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CRIME CLASSIFICATION SYSTEM IN USA AND WORLDWIDE

The international classification of crime for statistical purposes (ICCS) is a classification structure of criminal offences. Based on internationally agreed concepts and principles, the ICCS consists of a framework to assign criminal offences to hierarchical categories that have a certain degree of similarity in relation to conceptual, analytical and policy areas. The purpose of the ICCS is to enhance consistency and international comparability of crime statistics and improve analytical capabilities at both the national and international levels. The ICCS aims to provide a standard for the systematic production and comparison of statistical data across different criminal justice institutions and jurisdictions. This means the ICCS should be applicable for all forms of data on crime that are collected at different stages of criminal justice process (police, prosecution, conviction, imprisonment) as well as in crime victimisation surveys. Currently, national statistics on crime refer to criminal offences as defined by each country's criminal legal system. Without legal harmonisation, differences in definition offences are inevitable and international comparison must always be placed in the context of these differences. For example, one country may require physical contact for an offence to be considered an assault, while another country may not require physical to label the offences as such. *Malum in se* and *malum prohibitum* crimes will be ascertained in this writing.

Crimes receive different classification as it was mentioned before, according to their severity. The mildest crime is known as infraction, more serious act is known as misdemeanor, and the most serious ones are known as felonies. *Malum in se* crimes, murder, for example, are evil in their nature and are generally graded higher than *malum prohibitum* crimes, which are regulatory, like a failure to pay income taxes. In the United States, there are three key classifications of criminal offences; they are felonies, misdemeanors, and infractions. Each classification is distinguished

from each other by the seriousness of the offence and the amount of punishment for which someone convicted of the crime can receive. Criminal offences are further classified as property crimes or personal misconducts. Elected officials on the federal, state and local level pass law that establish which behaviour constitutes a crime and what the punishment will be for someone who is found guilty of those crimes.

Felonies are the most serious crimes. They are either supported by a heinous intent, like the intent to kill, or accomplished by an extremely serious result, such as loss of life, grievous injury or destruction of property. They are punishable by incarceration of more than a year in prison and in some cases, life in prison without parole and even capital punishment. Not only can the person who committed the crime be charged with a felony; example; rape, but so can anyone who aided and abetted the felon before or during the crime and anyone who turned out to be accessories to the crime after it was committed, such as those who help the felon avoid capture. Most states have different groupings of felonies with increasing penalties for the most serious transgressions. Each class of felony crimes has minimum and maximum sentencing guidelines. In many state penal codes, a felony is defined not only by the length of incarceration, but also the place of incarceration. Crimes that are classified as felonies include: aggravated assault, animal cruelty, arson, drug distribution, elder abuse, felony assault, grand theft, kidnapping, manslaughter, manufacturing of fake drugs, murder, rape, tax evasion. Most states also classify felonies by capital felony, followed by first through fourth degree, depending on the severity. Although each state varies when determining the degree of a felony, most states with capital felony define it as a crime, like murder, that qualifies for the death penalty or life imprisonment without parole. Common first-degree felonies include arson, rape, murder, treason and kidnapping: second-degree felonies can consist of arson, manslaughter, drug manufacturing or distribution, child pornography, and child molestation. Third and fourth-degree felonies may further comprise pornography, involuntary manslaughter, burglary, larceny, driving under the influence and assault and battery. There are two classes of felonies for the determination of prison sentencing. They are class a, example: rape, murder etc. Some class a felonies carry the toughest penalties, such as the death penalty. Each state has its own set of groupings. In addition, class B felonies; include tough

penalties and extreme fines. An example of a selected state's felony sentencing guideline will be this:

Florida maximum sentencing:

Life felony: up to life incarceration, and up to a \$15,000 fine.

First-degree felony: up to 30 years' incarceration and up to a \$10,000 fine.

Second-degree felony: up to 15 years' incarceration and up to a \$10,000 fine.

Third-degree felony: up to 5 years' incarceration and up to a \$5,000 fine.

