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Thus, there is continuing political debate on criminalization versus decriminalization, focusing on whether it is appropriate to use punishment to enforce the various public policies that regulate the nominated behaviours. After all, society could deal with unpopular behaviour without invoking criminal or other legal processes. Following the work of Schur, the types of crime usually referred to include the sexually based offences of prostitution, paraphilia i. Since, however, societal views have changed greatly, for example, prostitution, often considered a victimless crime, is classified by some countries as a form of exploitation of women—such views are held in Sweden, Norway and Iceland, where it is illegal to pay for sex, but not to be a prostitute the client commits a crime, but not the prostitute, see Prostitution in Sweden. When deciding whether harm to innocent individuals should be prohibited, the moral and political beliefs held by those in power interact and inform the decisions to create or repeal crimes without apparent victims. These decisions change over time as moral standards change. For example, Margaret Sanger who founded the first birth control clinic in New York City was accused of distributing obscene material and violating public morals. Information about birth control is no longer considered obscene see the U. Within the context of a discussion Feinberg: This reflects a more fundamental problem of legal consistency. People have the right to engage in some self-destructive activities. For all its carcinogenic qualities, tobacco is not a prohibited substance. Similarly, the excessive consumption of alcohol can have severe physical consequences, but it is not a crime to consume it. This is matched in gambling. The state and its institutions often rely on lotteries, raffles, and other legal forms of gambling for operating funds, whether directly or indirectly through the taxation of profits from casinos and other licensed outlets. Qualitatively, there is nothing to distinguish the forms of gambling deemed illegal. A side effect of turning too many people into criminals is that the concept of crime becomes blurred and genuine criminality becomes less unacceptable. If the key distinction between real crime and moral regulation is not made clearly, as more consensual activities become crimes, ordinary citizens are criminalized for tax-evasion, illegal downloading, and other voluntary rule-breaking. A further perceptual problem emerges when laws remain in force but are obviously not enforced, i. Alternatively, if the activities prohibited are consensual and committed in private, this offers incentives to the organizers to offer bribes in exchange for diverting enforcement resources or to overlooking discovered activity, thereby encouraging political and police corruption. Thus, any deterrent message that the state might wish to send is distorted or lost. More generally, political parties find it easier to talk dismissively about crimes if they are classified as victimless because their abolition or amendment looks to have fewer economic and political costs, i. This may reflect a limited form of reality that, in the so-called "victimless crimes", there are no immediate victims to make police reports and those who engage in the given behaviour regard the law as inappropriate, not themselves. This has two consequences: Because these crimes often take place in private, comprehensive law enforcement often including entrapment and the use of agent provocateurs would consume an enormous amount of resources. It is therefore convenient for the law enforcement agencies to classify a crime as victimless because that is used as a justification for devoting fewer resources as against crimes where there are "real" victims to protect; and These crimes usually involve something desirable where large profits can be made, e. The hidden crime factor[ edit ] Because most of these crimes take place in private or with some degree of secrecy, it is difficult to establish the true extent of the crime. The "victims" are not going to report it and arrest statistics are unreliable indicators of prevalence, often varying in line with local political pressure to "do something" about a local problem rather than reflecting the true incidence of criminal activity. In addition to the issue of police resources and commitment, many aspects of these activities are controlled by organized crime and are therefore more likely to remain hidden. These factors are used to argue for decriminalization. Low or falling arrest statistics are used to assert that the incidence of the relevant crimes is low or now under

