Statistics on Race and the Criminal Justice System (CJS) in England and Wales (E & W) are much more important than simply being a sub-classification of traditional statistics on crime and justice:

- They are technically a very difficult set of statistics to collect on a consistent basis due to the number of different agencies and IT systems involved.
- They measure a phenomenon that is in itself fast moving, since the population of Black and Minority Ethnic (BME) communities in this country is rapidly changing.
- Their publication is an annual duty for the Home Secretary, under Section 95 of the 1991 CJS Act (1991) to ‘facilitate the performance of CJS agencies of their duty of avoiding discrimination against any person on the grounds of race.’
- They represent one of the main ways in which accusations of institutional discrimination by CJS agencies can be judged.
- They are politically very sensitive statistics and their publication arouses considerable discussion each year, especially with regard to stop and search.
- The Government has introduced a new confidence target as part of their Public Service Agreement (PSA) target to Reassure the Public, reducing the fear of crime and antisocial behaviour and building confidence in the CJS system without compromising fairness.

The remit of this statistical review was to identify what information needs to be collected, by whom and where from: in order to develop proposals for an efficient, cost-effective Race and CJS Statistics system that will meet the identified needs: make proposals to develop data collection systems that enable individuals to be tracked through the system: and make recommendations on how data should be made available to users; what regular outputs and in what form.

It was anticipated that Race and the CJS Statistics would be needed, in particular:

- For managing CJS agency operations at the centre/locally to ensure that they meet their statutory requirements
- For policy development and evaluation of equality and diversity
- For strategic management of the CJS locally and nationally and
- To inform the general public, academics, judiciary, magistracy and others

---

1 A full list of abbreviations used in this report is given in the Glossary in Annex E. The first time a phrase is used it is quoted in full, together with the abbreviation in brackets.
The University of Portsmouth was asked to conduct the review in April 2004. We placed considerable emphasis on discovering user needs from as wide a group as possible. Over 80 people were interviewed and a further 20 commented by e-mail. These give both a national perspective and a local one. In particular we researched user needs in five local areas: South Wales, Devon & Cornwall, Leicestershire & Rutland, West Midlands and London.

During this process we noted a large number of promising developments in the collection and use of data. We also noted a number of disappointments, especially in the speed with which national Information Technology (IT) systems are being developed and rolled out.

We also felt that, particularly since the passing of the Race Relations (Amendment) Act 2000 (RR(A)A), CJS agencies were paying more attention to the problems of improving their services in this area particularly in relation to performance measures. However, the lack of reliable statistics is a barrier to faster progress and we hope that our review will enable better progress in the future.

This report makes a large number of recommendations for the development of the collection, analysis, use and publication of race and CJS statistics in England and Wales and sets these in the context of developments over the next few years. These recommendations have a significant resource cost, which we have estimated along with our judgement as to their impact. We have also suggested alternative arrangements for implementation on a gradual basis if resources are not available all at once.

We hope that, if these recommendations are followed, there will be improvements in the availability and use of data on BME communities. This should lead towards a CJS that treats all communities according to their needs. As a result this should lead to a reduction in the over representation of BME communities in prisons and among victims as well as more representative employment in CJS agencies.

We would like to thank the members of the Technical Advisory Group (TAG) for their helpful comments and suggestions. We are also very grateful to members of the CJS Race Unit, particularly Stella Yarrow, Bridget Ogden and Angie Munley, for their guidance and help during the review. We would also like to thank those large numbers of people who helped us in assessing the user needs for race and CJS statistics, both nationally and in the five local areas that we considered in detail.

Finally, we would also like to express thanks to Andy Bain and Azeem Aleem, also from the University of Portsmouth, who carried out some of the interviews.

