

IN THEIR OWN WORDS:

First-hand accounts of the impact on the families, friends, and communities of those imprisoned under Joint Enterprise.

Chris Tully



Acknowledgements

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Special thanks must go to those **families and friends** who contributed to the conversations and provided experience, knowledge and expertise on matters relating to Joint Enterprise (JE). The conversations were difficult at times, acting as reminders of the pain, anger and loneliness brought about by JE. Participants also wanted to acknowledge the victims and their families in the cases we discussed.

No family, friend or community wants to become an expert, but for those who were generous with their time and insights, whose resilience and dedication to seeking change brought them to these conversations, **thank you for your contributions.**

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Executive summary

- JENGbA facilitated a series of Listening Days with the families and friends of those impacted by Joint Enterprise (JE). Between October 2023 and May 2024 four such days took place in London, Birmingham, Manchester and Sheffield. The days were attended by 41 family members and friends.
- Each listening day focussed on five themes; knowledge of JE and when they were first aware their loved ones were to be charged under joint enterprise, the impact on them and their communities following conviction, racism and the gang narrative, role of the media, developing support networks and the fightback against the injustice of joint enterprise.
- Families reported having little or no previous knowledge of JE and in a considerable number of cases only found out immediately prior to, or during the trial and in some cases not until the judges' summing up. Inevitably the impact was profound. We heard of the toll on peoples' physical and mental health, the damage done to family relationships, the breakdown of relationships with neighbours and members of their local communities, often based on stigma, a suspicion that there is 'no smoke without fire' and a general lack of awareness amongst the general public of how JE is applied. A lack of independent, accessible information, support and guidance at the point of charging was seen as a fundamental problem for families confronting a trial.
- Families expressed anger towards the role of the police, often seen as complicit with the Crown Prosecution Service, in using JE as a blunt instrument to "round up" and prosecute young people particularly on the basis of race, class, family name and by dint of neighbourhood. Participants in the conversations also had poor experiences with lawyers citing; a lack of experience, little or no expertise in JE cases, little empathy, a reluctance to share

information and documents. The experiences of trials were predicated on similar concerns. We heard families describe juries who appeared unaware of what guilty verdicts in JE cases meant for defendants, judges who were dismissive of evidence, and concerns that juries rarely reflected the diversity of the cities and towns where trials were taking place.

- A key concern was disproportionate use of JE in relation to black and racialised communities, working class communities and children and young people. Often underpinning this was the use of a gang narrative to justify charging and prosecution. Families were angered by the speed with which the gang narrative was introduced into proceedings and why this was applied when association was actually founded on living in the same neighbourhood, shared interests such as music and sport, school friendships etc. As such JE was seen as both “lazy” and susceptible to stereotyping and demonisation.
- Many we heard from had experienced unacceptable treatment at the hands of the media. Commonly this presented as malign or inaccurate reporting, geared towards racism, blame often attributed to parents and especially mothers. Some felt the media and police worked hand in hand to perpetuate moral panics. Retractions of inaccurate reporting were hard to come by and we also heard how images of families’ children were used repeatedly by local press, sometimes years later, to highlight youth crime or gang violence.
- The most positive conversations revolved around the value of family relationships as a buffer against the isolation of having a loved one sentenced under JE. Additionally a community of interest has been forged by the work of JENGbA, without which many felt they would have collapsed under the weight of trying to support loved ones and sustain other relationships. JENGbA have provided support, information, understanding and access to a group of people who share campaigning zeal and a desire to put an end to the misuse of a legal doctrine that punishes many more people than ‘just’ those it imprisons.

Introduction

In the summer of 2023 JENGbA commissioned Chris Tully, an associate consultant working with the charity INQUEST, to help organise a series of Listening Days with the families and friends of those impacted by Joint Enterprise (JE). Between October 2023 and May 2024 four such days took place in London, Birmingham, Manchester and Sheffield. The days were attended by 41 family members and friends, alongside listeners and note takers, invited by JENGbA. The participants attended on the basis of geographical proximity to the location of the days, providing insight into local/regional criminal justice systems, legal and court experiences, support and advice networks, community response and campaigning opportunities.

Families discussed the imprisonment of their loved ones, from which broader themes arose. Each day focused on the same questions for consistency; when participants first became aware their loved ones were to be charged under joint enterprise, their experiences of the legal processes, including lawyers, the impact of the sentence on them, their families and the wider community, racism, the gang narrative, role of the media, support networks, and their fightback against the injustice of joint enterprise. Families were then asked to make suggestions and recommendations for systemic change.

This report brings together the families' experiences, observations and recommendations using the thematic prompts as section headings. Quotes attributed to families are anonymised as agreed at the Listening Days. This is an evidence-based report adding an important, often overlooked perspective. This report provides a snapshot of the families' experiences of joint enterprise in their own words, reflecting their anger, dismay, helplessness and trauma but also their resolve, resilience, bravery and commitment to their loved ones in the face of a fundamentally flawed and misused piece of legislation.

JOINT ENTERPRISE: WHAT IS IT?

