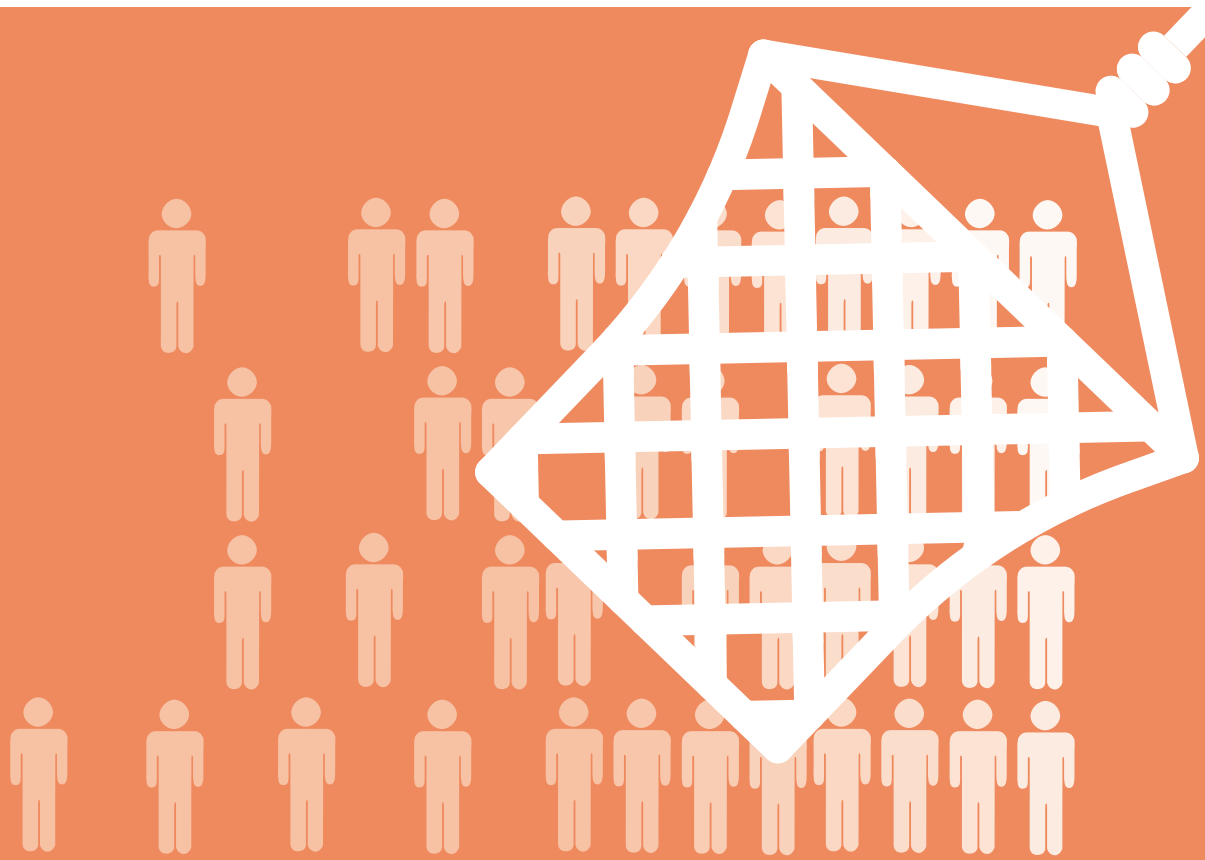
Joint Enterprise:
A view over time

by Dr Liat Tuv, Helen Mills
and Dr Nisha Waller



CENTRE FOR CRIME
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Executive summary

Joint enterprise is a legal doctrine that allows multiple people to be prosecuted and convicted for the same offence. Its use in homicide cases has long raised concerns about fairness, racial disproportionality, and the boundaries by which those on the periphery are brought into the scope of prosecution.

Against a background of multiple ongoing inquiries and continued scrutiny, this report contributes new longitudinal evidence to the ongoing debate. Drawing on Home Office and Crown Prosecution Service data, it analyses trends in multi-defendant homicide prosecutions, particularly focusing on the period 2005 to 2024.

Key findings

3x

the number of multi-suspect homicide cases were recorded in 2024 compared to 1984

1 Growth in multi-defendant homicide prosecutions

- Three or more defendants are now charged in nearly 10 per cent of homicide cases, compared with 3 per cent in the early 1980s. This relative increase accompanies an absolute one, with 18 such cases in 1984 rising to 54 in 2024.
- Multi-suspect homicide cases were described as exceptional in official reports in the 1960s. This is no longer the case. A sustained rise in multi-defendant homicide cases is evident from the early 2000s onwards.

40%

of those convicted of homicide in cases involving 4+ defendants are aged 18–24

2 Disproportionate impact on young people

- Around 40 per cent of those convicted in homicide cases involving 4+ defendants are aged 18 to 24.
- 30 per cent of children aged 10–13 convicted of homicide were convicted in cases involving 4+ defendants. Less than 10% of adults over 25 were convicted in such cases.
- Just over half of children under 16 convicted of murder between 2010 and 2024 were recorded as secondary suspects — the highest proportion of any age group.

3x

Black people convicted of homicide are 3 times more likely than White people to be convicted in a group case of 4+ defendants

3 Persistent racial disproportionality

- Among individuals convicted of homicide, around 3 in 10 Black people were convicted in cases involving 4+ defendants, compared with around 1 in 10 White people.
- Over the last two decades, Black people have comprised around 25 per cent of those convicted in 4+ defendant cases, while representing 4 per cent of the population (2021 Census).
- Qualitative and statistical research indicates that discretionary decision-making, including the interpretation of association, "gang" narratives, and shared intent, contribute to these patterns.

42%

of secondary suspects convicted of manslaughter received a prison sentence of over ten years in 2022 – up from 7% in 2012

4 Harsher sentencing outcomes

- In 2012, only 7 per cent of secondary suspects convicted of manslaughter received a prison sentence of over ten years (not including life sentences). By 2022, this had risen to 42 per cent.
- Secondary parties are subject to the same mandatory minimum terms and starting points as those who directly carry out the offence. Secondary status is not a formal mitigating factor in sentencing.

No

sustained reduction followed the 2016 Supreme Court judgment

5 Continuing issues after the Supreme Court judgment

- The number of secondary suspects prosecuted for murder and manslaughter remained broadly stable after the 2016 Supreme Court judgment.
- Any shift from murder to manslaughter convictions appears limited to the first year after the ruling.
- Since 2016, secondary suspects prosecuted for murder appear more likely to be convicted of homicide (murder or manslaughter) rather than lesser offences. This trend is unlikely to be a direct consequence of the judgment itself, but is noteworthy.

Conclusions

The evidence indicates multi-defendant homicide prosecutions have increased over time and have a consistent demographic profile: predominantly young, male, and disproportionately Black. Taken together, the findings support consideration of specific reforms, including: narrowing the scope of the law so that only a material contribution to an offence can establish liability (not mere presence or association); creating a separate sentencing framework for secondary parties that recognises secondary status as a formal mitigating factor; and introducing mandatory pre-charge reviews requiring prosecutors to articulate each defendant's individual conduct, role, and intent before proceeding with multi-defendant homicide cases.

1 About this report: Data and approach

"Getting the law on joint enterprise understood and settled in statute is not a sign of weakness but evidence of the search for justice." Lord Garnier

"Even lawyers and judges sometimes struggle with the application of this concept..."
Baroness Levitt, Parliamentary Under-Secretary, Ministry of Justice

"Joint enterprise contributes to overcriminalisation and overincarceration. Prison overcrowding and perceived injustice are, I suggest, a toxic mix. Absent a further case before the Supreme Court, we look to the Law Commission and the Government to find a way through." Baroness Fox

All in HL Deb, 5 February 2026, c1826

It is commonly recognised that there is a problem with joint enterprise. For more than two decades, joint enterprise has generated sustained concern. The concern is about fairness, about racism, about the prosecution of children and young people, and about the boundaries of criminal liability itself. What is striking about the present moment is not that these critiques are new, but the breadth of institutional engagement with the issue. With the establishment of the Westminster Commission on Joint Enterprise, the Law Commission's Homicide Review (which included complicity and joint enterprise in its Call for Evidence), the Criminal Case Referral Commission's referral of two joint enterprise cases to the Court of Appeal, the publication of Crown Prosecution Service (CPS) data on joint enterprise prosecutions, and the CPS review of the use of 'gangs' evidence; joint enterprise – in law and practice – is a focal point for formal analysis, particularly in relation to homicide.

This report provides evidence and analysis to contribute to the current discussion.

The data

This report draws on two kinds of evidence – administrative data obtained through Freedom of Information requests and two case studies.

For this report, we began by revisiting and updating our analysis of the same two data-sets used in *The Usual Suspects* (2022). In that report we analysed 15 years of data on multi-defendant homicide cases. We have revisited and updated our analysis of the same two data-sets:

- Home Office records on secondary suspects in murder and manslaughter cases.
- Crown Prosecution Service (CPS) records on defendants in homicide cases involving multiple suspects.

This report also draws on two case studies, which concern young men who were acquitted of murder in joint enterprise cases in recent years. The first case is drawn from family accounts, court documents, and news reports. The second is drawn from court observation. We include these case studies to show the human impact these prosecutions have and how they actually play out in court, important details that can get lost in the bird's-eye view of aggregated administrative data.

Taking a historical view

As mentioned above, our data is drawn from the two decades between 2005 and 2024. However, to contextualise this data we have also drawn on a number of historical sources and research papers. We begin by looking much further back in time to the 1950s and 1960s, because that period offers important insights into the data and debates around joint enterprise today. We then set the scene for our starting point in 2005, providing a snapshot of the data at that time. As we proceed from 2005 through 2024, we focus on three moments in time: 2007, 2012, and 2016. At each point we take, as a starting point, a pen portrait of a contemporary joint enterprise case to illustrate broader trends across the period. Unlike the later case studies in this report, these pen portraits are drawn solely from news reports at the time, and the purpose of their inclusion is to highlight wider issues rather than serve as a point of analysis themselves.

Key terms

Joint enterprise: A centuries-old legal approach used to prosecute and convict multiple people for the same offence, including when individuals played different and lesser roles. Though not a formal legal term, it is widely used to describe cases where individuals are prosecuted on the basis of having assisted or encouraged another to commit an offence, often based on a shared common purpose or intention with others.

Secondary liability: The legal doctrine for when one person is a participant in another's crime. The secondary party (or accomplice or accessory) is liable because s/he aids, abets, counsels or procures the commission of the crime by the main actor (principal), though in the modern law the simpler terms assist or encourage are often used. The rules allow for a conviction even when it is impossible to prove whether a specific defendant was the principal or the accessory, provided their participation as one or the other is established. Under the Accessories and Abettors Act 1861, an accessory to a crime can be tried and punished as a principal offender.

R v Jogee/Supreme Court decision 2016: This case corrected an over 30-year 'wrong turn' in the law that had made it easier to convict secondary parties than principals. Between 1985 and 2016, a secondary party could be liable for a second crime arising in the course of a first, simply by foreseeing it might happen, even without assisting and encouraging it. This particular form of secondary liability was known as parasitic assessorial liability or PAL. Following the R v Jogee decision, a secondary party must have assisted or encouraged a crime, in order to be liable for it, and had to intend to assist or encourage it. Foresight could only be used as evidence from which a jury may find that intent.

Official records do not provide a direct way to track the use of secondary liability laws over time. In this report two approximations are used.

Multi-defendant/multi-suspect: Cases involving more than one perpetrator. Prior to the release of CPS data on joint enterprise last year, there was no data flag for 'joint enterprise', so we rely on CPS data that refers to cases in which two or more people and four or more people were prosecuted together. The Home Office data (drawn from the Homicide Index) refers to suspects.

Secondary suspect: The Home Office data only flags one suspect per case as the 'principal', everyone else is marked as secondary. However, this is not the same as secondary liability.

For more detail about each dataset and the key caveats to bear in mind as a measure of joint enterprise, see appendix. Despite the caveats, these figures are the best guide available to gauge trends about how this area of law is working.

2 Multi-defendant cases in the shadow of capital murder

The current Law Commission Homicide Review (mentioned in our introduction) represents a juncture of reflection on homicide. In this context, it feels apt to look back at another time when the definition and delineation of types of homicide were the focus of significant public debate. We have chosen the decades surrounding the 1957 Homicide Act and the eventual abolition of the death penalty in 1965 (made permanent in 1969) as our historical point of comparison. It is also helpful that the Home Office published three statistical reports on homicide during this period (in 1961 – updated in 1967 – and another in 1971) as part of the public focus and heightened scrutiny at the time.

Before we turn to statistics, let us first convey a sense of the concerns surrounding multi-defendant murder cases and how they were handled in the 1950s. This leads us to one of the most well-known historical cases of joint enterprise, and a murder conviction that was only quashed forty-five years after the execution of a young man named Derek Bentley.