control. Alternatively, keeping some of these "vices" as crimes simply keeps organized crime in business. Decriminalization of public order crimes[ edit ] Maguire and Radosh To assert that the shades of behaviour represented by such "crimes" should be retained or decriminalized ignores the range of arguments that can be mustered on both sides, but the most fundamental question remains whether the government has the right to enforce laws prohibiting private behaviour. Arguments in favor of decriminalization[ edit ] Those who favor decriminalization or legalization contend that government should be concerned with matters affecting the common good, and not seek to regulate morality at an individual level. Indeed, the fact that the majority ignore many of the laws, say on drug-taking, in countries founded on democratic principles should encourage the governments elected by those majorities to repeal the laws. Failure to do so simply undermines respect for all laws, including those laws that should, and, indeed, must be followed. It is unlikely that this application of power would be accepted even if history showed such high-profile enforcement to be effective. Prohibition did not prevent the consumption of alcohol, and the present War on Drugs is expensive and ineffective. Those who favor decriminalization also point to experience in those countries which permit activities such as recreational drug use. There is clear evidence of lower levels of substance abuse and disruptive behavior. The presence of public order crimes encourages a climate of general disrespect for the law. Many individuals choose to violate public order laws, because they are easily violable, and there is no victim to complain. This encourages disrespect for the law, including disrespect for laws involving crimes with victims. The right of the individual to do what they will, so long as they harm no other, or society as a whole, is a generally accepted principle within free and democratic societies; [1] criminalization of acts that others feel are immoral, but are not clearly proven to be harmful, is generally violative of that principle; although exceptions mayâ€™and doâ€™apply. For example, the simple possession of child pornography or engaging in animal cruelty is criminal, in most civilized nations; however, there is no direct victim except the animal, whose rights are not cognizable by law ; the reason for its criminalization is the "bad tendency" of these acts; persons who derive pleasure from acts such as these often have depraved desiresâ€™it can be inferred that people who abuse animals, rarely stop thereâ€™and that people who possess child pornography will seek more than just mere depictions. There are questions of the victimlessness of such supposed "exception" crimes as well as criticisms of the validity of assuming "bad tendencies" though. One example of criticism of the idea of criminalizing cruelty to animals out of a bad tendency in the people who do it instead of animal suffering is that research on the ability of animals to suffer by studies of animal brains is often used to determine what animals should be covered by laws against cruelty to animals, as shown in controversies about extending such laws to fish and invertebrates in which animal brain studies not forensic psychiatry on humans are the main cited arguments both for and against criminalization. It is also pointed out that computer games with "cruelty" to virtual mammals are legal in most Western countries while cruelty to real mammals is not, again showing that it is inner animal suffering and not outer body language that is relevant regardless of whether or not animals are formally classified as victims in courts. The notion of cruelty to animals as a predictor of violence to other humans is also criticized for lacking consistency with the evolutionary notion of empathy being gradually extended from close relatives to more distant relatives according to which cruelty to other humans should predict cruelty to animals but not the other way, explaining the appearance of cruelty to animals being a risk factor for violence to humans as a result of criminal investigation spending more resources investigating people known to abuse animals for human violence while people with no history of animal abuse or animal neglect more easily get away with violence to other humans due to being less investigated. In the case of child pornography depicting real children not cartoons , victimlessness is questioned as circulation of pornographic images of people taken when they were too young to consent to it may injure their personal integrity. In the case of cartoons it is pointed out that the same psychiatrists who argued for criminalization which in most countries where it is present happened later than criminalization of pornography with real children suggesting that it was not for the same reasons have used the same arguments to acquit or strongly reduce sentences for statutory rape in cases where they deemed the victim to "look older", which critics cite as an example of it being counterproductive to protecting children, arguing that a societal transition from visual age guessing to ID checking would reduce statutory rape. There are other arguments than depravity to ban pornographic

