



Ministry  
of Justice



# **Statistics on Race and the Criminal Justice System 2016**

A Ministry of Justice publication under Section 95  
of the Criminal Justice Act 1991

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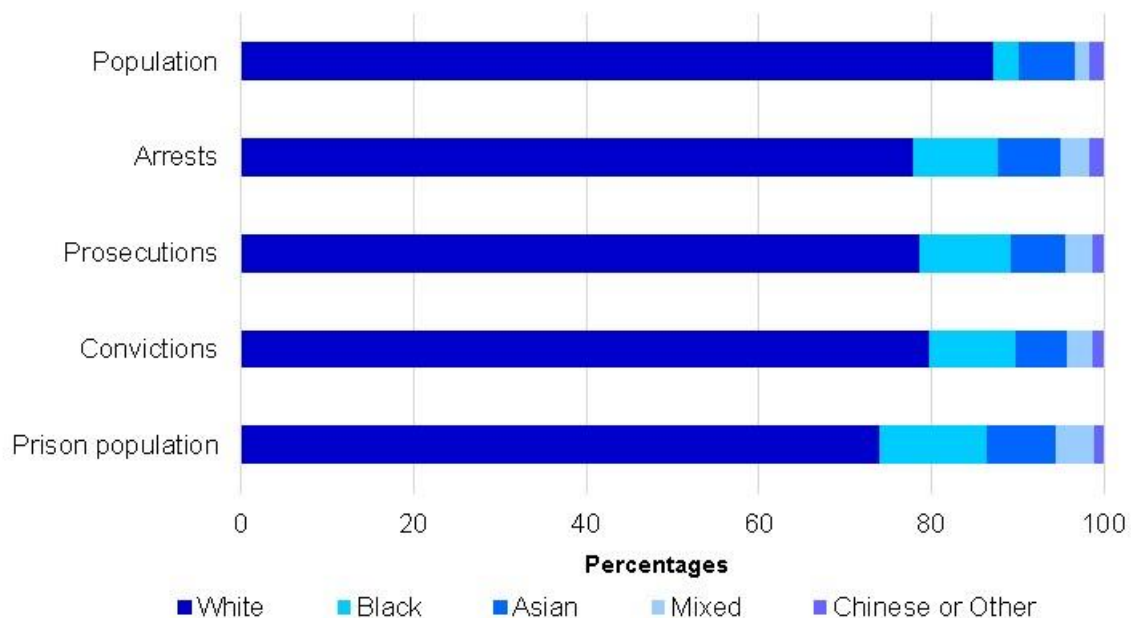
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# 1. Executive Summary

This publication compiles statistics from data sources across the Criminal Justice System (CJS), to provide a combined perspective on the typical experiences of different ethnic groups. No causative links can be drawn from these summary statistics, and no controls have been applied to account for differences in circumstances between groups (e.g. average income or age); differences observed may indicate areas worth further investigation, but should not be taken as evidence of bias or as direct effects of ethnicity.

In general, non-White ethnic groups appear to be over-represented at most stages throughout the CJS, compared with the White ethnic group, though this is not universal and does not appear to increase as they progress through the CJS. Among non-White ethnic groups, Black and Mixed individuals were often the most over-represented. Trends over time for each ethnic group have tended to mirror overall trends, with little change in relative positions between ethnic groups.

**Figure 1.01: Ethnicity proportions throughout the CJS, 2016<sup>1</sup>**



<sup>1</sup> Population data from 2011 Census. Arrests data from 2016/17. Prison population at June 2016.



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### **Victims of personal crime in last year**

The Mixed ethnic group was the most likely to be a victim of personal crime (7.4%), and the Asian or Asian British ethnic group were the least likely (2.6%). Since 2008/09, the White ethnic group and the Asian or Asian British ethnic group experienced statistically significant falls in the likelihood of being a victim of personal crime, but the falls for other ethnic groups were not statistically significant.

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### **Stop and searches**

In 2016/17, compared with the White ethnic group, stops and searches proportionate to population size were more likely to be carried out on the Black (eight times as likely), Mixed (between two and three times as likely), Asian (just over two times as likely) and Chinese or Other (one and a half as likely) ethnic groups.

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### **Arrests**

In 2016/17, compared with the White ethnic group, arrests proportionate to population size were more likely to be carried out on the Black (three and half times more likely) and Mixed (twice as likely) ethnic groups.

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### **Prosecutions**

Relative to the population, the rates of prosecution for indictable offences for Black and Mixed ethnic groups were four and two times higher than for the White ethnic group. For every 1,000 population members, 16 Black and 9 Mixed defendants were prosecuted compared to 4 White defendants.

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### **Conviction ratio**

White defendants have consistently had the highest conviction ratio for indictable offences out of all ethnic groups since 2012 (ranging from 80% to 86%), with the exception of Chinese or Other in 2015 (84%). The Relative Rate Index indicates there is a statistically significant disparity in the rates at which defendants from non-White ethnic groups are convicted when compared to White defendants.

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### **Remanded in custody**

In 2016, Black and Mixed defendants were 23% and 18% more likely than White defendants to be remanded in custody in Crown Court for indictable offences.

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### **Custody rate and Average Custodial Sentence Length (ACSL)**

The custody rate for Asian offenders has been increasing over the last 5 years and in 2016 they were 11% more likely than White offenders to receive a custodial sentence. Black and Asian offenders have consistently had the longest ACSLs since 2012 and Chinese or Other's ACSL has notably increased in the last 2 years.

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## **Guilty pleas**

White defendants had the highest guilty plea rate for indictable offences at the Crown Court in 2016 at 71%. The guilty plea rate for all other ethnic groups ranged between 56% and 64%.

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## **Youth: Prosecutions**

Prosecution rate relative to the population was highest for Black juveniles (12 juveniles per 1,000 people in the population), followed by Mixed (4 per 1,000), Chinese or Other (2 per 1,000) and White (2 per 1,000) and Asian (2 per 1,000).

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## **Educational attainment**

Overall, Black and 'Asian and Other' young people in the matched cohort sentenced in 2014 had a greater proportion achieving 5 or more GCSEs graded A\* - C and A\* - G for all sentencing outcomes.

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## **Prison population**

The proportion of the prison population varied greatly between ethnic groups: there were around 16 prisoners for every 10,000 people in England and Wales, similar to the White and Asian rates, but this includes only 5 prisoners for each 10,000 Chinese or Other population members, and 47 and 58 prisoners for each 10,000 Mixed and Black population members respectively.

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## **Parole Board**

In the year ending March 2017, following a parole board hearing, half (50%) of White offenders were released from prison, this proportion was higher than all other ethnic groups (ranging from 40% to 48%).

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## **Ethnic makeup of practitioners**

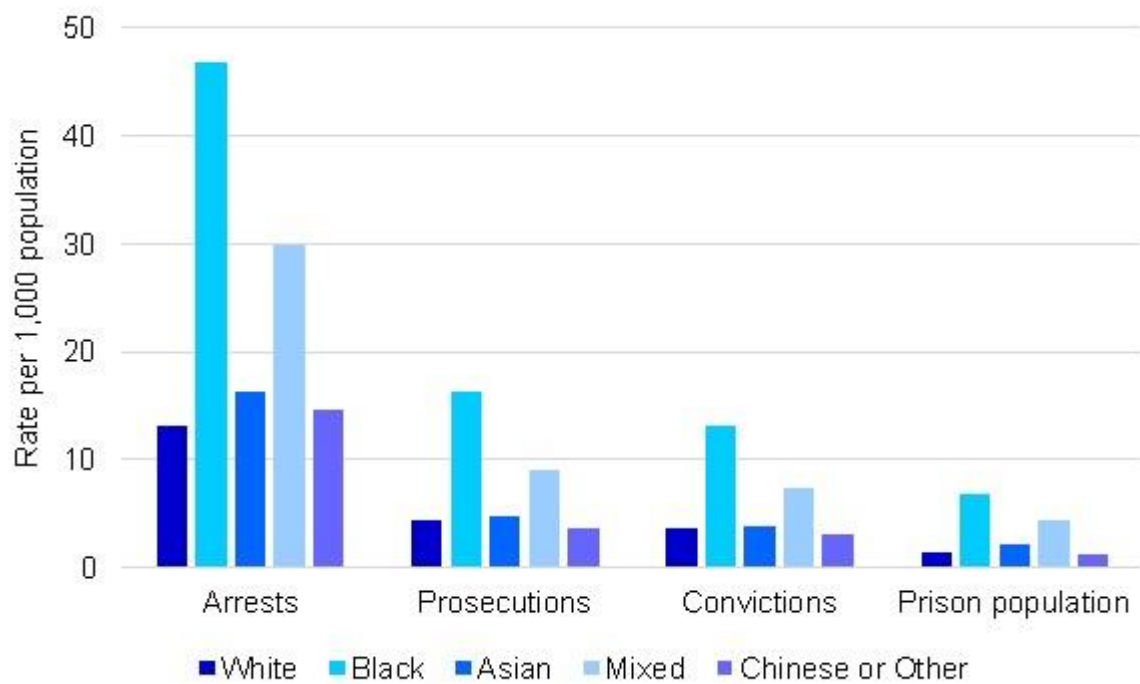
Non-White ethnic groups were under-represented relative to the population among the police, National Offender Management Service<sup>2</sup>, judiciary and magistracy with proportions increasing slowly or remaining the same over the last 5 years. Non-White ethnic groups were over-represented relative to the population among the Ministry of Justice and Crown Prosecution Service with proportions increasing over the last 5 years.

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<sup>2</sup> As of 1 April 2017, the National Offender Management Service was replaced by Her Majesty's Prison and Probation Service (HMPPS). This publication covers the reporting period up to 31 March 2017 and therefore presents ethnicity of NOMS staff

**Figure 1.01: Rates per 1,000 population throughout the CJS, by ethnicity, England and Wales 2016<sup>3</sup>**



<sup>3</sup> Population data from 2011 Census. Arrests data from 2016/17. Prison population at June 2016.

## 2. Introduction

**Section 95 of the Criminal Justice Act 1991 states that:**

*'The Secretary of State shall in each year publish such information as he considers expedient for the purpose... of facilitating the performance of those engaged in the administration of justice to avoid discriminating against any persons on the ground of race or sex or any other improper ground...'*

Documents fulfilling this requirement have been published since 1992, in the form of statistical reports. This report, as with previous editions, brings together information on the representation of ethnic groups among victims, suspects, defendants and offenders within the Criminal Justice System. It also provides details of practitioners within the Criminal Justice System (CJS).

The publication aims to help practitioners, policy makers, academics and members of the public understand trends in the CJS in England and Wales, and how these vary between ethnic groups, and over time. The identification of differences should not be equated with discrimination, however, as there are many reasons why apparent disparities may exist which would require further investigation.

This is the latest biennial compendium of Statistics on Race and the Criminal Justice System and will be followed next year by its sister publication Statistics on Women and the Criminal Justice System. Other government papers containing information on ethnic groups in the justice system have also been published recently, including the National Offender Management Service (NOMS) Equalities report and Home Office statistics on police powers and procedures.

This year there have been other reports published by the Government which are highly relevant to Race and the Criminal Justice System.

- The Lammy Review<sup>4</sup> is an independent review into the treatment of, and outcomes for Black, Asian and Minority Ethnic individuals in the criminal justice system. The final report was published September 2017.
- The Race Disparity Audit<sup>5</sup> was commissioned by the Prime Minister in 2016 to examine how people of different backgrounds are treated across areas including health, education, employment and the criminal justice system. An analytical summary of the Audit's key findings were published in October 2017.

### *Limitations on conclusions*

Although we explore differences between ethnic groups, it is important that inferences are not made about individuals from group-level data – since we consider averaged outcomes that do not take into consideration the individual circumstances which differ in each case. If we take, for example, defendants – there can be a number of points of contact with the CJS, which range from an out of court disposal to standing trial in front of a jury. The sentencing outcome that a person receives depends upon the crime committed, their offending history and a series of mitigating and aggravating factors unique to the person or crime. Because of this, the statistics presented in this report cannot present the typical experience of a person of a particular ethnic group through the Criminal Justice System, but it can highlight areas

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<sup>4</sup> <https://www.gov.uk/government/publications/lammy-review-final-report>

<sup>5</sup> <https://www.gov.uk/government/publications/race-disparity-audit>

where further investigation or research may be warranted when looking at differences between ethnic groups.

It is important to note that for the majority of the report, no controls have been applied for other characteristics of ethnic groups, such as average income or age, so it is not possible to determine what proportion of any differences identified in this report are directly attributable to ethnicity. It is also not possible to make any causal links between ethnicity and CJS outcomes.

### *Ethnicity*

Ethnicity is recorded by either self-reporting or as identified by a police officer. When ethnicity is self reported, it is based on the 2011 and 2001 Census Categorisation, with five broad categories: White, Black, Asian, Mixed and Chinese or Other. When ethnicity is officer identified<sup>6</sup>, it has four broad ethnicity categories: White, Black, Asian and Other. See Appendix I for further details of how detailed ethnicity categorisations are aggregated. Generally we discuss the broad categories individually, to reflect their different experiences, but given the much greater numbers of White individuals in the population it is sometimes necessary or appropriate to consider the non-White ethnic groups together.

In acknowledgement of the subjective, multifaceted and changing nature of ethnic identification, **we use self identified ethnicity where this data is available**. Nevertheless, there tends to be a high degree of consistency between self-reported and officer-identified ethnicity; see Appendix II for further discussion on this point and analysis of concordance in ethnicity reporting between these sources. The form of ethnicity classification being used is shown throughout.

Individuals with an unknown or not stated ethnicity are not included in the analysis, because it is impossible to tell where they should be counted. High levels of missing ethnicity data would be of concern, both in terms of sample sizes and the risk of systematic bias. To allow users to assess the confidence they have in the data we are using, levels of missing or unreported ethnicity are reported throughout.

For comparisons to the population, we have used 2011 Census data, as the most recent well-validated source of information about the ethnic composition of England and Wales; see Appendix III for further details.

### *Data*

Every effort is made to ensure that the figures presented are accurate and complete. However, these data have been extracted from large administrative data systems generated by the courts, police forces and other agencies, so some care should be taken, in particular when considering small differences.

**All results relate to England and Wales unless explicitly stated otherwise.** Large figures are generally presented rounded to the nearest thousand, and percentages to the nearest percentage point in the text, although all calculations have been conducted on unrounded figures (so totals may not sum). Unrounded figures are shown in the accompanying tables, with the exception of the practitioners chapter, for which small numbers have been suppressed and others rounded. Differences between groups in survey data are usually accompanied by an explanation of whether they are statistically significantly different.

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<sup>6</sup> Officer identified ethnicity can refer to ethnicity recorded by any third party, such as a police officer, clerk or a member of the data entry team.

Data are presented in terms of calendar and financial years, reflecting the reporting cycles and data collection of the agencies contributing information for this publication. For example, data on arrests are presented in financial years, while data from courts, prison and probation are presented in calendar years. Five year trends have been presented wherever possible, and where changes to data systems or data quality issues do not allow for this trends have been presented for the longest periods possible. **The latest data available during the compilation of this report has been included, though it is important to note that more recent data may have since been published.**

#### *Information provided*

Supplementary Excel tables accompany the chapters, providing additional data where the figures have not previously been published (or not published in that form). Where figures have been published, links are provided as part of the text and tables.

A research paper entitled '***Trends in associations between ethnic background and being sentenced to custody for young offenders in England and Wales between 2009 and 2016***' has been released simultaneously. It aims to show whether BAME young people were any more or less likely than their White counterparts to be sentenced to custody and whether this association varied over time.

A technical document titled *A Guide to Statistics on Race and the Criminal Justice System* is available alongside this report, which provides users with information on the concepts and terminology used within the report, as well as information about data sources, data quality and references.

The Relative Rate Index<sup>7</sup> (RRI) has been used in this publication, which is an increasingly adopted statistical approach to the comparison of the relative difference in rates between two fixed populations and was a recommendation of 2017 Lammy Review.

Using the RRI, rates for each ethnic group relative to the White ethnic group were compared to determine whether their outcomes differ significantly from one another. An RRI value of 1 indicates no disparity, whereas an RRI greater than 1 means the group of interest had a greater likelihood of experiencing the particular outcome and an RRI less than 1 indicates the group of interest was less likely than the White ethnic group to experience said outcome.

Those familiar with previous editions of this publication will find several additions and changes in this most recent report. The additions are intended to reflect the needs of users of the report, including suggestions from members of the expert advisory group for this publication. New sections include:

- Best use of stop and search
- Liaison and Diversion
- Legal Aid
- Understanding educational backgrounds of offenders
- HM Inspectorate of Prisons' prisoner perspective survey
- Parole Board hearing outcomes

The overall style and composition of the report have also been changed: the inclusion of more charts and condensing of commentary is intended to make it easier for readers to interpret the relative experiences of ethnic groups throughout the CJS.

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<sup>7</sup> More information on Relative Rate Index can be found in the technical guide

The Ministry of Justice would welcome any feedback on the content, presentation or on any other aspect of this bulletin – we can be contacted through:

[CJS\\_Statistics@justice.gsi.gov.uk](mailto:CJS_Statistics@justice.gsi.gov.uk)

### 3. Victims

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#### Victims of personal crime in last year

The Mixed ethnic group was the most likely to be a victim of personal crime (7.4%), and the Asian or Asian British ethnic group were the least likely (2.6%). Since 2008/09, the White ethnic group and the Asian or Asian British ethnic group experienced statistically significant falls in the likelihood of being a victim of personal crime, but the falls for other ethnic groups were not statistically significant.

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#### Perceived likelihood of being a 'very' or 'fairly' likely to be a victim of crime in the next year

A higher proportion of Black or Black British and Asian or Asian British ethnic groups think they are likely to be a victim of crime; statistically, this is significantly higher than the White ethnic group. The Asian ethnic group have the greatest disparity between perceptions of likelihood of crime and being a victim of crime.

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#### Racially or Religiously aggravated offences

There was an 18% rise in racially or religiously aggravated offences compared with the previous year and a 62% increase over the past 5 years. Around three-quarters (77%) of these offences were harassment or causing public fear, alarm or distress offences.

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#### Homicide

The Black ethnic group were 4 times more likely than the White ethnic group to be a victim of homicide. The Asian ethnic group were 1.5 times more likely than the White ethnic group to be a victim of homicide.

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This chapter explores the nature, extent and risks of victimisation, as reported in the 2016/17 Crime Survey for England and Wales (CSEW), based on ethnicity. It also includes: police recorded crime statistics on racially or religiously aggravated crimes from Hate crime, England and Wales, 2016/17; analysis of the MoJ Court Proceedings database; and statistics on homicide (murder, manslaughter or infanticide) by the ethnic appearance of the victim from the ONS publication, Focus on: Violent Crime and Sexual Offences 2015/16.

#### Crime Survey for England and Wales (CSEW)

##### *Risks of victimisation*

A key source of information on the incidence and likelihood of victimisation for different ethnic groups<sup>8</sup> is the Crime Survey for England and Wales (CSEW). The CSEW is a large nationally representative survey that asks people about their experience of victimisation (including crimes not reported to the police) in the previous 12 months. As a survey that asks people whether they have experienced victimisation, the CSEW does not cover crimes where there is no direct victim, such as possession of drugs.

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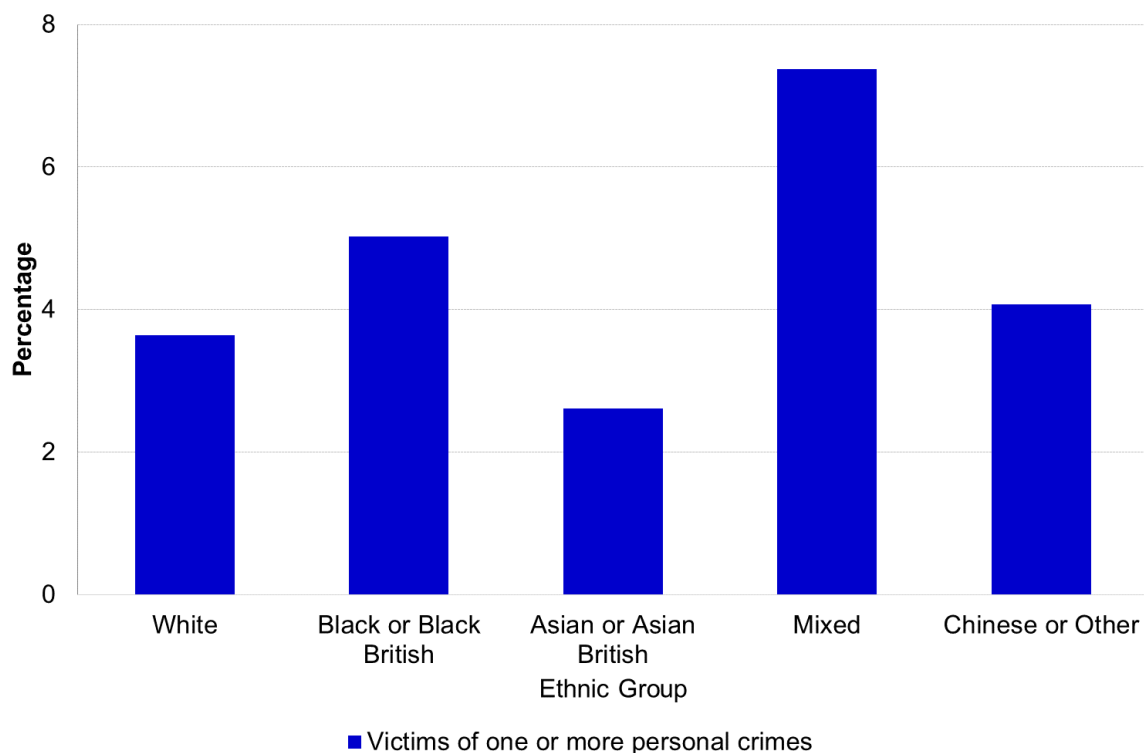
<sup>8</sup> Self-identified ethnicity, coded using the standard 5 point scale



The section below provides a summary of the key findings relating to ethnicity from the survey. Further data are available in the Crime in England and Wales, Year Ending March 2017 release, published by the Office for National Statistics<sup>9</sup>. In this section, where there are differences between groups that are statistically significant this will be stated. Where differences are not referred to as being statistically significant these are either not statistically significantly different, or differences have not been tested.

In 2015/16 the CSEW asked for opinions of 'risk' and broader perceptions of crime, with around one-fifth (19%) of adults believing they are 'very' or 'fairly' likely to be a victim of crime in the next year. A higher proportion of Black or Black British and Asian or Asian British ethnic groups think they are likely to be a victim of crime; statistically, this is significantly higher than the White ethnic group.<sup>10</sup>

**Figure 3.01: Percentage of adults who were victims once or more of a CSEW personal crime by ethnic group, England and Wales 2016/17 (Source: Table 3.01)**



In 2016/17, an estimated 3.7% of adults were a victim of crime at least once based on findings from the CSEW. The Mixed ethnic group had the highest proportion of adults who had been a victim of personal crime (7.4%); the Asian or Asian British had the lowest proportion of adults who had been a victim of personal crime (2.6%). These proportions are statistically significant when compared with the White ethnic group (3.6%). For the Black or Black British ethnic group 5.0% were victims of personal crime and 4.1% of the Chinese or Other ethnic group were victims of personal crime.

<sup>9</sup>

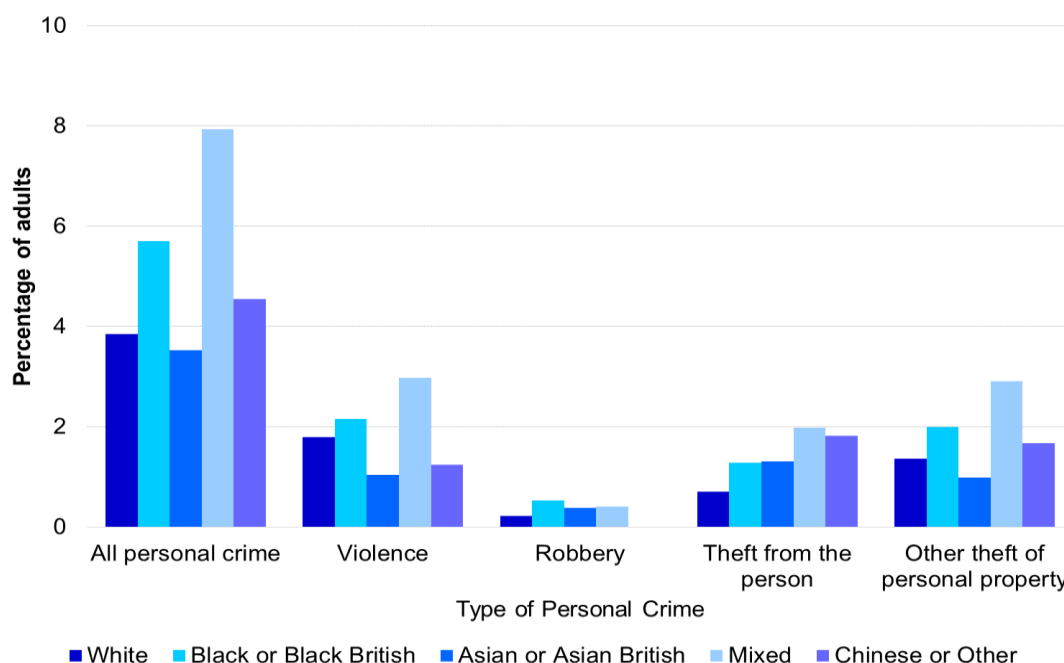
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingmar2017>

<sup>10</sup> 2015/16 figures have been used as the question for perceived likelihood of being victim of crime was not included in the England and Wales Crime Survey 2016/17.

Although there was a statistically significant year-on-year fall in being a victim of personal crime for the adult population to 3.7% (from 4.1%), there were not any statistically significant year-on-year changes for any of the ethnic groups.<sup>11</sup>

Since 2008/09 the proportions of adults that have been a victim of personal crime has fallen for all ethnic groups. However the only changes that are statistically significant are for the White ethnic group from 6.2% to 3.6%, and for the Asian or Asian British ethnic group from 6.5% to 2.6%.

**Figure 3.02: Percentage of adults who were victims once or more of a CSEW personal crime by ethnicity and personal crime type, England and Wales, combined years ending March 2015 to March 2017 (Source: Table 3.05)**



Over the combined three year period covering 2014/15 to 2016/17, the proportion of adults from the Black or Black British (5.7%) and Mixed (7.9%) ethnic groups that have been a victim of personal crime were statistically significantly different than an adult from the White (3.9%) ethnic group.

The proportion of adults from each of the non-White ethnic groups who had been a victim of Theft from the Person (ranging from 1.3% to 2.0%) crime was statistically significantly higher than the proportion of adults from the White ethnic group who had been a victim of this crime (0.7%).

Each of the non-White ethnic groups except Chinese or Other had statistically significant differences when compared to the White ethnic group for having been a victim of Other Theft of Personal Property. Adults from Black or Black British (2.0%) and Mixed (2.9%) ethnic groups were more likely to have been a victim of this crime than adults from the White ethnic group (1.4%), but Asian or Asian British adults (1.0%) were less likely to be a victim of this crime than adults from the White ethnic group.

<sup>11</sup> Unweighted bases for the 'Mixed' and 'Chinese or Other' ethnic groups are much lower each year than for other groups. Low unweighted bases will increase the size of confidence intervals around the estimates presented and these figures should therefore be interpreted with caution.

Within other types of personal crime there are statistically significant differences for adults from the Asian or Asian British (1.0%) ethnic group who were less likely have been a victim of Violence than adults from the White ethnic group (1.8%) and for the Chinese or Other ethnic group (0.0%) for Robbery compared with the White ethnic group (0.2%).<sup>12</sup>

Direct comparisons cannot be made between the adult and children's survey<sup>13</sup> due to methodological differences. In 2016/17, there were no statistically significant differences in the likelihood of 10 to 15 year olds having been a victim of crime between the White ethnic group (10.6%) and either the Black or Black British (11.3%), the Chinese or Other (6.7%) or the Mixed ethnic groups (12.5%). 10 to 15 year olds from the Asian or Asian British ethnic group was statistically significantly less likely than the White ethnic group to be a victim of personal crime (6.8%).<sup>14</sup>

### *Confidence and perceptions of fairness in the Criminal Justice System*

In 2016/17 around two-thirds of adults from the Black or Black British (67%), Asian or Asian British (67%) and Chinese or Other (69%) ethnic groups had confidence in the effectiveness of the criminal justice system, significantly higher than the White ethnic group where around one-half have that confidence.<sup>15</sup>

Confidence in the effectiveness of the criminal justice system was statistically significantly higher than it was in 2010/11 for the White ethnic group (from 40% to 51%) and the Black or Black British ethnic group (from 52% to 67%). This is broadly in line with statistically significantly higher confidence in the effectiveness of the criminal justice system in the population overall over this period. The proportion of Black or Black British, Asian or Asian British (67%) and Chinese or Other (69%) ethnic groups that have confidence in the effectiveness of the criminal justice system is statistically significantly higher than the White ethnic group.

There are similar trends in the confidence in the fairness of the criminal justice system since 2010/11, where the White ethnic group (60 to 67%) and the Black or Black British ethnic groups (59% to 66%) have statistically significant increases in the proportion who were confident in the fairness of the criminal justice system. Compared with the White ethnic group, only the Asian or Asian British ethnic group (74%) had a statistically significant difference in the proportion who were confident the criminal justice system is fair.

### Offences with a racial (or religious) motivation or aggravation

Statistics on Hate Crimes and racially or religiously aggravated offences are published in the Home Office publication, '*Hate Crime, England and Wales 2016/17*'<sup>16</sup>. Hate Crimes are those recorded by the police that are perceived, by the victim or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic of race, religion, transgender, sexual orientation or disability.

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<sup>12</sup> A three-year dataset has been used to produce these estimates due to low unweighted bases, meaning estimates for "all personal crime" differ slightly from other estimates of personal crime published, which have used a single-year dataset.

<sup>13</sup> The children's surveys covers 10 to 15 year olds.

<sup>14</sup> Unweighted bases for all ethnic groups other than 'White' are very low each year. Low unweighted bases will increase the size of confidence intervals around the estimates presented and these figures should therefore be interpreted with caution.

<sup>15</sup> Confidence is defined as being "very" or "fairly" confident.

<sup>16</sup> <https://www.gov.uk/government/collections/hate-crime-statistics>

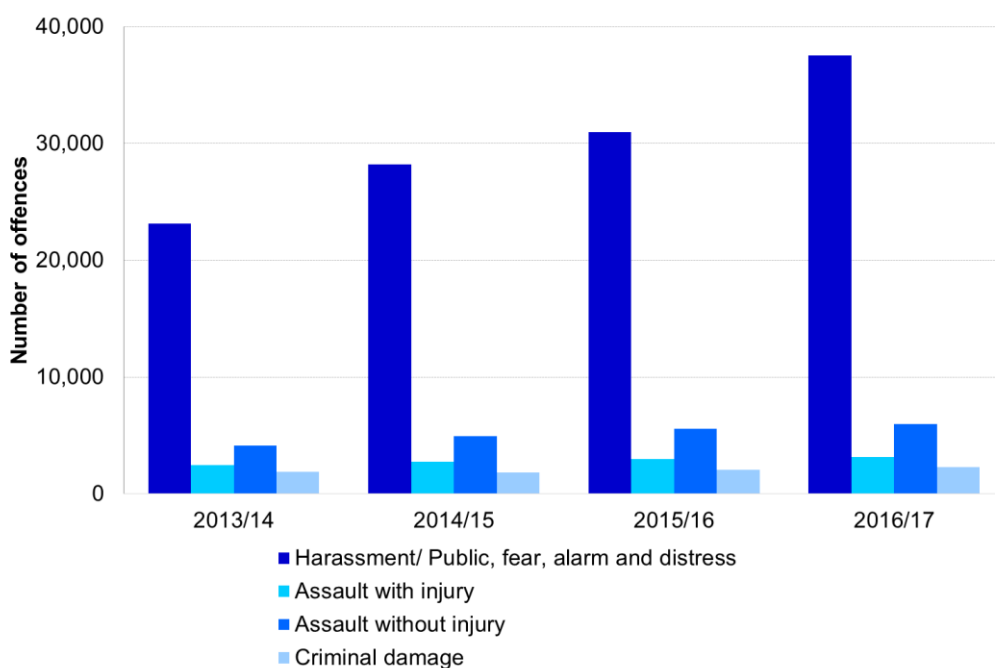
In 2016/17 there were 80,393 offences recorded by the police in which one or more of the five strands were deemed to be a motivating factor. Of these, 78% were race hate crimes and 7% were religious hate crimes.

Racially or religiously aggravated offences are a small group of offences that are defined in law as having a specific racially or religiously motivated element. These aggravated offences are distinct from their non-aggravated equivalents.

There were around 49,000 racially or religiously aggravated offences recorded by the police in 2016/17, an 18% rise on the previous year and a 55% increase over the past 4 years<sup>17</sup>. For comparison, non-aggravated offences, increased by 16% on the previous year and 59% on 4 years ago. The Home Office report shows there were increases in racially or religiously aggravated offences in the lead up to and immediately following the EU Referendum in 2016 and following the Westminster Bridge attack in March 2017.

Of these racially or religiously aggravated offences, around three-quarters (77%) were harassment, causing public fear, alarm or distress offences. Around 6% were assault with injury, 12% were assault without injury and 5% were criminal damage. These proportions were broadly similar to the previous year.

**Figure 3.03: Racially or religiously aggravated offences by offence type (Source: Table 3.07)**



In 2016/17, racially or religious aggravated offences accounted for 8.2% of all harassment, causing public fear, alarm or distress offences. This is down from 9.6% of these offences the previous year.

Home Office data also shows that racially or religiously aggravated offences are more likely to result in a charge/summons (17.9%) than their non-aggravated variants (10.1%). In both cases the proportion of offences resulting in a charge/summons has fallen from the previous year.

<sup>17</sup> Trends are based on a 4 year period as this is the period over which offence codes have remained consistent

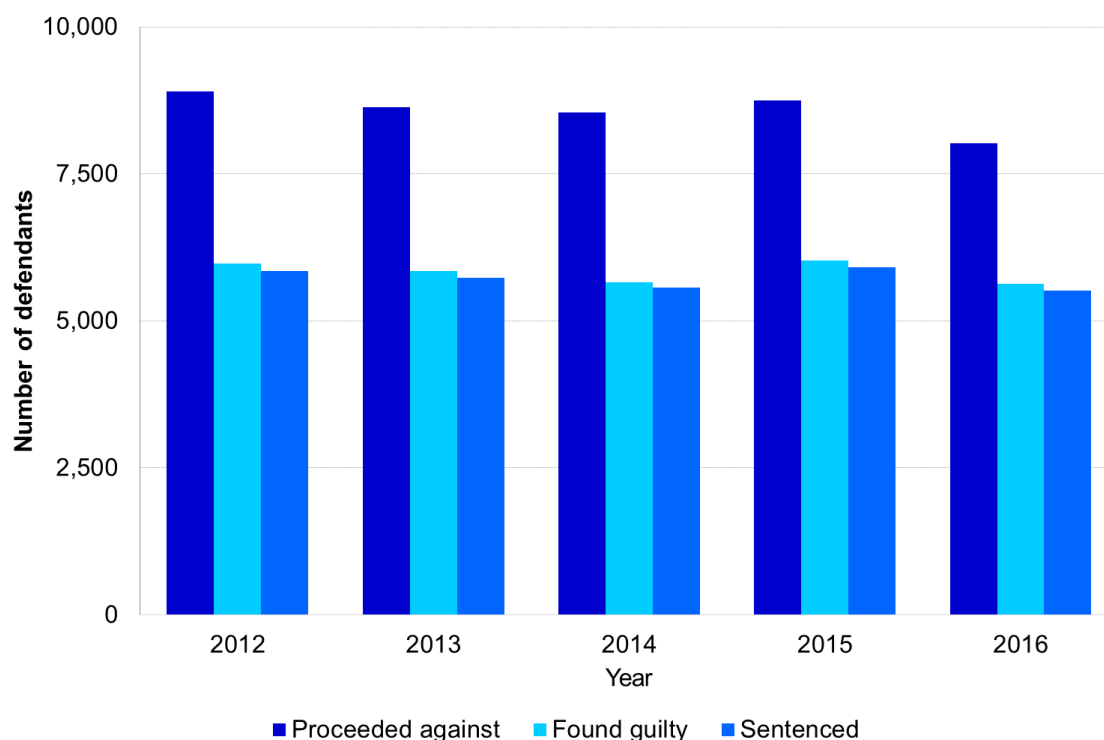
In 2016/17, 17.4% of racially or religiously aggravated harassment/ public fear, alarm or distress crimes resulted in a charge/summons compared with 9.8% for non-racially or religiously aggravated crimes of this type. The comparable figures for assault with injury were 25% of racially or religiously aggravated offences resulted in a charge/summons compared with 15.9% of non-racially or religiously aggravated offences, 20.1% and 8.9% respectively for assault without injury and 10.7% and 6.5% for criminal damage offences.

### Court outcomes

Prosecutions, convictions and sentencing for religiously or racially aggravated offences are recorded in the Ministry of Justice Court Proceedings Database (see technical guide for further details).

In 2016, there were 8,019 defendants proceeded against for racially or religiously aggravated offences. This is a fall of 8% on 2015 and 10% on 2012. The majority of these defendants with known ethnicity were of the White ethnic group (81%), although this is down from 86% compared with 5 years earlier.<sup>18</sup> There were 526 people cautioned for racially or religiously aggravated offences in 2016, 25% lower than in 2015 and almost halved (49%) from 2012.

**Figure 3.04: Number of adults prosecuted, found guilty and sentenced at magistrates' courts and Crown Courts for racially or religiously aggravated offences, 2016 (Source: Table 3.09)**



Of those prosecuted for racially or religiously aggravated offences, 5,511 (69%) were sentenced. As with recent years, prosecuted persons of the White ethnic group were more likely to be sentenced (76%) than other ethnic groups. Of the Black or Black British ethnic group 66% were sentenced, 72% of prosecuted Asian or Asian British, 68% of mixed ethnicity and 51% of Chinese or other.

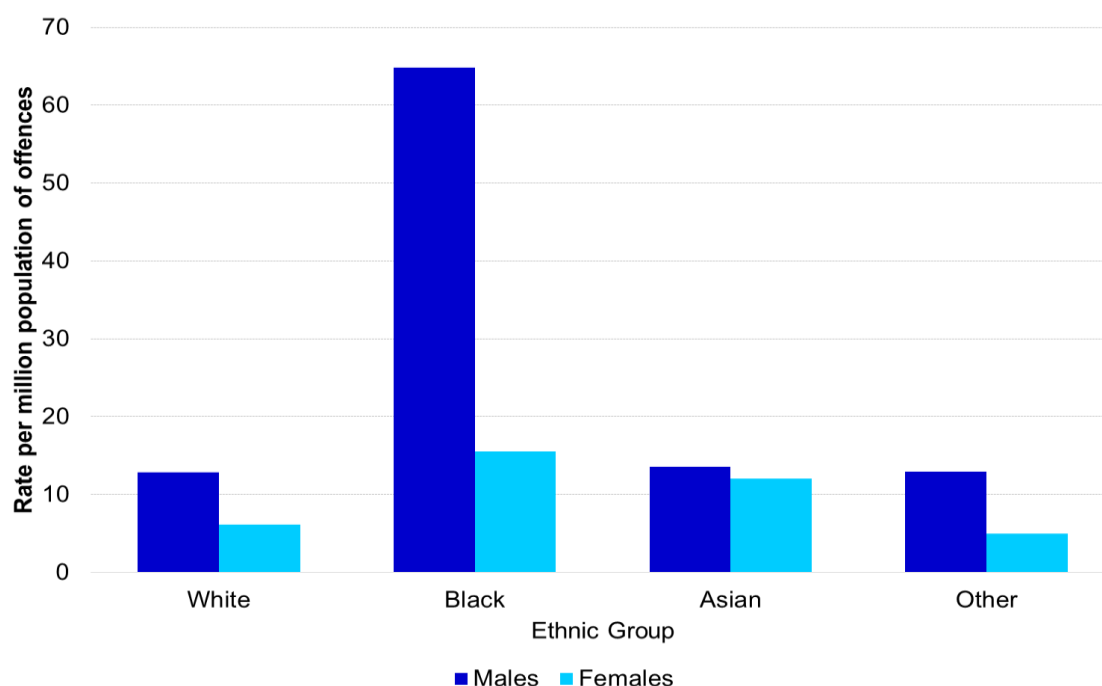
<sup>18</sup> Ethnicity coverage has declined over the last 5 years from 88% to 79%

Of offenders sentenced for racially or religiously aggravated offences, a higher proportion of Chinese or Other (18.4%) and Black or Black British (17.6%) and Asian or Asian British (15.5%) were sentenced to immediate custody than the White ethnic group (14.7%), although the average custodial sentence length was lower for Black and Black British (3.4 months) than for the White ethnic group (4.7 months).<sup>19</sup> Conclusions cannot be drawn from the differences in the sentencing of the ethnic groups as they do not factor in the severity of the offences and other factors of the cases that may be required in determining the sentence being awarded.

### Homicide

In the three year period 2013/14 to 2015/16<sup>20</sup>, there were 1,605 homicides recorded in the Home Office Homicide Index<sup>21</sup>. Just over three quarters (77%) of all homicide victims in the last three years were from the White ethnic group. However, the rate of homicide (the number of victims per million people) was 4 times higher for Black victims (32 homicide victims per million people) compared with White victims (8 homicide victims) and Other victims (7 homicide victims). The rate of homicide for Asian victims (11 homicide victims) was just under 1.5 times higher than White victims.

**Figure 3.05: Rates per million population of offences currently recorded as homicide by ethnic appearance, sex and age group of victim, England and Wales, annual average (Source: Table 3.16)**



<sup>19</sup> For Chinese or Other, and Mixed ethnic groups the average custodial sentence length is calculated on a small number of cases which may cause the average to be biased towards a minority of cases with a custodial sentence outside the typical custodial sentence length range for the ethnic group. As such the figures in the accompanying tables should be interpreted with caution.

<sup>20</sup> This section reports on three years of combined data, from 2013/14 to 2015/16

<sup>21</sup> As at 14<sup>th</sup> November 2016, figures are subject to revision as cases are dealt with by the police and by the courts, or as further information becomes available.