In 1952, 19-year-old Derek Bentley and 16-year-old Christopher Craig were spotted attempting to break into a warehouse in Croydon. By all accounts, Bentley did not engage in violence against the police who arrived; in fact he was caught and held by the detective sergeant who was first on the scene. The police account was that the sergeant asked Craig to hand over the gun he was holding and Bentley allegedly shouted "let him have it." That phrase could be interpreted either as an instruction to hand over the gun or as an instruction to shoot. The presiding judge in the consequent trial would direct the jury to take the second interpretation. About fifteen minutes after that alleged shout from Bentley, and following the arrival of more police, Craig shot and killed a police constable, PC Sidney Miles. Craig was convicted of murder but was too young to be given the death penalty. Bentley, who was held in custody by a police officer for almost the entirety of the violence, was also convicted of murder and sentenced to death (BBC News, 1998a; BBC 2025; McClenaghan *et al.*, 2014: 47).

In the lead-up to Bentley's execution, 200 MPs signed a letter to the Home Secretary requesting a reprieve, there were protests at Whitehall, and, on the day of the execution in early 1953, there was a protest outside the prison (The Guardian, 1953). At the time, concerns were raised about the police evidence produced to claim Bentley was in a joint enterprise with Craig (particularly the written statement produced by the police on Bentley's behalf, given that contemporary accounts stated he was illiterate). Decades later, in 1998, judges reviewing the case at appeal found that the presiding judge had poorly directed the jury both in terms of understanding the evidence and relevant points of law (BBC News, 1998b; BBC News, 2025). Back in 1952, there were also fundamental concerns with the existing laws, leading Bentley to face execution even when it was acknowledged that he had not committed any violence.

In 1957, during a House of Commons debate on the Bill that would become the 1957 Homicide Act, one opposition MP drew attention to Bentley's case again. The MP claimed that "the real purpose" of one of the Bill's subsections was to "ensure that the tragedy of Derek Bentley never happens again" (Silverman, in HC Deb. Vol. 563 col. 477, 24 January 1957). The eventual wording of that subsection of the Homicide Act was:

> *"If, in the case of any murder falling within the foregoing subsection, two or more persons are guilty of the murder, it shall be capital murder*[1] *in the case of any of them who* ***by his own act*** *caused the death of, or inflicted or attempted to inflict grievous bodily harm on, the person murdered, or who himself used force on that person in the course or furtherance of an attack on him; but the murder shall not be capital murder in the case of any other of the persons guilty of it."* (Homicide Act 1957, Section 5 (2). Emphasis added)

It is striking to see this attempt to distinguish levels of involvement between capital and non-capital murder in 1957 and interesting that, even at the time, some MPs argued that the wording did not go far enough to make this distinction clear

It is striking to see this attempt to distinguish levels of involvement between capital and non-capital murder in 1957 and interesting that, even at the time, some MPs argued that the wording did not go far enough to make this distinction clear.

However, while the 1957 Act sought to protect those who did not personally use force from the death penalty, this period is also recognised as sowing the 'first seed' of parasitic assessorial liability (Dyson, 2017). This doctrine eventually allowed foresight alone to substitute for direct action or intent, effectively endorsing a form of liability even wider than the felony-murder rule that Parliament had abolished in 1957.

Three years on from the 1957 Act, Home Office researchers noticed that 1960 was 'exceptional' for the large number of murder acquittals that year. They attributed this larger number to the number of multiple-defendant murder cases that year, stating that "one or more of the accused was acquitted or convicted of a lesser offence, while the ringleader was convicted of murder" (Gibson & Klein, 1961: 9).[2] Perhaps, then, Section 5(2) did have some impact in the short-term? The legislation would, of course, see major change with the abolition of the death penalty in 1965.

Suspects barely outnumbered victims in homicide

The Home Office researchers' remarks on the 'exceptional' number of acquittals come from a 1961 report. The Home Office Research Unit was commissioned to analyse homicide data with the principal aim of determining whether there had been a change to the ratio of murder to manslaughter convictions since 1957 and the introduction of the Homicide Act. For our purposes, what is most relevant from this, and the two subsequent reports, are their observations on homicide cases involving multiple suspects.

As seen above, multi-suspect cases were seen as an exception in the 1960s. It was also uncommon to have more suspects than victims. Indeed, the report authors note how 1960 stood out in their data set for having more suspects than victims within the numbers of murders (and Section Two manslaughters) cleared up. They explain that, in that year, there were "an unusual number of incidents in which several persons were jointly concerned in

1 Capital murder was a sub-category of murder, whereby the mandatory punishment was death by hanging.
2 In 1960, of the 180 people who were tried in cases initially recorded as murder, 24 resulted in acquittal or 'nolle prosequi', 5 of those 24 were "concerned in gang offences" and were convicted of lesser offences (Gibson & Klein, 1961: 12). The average number of acquittals in the previous three years were about 10, and account for just eight per cent of those tried (in 1960 acquittals accounted for 13 per cent).

the death of one victim", that unusual number was 28 suspects involved in the murder of 8 victims (Gibson & Klein, 1961: 8). For context, in 1960, a total of 126 suspects were prosecuted for the murders of 112 victims (this includes cases that resulted in Section Two manslaughter convictions, acquittals and in which the suspect was found by the court to be insane). That is, 22 per cent of murder suspects were involved in cases with multiple suspects that year, a percentage that would not seem that unusual in our dataset for the last two decades.

Multi-suspect cases were still rare enough to be of note in the early 1970s. In 1975, the Home Office produced another report, taking a broader look at homicide. In this report they used a newly-constructed category, which they had first employed in 1968 in an attempt to look at the impact of the 1965 Murder (Abolition of Death Penalty) Act. The new category, called 'normal' murder, covered murders that would have likely been capital murders between 1957 and 1965. Therefore, they did not include any murder cases in which the suspect was either found 'insane' or died by suicide before the case came to court. These 'normal' murders seem more likely to have more suspects than victims because of the number of cases where two or more people were charged jointly (Gibson & Klein, 1969). The Home Office report noted that, in 1970 and 1971 (the last two years of their data set for the 1975 report) there was a marked increase in these 'normal' murders and that "the number of suspects increased markedly more than the number of victims, owing to the increase in cases of ganging up"' (Gibson, 1975: 13).

Figure 1: Homicide suspects and victims
1960 and 2023*

* Suspects convicted of murder or section 2 manslaughter; found 'insane'; or aquited

Source: Gibson & Klein, 1961 and Homicide Index, 2024

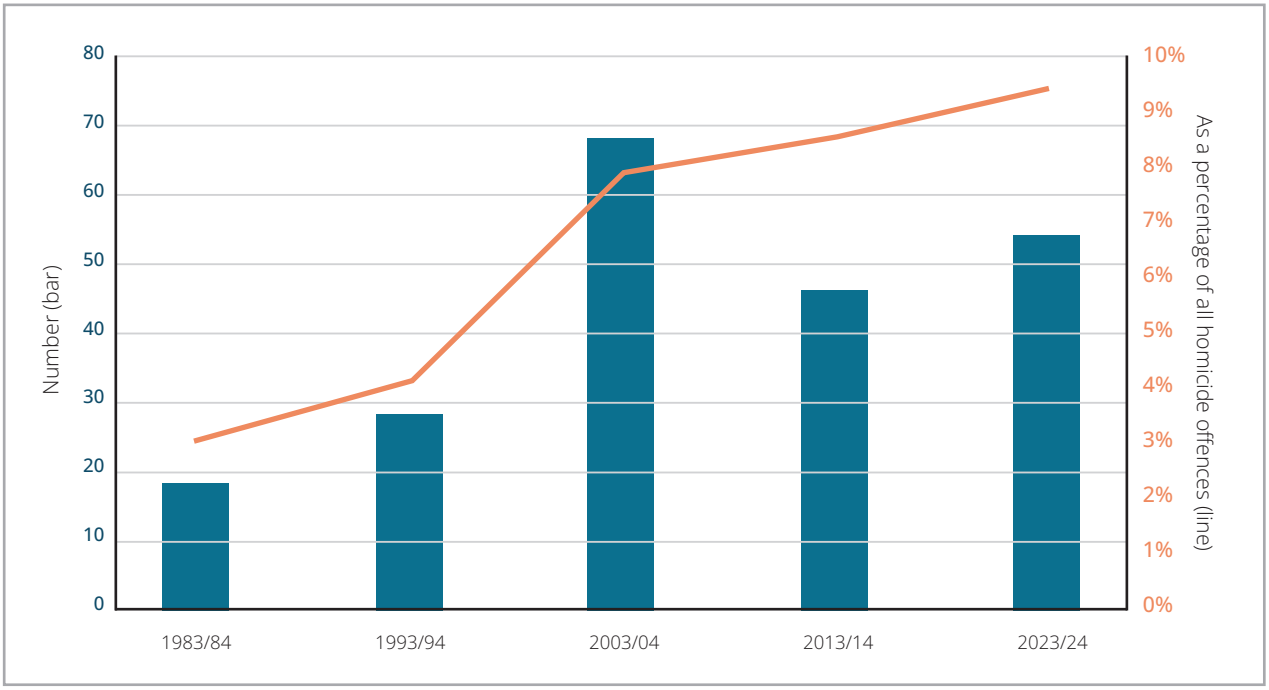
3 Multi-defendant cases in the new millennium

Our data set begins in 2005. Compared with the data we have seen from the 1950s and 1960s there are two initial general points of difference that are worth noting at the start.

First, in the earlier period, the number of homicide suspects hardly outnumbered the number of victims. In 1961, there were about 1.1 suspects to victims in murder and Section Two manslaughter cases. By 2023, there were 1.4 suspects to victims in murder and Section Two manslaughter cases (see Figure 1). When murder suspects notably outnumbered victims in 1961 and 1971, Home Office statisticians pointed to exceptional numbers of multi-suspect cases in those years. While there are undoubtedly a number of factors that led to the increased gap between numbers of murder suspects and victims today, one potential explanation could be an increase in multi-suspect cases. Data from the Homicide Index appears to suggest that the number of cases in which three or more were charged increased at the turn of the millennium (see Figure 2). To complicate things further, recent analysis of the Homicide Index, together with other data sources, has found that the mid-2000s actually also saw an increase in the percentage of homicide cases in which no suspects were found (Gray *et al*., 2026: 7). Taken together, the rising number of multi-suspect cases and cases with no suspects, suggests an increasing polarisation in homicide case outcomes.

the number of cases in which three or more were charged increased at the turn of the millennium

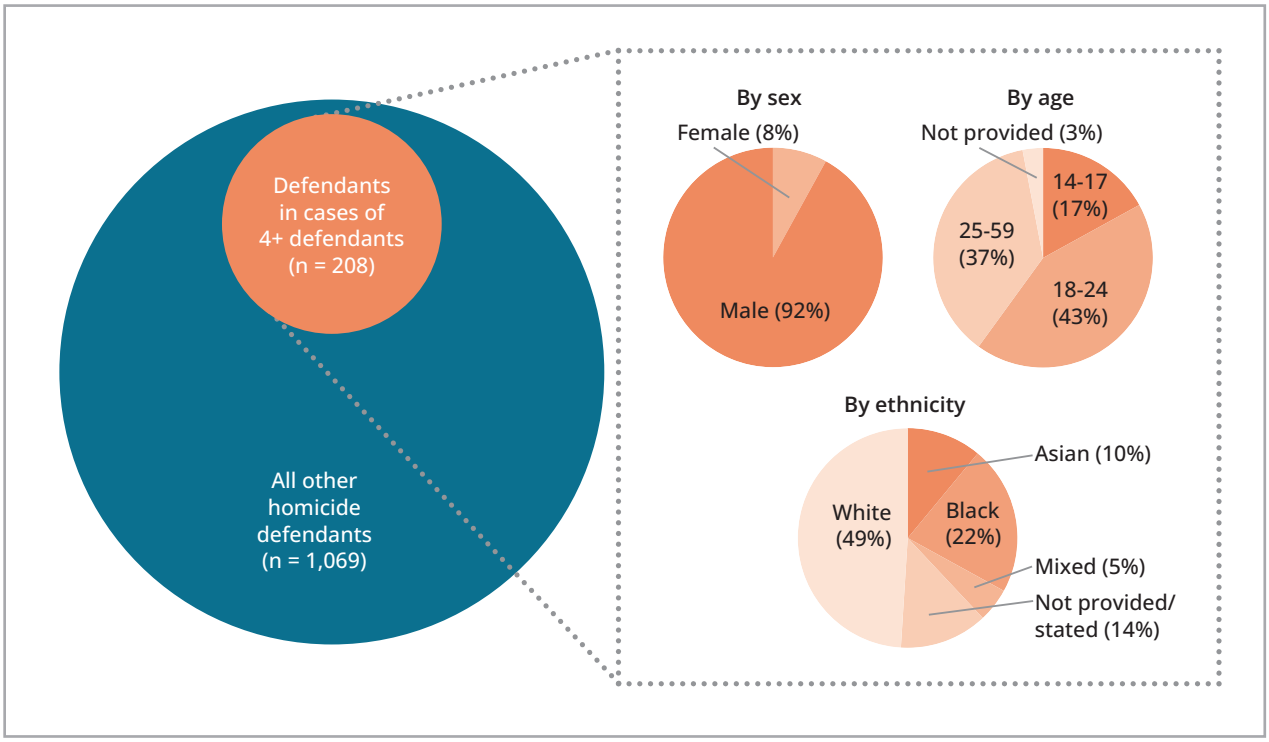
Figure 2: Multi-suspect cases
Number and proportion of homicide offences with three or more suspects, 1984 to 2024*



* Offences initially recorded as homicide (total includes offences with no suspects and when suspects were acquitted).
Source: Home Office FOI 17939

Second, the homicide rate in the early 2000s was much higher than in the 1960s (that is, there was an increase in the number of homicides in relation to the size of the general population). In fact, the homicide rate had just peaked following a steady increase across the intervening decades. It is worth noting this high rate because it would undoubtedly affect policy concerns and public debates by the start of the time period we are about to analyse. At the same time, it is also worth noting that peaks in homicide rates from the late 1980s were driven by an increase in homicides of men by men (particularly young men), while homicides of women by men was declining (Gray *et al.,* 2026: 10). The former type of case is far more likely to generate multiple suspects than the latter, which may play a part in the shifting proportion of multiple-suspect cases identified above.

