



# PRISON TRANSPARENCY PROJECT REPORT:

## *Abolishing Culpability Transfers – Outlawing the Natural and Probable Consequences Doctrine*

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# ABOLISHING CULPABILITY TRANSFERS - OUTLAWING THE NATURAL AND PROBABLE CONSEQUENCES DOCTRINE

## Individual Culpability for One's Own Intentions and Actions

The **Natural and Probable Consequences Doctrine** allows individuals to be held accountable for crimes they did not directly commit, but which were considered a foreseeable outcome of their actions or involvement. This legal doctrine effectively transfers culpability from the actual perpetrator to others who may have played a peripheral role. The doctrine allows for punishment based on what is deemed predictable, rather than what the individual intended or personally did. It is a legal mechanism that frequently results in wrongful convictions, as individuals are sentenced for crimes they neither foresaw nor committed.

## Legalized Wrongful Convictions and Injustice

At its core, the Natural and Probable Consequences Doctrine, along with related legal principles such as **aiding and abetting** and **accomplice liability**, allows courts to transfer responsibility for criminal acts to those who did not directly participate in the act. These legal concepts are sometimes referred to differently across jurisdictions. For example:

- **Accomplice Liability** is a broader term used in several states, where individuals are charged with crimes committed by others based on their involvement in a lesser crime or even mere association.
- **Felony Murder Rule** in some states also operates under a similar philosophy, where an individual can be charged with murder if someone dies during the commission of a felony, regardless of intent to kill.
- **Joint Enterprise** is another doctrine that operates under a similar philosophy, allowing for shared liability when multiple individuals engage in criminal behavior.

These doctrines, under different names, allow for legal culpability to be extended in cases where the defendant's role was minor or where they did not foresee the crime that ultimately occurred.

# The Case for National Abolition of Legalized Wrongful Convictions

The widespread use of the Natural and Probable Consequences Doctrine, or its equivalents, results in systemic injustice. These doctrines allow for individuals to be punished not for their own actions, but for the actions and intentions of others, violating the fundamental principle that criminal liability should be based on personal conduct and intent.

Several states, including **California** with **Senate Bills 1437 and 775**, have started to roll back the use of this doctrine in cases of murder and attempted murder, recognizing that convicting individuals based on the actions of others is inherently unjust. However, this reform is not universal, and many states still allow convictions under the Natural and Probable Consequences Doctrine or similar legal philosophies.

This practice should be outlawed nationwide whether for murder-related crimes or anything else, as it undermines the integrity of the justice system by allowing individuals to be punished for crimes they did not commit nor foresee. The **principle of personal accountability** should be upheld in every jurisdiction, ensuring that individuals are only held responsible for their own actions and intentions. To continue to permit convictions based on another's actions or unforeseen outcomes is to condone a legalized form of wrongful conviction. Legislative reform at the federal level is necessary to ensure that these doctrines are abolished across the country, preventing further miscarriages of justice and restoring fairness to the legal process.

By outlawing these legal doctrines nationwide, we can safeguard the rights of citizens and uphold the principle that guilt must be determined by one's own actions, not by speculative association with the actions of others.

## What is Wrongful Conviction?

*The definition of a wrongful conviction is very simple: a Wrongful Conviction occurs when an individual is found guilty and sentenced for a crime they did not commit. Due to the Natural and Probable Consequences Doctrine, legal wrongful convictions have been rampant in America.*

A wrongful conviction not only harms the innocent person but also undermines public trust in the legal system. It often results in lengthy prison sentences, or in extreme cases, the death penalty.

This report is part of a series produced by the Prison Transparency Project, aimed at uncovering and addressing issues within the prison system. For additional reports and recommendations, please visit our website at <https://prisontransparency.com>.