



Ministry
of Justice



Statistics on Race and the Criminal Justice System 2018

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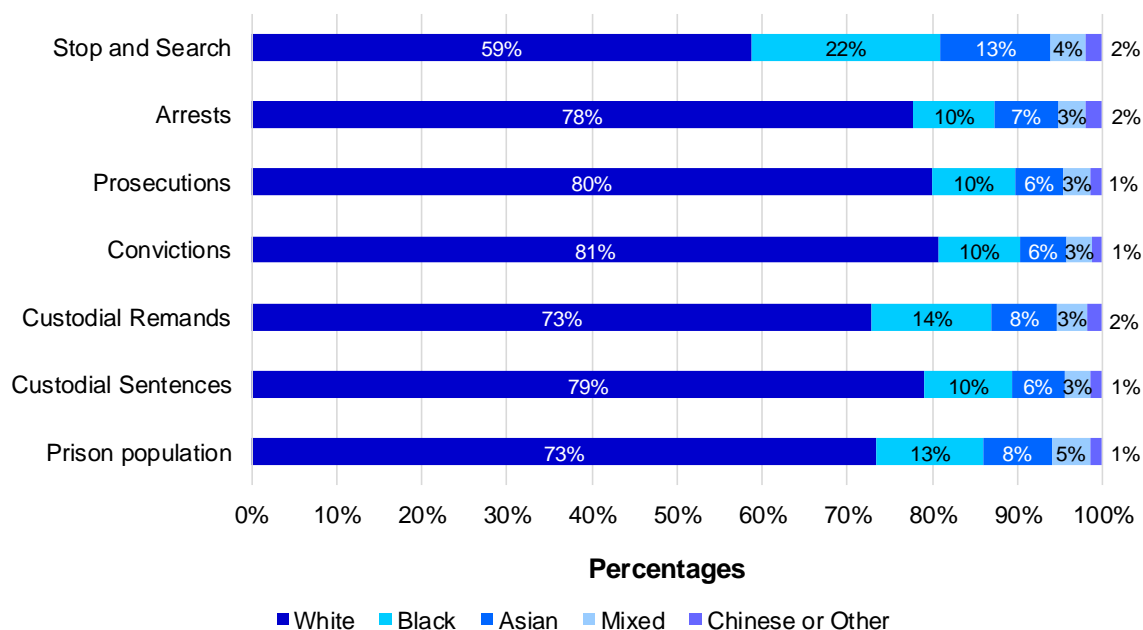
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1. Executive Summary

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. For the majority of the report no controls have been applied for other characteristics of ethnic groups (such as average income, geography, offence mix or offender history), so it is not possible to determine what proportion of differences identified in this report are directly attributable to ethnicity. 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, minority ethnic groups appear to be over-represented at many stages throughout the CJS compared with the White ethnic group. The greatest disparity appears at the point of stop and search, arrests, custodial sentencing and prison population. Among minority ethnic groups, Black individuals were often the most over-represented. Outcomes for minority ethnic children are often more pronounced at various points of the CJS. Differences in outcomes between ethnic groups over time present a mixed picture, with disparity decreasing in some areas and widening in others.

Figure 1.01: The proportion of adults throughout the criminal justice system in each ethnic group, 2018



Victims

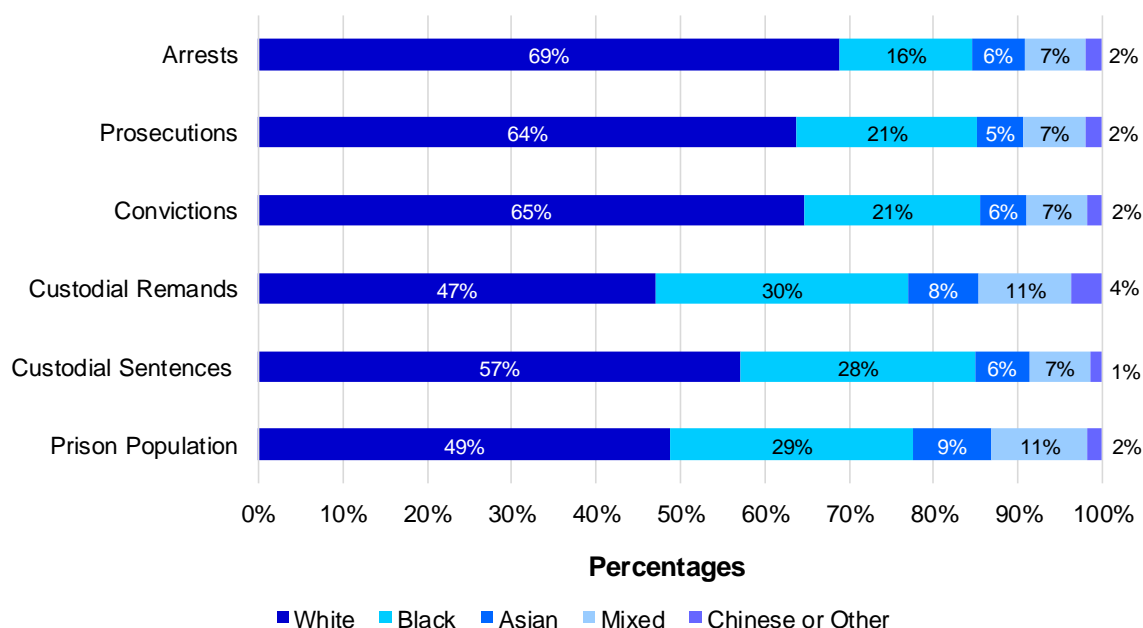
The Asian ethnic group had the lowest proportion of both adults (2%) and children (5%) who had experienced personal crime in the last year.

In 2018/19, both adults and children from the Asian ethnic group were half as likely to report victimisation when compared to the White ethnic group.

A higher proportion of Black homicides were against children, 17% of Black victims were 17 or younger, compared to an average of 11% across all ethnicities.

Between 2015/16 and 2017/18, Black children made up 20% of all child victims, while Black victims made up 13% of victims across all age groups.

Figure 1.02: The proportion of children throughout the criminal justice system in each ethnic group, 2018



Police Activity

The proportion of stop and searches conducted on White suspects decreased from 75% in 2014/15 to 59% in 2018/19 and increased for all minority ethnic groups.

The largest increases were from 13% to 22% for Black suspects and from 8% to 13% for Asian suspects.

In the last five years, the proportion of stop and searches involving Black suspects in London increased from 30% to 37%, now equal to the number of White suspects searched.

In 2018/19, 48% of all stop and searches (where ethnicity is known) were conducted in London, and increasingly involving a higher proportion of suspects from minority ethnic groups when compared to the rest of England and Wales.

Black suspects had the highest proportion of arrests that resulted from stop and searches in the latest year, at 20% which has increased from 15% since 2014/15.

This is driven by a higher number of stop and searches in London, where resultant arrests accounted for 22% of all arrests, compared to 5% for the rest of England and Wales. For other groups, between 6% and 13% of arrests resulted from stop and searches.

In 2018/19, two thirds (67%) of children arrested in London were from minority ethnic groups, compared to 21% of children arrested in the rest of England and Wales.

Just over half (52%) of adults arrested in London were from minority ethnic groups, compared to 22% of adults arrested in the rest of England and Wales.

Defendants

In the latest year, the largest fall in the volume of prosecutions and convictions for indictable offences was seen in the Asian group, down by 22% and 20% respectively.

Prosecutions and convictions fell by 18% and 16% for Black defendants, by 13% each for White defendants, by 8% and 10% for defendants from Mixed ethnic groups and by 7% and 14% for defendants from Chinese or Other ethnic groups.

White defendants consistently had the highest conviction ratio for indictable offences over the last 5 years (with the exception of 2015) and was 85% in 2018.

The conviction ratios for White, Asian (83%) and Black (81%) defendants have converged with each other over the last 5 years, remained constant for defendants from Mixed ethnic groups (77%) and fallen for Chinese or Other ethnic groups (75%).

Compared to White defendants (38%), larger proportions of Asian (40%), Mixed ethnicity (45%), Black (46%) and Chinese or Other (46%) defendants were remanded in custody for indictable offences at Crown Court.

Of those remanded in custody, 73% of White defendants were sentenced to immediate custody, a larger proportion when compared to all minority ethnic groups (between 69% and 72%).

Asian and Chinese or Other offenders had the highest custody rate for indictable offences in 2018 at 37% each, compared to 33% for White offenders.

Over the last 5 years, custody rates for indictable offences across ethnic groups have been converging, and the overall custody rate (where ethnicity is known) has increased from 28% in 2014 to 34% in 2018.

White offenders have had a consistently lower average custodial sentence length (ACSL) for indictable offences than all other ethnic groups since 2014.

In 2018, White offenders had an ACSL of 18.3 months compared to 29.1 months for Asian offenders, 28.0 months for Black offenders, 23.3 months for Chinese or Other offenders and 22.2 months for offenders from Mixed ethnic groups.

White defendants have consistently had the highest guilty plea rate since 2012, with 70% pleading guilty in 2018.

Defendants from Mixed ethnic groups had a guilty plea rate of 64%, Black defendants had a rate of 57% and Asian and Chinese or Other defendants had a rate of 56%.

Offender Management

A greater number of children in prison were from minority ethnic groups.

Two fifths (40%) of prisoners aged under 18 were Black or Mixed ethnicity, despite these ethnic groups accounting for less than one fifth (17%) of the entire prison population.

Black prisoners served the greatest proportion of their original sentence in custody

Black prisoners continued to serve a greater portion of their sentences in custody (70% in 2018) when compared with White (63%) or Asian (61%) prisoners.

Offender Characteristics

Over the last 3 years, Asian male offenders had the longest ACSL which was 29.5 months in 2018 compared to 19.1 months for White males.

In 2016, Asian males received on average a 34% longer custodial sentence than White males, in the latest year this disparity has increased to 54%.

A higher proportion of prosecutions in the Black and Mixed ethnic groups were against children, 13% and 14% respectively, compared to 5% for White defendants.

In 2018, minority ethnic children also had a higher proportion remanded in custody, had a higher custody rate and received longer custodial sentences.

In 2018, a higher proportion of White offenders had a long history of offending.

Over a third (36%) of White offenders had 15+ previous cautions or convictions, compared to 25% of Black offenders and 17% of Asian offenders.

The Black ethnic group had the highest reoffending rate and White reoffenders had the highest number of reoffences per reoffender.

The reoffending rate for Black offenders was highest at 33%, compared to 31% for White offenders, and 24% for Asian offenders. The average number of reoffences per reoffenders was 4.1 for White offenders, 3.6 for Black offenders and 3.4 for Asian offenders.

Offence Analysis

Since 2016, Asian Offenders had the longest ACSL for possession of weapons offences.

In 2018, the ACSL for possession of weapons offences was highest for the Asian Ethnic group (17.1 months) and lowest for Chinese or Other offenders (8.8 months).

Since 2016, Black offenders had the lowest proportion remanded in custody that went on to receive an immediate custodial sentence for sexual offences.

In 2018, for sexual offenders remanded in custody at Crown Court, 54% of Black offenders went on to receive an immediate custodial sentence; compared to 68% of White offenders.

For drug offences, the custody rate was consistently highest for the Chinese or Other ethnic group over the last 5 years.

For the Chinese or Other group, the custody rate has ranged between 27% and 35% since 2014, whereas for the White group it has ranged from 15% to 20%.

Practitioners

The proportion of staff and practitioners in criminal justice system organisations from White ethnic groups has slightly decreased over the last 5 years with equivalent increases seen across most minority ethnic groups.

The largest shift in representation was seen in the Ministry of Justice and magistrates, with a decrease of 3 percentage points each in staff from White ethnic groups.

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 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, how outcomes vary between groups and how this has changed over time.

The areas of focus include: Victimisation, Police Activity, Defendants and Court Outcomes, Offender Management, Offender Characteristics, Offence Analysis, and Practitioners.

The publication aims to help practitioners, policy makers, academics and members of the public understand outcomes and trends for different ethnic groups in the CJS in England and Wales. This is the latest biennial compendium of Statistics on Race and the Criminal Justice System and follows on from its sister publication Statistics on Women and the Criminal Justice System published last year.

Limitations on conclusions

Although we explore differences between ethnic groups, it is important that inferences are not made about individuals from group-level data as we consider averaged outcomes that do not take into consideration the individual circumstances which differ in each case. Because of this, the statistics presented in this report cannot present the typical experience of a person of a particular ethnic group, but it can highlight areas 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, geography, offence mix or offender history), so it is not possible to determine what proportion of differences identified in this report are directly attributable to ethnicity. It is not possible to make any causal links between ethnicity and CJS outcomes. The identification of differences should not be taken as evidence of bias or as direct effects of ethnicity.

Ethnicity

Ethnicity is recorded by either self-reporting or as identified by a police officer¹. When ethnicity is self-reported, it is based on five broad categories: White, Black, Asian, Mixed and Chinese or Other. When ethnicity is officer identified², it has four broad ethnicity categories: White, Black, Asian and Other³. Generally, we discuss the broad categories individually, to reflect their different experiences, but given the much greater numbers of White individuals

¹ More information of ethnic group classifications can be found in Appendix I

² 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.

³ See Appendix I for further details of how detailed ethnicity categorisations are aggregated.

in the population it is sometimes necessary or appropriate to consider the minority ethnic groups together.

In acknowledgement of the subjective, multifaceted and changing nature of ethnic identification, we use self-identified ethnicity where this data is available⁴. The ethnicity classification used in each section is referenced 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.

In previous publications we have made comparisons to the population using 2011 Census data. In the 2011 Census the proportion in each ethnic group was as follows: 87% White, 3% Black, 6% Asian, 2% Mixed and 2% Chinese or Other. As this data is now several years old it may not accurately represent the distribution of ethnic groups in the population, particularly for children when comparing to 2018 CJS figures. As such analysis which relies on the 2011 Census data has not been included.

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 and surveys generated by the courts, police forces and other agencies, so some care should be taken, in particular when considering small differences and or sample sizes.

Where possible, this report takes into consideration the recommendations of the [Lammy Review](#) (a 2017 independent review into the treatment of, and outcomes for Black, Asian and Minority Ethnic individuals in the criminal justice system). This includes putting more information in the public domain with ethnicity breakdowns, the use of the Relative Rate Indexes⁵ where appropriate and a focus on outcomes for children distinct from the adult population.

In most instances data are presented in terms of calendar years (up to 2018) and financial years (up to 2018/19), reflecting the reporting cycles and data collection of the agencies contributing information for this publication. 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

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. Unrounded figures can be found in the accompanying spreadsheet tables and published source data.

Further information on offenders in prison and in the community and their protected characteristics can be found the [HMPPS Equalities report](#), published on the same day as this report. More information on the different experiences of people from a variety of ethnic groups can be found on the [Ethnicity Facts and Figures](#) website, which gathers data collected by government on a number of topics.

⁴ See Appendix II for concordance in ethnicity reporting between these sources

⁵ More information on the Relative Rate Index can be found in the technical guide.

Information provided

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

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.

An infographic is published alongside this report to provide visualisations of key messages. Those familiar with previous editions of this publication will find some changes in this most recent report. Some content, such as population level comparisons, has been removed due to limitations in available data. Whilst other features have been reworked or removed due to feedback on the last 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:

- Analysis on benefits, employment and income of offenders
- Parole Board hearing outcomes (three years of data)
- A focus on outcomes for children

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.

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.gov.uk

3. Victims

The Asian ethnic group had the lowest proportion of both adults (2%) and children (5%) who had experienced personal crime in the last year.

In 2018/19, both adults and children from the Asian ethnic group were half as likely to report victimisation when compared to the White ethnic group.

A higher proportion of Black homicides were against children, 17% of Black victims were 17 or younger, compared to an average of 11% across all ethnicities.

Between 2015/16 and 2017/18, Black children made up 20% of all child victims, while Black victims made up 13% of victims across all age groups.

This chapter explores the nature, extent and risks of victimisation, in relation to ethnicity, as reported in the [2018/19 Crime Survey for England and Wales](#) (CSEW) and the Home Office Homicide Index⁶. The CSEW is a key source of information on the incidence and likelihood of victimisation for different ethnic groups⁷. The CSEW, as a large nationally representative survey that asks people about their personal experience of victimisation in the previous 12 months, offers insights into victimisation which other sources of data, such as police records, may not capture.⁸ In this section, where there are differences between groups that are statistically significant to the 95% level, 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

Personal crime⁹ against adults

In 2018/19, an estimated 4% of adults were a victim of personal crime once or more based on findings from the CSEW. The Asian ethnic group (2%) were significantly less likely than the White ethnic group (4%) to be victims of personal crime. Between 5% and 6% of adults from Mixed, Black and Chinese or Other ethnic groups reported victimisation. None of these differences were found to be statistically significant when compared to the White ethnic group¹⁰.

Since 2014/15 reports of personal crime across all groups has remained stable at 4%. Only the Asian ethnic group reported a significant change in victimisation across this period from 4% to 2%. The White, Black and Chinese or Other ethnic groups remained stable at 4%, 6% and 5% respectively, and while there was a nominal decrease reported for the Mixed ethnic group (from 11% to 6%); this change was not statistically significant.

⁶ Data provided by the Home Office listing offences recorded as homicide as of 4th December 2018.

⁷ Self-identified ethnicity, coded using the 5+1 ethnicity classification, see Appendix I.

⁸ As a survey that asks people whether they have experienced victimisation, the CSEW does not cover homicides or crimes where there is no direct victim, such as possession of drugs or motoring offenses. Where there are differences between groups that are statistically significant this will be stated.

⁹ Personal crime includes violence, robbery, theft from the person and other theft of personal property excluding fraud and computer misuse.

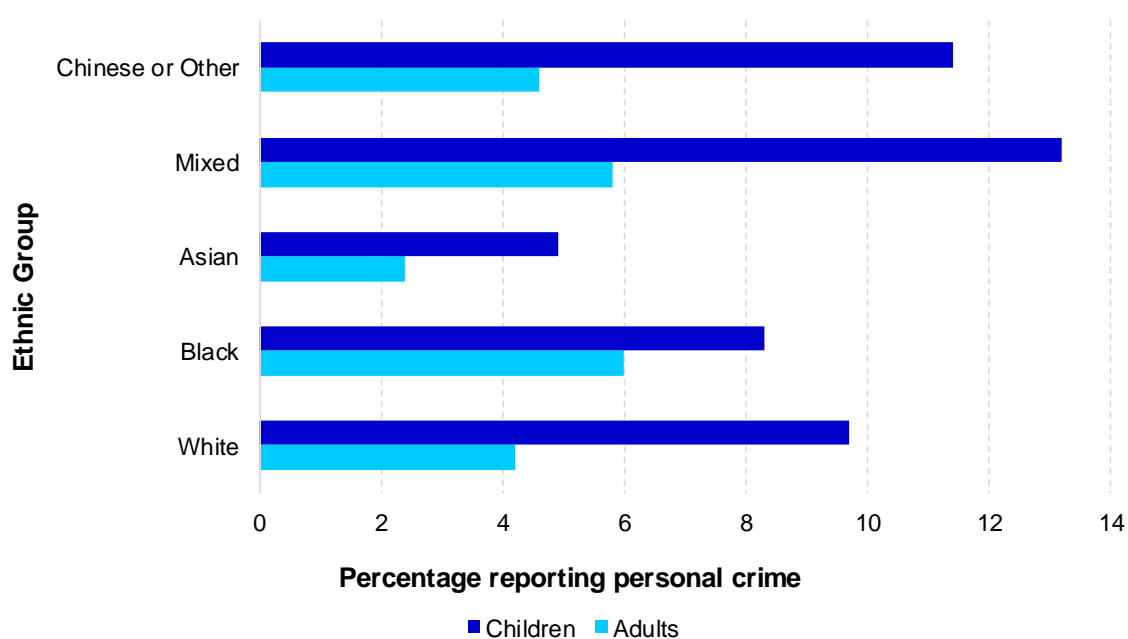
¹⁰ Unweighted bases for the 'Mixed' and 'Chinese or Other' groups are much lower each year than for other groups. In the year ending March 2019, the unweighted bases for these groups were 372 and 470 respectively. Low unweighted bases will increase the size of confidence intervals around the estimates presented and these figures should therefore be interpreted with caution.

Personal crime against children

In 2018/19, an estimated 9% of children aged 10 to 15 were a victim of personal crime at least once, based on findings from the CSEW. Children from the Asian ethnic group (5%) were significantly less likely than children from the White ethnic group (10%) to be victims of personal crime. Between 8% and 13% of children from Mixed, Black and Chinese or Other ethnic groups reported victimisation. None of these differences were found to be statistically significant when compared to children from the White ethnic group.

Since 2014/15 there have been no significant changes in reported victimisation of children across all ethnic groups.

Figure 3.01: Percentage of adults and children who reported as victims of a CSEW personal crime by ethnic group¹¹, England and Wales 2018/19



Source: Office for National Statistics - Crime Survey for England and Wales

Homicide and Ethnicity

In the three-year period 2015/16 to 2017/18¹², there were 1,922¹³ homicides where the ethnicity of the victim was recorded in the Home Office Homicide Index¹⁴. In previous years homicide data has been presented in relation to population data, by giving the number of deaths per million of the population of each ethnic group. As discussed in the Introduction, the 2011 Census data used to create these estimates is now several years old and may not accurately represent the distribution of ethnic groups in the population, particularly for children. As such, the homicide data in this chapter will not be related to population numbers.

¹¹ Caution should be taken when interpreting these figures as not all differences are statistically significant.

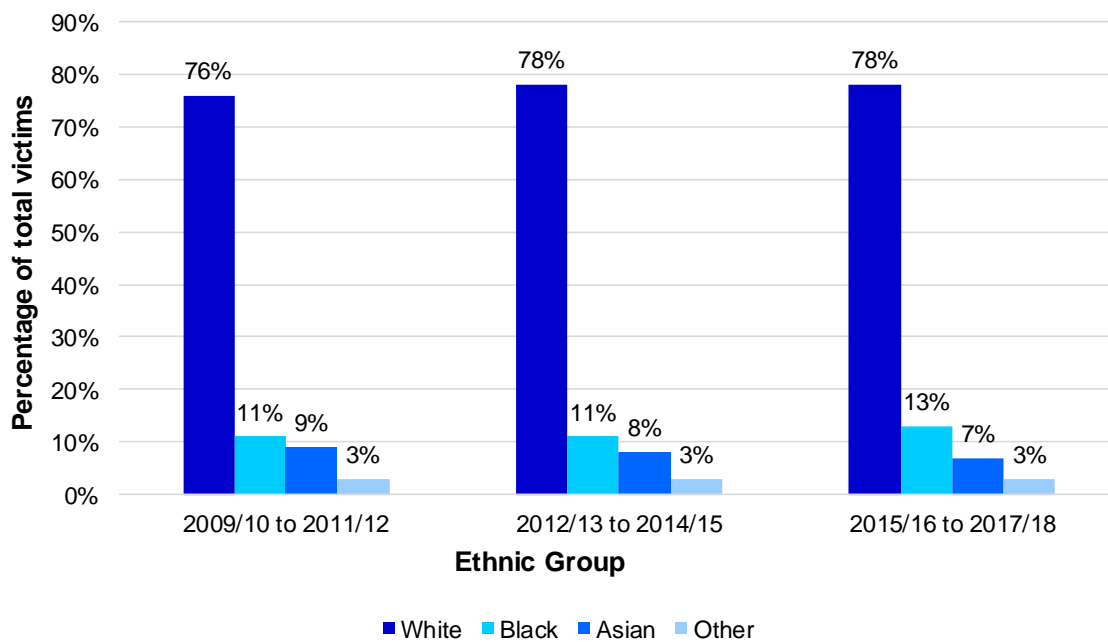
¹² This section reports on three years of combined data, from 2015/16 to 2017/18.

¹³ This figure includes 96 victims of Hillsborough and four victims of the Westminster Bridge attack recorded in the year ending 2017 and 31 victims of the terrorist attacks that involved multiple victims, including the Manchester Arena bombing, and the London Bridge attack recorded in the year ending 2018.

¹⁴ Offences recorded as homicide as at 4 December 2018; figures are subject to revision as cases are dealt with by the police and by the courts, or as further information becomes available.

Just over three quarters (1,495 or 78%) of all homicide victims in the last three years were from the White ethnic group. There were 246 (13%) victims in the Black ethnic group, 131 (7%) in the Asian ethnic group and 50 (3%) in the Other ethnic group¹⁵. These proportions have remained relatively stable since the three-year period 2009/10 to 2011/12, with a 2 percentage point increase in both the White and Black ethnic groups, a 2 percentage point reduction in the Asian ethnic group and no change in the Other ethnic group.