Chris Lewis
Tom Ellis
Institute of CJS Studies,
University of Portsmouth, April 2005

See Annex A for members of the Technical Advisory group
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreword</td>
<td>2</td>
</tr>
<tr>
<td>Contents</td>
<td>4</td>
</tr>
<tr>
<td>Summary of Recommendations</td>
<td>5</td>
</tr>
<tr>
<td>Chapter 1. Introduction</td>
<td>11</td>
</tr>
<tr>
<td>Chapter 2. What is working well – The Good News</td>
<td>16</td>
</tr>
<tr>
<td>Chapter 3. What is not working so well – the Bad News</td>
<td>17</td>
</tr>
<tr>
<td>Chapter 4. Quality of BME Data</td>
<td>19</td>
</tr>
<tr>
<td>Chapter 5. User Needs for BME Data about the Criminal Justice System</td>
<td>27</td>
</tr>
<tr>
<td>Chapter 6. A Response to User Needs: Conclusions and Recommendations</td>
<td>40</td>
</tr>
<tr>
<td>Chapter 7. Cost and prioritisation of recommendations</td>
<td>64</td>
</tr>
<tr>
<td>Chapter 8. Good practice in the use of BME CJS statistics</td>
<td>70</td>
</tr>
<tr>
<td>References and Web sites consulted</td>
<td>73</td>
</tr>
<tr>
<td>Annexes</td>
<td></td>
</tr>
<tr>
<td>A. Management of the Review:</td>
<td>77</td>
</tr>
<tr>
<td>B. Those consulted</td>
<td>79</td>
</tr>
<tr>
<td>C. Summary user needs for CJS agencies</td>
<td>83</td>
</tr>
<tr>
<td>D. Ethnicity classifications used</td>
<td>92</td>
</tr>
<tr>
<td>E. Glossary of terms</td>
<td>94</td>
</tr>
<tr>
<td>F. Characteristics of the five local areas chosen for detailed investigation</td>
<td>96</td>
</tr>
</tbody>
</table>
Summary of Recommendations

(For estimated costs and impact of these recommendations please see Chapter 7.)

REC 01: We recommend that the future responsibilities for the governance of BME statistics within the CJS should be clearly set down and should follow the structure set out in Figure 1

FIGURE 1
Recommended governance structure for statistics on BME communities within the CJS

The Office of CJS Reform will continue to have responsibility for BME statistics to the extent that they will, with the help of RDS (OCJR)

- Co-ordinate approaches to ministers about BME statistics
- Be responsible for taking forward the recommendations of this review
- Issue guidelines to Local Criminal Justice Boards (LCJBs), including a minimum set of data that should be collected
- Collect and publish examples of good practice in data collection, presentation and use
- Collate annual publications of LCJB into an annual publication under S95 of the CJA 1991
- Maintain a central web-site of good practice, more detailed central statistics, links to other central government web sites and to LCJB websites

Central Government Departments will retain some responsibilities for BME statistics, in that they will need to:

- Create and maintain user-friendly software to produce statistics on a local basis on BME populations from centrally created IT systems
- Publish annual BME statistics on specific topics within their responsibility e.g. the CPS statistics on prosecutions for racist incidents and religiously motivated offences as part of their national Race Equality Scheme
- Use BME statistics to fulfil their duties under the RR(A)A, e.g. for Race Impact Assessments of new legislation
- Maintain a comprehensive research programme in their BME policy area
LCJBs will have strategic responsibility for BME data in their area by:

- Collecting BME data that applies to more than one CJS agency e.g. public confidence surveys
- Collating and analysing BME data from local CJS agencies and elsewhere
- Producing quarterly summaries of BME data for circulation to all local CJS agencies
- Producing and publishing annual summaries of BME data
- Developing the LCJB websites already available through CJS Online to include more detailed BME statistics as well as links to central web-sites and those of other LCJBs
- Liaising with local Crime and Disorder Reduction Partnerships (CDRPs), local authorities and other stakeholders such as the police authority, Probation Board, victims groups and Race Equality Councils (RECs) about BME statistics
- Collating improvements in data quality in local agencies
- Ensuring local agencies have mechanisms in place to use the statistics they collect
- Having regard to data produced by other LCJBs

Local CJS agencies will retain their responsibilities on BME statistics:

- To collect data on BME communities and the CJS within their agency
- To improve data quality and completeness of the data they collect
- To regularly consider data collected by other agencies within their area
- To share their own data with other local CJS agencies
- To devise and maintain mechanisms for using BME data they produce or are produced by other local CJS agencies
- To pass data annually to OCJR and other central government departments for their use and possible publication
- To make changes to local practice resulting from ongoing use of local data

REC 02: OCJR should make it clear which statistical series need to be sent to central government departments and with what frequency. These should be confined to statistical series essential for national needs. The priority series marked ‘High’ in Figures 1 to 6 of Chapter 5 of this report should be a starting point for OCJR to draw up the minimum data set of statistics to be reported.

