

# Art or Confession?: Evaluating Rap Lyrics as Evidence in Criminal Cases

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## Abstract

For decades, scholars have studied mechanisms that might explain racial disparities in the criminal justice system. One novel example of a practice that may contribute to continuing disparities is the introduction of defendant-authored rap lyrics as evidence in criminal trials. Across the United States, prosecutors are introducing rap lyrics as confession evidence to establish guilt. Concerns about this practice have been articulated by scholars and others but rarely empirically examined. This study begins to address this lacuna. In particular, this study examines how lyrics are evaluated when presented in a trial context and determines how individuals change their evaluations of the lyrics to support their verdict. Participants were tasked with evaluating evidence, including rap lyrics, independently and in the context of a trial and then rendering a verdict. Results indicate that rap lyrics are viewed as interdependent with other evidence when presented at trial. Furthermore, although evaluations of lyrics did not predict determinations of guilt, verdict affected whether the lyrics were evaluated as a confession, and this effect was stronger for participants who believed the defendant was guilty. These findings highlight how introducing rap lyrics might disproportionately advantage prosecutors and contribute to our understanding of racial disparities in the criminal justice system.

## Keywords

coherence, juror decision-making, evidence, rap music, criminal law

It is well established that racial disparities are pervasive in the criminal justice system, and, for decades, scholars have explored different mechanisms that might explain these disparities (Brown, 2003; Johnson & Lee, 2013; Zatz, 1987). In particular,

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researchers have demonstrated the role of race in police–citizen interactions (Correll, Park, Judd, & Wittenbrink, 2002; Eberhardt, Goff, Purdie, & Davies, 2004; Payne, 2001), juror decision-making (Lynch & Haney, 2011; Sweeney & Haney, 1992), and punishment (Baldus, Pulaski, & Woodworth, 1983; Bridges & Steen, 1998; Graham & Lowery, 2004). Much of this research focuses on how a person’s race—or, their assigned racial category based on perceived phenotype—affects decision-making of police, judges, and jurors (Johnson & Lee, 2013; Zatz, 1987). At the same time, a growing body of scholarship seeks to explore how racial discrimination in the criminal justice system can be perpetuated through seemingly race-neutral practices (Bonilla-Silva, 1997; Haney & Hurtado, 1994; Johnson & Lee, 2013). In doing so, contemporary research aims to reconcile declines in reported overt racism with continued racial disparities in criminal justice outcomes. This study examines a novel example of one such seemingly race-neutral practice, the introduction of defendant-authored rap lyrics as evidence in criminal trials.

In courtrooms across the United States,<sup>1</sup> prosecutors are introducing rap lyrics to establish guilt in criminal cases (Dennis, 2007; Kubrin & Nielson, 2014; Stoia, Adams, & Drakulich, 2018). In case after case, lyrics are treated like autobiographical confessions rather than art or entertainment; an interpretation not applied to other music genres (Dennis, 2007; Kubrin & Nielson, 2014; Powell, 2009; Wilson, 2004). In fact, no other music genre has been used as confession evidence in the courts (Dennis, 2007). These cases primarily involve aspiring rappers that are mimicking the lyrical style and content of more famous rappers (American Civil Liberties Union [ACLU] of New Jersey, 2013; Dennis, 2007; Kubrin & Nielson, 2014). Many of these aspiring rappers are young Black men from impoverished neighborhoods.

Ultimately, a number of concerns pertaining to the implications of using defendant-authored rap lyrics as evidence exist, particularly in regard to the seeming effectiveness of the practice. In particular, there is the concern that introducing rap lyrics as evidence will result in jurors making biased evaluations of the lyrics and the people that write them (Dennis, 2007; Fischhoff, 1999; Tanovich, 2016a, 2016b). In fact, prosecutorial training manuals teach prosecutors that lyrics “verbalize [rappers] attitudes, motivations, and lifestyles” (Lyddane, 2006, p. 2) and that they can use “photographs, letters, notes, and even music lyrics, to invade and exploit the defendant’s true personality” (Jackson, 2004, p. 16). This concern raises questions about the relationship between juror evaluations of rap lyrics and verdicts (ACLU of New Jersey, 2013; Dennis, 2007; Kubrin & Nielson, 2014). Moreover, scholars are concerned that judges underestimate the impact of lyrics on determinations of guilt. As Dennis (2007) describes, “defense appeals of trial court admission decisions fall on deaf ears” (p. 30) and “even when an appellate court deems the evidence erroneously admitted, the error usually does not prompt reversal” (p. 30).

As a case in point, in *Hilton v. Bell* (2003), the prosecutor introduced rap lyrics to prove that the defendant, Gamal Hilton, was involved in multiple armed robberies and sexual assaults. The lyrics, which were found during the police investigation, made multiple references to violent and misogynistic acts but none specifically referencing the alleged crime or the victims of the crime. The prosecutor recited the lyrics to the

jurors numerous times throughout the trial. Ultimately, Hilton was convicted. However, Hilton's attorney claimed that the court erred in admitting the rap lyrics, particularly because the lyrics prejudiced the juror's decisions. On appeal, the court ruled that the lyrics should not have been admitted but that the introduction of the lyrics did not significantly impact the outcome of the case and therefore were harmless. In particular, the court stated that error "does not require reversal unless it affirmatively appears that it is more probable than not that the error was outcome determinative" (Hilton v. Bell, 2003, p. 14), suggesting that the defendant needed to prove that exclusion of the rap lyrics would have affected the outcome of the case.