Figure 3.02: Currently recorded homicides by ethnic appearance of victim between 2009/10 and 2017/18



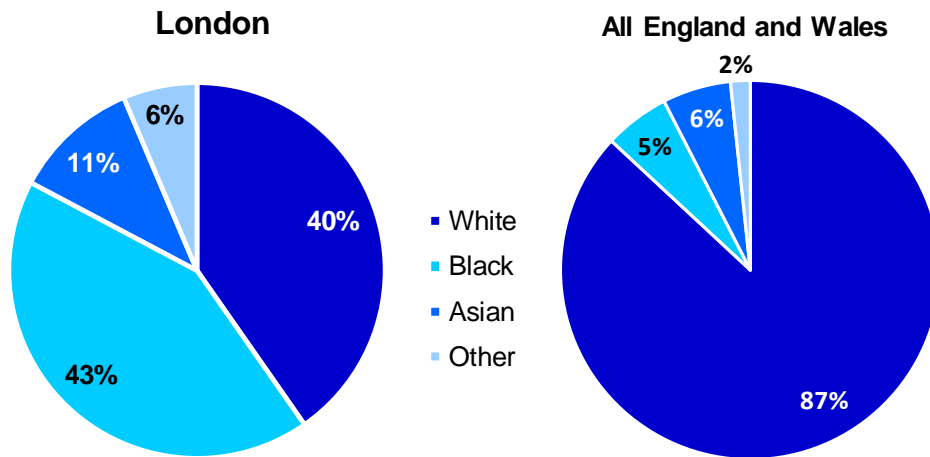
Source: Home Office - Homicide Index

Homicide and geography

London showed a markedly different pattern than the rest of England and Wales. Although the difference may be more reflective of the population within the geography, Black victims in London appear to be over represented. There was a total of 377 homicides in London, where the ethnicity of the victim was recorded, in the three-year period 2015/16 to 2017/18. The highest number of homicide victims was within the Black ethnic group (160 or 42%). There were 152 (40%) victims in the White ethnic group, 41 (11%) in the Asian ethnic group and 24 (6%) in the Other ethnic group.

¹⁵ All groups defined by officer-identified ethnicity classification – see Appendix I.

Figure 3.03: Percentage of offences, where victim's ethnicity was recorded, currently recorded as homicide by victim's ethnic appearance in London and the rest of England and Wales¹⁶ 2015/16 and 2017/18



Source: Home Office - Homicide Index

Ethnicity and Sex

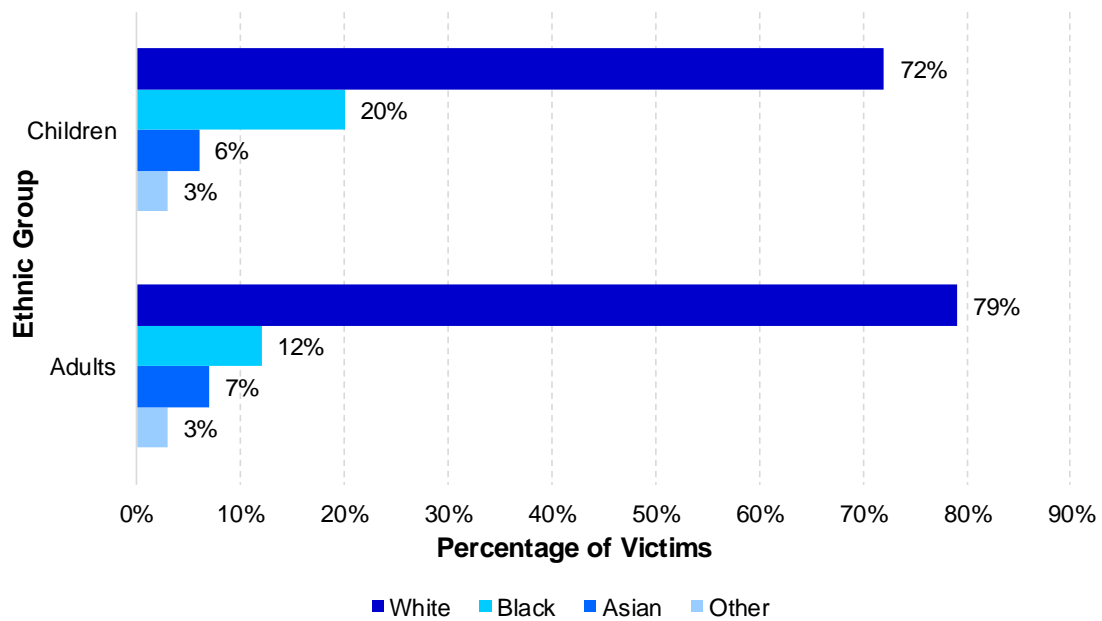
There were more male than female victims in all ethnic groups. The proportion of victims who were female was lowest in the Black ethnic group (14%), followed by the Other ethnic group (22%), and the White ethnic group (32%). The highest proportion of female victims was in the Asian ethnic group (33%).

Age and Ethnicity

Across all ethnic groups, victims who were under 18 made up a minority of victims (11%). At a group level this percentage was similar for the White (11%), Asian (10%) and Other (12%) ethnic groups. However, in the Black ethnic group, child victims accounted for 17% of all homicides. Victims from the Black ethnic group accounted for 20% of all child victims compared to 12% of adult victims. Black children appear to be disproportionately at risk of homicide compared to children in other ethnic groups.

¹⁶ Excluding figures from British Transport Police.

Figure 3.04: Percentage of offences currently recorded as homicide where age and ethnicity are known, by victim's ethnic appearance and age group between 2015/16 and 2017/18, England and Wales.

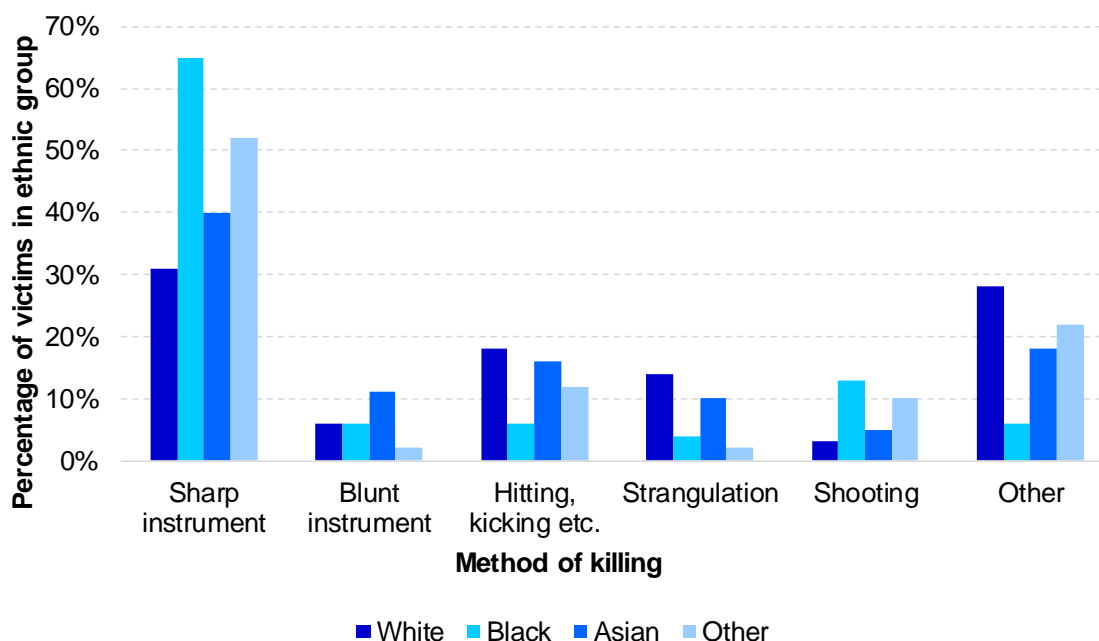


Source: Home Office - Homicide Index

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, at nearly two thirds (65%) for the Black ethnic group, but just under one third (31%) of White homicide victims. A higher proportion of Black homicide victims were killed by shooting (13%) than any other ethnic group (3% for White, 5% for Asian and 10% for Other ethnic groups). A higher proportion of White homicide victims were killed by hitting or kicking (18%) or strangulation (14%) than in other ethnic groups.

Figure 3.05: Apparent method of killing¹⁷ of currently recorded homicide victims, where victim's ethnicity is recorded, by ethnic appearance of victim: England and Wales, combined data for 2015/16 to 2017/18



Source: Home Office - Homicide Index

Relationship with suspect¹⁸

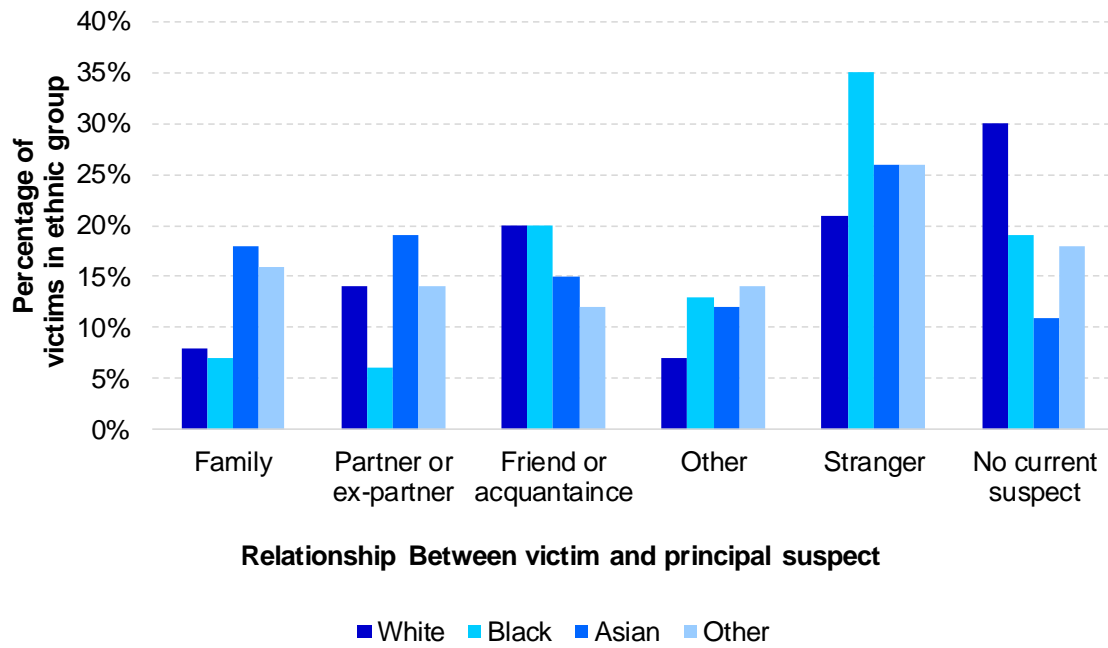
The relationship between the homicide victim and principal suspect¹⁹ varied across ethnic groups. In the Asian and Other ethnic groups, the suspect was more likely to be a family member (18% and 16% of victims, respectively) compared to the White or Black ethnic groups (8% and 7% respectively). The Asian group also had a higher proportion of homicides where the principal suspect was a partner or ex-partner of the victims (19%) compared to the Other, White or Black groups (14%, 14% and 6% respectively), a finding which may also lead to the higher proportion of female victims in the Asian ethnic group. The Black ethnic group had the highest proportion of homicides where the principal suspect was a stranger (35%) compared to the White (21%), Asian (26%) and Other (26%) ethnic groups. The White ethnic group had the highest proportion of homicides with no current suspect (30%) compared to the Black (19%), Asian (11%) and Other (18%) ethnic groups.

¹⁷ 'Other' includes burning, poison or drugs and all other apparent methods and where the method is unknown.

¹⁸ A suspect in a homicide case is defined as either: a person who has been arrested in respect of an offence initially classified as homicide and charged with homicide, including those who were subsequently convicted or a person who is suspected by the police of having committed the offence but is known to have died or committed suicide prior to arrest or being charged.

¹⁹ There is only ever one principal suspect per homicide victim. Where there are multiple suspects if any conviction information is available the suspect with the longest sentence or most severe conviction 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.

Figure 3.06: Relationship between homicide victim, where victim’s ethnicity is recorded, and principal suspect by ethnic appearance of victim: England and Wales, combined data for 2015/16 to 2017/18



Source: Home Office - Homicide Index

4. Police Activity

The proportion of stop and searches conducted on White suspects decreased from 75% in 2014/15 to 59% in 2018/19 and increased for all minority ethnic groups.

The largest increases were from 13% to 22% for Black suspects and from 8% to 13% for Asian suspects.

In the last five years, the proportion of stop and searches involving Black suspects in London increased from 30% to 37%, now equal to the number of White suspects searched.

In 2018/19, 48% of all stop and searches (where ethnicity is known) were conducted in London, and increasingly involving a higher proportion of suspects from minority ethnic groups when compared to the rest of England and Wales.

Black suspects had the highest proportion of arrests that resulted from stop and searches in the latest year, at 20% which has increased from 15% since 2014/15.

This is driven by a higher number of stop and searches in London, where resultant arrests accounted for 22% of all arrests, compared to 5% for the rest of England and Wales. For other groups, between 6% and 13% of arrests resulted from stop and searches.

In 2018/19, two thirds (67%) of children arrested in London were from minority ethnic groups, compared to 21% of children arrested in the rest of England and Wales.

Just over half (52%) of adults arrested in London were from minority ethnic groups, compared to 22% of adults arrested in the rest of England and Wales.

This chapter explores police activity by ethnicity of the suspect or offender dealt with. It covers statistics on stop and searches and arrests, which are published by the Home Office in the [Police Powers and Procedures, England and Wales, year ending 31 March 2019](#). There are also sections covering statistics on penalty notices for disorder (PNDs) and cautions²⁰ which come from the [Criminal Justice Statistics Quarterly: December 2018](#), published by the Ministry of Justice.

Stop and searches²¹

Police officers have the power to stop and search individuals under different pieces of legislation. In this chapter, those conducted under section 1 of the Police and Criminal Evidence Act 1984 (PACE) and section 60 of the Criminal Justice and Public Order Act 1994 have been combined²².

Where ethnicity is known²³, the total number of stop and searches followed a downward trend from 498,700 in 2014/15 to 243,600 in 2017/18 and increased by 29% to 314,900 in 2018/19. Over the last 5 years, the proportion of suspects who were stopped and searched

²⁰ Ethnicity data is not available for cannabis or khat warnings and community resolutions.

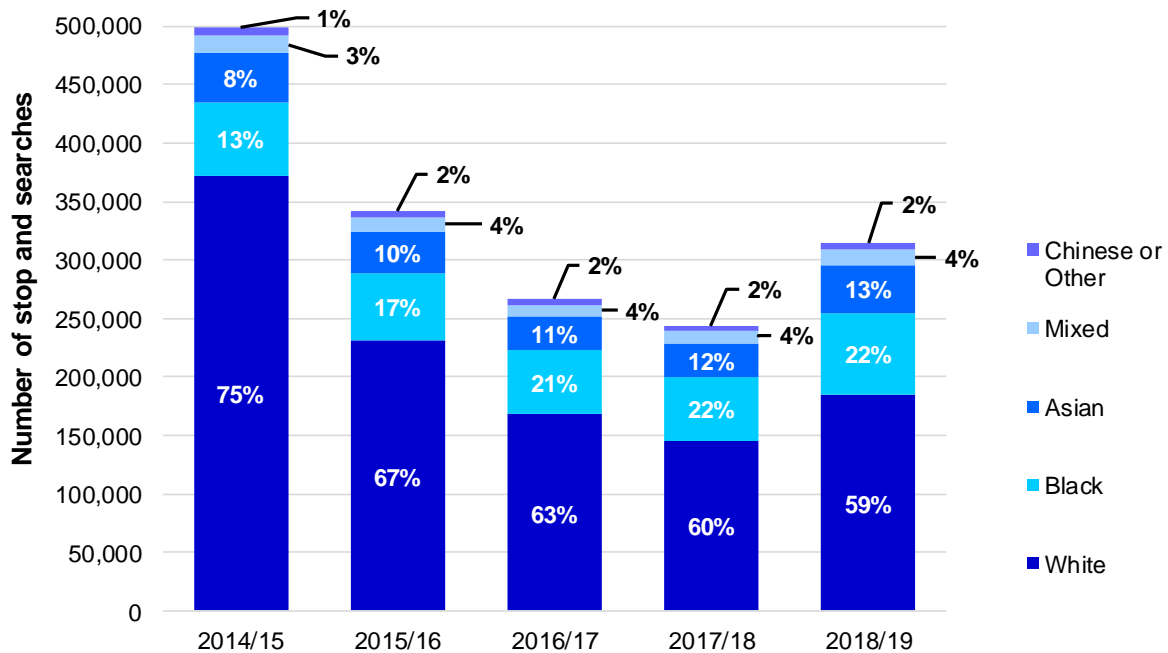
²¹ Data for stop and searches is published by Home Office in [Stop and search open data tables](#).

²² Stop and searches under s60 Criminal Justice and Public Order Act 1994 accounted for less than 1% of all stop and searches (s1 and s60) in the latest year. For more information on stop and search legislation, please see the accompanying guidance document.

²³ Ethnicity is self-identified and coverage has decreased from 94% in 2014/15 to 85% in 2018/19.

from White ethnic groups has decreased from 75% in 2014/15 to 59% in 2018/19, and increased across all minority ethnic groups. The proportion of suspects who were stopped and searched increased from 13% to 22% for the Black ethnic group, from 8% to 13% for the Asian ethnic group, from 3% to 4% for the Mixed ethnic group and from 1% to 2% for the Chinese or Other ethnic group.

Figure 4.01: Numbers of stop and searches by ethnicity, England and Wales, 2014/15 to 2018/19



Source: Home Office [Stop and search open data tables](#)

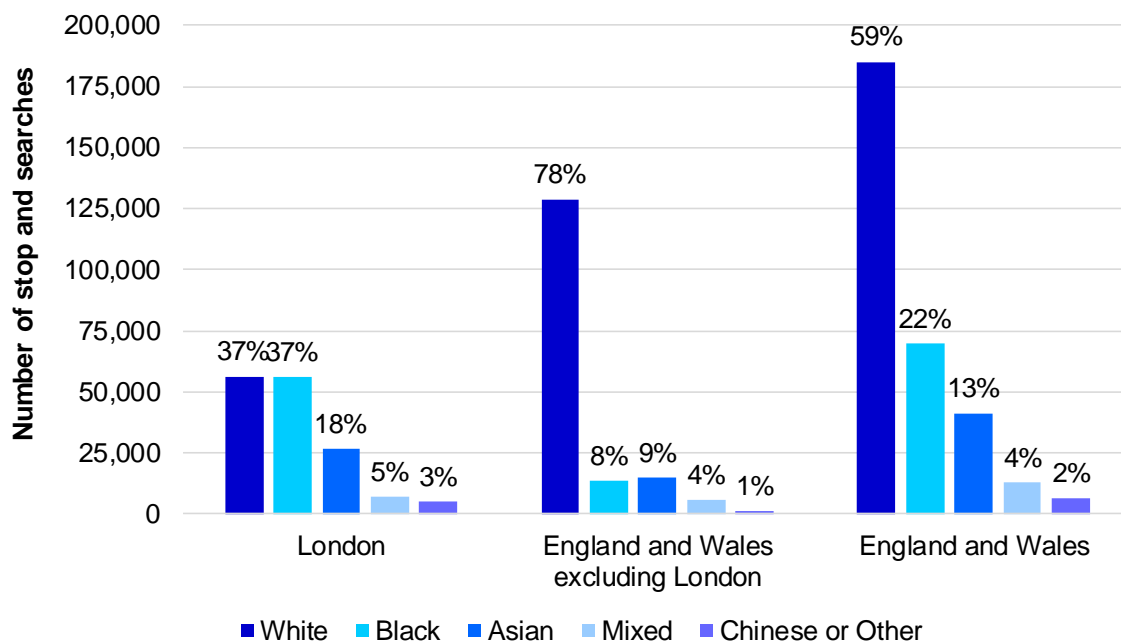
Comparisons between London²⁴ and the rest of England and Wales

The overall ethnicity trends for stop and searches tend to be influenced by stop and searches conducted in London, due to London's ethnic composition compared with the rest of England and Wales. In 2018/19, 48% of all stop and searches (where ethnicity is known) were conducted in London, and involved higher proportions of suspects from minority ethnic groups when compared to the rest of England and Wales (Figure 4.02).

Over the last 5 years, there has been an increase in the proportion of stop and searches conducted on Black suspects in London from 30% in 2014/15 to 37% in the latest year, and on Asian suspects from 14% to 18%. The proportion of stop and searches conducted on Mixed ethnicity and Chinese or Other suspects has remained constant, however the proportion conducted on White suspects has decreased from 48% in 2014/15 to 37% in the latest year.

²⁴ London includes both the Metropolitan and City of London police force areas

Figure 4.02: Distribution of stop and searches in London and England and Wales, by ethnicity, 2018/19



Source: Home Office [Stop and search open data tables](#)

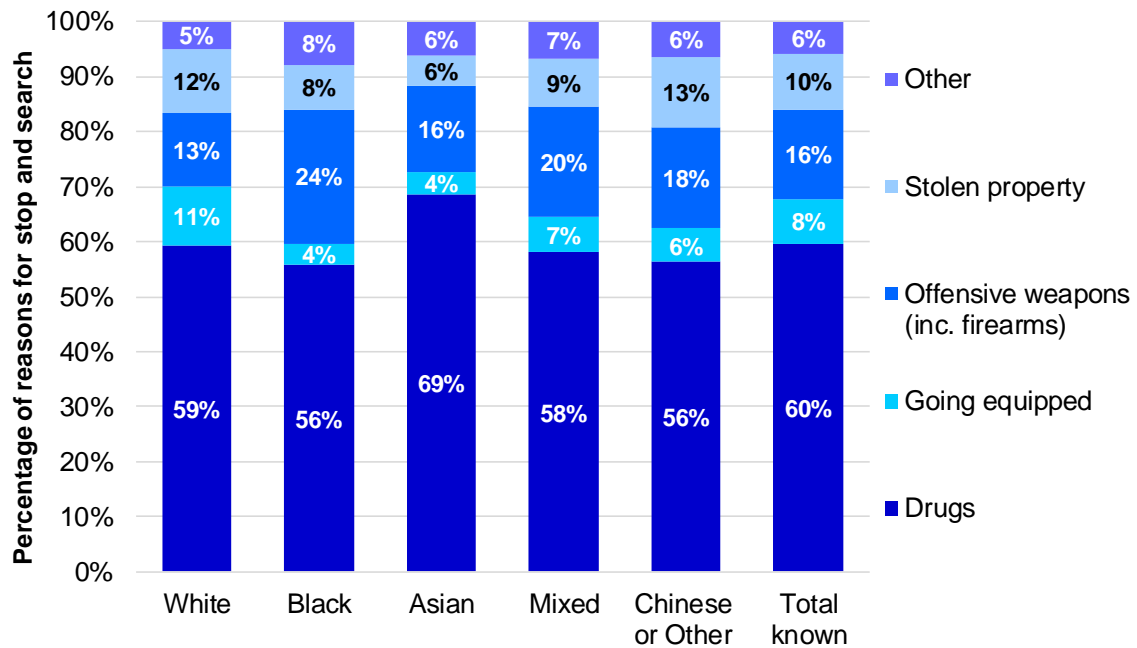
Reasons for Stop and Search

When conducting a stop and search, police record the reason for the stop and search as well as the ethnicity of the suspect²⁵. There are various reasons why the police may carry out a stop and search, for example they may suspect an individual is carrying drugs or a weapon.

In the latest year, suspicion of drugs and offensive weapons were the two most common reasons for stops across all ethnic groups. In 2018/19, 69% of stop and searches conducted on suspects from Asian ethnic groups were for drugs, which is higher than all other ethnic groups (ranging between 56% and 59%). A higher proportion of stop and searches conducted on Black suspects were for offensive weapons (including firearms), at 24% compared 13% for White, 16% for Asian, 18% for Chinese or Other and 20% for Mixed ethnicity suspects.

²⁵ This applies to s1 of PACE and other legislation. When a suspect is stopped and searched 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 4.03: Percentage distribution of reasons for stops and searches in England and Wales, by ethnicity, 2018/19



Source: Home Office [Stop and search open data tables](#)

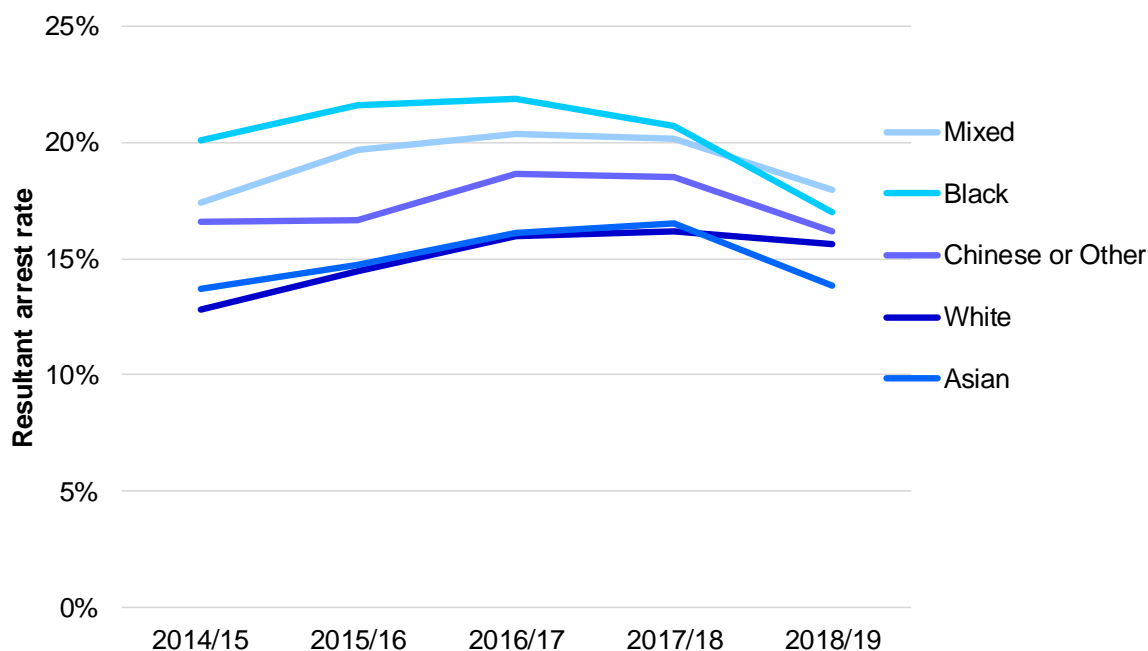
Arrests resulting from stop and search

Stop and search is an important detection tool for the police – it allows officers to search individuals without an arrest taking place²⁶.