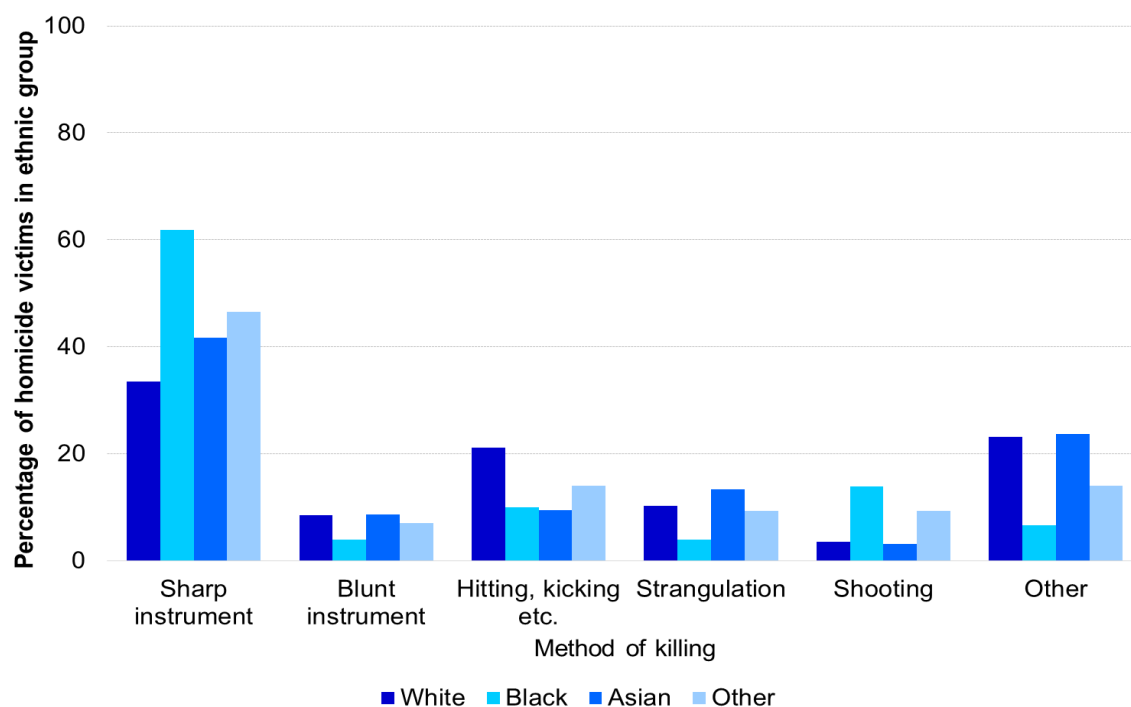
For both males and females aged 18 and over<sup>22</sup>, the black ethnic group had the highest rate of homicides. Black males over the age of 18 (65 per million people) were over 4 times more likely than White males to be homicide victims (13 per million people). This contrasts with females over the age of 18; the rate of homicide for Black female victims (16 per million people) was over 2 times higher than White females (6 per million people).

Black males were almost 4 times more likely to have been a victim of homicide compared with Black females. White and Mixed males were twice more likely to have been a victim of homicide than females in their ethnic group and in the Asian ethnic group males were only very slightly more likely (16%) to have been a victim of homicide than females.

#### *Method of killing*

A sharp instrument was the most common method of killing for victims of all ethnic groups, although the proportions vary by ethnicity. For victims from the Black ethnic group sharp instruments account for nearly two-thirds (62%) of homicides, but only one-third (33%) of White homicide victims. Black homicide victims were also more likely to have been killed by shooting (14%) than any other ethnic group (3% for White and Asian ethnic groups and 9% for Other). White homicide victims were more likely to have been killed by hitting or kicking (21%) than Black, Asian and Other ethnic groups (10%, 9% and 14% respectively).

**Figure 3.06: Apparent method of killing of currently recorded homicide victims by ethnic appearance of victim: England and Wales, combined data for 2013/14 to 2015/16 (Source: Table 3.18)**

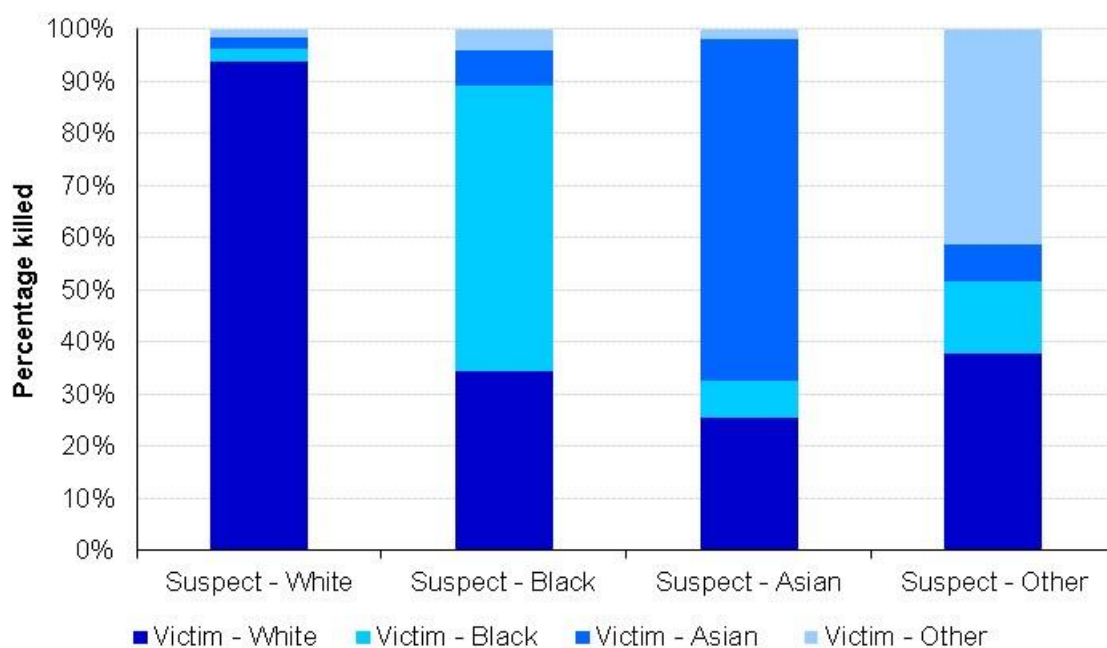


<sup>22</sup> The rates quoted are based on calculations made from Home Office data provided in aggregate format. As such, further age breakdowns for each age group are not available for this report and we are unable to replicate the detail of Home Office analysis, which consistently shows that children under the age of one have the highest homicide rate per million population: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/compendium/focusonviolentcrimeandsexualoffences/yearendingmarch2015>

### Ethnicity of Principal Suspect<sup>23</sup>

Of the 1,605 homicides recorded from 2013/14 to 2015/16, 84% had a principal suspect identified and 99% of those principal suspects had a known ethnicity. In the main, suspects killed victims from the same ethnic group: 94% of White suspects killed someone from the same ethnic group, compared with 55% of Black and 65% of Asian suspects.

**Figure 3.07: Ethnic appearance of homicide victims, by ethnicity of principal suspect, England and Wales, combined data from 2013/14 to 2015/16 (Source: Table 3.19)**



<sup>23</sup> There is only ever one principal suspect per homicide victim. When there are multiple suspects if any conviction information is available the suspect with the longest sentence or conviction for the most serious offence is determined to be the principal suspect. In the absence of any court outcome, the principal suspect is either the person considered by the police to be the most involved in the homicide or the person with the closest relationship to the victim.



## 4. Police Activity

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### Stop and searches: compared to population

In 2016/17, compared with the White ethnic group, stops and searches proportionate to population size were more likely to be carried out on the Black (eight times as likely), Mixed (between two and three times as likely), Asian (just over two times as likely) and Chinese or Other (one and a half as likely) ethnic groups.

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### Stop and searches: success rate

The success rate (proportion of stop and searches where the outcome of the stop was linked to the reason for the stop – e.g. Drugs were found following a drug stop) was highest for non-White suspects. 20% of outcomes of White stops were linked to the reason for stop and search, this rate was 22% for Chinese or other suspects, 23% for Black suspects, 24% for Asian suspects, and 25% for Mixed ethnicity suspects.

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### Stop and searches: Arrests

In 2016/17, stop and search arrests accounted for 6% of total arrests made in England and Wales. Black suspects had the highest proportion of arrests that resulted from stop and search, accounting for 17% of total Black arrests compared to all other ethnic groups (ranging from 5% to 9%).

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### Arrests: compared to population

In 2016/17, compared with the White ethnic group, arrests proportionate to population size were more likely to be carried out on the Black (three and half times more likely) and Mixed (twice as likely) ethnic groups.

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### Penalty disorders

The total number of PNDs issued in 2016 has fallen by over 60% since 2012. However, PNDs for the Black and Mixed ethnic group have remained around similar levels to four years ago.

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### Cautioning rates

Cautioning rates have fallen for all ethnic groups since 2012, driven by the larger fall in cautions than convictions. In 2016, Black offenders were just under 2.5 times as likely to be given a caution compared with any other ethnic group relative to their population size.

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## Liaison and Diversion (L&D) services

White offenders engaging with Liaison and Diversion (L&D) services were more likely to have been misusing alcohol (35%) than offenders from all other ethnic groups (ranging from 20% to 25%). Of all L&D services users, 40% of Mixed and 37% of Black offenders were involved in substance misuse, this proportion was higher than all other ethnic groups (ranging from 23% to 31%).

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This chapter examines individuals who come into contact with police, either through being stopped and searched, arrested, receiving a penalty notice for disorder (PND) or a caution. Headline stop and searches and arrests data for this period have previously been published by the Home Office<sup>24</sup>, and are now presented here with an ethnicity breakdown<sup>25</sup>. Figures for PNDs and cautions have been taken from the Ministry of Justice publication *Criminal Justice Statistics 2016*<sup>26</sup>. Data from national Liaison and Diversion services is also presented, as supplied by NHS England.

### Stop and Searches

Police officers have the power to stop and search individuals under different pieces of legislation. For simplicity, those conducted under section 1 of Police and Crime Evidence Act (PACE) (s1) and section 60 of the Criminal Justice and Public Order Act 1994 (s60) have been combined<sup>27</sup>.

Since 2012/13 the total number of stop and searches on suspects has declined year on year. Over the past 5 years stop and searches have reduced by 72%. When combining stop and searches under s1 and s60 the total number was 266,000 where self-identified ethnicity was known<sup>28</sup>. White suspects accounted for 63% of all stop and searches, despite accounting for 87% of the population whilst Black suspects accounted for 20% of all stop and searches despite making up 3% of the population. Whereas, Asian suspects made up 11% of all stop and searches, Mixed suspects 4% and Chinese or Other 2%. A different trend emerges however when looking at s1 and s60 separately.

The proportion of s1 stop and searches that were conducted on White suspects has decreased by 11 percentage points, from 74% to 63% over the past five years. Conversely, the percentage of s1 stop and searches on Black suspects has increased over the same period by 8 percentage points, from 13% to 21%, whilst the other ethnic groups remained relatively stable over the last 5 years.

This contrasts with s60 stop and searches in which the number of stop and searches conducted on White suspects has increased by 14 percentage points over the same time period, from 45% to 59%. Whilst, the percentage of s60 stop and searches on Black and

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<sup>24</sup> Available here: <https://www.gov.uk/government/statistics/police-powers-and-procedures-england-and-wales-year-ending-31-march-2017>

<sup>25</sup> Uses self-identified ethnicity. See appendix I for information on how ethnicity is recorded by police for stops and searches and arrests.

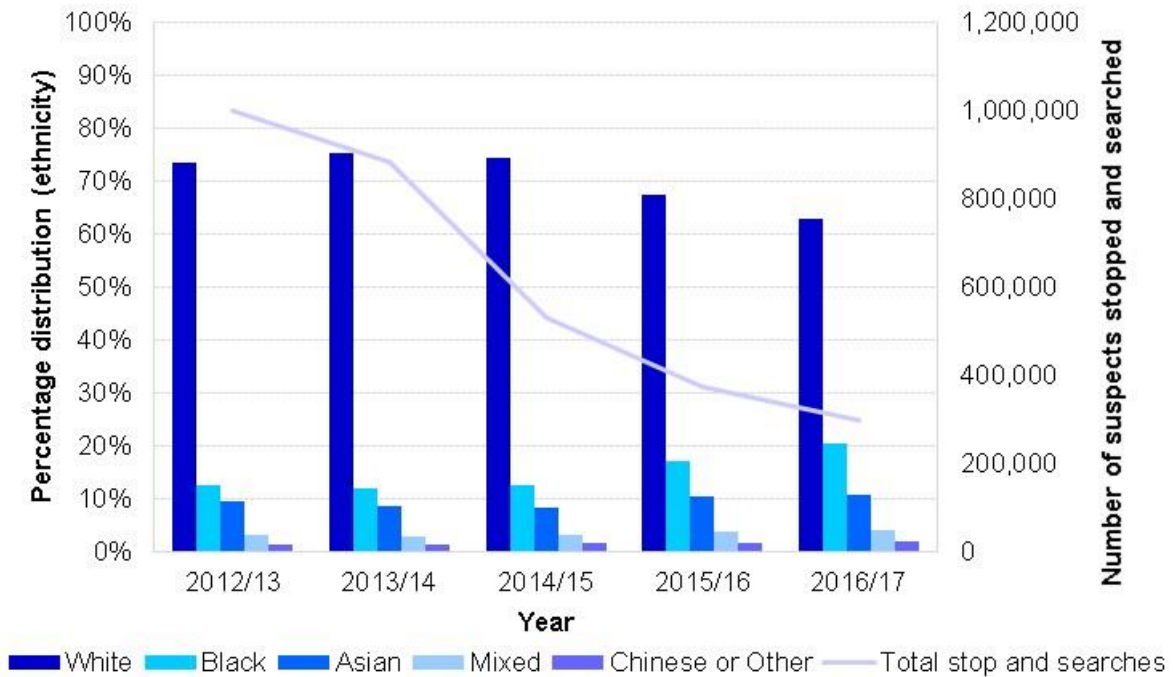
<sup>26</sup> Available here: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2016>

<sup>27</sup> Stop and searches under s60 have greatly reduced, in the most recent year stop and searches under s60 accounted for less than 1% of all stop and searches (s1 and s60). S1 encompasses a range of powers and more than 99% of stop and searches in 2016; for information on the legislation and categorisation around stop and search please refer to the technical guide.

<sup>28</sup> Conducted on suspects with known self-identified ethnicity. Since 2012/13, known self-identified ethnicity has decreased from 95% in 2012/13 to 90% in 2016/17 of all stop and searches.

Asian suspects over the past 5 years has decreased by 6 percentage points from 38% to 32% for Black suspects and 11% to 5% for Asian suspects. It is important to note that s60 stop and searches form less than 1% of total stop and searches.

**Figure 4.01: Numbers of stop and searches by ethnicity, 2012/13 to 2016/17 (Source: Table 4.01a and Table 4.07a)**



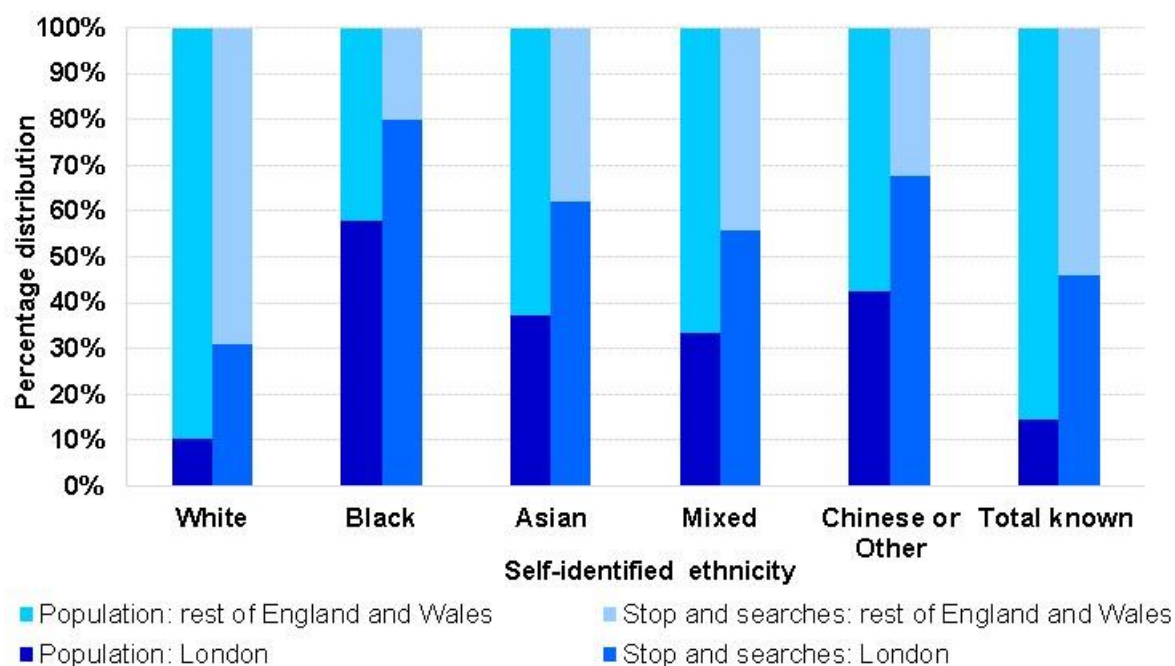
#### *Comparisons between London and the rest of England and Wales*

The overall ethnicity trends for stop and searches were heavily influenced by stop and searches conducted in London, due to London’s ethnic composition compared with the rest of England and Wales<sup>29</sup>. According to the 2011 census, over half of the Black ethnic population in England and Wales reside in London, compared with only a tenth of the White population. Also, in 2016/17 London accounted for just under half (46%) of all stop and searches conducted in England and Wales, despite having only 14% of the population.

The higher proportion of stop and searches in London is also apparent for each individual ethnic group. For each, the proportion of stop and searches carried out in London was higher than the proportion of the group residing in London. For example, the proportion of stop and searches in London on Asian suspects accounted for 62% of all stop and searches for this ethnic group, despite London having only 37% of the Asian population.

<sup>29</sup> London includes both the Metropolitan and City of London police force areas

**Figure 4.02: Percentage distribution of population (persons aged 10 and above) and total stops and searches in England and Wales, by ethnicity, 2016/17 (Source: Table 4.04 and Table 4.10)**



If the stop and search data is combined with population data to account for the difference in ethnic populations across England and Wales<sup>30</sup>, it shows that there was a higher possibility of being stopped and searched for the Black ethnic group relative to all others. Figure 4.8 of the Home Office publication “Police Powers and Procedures”<sup>31</sup> shows that the Black stop and search rate was eight times higher relative to the White ethnic group. The Mixed ethnic group were between two and three times as likely to be stopped and searched relative to the White ethnic group, while the Asian group were just over two times more likely. The Chinese or Other ethnic group had the smallest difference whereby they were one and a half times more likely to be stopped and searched as the White group. The figures published by Home Office use all ages in their population measures for each ethnic group<sup>32</sup>.

London had a higher stop and search rate than the rest of England and Wales for all ethnicities (17 stops per 1,000 compared with 3 stops per 1,000 in the rest of England and Wales). The White ethnic group were around 4 times more likely to be stopped and searched in London relative to the rest of England and Wales, while the Black, Asian and Chinese or Other groups were around 3 times as likely, and the Mixed ethnic group was two and half times more likely.

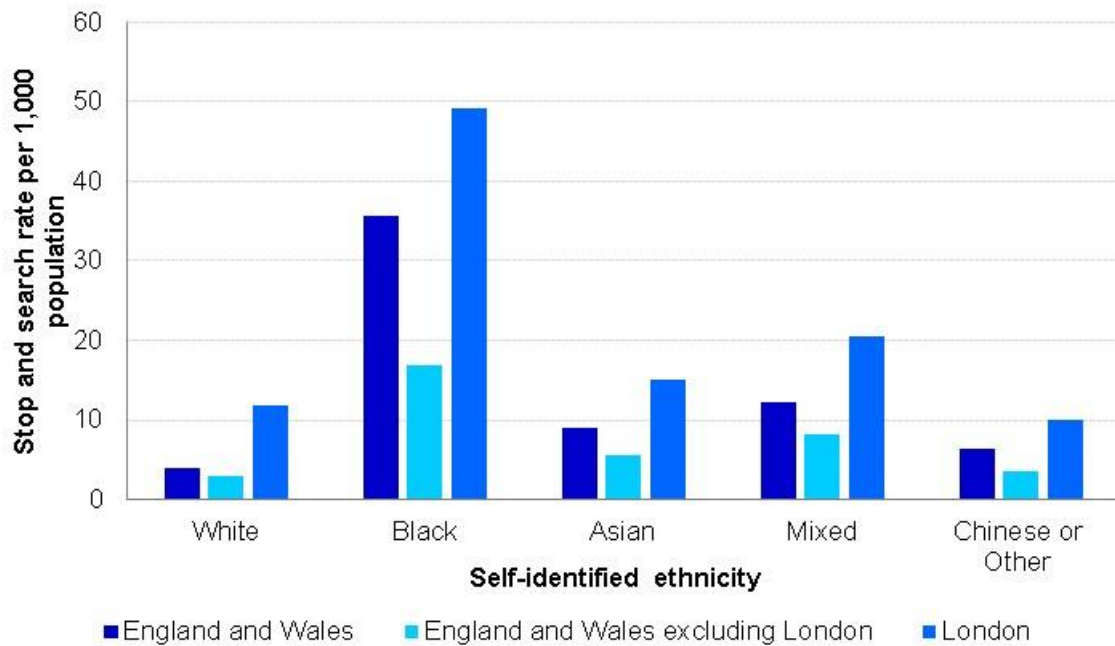
The probability of being stopped and searched as a non-White individual relative to a White individual also differed between London and the rest of England and Wales. Black individuals have a stop and search rate of around four times higher than White individuals in London and around five and half times higher in the rest of England and Wales.

<sup>30</sup> Appendix III contains details on how rates per 1,000 are calculated

<sup>31</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/658099/police-powers-procedures-mar17-hosb2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/658099/police-powers-procedures-mar17-hosb2017.pdf)

<sup>32</sup> This contrasts with figures produced elsewhere in the Race and the CJS publication, which looks at the population aged 10 and over

**Figure 4.03: Stops and searches per 1,000 members of the population London and the rest of England and Wales, 2016/17 (Source: Table 4.12)**



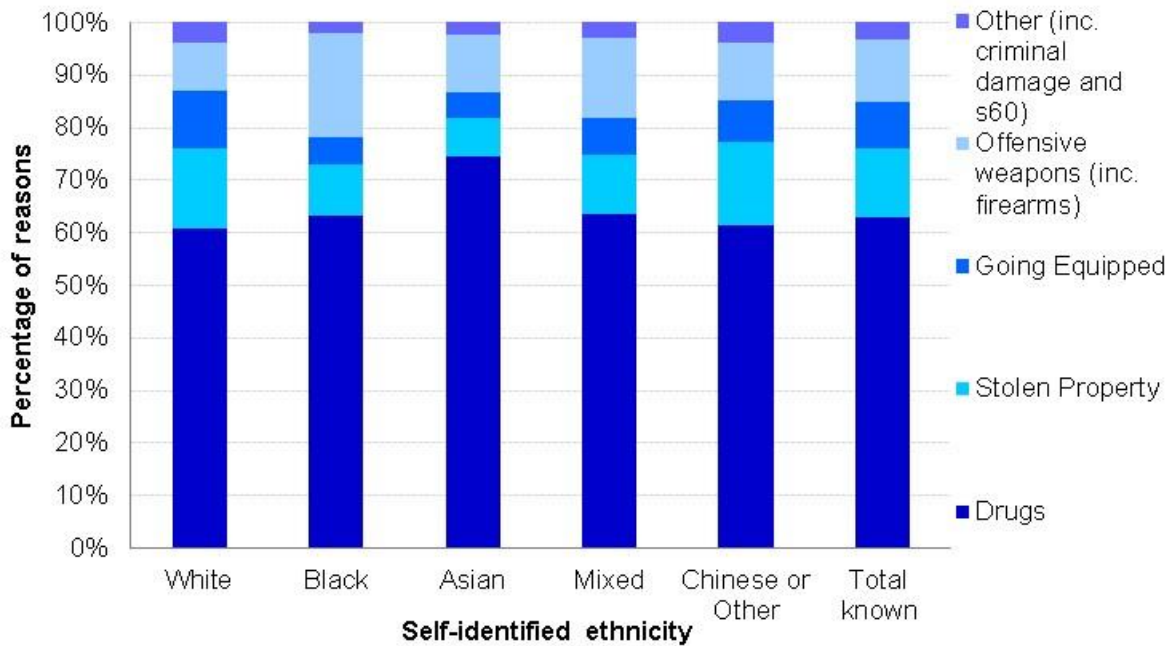
### *Reasons for Stop and Search*

When conducting a stop and search, police record the reason for the stop and search as well as the ethnicity of the suspect<sup>33</sup>. There are a number of reasons why the police may carry out a stop and search: for example, they may suspect an individual is carrying drugs, or a weapon.

Suspicion of drugs and stolen property were the two most common reasons for stops across all ethnicities. In 2016/17, Asian stops were more likely to be for drugs (75% of stops of Asians were for drugs) than any other ethnic group (ranging between 61% and 64%). Conversely, Asian suspects had the smallest proportion of stops and searches for stolen property (7%). Black suspects had the highest proportion of stops and searches for offensive weapons (20%).

<sup>33</sup> This applies to s1 of PACE and other legislation. When a suspect is stopped and search under s60 the police can search the suspect for offensive weapons or dangerous instruments, for this reason stops and searches under s60 have been added to the offensive weapons category of s1.

**Figure 4.04: Percentage distribution of reasons for stops and searches, by ethnicity, 2016/17 (Source: Table 4.06 and Table 4.10)**



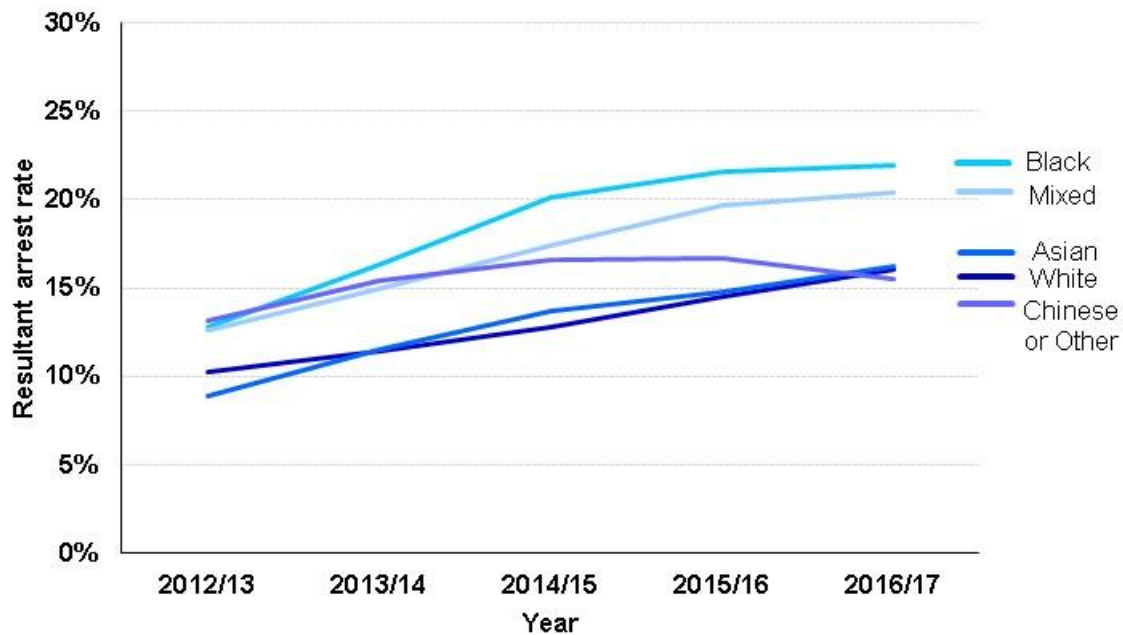
#### *Arrests resulting from Stop and Search*

Stop and search is an important detection tool for the police – it allows officers to search individuals without an arrest taking place. The proportions of stops and searches that do not result in an arrest should not be immediately regarded as a misuse of power.

Any subsequent arrests resulting from a stop and search may not be related to the initial reason for the stop and search. For example, an officer may suspect that an individual is carrying drugs, but actually find them to be carrying a weapon. As a result, arrest rates give an overall picture of the number of stops and searches leading to arrest, but do not give insight into arrest rates for specific offence categories.

Over the past 5 years, all ethnic groups have seen broadly similar increases in arrest rate (6% to 9%) with the exception of the Chinese or Other ethnic group which had a lower increase of 2% over this period. In the most recent year, Asian and Chinese or Other suspects had a resultant arrest rate similar to White suspects while Black and Mixed suspects had a substantially higher resultant arrest rate.

**Figure 4.05: Resultant arrest rate following stop and searches, by ethnicity, 2012/13 to 2016/17 (Source: Table 4.01, Table 4.02, Table 4.07 and Table 4.08)**



#### *Reasons for arrests resulting from stop and searches*<sup>34</sup>

For all ethnicities, drugs were the most common reason for arrests resulting from stop and searches, whilst the second most common reason varied by ethnic group. Stolen property was the second most common reason for White and Chinese or Other suspects, whereas offensive weapons was the second most common reason for Black, Asian and Mixed suspects.

#### *Best Use of Stop and Search scheme*

On 30 April 2014, the Best Use of Stop and Search (BUSS) scheme was announced. The principle aims of the Scheme were to achieve greater transparency, community involvement in the use of stop and search powers and to support a more intelligence-led approach, leading to better outcomes, for example, an increase in the stop and search to positive outcome ratio<sup>35</sup>.

As part of the scheme, forces are required to report on whether the outcome<sup>36</sup> was linked to the initial reason for conducting the search. This allows a distinction between the outcomes that are a result of a professional judgement (i.e. the officer found what they were searching for), and those where the item found was not what the officer was searching for, or where nothing was found.

<sup>34</sup> When a suspect is stopped and searched under s60 it is so the police can search for offensive weapons or dangerous instruments; to account for this resultant arrests from stop and searches under s60 have been added to the offensive weapons category of under s1 for the purposes of analysis.

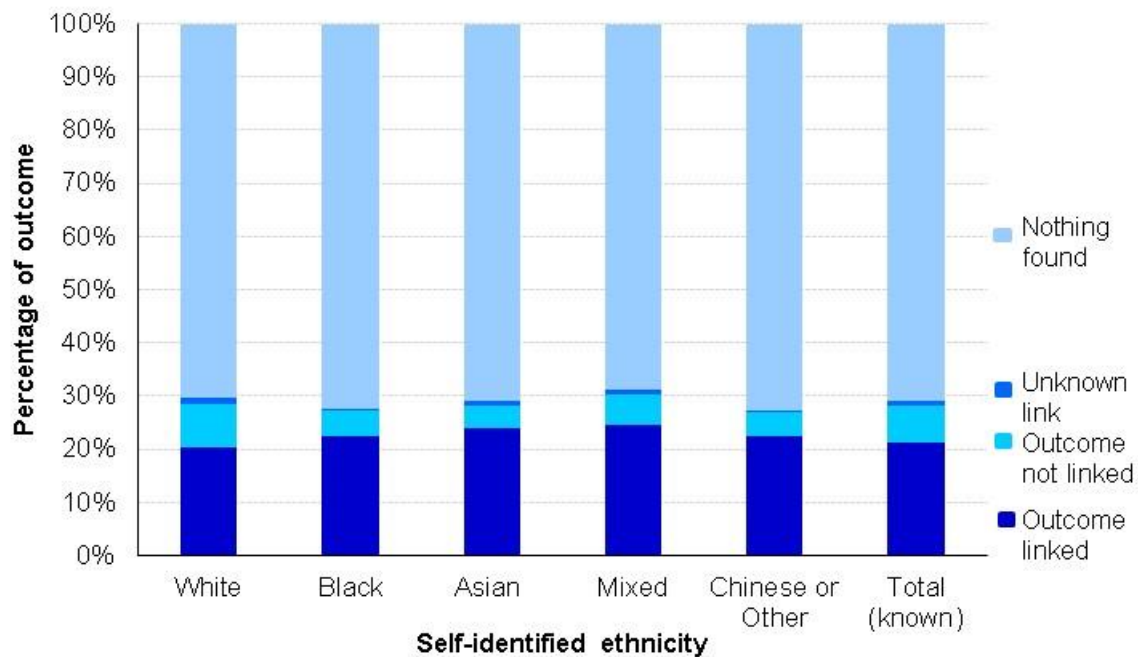
<sup>35</sup> Further details on the BUSS scheme can be found in the Buss guidance: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/346922/Best\\_Use\\_of\\_Stop\\_and\\_Search\\_Scheme\\_v3.0\\_v2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/346922/Best_Use_of_Stop_and_Search_Scheme_v3.0_v2.pdf)

<sup>36</sup> For each stop and search, only the first outcome is recorded. Where an outcome follows an arrest, only the arrest will be recorded in order to avoid double counting. Therefore, outcomes that follow an arrest (such as cautions) will be under-recorded in the figures.



Overall, in 2016/17 around one fifth (21%) of stop and searches resulted in an outcome that was linked to the reason for the search, i.e. the officer found what they were searching for. Mixed suspects had the highest proportion of stop and searches in which the outcome was linked (25%) compared to all other ethnic groups, although this difference was small as all ethnic groups ranged from 20% to 25%. There were small differences between the ethnic groups for stop and search in which the outcome was not linked to the reason for the search, ranging from 4% (Asian) to 8% (White). Similarly, there were small difference between the ethnic groups for stop and search in which nothing was found, ranging from 69% (Mixed) to 73% (Chinese or Other).

**Figure 4.06: Percentage distribution of whether the outcome of stop was linked or not to the reason for the stop, by ethnicity, 2016/17 (Source: Table 4.15)**



This proportion varied depending on the reason for the search. For all search reasons, except for firearms, officers were more likely to find what they were searching for (and thus undertake a successful search) in searches of non-White suspects than of White suspects<sup>37</sup>.

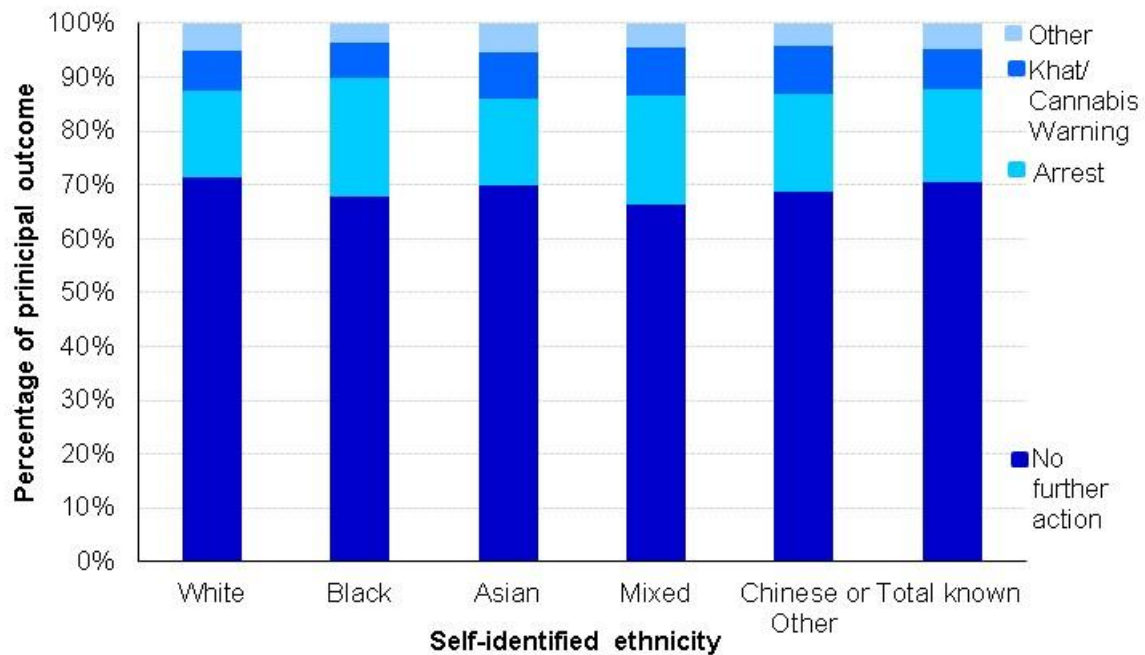
Just under three quarters (70%) of stop and searches resulted in the principle outcome 'no further action'<sup>38</sup>, 17% in arrests, 7% in khat / cannabis warnings and 4% in other outcomes (including PNDs and cautions). White suspects were more likely to receive the principle outcome 'no further action' (72%) than suspects from all other ethnic groups although this difference was small as all ethnic groups ranged from 66% to 72%. Black suspects were more likely to receive the principle outcome arrest (22%), although again, this difference was small with all groups ranging from 16% to 22%. These findings indicate that White suspects are more likely to receive no further action and less likely to be issued an arrest following their stop and search than non-White suspects.

<sup>37</sup> See table 4.16 for breakdown by reason for the stop

<sup>38</sup> It should be noted that 'no further action' includes a wide range of scenarios, such as where words of advice would be given, or an individual is detained under section 136 of the Mental Health act



**Figure 4.07: Percentage distribution of principal outcomes following stop and search, England and Wales, 2016/17 (Source: Table 4.17)<sup>39</sup>**



### *Stop and Search arrests*

Overall, in 2016/17 stop and search arrests accounted for 6% of total arrests made in England and Wales. Black suspects had the highest proportion of arrests that resulted from stop and search, accounting for 17% of total arrests made in England and Wales compared to all other ethnic groups (ranging from 5% to 9%). This overall trend is influenced by the higher number of stop and searches carried out in London, where stop and search arrests accounted for a higher proportion of total arrests for all ethnic groups in comparison to the rest of England and Wales<sup>40</sup>.

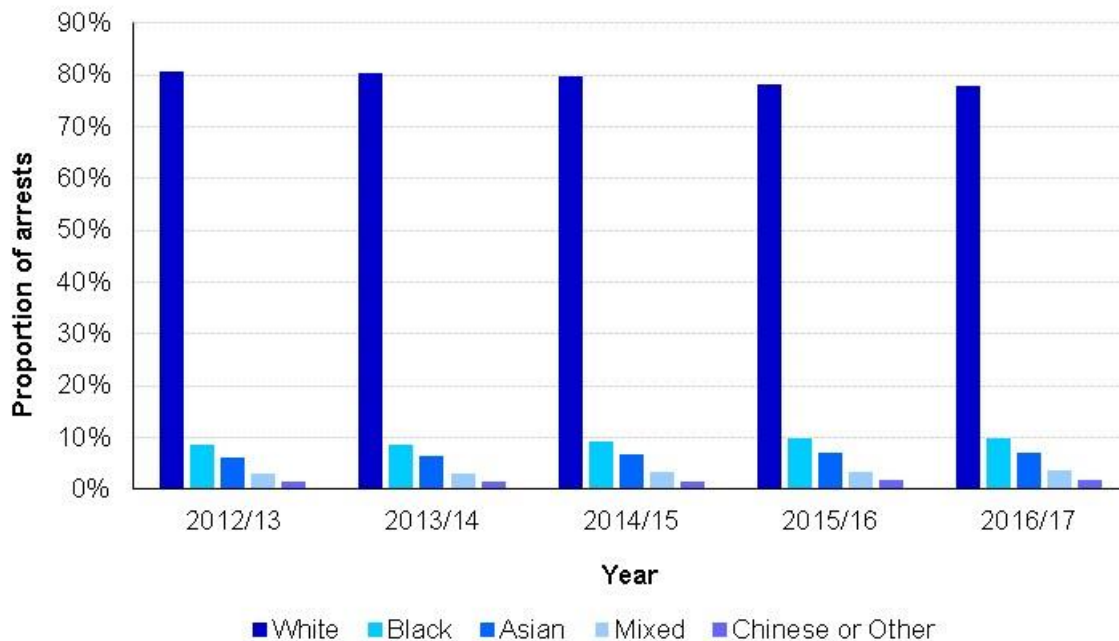
### Arrests

The data in this section refers to arrests for notifiable crimes recorded by the police. All groups have seen a decrease in the number of arrests over the last 5 years but the White group has decreased at a faster rate (-33%) compared with all other groups (ranging from -19% to -23%). This has had an impact on the increasing proportion of arrests of Non-white suspects. Suspects from the White ethnic group accounted for the majority of arrests in 2016/17 (78%), followed by Black (10%), Asian (7%), Mixed (4%) and Chinese or Other groups (2%).

<sup>39</sup> Excludes Derbyshire Police who did not provide data for 2016/17

<sup>40</sup> See table 4.18 for a more detailed breakdown of stop and search arrests as proportion total arrests by ethnicity

**Figure 4.08: Arrests by self-identified ethnicity, 2012/13 to 2016/17 (Source: Table 4.19b)**



#### *Offence groups* <sup>41</sup>

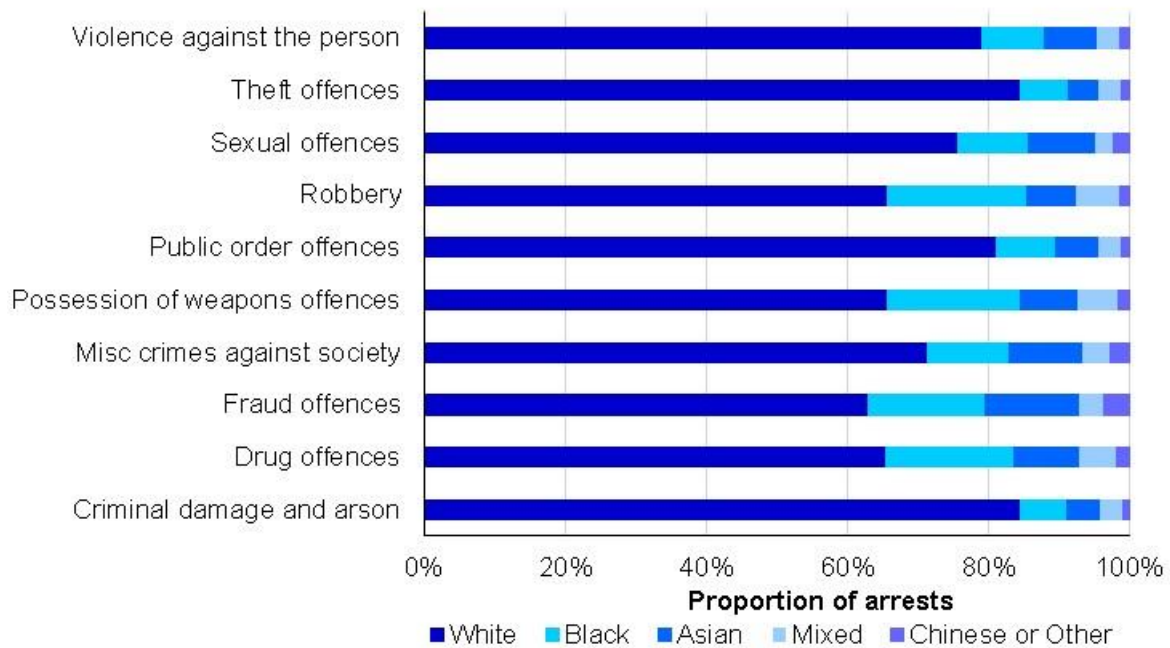
The number of arrests decreased for the majority of offence groups over the last year, however, arrests for possession of weapon offences remained broadly stable<sup>42</sup>. Within the different offence groups, the changes by ethnicity vary. For example, the number of arrests for possession of weapon offences increased for Asian (21%), Mixed (13%) and Black (8%) suspects in this two year period but declined for White suspects (3%) and remained broadly stable for the Chinese or Other ethnic group.

