

# COMPOUND INJUSTICE

**A review of cases involving  
rap music evidence in  
England and Wales**

Eithne Quinn

Erica Kane

Will Pritchard

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### For more information, please contact:

Eithne Quinn  
 Professor of Cultural and Socio-Legal Studies  
 University of Manchester  
[eithne.quinn@manchester.ac.uk](mailto:eithne.quinn@manchester.ac.uk)

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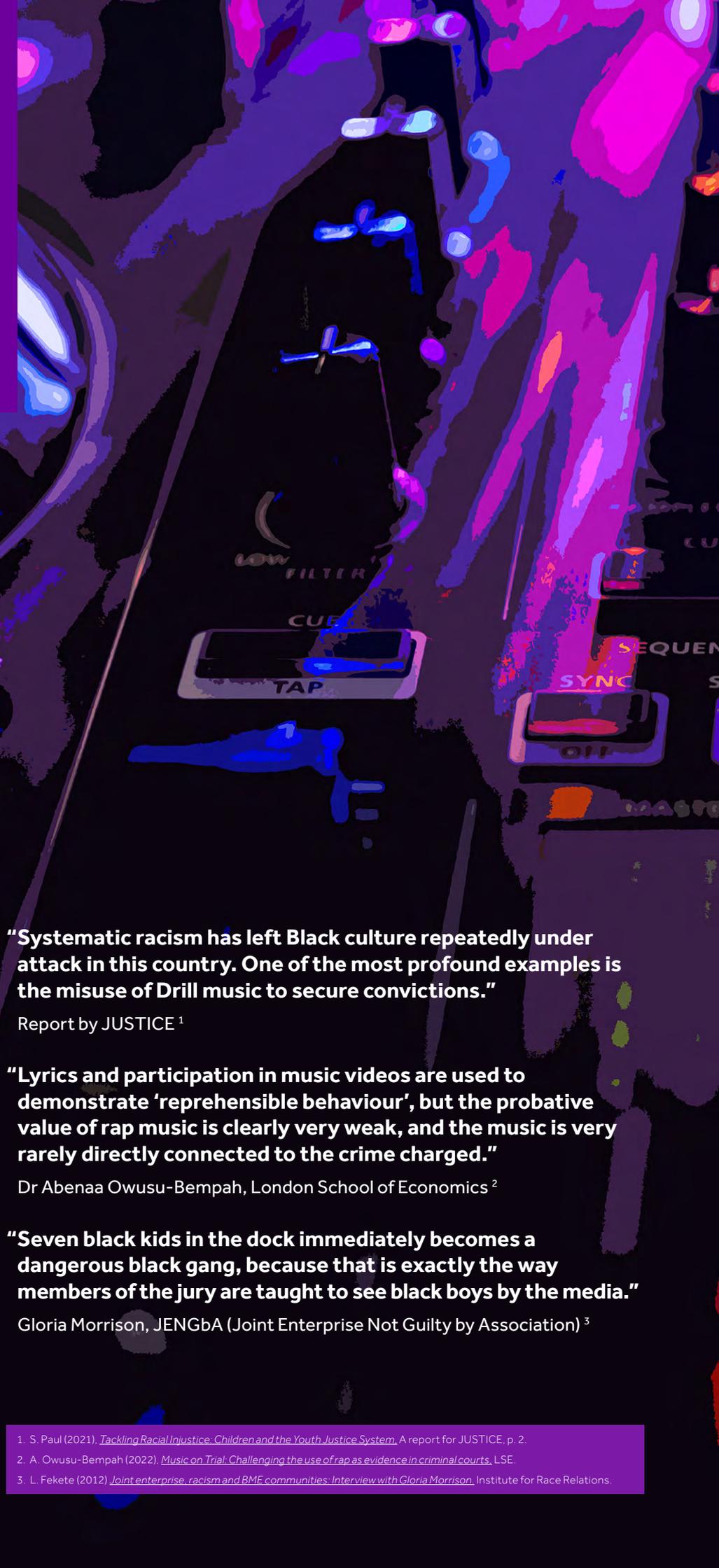
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**“Systematic racism has left Black culture repeatedly under attack in this country. One of the most profound examples is the misuse of Drill music to secure convictions.”**

Report by JUSTICE <sup>1</sup>

**“Lyrics and participation in music videos are used to demonstrate ‘reprehensible behaviour’, but the probative value of rap music is clearly very weak, and the music is very rarely directly connected to the crime charged.”**

Dr Abenaa Owusu-Bempah, London School of Economics <sup>2</sup>

**“Seven black kids in the dock immediately becomes a dangerous black gang, because that is exactly the way members of the jury are taught to see black boys by the media.”**

Gloria Morrison, JENGBA (Joint Enterprise Not Guilty by Association) <sup>3</sup>

1. S. Paul (2021). *Tackling Racial Injustice: Children and the Youth Justice System*. A report for JUSTICE, p. 2.

2. A. Owusu-Bempah (2022). *Music on Trial: Challenging the use of rap as evidence in criminal courts*. LSE.

3. L. Fekete (2012) *Joint enterprise, racism and BME communities: Interview with Gloria Morrison*. Institute for Race Relations.

# Introduction

**Rap lyrics and videos are regularly used as prosecution evidence in youth violence cases in England and Wales. The material selected by the state for admission to trial typically has violent and/or antisocial themes, often from the popular 'drill' rap music genre, and is composed by one or more of the defendants or by one of their friends.**

Rap is not normally used by prosecutors as direct evidence of intention or confession (such as a lyric that suggests personal involvement in the specific facts of the crime). Instead, rap tends to be used as indirect or 'bad character' evidence to suggest violent mindset, intention to commit serious harm, or gang membership. The evidence is thus typically inferential.