Over the last 5 years, the rates of arrests following stop and searches for all ethnic groups have been converging. The arrest rate for White suspects increased from 13% in 2014/15 to 16% in 2016/17 and has remained stable since then. The arrest rates for all minority ethnic groups have fallen in the last 2 years from 22% to 17% for Black suspects, from 16% to 14% for Asian suspects, from 20% to 18% for Mixed ethnicity suspects and from 19% to 16% for suspects from Chinese or Other ethnic groups.

²⁶ Stops and searches that do not result in an arrest should not be immediately regarded as a misuse of power. Arrests that result from stop and search may not be linked to the initial reason for the stop and search.

Figure 4.04: Resultant arrest rate following stop and searches in England and Wales, by ethnicity, 2014/15 to 2018/19



Source: Home Office [Stop and search open data tables](#)

Reasons for arrests resulting from stop and searches²⁷

For all ethnicities, drugs were the most common reason for arrests resulting from stop and searches accounting for 46% of resultant arrests for White suspects, 45% for Black suspects, 55% for Asian suspects, 48% for Mixed ethnicity suspects and 41% for Chinese or Other suspects.

Stop and Search arrests

In 2018/19, stop and searches which resulted in arrests accounted for 8% of total arrests made in England and Wales (where ethnicity is known). Black suspects had the highest proportion of arrests that resulted from stop and search, accounting for 20% of total arrests, which has increased from 15% in 2014/15. This proportion varied between 6% and 13% for all other ethnic groups. This overall trend is influenced by the higher number of stop and searches carried out in London, where stop and search arrests accounted for 22% of total arrests, which has increased from 17% in 2014/15, compared to just 5% for the rest of England and Wales (this has remained stable over the last 5 years).

Best Use of Stop and Search scheme²⁸

Best Use of Stop and Search 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.

²⁷ 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 the resultant arrests from stop and searches under s60, these have been added to the offensive weapons category of under s1 for the purposes of analysis.

²⁸ Some police forces were unable to supply complete data, please see footnotes in the [BUSS open data tables](#).

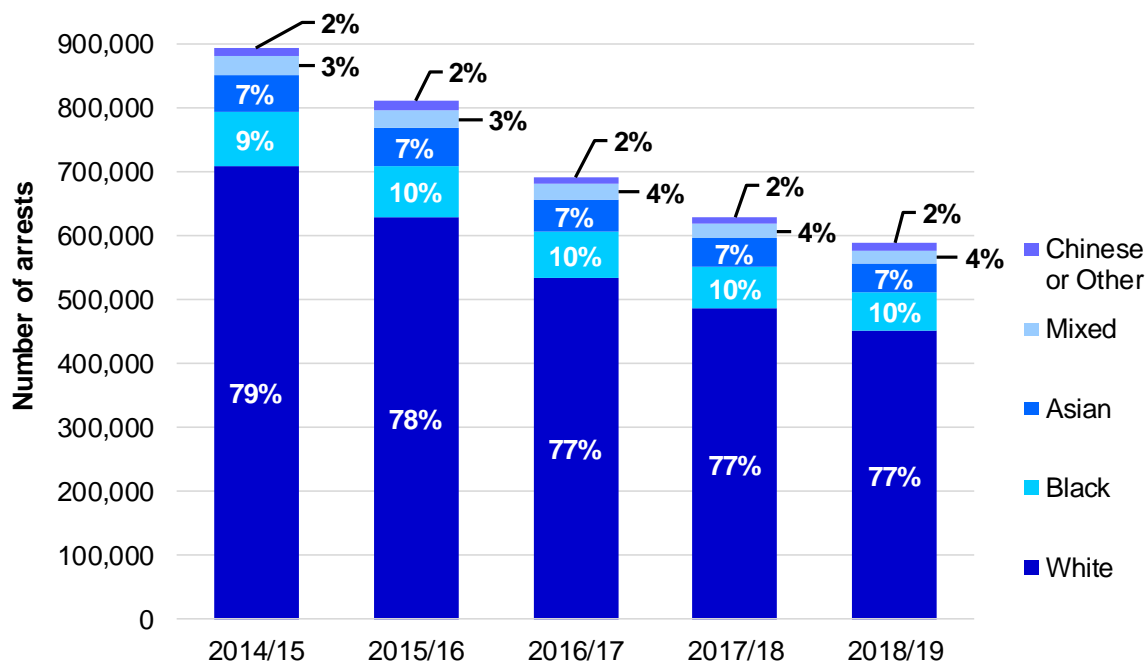
In 2018/19, 22% of all stop and searches (where ethnicity is known) resulted in an outcome that was linked to the reason for the search, i.e. the officer found what they were searching for. Mixed ethnicity suspects had the highest proportion of stop and searches in which the outcome was linked (25%) compared to all other ethnic groups, although this difference was small as all ethnic groups ranged from 21% to 25%. The proportion of stop and searches in which the outcome was not linked to the reason for the search was 3% for Asian and Chinese or Other ethnic groups and 4% for White, Black and Mixed ethnic groups. The highest proportion of stop and searches where nothing was found was for Black suspects at 74% compared to 73% for Chinese or Other, 72% for Asian, 70% for White and 69% for Mixed ethnicity suspects.

In 2018/19, just under three quarters (72%) of stop and searches resulted in the principal outcome 'no further action'²⁹, 16% in arrests, 5% in community resolutions, 3% in khat/cannabis warnings and 4% in other outcomes³⁰. A higher proportion of Mixed ethnicity suspects received the principal outcome of arrest at 18%, compared to 17% of Black suspects, 16% of White and Chinese or Other suspects, and 14% of Asian suspects.

Arrests³¹

The total number of all arrests (where ethnicity is known) has decreased by 34% since 2014/15 and the reduction in arrests have been broadly similar across all ethnic groups. In 2018/19, White suspects accounted for 77% of arrests (down from 79% in 2014/15), 10% were for Black suspects (up from 9% in 2014/15), 7% were for Asian suspects (remained stable), 4% were for Mixed ethnicity suspects (up from 3% in 2014/15) and 2% were for Chinese or Other ethnicity suspects (remained stable).

Figure 4.05: Arrests in England and Wales by ethnicity, 2014/15 to 2018/19



Source: Home Office [Arrests open data tables](#)

²⁹ '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.

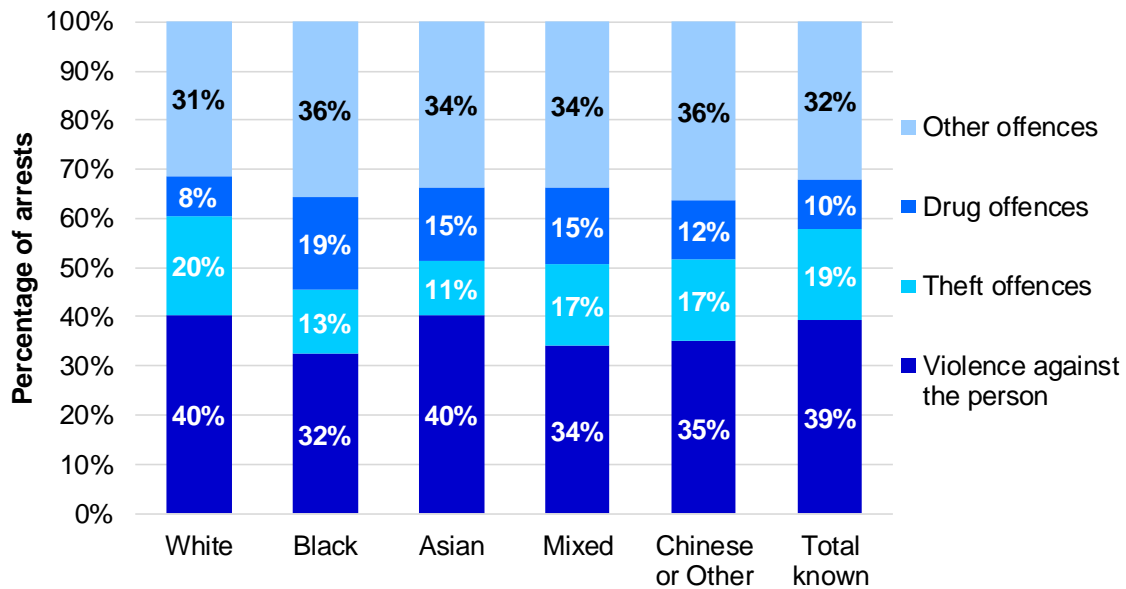
³⁰ Including PNDs, cautions and summons.

³¹ Arrests analysis excludes Lancashire as they could not supply complete data for 2017/18. The data for this section is available in the [Arrests open data tables](#) published by Home Office.

Offence groups³²

Theft and violence against the person offences have accounted for the largest proportion of total arrests (where ethnicity is known) since 2015/16³³, at 19% and 39% respectively in 2018/19. In 2018/19, 20% of White suspects were arrested for theft offences, compared to 17% each of Mixed ethnicity and Chinese or Other suspects, 13% of Black suspects and 11% of Asian suspects. Higher proportions of White and Asian suspects (40%) were arrested for violence against the person offences compared to 35% of Chinese or Other ethnicity, 34% of Mixed ethnicity and 32% of Black suspects. Conversely, 8% of White suspects were arrested for drug offences compared to 19% of Black, 15% of Asian, 15% of Mixed ethnicity and 12% of Chinese or Other ethnicity suspects.

Figure 4.06: Proportion of arrests for most common offences by ethnicity, 2018/19



Other offences includes: criminal damage and arson, fraud offences, misc crimes against society, possession of weapons, robbery, sexual offences and public order offences

Source: Home Office [Arrests open data tables](#)

Age groups³⁴

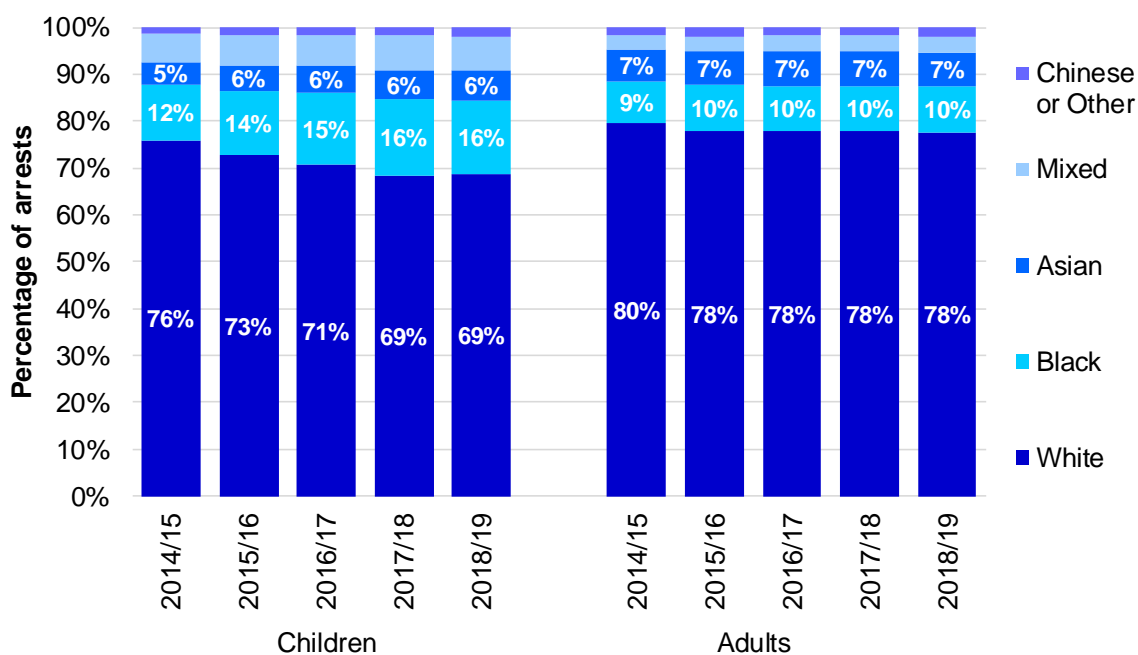
Arrests for children have been declining at a faster rate than arrests for adults, down 40% and 34% respectively since 2014/15. This trend varied by ethnic group and reduction in the number of arrests was more pronounced for White children. As a result, the proportion of arrests for children that are White decreased in the last 5 years from 76% to 69%. The proportion of children arrested that are Black increased from 12% to 16% over the same period. Conversely, a smaller decrease from 80% to 78% was seen in arrests over the same period for White adults, with an increase from 9% to 10% for Black adults and the proportions remained constant for all other minority ethnic groups.

³² Offence groups from this chapter are not directly comparable to offence groups from the MoJ Court Proceedings database – see technical guide for further details

³³ In 2015/16 the 'reason for arrest' offence groups were updated to match the groups used in recorded 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 statistics](#).

³⁴ Children includes individuals aged up to 17 and adults includes individuals aged 18 and over.

Figure 4.07: Arrests by ethnicity and age group, 2014/15 to 2018/19



Source: Home Office [Arrests open data tables](#)

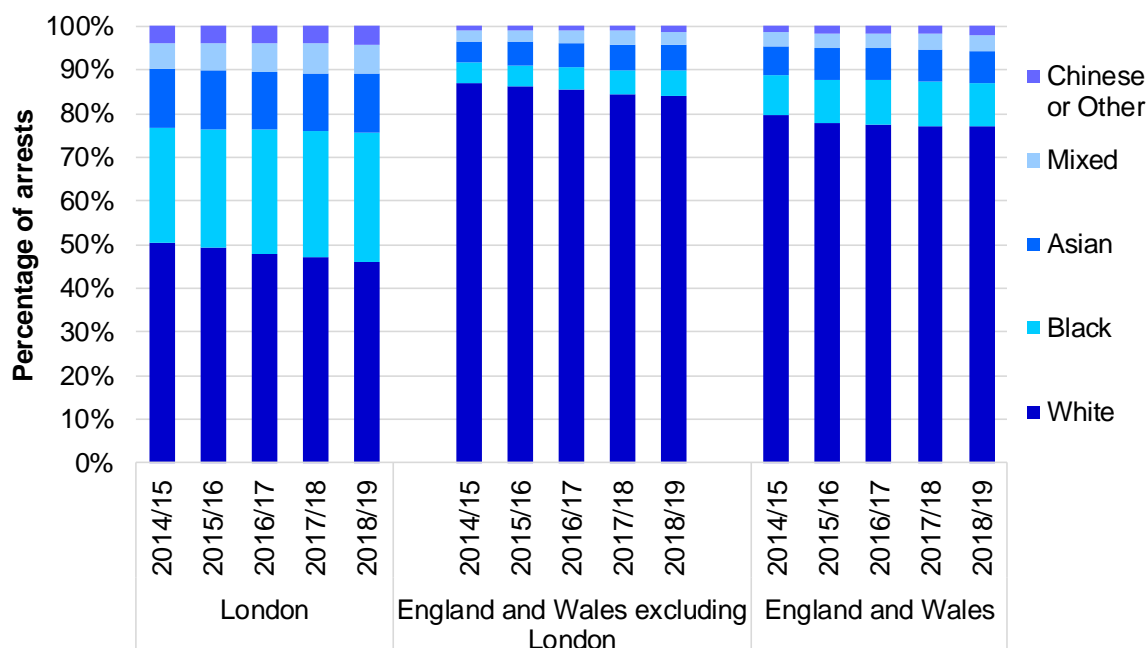
Arrests by Police Force Area

In 2018/19, the police in London³⁵ made 18% of all arrests (where ethnicity is known). When compared to the rest of England and Wales, a larger proportion of arrests in London were for suspects from minority ethnic groups (Figure 4.08), as would be expected given the more diverse population of London. Over the last 5 years, the proportion of arrests in London for Asian, Mixed and Chinese or Other ethnic groups have remained relatively stable, whereas arrests for White suspects have decreased from 50% in 2014/15 to 46% in 2018/19 and arrests for Black suspects have increased from 26% in 2014/15 to 30% in 2018/19.

Children from minority ethnic groups accounted for two thirds of arrests of children made in London in 2018/19. Over the last 5 years, the proportion of children arrested in London from White ethnic groups has decreased from 42% to 33% in the latest year, with the equivalent increase being in the proportion of Black children arrested in London (up from 34% to 42%).

³⁵ Includes City of London and Metropolitan Police forces.

Figure 4.08: Arrests by ethnicity, for London and combined remaining forces, 2014/15 to 2018/19



Source: Home Office [Arrests open data tables](#)

Penalty Notices for Disorder

Penalty Notices for Disorder (PNDs) are commonly known as ‘on the spot fines’ – a fixed penalty of £60 for a lower tier offence or £90 for a higher tier offence^{36,37}.

In 2018, 18,800 PNDs were issued where ethnicity was known³⁸, compared to 61,500 in 2014, a decrease of 69%. In 2018, 82% were issued to White offenders, 7% to Black offenders, 7% to Asian offenders, 2% to Mixed ethnicity offenders and 2% to Chinese or Other ethnicity offenders. These proportions have been relatively stable over the last 5 years.

Offences

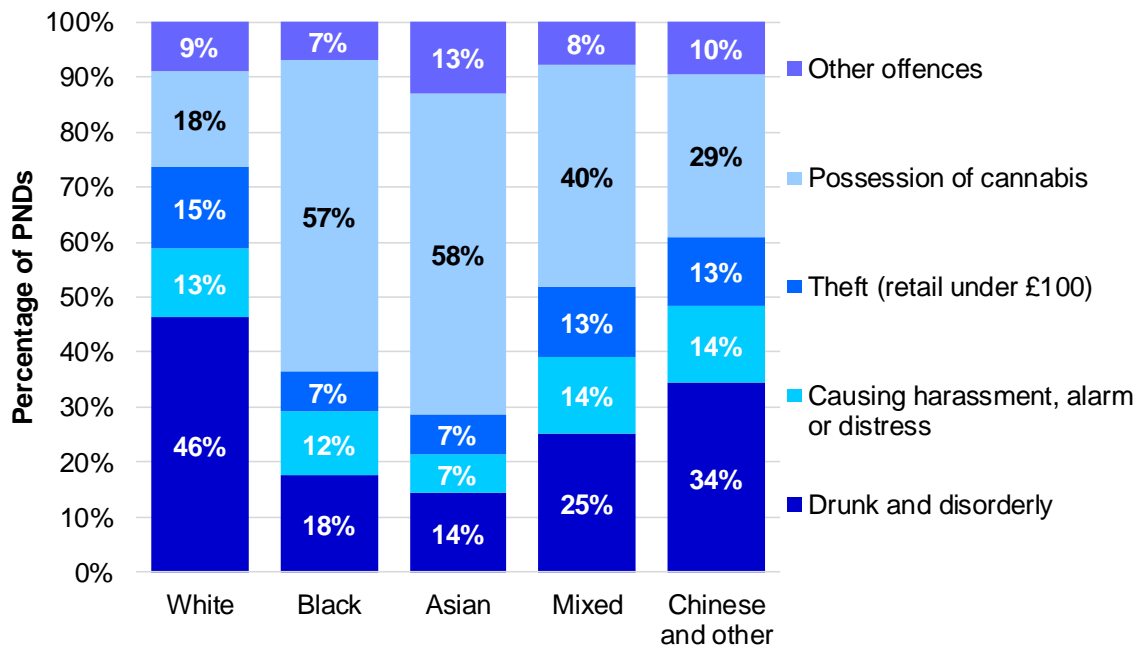
When considering all offences for which a PND was issued in 2018, the proportions issued for specific offences varies across ethnic groups (Figure 4.09). Drunk and disorderly behaviour accounted for 46% of PNDs issued to White offenders in 2018, the largest proportion across all ethnic groups for this offence. Larger proportions of Black, Asian and Mixed ethnicity offenders issued PNDs were for possession of cannabis (57%, 58% and 40% respectively), compared to 18% and 29% of PNDs issued to White and Chinese or Other ethnicity offenders respectively.

³⁶ 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.

³⁷ More information can be found in the tech guide.

³⁸ Ethnicity coverage for PNDs in 2018 was 89%.

Figure 4.09: Penalty Notices for Disorder for most common offences, by ethnicity, 2018



Source: Ministry of Justice [Out of court disposals data tool](#)

Cautions³⁹

Police cautions are formal warnings which can be given by the police to those who have admitted an offence⁴⁰. A caution can be given 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 dealing with in court.

The number of offenders issued with cautions⁴¹ in 2018 was 64,200, and has decreased by 58% since 2014. The distribution of cautions issued across ethnic groups was similar to PNDs; 85% of cautions were issued to White offenders, 8% to Black offenders, 6% to Asian offenders and 1% to offenders from Other ethnic groups.

Offences

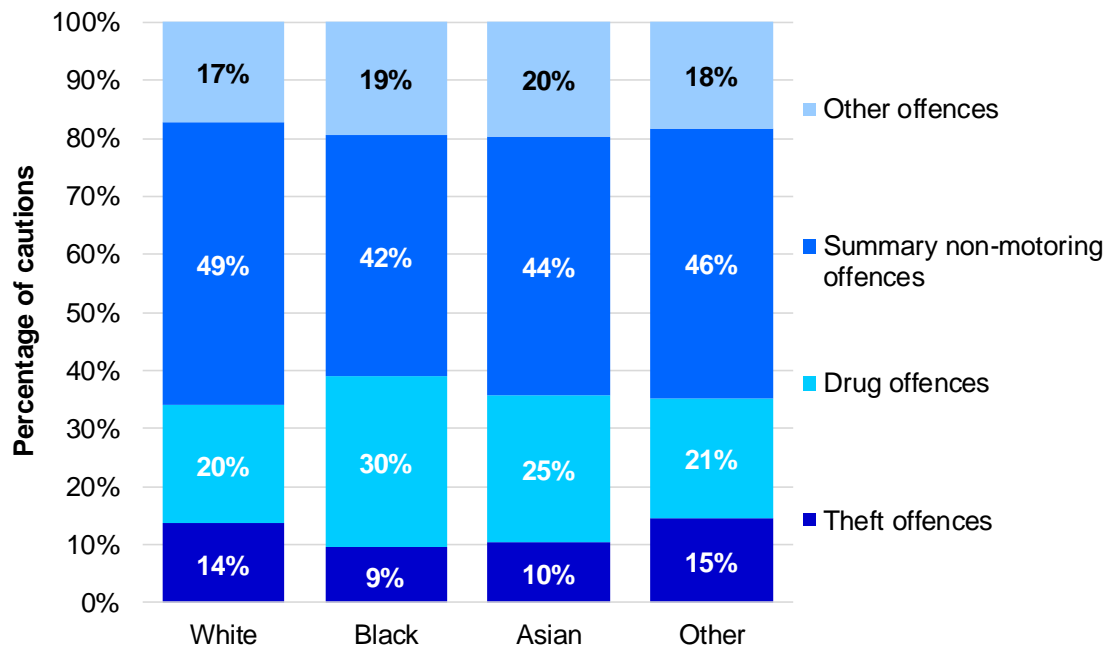
In 2018, of all offenders (where ethnicity is known) issued with a caution, 48% were for summary non-motoring offences, 21% were for drug offences and 13% were for theft offences. When split by ethnicity, a larger proportion of White offenders were issued cautions for summary non-motoring offences (49%) when compared to all other ethnic groups, with the least being for Black offenders at 42%. Black offenders were more often cautioned for drug offences, at 30%, compared to 25% of Asian offenders, 21% of offenders from Other ethnic groups and 20% of White offenders.

³⁹ Cautions figures for ethnicity are categorised using the 4+1 officer-identified classification.

⁴⁰ Summary motoring offences are not considered in relation to cautions or cautioning rates because these are typically addressed through Fixed Penalty Notices instead. There is no published data available on Fixed Penalty Notices by ethnicity.

⁴¹ Where ethnicity is known, coverage for cautions was 92% in 2018.

Figure 4.3: Proportion of offenders cautioned for most common offence groups, by ethnicity, 2018



Source: Ministry of Justice [Out of court disposals data tool](#)

5. Defendants

In the latest year, the largest fall in the volume of prosecutions and convictions for indictable offences was seen in the Asian group, down by 22% and 20% respectively.