Figure 3: Snapshot: 2005



Source: Crown Prosecution Service FOI 13416

At the start of our data set, in 2005, 1,277 defendants accused of homicide had their cases concluded in court. Of these 208 (about 16 per cent) were in cases involving four or more defendants (see Figure 3). Over 90 per cent of those in multi-defendant cases were male, more than half were under 25 years old, and over 20 per cent were Black (compared to only about 2 per cent of the general population who defined themselves as Black in the 2001 census). This profile of defendants, predominantly young, male, and disproportionately Black is, as we will see, consistent in the decades that have followed.

Policy context shapes liability

One night in January 2007, a fight broke out in the car park of a pub in Yorkshire. There had been a disagreement between two groups about a pre-booked taxi, and it had escalated. A 22-year-old woman was drawn into that initial fight, had thrown punches, and had lost her shoes in the process. As the court would later hear, she was busy looking for those shoes elsewhere in the car park when a second fight broke out. It was during that second fight that a 50-year-old man was killed. While one man admitted to being the principal and pleaded guilty to murder, the young woman, her boyfriend, and another man were convicted of murder as secondary parties. The young woman's involvement in the first fight, and continued presence in the car park while some individuals in the group went to collect weapons for the second fight, were central to the prosecution's argument that she was in a joint enterprise to commit murder in the second fight. She received a life sentence with a minimum term of 13 and a half years.[3]

Media-coverage at the time and police statements after the trial focused on the role of alcohol in the murder outside the pub that January. The young woman and her co-defendants were characterised as heavy drinkers engaged in drunken violence. At the time, alcohol-fuelled violence was a major topic of political and media attention. Just a few months before that night in January, the government passed the Violent Crime Reduction Act, which opened with provisions on alcohol-related violence and disorder. The link between increasing violence and alcohol had featured frequently in reporting across the preceding decade. For example, in 2000, an extended BBC article on the rise of violent crime devoted a whole section to alcohol, quoting the then Home Secretary Jack Straw that "there is a really serious problem about alcohol and violence" (BBC News, 2000).

policy considerations appear to have exerted an unusually strong influence on its development and application

We set out this policy context because joint enterprise, as a doctrine based in common law, is particularly open to the influence of prevailing policy concerns and public debate. That sensitivity is not, in itself, problematic. However, in the case of joint enterprise, dubious policy considerations appear to have exerted an unusually strong influence on its development and application. Although no single piece of legislation directly reshaped the doctrine, the broader institutional and political climate formed part of the backdrop against which it was interpreted and applied. This was explicitly recognised by the Supreme Court in 2016, which criticised the reliance on "generalised and questionable policy arguments" (R v Jogee, 2016: para 79) in the evolution of parasitic accessorial liability. While flexibility in the application of legal rules appeals to pragmatism for securing convictions, it raises serious concerns about justice (Dyson, 2022). Liability, culpability and punishment risk being determined less by what an individual has done or intended, and more by assumptions about association, character, or perceived risk. As we will see further below, this has been most acutely observed in policies around tackling 'gangs' and youth violence, with recent court observation research showing some

3 We have chosen to mention cases that have received substantial media coverage, partly because the extent and nature of the media-coverage of these joint enterprise cases plays no small part in the policy landscape around them. Bentley's case is historical and well-known but we have not named anyone involved in the more contemporary cases. While we understand that the details of these heavily covered cases cannot be easily anonymized, we still do not want our report to add to the already existing list of results when one searches the internet specifically for their names.

prosecutors draw on these politicised public anxieties in their courtroom advocacy in joint enterprise homicide cases (Waller and Sultan, 2025).

The focus on alcohol in violent crime was clearly a topic of concern for policy-makers throughout the 2000s. To understand how this plays out in relation to women in joint enterprise cases requires further context. In their study of 109 women convicted under joint enterprise over the course of 15 years, Clarke and Chadwick (2020) identify alcohol use as just one of a number of tropes employed as part of a political focus on, and stigmatisation of, working-class women. While alcohol-consumption specifically may have only played a part in a handful of the cases they analysed, Clarke and Chadwick argued it is part of a wider set of tropes that prosecutors drew on to construct the blameworthiness of mostly working-class girls and women (Clarke and Chadwick, 2020). Crucially, in these cases, prosecutors and judges focused more on women's wider behaviours than their actions in terms of the offence (*ibid*. 2020: 24).

The focus on wider behaviours more than actions in terms of the offence is significant when one considers that 90 per cent of the women in that study did not engage in any violence in relation to the offence they were convicted for (*ibid.*) and that they are likely to be very representative of all female defendants in joint enterprise cases. Across the twenty years between 2005 and 2024, 194 women and girls were convicted of homicide in cases involving four or more defendants. As in *The Usual Suspects,* we found that less than 10 per cent of secondary murder and manslaughter defendants over the last 15 years were female. Recent data from the Crown Prosecution Service (CPS) shows that, in the year 2024/25, a higher percentage of female defendants were recorded as 'secondary' (43 per cent) than was the case for male defendants (30 per cent) (CPS, 2025a).

90 per cent of the women in that study did not engage in any violence in relation to the offence they were convicted for

4 Sentence inflation and convictions of young people

One night in November 2012, two brothers in their early twenties were involved in a fight on the way out of a pub in East London. The fight continued in a garage forecourt nearby, where CCTV captured a group of young men, including the brothers, attacking a man in his late twenties while he was in his car. At some point, the two brothers decided to leave the fight in the forecourt, and this was also recorded on CCTV. After the brothers left, another young man repeatedly and fatally stabbed the man who was in his car. When the case came to trial in 2013, the young man who stabbed the victim was convicted of murder – so too were the two brothers, along with two other young men. It was argued in court, and reported in the media, that all five young men held the victim responsible for a shooting two years earlier, which paralysed a young man who some of them knew. News reports at the time presented the five young men as a group, a gang, even 'a pack', who acted together. The connection was not only drawn by descriptions of the group, but in the way the actions were presented. For example, some early media reports mentioned, in the same sentence, that there was CCTV footage of the stabbing and CCTV footage of one of the brothers throwing a punch – as if they occurred at the same time. It was concluded that, even though the brothers were only present in the initial fight, they still had a common cause with the young man who would go on to stab the victim.

Three years before the trial, the minimum term for life sentences involving murder with a knife had been increased from 15 to 25 years. This sentence increase – added as an amendment to the Criminal Justice Act in 2010 – was introduced by the then-Justice Secretary Jack Straw in order to bring knife-related murder sentences closer to the 30-year minimum for murders involving guns, which had itself been established in the Criminal Justice Act in 2003. As a result of the increase, the young man who stabbed the victim received a life sentence with a minimum term of 25 years. Both brothers, who were also convicted of murder, received a life sentence with a minimum term of 16 and a half years. We are drawing attention to one specific sentence increase in 2010 for two reasons. Firstly, this sentence increase is by no means the only sentence increase to occur during the 15-year period we are analysing, it is part of a trend. Secondly, we note that the decision to increase knife-related life sentences took place in a context of great public anxiety and media attention around the perceived rise of violent crime involving young people and knives, with attention drawn to tragic high-profile cases (see Silvestri *et al,* 2009 for an analysis of policy concerns around knife crime and youth violence at the time). It has been argued that policies targeting youth violence have driven the use of joint enterprise in prosecutions, in particular policies that characterise young people as 'packs' (Green and McGourlay, 2015). These policies, with a focus on group behaviour, have also disproportionately affected young adults from Black and minority ethnic backgrounds. We will pick up on the context of youth violence policies further below, but first, let us look at sentence lengths.

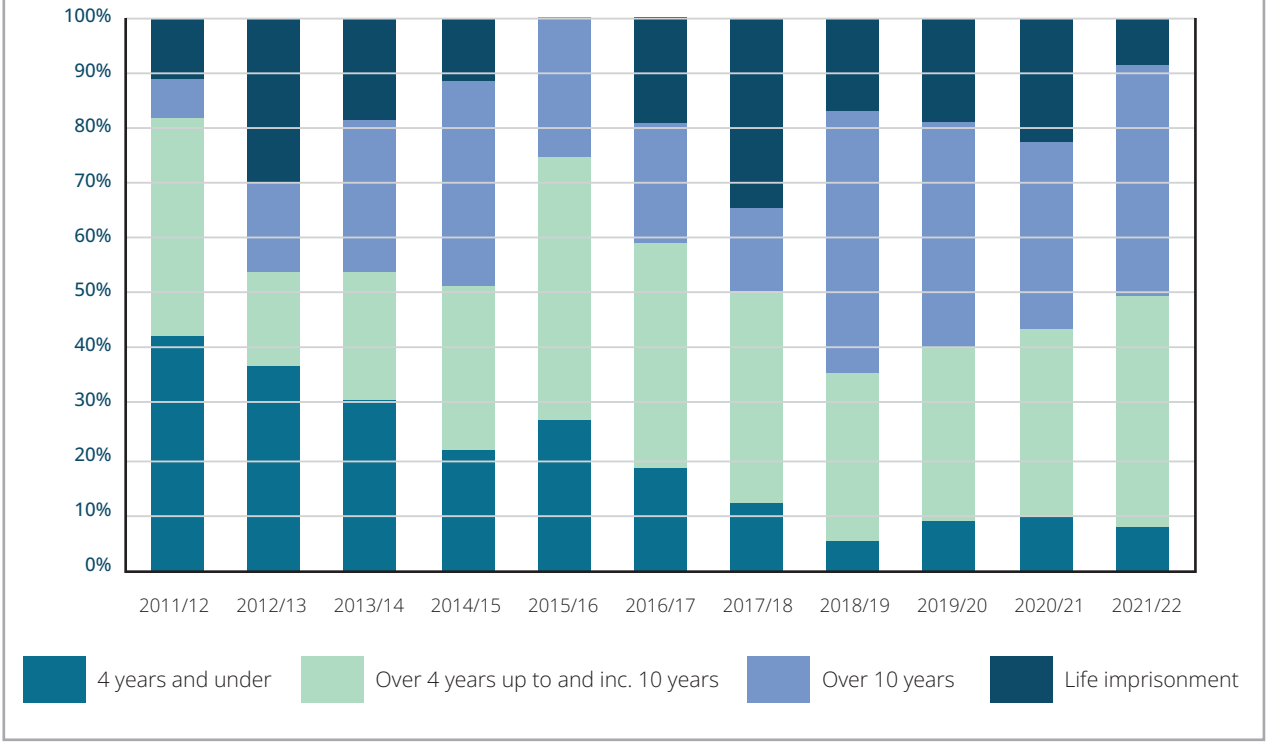
Sentence inflation

It is worth reflecting that the two brothers in the case above, received a minimum term of 16 and a half years each. Even with the acknowledgement that they were not at the scene when the stabbing took place – and only the individual with the knife received the minimum term of 25 years – the brothers' minimum term exceeded what the starting term would have been for a knife-related murder only three years earlier (when it was 15 years). In 2005 (the start of our data set), the average minimum term for life was 15 years, by 2013 (when the brothers were sentenced) the average minimum term for life had risen to 20 years (HL Written Answer, 2022a).

The increase in minimum terms for life sentences is part of a general trend (not limited to multi-defendant cases), and senior former judges have argued that the establishment of statutory starting points for the minimum terms for mandatory life in the Criminal Justice Act 2003 began the trend of sentence inflation (Howard League for Penal Reform, 2024). It has also been convincingly evidenced that increasing sentence lengths for serious offences has also effectively dragged up the sentence lengths for lesser offences (Gauke, 2025; Pina-Sánchez *et al.,* 2025).

