- insist on — настаивать
- know of — знать
- keep on — продолжать
- look forward to — ожидать с нетерпением
- object to — возражать
- put off — откладывать
- prevent from — мешать
- persist in — упорствовать
- rely on — полагаться
- result in — приводить к
- succeed in — удаваться
- speak of — говорить
- suspect of — подозревать
- take to — войти в привычку
- thank for — благодарить
- think of — думать
- warn against — предупреждать

Exercise 1. In the following lists of verbal and non-verbal forms find:

Non-Perfect Gerund Active

building, are building, have been building; am playing, being played, playing; is studying, studying, being studied.

Non-Perfect Gerund Passive

to be taken, being taken, is taken; is learning, having learnt, being learnt; to be reading, is being read, being read.

Perfect Gerund Active

to have done, being done, having done; having been lost, having lost, have lost; have gone, to have gone, having gone.

Perfect Gerund Passive

having seen, being seen, having been seen; to have been assisted, having been assisted, have been assisting; have been examining, having examined, having been examined.

Exercise 2. In the following sentences find different forms of gerunds and translate the sentences

1. She couldn't get used to being treated so kindly.
2. She couldn't get used to the old man treating her so kindly.
3. We were surprised at not having been asked anything.
4. She was surprised at her mother not having asked anything.
5. My colleague apologized for having made a decision in my absence.
6. My colleague apologized for their having made a decision in my absence.
7. This cadet is proud of having won the prize.
8. We are proud of her having won the prize.
9. We suspected her of having told us a lie.
10. They insisted on the document being signed.
11. I hope he apologized for having kept you waiting.
12. He hates criticizing people.
13. He hates being criticized.
14. She denies having met him yesterday.
15. This idea is worth considering.

Exercise 3. Insert correct prepositions where necessary and translate the following sentences

1. We don't mindmentioning the fact.
2. He never confessed having committed this crime.
3. Father hatedbeing contradicted by any one of us.
4. You shouldn't risk driving so fast.
5. His father doesn't approve his going to Europe.
6. They insisted my doing this job.
7. She admitted being wrong.
8. City life is too busy for me: I really miss living in the country.
9. We had to postponegoing to the library as it had been closed for the holiday.
10. She is looking forward returning to her country.

Exercise 4. Translate the following sentences paying attention to the Gerund:

1. It was a difficult task of deciding who was an offender.
2. After studying the theory we can start experimenting.
3. Supporters of capital punishment believe that death deters others from committing such crimes.

4. They insisted on him being guilty.
5. The mere presence of the police is a factor which prevents people from committing offences.
6. I knew of your having been given a promotion.

Unit 5

INTERROGATING SUSPECTS. CRIME SOLUTION

Text 1: Interviewing — Questioning — Interrogating

Exercise 1. Read and translate:

To properly secure and manage the statement evidence that is gained during interactions with suspects or possible suspects, it is important for investigators to understand the actions that should be taken at each stage, while remembering that interviewing, questioning, and interrogating are terms that refer to separate stages in the process of gathering verbal responses from a suspect or a possible suspect. But each stage is different in relation to when and how the information gathering process can and should occur. The differences between these three stages needs to be defined in the mind of the investigator since they will move through a process of first interviewing, then questioning, and finally interrogating a suspect.

Interviewing a possible suspect is the first stage and the lowest level of interaction. In fact, the person is not even definable as a suspect at this point. Suspects often report criminal events while posing as witnesses or even victims of the crime. The investigator receiving a statement report from such a person may become suspicious that they are not being truthful. The transition point for an investigator to move from interviewing a witness or victim to detaining and questioning the person as a possible suspect should occur when real evidence is discovered giving the investigator reasonable grounds to suspect that the person is involved in the event.

Questioning a suspect is the next level of interaction. For a suspect to be questioned, there will be some type of circumstantial evidence that allows the investigator to detain that suspect. This right to not talk does not preclude the investigator from asking questions, and the investigator should continue to offer the suspect an opportunity to disclose information that may be exculpatory and enable the investigator to eliminate that person as a suspect in the crime being investigated.

Interrogation is the most serious level of questioning a suspect, and interrogation is the process that occurs once reasonable grounds for belief have been established, and after the suspect has been placed under arrest for the offence being investigated. Reasonable grounds for belief to make such an arrest require some form of direct evidence or strong circumstantial evidence that links the suspect to the crime [20].

Exercise 2. Find in the text the English equivalents for Russian legal terms and expressions:

Взаимодействие; возможные подозреваемые; определяться в качестве подозреваемого; заявление; быть правдивым; давать разумные основания подозревать; быть причастным к событиям; задержать подозреваемого; раскрывать (разглашать) информацию; оправдательный; помещать под арест.

Exercise 3. Complete the sentences:

1. The first level of interaction is *questioning* / *interviewing* / *interrogation*.
2. The second level of interaction is *interrogation* / *questioning* / *interviewing*.
3. The final level of interaction is *interviewing* / *questioning* / *interrogation*.

Text 2: Interrogation

Exercise 1. Read and translate:

The interrogation of criminals or suspects and interviewing witnesses is the greatest source of direct information in the general administration of criminal justice. The line of distinction between an interrogation and an interview is very thin. Both involve questioning and more important, listening. Interviewing is the process of general questioning of victims, witnesses and others who may have knowledge about the criminal activity and who are "non-suspects" at the time of the encounter. The interrogation concerns the legal aspect of questioning and is the systematic questioning of a criminal suspect or a person who is reluctant to disclose information in his possession which is relevant to the investigation. In some respect interrogation refers to special police facilities and procedures of sleuthing. During the interview a "non-suspect" may become a suspect, the questioning then becomes interrogation.

Police and investigators depend on interrogation as a principal means of determining facts and resolving issues. Thus, interrogation is a part of an investigation but it does not substitute for the investigation. The object of interrogation is to discover the truth and to prepare a criminal case for the prosecution in court, that is to develop evidence of guilt, to prove this guilt and to punish the person responsible for the crime and to recover the stolen property.

The success of any interrogation depends primarily on the efforts and specialized abilities of the investigator, a good decision-making judgement being quite indispensable for a technique of a successful interrogator. Every good investigator should be patient, tactful, composed, persistent and sympathetic, but he should be firm if it is necessary.

The subject of interrogation may be any person who has relevant information concerning the case. It may be a victim, a complainant, an accused, a witness and a criminal. They may be cooperative or uncooperative, willing or unwilling. In any case the officer should choose and follow the right line of interrogation.

