

Introduction to criminal law



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Public Trust Crime al affiliation: Contents Executive Summary This is a project that I have worked on, considering the assignment ordered to me by my boss Dewey, Cheatham and Howe. The firm in consideration is dealing with developing a section of its criminal practice devoted to public trust offences, and thus a promotional document is to be written. Fraud is in many ways defined is also displayed in various forms. In this discussion, we will major on embezzlement of funds and what the law has to do with it. With embezzlement of records, property and public money, there are forms of organizations dealing with this issue including, the Federal Bureau of Investigation. In addition, Title 18, Chapter 31 of the U. S code is inclusive of sections dealing with different types of embezzlement and how to deal with them.

Introduction

Criminal offences can be based on different kinds of conduct and therefore, causes complexity in defining what crime is and what it entails. The different types of crimes include, theft, rape, murder among others. From ideological and scientific points of view, there are different conceptions of crime that may include any activity due for penalty. This according to the criminal law is written as a crime regarding the formal legal. A social harm definition of crime is an offence which involves civil offences, as well as criminal offences. A labeling approach, however, states that crime is only viable when there is a label of a criminal activity, and there is a social response to that activity. Otherwise, where there is no label there is no crime (Cockcroft, 1899). According to Neumann, human rights, whenever a human right is violated, there is an occurrence of crime. All these however, do not limit the definitions of crime as crime definition depends on a person's perspective

(2002).

Embezzlement of public funds

This is an action that is against the law, although considering the common law; there was no crime as embezzlement of funds, (Cockcroft et. al., 1899).

Larceny as a crime has with time evolved to embezzlement, although it is a modification to cover up some of the acts, which are not within its area of coverage.

Neumann states that embezzlement is one form of financial fraud. It is a dishonest act, concealing assets in an organization or a company by one or more individuals. For example a person's financial advisor can embezzle his or her investors' funds; and a lawyer could embezzle a client's accounts of trust. Embezzlement of funds ranges from minor to immense, involving small amount of money to large sums respectively (2002).

Davis explains that embezzlement in America has different elements ranging from conversion, person who has lawful possession of the property, of the property, and the fraudulent. In order to hide the activities involved in embezzlement, it sometimes involves records being falsified (1913).

Pocketing the differences in the income and under-reporting of income is called skimming, and should not be confused with embezzlement. There are several ways in which embezzlement of funds can be identified, including, accidents, tips, and internal audits. There are companies investigating frauds including Federal Bureau of Investigation, which scrutinizes issues pertaining to theft, fraud as well as embezzlement of funds, (Davis, 1913).

Factors that can lead to embezzlement of funds that may include collusion between employees, management override of internal controls and poor internal controls. In this case, the local government should come up with

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procedures and policies and implement them to report fraud whenever it is suspected or when there is an irregularity (Neumann, 2002).

Penalties accompanied with embezzlement include: probation or being jailed and fines being implemented.

Conclusion

In conclusion, fraud entails employees in an organization or even non-employees taking money unlawfully despite the fact that the money is delegated their control, custody and care. In most frauds, rationalization is a critical element because it involves people reconciling their behavior with the ideas, which are common especially of trust and decency.

References

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