Joint enterprise is a **common law doctrine that can apply where two or more people are involved in an offence**

Individuals in a joint enterprise may be a 'principal' – the person who carries out the primary offence – or 'secondary party' – a person who knowingly assists or encourages a principal to commit the primary offence. Under Joint Enterprise the secondary party can be prosecuted as if they were a principal offender, resulting in bystanders, or people involved in much lesser criminal offences, being convicted of murder or manslaughter

Almost 93% of joint enterprise defendants are male. Children aged 14-17 made up 14%, and 40% were young adults between the ages of 18 and 24. Defendants with a disability accounted for 5%, and 21% of cases were gang related. (CPS report 2023)

In 2016, [the Supreme Court ruled \(R v Jogee\)](#) that the doctrine had taken a "wrong turn" and been [misinterpreted for 30 years](#), declaring that a person would be guilty of a joint enterprise offence only if they intended to encourage or assist the person who committed the offence to do it

However, a [2022 report for the Centre for Crime and Justice Studies](#) showed that it had no discernible effect, while the number of black people convicted of murder under joint enterprise had risen

Research published in January 2024 by Manchester Metropolitan University (Becky Clarke and Patrick Williams) showed that for the 1,088 people on average convicted under JE each year, the total cost to the taxpayer is £1.2bn

1. Initial Engagement with Joint Enterprise

All four of the Listening Days began with an exploration of the families' initial engagement with Joint Enterprise; to what extent they had any prior knowledge of the charge, if they had received any information as to the likelihood their loved ones would face prosecution under JE and what advice they had received regarding their rights, or where to go for advice and support. Additionally families and friends also discussed the emotions of having a loved one sentenced, how this impacted on their mental health, their familial relationships and those with neighbours and the broader community.

1.1. Awareness of Joint Enterprise

It became evident there was an overwhelming lack of prior knowledge of what JE is and how it might be used in the legal proceedings involving their loved ones. A small number of those we heard from had prior knowledge of JE, but primarily from anecdotal sources,

"I knew about Joint Enterprise from the film Let Him Have It but we found out (officially) at the trial!"

"My friend, who is a magistrate, told me about joint enterprise. She said, 'try and get them charged separately.' We couldn't."

Another participant added,

"We found out through friends who were studying law."

Some explained how the arresting officers were the first to raise the possibility, with one woman saying the police claimed it "looked like a case of JE" but provided no further explanation as to what this meant or the implications for their loved one.

The most common point at which families were introduced to the concept of JE was often with little warning; in the immediate lead up to the trial, during the trial or in some cases, at the point of summing up. The most common sources of information were solicitors and barristers. Families described their panic at the introduction to an erstwhile alien legal

Or after the event,

"Barrister told us after the trial to contact JENGbA, 'they're very good!' They should have said something before."

However there appears to be no systematic way of pointing families towards JENGbA's support and advice and families felt that anyone charged under JE should be signposted to JENGbA for information. As we shall see later in this report, families felt particularly let down by the legal advice they received, suggesting their legal teams could and should have done more to articulate what JE is, the consequences of being charged and found guilty under JE and what alternative legal steps could be taken to better defend their loved ones.

1.2. Initial reaction and impact on wider family and community to a JE prosecution

A direct consequence of the vacuum of information and advice regarding prosecution under JE resulted in traumatic reactions to conviction and sentencing. The families and friends we heard from described their emotional turmoil, shock and anger when their loved ones were handed down custodial sentences, ranging in length from nine to thirty plus years.

If the overwhelming initial response was immediate concern for their family member, the participants went on to describe the massive impact on siblings, parents and grandparents as well as on neighbours and communities, often positive and supportive, but also negative. In essence if the conviction represented a single stone thrown into a pond, the ripples that resulted were deep and stretched far and wide affecting peoples' mental health, relationships at home and work, attitudes to state agencies including the police and their faith in UK justice more broadly.

1.2.1. Initial reaction

In the first instance families described their shock and the traumatic impact on hearing the sentence.

"At conviction I fell to the ground in total shock it affected my mental health."

"I was devastated, depressed and didn't speak to anyone about it."

A commonly repeated observation was the associated feelings of grief, comparing the point of sentencing with a bereavement,

"It's like grieving someone who is still alive. You're in shock."

"I needed a place to mourn, grieving is symbolic."

Others agreed the conviction brought a profound sense of loss,

"For the first 6 months I was in shock. My son kept me alive but not being able to hear his voice broke my heart. You go through grief and denial; you can't fight back from prison."

However, there was agreement

"You grieve before you fight."

Others spoke of being unable to sleep for days

"I was in disbelief of the conviction as clear evidence the crime was committed by someone else. At conviction he was told he could have foreseen what was going to happen. How can you have foresight if you weren't even there?"



after the sentencing and the fear and panic as to how their loved ones were coping. One person told her story,

"My two children were charged with murder. They were away from home for the first time, locked up, with no family contact. We had no idea what advice they were getting, how they were being treated or what their legal team were advising them."

The potential of facing court was too much, one person described her decision not to attend sentencing and the long-term impact of her partner's conviction,

"I was out with the kids when I heard, I couldn't face going to the sentencing. I dropped everything and walked home crying. I was pregnant, the baby is now 15 and has only known his dad in prison."

One woman was sitting alongside the victim's mum at the trial and after sentencing she had leaned across and said,

"Your son didn't deserve that."

The descriptions of the long-term impact of JE on families was profound. Contributors described how their families had been broken apart, how grandparents had been refused contact with their grandchildren, how children blamed par-

ents for the prosecution of siblings and the ramifications of extended separation brought about by blame, anger and resentment.

Whilst many acknowledged that family support was the only way they had survived the ordeal of losing a loved one to a long prison sentence, a significant number of people highlighted the damage done to them and their relationships.

We heard from those who were supported in court by family, friends, and neighbours, but this did not protect them from open hostility,

"We were spat at in Court, had water thrown at us, called names. All in front of the police who just stood there."

1.2.2. Impact on family and the wider community

What became clear during these conversations, was the lack of awareness surrounding JE not only affected the families involved, but it also meant the public were unable or unwilling to distinguish between those who committed an offence and those who were present and subsequently charged under JE. As such families felt a backlash of anger, suspicion and in a few cases direct threats to life. We heard examples where children, often siblings, experienced

“I had two personalities, outside, in work where it was never mentioned and in the house where we talked about it.