Prosecutions and convictions fell by 18% and 16% for Black defendants, by 13% each for White defendants, by 8% and 10% for defendants from Mixed ethnic groups and by 7% and 14% for defendants from Chinese or Other ethnic groups.

White defendants consistently had the highest conviction ratio for indictable offences over the last 5 years (with the exception of 2015) and was 85% in 2018.

The conviction ratios for White, Asian (83%) and Black (81%) defendants have converged with each other over the last 5 years, remained constant for defendants from Mixed ethnic groups (77%) and fallen for Chinese or Other ethnic groups (75%).

Compared to White defendants (38%), larger proportions of Asian (40%), Mixed ethnicity (45%), Black (46%) and Chinese or Other (46%) defendants were remanded in custody for indictable offences at Crown Court.

Of those remanded in custody, 73% of White defendants were sentenced to immediate custody, a larger proportion when compared to all minority ethnic groups (between 69% and 72%).

Asian and Chinese or Other offenders had the highest custody rate for indictable offences in 2018 at 37% each, compared to 33% for White offenders.

Over the last 5 years, custody rates for indictable offences across ethnic groups have been converging, and the overall custody rate (where ethnicity is known) has increased from 28% in 2014 to 34% in 2018.

White offenders have had a consistently lower average custodial sentence length (ACSL) for indictable offences than all other ethnic groups since 2014.

In 2018, White offenders had an ACSL of 18.3 months compared to 29.1 months for Asian offenders, 28.0 months for Black offenders, 23.3 months for Chinese or Other offenders and 22.2 months for offenders from Mixed ethnic groups.

White defendants have consistently had the highest guilty plea rate since 2012, with 70% pleading guilty in 2018.

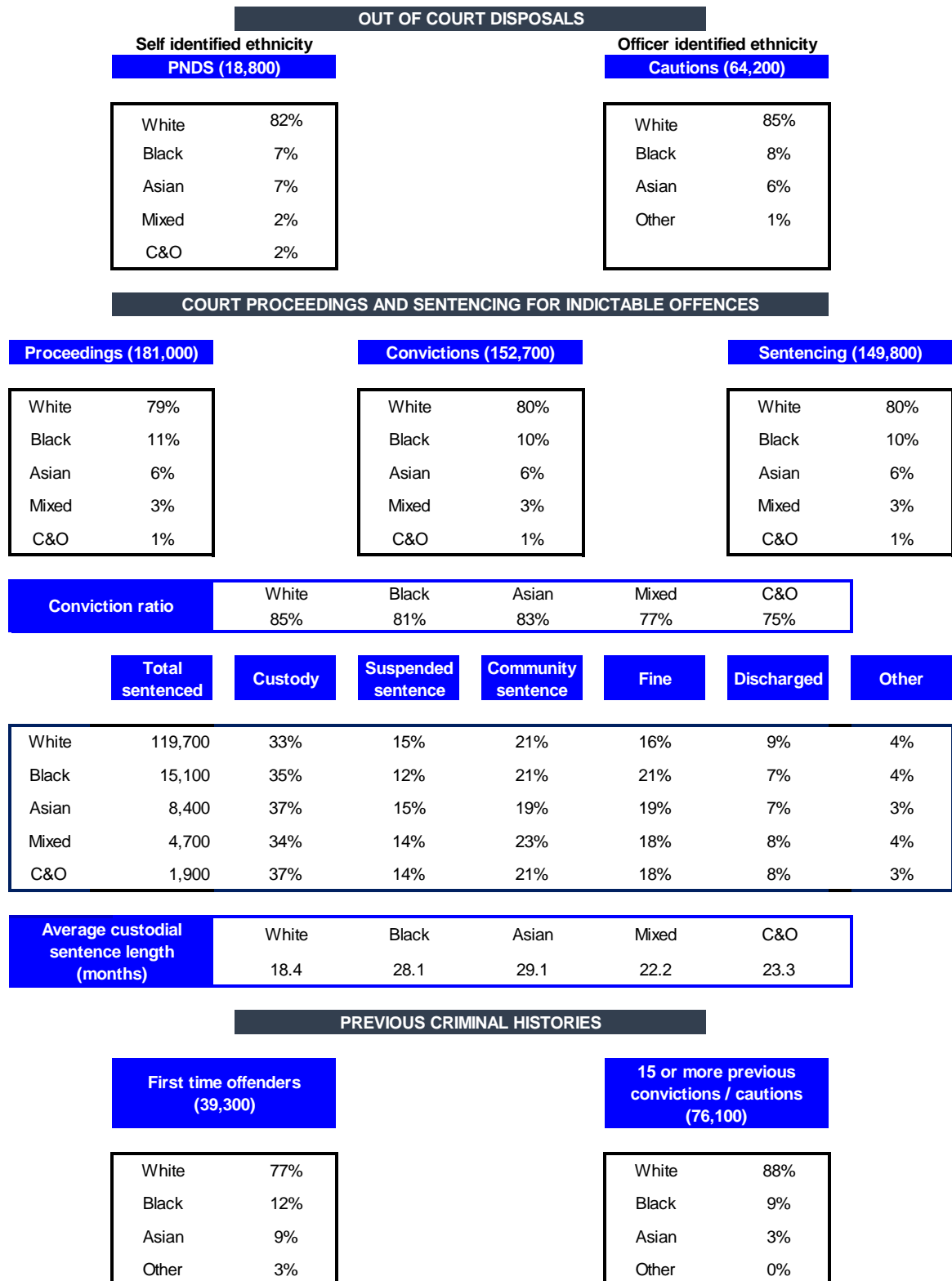
Defendants from Mixed ethnic groups had a guilty plea rate of 64%, Black defendants had a rate of 57% and Asian and Chinese or Other defendants had a rate of 56%.

This chapter explores outcomes for defendants⁴² in the Criminal Justice System (CJS), drawing on data from the Ministry of Justice's [Criminal Justice Statistics](#), [Criminal Courts statistics](#) and [Legal Aid Statistics](#) publications. When a suspect is formally charged, they are brought before a magistrates' court as soon as possible. Following prosecution, defendants found guilty are subsequently convicted and sentenced. Defendants can be directed to appear in court or remanded on bail or custody.

Where appropriate, relative rate index (RRI) analysis has been applied to compare outcomes by ethnic group. More information can be found in the technical guide.

⁴² Ethnicity coverage is more complete for triable either way and indictable only offences. This section is limited to these offences (referred to indictable) and to defendants aged 10 or over unless otherwise is explicitly stated.

Figure 5.01: Proportions of ethnic groups throughout the Criminal Justice System, 2018⁴³



⁴³ Data underlying the figures in this flowchart is published in the data tools accompanying the MoJ [Criminal Justice System statistics quarterly: December 2018](#) publication

Prosecutions and convictions

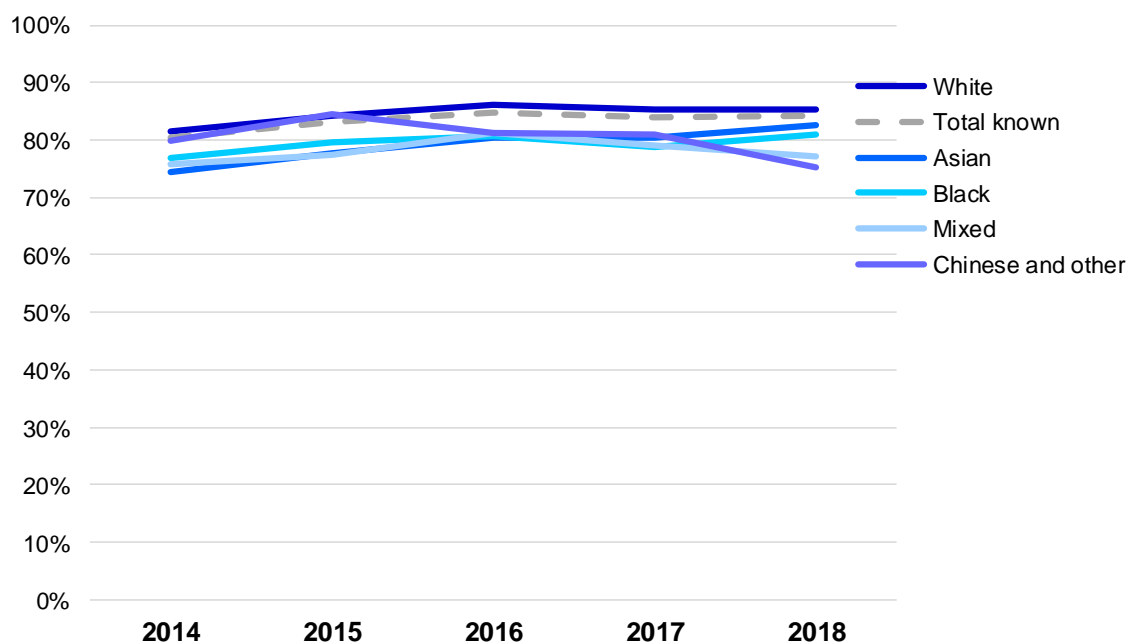
Decreases in volumes were seen across all ethnic groups for prosecutions and convictions in the latest year, the largest of which were for the Asian ethnic group, where prosecutions were down by 22% and convictions by 20%. Prosecutions and convictions fell by 18% and 16% for defendants from Black ethnic groups, by 13% each for White defendants, by 8% and 10% for defendants from Mixed ethnic groups and by 7% and 14% for defendants from Chinese or Other ethnic groups.

In 2018, of the defendants prosecuted, 79% were White, 11% were Black, 6% were Asian, 3% were from Mixed ethnic groups and 1% were Chinese or Other. Over the last 5 years the proportion of defendants prosecuted who were White has decreased from 81%, which has been reflected in a 2 percentage point increase from 9% for Black defendants. Proportions of other ethnic groups have remained stable over the same period. A similar trend was observed in convictions, where the proportion of defendants found guilty from White ethnic groups decreased from 82% in 2014 to 80% in 2018, with increases seen in the Black and Asian ethnic groups; from 8% to 10% and 5% to 6% respectively. The proportion of convictions for defendants from Mixed and Chinese or Other ethnic groups remained constant at 3% and 1% respectively.

Conviction ratio⁴⁴

Conviction ratios have increased since 2014 for all ethnic groups apart from Chinese or Other, which has decreased by 5 percentage points⁴⁵. White defendants consistently had the highest conviction ratio (with the exception of 2015) and was 85% in 2018, compared to 81% for Black defendants, 83% for Asian defendants, 77% for defendants from Mixed ethnic groups and 75% for defendants from Chinese or Other ethnic groups.

Figure 5.02: Conviction ratio for offenders for indictable offences, by ethnicity, 2014 to 2018, England and Wales



Source: [Outcomes by Offence data tool](#)

⁴⁴ The conviction ratio is calculated by dividing the total number of defendants convicted by the total number of defendants prosecuted in the same period.

⁴⁵ The Chinese or Other ethnic group is the smallest in terms of prosecutions and therefore subject to greater variance in outcomes across years.

RRI analysis showed that the conviction ratios for all ethnic minority groups were significantly lower than the White group, however the RRIs are within the zone of tolerance (0.8 to 1.25) and are therefore not likely to be indicative of a disparity in outcomes.

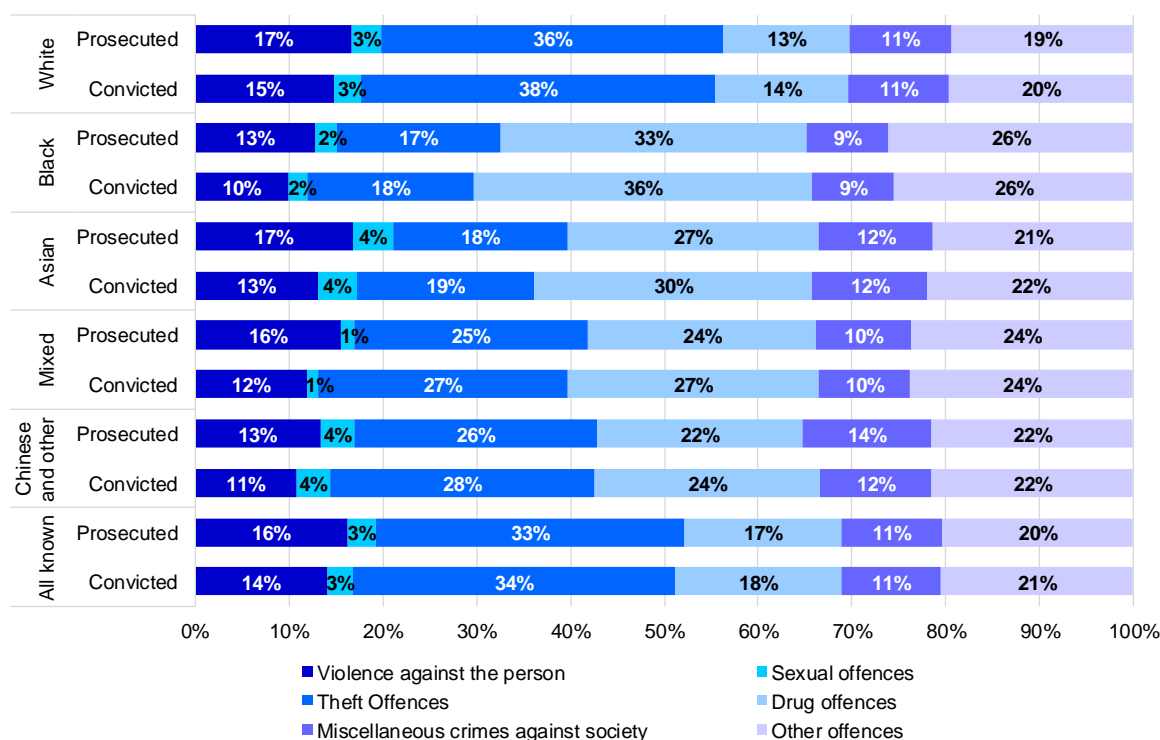
Table 1. Relative Rate Index (RRI): Convictions per indictable offence prosecutions at magistrates' courts, 2018

	White	Black	Asian	Mixed	Chinese or other
Convicted	1.00	0.95	0.97	0.91	0.88

Offence groups

The spread of convictions across indictable offence groups varied between the ethnic groups, with theft offences and drug offences accounting for the largest proportions of offenders within each ethnic group. Theft offences accounted for 38% of convictions for White offenders, and 28% for Chinese or Other, whilst 18% of Black and 19% of Asian offenders were convicted for theft offences. Conversely, drug offences accounted for 36% and 30% of convictions respectively for Black and Asian offenders, compared to 14% of White offenders and 24% of Chinese or Other offenders found guilty for drug offences. For Mixed ethnicity offenders, theft and drug offences each accounted for 27% of convictions.

Figure 5.03: Percentages of convictions for all ethnicities, by offence groups, 2018 England and Wales

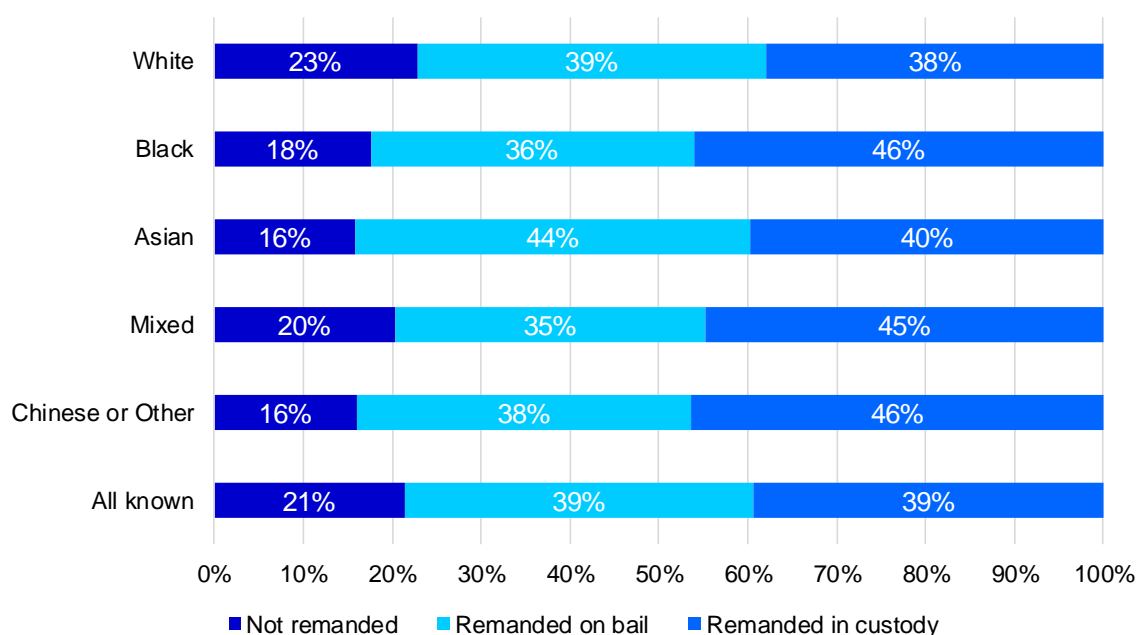


Source: [Outcomes by Offence data tool](#)

Remands^{46,47}

In the last 5 years, the overall proportion of defendants⁴⁸ remanded either on bail or in custody has decreased from 86% to 79%. Larger proportions of defendants from minority ethnic groups were remanded in 2018, at 84% for Asian and Chinese or Other defendants, 82% for Black defendants and 80% for Mixed ethnicity defendants compared to 77% for White defendants.

Figure 5.04: Proportions of remand status by ethnic groups at Crown Court, 2018, England and Wales



Source: [Remands: Crown Court data tool](#)

In the latest year, a higher proportion of Asian defendants were remanded on bail (44%), compared to 39% of White defendants, 38% of Chinese or Other defendants, 36% of Black defendants and 35% of Mixed ethnicity defendants. RRI analysis indicated Asian defendants were 13% more likely than White defendants to be remanded on bail, a trend which has been consistent over the last 5 years⁴⁹. Black defendants were 8% less likely, Mixed ethnicity defendants were 11% less likely and Chinese or Other defendants were 4% less likely than White defendants to be remanded on bail (Table 2).

In 2018, a smaller proportion of White defendants (38%) were remanded in custody at Crown Court compared to defendants from minority ethnic groups. The groups with the highest proportion of defendants remanded in custody were Black (46%), Chinese or Other (46%) and Mixed ethnicity (45%). RRI analysis showed that Black and Chinese or Other defendants were 22% each more likely and Mixed ethnicity defendants were 18% more likely

⁴⁶ 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

⁴⁷ 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*. This analysis is restricted to cases tried at the Crown Court.

⁴⁸ Where ethnicity is known. Ethnicity coverage between 2014 and 2018 has fallen from 88% to 74%.

⁴⁹ Five year trends for RRIs can be found in the accompanying Defendants chapter tables.

to be remanded in custody than White defendants (Table 2), a trend which has been relatively stable over the last 5 years.

Table 2. Relative Rate Index (RRI): Not remanded, remanded on bail and remanded in custody per all who received a remand status at Crown Court, 2018

	White	Black	Asian	Mixed	Chinese or Other
Not remanded	1.00	0.77	0.70	0.89	0.71
Remanded on bail	1.00	0.92	1.13	0.89	0.96
Remanded in custody	1.00	1.22	1.05	1.18	1.22

In 2018, of all defendants remanded in custody for indictable offences at Crown court, 72% were sentenced to immediate custody and similar proportions were seen across all ethnic groups ranging from 69% for defendants from Mixed ethnic groups to 73% for White defendants. Larger proportions of defendants from minority ethnic groups who were remanded in custody were acquitted or not tried (ranging between 17%-18%) when compared to White defendants (12%).

Pre-Sentence Reports (PSRs)⁵⁰

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.

Over the last five years, the concordance rate⁵¹ for immediate custodial sentences decreased from 89% in 2014 to 73% in 2016, increased to 91% in 2017 and fell to 90% in 2018. Concordance rates for other outcomes gradually increased between 2014 and 2017 to 67% for suspended sentence orders, 76% for community sentences and 76% for fines, and fell to 66%, 66% and 69% respectively in 2018.

When split by ethnic group, the highest concordance rate for offenders whose PSR recommended immediate custodial sentences in 2018 was 92% for offenders from Mixed ethnic groups. For community sentences, the lowest concordance rates were observed for Mixed ethnicity and Black offenders at 61% for each.

Sentencing outcomes

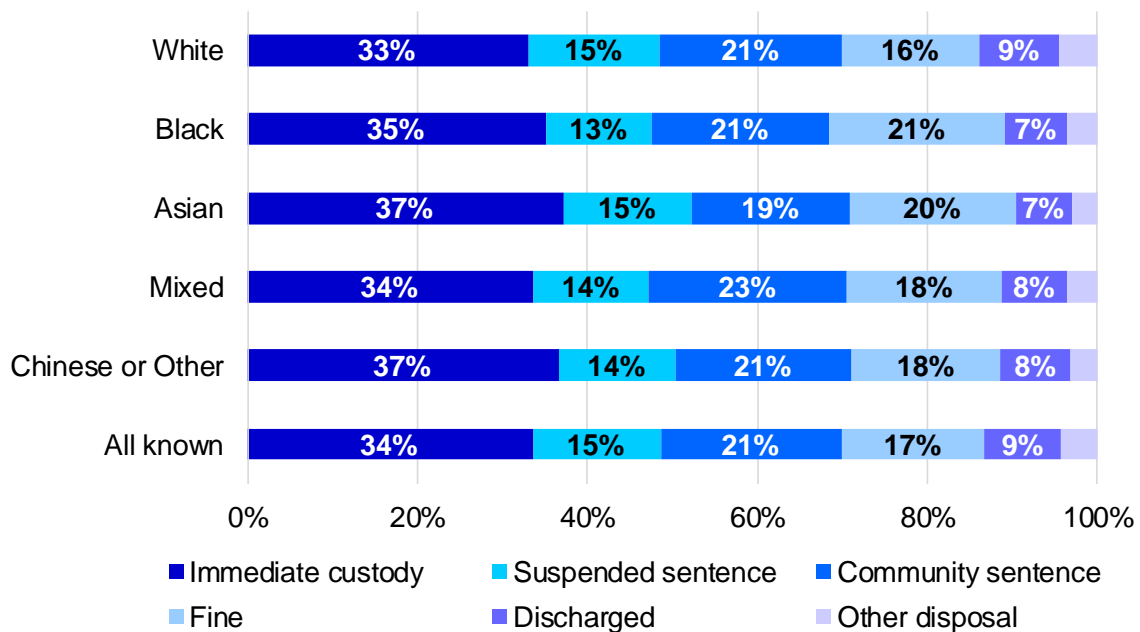
Of those sentenced for indictable offences in 2018, the most common sentence for all ethnic groups was immediate custody, and accounted for 34% of all offenders sentenced⁵² (more on custody rates below). Community sentences accounted for 21% of all sentences for indictable offences, followed by fines (17%). Compared to all other ethnic groups, a higher proportion of Mixed ethnicity offenders received community sentences (23%) and a higher proportion of Black offenders received fines (21%).

⁵⁰ Pre-sentence reports (PSRs) are 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.

⁵¹ Concordance rates are based on where ethnicity is known and 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.

⁵² Where ethnicity is known. Ethnicity coverage between 2014 and 2018 has fallen from 88% to 74%.

Figure 5.05: Percentages of sentencing outcomes for all ethnicities, 2018, England and Wales



Source: [Outcomes by Offence data tool](#)

*Custody Rate*⁵³

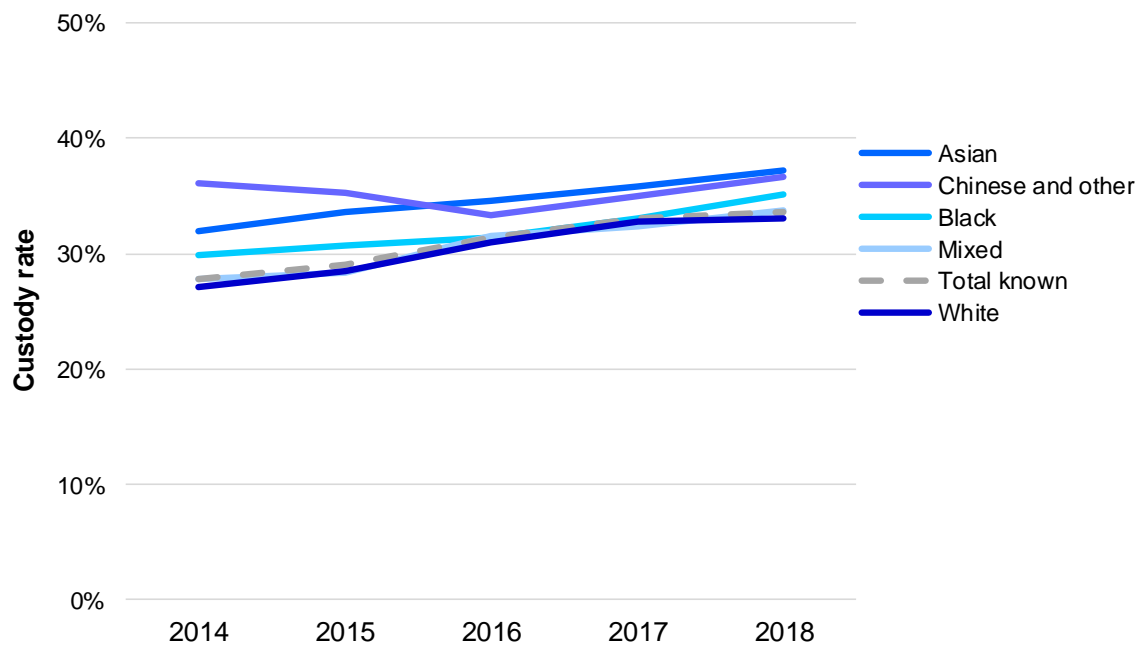
The overall custody rate (where ethnicity is known) has been gradually increasing over the last 5 years, from 28% in 2014 to 34% in 2018 and custody rates across ethnic groups have been converging. Asian and Chinese or Other offenders had the highest custody rate in 2018 at 37%, compared to 33% for White offenders, the group with the lowest custody rate in 2018. RRI analysis indicated that Asian defendants were 13% more likely and Chinese or Other defendants were 11% more likely to be sentenced to immediate custody for indictable offences than White defendants in 2018.

