

## 1.5 CATEGORIES OF CRIME – GREAT SUMMARY

**Categories of crime:** Offences against persons, economic offences (property/white collar crime), offences against the State, drug offences, public order offences, traffic offences, 'victimless' crimes, preliminary crimes (attempts, conspiracy).

Category of Crime	Explanation	Example/s
Offences against person	Involve some form of injury to an individual. Most are listed in the <i>Crimes Act 1900 (NSW)</i>	Murder, manslaughter, assault and battery, sexual assault
Economic offences (property/white collar crime)	Damage to, or a loss of victim's property	Larceny/theft, breaking and entering, robbery, receiving stolen goods, vandalism, arson
Offences against the state	Crimes that threaten security and democracy. Raises issues of balancing individual freedom and national security.	Treason (inciting war, threat to harm monarchy).  Sedition (hatred for a government and planning to overthrow it).  Terrorism.
Drug offences	Any involvement with illegal drugs. Raises issues of whether drug use should be treated as a crime or a medical-condition.	Trafficking, use of illegal substances, production/manufacturing of illegal substances.
Public order offences	Conduct classifies as an offence as it breaches certain codes of behaviour that Australian society deems acceptable	Offensive language, prostitution, riot, violent disorder, public nudity.
Traffic offences	Can be statutory & strict liability. Mainly covered by <i>Crimes Act 1900 (NSW)</i> .	Negligent driving, traffic offences e.g. parking in a 'no stopping' zone, parking fines, speeding, unregistered vehicles.
'Victimless' crimes	No crime against a person is committed	Illegal gambling.  Homosexual behaviour WAS considered in this category until its decriminalisation in 1984.
'Preliminary crimes (attempts, conspiracy)	Crimes that have not yet been committed or fulfilled	Attempts.  Conspiracy.
International crimes	Crimes committed in other jurisdictions, crimes that are being committed in numerous jurisdictions and crimes against international law.  Issue is they are hard to enforce and which country should the law follow?	Crimes outside jurisdiction Transnational crimes – drug trafficking. Often results in extradition. Crimes against International law – genocide and crimes against humanity.

**Extradition:** The official process whereby one nation or state surrenders a suspected or convicted criminal to another nation or state.

## 1.5.1 CRIMES AGAINST PERSONS

These protect people's safety. There are three broad categories including:

### A. HOMICIDE

- The unlawful killing of a person. Some exceptions apply including self-defence and killing the enemy in combat in wartime.
- Judges must determine a causal relationship between the acts or omissions of the accused and the death of the victim. (*R v BW and SW-2009* – starvation death of baby Ebony; *R v Gittany, 2014* – found guilty of murdering his fiancée Lisa Harnum.)
- The sentencing procedure will take into account whether the actions were considered deliberate or negligent. (Gittany was sentenced to 26 years as his actions were found to be deliberate – non-parole period of 18 years.)
- *R v Karimi; R v Khoury; R v Mir (No.11) (2013) NSWSC 1761 (29 November 2013)* - machete killing of a 25 year old in his home in 2012 – the 3 accused found guilty of murder in 2013 by way of **joint criminal enterprise**.

There are four situations whereby homicide may be classified:

### MURDER

Section 18 of the *Crimes Act 1900* (NSW) defines murder in the following way:

- (a) *Murder shall be taken to have been committed where the act of the accused, or thing by him or her omitted to be done, causing the death charged, was done or omitted with reckless indifference to human life, or with intent to kill or inflict grievous bodily harm upon some person, or done in an attempt to commit, or during or immediately after the commission, by the accused, or some accomplice with him or her, of a crime punishable by imprisonment for life or for 25 years.*

Every other punishable homicide is classified as manslaughter.

