

## Joint Enterprise: changing the law on murder will *not* solve the problem of innocent people wrongly convicted

Changes in the law relating to murder were proposed today as a solution to problems caused murder convictions under the joint enterprise law. But these changes will do nothing to prevent or rectify the conviction of *innocent* people through use of this law.

The changes were proposed on the BBC Today Programme of 8 September 2010 by former Director of Public Prosecutions (DPP) Lord Macdonald and supported by current DPP Keir Starmer and former Met police chief Lord Blair. But **Joint Enterprise: Not Guilty by Association** says: they and others interviewed by the Today Programme, including former lord chancellor, Lord Falconer, Labour leadership contender Diane Abbott MP, and BBC law correspondent Clive Coleman, have all failed to recognise the key problem:

**The joint enterprise law itself makes conviction for serious crime so easy that many completely innocent people are being convicted of murders that were nothing to do with them, and given life sentences often with minimum jail terms of over 20 years.**

Some people convicted of murder under joint enterprise law admit they were engaged in a related criminal activity but deny that they could have known a murder could be committed by someone else present. They are often wrongly convicted of a crime far more serious than the one they actually committed.

But the victims of this defective law who have suffered worst are those who are *innocent* of any crime.

Why is the law defective?

Originally designed to convict individuals who encourage another to commit a crime on their behalf<sup>i</sup>, in recent years the joint enterprise law has been developed by prosecutors and judges so that whole groups of vaguely associated individuals can be convicted of murder even if there is no evidence that any of them physically attacked the victim.

- The defect is inherent in the law itself, because proof that someone is present at a crime scene, knows what the actual perpetrator intends, or is part of a 'gang' can be based on minimal, poor quality evidence like
  - records that phone calls were made (not what was said in the calls) or
  - witnesses who agree to testify only in order to escape prosecution for the same offence, without any corroboration.
- The defects are being deliberately exploited by the police in order to clear up crimes without bothering to engage in serious detection: they round up possible suspects and offer the options of informing on someone else or being charged themselves.<sup>ii</sup> But some of those arrested know nothing about the crime, so they have no information to give the police.
- The police feed the courts with stories about dangerous gangs and "wolf packs" (Lord Blair's term), and senior judges respond by developing the law to meet perceived *public policy* needs rather than the interests of justice.
- Judges permit unwarranted inferences to be drawn from inadequate evidence. A defendant can be assumed to be a member of a 'gang' if she or he made phone calls to another assumed member of the 'gang'.

**Joint Enterprise: Not Guilty by Association** asks that instead of accepting the assurances of politicians, lawyers and retired police officers that changing the law on murder or relying on judges to “ensure that prosecutors are using [the joint enterprise law] properly”<sup>iii</sup>, the news media should look carefully at

- policing tactics and how the crime was investigated,
- the actual evidence used and whether it’s really sufficient to prove anything at all, and
- the prejudicial language which includes words like ‘gang’ and phrases like ‘wolf packs’, derived from ideas introduced by the police, unchallenged in courts and accepted by gullible judges, but based only on rumour and unreliable informers.

The cases **Joint Enterprise: Not Guilty by Association** is concerned with do not involve organised criminal gangs – just people gathered in the same place – or even just in phone contact.

### **Summary**

Joint enterprise law is being abused by police and prosecutors with the collaboration of judges with the effect that many innocent people are being wrongly convicted of murder in the course of attempts to net actual murderers.

This is only possible because joint enterprise law permits the use of poor quality evidence and unwarranted inferences drawn from such evidence.

### **About Joint Enterprise: Not Guilty by Association**

**Patron: Jimmy McGovern**

**JOINT ENTERPRISE: NOT GUILTY BY ASSOCIATION** is a campaigning organisation that will highlight such cases where joint enterprise law has been applied and those convicted are stating they are not guilty of the index offence. We have been contacted by many families and hundreds of prisoners alerting that they are serving lengthy sentences (life for knife crime is minimum 25 year tariff and prisoners will always serve longer than the minimum tariff) for something they did not do, could not have foreseen, did not have the intention to do, and indeed in many cases tried to prevent from happening. JOINT ENTERPRISE: NOT GUILTY BY ASSOCIATION will campaign on behalf of, and with those wrongfully convicted.

**JOINT ENTERPRISE: NOT GUILTY BY ASSOCIATION** is supported by [INNOCENT](#) and [LONDON AGAINST INJUSTICE](#) and is a member of [UNITED AGAINST INJUSTICE](#).

For more information go to <http://www.innocent.org.uk/jointenterprise.html#je> or phone 07709115793 email [jointenterpriseinfo@gmail.com](mailto:jointenterpriseinfo@gmail.com)

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<sup>i</sup> There is now a separate offence of encouragement to commit a crime (Serious Crime Act 2007 part 2).

<sup>ii</sup> Lord Blair wants to introduce American style plea bargaining. He said on the Today Programme that they wanted “more young people who are involved in these crimes to turn queen’s evidence, to give evidence for the prosecution about what happened in the knowledge that they were not necessarily facing a life sentence. The whole idea of plea bargaining ... is very sensible...” But does plea bargaining result in reliable evidence?

<sup>iii</sup> Diane Abbott MP, speaking on the Today programme.