Table 3. Relative Rate Index (RRI): Defendants who were sentenced to custody per all sentenced for indictable offences at all courts, 2018

	White	Black	Asian	Mixed	Chinese or Other
Guilty plea	1	1.06	1.13	1.02	1.11

⁵³ The custody rate is the proportion of all offenders sentenced to immediate custody, out of all offenders sentenced.

Figure 5.06: Custody rate by ethnicity, 2014 to 2018, England and Wales



Source: [Outcomes by Offence data tool](#)

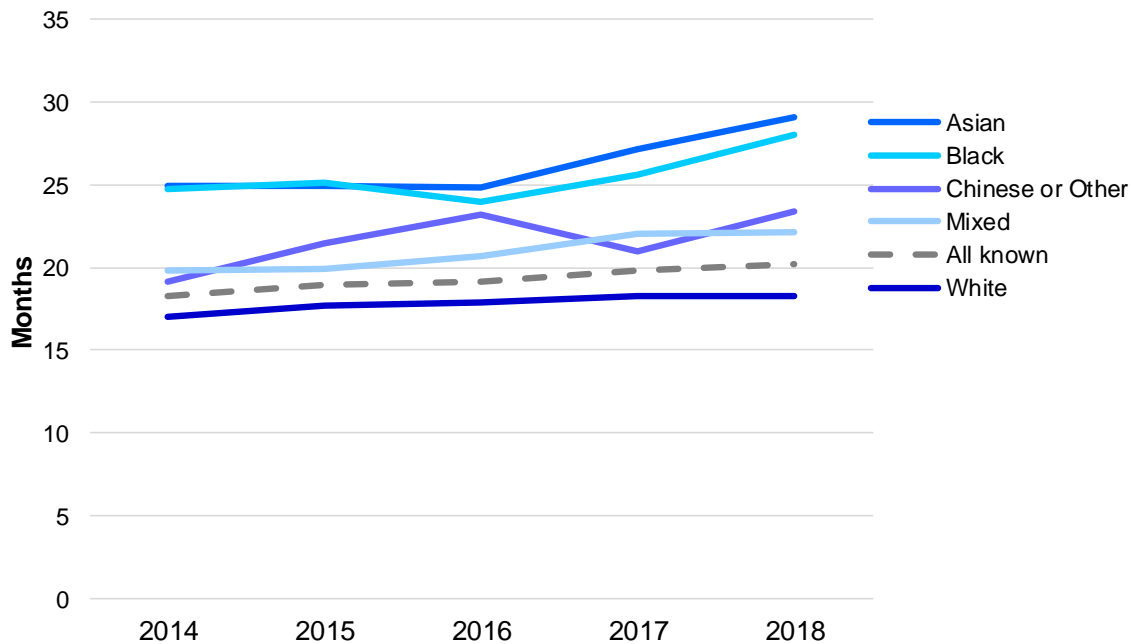
Average custodial sentence length (ACSL)

The ACSL for indictable offences⁵⁴ has been gradually increasing over the last decade⁵⁵ and was 20.2 months in 2018. The ACSL has been consistently lower for White offenders than all ethnic minority groups since 2014, with Asian offenders having an ACSL of 29.1 months in 2018, compared to 18.3 months for White offenders. This difference in ACSLs can be attributed to several factors, including the varying offence mix across ethnic groups. See chapters 7: Offender Characteristics and 8: Offence Analysis for further information.

⁵⁴ Where ethnicity is known.

⁵⁵ The overall increase in ACSL may be connected to changes in sentencing guidelines – see accompanying technical guide for further details

Figure 5.07: The average custodial sentence length in months for offenders sentenced to immediate custody for indictable offences at all courts, by ethnicity, 2014 to 2018



Source: [Outcomes by Offence data tool](#)

Criminal legal aid

Criminal legal aid consists of legal advice and representation provided to people being investigated or charged with a criminal offence, and is carried out in police stations, prisons, and in courts. Criminal legal aid is split into two categories, crime higher and crime lower⁵⁶.

Crime lower

In 2018, 77% of crime lower legal aid workload was for White clients, with 8% for Black, 7% for Asian, 6% for Other and 2% for clients from Mixed ethnic groups. These proportions have remained relatively stable over the last 5 years.

A larger proportion of White defendants (30%) received legal aid representation at magistrates' court compared to all other ethnic groups, with the lowest proportion at 20% for Asian defendants. The trend is the reverse for pre-charge advice at police stations, where 78% of Asian defendants received pre-charge advice compared to 68% of White defendants.

Crime higher

In 2018, 79% of crime higher legal aid workload was for White clients, with 10% for Black, 7% for Asian, and 4% for Mixed ethnicity clients. These proportions have remained relatively stable over the last 5 years. The trends for crime higher legal aid categories are broadly similar for all ethnic groups over the past decade. The largest proportion of crime higher workload is for offences which can be tried either before the magistrates' court or the Crown Court, at 48% overall where ethnicity is known in 2018 and ranged between 45% and 49% when broken down by ethnic group. Compared to ethnic minority groups, White clients had a higher proportion of representation at committals for sentence at 21%, whereas 15% of

⁵⁶ 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.

Asian and Black clients and 16% of Mixed ethnicity clients were represented at committals. Conversely, higher proportions of clients from ethnic minority groups received representation for indictable trials at 33% for Asian, 35% for Black and 36% for Mixed ethnicity compared to 27% for White.

Prison representation

In 2018, 71% of the legally aided prison law workload related to White defendants, 11% to Black, 8% to Other, and 5% to Mixed ethnicity and Asian each. These proportions were similar to those of the ethnic breakdown of the prison population.

Crown Court cases⁵⁷

Guilty Plea

The guilty plea rate (GPR) of defendants who were tried at the Crown Court (the number of defendants who pleaded guilty to all counts as a proportion of all those with a plea) varied across the ethnic groups. White defendants have consistently had the highest GPR since 2012, with 70% pleading guilty in 2018. Chinese or Other and Asian defendants had the lowest GPR in 2018 at 56%, followed by Black at 57% and Mixed ethnicity at 64%.

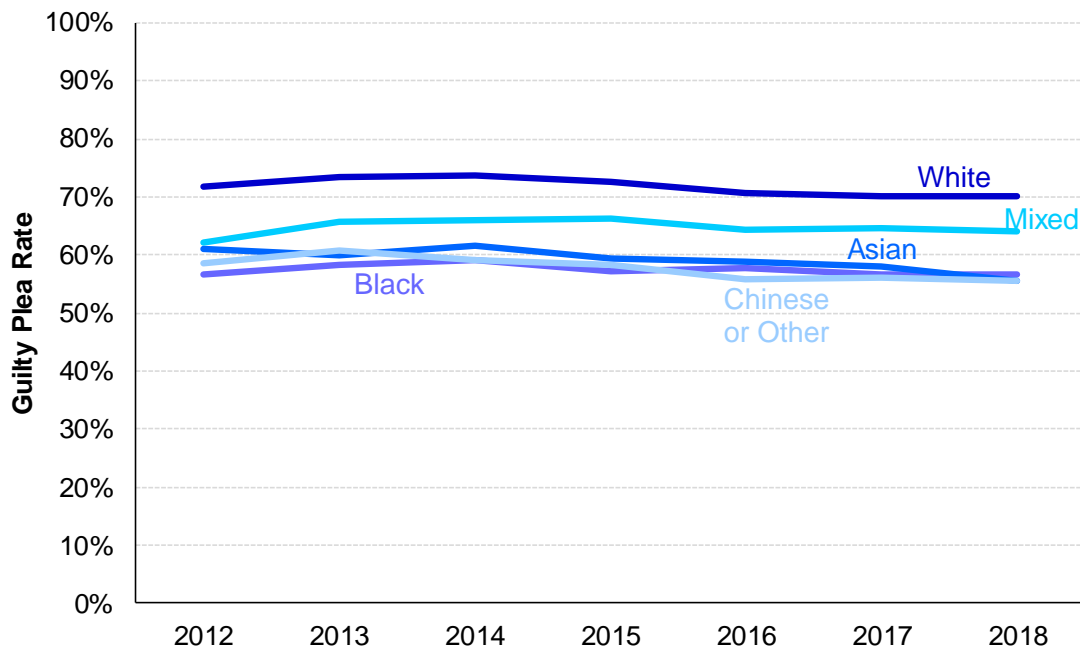
Of all those who entered a plea in 2018, defendants from minority ethnic groups were significantly less likely than White defendants to enter a guilty plea; Chinese or Other and Asian defendants were each 21% less likely, Black defendants were 19% less likely and defendants from Mixed ethnic groups were 9% less likely (Table 3).

Table 4. Relative Rate Index (RRI): Defendants who entered a guilty plea rate per all defendants who entered a plea, 2018

	White	Black	Asian	Mixed	Chinese or Other
Guilty plea	1	0.81	0.79	0.91	0.79

⁵⁷ Figures from this section are sourced from the data underpinning the [Criminal Court Statistics \(annual\): January to March 2019](#) bulletin. These figures are calculated differently from those used for the Criminal Justice Statistics Quarterly: December 2017 bulletin and so are not directly comparable. For more information on the counting methods see the [Guide to Criminal Court Statistics](#).

Figure 5.08: Guilty Plea Rate (GPR) for defendants dealt with in trial cases in the Crown Court by ethnicity, 2012 to 2018, England and Wales



Source: Table 5.11

Admitting guilt can contribute to shorter custodial sentences and as such can influence the custodial lengths that offenders received. 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”⁵⁸ The disproportionality in GPR across ethnic groups is therefore thought to contribute to disproportionalities in ACSL.

The higher GPR of White defendants may also contribute to the higher proportion of cracked trials in cases with all White defendants⁵⁹. In 2018, 39% of trials with all White defendants were cracked, compared to 28% for Black, 31% for Asian, 36% for Mixed ethnicity and 27% for Chinese or Other. Cracked trials are trials that do not need to go ahead on the day as an outcome is reached. The majority of cracked trials in 2018 (83%) were due to a defendant entering a late guilty plea or pleading guilty to an alternative charge.

Conversely, trials with all White defendants had the lowest proportion (47%) of effective trials (a trial that commences on the day it is scheduled and reaches a conclusion), followed by Mixed ethnicity (51%), Asian (54%), Black (58%), and Chinese or Other (61%). In the latest year, the proportion of effective trials has increased for all ethnicities except cases involving White defendants, which saw a small decrease of 1 percentage point.

⁵⁸ [The Lammy Review](#)

⁵⁹ For the ethnicity breakdown of trial effectiveness, the criminal courts data construct ethnic groups based on whether all 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 is categorised as “multiple ethnicities”. The proportion of all defendants with known ethnicities that fall into this category is 4%. For this reason, analysis refers to “trials with all White defendants”, as we are only discussing cases where all the defendants were of the same ethnicity within trials.

Election of defendants to Crown Court⁶⁰

Triable either-way cases are those which can be dealt with either in the magistrates' court or Crown Court. A defendant in a triable either-way case which is dealt with in Crown Court will either be directed to Crown Court by the magistrate or will have elected themselves. In 2018, Black defendants continued to have the highest proportion electing themselves to be heard in the Crown (16%), followed by 15% of Asian defendants, 13% of Chinese or Other and 10% of both White and Mixed ethnicity. The lower GPR of defendants from minority ethnic groups will be related to the higher proportion deciding to elect to be tried by a jury at Crown Court.

Representation at the Crown Court

When defendants appear in court they have the right to either speak for themselves, or to be represented and to have someone with legal expertise speak on their behalf. The majority of defendants dealt with at Crown Court are represented at their first hearing, this is true for all ethnicities. In 2018, the proportion of defendants that were known to have representation at their first hearing ranged from 91% to 93% across ethnic groups. These proportions have remained relatively stable since 2010, however, have seen a small decrease of between 1% and 2% in the latest year.

Crown Court timeliness

The average number of days spent 'at court' (from first listing in magistrates' courts to completion in Crown Court) for Crown Court cases varies across ethnicities. In 2018, White defendants had the lowest mean number of days (170), while Asian defendants had the highest (213). Variation can also be seen between ethnicities across offence groups. For example, since 2017, time spent 'at court' decreased for possession of weapons offences for White, Asian and Chinese or Other defendants. However, it has increased for Black and Mixed ethnicity defendants, by 8 days and 3 days respectively (to 160 and 166 days in 2018).

Not known ethnicity

Since 2014, there has been a marked increase in the proportion of defendants recorded on criminal court administrative systems whose ethnicity is not stated. In 2018, there were 70,000 defendants dealt with in the Crown Court, of which 26% had unknown ethnicity, more than doubling the proportion seen in 2014 (12%). While this does not make comparisons invalid, this should be considered when comparing trends.

⁶⁰ Percentages in this section should be interpreted with care as they are based on very low volumes.

6. Offender Management

A greater number of children in prison were from minority ethnic groups

Two fifths (40%) of prisoners aged under 18 were Black or Mixed ethnicity, despite these ethnic groups accounting for less than one fifth (17%) of the entire prison population.

Black prisoners served the greatest proportion of their original sentence in custody

Black prisoners continued to serve a greater portion of their sentences in custody (70% in 2018) when compared with White (63%) or Asian (61%) prisoners.

This chapter provides statistics relating to offenders in custody or under supervision in the community. Much of this information has previously been published in the [Offender Management statistics quarterly](#) publication, where statistics on adjudications and Home Detention Curfew (HDC) can also be found. Information is also provided for Parole Board hearing outcomes.

Statistics relating to safety in custody (including deaths in prison, self-harm and assaults), are published in the [Safety in custody quarterly](#) publication.

Statistics relating to Incentives and Earned Privileges (IEP) in prison and electronic monitoring requirements are published in Her Majesty's Prison and Probation Service Offender Equalities Annual Report (published [here](#)).

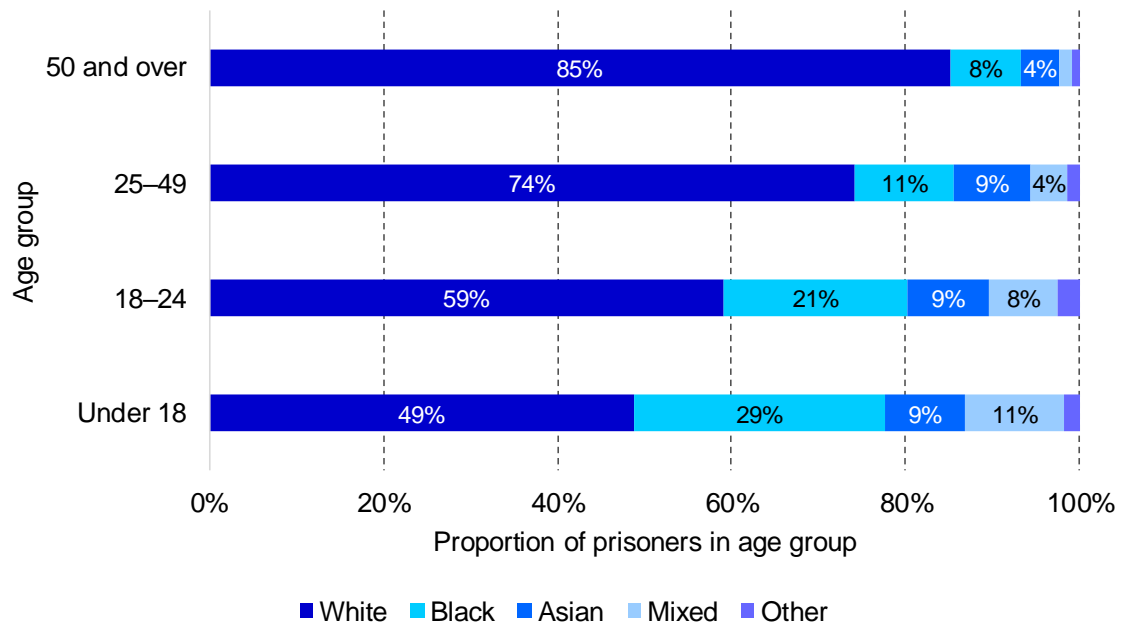
Prison population

The total prison population in England and Wales was 82,800 on 30th June 2018, the lowest in 11 years. The proportions of the prison population from each ethnic group has remained broadly unchanged since 2014. Of prisoners whose ethnicity was known⁶¹, 73% were White, 13% Black, 8% Asian, 5% of Mixed ethnicity and 1% from Other ethnic groups.

The ethnicity of prisoners varied by age group, with a greater proportion of younger prisoners being from minority ethnic groups. Meanwhile, 85% of prisoners aged 50 or over were White, this proportion having remained steady as the number of older prisoners has increased since 2002.

⁶¹ Ethnicity was known for 99.4% of prisoners in England and Wales on 30th June 2018.

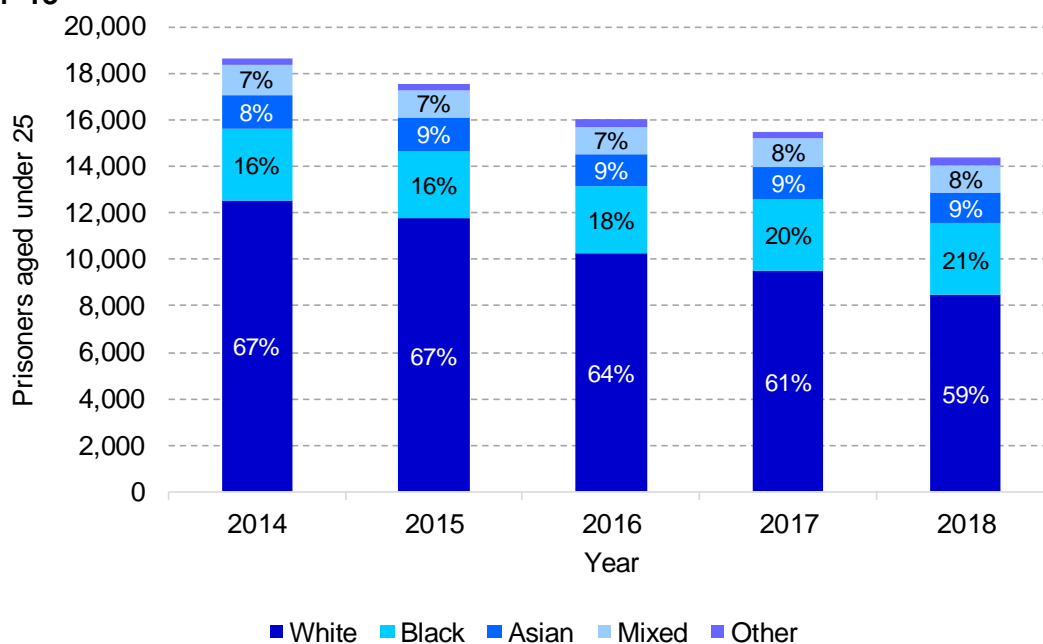
Figure 6.01: Proportion of prisoners by ethnicity, by age group, England and Wales, 30th June 2018



Source: Table 6.01

Two fifths (40%) of prisoners aged under 18 were Black or Mixed ethnicity, despite these ethnic groups accounting for less than one fifth (17%) of the entire prison population. Black and Mixed ethnicity prisoners were disproportionately represented across all younger age groups, making up 30% of all prisoners aged under 25. This disparity has risen since 2014, as a decrease in White prisoners under 25 has not been accompanied by a similar decrease in younger prisoners from other ethnic groups. This follows trends in convictions and sentencing. In 2018, 57% of children sentenced to immediate custody were White, this number having decreased by 11 percentage points since 2014. In the same period, the percentage who were Black increased by 10 percentage points to 28%.

Figure 6.02: Number of prisoners aged under 25, by ethnicity, England and Wales, 2014-18



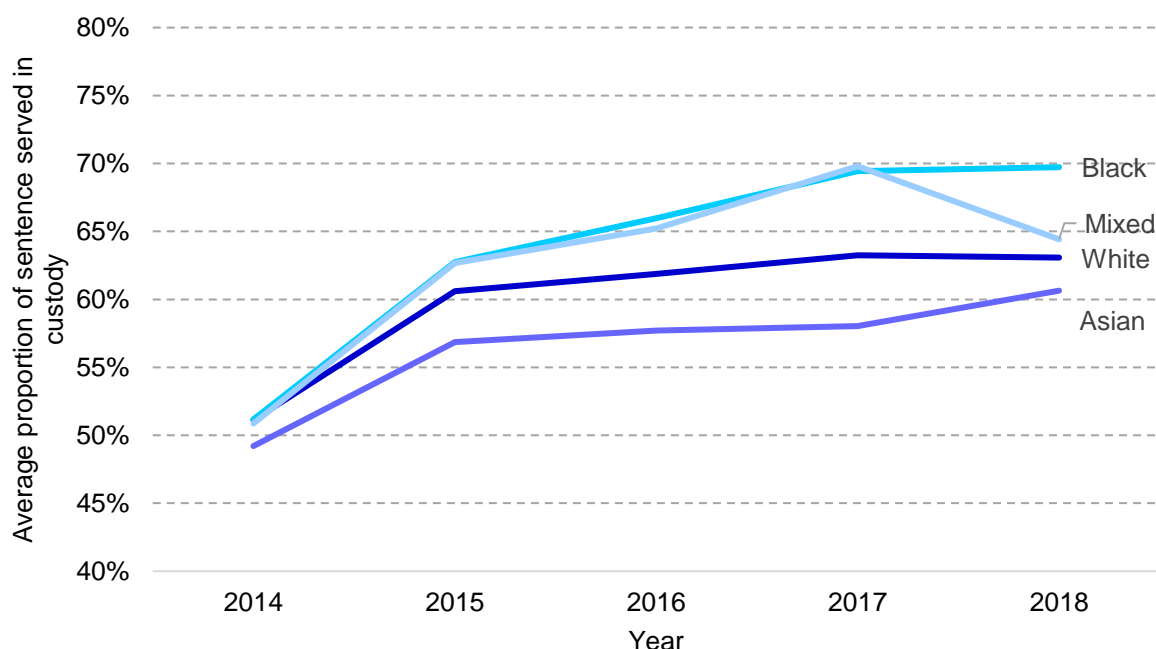
Source: Table 6.01

The average custodial sentence length for White prisoners remained lower than those for prisoners from other ethnic groups. The average sentence length for prisoners released from determinate sentences⁶² increased from 19 to 20 months from 2014 to 2018. This increase was mostly driven by a rise in sentence lengths for White prisoners, with this group representing 80% of those released from determinate sentences in 2018.

Average sentence lengths for minority ethnic groups changed little overall in this five-year period, but were all higher than for White prisoners, with Black prisoners given the longest sentences of 26 months on average in 2018.

The proportion of their determinate sentence which prisoners served in custody stabilised in 2018, having risen for all ethnic groups since 2014. Black prisoners continued to serve a greater portion of their sentences in custody (70% in 2018) when compared with White (63%) or Asian (61%) prisoners. The time served by Mixed ethnicity prisoners decreased by 6 percentage points in the latest year, to 64% on average.

Figure 6.03: Average proportion of sentence served in custody, by ethnicity, England and Wales, 2014–18



Source: Table 6.02

Prison experiences

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 2018–19 identifies differences in reported prison experiences between White prisoners and prisoners from minority ethnic groups⁶³.

⁶² 68,700 prisoners were released from determinate sentences in 2018, of whom 99.4% were of known ethnicity.

⁶³ Breakdowns of responses from each of the ethnic minority groups are available in published tables. 1,883 prisoners from ethnic minority groups and 4,412 White prisoners completed the questionnaires from all establishments.

A higher proportion of prisoners from minority ethnic groups reported negative experiences of prison life in many of the areas covered by the survey:

- 64% of prisoners from minority ethnic groups reported that they felt safe on their first night in prison, compared with 71% of White prisoners,
- 56% felt they were treated with respect by most prison staff, compared with 74% of White prisoners,
- 56% of prisoners from minority ethnic groups felt complaints were easy to make (compared with 60% of White prisoners),
- and 22% of those who had made a complaint responded that it was dealt with fairly (compared with 32% of White prisoners).