### CHRISTOPHER BROWN – R V O'GRADY – TEENAGE MURDER

On 14 May 1999, Matthew O'Grady and Christopher Brown were at a party where they consumed drugs. They were aged (approximately) 16 years and 15 years. Sometime around 11pm, they and others left, walking in the direction of the Wentworth Falls train station. O'Grady persuaded Brown to go into the bush on the pretence of stealing some marijuana. He had access to a gun that belonged to his father. O'Grady shot Brown several times and then left him.

At about 11am the following morning, O'Grady arrived at the Katoomba police station. He informed the police officer at the desk that he had something to tell him. He was taken to an interview room, where he announced that he had killed someone.

### **Court Decisions:**

R v O'Grady [2001] NSWSC 1256, 6 December 2000  
[http://www.austlii.edu.au/au/cases/nsw/supreme\\_ct/2000/1256.html](http://www.austlii.edu.au/au/cases/nsw/supreme_ct/2000/1256.html)

R v O'Grady [2001] NSWSC 1255, 21 December 2001  
[http://www.austlii.edu.au/cqibin/disp.pl/au/cases/nsw/supreme\\_ct/2000/1255.html?qatthew%20o'grady](http://www.austlii.edu.au/cqibin/disp.pl/au/cases/nsw/supreme_ct/2000/1255.html?qatthew%20o'grady)

## **MANSLAUGHTER**

This is the unintentional killing of another for which one may be charged, if proof exists that a murder was committed without malice aforethought.

The following situations are sufficient to establish manslaughter:

- Manslaughter by criminal negligence (*R v Sam 2009*)
- Manslaughter by unlawful and dangerous act (*R v Loveridge 2014*)
- Manslaughter by excessive self-defence
- Manslaughter by omission (*R v BW & SW 2009*)
- **Involuntary:** The outcome was not to kill by the accused but their actions amount to gross negligence.
- **Voluntary:** Whereby there was an intention to cause death but the accused was aggravated by mitigating circumstances (e.g. provocation, diminished responsibility).

### **BAG SNATCH CASE – R V CLARKE & R V MARSH – MANSLAUGHTER OF LANH NGOC BUI**

On the evening of 3 August 2000, Marsh and Clarke stole a motor vehicle and decided to plan a robbery. They stopped the vehicle approximately 50 metres from their intended victim, who was waiting for her boyfriend on the footpath/driveway area outside his Lidcombe apartment. Clarke got out of the vehicle, approached Ms Bui and grabbed her handbag.

Meanwhile, Marsh drove the vehicle alongside Clarke. Clarke opened the door of the vehicle and got into the front passenger seat. Ms Bui pursued Clarke and attempted to retrieve her bag. After a struggle, Ms Bui fell from the vehicle and the rear wheel struck her head. She died early the next day in hospital.

Clarke and Marsh both pleaded guilty to manslaughter of Lanh Ngoc Bui.

### **Court Decisions:**

R v Clarke [2001] NSWSC 703, 20 July 2001  
[http://www.austlii.edu.au/au/cases/nsw/supreme\\_ct/2001/703.html](http://www.austlii.edu.au/au/cases/nsw/supreme_ct/2001/703.html)

R v Marsh [2001] NSWSC 1109, 29 November 2001  
[http://www.austlii.edu.au/au/cases/nsw/supreme\\_ct/2001/1109.html](http://www.austlii.edu.au/au/cases/nsw/supreme_ct/2001/1109.html)

**Note:** The Abdeel Khan Roselle bombing in 2016 is an excellent case to differentiate between murder and manslaughter as this offender was convicted of both in the same crime.

## **INFANTICIDE**

Involves a mother causing death to a child in the first 12 months of life. The *Crimes Act 1900* (NSW) requires the court to consider the mental state of the mother.

## **DEATH BY RECKLESS DRIVING**

A special category created by an alarming increase in deaths as a result of car accidents and the reluctance of juries to convict for manslaughter by gross negligence.

## **B. ASSAULT**

Defined as the threat (real or perceived) of and/or actual physical harm caused by one person(s) to another. It is both a criminal offence and a tort.