Many of the young people who compose and perform rap are Black and/or come from economically marginalised communities. Commentators and communities have raised the alarm about the space opened for racist, anti-young and class-biased speculation in the courtroom when rap is allowed to be leveraged as evidence. Law scholar Abenaa Owusu-Bempah reviewed a dataset of appeal cases where rap evidence had been used at first trial and found that the approach to rap in these cases was uninformed and that the rap relied on was typically irrelevant to the incident.<sup>4</sup> Scholars of evidence law Tony Ward and Shahrzad Fouladvand concur, suggesting that the state's interpretation of rap evidence risks being founded on unjustifiable assumptions and improper stereotype-laced inferences about young Black people and their cultural

expression.<sup>5</sup> Research by this report's first co-author shows how even when rap lyrics are presented as ostensible direct evidence of an alleged confession it can be dangerously misleading.<sup>6</sup>

Sociologists Patrick Williams and Becky Clarke identify rap's evidential role as a dubious 'gang' signifier used in Joint Enterprise cases that can help draw those on the periphery of an offence into the most serious charges.<sup>7</sup> Joint Enterprise, the highly controversial legal doctrine that enables prosecutors to charge multiple people with a single crime, gives the state power to charge parties who are not suspected of having carried out the principal offence (often with little or no forensic evidence associated with them) to be tried for the principal offence under Secondary Liability rules on the basis that they have intentionally 'assisted or encouraged' it.<sup>8</sup> Williams and Clarke suggest that rap can do heavy lifting in racialised courtroom deliberation about what it means to assist or encourage an act of violence.

All the researchers above found rap to have racist instrumentalities in proceedings.

**Despite the raised concern, the state has offered no meaningful regulation nor even monitoring of how it uses rap as criminal evidence. The topic urgently needs scrutiny and data. This short report offers insight into the characteristics of cases in which rap is sought to be admitted to trial, providing a bird's-eye view of what the cases typically are and who is typically involved in them. We found 68 cases involving rap evidence in which there were a total of 252 charged individuals.**

4. A. Owusu-Bempah (2022), 'Prosecuting rap: What does the case law tell us?', *Popular Music* 41.1: 427-45; A. Owusu-Bempah (2022), 'The Irrelevance of Rap', *Criminal Law Review*, 2.

5. T. Ward and S. Fouladvand (2021), 'Bodies of Knowledge and Robes of Expertise: Expert Evidence about Drugs, Gangs and Human Trafficking', *Criminal Law Review* 6: 442-60.

6. E. Quinn, 'Racist inferences and flawed data: Drill lyrics as criminal evidence in group prosecutions', *Race & Class* 65.4.

7. P. Williams and B. Clarke (2016), *Dangerous Associations: Joint enterprise, gangs and racism: An analysis of the process of criminalisation of Black, Asian and minority ethnic individuals*, Centre for Crime and Justice Studies; B. Clarke and P. Williams (2020), '(Re)producing Guilt in Suspect Communities: The Centrality of Racialisation in Joint Enterprise Prosecutions', *International Journal for Crime, Justice and Social Democracy*, 9.

8. CPS, *Secondary liability: charging decisions on principals and accessories*.



# Building the dataset

## METHODS

To create the dataset, we used media reporting, legal databases, scholarly research and professional networks to look for live cases between 1st January 2020 and 31st December 2023 in England and Wales in which rap music lyrics, videos and/or sound-recordings were used by police and prosecutors. Statistics were computed for the 252 defendants and 68 cases found, with an additional focus on those involved in Joint Enterprise cases.