The impact it has on your life, the pressure – don’t tell the kids, who will drive to the visit, the logistics, they all take their toll physically and mentally. It’s so hard to hold it together”

intimidation, and abuse,

“We had to move house. Our younger son has mental health issues and our daughter suffered abuse at school.”

“I went for walks with earphones in so I couldn’t hear people shout shit at me.”

“You’re embarrassed, you don’t want to go out, you feel vulnerable in your own home, you look at the window and wonder what that car is doing, are they coming back, they could shoot me! It took me a good year to put my head up and say my son didn’t murder anyone.”

One woman described a terrifying attack on her family home, gunshots fired through her window in an act of retribution, where she sheltered with her younger children,

“We had backlash from the community we live in but had no help with threats, either from the police

or help with moving, as I was in Social Housing. They offered me a place that was miles away from my other kids’ school, away from my friends and family.”

In another case a mother explained how the very agents of the state that should have been offering protection, acted against her wishes. It was a case where several young men from the same area were charged under JE,

“The community was all affected, it could be any one of them. People used to ask how he was doing, everyone knew who did it. Social services and police told us to move within a month or the kids ‘would be taken off you.’ We had to move away from each other (the families of the co-defendants) but ended up closer.”

Another contributor described her concerns about the behaviour of the police,

“Even now they are older we wonder if the kids are stopped, do the police know about their dad and use it against them? We’re scared to let the kids out; they can’t have a normal life.”

It is clear that a byproduct of JE is a deep-rooted suspicion and mistrust of the police, one person describing the “hatred” her other children had for the police and the justice system.

Another woman added,

“My grand daughters were in the house when my son was arrested and they hate the police, hate them!”

Such is the power of ‘no smoke without fire’ gossip, some we heard from had anecdotal evidence that other parents stopped their children playing with families’ kids and participants experienced on-going judgemental behaviour,

“People are nosy, they want to know what it’s like to know a murderer, but we’re not murderers. They want to glorify it, celebrate in a way, what’s happened.”

“Others offer to support you ‘even if they did it’ but that’s not the point, they don’t believe the truth.”

We did hear a couple of examples where the local community were supportive, disbelieving

of the prosecution and in one instance, money had been raised at one mother's workplace to support her son. However, these examples were rare and bucked the norm.

Families told us about their struggles with both physical and mental ill health and the impact this had on their lives. Families were put under huge strain trying to hold things together for themselves and for those in prison. It became clear this took a terrible toll on inter family relationships.

"I had health issues including Mental Health, I was unable to cope, one of my children found me rocking but said 'mum if you fall apart, we all do."

"My mum was traumatised, I thought she was over-reacting until she said she had double trauma, she had not only lost her grandchild, but she was also worried about me."

"Early on I couldn't tell anyone about how I felt, I knew if I did I would end up crying."

"Initially when I was really depressed, I was so unwell I couldn't articulate how I felt."

One woman movingly described the impact on her other child,

"I completely ignored my youngest son and I didn't even realise it at the time."

We heard examples of family breakdown as relatives blamed and counter blamed those they believed were responsible for not doing enough,

"There is 18 months between my son and daughter, his sister is angry with me leading to a breakup of the family. She blames me, thinks I should have done more."

"My son's partner blames me and she won't let me see the grandchildren."

Contributors discussed suicidal thoughts, *"It didn't happen because the one in prison said the one at home still needed a mother and I would*

be leaving him behind. He said he would join us, it's like we all called each other's bluff and because we understand how much we needed each other, it never happened. Nothing in the world will make me want to die now."

The Listening Days also drew our attention to feelings of shame, guilt and the soul searching involved in trying to hide loved ones' convictions from young children,

"We told the kids their dad was at work but they saw something on the TV. My son said, 'my dad is in prison isn't he?'"

"You try and tell people they didn't do it, but they read about the case and once they hear the word murder..."

The long-term impact on relatives is profound, and we garnered a sense of lives put on hold, lives lived with anxiety, uncertainty and most movingly, absence, *"His grandmother never went out, never went on holiday. She never let anyone sit in a particular chair because it was his, for when he came home. She was never the same."*

"We didn't have Christmas. Our son had a daughter 4 weeks after he was found guilty."

"Everybody's life stops. My sister wouldn't get married, my son wouldn't have children."

"Now I realise the impact it had on our younger son, but he never gave us any trouble - if he hadn't been so good I couldn't have coped. It's only now I realise how good he was growing up. He asked if he could serve half of his brother's sentence, 6 years each."

Some we heard from described the difficulty of combatting the stigma and shame of being related to someone convicted under JE,

"My uncle was charged, it was really difficult, I was in University at the time. You've got a stigma but now I tell people about it."

"You feel stupid, ignorant, no-one understands the stigma."

One contributor detailed his experiences when at the age of nine, his father was convicted. He said that from an early age, even though "kids can be horrible" he "owned" his father's conviction. He has spent the years since "teaching people" about JE and recognised that in order to cope and survive, "family support is crucial."

He also believed he deserved,

"More acknowledgement of me as a victim."

One woman described the initial arrest of her brother at home, which occurred close to her place of work, and her colleagues 'joking' about it being a relative. She works in a senior role in one of her city's largest public institutions and explained how she was ashamed to such an extent that she has never once talked about her relative's conviction to her colleagues. She went on to describe her feelings of isolation and the overwhelming pressure to protect this 'secret'.