May include: Aggravated assault, assault occasioning actual bodily harm, wounding and causing grievous bodily harm.

## **SEXUAL ASSAULT**

Involving sexual contact with another without consent – can also be applied to spouses. Reforms have been many owing to public pressure in recent times, particularly in relation to preventing alleged offenders from cross examining their alleged victims in court.

## **GANG RAPE CASE NO 2 – R V BILAL SKAF, R V MOHAMMED SKAF**

**WARNING: Material on this case contains details that are explicit and disturbing in nature.**

Bilal Skaf and his brother, Mohammed, were part of a gang that raped several young women in Sydney during 2000. They took the girls to remote locations and sexually assaulted them. The Skaf case was heard in the District Court by Judge Finnane in July 2002. Bilal as ringleader was sentenced to 55 years. Skaf appealed and his sentence was reduced by several years.

In one of the Skaf appeal cases the judge ordered a retrial because two jury members visited the scene of the crime to look at the lighting in the park at night. The victim refused to testify at yet another trial. As a result the government amended the *Criminal Procedure Act 1986* with the *Criminal Procedure Amendment (Evidence) Act 2005*. This legislation allows transcript evidence to be used in certain types of trials.

The latest trial in 2006 again found Bilal and Mohammed Skaf guilty. For this case, there are at least two different issues that you can explore. Firstly, the sentence given for this crime and secondly, the behaviour of jurors (which led to the 2004 amendment of the *Juries Act 1977* NSW).

### **Court Decisions:**

**Note:** Bilal Skaf, on appeal in 2008 to the NSW Court of Criminal Appeal had his sentence modified to 31 years and is eligible for parole in February 2031. Mohammed Skaf, originally sentenced to 32 years, had his sentence reduced to 19 years and is eligible for parole in January 2018.

## 1.5.2 CRIMES AGAINST THE SOVEREIGN

The fairness and justness of laws is often a contentious point. Situations sometimes arise when individuals feel the law is against their principles. At times this may cause some to break laws and commit crimes against the state. Such crimes include treason and sedition.

- **Sedition** is the act of encouraging hatred or contempt of the monarch, government or constitution or urging force of violence against a group in the community. The group could, for instance, be an ethnic or religious group.
- **Treason** may result in harm to the monarch or may involve an attempt to bring down the monarch or government.

In 2005 the *Anti-Terrorism Act (Commonwealth)* was enacted as a reaction to heightened terrorism acts globally. Other NSW legislations related to terrorism include *Terrorism (Police Powers) Act 2002 (NSW)* and the *Surveillance Devices Act 2008 (NSW)*.

More recently in 2015, government has proposed powers to strip citizenship and services from those fighting with terrorist groups in Syria and Iraq. Amendments to the *Australian Citizenship Act* would revoke or suspend Australian citizenship in the case of dual nationals. Australian nationals could also be denied some of the privileges of citizenship like social welfare, access to consular services and entry into Australia if they are involved in terrorism.

### R V FAHEEM KHALID LODHI – TERRORISM

On 19 June 2006 Lodhi was found guilty by a jury in respect of three charges. First, that he collected documents, namely two maps of the Australian electricity supply system, which were connected with preparation for a terrorist act, namely bombing part of the system. Second, that Lodhi intentionally did an act in preparation for a terrorist act, namely he sought information concerning the availability of materials capable of being used for the manufacture of explosives in incendiary devices. Third, that he possessed a document containing information concerning the ingredients for and the method of manufacture of poisons, explosives, detonators and incendiary devices connected with the preparation for a terrorist act.

There are numerous decisions concerning this case, however, it is the sentencing decision that outlines the offences that Lodhi was charged with that provides the most useful information. This case demonstrated that the new laws introduced by the Federal Government have criminalised both the committing or attempting a terrorist act, as well as preparing for one. Lodhi was sentenced to 20 years jail for collecting documents in preparation for a terrorist act, even though he had no specific plan to carry this out.