Another such example is the case of Clyde Smith, a 32-year-old Black man who, in 2011, was charged with intent to distribute prescription pain medication. During the trial, the prosecution introduced a video by the defendant's rap group, *The Rico Gang*, where Smith rapped about driving to Texas to buy and sell prescription drugs (Heisig, 2011). The prosecution argued that the lyrics proved the defendant's intent to sell drugs. Smith, however, explained that the lyrics were loosely based on events he had witnessed or heard about but not acts he had committed. Smith also argued that the lyrics were written months before the charged crime. The jury was not convinced and Smith was sentenced to 30 years in prison. Subsequently, Smith appealed his conviction on the grounds that the lyrics unfairly biased the jurors. Like in Gamal Hilton's case, the appellate court conceded that the lyrics may have had some biasing effect on the jurors but that the potential incriminating value of the lyrics was greater than any potential bias. The court also stated that the lyrics were only one piece of evidence in the case and that other evidence was influential in determining a verdict. Thus, the lyrics were viewed as having limited influence on the jurors, and the conviction was upheld.

The current study addresses questions related to how lyrics are evaluated when presented in a trial context as well as how evaluations of the lyrics are shaped by juror verdicts. Using a coherence-based reasoning model (Holyoak & Simon, 1999), participants in the study evaluated evidence in individual vignettes and in the context of a trial. The aim of this design is to examine the effect of the trial context on evaluations of rap lyrics. In particular, this design was used to determine whether rap lyrics are incorporated into the narrative of the case as well as to examine the relationship between the evaluation of evidence and the verdict.

In the remainder of the article, I survey two bodies of literature that provide insight into why introducing rap lyrics at trial might be an effective practice. First, I examine some genre conventions of rap music and how those conventions are understood by the lay public. Second, I review the substantial literature on coherence-based reasoning, a theoretical framework which provides insight into how jurors evaluate evidence and is, therefore, highly relevant to the current study. Next, I describe the details of the design used in this study and report the findings. Finally, I discuss the implications of the findings for cases where rap lyrics are introduced as well as the broader implications for racial disparities in the criminal justice system.

## Perceptions of Rap Music

Although some prosecutors and judges have interpreted rap lyrics as truthful boasts and therefore admissible evidence (Dennis, 2007; Powell, 2009; Tanovich, 2016a; Wilson, 2004), scholars that study rap argue that this literal interpretation ignores how rappers use artistic conventions to convey meaning and construct marketable rap personas (ACLU of New Jersey, 2013; Kitiwana, 1994; Kubrin, 2005a, 2005b; Perry, 2004; Rose, 1994). One such example of an artistic convention regularly employed in rap is metaphor. While common to other art forms, metaphor holds special meaning in rap music (Perry, 2004; Rose, 1994). Through violent language and graphic imagery, rappers use metaphor in an attempt to shatter taboos, satirize racial stereotypes, and demonstrate agency in a sociopolitical environment where resources can be scarce (Anderson, 2000; Gates, 2011; Kitiwana, 1994; Kubrin, 2005a; Perry, 2004). For example, in rap music, descriptions of murder can represent hopelessness or frustration with injustice (Perry, 2004), drug use can represent nihilism (Kubrin, 2005b; Perry, 2004), and gun possession can be used metaphorically to represent masculinity (Kitiwana, 1994).

Even when references to violence are not metaphorical, they are not necessarily accurate representations of an event either. For example, rap music can represent community reactions to police surveillance (Rose, 1994), police violence (Kubrin, 2005; Perry, 2004), and mass incarceration (Steinmetz & Henderson, 2012) without necessarily referencing one specific event. Furthermore, as rap music has become more commercialized, presenting lyrics as authentic accounts of one's violent "hood" experiences has become critical to success in the industry (Kitiwana, 1994; Kubrin & Nielson, 2014; Weitzer & Kubrin, 2009). As Quinn (2013) describes, rap songs are framed as authentic to "feed the vast appetite for 'black ghetto realness' in the popular culture marketplace" (p. 32). In other words, rappers commonly use hyperbolic boasts to exaggerate their involvement in violent and criminal activities, thereby reinforcing their outlaw status and maintaining marketability (Kubrin, 2005; Perry, 2004).

Yet, it may be the case that some do not understand the genre conventions of rap music. For example, some may not understand why certain lyrical formulas, or stock lyrical topics primarily understood by musicians and their audiences, are prevalent in rap music (Stoia et al., 2018). Furthermore, as noted by Tanovich (2016a), those who do not understand the origins and nature of rap music may have limited ability to decipher the meaning of rap lyrics. Thus, a lack of cultural knowledge about rap and its conventions results in difficulty separating fiction from fact (Dennis, 2007; Kubrin & Nielson, 2014; Powell, 2009; Tanovich, 2016a, 2016b; Wilson, 2004).

A handful of studies have directly examined concerns related to the perception of rap music (Dunbar, Kubrin, & Scurich, 2016; Fried, 1996, 1999) and their potential impact as evidence (Fischhoff, 1999). More specifically, previous experimental research has demonstrated that violent song lyrics are rated as more threatening when presented as rap compared to country (Dunbar et al., 2016; Fried, 1996, 1999) and that reading a person's violent rap lyrics can result in harsher evaluations of that person's character than learning that the person is being charged with murder (Fischhoff, 1999).

