



c/o The Society of Authors
24 Bedford Row
London WC1R 4EH
Wednesday 15 March 2023

Mayor of Greater Manchester Andy Burnham
Greater Manchester Combined Authority
Tootal Buildings
56 Oxford Street
Manchester M1 6EU

CC: Chief Constable Stephen Watson
Chair of the Police and Crime Panel Janet Emsley
Deputy Mayor for Policing Kate Green

Dear GM Mayor Andy Burnham

We are writing to you as a concerned civil society about the criminal justice system, the abuse of police power and digital rights, which disproportionately impacts communities of colour, as seen from recent developments in Greater Manchester.

While we welcome your recent commitment to demand changes to how joint enterprise law disproportionately targets Black people, as [reported](#) in The Voice on 3 March 2023, we wish to highlight the worrying practices that have accompanied cases invoking the common law doctrine of joint enterprise, including that of the high profile “Manchester 10.”

In line with your commitment to tackling racial bias in the city, we ask the Chair of the Police and Crime Panel and the Chief Constable of Greater Manchester Police to review the police's current policies over digital evidence, due to the creation of ‘gang

narratives' through the weaponisation of data that is fed into risk profiles stored in harmful 'gangs' databases' or used in criminal trials. And we ask for you and deputy mayor for policing Kate Green to support that. As the Achieving Race Equality report [showed](#), Black communities in Greater Manchester are facing stark inequalities in policing, and such use of data by the police further entrenches racial disparities.

We believe the Manchester 10 case is a microcosm of the damaging practice of joint enterprise,¹ alongside the misuse of digital evidence, exacerbating the risks of abuse of the law to create 'guilt by association'.

Therefore, we urge you to meet the youth advocacy groups and organisations involved in the case of the Manchester 10 and hear their concerns to learn lessons and reform the harmful practices that were evident in the case.

Jailed over text messages

As you may already know, the Manchester 10 case – detailed in the [Guardian](#), [New York Times](#) and [Channel 4 UNTOLD](#), among other media – resulted in the conviction of ten Black young men of conspiracy to murder and conspiracy to grievous bodily harm (GBH).

Prosecutors connected the young people concerned to the acts – framed as revenge for their friend's murder – primarily through their presence in a chat group on the Telegram app, which the young people had created as a vehicle to vent their grief. No one discussed in the chat came to any harm and nor did everyone participate in the chat. We are disturbed about the worrying precedent this has set.

Only two of the young people on trial were involved in any violence but they all received custodial sentences, despite many [offers of community support](#) if their sentences were suspended. And it is important to acknowledge that those of the boys that did cause harm have also been failed by the systems that should have supported them to process the loss of their friend rather than being institutionalised and criminalised. All young people, regardless of their actions, deserve support.

Policing young people's content

We're also concerned about the use of social media communications – Snapchat – as evidence of intention, disallowing for nuance and the freedom of expression of young

¹ Joint enterprise is sometimes reframed or recast, for example, as secondary liability or conspiracy, but the sentiment of such principles is largely the same – people are found guilty by association.

people. At the same time, other modes of young peoples' freedom of expression are being policed and censored.

Reporting by the Guardian revealed a scheme in London run by the Metropolitan Police called [Project Alpha](#), which scours social media sites looking for drill music videos in particular. We urge you to ask Greater Manchester Police that they are not running projects akin to Project Alpha, as forms of Black musical expression have been particularly targeted for police action and have led to young people being criminalised for the content they post online and the creation, repeating and posting of lyrical content, in the form of drill, rap or grime.

These genres – predominantly made by young Black people – have been weaponised by law enforcement and prosecutors to construct 'gang' narratives where they may not exist. Just as in other musical genres and art forms, drill musicians may recount and describe violence. However, that does not justify the submission of such content as evidence, nor should it be relied upon where all other connections are non-existent or tenuous at best.

Criminalising freedom of expression

Moreover, any violence expressed must be understood within the [genre's practices](#) – for example, the use of first-person narrative and hyperbole – and also within the conventions of Black diasporic oral traditions more widely, which involves recounting social and political themes of racism, the criminal justice system, inequality and other experiences of societal and state-sanctioned violence. These practices are often lost on police officers, purporting to be 'drill music' or 'gang' experts, frequently incorrectly attributing autobiographical and literal meaning to lyrics.

The Manchester 10 case also illuminates how young Black men's emotions – particularly anger, sadness and grief, all valid responses to racial injustice and marginalisation – are further pushed to the margins and deemed illegitimate or criminal.

Young people first

In 2015, the National Police Chiefs' Council said that the policing of children and young people was “... [about protecting the most vulnerable in society and children are children first and foremost](#).” However, mining young people's social media and profiling them is the adultification of young Black males, who are still children.

Such information has been held on databases and used to label those attached to the data as so-called 'gang nominals'. Even if this doesn't result in a conviction or other consequence from the criminal justice system, those who are placed on these databases [can have their data shared with](#) those overseeing their housing, benefits, jobs or educational opportunities.

Recently, the Metropolitan Police Service agreed to overhaul its controversial Gangs Violence Matrix after a [landmark legal case brought by UNJUST UK and Awate Suleiman, represented by Liberty](#). The Met accepted that they had been operating the database unlawfully, that it breached the right to a private and family life, and that Black people were disproportionately represented on it. Yet, such databases still exist in Manchester and elsewhere. As academic Patrick Williams [notes](#), similarly to the Met's project, not everyone on official gangs lists are gang members.

Unbridled powers

Two new pieces of legislation, the Data Protection and Digital Information Bill and the Online Safety Bill, will also provide an enabling environment for such surveillance and carte blanche to law enforcement to share and police data by liberalising the public interest case for doing so, while potentially criminalising content further.

The direction not only invokes fear that more needless and racialised prosecutions will occur but that increasingly more young people will be labelled as 'suspect' and criminalised within the pre-criminal space.

We, therefore, urge you to take note of the trends and misuse of digital evidence demonstrated by the case of the Manchester 10, which the youth and advocacy group [Kids of Colour](#) has so tenaciously brought to light and use your position to highlight and hear our concerns to invoke change before more young Black men and boys unjustly have their freedom cut short.

The Manchester 10 case shows how the system fails young people, particularly from marginalised groups and communities.

We would be happy to meet with you and ask you for the opportunity to discuss our concerns in more detail.

Yours,

Open Rights Group
Kids of Colour
Liberty
Amnesty International UK
StopWatch
FairTrials
MedAct
Northern Police Monitoring Group
BLAM
Bristol CopWatch
84Youth
United Borders
JENGBA
UNJUST
Transform Justice