#### Court Decision:

**R v Lodhi** [2006] NSWSC 691, 23 August 2006

[http://www.austlii.edu.au/au/cases/nsw/supreme\\_ct/2006/691.html](http://www.austlii.edu.au/au/cases/nsw/supreme_ct/2006/691.html)

A number of terrorism cases have been held since this time including conspiracies in Melbourne and Sydney. The latest involving Mohammed Cheiko and several other men. Cheiko was sentenced to 28 years imprisonment for planning a terrorist act.

### 1.5.3 ECONOMIC OFFENCES

This is a general term used to describe the range of crimes which damage, or result in the loss of, another person's property. It includes crimes against property and white collar crime and is considered the most common type of crime.

#### CRIMES AGAINST PROPERTY

- **Larceny (Theft):** Removal of another's property without consent. Borrowing even without consent is not considered larceny.
- **Break and Enter:** The illegal entry of another's property in order to commit an offence.
- **Robbery:** When property taken directly from the victim or their vicinity with the threat of violence. This charge may be escalated to armed robbery if the violence involves the use of weapons.

#### WHITE COLLAR CRIMES

Tend to be committed by professionals in the context of business.

Includes:

- Tax Evasion
- Computer Crime
- Insider Trading
- Embezzlement

#### R V RIVKIN – WHITE COLLAR CRIME

There are two decisions that can be discussed. The first is the sentencing decision in which Rivkin is sentenced to 9 months imprisonment to be served by way of periodic detention and imposing a fine of \$30,000. Rivkin was convicted of insider trading with respect to a small parcel of shares he owned.

**Court Decision:**

**R v Rivkin [2003]** NSWSC 447, 29 May 2003; (2003) 198 ALR 400  
[http://www.austlii.edu.au/au/cases/nsw/supreme\\_ct/2003/447.html](http://www.austlii.edu.au/au/cases/nsw/supreme_ct/2003/447.html)

The second R v Rivkin was an appeal against the conviction and sentence on charges of insider trading contrary to provisions of the Corporations Act 2001 (Cth), section 1002G(2).

**R v Rivkin [2004]** NSWCCA 7, 5 February 2004; (2004) 59 NSWLR 284  
<http://www.austlii.edu.au/au/cases/nsw/NWCCA/2004/7.html>

### **1.5.4 DRUG OFFENCES**

Drug offences relate to possession, use, manufacturing or supply of drugs. *Drug Misuse and Trafficking Act 1985* (NSW), *Drug Misuse and Trafficking Regulation 2011* (NSW) and the *Summary Offences Act 1988* (NSW) mainly deal with drug related offences. The establishment of three Drug Courts deals with minor drug offences with the aim of rehabilitating the offenders. The tragic death of teenager Henry Kwan in 2013 led to an interim ban on synthetic drugs.

The importation or attempted importation of illegal drugs is the most common federal offence.

A mechanism for dealing with those people involved in serious criminal offences (especially in drug related offences) has been the introduction of assets seizing legislation in both state and federal jurisdictions. Individuals convicted of a criminal offence, the *Confiscation of Proceeds of Crime Act 1989* (NSW) and the *Proceeds of Crime Act 1987* (Cth) apply; while the *Criminal Assets Recovery Act 1990* (NSW) and the *Customs Act 1901* (Cth) allow for asset confiscation even without a conviction.

### **1.5.5 TRAFFIC/DRIVING OFFENCES**

These affect the majority of people. *The Crimes Act 1900* (NSW) and the *Traffic Offences Act 1909* (NSW) outline the range of offences relating to using a motor vehicle. Examples of such offences include; driving under the influence, negligent driving, reckless driving and negligent driving causing death.

Traffic offences can be penalised by the imposition of a fine (penalty units), suspension of licence, community service or imprisonment.