A successful investigator never forgets that his attitude to the subject of interrogation may be the key to the solution of a case. When a witness does not want to take part in criminal investigation he falsely denies the facts he knows and the officer fails to get the information. In this case the interrogator should neither threaten nor intimidate him. He tries to persuade the witness that he is shirking his duty as a citizen if he does not reveal the truth and without its discovering it will be impossible to solve the crime.

As a rule, initial questioning by a police officer obtains a description of a suspect. In addition to inquiry about sex, race, age, height, clothing, glasses, hair length and facial appearance, the officer asks about the distinctive marks of the suspect, i.e. the most unusual features of his appearance. These questions force a subject to think about the overall appearance of the suspect and often result in establishing important information, e.g. the suspect has an artificial leg, gold teeth, or a scar running from one eye to the corner of his mouth. Such details may appear the most vital in the total process of identification, location and apprehension of the criminal [21].

Exercise 2. Answer the following questions:

1. What do both interrogation and interview involve?
2. What is interviewing?
3. What does interrogation concern?
4. Why may interview become interrogation?
5. What are the main qualities of a good investigator?
6. What should the investigator do if a witness falsely denies the facts?
7. Should the investigator intimidate witnesses?
8. Who may be considered as the subject of interrogation?

Exercise 3. Find in the text the English equivalents for Russian legal terms and expressions:

Допрос преступников; допрос подозреваемых; опрос свидетелей; источник информации; отправление правосудия; уголовное правосудие; правовой аспект; иметь отношение к расследованию; слежка; установление фактов и решение проблем; узнать правду; обвинение в суде; доказательства вины; наказать виновного в преступлении; вернуть похищенное имущество; потерпевший; истец; ложно отрицать факты; запугивать; уклоняться от гражданского долга; особые приметы; установление личности преступника; установление местонахождения преступника; задержание преступника.

Text 3: Interrogation Conditions

Exercise 1. Read and translate:

Interrogation generally takes place in the formal environment of an interview room and is often tape-recorded or video-recorded to preserve the details of what was said. A video recording is the preferred means because it accurately represents the environment of the interview room in which the interrogation was conducted. In challenging the processes of an interrogation where a statement has been made by an accused, defense counsel will look for anything that can be pointed to as an oppressive environment or threatening conduct by the investigator. Within the appropriate bounds of maintaining an environment of safety and security, the investigator should make every effort to demonstrate sensitivity to these issues.

Seating in the room should be comfortable and balanced for face to face contact. The investigator should not stand over the suspect or walk around the room behind the suspect while conducting the interview. More than one investigator in the room with the suspect can be construed as being oppressive and should be avoided. The suspect should be offered a beverage or food if appropriate and should be told that a bathroom is available for their needs upon request. The demeanor of the investigator should be non-aggressive and calm, demonstrating an objective professional tone as a seeker of the truth. Setting a non-aggressive tone and establishing an open rapport with the suspect is not only beneficial to demonstrate a positive environment to the court, it also helps to create a positive relationship of openness and even trust with the suspect. This type of relationship can be far more conducive to gaining cooperation towards a statement or even a confession.

Prior to beginning the actual interrogation, the investigator should prepare an interrogation plan by:

1. Reviewing the suspect's profile, criminal record, and past investigations
2. Reviewing the full details of the existing investigation to date
3. Determining the elements of the offence that will need to be proved
4. Determining if sufficient evidence has already been obtained
5. Examining evidence that demonstrates motive, opportunity, and means
6. Determining what evidence was located and considered in forming reasonable grounds to arrest the suspect
7. What physical evidence has been found that may yet be analyzed to prove the suspect's involvement

Preparing the interrogation plan can assist the investigator in developing a strategy to convince the suspect to answer questions or confess to the crime. Those uninitiated to the process of interrogation might wonder why anyone would possibly choose to answer questions or confess when they have been provided with their Charter of Rights and Freedoms and the standard caution that they are not obliged to say anything, and anything they do say may be used as evidence. There are several reasons that can motivate or persuade a suspect to answer questions or confess. Statements or confessions are often made despite the warnings that would seemingly deter anyone from saying anything. These reasons include:

- Wishing to exonerate oneself,
- Attempting deception to outsmart the system,
- Conscience,
- Providing an explanation to minimize one's involvement in the crime,
- Surrender in the face of overwhelming evidence.

Investigators who are familiar with these reasons and motivations can utilize them in assessing their suspect and developing a strategy for their interrogation plan [22].

Exercise 2. Agree or disagree with the following sentences:

1. Interrogation is never video-recorded.
2. The investigator should maintain an environment of safety and security.

3. The investigator should walk around the room behind the suspect while conducting the interview.
4. Water is available upon a suspect's request during the interrogation.
5. The investigator should prepare an interrogation plan before beginning the actual interrogation.
6. Nothing a suspect says may be used as evidence.

Exercise 3. Find in the text the English equivalents for Russian legal terms and expressions:

Официальная обстановка; видеозапись; делать заявление; адвокат защиты; угнетающая атмосфера; соответствующие границы; проводить допрос; поведение следователя; подготовить план допроса; уголовное прошлое; причастность подозреваемого; признаться в совершении преступления; перехитрить систему; сдаться; неопровержимые доказательства; разработать стратегию.

Text 4: Interviewing Witnesses

Exercise 1. Read and translate:

The information that witnesses provide is a crucial part of an investigation. If you can, try to interview witnesses as soon as possible. Witnesses will remember details with more clarity if you speak to them shortly after the incident occurred.

The following tips will help you to gather accurate information during your interviews:

- Interview witnesses individually. If the witness talks or listens to others describe what's taken place they may subconsciously change their account.

- If possible, try to interview witnesses in the same location the incident took place. This can help jog the witnesses' memory, as well as allow them to point out specifically where something happened.

- Conduct the interview in the language of the interviewee. Use a translator if necessary.

- Emphasize that the goal of the investigation is to prevent future incidents from happening and is NOT to place blame.

- Take notes and be thorough. You can also ask the witness if they would permit you to record the interview.

- Use open ended questions. This prevents you from accidentally influencing the witness's answers.

- Ask the witness to make a list of anyone they saw in the area before the incident occurred.
- Ask the witness what they think could have prevented the incident.
- Finally, summarize the information that you've received from the witness so that they can confirm their account or correct any inconsistencies. Be sure to thank the witness for their assistance.