cartoons depicting minors however, including curtailment of profit from such cartoons which explains why such laws in some European countries have exceptions for cases when the creator and the possessor are the same person in which no transaction is involved. It is also argued that passive marijuana smoking de facto constitutes victimization in some cases of drug use. More generally it is argued that civilized punishment should be based on deterrence, while basing punishment on assumptions of depravity leads to inhumane and uncivilized punishment as the assumption that some people are inherently bad leads to an appearance of persecution being "necessary". It is also argued that since higher priorities of criminal investigation of people considered depraved can find statistical correlations by higher percentages of criminals in profiled groups being caught compared to non-profiled groups no matter if there is a link or not as a self-fulfilling prophecy, preventing it from being self-correcting and making it possible for depravity arguments to lead to anyone being classified as depraved and, as a result, a general loss of freedom. It is therefore argued that depravity arguments should be categorically avoided, as any "exception" would be a mobile goal post. Due to public order crimes not having a victim, someone aside from a victim has to be used to report public order crimes, and someone other than the sovereign people itself has to be delegated to enforce the public order laws for examples of direct popular enforcement of laws, see hue and cry, posse comitatus, and the last vestige of democratic law enforcement today, the jury. This results in the development of an apparatus of coercion, a class of "law enforcers" within society, but separate from society, in that they are tasked with enforcing laws upon the people, rather than the people enforcing their own law. This inevitably results in violations of individual freedom, as this class of "law enforcers" seeks more and more power, and turns to more and more coercive means. Public order crimes often pertain to behavior engaged in especially by discernible classes of individuals within society racial minorities, women, youth, poor people, and result in the criminalization or stigmatization of those classes, as well as resentment from those classes against the laws, against the government, or against society. Public order crimes will end up being selectively prosecuted, since it is not possible to prosecute them all. This creates or reinforces class, gender, or race based criminalization or stigmatization. It also is a very powerful tool for political persecution and suppression of dissent see Selective enforcement. It produces a situation in which otherwise upstanding citizens are committing "crimes" but in the absence of mens rea guilty mind and without even being aware of the fact that their behavior is or was illegal until it becomes convenient to the state to prosecute them for it. The natural variation in internal moral compass, which often turns out to be beneficial to society, or to stem from variations of understanding which will always be with us to some degree, leads to individuals committing "crimes" in the absence of mens rea. Individuals of all political stripes and background who do not have an encyclopedic knowledge of the law are vulnerable to accidentally committing crimes and suffering punishment when they were not aware that the behavior was even considered problematic. For instance individuals who violate building or zoning codes on their own property may be stuck with large expenses, life disruptions, or fines unexpectedly. Public enforcement of morality will inevitably lead to individuals with underdeveloped moral compasses of their own, instead resulting in external restraint substituting for internal restraint, and, thus, greater immorality, deviance, and societal decadence. Or, they may give up on their internal compass and turn to a more Machiavellian approach if they are punished for following it. Arguments against decriminalization[ edit ] Those who oppose decriminalization believe that the morality of individuals collectively affects the good of the society and, without enforcement, the society will be damaged and lead to decadence. They believe that law shapes morality and builds a national character. If laws are not enforced, that is not the fault of the law. If people knew that they were likely to be arrested, they would modify their behavior. That current laws criminalizing theft do not deter thieves is not an argument for decriminalizing theft although theft is not in any way a victimless crime. Rather it is an argument in favor of devoting more resources into enforcement so that there is greater certainty of arrest and punishment. Thus, in public order crimes, it is simply a lack of priority in current enforcement strategies that encourages such widespread public disobedience which, in all likelihood, would increase if the behavior was to be decriminalized. Specific examples[ edit ] Meier and Geis contrast the view that prostitution and drug offenses are crimes without victims, with the view that the participants involved are victims without crimes. The use of the term "public order crime" grew out of the

research to test the hypothesis underlying the term "victimless crime". So-called victimless crimes or crimes without victims were tested to determine whether a case could be argued that the behaviour produced harmful consequences for innocent people p19 recognising that there was substantial disagreement both about the degree of culpability inherent in the behaviour and the proper role for the law. Consequently, the effectiveness and scope of the law has proved limited, both creating and solving problems. The following are examples of the research findings used to construct arguments that there are victims. It is accepted that there are other arguments that many consider equally convincing as an example.