### **1.5.6 PUBLIC ORDER OFFENCES**

This disrupts communities and societies. There is a multitude of offences under this banner including; indecent behaviour, offensive language, disorderly conduct and prostitution.

The *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) was amended after the 'Cronulla Riots' in 2005. The *Law Enforcement Legislation Amendment (Public Safety) Act 2005* (NSW) increased the powers of the police in public order offences, and offences in relation to riot and affray. The legislation allows police to:

- Create alcohol-free zones
- Close licensed premises
- Instigate road blocks, cordon off streets, and stop and search vehicles
- Detain vehicles and phones
- Lock down suburbs for up to 48 hours

The recent *Crimes and Other Legislation Amendment (Assault and Intoxication) Act 2014*) has proposed changes to increase the Criminal Infringement Notice amounts for offensive language and continued disorderly behaviour.

### **1.5.7 PRELIMINARY OFFENCES**

Two broad categories:

1. **Attempts:** It is an offence to attempt to commit a criminal act. The Crimes Act identifies attempt the same as the action.
2. **Conspiracy:** Arises in common law when two or more people agree jointly to commit a criminal act. This charge can be used even if the act does not occur.

Both are difficult for DPP to gain convictions.

#### **CASE LAW R V MOHAN [1976] QB 1 (CA)**

In this case Mohan was charged with attempting to cause grievous bodily harm. Mohan had been stopped by a police officer in relation to a traffic offence. He slowed his car down as though to stop but accelerated and steered straight for the police officer, who fortunately was able to jump, clear. Mohan then continued on his journey. Evidence was provided that the officer would have been struck by the accelerating car had he not jumped clear. Mohan was convicted and sentenced to twelve months imprisonment.

#### **VICTIMLESS CRIMES**

This is a crime which seemingly has no victim aside from the perpetrator. Society in many instances deems these crimes to be against the norm of moral standards. Examples include drug possession for personal use, prostitution and illegal gambling.

## 1.6 SUMMARY AND INDICTABLE OFFENCES

There are two main types of criminal offences:

### 1. Indictable offences:

Serious matters:

- Murder
- Manslaughter
- Armed robbery
- Rape
- Culpable driving causing death

Indictable offences are heard before a judge and jury in the Supreme Court (murder) or the District Court where the accused pleads not guilty.

However, there are some 'less serious' indictable offences, that would normally proceed to the District Court, which may be heard summarily (that is, before a magistrate in the Magistrates' Court), e.g.

- Threats to inflict serious injury
- Burglary
- Handling stolen goods.

### 2. Summary offences are minor criminal offences:

- Road traffic offences
- Minor assault
- Malicious damage
- Offensive behaviour

If a court appearance is required the matter is dealt with in the Local Court.

## 1.7 PARTIES TO A CRIME

**Principal** is any person who carries out a crime. They may be assisted by others and if they also carry out the crime they may be referred to as principals.

The parties in this instance may be in the **first degree or second degree**. Others who participate either before or after the crime, but who do not carry out the crime are referred to as **accessories/accomplices**.

- Principal in first degree (actual perpetrator).
- Principal in the second degree (person who was present, assisting).
- Accessory before the fact (person who helped to plan).
- Accessory after the fact (person who, knowing about the crime, helped the offender afterwards).

It is important to check past paper questions to see how each dot point have been tested. Parties to a crime offers itself to being a good multiple-choice question because it has four areas of learning to be studied.

## 1.8 FACTORS AFFECTING CRIMINAL BEHAVIOUR

Conditioning takes place from parents and educational institutions from an early age. Compliance and acceptance of rules/laws varies in society, which leads to infractions. In many instances those who break the law do not think they are harming society. Many who do not break the law do so because of the consequences which may be attached, not out of a concern for society.

The process of learning criminal behaviour by association with criminal and anti-criminal patterns involves all of the mechanisms that are involved in any other learning.