While the two brothers above were not given a 25-year minimum term, they were still subject to a mandatory life sentence for murder, with a starting point of at least 15 years. Those convicted as secondaries are subject to the same mandatory minimum terms as principals (those considered to have directly committed the offence). While starting points can be adjusted up or down according to aggravating or mitigating factors, being convicted through being a secondary party is not considered a formal mitigating factor in sentencing, whereas operating in a 'gang' may be treated as an aggravating factor. Lengthy minimum terms mean that sentencers have minimal discretion to reflect different and lesser degrees of culpability in sentencing.

Figure 4: Sentencing
Secondary suspects convicted of manslaughter and imprisoned, 2012 to 2022



Note: Secondary suspects do not indicate secondary liability, please see appendix for more detail
Source: Percentages calculated from data in Home Office FOI 06857

In 2012, only 7 per cent of secondary suspects convicted of manslaughter received a prison sentence of over ten years (not including life sentences). By 2022, this had risen to 42 per cent

The administrative Home Office data we used for this report does not provide minimum terms for life sentences, so we could not see if these had changed over time and cannot tell the average minimum terms for secondary suspects convicted of murder. The Home Office data does, however, provide ranges of sentence length other than life, so we could investigate a change in length of sentences for manslaughter convictions (as they do not all result in life sentences). In 2012, only 7 per cent of secondary suspects convicted of manslaughter received a prison sentence of over ten years (not including life sentences). By 2022, this had risen to 42 per cent. (see Figure 4). This shift indicates that, over the decade, the average length of sentence for secondary suspects convicted of manslaughter has substantially increased.

As sentence lengths have grown, the consequences of being convicted of homicide under joint enterprise are all the more pronounced. As noted in The Usual Suspects, it is particularly important to consider the consequences of lengthy prison sentences on children and young adults, given their overrepresentation in joint enterprise cases (Mills *et al.*, 2022: 13).

Young adults in multi-defendant cases

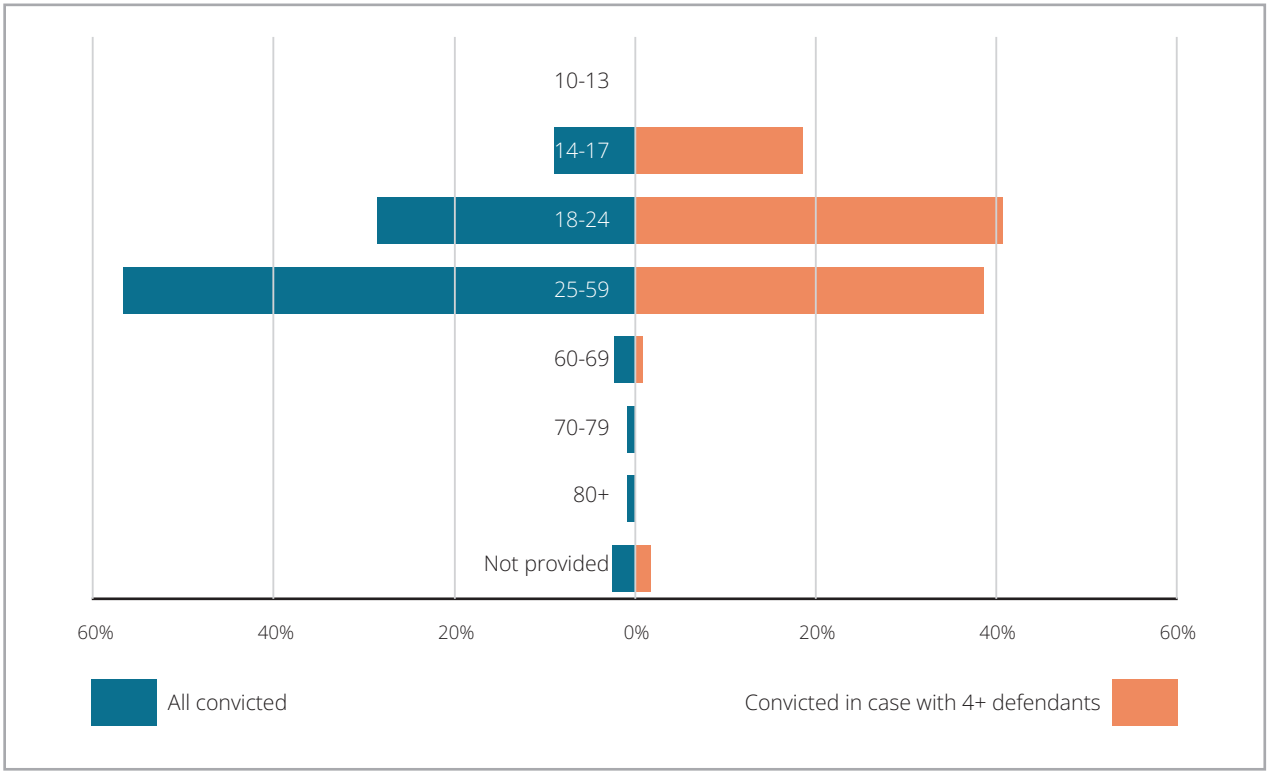
In 2013, the same year that the two brothers were convicted, 54 young adults (18-24) were convicted of homicide in cases that involved four or more suspects, making up over 40 per cent of all convicted multi-defendants (in homicide cases of four or more) that year.

In *The Usual Suspects,* we noted that young adults are disproportionately represented in homicide cases in general compared to their proportion of the population, and this disparity is even greater in homicide cases involving multiple defendants (Mills *et al,* 2022: 11). The average distribution in the updated data paints a similar picture (see Figure 5). We also found the age distribution in our proxy data was very close to that in the joint enterprise data recently released by the CPS. The CPS data showed that, in 2024/25, 40 per cent of those convicted of homicide under joint enterprise were aged between 18 and 24, and a further 37 per cent were aged between 25 and 59 (CPS, 2025).

Children's homicide convictions

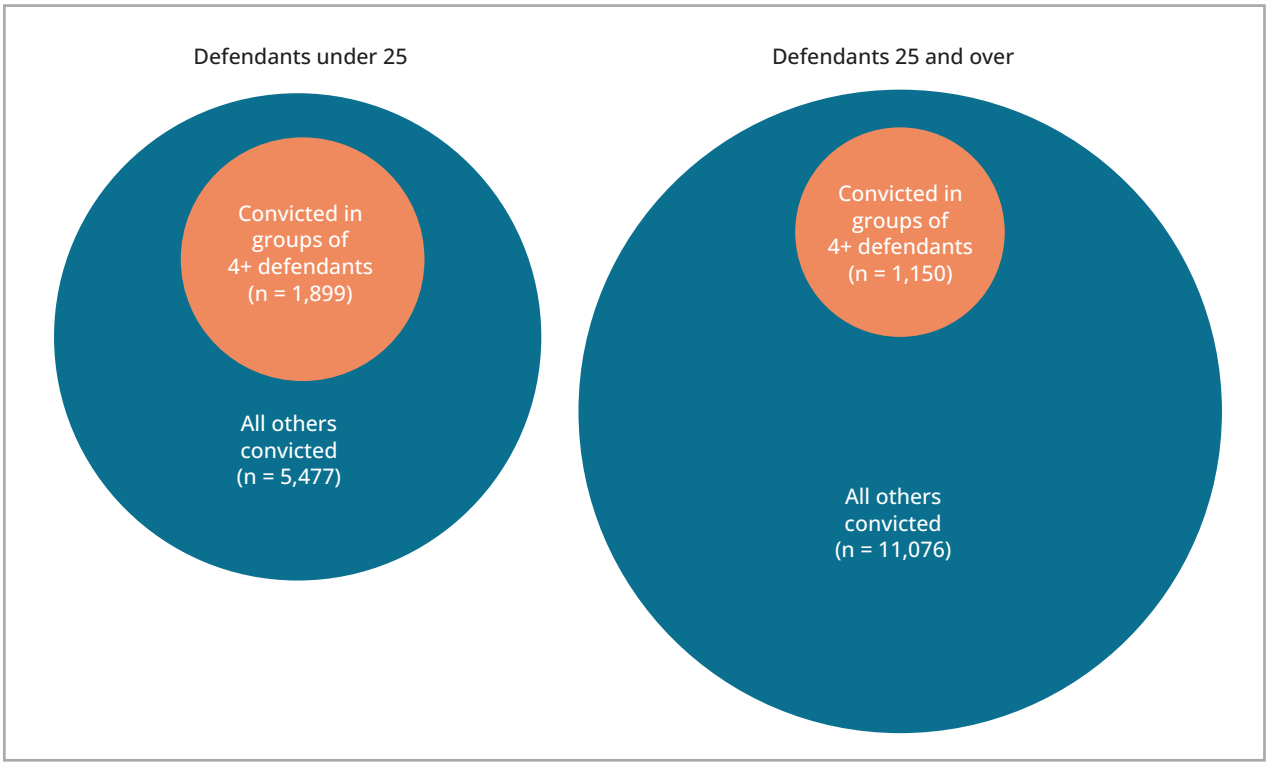
This time, we also looked at the percentage of homicide convictions that were part of multi-defendant cases, age-group-by-age-group. Over the last twenty years 47 children aged 10 to 13 were convicted of homicide. Thirty-three were in cases with two or more defendants, and 14 were in cases with four or more defendants. That is to say, 30 per cent of the children aged 10 to 13 convicted of homicide in the last two decades were convicted as part of a group of four or more. The same is true of all under 18s. By contrast, less than ten per cent of the adults over 25 convicted of homicide were convicted as part of a group of four or more (see Figure 6).

Figure 5: Age profile
Convicted of homicide, 2005 to 2024



Source: Percentages calculated from data in CPS FOI 13416

Figure 6: Group convictions
Convicted of homicide, by age group, 2005 to 2024



Source: CPS FOI 13416

the rare instances where children are convicted of murder, they are more likely to be drawn into multi-defendant prosecutions rather than convicted as principal (main) actors

Moreover, between 2010 and 2024, just over half of children under 16 convicted of murder were convicted as secondary suspects, a higher proportion than in any other age group (see Figure 7). This indicates that, in the rare instances where children are convicted of murder, they are more likely to be drawn into multi-defendant prosecutions rather than convicted as principal (main) actors.

These figures suggest that while multi-defendant homicide cases disproportionately involve young adult defendants overall, they also have a profound impact on child imprisonment. The average minimum term for life sentences for under-18s is also increasing in general, rising from 7 years in 2002 to 15 years in 2021 (HL Written Answer, 2022b). In 2021, at least 14 children were handed minimum terms of 15 years or more, a stark contrast to 2011, when only three children received such terms, and 2002, when there were none (Janes and Hulley, 2024). This sentence inflation is set to accelerate with the implementation of the Police, Crime, Sentencing and Courts Act 2022 *(ibid)*.

Figure 7: Murder convictions of children
Proportion of under 16s convicted in cases with more than one suspect, 2010 to 2024

Note: Secondary suspects do not indicate secondary liability, please see appendix for more detail
Source: Home Office FOI 10170

It also raises serious questions about the age at which individuals are able to be criminally liable in connection with the crimes of others, especially in cases that rely heavily on inferences about foresight, intention, knowledge and group dynamics. Such assessments are especially questionable where children and young people are involved, and where the events in question are often fast-moving, chaotic and tragic, rather than the product of settled or shared criminal purpose.

Court delays

The impact of multi-defendant joint enterprise prosecutions on young people is compounded by the Crown Court backlog, which has reached crisis levels in recent years. Young defendants, particularly those held on remand, may now face years in custody during critical stages of their development, waiting for trial. The scale of

the problem is stark. At the time of writing, at least one Crown Court in London is now listing trials for the end of 2029 (Hyde, 2025), meaning some young people may wait nearly five years for their day in court. For those on remand, this waiting period amounts to a substantial custodial sentence before any determination of guilt, and indeed, many ultimately do not receive a custodial sentence and go uncompensated for the years of their lives lost on remand. These delays intersect with long-standing racial disparities in remand decisions for children, with Black and mixed-ethnicity children disproportionately impacted. Reflecting these realities, the Children's Commissioner (2025) recently described the remand system for children as a "production line of pointlessness". In 2024, 441 children who were held in custody awaiting trial did not go on to receive a custodial sentence, and a further 168 had their cases dismissed altogether.

Recent analysis also suggests that the overuse of joint enterprise is contributing to this backlog. Courtwatch research (Waller and Sultan, 2025) found that some of the most delayed and resource-intensive cases at the Central Criminal Court in 2024/25 were multi-defendant joint enterprise prosecutions involving children and young people – many of whom were later acquitted or did not receive a custodial sentence. The longest trials in this study ran for four months, and 17 multi-defendant cases were observed over a seven-month period. Collectively, the defendants spent approximately 20,000 days (54 years) on remand – and 7,000 of those days (19 years) were served by those who were later acquitted or did not receive a custodial sentence. 40 per cent of the defendants in the study were aged 18 or under.