### 2: Charles T. Call (Author of Why Peace Fails)

*Demilitarizing public order in a predatory state: the case of Haiti. 1. Demilitarizing public order in a predatory state: the case of Haiti. by Robert Maguire.*

This book compares police reform operations in Kosovo and Afghanistan, addressing the internal machinery that makes peace operations work—or not. Recognizing that the chances for effective peacebuilding vary widely across contexts, this book investigates the impact of one of the few variables that peacebuilders do control: Building on field research and over one hundred expert interviews, International assistance to police reform: Managing Peacebuilding systematically compares such operations in two different contexts—Kosovo and Afghanistan—by focusing specifically on international assistance for local police reform since Four comprehensive case studies examine operations in Kosovo and Afghanistan before and after the European Union took over police reform responsibilities: Speaking to scholars and practitioners in domestic and international organizations, the book drills in the complex relation between headquarter diplomats and field level conflict experts. Its findings combine to a set of recommendations for policy-makers to better align their operations to the contentious politics of conflict management and peacebuilding. Espen Barth Eide Language: The contributions here discuss the issue of internationally assisted police reform in transitions from war to peace. They include theoretical insights and informed case studies and a discussion of the trend towards internationally provided executive authority policing. Oxford University Press Format Available: Every day the American government, the United Nations, and other international institutions send people into non-English speaking, war-torn, and often minimally democratic countries struggling to cope with rising crime and disorder under a new regime. These assistance missions attempt to promote democratic law enforcement in devastated countries. But do these missions really facilitate the creation of effective policing? Renowned criminologist David H. Bayley here examines the prospects for the reform of police forces overseas as a means of encouraging the development of democratic governments. In doing so, he assesses obstacles for promoting democratic policing in a state-of-the-art review of all efforts to promote democratic reform since Changing the Guard offers an inside look at the achievements and limits of current American foreign assistance, outlining the nature and scope of the police assistance program and the agencies that provide it. Bayley concludes with recommendations for how police assistance could be improved in volatile countries across the world. This book is required reading as an instruction manual for building democratic policing overseas.

### 3: Brazil's Military Police: Calls for Demilitarization

*Public order refers to the normal standards and operations of society. In the context of the law, crimes against public order are crimes that cause a disturbance to or violation of this order. Prostitution, public drunkenness and drug use are all considered to be crimes that are.*

Most of it was unsurprisingly negative, particularly with regard to the role played by the police men and women and their commanders, who were deployed to manage the rather testing public order situation which had developed in Marikana. We received the report with a sense of relief after three long years. My team and I have been providing continuous psychological support, through the relevant structures of the SAPS, to the police officers at the centre of events on that tragic day. These officers will also be provided with legal support in line with SAPS regulations as they were on duty at the time of the tragedy. When I joined the SAPS three years ago, there was already a plan on the table to enhance public order policing. The issues raised in the report, some of which are institutional and systematic, are acknowledged and the majority of them have already been addressed in the public order policing policy, which was approved by the former Minister of Police, Mr Nathi Mthethwa, in October. The policy emphasises principles such as the legal aspects of crowd management and situational appropriateness at that particular time, taking both the participants and non-participants into consideration, as well as the proportional force to be used. We embrace the issue of demilitarizing the police and creating law enforcers who are professional, trustworthy and respected. In line with the National Development Plan NDP we have embarked on a number of interventions and these include amongst others: It has to be in line with the ethos and values of community policing. The curriculum has also been enhanced whereby the aspect of human rights is now at the centre. We are also going to conduct focus group consultations on the curriculum with various tertiary education institutions. We plan to train a further station members during the current financial year. Public Order Policing is now offered as part of our entry level qualification so that we increase capacity for future demand. The Public Order Policing course has been reviewed and it now places emphasis on intelligence-led crowd management, dealing with spontaneous protests, developing operational plans, arrests and prosecution. We will now have specialist detectives who will ensure that those arrested are successfully prosecuted. Most importantly, Public Order Policing platoon commanders are now required to attend the Operational Commanders Training course to teach them how to manage their team and plan for possible scenarios, particularly in volatile situations. To achieve this, we have requested a R3. This will increase the number of units from 28 to 54, nearly doubling personnel to. The biggest benefit of enhanced units will be improved response time, particularly to spontaneous incidents and better service. Throughout this capacity enhancement process, training and refresher training will be prioritized. We have already bought equipment, such as the long range acoustic device, which will ensure that there is sufficient space between the police and protesters to avoid clashes. Also, we have bought video cameras and hired professional videographers. We are now busy training our personnel in conflict resolution negotiation skills. We are also engaging the likes of Denel to explore potential local support. As for my part, I fully acknowledge the recommendations made by the Commission and will respond to the President as directed. We have picked up some of the areas where we strongly disagree with the content of the report, such as the insinuation that management went to work that day with murderous intent. But this is a discussion for another day. Policing is a service. Although it is highly regulated, it has to be adaptable to different socio-political conditions. Our protest situation is marred by widespread violence, intimidation and a high degree of intolerance of those with opposing views. By way of example, I have just received a letter from the transport industry, which is preparing for a strike next month. They are concerned about the violence which often accompanies strikes and the possibility that they may experience the same. They are concerned that non-striking workers may be intimidated, attacked and assaulted and that property belonging to both non-strikers and their businesses may be damaged or stolen. They are also concerned that their executives may be attacked, as these things have happened in the past. Although the Commission has extensively touched on public violence, condemnation from commentators is not as loud as it should be. In the few instances during