Others described similar experiences,

"Your rights are not your rights anymore. Being related to a prisoner changes people's perception of you."

One woman movingly described her sense of guilt. She had persuaded her brother to give a

statement to the police, safe in the belief that by doing so they would recognise his innocence,

"I feel guilty that I told my brother to give a statement, he ended up doing 12 years for someone else's crime, even though the CCTV cameras timeline showed he'd left the scene."

Highlighting the deficit of independent advice, she went on to say,

"Did I say the wrong thing, give him the wrong advice? He was a student with his life ahead of him. If I'd known at the beginning what we then knew in court, could I have done something?"

It is clear JE is a blunt instrument that punishes many, many more people than 'just' the person convicted. It is also evident that the families and friends are placed in impossibly difficult positions regarding supporting their loved ones and extended families; children, grandchildren, partners etc as well as protecting them and their families from hostility, shame, judgemental attitudes, and threats from malign actors within their communities and from state agencies. This is an immense burden that families face on a daily basis creating divisions; in communities, families and neighbours. It is also the hidden impact of a misused law that punishes individuals but victimises many more.

**“Nothing can
make up for the
years lost”**



2. Experiences of the legal system

Confronting the legal system in any form is intimidating; these are unknown processes with legal and technical language, protocols, customs and procedures. Add to that a lack of information and guidance on the legislation facing families and overriding anxiety, it becomes a hugely daunting experience. It is in this context that families outlined their experiences of lawyers, the CPS, courts and appeals.

There were initial conversations about the role of JE and its use, some speculated that it was used to ensure long sentences, others believed it became a useful tool for the prosecution when they feared the accused were going to get off. Some in the room felt strongly that JE was used at the behest of the police,

"It's the police, it's not the prosecution, it's the police, they demand it."

Others suggested that it was something that was used by both police and the Crown Prosecution Service (CPS) as a way of guaranteeing convictions,

"The police lie to inform the CPS."

"The police and the CPS work together, it's an easy way to sweep up lots of people, get them in prison"

It was also felt the CPS was antagonistic from the off,

"I felt we were de-humanized by the CPS"

There were suggestions communities were over policed, predicated on the principle of identifying families or areas the police believed to be 'bad' or troublesome and JE was an excuse to act without reason in an effort to round up young people, black and working-class communities,

"The police had been watching my kids from the age of 14."

"The police missed bits from my statement – they said everything I told them would help my son, but they only included parts of my statement. I was scared and wanted to do everything to help my son."

This felt like an intentional oversight. In three of the four Listening Days, London, Birmingham and London, families reported they believed the police to be corrupt, evidenced

by manipulation of statements, refusals to let the families see charge sheets and a history of wrongful convictions and a propensity for targeting communities.

What families said they wanted in the first instance after arrest was information and advice, experienced lawyers they could trust, lawyers who were aware of the use and abuse of JE and prepared to fight for the freedom of their loved ones, especially when in an alien environment,

"You trust the lawyers because it's another world."

For a significant number of the families we heard from this proved not to be the case regarding the lawyers they first encountered. A number of families stated they were given no choice as to who became their legal representative, relying on duty solicitors.

"There was no-one to advise us, we went through the Yellow Pages looking for a solicitor, we ended up with the duty solicitor."

At the point of arrest their loved ones were in a state of panic and anxiety. One participant, who had served a prison sentence after being found guilty under JE, described her experience,

"I was on bail during the trial. I got the duty solicitor in the police station; I was just in shock. My solicitor kept advising 'no comment, no comment' but that backfired in court when I was asked why I didn't give a statement."

There was agreement that saying no comment is *"used against them in court."*

The inexperience of solicitors, and a lack of awareness about JE was also raised,

"A panicked lawyer said to us 'let's hope they don't use Joint Enterprise.'"

"We all knew who did it, but in the Courtroom I heard the phrase JE. When we asked our lawyer what that was, he said 'don't ask me'. It was a complete farce."

"We first heard about JE in the Judge's summing up. We had to change lawyers as our first ones were crap, no-one mentioned it (JE) before then."

"My son was a child who was supposed to instruct

a lawyer, I was told "you're not my client". The lawyer was so bad in Court that another QC stood up to defend my son."

Some families concluded a successful defence was more likely for rich people,

"We used a duty Solicitor as we were desperate and had legal aid but if you have money, chances are you will win, you're going to lose if you're poor as money talks."

There were further observations about the need for lawyers to use language that helped decode legal jargon, and greater transparency around the legal processes,

"They (lawyers) started using all sorts of legal terms, I had no idea."

"Thought the Legal Team was going to be a support, but they were not, and documents belonged to us, but it was a constant battle to see the documents."

"Information was held back from us, but I didn't know whether this was normal or not."

Another concern was the lack of time defence barristers had to meet with and get to know their clients. "He never met his barrister until trial," was not an uncommon experience. Families felt this damaged trust and faith, exacerbating their fears and anxiety,

"Our solicitor was OK, the barrister seemed prepared. We thought he was doing OK but obviously not. The lawyers want to go to trial because they get paid either way. Nobody tells you what they are actually going to do. It's hard to take things in, you're in shock, I was scared to death."

A few people confirmed they had been happy with their representation, in one example trusting their lawyer to do the right thing because, "of the work they had done before on Hillsborough" another woman saying how supportive her lawyer had been, "always in touch" but this was felt to be a bare minimum regarding legal support. There were significantly more complaints about the relationships with

legal representatives than compliments, often predicated on the lack of knowledge and understanding of the abuse of JE.