In 2016/17, fraud offences had the largest proportion of non-White arrests of all offence groups (37%) and theft offences and criminal damage and arson the lowest (16%).

<sup>41</sup> Offence groups from this chapter are not directly comparable to offence groups from the MoJ Court Proceedings database – see technical guide for further details

<sup>42</sup> In 2015/16 the 'reason for arrest' offence groups were updated to match the groups used in crime statistics, therefore 2015/16 data broken down by offence group are not comparable with previous data. Though some offence groups have the same name as in previous years, the individual offences that make up that group may have changed, so these are also not comparable. Further details on the change in offence categories can be found in the User Guide accompanying the 'Police powers and procedures, England and Wales' statistical publication, accessed here: <https://www.gov.uk/government/collections/police-powers-and-procedures-england-and-wales>

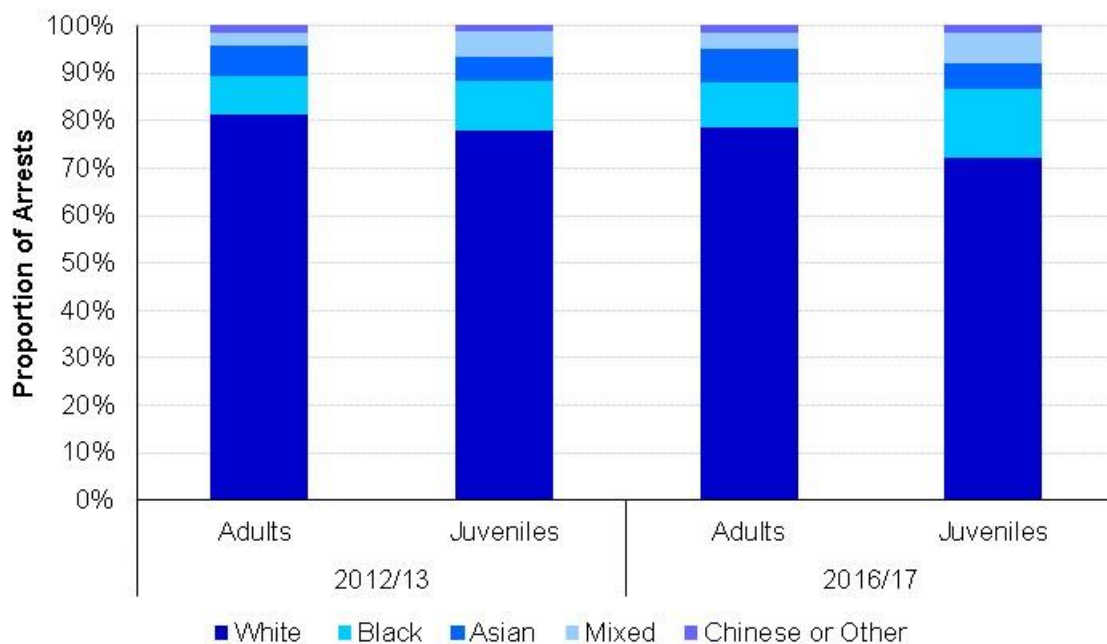
**Figure 4.09: Proportion of arrests within each offence group, by ethnicity, 2016/17**  
 (Source: Table 4.20)



*Age groups*

Whilst the overall number of arrests for adults and juveniles has decreased, the proportion of those adults arrested that are non-White (21%) has been broadly stable over the last five years. In contrast, the proportion of juvenile arrests from non-White groups has increased by 6 percentage points in the same time period.

**Figure 4.10: Arrests by ethnicity and age group, 2012/13 to 2016/17** (Source: Table 4.21)

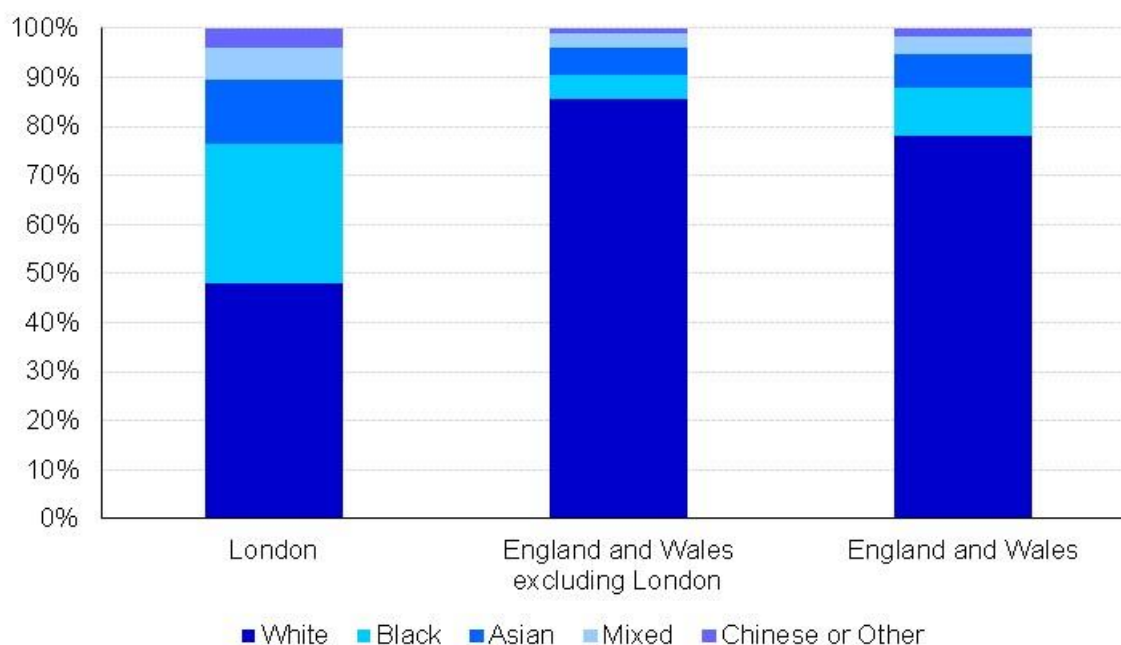


### Arrests by Police Force Area <sup>43</sup>

In 2016/17, the police in London<sup>44</sup> made around 20% of all arrests<sup>45</sup> while serving 14% of the total resident population of England and Wales. The proportion of arrests in London that were White suspects was considerably smaller compared with the rest of England and Wales. In contrast, the proportion of arrests that were of suspects from non-White groups was larger in London.

Of all arrests in England and Wales, the police in London arrested 13% of White suspects, 59% of Black suspects and 38% of Asian suspects. This resembles the London population aged 10 or over, as London accounts for 10% of White, 58% of Black and 37% of Asian individuals in all of England and Wales.

**Figure 4.11: Arrests by self-identified ethnicity, for London and combined remaining forces, 2016/17 (Source: Table 4.22)**



### Arrests rate per 1000 population

The arrest rate by ethnic group is the ratio of the number of arrests and the population of an ethnic group in an area. Rates of arrests per 1,000 members of the population<sup>46</sup> by self-identified ethnicity are shown in Figure 4.12, for 2016/17. In relative terms, the Black ethnic group was over three times more likely, and the Mixed ethnic group around twice as likely, to be arrested compared with the White ethnic group. This shows the same trend as the earlier findings from stop and search data, where the Black and Mixed groups were found to be more likely to be stopped and searched as well as arrested following stop and search than the White group.

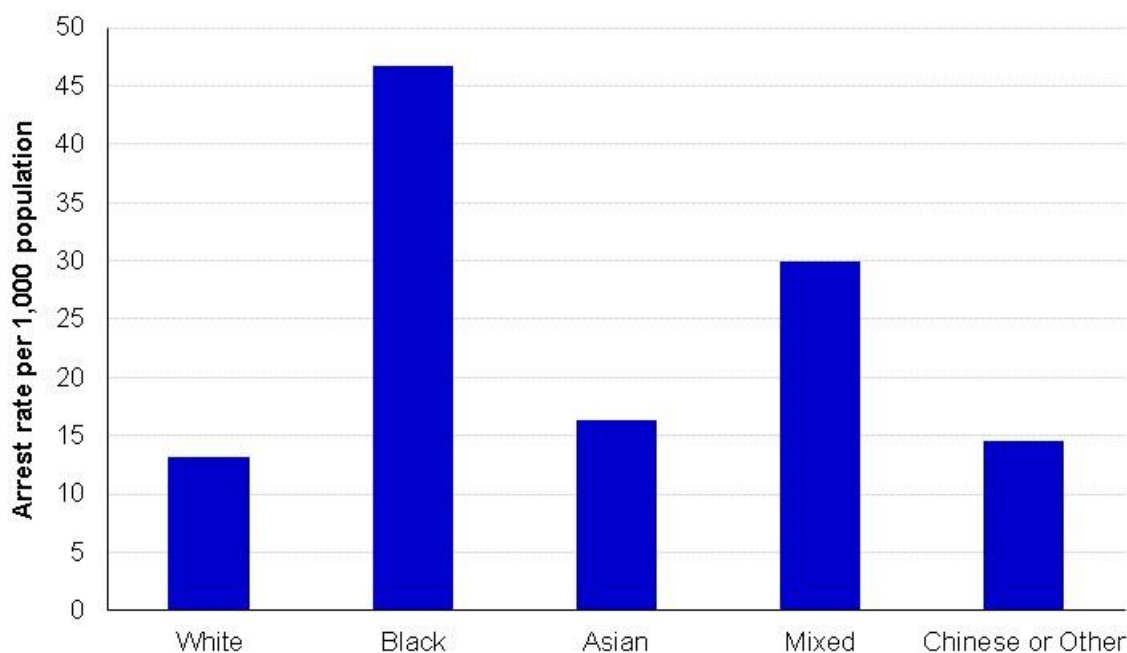
<sup>43</sup> Excluding British Transport Police

<sup>44</sup> Includes City of London and Metropolitan Police forces.

<sup>45</sup> Where ethnicity is known.

<sup>46</sup> Further detail on the calculation can be found in Appendix III. Data from the Metropolitan Police and City of London police force were combined to produce a London total

**Figure 4.12: Arrest rate per 1,000 members of the population (aged 10 and over) by self-identified ethnicity, 2016/17 (Source: Table 4.23)**



### Penalty Notices for Disorder

Penalty Notices for Disorder (PNDs)<sup>47</sup> are commonly known as ‘on the spot fines’ – a fixed penalty of £60 for lower tier offence or £90 for higher tier offence (raised from £50 and £80 respectively from 1 July 2013 onwards)<sup>48</sup>.

The overall number of PNDs issued in 2016 fell by over 60% compared with 2012. In 2016, of the 33,000 PNDs issued<sup>49</sup>, 83% were issued to White individuals, 6% to Black individuals, 7% to Asian individuals, 2% to Mixed individuals and 2% to Chinese or Other individuals. For most groups, these proportions have been fairly stable over the period, however the proportion of PNDs issued to Black ethnic group increased from 2.6% in 2012 to 6.3% in 2016. Caution is advised when interpreting these apparent trends following the introduction of a new database (PentiP) in 2012. We cannot know for certain whether these findings are because of a more complete and accurate recording of ethnicity, rather than true changes in PND trends by ethnic group.

### *Offences*

Higher tier offences cover generally more serious activities, for example, theft or being drunk and disorderly, than lower tier offences, such as trespassing on a railway or consumption of alcohol in a designated public place. In 2016, the majority of PNDs issued were for higher

<sup>47</sup> Ethnicity data is not available for Cannabis or Khat warnings. Their introduction could affect the number of PNDs given for Cannabis and consequently trend in the overall PND numbers

<sup>48</sup> Whilst self-identified ethnicity fields (5+1) are used for PNDs, different police areas have varying guidance notes on how to record ethnicity using either perceived (officer identified) or self-identified ethnic origin. As a result, ethnicity data presented for PNDs contains both officer identified and self-identified ethnicity.

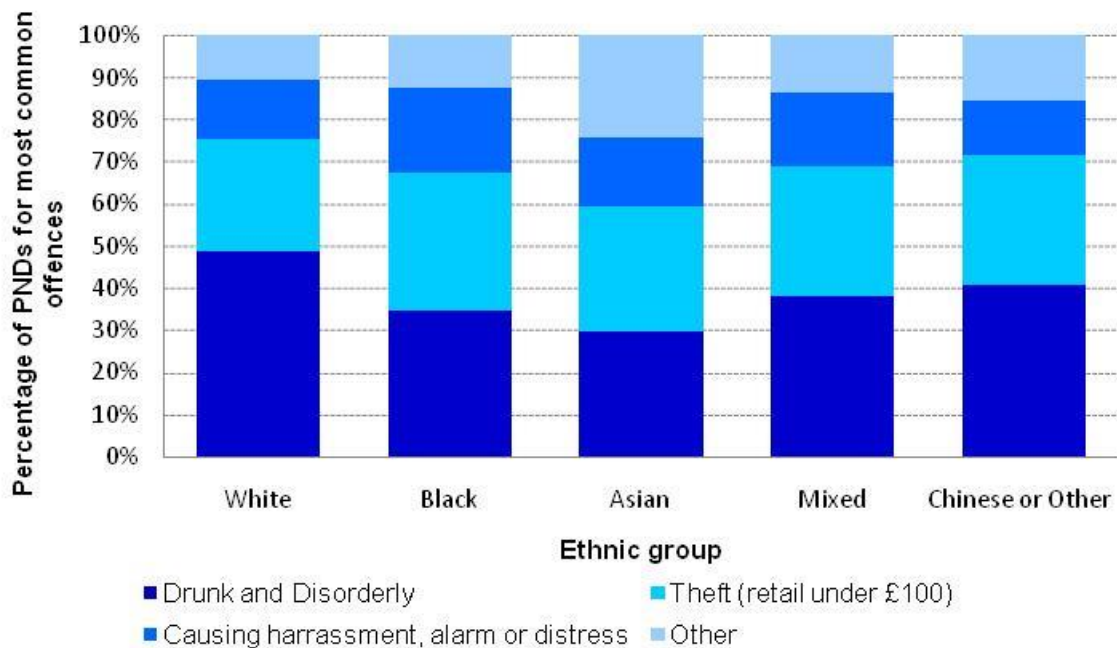
<sup>49</sup> Where ethnicity is known, there have been improvements in ethnicity coverage of PND's from 2012 (81%), to 2014 (92%).

tier offences (around 95% for all ethnic groups), which has been relatively stable over the last 5 years<sup>50</sup>.

However, there are differences in the specific offences for which the differing ethnic groups typically receive PNDs (Figure 4.13). The most common offence for which a PND was issued to the White ethnic group was for being ‘drunk and disorderly’, equating to 49% of White PNDs in 2016. This proportion has been steadily increasing since 2012, when it comprised of 39% of the total PNDs issued to the White ethnic group. For the Asian and Black ethnic groups, drunk and disorderly (30% and 34% respectively) and ‘retail theft under £100’ (30% and 33% respectively) were the most common offences, for which similar proportions of PNDs were issued. This has fluctuated over the past five years although this should be interpreted with caution, both because of the potential impacts from changes in recording ethnicity and the small number of people issued PNDs.

The overall number of PNDs issued for ‘causing harassment, alarm or distress’ saw a steady fall between 2012 to 2016, decreasing by 72%. This trend was primarily driven by the White ethnic group (decreasing by 72%), Asian ethnic group (79%) and Chinese or Other ethnic group (87%). PNDs issued for this offence to all other ethnic groups decreased at a slower rate.

**Figure 4.13: Penalty Notices for Disorder for most common offences, by ethnicity, 2016**



### Cautions

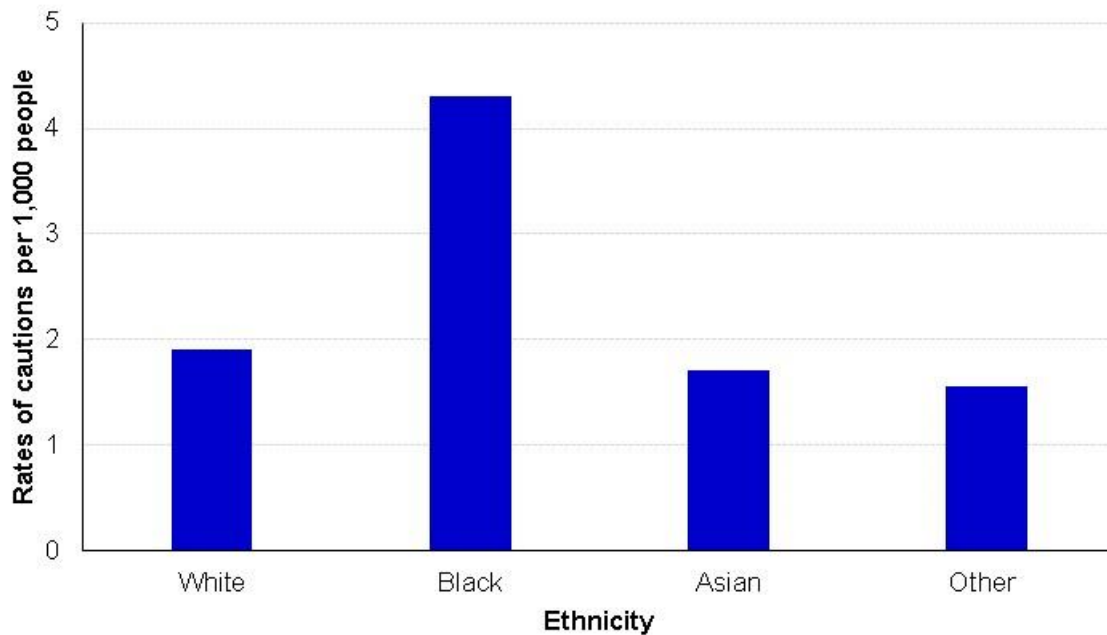
A caution can be given by the police when there is sufficient evidence to prosecute an offender for an offence for which they admit guilt, but where it is decided that a caution would be a more appropriate solution rather than dealt with in court.

<sup>50</sup> The data on the higher tier offence, *Possession of Cannabis* is excluded from analysis considering individual offences, despite its presence as a high volume PND because of particular apparent volatility in recording associated with the introduction of PentiP and the impact of Cannabis warnings.



In 2016, the number of offenders issued with cautions<sup>51</sup> was 98,000 and the overall total has decreased by 51% since 2012. Over this period cautions for the White ethnic group decreased by 52% while cautions issued to all other ethnic groups decreased at a slower rate (Black down 42%, Asian down 44% and Other down 43%). In 2016, 84% of offenders issued with cautions were from the White ethnic group, which has steadily declined since 2012. The Black ethnic group were just under 2.5 times more likely to be given a caution, compared with the White, Asian and Other ethnic groups relative to the population.

**Figure 4.14: Offenders cautioned for all offences, per 1000 population, by ethnic group (Source: Table 4.30)**



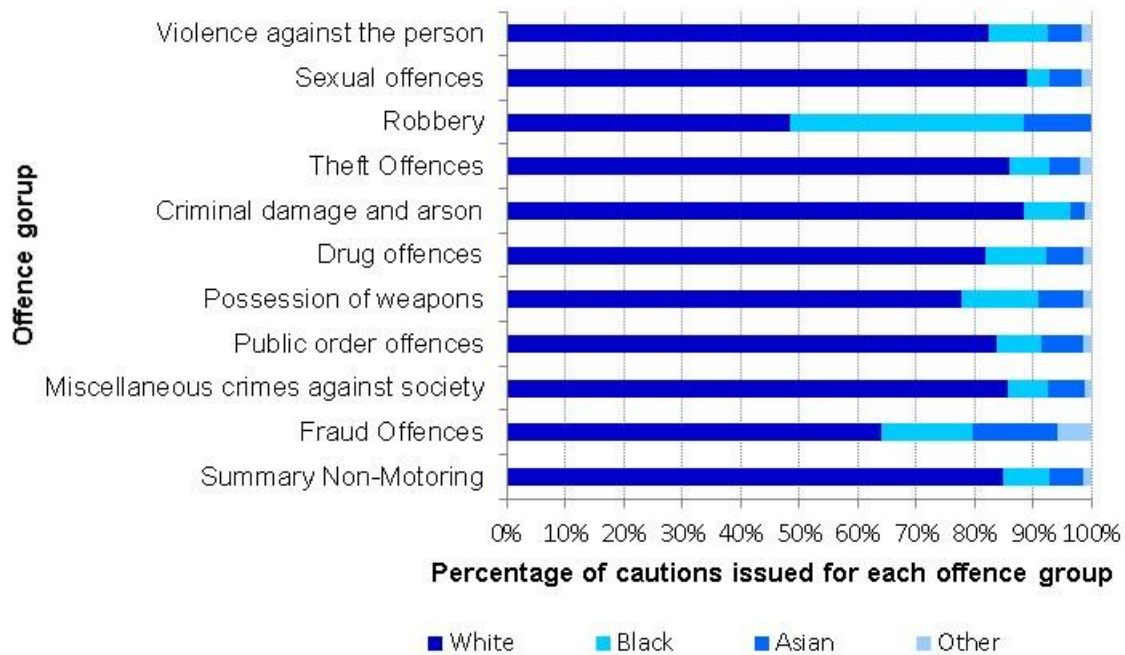
#### *Offence Group*

In 2016, the largest proportion of offences for which offenders were cautioned were for summary non motoring offences (half of all cautions), drug offences (19%) and theft offences (16%)<sup>52</sup>, for both adults and juveniles. For each of these offence groups, around 85% of offenders cautioned were from the White ethnic group, 8% from the Black ethnic group and around 6% from the Asian group; which was relatively similar to the general trends for cautions issued. Although, the proportion of cautions issued for robbery differs to this trend, where around 48% of cautions were from the White ethnic group, 40% from the Black ethnic group and 12% from the Asian ethnic group. However, these estimates should be treated with caution as they are based on low numbers of persons issued cautions for robbery. Since 2012, there has been a decline in the number of offenders cautioned for almost all offence groups, across all ethnicities. The proportion of cautions issued for drug offences in the most recent 5 year period fell the least for Black and Other ethnic groups, compared with the White and Asian ethnic groups. This trend is also observed for summary non-motoring and theft offences.

<sup>51</sup> Analysis is only conducted on those with known ethnicity – ethnicity coverage ranges from 95%-98% between 2012 and 2016.

<sup>52</sup> For further analysis by offence groups, please see Chapter 8 on Offence analysis. Summary offences are less serious, usually tried at magistrates' courts and tend to have much lower levels of ethnicity reporting.

**Figure 4.15: Proportion of offenders cautioned for each offence group, by ethnicity, 2016**



### Liaison and Diversion services

Liaison and Diversion (L&D) services exist to identify offenders who have mental health, learning disability, substance misuse or other vulnerabilities when they first come into contact with the criminal justice system<sup>53</sup>.

These services identify mental health issues and vulnerabilities that offenders may have so that they can either be supported through the criminal system pathway or diverted into a treatment, social care service or other relevant intervention or support service. L&D services aim to improve health outcomes, reduce re-offending and identify vulnerabilities earlier, thus reducing the likelihood that offenders will reach crisis-point.

Data from this national scheme in 2016/17 suggests that a total of 59,420 offenders were engaging with L&D services<sup>54</sup>. 87% of those using L&D services were White, 5% Black, 4% Asian, 3% Mixed ethnic and 1% Chinese or Other.

Just over a third (34%) of offenders engaging with L&D services were identified as having alcohol misuse, 31% as being involved in substance misuse, and 13% of them were found to misuse both alcohol and substances. White offenders were more likely to have been misusing alcohol (35%) than offenders from all other ethnic groups (ranging from 20% to 25%). Of all L&D services users, 40% of Mixed ethnic and 37% of Black offenders were

<sup>53</sup> Until 2014, these schemes were all operated locally, with a variety of types and levels of provision. In many areas, there was no provision at all. From April 2014, a pilot national approach, led by NHS England, was trialled in 10 areas of the country, and this has since been rolled to cover 68% of the UK population.

<sup>54</sup> Ethnicity data is missing for 7% of those who used liaison and diversion services. They have been excluded from all analyses in this chapter.

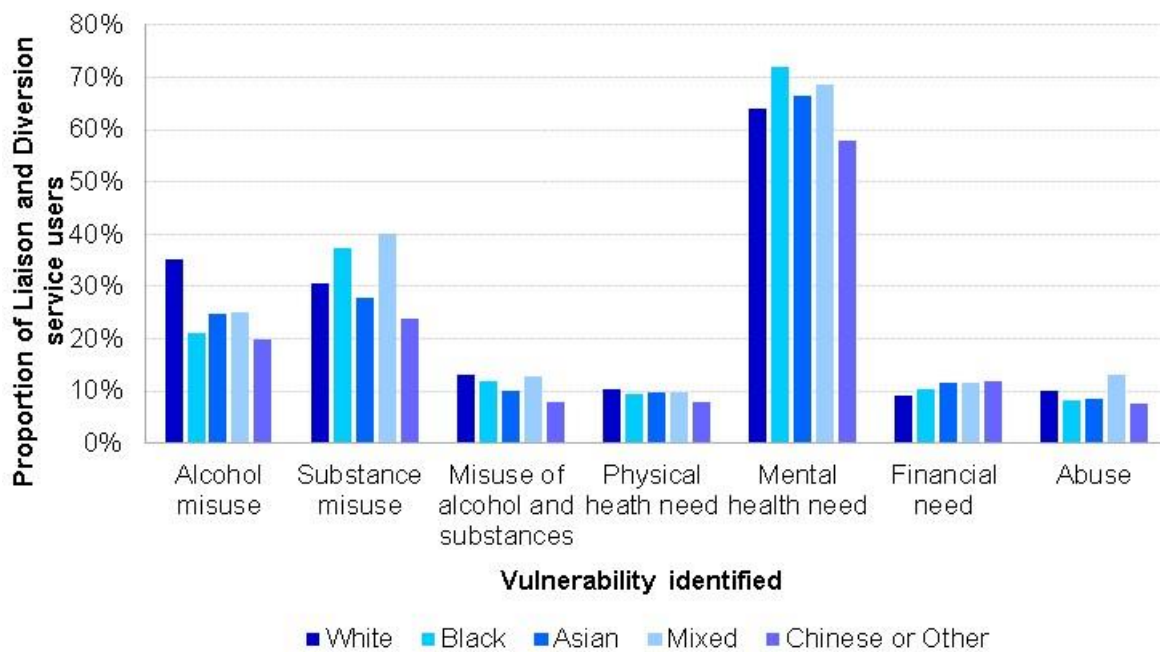


involved in substance misuse, this proportion was higher than all other ethnic groups (ranging from 24% to 31%).

Mixed ethnic offenders and Chinese or Other offenders were more likely to be identified with having a financial need (12%), although this difference was small as all ethnic groups range from 9% to 12%.

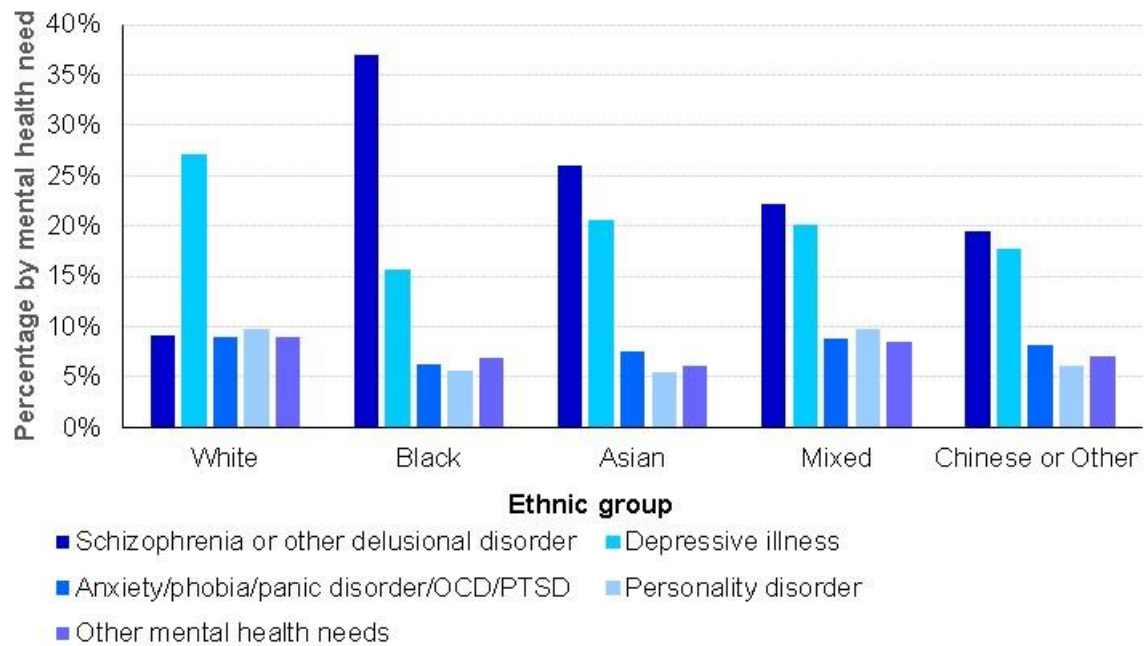
There was a small difference between offenders who were deemed to have been victims of abuse. 13% of Mixed ethnic offenders were deemed to have been victims of abuse, compared to 8% of Black and Chinese or Other offenders using these L&D services.

**Figure 4.16: Offenders using national Liaison and Diversion services by service and ethnicity (percentages), 2016/17 (Source: Table 4.31-4.34)**



Out of all national L&D services users, nearly two thirds (65%) were assessed as having a mental health need whilst 10% had a known physical disability or need, both these proportions were relatively consistent across all ethnic groups. Black offenders were more likely to be identified with having a mental health need (72%) than offenders from all other ethnic groups. White, Asian and Mixed ethnic offenders ranged between 64% and 69%, whilst Chinese or Other offenders were the least likely to have a mental health need (58%). Of those with a mental health need, depressive illness was identified to be the most common health need for White offenders (27%). Whereas, schizophrenia or another delusional disorder was the most common for all other ethnic groups, with over a third (37%) of Black offenders being identified with this type of need whilst the other ethnic groups ranged from 19% to 26%. The proportion of White offenders identified with this type of need was much smaller at 9%.

**Figure 4.17: Offenders using national Liaison and Diversion services by mental health need and ethnicity (percentages), 2016/17 (Source: Table 4.32c)**



The most common offences<sup>55</sup> committed by those using these L&D services were violence against the person (28%), followed by public order – nuisance (11%), and theft (9%).

<sup>55</sup> National Liaison and Diversion services offence groups are based on those used by the Home Office and are not directly comparable to those used in Criminal Justice Statistics Quarterly: December 2016, which are used throughout the majority of this bulletin.

## 5. Defendants

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### Prosecutions

Relative to the population, the rates of prosecution for indictable offences for Black and Mixed ethnic groups were four and two times higher than for the White ethnic group. For every 1,000 population members, 16 Black and 9 Mixed defendants were prosecuted compared to 4 White defendants.

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### Conviction ratio

White defendants have consistently had the highest conviction ratio for indictable offences out of all ethnic groups since 2012 (ranging from 80% to 86%), with the exception of Chinese or Other in 2015 (84%). The Relative Rate Index indicates there is a statistically significant disparity in the rates at which defendants from non-White ethnic groups are convicted when compared to White defendants.

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### Remanded in custody

In 2016, Black and Mixed defendants were 23% and 18% more likely than White defendants to be remanded in custody in Crown Court for indictable offences.

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### Pre-sentence reports

Concordance levels between a suggested sentence disposal and the one received has declined for custodial sentences since 2012 for all ethnicities, while those of community sentences, suspended sentences and fines have increased.

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### Custody rate and Average Custodial Sentence Length (ACSL)

The custody rate for Asian offenders has been increasing over the last 5 years and in 2016 they were 11% more likely than White offenders to receive a custodial sentence. Black and Asian offenders have consistently had the highest ACSLs since 2012 and Chinese or Other's ACSL has notably increased in the last 2 years.

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### Criminal legal aid

For both crime lower and crime higher, non-White ethnic groups are overrepresented among the category groups in proportion to their population size. In the case of the legally aided prison law workload, just under three quarters related to White defendants.

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### Guilty pleas

White defendants had the highest guilty plea rate for indictable offences at the Crown Court in 2016 at 71%. The guilty plea rate for all other ethnic groups ranged between 56% and 64%.

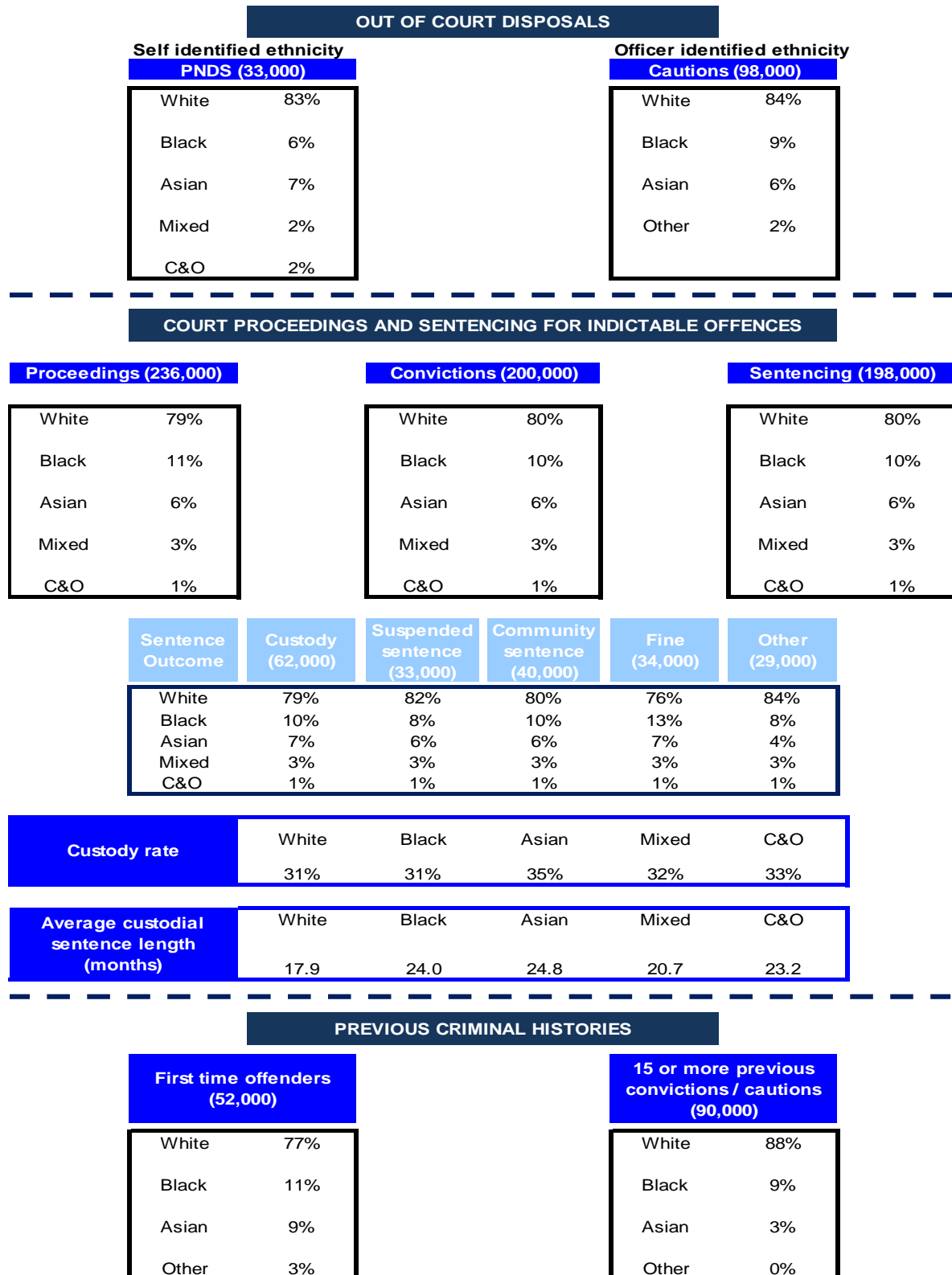
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This chapter explores outcomes for defendants in the Criminal Justice System (CJS) predominantly drawing on data from the MoJ publication Criminal Justice Statistics 2016. If there is sufficient evidence against the defendant and none of the out of court disposals are appropriate and it is in the public interest to prosecute, the suspect will be formally charged. The law then requires the defendant to be brought before a magistrates' court as soon as possible. The defendant can be summoned to appear in court or remanded on bail or custody.

Ethnicity coverage is more complete for more serious offences, i.e. the offence types 'triable either way' (TEW), which can be tried at either magistrates' courts or the Crown Court depending on the seriousness of the crime, and 'indictable only', which can only be tried at the Crown Court. Analysis in this section is limited to these two offence types, which are referred to as indictable offences, and to defendants aged 10 or over.

The Relative Rate Index (RRI) has been used in this chapter to compare the rates of outcomes for each ethnic group relative to the White ethnic group. An RRI value of 1 indicates no disparity, whereas an RRI greater than 1 means the group of interest had a greater likelihood of experiencing the particular outcome and an RRI less than 1 indicates the group of interest was less likely than the baseline to experience said outcome. To assess whether the RRI represents a statistically significant disparity in outcome between the two groups, a z-test has been used. For more information, please refer to the technical guide.

**Figure 5.01: Proportions of ethnic groups throughout the Criminal Justice System, 2016<sup>56</sup>**



<sup>56</sup> The data on offending histories and first time offenders in this report are based on unpublished breakdowns of offending history data.

## Prosecutions, convictions and sentences

The trends for prosecutions and convictions<sup>57</sup> have been very stable and overall aligned. When looking at overall trends for all known ethnicities, prosecutions and convictions have all fallen by over a quarter in total numbers in the last five years (2012 to 2016)<sup>58</sup>. While all ethnic groups have seen decreases across the categories of prosecutions and convictions, the size of the decreases differed for the various ethnic groups. For example, the Black ethnic group saw a 14% decrease in prosecutions and 13% in convictions, whereas the White ethnic group saw a 31% decrease in prosecutions and 29% in convictions.

As a result, the proportion of different ethnic groups within prosecutions and convictions has changed. In 2012, out of all prosecutions, White defendants represented 81%, Black 9%, Asian 5%, Mixed 3%, and Chinese or Other 1%, whereas in 2016, the proportions were 79% for White, 11% for Black, 6% for Asian, 3% for Mixed and 1% for Chinese or Other. Whilst the proportion of Black defendants have increased from 9% to 11%, this actually reflects a slower pace of decline than that of the White ethnic group, which as a consequence increases Black defendants as a proportion of the total number of defendants. The trends are similar for convictions.

While the White ethnic group represents the largest number of defendants, relative to the population<sup>59</sup>, the Black and Mixed groups had the highest rates of prosecution. Figure 5.03 shows that per 1,000 population members, 16 Black and 9 Mixed individuals were prosecuted, whereas 4 White individuals were prosecuted. This indicates that the rate of prosecutions for the Black ethnic group was four times higher than for the White group. The Mixed group had the second highest rate, which was more than twice as high as the White group.

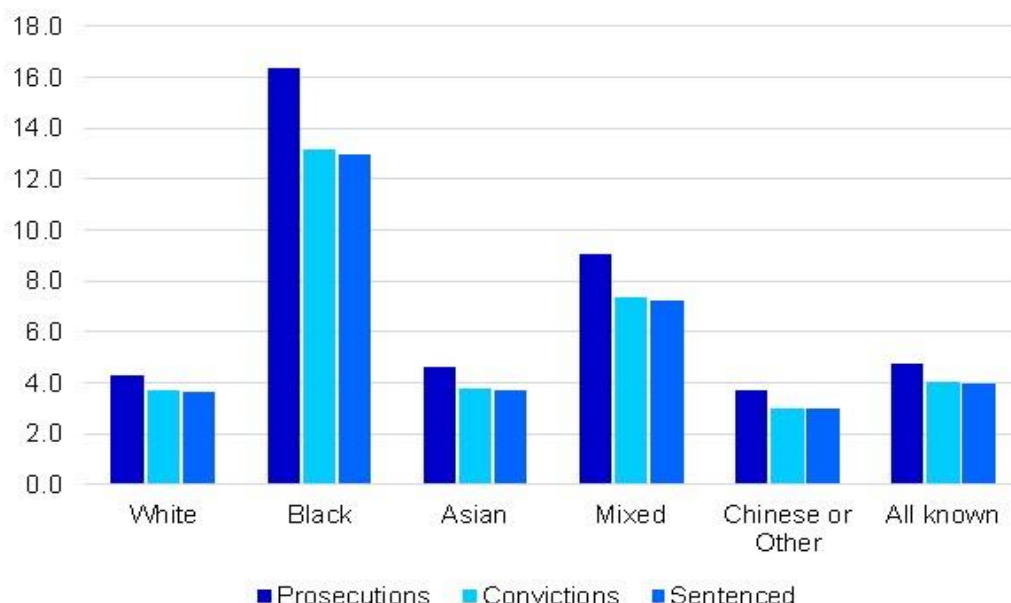
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<sup>57</sup> Where ethnicity is known. Throughout the report, data is only reported where ethnicity is known unless otherwise is explicitly stated.

<sup>58</sup> Data for these trends are available at the following website: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2016>

<sup>59</sup> 2011 Census data, persons aged 10 and above – see Appendix III

**Figure 5.02: Rates per 1,000<sup>60</sup> members of the population for prosecutions, convictions and sentences for indictable offences, by ethnicity, in England and Wales, 2016**



### Conviction ratio

Since 2012, the White and Chinese or Other ethnic groups have had the highest conviction ratios<sup>61</sup> for indictable offences (between 80% and 86%). The conviction ratios for each ethnic group (with the exception of Chinese or Other) have gradually increased since 2013, as a result of the faster decline in prosecutions than convictions. In 2016, the conviction ratio for White defendants was 86%, for Black, Mixed and Chinese or Other, it was 81% (for each group) and it was 80% for Asian defendants.

