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A crime is an act or ~~error~~ omission against the community at large that is punishable by the State. Criminal ~~law~~ law is the backbone of civilisation in modern day societies that prevents anarchy and chaos - however, such procedures and methods in order to maintain law and order in the ~~Societies~~ Societies may create tensions between community interests and individual rights and freedoms within the Criminal Justice System.

One of the most controversial aspects in the criminal justice system is the role of discretion within police powers and in the hands of higher authority. Police powers are mostly contained under the Law Enforcement (Powers and Responsibilities) Act; these give police officers in New South Wales to search ~~and arrest~~ people and seize things, make arrests and charges, gather evidence and ensure that people adhere by the law.

The tensions between community interests and individual rights is that through these powers - an individual's right to privacy can be instantly abolished. Discretion plays a role in searches and arrests as police are allowed to use any "reasonable" force necessary to arrest someone, which in 2009 left a North Sydney man dead ~~of~~ with a bullet lodged in his chest.

Another conflicting issue is the use of Victim Impact Statements that significantly impact sentences on the accused if found guilty. They are allowed through the Victim Impact Statement Act - and is now even allowed to proceed in such courts as children's courts. Although the victim - or if dead, the victim's family have individual rights to be heard and openly grieve; and the community is influenced by such love and admiration for this person - the accused has a right to a fair trial under Common Law; the manipulation of a sentence denies the allegedly accused of one.

Community interests further heighten when cases of crimes in regards to children occur. According to the *hide and seek* report; children from the ages of 10-14 are drastically increasing the crime rates. This particular age is when the latin term *Doli Incapax* is debatably and ~~the~~ the presumption of innocence can be rebutted. The reason why there is tension amongst young offenders is that the criminal system mainly runs on the welfare model instead of the Justice Model - and here means ~~rehabilitation~~ rehabilitation is taken into consideration as opposed to justice for the victim and society. This is clearly seen in the case of Bulger, a toddler in the United Kingdom who was lured away from his mother at the store and brutally murdered and dismembered by two 10 year old boys.

Due to the immense public outrage and media-provoked tensions, these boys were charged as adults and were sentenced to a hefty amount of time in jail.

Although in this case the Justice model was utilised, the court proceedings and jury were heavily influenced by the power of the media and the boys' individual rights and threat to their freedoms were directly conflicted with communal interests.

One of the most controversial and tension-arousing aspects of crime is ~~the two~~ ^{the two} the different post detention methods, that is - preventative detention and continued detention.

Preventative detention causes a lot of conflict between ~~the right to freedom and community interests~~ individual rights to freedom within the criminal justice system and community interests. This is because this term refers to the detainment or incapacitation of a person who has not done anything criminal yet - but is 'perceived to do so'. An example of this is the terrorism ~~laws~~ laws ~~that~~ and attacks that occurred in America. Due to the 9/11 attacks, terrorism laws have been reformed all over the world, and if someone is suspected to be involved in such a crime - it is in the community's best interest to keep the individual locked up and unable to get out.

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However, this takes away an individual's right to liberty and presumption of innocence, as can be seen in the International Convention on Civil and Political Rights - and even in Australian Common Law.

Continued detention however is the act of keeping a guilty person who has already been accused and spent ~~his~~ ^{their} sentence in jail; imprisoned for longer. This can be done ^{for} numerous ~~ways~~ reasons such as the criminal feels no remorse, has not learned his lesson or even shows no signs of improvement. This may also come as a continuous rejection of parole, ^{as it is in the} 'best interest' of the community. This violates an individual's rights and freedoms within the criminal justice system and projects itself as an unjust way to treat another human being that possesses all the same rights as everyone else.

Although there are many factors that create tensions between community interests and individual rights and freedoms - the Criminal system also puts a lot of factors ~~and~~ ⁱⁿ ~~place~~ ^{to} prevent cruel and unusual abuse towards rights and freedoms. This can be seen through the police being overlooked by the NSW Police Ombudsman and the Police Commissioner - just in case they treat a civilian unjustly, in a search or arrest.

In conclusion, Modern Day society has a lot of conflicting issues in regards to popular interest and individual rights and freedoms in the criminal justice system. In order for the law to propel itself in regards to justice and equality - it must continue to try and ~~settle~~ prosper ~~then~~ in a dynamic world; through law reform and ~~re~~ evaluations of how to balance rights and freedoms with public interest.

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