Although findings from these studies suggest that rap lyrics may be problematic as evidence at trial, the studies are *not* juror decision-making studies. That is, in these studies, participants were not presented with rap lyrics as part of a narrative in conjunction with other evidence nor were they presented with requisite jury instructions. It is important to acknowledge this limitation given the concern that introducing rap lyrics as evidence will affect juror decisions (Dennis, 2007; Kubrin & Nielson, 2014; Powell, 2009). Therefore, the perception and impact of rap lyrics is of critical importance to understanding the consequences of introducing rap lyrics as evidence in criminal trials. More specifically, although findings from previous research suggest that introducing rap lyrics as evidence might unfairly disadvantage defendants (Dunbar et al., 2016; Fischhoff, 1999; Fried, 1996, 1999), too few studies have been conducted on this issue and the studies that do exist do not examine these issues in an adjudicative context.

## **Jurors and Coherence-Based Reasoning**

Relevant to an understanding of the potential consequences of introducing rap lyrics as evidence is research on juror decision-making, particularly research on how jurors evaluate evidence. Although there is no unified theory detailing how jurors process trial evidence, there is a general research consensus that jurors may use extralegal considerations (e.g., race of the defendant, attitudes toward law, etc.) when evaluating evidence that is technical, sparse, ambiguous, or emotion inducing (Hastie, 1993; Kalven & Zeisel, 1966). Additionally, multiple decision-making models have been explored to comprehend how jurors process and interpret evidence (Hastie, 1993).

One such model is coherence-based reasoning, an unconscious information processing strategy, particularly relevant to cognitively complex tasks. A key component of coherence-based reasoning is that information is integrated into a plausible, coherent narrative, which is used to make a final decision (Pennington & Hastie, 1992; Simon, 2004). This part of the theory is, in large part, informed by Pennington and Hastie's (1992) story model, which describes a cognitive strategy that jurors use to interpret and process trial information before deliberation (Pennington & Hastie, 1992). The model explains that jurors organize information by creating a story based on the case information and fill in any gaps in the story using plausible inferences. By combining competing possible stories with their own prior beliefs and instructions on the law, individuals determine which story is most plausible, which is then used to inform a final decision (Pennington & Hastie, 1992). Coherence-based reasoning builds on this model by suggesting that jurors, in constructing a plausible narrative, increase or decrease the weight given to evidence (Holyoak & Simon, 1999). In doing so, the evidence fits into a coherent, plausible narrative and can contribute to a verdict decision.

The concept of bidirectionality is a critical component of coherence-based reasoning. Bidirectionality, or bidirectional reasoning, occurs when participants choose a verdict based on the evidence presented in a case but also use their verdict to affirm their judgments of the evidence. For example, introducing rap lyrics at trial (i.e., in

conjunction with other evidence) might lead a juror to think a defendant is guilty. However, thinking the defendant is guilty results in the juror unconsciously altering their evaluation of the lyrics, so that the lyrics are viewed as even more incriminating. Thus, the juror evaluates the lyrics in a way that more strongly supports a specific verdict. Tests of coherence-based reasoning often reveal strong evidence of this decision-making process (Glockner & Engel, 2013; Holyoak & Simon, 1999; Simon, Krawczyk, & Holyoak, 2004; Simon, Snow, & Read, 2004).

Overall, research on coherence-based reasoning finds that participants typically indicate evidence is unrelated when presented independently yet related when presented together at trial, suggesting that the evidence becomes integrated into a coherent narrative. Furthermore, assumptions about the defendant's guilt shape evaluations of the evidence presented at trial. For example, jurors who render a verdict of guilty evaluate the evidence at trial as incriminating, even though the value of similar evidence was viewed as ambiguous in a different context. The converse is seen for jurors who render a verdict of not guilty. Finally, when asked to report their verdict leanings before reaching a final verdict, responses indicate that the majority of the coherence shifts had already occurred, suggesting that the shift occurred during decision-making and not as a post hoc justification (Holyoak & Simon, 1999).

Coherence-based reasoning has been replicated and extended across decision-making contexts, indicating the robustness of the effect. For example, in addition to detecting coherence shifts for evidence in a specific case, coherence shifts have also been found for general beliefs about types of evidence (Simon, Snow, & Read, 2004). In one such study, Simon, Snow, and Read (2004) demonstrated that participants shift evaluations related to the reliability of eyewitness identifications generally, so that their beliefs cohered with their verdict in a case. Furthermore, the direction of a coherence shift can be induced by asking participants to change their verdict (Simon, et al., 2004b), by assigning participants to a verdict (Glockner & Engel, 2013), and by manipulating the incriminating nature of one piece of evidence (Holyoak & Simon, 1999; Simon, et al., 2004b). For example, manipulating the character of a defendant (e.g., good or bad) not only increases the perceived likelihood of guilt but also increases the weight given to the evidence in the case. Similar results have been found when the conclusion of a DNA test either places the defendant at the crime scene or implicates another person (Simon et al., 2004b). Thus, one piece of evidence, whether prejudicial or not, can be used to interpret and weigh the other evidence in the case (Schum & Martin, 1982; Simon, 2004).

Although coherence-based reasoning has been extensively replicated, previous research has rarely focused on whether coherence shifts manifest differently for jurors who choose to convict and jurors who choose to acquit. Studies examining this issue have yielded mixed results (Glockner & Engel, 2013; Simon, et al., 2004b). For example, Simon, et al. (2004b) found that jurors who chose to acquit showed greater coherence shifts than those who chose to convict. However, this outcome was only for general beliefs about types of evidence. Alternatively, Glockner and Engel (2013) found that coherence shifts were more pronounced for jurors who chose to convict.