**Table 1. Relative Rate Index (RRI) for convictions, calendar year 2016**

	White	Black	Asian	Mixed	Chinese or Other
<b>Convicted</b>	1.00	0.94*	0.94*	0.94*	0.95*
(per all prosecuted at magistrates' courts)					

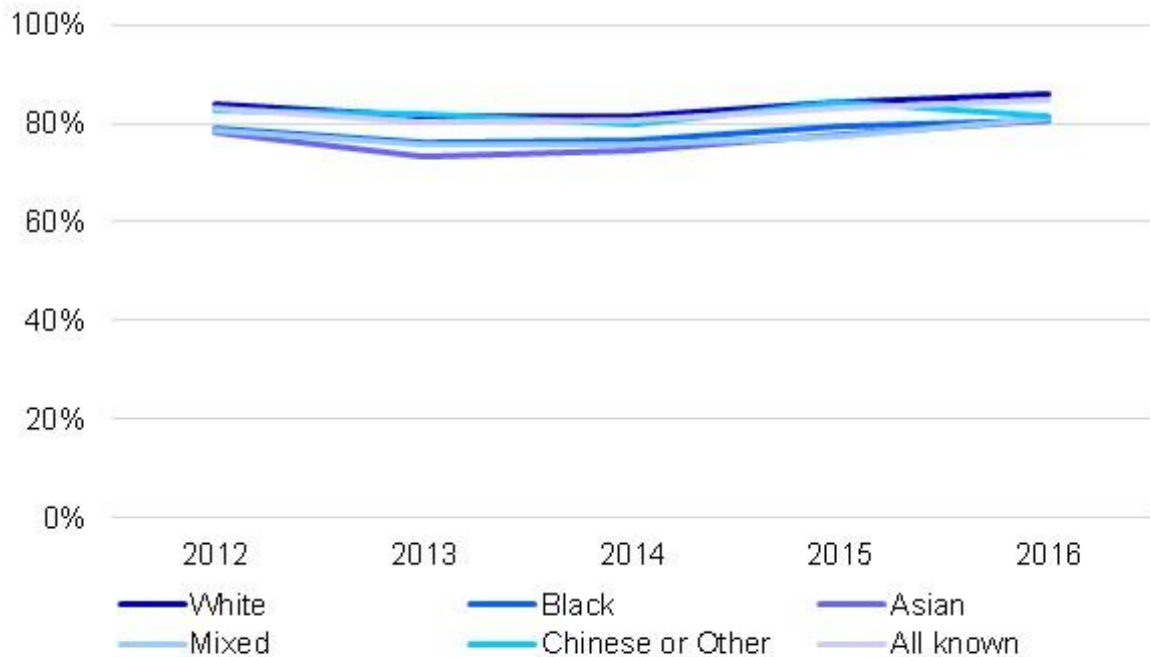
\*\*\*= statistically significant

The difference in conviction ratios can also be observed in the RRIs (Table 1). Overall, defendants from non-White ethnic groups were less likely to be convicted than White defendants, and these findings are all statistically significant. This indicates a disparity in the rates at which defendants from non-White ethnic groups are prosecuted and subsequently convicted, with a larger proportion of non-White defendants being prosecuted as reflected in their lower conviction ratios.

<sup>60</sup> Rates per 1,000 population per ethnic group were calculated by dividing the number of prosecutions for an ethnic group by the estimated population (2011 Census data, persons aged 10 and above) for that ethnic group in the same region and multiplying by 1,000.

<sup>61</sup> The conviction ratio is calculated by dividing the total number of defendants convicted by the total number of defendants prosecuted in the same period.

**Figure 5.03: Conviction ratio for offenders for indictable offences, by ethnicity, 2012 to 2016, England and Wales**



#### Offence groups

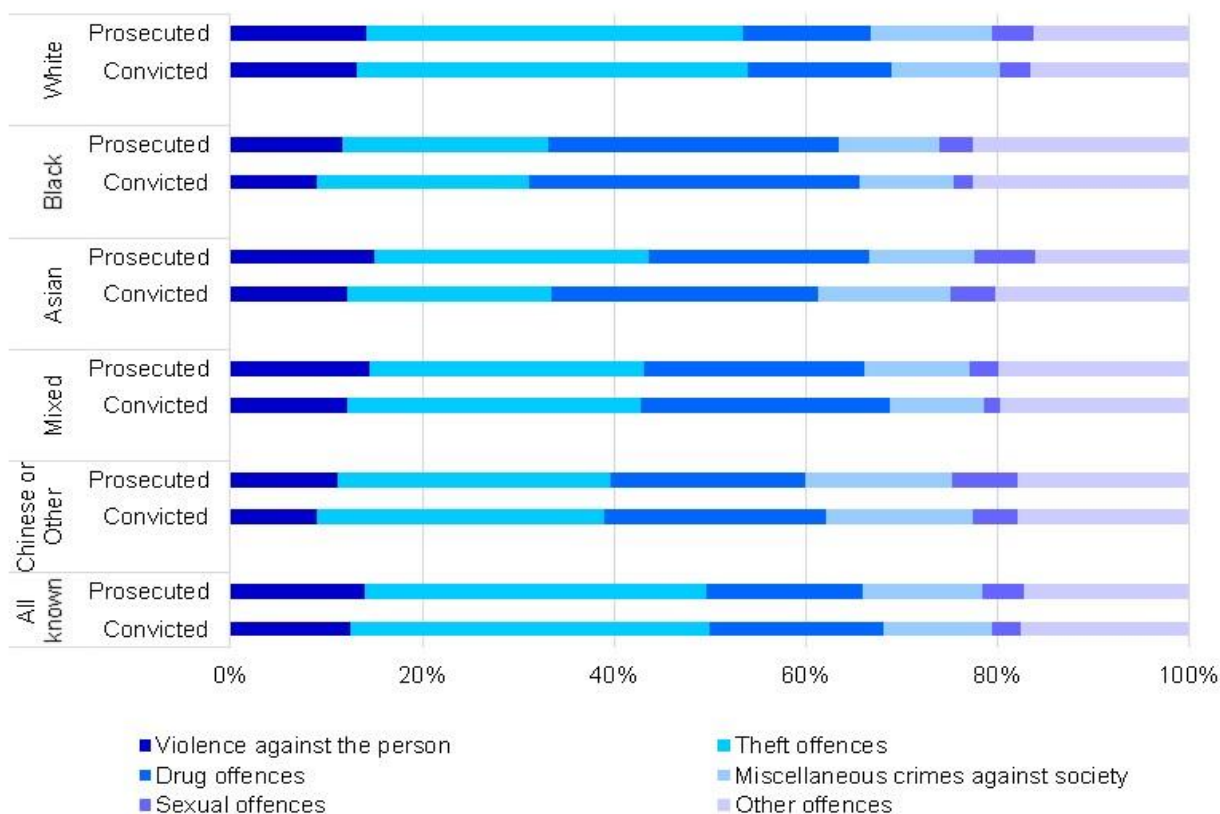
All ethnic groups broadly shared the same four biggest indictable offence groups as a proportion of their convictions; violence against the person, theft offences, drug offences, and miscellaneous crimes against society, yet their proportions within offence groups differed<sup>62,63</sup>. For White, Mixed and Chinese or Other offenders, the largest offence group was theft offences with percentages of 41%, 31% and 30% respectively, while 22% and 21% of Black and Asian offenders were convicted of theft offences. Conversely, 34% of Black offenders and 15% of White offenders were convicted for drug offences, making it the largest offence group for Black offenders. Drug offences was also the largest offence group for the Asian ethnic group, accounting for 28% of its offenders.

<sup>62</sup> The following figures are based on conviction data. Data from prosecutions and sentences closely match those of convictions.

<sup>63</sup> Many of these offence groups are discussed in more detail in Chapter 8 (Offence Analysis)



**Figure 5.04: Percentages of convictions for all ethnicities, 2016, broken down by offence groups, England and Wales**



## Remands

Remands data in this section are based on the Crown Court’s decision on whether a defendant prosecuted for a criminal offence should – during the court proceeding – go on to be placed in custody or released on bail<sup>64</sup>. Figures are compiled<sup>65</sup> on a combination of the defendant’s remand status during their trial and whilst awaiting a sentence (or in other words, a decision of the trial) at the Crown Court.

Between 2012 and 2016, the proportion of all defendants who were remanded in custody at the Crown Court has ranged between 35% and 38%, in 2016 36% of all defendants were remanded in custody. Of the 29,000 persons remanded in custody at the Crown Court for indictable offences<sup>66</sup> in 2016: 73% were White, 14% were Black, 8% were Asian, 4% were Mixed and 2% were Chinese or Other. These were very similar to the ethnic distribution of persons remanded in custody in 2012.

<sup>64</sup> The data in this section relates to persons remanded in each completed court case rather than to the number of remand decisions (a person may be remanded several times during a case). Data on remands include failure to appear (FTA) cases, which are excluded from the data presented in other chapters in this publication

<sup>65</sup> Cases are recorded in the year that a final court decision is made and are not necessarily the same year in which the person was remanded. For further details, see the section titled “Remands” in *A Guide to Criminal Justice System Statistics*. Unlike other sections in this chapter – this analysis is restricted to cases tried at the Crown Court.

<sup>66</sup> The figure refers only to those with known ethnicity; for this group, ethnicity coverage between 2012 and 2016 has varied between 90% and 82%.

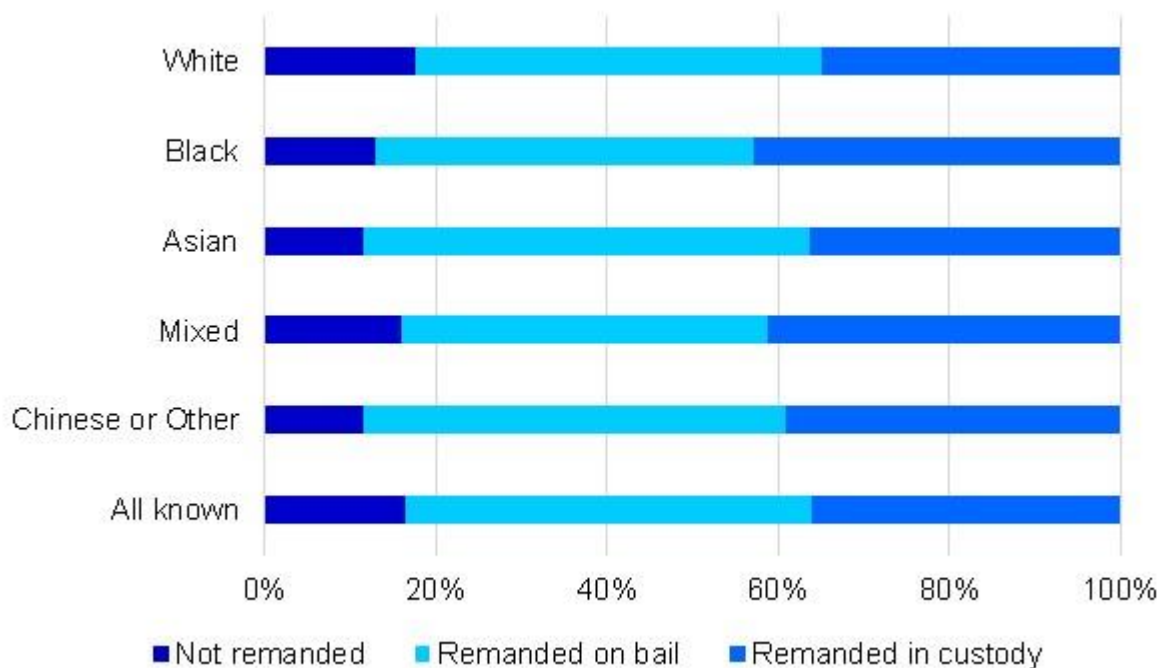
**Table 2. Relative Rate Index (RRI), not remanded, remanded on bail and remanded in custody, calendar year 2016**

	White	Black	Asian	Mixed	Chinese or Other
<b>Not remanded</b> (per all who received a remand status at Crown court)	1.00	0.73*	0.66*	0.91*	0.65*
<b>Remanded on bail</b> (per all who received a remand status at Crown court)	1.00	0.93*	1.10*	0.90*	1.04
<b>Remanded in custody</b> (per all who received a remand status at Crown court)	1.00	1.23*	1.04*	1.18*	1.13*

\*\*\* = statistically significant

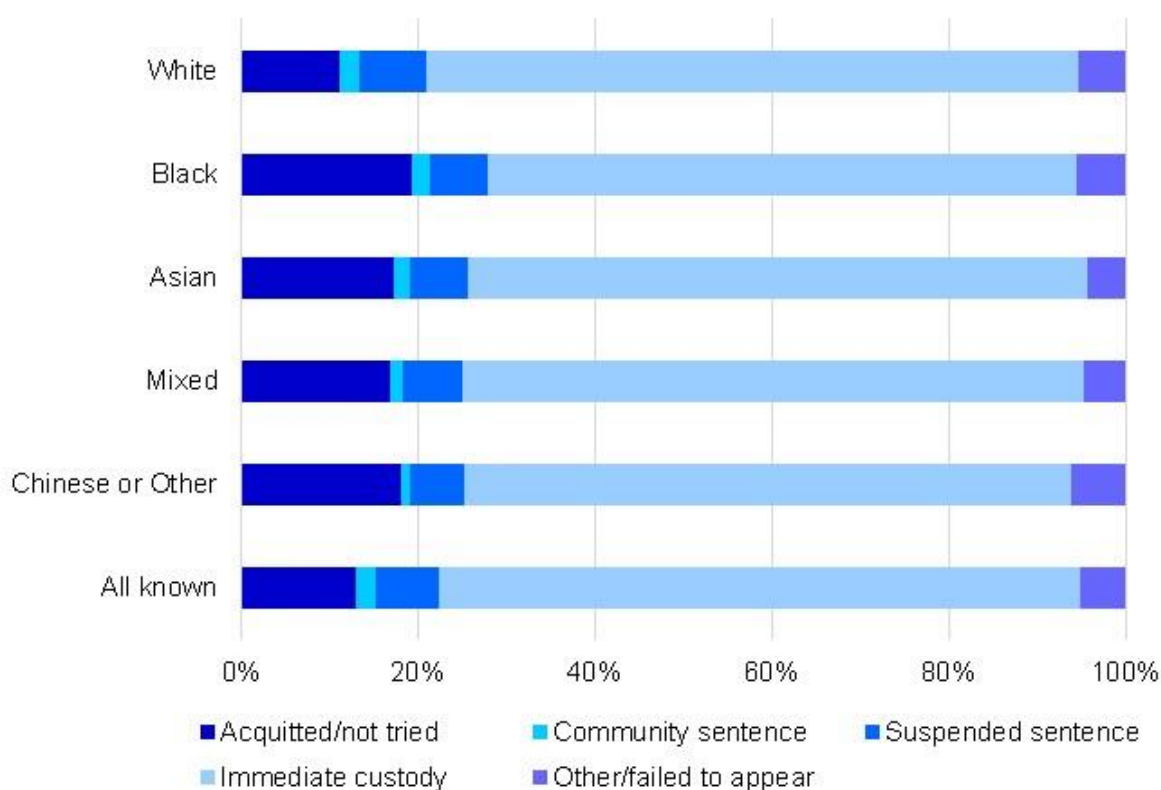
During 2016, 35% of White defendants at the Crown Court were remanded in custody, while defendants from non-White ethnic groups were more frequently remanded in custody. Black and Mixed defendants were most frequently remanded in custody (43% and 41% respectively). The RRIs (Table 2) indicates that all non-White ethnic groups are more likely to be remanded in custody than White defendants. In particular, Black defendants were 23% more likely than White defendants to be remanded in custody.

**Figure 5.05: Proportions of remand status by ethnic groups at Crown Court, 2016, England and Wales**



All those remanded in custody at Crown Court were more likely to later receive a custodial sentence. However, White, Asian and Mixed defendants remanded in custody were more likely to later receive immediate custody (70%-74%) than Black and Chinese or Other defendants (67%-69%). Defendants from non-White ethnic groups who were remanded in custody were more likely to be acquitted or not tried (17%-19%) than White defendants (11%).

**Figure 5.06: Court outcomes of individuals remanded in custody at the Crown Court, by ethnicity, 2016**



### Pre-Sentence Reports

Pre-sentence reports (PSRs)<sup>67</sup> are typically prepared by the Probation Service to provide information to the court about the offender and any circumstances surrounding the offence, to help decide on a suitable sentence. This section looks at the PSRs received and the agreement (concordance) between recommendations made in PSRs and sentences issued at court, and whether they differ between ethnic groups.

The overall number of pre-sentence reports has decreased by 43% since 2012. As the number of PSRs was lowest for Chinese or Other and Mixed offenders, trends for these ethnic groups are more sensitive to fluctuations.

In 2016, the proportion of PSR recommendations of immediate custody varied between 8-9% for all ethnic groups, while that of suspended sentences and community sentences were

<sup>67</sup> Source: *Offender Management Statistics 2016*, available here:

<https://www.gov.uk/government/collections/offender-management-statistics-quarterly>.

In 2016, ethnicity coverage was around 84%. Data on PSRs relates to those aged 18 or older and all offence types.

27-34% and 56-63% each. Since 2012, all ethnic groups have seen a proportional increase in PSR recommendations for suspended sentences whereas recommendations for community sentences declined. For all non-White ethnic groups, this proportional increase in PSR recommendations for suspended sentences has also been accompanied by a reduction in PSR recommendations for immediate custody.

In 2016, concordance levels<sup>68</sup> for most ethnic groups were generally highest for community sentences, with between 71% and 75% of those whose PSR recommended a community sentence receiving one for all ethnicities. However, for the Mixed and Chinese or Other group it was recommendations for immediate custody that had the highest concordance levels of 74% and 73% respectively, as opposed to that of Asian with 67%, Black with 68% and White with 74%. Since 2012, concordance trends indicate that the concordance rate for immediate custody has declined for all ethnic groups while those of suspended sentences, community sentences and fines have increased.

### Sentencing outcomes

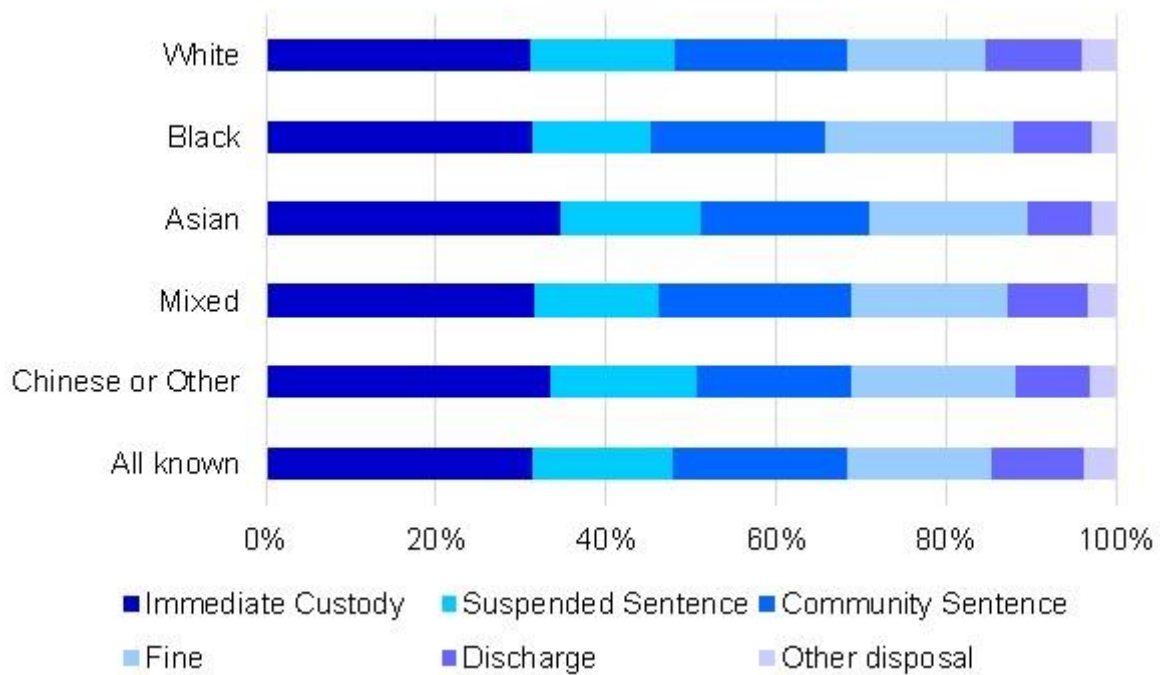
Of those sentenced for indictable offences in 2016, the most common sentence was immediate custody, accounting for 31% of all offenders sentenced<sup>69</sup>. Asian offenders received the highest rate of those sentenced to immediate custody (35%). In contrast, Black and White offenders received the lowest rate of custodial sentences (31% each). Community sentences were the second most common sentence, accounting for 20% of all sentences for indictable offences, with Mixed being the ethnic group who received the most community sentences (23%). Fines were the third most common sentence (17%), of which Black offenders were the highest recipient (22% of all Black offenders).

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<sup>68</sup> Concordance levels or concordance rates are calculated by dividing the number of those who were recommended to receive a sentence disposal and did receive it, by all those who were recommended to receive it.

<sup>69</sup> Where ethnicity is known. Ethnicity coverage for sentencing of indictable offences at all courts were 89% and 81% in 2012 and 2016. Source: *Criminal Justice Statistics 2016*, available here: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2016>

**Figure 5.07: Percentages of sentencing outcomes for all ethnicities, 2016, England and Wales**



**Custody Rate**

The custody rate is the proportion of all offenders sentenced to immediate custody, out of all offenders sentenced. While there has been a steady decrease in the total number of persons sentenced for indictable offences at all courts since 2012, the custody rate has increased over this period for all ethnic groups apart from Chinese or Other and Black offenders.

Black and Asian offenders have typically had higher custody rates than White and Mixed offenders (for example Black and Asian custody rates in 2014 were 30% and 32% when that of Whites was 27% and Mixed 28%), although in the most recent years Black, White and Mixed offenders’ custody rates have been converging. As seen from the RRI table (Table 3), rates for Black and Mixed offenders were the only ones that were not significantly different from rates of the White offenders. This indicates no disparity between the likelihood of Black or Mixed offenders receiving a custodial sentence compared with White offenders in 2016, whereas the Chinese or Other and Asian ethnic groups were more likely than the white to receive custodial sentences.

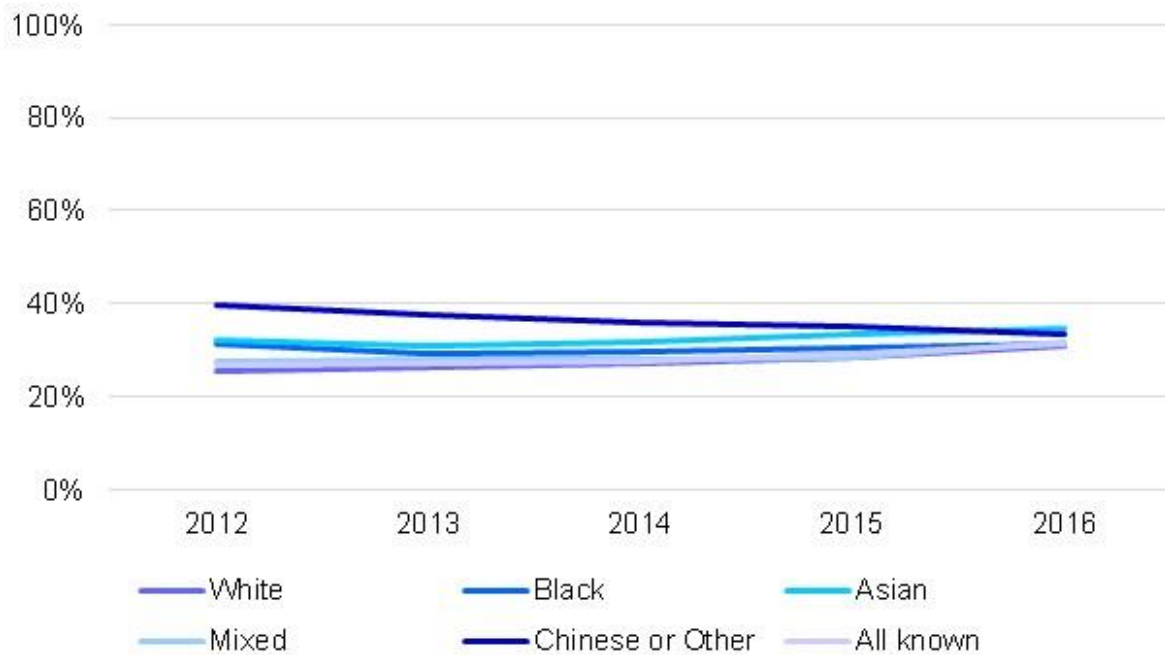
**Table 3. Relative Rate Index (RRI), custody rate, calendar year 2016**

	White	Black	Asian	Mixed	Chinese or Other
<b>Custody rate</b>	1.00	1.01	1.11*	1.02	1.08*
(custodial sentences per all sentences)					

“\*\*” = statistically significant

The Chinese or Other and Asian ethnic groups have consistently had the highest custody rates over the past five years. Where the trend for Chinese or Other offenders has been declining, custody rates for Asian offenders have been increasing over the last 5 years. Asian offenders are now the ethnic group which receives the highest rate of custodial sentences. As seen from Table 3, Asian offenders were 11% more likely to receive a custodial sentence than White offenders, while Chinese or Other offenders were 8% more likely to receive a custodial sentence than White offenders.

**Figure 5.08: Custody rate for all ethnicities, 2012 to 2016, England and Wales**

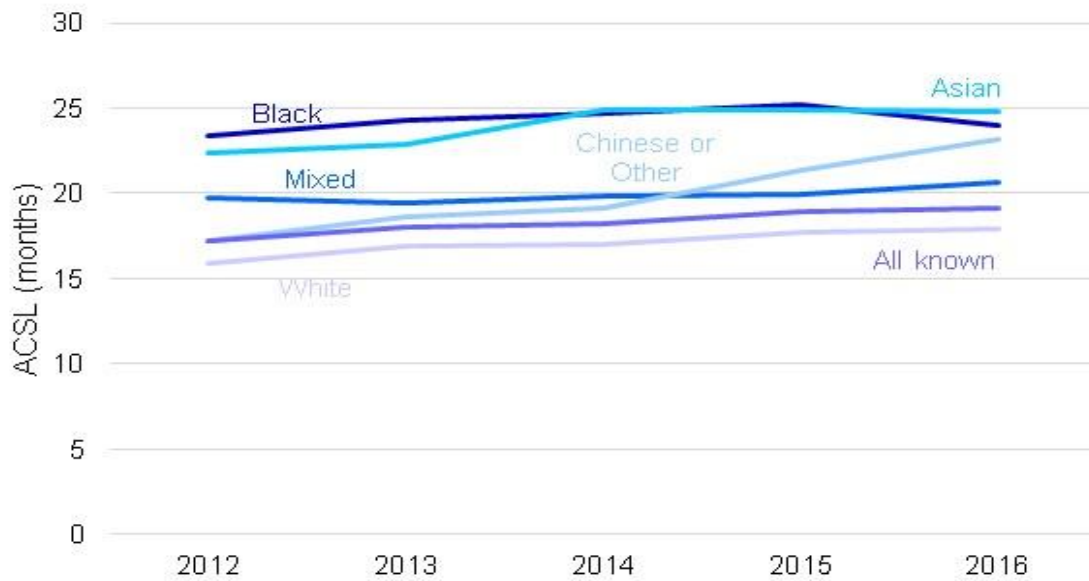


#### *Average custodial sentence length (ACSL)*

Since 2012, the ACSL has increased overall<sup>70</sup> but remained consistently longer for all non-White ethnic groups compared with White offenders and longest for Asian and Black ethnic groups. In 2016, of all offenders sentenced to immediate custody Black and Asian offenders received 24.0 and 24.8 months respectively, and longer for both Mixed (20.7 months) and Chinese or Others (23.2 months) ethnic groups compared with White offenders (17.9 months).

<sup>70</sup> The overall increase in ACSL may be connected to changes in sentencing guidelines – see accompanying technical guide for further details

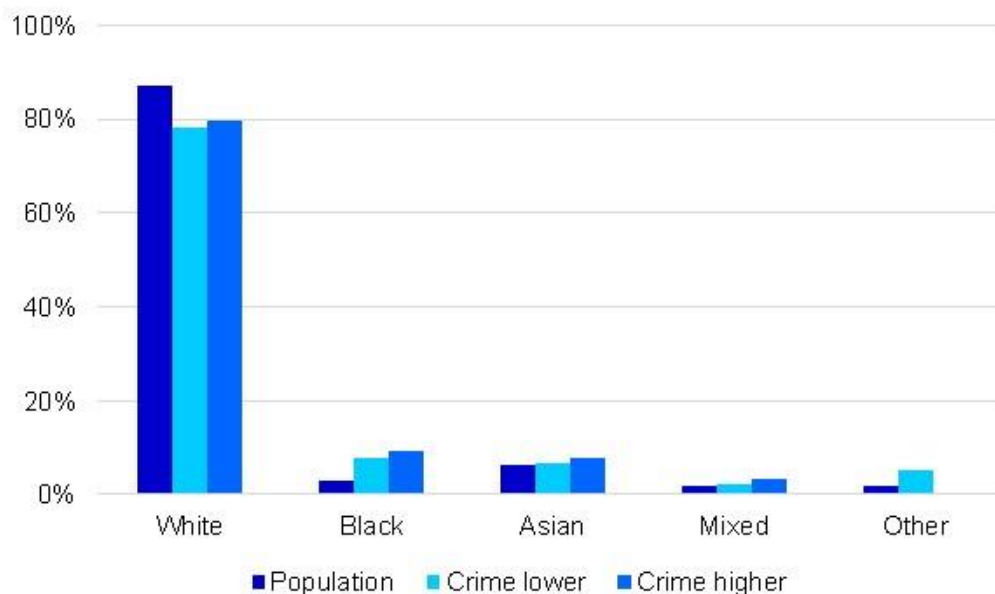
**Figure 5.09: The average custodial sentence length (ACSL) for offenders sentenced to immediate custody for indictable offences at all courts, by ethnicity, 2012 to 2016**



### Criminal legal aid

Criminal legal aid consists of legal advice and representation provided to people being investigated or charged with a criminal offence, it is carried out in police stations, prisons, and in courts in relation to people accused of or charged with criminal offences. Criminal legal aid can be split into two categories, crime higher and crime lower. Crime higher concerns legal representation in the Crown Court and above. Crime lower work is carried out by legal aid providers at police stations, in magistrates' courts and prison. Crime lower work tends to be relatively high volume, lower cost units of criminal legal aid work.

**Figure 5.10: Ethnic groups' proportions of UK population, and the workloads for crime lower and crime higher, 2016, England and Wales**



### *Crime lower*

In 2016 around 78% of crime lower legal aid workload related to clients from the White ethnic group, 8% to Black, 7% to Asian, 5% to Other and 2% to Mixed. These proportions have changed very little over the last 5 year period.

For all ethnicities, pre-charge advice and representation at magistrates' court compose a clear majority of the workload. Of pre-charge advice and representation at magistrates' court, it is also a consistent trend across all ethnicities that the proportional workload for the former has been steadily increasing since 2012, while the latter has had a corresponding decrease for the same time period. In 2016, the legal aid workload categories of charged defendants and prison law make up no more than 1% and 2-3% for all ethnicities.

A third (33%) of White defendants received representation at magistrates' court, making it the ethnic group that received the most representation, while the Asian group received the least with less than a quarter (23%) of its defendants being represented. The trend is the reverse for pre-charge advice as this legal aid category comprises 76% of all Asian defendants' legal aid, as opposed to White defendants for whom this category accounts for 65%, the lowest among all the ethnic groups.

### *Crime higher*

A similar pattern emerges from the crime higher legal aid workload. In 2016 80% of crime higher legal aid workload related to clients from the White ethnic group, 9% to Black, 8% to Asian, and 3% to Mixed. These proportions have changed very little over the last 5 year period.

As with the breakdown of the crime lower categories, the trends are broadly the same for all ethnic groups while the proportions differ. Across all ethnic groups, the legal aid workload categories of appeal and committal for sentence were the smallest, while triable either way and indictable only offences were the largest. In 2016, the White ethnic group was the group with the smallest proportion of its defendants being tried for indictable only offences (27%), when compared with the Mixed and Black ethnic groups (34% each). Asian defendants had the lowest proportion of committal for sentence (9%), but the highest proportion of either way offences along with White defendants (55% each). While these proportions have changed over time, the trends have been broadly parallel for all ethnicities.

### *Prison representation*

In 2016, 74% of the legally aided prison law workload related to White defendants, 10% to Black, 8% to Other, and 4% to Mixed and Asian each. These proportions were almost identical to those of the ethnic breakdown of the prison population. The majority of prison legal aid workload was for oral representation for parole and disciplinary matters (for Black 66%, Mixed 63%, Other, and Asian 61% each, and White 59%) and written representation to the parole board (For White 38%, Other 36%, Mixed 35%, Asian 32%, and Black 31%). Although these proportions vary by ethnicity, the trend appears to be towards converging as they were further apart in 2014.



## Criminal courts data

The information in this section is based on data from the Criminal Courts Statistics Quarterly (CCSQ). The CCSQ uses the same underlying databases (Libra and Crest)<sup>71</sup> as that of the CJS statistics discussed above in the prosecutions, convictions and sentencing section. However, CCSQ focuses on criminal court processes such as of guilty pleas, court timeliness, and election of defendants for Crown Court, rather than criminal justice system outcomes.

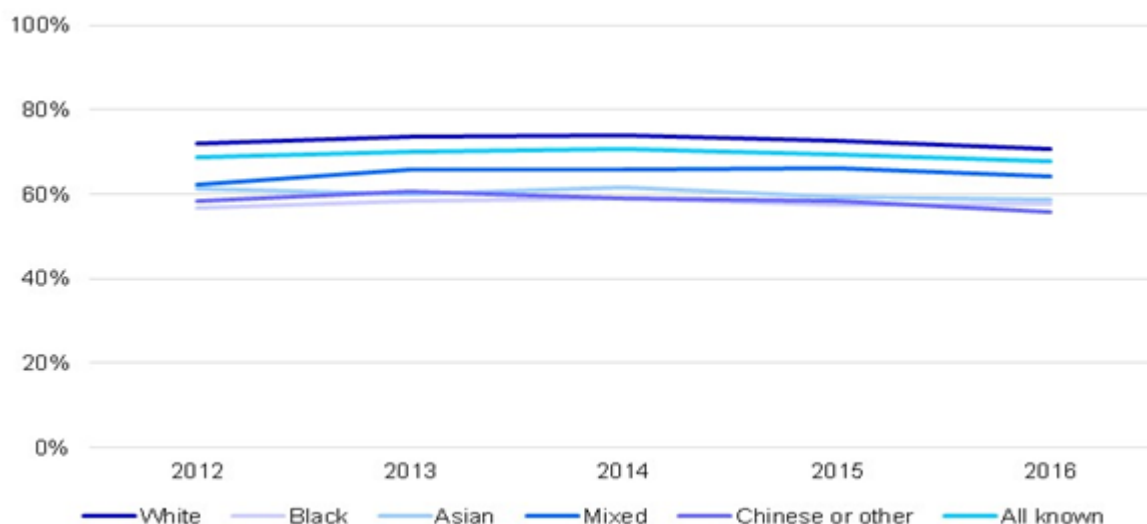
**Table 4. Relative Rate Index (RRI), guilty pleas, calendar year 2016**

	White	Black	Asian	Mixed	Chinese or Other
<b>Guilty pleas</b>	1.00	0.82*	0.83*	0.91*	0.79*
(guilty pleas per all defendants with a plea)					

“\*” = statistically significant

The guilty plea rate (GPR) of defendants who were tried at the Crown Court, i.e. the number of defendants who pleaded guilty to all counts as a proportion of all those with a plea, varied across the ethnic groups. The overall GPRs were broadly stable for all ethnic groups since 2012, with yearly fluctuations of between 1 and 4 percentage points for all ethnicities. White defendants have consistently had the highest GPR over the last five years with a GPR of 71% in 2016. Chinese or Other defendants had the lowest GPR in 2016 at 56%, followed by Black defendants with a GPR of 58%, Asian at 59%, and Mixed at 64%. These figures are supported by the RRI, as seen in Table 4, all rates are statistically significant and below 1.00, indicating that all non-White ethnic groups were less likely to plead guilty than the White ethnic group.

**Figure 5.11: Guilty pleas for all ethnicities, 2012 to 2016, England and Wales**



<sup>71</sup> For timeliness, additional data come from HOCAS and penalty notices for disorder (PNDs) data.

The fact that White defendants have a higher guilty plea rate is also thought to contribute to why there are proportionately more cracked trials where the defendants are White<sup>72</sup>. Cracked trials are trials that do not go ahead on the day as an outcome is reached and so does not need to be re-scheduled. They are frequently the result of a guilty plea being entered after a trial has been scheduled, with 80% of cracked trials in 2016 being due to a defendant entering a late guilty plea or a defendant pleading guilty to an alternative charge. In 2016, 38% of trials with all White defendants were cracked, 27% for Chinese or Other, 29% for Black, 32% for Asian, and 34% Mixed. Conversely, White defendants had the lowest proportion of effective trials (a trial that commences on the day it is scheduled and reaches a conclusion) with a percentage of 47% in 2016, compared with 49% for Mixed, 51% for Asian, 56% for Black, and 58% for Chinese or 'Other'.

The guilty plea rate also pertains to the topic of ACSL (discussed above) as admitting guilt can be a contributor to shorter custodial sentences. As observed by the Lammy review, "defendants indicating a guilty plea at the first stage of court proceedings can benefit from a reduction of up to one-third from prison sentences, with later guilty pleas resulting in smaller reductions"<sup>73</sup>. The disproportionality in GPR across ethnic groups is therefore thought to contribute to their disproportionalities in ACSL.

#### *Court timeliness*

The average number of days from first listing in magistrates' courts to completion in the Crown Court varies across ethnicities. In 2016, White offenders had the lowest mean number of days (187), while Asian had the highest (227) and Chinese or Other the second highest (224). These differences are also reflected across the largest offence groups. For violence against the person, the mean number of days from first listing in magistrates' courts to completion was 201 for White defendants, 250 for Asian and 242 for Chinese or Other (compared with 206 for Mixed and 227 for Black). Similarly for theft offences, while the mean was 159 days for White defendants, it was 185 and 207 for Asian and Chinese or Other, and 180 and 170 for Black and Mixed respectively. For the year 2016, these findings indicate that out of all the defendants that are being tried at the Crown Court, trials for White defendants take the least amount of time while that of Asian and Chinese or Other take the longest

#### *Election of defendants to Crown Court<sup>74</sup>*

Triable either-way cases are cases which can be dealt with either in the magistrates' court or the Crown Court. A defendant in a triable-either-way case which is dealt with in the Crown Court will either be directed by Magistrates' Court, or will have elected themselves, to be tried in the Crown Court. In 2016 White defendants were most likely to be directed to the Crown Court by the Magistrates, with 93% being directed by the magistrates, followed by Asian and Mixed with both groups at around 92%. Whilst less frequently being sent to the Crown Court by the magistrates in 2016, Black and Chinese or other defendants therefore had the highest rates for electing themselves to be heard in the Crown Court, with both at 11%.

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<sup>72</sup> For the ethnicity breakdown of cracked trials, the criminal courts data construct ethnic groups based on whether all the defendants at a trial belong to the same ethnic group or not. This means that in trials where there are defendants of various ethnicities, the data will be categorised as "multiple ethnicities" which we have elected not to report on. The proportion of all defendants with known ethnicities that fall into this category is 4%. For this reason, figures in this paragraph are written as, for example, "trials with all White defendants", as we are only discussing cases where all the defendants were of the same ethnicity within particular trials.

<sup>73</sup> *The Lammy Review*, p.26. Available here <https://www.gov.uk/government/publications/lammy-review-final-report>

<sup>74</sup> Percentages in this section should be interpreted with care as they are based on very low volumes.

## 6. Offender Characteristics

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### Sex: Prosecutions

The rate of prosecutions for Black male defendants (25 per 1,000) was more than three times higher than for White male defendants (7 per 1,000). The rate of prosecutions for Black female defendants (3 per 1,000) was just over two times higher than White female defendants (1 per 1,000).

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### Youth: Prosecutions

Prosecution rate relative to the population was highest for Black juveniles (12 juveniles per 1,000 people in the population), followed by Mixed (4 per 1,000), Chinese or Other (2 per 1,000) and White (2 per 1,000) and Asian (2 per 1,000).

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### Educational attainment

Overall, Black and 'Asian and Other' young people in the matched cohort sentenced in 2014 had a greater proportion achieving 5 or more GCSEs graded A\* - C and A\* - G for all sentencing outcomes.

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This chapter looks at sex differences throughout the Criminal Justice System, Youth offending, the educational background of offenders (from a data share project between the Ministry of Justice and Department for Education), offending history, and reoffending.

## Sex

### *Prosecutions*

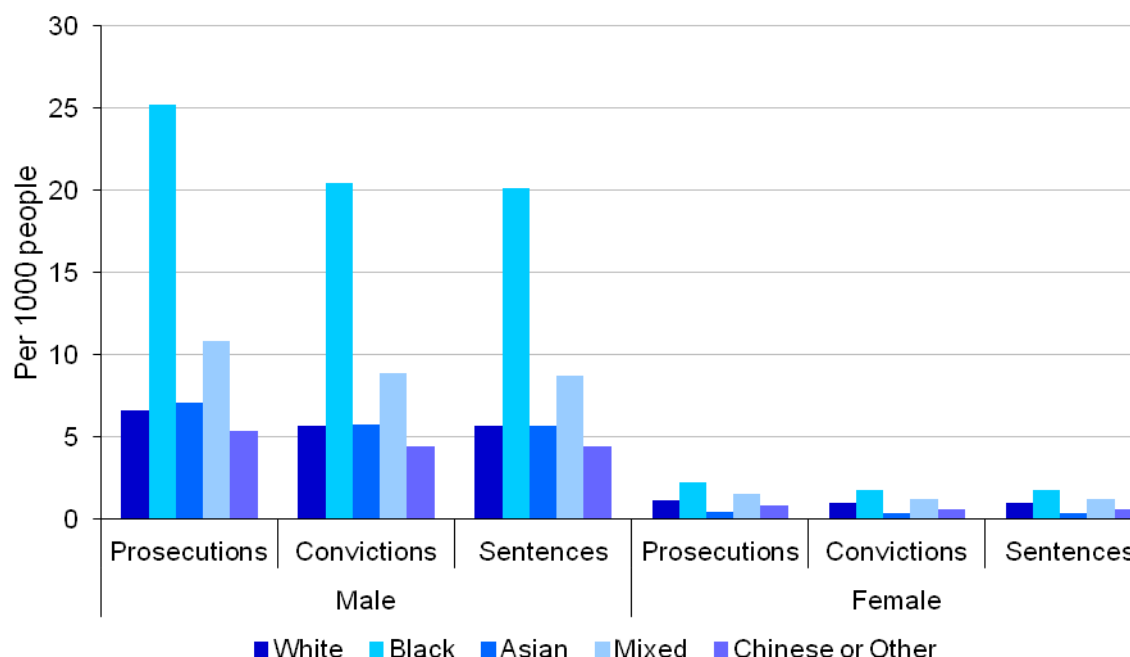
Prosecutions and prosecution rates are much higher for males than females overall, and there are many more males than females in the Criminal Justice System. Prosecutions of female defendants for indictable offences fell by 26% between 2012 and 2016, from 44,000 to 33,000, and prosecutions fell by 29% for male defendants in the same period, from 286,000 to 203,000<sup>75</sup>. In 2016, White male defendants accounted for 77% of all male prosecutions, while Black, Asian, Mixed and Chinese or Other male defendants accounted for 11%, 7%, 3% and 1% respectively. White female defendants accounted for 86% of all female prosecutions, while Black, Asian, Mixed and Chinese or Other female defendants accounted for 7%, 3%, 3% and 1% respectively.