This pattern highlights a vicious cycle: joint enterprise prosecutions produce long trials, which prolong remand periods, expose even more young people to the harms of pre-trial imprisonment, and further intensify court delays.

5 Ethnic disproportionality in multi-defendant convictions

The young brothers mentioned above, alongside the other defendants in that case, were collectively referred to as a 'pack' and a 'gang' in media reports. About a decade later, media coverage of the case would explicitly and critically point to the use of these characterisations in cases involving young Black men like the two brothers.

In 2011, just one year before that fatal fight in the garage forecourt, the government launched its Ending Gang and Youth Violence Programme in response to the riots that summer. This programme came about after more than a decade of criminal justice policies and initiatives designed in response to youth-violence, particularly group-based, and a perceived increase in the number of 'gangs' (Green and McGourlay, 2015; Williams and Clarke 2016).

As Williams and Clarke outlined in their report 2016 report *Dangerous Associations,* these initiatives were ostensibly aimed at targeting youth violence and 'gangs', but evidence from these initiatives showed a disconnect between the actual perpetrators of youth violence and those who were identified as being in 'gangs'. That is, Black, Mixed, Asian, and Other minority ethnic young adults made up the majority of 'gang' lists despite representing a much smaller proportion of recorded youth violence (Williams and Clarke 2016).[4] The difference was starkest for Black young adults in particular, to whom the gang label has been predominantly applied. It is not difficult to see how this disconnection between 'gang' data and serious violence data arises when innocuous social behaviour like participation in music videos or hanging around in the area where one's friends live has been used to suggest that a defendant is 'gang affiliated' (Williams and Clarke, 2016; Waller, 2024). This concept of the 'gang' in the 2000s, which encompasses a whole set of non-criminal, everyday, behaviour associated with particular groups, has been traced through to a longer-running 'moral panic' about the criminal racialised 'other' (Williams and Clarke, 2018; Carvalho, 2023).

Much research has already carefully examined the complex relationship between the concept of the 'gang', policy concerns around youth violence in particular, and the use of joint enterprise. There is not enough space to do all that work justice here. Crudely simplified, if criminal justice policies around youth violence focus on group behaviour, then they are likely to impact the use of a legal approach that has historically been used to prosecute multiple people of the same offence. When the definition of group behaviour in criminal justice policies is also so closely tied up with the concept of the 'gang', and overwhelming evidence shows that this concept is racialised, then these policies (and their impact on the application of joint enterprise) will impact young Black adults the most.

This explanation has been voiced most recently by the Chair of the Criminal Cases Review Commission. Dame Vera Baird. Referring to the recent referral to the Court of Appeal of a case of three young Black men in Manchester, convicted of murder in 2017 following a prosecution based on their alleged 'gang' affiliation, described the case as being one which:

> *"highlights the need for safeguards to protect defendants against the risk of unfairness from a too readily adopted gang narrative, based on inappropriate labelling. It is possible that there are other cases which would*

4 It is worth noting that recent research by the Mayor of London's Office for Policing and Crime found that most knife-related violence (which is stereotypically viewed through the lens of gangs) in London (where the problem is most concentrated) was not gang related (MOPAC, 2022).

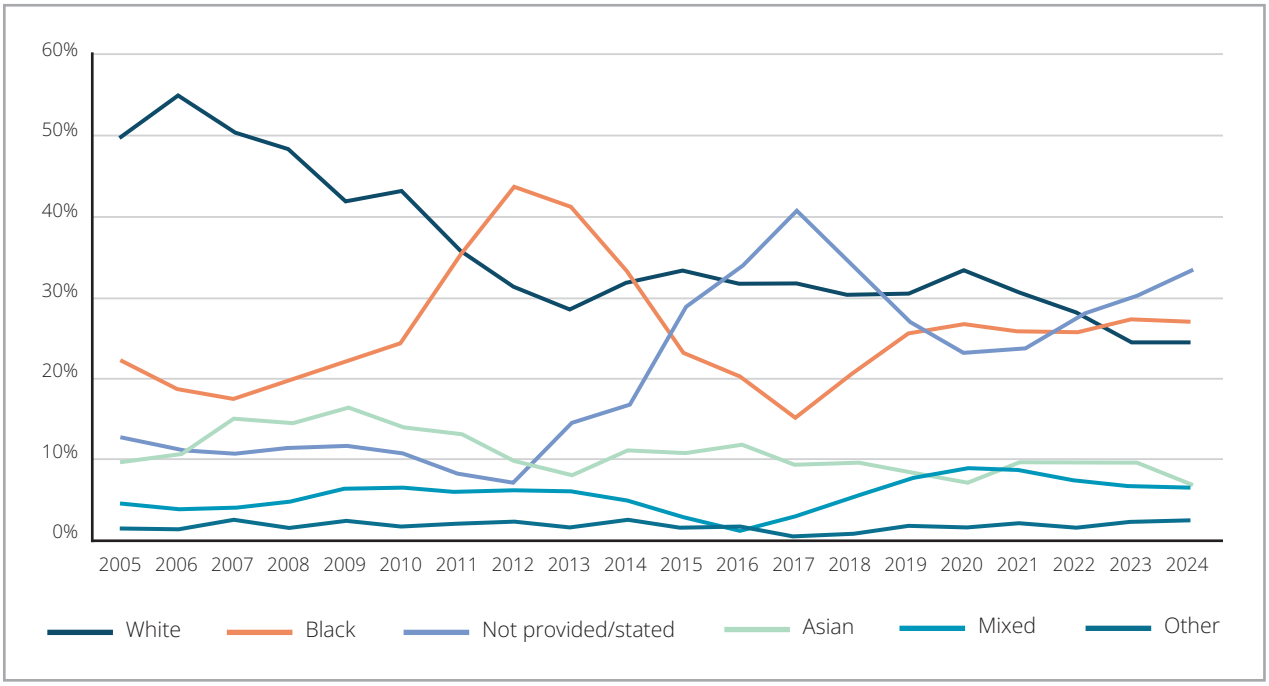
benefit from guidance on this issue, where the fear may be that stereotypes can be wrongly introduced as evidence." (Criminal Cases Review Commission website, published 19 November 2025).

In *The Usual Suspects,* we found that Black and minority ethnic defendants constituted 50 per cent of those convicted in homicide cases involving four or more defendants between 2005 and 2020. That report noted that Black and minority ethnic defendants also constituted nearly half of secondary suspects convicted of murder between 2010 and 2020.

In 2020 the CPS introduced guidance designed to help prosecutors "guard against unconscious bias" and "not make assumptions about gang membership". While there is evidence of an increased awareness around the use of the term 'gang', court-based analysis by Waller and Sultan (2025) has demonstrated that a problematic and too widely drawn gang narrative persists through implicit references and stereotypes. At the end of 2025, the CPS held a consultation on 'gang' related offences guidance and the evidence is now being reviewed (CPS, 2026).

Recently, a CPS report on ethnic disparity in charging decisions found that, while there was no explicit racism or bias in case files, actions by Mixed ethnicity suspects were described in "more negative and prosecution-worthy terms" than those of White suspects for the same, comparable offences (CPS 2024b: 11). That report only

Figure 8: Ethnicity profile
Convicted of homicide in cases involving four or more defendants, 2005 to 2024



Source: Percentages calculated as a three-year moving average based on figures from CPS FOI 13416

compared Mixed and White suspects for Burglary, Violence against the person and Drugs offences in general (not specifically joint enterprise cases), but it is indicative of the kinds of indirect and implicit associations that can be employed despite increased awareness around bias.

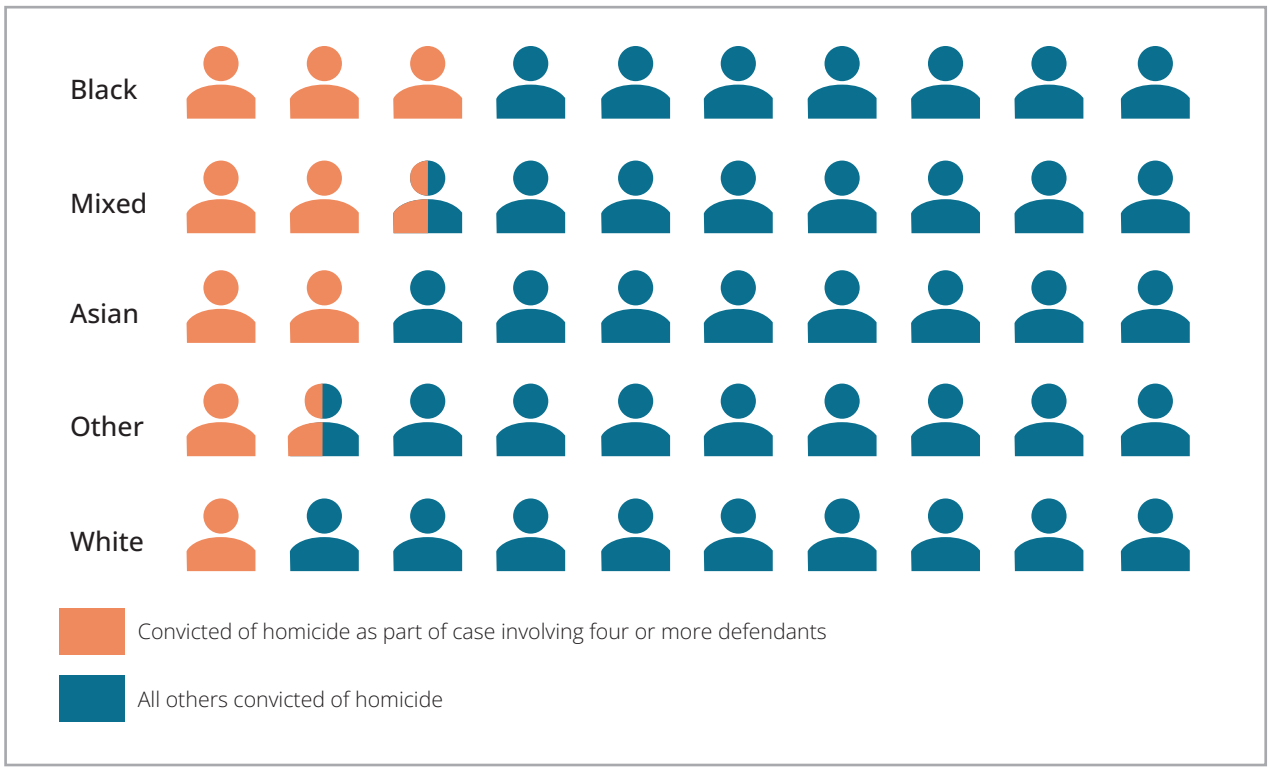
Ethnic disproportionality in multi-defendant cases has not changed since 2022. Over the last two decades, Black defendants have, on average, made up 25 per cent of the defendants convicted of homicide as part of a group of four or more each year. This tallies with recent CPS data, which showed that 25 per cent of joint enterprise defendants were Black in the year 2024/25 (CPS, 2025). Meanwhile, the proportion of White defendants convicted of homicide as part of a group of four or more has decreased – making up just over half of these multi-defendant convictions in 2005, down to just a quarter in 2024 (see Figure 8).

As often noted, the percentage of Black defendants (25 per cent) is disproportionate when compared to the general population, in which only four per cent defined themselves as Black in the 2021 census. While this comparison can be a stark illustration of the cumulative impact of disparity across multiple points within and beyond the criminal justice system, leading up to the point of conviction, it can also obfuscate those points if presented on its own. Before explaining this point further, there is another comparison that is important to make here, which is that the percentage of Black defendants in multi-defendant homicide cases is higher than the percentage of Black defendants in homicide cases in general. Put another way, among every ten Black individuals convicted of homicide, it would be likely that three of them were convicted as part of a group of four or more. While, among every ten White individuals convicted of homicide, it would be likely that one of them was convicted as part of a group of four or more (see Figure 9). This suggests that the disproportionate representation of Black defendants in multi-defendant cases is not just a reflection of a more general disproportionality in homicide, but that there is something particular to the nature of multi-defendant cases, one that might actually contribute to the general disparity.

among every ten Black individuals convicted of homicide, it would be likely that three of them were convicted as part of a group of four or more. While, among every ten White individuals convicted of homicide, it would be likely that one of them was convicted as part of a group of four or more

Disproportionality statistics alone can invite certain assumptions. One potential inference is that racially minoritised groups must be more involved in group offending and therefore appear more frequently in joint enterprise cases. A different explanation – summarised here far more simply than its nuance deserves but well supported by wider research – is that these groups are more likely to be stereotyped, viewed as acting collectively, and prosecuted alongside others even when evidence of shared intent and participation is weak. Studies have consistently pointed to a web of racialised assumptions operating both institutionally (through media, policy, policing, and the courts) and interpersonally (through the decision-making of individual actors). Joint enterprise prosecution involves a high degree of discretion – leaving considerable scope for interpretation by police and prosecutors. Who becomes a suspect, rather than a witness or bystander? Who is read as merely present, who is participating, and who is "part of the group"? These decisions are shaped largely by judgment calls, not by clear fixed thresholds and objective criteria, particularly in the case of secondary liability.