They suggest that coherence shifts are more pronounced for those who choose to convict because, in a criminal case, jurors must be certain of guilt “beyond a reasonable doubt.” Thus, those who choose to convict must affirm their verdict more so than those who choose to acquit.

Ultimately, coherence-based reasoning may provide possible insight into the consequences of introducing rap lyrics in a criminal case. In regard to rap lyrics, this could mean that evaluations of rap lyrics, when presented in the trial context, are interpreted differently than when presented outside of that context. More specifically, braggadocio yet fictional lyrics might be interpreted more like a confession if a juror believes that the defendant is likely to be guilty, even if those same lyrics are not interpreted as literal in a different context. Additionally, those who think a defendant is guilty may change how they evaluate the lyrics more so than those who do not think a defendant is guilty. The potential consequences of a literal interpretation of rap lyrics are notable given the power of confession evidence. In particular, confession evidence has been shown to have a significant impact on verdicts (Kassin & Neumann, 1997; Kassin & Sukel, 1997) and more so than other types of established evidence (Kassin & Neumann, 1997). Given that prosecutors are presenting rap lyrics like confession evidence, empirical research is needed to assess how jurors are evaluating rap lyrics and the impact of the lyrics on case outcomes.

## **Current Study**

This study builds on the small but robust body of research that empirically tests concerns related to introducing rap lyrics as evidence in criminal cases. In particular, this study responds to a call made by Kubrin and Nielson (2014) for scholars to “critically examine the growing movement to turn rap lyrics against their authors” (p. 19). Although a substantial body of criminological and socio-legal research has examined the policing of rap music, previous research on the perception and impact of rap lyrics is rarely empirical and the few empirical studies are not conducted in a juror decision-making context. Finally, although there is a well-established body of literature on coherence-based reasoning, the theoretical framework has rarely been applied to novel types of evidence and has yet to be applied to rap lyrics.

Addressing these limitations, this study examines the perception of rap lyrics in an adjudicative context. In particular, the current study tests four hypotheses:

**Hypothesis 1:** Rap lyrics will be viewed as correlated with other, independent evidence when presented in the context of a trial but not when the evidence, including lyrics, is presented independently.

**Hypothesis 2:** The evaluation of the lyrics will shift to support the verdict selected by the participant.

**Hypothesis 2B:** The evaluation of the lyrics will shift to support a verdict of guilty more so than a verdict of not guilty.

**Hypothesis 3:** Evaluations of the rap lyrics will predict the verdict more so than the other types of evidence.

Method

Participants

Participants ( $N = 120$ ) for this study were recruited from Amazon’s Mechanical Turk (MTurk) website, an online platform that is becoming increasingly popular among researchers who do experimental research (Crump, McDonnell, & Gureckis, 2013; Paolacci & Chandler, 2014). Through MTurk, researchers can recruit participants to anonymously complete surveys and questionnaires (Mason & Suri, 2012). Individuals on MTurk elect to participate in a task if they are eligible to participate and if they find the terms and conditions satisfactory. In this study, participants were required to be U.S. citizens over the age of 18 who could read English. Only workers with an IP address from within the United States were able to participate. Participants were paid US\$1.00 for their time, a highly competitive rate (Buhrmester, Kwang, & Gosling, 2011). The age of participants ranged from 18 to 73 with a mean age of 35.6 ( $SD = 11.4$ ) and median age of 32.5. Table 1 displays the demographic composition of the sample.

**Table 1.** Participant Demographics.

Variable	Description	<i>N</i>	Percentage
Gender	Female	51	42.5
	Male	69	57.5
Race	Black	5	4.2
	White	101	85.6
	Native American	1	0.8
	Asian/Pacific Islander	9	7.4
	Other	2	1.7
Ethnicity	Non-Hispanic	109	90.8
	Hispanic	11	9.2
Education level	High school	15	12.5
	Vocational school	1	0.8
	College courses	45	37.2
	Completed university	47	39.2
	Graduate school	12	10
Type of residence	Rural	22	18.3
	Urban	35	29.2
	Suburban	63	52.5
Political affiliation	Republican	23	19.2
	Democrat	57	47.5
	Other	40	33.3

Note.  $N = 120$ .



## Procedure and Design

This study used a pretest/posttest design to examine the impact of introducing rap lyrics in a criminal trial. In the pretest phase, participants were asked to read four independent vignettes, each describing a criminal investigation and each including one piece of evidence. Participants learned that the four vignettes would be randomly selected from a larger sample of vignettes. However, all participants read identical vignettes, which described an eyewitness identification, a suspect's alibi, a suspect's possible motive, and rap lyrics, respectively. Each vignette was presented in the same order for all participants, and each piece of evidence was always paired with the same vignette.

In one vignette, for example, participants read about a police investigation involving a robbery. They learned that, during the investigation, police discovered rap lyrics written by the suspect and that the lyrics described an armed robbery. After reading the lyrics, participants read that "officers believed that the lyrics were written about the recent robbery," but that the suspect claimed that "the lyrics were fiction and neither he nor the lyrics had any relationship to an actual crime." Similarly, the other vignettes described a suspect and some piece of evidence that either incriminated or exculpated that suspect. Unbeknownst to the participants, the four pieces of evidence in the pretest vignettes paralleled the evidence that would be presented in the posttest.