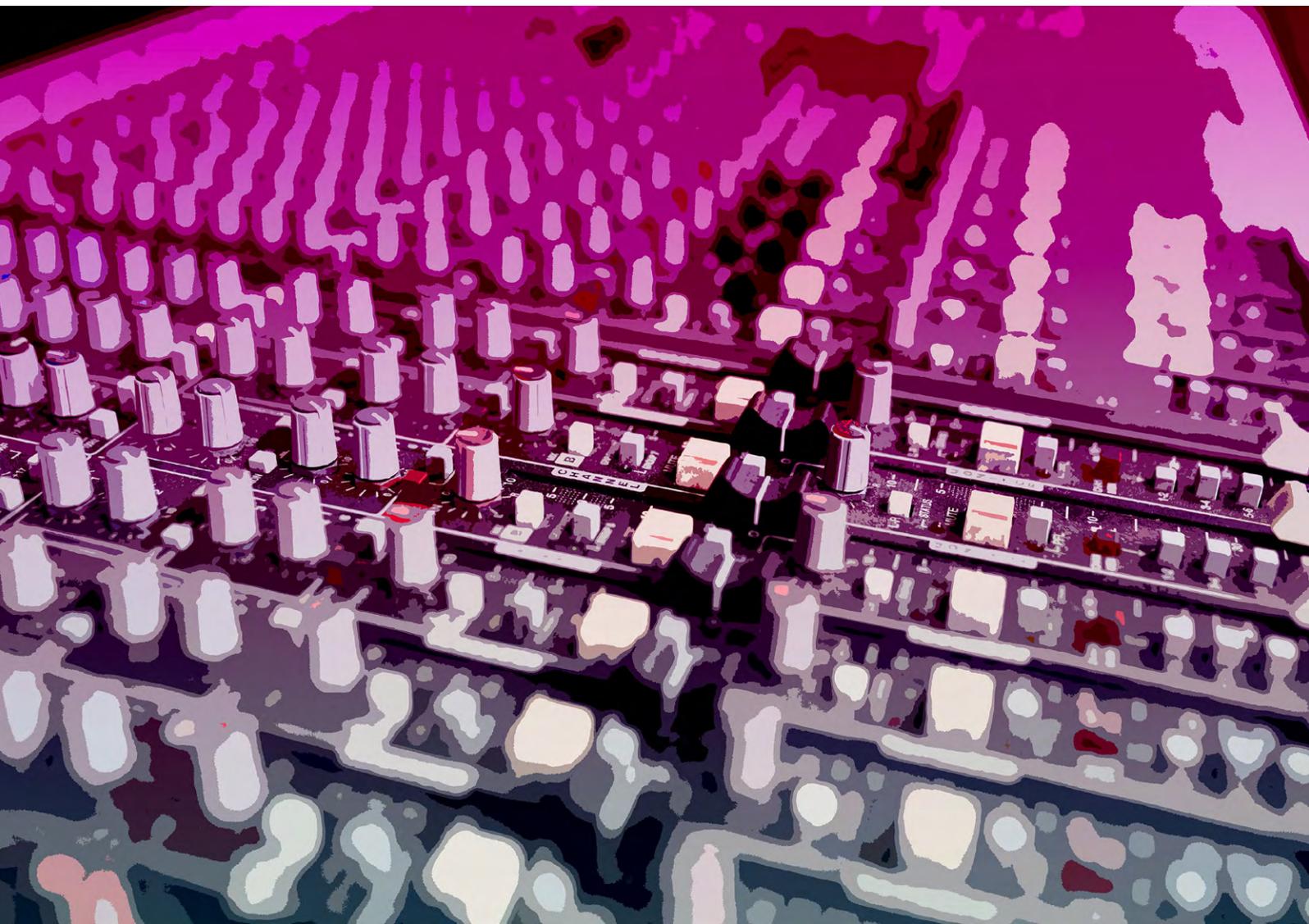
Our Joint Enterprise criteria were cases where the charge was murder or attempted murder and there was more than one defendant so charged—in order to follow as closely as possible the Joint Enterprise case category that the Crown Prosecution Service (CPS) reviewed in its [recent pilot study](#) for comparative purposes. Therefore, statistics relating to Joint Enterprise were calculated from this sub-sample of cases and the defendants within them.

With incomplete data on certain variables, all calculations were conducted using only complete records. In terms of defendants, there were 27 missing age values, 83 for ethnicity, and 7 for charge.

For cases, there were 4 missing values for the number of defendants per case, 6 cases had no age information, 13 contained no detail on ethnicity and 6 had no court location.

Defendant ethnicity was the most incomplete variable in the dataset, which in turn impacts the reliability of our ethnicity statistics. Also, our ethnic identification of defendants was indicative only, determined by a mixture of police reports, media reports and an assessment of photos in media reporting. For both these reasons, our figures on ethnicity are the least secure, and much more data on this key protected characteristic is needed.

This dataset by no means captures all cases involving rap evidence during this period so it can't tell us about the overall prevalence of rap's evidential use; nor can its findings be extrapolated as representative of all cases. Nonetheless, it does start to give some sense of the scale and key features of this prosecution strategy.



# Key findings

1

## JOINT ENTERPRISE

Group prosecutions are the norm in cases involving rap music and the majority of cases are Joint Enterprise prosecutions.

- 80% of the cases in the dataset had more than one defendant.
- 53% of cases in the dataset were Joint Enterprise prosecutions.<sup>9</sup>
- The average number of defendants in these Joint Enterprise cases was 4.7. This is notably higher than the commensurate average number of 'only' 3.1 defendants per case in the [CPS pilot study of all Joint Enterprise cases](#).

***These are highly concerning findings that support the view that the marshalling of rap evidence in criminal cases encourages police and prosecutors to further increase the number of people charged as secondaries under already-egregious Joint Enterprise Secondary Liability rules.***

2

## AGE

Children and Young People are very heavily represented in cases involving rap evidence.

- At the time of trial, 15% of defendants in the dataset were children (17 years and under) and 67% were young people (18-24 years). These percentages would, of course, be even higher if measured from the time of the alleged offence, especially given backlogs in the criminal courts.
- One or more child defendant featured in just over one quarter (27%) of cases. This rises to 34% of the Joint Enterprise cases in our dataset.
- 88% of the children in the dataset were charged with murder, typically tried in the adult courts in Joint Enterprise prosecutions.

***These findings add weight to those raising the alarm about the overcriminalisation and miscriminalisation of the young, including children, swept into large, Joint Enterprise prosecutions, with rap soundtracks.***

3

## ETHNICITY

A large majority of the defendants in these cases are Black and Black/mixed.

- 84% of defendants across the dataset were ethnic minority people. Two-thirds (66%) of the defendants were Black people (compared to 4% of the overall English and Welsh population), with a further 12% Black/mixed.<sup>10</sup>

***This supports widespread concerns that the regular use of rap culture as evidence in serious crime cases unfairly targets Black people and is a procedurally racist device.***

4

## 'GANG' LABELS

Cases involving rap evidence are typically prosecuted as gang-related.

- Nearly two-thirds (63%) of the cases involving rap evidence had a prosecution gang narrative.
- This figure rises to 69% of our Joint Enterprise subset of cases.<sup>11</sup>

***These findings support those who have identified a powerful nexus between imprecise and discredited gang labels (improperly evidenced by rap music) and Joint Enterprise prosecutions that amplify overcharging and mischarging of those in 'suspect communities'.<sup>12</sup>***

5

## REGION

While a majority of cases involving rap evidence are London-based, the use of rap in court proceedings occurs across England.<sup>13</sup>

- The majority (56%) of the cases were based in London.
- Five cases were found in Manchester in which there were a total of 34 defendants charged – this represents an average number of defendants per case of 7 in Manchester.
- No cases were found in Wales during the time period, though they may well exist.