REC 03: Central guidelines should be issued by OCJR, with the assistance of Research Development and Statistics (RDS) (OCJR) specifying the minimum data set of statistical series that should be collected; the quality and completeness that should be aimed for; the timeliness for publication, and the use that should be made of such statistics by local agencies.
REC 04: The Home Secretary should continue to produce an annual volume to satisfy the requirements of S95 of the 1991 Act. This volume should:

- Collate some of the data produced in local BME publications by LCJBs
- Contain only the more important data collected locally, as specified in Chapter 5
- Be user friendly and contain good examples of current data collection and use
- Include context on the lines of that included in *Race and the CJS System: An overview to the complete statistics 2002-2003* (Hearnden and Hough, 2004)
- Include a small amount of comparative data on local variation and links to all relevant web sites where these data can be obtained
- Benefit from the comments and advice of an external specialist group

OCJR, with the assistance of RDS, ONS and central government departments should co-ordinate the production of this volume. This would need some dedicated resources.

REC 05: Consideration should be given to setting up a new OCJR/RDS/ONS web site to become a comprehensive source of data and information on BME communities and the CJS, for use by all CJS agencies. It should include data in EXCEL spreadsheets to be used directly by stakeholders. It would thus need some dedicated resources to ensure value for money.

REC 06: All agencies and authorities designing CJS IT systems should give much more priority to obtaining statistics and management information from these systems, both generally, and, specifically, for statistics on BME communities. This would need dedicated resources.

REC 07: Central departments rolling out the national IT systems for the CPS, magistrates’ courts and the Crown Court should give priority to local staff being trained so that they can obtain data from their systems in a user friendly manner. They should examine the needs for data identified in this report and make sure that software is available for local use so that such data can be produced quarterly. Guidelines for the use of such software should be produced.

REC 08: The OCJR (CJS Race Unit) should produce an early Business Case for the User Requirement for BME data to be provided via the CJS MIS system. This should be a spur to the more general case that CJS Information Technology (CJIT) is making for funding for the development of the management information system and for the Joint Performance Information Tool (JPIT). This Business case should also include the need for all tracking initiatives to include a BME classification so that the progress of BME offenders through the CJS can be investigated.

REC 09: Central government departments, including OCJR, should continue to sponsor a research programme to supplement the statistics collected on BME communities and the CJS. They should also keep close to BME research being commissioned by other foundations and organisations. They should bring together relevant research and highlight the main conclusions from it in their annual S95 report.

REC 10: To carry out their strategic role in statistics, LCJBs need to be resourced to collect, use and publish their own local BME Statistics. This is likely to require at least one member of staff with statistical skills working for each LCJB although this will vary across different areas.
REC 11: Each LCJB should circulate detailed BME data to senior officers within their local CJS agencies on a regular basis, ideally quarterly. The LCJB should also encourage member agencies to take seriously, own and use this information routinely for ongoing operational purposes to ensure that agencies were fulfilling their legislative responsibilities.

REC 12: Firm arrangements are needed for each LCJB to make public BME data for their area on an annual basis. This should be published at about the same time each year, so that communities’ expectations are met and to facilitate confidence. These data should not be subject to any national or local political control.

REC 13: The annual local statistical publication produced by the LCJB should consist of a short readable summary of headline points, associated with a clear story about the main developments in policy and practice brought out from the statistics. At the same time a more detailed set of the local statistics from which the national volume is derived should be placed on the LCJB web site, making data available, probably in EXCEL spreadsheet form, so that external analysts can make direct use of the figures. A reference to the more detailed statistics should be included in the short summary publication and every effort should be made to ensure that these references hold well over time.

