



**How we make decisions when 2 or more people are involved in a crime**

**A guide from the Crown Prosecution Service**



EasyRead version of:  
CPS Legal Guidance on Secondary Liability:  
Charging decisions on principals and  
accessories. May 2018.



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Some words are in **bold**.

There is a list of what they mean at the end of this guide.



# 1. About this guide



The **Crown Prosecution Service (CPS)** wrote this guide.



We decide if someone should go to court when the police think they have done a crime.



We also decide what crime the person should be **charged** with.



This guide says how we decide about **charging** people who:

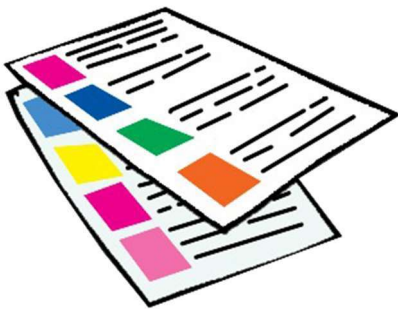
- Help someone else to do a crime



- Encourage someone else to do a crime.



The law is complicated.



This EasyRead version of our guidance explains some of the things that affect our decisions.



You might need to ask an expert what this means for you.



## 2. When more than one person is involved in a crime



If one or more people do a crime the law calls them the **principals**.



But other people might help or encourage them. The law says this can also be a crime.

These people are **secondary parties**.



We decide if they should go to court and what crime they should be charged with.





### 3. Why we need this guide



The law about secondary parties used to be very complicated



But an important decision in 2016 changed this.



The law is now clearer about when we can charge someone as a secondary party.



## 4. What we need to think about

We can **charge** someone:



- For being involved in a crime, even if we do not know if they were a principal or a secondary party.



- If we can prove they helped or encouraged another person to do the crime



- If they were there when the crime was done but not involved in doing it, as long as they helped or encouraged someone in some way





- If they agree to help another person do the crime



- If they did not plan to be involved in a crime but join a group that they know is going to do a crime



- When they know they will be part of a crime, even if they do not know exactly what the crime is



- If they guessed or saw that the other person might do a crime and they helped or encouraged them in some way



- If they know the other person has a weapon they could use to harm someone and they help or encourage that person

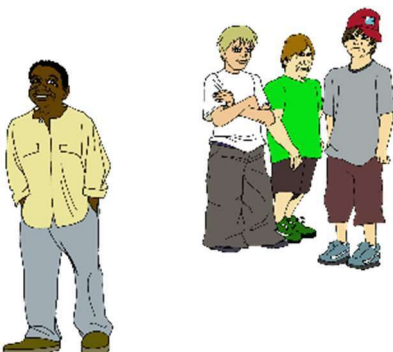


- If they plan to attack one person but accidentally harm or murder someone else. But they will not be charged with helping or encouraging murder or **manslaughter** if the person doing the crime deliberately chooses to attack someone else.



We cannot **charge** someone with the crime:

- If the other person does a crime that is so very different from what they expected or planned that no one could have expected it
- If they stop being involved in good time before the crime happens and they do not have anything to do with planning, helping, encouraging or doing it.



## An example:



Tom, Ben and Wayne go into town to rob people. On the way, Wayne decides to go home. We would say Wayne has not been involved as a secondary party in the crime if Tom and Ben rob people a few hours later.



## 5. Some examples



**When 2 or more people do a crime together.**

If Tom and Wayne break into a house together and both steal things that belong to the owner.



They are both charged with **burglary**.



**When one person helps or encourages another person to do a crime.**

If Tom drives Wayne to and from the house to do a burglary. He watches to make sure no one is coming but does not go in.



They are both charged with **burglary**. Wayne is the main person (the **principal**) and Tom has helped him (the **secondary party** or **accessory**).

**When 2 people do one crime and, while they are doing this, one of them does another crime**



If Tom drives Wayne to and from the house to do a burglary. He watches to make sure no one is coming but does not go in.



