

UK: Thousands Prosecuted Under Controversial Law of Joint Enterprise

By [The Bureau of Investigative Journalism](#)

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An eight-month investigation by the Bureau of Investigative Journalism reveals, for the first time, comprehensive data showing at least 1,800 people have been prosecuted for homicide using the little-known law of [joint enterprise](#): a law which experts have called “unclear” and “capable of producing injustice”.

The revelation comes as leading members of the judiciary call for its reform. The criminal Law Commissioner, Professor David Ormerod, told the Bureau the case for reform was “overwhelming” as joint enterprise was “unclear” and posed “a risk of injustice”.

Professor Jeremy Horder, former criminal Law Commissioner and now at the London School of Economics, said there needs to be major statutory reform of the law.

And Lord Phillips, former Lord Chief Justice, told the Bureau joint enterprise needs reform as it was “capable of producing injustice, undoubtedly”.

Until now, there has been no information on the scale of the use of this powerful part of the criminal justice system as no official records are kept. New data collected and analysed by the Bureau shows that since 2005 at least 1,800 people and up to 4,590 have been prosecuted for homicide under joint enterprise – a legal tool that allows the prosecution of multiple defendants for the same crime. This represents at least 17.7% of all homicide prosecutions in this period.

Key findings:

- Between 2005 and 2013, 1,853 people were prosecuted for homicides that involved four or more defendants. This is the closest approximation that can be made to the use of joint enterprise. Most academics agree these prosecutions almost certainly relied on the joint enterprise doctrine.
- In the same eight years 4,590 people were prosecuted for homicides involving two or more defendants – a definition the CPS suggests is a clear indication of the use of joint enterprise.
- The rate of use has remained relatively constant, though there was a small rise in the rate of homicide prosecutions involving four or more defendants in 2008 (20.4%).
- The more defendants involved in a prosecution, the lesser the chances of securing a conviction. The average conviction rate for all homicides is 80.4%. Where there are two or more defendants the conviction rate drops to 76.7% and

for four or more defendants it is 73.3%.

- The rate at which joint enterprise cases are appealed appears to be on the rise. In 2008 11% of published Court of Appeal rulings dealt with convictions where there had been some element of joint enterprise. In 2013 the rate had increased to 22%.

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