***These findings begin to give a sense of the geographical spread of the use of rap as a prosecution strategy.***

9. The [Joint Enterprise legal doctrine](#) covers many kinds of cases. For the type of Joint Enterprise cases we focus on in this report, see explanation in Building the Dataset.

10. See the caveat about incomplete ethnicity data in Building the Database: above.

11. Although these figures are high, they very likely underestimate the scale of the state's gang labeling due to the looseness and opaqueness of these labels during court proceedings as well as gaps in our data.

12. Clarke and Williams, '(Re)producing guilt in suspect communities'.

13. Some of the London weighting in the findings is likely to do with the concentration of media in the capital.

# Themes and concerns

## RAP EVIDENCE TARGETS YOUNG PEOPLE AND CHILDREN

Many thousands of young people in England and Wales write rap verse (as amateurs or professionals) or are involved in other ways in producing rap culture; millions consume it.<sup>14</sup> In the report, 'Tackling Racial Injustice: Children and the Youth Justice System', the legal rights organisation JUSTICE foregrounds concerns about the undue criminalisation of young people via rap music. It finds that 'the CJS has come to [mis]construe Drill as a form of realism', and warns 'painting a child as inherently criminal for producing music flies in the face of the child-focused, welfare-based approach required of the Youth Justice System'.<sup>15</sup> JUSTICE is giving voice to much wider concerns from families, prisoners, researchers, campaigners, children's rights groups and legal professionals who have raised objections to the state's reliance on the creative expression (especially 'drill' rap) of young people as criminal evidence. The Youth Justice Legal Centre has produced a legal guide that sets out the troubling practice of using rap and drill evidence as a prosecution tool.<sup>16</sup> Rather than the welfare-based approach to children advocated by JUSTICE and many others, the UK takes an extremely punitive stance, starting with one of the youngest ages of criminal responsibility in the world (10 years). Many suggest that the state's frequent reliance on youth cultural expression as evidence fits within broader practices of overcriminalisation of children.<sup>17</sup>

**The dataset exposes very strong overrepresentation of young defendants, including children, in cases involving rap evidence, supporting the concerns of JUSTICE, the Youth Justice Legal Centre and many others. Almost half (46%) of all defendants in the dataset were teenagers at the time of trial; 15% were children. Shockingly, 88% of the children in the dataset were charged with murder, typically tried in the adult courts in group prosecutions (see Joint Enterprise Injustice below). This represents very concerning disproportionality of some of the most vulnerable members of society.**

## JOINT ENTERPRISE INJUSTICE

The use of popular-cultural expression to build multidefendant prosecutions is a matter of high public and legal-professional concern. The higher the number drawn into the web of suspicion, the greater the corpus of materials from young people's expressive and digital lives that can be mined by investigators for incriminating-looking material to put before the judge and juries.<sup>18</sup> Many Joint Enterprise cases are murder prosecutions in which alleged secondaries are charged with murder and, if found guilty, face a life sentence. As campaign group JENGBA and many others have argued, the application of Joint Enterprise legal principles has enabled those on the periphery of or even uninvolved in the principal harm to be charged with the most serious offences.<sup>19</sup> Echoing JENGBA, David Lammy MP, author of the *Lammy Review*, states: 'How can you be in custody if you simply withdrew from a crime that was being committed?... That is the kind of injustice that is being done in the name of joint enterprise and it has to end.'<sup>20</sup> Under mounting pressure, the CPS commissioned a pilot study in 2023 to review protected characteristics of those charged in Joint Enterprise murder/attempted murder cases, and its findings corroborate the claims of JENGBA and Lammy: it found young black people to be heavily overrepresented in these multi-handed prosecutions. Rap music has emerged as a key evidential tool, to signify collective guilt and mindset in such cases, enabling the further widening of the net of those charged and, down the line, risking unfair convictions (see case study below).<sup>21</sup>

**Replicating the criteria of the CPS study as closely as our data allowed for comparative purposes, we created a subset of cases involving rap where the charge was murder or attempted murder in which there was more than one defendant so charged. We found age disproportionalities that far exceeded those of the CPS study. Children and young people made up 54% of defendants in the CPS Joint Enterprise study of all Joint Enterprise cases; this compares to 87% in our equivalent rap-enabled Joint Enterprise cases. We also found that the proportion of Joint Enterprise cases in our dataset of rap cases with at least 1 child defendant was 34%. These findings are suggestive of rap's role as an accelerant of unjust disproportionalities under discredited laws of Secondary Liability.**

14. Hip hop and rap accounted for 12% of the UK albums market in 2022 (*Hip Hop and rap claimed a record share of UK Albums market in 2022*). The Dave and Central Cee track 'Sprinter' alone has had 650 million streams on Spotify. For accounts of the emergence and success of UK rap, see A. Ekpoudom (2024), *Where We Come From: Rap, home and hope in modern Britain* (Faber & Faber); A. Oliver (2023), *Deeping It: Colonialism, culture and criminalisation of UK Drill* (Inklings); J. White, *Terraformed: Young Black lives in the inner city* (2020), ch. 3.

15. Paul, *Tackling Racial Injustice*, pp. 2, 40-42.

16. Youth Justice Legal Centre, *Fighting Racial Injustice: Rap and Drill*.

17. See D. Scott (2017), 'When prison means life: Child lifers and the pains of imprisonment', *The Justice Gap*; Chris Daw KC, *Justice on trial: Radical solutions for a system at breaking point* (Bloomsbury Continuum, 2020), ch. 4.