Following each pretest vignette, participants indicated how much they agreed or disagreed with statements about the particular piece of evidence presented in that vignette using a 7-point Likert-type scale (1 = *strongly disagree*, 7 = *strongly agree*). Responses to the statements were intended to assess the perceived incriminating value of the evidence. The items used to assess each piece of evidence are shown in Table 2. Stronger agreement with the statements indicated that the evidence is viewed as incriminating. However, for the alibi, responses were reverse coded, so that they were consistent with evaluations of other evidence. Responses for each vignette were then averaged to create composite scores. To determine the reliability of each composite score, Cronbach's  $\alpha$  were assessed for the lyrics items ( $\alpha = .682$ ), eyewitness items ( $\alpha = .862$ ), motive items ( $\alpha = .909$ ), and alibi items<sup>2</sup> ( $\alpha = .635$ ).

After completing the pretest, participants attempted to solve analogies from the Miller analogies task. The task was included, so that it was difficult for participants to recall their answers from the pretest when completing the posttest. After the analogies task, participants were informed that they would act as a juror in a criminal case involving an armed robbery. After reading preliminary jury instructions, participants received basic information about the charge of armed robbery and were informed that the suspect had pleaded not guilty. Each participant then received the same abridged transcript of a hypothetical armed robbery case. The summary of the case describes a man that was robbed at gunpoint while leaving a bar. As the victim began to resist his attacker, he was shot in the back. The victim never saw the perpetrator's face. After learning about the robbery, participants were provided with a description of the evidence gathered in the case. The evidence included rap lyrics authored by the suspect, a possible motive, the suspect's alibi, and an eyewitness identification, which was the same evidence as that presented in the independent vignettes. The description of each piece of evidence contained the same key details as the descriptions in the independent vignettes. For example, the eyewitness in the pretest was a customer at a

**Table 2.** Response Items Used to Assess Each Piece of Evidence.

Evidence	Response Item
<b>Eyewitness</b>	
Question 1	The wife made an accurate identification of the perpetrator.
Question 2	The wife can tell the difference between the perpetrator she witnessed and others who look similar.
Question 3	The wife probably had a good view of the perpetrator from where she was in the restaurant.
<b>Lyrics</b>	
Question 1	The lyrics are bragging about an act that the man committed.
Question 2	The lyrics can be understood as an admission of guilt.
Question 3	You cannot draw conclusions about what the man did in the past based on his lyrics.
<b>Alibi</b>	
Question 1	Mr. Davis' account of the night is truthful.
Question 2	Mr. Davis is less likely to have committed the crime because of his alibi.
Question 3	People can usually find someone to confirm their whereabouts.
<b>Motive</b>	
Question 1	The younger brother would likely commit illegal acts to resolve his debt.
Question 2	The younger brother probably took the wallet.
Question 3	The younger brother would likely use violence to resolve his debt.

restaurant, while the eyewitness in the posttest was at a bar but both eyewitnesses saw the crime for a couple of minutes and were confident in their identifications.

During the posttest phase, participants were asked to render a dichotomous verdict of either "convict" or "acquit" and to indicate how confident they were in that judgment. Confidence was measured on a 6-point Likert-type scale (0 = *no confidence*, 5 = *extremely confident*). Participants were then asked to evaluate strength of the evidence from the robbery case using the same response items from the pretest. As in the pretest, evaluations of each piece of evidence were aggregated to create a composite score, which assessed the incriminating or exculpatory value of the evidence. All composite scores had high interitem reliability: lyrics ( $\alpha = .786$ ), eyewitness ( $\alpha = .847$ ), motive ( $\alpha = .913$ ), and alibi ( $\alpha = .689$ ).

## Results

### *Pretest and Posttest Judgments*

In the pretest, when the evidence was presented in independent vignettes, participants viewed the incriminating nature of the evidence as ambiguous. Ratings for the

incriminating value of the eyewitness identification ( $M = 4.52$ ,  $SD = 1.19$ ), alibi ( $M = 3.43$ ,  $SD = 0.81$ ), motive ( $M = 3.30$ ,  $SD = 1.12$ ), and lyrics ( $M = 3.35$ ,  $SD = 1.30$ ) skewed toward the midline of the scale (i.e., neither agree nor disagree that evidence is incriminating). A similar pattern was found for evidence ratings in the posttest. When the evidence was presented in the context of a trial, ratings of the eyewitness identification ( $M = 4.37$ ,  $SD = 1.19$ ), alibi ( $M = 3.93$ ,  $SD = 0.97$ ), motive ( $M = 4.21$ ,  $SD = 1.32$ ), and lyrics ( $M = 3.39$ ,  $SD = 1.35$ ) again skewed toward the midline of the scale suggesting that participants were uncertain about whether the evidence was incriminating. This may explain why a majority of participants in the posttest (66%) indicated that the defendant was not guilty.

### Evidence Integration

One hypothesis for this study was that rap lyrics would be viewed as correlated with other, independent evidence when presented in the context of a trial but not when evaluated independently. Therefore, it was expected that the evidence in the pretest would be viewed as uncorrelated with each other piece of evidence. However, this expectation was not fully supported. As seen in Table 3, when the evidence was presented in independent vignettes (i.e., the pretest), some of the evidence was viewed as correlated with other evidence (all  $ps < .01$ ), albeit weakly. Unlike in the pretest, evidence presented in the context of a trial was all moderately to strongly correlated (all  $ps < .01$ ). This shift from the pretest to the posttest provides some indication of a coherence effect. It appears that more evidence was perceived as interdependent when presented in the context of a criminal trial than when presented independently, even though the evidence was held constant from pretest to posttest. Additionally, evidence was viewed as more strongly correlated when presented in the context of a trial than when presented independently.

