

Rt Hon Sir Alan Beith MP
Justice Committee Chair
House of Commons
London
SW1 3JA

March 2014

Dear Sir Alan,

Joint Enterprise Guidance

I write further to the correspondence between you and my predecessor, Sir Keir Starmer, in which he agreed to collate Crown Prosecution Service (CPS) data on joint enterprise homicide offences, to assist your review of the CPS guidance on joint enterprise.

You have already received the data for cases finalised in 2012. We have now completed the work in relation to cases finalised in 2013. We have examined all murder and manslaughter related cases involving multiple defendants for 2013, and extracted the following data:

The number of defendants:

- Jointly charged with murder and / or manslaughter;
- Charged with an alternative lesser offence, in addition to murder and / or manslaughter;
- Charged only with an alternative lesser offence;
- Convicted of any offence.

I enclose a spreadsheet containing two tables: the first sets out data on the number of charges and convictions; the second contains an analysis of this data, providing figures in relation to cases and defendants.

You will note from table 2 that out of a total of 423 defendants, 179 were charged with a lesser offence as well as a murder/manslaughter charge (the figures for 2012 are 470 and 210 respectively). Additionally, 95 defendants were charged only with a lesser offence (the figure for 2012 was 67). The number of defendants charged with lesser offences, particularly those charged with only a lesser offence, may indicate that prosecutors are properly applying the principles set out in the guidance, by selecting charges that reflect the role played by the defendant, and which allow the jury to convict the defendant of a lesser offence, where appropriate. However, it should also be noted that some of the lesser offences include defendants charged with perverting the course of justice, in relation to acts done after the murder/manslaughter.

I also enclose an Executive Summary, which explains how the data has been collated, and sets out the relevant caveats relating to the data and the analysis.

I trust that you will find the data helpful.

Yours

ALISON SAUNDERS CB
DIRECTOR OF PUBLIC PROSECUTIONS