

Art Not Evidence

Mission Statement

Our mission is to fight for a fairer legal system by advocating for a restriction on the use of creative and artistic expression as evidence in criminal trials. We believe that art, including music, should be protected as a fundamental form of freedom of expression and should not be used to unfairly implicate individuals in criminal charges.

We aim to collaborate with musicians, artists, community groups, and other organisations, to campaign for law reform and promote the decriminalisation of rap music and creative expression more broadly. We hope to create a more equitable and inclusive society that respects the freedom of artistic expression for all.

Open Letter

To the Secretary of State for Justice,

In recent years, courtrooms across the country have gained an alarming new soundtrack. Prosecutors — with increasing frequency — put lyrics, music videos, and audio recordings in front of juries to help secure criminal convictions. In many cases, these creative expressions have no connection to the serious crimes alleged, and are used to paint a misleading and prejudicial picture, conflating art with evidence.

Specifically, police and prosecutors use the act of writing, performing, or even engaging with rap music to suggest motive, intention, or propensity for criminal behaviour. This is particularly prevalent in controversial "joint enterprise" and conspiracy cases, in which music, lyrics, and videos are used to drag multiple people into criminal charges, often under sweeping definitions of "gang" activity. This practice disproportionately affects young Black men and boys from under-resourced, marginalised communities. It is an agent of institutional racism.

Rap music, including the drill subgenre, is one of the most popular forms of music across the country, and a significant cultural force, producing Glastonbury and Wireless headliners, multiple industry award winners, and enjoying an artistic influence that extends into film, literature, television, and the visual arts.

Yet, despite being known for its storytelling, symbolism, figurative language, and hyperbole, police and prosecutors invite judge and jury to take rap music literally, as direct evidence of criminal intent or behaviour.

Research produced by journalists and university academics have identified over 100 cases in the UK since 2005 in which rap music was used as evidence. The majority of these cases involved multiple defendants, making use of the doctrine of joint enterprise. In the last three years alone, at least 240 people have had their fate in court decided, at least in part, by their taste in music.

This is an urgent issue, and one which demands an urgent response.

The indiscriminate use of creative expression as evidence in court risks miscarriages of justice, perpetuates harmful racist stereotypes, and contributes to a racially discriminatory criminal justice system that stifles creativity and freedom of expression. We applaud law reform campaigns in the USA, including the enactment of legislation in California, and urge judges, lawyers and legislators in the UK to follow suit.

We call for police and prosecutors to stop relying on irrelevant, unreliable, and highly prejudicial evidence in pursuit of convictions; for defence lawyers to challenge prosecutors; and for judges to exclude such evidence.

We propose legal reform to limit the admissibility of creative expression as evidence in the criminal courts.

We seek justice, and your support, in our mission to achieve it.