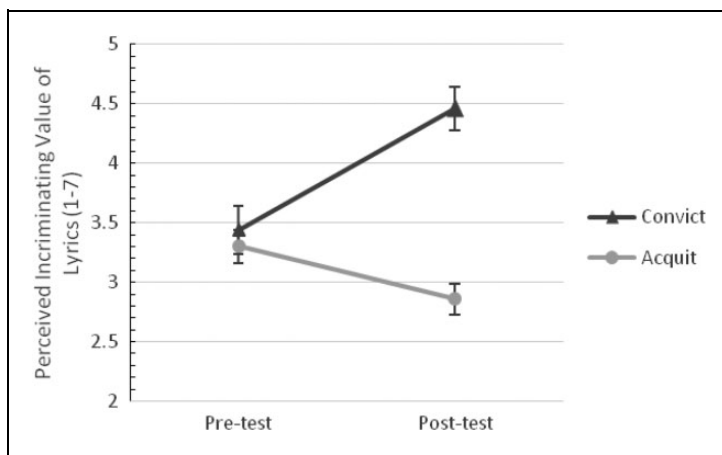
**Table 3.** Pretest and Posttest Correlations of Evidence Strength.

Evidence	Eyewitness	Motive	Alibi	Lyrics
Pretest				
Eyewitness	1	.133	-.147	.271**
Motive		1	.354**	.353**
Alibi			1	.136
Lyrics				1
Posttest				
Eyewitness	1	.694**	.387**	.622**
Motive		1	.602**	.690**
Alibi			1	.466**
Lyrics				1

\* $p < .05$ . \*\* $p < .01$ .

### Impact of Verdict on Evidence

The previous analysis reveals that evidence is viewed as moderately to strongly correlated when presented in the context of a trial yet it did not explore how juror verdicts might affect evaluations of rap lyrics, a fundamental component of coherence-based reasoning. To test whether verdict shapes evaluations of the lyrics, a  $2 \times 2$  mixed-model analysis of variance with test phase (pretest or posttest) as the within-participants factor and verdict (convict or acquit) as the between-participants factor was conducted. This analysis yielded a main effect for verdict on evaluations of the lyrics,  $F(1, 120) = 17.7, p < .001, d = 0.777$ . In particular, participants who found the suspect guilty rated the lyrics as more incriminating than those who decided to acquit. A significant test phase by verdict interaction was also detected,  $F(1, 120) = 44.75, p = .008, d = 1.232$ . As seen in Figure 1, people who found the suspect guilty rated the lyrics as more incriminating during the posttest ( $M = 4.46, SD = 1.31$ ) than during the pretest ( $M = 3.44, SD = 1.59$ ). Alternatively, participants who acquitted the suspect rated the lyrics as less incriminating during the posttest ( $M = 2.86, SD = 1.01$ ) than during the pretest ( $M = 3.30, SD = 1.1$ ). In other words, participants shifted their evaluations regarding the autobiographical nature of the rap lyrics, which, in part, validated assumptions about the defendant's guilt. Coherence shifts were also detected for the other three pieces of evidence.



**Figure 1.** Lyrics ratings (pretest and posttest) by verdict interaction. Error bars show standard errors of the mean.

To assess whether there was a stronger shift for convicts or acquittees, coherence shift scores were created for each of the four pieces of evidence. These scores were calculated by subtracting the pretest score from the posttest score and then taking the absolute value of that score. Independent samples  $t$  tests were then conducted using verdict as the independent variable and coherence shift scores as the dependent variable. Analyses reveal that for most of the evidence, participants who chose a verdict of guilty

**Table 4.** Change Scores From Pretest to Posttest by Verdict.

Evidence	Convictors			Acquitters		
	<i>M</i>	<i>SD</i>	95% CI	<i>M</i>	<i>SD</i>	95% CI
Lyrics*	1.20	1.13	[0.84, 1.56]	0.80	0.76	[0.63, 0.97]
Eyewitness	0.68	0.54	[0.51, 0.86]	0.85	0.72	[0.69, 1.00]
Alibi**	1.24	0.83	[0.98, 1.50]	0.66	0.69	[0.51, 0.82]
Motive**	1.84	1.24	[1.44, 2.23]	0.76	0.82	[0.58, 0.95]

Note. CI = confidence interval.

\* $p < .05$ . \*\* $p < .01$ .

showed a greater coherence shift than participants who chose a verdict of not guilty (see Table 4). For example, convictors ( $M = 1.2$ ,  $SD = 1.13$ ) showed a stronger coherence shift than acquitters ( $M = .80$ ,  $SD = 0.76$ ) when evaluating the lyrics,  $t(120) = 2.02$ ,  $p = .048$ ,  $d = 0.42$ . Correlational analyses were also conducted to determine whether coherence shifts were related to verdict confidence. No significant correlations were detected between verdict confidence and coherence shifts (all  $ps > .05$ ). Ultimately, these findings suggest that participants shift how they interpret the literality of rap lyrics in order to support their verdict, and that this shift is more prominent for those who think a defendant is guilty compared to those who do not.

### Impact of Evidence on Verdict

To test whether evaluations of lyrics would predict verdict, a logistic regression was performed with evidence ratings for each piece of evidence (i.e., Likert-type scale composite items) as the independent variables and verdict as the dependent variable. The logistic regression model was statistically significant,  $\chi^2(4) = 95.94$ ,  $p < .001$ , and correctly classified 90% of cases. More specifically, the data reveal that evaluations of the eyewitness identification significantly predict verdict outcome,  $\text{Exp}(B) = 12.98$ ,  $p < .001$ , 95% confidence interval (CI) [3.9, 43.22]. That is, for each one unit increase in the incriminating value of eyewitness testimony, there is a 12.98 increase in the odds that the defendant is guilty, holding all other variables constant. A similar outcome was found for evaluations of the alibi,  $\text{Exp}(B) = 2.44$ ,  $p = .03$ , 95% CI [1.09, 5.45]. However, a similar outcome was not detected for the motive ( $p = .88$ ). Contrary to the hypothesized outcome, evaluations of the lyrics also did not predict verdict ( $p = .097$ ).