In contrast to interviews of witnesses, interrogations of suspects are often more accusatory in nature. Usually, interrogations are more of a process of testing already developed information than of actually developing information. The ultimate objective in an interrogation is to obtain a confession.

For obvious reasons, offenders have great incentive to deceive investigators. Understanding this, there are several tools available to investigators who wish to separate truthful from deceptive information. First is the understanding of kinesic behavior, the use of body movement and posture to convey meaning. Although not admissible in court, information derived from an understanding and interpretation of body language can be quite useful in an investigation. The theory behind the study of nonverbal behavior is that lying is stressful and individuals try to cope with this stress through body positioning and movement.

Much like nonverbal behavior, verbal behavior can also provide information about the truthfulness of a suspect. For example, deceptive subjects tend to provide vague and confusing statements, talk very soft or mumble, provide premature explanations, focus on irrelevant (but truthful) points in an explanation, or may claim memory problems or have a selectively good memory. Of course, interpretations of nonverbal and verbal behaviors in terms of deception must consider individual, gender, and cultural differences in personal interaction.

The polygraph is a mechanical means of detecting deception. The polygraph is a machine that measures physiological responses to psychological phenomenon. The polygraph records blood pressure, pulse, breathing rate, and electro-dermal reactivity and changes in these factors when questioned. Interpretation of the resulting chart serves as the basis for a judgment about truthfulness. The theory is that a person experiences increased stress when providing deceptive information and the corresponding physiological responses can be detected, measured, and interpreted. The accuracy of the polygraph depends largely on the skill of the operator and the individual who interprets the results of the polygraph examination. No one can be forced to take a polygraph and polygraph results are seldom admissible in court [14].

Exercise 2. Answer the following questions:

1. Why is it necessary to interview witnesses as soon as possible?
2. Why is it necessary to interview witnesses individually?
3. Why is it necessary to interview witnesses in the same location the incident took place?
4. Why should the investigator use open ended questions?
5. What is the ultimate objective in an interrogation?
6. What is kinesic behavior?
7. What kind of statements do deceptive subjects tend to provide?
8. What is polygraph?
9. What does the polygraph measure?
10. Is everyone forced to take a polygraph?

Exercise 3. Complete the sentences using the words from the box:

to provide	to deceive	to place blame	to take	to thank
to prevent	to interview	to gather	to make	to obtain

1. Be sure ... the witness for their assistance.
2. The goal of the investigation is not
3. For example, deceptive subjects tend ... vague and confusing statements.
4. For obvious reasons, offenders have great incentive ... investigators.
5. The goal of the investigation is ... future incidents from happening.
6. No one can be forced ... a polygraph.
7. The investigator should try ... witnesses as soon as possible.
8. The following tips will help accurate information.
9. Ask the witness ... a list of anyone they saw in the area before the incident occurred.
10. The ultimate objective in an interrogation is ... a confession.

Grammar revision: Continuous Tenses **(The Present Continuous, The Past Continuous,** **The Future Continuous)**

Все три времени группы Continuous (Present, Past and Future) образуются при помощи вспомогательного глагола **to be** в соответствующем времени группы Indefinite + Participle I (-ing form) смыслового глагола.

1. **The Present Continuous** выражает действие, которое происходит в данный момент, что часто подкрепляется обстоятельством времени (now, at the present moment, at this moment и др.)

Cadets **are studying** grammar rules at the moment.

Cadets **are not (aren't) studying** grammar rules at the moment.

Are cadets **studying** grammar rules at the moment? Yes, they are./
No, they aren't.

2. **The Past Continuous** употребляется для выражения двух основных оттенков длительности действия:

а) действие происходило в течение определенного времени в прошлом:

He **was watching** TV at 8 pm yesterday.

He **was not (wasn't) watching** TV at 8 pm yesterday.

Was he watching TV at 8 pm yesterday? Yes, he was. / No, he wasn't.

б) действие происходило в момент начала другого действия:

I **was browsing** the Internet when my friend came round.

3. **The Future Continuous** употребляется для выражения длительности действия в будущем:

She **will be working** at 5 pm tomorrow.

She will not (won't) be working at 5 pm tomorrow.

Will she be working at 5 pm tomorrow? Yes, she will./No, she won't.

Exercise 1. Answer the following questions:

1. Is it raining outside?
2. Is the sun shining?
3. Is it getting dark?
4. Is the wind blowing?

5. Are you writing a test?
6. Are you studying Criminal Law?
7. What are you studying now?
8. What are (is) you (your groupmates, your teacher) doing?
9. Are you wearing uniform?
10. What are you thinking about?

Exercise 2. Answer the following questions:

1. What are you doing right now?
2. What will you be doing at 10 am tomorrow?
3. What will your comrades be doing at 7 pm tomorrow?
4. What were you doing when the lesson started?
5. What are your comrades doing at the moment?
6. What is the teacher doing right now?
7. What were you doing when the teacher asked you a question?

Exercise 3. Put the verbs in the brackets into the Past Continuous Tense.

1. There had been an accident and the men (carry) the injured people to the ambulance.
2. While he (learn) to drive, he had several traffic accidents.
3. The traffic (make) so much noise that I couldn't hear what he (say).
4. I (read) the Economist, while my sister (watch) BBC.
5. They (wait) for her when she finally arrived.

Exercise 4. Open the brackets using the correct form of the verb.

1. I (start) learning the language when I (be) six.
2. When we arrived, our colleague (present) his report.
3. They (travel) to Norway last summer.
4. As I (walk) home from work, I (run) into my boss.
5. He is upset because he (fail) the exam.
6. I took a bath and (go) to bed at 11.
7. He (read) out the data while I (write) it down.
8. Our life (change). Thing never (stay) the same.
9. She (work) as an investigator when she (meet) her future husband.
10. She (cross) the street when she (see) her friend.
11. I (not/drive) very fast when the accident (happen).
12. He (commit) a crime when she (see) him.
13. The fight (last) three hours.
14. It was 7 am. A lot of people (stand) at the bus stop waiting for a bus.
15. It (rain) every single day when I was on holiday.

Exercise 5. Put the following sentences into the negative and interrogative forms.

1. She was translating the text while the others were playing football.
2. He continued his journey after he had changed the tire.
3. She was walking down the street when the car stopped next to her.
4. They received the telegram at 10 o'clock that evening.
5. They were still discussing the plan at midnight.
6. We always went to work by bus.
7. We have been living in this house for five years and we have decided to move.

Exercise 6. Answer the following questions.