Misdemeanors are less serious than felonies, either because the intent requirement is of a lower level or because the result is less extreme. Misdemeanors are usually punishable by jail time of one year or less per offense, a fine, or alternative sentencing like probation, rehabilitation, or community service. The distinction between misdemeanors and felonies lies within the seriousness of the crime. Aggravated assault (beating someone with a baseball bat), for example, is a felony, while simple battery (slapping someone in the face) is a misdemeanor. Note that incarceration for a misdemeanor is in jail rather than a prison. The difference between jail and prison is that, cities and counties operate jails, and the state or federal government operates prisons, depending on the crime. Petty misdemeanors usually contemplate a jail sentence of less than six months and a fine of \$500 or less. The punishment for gross misdemeanors, which is greater than that prescribed for ordinary misdemeanors are less than that, prescribed for felonies, which customarily impose state prison. Federal law on misdemeanors follows the strict federal sentencing guidelines. The federal guidelines are applied rigidly pursuant to the federal sentencing guidelines manuals sentencing chart. The chart incorporates fixed values for severity of offence, defendant's criminal history and other aggravating factors. Misdemeanors are grouped into three according to their severity. They are: class a, b and c (federal). Federal class a misdemeanors are those crimes punishable by 6 months to a year of jail. Federal class b misdemeanors impose 30 days to 6 months jail. Class c misdemeanors impose 5 to 30 days jail. Crimes punishable by less than 5 days jail are federal infractions. Another kind of misdemeanour is felony misdemeanor. Felony misdemeanors are crimes that the government can prosecute and punish as

either a felony or a misdemeanor, depending on the particular circumstances accompanying the offense. The discretion whether to prosecute the crime as a felony or misdemeanor usually belongs to the judge, but in instances, the prosecutor can make the decision.

An infraction sometimes termed a petty offence is the violation of an administrative regulation, an ordinance, and a municipal code and in some jurisdictions, a state or local traffic rule. In most states, an infraction is not considered a criminal offense and are rarely punishable by incarceration. Even in jurisdictions that treat infractions as criminal offences, imprisonment is not usually contemplated as punishment. Nevertheless, when it is, confinement is limited to serving time in a local jail. Like misdemeanors, infractions are often defined in very broad language. For example Arizona, a state in the USA, defines them as offences “without either designation as a felony or specification of the classification or the penalty is a petty offence”. Some example of infractions are the following: traffic violations (although sometimes these can rise to the level of misdemeanors and felonies in special cases), littering, fishing without a license, building permit violations, jaywalking, boating violations, drinking in public, operating a business without a proper license and more. To be made aware of an infraction caused, infractions have been put to a process. It begins with an issuance of a citation. This may also be referred to as a notice of violation or notice to appear. It consists of; a citation number (usually your case number), a description of the violation(s) and whether it is an infraction or a misdemeanour, the relevant state law or city code. The name of the issuing agency and officer, the location of the courthouse, deadlines for payment of the fine or for appearing in court, and finally instructions for payment of the fine are included. Unlike misdemeanour, or felony crimes, which have all the protections of the criminal justice system, you have fewer rights in the infraction process because you are not facing a deprivation of your liberty. Therefore, for example, you do not have the constitutional right to a jury trial (although your state may give you this right by law) and you do not have the right to free counsel (although you may hire an attorney) at your own expense. That being said, you still have the rights in the process. For example, you have the right to a hearing before a judge and the right to target to present evidence and call a witness, including the police officer or official that issued you the citation. You also

have the right to appeal the judge's finding in your case and any fine imposed.

In conclusion, malum in se crimes, which can be attributed to felonies, are offences, which are evil in their performance or process of execution. Grading of crimes as has been stated in the above mentioned, is based on the severity of the punishment. Thereby, saying that felonies should obviously be put on top of the list. Punishment options for felonies include the following: execution, prison time, fines (extreme ones), and alternative sentencing such as probation, rehabilitation, and home confinement. Misdemeanors, which follow felonies second in place in the grading order, have some punishment options too. In addition, they include jail time of one year or less per misdemeanour, fines (not too extreme), and alternative sentencing such as probation, rehabilitation, and community service. The second phase of misdemeanor, which is felony misdemeanor, can be punished as either a felony or misdemeanor. Lastly, infractions, also called violations are graded lower than misdemeanors and have less-severe punishment options, which include fines and alternative sentencing, such as traffic school. One difference between jail and prison is that cities and counties operate jails, and the state or federal government operates prisons, depending on the crime. The restrictive nature of the confinement is another change. Jails are for defendants who have committed less serious crimes or offences, so they are generally less restrictive than prisons.

References:

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