REC 14: The LCJB should collect regular information, from household surveys, on public confidence in CJS services in the local area, covering both the White and BME populations. The results of such surveys should be used by the LCJB and by local CJS agencies to monitor their policies towards BME populations. Headline data should also be published and will complement the national measures of the BME confidence target that forms part of PSA Target 2, Element E The percentage of people from BME communities who think that one or more CJS agency would treat them equally compared to people from other races is higher than in the baseline year.

REC 15: LCJBs and local CJS agencies together need to ensure that statistics collected locally are taken seriously, owned and used by those who collect them. This will require the commitment in each agency of senior management (including membership of appropriate LCJB subcommittees) to the improvement of quality and coverage and to ensuring the data is used appropriately.

REC 16: Local CJS agencies need to be more aware of data collected by their colleagues in other (non-CJS) local agencies, and to ensure that it is brought within their own mechanisms for using data on BME communities.

REC 17: Local CJS agencies should publish, in association with their annual reports on their Race Equality Schemes (RESs), their mechanisms for using BME statistics to improve their services to the local communities.

REC 18: BME CJS statistics issued by central government departments, such as the annual publication of S95 statistics under the 1991 CJA should not be re-badged as National Statistics for the time being. However, those publishing statistics on a national basis should apply National Statistics procedures and protocols to BME CJS statistics as much as possible, in line with recent developments in statistical policy generally. Possible re-badging as National Statistics should be reconsidered at the next review in 5 years time.

REC 19: Once the recommendations of this report have been implemented, Ministers should be asked to consider a new statutory basis for collecting and publishing BME statistics, to include bring together all existing statutory arrangements.
REC 20: The OCJR should, as a matter of routine, collect examples of good practice in the collection and use of ethnic minority statistics in CJS from local areas. The following parameters could be followed:

- A full initial audit of good practices should be conducted: e.g. LCJBs could be encouraged to submit good examples to OCJR; examples could be found from local publications and visits could be made by OCJR
- LCJBs should be encouraged to include good practice in their annual publications
- LCJBs should be encouraged to develop mechanisms for sharing good practice, both between equivalent agencies and across agencies.
- A list of good examples should be published each year; at the same time as national statistics.

The best example(s) each year could be highlighted, perhaps by the award of a prize

REC 21: OCJR should take a leading role in facilitating good practice in the collection, analysis and use of BME statistics adopted at both national and local level like:

- To encourage central government departments and local agencies to adopt good practice in improving data quality and completeness
- To look for good examples in other social areas, such as education
- To encourage use of common software, both nationally and locally where relevant

REC 22: Quality thresholds for completion rates should be set for the Police, as the collecting agency:

- To encourage more complete recording of BME classifications
- To encourage the police to pass more complete data to other agencies

These thresholds will need to be negotiated with police authorities and the Association of Chief Police Officers (ACPO). We suggest that they should resemble the quality thresholds already set for the Probation Service in a recent probation circular. For the police this might mean that, e.g., records of those arrested and those charged should be at least 95% complete before the data are passed on to the CPS and the courts. Such indicators should be extended as soon as possible to include all relevant police statistics, including complaints. This quality threshold should also apply to data held on CPS and courts data systems.

REC 23: OCJR and RDS (OCJR) should continue to make clear, in the annual publication, which CJS areas and agencies are falling short in their data quality for BME statistics, in particular falling short of centrally set quality thresholds. They should continue to develop a training role to advise local statistical staff of how to improve their data quality. This role should be developed in a flexible and cost-effective way, but will need some extra resources: e.g., in more training staff or in contracts with external training agencies.

REC 24: ONS should make plans, with OCJR, RDS, local authorities and LCJBs to make better estimates of BME populations on an annual basis for those local authorities where the minority ethnic population is over 10 per cent or where there are known to have been large changes to BME populations. These estimates will enable CJS agencies to have access to population data that is much more accurate than current estimates, and enable them to target their services appropriately. The methodology should be based on that used by the Greater London Authority (GLA), and make use of data from all valid sources.
REC 25: Once the results of the University of Birmingham study of jury empanelment is complete, the Department for Constitutional Affairs (DCA) should look into whether there is a need for routine collection of data on the ethnic composition of juries.