1. What were you doing at five o'clock yesterday?
2. What books did your parents use to read to you when you were little?
3. What games did you play when you were six?
4. How long had you been learning English before you entered the university?
5. What subjects did you like most when you studied at school?
6. What was the weather like yesterday?
7. Have you visited Saint Petersburg before?
8. Where did you go last summer?
9. What did you look like when you were a small child?
10. What sports have you been doing?

Exercise 7. Use the correct continuous verb form:

1. The criminals (to plot) the crime when the patrol entered the building.
2. The investigator asks: "What (to do) at 8 pm yesterday?"
3. I'm sorry, I can't help you right now, I (to finish) my report.
4. The offenders (to perform) community works when one of them escaped.
5. Don't worry, the burglar (to serve) his sentence in prison right now.
6. The operatives (to remove) the police tape when they discovered new evidence.
7. The investigator (to conduct) the interview when somebody called him.
8. Be quiet, we (to interpret) the results of the polygraph records.
9. This time tomorrow I (to summarize) the information.

10. The arsonist (to set fire) to his neighbor's car when he was arrested by police.
11. They (to prepare) an interrogation plan at the moment.
12. He (to drive) to work when the incident happened.
13. The witness (to take) a polygraph at 11 am tomorrow.
14. No, we can't be at the meeting at 4 pm tomorrow, we (to interrogate) all the suspects.
15. This time tomorrow the trial (to pronounce) the sentence.

Exercise 8. Choose the correct form of the verb.

1. What *were you doing* / *did* you do when the fire started?
2. She *broke* / *was breaking* her leg when she slipped and landed on ice.
3. I have *seen him* / *saw* him in the office today.
4. I have *lived* / *lived* in Petersburg for two years. Now I am moving to Moscow.
5. My son *has just left* / *left* the college.
6. The criminal got on the motorbike and *had ridden* / *rode* away.
7. While mom *was cooking* / *cooked* I *talked* / *was talking* on the phone.
8. Nobody knew where he *has come* / *had come* from.
9. I *was walking* / *walked* home when I noticed some man who *was trying* / *tried* to break into this house.
10. She *was living* / *lived* in the country when she was little.
11. I *was watching* / *watched* TV when the lights *went out* / *were going out*.
12. I *met* / *was meeting* a friend *when I did* / *was doing* crime scene investigation.
13. She *wore* / *was wearing* a grey uniform.
14. We *decided* / *were deciding* to take his fingerprints.
15. She *paid* / *was paying* for things when she *hear*/was hearing the police office call her name.

Unit 6
FUNCTIONS OF THE COURT.
TRIAL PROCEDURE. COURTROOM PARTICIPANTS

Text 1: What Are the Main Purposes of Courts?

Exercise 1. Read and translate:

Courts are important because they help protect our constitutional rights to equal protection and due process under the law.

Both criminal and civil courts provide the opportunity for the parties to have their cases heard by neutral judges and/or juries. This process ensures that all cases are decided in a fair and consistent manner.

Courts are impartial, and judges are free to apply the law without regard to the status of the parties or the weight of public opinion but in line with human rights.

Court decisions are based on what the law says and what the evidence proves; there is no place in the courts for suspicion, bias or favouritism. The procedures and decisions must be accessible and transparent and apply the rights found in the European Convention on Human Rights (ECHR). This is why justice is often symbolized as a blindfolded figure balancing a set of scales, oblivious to anything that could detract from the pursuit of an outcome that is just and fair.

Courts exist to do justice, to guarantee liberty, to enhance social order, to resolve disputes, to maintain the rule of law, to provide for equal protection to all regardless of background and to ensure the due process of law [23].

Exercise 2. Agree or disagree with the following sentences:

1. Only criminal courts provide the opportunity for the parties to have their cases heard by neutral judges.
2. The procedures must be accessible and transparent.
3. Justice is symbolized as a figure with a torch.
4. Courts provide protection according to the status of the parties.
5. The equality of individuals is essential for all kinds of courts.

Exercise 3. Match the words with their synonyms.

to enhance	just
fair	controversies
disputes	to consolidate
protection	unbiased
impartial	defense

Text 2: Role of the Courtroom Participants

Exercise 1. Read and translate:

The judge is the central figure in a trial and presides over the trial from a desk, called a bench, on an elevated platform. The judge has five basic tasks:

- to preside over the proceedings and see that order is maintained;
- to determine whether any of the evidence that the parties want to use is illegal or improper;
- in jury trials, to give the jury instructions about the law that applies to the case and the standards it must use in deciding the case before it begins its deliberations about the facts in the case;
- in bench trials (cases tried before the judge, without a jury), to determine the facts and decide the case;
- to sentence convicted criminal defendants.

The judge holds a place of honor in the courtroom. Everyone in the courtroom must stand when the judge enters or exits the courtroom. The judge is addressed as "your Honor" or "the Court." In the United States, judges usually wear black robes during trials, which signify the judges' importance. If the judge feels that a person is detracting from the dignity of the proceedings or otherwise disrupting the courtroom, he or she may have the person removed.

The term party in a trial refers to an individual, organization, or government that participates in the trial and has an interest in the trial's outcome. The main parties to a lawsuit are the plaintiff and the defendant.

In a criminal trial, a defendant is a person accused (charged) of committing an offense (a crime; an act defined as punishable under criminal law). Criminal defendants are often taken into custody by police and brought before a court under an arrest warrant. If more than one person is accused, the people may be referred as "co-defendant". In a civil lawsuit, a defendant (or a respondent) is also the accused party, although not of an offense, but of a civil wrong.

A plaintiff is the party who initiates a lawsuit before a court. By doing so, the plaintiff seeks a legal remedy. If this search is successful, the court will issue judgment in favor of the plaintiff and make the appropriate court order (e.g., an order for damages).

The attorneys are present in a trial to represent the parties, but they also have a duty to see that the trial is fair and impartial. Every party in a trial has the right to be represented by an attorney or attorneys. An

attorney's main role is to advise and represent clients and their legal rights in civil and criminal cases, to plead on behalf of the client. In criminal cases, the government is represented by an attorney, known as the prosecutor, who seeks to prove the guilt of the defendant. Criminal defendants may be represented by a public defender, a lawyer appointed by the court, or a private attorney hired by the defendant. If a defendant cannot afford an attorney, the court will appoint one for him. On relatively rare occasions, defendants in criminal cases or parties in civil cases attempt to present their cases themselves, without using a lawyer. Parties who act on their own behalf are said to act *pro se*, a Latin phrase meaning "on one's own behalf."