Figure 9: Group convictions by ethnicity
Proportion of homicide convictions that involved four or more defendants, 2005 to 2024



Source: Percentages calculated based on figures from CPS FOI 13416

Qualitative studies that show how both racialised and ethno-centric assumptions operate across the criminal justice system in more general terms are complemented by statistical studies of the decision-points which those assumptions could affect. Some examples include:

- The research into charging decisions mentioned above, which identified implicit associations in reports, followed statistical analysis that found the odds of being charged were more than double for mixed ethnicity compared to white British suspects in burglary, violence against a person, and homicide (CPS, 2024).
- Statistical analysis of judges' sentencing decisions identified that certain, more subjective, aspects of the decision-making process (like identifying remorse) were more biased in favour of White individuals (Guilfoyle and Pina-Sánchez, 2025). That is, judges associated remorse with certain demeanours and behaviours that were more commonly displayed by White defendants, even though these are not universal indicators of remorse.

These collective points of disparity need to be analysed and understood in order to explain and address disproportionality as a whole.

Returning to joint enterprise specifically, when the existing evidence is read together, across both statistical trends and qualitative findings, a consistent picture emerges. There is something about how multi-defendant cases are constructed, interpreted, and pursued that falls sharply along racial lines. In short, joint enterprise appears to be driven by how liability is perceived, framed, and attributed - with ethnicity playing a central role. The numerical data has been consistent, and so has the wider research that has sought to explain it.

6 Supreme Court judgment

In 2016, the Supreme Court ruled that one particular form of joint enterprise – parasitic accessorial liability – had been wrongly applied for three decades. From 1985, it was not only easier to convict a secondary party than it was to convict the principal, but it was also even easier to convict a secondary party for a second crime than for a first. In essence, the second crime was treated as "parasitic" on the first. A textbook example is where two defendants agree to commit a robbery, but during the course of that robbery, one of them goes outside the plan and intentionally kills a security guard. To be liable for the robbery, a defendant would be a principal or assist or encourage the principal, and in this scenario, there would be little doubt that both would be liable, as joint principals or with one as a principal and the other as an accessory, depending on precisely what could be proven at the time. To be liable for the murder, the principal had to kill, intending to kill or intending to cause serious harm. The other person did not assist or encourage the killing, and did not intend, or intend the principal to, kill or cause serious injury. The rules until 2016 permitted the conviction of the accessory without any physical contribution to the crime, and only on the basis that he or she might forsee that the principal might commit murder.

One important element in the decision related to the use of foresight as evidence of joint enterprise. Since the judgment evidence of foresight for another's actions is no longer a sufficient basis for a murder conviction. Rather, foresight is evidence from which a jury could infer the necessary conditional intent. Many hoped the Supreme Court judgment and the strong signal it sent about the thirty-year error in the courts interpretation of foresight would set a narrower path for group prosecutions. It did not. The law itself remains both vague and broad in its application. There is no clear threshold for what counts as "assisting" or "encouraging" a crime.
As one experienced KC put it:

> *"drop your drift net into the ocean and you pull up all sorts of fish, big and small, and you hope someone's going to drop the small fish back in before it's too late but you can never be sure that's going to happen."*
> Francis FitzGibbon KC, quoted in McFadyean, M, 2014.

This description of joint enterprise was made prior to the Supreme Court judgment, but, as the following account illustrates, it still seems applicable today.

Case study: In their own words. A family's account of a joint enterprise prosecution[5]

The incident

In the early 2020s, Ian—aged twenty at the time— was on a night out in a town in the North of England. The same evening, unbeknownst to Ian, a group of ten men, including the victim in this incident, arrived in the town, seeking retribution over an earlier assault in which punches were thrown. Later that evening there was a violent altercation between the group and two men, Daniel and Nick. During the fight, Daniel dealt a fatal knife wound to the victim.

Ian had been out with other friends that evening and only briefly encountered Daniel and Nick in the street, before the fight erupted. Ian was still in the vicinity when the fight started. Ian turned back and ran toward the fighting, which he said was to break it up. During his attempt to separate those fighting, Ian was struck and fought back in self-defence, resulting in him being kicked by three men. Ian had no direct contact with the victim during the fight. The entire incident lasted less than sixty seconds.

Ian was arrested on suspicion of murder two days later. Although Ian was ultimately acquitted, the process he and his family underwent illustrates significant concerns about how joint enterprise laws are applied. Peter and Linnie, Ian's stepfather and mother, recount their family's experience below.

Trust the process

"It feels impossible to describe the full impact of the situation and circumstances that we were presented with. On that night, Ian had just gone out with his friends on a normal Friday night out in his hometown, and what happened to him and us all in the subsequent months was a living hell. We are a 'normal' hard-working happy family who have lived by strong moral values and the law. Ian had told me on the Saturday morning that something terrible had happened on the Friday night, that he had got caught up in a fight and that someone had died. I was deeply concerned and tried to persuade him to go to the police. On Sunday, we had the police trying to break down our door at 2am.

Ian initially was cautious in the information he shared with the police including providing access to his phone. He ultimately gave a full account of his movements and actions that night. They were fully supported by CCTV footage (including the fight itself, which was captured by CCTV) and by other witnesses who were with Ian that night. He was released on bail, and when we picked him up the police were quite convivial with us and seemed to indicate that Ian was only held so long because it took him a while to give his full account. We were told by the police to "trust the process." As time passed and there was no further action, we began to hope the ordeal was over. We even contemplated contacting the police to request that they remove Ian's restrictive bail conditions. Then came the devastating second blow.

The second arrest of him happened around 6:30am one morning as we were all getting ready for work. Totally unexpected and truly horrifying again. The thought that our son could be charged with a crime he was not responsible for, and knowing he would be going to prison. He had just turned twenty. It was horrific. It was indescribable, trauma beyond words.

Ian was remanded to prison. He spent the next six months there awaiting trial. We were then launched into the criminal justice system and the prison system. We had absolutely no knowledge of how these worked and what we were supposed to do. How he navigated being incarcerated we will never know. Whilst he would, and does, share some horrific things he was exposed to such as a suicide on his wing, we know that he has not shared all the trauma and horror.

5 **Note**: Pseudonyms are used throughout. This account is based on correspondence with Ian's family. In addition, court transcripts and media reports were also consulted.

Shifting prosecution theories, character-based evidence

It seemed like once the decision was made to charge, no amount of evidence to the contrary was going to change that decision. Daniel, who had dealt the fatal knife wound, had left the country. Ian was tried alongside Nick.

Once the trial began, the prosecution initially argued that Ian 'assisted' the murder by distracting the victim's friends during the attack. The prosecution's opening statement made limited reference to the evidence against Ian. Their case stated that "when the violence began all three joined in together. It is not necessary for the prosecution to establish which individual inflicted the fatal stab wound to the chest as long as you are sure that each acted together with others sharing the same intention."

But when the police presented CCTV footage, the prosecution admitted that the fatal blow had been delivered before Ian had even arrived at the scene. The CCTV footage was clear that Ian had run toward the scene, passed metres away from the victim, and was initially shepherding the group in a non-aggressive manner.

The prosecution was then allowed to pivot. Their case was now based on Ian 'encouraging' the attack rather than 'assisting.' Why should the prosecution be allowed to change their case when it has fallen down so early in the trial?
The prosecution case against Ian was so weak that their case was simply an attempt to character assassinate him. Multiple troubling tactics were employed, including presenting an old Swiss army knife that was found in our other son's room as if it were from Ian's room, describing a legal work tool as a 'flick knife', and attempting to portray Ian as obsessed with knives based on three old photos following a search of approximately 104,000 images and videos on Ian's phone.

When the defence tried to present good character witnesses, the prosecution said they had found some distasteful material on Ian's phone, completely unrelated to the case and the alleged nature of the offence he was charged with, which they would disclose if we proceeded with our witnesses. We were advised to pull our witnesses by our legal team. So, in summary the prosecution was allowed to trash Ian's character but did not allow us a right to reply. It felt all part of the game playing and nothing to do with presenting the truth.

A coin toss

Despite a strong defence, we were fearful. We knew the jury would have a natural prejudice due to the unacceptable increase in these types of knife crimes. They witnessed the pain of the victim's family during the three weeks of the trial and could not fail to be influenced by that aspect. No matter how weak the evidence, we were sure the jury would be thinking, why would the CPS charge Ian if he didn't do it? A naïve view we probably held prior to our experience. The judge set out a complex 'route to verdict' requiring the jury to answer multiple subjective questions about Ian's knowledge and intent. We could not see any circumstances where a rational jury could answer all these subjective questions against Ian. How on earth can the average person determine what is in someone's mind during their presence at an incident? But, of course, we are biased. We had also interrogated all the evidence over a period of many months. The jury had three weeks to get to the bottom of this against the backdrop of a determined CPS.

The relief when Ian was found not guilty was indescribable—particularly as seconds before, his co-defendant Nick was found guilty and later sentenced to a minimum of twenty years. This would have been Ian's fate had the jury decided differently. This would have been his punishment for spending just two minutes and fifteen seconds of his whole evening with Daniel and Nick and subsequently attempting to break up a fight. We were fortunate, but it really feels like it was a flip of a coin for us.

Ian is not the same young man as he was before the incident. We will never truly know the impact on him. He has struggled intermittently with his mental health since his release. He probably coped better than most would do after going through this kind of experience, but it has definitely left deep mental scars. //

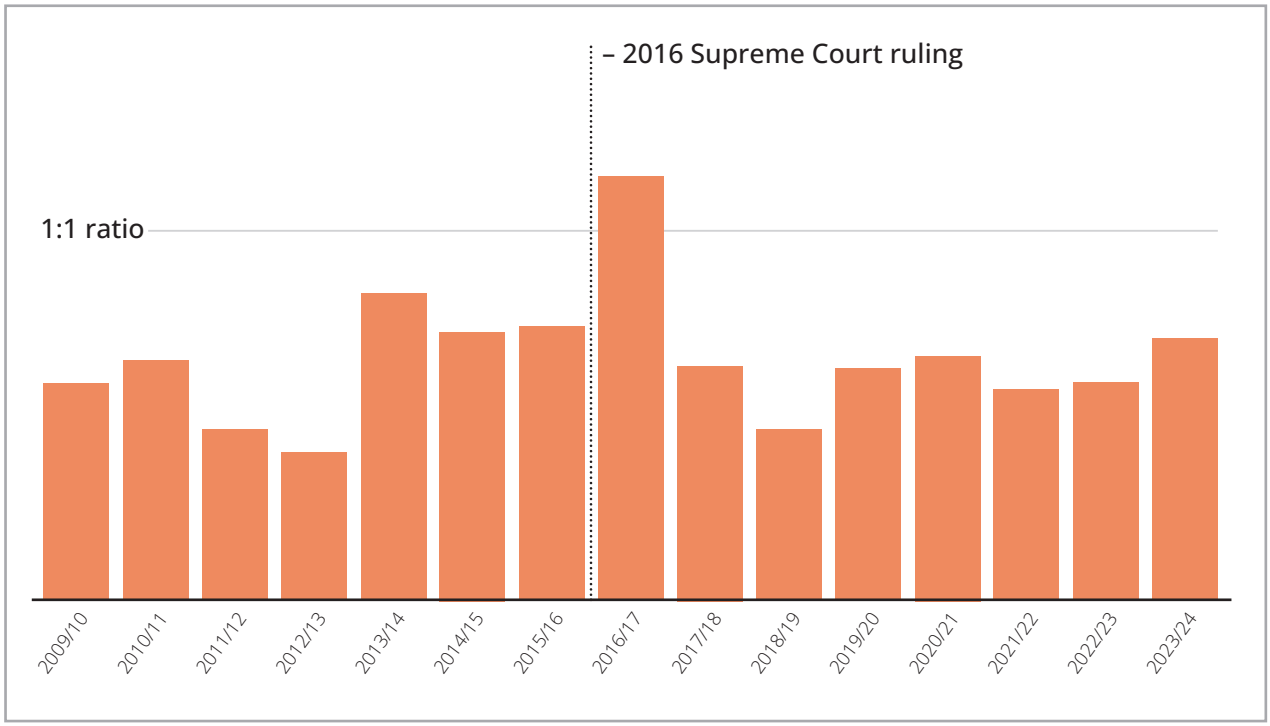
No sustained impact

In *The Usual Suspects,* we showed that there was little change to the general trend in numbers of secondary suspects prosecuted or convicted for murder and manslaughter in the three years we had data for, following the Supreme Court ruling. Extending this analysis over a longer period, we observed the same pattern: the number of secondary suspects prosecuted for murder and manslaughter remained largely unchanged after 2016. As highlighted before, the secondary suspects in our data are not necessarily those prosecuted under secondary liability but these numbers do seem to be indicative of a pattern.