REC 26: Local CJS agencies should continue to collect and use the current 16+1 classification, wherever this is practicable. Areas that wish to collect more detailed information should do so as long as this can be grouped into the 16+1 classification. Whenever less detailed information is published, reference should be made to where more detailed information can be obtained from.

REC 27: Notwithstanding the variation between police-defined and self-defined ethnicity, the Police National Computer (PNC) should change its BME classification system to a classification compatible with the 16+1 system, to improve the quality of BME data.

REC 28: RDS should liaise closely with ONS about developments in ethnic classifications, ensure the latest thinking is carried over into CJS data capture, and that lessons learned in CJS data capture are passed to ONS.

REC 29: RDS (National Offender Management Service (NOMS)) should make full use of the potential it has for using PNC ethnic classifications to produce BME reconviction rates as a matter of routine, and should enhance the possibility of doing this at local level as an aid to local management. This would be even more useful were the classification used by PNC to come into line with the classifications used for BME statistics generally.

REC 30: When taking forward work on BME statistics CJS Race Unit and RDS should liaise with the work of the Steering Group on the Review of Statistics on the Administration of Criminal Justice, to ensure both that work is not duplicated and that needs for BME statistics are incorporated by that steering group into their ongoing work. Articulation of BME needs would add to the requests of the steering group for greater funding and resources.

REC 31: In taking forward the recommendations of this review, it will be important to consult widely and to allow all stakeholders to input to the change process. This means that a consultative group will be very useful to OCJR in taking forward the recommendations. Such a group could have many of the characteristics of the TAG for this review (see Annex A) but may need a different membership, and may need sub-groups to take forward specific work. The group should also have enough strength to lobby for more resources where this review recommends that these are necessary.

REC 32: In taking forward the recommendations of this review, it will be necessary to take into account available resources. It would be possible to pilot the recommendations in a small number of LCJB areas and there could be advantages in doing so, as this could iron out snags before countrywide implementation.
Chapter 1: Introduction

Background

1.1 Statistics on the position of BME communities within the CJS have been collected and published since 1992 under the provisions of S95 of the 1991 Criminal Justice Act (CJA). The reason for this legislation was to produce statistics that would facilitate the performance of members of the CJS agencies in their duty of non-discrimination on grounds of race. The collection of such statistics has been mostly through CJS agencies and the most visible evidence of publication has been through the annual S95 publications of the Home Office.

1.2 However, the experiences of BME groups within the justice system continue to vary. In particular the most recent published S95 statistics show that: (Home Office, 2005c)

- Relative to the general (i.e. resident) population, in 2003/4 Black people were 6.4 times more likely to be stopped and searched than White people, slightly higher than the proportion in the previous year. Asian people were twice as likely to be stopped and searched than White people were; again, a slightly higher rate than in the previous year.
- The arrest rate was over three times higher for Black people than for others.
- In February 2003, BME groups accounted for about 24% of the male prison population (16% Black, 3% Asian and 5% ‘Other’) and about 31% of the female prison population (25% Black, 1% Asian and 5% ‘Other’).
- At a general level, Table A of (Home Office, 2005c) shows that ‘all non-White ethnic groups have a higher representation as clients of the CJS than they do in terms of the general population. This is especially true of Black and Asian suspects and offenders.’

1.3 Many commentators claim this is because of discrimination within the system (Bowling and Phillips, 2002, Stone and Tuffin, 2000). However, Home Office S95 statistics have been unable to shed a great deal of light on why experiences vary so much.

1.4 Because of this many research studies have needed to be carried out to supplement the statistics (Hood 1992; Barclay and Mhlanga 2000, John 2003, Feilzer and Hood 2004). Moreover, there has been doubt as to whether the original reason for the existence of S95 statistics — that those working in the CJS should change their behaviour to avoid discrimination — has actually been achieved (Macpherson 1999, CRE 2004).

---

Chapter 1: Introduction

Background

1.1 Statistics on the position of BME communities within the CJS have been collected and published since 1992 under the provisions of S95 of the 1991 Criminal Justice Act (CJA)\(^3\). The reason for this legislation was to produce statistics that would facilitate the performance of members of the CJS agencies in their duty of non-discrimination on grounds of race. The collection of such statistics has been mostly through CJS agencies and the most visible evidence of publication has been through the annual S95 publications of the Home Office\(^4\).