The witnesses provide testimony about the facts in the case that are in dispute. Through witnesses, a party will attempt to establish the facts that make up the elements of his case. Because the witnesses are asked to testify by one party or the other, they are often referred to as plaintiff's witnesses, government's witnesses, or defense witnesses. A witness must testify truthfully. Before giving testimony in a trial, a witness takes an oath or affirmation to tell the truth; a witness who refuses the oath or affirmation will not be permitted to testify. A witness who testifies falsely commits the crime of perjury.

The jury is a group of citizens seated in the boxed-in area on one side of the courtroom. The jury observes all of the evidence offered during the trial. After the evidence is offered, the judge instructs the jury on the law, and the jury then begins deliberations, after which it will render a verdict based on the evidence and the judge's instructions on the law. In civil trials, the jury determines whether the defendant is liable for the injuries claimed by the plaintiff. In criminal trials, the jury determines the guilt of the accused. In cases where the evidence conflicts, it's the jury's job to resolve the conflict and decide what really happened.

A number of people may also assist the trial judge in conducting the trial. The court reporter, also known as the stenographer, records every word stated during the trial (except where the judge holds a conference off the record) and prepares an official transcript of the trial if a party requests it. The bailiff is an officer of the court who keeps order in the courtroom, has custody of the jury, and has custody of prisoners who appear in the courtroom. Most judges have a law clerk who assists the judge in conducting research and drafting legal opinions. The courtroom deputy, who is usually seated near the judge, administers the oaths to the witnesses, marks the exhibits, and generally helps the judge keep the trial running smoothly [24, 25].

Exercise 2. Match the courtroom participants with their main functions:

an attorney	keeps order in the courtroom
a jury	provides testimony about the facts in the case that are in dispute
a plaintiff	pleads on behalf of the client
a defendant	prepares an official transcript of the trial
a law clerk	seeks a legal remedy
a witness	is a person accused (charged) of committing an offense
a bailiff	renders a verdict based on the evidence and the judge's instructions on the law
a court reporter	assists the judge in conducting research and drafting legal opinions

Exercise 3. Answer the following questions:

1. Who is the central figure in a trial?
2. Who does the judge sentence?
3. In the United States, what do judges usually wear during trials?
4. What does the plaintiff seek?
5. What does the jury render?
6. Who initiates a lawsuit before a court?
7. What is jury's verdict based on?
8. Who instructs the jury on the law?
9. What does the stenographer record?
10. What does the jury determine in criminal cases?

Exercise 4. Find in the text the English equivalents for Russian legal terms and expressions:

Средство правовой защиты; истец; ответчик; обвиняться в чём-либо; ордер на арест; заключать под стражу; гражданское правонарушение; подавать иск в суд; выносить постановление; выступать в суде от имени своего клиента; давать клятву; говорить правду; выносить вердикт; поддерживать порядок в зале суда.

Text 3: Basic trial procedure in the United States

Exercise 1. Read and translate:

1. Selection of a Jury — Jurors are selected for a trial from a pool of available jurors. The judge and attorneys question prospective jurors to find out if a juror has a personal interest in the trial, or a prejudice or bias that may influence them during the course of the trial. The attorneys may challenge undesirable jurors and ask that they be excused from the trial.

2. Opening Statements — Each side begins the trial by outlining the proof that they will present to the jury during the course of the trial. Opening statements are not to be considered evidence, only the expectations of what each side hopes to prove throughout the trial.

3. Presentation of Evidence and Testimony of Witnesses — The plaintiff or prosecution begins the trial by presenting their case first. When a witness is called to testify in a trial, the side that called the witness first asks questions in direct examination. The opposing side then has their opportunity to ask questions in a cross-examination of the witness. Any physical evidence: documents, weapons or photographs, for example, are admitted numbered for identification to be presented in the trial.

During the trial, if an attorney finds objection to a question that is being asked to a witness, they present their objection to the judge. Questions that are objected to are of legal technicality, and may be argued out of the trial. The judge will then let the jury know of any pertinent information needed to make their decision, or instruct them to disregard anything that is not relevant to the trial. The judge's ruling to either sustain or overrule an objection is decided by applying the law that either permits or does not permit the question to be asked or answered during a trial.

When each side has presented all their evidence pertaining to the trial, they “rest” their case.

4. Closing Arguments — The attorneys summarize the evidence that was presented throughout the trial and try to persuade the jury to find in favor of the client they are representing. Since plaintiff has the burden of proof, their side has the first opportunity to open and close the trial.

5. Presentation of Jury Instructions (Charging the Jury) — The judge reads the instructions of law to the jury, defines all issues the jurors must decide on and informs them of the law that governs their specific trial. Jurors are not allowed to decide the outcome of trials based on how they would like the laws to be, but rather on as the laws are. This is the sworn duty of the jury, taken before every trial.

6. Deliberation — The jury retires to a deliberation room to consider the trial and reach a verdict. First, the jury elects a foreperson who ensures discussions regarding the trial are conducted in a sensible and orderly fashion, all issues presented during the trial are fully and fairly discussed, and that every juror is given a fair chance to participate. If the jurors have a question about any part of the trial during their deliberation, they may write it down and have the bailiff deliver it to the judge.

Most states require that a 12-person jury find the trial in favor unanimously for either the plaintiff or defendant. Some states, however, allow for a trial's decision to be based on a majority as low as 7. If the jury fails to reach a unanimous (or, if applicable, a sufficient majority) verdict and finds itself at a standstill (what is known as a hung jury), then the judge can declare a mistrial. If a mistrial is declared, the trial may be simply dismissed, or the trial may have to start over again from the jury selection stage.

When a verdict for the trial has been reached, the jurors that agree with the verdict sign the form and notify the bailiff. The clerk then reads the verdict aloud, and the judge dismisses the jurors from the trial [26].

Exercise 2. Complete the sentences using the words from the box:

summarize	presenting	reach	notify	delivers
declare	to testify	outlining	asks	sign
				dismisses

1. A witness is called ... in a trial.
2. The plaintiff or prosecution begins the trial by ... their case first.
3. The clerk reads the verdict aloud, and the judge ... the jurors from the trial.
4. Each side begins the trial by ... the proof that they will present to the jury.
5. The jury retires to a deliberation room to consider the trial and ... a verdict.
6. If the jury fails to reach a unanimous verdict and, then the judge can ... a mistrial.
7. The attorneys ... the evidence that was presented throughout the trial.
8. The side that called the witness first ... questions in direct examination.
9. When a verdict for the trial has been reached, the jurors ... the form and ... the bailiff.
10. The bailiff ... the jurors' questions about any part of the trial to the judge.