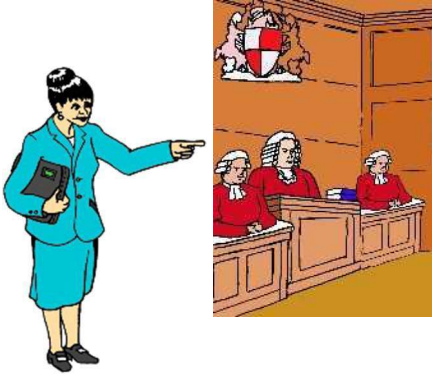
Wayne kills the owner of the house.



Wayne will be charged with murder but Tom might be charged with murder or **manslaughter**.



## 6. Deciding whether to charge someone



The person who charges someone and takes the case to court is called a **prosecutor**.



They have to think about 2 things:

- Is there enough **evidence** to show the person was involved in the crime
- Whether it is in the **public interest** to charge them.

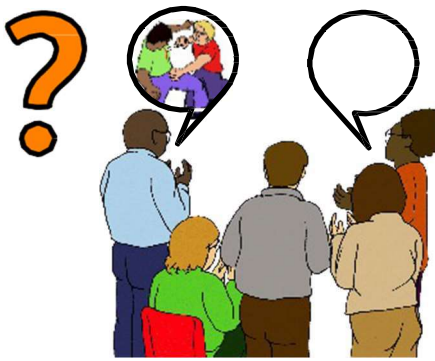






## Thinking about evidence:

- Did the person do the crime with someone else?



- Did they help or encourage someone else to do it – even if they were not there when the crime happened?



- Did they guess or see that the crime might happen or be as serious as it was?



- If the person was young or a child, or had a learning disability, autism or mental health issues, the prosecutor must think carefully about whether they were involved in the crime.



- Did they stop being involved in good time before the crime was done?

## Thinking about the public interest:



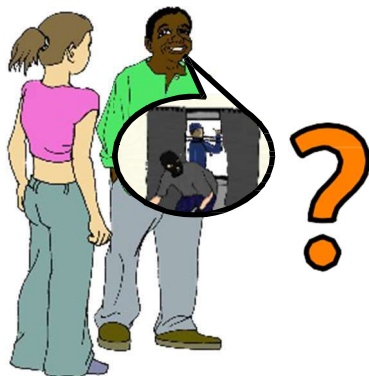
- How serious was the crime and the harm to the **victim**?



- How involved was the person?



- How old and grown up are they?



- Did they plan to be involved in the crime?



- Did they have any physical or mental health issues or disabilities when they did the crime?



## 7. Deciding which crime to charge someone with



The **prosecutor** can decide whether to charge someone or not.



They then have to decide which crime to **charge** them with.



The charge must:

- Be right for what the person did
- Help the court to give the right **sentence** or punishment for what the person did





- Make it easy to see whether the person broke the law.

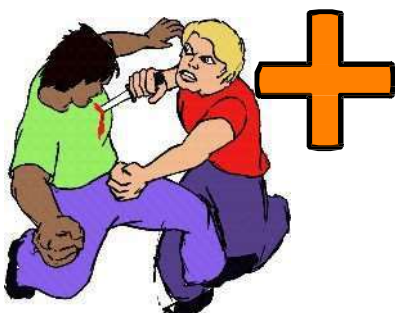


For example, they can charge someone with **manslaughter** instead of murder if:

- They are involved in a violent attack on another person but did not mean to help to kill them or to cause them really serious harm



- They encourage someone to do a violent attack that would usually harm someone but not kill them or cause them really serious harm



- If the person has done more than one crime the prosecutor should not charge them with more than they need to just to get the person to say they are guilty of some of them



They will think about:

- Were they the main person who did the crime (the principal)?



- Did they help or encourage someone else to do the crime? How did they do this?



- If they played a small part in a crime that was not very serious is it better not to charge them?



- If they played a very small part in a serious crime should we charge them with a less serious crime than the principal?





- What **charge** to use if we are not sure if they were the main person involved in the crime or just helped with it.