The difference in prosecution rate relative to the population was highest for males, and the highest rate of prosecutions from the Black ethnic group. The rate of prosecutions for Black male defendants (25 per 1000) was more than three times higher than for White male defendants (7 per 1000). The rate of prosecutions for Black female defendants (3 per 1000) was just over two times higher than White female defendants (1 per 1000). Mixed male defendants (11 per 1000) had a prosecution rate two times higher than White male defendants. Chinese or Other and Asian female defendants had the lowest rates of prosecutions.

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<sup>75</sup> Where ethnicity was known. Defendants with unknown or not stated ethnicity accounted for 19% of all indictable prosecutions in 2016.

**Figure 6.01: Prosecutions and convictions for indictable offences, per 1,000 people<sup>76</sup>, by ethnic group and sex, England and Wales**



### Convictions

From 2012 to 2016, the total number of convictions for indictable offences followed similar trends to prosecutions for males and females. Convictions decreased by 27%, from 238,000 to 172,000 for male defendants and by 25% for female defendants, from 37,000 to 27,000.

Of all ethnicities, both White male and White female offenders had the highest conviction ratios<sup>77</sup> (86% and 85%), a trend that has been consistent since 2012 for male defendants but has fluctuated for female defendants. The conviction ratios varied more among females than males, as in 2016, there was a larger difference between the conviction ratios for Asian female defendants (73%) than the White female conviction ratio (85%). The conviction ratio for males in 2016 ranged between 81% (Black male defendants) and 86% (White male defendants), a variation of 5 percentage points. All non-White female defendants were also significantly less likely to be convicted after prosecution than non-White male defendants from the same ethnic group<sup>78</sup>. For example, the conviction ratio in 2016 for Asian male defendants (81%) was significantly<sup>79</sup> higher than for Asian female defendants (73%). Similarly, the conviction ratio for Chinese or Other male defendants (82%) was significantly higher than for Chinese or Other female defendants (76%).

The conviction ratio was significantly lower for non-White defendants than White defendants, for both sexes. This means that non-White defendants were less likely to be convicted after prosecution than White offenders.

<sup>76</sup> Rates per 1,000 of the population per ethnic group were calculated by dividing the number of prosecutions for an ethnic group by the estimated population for that ethnic group and multiplying by 1,000.

<sup>77</sup> The conviction ratio is calculated by dividing the total number of defendants convicted by the total number of defendants prosecuted in the same period.

<sup>78</sup> The Relative Rate Index tables for convictions for sex and ethnicity can be found in the published tables.

<sup>79</sup> Statistically significant at the 95% level or higher

### *Indictable offence groups*

Overall, the majority of indictable offence groups that females were convicted for were theft offences (57%) in 2016, followed by drug offences (10%) and violence against the person (10%). Theft offences were the most common offences for each ethnic group, and the majority of White (58%) and Chinese or Other (52%) female defendants were convicted of theft, as well as 51% of all Mixed female defendants and 43% of both Black and Asian defendants.

The male breakdown by ethnicity was more varied. The majority indictable offences that males were convicted for were also theft and drug offences. The proportion of White male offenders (38%) and Chinese or Other male offenders (27%) was highest for theft offences. Drug offences were the most common for Black (37%), Asian (29%) offenders, and for Mixed male offenders, theft and drug offences were both equally common (28% each).

### *Remands<sup>80</sup>*

For indictable offences, a smaller proportion of female defendants were arrested and held in custody in each of the last five years than male defendants. In 2016, 38% of male defendants were remanded in custody, compared with 22% of female defendants. Of the 27,000 males remanded in custody at the Crown Court for indictable offences<sup>81</sup> in 2016: 73% were White, 14% were Black, 8% were Asian, 4% were Mixed and 2% were Chinese or Other. Of the 2,000 females remanded in custody at the Crown Court for indictable offences in 2016: 81% were White, 9% were Black, 4% were Asian, 3% were Mixed and 2% were Chinese or Other.

### *Sentencing*

The number of sentences for indictable offences given for both male and female offenders has decreased since 2012. The proportion of sentences for each ethnic group has also remained stable since 2012; similar to trends seen in prosecutions and convictions.

In 2016, the most common outcome for all male offenders was a custodial sentence (33%), whereas sentencing outcomes were typically more varied for females, across all ethnic groups. The different proportions of custodial sentences for male and female offenders are likely to be attributable to a range of factors including differences in the offence types they commit. A community sentence was the most frequent sentencing outcome for all female offenders (24%), and was a similar trend across all ethnic groups except for Chinese or Other.

Chinese or Other and Black female offenders had the highest custody rate<sup>82</sup> (21% each) for all female offenders, and custody rate ranged between 19% and 21% across all female ethnic groups. Custody rate was highest for Chinese or Other male offenders (35%) and Asian offenders (35%); ranged between 32% and 35% across all male ethnic groups. Sex differences were highest for Asian offenders as Asian male offenders' custody rate (35%) was 15 percentage points higher than Asian female offenders (20%). Black offenders had the lowest disparity between males and females as Black male offenders custody rate (32%) was 11 percentage points higher than Black female offenders (21%).

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<sup>80</sup> Remands data in this section are based on the Crown Court's decision on whether a defendant prosecuted for a criminal offence, should – during the court proceeding – go on to be placed in custody or released on bail.

<sup>81</sup> This figure refers only to those with known ethnicity; for this group, ethnicity coverage was 86% in 2016.

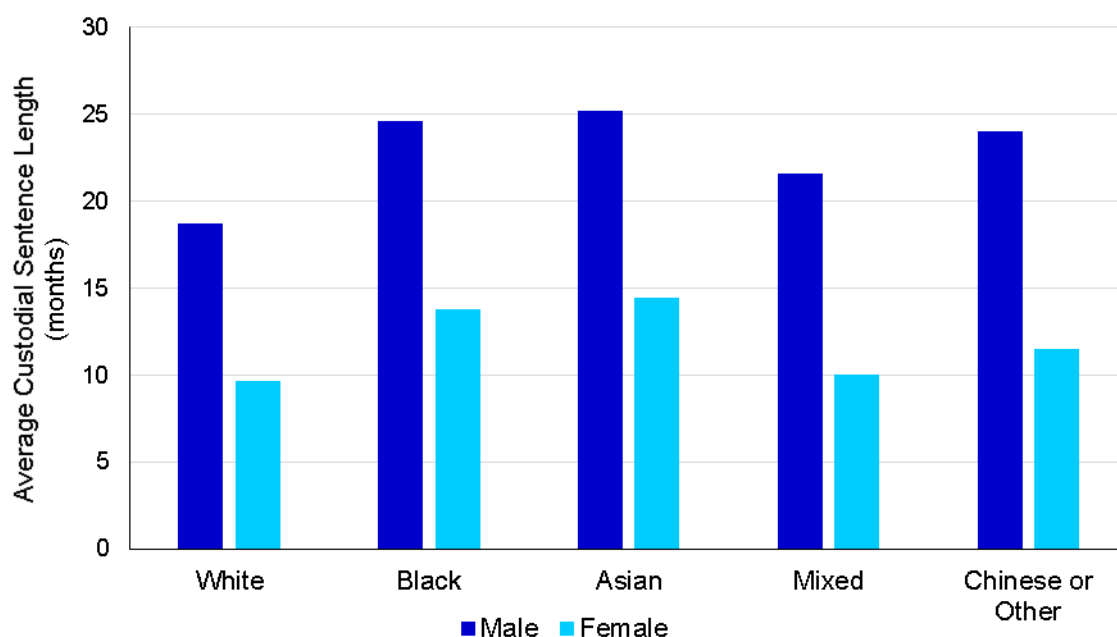
<sup>82</sup> The custody rate is the proportion of all offenders sentenced to immediate custody, out of all sentencing outcomes.

### Average Custodial Sentence Length (ACSL)<sup>83</sup>

Since 2012, the ACSL has risen for male offenders from all ethnic groups<sup>84</sup>, and has declined for female offenders from all ethnic groups.

The biggest sex disparity in ACSL was the Chinese or Other ethnic group (11.5 months for females and 24.0 months for males), and the smallest disparity was for the White ethnic group (9.7 months for females and 18.7 months for males)<sup>85</sup>.

**Figure 6.02: Average Custodial Sentence Length (ACSL) for indictable offences, 2016, England and Wales**



ACSL for nearly every offence group was higher for non-White male offenders than White offenders in 2016. The largest difference for male offenders was violence against the person offences, as the ACSL was higher for non-White offenders (ranging from 26.5 months to 36.3 months) than White offenders (19.9 months). This varied between all ethnic groups for female offenders. The largest difference in ACSL for female offenders was possession of weapons, ACSL was higher for non-White female offenders (ranging from 19.7 months to 60 months) than White female offenders (7.5 months). The ACSL for Chinese or Other female offenders for possession of weapons offences was smallest (2.8 months). Males from all ethnic groups, including White, received an ACSL of 58 to 63 months for sexual offences, with a difference of 0.3 months between White and non-White males. The largest difference in ACSL between sexes was for sexual offences, as White female offenders received an ACSL of 48.5 months, and non-White female offenders received an ACSL of 28.7 months.

<sup>83</sup> It must be noted that the majority of all offenders sentenced to immediate custody are males, and the majority of all male disposal outcomes are custodial (33%) due to committing more serious crimes, the population of ACSL is skewed and males will have a major impact on ACSL.

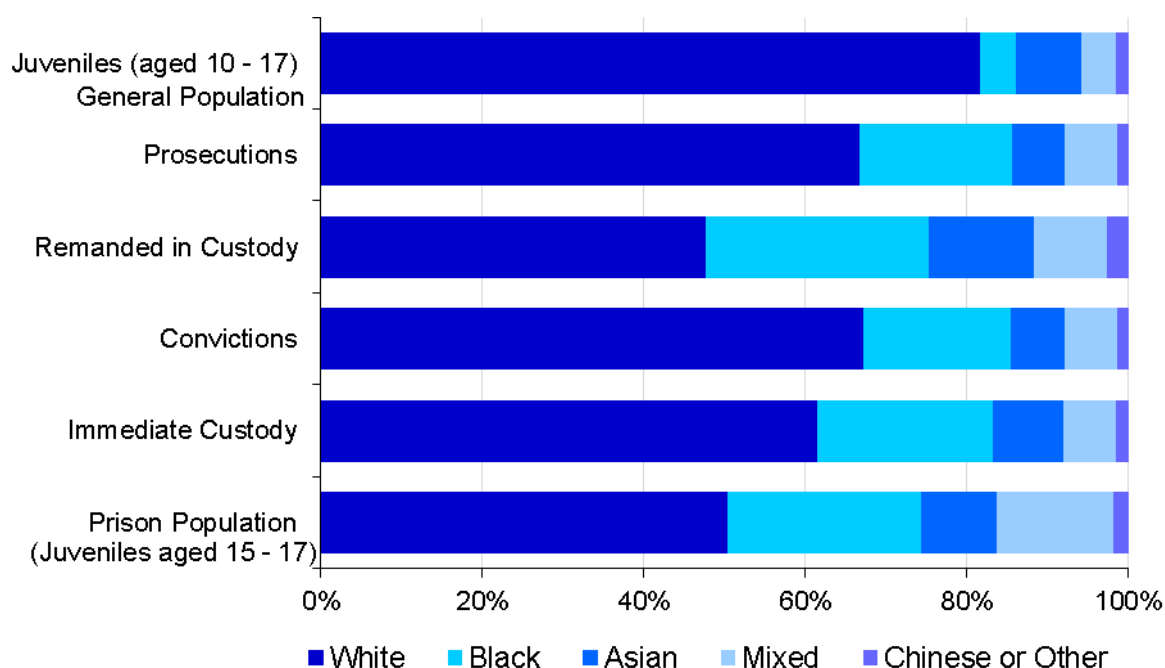
<sup>84</sup> The overall increase in ACSL may be connected to changes in sentencing guidelines – see accompanying technical guide for further details

<sup>85</sup> This could be due to the difference in offence groups.

## Youth Offenders

The following section will discuss youth offenders at different stages of the criminal justice system for indictable offences. Reference will usually be made to ‘juveniles’ by which we refer to individuals aged 10 to 17 years of age.<sup>86,87</sup> This will often be in comparison to all defendants (i.e. juveniles and adults, not just adults). It should be noted that because juvenile offenders comprise less than 10% of all offenders prosecuted for an indictable offence, trends should be interpreted with caution.

**Figure 6.03: Youth Summary Chart to show proportion of young people in the criminal justice system, broken down by ethnicity, 2016, England and Wales**



### Prosecutions

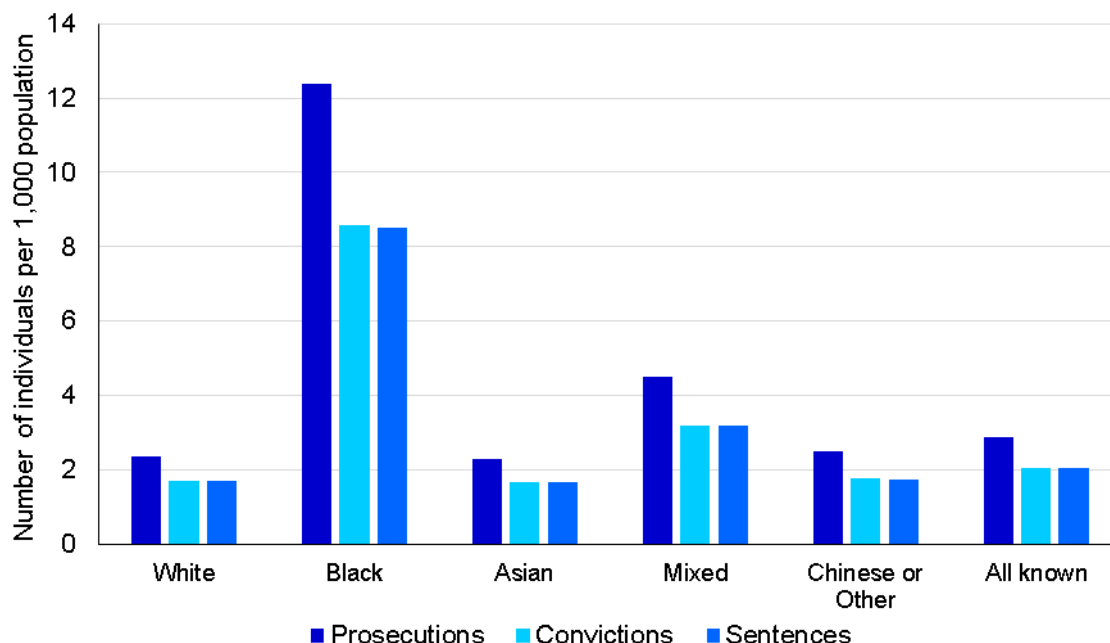
The number of juveniles prosecuted for indictable offences has fallen by 54%, from 33,000 in 2012 to 15,000 in 2016, compared to the 29% decrease seen in all aged prosecutions. White defendants saw the largest decline, a decrease of 58%, followed by Mixed defendants (decreased by 52%); Asian (45%), Chinese or Other (43%), and Black defendants the lowest decrease of 37%. The representation of White juvenile defendants decreased from 73% in 2012 to 67% in 2016 and Black defendants accounted for 14% in 2012 of the juvenile prosecutions and 19% in 2016. Although numbers prosecuted reduced across all ethnicities, the proportion of defendants who were non-White increased.

The number of juveniles prosecuted for indictable offences in relation to population size varied by ethnicity. Prosecution rates per 1000 people aged 10-17 in the population for each ethnic group were highest for Black juveniles (12 juveniles per 1000 people), followed by Mixed (4 per 1000), Chinese or Other (2 per 1000), White (2 per 1000) and Asian (2 per 1000). For defendants of all ages, Black defendants were prosecuted four times more than White defendants; Black juveniles however were prosecuted five times more than White juveniles, relative to the population.

<sup>86</sup> In some cases, such as prison population, the age band for juveniles are defined differently.

<sup>87</sup> In this section, juveniles are the standard unit we are describing, even when not explicitly stating so in the text. The only exceptions are when we are deliberately discussing ‘all aged’ offenders.

**Figure 6.04: Rates of prosecutions, convictions and sentencing of juvenile defendants per 1,000 population aged 10-17, by ethnicity, 2016, England and Wales**



In 2016, the Black ethnic group represented 4% of the general population aged 10-17 but 19% of all juvenile prosecutions for indictable offences whereas the White ethnic group represented 82% of the general population aged 10-17, but 67% of juvenile prosecutions.

The divergence between ethnicities can also be observed in the proportions of all prosecutions where the defendant was a juvenile. For the White, Asian and Chinese or Other ethnic groups, juvenile prosecutions were between 6% and 7% of all prosecutions for indictable offences in 2016, while the Black ethnic group had a proportion of 12% and Mixed ethnicity defendants, 13%. This shows that a larger proportion of Black and Mixed defendants were juvenile than any other ethnic groups.

Combined, these findings indicate that juveniles in the Black and Mixed ethnic groups are disproportionately prosecuted when compared with both their juvenile population size and their age.

#### *Conviction ratio<sup>88</sup>*

The conviction ratio for indictable offences was highest in 2012 (76%), but has remained stable since 2013, at around 72%. The Asian ethnic group had the highest juvenile conviction ratio of 73% in 2016, followed by White at 72%, and Mixed and Chinese or Other at 71%. The Black ethnic group had the lowest juvenile conviction ratio of 69%, lower than the White ethnic group. The overall juvenile conviction ratio has declined by 4 percentage points since 2012, however the ethnic group with the highest and lowest conviction ratio differs year on year.

#### *Remands*

In 2016, the majority of White (62%), Asian (46%) and Mixed (51%) juveniles were given bail for indictable offences. Almost half (49%) of all Black juvenile defendants in 2016 were remanded in custody, this compares to 48% of Chinese or Other<sup>89</sup>, 43% of Asian, 43% of Mixed and 26% of White juveniles. The proportion of Black juvenile defendants remanded in

<sup>88</sup> The conviction ratio is defined as the ratio of convictions to prosecutions for a principal offence over one year

<sup>89</sup> The Chinese or Other group who were remanded in custody in 2016 was small, with 10 juveniles.



custody has decreased by two percentage points since 2012, whereas the proportion of Asian juveniles who were remanded in custody in 2016 had increased by 10 percentage points since 2012, however this must be interpreted with caution as the number of Asian juveniles almost halved in the same time period (221 Asian defendants in 2012 and 112 Asian defendants in 2016).

#### *Custody rate and Average Custodial Sentence Length (ACSL)*

Juvenile custody rates<sup>90</sup> for indictable offences have remained stable at around 9% and 10% between 2012 and 2016. White juvenile offenders have had the lowest custody rate over the past five years, between 8% and 9% out of all White juvenile offenders. Black and Asian juvenile offenders had the largest proportion of offenders sentenced to immediate custody over the past five years. In 2016, Asian juvenile offenders had the largest proportion receiving an immediate custodial sentence (13%), followed by Black juvenile offenders (12%).

The ACSL increased for all ethnic groups from 13.4 months in 2012 to 16.4 months in 2015, before decreasing in 2016 to 15.6 months. Generally, Black, Asian and Mixed juveniles had the highest ACSL while White and Chinese or Other had the lowest, though in 2016, Black juveniles' ACSL decreased from 17.7 months in 2015 to 15.7 months in 2016. The ACSL for Chinese or Other increased to 16.2 months from 14.8 months. Asian and Mixed ethnicity juveniles' ACSL were 20.5 and 20 months respectively in 2016, relatively similar to 2015, and the ACSL for White juveniles was 14.3 months, remaining relatively constant with previous years.

The majority of all immediate custody sentences for juveniles (61%) were from the White ethnic group, compared with 22% Black juveniles and followed by Asian (9%), Mixed (7%) and Chinese or Other (2%).

The effect of higher prosecution rates, custody rates and longer ACSL for Black, Asian and Mixed ethnicity juvenile offenders are contributing factors in explaining why there are a growing proportion of juveniles from non-White ethnic groups in secure estates, relative to the population, as shown in figure 6.03.

#### *Young people within secure estates*

As with prosecutions, the total number of juveniles<sup>91</sup> incarcerated has declined since 2012. The total number of incarcerated juvenile offenders (where ethnicity was known) declined by 49% from 1,300 in 2012 to 600 in 2016. However, the rate of decline differed between ethnic groups. The number of White juvenile offenders in the secure estate decreased at a faster rate than any other ethnic group, causing a proportional increase of juveniles in the secure estate from all other ethnic groups, as a result of their slower rate of decline. Where White offenders accounted for 59% of all incarcerated juvenile offenders in 2012, this proportion was 50% in 2016. Conversely, the proportion of Mixed juvenile offenders increased from 10% to 14% over the same the period. Black juvenile offenders in the secure estate increased from 23% to 24%, Asian from 7% to 9% and Chinese or Other from 1% to 2%.

#### *Juvenile Offending History<sup>92</sup>*

The majority of the juvenile offenders in the White and Black ethnic groups in 2016 had 1-14 previous cautions or convictions (57% and 58% respectively). The majority of Asian (53%) and Chinese or Other (51%) defendants were first time offenders compared with 41% White and Black first time juvenile offenders in 2016.

<sup>90</sup> The custody rate is the proportion of sentences which result in immediate custody.

<sup>91</sup> For prison population, the category of 'juveniles' incorporates 15-17 year olds, not the usual 10-17 year olds classification which is used elsewhere in this report.

<sup>92</sup> Offending history uses PNC data, so uses the 4+1 classification.

## Comparing the educational background of young people sentenced in 2014

Findings from a recent data sharing exercise between the MoJ and the Department for Education (DfE) are presented here, with analysis on a matched cohort who were sentenced to custody in 2014 and at the end of Key Stage 4 (KS4).<sup>93,94</sup> This analysis is very similar to the analysis included in a report published as part of the Lammy Review<sup>95</sup> and further builds on the initial report published in December 2016<sup>96</sup>. This work also includes other sentencing outcomes and comparisons of offender education backgrounds against all pupils.<sup>97</sup>

The initial analysis conducted by MoJ and DfE focused on headline pupil characteristics collected by DfE, and showed that in general, the youth justice population has lower levels of attainment, and higher levels of Free School Meal eligibility (FSM), Special Educational Needs (SEN) status and Looked After Child status (LAC) than the general youth population<sup>98</sup>. In general, it was found that the more serious the youth disposal outcome, the stronger this association was.

This analysis compares the characteristics of ethnic groups in the matched young offender cohort. It focuses on those given a custodial sentence of 12 months or more, a custodial sentence of less than 12 months, youth rehabilitation orders or equivalent community orders ('YROs'), referral orders ('ROs') and cautions. There is a glossary that explains the definition of each youth disposal in the technical guide. Within each disposal group, comparisons are made between ethnic groups<sup>99</sup>. Comparisons to the whole pupil population are made where the appropriate published data is available. It is important to note in the following analysis that there are many young people in the overall pupil population that have the characteristics described and do not go on to offend<sup>100</sup>.

### Educational attainment

Analysis shows that the educational attainment of those sentenced to youth justice disposals was generally much lower than the overall pupil population across all three KS4 headline attainment measures. The results that showed statistically significant differences between ethnic groups are set out below.

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<sup>93</sup> Pupils at the end of Key Stage 4 are typically aged 15 and 16

<sup>94</sup> Analysis of attainment data focuses on those sentenced to custody in 2014 that were at the end of KS4 in the 2011/12 and 2012/13 academic year. Analysis of offender characteristics such as SEN and FSM is based on academic years 2011/12, 2012/13 and 2013/14. Further information on the methodology and cohort size can be found in the technical guide.

<sup>95</sup> For more details see: Exploratory analysis of the youth secure estate by BAME groups. Ministry of Justice, 2017. <https://www.gov.uk/government/statistics/exploratory-analysis-of-the-youth-secure-estate-by-bame-groups>

<sup>96</sup> For more detail see: Understanding the educational background of young offenders. Joint experimental statistical report from the Ministry of Justice and Department for Education, 2016.

<https://www.gov.uk/government/statistics/understanding-the-educational-background-of-young-offenders-full-report>

<sup>97</sup> For more information on how this builds on previous analysis and methodology information see the Technical Guide.

<sup>98</sup> More information about these characteristics can be found in the Technical Guide.

<sup>99</sup> Ethnic group classifications are different than the 4+1 or 5+1 classification used in the rest of the report (See Appendix I.01). The ethnic classification for the MoJ-DfE data link is: White, Black, Mixed and Asian and Other. Asian and Other is the addition of the 'Asian' and 'Other' classification, this group is combined due to small numbers.

<sup>100</sup> We were only able to match data on those children who are both in DfE and MoJ datasets so cannot provide analysis specifically for non-offenders with these characteristics. Also, some of the proportions presented are based on small sample sizes so care should be taken when comparing results for different ethnic groups. The results presented are only for those sentenced in calendar year 2014.

#### *5 or more GCSEs (or equivalents) graded A\* to C*

For those sentenced to 12 months or more in custody, a greater proportion of young Black people achieved this level (11%) in comparison to the young White group (4%). Sample sizes were too small for other comparisons amongst those receiving custodial sentences.

Amongst those receiving YROs, ROs and cautions, a greater proportion of Black and 'Asian and Other' young people attained this level than the White group for each of these disposals. These were all statistically significant differences. The difference was greatest amongst those receiving YROs. 12% of young Black people and 16% of young Asian and Other people receiving YROs attained this level compared to 3% of young White people.

Department for Education data on all pupils' attainment for this period shows that a statistically significant smaller proportion of young Black people achieved this level (56%) than any other ethnic group overall, including White (59%). The Mixed (61%) and Asian and Other (63%) proportions of young people attained A\* - C significantly more than the White group.

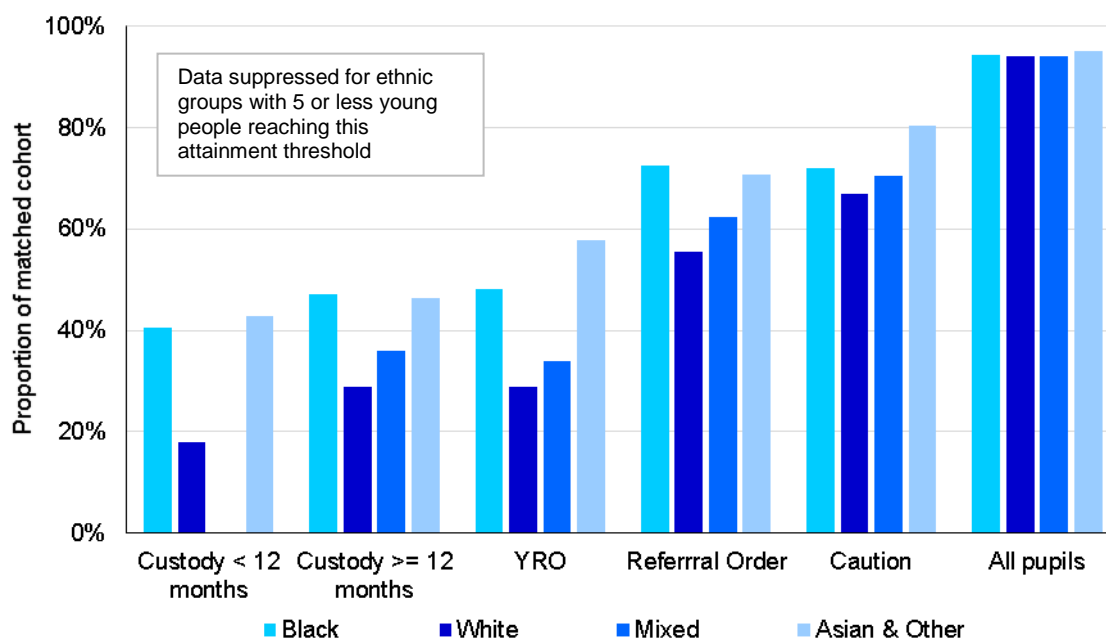
#### *5 or more GCSEs (or equivalents) graded A\* to G*

Figure 6.05 shows that for every youth justice disposal, a greater proportion of young Black people attained this level than young White people. These were statistically significant differences for every disposal except cautions. For example, 47% of Black young people who were sentenced to 12 months or more in custody had 5 or more GCSEs graded A\* - G, compared to 29% of the White ethnic group.

A greater proportion of the 'Asian and Other' group also attained this level in comparison to the White group within every youth justice disposal, and these were statistically significant differences for every disposal except more than 12 months in custody.

In comparison, the overall levels of attainment for the pupil population are similar across ethnic groups, although a slightly higher (but statistically significant) proportion of the 'Asian and Other' group achieved this level than other groups (95% in comparison to 94% for other groups).

**Figure 6.05: Proportion of those in the matched cohort that were sentenced in 2014 and achieved '5 or more GCSEs (or equivalents) graded A\* to G' by ethnicity and sentence outcome<sup>101</sup>**



Source: Ministry of Justice/ Department for Education Linked Data Set: 2014

### *Any pass in GCSEs (or equivalents)*

The proportion of all young people who achieved this attainment level were high, ranging from 94% to 98%. There were two significant differences between ethnic groups at this attainment level across all disposals. Young Black people receiving less than 12 months in custody were significantly more likely to receive any pass in GCSEs than young White people. 'Asian and Other' young people receiving YROs were more likely than young White people to attain this level.

### Pupil characteristics

#### *Free School Meals (FSM)<sup>102</sup>*

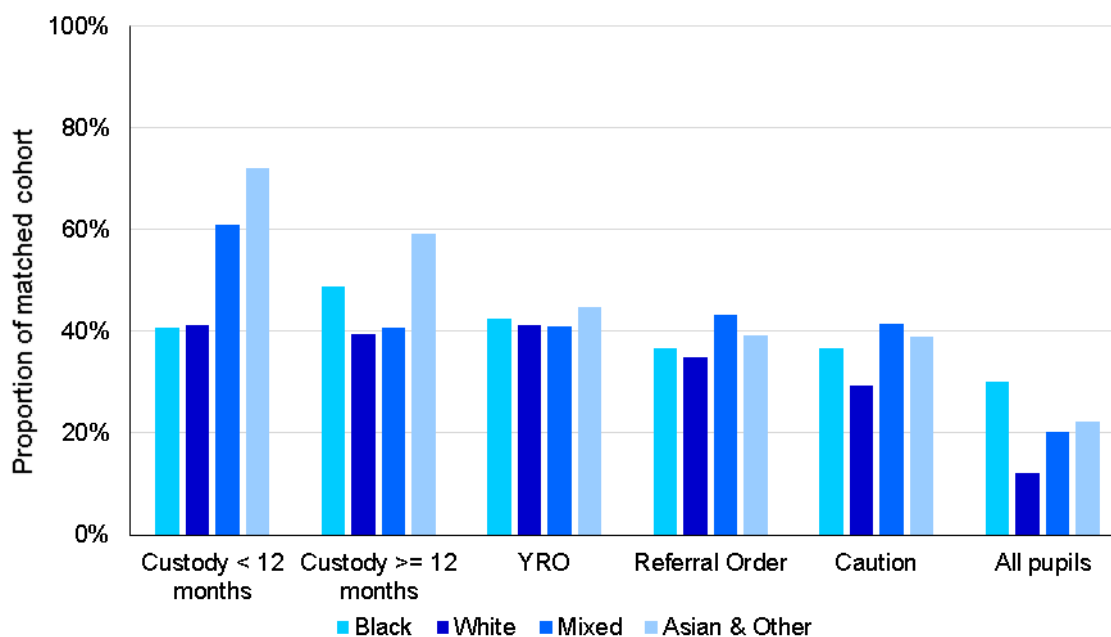
The main disposals in which there were statistically significant differences between ethnic groups for FSM were amongst those receiving less than 12 months in custody and cautions. Amongst those receiving less than 12 months in custody, White young people had significantly lower levels of FSM eligibility than 'Asian and Other' and Mixed groups. For those with cautions, White young people (29%) were significantly less likely to have FSM eligibility than the Black (37%), Mixed (41%) and 'Asian and Other' (39%) groups.

12% of all White pupils between 2011 and 2014 were eligible for FSM. This is significantly lower than Black (30%), Asian and Other (22%) and Mixed (20%) pupils.

<sup>101</sup> Only two sentence length categories have been used for analysis of the MoJ-DfE data due to small volumes when the data is broken down.

<sup>102</sup> A young person may be eligible to claim for FSM if they or their family meet certain criteria related to their income and benefits received.

**Figure 6.06: Proportion of those in the 2014 matched offender cohort receiving Free School Meals, by ethnicity and sentence outcomes**



Source: Ministry of Justice/ Department for Education Linked Data Set: 2014

### *Special Educational Needs (SEN)*

For those with SEN without a statement<sup>103</sup> there were no statistically significant differences between ethnic groups among those receiving custodial sentences.

Amongst those receiving YROs, ROs and cautions, the 'Asian and Other' group had the lowest levels of SEN. This group had significantly lower levels than all other ethnic groups for those receiving YROs. They had significantly lower levels than the White group for those receiving ROs. The Mixed group had the highest levels of SEN without a statement when receiving a caution (46%), significantly higher than the White ethnic group who received a caution (40%).

In the general pupil population the 'Asian and Other' group have lower levels of SEN without a statement (13%) than other ethnic groups and the Black group had the highest level (21%).

13% of Black young people sentenced to less than 12 months had a statement in comparison to 33% of White young people, a significant difference, and 37% of those of Mixed ethnicity were sentenced to less than 12 months. 26% of White young people received a YRO had a statement, significantly higher than the Black (11%) and Asian and Other (6%) groups. A significantly higher amount of young people from the White group received ROs and had a statement (14%) than the Black (6%) and Mixed (8%) groups. 11% of White young people who received a caution had a statement, significantly higher than the Asian or Other (4%) group.

<sup>103</sup> A SEN statement is a document which sets out a child's SEN and any additional help that the child should receive. Having a SEN statement may indicate a higher level of need.

### *Looked After Child (LAC)*<sup>104</sup>

Of those that were recorded as LAC at 31<sup>st</sup> March 2014, the main significant differences between ethnic groups were amongst those receiving YROs, ROs and cautions. Overall, the 'Asian and Other' group had the lowest proportion recorded as LAC and a significantly lower proportion than the White group across YROs, ROs and cautions.<sup>105</sup>

Amongst those receiving ROs, the White and Mixed groups had the highest proportion recorded as LAC. A significantly higher proportion of both these groups were LAC than the Black and 'Asian and Other' groups.

The pattern differed for those being cautioned. The proportion of Black young people who received a caution and had LAC status (11%) was significantly higher than the White group (7%), however the White group received a significantly higher amount of cautions than the Asian and Other group (4%).

### Persistent absence and exclusion

The matched cohort data also provided information on the proportion of those sentenced to custody in 2014 that have a history of being persistently absent<sup>106</sup> from school or have a previous record of being permanently excluded from school. Permanent exclusion refers to a pupil who is excluded and who will not come back to that school (unless the exclusion is overturned).

### *Persistent absence*

Across all of the disposals, a smaller proportion of young Black people and 'Asian and Other' people had a record of persistent absence than White and Mixed young people. The Black ethnic group and the Asian and Other ethnic group were significantly different from the White ethnic group for all youth disposals, except for custody of 12 or more months, where only the Black ethnic group (83%) were significantly lower than the White group (92%).

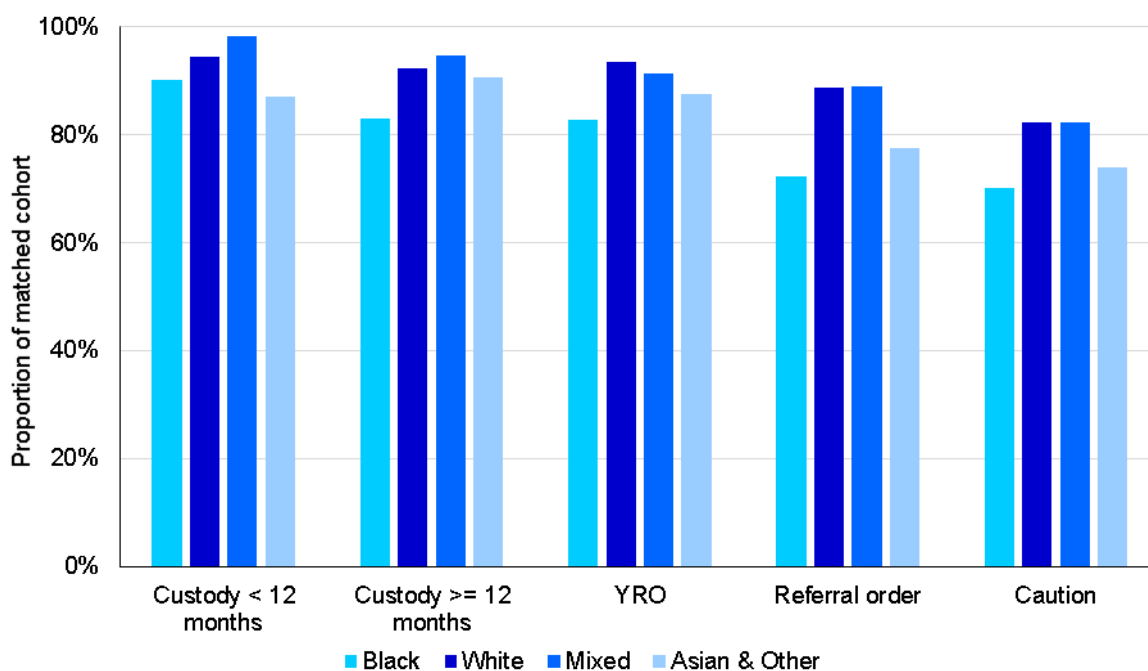
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<sup>104</sup> Numbers in some groups are very low to be drawing robust conclusions

<sup>105</sup> It is important to note that by using this measure, the analysis takes no account of how long the children were in care and does not count the young offenders who were LAC during 2014 (or previously) but were looked after specifically on 31<sup>st</sup> March 2014.

<sup>106</sup> Persistent absence means taking absences (authorised or unauthorised) that account for more than 10% of the total number of school sessions available during the school year.

**Figure 6.07: Proportion of those in the 2014 matched offender cohort with a record of persistent absence, by ethnicity and sentence outcome<sup>107</sup>**



Source: Ministry of Justice/ Department for Education Linked Data Set: 2014

#### *Permanent exclusion*

There were few significant differences between ethnic groups in the proportion with a history of permanent exclusion from school. The main differences were amongst those receiving YROs and cautions. Just under a quarter (24%) of the Black and Mixed groups had a record of permanent exclusion amongst those who had received YROs; where only the Black ethnic group was significantly higher than the White group (20%). Amongst those receiving cautions, the 'Asian and Other' group had a significantly lower proportion (6%) with a history of permanent exclusion than the White ethnic group (9%).

#### Offending Histories<sup>108</sup>

##### *First time offenders*

A first time offender<sup>109</sup> is an offender who has been arrested by the police in England and Wales and has received a first conviction, caution or youth caution for any offence<sup>110</sup> recorded on the Police National Computer<sup>111</sup>.

In England and Wales in 2016, first time offenders accounted for 22% of the total number of offenders who were cautioned or convicted<sup>112</sup>. The majority of first time offenders appeared

<sup>107</sup> Appropriate all pupil comparisons are not published by DfE.

<sup>108</sup> Data for offending history includes both indictable and summary offences - unless otherwise stated – due to the high ethnic coverage for this data with only 3.7% of offenders' ethnicities being unknown.

<sup>109</sup> Offenders who had a conviction or caution outside England and Wales and were arrested by a police force in England and Wales would be counted as a first-time offender.

<sup>110</sup> Where there were multiple offences on the same occasion, only the primary offence as recorded on the Police National Computer (PNC) would be counted.

<sup>111</sup> The PNC has a 6+1 ethnicity classification. For the purpose of this report, these categories were collapsed into a 4+1 classification. Please see Appendix 1 for further details. Ethnicity on the PNC is officer identified.

White (80%), a smaller proportion than the 87% White ethnic representation of the population, as reported in the 2011 census<sup>113</sup>. The Black and Asian ethnic groups each represented 9% of first time offenders in 2016, both higher than their respective proportions of 3% and 6% of the population. The Other ethnic group represented 2% of first time offenders.

The proportion of offenders within each ethnic group who were first time offenders has remained stable since 2012. There were small decreases of between 1 and 3 percentage points in the proportion of first time offenders within each ethnic group except Other.

#### *Offenders with 1-14 previous cautions or convictions*

Offenders with 1-14 previous cautions or convictions committed 54% of all offenders, where ethnicity was known, in 2016. This is a slight decrease of two percentage points since 2012. The majority (81%) of offenders with 1 – 14 previous cautions or convictions were White, a three percentage point decrease since 2012.

The trend of offenders with 1 – 14 previous cautions or convictions has remained fairly stable over time, where 44% of all offenders were White with 1-14 previous cautions or convictions (47% in 2012), 6% by Black offenders with 1-14 previous cautions or convictions (5% in 2012), 3% Asian and 1% Other.

#### *Offenders with 15 or more previous cautions or convictions*

Offenders with 15 or more previous cautions or convictions comprised 24% of all offenders in 2016, a decrease from 21% in 2012.

In 2016, 88% of offenders with 15 or more previous cautions or convictions were White and 9% were from the Black ethnic group, slightly higher than their proportions in the overall population. In contrast, 3% of offenders with 15 or more previous cautions or convictions were from the Asian ethnic group, a lower proportion than their representation in the population and less than 1% were from the Other ethnic group.

