

Challenging racist stereotypes in the UK justice system

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Challenging racist stereotypes in the UK justice system

One day we will ask ourselves how on earth the state was ever allowed to get away with using music as evidence to prosecute Black defendants in serious crime cases.

Johnny Cash sang ‘I shot a man in Reno just to watch him die’. No one has ever suggested that he should have been charged with any criminal offence. Meanwhile, here in the UK, the state has prosecuted Black children for murder and asked the jury to conclude they were part of a violent criminal gang purely because they were present in a rap video... This racist stereotyping has got to stop.

During September and October of this year the Garden Court Chambers Criminal Defence Team held a series of webinars entitled ‘Drill Music, Gangs and Prosecutions – Challenging Racist Stereotypes in the Criminal Justice System’. The panels featured community activists and non-legal academics, contributing real insight and lived experience, inspiring us to bring about real change. The recordings have been watched by over 1,500 people (feel free to take a look below).

The forthcoming Garden Court Chambers Black Lives Matter webinar series will feature GC counsel and explore the following topics every two weeks:

20th January 2021 ‘How the US and UK state criminalise rap and how to combat

it’. The second series hosts an international event where we will be joined by US academics, attorneys, and UK counsel. We will consider, share, and discuss tactics on how to combat the state’s use of rap lyrics in prosecuting serious crime asking questions about both intention and subsequent consequences.

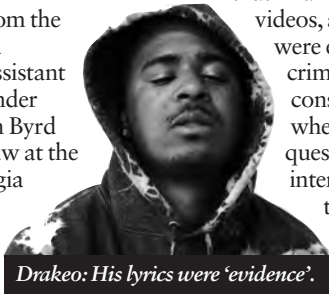
Should the UK adopt the pre-trial proactive campaigning style sometimes used by defence attorneys in the US? How do we encourage more people who actually know about the reality of rap to step up and become experts? What happens in capital cases and how do you deal with the pressure?

The speakers from the US include: Andrea Dennis, a former assistant federal public defender who holds the John Byrd Martin Chair of Law at the University of Georgia School of Law, and Erik Nielson, Associate Professor at the

University of Richmond. Andrea and Erik are also co-authors of ‘rap on trial’ which has been described as ‘an illuminating, powerful, and disturbing exposé of how hip hop’s often raw, fantastical lyrics are taken out of context to criminalise Black and Brown youth. “Rap on Trial” is required reading for anyone who cares about justice and racial equity.’

The third member of the panel is John Hamasaki, the attorney of rapper ‘Drakeo the Ruler’. It is worth noting that even after Drakeo had been acquitted of all murder and attempted murder allegations, the state still argued that Drakeo’s rap lyrics, videos, and collaborations

were evidence of a criminal gang conspiracy. Indeed when Drakeo was questioned in his police interview, he was told that his music would be the ‘soundtrack’ of any trial. ‘Jurors



Drakeo: His lyrics were ‘evidence’.

Previous webinars at Garden Court

- These were the webinars held in September and October 2020:
- Part 1: Understanding Drill– artist and expert testimony;
- Part 2: Challenging the admissibility of Drill music in criminal trials;
- Part 3: Drill injunctions and Ancillary Orders,
- Part 4: Debunking prosecution myths: ‘Gang’ stereotypes, joint enterprise and racist-driven stop and searches;
- Part 5: Gangs: Pre-trial issues and Criminal Behaviour Orders; and
- Part 6: Gangs: how to exclude so called gang evidence in criminal trials and challenging the Joint Enterprise narrative.
- Watch the campaigning short at: [bit.ly/gardencourt-drill](https://bit.ly/gardencourt-drill)



BLM in the community.

don’t like to see that stuff ... your rap videos of you talking about shooting’. He has recently been released from jail after agreeing a plea deal for the three years he has served. His first video and track *Fights Don’t Matter* has already had over 800,000 views. [bit.ly/FightsDon’tMatter](https://bit.ly/FightsDon’tMatter)

3rd February 2021 ‘Drill, rap and deportation’. Our panel of speakers will explore how the Home Office uses evidence in failed prosecutions and so called ‘intelligence’ gathered through policing and monitoring of alleged gang activity as a basis for deportation in what they call Operation Nexus. Presented and organised by Audrey Cheryl Morgan,

August

20: ‘I’ve had members of my association claiming Universal Credit and they’re shocked by how low it is.’ Tory MP quoted in *The Economist* magazine.

