

Group Offending

If you are present with a group of people, and a crime is committed while you are with the group, you run the risk of being held criminally responsible if you remain present and in any way assist the main offenders.

See Fact Sheets – ‘*Joint Criminal Enterprise*’ and ‘*Common Purpose*’ - to see how the law works in these group situations.

If you are in a situation where an offence is instigated by someone else, the best options you have to avoid being caught up in the crime yourself are to either walk away, or try and stop the offence.

Most young people find it very hard to walk away from their friends, especially in a heated or stressful situation. Many young people have strong feelings of loyalty to their friends, and believe that you should always back up your mates, no matter what.

Think about the following situations, and what you would do. How would you get out? How would you avoid getting into trouble?

In each of the scenarios below, it could be *really* hard for you to remove yourself from the situation. You need to think in advance about how you would react. And you need to think carefully about the sorts of people you hang out with. If you associate with known offenders or people who carry weapons, the risks are high.

Example 1

Your friend asks you for a lift to the station. While you are driving, you pass a guy walking along the street on his own. Your friend asks you to pull over, and as you start to slow the car, he pulls up his hood over his head, pulls out a knife and tucks it down into the front of his pants. What would you do?

Would you pull over? Would you ask him what he was doing? Would you try and stop him? If you did pull over, would you wait until he comes back?

Remember – if you pull over, allow him to get out of your car and rob the victim at knife-point, then you let him back into the car and drive him away from the scene, you would almost certainly be charged as a principal offender with the crime of Armed Robbery.

Example 2

You are with 3 friends in the supermarket and your friend starts stealing stuff off the shelves. He glances up and down the aisle and says to you “watch my back”. You look up and see a security camera at the end of the aisle.

Would you move in order to block the camera? Would you look up and down the aisle to make sure nobody catches him? What if he asks you to carry his bag once he has put stuff in it?

If you do any of these things, you will be charged with Shoplifting, or “Larceny”, as a principal offender. You will end up with the same charge as your friend.

Example 3

You are walking home from a party with a couple of older guys you don't know very well. They spot a car with an open window. One of them gets into the car and rips out the stereo. As you are walking along, a vehicle pulls into the street and is driving towards you. The older guy quickly hands you the stereo and asks you to put it in your bag. Nobody else is carrying a bag except you.

What would you do? Would you say no?

It would be hard to say no because if you don't help him out, he would probably be seen with the stereo and may get caught. This is a tough situation, but why should you take any risks? You had nothing to do with the crime and you don't even know the guy.

Remember – if you carry the stereo you are assisting him and will be charged – either as a principal (because you were at the scene) or as an accessory after the fact. See Fact Sheets – ‘*Joint Criminal Enterprise*’ and ‘*Assisting in the Commission of an Offence*’.

Example 4

You are on the train with your friend. He wanders off for a while and you wonder where he has gone. He comes back running and is out of breath, he has a wallet and phone in his hand that are not his. He says to you “give us your jacket, quick”. You panic and don't know what to do. You know there are Transit Police on the train as you saw them get on at the last station.

If you swap clothes with him, to help him get away with the crime, you can be charged. See Fact Sheet - ‘*Assisting in the Commission of an Offence*’.

Remember - to be faced with this situation and decision in the heat of the moment is not easy. You need to be strong and say no; otherwise you could end up in serious trouble.

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.