

## **Assisting in the Commission of an Offence**

The law says that if you help or assist other people to commit a crime - in *any* way - you can be charged.

Many young people get dragged into offence situations when they are out in groups and it is really important that you understand that almost any form of assistance – even seemingly minor things like clothes swapping – can result in you being held criminally responsible in some way for the actual offence.

This is a very complicated area of law. However, you should understand that there are lots of ways that you can be charged if you help someone commit a crime – for example, as a principal, an accessory, or someone who encouraged (or “aided and abetted” the crime).

Below are some common examples of ways that young people tend to get roped in, often without understanding the criminality in their own actions:

### **Acting as a lookout**

If you act as a lookout at the scene of a crime, you will be charged with that crime as a principal offender and held equally criminally responsible as the other people involved. Acting as a lookout means standing by to keep watch for the police or witnesses.

### **Driving offenders to and from the scene**

Driving offenders to or from the scene of a crime, while knowing what they were doing, makes you part of that crime. If you act as a lookout *and* a driver, and stay parked near the scene, you will usually be charged as a principal offender. However, even if you just drop the offenders at the scene and drive away, you can be charged as an accessory to the crime.

### **Swapping clothes and helping to conceal identity**

Swapping clothes with offenders just before or after they commit an offence is a crime and can carry very serious legal consequences. The law says that you are helping them to commit the crime by helping them to get away with it (or hide their identities).

Even if you are not present or willing to assist in the actual commission of a crime, if you swap clothes with offenders, before or after the crime, you can be charged as an accessory.

### **Conceal or stash property taken in a crime, or pass it on or sell it to others**

If someone you know steals property and they give you the property to look after, sell or pass on to someone else, you can be charged as an accessory to the actual crime.

Even if you didn't know exactly how and where it was taken, but did know it was illegally obtained, you can still be charged with the crime of *receiving*.

Do not ever agree to hold onto property for people, or pass it on.

### **Concealing or destroying evidence**

If you assist by hiding or destroying evidence, you can be charged. An example of this would be hiding a weapon or the clothing that the offender was wearing at the time of the crime.

### **Encouraging the offenders**

If you encourage the offenders in any way at the scene, by shouting out or yelling encouragement or directions – you can be charged as a principal in the second degree.

This may include, in certain circumstances, even just standing by as an onlooker. It can also include filming the offence on your mobile phone. Any of these sorts of actions can lead to criminal charges.

### **What if I was not even there at the time when the crime occurred? Can I still be charged?**

Yes, you can still be charged even if you were not there.

The way it generally works is that if you assist at the actual scene of the crime, you will be charged as a principal offender and held equally criminally responsible for the offence. See Fact Sheet – ‘*Joint Criminal Enterprise*’.

If you assist in some way *before* or *after* the crime occurs - this includes helping others to “get away with” the crime, clothes swapping or helping hide a weapon or stolen goods – you can be charged as an “accessory” to that crime.

The word “accessory” is a term used to describe your level of criminal liability – it is *not* the name of the actual charge. If you are an accessory you still get charged with the actual crime, though on an accessorial basis.

For example, if the crime was Armed Robbery, and you assisted the offenders by hiding the weapon the following day, you would be charged with *Armed Robbery (Accessory After the Fact)*.

As an Accessory, you are liable for the same punishment as the main offenders.

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*This Fact Sheet is designed to give you a very basic understanding of how the law works. If you have a legal problem, or want to know how these laws apply to a specific situation, you should speak to a lawyer. If you are under 18, you can call the Legal Aid Youth Hotline 1800 10 18 10.*