While criminal behaviour is an expression of general needs and values, it is not explained by those general needs and values, since non-criminal behaviour is an expression of the same needs and values.

The Australian Institute of Criminology (AIC), through various studies, has developed a general profile of a criminal:

- Young
- Male
- Poor
- Unemployed
- Of low academic achievement
- In an unstable relationship

### **Socio-Economic Factors**

e.g. *R v Loveridge* where *Loveridge* was found to have suffered social disadvantage

### **Genetic Theory**

This is a very controversial claim that those that commit criminal acts may do so because they have a genetic pre-disposition. Research has not tended to support such theories. (e.g. Mathew Milat, 19, pleaded guilty to murdering 17-year-old David Auchterlonie with an axe in the Belanglo State Forest in November, 2010, but cannot blame 'family murder gene').

### **Political Reasons**

Have always existed whereby authority or government policy is challenged. Some may break laws they disagree with and are willing to be arrested as a protest against those laws, e.g. environmentalists entering 'state forests' although by law it may be illegal to do so.

*The Inclosed Lands, Crimes and Law Enforcement Amendment (Interference) Bill 2016* has increased police powers in their ability to arrest protesters.

### **Self-interest and Greed**

The desire to obtain more motivates many to act illegally. (*R v Rivkin*) (*R v Curtis 2016*)

## 1.9 CRIME PREVENTION: SITUATIONAL AND SOCIAL

Many who are disadvantaged perceive that society and its laws do not always need to be obeyed and preserved.

- **Creating social order through education, regulation and coercion:**

Social order maintenance is the main objective of criminal law. Indirect means of reinforcing acceptable behaviour in society is through education. It is an important role as ignorance of the law cannot be used as a defence.

Regulations are used in conjunction with laws to control unacceptable behaviour which is not necessarily criminal.

Coercion is where force or significant pressure is used to enforce behavioural norms. It means forcing or strongly persuading someone to do something.

- **Crime prevention (situational, social)**

Prevention is better than cure. Much of our modern day law enforcement begins by limiting the opportunity of criminal behaviour to the present. Such methods include increased police presence, greater community awareness and improved urban design.

Situational crime prevention attempts to increase the likelihood of perpetrators being apprehended. It focuses on making crimes more difficult to commit and the acts less rewarding. (e.g. *R v Bayley* 2013 – Bayley was arrested and subsequently found guilty of murdering Jill Meagher due to the CCTV coverage; similarly, in *R v Gittany* 2014, key evidence was the camera footage of his apartment).

Social crime prevention focuses on improved conditions within society. Poverty, poor school behaviour are all areas which, with early intervention, may lessen the incidence of criminal activity with programs, drop-in centres, sports, etc. Educational and early intervention programs form part of social crime prevention measures.

### CRIME PREVENTION FROM VIC POLICE

#### ***Crime Prevention Through Environmental Design***

Crime Prevention Through Environmental Design or "CPTED" (pronounced *sep-ted*) is an approach to crime prevention that takes into account the relationship between the physical environment and the users of that environment. The theory behind CPTED is that the design of a physical environment can produce behavioural effects that will reduce both the incidence and fear of crime. These behavioural effects can be accomplished by reducing the susceptibility of the environment to support criminal behaviour.

There are three basic strategies in CPTED:

- Natural access control
- Natural surveillance
- Territorial reinforcement.

## **Natural access control**

The design concept of access control is directed primarily at decreasing criminal accessibility. Natural access control restricts criminal intrusion, in particular into areas where they will not be easily observed, by:

- Limiting access
- Increasing natural surveillance

Gates, fences, walls, footpaths, landscaping and lighting can be used to:

- Clearly guide the public to and from specific entrances and exits.
- Prevent or discourage public access to or from dark or unmonitored areas.
- Enable intruders to be more easily recognised.

## **Activity support**

Activity support refers to safety measures that use a specific activity planned for a specific space. It involves locating an activity so individuals engaged in that activity become part of the natural surveillance system. The following examples demonstrate how activity support can operate to increase safety.

