

The response clearly identifies areas of tension between community interests and individual rights. It uses some relevant legislation and case law to demonstrate knowledge and understanding. The inclusion of more relevant law and a more detailed discussion of the issues raised could have achieved a better analysis.

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Start here.

There is often much tension between the interests of the community and the right of the individual's freedoms, within the criminal justice system. The communities interests are often very much concerned with the ideas of justice being served for the victim and having the safety of the community paramount. However the individual's rights and freedoms whether it be a criminal offence or the general public must also be considered by the criminal justice system.

The idea of too much policing power is ~~often~~ a contemporary issue within the criminal justice system. Are police now armed with possibly more than they need with the introduction of tasers, as weapons to fight crimes. Police power in NSW are held under the legislation the Police (Powers and Responsibilities) Act 2002. Under this piece of legislation it holds the rights of police to hold individual suspects for four hours in a police station. The question is raised is this a violation of young children's rights and freedoms? The community may feel four hours is too long for a child as adult suspects are susceptible to the same duration. Does this detention held on suspicion

ion of a crime violate the freedoms of children in Australia under the international law the <sup>on</sup> ~~of~~ the Rights of the Child.

Community interests place a great deal of emphasis on safety, which in the criminal justice system is enforced through policing; but also situational crime prevention means like CCTV cameras in public places. These community expectations can ~~not~~ be seen as by some as an invasion of privacy, where the thought of big brother always watching is in the ~~innocent~~ innocent individuals mind. Tension in the area of violations of the individuals rights is also seen in the use of sniffer dogs in airports and public places, as the innocent are punished on the account of possibly guilty persons.

A key part of the criminal justice system is the trial. <sup>+ sentencing.</sup> ~~Whether the trial there is often~~ within the trial and sentencing there is often conflict between the rights of the accused and the victim and the community. An example of this would be the victim impact statement delivered by the victim to tell how the crime affected their life.

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This can be seen to cause bias and leave the jury or judge even to pass a guilty verdict or heavier sentence.

Plea bargaining or charge negotiation is probably where the most tension exists between community interests and individuals rights and freedoms. Plea Bargaining is the Prosecution (DPP) negotiating a guilty plea to a lesser sentence with the defence. This ensures a guilty plea and sentence but is often done in secret and leaves the victim and community questioning whether justice has been served.

This is evident in the case R. v. Larpama 2001. Mr Larpama hung his young daughter off the balcony killing her, then held his son and wife "at knife point" in the car with the body. The DPP sought a plea bargain to manslaughter through an abnormality of the mind claim, which was accepted behind the back of ~~Kelly~~ Kelly. This outraged her as she believed there was enough evidence for a murder charge, leaving her and the community feeling justice was not served. Larpama ended up ~~receiving~~ receiving 12 years with a non parole period of 8 for his crime.

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In post sentencing decisions there is also tension between the rights of individuals and of the community. Sex offenders are placed on a sex offenders registration list once they have served their jail time. Communities expect this is a fair outcome, but it can be questioned whether once a person has been punished for their crime should they be given a clean slate.

The criminal justice system has a very difficult task in balancing the rights of the individual and the community's best interests. Both aspects must be taken into account in order for justice to be served. This justice can be achieved through evaluation and law reform initiatives, within the criminal justice system.