Exercise 3. Answer the following questions:

1. How are jurors selected for a trial in the United States?
2. Why do the judge and attorneys question prospective jurors?
3. How does each side begin the trial?
4. What does an attorney do if he or she finds objection to a question that is being asked to a witness?
5. Why does the jury retire to a deliberation room?
6. Is every juror given a fair chance to participate?
7. What happens if the jurors have a question about any part of the trial during their deliberation?
8. What happens if a mistrial is declared?
9. What happens after a verdict for the trial has been reached?
10. What do the clerk and the judge do after a verdict has been reached?

Unit 7

THE MAIN FEATURES OF THE JUDICIAL SYSTEMS OF RUSSIA AND OTHER COUNTRIES

Text 1: The Judicial System of the Russian Federation and the Prosecutor's Office

Exercise 1. Read and translate:

Justice is administered in the Russian Federation only by the courts. The judicial power is autonomous and acts independently from the legislative and executive powers. Justice is administered in the forms of constitutional, civil, administrative and criminal proceedings [27].

The Constitutional Court and the Supreme Court are the highest judicial bodies of Russia. The judges of these courts are nominated by the President of the Russian Federation and appointed by the Federation Council. Judges of other federal courts are appointed by the President. The creation of emergency courts is not allowed by the Constitution of the Russian Federation.

The Constitutional Court consists of 19 judges and resolves disputes between federal bodies of state power, between bodies of state power of the Russian Federation and bodies of state power of regions of the Russian Federation, and between the highest bodies of state power of regions of the Russian Federation. In addition, upon complaints of violation of citizens' constitutional rights and freedoms and at the request of the courts, it checks the constitutionality of the law applied in a particular case.

The Supreme Court of the Russian Federation is the highest judicial body in the resolution of economic disputes and in civil, criminal, administrative and other matters that are within the jurisdiction of courts established in accordance with federal constitutional law [28].

As the top judicial body, the Supreme Court is the only court competent to consider cases as a court of first instance, court of appeal, court of cassation and as a supervisory instance. The Supreme Court exercises control over the activities of lower courts and provides them with clarifications on issues of judicial practice in order to ensure uniform application of legislation throughout the country [27].

A major judicial reform was launched in 2018, resulting in creation of separate general jurisdiction courts of appeal and cassation. Courts of appeal now hear appeals (both on points of fact and points of law) against decisions adopted in first instance by the courts of constituent entities. A court of appeal is never located in the same region as the court

subordinate to it. Courts of cassation hear cassation appeals (appeals on points of law only) against the appellate decisions of district courts and courts of constituent entities. This ensures the independence of the courts and reduces corruption risks and regional influence.

The law of 1998 introduced the institution of “justices of the peace” who consider minor cases as the first instance (e.g., divorce in the absence of a dispute about children, criminal cases for which the punishment does not exceed three years, etc.). Justices of the peace of constituent entities of the Russian Federation are appointed in accordance with the legislation of the respective constituent entities.» [28] «Justices of the peace administer justice on the local level and have limited jurisdiction. In particular, they consider property disputes with an amount of claims under 50 000 RUB and criminal cases in which the maximum possible punishment does not exceed 3 years of imprisonment. Appeals against decisions of justices of the peace are considered by district courts.

District courts are the basic element of the system of courts of general jurisdiction. They handle most civil, criminal and administrative cases.

In criminal cases regarding a number of crimes, the accused person may request a jury trial. The case is heard by a judge and six jurors when considered in a district court and by a judge and eight jurors when considered in a court of a constituent entity.

There are specialized military courts within the system of courts of general jurisdiction: at the level of garrisons and at the level of military circuits (fleets). They primarily consider civil and administrative cases in which the rights of the military personnel are violated, as well as cases on crimes committed by the military personnel. An Appellate Military Court and a Military Court of Cassation were created during the abovementioned reform [27].

Citizens of the Russian Federation who are over 25 and have a law degree and legal work experience for at least five years may become judges. Judges are independent, irremovable, immune and subject only to the Constitution.

The prosecutor's office is not part of the judicial system and is independent of all branches of power. The Prosecutor's Office system is headed by the Prosecutor General's Office of the Russian Federation, led by the Prosecutor General. He (she) is nominated by the President and appointed by the Federation Council [28].

Exercise 2. Find in the text the English equivalents for Russian legal terms and expressions:

Конституционный суд; Верховный суд; чрезвычайный суд; высшие соответствие Конституции; органы государственной власти; нормативно-правовые акты; жалобы о нарушении прав и свобод граждан; по запросу суда; судебный надзор (пересмотр); суды общей юрисдикции; рассматривать дело в первой инстанции; снижать риск коррупции; мировой судья; неприкосновенный; Генеральный Прокурор.

Exercise 3. Answer the following questions:

1. What are the highest judicial bodies of Russia?
2. According to the Constitution of the Russian Federation, what courts are not allowed to be created?
3. How many judges does the Constitutional Court consist of?
4. What court checks the constitutionality of the law applied in a particular case?
5. What is the highest judicial body in the resolution of economic disputes?
6. Who are the “justices of the peace”?
7. What do judges in Russia subject to?
8. Is the prosecutor’s office part of the Russian judicial system?
9. Who is the Prosecutor General’s Office of the Russian Federation led by?
10. Who is the Prosecutor General nominated and appointed by?

Exercise 4. Complete the sentences using the words from the box:

minor case	the Constitution	matters	the Prosecutor General
general jurisdiction	the Federation Council	legal work	
the constitutionality	the President	law degree	
“justices of the peace”	the President of the Russian Federation		

1. The judges of the Constitutional Court and the Supreme Court are nominated by ... and appointed by
2. The Constitutional Court checks ... of the law applied in a particular case.
3. The Supreme Court of the Russian Federation is the highest judicial body in civil, criminal and administrative
4. In July 2018, the State Duma adopted a law on the creation of separate cassation and appeal courts of ... in Russia

5. The law of 1998 introduced the institution of “justices of the peace” who consider ... as the first instance.
6. The law of 1998 introduced the institution of
7. Citizens of the Russian Federation who are over 25 and have a ... and ... experience for at least five years may become judges.
8. Judges subject only to
9. The Prosecutor’s Office of the Russian Federation is led by
10. The Prosecutor General is nominated by ... and appointed by the Federation Council.