18. J. Lane (2019), *The Digital Street* (Oxford University Press), ch. 5.

19. See Williams and Clarke, *Dangerous Associations*; M. McClenaghan, M. McFadyean and R. Stevenson (2014), *Joint Enterprise: An Investigation*, Bureau of Investigative Journalism.

20. Lammy quoted in D. Conn (2021) 'David Lammy says Labour would reform "injustice" of joint enterprise law', *Guardian*.

21. Successful appeals of cases that include rap evidence are so far shockingly few for reasons explored by Owusu-Bempah in 'Prosecuting Rap' in which she considers the exceptional successful appeal in Alimi (2014). For another successful appeal, in a modern slavery case involving a rap video, see W. Pritchard (2023), *Behind Bars: How rap lyrics are being used to convict Black British men*, *Guardian*.

# Themes and concerns

## RAP AND INSTITUTIONAL RACISM

There is widespread concern about the racist instrumentalities of routinely relying on the popular and expressive culture of young Black people as criminal evidence.<sup>22</sup> Ward and Fouladvand's underlying concern in their treatise on evidence-law abuses is that 'rap lyrics and videos are overwhelmingly used against young, Black defendants to construct a narrative that resonates with stereotypes about Black criminality'. Because rap often involves first-person narration, youthful rebellion, violent imagery and criminal themes, it is highly susceptible to being constructed by law enforcers as self-incriminating.

The JUSTICE report concludes that the use of rap music in criminal cases is 'one of the most profound examples' of how 'systematic racism has left Black culture repeatedly under attack'.<sup>23</sup> The report *Racial Bias and the Bench* found that legal professionals surveyed overwhelmingly believed that there is racial bias in the English and Welsh courts and that the group most targeted is young Black male defendants—rap evidence was cited as a vector of bias by some respondents.<sup>24</sup>

A large body of academic research has found Joint Enterprise to be discriminatory against young Black people. The leading Joint Enterprise researchers, Williams and Clarke, have found racism to be the central organising impetus of 'secondary liability' abuses in the cases they have looked at, with Black youth expressive culture helping widen the net of guilt. The UK's reputation for racist overcharging in group prosecutions is now international, generating a *New York Times* headline for a story that includes rap's role in caffeinating trials: 'U.K. Doubles Down on a Tactic Disproportionately Targeting Black People'.<sup>25</sup>

**Our data found huge overrepresentation of Black people in rap-enabled prosecutions. 78% of the defendants in our dataset were Black or Black/mixed. In our Joint Enterprise cases, 77% of defendants were from Black, Asian, mixed or other ethnic communities (compared to 18% in their overall population of England and Wales).<sup>26</sup> Our findings provide vital evidence for the CPS to consider when it seeks to understand the huge age/ethnic disproportionalities it identified in its study for young people (18-24) charged in Joint Enterprise cases. Rap may be feeding gross racialised overcharging.**

## GANG NARRATIVES PERSIST

The term 'gang' is notoriously imprecise and racialised and yet possesses strong legal instrumentalities. In its report, *Trapped in the Matrix: Secrecy, Stigma and Bias in the Met's Gangs Database*, Amnesty International exposed the racist overrepresentation of young Black people on police gang databases (leading to a judicial review that upheld its findings) and powerfully highlighted the misleading role of Black youth culture as indicator of 'gang' affiliation. One Gangs Unit official, quoted by Amnesty, asserted 'the indicators of gang involvement are now not so helpful because it's a youth thing. Anyone can be a gang member. All the kids use the words or sing the songs'; and a senior officer of the Metropolitan Police asserted 'Gangs are, for the most part, a complete red herring.... fixation with the term is unhelpful at every level.'<sup>27</sup> With gang databases stigmatised as discriminatory (see the latest successful legal challenge),<sup>28</sup> there is concern that the state, still focused on mounting gang-related prosecutions against the young, has leaned heavily into rap lyrics and videos to 'prove' affiliation. As one London-based barrister remarked succinctly: 'rap videos are the new gangs Matrix'.<sup>29</sup> In their report, *Dangerous Associations*, Williams and Clarke found rap evidence to be a key 'signifier' of the gang, serving to create loose, inflammatory inferences about the racialised risk posed by young Black people, especially, as above, in Joint Enterprise prosecutions.<sup>30</sup> A dangerous feedback loop emerges where police and prosecutors use rap as a soft means of substantiating gang narrative claims and, inversely, use soft gang narratives as a rationale for getting the rap material admitted to the courtroom (see case study overleaf).

**Our data findings support concerns that rap videos and lyrics continue routinely to be used to 'evidence' gang affiliation, offering a powerful legal gateway to bloated group prosecutions of young and ethnic minority people. 63% of all the cases in the dataset were tried, or sought to be tried, by police and prosecutors as gang-related (a 'gang' label was attached to one or more defendant). These figures—due to the incompleteness of our data on 'gang' evidence as well as the elusiveness of gang discourses in criminal prosecutions—very likely underestimate the proportion of cases involving rap evidence that have gang-related components.<sup>31</sup> They offer instead a concerning**

22. Positioning ethnicity as the subject of 'only' our third key finding in this report is not to suggest that it is not the single most important variable; its placing instead reflects an emphasis on approaching racism in intersectional ways.

23. Ward and Fouladvand, 'Bodies of Knowledge', p. 16; Paul, *Tackling Racial Injustice*, p. 2.

24. K. Monteith, E. Quinn, A. Dennis, R. Joseph-Salisbury, E. Kane, F. Addo and C. McGourlay, *Racial Bias and the Bench: A response to the Judicial Diversity and Inclusion Strategy (2020-25)*, pp. 16-18.