Another area for discussion was the experience of trials. Understandably many we heard from had little or no prior knowledge or insight into the protocols, procedures and technicalities of a trial in action. The lack of advice as to what to expect meant families felt confused and suspicious of what ensued. Primary amongst these concerns was the advice given regarding statements and testimony, pleas, the role of judges and juries and whether appeals were a worthwhile endeavour.

Whilst acknowledging every case is different families did seem to be given conflicting advice,

"We were advised not to call witnesses as they might say something wrong."

"We were told not to take the stand, but that turned out worse for them as it was used against them."

"The barristers told us you've got nothing to worry about, it was a conspiracy charge. On the day of the trial it changed to murder."

"His lawyers told him to say he knew about the knife and he'd get manslaughter but he didn't know about it. He still got 16 years, for driving a car."

There was also differing opinions about the advice given to defendants regarding pleading guilty to lesser charges, or indeed pleading guilty at all. As was noted earlier in this report, some cases saw JE introduced so late in the proceedings it became impossible to emotionally prepare for negative outcomes.

The ambiguity surrounding JE also created

confusion for defendants, unaware that the interpretation of foresight meant their instinct to plead not guilty to something they'd not done was viewed as an admission of guilt later.

In one case a family's loved one was tried twice,

"On the first trial they were charged murder or manslaughter. Although the legal team advised guilty to manslaughter they all pleaded not guilty because they hadn't done anything. Second trial manslaughter was taken off the options."

She went on to say,

"My son stood in the dock and gave evidence. Afterwards the judge told the jury to disregard what he said because of what happened in the first trial. How can the judge mention the first trial to a different jury?"

In the absence of concrete evidence in many JE trials, the definition of a 'fair trial' was raised,

"The prosecution has to interpret the story to get a conviction. We were told 'you have to plead guilty of something, that's why you're here.' They are good at putting doubts in the jury's mind."

"CPS used one of the defendants as a witness, they gave Queens Evidence so they didn't get charged, but someone has to suffer for that."

Families were also concerned the inherent ambiguity in JE trials made it difficult for juries to understand or recognise the ramifications of their verdicts,

"I felt that the jury didn't understand the consequences of the route to verdict or mandatory life sentences. They were baffled and asked questions to the judge. I feel deals were made."



"The route to verdict just isn't explained, when someone says guilty, they don't know that they (defendant/s) could get done for JE."

"Juror was sleeping and not interested, but court just sees it as a process to get a verdict."

There was a similar feeling regarding judges believed to be "defending the establishment." One parent was dismayed when a judge failed to introduce evidence that may have proven crucial,

"We gave photographic evidence of the scene to the barrister who took it to the judge who said he'd put the jury right. He never said a word."

Directions to the jury baffled one contributor who believed the statement demonstrated how contradictory JE is,

"Judge said he has proved he wasn't there, 'it's up to you to decide if he's guilty or not.'"

Others were more damning in their assessment, suggesting the legal world is an 'old boys club' in which self-interest trumps justice,

"They de-humanise us, the rusty, dusty old law book is more important than human beings."

Others felt self-interest was key to how cases were tried,

"The defence lawyers don't argue the case strong enough because they want to be judges, it's happened before."

"His QC and Judge were from the same chambers."

Post trial families appear to have little faith in other routes to justice. Some had tried to appeal, but as often as not these attempts failed on the basis that the application of the law, however ambiguous, meant there was no basis for appeal.

"We started with an appeal but that was knocked back straight away."

Appeals are also expensive, and beyond the means of most,

"We spent thousands on appeals until Gloria (JENGbA) said 'you're wasting your money.' We were quoted £10,000 just for someone to read through the paperwork. You get promises of taking

your appeal to higher, better QCs."

There was scepticism about the effectiveness of the Criminal Cases Review Commission (CCRC) too. Families highlighted notable cases where reviews of cases had been successful, Andy Malkinson was given as an example. However it was pointed out that the CCRC had never served JE families well, arguing that the opaque nature of JE made it very difficult to claim these cases warranted a review.

Families claimed the CCRC was "not fit for purpose", with one person observing

"If the CCRC acquitted one, it would leave others open for acquittal. It is the establishment protecting itself."

There was purpose for some in going down this route,

"All you have is hope, appeals, CCRC, although never successful, you have to have hope to keep you going."

"It gave my son hope, knowing we were trying to do something."

A legal team who is not afraid to stand up to judges.

These accounts paint a bleak picture; mistrust, a lack of faith and a sense that the law does not work for JENGbA families. What they want is a robust, fair and equal chance of justice. They want good advice, competent and experienced legal teams and for JE to be explained in lay terms for both families and those tasked with sitting on juries. At the moment families feel their position is encapsulated in a comment from one of the participants,

"We feel the decision is made before the trial even begins, all decided behind closed doors from beginning to end, who did what to who, so they were always going to be found guilty."

The next section explores the part that race, class and community plays in further undermining a belief in a fair system.

More than half of people prosecuted under joint enterprise are from minority ethnic backgrounds and **black people are 16 times more likely than white people to be prosecuted**, according to data [published by the CPS](#) in 2023

It found 57% of those prosecuted were from minority ethnic backgrounds. White people make up 81.7% of the population but only 38.9% of defendants; black people make up 4% of the population and 30% of defendants. Asian people are almost four times more likely than white people to be prosecuted

The [Lammy review of 2017](#) pointed out that young people tend to be stereotyped, particularly black boys and men, as belonging to gangs, rather than being in groups, with insufficient evidence.

The Centre for Crime and Justice Studies [report](#) showed more than three-quarters of black and minority ethnic prisoners reported that the prosecution claimed that they were members of a 'gang', compared to only 39 percent of white prisoners.