Exercise 5. Translate the sentences:

1. Конституционный суд решает вопросы о соответствии нормативно-правовых актов субъектов РФ Конституции РФ.
2. По запросам других судов, Конституционный суд проверяет соответствие применяемых законов Конституции.
3. Верховный суд Российской Федерации является высшим судебным органом по гражданским, уголовным и административным делам.
4. Мировые судьи рассматривают уголовные дела, по которым срок отбывания наказания не превышает трёх лет.
5. Судьи неприкосновенны и подчиняются только Конституции Российской Федерации.

Text 2: The British Judicial System

Exercise 1. Read and translate:

The judiciary branch of power in Britain is headed by a monarch and is rather complex, partially because of the lack of real written constitution. Due to this, one can name the four law sources there: the legislation (Acts of Parliaments), the common law (based on custom and historic rules), the European Union law (deals mainly with economic and social cases), and the European Convention on Human Rights (guarantees all person’s basic rights protection).

There should be a single system but the UK has three of them: for Northern Ireland, for England and Wales, for Scotland. They are different by form and manner of operation. Even carrying the same names, they are governed by different laws. These three systems reflect the historical origin of the previously independent UK’s parts.

The Queen appoints judges (by the Parliament’s advice) and remits the sentences for convicted criminals. The executives can’t force judges to

act in such or another manner as the latter should be conservative and apolitical. Though, the MPs can make a petition for a judge's removal. In fact, this right was exercised only once — in 1830 in Scotland.

The county's court system has over a thousand year's history. The Ministry of Justice administers it. The British judges operate independently from the government. There exist specific courts for different types of cases: the magistrate and the county courts, the Crown and the High Courts, the Court of Appeal, and the Supreme Court (appeared only in 2009). They deal with public, civil, private, and criminal laws. The criminal trials are to be held in open court with 12 or 15 (in Scotland) jurors who should make a unanimous decision. Meanwhile, in Northern Ireland the trials for terrorist acts may be held juryless in the country [29].

Exercise 2. Match the parts of the following phrases:

The Ministry of Justice	... appoints judges by the Parliament's advice
The Queen	... is based on custom and historic rules
The common law	... guarantees all person's basic rights protection
The European Convention on Human Rights	... operate independently from the government
The British judges	... administers the county's court system

Exercise 3. Answer the following questions:

1. Who is the British judiciary headed by?
2. What are the four main sources of the British judiciary?
3. What is common law based on?
4. Does the Great Britain have a single judicial system?
5. In the United Kingdom, who remits the sentences for convicted criminals?
6. In the UK, can the MPs make a petition for a judge's removal?
7. Are the British judges independent from the government?
8. What British court appeared only in 2009?

Text 3: Role of The Supreme Court in the UK

Read and translate:

The Supreme Court, as well as being the final court of appeal, plays an important role in the development of United Kingdom law. As an appeal court, The Supreme Court cannot consider a case unless a relevant order has been made in a lower court.

The Supreme Court is the final court of appeal for all United Kingdom civil cases, and criminal cases from England, Wales and Northern Ireland. It hears appeals on arguable points of law of general public importance; concentrates on cases of the greatest public and constitutional importance; maintains and develops the role of the highest court in the United Kingdom as a leader in the common law world.

The Supreme Court hears appeals from the following courts in each jurisdiction:

- England and Wales

- The Court of Appeal, Civil Division

- The Court of Appeal, Criminal Division

- (in some limited cases) the High Court [30].

Text 4: The American Judicial System

Read and translate:

The United States is a federal system, with a central federal government and individual governments for each of the fifty states. Each of the states has their own complete judicial system (state courts) as does the United States itself (federal courts). Although there are important differences between the federal courts and between the various state court systems, they do share some common characteristics.

Federal courts can decide cases involving federal law, the U.S. government, conflicts between states or between the U.S. and foreign governments. Federal courts have exclusive jurisdiction only over certain types of cases, such as cases involving federal laws, controversies between states, and cases involving foreign governments. In certain other areas federal courts share jurisdiction with state courts. For example, both federal and state courts may decide cases involving parties who live in different states. State courts have exclusive jurisdiction over the vast majority of cases.

At the top of the federal court system is **the U.S. Supreme Court**, made up of nine justices (Chief Justice and eight Associate Justices) who

sit together to hear cases. Justices of the U.S. Supreme Court, as well as circuit and district judges, are appointed by the President of the United States if approved by a majority vote of the U.S. Senate. These justices and judges serve “during good behavior”— in effect, a life term and may only be removed from office through an impeachment process in which charges are made by the House of Representatives and a trial is conducted by the Senate.

All states have a highest court, usually called a **state supreme court** that serves as an appellate court. Each state supreme court is free to interpret the laws of its state as it sees fit, as long as the interpretation does not violate the United States Constitution.

U.S. circuit courts of appeals are on the next level. There are 12 regional Circuit Court of Appeals and one U.S. Court of Appeals for the Federal Circuit. Panels of three judges hear appeals from the district courts. Each court has the power to review decisions of district courts in its region. Appeals Courts, sometimes called appellate courts, can also review orders of independent regulatory agencies if a dispute remains after the agencies’ internal review processes have been exhausted.

U.S. district courts are the trial courts (courts of first instance) in the federal system. Their criminal cases concern federal offenses, and their civil cases deal with matters of federal law or disputes between citizens of different states (remember subject matter jurisdiction). They’re also the only federal courts where grand juries indict the accused and juries decide the cases. There are more than 90 such district courts throughout the nation. At least one district court is located in each state.

In concurrent jurisdiction cases, plaintiff has the original choice of whether to bring the case in federal or state court. If plaintiff properly brings the case in federal court, then the defendant may not transfer it to state court. If, however, plaintiff chooses to bring a case over which both the state and federal courts have concurrent jurisdiction in a state court, the defendant may have the case transferred, or “removed” to federal court. If neither party wants it heard in federal court, then it remains in state court [31].