which public violence was mentioned and sometimes condemned, it was portrayed as acts committed by a few rogue elements. This even when 10 people had lost their lives before the tragic events of that fateful day. As the SAPS, we believe that our society and especially those in prominent positions must continuously drive home the fact that violence in whatever form must never characterise a strike. The carrying of dangerous weapons must be condemned. And those strikers who carry these weapons during strikes must be exposed and brought to account. Strikers must always bear in mind that their non-striking colleagues have rights too and should not be harassed or assaulted should they decide not to take part in the strike. Dealing with all of these things needs the active participation of the communities, labour unions, the media and NGOs. It cannot be left up to the police alone to ensure that strikes are free from violence. We believe that the lessons from the Marikana tragedy are a good start for our society, workers and the police to change the trajectory. As the SAPS we are fully committed to improving our public order policing and action towards achieving that is well underway. The Marikana heartbreak will remain with us forever as a painful memory of something all of us, the police and everyone involved in public protests, would never want to see again. It is up to all of us to ensure that it never happens again. It would be a huge mistake just to leave it to the police alone to find solutions to societal problems. At a personal level, I am particularly saddened by the loss of life, the 10 people who died before the events of August 16 and the 34 who were killed on the day. There was very little focus by the Commission and the commentators, unfortunately, on the 10 deaths. Seeing the families of the police officers and security guards killed amongst the 10 has caused further scars and I am sure that somehow they will find justice.

#### 4: Catalog Record: Preaching, praying and policing the Reform in | Hathi Trust Digital Library

*The Challenge of Demilitarizing Public Order and Establishing the Rule of Law by Rachel M. Neild Senior Associate The Washington Office on Latin America.*

#### 5: Home Page Trincellito International Consulting

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#### 6: Charles Call (Author of Clear and Present Dangers)

*Charles Call is the author of Clear and Present Dangers ( avg rating, 1 rating, 0 reviews, published ), Demilitarizing Public Order ( avg rati.*

#### 7: Public Order Crime Law and Legal Definition | USLegal, Inc.

*Public order is the domain of police or other policing agencies, courts, prosecution services, and prisons"all of which make up the criminal justice system.*

#### 8: International Assistance To Police Reform | Download eBook PDF/EPUB

*Public Order Crime Public order crime means criminal acts that deviate from society's general ideas of normal social behavior and moral values. Public order crimes are considered as harmful to the public good and disruptive to a community's daily life.*

#### 9: Results for Charles-T-Call | Book Depository

## DEMILITARIZING PUBLIC ORDER pdf

*In criminology, public-order crime is defined by Siegel () as "crime which involves acts that interfere with the operations of society and the ability of people to function efficiently", i.e., it is behaviour that has been labelled criminal because it is contrary to shared norms, social values, and customs.*

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