- The perception of safety for normal users of a space or building, and the perception of risk for offenders, can be increased by placing safe activities in places that will discourage would-be offenders.
- High-risk activities should be shifted to safer locations to overcome the vulnerability of these activities and to take advantage of natural surveillance within the safe area.
- Gathering areas should be located in areas that provide for natural surveillance and access control or in locations away from the view of would-be offenders.
- Space can be scheduled to accommodate the most effective activities and to tolerate the appropriate intensity of particular behaviours.

## **Maintenance**

Proper maintenance of landscaping, lighting treatment and other features can assist in the prevention of crime. For example:

- Maintaining lighting fixtures to prescribed standards.
- Maintaining landscaping prescribed standards.
- Balancing potential conflicts between surveillance and landscaping as groundcover, shrubs and trees mature.

## Natural surveillance

Natural surveillance is a design concept that aims to keep potential offenders and intruders under observation through the creation of environments where there is sufficient opportunity for people engaged in their normal behaviour to observe the space around them. Areas can be designed so they are more easily observed through:

- Design and placement of physical features to maximise visibility. For example, through building orientation, windows, entrances and exits, car parking areas, refuse containers, walkways, guard gates, landscape trees and shrubs, use of walls such as wrought iron or picket fences, signage and other physical obstructions.
- Placement of persons or activities to maximise surveillance possibilities.
- Maintenance of minimum lighting standards to provide for night-time illumination of parking lots, walkways, entrances, exits and related areas.

### Example:

Lock out trials in Newcastle pubs. Newcastle had seven venues on the state's most violent list before the NSW Liquor Administration Board imposed unprecedented licensing conditions on 14 pubs and clubs in 2008. They included a 1am lockout, reduced trading hours and a prohibition on shots or mixed drinks with more than 30ml of alcohol and now only one pub remains on the list. Moreover, linked ID scanning at five major venues have helped further reduce alcohol-fuelled problems.

Following the success of this trial, NSW implemented new laws recently which ban bottle shops to sell liquor after 10pm, 1.30 am lockouts from pubs and last drink to be served at 3am.

## Territorial reinforcement

Territoriality is a design concept that clearly delineates private space from semi-public and public spaces and also creates a sense of ownership. When there is a sense of ownership within a space, strangers and intruders stand out and are more easily identified. This can be achieved through:

- Reinforcing existing natural surveillance and natural access control strategies with additional symbolic or social ones to enhance a feeling of legitimate ownership.
- Designing a space to accommodate long-term and continued use and to fit its intended purpose.
- Using pavement treatments, landscaping, art, signage, screening and fences to define and outline ownership of space.

Source: <https://www.police.qld.gov.au/programs/cscp/safetyPublic/Documents/CPTEDPartA.pdf>

## **THE THEORY OF DIFFERENTIAL ASSOCIATION**

Simply states that a person can be the result of the environment they are a part of. If you are in association with criminal elements then the likelihood of an individual behaving in a criminal manner is increased.

According to Sutherland and Cressey:

Differential Association is a learning theory that focuses on the processes by which individuals come to commit criminal acts.

1. Criminal behaviour is learned.
2. Criminal behaviour is learned in interaction with other persons in a process of communication.
3. The principal part of the learning of criminal behaviour occurs within intimate personal groups.
4. When criminal behaviour is learned, the learning includes:
  - (a) Techniques of committing the crime, which are sometimes very complicated, sometimes very simple.
  - (b) The specific direction of motives, drives, rationalisations, and attitudes.
5. The specific direction of motives and drives is learned from definitions of the legal codes as favourable or unfavourable.
6. A person becomes delinquent because of an excess of definitions favourable to violation of law over definitions unfavourable to violations of law.
7. Differential associations may vary in:
  - (a) Frequency
  - (b) Duration
  - (c) Priority
  - (d) Intensity