A higher proportion of prisoners from minority ethnic groups (52%) reported some form of abuse or intimidation from staff, compared with 39% of White prisoners. However, fewer Black (39%) and Mixed ethnicity (43%) prisoners reported that they had experienced abuse or intimidation from other prisoners than White (50%) or Asian (48%) prisoners.

Minority ethnic groups reported a higher participation rate in educational (81% vs 76%) and vocational activities (68% vs 63%) while in their current prison, and a higher proportion reported having taken part in voluntary work (38% vs 32%) or paid work (37% vs 31%) outside of prison.

A higher proportion of White prisoners reported having an alcohol or drug problem before entering prison and found it easier to access these substances while in prison. A smaller proportion of prisoners from minority ethnic groups (34%) felt it was very or quite easy to get drugs in prison, compared with 53% of White prisoners and 21% felt it was very or quite easy to get alcohol in prison, compared with 29% of White prisoners.

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. Parole Board hearings consider both review cases (where a decision is made whether or not to release a prisoner serving their sentence in custody) and recall cases (where a prisoner who has been recalled to prison for a breach of licence may be rereleased). A recommendation can also be made for a prisoner to be transferred to or remain in the open prison estate (open conditions⁶⁴).

Review hearings

In the year ending March 2019, there were 2,665 oral Parole Board review hearings where the prisoner's ethnicity was recorded⁶⁵, 16% fewer than the previous year. Of these, 79% were White, 12% Black, 5% Asian, 4% were from the Mixed ethnic group and 0.4% were from the Chinese or Other ethnic group⁶⁶. These proportions have remained consistent since 2016.

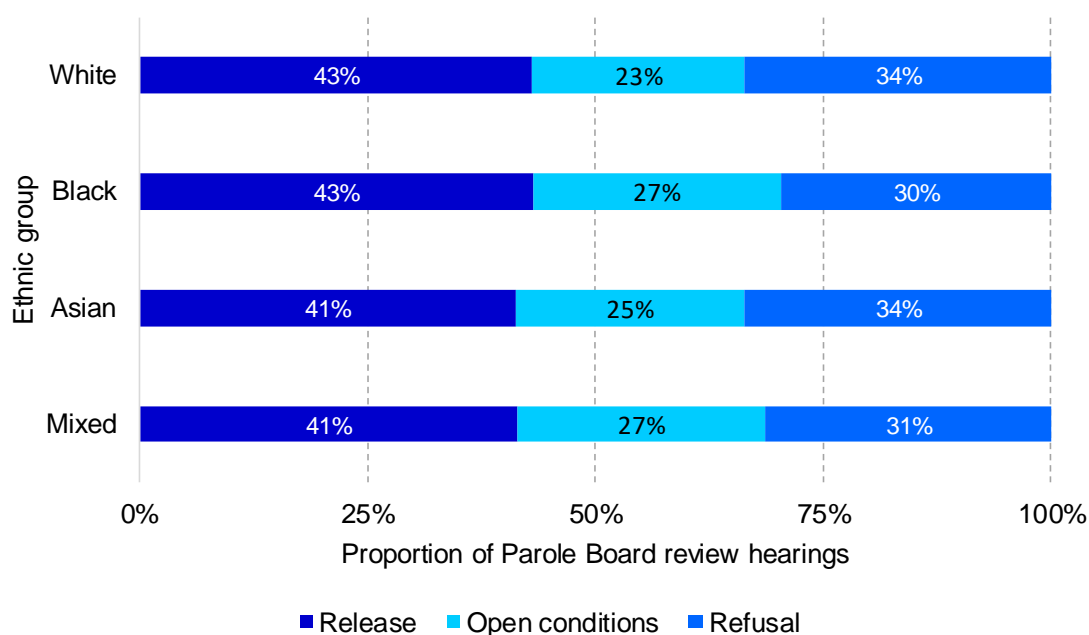
⁶⁴ The outcome of open conditions could relate to a prisoner remaining in open conditions or being recommended for a move to the open prison estate. The purpose of transferring a prisoner to open conditions is to test the prisoner's suitability for release at a future date.

⁶⁵ Ethnicity was recorded for 99.6% of prisoners who had an oral Parole Board review hearing in the year ending 2019.

⁶⁶ The number of review and recall Parole Board hearings for prisoners in the Chinese or Other ethnic group was small, and these have been excluded from this commentary.

The result of these hearings varied with ethnicity. White and Black prisoners had the highest proportion who were released following their Parole Board review, at 43% for both groups. A smaller proportion of prisoners from the Black (30%) and Mixed (31%) ethnic groups were refused release outright when compared with White and Asian prisoners. Black and Mixed ethnicity prisoners also had a higher proportion who received recommendations for Open Conditions, at 27% for both groups.

Figure 6.04: Outcomes of Parole Board review hearings, year ending March 2019, England and Wales, by ethnicity



Source: Table 6.05

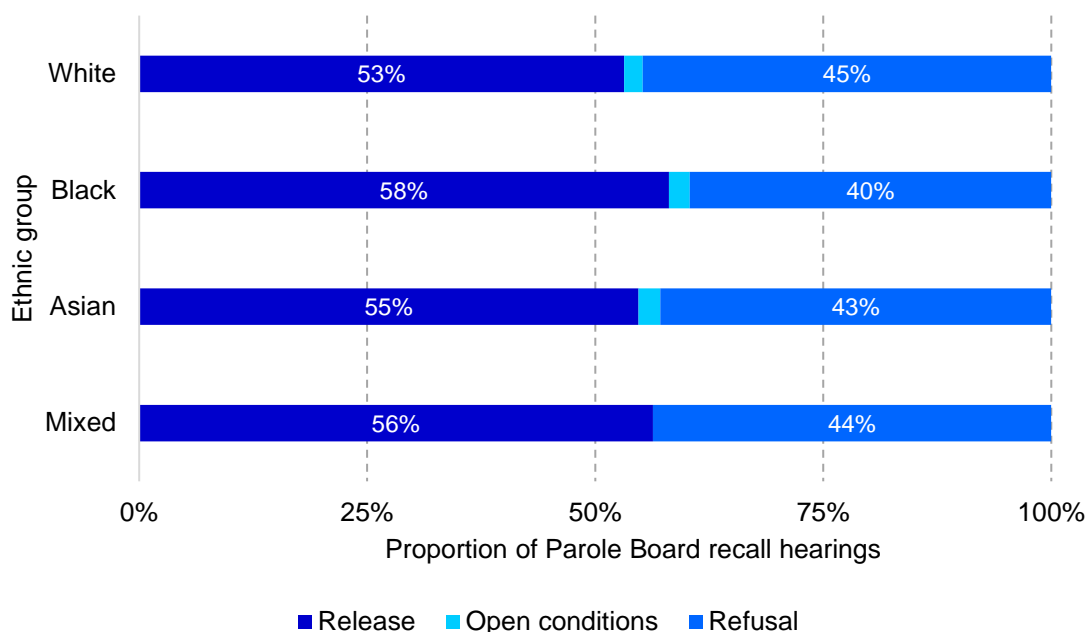
Recall hearings

In the year ending March 2019, there were 2,089 oral Parole Board recall hearings where the offender’s ethnicity was recorded⁶⁷, a similar number to the previous year. Of these, 80% were White, 10% Black, 4% Asian, 5% were from the Mixed ethnic group and 0.3% were from the Chinese or Other ethnic group.

The release rate following a recall hearing was 50% or above for all ethnic groups, while the proportion of those given open conditions was 2% or less for all groups. The Black ethnic group had the highest proportion (58%) of offenders released following their recall hearing, and the White ethnic group had the lowest release rate (53%).

⁶⁷ Ethnicity was recorded for 99.8% of prisoners who had an oral Parole Board recall hearing in the year ending March 2019.

Figure 6.05: Outcomes of Parole Board recall hearings, year ending March 2019, England and Wales, by ethnicity



Source: Table 6.05

Probation Service

The Probation Service supervises offenders living in the community. This includes those who have been released from prison on licence, and those who have been given court orders with requirements as part of a community or suspended sentence.

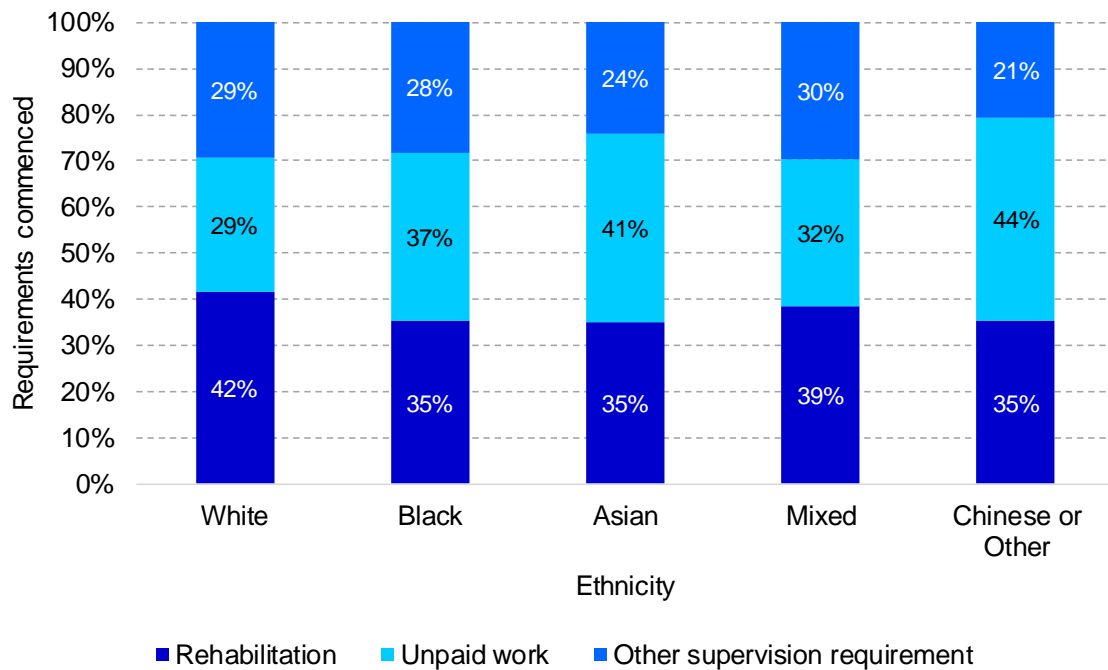
In 2018, the number of requirements started under community orders⁶⁸ rose by 3% since the previous year to 107,800, while those for suspended sentence orders decreased by 15% to 51,300. Of all the offenders receiving either type of court order, 83% were White, 7% Black, 5% Asian, 3% of Mixed ethnicity and 1% of Chinese or Other ethnicity. These proportions have remained stable compared to the previous year.

Higher proportions of White and Mixed ethnicity offenders supervised under community orders or suspended sentence orders were given rehabilitation requirements⁶⁹ when compared with Black, Asian, Chinese or Other ethnicity offenders, and lower proportions received an unpaid work requirement.

⁶⁸ Ethnicity was recorded for 87.7% of community orders and 89.4% of suspended sentence orders commenced in 2018. Those with missing ethnicity are not included in this commentary.

⁶⁹ The Rehabilitation Activity Requirement was introduced in 2014 under the Offender Rehabilitation Act and requires the offender to attend appointments and participate in activities selected by their responsible officer to support their rehabilitation and reduce reoffending.

Figure 6.06: Requirements commenced under community orders and suspended sentence orders by ethnicity and requirement, England and Wales, 2018



Source: Table 6.03

The proportions of those supervised on post-release licence have remained consistent across different ethnic groups since the introduction of statutory supervision for all offenders given custodial sentences in 2014. In 2018, of the 70,000 offenders supervised on post-release licence,⁷⁰ 77% were White, 11% Black, 7% Asian, 4% of Mixed ethnicity and 1% of Chinese or Other ethnicity. These figures are in line with the proportions serving custodial sentences across the same period.

⁷⁰ Ethnicity was recorded for 95.3% of offenders supervised on post-release licence in 2018. Those with missing ethnicity are not included in this commentary.

7. Offender Characteristics

Over the last 3 years, Asian male offenders had the longest average custodial sentence length ACSL which was 29.5 months in 2018 compared to 19.1 months for White males.

In 2016, Asian males received on average a 34% longer custodial sentence than White males, in the latest year this disparity has increased to 54%.

A higher proportion of prosecutions in the Black and Mixed ethnic groups were against children, 13% and 14% respectively, compared to 5% for White defendants.

In 2018, minority ethnic children also had a higher proportion remanded in custody, had a higher custody rate and received longer custodial sentences

In 2018, a higher proportion of White offenders had a long history of offending.

Over a third (36%) of White offenders had 15+ previous cautions or convictions, compared to 25% of Black offenders and 17% of Asian offenders.

The Black ethnic group had the highest reoffending rate and White reoffenders had the highest number of reoffences per reoffender.

The reoffending rate for Black offenders was highest at 33%, compared to 31% for White offenders, and 24% for Asian offenders. The average number of reoffences per reoffenders was 4.1 for White offenders, 3.6 for Black offenders and 3.4 for Asian offenders.

This chapter looks at sex⁷¹, age⁷², offending history⁷³, and reoffending rate differences across ethnic groups throughout the Criminal Justice System⁷⁴. The sources used for this chapter include the [Criminal Justice Statistics Quarterly: December 2018 publication](#), [Proven Reoffending Statistics](#) and analysis on benefits, employment and income of offenders⁷⁵.

Sex

In 2018, males made up the majority (86%) of prosecutions and convictions for indictable offences this proportion differed by ethnic group. For defendants from the Asian ethnic group, 95% of prosecutions and 96% of convictions were male. For the Black ethnic group, 92% of prosecutions and 93% of convictions were male. This compares to 85% of White prosecution and convictions. These proportions have been broadly consistent across the last 5 years.

For both sexes in 2018, White offenders had the highest conviction ratio at 86% for females and 85% for males. For all ethnic groups except the White group, male defendants had a higher conviction ratio than females. Over the last 5 years, Asian females tended to have the lowest conviction ratio.

Across all ethnic groups, male offenders consistently had a higher custody rate and a longer average custodial sentence length (ACSL) than female offenders. In 2018, the custody rate

⁷¹ Where both sex and ethnicity was known

⁷² Where both age and ethnicity was known

⁷³ Where ethnicity was known

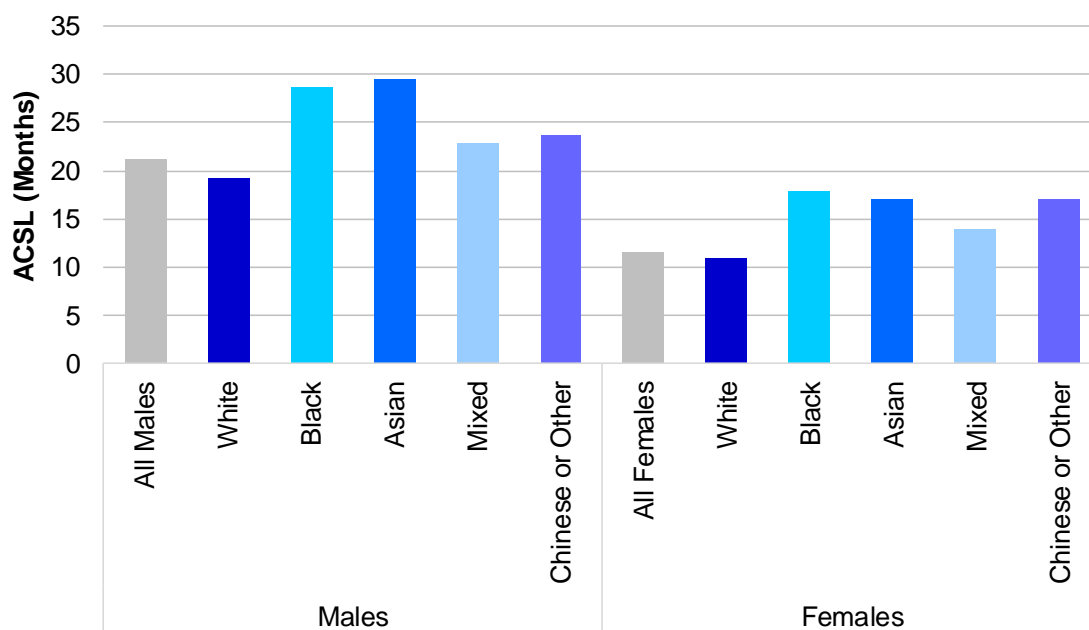
⁷⁴ It should be noted that these rates do not control for offence mix which differs by ethnic group.

⁷⁵ MOJ/DWP/HMRC data share – see the tech guide for more details.

for males sentenced for indictable offences was 36%, this compared to 21% for female offenders. This can in part be explained the offence mix, a higher proportion of females were sentenced for less serious indictable offences such as theft (51% of females compared to 30% of male offenders). Asian and Chinese or Other male offenders consistently had the highest custody rate at 38% and 39% respectively in 2018. For female offenders, Black and Asian offenders had the highest custody rate at 22%.

In 2018, White offenders for both sexes had the lowest ACSL (19.1 months for males and 10.8 months for females). For males, Asian offenders had the highest ACSL at 29.5 months. For females, Black and Asian offenders had the highest ACSL at 17.1 months, (58% longer than White females).

Figure 7.01: Average custodial sentence lengths (ACSL) for indictable offences, by Sex and Ethnicity, 2018



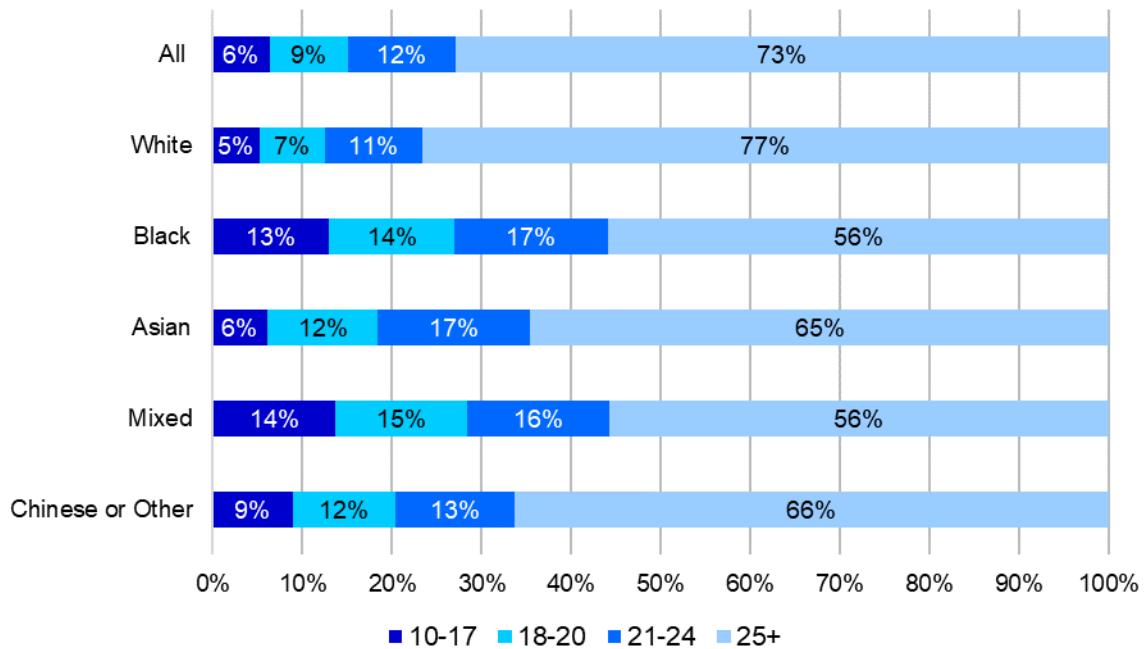
Source: [MOJ Court Proceedings Database, December 2018](#)

Compared to 5 years ago the disparity in ACSL for males between ethnic groups has increased. For example, in 2014 the ACSL for Asian males was 42% longer than White males, a disparity which has increased to 54% in 2018

Age

In 2018, 6% all prosecutions for indictable offences were against children and 15% were under 21 (young people). A higher proportion of prosecutions in the Black and Mixed ethnic groups were against children, 13% and 14% respectively, compared to 5% for White defendants.

Figure 7.02: Age of defendant proceeded against at court for indictable offences by ethnicity, 2018



Source: [MOJ Court Proceedings Database, December 2018](#)

In the last 5 years, the number of young people prosecuted for indictable offences has fallen, however the proportion of defendants from ethnic minority groups has increased from 26% to 34%. Over the same time period the proportion remanded in custody prior to appearing at magistrates' court increased from 28% to 37%. A similar trend was seen at the Crown Court, where the proportion young people remanded in custody in ethnic minority groups increased from 35% to 44%.

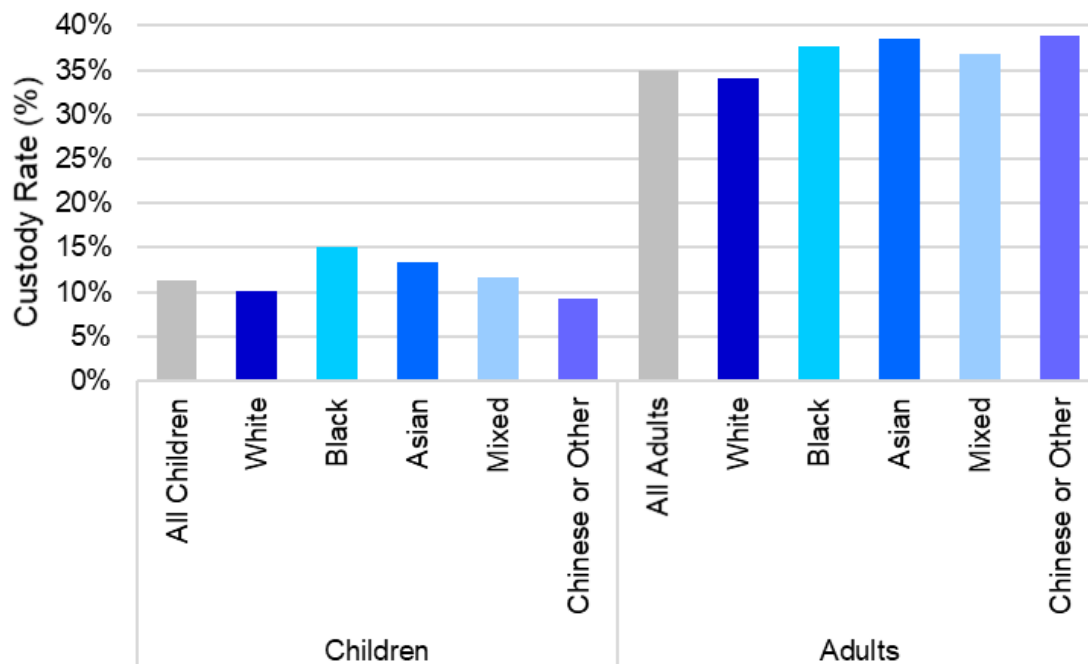
In 2018, of all young people with a remand status at Crown Court, 37% were of an ethnic minority group and defendants from an ethnic minority group made up 44% of young defendants remanded in custody. Young people from Black and Chinese or Other ethnic groups had the highest custodial remand rate at Crown Court at 44% and 48% respectively, compared to 34% for White young people.

Of all young people who were remanded in custody at the Crown Court, the proportion found guilty was similar across all ethnic groups, ranging between 78% to 80%.

For both children and adults, White defendants consistently had the highest conviction ratio for indictable offences. In 2018, White and Asian children had the highest convictions ratio at 72%, all other ethnic groups had a conviction ratio of 69% or less. White adults had the conviction ratio at 86%, all other ethnic groups had a conviction ratio of 83% or less.

In the most recent year, the custody rate for adult offenders was highest for the Chinese or Other and Asian ethnic groups. Of all adults (18+) sentenced to custody for indictable offences in 2018 the custody rate was highest for the Chinese or Other and Asian ethnic groups (39% for both groups), compared to 34% White offenders.

Figure 7.03: Custody rate for indictable offences for children and adults by ethnicity, 2018



Source: [MOJ Court Proceedings Database, December 2018](#)

Over the last 5 years, the proportion of children from ethnic minority groups sentenced and receiving custodial sentences has increased. In 2014, 26% of all children sentenced and 32% of all those receiving immediate custodial sentences were from ethnic minority groups. This compares to 2018 where children from ethnic minority groups made up 35% of sentences and 43% of immediate custodial sentences. In comparison to adults in 2018, 19% of all those sentenced and 21% of all those receiving immediate custodial sentences were from ethnic minority groups.

The custody rate for child offenders was consistently highest for the Black ethnic group. Of all children sentenced for indictable offences in 2018, 15% of Black children received an immediate custodial sentence, this compares to 13% for Asian children and 10% for White children.

In addition, ethnic minority children (like adults) receive longer average custodial sentence lengths. This goes some way to explain why there is an increasing proportion of children from ethnic minority groups in custodial institutions.

Of all children sentenced to immediate custody in the last 5 years (2014-2018)⁷⁶, White children had the shortest ACSL at 15.1 months, Asian children had the longest ACSL at 20.3 months (34% longer than White children) The ACSL of Mixed ethnicity children was 19.0 months, 18.1 months for Black children and 16.6 months for Chinese or Other children).