25. J. Bradley (2022), *UK doubles down on tactic that disproportionately targets Black people*, *New York Times*.

26. Census data from 2021, as reported in *Diversity UK*.

27. Quotes from the gangs official and police officer in Amnesty *Trapped in the Matrix*, pp. 9, 29.

28. Liberty (2022), *Met to overhaul 'racist' gangs matrix after landmark legal challenge*.

29. Comment made in 2021 to one of this report's authors.

30. Williams and Clarke, *Dangerous Associations*.

31. Clarke (2023) titles this the 'now you see it, now you don't' nature of gang evidence in court cases in *Joint enterprise, 'gangs' and racism: time to halt this continued injustice*, Institute of Race Relations.

# Themes and concerns

baseline. Importantly, the CPS pilot study on Joint Enterprise identified only 21% of their cases as 'gang-related'—a proportion that was met with some scepticism by experts.<sup>32</sup> In our subset of Joint Enterprise cases (which all carry very long tariffs and in which secondaries abound), 69% were identified as allegedly 'gang-related'. Our findings thus support the suggestion that 'the racialised "gang" remains a powerful guilt-producing device in the courtroom', in the words of Clarke.<sup>33</sup> They also lend further weight to those who see Joint Enterprise 'gang' discourse and rap evidence as imbricated mechanisms that lead to racist, anti-young outcomes (again, see case study below).

## REJECTING THE 'GANG' LABEL.

Sometimes, rap musicians and/or rap groups have connections to or overlap with groups involved in serious youth violence and/or organised criminal activity. However, such connections and overlaps, as many have found including the Gangs Unit official quoted by Amnesty above, have been greatly overestimated by the state, with terrible, legally-codified consequences for young people. For this reason, many experts see the term 'gang' (which is, it must be remembered, a staple in popular-cultural genres as well as a feature of harmless idiomatic speech) as so toxic to young, black people that they have rejected the state's use of the label altogether.<sup>34</sup>

## CASE STUDY

Award-winning reporter David Conn has investigated a 2017 case in Manchester that, though it occurred before the period under analysis in this report, serves to illustrate many of the trends in our dataset.

The Observer  
Race



David Conn  
Sat 9 Jun 2021 16:22 BST

Share

This article is more than 2 years old

## One death, 11 jailed teenagers: was a Moss Side murder trial racist?



In this Joint Enterprise case, 12 were charged with murder despite there being only one principal-offender suspect (the teenager who had fatally stabbed another teenager). The 11 convicted were all Black and Black/mixed and were all teenagers at the time of the incident, with the youngest just 14 years old. As Conn uncovers, a gang narrative was mounted by the prosecution that relied heavily on a single rap video to suggest gang membership, motivation and intention to commit serious violence.

The rap video was played in full in court, *even though none of the 12 on trial rapped in the video nor had any role in producing it* (three defendants appeared as 'extras' in the video).<sup>35</sup> This case, along with illustrating the kind of tenuous ways that prejudicial rap 'evidence' can be used, crystallises case features from our dataset of rap cases: young, Black, male defendants, including children, in large group prosecutions facing the most serious charges in an allegedly 'gang-related' Joint Enterprise case.

It exemplifies the dangerous interfaces between these case variables, leading the *Guardian* journalist to pose his title question: 'One Death, 11 Jailed Teenagers: Was a Moss Side Murder Trial Racist?'

32. See Clarke, [Joint enterprise, 'gangs' and racism](#).

33. See Clarke, [Joint enterprise, 'gangs' and racism](#).

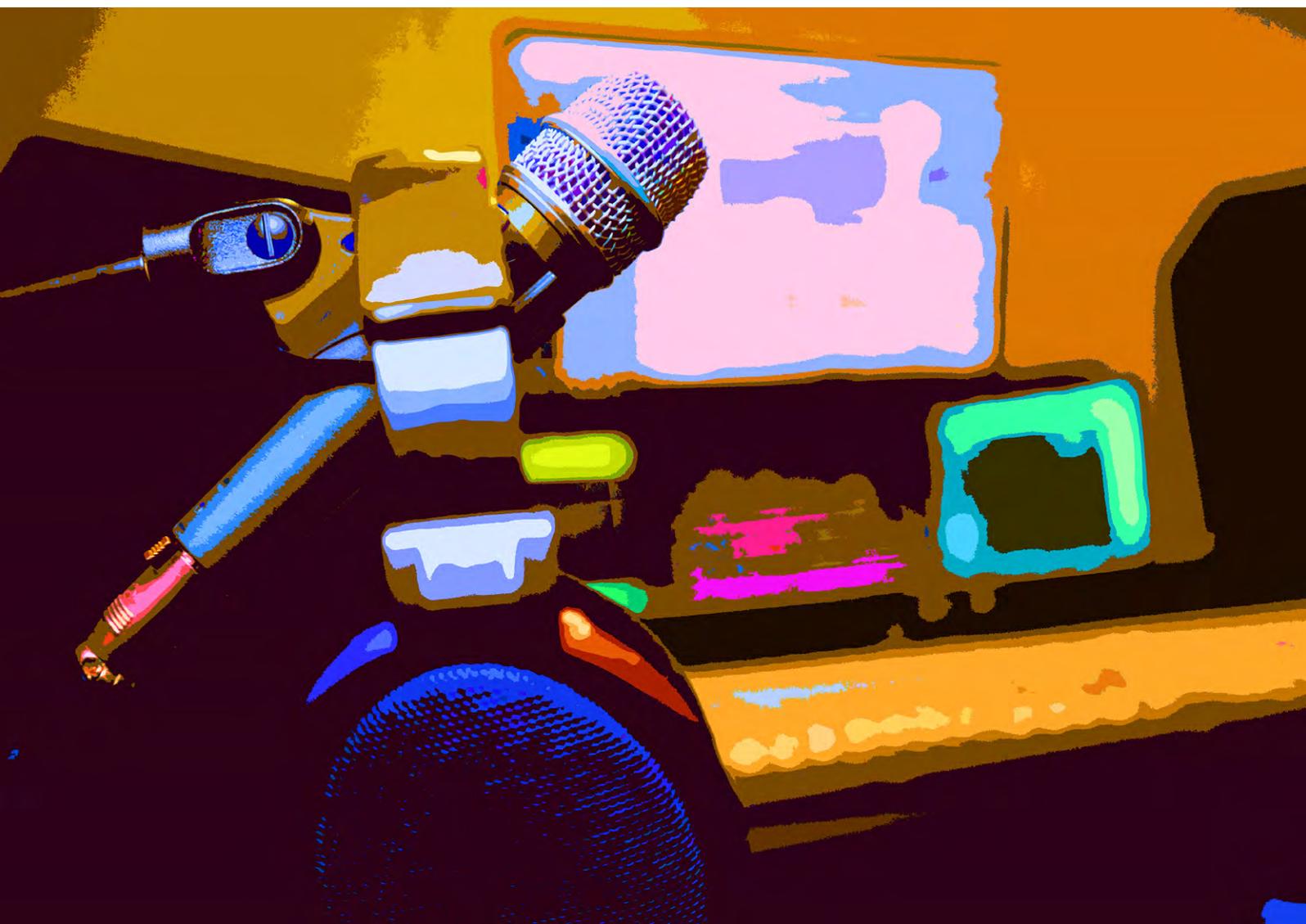
34. See the powerful statement [Joint Enterprise and the 'Gang' Narrative](#) in the Resources section of the Kids of Colour website.