The report also discusses police gang databases in Manchester, London and Nottingham, including people who 'have no proven convictions and those who have been assessed by criminal justice professionals as posing minimal risk'. These lists are dominated by black and racialised communities as a result of racial stereotyping

3. Racism and the Gang Narrative

At three of the four venues where Listening Days were convened, the twin issues of racism and the use of the gang narrative was raised by families. In each case there was a consensual belief that the police, CPS and other key players in the judicial process, including judges, were all too willing to bring matters of race to the fore during the arrest, trial and prosecution. Allied to this was a belief that the introduction of the gang narrative was employed as a "weapon" to ensure conviction under JE. For many this was regarded as a "lazy" tactic that worked effectively with juries often made up of jurors that don't reflect the diversity of those on trial or indeed the diverse towns and cities in which cases were heard.

Families felt very strongly that it is intentional; the labelling of young men from working class, black and racialised communities with gangs, thus rendering alternative narratives based on friendship e.g. growing up in the same neighbourhoods, attending the same schools, youth clubs, shared interest in music etc as secondary. It was pointed out that this process was also underpinned by a malign view that friendship groups equal criminality, thus justifying over policing and the use of JE,

"The gang narrative is built up when they are young friends."

Some participants argued this process began at the point of arrest, highlighting how the police initiate the notion of gang involvement and how it gains traction throughout the subsequent stages of the prosecution and trial.

One person believed this was solely down to the attitudes of the police whereas other felt there it was more systemic,

"The police and the CPS work together, it's an easy way to sweep up lots of people, get them in prison."

Another person agreed, not least because they overheard a throw away comment from one of the arresting officers,

"I feel that it was done for numbers, to sweep up everyone so the police can get promoted, I heard a police officer after court say, 'great we got all of them.'"

These observations tallied with what we heard at other Listening Days where families had outlined their anxiety surrounding their children becoming victims of community harassment by the police.

The lack of awareness of JE and its use in prosecuting cases also resonated with one man when discussing racism,

"We knew nothing about joint enterprise. They made out four lads from Bradford were a gang."

He went on to add,

"Three white people were seen running from the scene but the Asian men were charged."

Other families talked about the tactics used by the prosecution during their loved ones' trials, describing the ease with which the gang narrative was deployed becoming the lens through which the rest of the trial is viewed. A mother highlighted how evidence advanced this narrative,

"They used surveillance footage to make him look like a gangster, the Al Capone of Enfield."

This tactic was not always successful,

"They tried the gang narrative in our case but they didn't know each other so that fell through."

However more commonly the tactic of creating a sense of a threatening, pre-meditated homogeneous group of violent young men paid dividends for the prosecution. For some any faith they may have had in the legal process quickly dissipated when confronted by the reality of the court experience,

"I thought my son had nothing to fear, but the court case centered around the gang narrative."

"The court is a pantomime – they make out friends are 'gangs,' they invent a hierarchy of control. The police and prosecution give the lads names like 'General,' 'Boss,' '2nd in command' 'Lieutenant' and even 'foot soldiers.' They are just friends!"

Someone else agreed, explaining how her son had received a letter from a friend which started with the commonly used greeting "wa'gwan general?" She went on to say the CPS had seen the letter and used it to construct a narrative based around hierarchical gang membership. Other participants recounted how judges in several different cases had "hinted" at the case revolving around gangs, or insinuated this should be a consideration for the jury.

Unsurprisingly families drew attention to their belief racism was at the heart of the legal infrastructure,

"In our case they ran the gang narrative which was hinted to the (all white) jury. The defendants were mixed race, the jury, lawyers and judge were all white. How can that happen in a racially diverse city?"

Another person felt equally angry with the make-up of the jury in her child's case,

"Juries should be peers of the community, all of my son's jury were white and none were my sons age group or background, I was told I cannot ask for a mixed-race jury or one which is more reflective."

There was a pervading sense of hopelessness regarding a racist judiciary,

"Police, judges and prosecutors are racist, just look on the wings."

At the event convened in London families went as far as to identify two courts (Snaresbrook and St Albans) deemed reputationally racist. One person suggested she did not believe the law was racist but "the police are."

It was suggested that JE convictions met at the intersection of class and race,

"I felt like it was like slavery, classist and racist."

Adding,

"There's no rich people in (prison) for joint enterprise, money talks."

"Where was JE during the Covid parties?"

Others pointed out that JE was never used to

prosecute prison or police officers who had been involved in violent behaviour during their duties.

There was a recognition that gang violence in some areas is a real thing, an all too pervasive and intimidating part of life for children and young people growing up in UK towns and cities. However this did not excuse an over reliance on the gang narrative, the demonisation of whole communities, to achieve prosecutions. As one mother explained,

"There are gangs and any young person who lives in London is aware of them. But two black boys out together, well, it's gangs, gangs! Its overused, they put way too much into it."

The families' experiences resonate completely with what we know statistically from academic research and official statistics regarding racism and the criminal justice system in the UK. Context is everything and there is undoubted racism at the heart of the way JE is used. The lack of transparency has resulted in communities, siblings, grandchildren being resentful of the police, being targeted and over policed on the basis of race, class, location, and by familial

relationships in the eyes of those affected. JE represents the very worst of this racism.

Families clearly expressed their wish for an end to racist policing, an end to all white juries, judges and court officials, and ultimately for an end to the gang narrative as a driver of JE prosecutions.

4. Impact of the Media

The issues raised regarding racism, classism and the targeting of individuals and communities are given oxygen and the chance to grow by media reporting of JE cases. This became abundantly clear as families described their dealings with the media, before, during and after trials had taken place. Regardless of the geographical location of the Listening Days, the complaints and anger at the reporting by the media bore depressingly familiar similarities.