Out of all offenders, the proportions of offenders within each ethnic group who had 15 or more previous cautions or convictions have increased by between 1 and 3 percentage points since 2012.

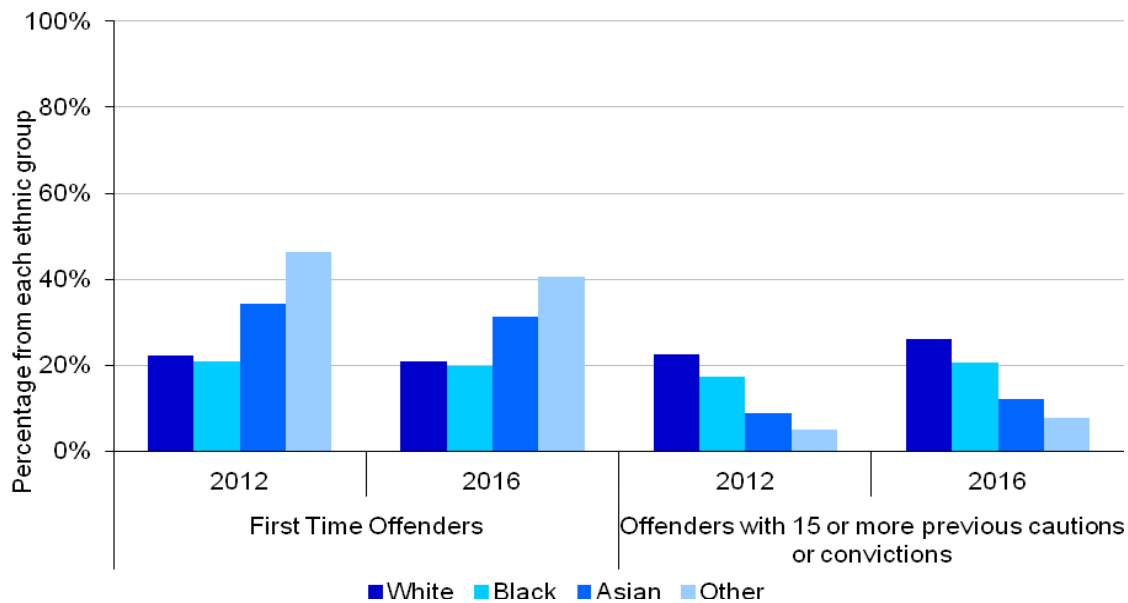
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<sup>112</sup> Where ethnicity was known. Offenders whose ethnicity was unknown was excluded from all analysis, which may lead to inconsistencies with other published statistics on offenders. Between 2012 and 2016, this comprised between 2% and 3% of offenders overall.

<sup>113</sup> Caution should be taken when interpreting population statistics as they are derived from the 2011 census and a direct comparison cannot be made.



**Figure 6.08: Proportion of each ethnic group who were either first time offenders or offenders with 15 or more previous cautions or convictions in 2012 and 2016**



#### *Offenders receiving cautions*

The proportion of first time offenders receiving cautions was 43% in 2016, a decrease from 59% in 2012. This decreasing trend has been observed across all ethnic groups, with the largest decrease seen in the White ethnic group from 61% in 2012 to 44% in 2016. Proportions were similar for first time offenders from Black and Other ethnic groups, with 40% and 42% receiving cautions respectively in 2016. In 2016, 37% of first time offenders from the Asian ethnic group received a caution, a decrease from 50% in 2012.

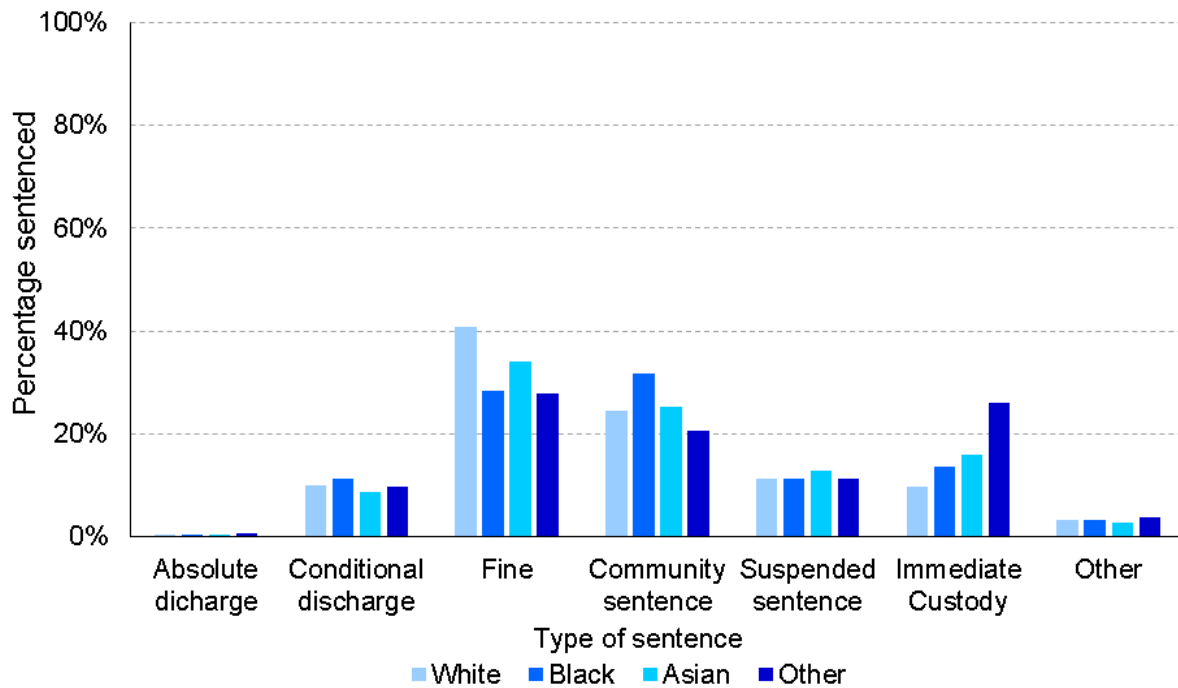
In 2016, 4% of all offenders who received a caution had 15 or more previous cautions or convictions, the same proportion as 2012. 90% of those who received a caution and had 15 or more previous cautions or convictions were White, 7% were black, 2% Asian and 0% were Other. The proportions of cautions for all offenders were similar for all ethnic groups in 2016, ranged from 0% and 3%. A decrease of 1-2 percentage points was observed across all ethnic groups since 2012.

#### *Offenders receiving sentences*

Of all offenders receiving a sentence in 2016, 85% had one or more previous convictions, a decrease from 87% in 2012. 83% of those sentenced who had an offending history were from the White ethnic group compared with 11% from the Black ethnic group, 5% Asian and 1% Other.

Fines were the most commonly issued sentence in 2016 for first time offenders from the White (41%) and Asian (34%) ethnic groups. The most common sentence for Black first time offenders was a community sentence, higher than any other ethnic group at 32%.

**Figure 6.09: First time offenders sentenced for all offences, by type of sentence and ethnicity, 2016, England and Wales**



In 2016, the most common sentence across all ethnic groups where offenders had 15 or more previous cautions or convictions was immediate custody (39%), an increase from 35% in 2012. The proportion of offenders from the Asian ethnic group receiving immediate custody when they had 15 or more previous convictions was highest (46%), compared with White (39%), Black (42%) and Other (43%).

### Reoffending

A proven reoffence is defined as any offence committed in a one year follow-up period that leads to a court conviction, caution, reprimand or warning in the one year follow-up or within a further six month waiting period to allow the offence to be proven in court. The proven reoffending statistics in this chapter are based on the new methodology, as announced in 'Response to consultation on changes to proven reoffending statistics' in April 2016. A key change to the methodology is changing to a three month cohort from the previous twelve month cohort. The publication reports on offenders who are released from custody, received a non-custodial conviction at court, or received a caution within a three month period, for all measures of reoffending, including for juveniles. The data source used to compile the statistics has changed from October 2015 following probation services reforms<sup>114</sup>. The most recent reoffending data available is for the October to December 2015 cohort which uses the new data source, therefore users should be cautious when making any comparison between the October to December 2015 cohort and earlier cohorts.

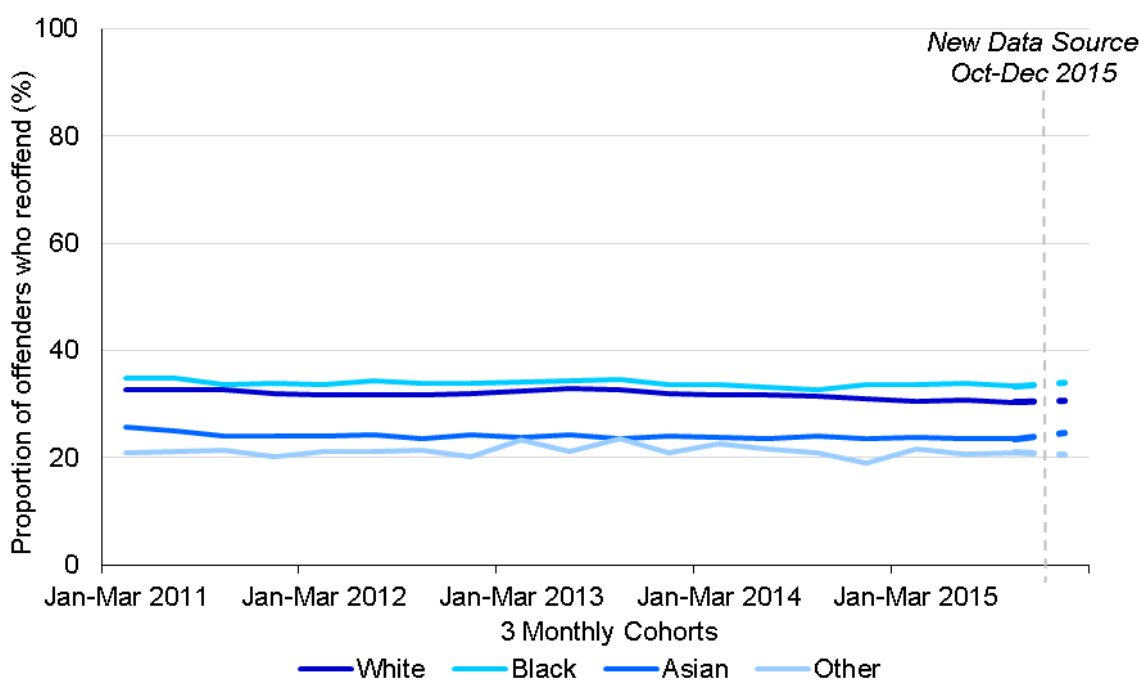
<sup>114</sup> For more information on the impact of these changes please see 'How the measure of proven reoffending has changed and the effect of these changes' in <https://www.gov.uk/government/statistics/proven-reoffending-statistics-october-2015-to-december-2015>. It is important to note that data for the October-December 2015 is not comparable with previous cohorts, due to the change in data source.

### All Offenders

Of all offenders who reoffended during the most recent cohort, 84% were White, 11% Black, 5% Asian and 1% were from the Other ethnic group. The reoffending rate was highest for the Black ethnic group, as 34% of Black offenders committed a proven reoffence within a one year follow-up period or within a further six month waiting period<sup>115</sup>. The reoffending rate of White offenders was 31%. This is despite the number of White reoffenders (32,000) being substantially higher than the number of Black reoffenders (4,100). The reoffending rate for Asian (25%) and Other (20%) offenders were lower than White or Black ethnic groups.

White reoffenders had the highest average of reoffences per reoffender. For October to December 2015, White reoffenders committed on average 3.92 reoffences each. This is followed by Black reoffenders (3.52 reoffences per reoffender) and Asian reoffenders (3.31 reoffences per reoffender). The Other ethnic group had the lowest average number of reoffences per reoffender (2.91).

**Figure 6.10: Proven reoffending rate, by ethnicity, in 3 monthly cohorts (January – March 2011 to July – September 2015, and October – December 2015), England and Wales**



### Juveniles

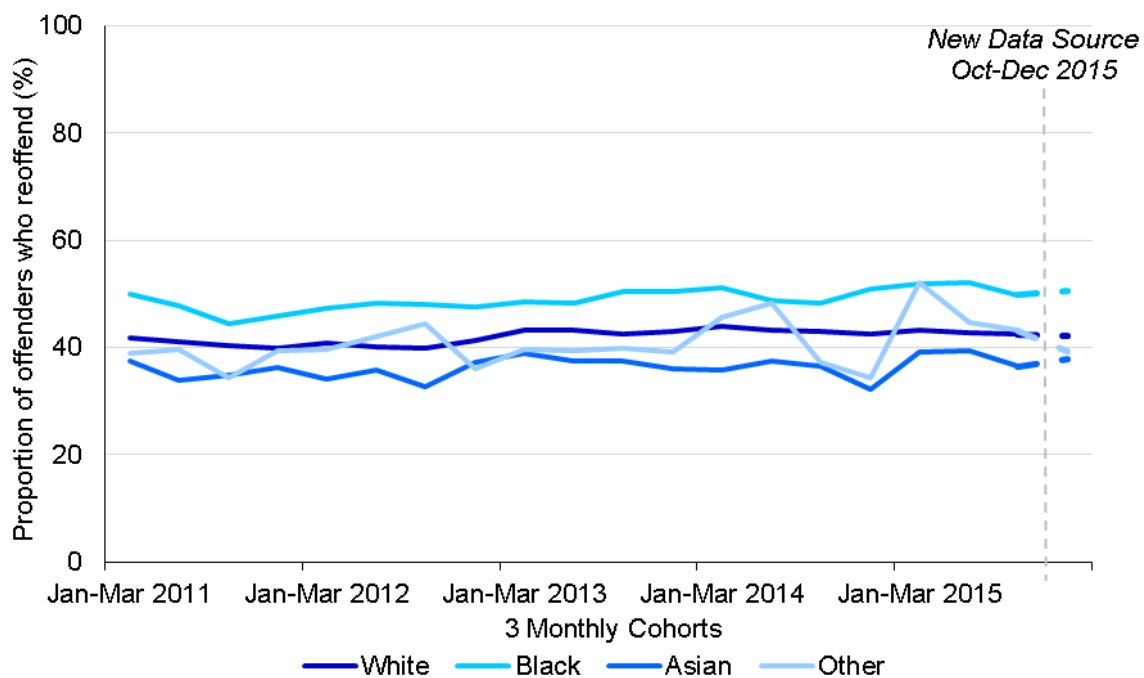
Reference will usually be made to 'juveniles' by which we refer to individuals aged 10 to 17 years of age. This will often be in comparison to all defendants (i.e. juveniles and adults, not just adults).

Of all juvenile offenders who reoffended during the most recent cohort, 78% were White, 16% Black, 4% Asian and 1% were from the Other ethnic group.

<sup>115</sup> It is important to note that reoffending statistics are influenced by different outcomes experienced by ethnic groups at different various points of the criminal justice system. For example, the Black ethnic group are disproportionately arrested and prosecuted relative to the population size which in turn would impact reoffending rates.

For the October to December 2015 cohort, the reoffending rate was higher for the Black ethnic group (51%) than the White (42%), Other<sup>116</sup> (39%) or Asian (38%) ethnic groups. The number of reoffences per reoffender was highest for White juveniles, committing on average 3.99 reoffences each in the one-year follow up period. Similar to reoffenders of all ages, Black juvenile reoffenders committed, on average, 3.62 reoffences each, and Asian juvenile reoffenders 3.26 reoffences each in the October – December 2015 cohort. Prior to the change in data source in October 2015, the juvenile reoffending rate varied across ethnicities. Reoffending rates for juveniles over the 3 monthly cohorts between January – March 2011 and July – September 2015 were more variable for non-White ethnic groups than White, and more variable for juveniles than all offenders. The reoffending rate fluctuated by 4 percentage points for White juvenile offenders from January – March 2011 to July to September 2015, compared with Black (8 percentage points) and Asian ethnic groups (7 percentage points). The trend in reoffending rates over the same time periods for the Other ethnic group ranged from 34% to 52%<sup>117</sup>.

**Figure 6.11: Proven juvenile reoffending rate, by ethnicity, in 3 monthly cohorts (January – March 2011 to July – September 2015, and October – December 2015), England and Wales**



<sup>116</sup> The number of juvenile offenders in the 'Other' ethnic group for the 3-month cohort "October to December 2015" was small (61 offenders) compared with the rest of the ethnic groups.

<sup>117</sup> This may be due to the small and decreasing amount of juvenile reoffenders in the 'Other' ethnic group.

## 7. Offenders: under supervision or in custody

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### Prison population

The proportion of the prison population varied greatly between ethnic groups: there were around 16 prisoners for every 10,000 people in England and Wales, similar to the White and Asian rates, but this includes only 5 prisoners for each 10,000 Chinese or Other population members, and 47 and 58 prisoners for each 10,000 Mixed and Black population members respectively.

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### Probation service

Mixed and Black offenders were over twice as likely to be supervised by the probation service on a Community Order or a Suspended Sentence Order, per 10,000 people.

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### Parole Board

In the year ending March 2017, following a parole board hearing, half (50%) of White offenders were released from prison, this proportion was higher than all other ethnic groups (ranging from 40% to 48%).

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This chapter provides statistics relating to offenders in custody or under supervision in the community and proven re-offending information. Much of this information has previously been published in the Offender Management Statistics Quarterly<sup>118</sup>, Safety in Custody Statistics<sup>119</sup> and Proven Reoffending Statistics Quarterly Bulletin<sup>120</sup> publications.

### Prison population

#### *Population*

The total prison population at 30 June 2016 was 85,000, which decreased by 730 prisoners over the last five years. Despite this, self-identified ethnicity proportions of prisoners remained unchanged (White, 74%; Black, 12%; Asian, 8%; Mixed, 4% and Chinese or Other, 1%)<sup>121,122,123</sup>.

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<sup>118</sup> Source: *Offender Management Statistics Quarterly* (includes quarterly publication, October to December 2016 and annual data), available here: <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2016>

<sup>119</sup> Source: *Safety in Custody (quarterly update to December 2016)*, available here:

<https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-december-2016--2>

<sup>120</sup> Source: *Proven Re-offending Statistics Quarterly Bulletin, October 2015 to December 2015, England and Wales*, available here: <https://www.gov.uk/government/statistics/proven-reoffending-statistics-october-2015-to-december-2015>

<sup>121</sup> Ethnicity data is missing for around 1% of prisoners in 2016

<sup>122</sup> As of June 2015, 130 prisoners whose ethnic group is recorded as Chinese have moved from the 'Chinese or other ethnic group' category to the 'Asian/Asian British' category, and the group renamed to 'Other ethnic group'.

<sup>123</sup> Care should be taken when making comparisons between ethnicity trends in the prison population and those sentenced to custody presented in a previous chapter because of differences in the data: the sentencing data excludes those sentenced for summary offences whereas the prison population includes those offenders and levels of missing ethnicity data are very different for the two data sources. Moreover, the prison population reflects people who were sentenced to custody and also how long they were sentenced for.

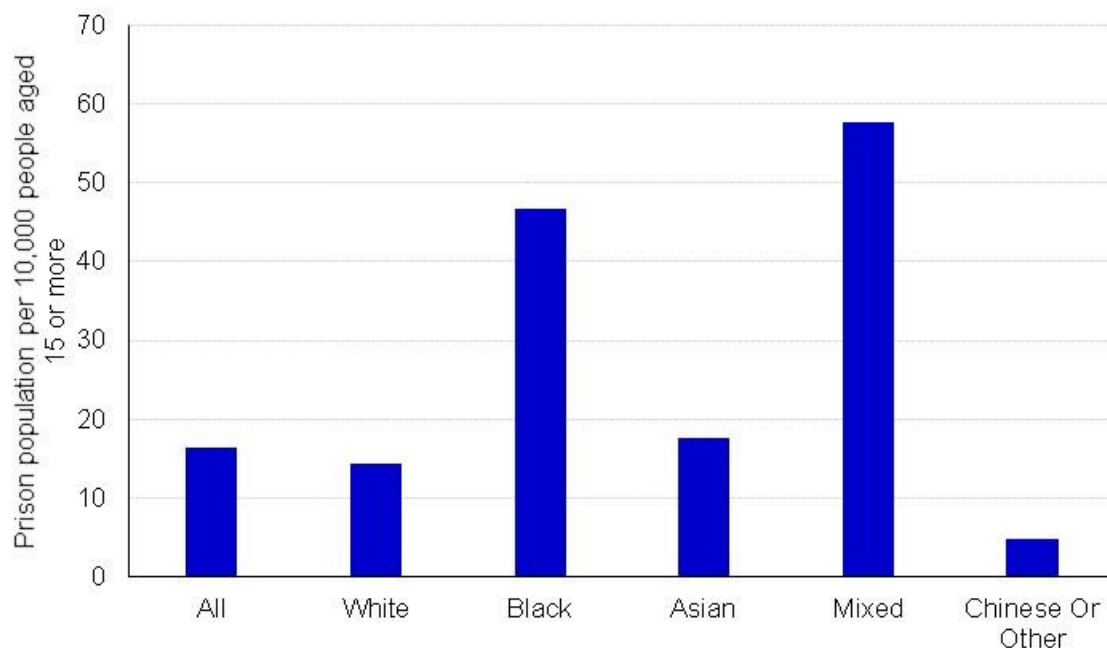
Figure 7.01 shows the prison population (only including British nationals) by self-identified ethnicity in 2016 per 10,000 people in England and Wales aged 15 years or older. Overall, there were just under 46 million people aged 15 or more in England and Wales according to the 2011 Census, and around 75,000 British nationals in prison in England and Wales in 2016, around 16 prisoners for each 10,000 people.

There are wide variations by ethnicity, with 5 prisoners for each 10,000 people of Chinese or Other ethnic origin, 47 prisoners for each 10,000 of Mixed ethnicity and 58 prisoners for each 10,000 people of Black ethnicity. As noted in the introduction, differences between ethnic groups may be attributable to a range of factors, including differences in the type or seriousness of the offences committed and previous criminal history. The differences observed broadly align with trends in remand and sentencing.

The proportion of prisoners who self-identify as White was greater among older prisoners. Overall, in 2016, 74% of prisoners were White, but White offenders make up only 50% of prisoners aged 15-17 years old and 94% of prisoners who were 70 years old or more.

The proportion of prisoners who are female has declined among non-White groups but not among White offenders. In 2010, around 5% of prisoners were female, which remained stable in 2016. By 2015, among White prisoners, the proportion of females remained constant at around 5%, but among non-White prisoners, the proportion of females had fallen to around 3%.

**Figure 7.01: British nationals in the prison population by ethnicity per 10,000 people aged 15 years old or more, 2016**

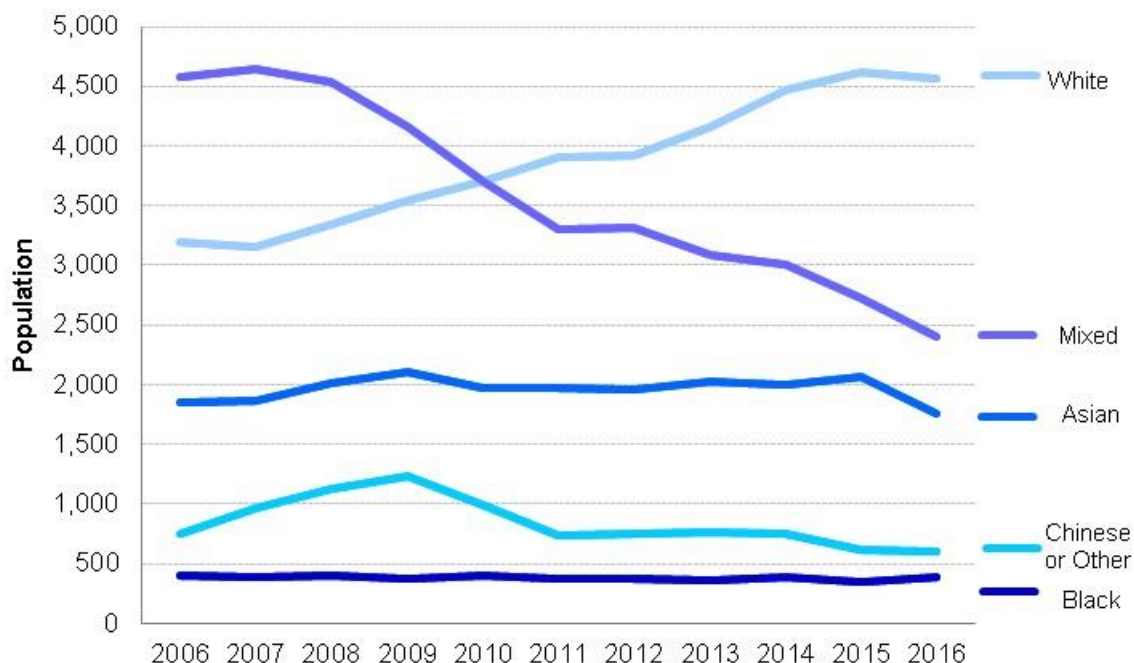


*Prison population – foreign nationals only*

Of 85,000 people in prison in 2016, 10,000 were foreign nationals. Of these, 46% were White, 24% were Black, 18% were Asian, 6% Chinese or Other and 4% Mixed. The number of White foreign national prisoners has steadily increased during the time-period shown, whilst the number of Black prisoners has steadily decreased. This reflects the changing

profile of the foreign national prisoner population by country of origin, including a rise in the number of Eastern European prisoners, particularly Poles, Romanians and Lithuanians, and a decline in the number of Jamaican prisoners<sup>124,125</sup>. Numbers of prisoners of Asian, Mixed and Chinese or Other ethnicities have remained broadly stable over the time-period<sup>126</sup>.

**Figure 7.02: Foreign national prison population by ethnicity, 2006- 2016**



*Average sentence length and time served for determinate<sup>127</sup> prisoners*

The average time served for determinate sentences in 2016 differed by ethnic group. Black and Mixed prisoners on average, served the highest percentage of their sentence length (64% and 63%). Chinese or Other and White prisoners served 58% and 59% of their sentence length, whilst Asian prisoners served the least percentage of their sentence length (55%).

<sup>124</sup> Source: Table A1.12ii: Prison population by nationality, 2002 to 2014, England and Wales, available here: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/563256/Population\\_2016.xlsx](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/563256/Population_2016.xlsx)

<sup>125</sup> Table A1.12i: Prison population by nationality and sex; 30 June 2015 onwards, available here: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/563256/Population\\_2016.xlsx](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/563256/Population_2016.xlsx)

<sup>126</sup> Ethnicity data is missing for around 2% of foreign national prisoners in 2016 and has been less than 5% since 2005. In addition, nationality data was missing for 0.3% of prisoners in 2016 and has been less than 4% in the time-period shown.

<sup>127</sup>A determinate sentence is for a fixed period of time, and differs from indeterminate sentences that have a minimum fixed period, known as a tariff, that must be served before release is considered by the parole board

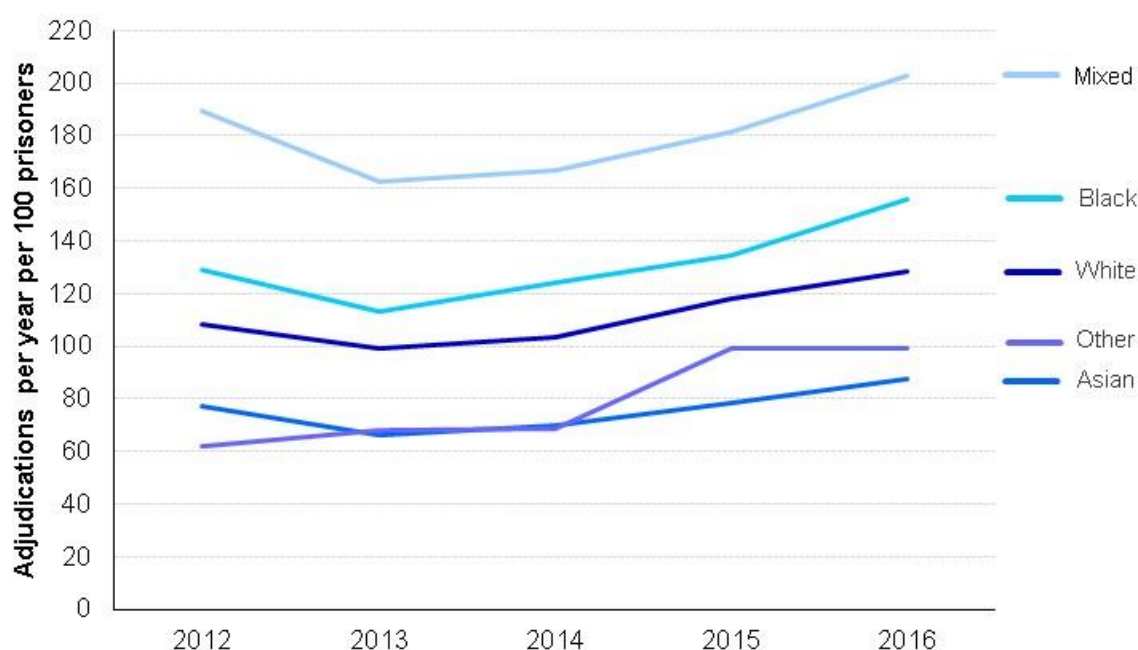


## Discipline in prison establishments

### *Adjudications*

The adjudication process allows prison governors and independent adjudicators to deal with breaches of prison discipline internally, although the most serious offences can be referred to the police and ultimately dealt with by the courts<sup>128</sup>. In 2016, there were a total of 172,000 adjudications recorded in prison establishments, of which White prisoners accounted for 71%, while Black, Mixed, Asian and Other prisoners<sup>129</sup> accounted for 15%, 7%, 6% and 1% respectively.

**Figure 7.03: Rates of proven<sup>130</sup> adjudications per 100 prisoners, by ethnicity, 2012-2016, England and Wales**



Mixed ethnicity offenders have consistently had the highest rates of adjudication (203 per hundred prisoners in 2016), followed by Black (156 per hundred prisoners) and White prisoners (128 per hundred prisoners). Other offenders (99 per hundred prisoners) have steadily increased in their adjudication rate in the time period shown (89 per hundred prisoners), although this ethnic group has the smallest prison population so the series is likely to be more volatile.

<sup>128</sup> Coverage of ethnicity for adjudications data is well completed, with approximately 0.4% of cases lacking information. Adjudications data can be found in the Offender Management Statistics quarterly.

<sup>129</sup> Offences were recorded under the 2011 Census categories which have replaced the 2001 Census categories and therefore Chinese have moved from "Chinese or other ethnic group" to the "Asian/Asian British" category, and the group renamed to "Other ethnic group".

<sup>130</sup> Proven adjudications are those where an adjudicator is satisfied beyond reasonable doubt that a charge has been proved.



## *Punishments*

The number of punishments refers to all proven adjudications and excludes all those that have been dismissed or not proceeded with.

In 2015, the average number of punishments per proven offence showed little variation by ethnicity. Asian prisoners had the highest number of punishments per proven offence (1.75), whilst the 'Other' ethnic group<sup>131</sup> had the smallest number of punishments per proven offence (1.69). In 2012 there was a larger difference between the groups, with Mixed prisoners recording a higher average of 2.24 punishments compared with White prisoners, who recorded an average of 2.05 punishments per offence. These findings show, that although punishments per offence are falling for all ethnic groups, the decline has been much greater for Mixed, Black and Other offenders.

## *Incentives and Earned Privileges*

Incentives and Earned Privileges (IEP)<sup>132</sup> is a system where privileges, in addition to minimum entitlements, can be granted to prisoners or young offenders subject to their reaching and maintaining specified standards of conduct and performance. All new prisoners who enter custody were given the Entry IEP<sup>133</sup> level (apart from those aged 15-17). This analysis excludes those on the Entry IEP level as any ethnic differences are a direct reflection of differences in adult's receptions into custody. If a prisoner passes the Entry IEP level after their first two weeks in custody they move to the Standard IEP level. Prisoners on the Basic IEP level are those who fail their period on the Entry IEP level, have been downgraded from Standard IEP level, or in rare cases downgraded from the Enhanced IEP level. To move to the Enhanced IEP, a prisoner has to be on the Standard IEP level and demonstrate they meet the criteria for the Enhanced IEP level for a minimum of 3 months.

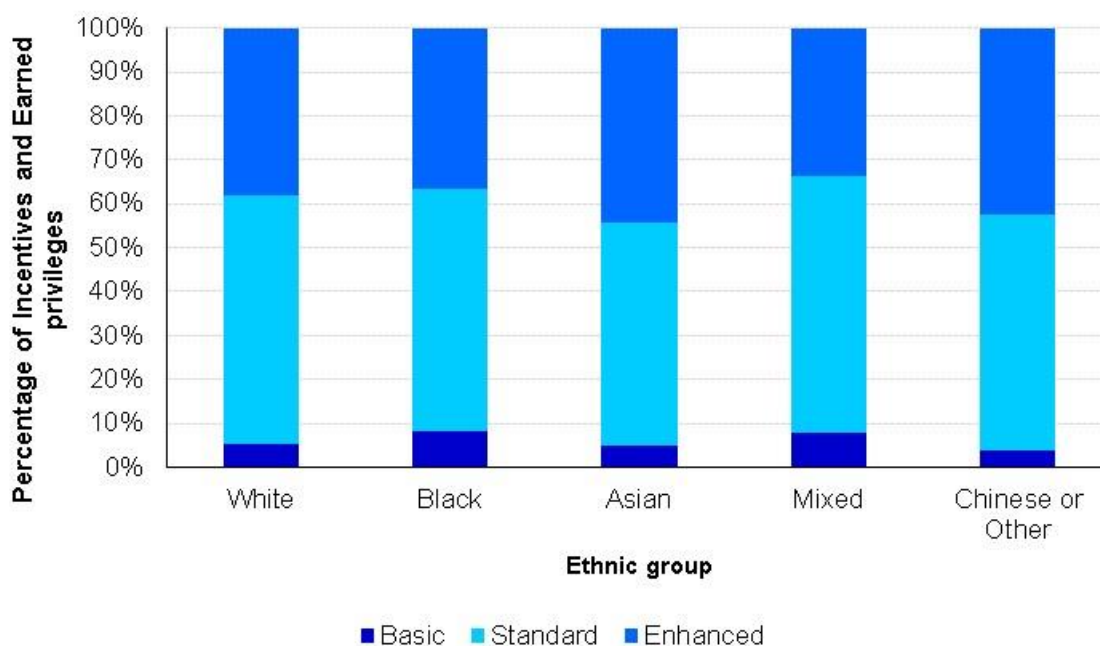
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<sup>131</sup> Offences were recorded under the 2011 Census categories which have replaced the 2001 Census categories and therefore Chinese have moved from "Chinese or other ethnic group" to the "Asian/Asian British" category, and the group renamed to "Other ethnic group". This is in line with changes made to the ethnic group classifications in other National Statistic publications on populations in England and Wales following the 2011 Census.

<sup>132</sup> Statistics on IEPs have been calculated from the proportions and prisoner population figures published in this bulletin: <https://www.gov.uk/government/statistics/noms-annual-offender-equalities-report-2015-to-2016>

<sup>133</sup> On 31 March 2016, 7% of white prisoners, 7% of Mixed, 11% of Chinese or Other, 6% of Black and 6% of Asian prisoners were on Entry IEP

**Figure 7.04: Incentives and Earned privileges, on 31 March 2016, England and Wales**



On 31 March 2016<sup>134</sup>, 5% of prisoners were on the basic IEP level, 52% on the standard IEP level and 36% on the enhanced IEP level. These proportions varied within ethnic groups, 8% of Black prisoners and 7% of Mixed prisoners were on the basic IEP level whereas only 3% of Chinese or Other prisoners were on Basic IEP level. In Contrast, 41% of Asian prisoners were on Enhanced IEP level while the other ethnic groups ranged from 31% to 38%.

### *Prison sentences*

Prison sentences can be divided into two broad groups: determinate sentences which are for a fixed period, and indeterminate sentences, which include life sentences and indeterminate sentences for public protection (IPPs)<sup>135</sup>. Of the approximately 85,000 prisoners held in custody in June 2016, 11,000 (13%) were serving an indeterminate sentence. The ethnic profile of offenders serving an indeterminate sentence does not substantially differ from the ethnic profile of the wider prison population. The LASPO Act, which was passed on 3rd December 2012, abolished two types of indeterminate sentence: the Indeterminate sentences for Public Protection (IPPs) and Extended Sentence for Public protection (EPP) and replaced them with a determinate sentence, the Extended Determinate Sentences (EDS). Between June 2012 and June 2016 the number of prisoners serving an indeterminate sentence fell by 2,400 (17%) but the ethnic profile of those offenders has remained very similar.

<sup>134</sup> A prisoner's IEP status is dynamic and therefore numbers seen here may not reflect their status over a year

<sup>135</sup> Ethnicity coverage is good, with less than 1% missing data for both determinate and indeterminate sentences.

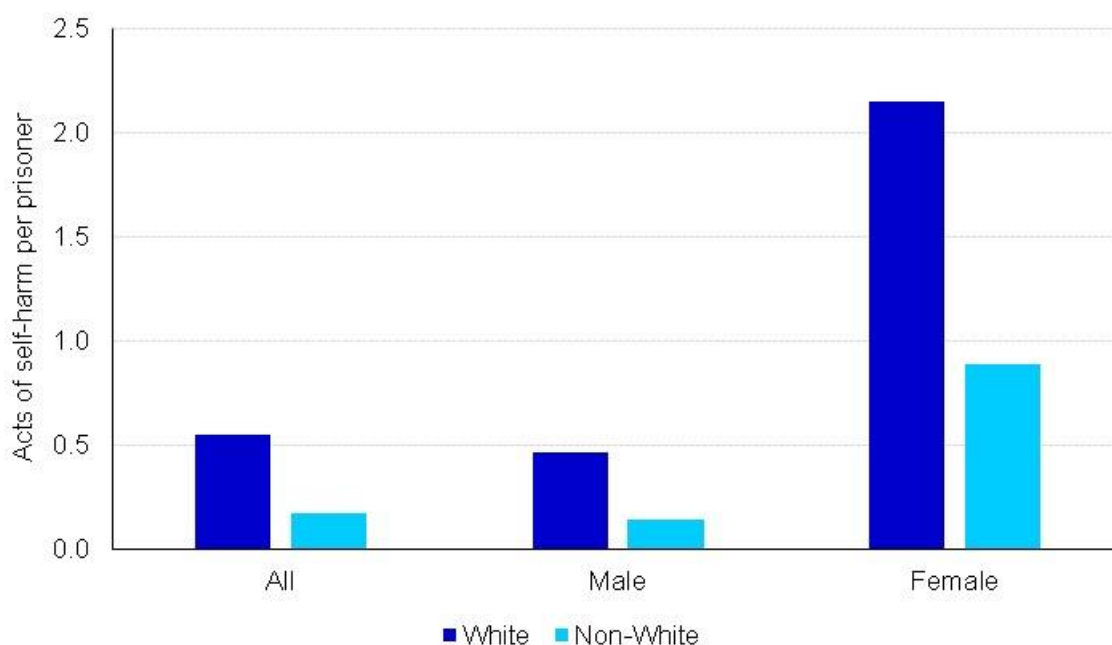
## Safety in custody

### *Self-harm*

Self-harm in prison custody is defined as ‘any act where a prisoner deliberately harms themselves irrespective of the method, intent or severity of any injury.’ Although those who self-harm often do so covertly, in prisons such incidents are more likely to be detected and counted<sup>136</sup>. In 2016, there were 40,200 incidents of self-harm<sup>137</sup>.

Among male prisoners as well as female prisoners, White prisoners were more likely to commit an act of self-harm than non-White prisoners. Non-White female prisoners overall were more likely to commit an act of self-harm than non-White male prisoners (0.9 acts vs 0.1 acts per prisoner). White, female prisoners committed the most acts of self-harm (2.2 acts per prisoner).

**Figure 7.05: Acts of self-harm per prisoner, by gender and ethnicity, 2016**



### *Assailants*

As well as from acts of self-harm, safety in custody can also be endangered by assault from other prisoners. When compiling statistics on assault in prison, participants are categorised in three ways. Where an incident involves a clear aggressor and victim, participants are categorised as assailants or victims. Where an incident does not involve a clear aggressor or victim, participants are categorised as fighters<sup>138</sup>. In 2016, there were 16,800 prison assailant incidents, 15,500 fighter incidents and 11,900 victim incidents.

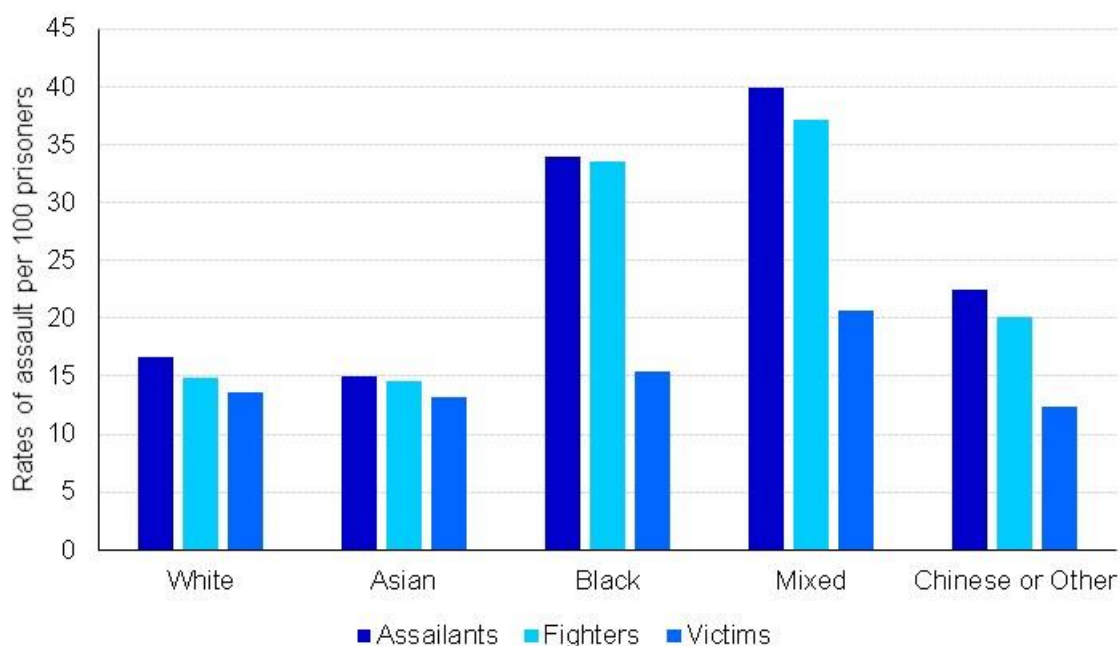
<sup>136</sup> Safety in Custody Statistics England and Wales, Update to December 2016, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/611187/safety-in-custody-statistics-q4-2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/611187/safety-in-custody-statistics-q4-2016.pdf)

<sup>137</sup> The proportion of self-harm incidents where the ethnicity was not known represents around 5% of all self-harm incidents.