GLOSSARY

A

to abide — зд. соблюдать, выполнять
absconding — побег
accomplice — соучастник, сообщник
accused — обвиняемый
actus rea (лат. юр.) — actus rea (физический компонент преступления)
ailment — болезнь, заболевание
armed robbery — вооружённое ограбление
arrest warrant — ордер на арест
arson — поджог
assailant — преступник, нападавший
assassination — “громкое” убийство, вероломное убийство, убийство по политическим мотивам
assault — атака, нападение
at point-blank range — в упор, с очень близкого расстояния
attempt — попытка, покушение, посягательство
attorney — адвокат
autopsy — вскрытие, ~ report — протокол вскрытия
awaiting trial — ожидающий суда

B

bailiff — судебный исполнитель
bias — предвзятое мнение
barbed wire — колючая проволока
battery — зд. побои
bigamy — двоебрачие, многожёнство
blackmail — шантаж, вымогательство
break-in — взлом
bribing — взяточничество, подкуп
to bring to justice — привлечь к ответственности
burglary — кража со взломом

C

capital punishment — смертная казнь (высшая мера наказания)
cattle theft — кража (угон) скота
to challenge (in court) — обжаловать (в суде)

circumstantial evidence — косвенные доказательства
civil suit — гражданский иск
to commit (crime) — совершить (преступление)
community service — общественные работы
compos mentis (лат. юр.) — находящийся в здравом уме, вменяемый
to confine — зд. заключить в тюрьму
to convict — признать виновным, осудить
corporal punishment — телесное наказание
corpus delicti (лат. юр.) — состав преступления
correctional institution — исправительное учреждение
corroborative evidence — подкрепляющие доказательства
court setting — судебное разбирательство
courtroom — зал суда, ~ deputy — помощник судьи
criminal act (action) — преступление, преступное деяние
Criminal Code — Уголовный Кодекс
crowbar — лом, монтировка
culprit — преступник, виновник
custody level — уровень охраны

D

dash camera — автокамера, авторегистратор
death penalty — смертная казнь
to declare a sentence — объявить приговор
defendant — ответчик, обвиняемый, подсудимый, подзащитный
deprivation of liberty — лишение свободы
detention center — центр содержания под стражей, следственный изолятор
to deter — удерживать
deterrent to further crime — сдерживающее средство от совершения дальнейшего преступления
to disclose a crime — раскрыть преступление
distribution of drugs — распространение наркотиков
DNA — ДНК
drug dealing — наркоторговля

E

embezzlement — хищение, растрата
escape — побег

evidence — улики, доказательства
to execute sentences — исполнять наказания
executive — зд. исполнитель
to exonerate — оправдать, реабилитировать
extortion — вымогательство, шантаж

F

felon — преступник, уголовник
felony — уголовное преступление
fine — штраф, взыскание
forgery — подделка, фальсификация
forced entry — проникновение со взломом
fraud — мошенничество, обман, махинация

G

gambling — азартные игры, игорный бизнес
grid search — прочёсывание местности группой людей «по сетке»
с перекрытием проходов
guilty — виновный

H

helplessness — беспомощность, беззащитность
to hold prisoners — содержать заключённых
homicide — убийство
house arrest — домашний арест

I

intent (evil ~) — умысел (злой ~)
in-presence requirement — требование присутствия
indictment — обвинительный акт; обвинительное заключение; предъявление обвинения
imprisonment — тюремное заключение, лишение свободы
to imply guilt — подразумевать вину
incarceration — тюремное заключение, лишение свободы

J

jury — зд. присяжный; суд присяжных

jail — тюрьма (для краткосрочного заключения, небольшая и местного значения)

К

kidnapping — похищение людей

L

larceny — кража, воровство, хищение

to launch charges — выдвигать обвинения

law and order — правопорядок

law clerk — судебный клерк, судебный делопроизводитель

lawsuit — судебный процесс, судебное разбирательство

legal remedy — средство правовой защиты

libel — клевета

life imprisonment — пожизненное заключение

likely to attempt escape — склонный к попытке побега

loan-sharking — ростовщичество

lock-up — тюрьма, изолятор

М

manslaughter — непредумышленное убийство, причинение смерти по неосторожности

maritime piracy — морское пиратство

maximum-security prison — тюрьма с максимальной изоляцией заключенных

mens rea (лат. юр.) — вина, преступный умысел

minimal security — общий режим

misdemeanor — правонарушение

money laundering — отмывание денег

murder — убийство

N

negligence — небрежность, халатность, (by ~ по неосторожности, по недосмотру)

О

object of crime — объект преступления

offender — правонарушитель
offense — правонарушение
omission — бездействие
open prisons — неохраняемая тюрьма
organized crime — организованная преступность

Р

panel of justices — коллегия судей
parole — условно-досрочное освобождение
path of contamination — дорожка наименьшего воздействия
penalty — наказание
penitentiary — исправительное учреждение
perjury — лжесвидетельство, дача ложных показаний
perpetrator — преступник, злоумышленник, виновник
petty theft — мелкая кража
physical evidence — вещественные доказательства
plaintiff — истец
to plot a crime — замышлять преступление
primary witness — основной свидетель
proceedings — судопроизводство
premeditated — преднамеренный, предумышленный
principal — зд. частник, исполнитель
prior criminal record — криминальное прошлое
to prosecute — преследовать в судебном порядке, привлекать к ответственности
prosecutor — прокурор
prison — тюрьма (для осужденных на срок более 1 года), ~ cell — тюремная камера
probation — испытательный срок, условное осуждение
public disturbances — общественные беспорядки
punishment cell — карцер, штрафной изолятор

Р

racketeering — рэкет, вымогательство
ransom — выкуп
rape — изнасилование, насилие
rowdyism — хулиганство
reckless driving — опасное вождение
to recover — зд. возмещать

recurrent — зд. рецидивирующий, повторяющийся
to remit sentence — отменить приговор
repeat offender — рецидивист
repeat crime — повторно совершаемое преступление
restitution — возмещение, компенсация
robbery — ограбление, разбой

S

sentence (short ~ — краткий срок, long ~ — длительный срок)
sentencing — вынесение приговора
to serve sentence (punishment, term) — отбывать наказание (срок)
settlement — зд. колония-поселение
shoplifting — магазинная кража
smuggling — контрабанда
speeding — превышение скорости
stakeout — засада, слежка
subject of crime — субъект преступления

T

tax fraud — налоговое мошенничество
testimony — показания
theft — кража, воровство
treason — (государственная) измена, предательство
trial court — суд первой инстанции

U

underworld — преступный мир
unlawful assembly — незаконное собрание (демонстрация, митинг)

V

vagrancy — бродяжничество
to violate — совершать (применять) насилие, нарушать
violation — насилие, нарушение, осквернение
violence — насилие

W

white-collar crime — должностное («беловоротничковое») преступление

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