### Discussion

In the past decade, scholars have criticized the practice of introducing rap lyrics as evidence (Dennis, 2007; Dunbar et al., 2016; Kubrin & Nielson, 2014; Powell, 2009; Stoia et al., 2018; Wilson, 2004), yet none of this research has empirically tested the perception or impact of rap lyrics in an adjudicative context. The current study aimed to do just that. Findings from this study reveal some of the potential consequences of introducing rap lyrics at trial. Consistent with Hypothesis 1, participants constructed a

narrative to make sense of multiple pieces of evidence. In particular, rap lyrics were viewed as interdependent with other evidence. Consistent with Hypothesis 2, participants' evaluations of rap lyrics shifted based on their verdict. For example, participants who thought the defendant was guilty were more likely to treat the lyrics like an incriminating confession when the lyrics were presented in conjunction with other trial evidence than when the lyrics were the sole piece of evidence in a police investigation. Furthermore, as predicted by Hypothesis 2b, evaluations of rap lyrics shifted more to support guilty verdicts than verdicts of not guilty. It should be noted, however, that even though evaluations of the lyrics shifted based on the context in which they were presented and on the mock jurors' verdict decisions, respectively, evaluations of the rap lyrics did not predict verdict decisions (Hypothesis 3).

Overall, these findings suggest that introducing rap lyrics as evidence may not necessarily "allow the government to obtain a stranglehold on the case" (Dennis, 2007, p. 2). However, it is important to acknowledge that, compared to acquittors, convictors were more likely to evaluate rap lyrics like confession evidence, a type of evidence consistently shown to increase the likelihood of a guilty verdict as well as increase the perceived incriminating value of other evidence (Hasel & Kassin, 2009; Kassin, 2012). Furthermore, these findings raise additional concerns given the asymmetry between coherence shifts for convictors and coherence shifts for acquittors. Evaluations of rap lyrics shift to cohere with a verdict of guilty more so than they shift to cohere with a not guilty verdict. This is notable because even though prosecutors and defense attorneys present the lyrics as literal or fictional, respectively (Dennis, 2007; Kubrin & Nielson, 2014), prosecutors' explanations of rap lyrics may be perceived as more plausible than those of defense attorneys. If prosecutors' depictions of rap lyrics are more believable than those of defense attorneys, as indicated by the current findings, it may be the case that prosecutors have a unique advantage in cases where lyrics are introduced.

The findings from this study highlight the challenge judge's face when attempting to isolate the impact of rap lyrics on juror decisions. More specifically, these findings indicate the difficulty appellate judges deal with when determining whether jurors would have still rendered a verdict of guilty if inadmissible rap lyrics were excluded from a case. In Dennis' (2007) review of cases involving defendant-authored rap lyrics, she explains that in the few appellate cases where rap lyrics have been deemed erroneously admitted, judges often describe the error as not constituting reversible error, in part, because the lyrics did not substantially affect the outcome of the case. These findings highlight the challenge in making this conclusion. Once evidence is presented at trial, it becomes interdependent with other evidence and the outcome of the case, sans one piece of evidence, cannot be easily inferred (Simon, 2004). Based on the findings of this study, judges should be aware that the task of evaluating rap lyrics as evidence is subsumed into the larger task of processing complex evidence; as such, judges should be cautious when making judgments about the impact of the lyrics on trial outcomes.

It is also important to note that the practice of introducing rap lyrics as evidence does not occur in a vacuum. For example, rap music has had a historically contentious relationship with the legal system and public (Kubrin & Nielson, 2014; Perry, 2004),

particularly because the genre has been viewed as harmful to society (Binder, 1993; Crenshaw, 1991). More specifically, rap music, when compared to other genres, is uniquely viewed as threatening (Binder, 1993; Fried, 2003), obscene (Dixon & Linz, 1997), offensive (Fried, 1996, 1999), and literal (Dunbar et al., 2016). The findings from the current study highlight how rap music can be represented as confession evidence, potentially perpetuating the perceived dangerousness of the genre. Furthermore, rap lyrics are most often introduced in cases with Black male defendants (Dennis, 2007; Tanovich, 2016a), potentially invoking well-established stereotypes about Black male dangerousness (Devine, 1989; Eberhardt et al., 2004). Although this study does not directly test stereotypes about rap music or Black men, the ostensibly race-neutral practice of introducing rap lyrics, and their potential use as confession evidence, may be a powerful prosecutorial strategy that interacts with jurors' underlying racialized perceptions of dangerousness to further perpetuate racially disproportionate outcomes in the criminal justice system.

It should be acknowledged that samples from MTurk are not representative of the U.S. population nor are they probability samples. Samples from MTurk also tend to skew more educated, liberal, and White (Berinsky, Huber, & Lenz, 2012), as seen in the current sample. Finally, participants on MTurk complete the task online rather than in person. While these all constitute potential limitations to the study, there are a number of reasons to consider data collected from MTurk as reliable. For example, studies have shown that MTurk samples are significantly more representative of the United States than college samples and other online samples (Berinsky et al., 2012; Heen, Liberman, & Miethe, 2014). Additionally, studies have shown that individuals recruited through Amazon's MTurk behave in ways consistent with other commonly used subject pools and the general public (Bartneck, Duenser, Moltchanova, & Zawieska, 2015; Chandler, Mueller, & Paolacci, 2014; Paolacci & Chandler, 2014). Although MTurk does have its limitations, like any sampling method, the sampling strategy provides researchers with a relatively representative sample yielding data at least as reliable as data obtained via traditional methods (Bartneck et al., 2015; Buhrmester et al., 2011).