31: Scottish employment appeal tribunal rules that a couple, Jimmy and Christine Johnstone, selected by Glasgow city council to look after vulnerable children should have been treated as workers rather than self-employed.

1.1% of QCs and one per cent of court judges in England and Wales are black (2019 data)

September

1: Civil liberties groups warn that peaceful protest is under threat after Extinction Rebellion demonstrators were targeted with ‘unworkable restrictions, fines and arrests all used to deter us from exercising our rights’ said XR. ‘These restrictions [under section 14 of the Public Order Act] are heavy-handed and go too far.’

3: Eleven Syrian asylum seekers were abandoned outside Madrid airport after arriving on a Home Office organised flight from the UK, several of them were without their identity documents.



Picture: Jess Hurd / reportdigital.co.uk

Emma Nash, Greg Ó Ceallaigh and Stephanie Harrison QC.

#### 17th February 2021

The panel will examine the alarming increase in the number of Black children being excluded from schools. New analysis from 4in10: London's Child Poverty Network and Just for Kids Law shows that children receiving free school meals and Black Caribbean children are likely to be excluded from school at a much higher rate than their peers on average across London. Presented and organised by Susan Wright.

#### 3rd March 2021

Dexter Dias QC and Sean Horstead will present an in-depth

analysis of racism in the justice system. This will be chaired by Judy Khan QC.

#### 17th March 2021

Following the Garden Court Chambers webinar series on protest law in June/July 2019, we will be focusing on the Black Lives Matter (BLM) protests of summer 2020. *Black Protest Legal Support*, a group of Legal Observers set up to support BLM activists and protesters, reported a worrying return to dangerous policing tactics at these protests. These include accounts of horses charging at protesters, kettling of crowds (during a pandemic), and violence against protesters and legal observers. We will explore how to

fight racist policing and protect the right to protest. Presented and organised by Fatima Jichi and Zehrah Hasan.

#### 25th March 2021

'I smell cannabis' – This talk will explore how we might combat evidence from unlawful searches. Audrey Cherryl Mogan and other speakers will investigate how the US judicial system is responding to arguments to stop unlawful search trials in their tracks. Could UK judges be persuaded to follow the US example?

Summer 2020 saw a call to action. The Black Lives Matter movement has demanded immediate and radical changes that

are needed to address the violent and institutionalised racism embedded in the criminal justice system and policing worldwide.

During Garden Court's series of webinars we learnt from academics, experts, lawyers and grass root activists about how we can platform voices that have been consistently dismissed and erased. The fight for racial justice is rooted in collaborative action; we want to build on this, push the boundaries, and educate ourselves in how we can initiate tangible and equitable change in the criminal justice system.

To register for the second series go to: [www.gardencourtchambers.co.uk/events/black-lives-matter-event-series-part-1-rap-on-trial](http://www.gardencourtchambers.co.uk/events/black-lives-matter-event-series-part-1-rap-on-trial)

**Keir Monteith QC**

**4:** HS2 granted new injunction barring environmental protesters from land in west London where work on the high-speed rail link is being carried out. The ruling also paved the way for a trial to examine issues relating to protest on the HS2 site more fully, rather than HS2 having to apply for interim injunctions.

**'Yes, this does break international law in a very specific and limited way.'**

Government minister Brandon Lewis on the internal market bill and changes to the Brexit agreement on Northern Ireland.

**8:** Extinction Rebellion are 'criminals' and an 'emerging threat' according to Home Secretary Priti Patel, speaking at the annual conference of the Police Superintendents' Association.

**9:** As 92-year-old Arnold Pease was arrested outside parliament in XR protest, he said: 'We're here to hold them to account. They call 92-year-old great-grandparents "organised criminals" for doing what's necessary to protect their grandkids? The Government's criminal inaction on the greatest existential threat we've ever faced is the real story.'

**14:** A group of care workers were awarded £10,000 each after a north London tribunal ruled they had been unlawfully paid less than half the minimum wage (by Diligent Care Services and Premier Carewaiting) for looking after elderly and disabled people in their homes.