For this report, we supplemented our previous analysis with a more granular look at murder and manslaughter convictions separately. In particular, we wanted to consider whether any potential change as a result of the Supreme Court judgment from murder to manslaughter convictions was concealed by our earlier analysis, which considered the two together.

We found murder convictions of secondary suspects continued to outnumber manslaughter convictions every year except one (2016/17). This dip in convictions for murder compared to manslaughter was short-lived and

Figure 10: Comparing homicide convictions
Ratio of manslaughter to murder convictions for secondary suspects, 2010 to 2024*



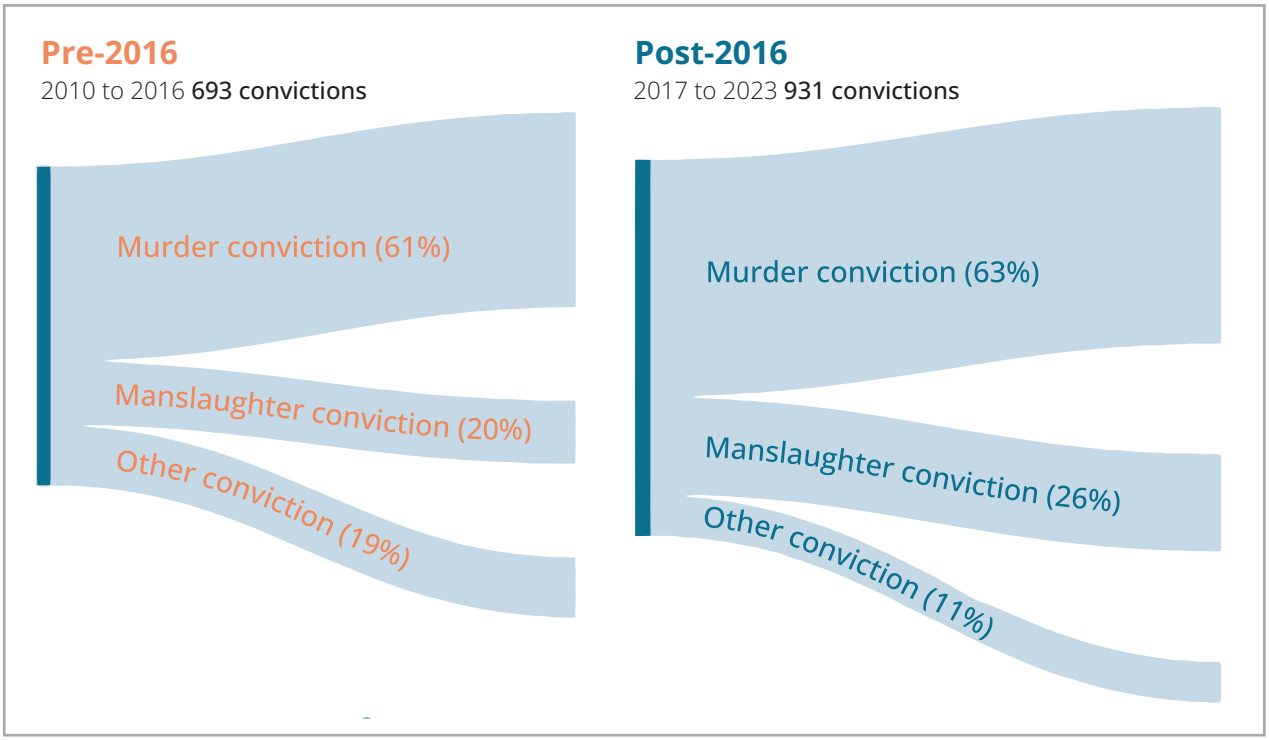
* The ratio of manslaughter convictions for every one murder conviction (regardless of original indictment)
Note: Secondary suspects do not indicate secondary liability, please see appendix for more detail
Source: Ratio calculated from figures from Home Office FOI 10170

confined to the single year post the Supreme Court judgment. After 2016/17, the number of manslaughter to murder convictions returned to a similar ratio to that prior to the Supreme Court judgment (see Figure 10).

Through an FOI to the Home Office, we obtained the conviction outcomes of secondary suspects prosecuted for murder between 2009 and 2024. It does not appear that there was any change to the percentage of murder prosecutions that resulted in a conviction other than murder after the Supreme Court ruling.

Whilst looking at murder and manslaughter separately did not yield a different interpretation of the Supreme Court judgement to that we have made previously, it did illuminate a new trend in the data. Since 2016, when secondary suspects are prosecuted for murder, they are now more likely to be convicted of homicide (murder or manslaughter) rather than lesser offences. Before the Supreme Court ruling, an equal number of murder prosecutions of secondary suspects resulted in convictions for homicide or for any other (lesser) offence. After 2016, there is a far greater proportion of homicide convictions compared to convictions for any other (lesser) offence. We are not suggesting we conflate the two. The Supreme Court judgment itself is unlikely to be the driver of this change. However, it does appear to be an increasing pattern that, even if a secondary suspect is not found guilty of murder, they are now more likely to be found guilty of manslaughter than anything else (see Figure 11).

Figure 11: Convictions pre and post Supreme Court judgment
Conviction outcomes for secondary suspects prosecuted for murder, 2010 to 2023

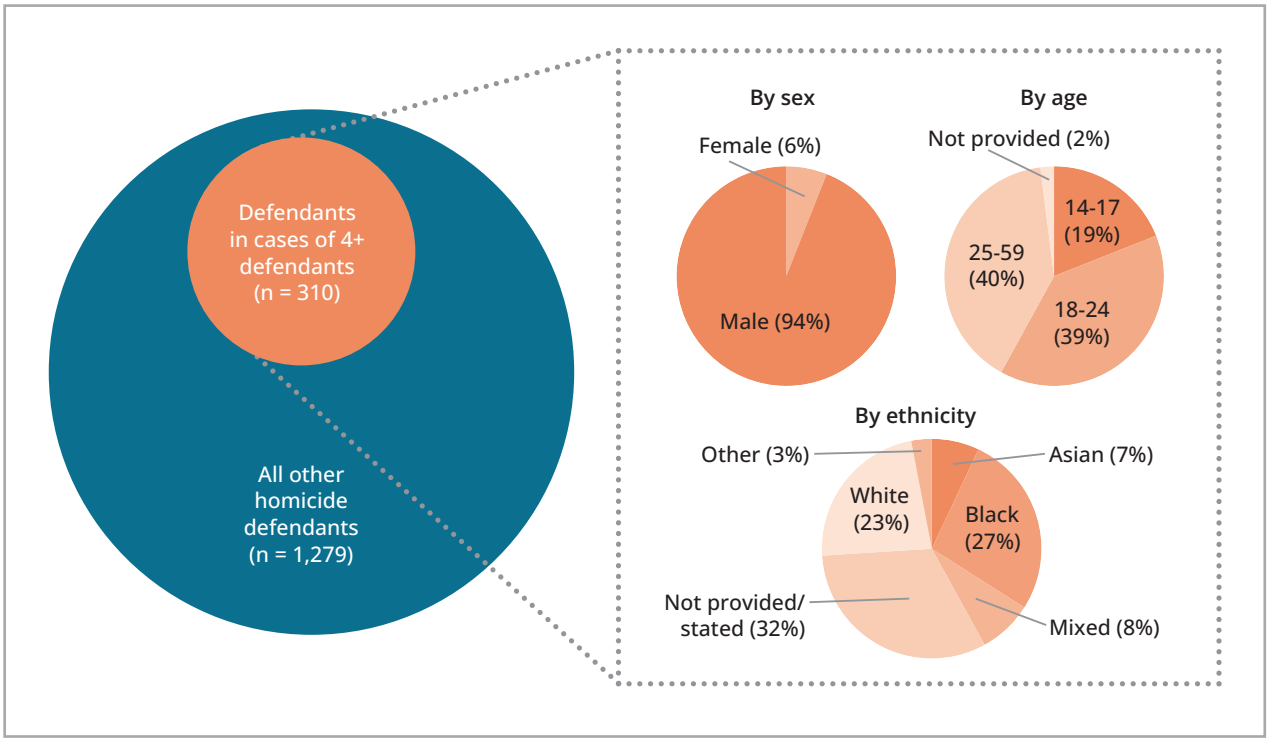


Note: Secondary suspects do not indicate secondary liability, please see appendix for more detail
Source: Percentages based on figures from Home Office FOI 10170

The picture in 2024

In 2024, 1,589 homicide defendants had their cases concluded in court (see Figure 12). Of these, 310 were involved in cases with four or more defendants. Over 90 per cent of those in these multi-defendant cases were male, almost 60 per cent were under 25 years old, and nearly 30 per cent were Black (when only about four per cent of the general population defined themselves as Black in the 2021 census).

Figure 12: Snapshot: 2024



Source: Crown Prosecution Service FOI 13416

The following case study is based on court observation in 2024/25. We share it here to illustrate how joint enterprise operates in practice at an observable point in the system: the courtroom.

Case study: Court observation. Inside a joint enterprise murder trial

Overview

This case involves three defendants—Malik, aged 20, and two 15-year-olds, Joseph and Liam. Joseph and Liam were charged with murder on the basis that they assisted or encouraged a fatal stabbing carried out by Malik. The prosecution alleged coordinated action between the three. The jury ultimately convicted only Malik of manslaughter, for which he received a 13-year sentence. Joseph and Liam were both acquitted. The case illustrates concerns about establishing shared intention through limited evidence, particularly when relying heavily on silent CCTV and brief phone contact to infer communication, planning and collective purpose.

Key facts

The incident occurred on a busy evening around a main road in Greater London. Earlier, Joseph had been riding his bike locally with an unidentified friend. At 7:00pm the victim, a young man, accompanied by three friends—each wearing masks—arrived in a car and entered a takeaway restaurant. Around twenty minutes later, Joseph cycled past the takeaway, and the victim briefly came outside. Two minutes later, CCTV recorded the victim and a friend going to a cashpoint and briefly interacting with Joseph and the unidentified male in what appeared to be a non-hostile exchange. Shortly after, Joseph made three short phone calls to Malik, followed by a call to Liam. Liam then joined Joseph and Malik arrived soon after. CCTV captured the three defendants walking or cycling past the takeaway where the victim and his friends were. Joseph and Liam rode ahead, while Malik trailed behind, briefly glancing inside. Immediately after, the victim and his friends left the restaurant, facing the direction in which the three defendants were headed.

What happened next unfolded quickly. Malik turned back toward the victim. CCTV footage suggests a short verbal exchange. Meanwhile, the victim's friends moved toward their car. Malik then walked past the victim, in the direction of his home. Joseph and Liam stayed on their bikes and did not follow Malik at this point. When Malik made a hand gesture, Joseph and Liam began cycling slowly after him. As Malik and the victim walked further down the pavement, the victim closed the distance between them. It was at this point that Malik stabbed the victim once. The victim ran away. A witness heard one of the victim's friends shout, "Hurry up, get in the car, we've done him." The victim's friends drove away immediately and returned later to collect food. They did not call emergency services. A concealed knife was later found on the victim.

The prosecution case

The prosecution alleged that Malik intended to cause at least serious harm, and that Joseph and Liam, through their presence and prior communication, shared and supported this intention. Their case against Joseph and Liam varied but rested primarily on:

- Phone records: Short, inaudible calls between Joseph and Malik, and a single 28-second call between Joseph and Liam.
- CCTV: Presence and movements interpreted as coordinated group activity, allegations of acting to restrict the victim's movements, and to provide back up to Malik if necessary.
- Previous contact: Historic phone communication between Malik and Liam was used to infer association.
- Knowledge of weapons: The prosecution suggested that Joseph and Liam knew Malik had a knife.

The defence case

The defence argued that the prosecution had placed undue focus on the wrong group as having conspired to commit violence, and that the prosecution failed to identify a specific act of assistance or encouragement, instead resorting to the claim that Joseph and Liam were "there to back Malik up" if needed.

Malik

Malik maintained that he acted in self-defence. In a prepared police statement, he said he feared an imminent attack, believing the victim was armed, an assertion supported by the later discovery of a knife on the victim. Malik said that the victim followed him, made threatening remarks, and repeatedly reached toward his waistband. The defence emphasised CCTV sequences showing Malik attempting to disengage, including moments where he moved away while the victim advanced. Malik's defence raised concerns about the victim's friends' behaviour. Despite being present and using their phones throughout, they did not call for help. The defence pointed to witness testimony in which one of the victim's friends was overheard shouting, "Hurry up, get in the car, we've done him," suggesting that the victim's group intended to initiate violence. Malik said he was being followed and threatened by the victim, who made aggressive remarks, including "What are you on? Let me get that line," which Malik interpreted as an attempt to rob him. The defence maintained that the victim's friends shouted at Malik and instructed him to "wait there," before one of them said, "Come, we get the tings from the whip," which Malik interpreted as referring to retrieving weapons from their vehicle. Malik's previous experience of being stabbed, they argued, influenced his decision to carry a knife and contributed to his immediate reaction when he perceived a threat.

