



Criminal offence

If the breach of a legal rule
(the wrong) has criminal
consequences attached to it,
will it be a criminal offence



Basic elements of most crimes

1. *Actus reo*: before a person can be convicted, it must be proved that he or she acted in a fashion proscribed by law: this is known as the *actus reus* of an offence
2. *Mens rea*: an intention to act in the proscribed fashion or to bring about the unacceptable ends, or in some cases reckless indifference to causing a particular harm.



Strict liability offences



They regulate potentially dangerous activities, like motoring, or they protect people against other dangers of modern life. In these cases, all that needs to be proven is that the state of affairs existed and the crime is complete. Example of this arise in many road traffic violations (e.g. the use of defective and dangerous motor vehicles), possession of dangerous objects or substances such as firearms or controlled drugs....



Why are different forms of activity deemed criminal?

Morality, economics, politics, power, public administration, public order and public safety all play a part in declaring certain acts or omissions as criminal



Why do people commit crime?

Does crime occur because man is inherently evil?

Or because of socio-economic conditions?

Or because of physical-mental illness?

Or because of genetic, inherited defects?

Or are there other factors or combinations of factors which are responsible?



White collar crime (E. Sutherland)

...the behaviour of persons of respectability and upper socio-economic class frequently exhibits all the essential attributes of crime but it is only very rarely dealt with as such. This situation emerges (Sutherland claims), from a tendency for systems of criminal justice in societies such as our own to favour certain economically and politically powerful groups and to disfavour others, notably the poor and the unskilled who comprise the bulk of the visible criminal population (Carson)



Sutherland's definition of white collar crime consists of four criteria:

- ◆ A crime
- ◆ committed by a person of respectability
- ◆ of high social status
- ◆ in the course of his/her occupation



A violation of trust



Some commentators add “a violation of trust” to the definition of white collar crimes.

A more useful distinction can be made between job-related crimes committed for the corporation (“corporate crimes”) and those committed against it (where the employer does not gain. This would include embezzlement and theft from the employer).



Corporate crime

An illegal act of omission or commission, punishable by criminal sanction, which is committed by an individual or group of individuals in the course of their work as employees of a legitimate organization, and which is intended to contribute to the achievement, goals or other objectives thought to be important to the organization as a whole or some sub-unit within it, and which has serious physical or economic impact on employees, the general public, consumers, corporations, organizations and governments.