They might ask to change the **charge** later if they find out more about what the person did.



## When a group or gang attacks someone

Sometimes a lot of people are involved in murdering or seriously hurting someone.



The **prosecutor** must try to find out what each person did. They could decide to charge everyone as if they did the crime.





But sometimes they **charge** them with less serious crimes too.



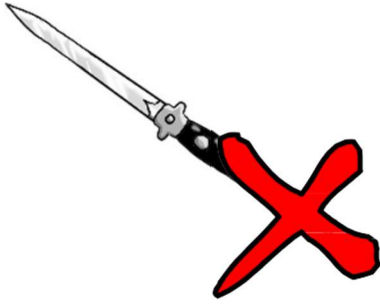
This means the jury can still find them guilty if they are not sure who the person who did the serious crime was, as long as they were involved in the crime.



The judge can **sentence** each person depending on how the evidence shows they were involved.



If everyone in the group is carrying a knife or weapon, it is easier to say that they planned to be involved in a serious attack.



It is harder for the **prosecutor** to decide who planned to seriously hurt or kill someone if they do not have weapons.



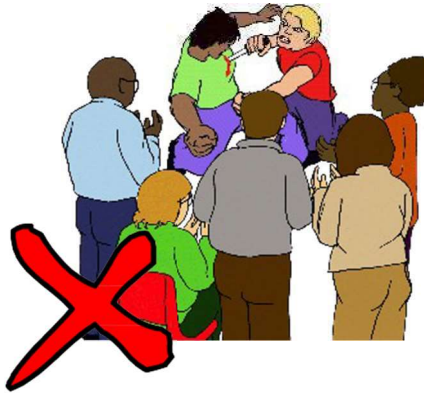
The **prosecutor** must write down clearly what they decide and why they have decided this.



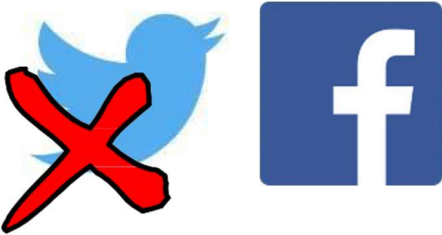
## 8. The Serious Crimes Act



In 2007 parliament made some important changes to the law.



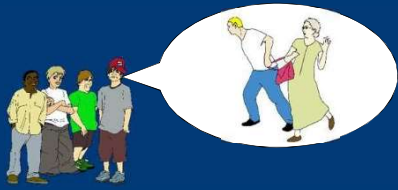
They wanted to stop people encouraging or helping others to do serious crimes.



This includes using Twitter or Facebook to encourage people to do a crime. For example hate crime.



Even if no crime is carried out, the person who encourages the crime can be charged under the Serious Crime Act 2007.



## 9. Conspiracy



If 2 or more people agree to do a crime but do not carry it out, the **prosecutor** could charge them with **conspiracy**.



## What the words mean

### **Burglary**

Breaking into a building and stealing things.

### **Conspiracy**

Agreeing to do something that is a crime

### **Crown Prosecution Service (CPS)**

The organisation that decides whether someone should go to court after the police have looked into a crime.

They decide which crime the person should be charged with and get the evidence from the police to take the person to court.

### **Charge**

When the police or CPS accuse someone or say that they think they did a crime.

### **Evidence**

Facts and information that prove whether something has happened.

### **Manslaughter**

The crime of killing a person when you did not mean to kill the person or to cause the person really serious harm.

### **Principal**

The main person or persons who do a crime.

**Prosecutor**

Prosecutors work for the government and CPS. They decide what crime someone should be charged with. They work with the police to prepare all the information to take to court.

**Public interest**

Good for the public or the rest of society.

**Secondary party or accessory**

Someone who helps or encourages another person to do a crime.

**Sentence**

The punishment a court gives someone when they decide they are guilty of a crime.

**Victim**

Someone who is harmed, injured or killed because of a crime.



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Ref ISL124 18. May 2018.



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