Joseph

Joseph's defence described the prosecution's case as being based on "facts [that] are neither observable, audible, nor provable." They noted that the central allegation, coordination via phone, was based on silent call logs with no context. Surveillance footage, they said, showed ordinary teenage behaviour: cycling, waiting, checking a phone. They questioned how the defendants could have predicted the victim would leave the takeaway at a specific moment or that he would follow Malik. They emphasised the lack of motive, accepted by both sides; the young people did not know one another. The prosecution's theory that the victim had been 'lured' to a specific location for an ambush was described by the defence as "nonsense on stilts." In reality, they argued, Joseph was still on his bike during the stabbing, several metres away, doing nothing and saying nothing. The defence contended that the prosecution had failed to prove that Joseph had participated in any way, let alone shared the intent required for secondary liability.

Liam

The defence for Liam described the case against him as "speculative". The prosecution, the defence argued, had failed to provide "a shred of evidence" that Liam knew Malik had a knife or that he intended to participate in any way. Ultimately, the defence characterised the case against Liam as "a house of cards propped up by speculation." They stressed that the prosecution relied on a single short phone call with Joseph and one brief moment where Liam arrived as Joseph was ending a call with Malik. Earlier calls between Malik and Joseph had occurred before Liam arrived. The prosecution's focus on historical phone contact between Malik and Liam was dismissed as normal for teenagers. The defence emphasised the absence of any specific act of assistance or encouragement, any knowledge of a weapon, or any evidence that Liam anticipated violence.

Observation summary of case and implications

In observing the trial, the absence of nuance in the prosecution case was made particularly evident when it became apparent that Malik's defence was one of self-defence - an argument that was completely unforeseeable based on the prosecution's opening address. The prosecution introduced the case as a "three-on-one unprovoked attack," which did not align with the reality of the circumstances or evidence. A close examination of the facts and evidence suggested that the victim and his friends may have intended to attack Malik. However, throughout the study, similar details were treated inconsistently depending on who they applied to. When such details implicated the defendants, the prosecution heavily emphasised them, yet when they related to the victim, they were conveniently dismissed.

6 This court observation was one of seventeen homicide cases observed during a six month study between June 2024 and January 2025 at the Old Bailey by APPEAL (Waller and Sultan, 2025). Pseudonyms are used throughout.

7 Conclusions and looking forward

"Courts relying on vague doctrine is not uncommon, many legal systems criminalise complicity without having a robust and precise explanation for it driving precise legal rules. However, English law seems to have adopted, or fallen into, a far more opaque and conviction-maximising position. That has permeated criminal legal culture, so that any steps away from the permissive and often punitive vagueness are criticised." Dyson, 2022

"I understand the public policy, I understand the politics and I understand that my Government in the past, and now this Government, are worried about being seen to be weak on crime. For goodness' sake, we have heard that record played year in, year out. But I hope that this evening's short discussion will encourage others outside Parliament to keep pressing their arguments, both in court and academically. I hope that those who have taken part in this debate will continue to press for reform in this area. And I hope that the Law Commission, if it is listening, will accelerate its process." Lord Garnier in HL Deb, 5 February 2026, c1826.

Violence and weapon carrying are real problems. They result in devastating tragedies. The law rightly demands that those responsible for serious violence are identified and held to account. However, justice also requires that the law be applied equally.

Concerns about joint enterprise are decades old. As the consistent trends demonstrated in this report show, these concerns have yet to be met by meaningful change.

Joint enterprise currently features across multiple, overlapping forums: the Law Commission Review on Homicide, the Westminster Commission on Joint Enterprise, Crown Prosecution Service's racial disproportionality panels, the Criminal Cases Review Commission; as well as being a subject of sustained questions by Members of Parliament.

This policy interest in joint enterprise is welcome. However, we do not underestimate the resilience of the status quo. Joint enterprise has been embedded for decades as a flexible prosecutorial tool. Institutional reliance on its breadth and ambiguity remain strong. While the Labour Party committed in opposition to reforming joint enterprise laws, no firm commitments have yet been made by the current government.

Translating concern and interest into concrete legislative or policy change remains a significant challenge and long-term agenda. Our overall assessment supports reforms aimed at a more precise assessment of each individual's conduct, contribution, role and intent in an offence. And to confronting the repeated criticism, including by the Supreme Court, that 'generalised and questionable policy arguments' in relation to 'youth gang violence' in particular have overridden legal clarity and the need for a system that can deliver safe and proportionate convictions. This should include:

Narrowing the scope of the law

Complicity laws should be reformed to require that 'assistance' and 'encouragement' constitutes a material, measurable contribution to the offence. Presence, association, and peripheral involvement must not suffice. This requires a workable test for conduct / role in complicity. This will not be easy, but concrete proposals have been

offered (Dyson, 2022 and House of Commons, 2024). This includes the proposal to amend the Accessories and Abettors Act 1861 so that only individuals who make a significant contribution to an offence can be held liable for it (*ibid*).

Prosecution oversight and accountability

CPS practice has recently changed to require every joint enterprise case have senior management scrutiny, and the involvement of community members in some review processes and disproportionality panels. However, charging decisions are still opaque. We favour implementing a mandatory pre-charge review that requires the specific articulation of each defendants conduct, role and intent in multi defendant cases. Reviews should require prosecutors to explain why secondary liability is appropriate, not merely possible, on what basis any inferences have been drawn, and why. The identified problems this process brings to light should be open to external scrutiny and publicly shared to inform a wider dialogue about criminal liability.

Proportionate sentencing

Although sentencing formally requires an assessment of individual culpability, secondary parties are subject to the same offence labels and mandatory sentencing structures as principals. As well as questions of legitimacy and fair labelling, this approach limits the court's ability to reflect differences in involvement, particularly in cases of murder. The 25-year starting point for knife-related murder in particular unfairly captures secondary parties, particularly young people who are more likely to carry knives through fear. Due consideration should be given to the feasibility of a separate sentencing framework for those held liable for an offence through complicity laws. Such a reform should exempt secondary parties from mandatory minimum starting points and explicitly recognise secondary status as a mitigating factor, allowing judges the necessary discretion to differentiate culpability in sentencing. These changes could better allow sentencers to reflect different and lesser degrees of liability in sentencing - an impossibility under current mandatory life sentences that severely limit judicial discretion for peripheral involvement.

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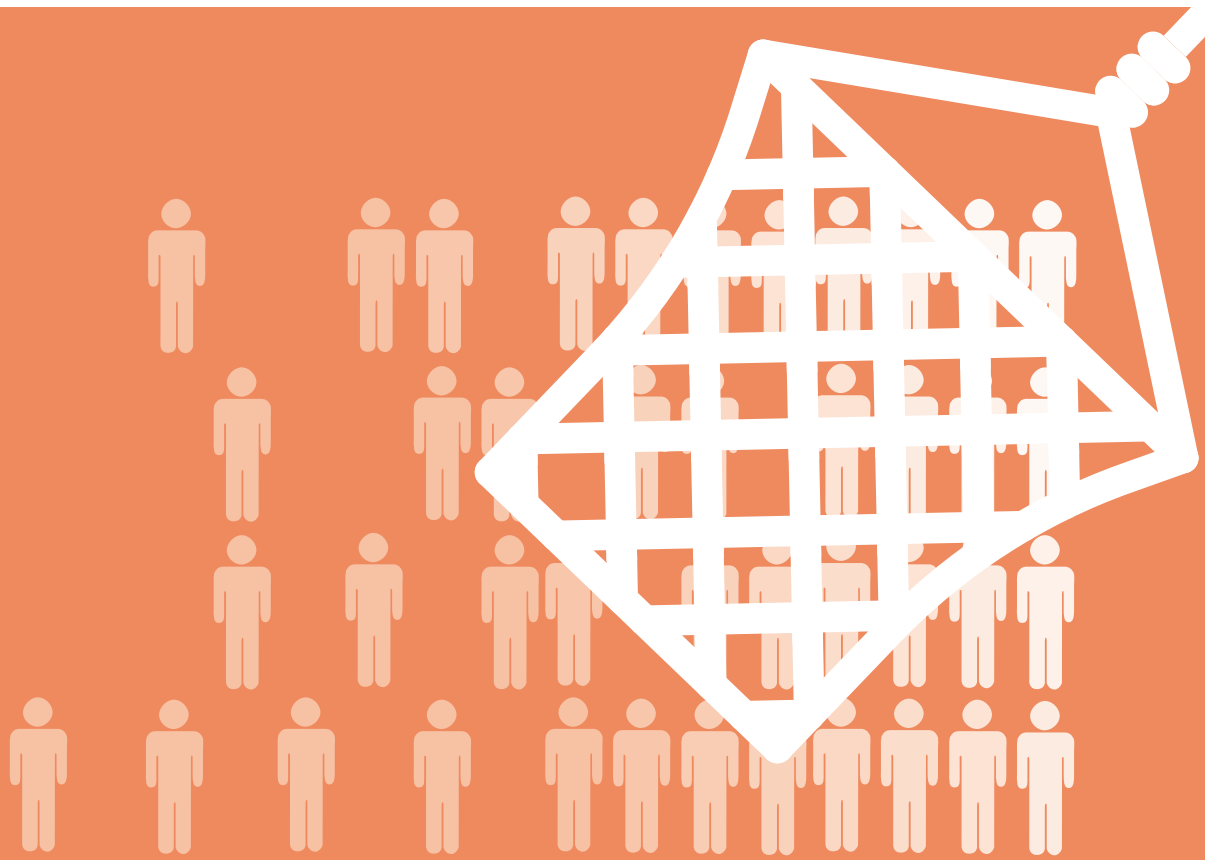
Appendix: About the data sources

Offence type	Homicide	Murder and manslaughter	Homicide
Institution	Crown Prosecution Service (CPS)	Home Office	Home Office
Period covered	2005 - 2024	2011/12 – 2020/2021 2009/10 – 2023/2024	1983/84 1993/94 2003/04 2013/14 2023/24
FoI reference	CPS 13416	Home Office 06857 Home Office 10170	Home Office 17939
Key caveats and comments	This data is drawn from CPS administrative data. Homicide is a collective category of many specific offences including; murder, attempted murder, manslaughter and causing death by dangerous driving. It cannot be disaggregated into specific offences. This source distinguishes defendants prosecuted and convicted when there are two or more defendants in relation to the same incident and when there are four or more defendants in relation to the same incident. This includes all circumstances in which two or more people are prosecuted for the same offence in relation to the same incident. It therefore includes those classified as the principal suspect in a multidefendant case, as well as those classified as involved on the basis of secondary or equal liability.	This data is drawn from designated National Statistics. The source includes all those indicted (charged with an offence and had indictment against them presented at the Crown Court) and convicted for each of the identified offences. It further identifies 'secondary suspects'. Secondary subjects are defined as: *"Where there are multiple suspects, they are categorised in the Homicide Index as either the principal or a secondary suspect. The suspect with the longest sentence or most serious conviction is determined to be the principal suspect. In the absence of any court outcome, the principal suspect is either the person considered by the police to be the most involved in the homicide or the suspect with the closest relationship to the victim."* (Office for National Statistics, 2022, p6) Only one principal is identified in each case. Secondary suspects include all circumstances in which two or more people are prosecuted for the same offence in relation to the same incident. It therefore includes those prosecuted in cases with more than one principal suspect, as well as those classified as involved on the basis of secondary liability. Due to the time lag in completion of murder and manslaughter cases, the number of indictments and convictions particularly in the most recent years of data shown here may increase in future versions of this dataset as cases are dealt with by the courts.	This data is drawn from the Homicide Index and shows the number of suspects charged for initially recorded homicide victims, with offences recorded in these specific five years. This data does not indicate whether these five chosen years are representative of the entire decade from which they were chosen.

In Figure 1 we used the victim and suspect data from Gibson and Klein (1961) to calculate the ratio of suspects to victims. To find a comparative ratio in 2023 we looked through the Homicide Index released in 2024 for the closest corresponding categories that Gibson and Klein used. Gibson and Klein counted victims and suspects in cases that a) proceeded to court and b) were found to be either murder or section 2 manslaughter, or the case was acquitted, or the suspect was "found insane" (Gibson and Klein, 1961; Table 5). To keep as close to their categories as possible we drew on the following tables from the Homicide Index 2024:

- Table 25 (number of offences currently recorded as homicide, by outcome for principal suspect). Here we took the number of victims to be 302 based on the number of offences in 2022/23 in which:
  - the principal suspect was found unfit to please or was found not guilty by reason of insanity (2);
  - the offence was decided at court to be murder (238);
  - the offence was decided at court to be s.2 manslaughter (32);
  - the proceedings were discontinued, not initiated, or all suspects acquitted (30).

- Table 28c (all suspects indicted for homicide, by outcome of proceedings). Here we took the number of suspects to be 436 based on the number of suspects in 2022/23 who were:
  - found unfit to plead or found not guilty by reason of insanity (2);
  - convicted of murder (321);
  - convicted of s.2 manslaughter (30);
  - acquitted on all counts (83).



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