Many felt the media had a pre-existing agenda, specifically targeting young people, people of colour and, by extension, their families. Mothers in particular were the focus of negative media portrayals, demonised for failures to parent 'correctly' and then further criticised for standing



by their children after conviction. In addition inaccurate, lazy reporting, sometimes based on police accounts leaked to the press, resulted in an imperfect storm that infuriated and bewildered participants in equal measure.

A common concern was inaccurate or dishonest reporting in local and national media,

"The reporting is dishonest. I didn't look at our local paper throughout the court case."

"News reports were full of lies."

The sister of one young man sentenced under JE made the (London) Evening Standard take down the initial story because it was inaccurate and wrong,

"But by that time it was too late, the damage had been done."

In another example a reporter had not attended the trial but wrote an online newspaper piece suggesting they'd been present. It was full of false information and inaccuracies. There were small victories however; the sister of a convicted man complained to their local newspaper about the inaccuracy of their trial reporting, and the newspaper printed a double page spread which provided greater context and in essence contradicted much of what it reported in the first article. This however was regarded as very much the exception rather than the rule.

During trials there were real fears that jury members might read inaccurate reports published in newspapers, thus influencing juries and case outcomes, as well as whipping up calls for evermore punitive action,

"The death penalty was called for by a newspaper in our case."

And as this agenda gains traction so,

"The TV/media will not report on possible miscarriages of justice in JE cases."

These examples bring one of the fundamental problems of JE into sharp focus. How do you fightback against an unjust law that is widely acknowledged over zealously misused against groups of young people identified as 'bad' or 'dangerous'? What families were describing was an almost text book definition of a moral panic, "After Jogee the media put on the front page that hundreds of people will walk free, that's why we're all here now".

"Journalists should show balance, the headlines say, 'they should repent' but how can you repent something you didn't do?"

"If they were middle class kids they'd be considered witnesses to a crime, they'd be seen as victims"

Families identified the pervasiveness of these views suggesting "young people have no power," and as such their experiences, often as victims of crime themselves, carry no weight or influence. Jimmy McGovern's drama *Common* (2014) was mentioned, as was Fran Robertson's BBC1 documentary *Guilty by Association* from the same year. Both powerfully demonstrate the injustice of JE, but they stand as exceptions. Families

had explored the possibilities of engaging film makers to highlight the inequality and misuse of JE, but had quickly concluded that,

"Film makers cannot get commissioned for this work."

Contributors believe the media blame families, and particularly mothers, for failing to parent their children. It is mothers who are demonized then pilloried again post-trial for defending their children,

"We were called whingeing mothers of murderers."

As one woman pointed out, it's what any mother

would do for a child, left with no option but to mobilise and protest,

"I'm happy to be shouting at the world especially during marches."

The ramifications of inaccurate or malign media reporting stayed with families long after the press had moved onto another story. One woman described being hounded by the press, to the extent she had to avoid her workplace. Another participant explained the difficulty of protecting his extended family from negative publicity in an age of global news,

"We tried to keep it quiet from the rest of the family, but it was on the news, in the newspapers, it even got into the news in Asia."

A mother described the trauma of having to explain the unwelcome and "disgusting" publicity surrounding her partner's conviction,

"Their faces were on the front of the newspapers, even on billboards (across the city). The kids asked 'why is my dad's picture there?'"

The media fails to recognise how its reporting re-traumatises families. One example involved photographic images of a woman's sons being constantly re-used by her local paper whenever a similar case was in the news,

"Anytime there's a gang murder my kids' faces are in the paper, cases that don't have anything to do with my kids, they use their photos to make a point about gangs."

This example highlighted what others felt was overtly racist attitudes in the media, and it was far from unique,

"The media will tar you with a particular brush."

"The gang narrative was mentioned a lot in the local press, they kept making reference to belonging to gangs, talked about the Somali gang."

The conclusion reached by those present at the Listening Days was the media were knowingly guilty of criminalising whole communities, even when families had complained about the quality and tone of the coverage.

The advent of social media had also increased

the likelihood of prolonging trauma as historic cases resurfaced on-line, and parents had to work hard to prevent their children from exposure to old social links to the 'crimes' of siblings, parents and relatives.

Some felt that social media could play a part in re-writing the narrative surrounding JE, a tool for good (see Developing Support Networks and the Fightback Section below) although the irony of the reliance on social media posts to prosecute was not lost on the groups we heard from. Some wanted to see a strategy whereby families used social media to post daily reminders of their loved ones cases. As one person said, *"The back story of those serving time is irrelevant, these are all wrongful convictions."*

In short families felt the press played a role in influencing court decisions; a combination of negative press and media, inaccuracies and lies, a demonisation of particular communities, often based on race and postcode and a long-established blame culture that pointed the finger at mothers and communities. Families and friends wanted the media to demonstrate greater balance in its reporting, to act with more compassion and empathy, and to correct mistakes and falsehoods in the accounts of trials and cases more broadly.

"If you're Black, Asian or working class and accused of something, the media will put your face all over the media"



5. Developing Support Networks and the Fightback

Families discussed how vital support networks were both in terms of their health, well-being and ability to “carry-on” during and after the trial, the on-going struggle to support their loved ones in prison and to campaign for an end to the misuse of JE and the release of those they knew to be wrongfully imprisoned.

For most this initial support was derived from family and close friends, members of their communities and in some cases colleagues at work, members of their faith groups and so on.

“My family were supportive, family is everything, they give you the strength to continue.”

“I had great support from the customers where I work as they knew my son.”