35. D. Conn (2021), *One Death: 11 jailed teenagers: was a Moss Side murder trial racist?* Observer. See also H. Stopes, (2018) *How do 11 people go to jail for just one murder?* Guardian; Williams and Clarke, *Dangerous Associations*; and *Dangerous Associations—A documentary* (C. Stone, 2020).

# Conclusion

**This exploratory report offers the most comprehensive review of rap music-assisted cases to date, with an evaluation of 68 cases involving over 250 defendants. Its findings are alarming. It paints a picture of compound injustice, with rap music being used as a procedural tool that can sweep young Black men and boys into group prosecutions for crimes they had no significant role in committing.**

The systematic injustice of the Joint Enterprise doctrine is something that communities and experts have been effectively evidencing and challenging for years. The state knows about the harm the doctrine is causing; yet, notwithstanding a [Supreme Court judgement in 2016](#), it has not acted accordingly. The increasingly common introduction of rap lyrics and videos into gang narrative-propelled Joint Enterprise cases presents a new way of sustaining and possibly accelerating this longstanding injustice, pulling the state even further away from safeguarding the most basic legal rights of children and young people.



# Recommendations

## Compound Injustice: Legal-reform recommendations

We argue that constraining the use of rap as criminal evidence is a targeted and readily actionable solution to these rights violations. We therefore propose the following policy-reforms:

- **Implement the [Criminal Evidence \(Creative and Artistic Expression\) Bill](#)** to restrict the use of creative expression as evidence in criminal trials in England and Wales as developed by Art Not Evidence lawyers and law scholars.<sup>1</sup> If passed, this legislation would make creative expression inadmissible unless it was proven beyond reasonable doubt to be relevant, reliable and necessary evidence. To make these determinations, judges would be required to have a regard for the culture and conventions of the music and be assisted by a suitably qualified independent expert.
- **Reform the law on secondary liability** by passing the [Joint Enterprise \(Significant Contribution\) Private Members' Bill](#). This bill would constrain the numbers charged as secondaries, and rein in the state's ability to use rap evidence to build cases against those on the periphery of incidents.
- **Introduce CPS charging guidance**, informed by the Creative and Artistic Expression proposed legislation above, to create very tight guardrails on the use of rap evidence in criminal cases as the outcome of its [current consultation](#). This would be one way for the CPS to take meaningful action on the apparently 'unexplained' racial disparities in the criminal legal system that have been exposed in the recent race research projects it has commissioned.<sup>2</sup>
- **Remove all reference to 'drill music'** from the [CPS decision making in gang related offences guidance](#), as part of its more general review of its gang-related charging guidelines. This would send a procedural signal that police and prosecutors should not be using popular-cultural expression to mobilise racist gang tropes.

## Compound Injustice: The need for alternatives

The wider issues raised in this report will not be resolved by the vital yet narrow reforms to law and policy detailed above. UK rap and drill music often contains bleak narratives. It is not possible to fully divorce this from the wider social policy crisis in Britain that has led to soaring child poverty rates and racialised inequalities.<sup>3</sup> These policy failures increase teenagers' exposure to harmful encounters, which can then find expression in the art they produce. The response from the state should not be to install a prosecution strategy that further victimises vulnerable children and young people by requisitioning self-stigmatising aspects of their creative expression as evidence of collective guilt. Turning instead to the root causes of deprivation and harm would force the state to effect a fundamental redistribution of resources supported by a concerted antiracist agenda, shifting powers away from punitive law enforcement and into communities where young people can be cared for and given the tools they need to flourish.<sup>4</sup>

*Compound Injustice* thus joins calls for the following transformative reset to protect and promote young lives:

- **Fulfil legal duties in relation to the rights of children and young people** within and beyond the criminal legal system, abiding by the universal rights set out in the [United Nations Convention on the Rights of the Child](#), which include freedom from discrimination and promoting non-court solutions for children.
- **Enact the kind of root-cause proposals** laid out in the multi-authored report [Holding Our Own: A guide to non-policing solutions to serious youth violence](#) that support young people's friendships, communities and culture by redistributing funding into equal housing, nutrition, environment, education and creative youth spaces to enable young people to thrive.