⁷⁶ The last 5 years were combined as there are few immediate custodial sentences in ethnic minority groups. The 5 year average provides a more robust figures.

Offender Histories⁷⁷

First time offenders accounted for 17% of all offenders cautioned or convicted for an indictable offence in 2018. The Asian ethnic group had a consistently higher proportion of first time offenders⁷⁸ compared to other ethnic groups. A quarter (25%) of Asian offenders cautioned or convicted in 2018 had no previous offending history, this compares to 16% of White offenders and 17% of Black offenders.

Offenders with a long criminal history accounted for 33% of all offenders cautioned or convicted in 2018. A higher proportion of White offenders had a long history of offending. Over a third (36%) of White offenders cautioned or convicted in 2018 had a long criminal history⁷⁹, this compares to 25% of Black offenders and 17% of Asian offenders.

A higher proportion of child offenders in the Asian ethnic group were first time offenders compared to other ethnic groups. In 2018, over half (57%) of all child offenders in the Asian ethnic group had no previous offending history, compared to 43% and 40% in the White and Black ethnic groups, respectively.

A very low proportion of children had long criminal histories and this has remained stable over the last 5 years at 2%. This was similar across all ethnic groups.

Reoffending

A proven reoffence is defined as any offence committed in a one-year follow-up period that resulted in a court conviction, caution, reprimand or warning in this timeframe or 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 methodology⁸⁰ used to measure proven reoffending. The key differences in methodology are the change from a twelve to a three-monthly cohort and a change in data source following probation services reforms.

Of all offenders⁸¹ who received a non-custodial conviction, caution or were released from prison during 2016/17 and then subsequently reoffended 84% were White, 11% Black, 5% Asian and 1% were from the Other ethnic group. The Black ethnic group had the highest reoffending rate at 33%, 31% in the White, 24% in the Asian and 21% in the Other ethnic groups.

Although the reoffending rate for Black offenders was highest, White reoffenders had the highest average number of reoffences per reoffender (an average of 4.1 reoffences each for the 2016/17 offender cohort). This was followed by Black (3.6) and Other ethnic groups (3.5), with the Asian group having the lowest average at 3.4 reoffences per reoffender.

⁷⁷ The PNC has a 6+1 ethnicity classification. Please see Appendix 1 for further details. Ethnicity on the PNC is officer identified.

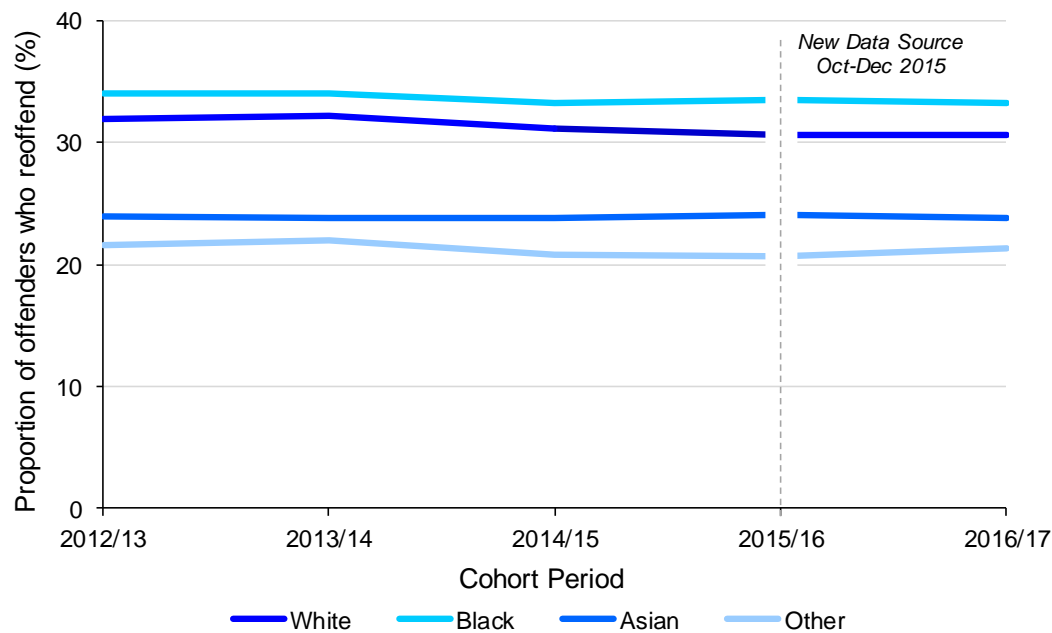
⁷⁸ A first time offender is an offender who has been arrested by the police in England and Wales and has received a first conviction, caution or youth caution for any offence recorded on the Police National Computer.

⁷⁹ A long criminal history is defined as 15 or more previous cautions or convictions.

⁸⁰ Further details on the change in methodology can be found in the technical guide.

⁸¹ This includes only those whose ethnicity is recorded (i.e. excludes individuals whose ethnicity is unknown). Ethnicity was recorded for 96% of the 474,000 offenders in the 2016/17 cohort.

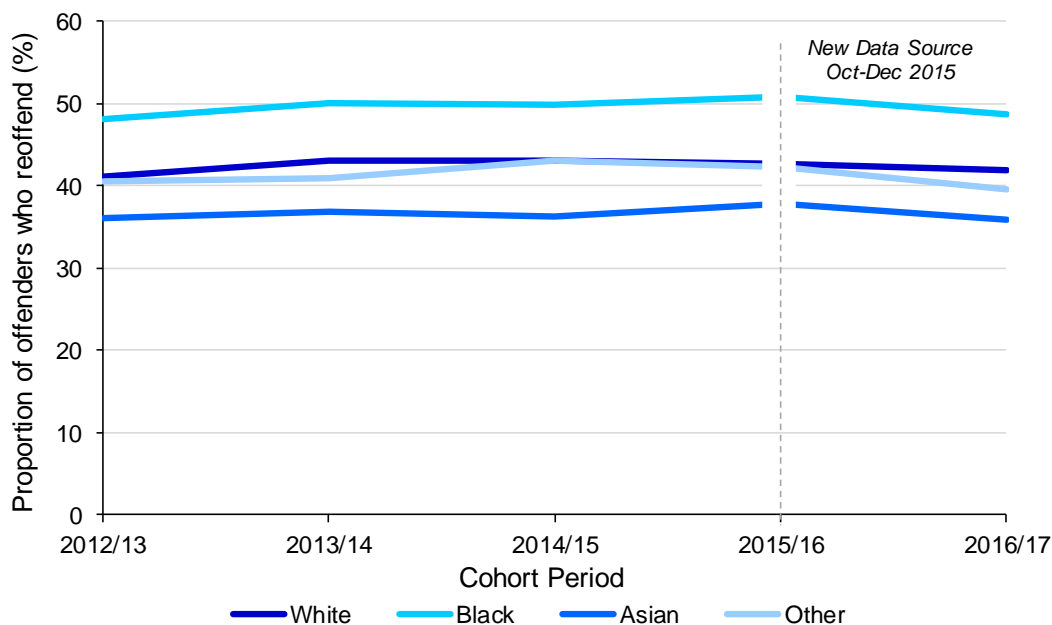
Figure 7.04: Proven reoffending rate by ethnicity, annual averages (2012/13 to 2016/17), England and Wales.



Source: [Proven reoffending statistics \(January to March 2017\)](#)

Of all children⁸² who received a non-custodial conviction, caution or were released from prison during 2016/17 and then subsequently reoffended over a one-year follow-up period, 77% were White, 18% Black, 5% Asian and 1% were from the Other ethnic group.

Figure 7.05: Proven reoffending rate by ethnicity for children, annual averages (2012/13 to 2016/17), England and Wales



Source: [Proven reoffending statistics \(January to March 2017\)](#)

⁸² Individuals aged between 10 and 17 years.

The reoffending rate among children was higher for the Black ethnic group (49%) than the White (42%), Other (40%) or Asian (36%) ethnic groups. White children had the highest average number of reoffences per reoffender, committing on average 4 reoffences each, followed by Black and Other ethnicity children (both 3.7). Asian children had the lowest average number of reoffences each at 3.2.

Benefits, employment and income before and after conviction / caution / release from prison

An administrative data share between the Ministry of Justice (MoJ), the Department for Work and Pensions (DWP) and Her Majesty's Revenue and Customs (HMRC) took place in 2016, linking offender data to employment data, benefit data and income data, creating a matched cohort of 4.7 million offenders who received at least one caution or conviction for a recordable offence in England and Wales between 2000 and mid-2015⁸³. This section summarises findings from that data share, comparing of outcomes between ethnicities for out-of-work benefits, P45 employment information and P14 income information of offenders^{84 85 86}.

Out-of-work benefits⁸⁷

For offenders convicted/cautioned or released from prison in the 2011/12 tax year, a higher proportion of Black and White offenders were claiming out-of-work benefits⁸⁸ both before and after their caution/conviction or prison sentence, than the other ethnic groups. In the two year period before conviction/caution or release from prison, out of work benefits claims increased for all ethnic groups. This trend reversed after conviction/caution or release from prison for all ethnicities; with all ethnic groups reporting a reduction of 6 to 9 percentage points between the 1 month and 2 year time points after conviction/caution or release from prison.

⁸³ The results in this section relate only to the 4.7 million individuals who were successfully matched to at least one benefit and/or P45 employment record, and relate to working age offenders only. This is an update of the [2013 MoJ/DWP/HMRC data share](#), see this publication for details of the data linking methodology.

⁸⁴ 83% of working age offenders in the matched data who were convicted/cautioned or released from prison for a recordable offence in 2011/2012 were White. For those released from prison, this was 80%.

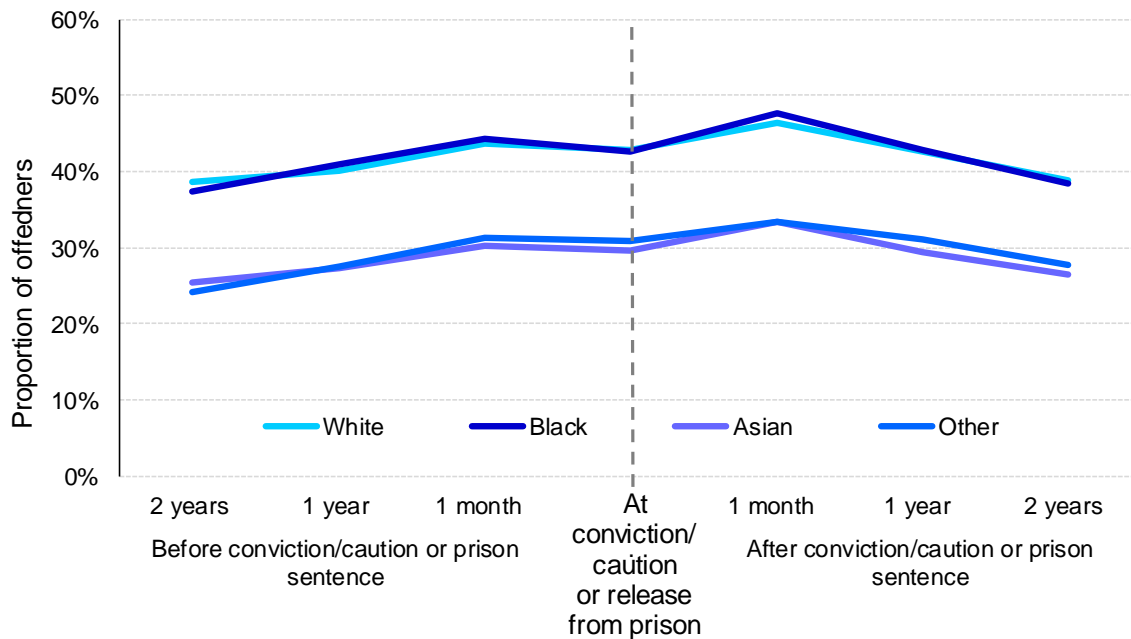
⁸⁵ More information on methodology and ethnicity classification can be found in the technical guide.

⁸⁶ It should be noted that P45 and P14 forms are no longer routinely used and do not capture all national employment and income.

⁸⁷ This analysis is based on a cohort of 479,000 offenders who were claiming benefits or in P45 employment.

⁸⁸ Out-of-work benefits include Jobseeker's Allowance, Employment and Support Allowance, Income Support, Incapacity Benefit, Passported Incapacity Benefit or Severe Disablement Allowance.

Figure 7.06: Proportion of working age offenders convicted/cautioned or released from prison in 2011/12, who were claiming out-of-work benefits one month⁸⁹, one year and two years either side of their conviction/caution or prison sentence, by ethnicity.



Source: MoJ/DWP/HMRC data share

Of those released from a prison sentence, a higher proportion of White offenders were claiming an out-of-work benefit than any other ethnicity: 56% of White offenders claimed out-of-work benefits one month after release in 2011/12 compared to 51% of Black and 46% of Asian offenders. The trends for offenders released from prison were broadly similar to those convicted/cautioned or released from prison.

Employment as measured by P45 records^{90,91}

Employment levels for Asian offenders were higher at all points measured. There was a minimal change (1 percentage point decrease) across all ethnic groups from the one month prior to one month after conviction/caution or release from prison. All ethnic groups saw an increase in employment rates in the two years following conviction/caution or release from prison.

As expected, a lower proportion of offenders who were released from prison were in employment at each point in time considered, compared with those convicted/cautioned or released from prison⁹².

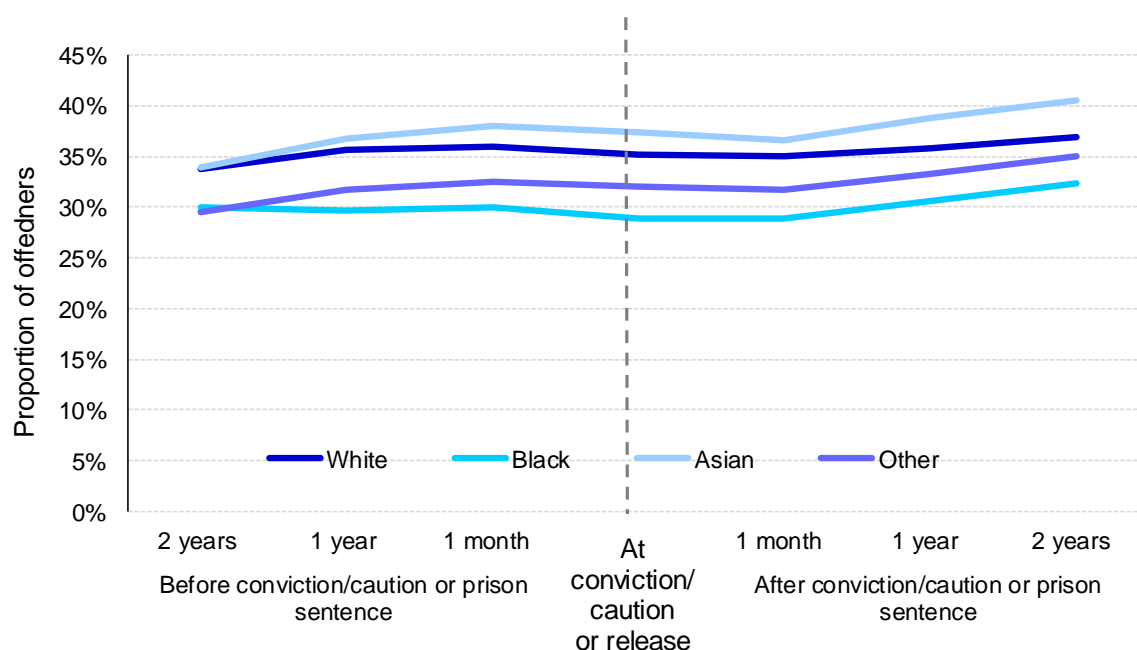
⁸⁹ The dashed line denotes the point of the offenders' conviction/caution or release from prison. Please note that the spacing of the time periods displayed in the graph does not align with the actual time scales – for example, the time period covered between conviction/caution or release and 1 month is much shorter than between 1 month and 1 year following.

⁹⁰ P45 employment excludes self-employment, cash-in-hand work and some lower paid jobs.

⁹¹ This analysis is based on a cohort of 479,000 offenders who were claiming benefits or in P45 employment.

⁹² See the offender characteristics tables.

Figure 7.07: Proportion of working age offenders convicted/cautioned or released from prison in 2011/12, who were in employment one month, one year and two years either side of their conviction/caution or prison sentence, by ethnicity.



Source: MoJ/DWP/HMRC data share

Income as measured by P14 records ⁹³

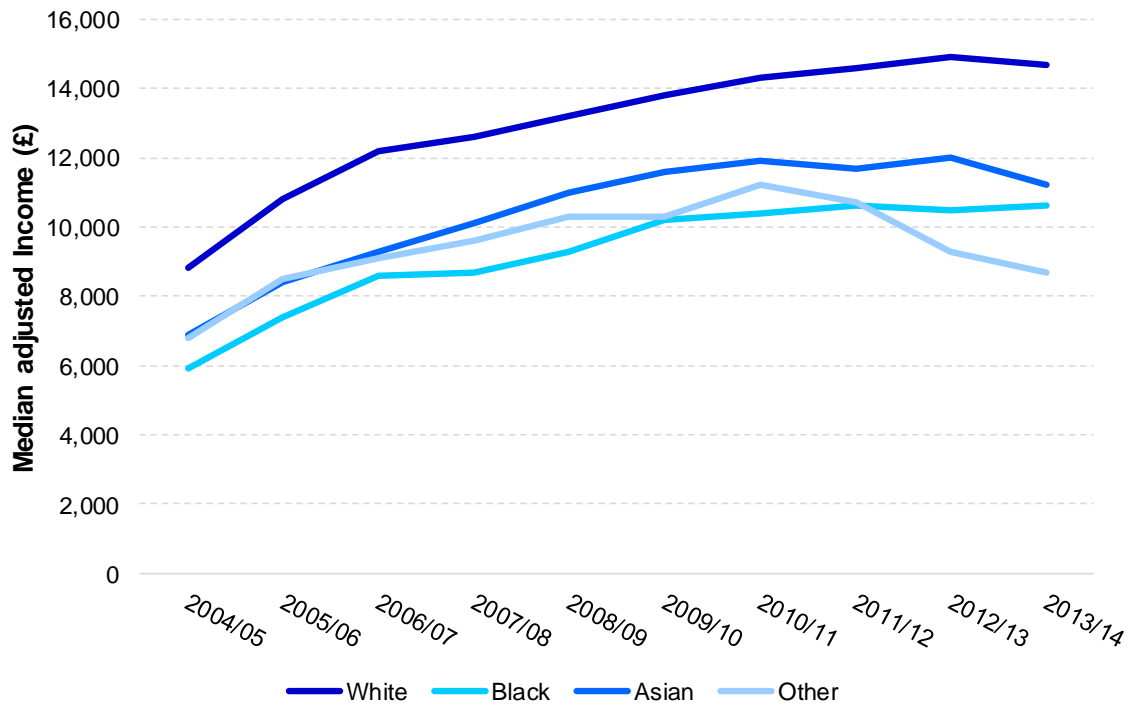
Following caution/conviction or release from prison in 2003/04, the median gross income as an employee (after adjusting for earnings inflation) was tracked for 10 years, from 2004/05 to 2013/14. The data includes income for part-year and part-time working so apparent differences between the ethnicities may also reflect differences in the number of working hours which are not controlled for.

Income following caution/conviction or release from prison increased for all ethnic groups until around 2010/11 then remained broadly stable for all ethnic groups (except the Other ethnic group which decreased) until 2013/14. The increase in income over time is in part likely due to the increase in the age of the cohort – for example, those who were 16 in 2004/05 would be aged 23 in 2011/12, and income tends to increase with age.

Median gross income as an employee was lower for Black offenders than for any other ethnic group across most years following a conviction/caution or release from prison in 2003/04. However, in 2010/11 the median income of the Other ethnic group reduced to a lower level than the Black ethnic group and remained lower through the rest of the measurement period. White offenders consistently earned the most across all years averaging £14,700 in 2013/14. This compared to £10,600 for Black offenders and £11,200 for Asian offenders and £8,700 for Other offenders.

⁹³ P14 income includes information on gross income derived from P14 forms sent to HMRC by employers. Income from self-employment, cash-in-hand work and some lower paid jobs is not included. P14 income includes income for part-year and part-time work, so does not only reflect full-time, annual income. This analysis includes P14 data for offenders whom P14 income information is held.

Figure 7.08: Median adjusted (accounting for inflation) income as an employee of offenders convicted/cautioned or released from prison in 2003/04, by ethnicity.



Source: MoJ/DWP/HMRC data share

8. Offence Analysis

Since 2016, Asian Offenders had the longest average custodial sentence length (ACSL) for possession of weapons offences.

In 2018, the ACSL for possession of weapons offences was highest for the Asian Ethnic group (17.1 months) and lowest for Chinese or Other offenders (8.8 months).

Since 2016, Black offenders had the lowest proportion remanded in custody that went on to receive an immediate custodial sentence for sexual offences.

In 2018, for sexual offenders remanded in custody at Crown Court, 54% of Black offenders went on to receive an immediate custodial sentence; compared to 68% of White offenders.

For drug offences, custody rates were consistently highest for the Chinese or Other ethnic group over the last 5 years.

For the Chinese or Other group, the custody rate has ranged between 27% and 35% since 2014, whereas for the White group it has ranged from 15% to 20%.

This chapter looks at particular indictable offences to investigate the relationship between ethnicity and court outcomes. It investigates the differences between ethnic groups⁹⁴ for these offences, and whether this picture has changed over time. The following offence groups will be of particular focus:

- Possession of Weapons Offences
- Sexual Offences
- Drug Offences

As noted in the introduction, comparisons across ethnic groups do not account for previous offending history, detailed offence mix and other offender characteristics and that should be considered when interpreting results in this section.

⁹⁴ Where ethnicity is known.

Possession of Weapons Offences

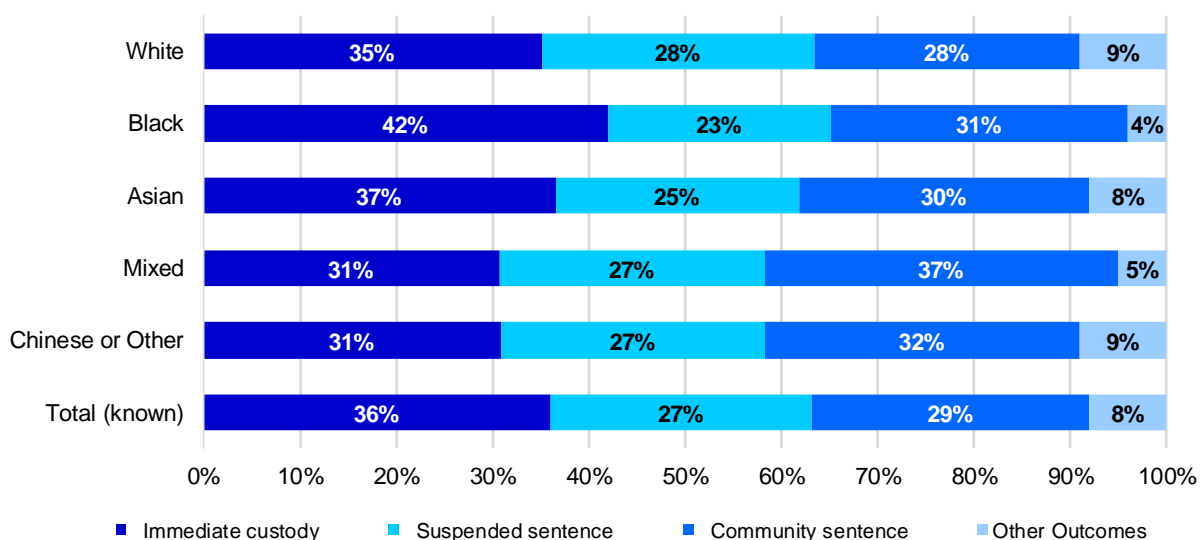
The number of prosecutions for possession of weapons offences has increased by 5% since 2014, with 13,100 such defendants prosecuted in 2018. When comparing to 2014, an increase in prosecutions was seen across all ethnic groups, apart from the White group, which saw a decrease of 2% in prosecutions. In 2018, ethnic minority groups were over represented for prosecutions of possession of weapons offences, accounting for 30% of prosecutions.

Of all prosecutions for possession of weapons offences, "possession of an article with a blade or point" made up 59% of prosecutions. The Metropolitan police force (London) area accounted for 66% of all Black defendants prosecuted for this offence, compared to 14% for White defendants. To this end, the disproportionate prosecutions for this offence can in part be explained by the greater ethnic diversity of London.

Overall, the conviction ratio⁹⁵ for possession of weapons offences has increased from 74% in 2014 to 82% in 2018. This was similar across all ethnic groups. In 2018, the conviction ratio was similar for White, Asian and Black offenders between 82% and 83%. The conviction ratios for the Mixed ethnicity and Chinese or Other groups were lower at 79% and 76%, respectively.

