



c/o The Society of Authors  
24 Bedford Row  
London WC1R 4EH  
Monday 26 June 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

Greater Manchester Police (GMP) must consider its application of digital evidence when it reviews Joint Enterprise and secondary liability.

We thank you for your response to our March open letter – signed by Open Rights Group and 14 other civil society organisations, including Liberty, Amnesty International UK and Kids of Colour – which you sent on 10 May 2023.

We are pleased to hear that you have asked the Chief Constable of GMP to review evidence-gathering and investigation policies that feed into Joint Enterprise and Conspiracy cases and that this could result in a framework that outlines the police approach. We also appreciate that reviewing the flawed and discriminatory outcomes

of extended criminal liability offences does not lie solely with the GMP. We are urging the Crown Prosecution Service and Courts to understand how such miscarriages of justice are meted out. However, as you acknowledge in your response, the GMP has a direct role in evidence collection and, later, explaining that evidence in court.

As a digital rights organisation, Open Rights Group has been monitoring the misapplication of digital evidence in trials, including the formation of “gang narratives,” based on tenuous links between individuals and social media content and private communications, which are weaponised and drawn on to make conclusions that are flawed and we believe, that falsely place in the frame individuals whose culture, sub-culture and environment are not well understood.

For example, drill videos and lyrics are often cited as a signifier of violence, yet, music should not be evidenced as literal intention or reality. Doing so would ignore the various frames through which the music is constructed, including through its grounding in Black diasporic oral traditions (where an outlaw-like persona is often adopted), as a form of resistance and its narrative and fictional format to explore themes like race, marginalisation and the criminal justice system.

We note that drill music, mined from social media, can factor into gang or risk profiling, [landing innocent people](#) on gang databases as so-called gang ‘nominals.’ Building a gang narrative is also an especial tool in proving secondary liability, as there is no direct evidence of the defendant committing the crime in question.

As mentioned in our March letter, the Guardian last year [revealed](#) details around a scheme in London run by the Metropolitan Police called Project Alpha, which scours social media sites and refers rap videos it deems dangerous to be taken down by the platform.

That’s why we iterate that the Chief Constable of GMP, in its review of Joint Enterprise:

1. Considers the police’s current policies over digital evidence.

2. Confirms whether it operates programmes similar to Project Alpha and how information mined from social media is used in police investigations.

3. Confirm which risk factors feed into risk profiling on the Manchester gangs database.

We thank you again for your response and action on this matter and welcome the Deputy Mayor and Lucy Powell MP's outreach to victims and family members in Joint Enterprise and Conspiracy cases. Open Rights Group is also pleased you will be happy to meet with local advocacy groups after the GMP review is completed and we would be glad to provide a briefing on the issues and similar above.

The chain of correspondence with you is attached for your reference and I look forward to hearing the outcome and progress of the GMP review. We would happily answer any questions or offer clarification in the interim.

Yours,

Sophia Akram  
Programme Manager, Open Rights Group