<sup>138</sup> Ethnicity information is available for over 99.6% of participants in all three categories in 2016.

White or Asian prisoners were the least likely to be a participant in an assault in any capacity. For every 100 Asian prisoners, there were 15 incident involvements as an assailant, 15 as a fighter, and 13 as a victim; and for every 100 White prisoners, there were 17 incident involvements as an assailant, 15 as a fighter and 14 as a victim. Black and Mixed prisoners were the most likely to be assailants (Black; 34 incidents per 100 prisoners, Mixed; 40 per 100) or fighters (Black; 34 incidents per 100 prisoners, Mixed; 37 per 100). Mixed prisoners were the most likely to be victims (21 incidents per 100 prisoners) compared to all other ethnic groups (ranging from 12 to 15 incidents per 100 prisoners) Trends in rates for all ethnic groups have increased since 2010.

**Figure 7.06: Rates of assault incidents per 100 prisoners, by type of participant and ethnicity, 2016**



### Deaths

In 2016 there were 354 deaths in prison, which translates into 4.2 deaths per 1,000 prisoners<sup>139</sup>. White prisoners were about three times more likely to die in custody, with 5 deaths per 1,000 prisoners, compared with non-White prisoners with rates of around 1.6 death per 1,000 prisoners.

Of the 354 deaths in prison in 2016, 121 were self-inflicted, with 1.4 deaths per 1,000 prisoners. This is the highest rate of self-inflicted deaths in the time series since 1999. White prisoners were nearly twice as likely to die from a self-inflicted death in custody, with rates of around 1.7 deaths per 1,000 prisoners, compared with 0.9 deaths per 1,000 non-White prisoners.

<sup>139</sup> Safety in Custody Statistics England and Wales, Update to December 2016, <https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-december-2016--2>

## HMIP survey<sup>140</sup>

Her Majesty's Inspectorate of Prisons for England & Wales aims to ensure independent inspection of places of detention, report on conditions and treatment, and promote positive outcomes for those detained and the public. The HMIP Annual Report 2016-17 identifies differences in reported prison experiences between non-White and White prisoners<sup>141</sup>.

From self-reporting, non-White prisoners were significantly less likely to experience a positive transfer and initial induction to prison than white prisoners. Lower scores were reported in feeling safe (70% vs 78%) and being treated well by the escort staff (67% vs 72%) on transfer, in addition to being treated well or very well in reception (60% vs 69%). On arrival, more non-White prisoners reported difficulties with contacting family (31% vs 27%) and employers (5% vs 3%) but less reported that they felt depressed/suicidal (17% vs 24%). They were also less likely to have initial support and guidance, including access to health services (64% vs 67%), a listener (24% vs 35%) and to be offered information about their visit entitlements (34% vs 36%).

In regards to legal rights and respectful custody, the survey also indicated that fewer non-White prisoners reported that it was easy or very easy to communicate with their solicitor or legal representative (33% vs 39%) and attend legal visits (41% vs 47%). They also reported to be less likely to be offered clean clothes (53% vs 58%), clean sheets (53% vs 67%) for the week, or able to have a shower every day (77% vs 84%).

The survey showed that non-White prisoners were less likely to report being treated with respect by staff (69% vs 76%), have someone who has checked up on them in the last week (22% vs 29%) or have someone who they can turn to if they have a problem (65% vs 72%). They reported to be more likely to have felt unsafe in their current establishment (50% vs 48%) or have been victimised (36% vs 29%) or threatened by staff (16% vs 14%), but were less likely to have been victimised (30% vs 33%) or threatened by other prisoners (15% vs 20%). However, non-White prisoners were more likely to have been victimised by both staff and other prisoners due to race/ethnic origin, religion/beliefs, or nationality.

Although they reported feeling more victimised on religion/beliefs, non-White prisoners reported positively on other aspects of religion. They were more likely to report that their religious beliefs were respected (59% vs 46%), have the opportunity to speak to a religious leader in private (59% vs 54%) and attend services (59% vs 43%) than white prisoners.

The HMIP survey results also suggested that fewer non-White prisoners reported that it was easy or very easy to get involved in prison activities, but were more likely to be involved in vocational or skills training (13% vs 11%) or education (27% vs 19%). They were less likely however to have a prison job (50% vs 59%) or be in an offending behaviour program (8% vs 10%). Non-White prisoners were also more likely to go to the library at least once a week (37% vs 34%), and to the gym three or more times a week (31% vs 25%), but were less likely to leave their cell for more than ten hours per week day (12% vs 15%).

Non-White prisoners were less likely to state that they had been treated fairly in the IEP scheme (35% vs 45%), or that the scheme encouraged them to change their behaviour (38% vs 42%) than white prisoners.

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<sup>140</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/629719/hmip-annual-report-2016-17.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/629719/hmip-annual-report-2016-17.pdf)

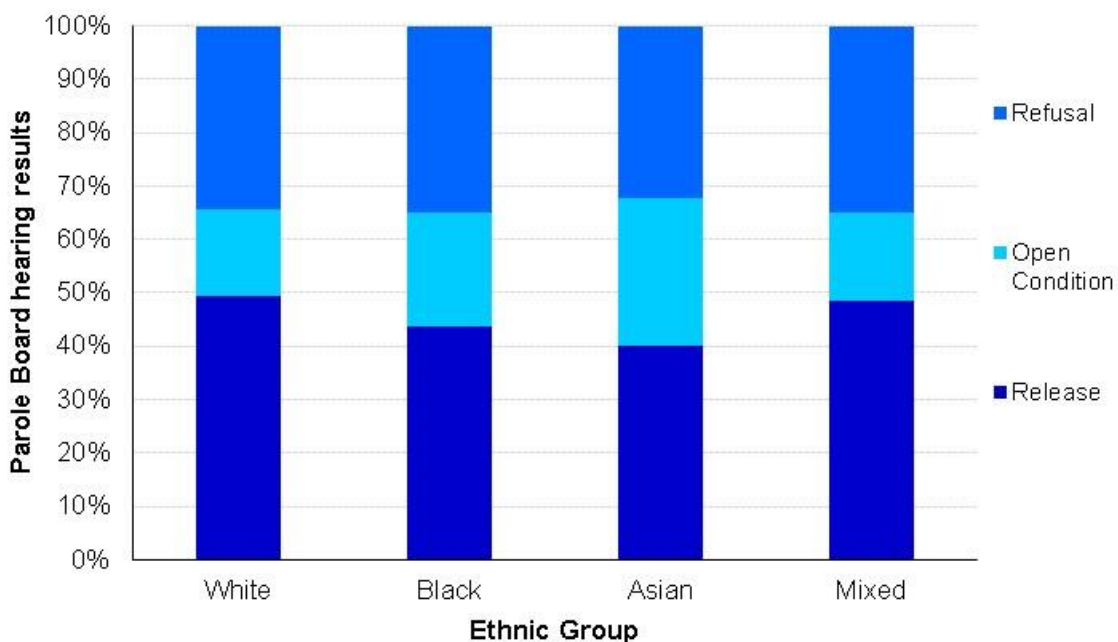
<sup>141</sup> Breakdowns of separate non-White groups compared to non-White as a whole are available in published tables. 1,662 non-White and 5,407 White prisoners completed the questionnaires from all establishments.

On preparation for release, non-White prisoners were less likely to have an offender manager (home probation officer) in the probation service (71% vs 77%) and also for those who had a sentence plan they were more likely to report that no one was working with them to achieve their sentence plan targets (50% vs 42%).

### Parole Board

The Parole Board is an independent body that carries out risk assessments on prisoners to determine whether they can be safely released into the community. In 2016/17, 48% of Parole Board hearings resulted in offenders being released from prison, 17% resulted in a recommendation for open condition and 34% resulted in refusal. These proportions varied within ethnic groups; following a parole board hearing, half (50%) of White offenders were released from prison, this proportion was higher than all other ethnic groups (ranging from 40% to 48%)<sup>142 143</sup>. Asian offenders were more likely to be recommended for open conditions (27%) than offenders from all other ethnic groups (ranging from 16 to 21%).

**Figure 7.07: Parole board hearing outcomes by ethnicity, year ending March 2017**



There are two board types of Parole Board hearings, review and recall. Review cases determine whether certain prisoners serving determinate and indeterminate sentences can be released on licence after they have served set custodial periods. If a prisoner is not released they will ordinarily be subject to a further review within 1-2 years. Recall cases determine whether prisoners recalled to prison for a breach of licence can be released. In general, the results showed variation by hearing type.

For review cases, 42% of hearings resulted in release, 28% resulted in a recommendation for open conditions and 30% in refusal. For recall hearings, 58% resulted in release, 2% in a

<sup>142</sup> Ethnicity data is missing for 0.9% of Parole Board hearings. They have been excluded from all analyses in this chapter.

<sup>143</sup> Chinese or Other offenders have been excluded from the analysis due to the small numbers, however the figures can be found in table 7.08

recommendation for open condition and 40% in refusal. These proportions also varied between ethnic groups. Following a review parole board hearing 43% of White offenders were released from prison, this proportion was higher than all other ethnic groups, which ranged from 36% to 39%. Asian offenders had the highest proportion of offenders recommended for open conditions following a review parole board hearing (41%) whilst the other ethnic groups ranged from 26% to 35%.

Following a recall hearing, over half (59%) of White offenders were released from prison, this proportion was higher than all other ethnic groups which ranged from 49% to 58%. Mixed race offenders had the highest proportion recommended for an open condition (3%) following a recall hearing, although this difference was small with all groups ranging between 0% and 3%. In contrast to results following a review parole board, Asian offenders had the highest proportion refused (51%) following a recall parole board hearing than all other ethnic groups which ranged from 39% to 45%.

## Probation

### *Probation caseload under supervision*

There were just over 44 million adults in England and Wales, according to the 2011 census, and there were around 126,000 adults offenders being supervised by the probation service at the end of December 2016 as part of a Community Order or Suspended Sentence Order. This is equivalent to around 29 offenders under supervision for every 10,000 people<sup>144</sup>.

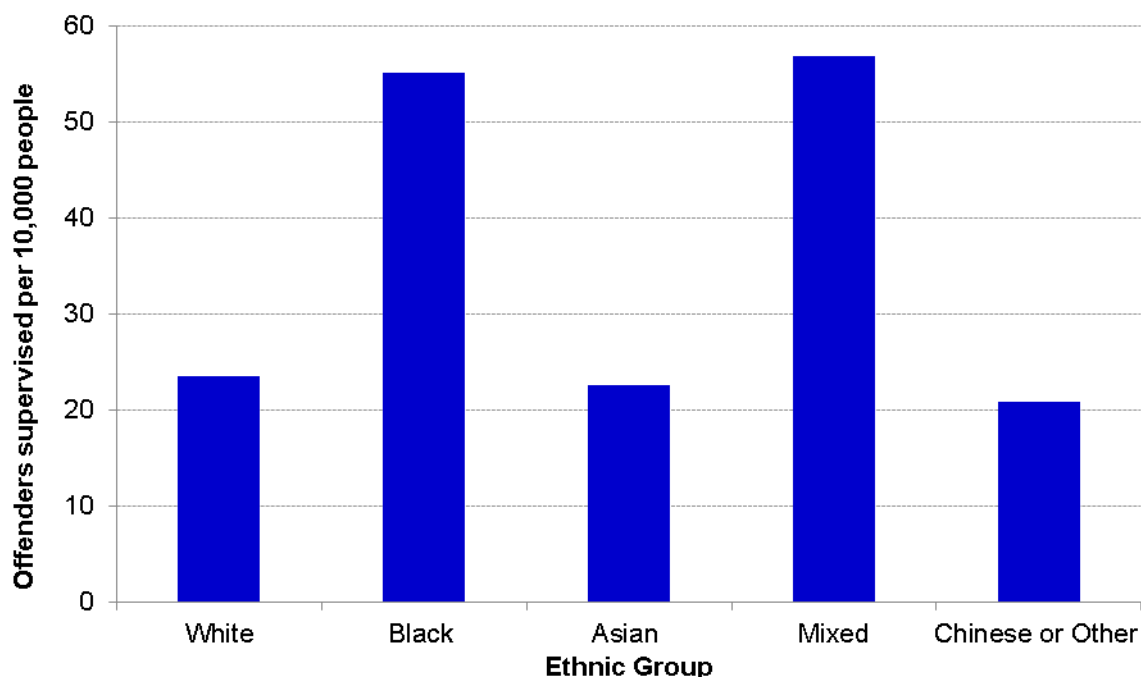
There were wide variations by ethnicity with 21 Chinese or Other offenders under probation supervision per 10,000 Chinese or Other people, compared with 55 Black offenders and 57 Mixed offenders relative to their ethnic population. As noted elsewhere in this report, differences between ethnic groups may be attributable to a range of factors, including differences in the type or seriousness of the offences committed and previous criminal history.

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<sup>144</sup> Ethnicity data is missing for 12% of people supervised by the probation service under court orders.



**Figure 7.08: Adult offenders supervised by the Probation Service on a Community Order or Suspended Sentence Order by ethnicity per 10,000 people, December 2016**



In 2016, White offenders were more likely to receive a rehabilitation requirement than offenders from all other ethnic groups and less likely to receive an unpaid work requirement. In 2016, rehabilitation requirements accounted for 39% of requirements given to White offenders serving a community order compared with 32% of Black and Asian offenders, 36% of Mixed offenders and 30% of Chinese or Other offenders. Among offenders serving a Suspended Sentence Order, the trend was similar with rehabilitation requirements accounting for 39% of orders given to White offenders.

In 2016, unpaid work accounted for 30% of requirements given to White offenders serving a community order compared with 40% of Black offenders, 43% of Asian offenders, 33% of Mixed offenders and 48% of Chinese or Other offenders. Among offenders serving a Suspended Sentence the trend was similar with unpaid work requirements accounting for 27% of orders given to White offenders.

#### *Pre-release and post-release supervision*

Under the Offender Rehabilitation Act 2014, all offenders given custodial sentences are now subject to statutory supervision on release from prison<sup>145</sup>. Previously only adults sentenced to over 12 months in custody and all young offenders were subject to statutory supervision. This change, which came into effect on 1<sup>st</sup> February 2015, explains the notable rise from 2015 in those under post release supervision<sup>146</sup>. The proportion of offenders supervised post-release and pre-release were broadly similar across ethnic groups and was proportionate to the population, although there was a slightly higher proportion of black offenders supervised post-release than pre-release.

<sup>145</sup> Whilst ethnicity is self-declared, declaring ethnicity is not a requirement for prisoners – which may explain why the proportion of missing ethnicity data is 14% for offenders under pre-release supervision, a higher proportion than for other data-series used in this chapter.

<sup>146</sup> Missing and not stated data regarding ethnicity is much lower for this group at around 5%



## *Recalls*

Offenders released on licence are subject to recall to a prison immediately by Public Protection Casework Section if the supervising probation trust reports the offenders as having breached the conditions of their licence.

Over the period from April 1999 to December 2016, a total of 230,000 offenders were recalled to custody for breaching the conditions of their licence, e.g. failing to report to their probation officer. Nearly all of those were successfully returned (over 99% as of March 2017).

In general, the results show little variation by ethnicity. Overall, 26% of recalls in 2016 related to further charge, 25% of recalls related to non-compliance and 20% of recalls related to failure to keep in touch, 13% related to failure to reside, 5% related to misuse of drugs/alcohol and 11% related to 'other reasons'<sup>147</sup>. These proportions are similar for all ethnic groups. In total, 17% of recalls were on an emergency basis, and 83% on a standard basis. These proportions varied within ethnic groups; 20% of recalls for Black offenders were on an emergency basis whereas only 10% of Chinese or Other recalls were on an emergency basis, whilst the other ethnic groups ranged from 14% to 17%.

## Home Detention Curfew

On early release from prison, some offenders may go into the community under Home Detention Curfew (HDC), which allows prisoners to live outside of prison providing they do not breach the rules of their curfew and is designed to help prisoners integrate into life outside prison. Around 9,000 offenders (21% of those eligible) were released under HDC in 2016. 78% of those were White offenders, 10% were Asian and 8% were Black.

Asian offenders were consistently the largest proportion to be released under HDC with 30% of those eligible being released in 2016<sup>148</sup>. Chinese or Other offenders<sup>149</sup> were consistently the least likely to be released under HDC with 13% of those eligible being released in 2016, although these estimates should be treated with caution as they are based on low numbers of released offenders of between 50 and 80 each year<sup>150</sup>.

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<sup>147</sup> Ethnicity information is available for over 99.9% of offenders recalled during 2016.

<sup>148</sup> From 2015, there was a breakdown in the series due to the data being taken from a new data source as a result of improvement to IT system, see table for more detail.

<sup>149</sup> In 2015, 130 prisoners whose ethnic group was recorded as Chinese have moved to the Asian category, see table for more detail.

<sup>150</sup> Ethnicity data is available for over 99% of offenders who were released in 2016. Among offenders who were eligible for Home Detention Curfew, ethnicity data coverage improved from over 96% in 2012 to over 99% in 2016.

## 8. Offence Analysis

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### Violence against the person offences

In 2016, the average custodial sentence length (ACSL) for all violence against the person offences was the highest for Black offenders at 35.7 months, 15.6 months higher than White offenders (20.1 months). ACSL for Chinese or Other offenders was 31.9 months, 28.2 months for Asian offenders, and 25.8 months for Mixed ethnicity offenders.

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### Drug offences

For drug offences in 2016, White offenders are under represented and all other ethnic groups are over represented in the number of prosecutions and convictions, the proportions relative to the population are particularly stark for possession of class B and production, supply, intent to supply of class A drug offences, where ethnic minority groups account for 40% and 39% of convictions respectively.

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This chapter looks at particular offences to investigate the relationship between ethnicity and functions of the Criminal Justice System. It investigates differences between ethnic groups for these offences, and whether this picture has changed over time.

This chapter focuses on figures where ethnicity is known. Where the ethnicity for a defendant or offender is unknown they have been excluded. The proportion of unknown ethnicity will be highlighted for each offence.

The offences included in this chapter are indictable offences, because as discussed in this report (see Appendix II), the ethnicity coverage is better recorded for these offences. Although there are a number of offences that are of interest, the following will be the focus<sup>151</sup>:

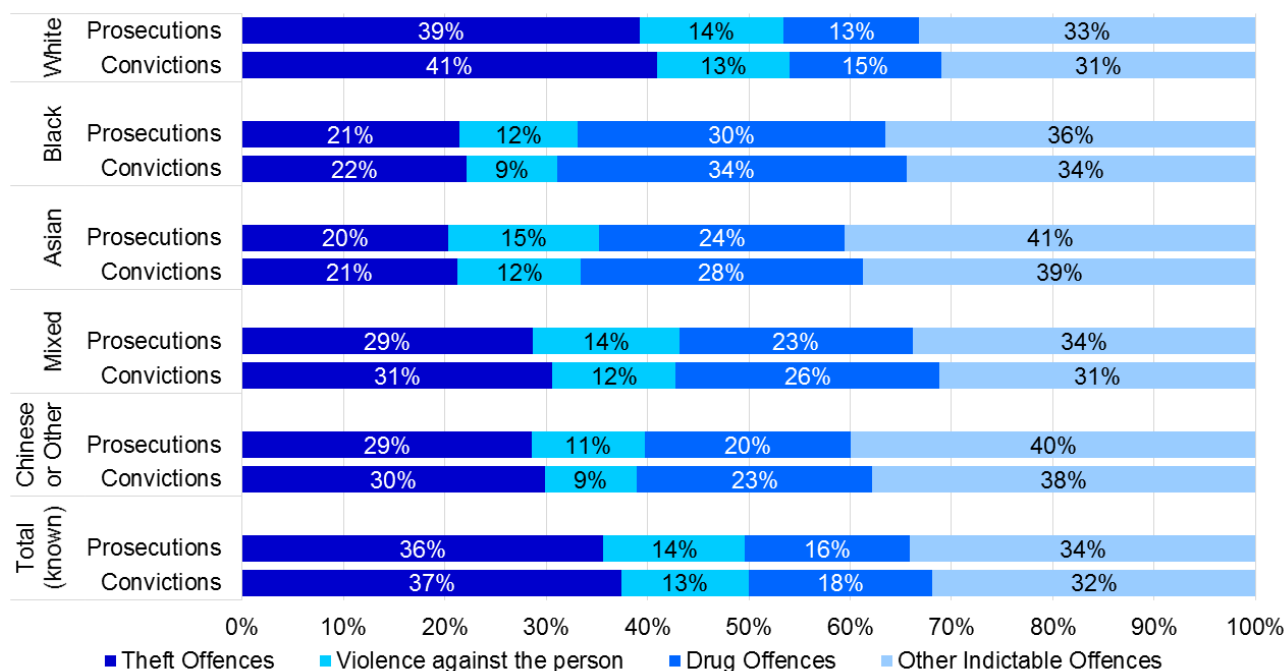
- Shoplifting – Theft offences account for a high proportion of convictions across ethnic groups and sexes, the majority of which are for shoplifting.
- Selected 'Violence against the person' offences (indictable) – Violence against the person offences account for a large proportion of convictions.
- Drug Offences (indictable) – These account for the largest number of convictions for Black and Asian ethnic groups.

The figure below shows the proportion of prosecutions and convictions for all indictable offences highlighting the selected indictable offences groups of interest.

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<sup>151</sup> Although the conviction ratio for the offence group *Robbery* is high – the number of individuals convicted is low volume compared with theft, drug and violence against the person offences. Where volumes are low, it is difficult to draw meaningful comparisons between ethnic groups.

**Figure 8.01: Proportion of prosecutions and convictions for high volume indictable offence groups, by ethnicity, 2016**



### Theft Offences – Shoplifting<sup>152</sup>

The number of prosecutions for shoplifting offences for defendants of known ethnicity has fallen by 27% since 2012, with 51,500 such defendants prosecuted in 2016. This trend of falling prosecutions was observed across all ethnic groups. White defendants accounted for 88% of all prosecutions in 2016; this proportion was largely reflective of the population.

In 2016, shoplifting convictions made up the majority (64%) of theft convictions and 24% of all convictions for indictable offences where ethnicity was known. The latter proportion has remained relatively stable since 2012, with a peak at 27% in 2014. The proportion of convictions for shoplifting differed by ethnicity. In 2016, convictions for shoplifting offences made up 26% of all White offenders convicted for an indictable offence, compared to 13% for Black and Asian offenders, and 19% for Mixed and Chinese or Other offenders.

The conviction ratio<sup>153</sup> for shoplifting offences has remained stable since 2012, all ethnic groups had a broadly similar conviction ratio in the last 5 years, ranging between 90% and 94% in 2016.

Of those sentenced at court, the most common sentence type for shoplifting varied with ethnicity. In 2016, the proportion of offenders sentenced to immediate custody was between 23% and 26% for all ethnic groups except for Chinese or Other (16%)<sup>154</sup>. The most common outcome for Asian, Black and White offenders was immediate custody although for Black offenders the proportion was highest at 26%.

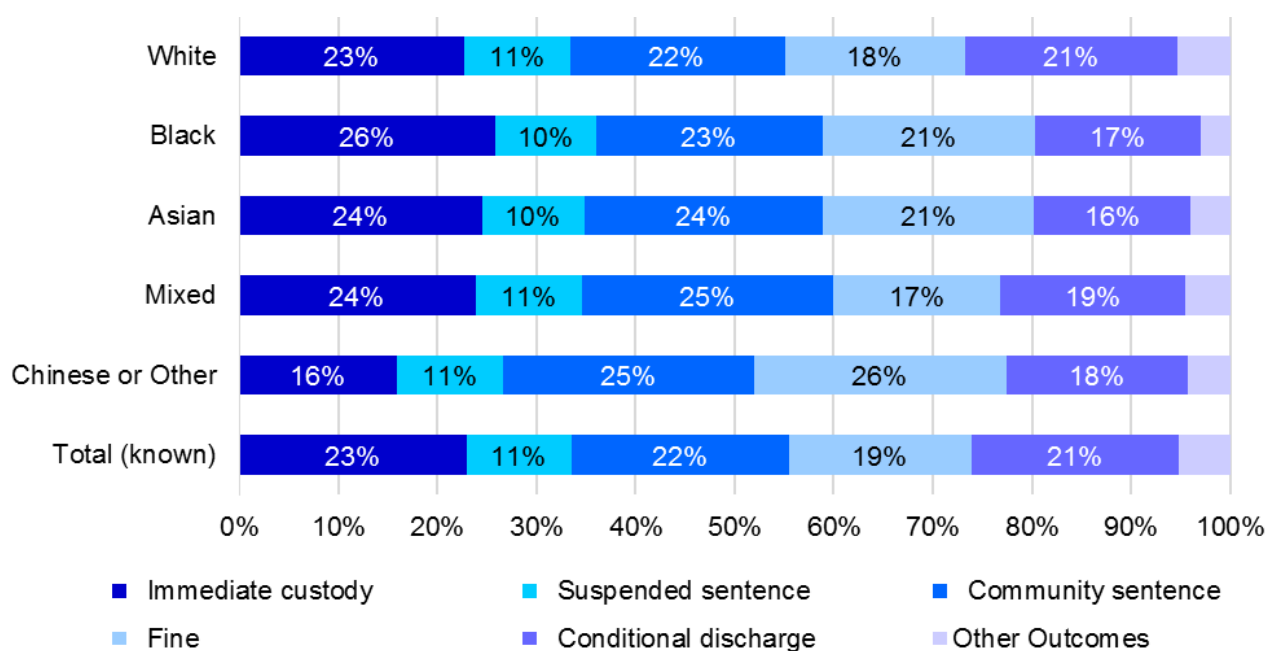
<sup>152</sup> The proportion of defendants proceeded against with a known ethnicity for shoplifting offences was 86% in 2016.

<sup>153</sup> The conviction ratio can be determined by dividing the number of offenders convicted at all courts by the number of defendants proceeded against at the magistrates' court.

<sup>154</sup> The larger variation in sentencing outcomes that can be observed for the Chinese or Other ethnic group can be explained in part by the small number of offenders within this group making it more susceptible to larger fluctuations in trends across years.

The proportion of offenders in 2016 who received a community sentence ranged between 22% and 25% for all ethnic groups. Since 2012, the group Chinese or Other offenders consistently had the highest proportion of offenders receiving a sentencing outcome of a fine (26% in 2016). The proportion of White offenders receiving a conditional discharge was higher than any other group at 21% in 2016, all other ethnic groups varied between 16% and 19%.

**Figure 8.02: Sentencing outcomes for shoplifting, by ethnicity, 2016**



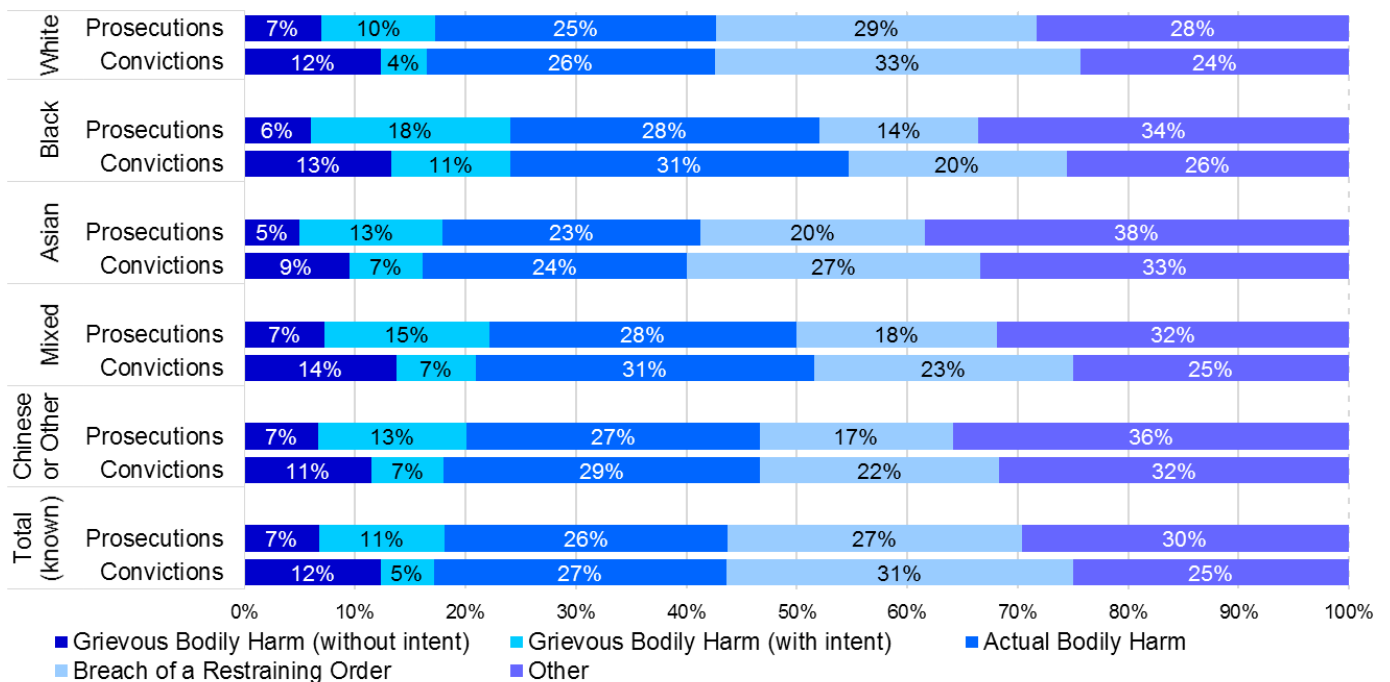
Selected violence against the person offences

This section focuses on the following high volume indictable violence against the person (VATP) offences:

- Actual bodily harm (ABH)
- Breach of a restraining order
- Grievous bodily harm (GBH) with intent
- Grievous bodily harm (GBH) without intent

In 2016, prosecutions for VATP offences made up 14% of all indictable offences, having increased from 10% since 2012. ABH and breach of a restraining order offences were the most common VATP offences for which defendants were prosecuted in 2016, accounting for 26% and 27% of all VATP prosecutions respectively. Grievous bodily harm (both with and without intent combined) offences made up 18%. Proportions of prosecutions and convictions for each VATP offence vary by ethnicity.

**Figure 8.03: Proportion of prosecutions and convictions for the selected violence against the person offences, by ethnicity, 2016**



#### *Actual Bodily Harm<sup>155</sup>*

Prosecutions for ABH were around a quarter (26%) of all prosecutions where ethnicity is known for VATP offences in 2016. Mirroring broader trends in falling prosecutions, the number of people prosecuted for ABH has declined since 2014 (falling 25%), all ethnic groups broadly followed this trend. The smallest reductions were for Black defendants (falling 12%) and the largest reductions were for White defendants (falling 27%).

ABH was the most common VATP offence for offenders convicted in 2016 for Black, Mixed and Chinese or Other ethnic groups. The White ethnic group had the highest conviction ratio for ABH offences at 82%; all other groups had a conviction ratio between 67% and 75%. The proportion of offenders sentenced to immediate custody for ABH was broadly similar across all ethnic groups.

#### *Breach of a Restraining Order<sup>156</sup>*

The number of prosecutions and convictions for a breach of a restraining order has increased by 44% and 48% respectively since 2012; increases can be observed across all ethnic groups.

In 2016, breach of a restraining order made up 27% of all defendants proceeded against and 31% of all offenders convicted for VATP offences. As of 2016, it became the most common VATP offence for which all offenders were convicted (overtaking ABH). White offenders within this VATP group had the highest proportion of convictions for a breach of a restraining order (33% of all White VATP convictions), whereas 20% of Black offenders were convicted for breach of a restraining order.

<sup>155</sup> The proportion of defendants proceeded against with a known ethnicity for Actual Bodily Harm offences was 84% in 2016.

<sup>156</sup> The proportion of defendants proceeded against with a known ethnicity for breach of a restraining order offences was 88% in 2016.

The conviction ratio for breach of a restraining order offences has remained stable for all ethnic groups since 2012 and was 90% overall in 2016. In the latest year, White offenders had the highest conviction ratio of 91%, followed by Mixed offenders at 88%, 86% for Asian offenders, 85% for Black offenders and 82% for Chinese or Other offenders.

Immediate custody was the most common sentence for all ethnic groups since 2012, accounting for 38% of all sentences in 2016. Compared to the other ethnic groups, a lower proportion of White offenders were sentenced to immediate custody (37%). Asian offenders most likely to receive immediate custody (44%), and all other ethnic groups had a custody rate ranging between 38% and 42%.

#### *Grievous Bodily Harm (GBH)<sup>157</sup>*

The total number of defendants prosecuted for GBH without intent where ethnicity was known fell by 29% between 2012 and 2016; this downwards trend can be observed for all ethnic groups in the same period except defendants from the Black ethnic group which rose in 2013 before falling broadly in line with other ethnic groups. For GBH with intent, the total number of prosecutions fell by 22% between 2012 and 2016 and only the number of prosecutions for Black defendants increased (6%).

GBH without intent is the only VATP offence for which, across nearly all years and ethnic groups, there are more convictions than prosecutions (giving an apparent conviction ratio greater than 100%). A partial explanation for this may be that some offenders are originally prosecuted for GBH with intent, but this offence is downgraded to a GBH without intent, because of the difficulty of providing sufficient evidence to demonstrate a defendant's intent. This also has an impact on the convictions ratio for GBH with intent, which will be lower as a result of the downgrading.

In 2016, White defendants made up 76% all defendants prosecuted for GBH offences, which is lower than the relative population. Notably, Black defendants made up 12% of all defendants prosecuted for GBH offences, four times higher than the proportion of the population. Asian defendants accounted for 7%, and Mixed 4%.

Since 2012, the conviction ratio for GBH without intent increased from 120% to 139% and this trend was mainly driven by the increasing conviction ratio for White and Black offenders over the last 5 years. Conversely, the conviction ratio for GBH with intent has remained stable averaging 31% since 2012.

Across all ethnic groups over the past 5 years, immediate custody was the most common sentencing outcome for GBH without intent, at 51% in 2016. Since 2012, Black offenders had a consistently slightly higher proportion of offender sentenced to immediate custody than any other ethnic group. In 2016, 55% of Black offenders were sentenced to immediate custody, and all other ethnic groups ranged between 50% and 54%.

The custody rate across all offenders for GBH with intent fell from 96% in 2012 to 86% in 2016, a trend which can be seen in all ethnic groups.

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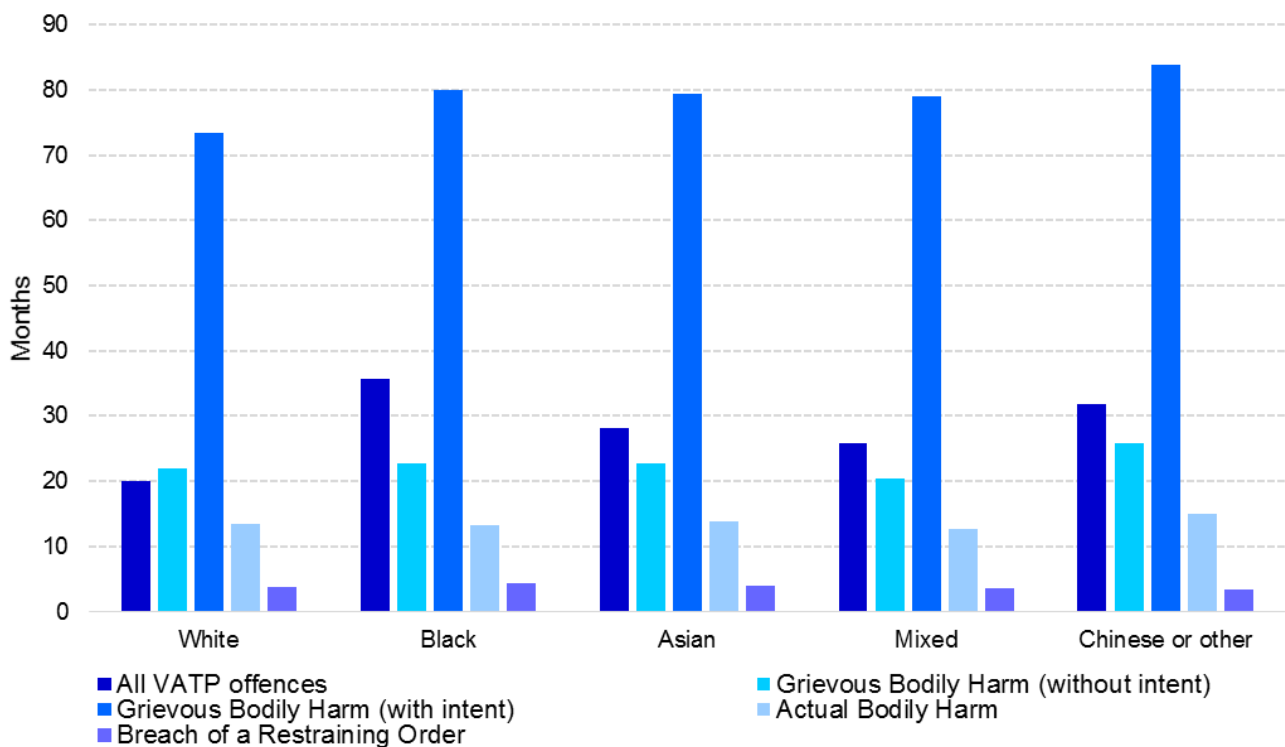
<sup>157</sup> The proportion of defendants proceeded against with a known ethnicity for grievous bodily harm offences with intent was 87%, grievous bodily harm offences without intent was 83% in 2016.

### Average Custodial Sentence Length (ACSL)

In 2016, the ACSL for all violence against the person (VATP) offences was the highest for Black offenders at 35.7 months, 15.6 months higher than White offenders (20.1 months). ACSL for Chinese or Other offenders was 31.9 months, Asian offenders was 28.2 months, and 25.8 months for Mixed ethnicity offenders. A factor to consider when comparing these averages is the differing proportions of convictions for more severe VATP offences across ethnic groups. For example, a larger proportion Black offenders were convicted for grievous bodily harm offences than all other ethnic groups (see figure 8.03).

When considering each of the selected high volume offences in the VATP offence group (GBH, ABH and Breach of a restraining order), the overall calculation can be distorted by particularly low volume offences and outliers (that can have varying severity and a specific set of circumstances) which skew the overall average, making it harder to draw out more general ethnicity trends. Previous years show slightly more variation in the ACSL between ethnic groups for these selected offences.

**Figure 8.04: Average custodial sentence for all violence against the person offences and selected offences, by ethnicity, 2016**



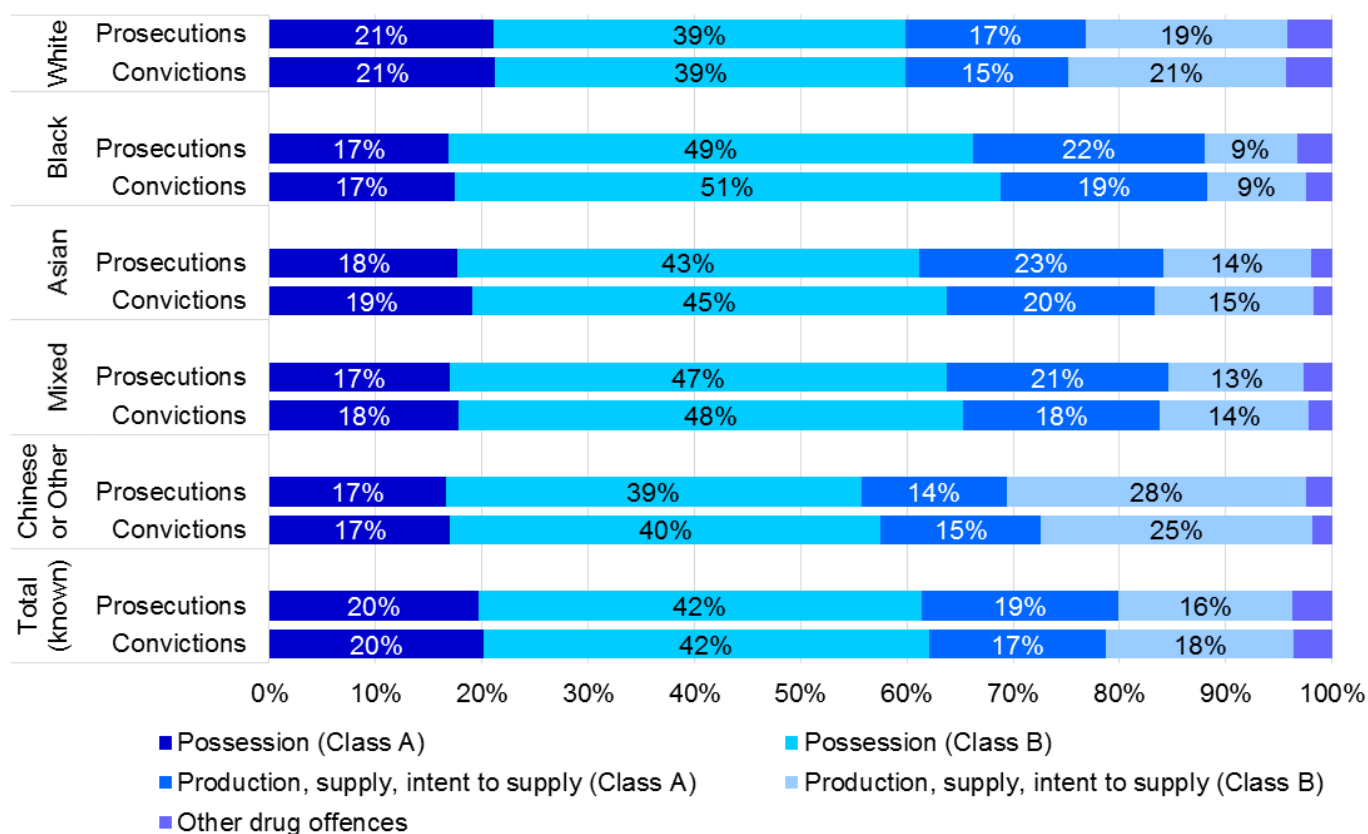
## Drug Offences

Drug offences vary both in nature and severity. This section focuses on the following high volume indictable drug offences:

- Possession (Class A)<sup>158</sup>
- Possession (Class B)<sup>159</sup>
- Production, supply, intent to supply (Class A)<sup>160</sup>
- Production, supply, intent to supply (Class B)<sup>161</sup>

Together these four offence groups equate to 96% of all prosecutions and convictions for indictable drug offences where ethnicity is known. However, the proportion of prosecutions and convictions for these offences varies by ethnicity, as illustrated in figure 8.05.