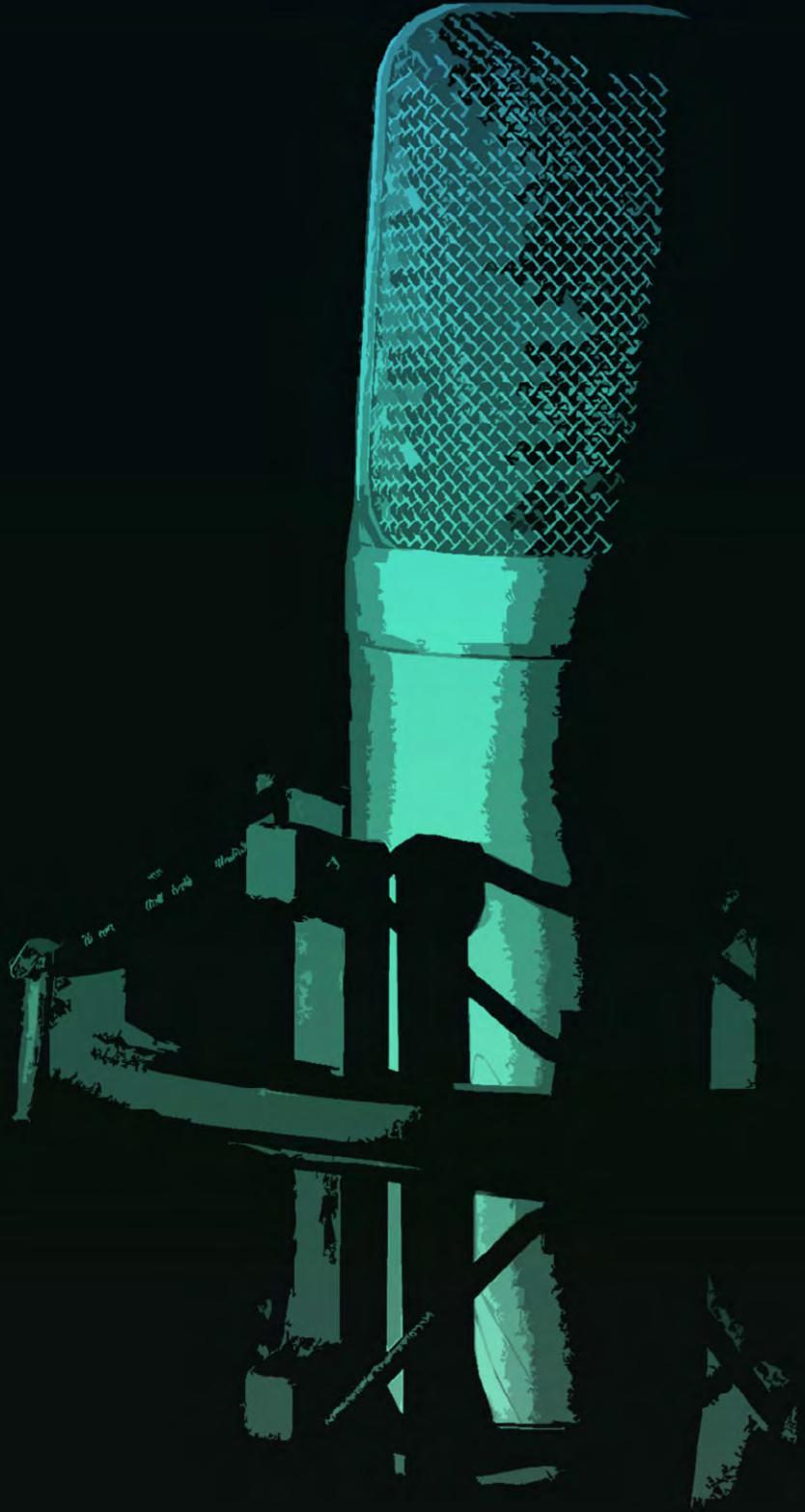
**It is the bleak overall conditions that must be tackled - not the art that young people make in response to them.**

1. See the [Art Not Evidence](#) website. On similar US legislative reform efforts and supporting research, see the [Rap on Trial](#) website.

2. See the racial disproportionalities in charging-decision outcomes in [2023 research commissioned by the CPS](#), which found 'defendants from minority ethnic backgrounds significantly more likely to be charged for a comparable offence than White British defendants'.

3. 2023 [official child poverty statistics](#) show that a majority of UK children in Black families are living in poverty.

4. Non-carceral responses to serious youth violence, based on major social reorganisation, has been ably proposed by many experts, including in the multi-authored [Holding Our Own: A guide to non-police solutions to serious youth violence](#); the Guardian's [Beyond the Blade](#) project, which reviewed the death of every child and teen by a knife in 2017; and by Anne Longfield in [Young Lives, Big Ambitions: Transforming Life Chances for Vulnerable Children and Teens](#) (Kingsley, 2024).



# COMPOUND INJUSTICE

**A review of cases involving  
rap music evidence in  
England and Wales**

The University of Manchester  
Oxford Road  
Manchester  
M13 9PL

[www.manchester.ac.uk](http://www.manchester.ac.uk)

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