Of those sentenced at court, the most common sentence type for possession of weapons offences for all ethnic groups (except offenders of Mixed ethnicity) was immediate custody. In 2018, Black defendants had the highest custody rate at 42%, the custody rate for all other ethnic groups varied between 31% and 37%. Since 2014, the Mixed ethnicity offenders consistently had the highest proportion of offenders receiving a sentencing outcome of a community sentence (37% in 2018).

Figure 8.01: Sentencing outcomes for Possession of Weapons offences, by ethnicity, 2018



Source: [MOJ Court Proceedings Database, December 2018](#)

In 2018, the proportion of defendants remanded in custody⁹⁶ by police at Magistrates' court for possession of weapons offences ranged between 20% and 26% for all ethnic groups.

⁹⁵ The conviction ratio is calculated by dividing the number of offenders convicted at all courts by the number of defendants proceeded against at the magistrates' court in a time period.

⁹⁶ Excludes defendants committed for trial and committed for sentence at Crown Court.

Overall, the remanded in custody rate for possession of Weapons offences was 24% in 2018 and this has remained broadly stable since 2014.

Since 2016, Asian offenders had the longest ACSL for possession of weapons offences. In 2018, the ACSL for possession of weapons offences was highest for Asian offenders at 17.1 months and lowest for Chinese or Other offenders at 8.8 months. The overall ACSL for possession of weapons offences in 2018 was 12.8 months.

Sexual Offences

In 2018, prosecutions for sexual offences made up 3% of all prosecutions for indictable offences, and this has remained broadly stable since 2014.

The number of defendants prosecuted for sexual offences decreased by 37% in the latest year. Notably, the greatest decline in prosecutions was seen for defendants in the Mixed ethnic group at 53%. Black and Chinese or Other defendants saw a decrease in prosecutions of 49% each.

In 2018, the conviction ratio for sexual offences was 77%. The conviction ratio for each ethnic group ranged between 70% and 78%. Compared to 2014, the overall conviction ratio increased by 23 percentage points⁹⁷. The Black ethnic group saw the largest increase in conviction ratio compared to 2014 of 34 percentage points. For the remaining ethnic groups, there was an increase in conviction ratio of between 21 and 28 percentage points.

The most common sentencing outcome across all ethnic groups for sexual offences was immediate custody. Of the offenders sentenced, 61% were sentenced to immediate custody. The custody rate has remained broadly stable since 2014, between 59% and 61%. In 2018, the custody rate was highest for the Chinese or Other ethnic group at 71% and lowest for the Black ethnic group at 59%. For the remaining ethnic groups, the custody rate ranged between 61% and 69%.

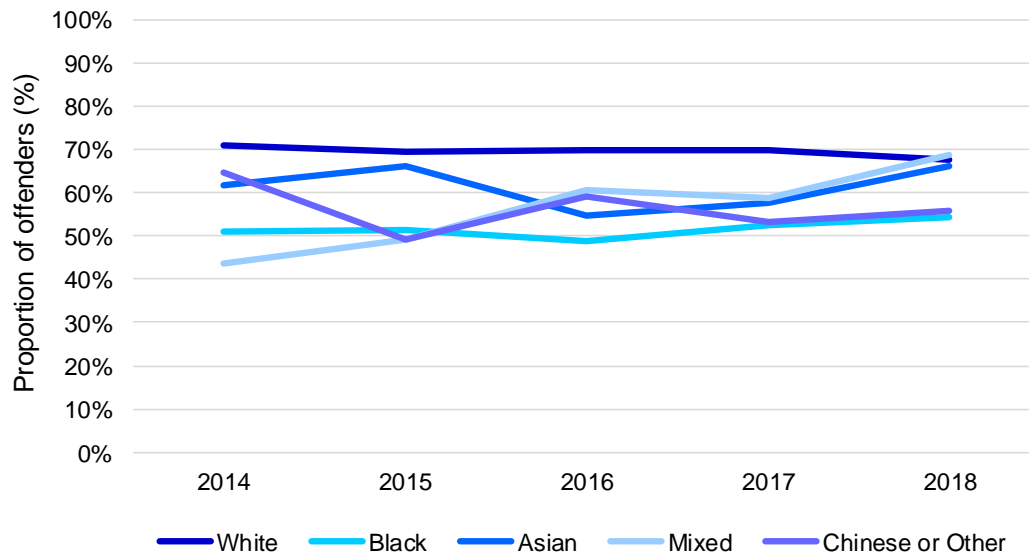
The average custodial sentence length (ACSL) for sexual offences varied by ethnic group. Black offenders had the highest ACSL at 72.4 months whilst offenders in the Chinese or Other ethnic group had the lowest ACSL at 55.1 months. For the remaining ethnic groups, the ACSL ranged between 61.0 months and 69.4 months.

In 2018, 34% of all defendants prosecuted for sexual offences were remanded in custody at Crown Court. The Chinese or Other ethnic group had the highest number of defendants remanded in custody at 49%, whereas the White ethnic group had the lowest number of defendants remanded in custody at 32%. For the remaining ethnic groups, the remanded in custody rate ranged between 39% and 44%.

Overall, 66% of offenders who were remanded in custody at Crown Court received an immediate custodial sentence. However, the proportion of offenders who were remanded at Crown Court who then went on to receive an immediate custodial sentence varied by ethnic group. In 2018, 54% of Black offenders who were remanded in custody at Crown Court went on to receive an immediate custodial sentence, compared to 68% of White offenders. For the remaining ethnic groups, these proportions ranged from 56% to 69%. This trend has remained consistent over the last 5 years.

⁹⁷ As sexual offences typically take a long time from first listing to completion at court (214 days on average), this means that there is a lag time between defendants being prosecuted and convicted. This lag has impacted the increase in the conviction ratio as prosecutions have decreased faster than convictions.

Figure 8.02: Proportion of offenders who were remanded in custody at Crown Court who were subsequently dealt with an immediate custodial sentence for sexual offences, by ethnicity, 2014 to 2018



Source: [MOJ Court Proceedings Database, December 2018](#)

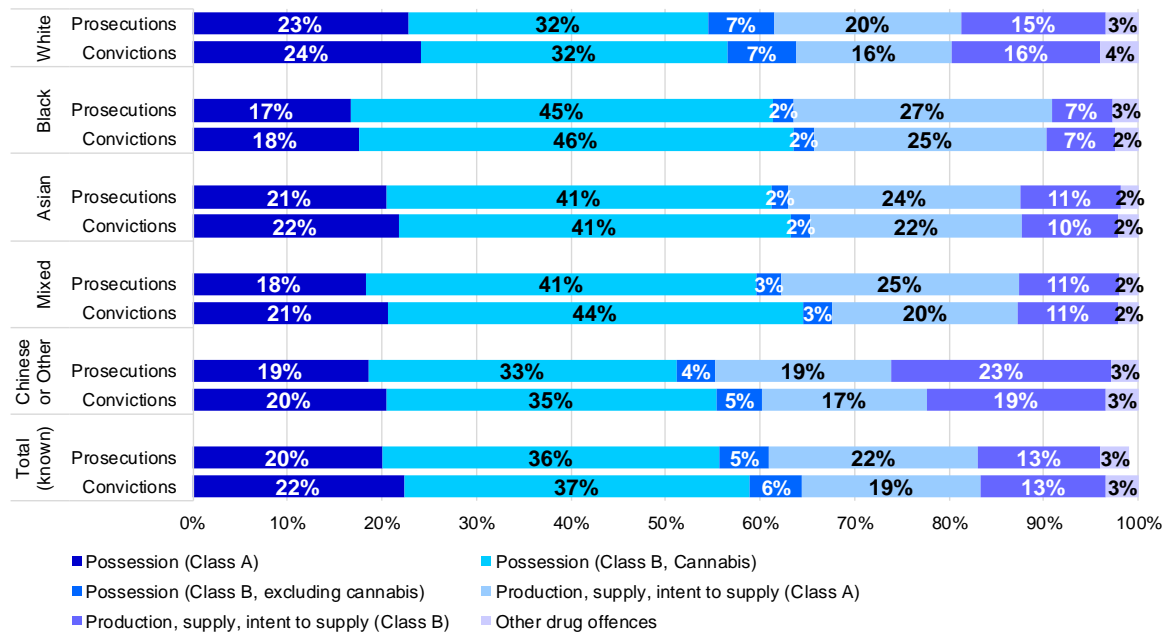
Drug Offences

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

- Possession (Class A)
- Possession (Class B, excluding cannabis)
- Possession (Class B, cannabis)
- Production, supply, intent to supply (Class A)
- Production, supply, intent to supply (Class B)

Together, these four offence groups equate to 97% 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 the figure below.

Figure 8.03: Proportion of prosecutions and convictions for selected drug offences, by ethnicity, 2018



Source: [MOJ Court Proceedings Database, December 2018](#)

Since 2014, the number of defendants prosecuted for drug offences where ethnicity is known has fallen by 42% from 51,700 to 30,200 in 2018. The proportion of drug prosecutions where the defendant was White has decreased from 71% in 2014 to 63% in 2018 whereas there was an increase in the proportion of Black defendants from 15% to 21% over the same period.

For all ethnic groups in 2018, the most common drug offence was possession of a class B drug (cannabis), accounting for 36% of drug offence prosecutions where ethnicity was known. Black defendants had the largest proportion of prosecutions for possession of class B drugs at 47%. White defendants had the largest proportion of defendants prosecuted for possession of class A drugs (23%), prosecutions for class A possession was between 17% and 21% 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 34% and highest for the Chinese or Other ethnic group at 42%.

In 2018, Asian offenders had the highest conviction ratio for drug offences at 91%, all other ethnic groups had a conviction ratio between 82% and 90%. In 2018, Asian offenders had a conviction ratio of 89% for Class A related drug offences; the highest across all ethnic groups.

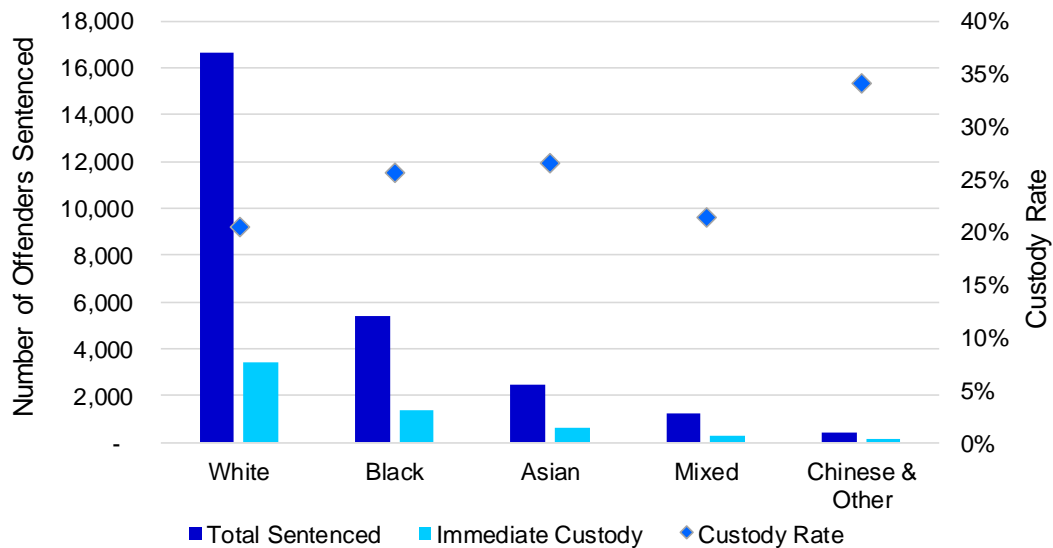
Of all offenders sentenced with a known ethnicity in the last five years the most common outcome was a fine (39% in 2018), with little disparity amongst groups.

The number of offenders sentenced to immediate custody for drug offences has decreased by 25% over the past five years. This decrease is not as large as the decrease in the number sentenced (44%), and as a consequence, the custody rate has increased, from 17% in 2014 to 22% in 2018. Custody rates were highest for the Chinese or Other ethnic group at 34%, followed by the Asian ethnic group at 27% and was lowest for the White ethnic group

at 20%. The custody rates for the Mixed and Black ethnic groups were 21% and 26%, respectively.

Since 2014, the custody rate for the Chinese or Other ethnic group has been consistently higher compared to that of the White ethnic group. For the Chinese or Other group, the custody rate has ranged between 27% and 35% since 2014, whereas for the White group it ranged from 15% to 20%. This is in part due to a larger proportion of offenders in the Chinese or Other ethnic group who were sentenced for class A related drug offences.

Figure 8.04 Number of offenders sentenced, offenders sentenced to custody and custody rate for drug offences, by ethnicity, 2018



Source: [MOJ Court Proceedings Database, December 2018](#)

In the last five years, the average custodial sentence length (ACSL) for drug offences increased from 32.1 months in 2014 to 36.6 months in 2018, this increasing trend was observed across all ethnic groups, except for the Chinese or Other ethnic group which saw a slight drop in the ACSL of 2.3 months in the latest year.

In 2018, Asian offenders had the longest ACSL for drug offences at 44.5 months; a contributing factor to this was that Asian offenders had the highest proportion of convictions for Class A drug related offences (44%), which typically receive the most severe sentence. The White ethnic group had an ACSL of 34.3 months with a 41% proportion of convictions for Class A related drug offences. Chinese or Other offenders received the shortest ACSL at 29.9 months which corresponds with also having the lowest proportion sentenced for Class A related drug offences (38%).

9. Practitioners

The proportion of staff and practitioners in criminal justice system organisations from White ethnic groups has slightly decreased over the last 5 years with equivalent increases seen across most minority ethnic groups.

The largest shift in representation was seen in the Ministry of Justice and magistrates, with a decrease of 3 percentage points each in staff from White ethnic groups.

This chapter reports on the trends in the composition of staff and practitioners throughout the criminal justice system (CJS) by ethnicity, where ethnicity is known. It draws upon published and previously unpublished extracts of human resources records for the police⁹⁸, Ministry of Justice (MoJ)⁹⁹, Crown Prosecution Service (CPS)¹⁰⁰, Her Majesty's Prison and Probation Service (HMPPS)¹⁰¹, magistracy¹⁰² and judiciary¹⁰³. To allow for variable changes in headcount in the period considered, breakdowns by ethnicity are best considered as proportions of staff than absolute numbers.

Trends in CJS organisations

Over the last 5 years, the proportion of CPS staff from Asian, Mixed ethnicity and Chinese or Other ethnic groups remained stable at 9%, 3% and 1% respectively. The proportion of White staff decreased from 81% to 80% and the proportion of staff from the Black ethnic group increased 1 percentage point to 7%.

In the MoJ, there was a decrease from 82% to 79% for White staff, an increase in Black staff from 6% to 7% and an increase in Asian staff from 9% to 11%. The proportion of staff from Mixed and Chinese or Other ethnic groups remained stable over the last 5 years.

The proportion of police officers from Black, Mixed and Chinese or Other ethnic groups remained stable (at 1%, 2% and 3% respectively), the proportion of White police officers decreased by 1 percentage point to 93% and the proportion of Asian officers increased from 2% to 3% over the same period.

The proportion of police officer joiners from minority ethnic groups was 11% in the latest year. This proportion has fluctuated slightly over the last 5 years, with a low of 9% in 2017/18, however this may be partly due to an increase in the proportion of those who did not state ethnicity during that year.

The ethnic breakdown of court judges has remained broadly similar between 2015 and 2019¹⁰⁴. Compared to 2015, the proportion of White judges has fallen by 1 percentage point to 93%, and the proportions of Asian and Mixed ethnicity judges have each increased by 1

⁹⁸ Data used in the [Police workforce statistics](#) are self-declared from Home Office records, as at 31 March 2019.

⁹⁹ Data are self-declared from HR records, as at 31 March 2018.

¹⁰⁰ Data is self-declared from HR records, as at 31 December 2018. These data are based on ONS headcount specifications and may differ from other published figures.

¹⁰¹ Data used in the [HMPPS workforce quarterly statistics](#) are self-declared from HR records, as at 31 March 2019.

¹⁰² Self-declared from HR records for serving magistrates as at 1 April 2019. Reported in the [Judicial Diversity Statistics](#) 2019 publication.

¹⁰³ Self-declared from HR records, as at 1 April 2019. Reported in the [Judicial Diversity Statistics](#) 2019 publication, the quoted figures cover all court judges, i.e. those who deal with civil, family law and criminal cases.

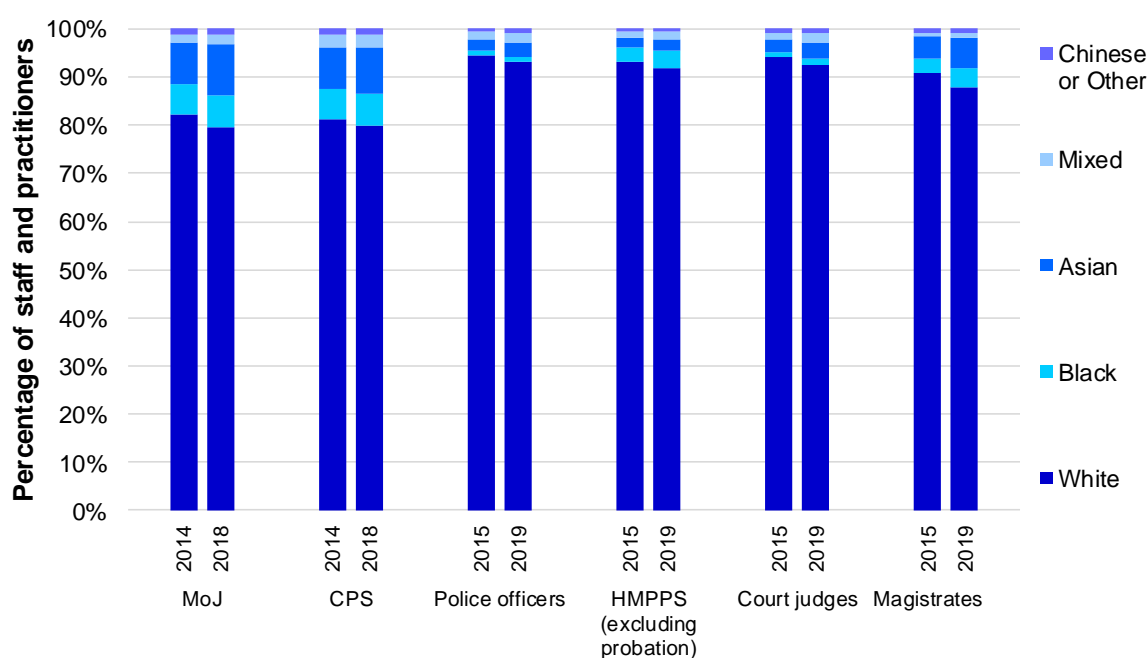
¹⁰⁴ Ethnicity is declared on a non-mandatory basis. As at 1 April 2019, 86% of court judges and 94% of magistrates declared their ethnicity. Chinese is categorised as Asian, otherwise aligns with standard Census classification – see Appendix I.

percentage point to 4% and 2% respectively. The proportion of judges from the Black ethnic group has remained constant at 1%.

Between 2015 and 2019, there has been some variation in the ethnic composition of magistrates. The proportion of White magistrates has decreased from 91% in 2015 to 88% in the latest year, with increases seen in the proportion of Black and Asian magistrates, up by 1 percentage point each over the same period.

Similar trends can be seen in the ethnic composition of HMPPS¹⁰⁵ staff (excluding the National Probation Service), where there has been little change over the last 5 years. The proportion of staff from White ethnic groups has decreased by 1 percentage point to 92% and the proportion of staff from Mixed ethnic groups has increased by 1 percentage point to 2% in the latest year.

Figure 9.01: Staff and practitioners in CJS organisations by ethnicity¹⁰⁶, latest year and 2014 or 2015



Source: Table 9.01, 9.03, 9.05, 9.10 and [Judicial Diversity Statistics](#)

Trends in senior staff and practitioners¹⁰⁷

Caution should be taken when considering the ethnic breakdown of senior staff because the number of individuals represented in some groups is small and changing a single case could have a noticeable effect. Higher proportions of staff and practitioners in more senior roles were White for all organisations, when compared to the ethnic breakdowns of less senior staff. In the latest year, individuals from White ethnic groups represented 90% of senior staff and practitioners in the CPS, 96% of senior Police, 98% of senior HMPPS, 93% of senior MoJ and 96% of senior Judiciary.

¹⁰⁵ Self-identified from HR records. As at 31 March 2019, 74% of HMPPS (excluding probation staff) declared their ethnicity. Declaration levels have been decreasing from 87% in 2015.

¹⁰⁶ Where ethnicity is declared.

¹⁰⁷ Senior roles are as follows:

CPS - Senior Legal Manager, Chief Crown Prosecutor and Senior Civil Servant; **MoJ** – Senior Civil Servant; **HMPPS** - Senior Civil Servant; **Police** - Chief Inspector, Superintendent, Chief Superintendent, and Chief Officers; **Judiciary** – High Court Judges, Heads of Division and Lord Justices of Appeal.

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

4 point classification (4+1)	Phoenix Classification¹⁰⁸
White	White – North European (IC1) White – South European (IC2)
Black	Black (IC3)
Asian	Asian (IC4)
Other	Chinese, Japanese, or South East Asian (IC5) Middle Eastern (IC6)
Unknown/ Not Stated	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. 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.

¹⁰⁸ 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.

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. Consequently, 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

5 point classification (5+1)	4 point classification (4+1)	2011 Census Categorisation (18+1)	2001 Census Categorisation (16+1)
White	White	White – British White – Irish White - Gypsy or Irish traveller White – Other	White – British White – Irish White – Other
Black	Black	Black – African Black – Caribbean Black – Other	Black – African Black – Caribbean Black – Other
Asian	Asian	Asian – Bangladeshi Asian – Indian Asian – Pakistani Asian – Other	Asian – Bangladeshi Asian – Indian Asian – Pakistani Asian – Other
Mixed	<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>)
Chinese or Other	Other	Chinese ¹⁰⁹ Other	Asian - Chinese Other Arab Any other ethnic group
Not Stated	Not Stated	Not Stated	Not Stated

¹⁰⁹ 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 ethnicity¹¹⁰ and self-identified ethnicity¹¹¹. 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 appearance¹¹². 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](#)), and the processing of these cases often does not result in the defendant's ethnicity being recorded. Largely this explains the relatively low and decreasing ethnicity coverage 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 was 75% for all defendants proceeded against for indictable offences in 2018.

Table II.01: Proportion of missing data for self-identified ethnicity across key data sources, 2014 to 2018

Source	Chapter	Missing data (calendar year)				
		2014	2015	2016	2017	2018
Cautions	4	3%	4%	5%	6%	8%
PNDs	4	6%	7%	8%	10%	11%
CPD ⁽¹⁾ - all offences	5	57%	61%	65%	67%	70%
CPD ⁽¹⁾ - indictable	5	14%	16%	19%	22%	25%
Pre-sentence reports	5	13%	12%	16%	14%	13%
Offender history - all	6	3%	3%	4%	4%	5%

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

¹¹⁰ 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.

¹¹¹ The technical guide provides the ethnicity classification for each data source in the report.

¹¹² Further details on this can be found on the [ONS guidance and methodology of ethnicity categories](#)

Source	Chapter	Missing data (financial year)				
		2013/14	2014/15	2015/16	2016/17	2017/18
Homicide (victims) ⁽²⁾	3	.	2%	.	.	4%
Arrests	4	2%	3%	5%	7%	5%
Stop and search	4	5%	6%	9%	10%	10%
Prison population ⁽³⁾	6	1%	1%	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: 2012/13 to 2014/15 and 2015/16 to 2017/18. Figures shown are for the specific period as single years cannot be resolved.

(3) Year ending 30th June

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 *Offender Characteristics* (chapter 7).

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 [revisions policy](#).

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.

National Statistics status

National Statistics status means that official statistics meet the highest standards of trustworthiness, quality and public value.

All official statistics should comply with all aspects of the Code of Practice for Statistics. They are awarded National Statistics status following an assessment by the Authority's regulatory arm. The Authority considers whether the statistics meet the highest standards of Code compliance, including the value they add to public decisions and debate.

It is the Ministry of Justice's responsibility to maintain compliance with the standards expected for National Statistics. If we become concerned about whether these statistics are still meeting the appropriate standards, we will discuss any concerns with the Authority promptly. National Statistics status can be removed at any point when the highest standards are not maintained, and reinstated when standards are restored.

Future publications

Our statisticians regularly review the content of publications. Development of new and improved statistical outputs is usually dependent on reallocating existing resources. As part of our continual review and prioritisation, we welcome user feedback on existing outputs including content, breadth, frequency and methodology. Please send any comments you have on this publication including suggestions for further developments or reductions in content.



Contact

Press enquiries should be directed to the Ministry of Justice press office:

Tel: 020 3334 3536

Email: newsdesk@justice.gov.uk

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Damon Wingfield, Responsible Statistician and Head of Criminal Justice System Statistics

Ministry of Justice, 3rd Floor, 10 South Colonnade, London, E14 4PU

Email: CJS_Statistics@justice.gov.uk

URL: <https://www.gov.uk/government/statistics/race-and-the-criminal-justice-system-2018>

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