**Figure 8.05: Proportion of prosecutions and convictions for selected drug offences, by ethnicity, 2016**



<sup>158</sup> The proportion of defendants proceeded against with a known ethnicity for possession (Class A) drug offences was 88%

<sup>159</sup> The proportion of defendants proceeded against with a known ethnicity for possession (Class B) drug offences was 84%

<sup>160</sup> The proportion of defendants proceeded against with a known ethnicity for Production, supply, intent to supply (Class A) was 84%

<sup>161</sup> The proportion of defendants proceeded against with a known ethnicity for Production, supply, intent to supply (Class B) was 83%



### *Prosecutions*

Since 2012, the number of defendants prosecuted for drug offences where ethnicity is known has fallen by 34% from 58,500 to 38,400 in 2016. The extent of this declining trend differed by ethnicity. The number of White offenders prosecuted for drug offences fell 42% however the decline for Black defendants was just 5%, with reductions for other ethnic groups between 20% and 31%. Consequently, the proportion of drug prosecutions where the defendant was White offences has decreased from 73% in 2012 to 65% in 2016 whereas there was an increase in the proportion of Black defendants from 14% to 20% over the same time period. The proportion of drug prosecutions has remained relatively constant for other ethnic groups; in 2016, 9% of prosecutions were for Asian defendants, 5% for Mixed and 2% for Chinese or Other.

For all ethnic groups in 2016, the most common drug offence was possession of class B drugs, accounting for 42% of drug offence prosecutions where ethnicity was known. Black defendants had the largest proportion of prosecutions for possession of class B drugs at 49%. White defendants had the largest proportion of defendants prosecuted for possession of class A drugs (21%), prosecutions for class A possession was between 17% and 18% of drug offences for all other ethnic groups. Proportions of defendants prosecuted for production, supply and intent to supply (both class A and B) varied by ethnicity. When combined, this proportion was lowest for Black defendants at (30%) and highest for the Chinese or Other ethnic group (42%).

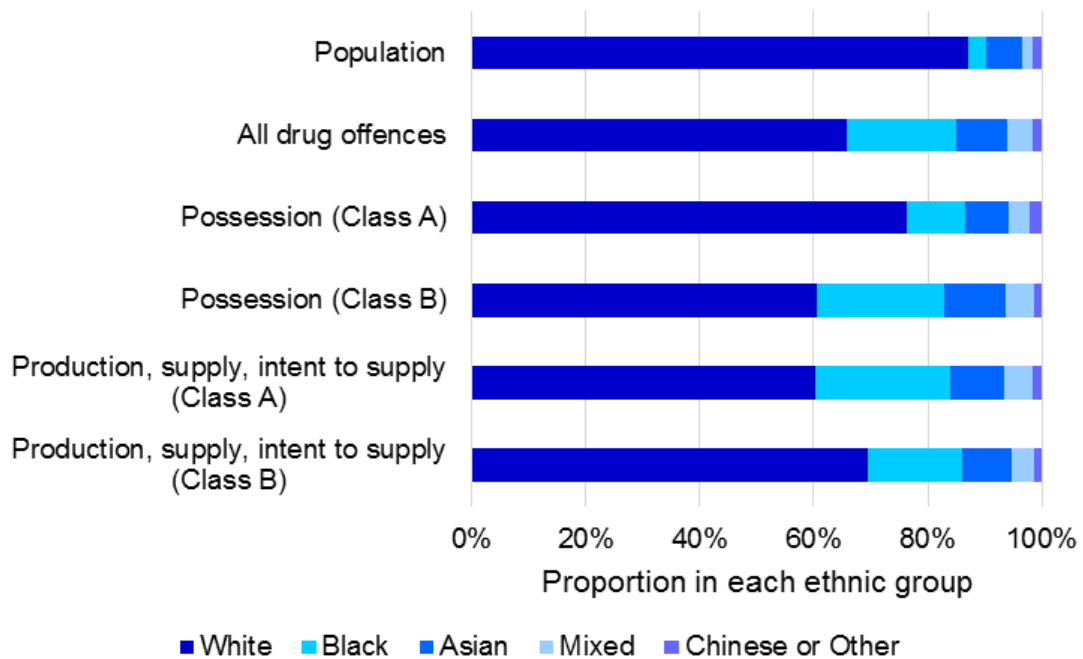
### *Convictions*

The number of convictions for drug offences since 2012 has decreased at a very similar rate to prosecutions across ethnic groups, decreasing 40% for White offenders, 4% for Black offenders and between 18% and 30% for all other ethnic groups. Since 2012, the conviction ratio for all drug offences has increased between 1% and 4% for all ethnic groups. In 2016, White offenders had the highest conviction ratio at 96%, all other ethnic groups had a conviction ratio between 91% and 93%.

The proportion of convictions for drug offences where the offender was White decreased from 73% in 2012 to 66% in 2016. Conversely, the proportion that were Black increased from 13% to 19%, Asian increased from 7% to 9% over the same period and the other ethnic groups have remained broadly similar; Mixed offenders (4%) and Chinese or Other (2%).

For drug convictions as a proportion of population in 2016, the proportion of White offenders is lower compared with proportions from other ethnic groups. There was a particular disparity in relation to possession of class B and production, supply, intent to supply of class A drug offences, where non-White ethnic groups account for around 40% of convictions respectively. This disparity relative to the population size emerges from the initial prosecutions which has a subsequent impact on convictions.

**Figure 8.06: Representation of each ethnic group in convictions for selected drug offences, 2016**



### *Sentencing outcomes*

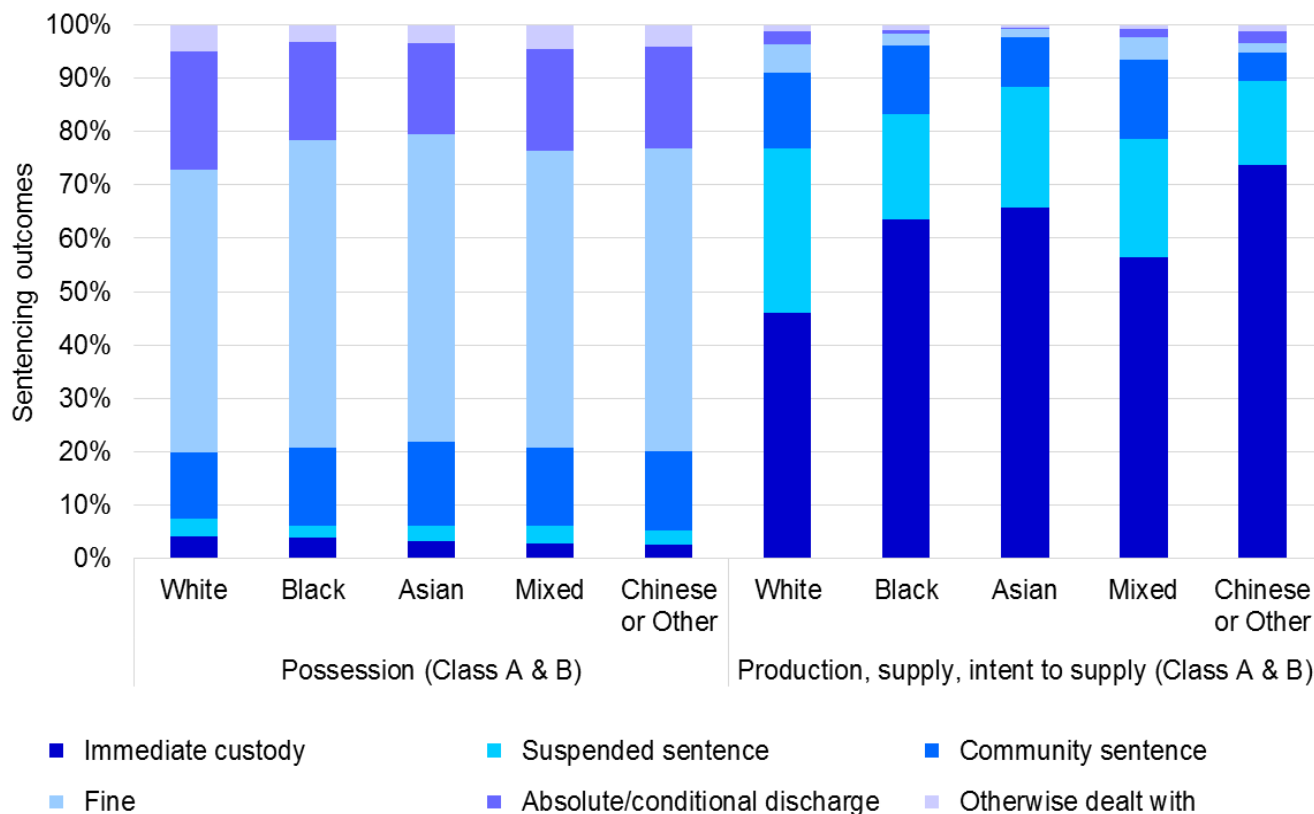
Of all offenders sentenced with a known ethnicity in the last five years the most common outcome was a fine (36% in 2016), with little disparity amongst groups.

The most common outcome for drug possession offences (Class A and B) in 2016 was also a fine and proportions were broadly similar across ethnic groups. The proportion of offenders within ethnic groups who received a fine for Class A possession offences ranged between 57% and 64% of all sentence outcomes. For possession of class B drugs, the proportions of offenders within ethnic groups who received a fine ranged between 51% and 58% in 2016.

The proportion of offenders receiving an immediate custody sentence for all drug offences has been increasing in the last five years across all ethnic groups except for Chinese or Other offenders. Asian offenders consistently had the highest proportion receiving an immediate custodial sentence over the past five years, and was 26% in 2016. Between 20% and 21% of White, Black and Mixed ethnic group offenders sentenced for drug offences received immediate custody.

In 2016, for Class A production, supply and intent to supply drug offences, White offenders had the lowest custody rate (76%), all other groups ranged between 79% and 84%. For Class B production, supply and intent to supply drug offences, Mixed ethnicity offenders had the lowest custody rate (22%). Chinese or Other offenders consistently had the highest custody rate over the last 5 years and was 70% in 2016.

**Figure 8.07: Proportion of sentencing outcomes for possession and production, supply and intent to supply offences by ethnicity, 2016**



In the last five years, Average Custodial Sentence Length (ACSL) for indictable drug offences increased from 28.7 months in 2012 to 34.6 months in 2016, this increasing trend was observed across all ethnic groups. In 2016, Asian offenders had the longest ACSL for indictable drug offences at 38 months; a contributing factor to this was that Asian offenders had the highest proportion of convictions for Class A drug related offences (39%), which typically receive the most severe sentence. Chinese or Other offenders received the shortest ACSL at 29.1 months which corresponds with also having the lowest proportion sentenced for Class A related drug offences (34%).

In 2016, production, supply and intent to supply of Class A drugs accounted for the majority (63%) of all offenders with a known ethnicity sentenced to immediate custody. Asian offenders received the longest ACSL for these offences at 46.9 months, all other ethnic groups ranged between 42.0 and 46.5 months. Production, supply and intent to supply of Class B drug accounted for 23% of all offenders with a known ethnicity sentenced to immediate custody for drug offences. The ACSL for these offences were lowest for Black offenders at 12.8 months, ranging between 14.8 and 18.6 months for all other ethnic groups.

## 9. Practitioners

### Ethnic makeup of practitioners

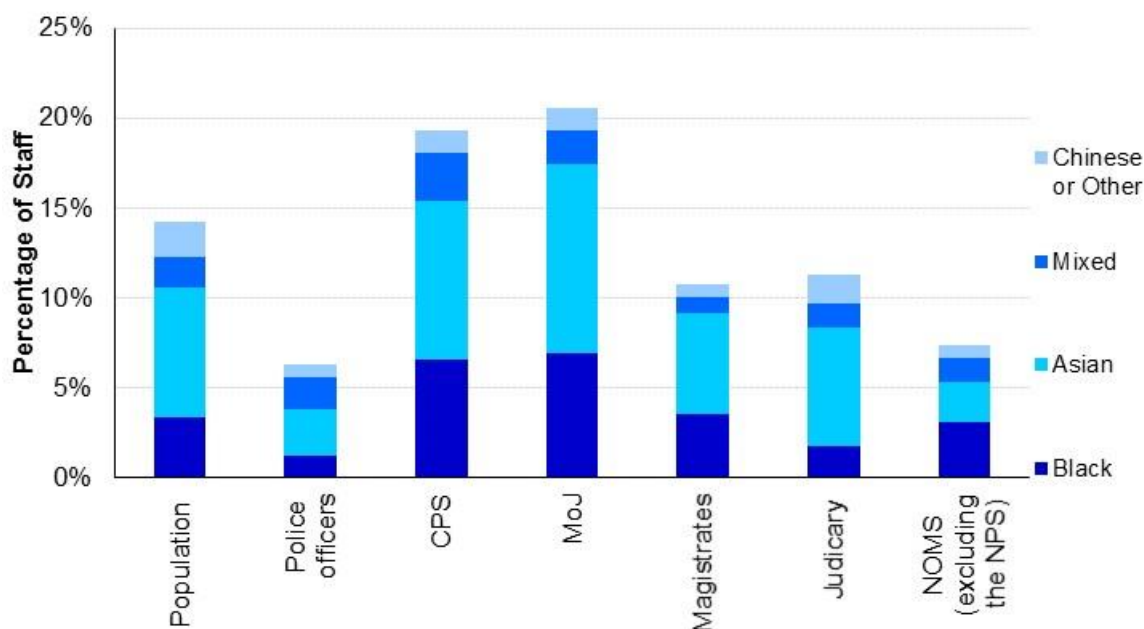
Non-White ethnic groups were under-represented relative to the population among the police, National Offender Management Service<sup>162</sup>, judiciary and magistracy with proportions increasing slowly or remaining the same over the last 5 years. Non-White ethnic groups were over-represented relative to the population among the Ministry of Justice and Crown Prosecution Service with proportions increasing over the last 5 years.

This chapter reports on the trends in the ethnic makeup of staff and practitioners throughout the criminal justice system (CJS). As in previous versions of this report, it includes information on the ethnic makeup of the police, Ministry of Justice (MoJ), Crown Prosecution Service (CPS), judiciary and magistrates. As in previous years, limitations to the data from National Offender Management Service (NOMS) restrict some of the findings related to probation services. Budgetary considerations have led to headcount falls throughout the public sector over recent years, to allow for this ethnicity is best considered in terms of proportions of staff rather than absolute numbers.

### Trends in CJS organisations

There has been little change in the makeup of organisations involved in the CJS over the last 5 years.

**Figure 9.01: Proportion of the population of England and Wales and organisations involved in the CJS from non-White ethnic groups (Source: Table 9.01, 9.03, 9.05, 9.10 and Judicial Diversity Statistics)<sup>163</sup>**



<sup>162</sup> As of 1 April 2017, the National Offender Management Service was replaced by Her Majesty's Prison and Probation Service (HMPPS). This publication covers the reporting period up to 31 March 2017 and therefore presents ethnicity of NOMS staff

<sup>163</sup> Latest data available for each – Police and NOMS at 31 March 2017, Judiciary and magistrates at 1 April 2017, MOJ at 31 March 2016 and CPS at 31 December 2016. Population data from 2011, constrained to the working population by looking at 18 to 64 year olds – see Appendix III

MOJ staff<sup>164</sup> have seen the greatest increase in the non-White population over the last five years, from 16% to 21% of the workforce, mainly due to increases in the proportion of Black and Asian staff, both of which are higher than in 2012, while the proportion of White staff have fallen over that period. Within the CPS, the proportion of non-White staff<sup>165</sup> has been rising slowly over the last five years from 18% to 19%, with most of the rise coming from the Asian ethnic group.

There has also been a slow rise in non-White staff among police officers, from 5% to 6%, mainly due to increases in the proportion of Asian and Mixed ethnic groups. In contrast, the proportion of non-White community support officers (CSOs) and special constables has not increased over the same period, falling from 10% to 9% of CSOs and remaining at 11% of special constables. Over this period, the proportion of non-White individuals among those joining police forces has doubled from 5% to 10%. The proportion of non-White joiners exceeded the proportion of non-White leavers throughout this period, driving the overall increase.

Ethnicity representation among the judiciary (court judges, tribunal judges and non-legal members) has remained broadly similar between 2013 and 2017<sup>166</sup>. As at 1 April 2017, the proportion of non-White court judges was 7%, tribunal judges was 10% and non-legal members of the judiciary was 16%. The considerable eligibility requirement of substantial professional legal experience for judges means direct comparison to the general population is not meaningful. Furthermore, as almost half of judges are aged 60 and over, ethnicity representation among judges is not dissimilar to that of the general population when taking age into account. Ethnicity representation in the general population falls considerably with increasing age, and the proportion of those aged 60 and over in the working age general population of England and Wales who were non-White was 5% in the 2011 Census.

The proportion of non-White magistrates<sup>167</sup> increased over this period, from 8% to 11%, whilst the total number of magistrates fell by a third.

The proportion of NOMS<sup>168</sup> staff, excluding the National Probation Service (NPS), who were non-White has increased from 6% to 7% over the last five years. NOMS HQ staff, similarly to central MoJ staff, are more likely to be non-White, rising from 12% to 13% over the last five years.

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<sup>164</sup> Self-identified from HR records, as at 31 March 2012 – 2016, coded using the standard 5+1 scale. Typically not held for more than 20% of staff, however, which places substantial uncertainty around these findings. The 2015/16 MOJ workforce monitoring report is available from <https://www.gov.uk/government/publications/moj-workforce-monitoring-report-2015-to-2016>, but numbers will not match as this encompasses NOMS and only includes 'on strength' (i.e. paid) staff.

<sup>165</sup> Self-identified from HR records, snapshots from 31 December 2012 – 2016, coded using the standard scale. Typically not known for 13% of staff, which increases the uncertainty around these findings. CPS workforce diversity data can be found through: <http://www.cps.gov.uk/publications/equality/equaloppsstats/index.html>

<sup>166</sup> Self-declared ethnicity reported in the latest Judicial Diversity Statistics. Not known for around 17% of court judges, 7% of tribunal judges and 10% of non-legal members. Chinese is categorised as Asian, otherwise aligns with standard Census classification – see Appendix I. Available here: <https://www.judiciary.gov.uk/publications/judicial-statistics-2017/>

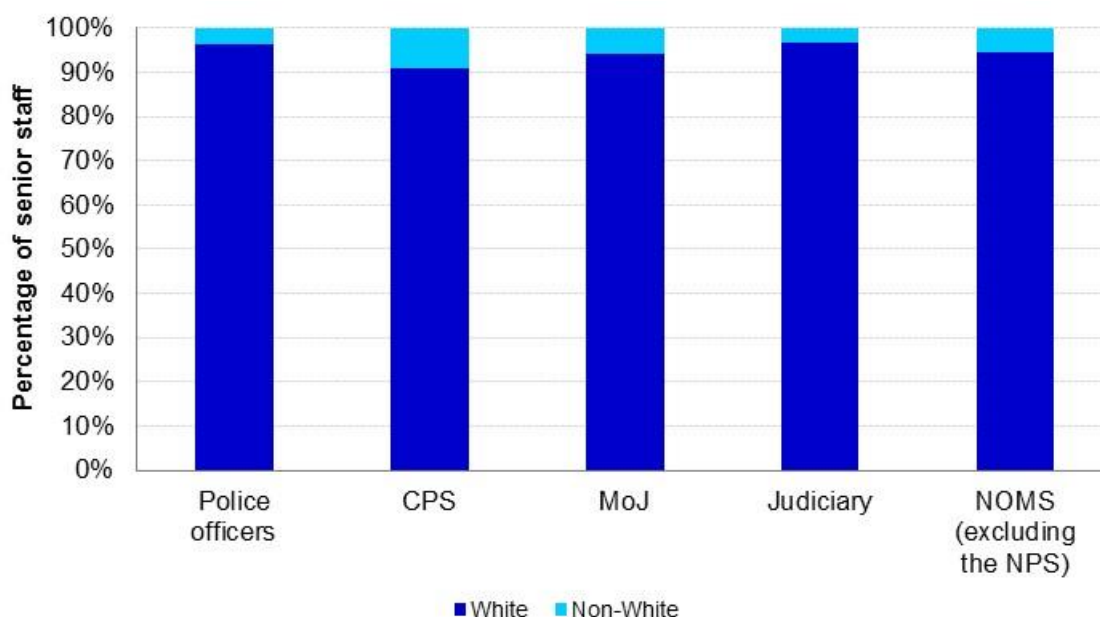
<sup>167</sup> Self-identified ethnicity of serving magistrates, as 1<sup>st</sup> April 2013 - 2017, reported alongside the Judicial Diversity Statistics. Known in almost 100% of cases (97% to 100%). Available here: <https://www.judiciary.gov.uk/publications/judicial-statistics-2017/>

<sup>168</sup> Self-identified from HR records, as at 31 March 2013 – 2017, coded using the standard scale. Across NOMS (excluding probation staff), levels of unknowns have increased over the last 5 years from 10% to 18%. This increase is driven by HMPS staff, whilst central staff levels of unknown remained stable, although overall levels are higher among central staff than HMPS (around 22% compared with around 18%). The 2015/16 MOJ workforce monitoring report is available here: <https://www.gov.uk/government/publications/moj-workforce-monitoring-report-2015-to-2016>

On 1 June 2014, the NPS was created and staff joined NOMS as civil servants (prior to that date probation services were delivered by 35 Probation Trusts across England and Wales, which were responsible for their own staffing). As a result there is a limited time series available regarding ethnicity reporting for NPS staff. In addition, declaration rates remain low compared with those of Her Majesty's Prison Service (HMPS) and NOMS HQ.

Trends in senior staff<sup>169</sup>

**Figure 9.02: Ethnicity of senior staff in organisations involved in the CJS, most recent year available (Source: Table 9.02, 9.04, 9.06 and 9.18 and Judicial Diversity Statistics)**



Senior staff were more likely to be White compared with staff in each organisation overall. In part, this may be influenced by the tendency of senior staff to be older. Age is inevitably strongly related to seniority, and as noted previously, ethnicity representation among older age groups in the general population is far lower for non-White individuals than that seen overall. The CPS are the most ethnically diverse organisation at senior levels, as well as more generally across the pay bands. Caution should be taken when comparing these figures because the number of individuals represented in some groups is small and changing a single case could have a noticeable effect.

<sup>169</sup> Senior staff definitions vary throughout the criminal justice system – senior police offices includes the ranks of chief inspector and above (chief inspector, superintendent, chief superintendent, and chief officers). MOJ and NOMS includes Senior Civil Servants (SCS). CPS includes Senior Legal Manager, Chief Crown Prosecutor and SCS. Judiciary includes the ranks of High Court judges and above (High Court judges, Lords Justices of Appeal and Heads of Division).

## Appendix I: Ethnicity Classifications

There are two measures of recording ethnicity that are utilised throughout this publication: officer identified ethnicity and self identified ethnicity. This appendix details the categorical breakdowns of both types of ethnicity.

### *Officer Identified Ethnicity*

Officer identified ethnicity is ethnicity as recorded by a police officer or a member of the administrative or clerical team, based on visual appearance. The data is initially inputted into six detailed categories, which are then re-categorised in the Court Proceedings database into four categories (as shown below). Most sections in this report use the 4 point classification, as outlined below, when referring to officer identified ethnicity.

**Table I.01: Mapping of the 4 point classification to the Phoenix Classification**

<b>4 point classification (4+1)</b>	<b>Phoenix Classification<sup>170</sup></b>
<b>White</b>	White – North European (IC1) White – South European (IC2)
<b>Black</b>	Black (IC3)
<b>Asian</b>	Asian (IC4)
<b>Other</b>	Chinese, Japanese, or South East Asian (IC5) Middle Eastern (IC6)
<b>Unknown/ Not Stated</b>	Unknown (IC0)

### *Self Identified Ethnicity*

Self identified ethnicity is ethnicity as defined by an individual, and categories are based on the classifications as defined by the 2001 and 2011 Census<sup>171</sup>. The ONS introduced two further categories to the Census in 2011: 'White – Gypsy or Irish Traveller' and 'Arab'; and moved 'Chinese' to the broader Asian category. To allow for comparability with previous editions of *Race and the Criminal Justice System*, Chinese are placed in the 'Chinese or Other', or 'Other' category, following the 2001 Census.

<sup>170</sup> The Phoenix classification refers to the database in which officers enter details of ethnicity based on visual appearance. The corresponding Identity Code (IC) refer to how these are input into the database.

<sup>151</sup> See Appendix III

## Mapping Ethnicity Categorisations

Although data is in some places available for the full 2011 and 2001 Census categorisation, as these have 16 or more categories the number of people in each category when looking at the Criminal Justice System (CJS) can be very small. As a consequence, broader categories were used when drawing comparisons – see below. Both the 4 and 5 point classifications can also be mapped onto each other, which enable comparisons across data sources where different classifications have been used.

**Table I.02: Mapping of different ethnicity categorisations**

<b>5 point classification (5+1)</b>	<b>4 point classification (4+1)</b>	<b>2011 Census Categorisation (18+1)</b>	<b>2001 Census Categorisation (16+1)</b>
<b>White</b>	White	White – British White – Irish White - Gypsy or Irish traveller White – Other	White – British White – Irish White – Other
<b>Black</b>	Black	Black – African Black – Caribbean Black – Other	Black – African Black – Caribbean Black – Other
<b>Asian</b>	Asian	Asian – Bangladeshi Asian – Indian Asian – Pakistani Asian – Other	Asian – Bangladeshi Asian – Indian Asian – Pakistani Asian – Other
<b>Mixed</b>	<i>[Divided between groups – group in brackets]</i>	White and Black African ( <i>Black</i> ) White and Black Caribbean ( <i>Black</i> ) White and Asian ( <i>Asian</i> ) Any other mixed background ( <i>Other</i> )	White and Black African ( <i>Black</i> ) White and Black Caribbean ( <i>Black</i> ) White and Asian ( <i>Asian</i> ) Any other mixed background ( <i>Other</i> )
<b>Chinese or Other</b>	Other	Chinese <sup>172</sup> Other	Asian - Chinese Other Arab Any other ethnic group
<b>Not Stated</b>	Not Stated	Not Stated	Not Stated

<sup>172</sup> Listed here as included in these summary groups in our analysis; in practise included in the Asian group in the 2011 census



## Appendix II: Selection of ethnicity measures

### *Choice of classification*

Throughout this publication, two main sources of ethnicity data are used: officer identified ethnicity<sup>173</sup> and self-identified ethnicity. Collecting data on ethnic groups is complicated, because of the subjective, multifaceted and changing nature of ethnic identification. There is no consensus on what constitutes an ethnic group, and membership is viewed as self-defined and subjective to the individual. An ethnic group can encompass common ancestry, shared heritage and elements of culture, identity, religion, language and physical appearance<sup>174</sup>. In acknowledgement of this, we have referred to self-identified ethnicity where the data is available and of sufficient coverage.

Our use of either self-identified or officer identified ethnicity is constrained by data coverage. Less serious crimes are tried at magistrates' courts and mostly consist of high volume summary motoring and non-motoring offences. The most typical outcome for a majority of summary offences is a fine (see most recent Criminal Justice Systems Statistics Annual<sup>175</sup>), and the processing of these cases often does not result in the defendant's ethnicity being recorded. Largely this explains the relatively low ethnicity coverage (around 54% - 65% in the latest 5 year period) across all crimes proceeded against at magistrates' courts. Ethnicity coverage for indictable offences is better since defendants must appear in court: ethnicity coverage is between 81% and 86% for all defendants proceeded against for these offences in the same period.

**Table II.01: Proportion of missing data for self-identified ethnicity across key data sources, 2012 to 2016**<sup>176</sup>

Source	Chapter	Missing data (calendar year)				
		2012	2013	2014	2015	2016
Cautions	4	2%	3%	3%	4%	5%
PNDs	4	19%	9%	6%	7%	8%
CPD <sup>(1)</sup> - all offences	5	54%	55%	57%	61%	65%
CPD <sup>(1)</sup> - indictable	5	12%	13%	14%	16%	19%
Pre-sentence reports	5	5%	9%	13%	12%	16%
Offender history - all	6	2%	2%	3%	3%	4%

Sources: Various, please consult individual chapter tables for more information.

<sup>173</sup> Although called officer identified ethnicity, ethnicity is not necessarily recorded by a police officer but can be recorded by another member of the administration team.

<sup>174</sup> Further details on guidance and methodology of ethnicity categories are available here: <http://www.ons.gov.uk/ons/guide-method/measuring-equality/equality/ethnic-nat-identity-religion/ethnic-group/index.html#2>

<sup>175</sup>Source: *Criminal Justice Statistics, 2016*, available here: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2016>

<sup>176</sup> '.' means this data is not shown as part of this publication. Homicide victim numbers are combined over 3 year periods: 2010/11 to 2012/13 and 2013/14 to 2015/16. Figures shown are for the specific period as single years cannot be resolved.

Source	Chapter	Missing data (financial year)				
		2012/13	2013/14	2014/15	2015/16	2016/17
Homicide (victims) <sup>(2)</sup>	3	2%	.	.	3%	.
Arrests	4	2%	2%	3%	5%	7%
Stop and search	4	5%	5%	6%	9%	10%
Prison population <sup>(3)</sup>	7	2%	1%	1%	1%	.

Sources: Various, please consult individual chapter tables for more information.

(1) Court Proceedings database - persons proceeded against

(2) Homicide victim numbers are combined over 3 year periods: 2010/11 to 2012/13 and 2013/14 to 2015/16. Figures shown are for the specific period as single years cannot be resolved.

(3) Year ending 30th June

However, there are still areas in which officer identified ethnicity is the only type available – for example, when the source is the Police National Computer (PNC), which is used in *Cautions* (chapter 4) and *Offending Histories* (chapter 6).

### Concordance between ethnicity classifications<sup>177</sup>

Despite the differing nature of officer identified ethnicity and self-identified ethnicity – both measures of ethnicity have a high measure of concordance with one another<sup>178</sup>. The MoJ Court Proceedings database for defendants holds both officer identified and self-identified ethnicity for the same individual. The matches between shared ethnic groups between these two measures of ethnicity are high, with: White (98%), Black (96%) and Asian (90%).

**Table II.02: Concordance between ethnicity figures for White, Black and Asian: 2010 to 2014, MoJ Court Proceedings Database**

		Ethnic appearance (4+1 classification) (percentages)					Total (all)
		White	Black	Asian	Other	Not stated	
<b>Self-identified ethnicity (5+1 ethnicity classification) (percentages)</b>	White	98%	0%	0%	0%	1%	100%
	Black	1%	96%	1%	1%	1%	100%
	Asian	2%	1%	90%	6%	1%	100%
	Mixed	17%	64%	10%	4%	5%	100%
	Chinese or Other	36%	8%	12%	38%	6%	100%
	Not stated	17%	4%	1%	1%	76%	100%
	<b>Total (all)</b>	72%	10%	5%	1%	12%	100%

Source: Court Proceedings database

Concordance between the two measures of ethnicity has been replicated in Home Office data with 95% to 99% of ethnicity matching across the White, Black and Asian ethnic groups; when looking at suspects for homicides.

**Table II.03: Concordance between ethnicity figures for White, Black and Asian, 2011/12 to 2013/14**

		Ethnic appearance (4+1 classification) (numbers)				Total (all)
		White	Black	Asian	Other	
<b>Self-identified ethnicity (5+1 ethnicity classification) (percentages)</b>	White	99.2%	0.1%	0.1%	0.7%	100.0%
	Black or Black British	1.0%	97.7%	1.0%	0.3%	100.0%
	Asian or Asian British	0.0%	0.7%	95.3%	4.0%	100.0%
	Mixed	14.3%	60.7%	7.1%	17.9%	100.0%
	Chinese or Other	0.0%	0.0%	8.3%	91.7%	100.0%

Source: Home Office Homicide Index, 2011/12 to 2013/14

<sup>177</sup> This analysis has not been updated since the 2014 Race and the Criminal Justice System report.

<sup>178</sup> A full data-set of defendants with officer identified and self-identified ethnicity and court outcomes can be found in accompanying CSVs.

*Ethnicity classifications used by topic*

**Table II.04: List of data sources and ethnicity classification used**

<b>Chapter</b>	<b>Topic</b>	<b>Parent publication/source</b>	<b>Ethnic groups</b>
<b>3. Victims</b>	Personal Crime and racially motivated incidents	Crime in England and Wales (Crime Survey of England and Wales)	5 (no unknowns)
	Racist incidents Racially or Religiously Aggravated Crimes (police recorded)	Hate Crime, England and Wales (police records)	N/A
	Racially or Religiously Aggravated Crimes (court proceedings)	Criminal Justice Statistics (Court Proceedings database)	5+1
	Homicide	Focus on: Violent Crime and Sexual Offences (police records)	4+1
<b>4. Police Activity</b>	Stops and Searches Arrests	Police Powers and Procedures (police records)	5+1
	PNDs Cautions	Criminal Justice Statistics (police records)	5+1 (based on 4+1 for some police forces) 4+1
	Liaison and Diversion	NHS England	5+1
	Prosecutions Convictions Remands Sentences	Criminal Justice Statistics (Court Proceedings database)	5+1
<b>5. Defendants and 8. Offence analysis</b>	Pre-sentence reports	Offender Management Statistics (prison records and probation records)	5+1
	Criminal Legal aid	Legal Aid Statistics (Contracted Work and Administration system)	5+1
	Criminal courts data	Criminal Courts Statistics (CREST MIS and LIBRA MIS)	5+1
	Offending Histories	Criminal Justice Statistics (police records)	4+1
<b>6. Offender Characteristics</b>	Gender	Criminal Justice Statistics (Courts Proceedings database)	5+1
	Youth Offenders	Criminal Justice Statistics (Courts Proceedings database)	5+1
	Educational Backgrounds	MoJ-DfE data share	4+1
	Reoffending	Proven reoffending (police records)	4+1
	Prison population Sentences served Adjudications Probation / supervision	Offender Management Statistics (prison records and probation records)	5+1
	<b>7. Offenders: under supervision or in custody</b>	Incentives and earned privileges	NOMS annual offender equalities report (prison records and probation records)
Assaults Self-harm Deaths in custody		Safety in Custody Statistics (prison records and by Public Protection Casework Section)	5+1
Parole Board		Public Protection Unit Database	5+1
HMIP survey		HMIP Annual Report	4+1

	Police	Police workforce England and Wales statistics (police records)	5+1
<b>9. Practitioners</b>	Crown Prosecution Service	Crown Prosecution Service Data – Equality and Diversity (CPS records)	5+1
	Ministry of Justice	MoJ Diversity Report (MoJ records)	5+1
	National Offender Management Service	National Offender Management Service workforce statistics (NOMS records)	5+1
	Judiciary	Judicial Diversity Statistics (judiciary records)	5+1 (except Chinese in Asian)
	Magistracy	Judicial Diversity Statistics (magistrates' records)	5+1

## Appendix III: Population Comparisons

### *Data source and calculations*

Population data is presented throughout this report to contextualise the proportions of ethnic groups observed. Doing this allows the assessment of the representation of ethnic groups across the Criminal Justice System in relation to their representation in the population.

The data source we have used for the population data is the 2011 Census<sup>179</sup>. Previous editions of this bulletin have used Population Estimates by Ethnic Group (PEEGs), since these were considered more current assessments of the ethnic composition of the population. However, in 2011, the ONS issued a note<sup>180</sup> about the limitations of these “experimental” statistics and have not since produced any further estimates, whilst they conduct an assessment of the methods used to produce the PEEGs. As a result, the most recent well validated data source for the population remains the 2011 Census – meaning that this bulletin uses the same data source for the population as the 2012 edition.

Generally, we refer to the 2011 Census population figures for those who are aged 10 and over, or constrain the population to the age range of those we are comparing to. For example, in the chapter on practitioners, the census data is constrained to the working population by looking at 18 to 64 year olds.

Rates have been calculated throughout the bulletin in relation to the number of individuals of a given ethnic group in the population, and most commonly per 1,000 population members. For example, the Black arrest rate is equal to the number of Black suspects arrested divided by the number of Black individuals aged 10+ in the population, multiplied by 1,000. It represents the number of Black individuals arrested for every 1,000 Black individuals in England and Wales.

### *Implications and limitations*

There are limitations surrounding the use of the 2011 Census, particularly since the population is already estimated to have changed from around 56 million (as of the 2011 Census) to 65.6 million (as of mid-2016 population estimates)<sup>181</sup>. We cannot assess the changes in each ethnic group, as some groups may have declined and others have increased. For example, there is some evidence that suggests that the Mixed ethnic group are a growing segment of the population.<sup>182</sup>

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<sup>179</sup> Adapted from data from the Office for National Statistics licensed under the Open Government Licence v.3.0

<sup>180</sup> Source: *Population Estimates by Ethnic Group: Note on Reliability* (Office of National Statistics, 2011), available here: <http://www.ons.gov.uk/ons/rel/peeg/population-estimates-by-ethnic-group--experimental-/current-estimates/peegs-notes-on-reliability-of-estimates.pdf>

<sup>181</sup> Source: *National population projections*, 2016-based Statistical Bulletin (Office of National Statistics, 2016), available here: <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationprojections/bulletins/nationalpopulationprojections/2016basedstatisticalbulletin/pdf>

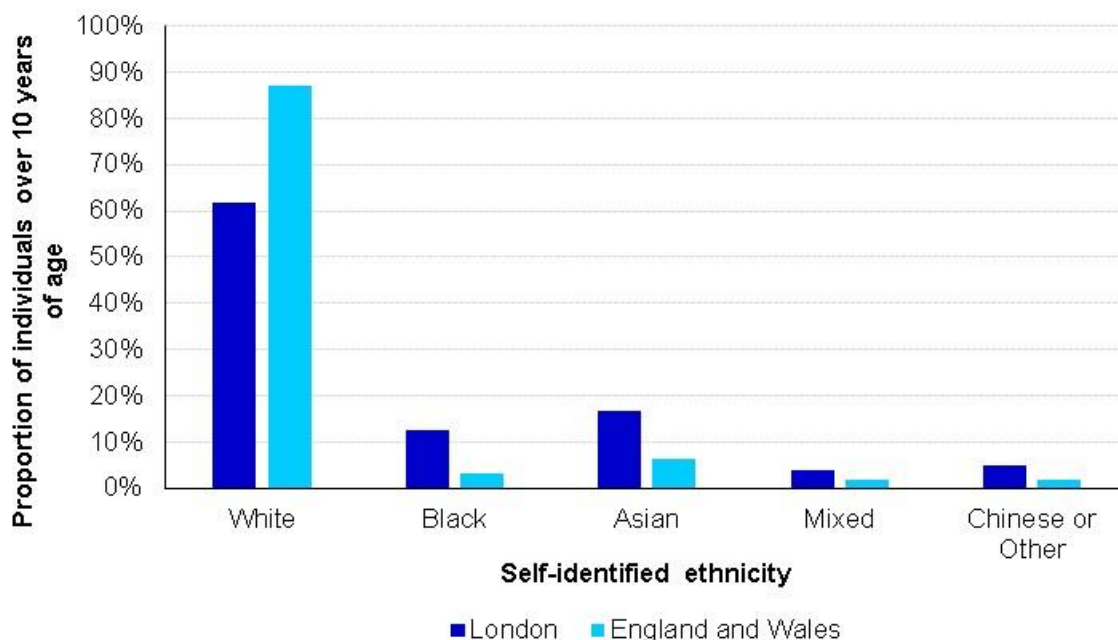
<sup>182</sup> One example of this can be found here: <https://www.ethnicity.ac.uk/research/briefings/dynamics-of-diversity/#>

It is almost a certainty that the population has undergone changes since 2011 and ethnic diversity has altered within England and Wales, both at the police force area level and nationally. However, given that we cannot comment on the level or extent of these changes – until another Census has been carried out – this introduces an element of uncertainty into all estimation of rates and consideration of over- or under-representation in the CJS. This uncertainty represents a limitation of using the 2011 Census data to contextualise current ethnicity trends – these data should be viewed as an approximation of the true population figures at present in 2016/17. It is particularly important to consider that, if the non-White ethnic group census proportions are underestimates, as we suspect, this could give the impression of overrepresentation when current CJS proportions are compared with past population proportions.

There are particular risks when considering the data for more detailed groups, because the smaller the numbers involved, the greater the potential for fluctuations or uncertainty over the exact numbers to distort results. In particular, we would advise caution when interpreting results for police force areas, as there are likely differences in reporting practises and net migration trends as well as small numbers in individual ethnic groups.

Considering all regions in England and Wales, London has the highest proportion of members of non-White ethnic groups. As with our analysis of stops and searches, it may be important to consider whether there is a difference between regions or police force areas when considering differences between ethnic groups.

**Figure III.01: Ethnic group representation in the population, 2011 Census**



## Revisions Policy

In accordance with Principle 2 of the Code of Practice for Official Statistics, the Ministry of Justice is required to publish transparent guidance on its policy for revisions. A copy of this statement can be found at:

<http://www.justice.gov.uk/downloads/statistics/mojstats/statistics-revisions-policy.pdf>

The Ministry of Justice aims to avoid the need for revisions to publications unless they are absolutely necessary and put systems and processes in place to minimise the number of revisions.

Within the Ministry of Justice's statistical publications there can be three main reasons for statistics to be revised:

- Changes in how either source administrative systems collect information or a change in statistical methodology to improve accuracy and measurement.
- Receipt of subsequent information which alters our understanding of previous periods (for example – late recording on one of the administrative IT systems used operationally).
- Errors in our statistical systems and processes.

Our policy in handling revisions is to be transparent with users about:

- The need for revisions.
- How and when to expect revisions as part of our standard processes.
- The processes by which other revisions will be communicated and published.

To meet these commitments, all of our statistical publications will:

- Ensure that the need for major revisions for any series are pre-announced on the Ministry of Justice website.
- Include a detailed revisions policy within every release.
- Detail how users will be informed of the need for revisions.
- Give detailed and full explanations as to why the revisions were necessary.

In addition, the annual report from the Head of Profession to the National Statistician will:

- Provide information on how many revisions were required to our publications and the reasons for these.
- Publish a time-series of revisions due to errors in our statistical processes and procedures so we can monitor the quality of our outputs.



## Contacts

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General information about the official statistics system of the UK is available from:

<http://statisticsauthority.gov.uk/about-the-authority/uk-statistical-system>

## Feedback

The structure and content of this report is continually being reviewed to reflect user requirements. If you have any feedback about the changes referred to in the introduction, or the report more generally, please contact the production team through the Justice Statistics Analytical Services division of the Ministry of Justice:

Email: [CJS\\_Statistics@justice.gsi.gov.uk](mailto:CJS_Statistics@justice.gsi.gov.uk)

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