It should also be noted that, like previous tests of coherence-based reasoning (Glockner & Engel, 2013; Holyoak & Simon, 1999; Simon, et al., 2004b), the evidence presented in the posttest was not randomized. All participants read the same vignette, which presented the evidence in the same order. Notably, the eyewitness identification was always presented first and was also rated as the most incriminating piece of evidence. This raises important empirical questions about how presentation order of the evidence, and rap lyrics in particular, shapes juror decisions. For example, it is possible that the order of the evidence in this study shaped how jurors evaluated the case facts. In fact, previous research suggests this may be the case (Carlson & Russo, 2001; Hope, Memon, & McGeorge, 2004; Russo, Medvec, & Meloy, 1996). In one such study, Russo, Medvec, and Meloy (1996) found that new information tends to be evaluated in a way that supports whichever choice is currently leading during a decision process. In the context of a trial, this means that if a juror is already leaning toward a verdict of guilty, new evidence will be evaluated in a way that supports that

decision (Carlson & Russo, 2001). For the current study, verdicts were largely informed by evaluations of the eyewitness identification, which potentially affected how jurors utilized the other evidence. In particular, the eyewitness identification may have been more influential in shaping opinions about the case than evidence presented later, such as the rap lyrics. Although this study did not randomize the evidence nor manipulate the evidence order, future research should examine how evidence order, particularly in regard to rap lyrics, may affect jurors' evaluations of other trial evidence and verdict.

Although findings from this study have important implications for introducing rap lyrics as evidence, the study did not directly test how the presence of rap lyrics affects juror decisions and verdicts in particular. However, this study sets the foundation for studies that address additional questions regarding how rap lyrics impact juror decisions. Building on the design of the current study, one future study should experimentally manipulate whether rap lyrics are presented as evidence in a trial. It may be the case that introducing rap lyrics as evidence affects the perceived likelihood of guilt for the suspect as well as verdict. Furthermore, the presence of rap lyrics may shape the perceived incriminating value of other evidence. Given that rap lyrics in this study were often strongly correlated with evaluations of other trial evidence, the effect of rap lyrics on evaluations of other evidence should be isolated. More specifically, given the relationship between perceived character, evaluations of evidence, and verdict (Holyoak & Simon, 1999), future research should examine how introducing rap lyrics at trial affects evaluations of the defendant's character, which may in turn affect evaluations of other evidence and the verdict.

Given previous scholarship on this issue (Dennis, 2007; Kubrin & Nielson, 2014; Wilson, 2004) as well as findings from this study, future research should also examine potential policy recommendations. For example, presenting jurors with expert testimony about the history and genre conventions of rap music may provide jurors with a more informed understanding of the genre, thereby balancing any asymmetry between the believability of the prosecutor's and defense's representations of the lyrics. Additionally, although there is mixed support for the effectiveness of jury instructions (Simon, 2012), using jury instructions might mitigate any bias associated with presenting rap lyrics as confession evidence (Dennis, 2007). More specifically, introducing jury instructions prior to receiving the lyrics, rather than prior to deliberation, may reduce shifting evaluations of the lyrics during the trial (Simon, 2004).

Ultimately, this study provides insight into the potential consequences of introducing rap lyrics as evidence, a seemingly race-neutral practice which still results in racially disproportionate outcomes. In particular, prosecutors are utilizing a practice which potentially plays on stereotypes about rap music, and those that write it, to transform rap lyrics from self-expression into self-incrimination. In doing so, rap music, a form of art developed, in part, as a response to marginalization and oppression, can be construed as a confession and contribute to the larger narrative of a defendant's guilt. Although it is unlikely that rap lyrics will be definitively categorized as inadmissible evidence (Dennis, 2007), this study suggests that there may be an increasing need for judges to consider how a lack of cultural knowledge might affect



how prosecutors present evidence and how jurors process that evidence, especially for practices that target already marginalized groups.

This research comes at a time when attitudinal surveys show a decline in overt racism, yet researchers find continued racial disparities in the criminal justice system and need to further investigate alternative and novel explanations (Pearson, Dovidio, & Gartner, 2009). Thus, this study and its findings provide an example of a novel mechanism that contributes to our understanding of racial discrimination in the criminal justice system race and the criminal justice system. That is, although extensive research has been done on the relationship between anti-Black bias and discriminatory decision-making, this study expands our understanding of how other cognitive processes may contribute to racial disparities in criminal justice outcomes.

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### Notes

1. Although this article focuses on the use of rap lyrics as evidence in the United States, there is a growing body of scholarship that shows a similar use of rap lyrics in Canada. For example, Tanovich (2016a) identifies 36 reported cases involving rap lyrics. In a majority of these cases, the Crown sought to use the rap lyrics to prove that the defendant had committed some criminal act.
2. The composite alibi score excludes the individual item "People can usually find someone to confirm their whereabouts," which reduced Cronbach's  $\alpha$  to .498. However, it should be noted that analyses using the alibi composite item that included this item detected similar significant effects as those using the composite score without that item.

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