“People round where I live knew he hadn’t done anything.”

For one contributor it was a chance meeting with another parent who’d been through the same experience,

“I was so depressed and then I met another mum, and she helped. When I heard her story, everything she’d been through, she’s still getting up every day, looking so glamorous, ‘I thought I can do that.’”

However, it is also true that the burden of supporting family members is a burden that weighs heavily on those involved. Inevitably there needs to be an outlet, not least when people,

“Feel so naïve, you’re in the dark all the time.”

5.1.1 The Role of JENGBA

Understandably, as these Listening Days were convened by JENGBA (invitations were sent to families already known to the organisation) it might be tempting to conclude a bias in the responses to the questions relating to support it became very apparent that JENGBA often fulfils the role of ‘outlet’. It is unique, operating as the sole organisation offering a service to affected friends and families in the UK. At each Listening Day we heard how fundamental JENGBA is for those that use it, a focal point for information, advice and support, both 1:1 and as a facilitator of group and community support.

For many we heard from it is JENGbA alone that provides much needed advice and guidance especially in the immediate aftermath of a trial. They advise on lawyers and legal rights as well as how to cope physically and emotionally,

"JENGbA helped me, I heard about London Against Injustice and wrote to JENGbA.

"JENGbA helps your family a lot, there is someone to speak to and offer support."

Others mentioned the profound benefit of having JENGbA 'in their corner',

"I would have died if it wasn't for JENGbA."

"JENGbA gives you something to hold on to, the light at the end of the tunnel, someone who is actually doing something."

"I felt dead but being able to see others fighting at JENGbA gave me inspiration."

However, initial contact with the organisation could all too often be a matter of chance,

"I met another mum in prison and saw that she was surviving every day, she put me in contact with JENGbA."

"I didn't know anything about JE I googled it and found JENGbA."

As such families wanted JENGbA's contact infor-

mation to be made available to families in any case where JE was central to the prosecution, ideally at the point of arrest or before the trial had begun.

It is clear that solidarity and action have done a great deal to channel families' anger and hopelessness and combat isolation, creating communities of interest with people who understand the pain and trauma,

"It's really good to speak to other people who understand what you're going through"

"JENGbA's newsletter let's everyone know not to give up."

In that campaigning spirit, families at each Listening Day were invited to discuss what they believe could help in the fightback against the numbers of people convicted under JE; what support families require, what their loved ones need whilst incarcerated, how families could change the narrative around public perceptions of JE and ultimately influence changes to how the law is used. These recommendations cover practical and emotional matters and are broadly directed at JENGbA, others are legal and directed at policy makers, parliamentarians and other key stakeholders.

"The campaign kept me alive. It gives you hope – what's happened is so bad and we can't all be wrong"

Recommendations for JENGbA

- More advice links (legal, campaigning, health and well-being) on the JENGbA web site
- Practical and emotional support for families when their loved ones are arrested
- Bank of experienced lawyers, fully aware of the use and abuse of JE, who can help at charging stage
- More open meetings held regionally to support families
- More health and well-being support for campaigners
- Media advisor to help correct press lies and to help with social media for family campaigns
- Advice on how to make a complaint to the Independent Press Standards Organisation (IPSO) to amend inaccurate media reporting
- Use TikTok and Instagram more. Lived experience needs to be put onto social media platforms as individual stories are so powerful, the “human voice” to gain public support
- Support for new prisoners
- A separate JENGbA phone line where prisoners can leave a message
- Pen pal provision for prisoners (especially useful for those estranged from, or without family)
- Ensure that JENGbA information and resources are distributed throughout the prison estate
- A support network for prisoners released following their sentence
- Continued support with contacting local MPs and asking them to support JENGbA’s campaign
- New and creative ways of changing the narrative surrounding JE – film makers, playwrights and other creative artists using their talents to tell ‘honest’ stories about the realities of JE
- Ex-prisoners becoming champions for the cause
- Using schools, colleges, and youth clubs to educate and inform young people about the perils of JE.

Wider Policy Recommendations

- Continued call for a prisons audit to establish exactly how many JE prisoners there are
- An on-going review of JE cases in the context of race
- Resentencing all non-principals; secondary parties need to be resentenced to reflect exactly what crime they committed
- An end to racist policing
- A more diverse judiciary
- A review of trials involving JE where the gang narrative has been relied upon to secure conviction
- Training on the ramifications of JE for solicitors, barristers, and judges
- Greater emphasis on educating prison officers on JE
- Ministerial role established to oversee miscarriages of justice

Conclusion

The families and friends who attended the Listening Days were frank, forthright and angry. They were also resilient, supportive, compassionate and welcomed the opportunity to tell their stories. If told in isolation sceptics may have written these stories off as singular examples of bad practice, or one-offs. For those who attended all four it became evident that something more systemic and significant underpins the families' collective experiences. The lack of information provided by authorities, the malign racist over policing and the abuse of JE to target working class and black and racialised communities, aided and abetted by the pervasive use of the gang narrative by the media. A legal system that lacked resources, expertise, care and compassion when families needed it most. A lack of understanding about the implications and ramifications of JE, the significance of prosecutions resulting in exorbitantly long sentences and how that in turn resulted in families and communities being devastated by the incarceration of a loved one.

There were simply too many commonalities across the days to doubt the injustice of JE as experienced by those we heard from. **What hope there is exists within a community of people who have found mutual support, understanding and an enormous commitment to challenging a bad law, a campaigning zeal born out of strongly held beliefs that are rooted in the love and support for their children, grand-children, siblings, fathers, mothers and partners, dedicated to protecting others from the risk of imprisonment in the future.**

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