1.2 However, the experiences of BME groups within the justice system continue to vary. In particular the most recent published S95 statistics show that: (Home Office, 2005c)

- Relative to the general (i.e. resident) population, in 2003/4 Black people were 6.4 times more likely to be stopped and searched than White people, slightly higher than the proportion in the previous year. Asian people were twice as likely to be stopped and searched than White people were; again, a slightly higher rate than in the previous year.
- The arrest rate was over three times higher for Black people than for others.
- In February 2003, BME groups accounted for about 24% of the male prison population (16% Black, 3% Asian and 5% ‘Other’) and about 31% of the female prison population (25% Black, 1% Asian and 5% ‘Other’).
- At a general level, Table A of (Home Office, 2005c) shows that ‘all non-White ethnic groups have a higher representation as clients of the CJS than they do in terms of the general population. This is especially true of Black and Asian suspects and offenders.’

1.3 Many commentators claim this is because of discrimination within the system (Bowling and Phillips, 2002, Stone and Tuffin, 2000). However, Home Office S95 statistics have been unable to shed a great deal of light on why experiences vary so much.

1.4 Because of this many research studies have needed to be carried out to supplement the statistics (Hood 1992; Barclay and Mhlanga 2000, John 2003, Feilzer and Hood 2004). Moreover, there has been doubt as to whether the original reason for the existence of S95 statistics — that those working in the CJS should change their behaviour to avoid discrimination — has actually been achieved (Macpherson 1999, CRE 2004).

---

\(^3\) S95 of the 1991 CJA says that:

(1) The Secretary of State shall in each year publish such information as he considers expedient for the purpose of: (a) enabling persons engaged in the administration of justice to become aware of the financial implications of their decisions; or (b) facilitating the performance of such persons of their duty to avoid discriminating against any person on the ground of race or sex or any other improper ground.

(2) Publication under subsection (1) above shall be effected in such a manner as the Secretary of State considers appropriate for the purpose of bringing the information to the attention of the persons concerned.

---

Scope of this Review

1.5 The thinking behind S95 was mainly confined to offenders. However, the position has developed since 1991. More emphasis is now given to BME victims and to BME employees within the CJS. Moreover, the police were not covered by race relations legislation until the RR(A)A imposed a duty on all public bodies to avoid discrimination, set up Race Equality Schemes and monitor progress in relation to them.

1.6 The voluntary participation of BME communities is also important, e.g. as jurors, magistrates, special constables, or members of independent prison monitoring boards. Moreover, since 1997 the need to monitor the performance of government agencies and improve confidence in public services has grown. Special BME performance indicators have been set up. All this widens the potential scope of statistics on race and the justice system well beyond what section 95 originally specified.

1.7 The CJS Race Unit was set up in 2002 and is now positioned within OCJR. One of its objectives is to improve the value of BME CJS statistics. This resulted in an overview of the 2002-2003 statistics being published in June 2004 (Heamden and Hough, 2004) as a first step towards further reform of the statistics. This was widely distributed to local areas.

1.8 The second step was the decision to conduct a Root and Branch Review of Race and the CJS Statistics. Chris Lewis & Tom Ellis of the University of Portsmouth were asked to conduct this review in April 2004 and this is our final report. In carrying out this review we have tried to be as wide as possible in our interpretation of its remit.

Conduct of Review

1.9 BME CJS statistics started in the early 1990s and predate the concept of National Statistics (NS). For various reasons, when the Home Office considered in 2002 which series to include as NS, it was decided not to include BME CJS statistics. Despite that decision, this review has used the guidelines of the Office for National Statistics (ONS) in particular the importance of discovering what users of the statistics felt they needed.

1.10 In all over 80 interviews were conducted with local and national stakeholders, and some 20 sets of comments received by e-mail. This consultation took place in the following way, under the guidelines of the TAG and the CJS Race Unit.

- A number of stakeholders, from government departments and other national organisations were interviewed
- Five local CJS areas were selected and a wide selection of people in each area were approached for interview from both CJS and external agencies
- A number of statisticians and researchers was approached for their views
- Web sites of various organisations were consulted
- A detailed review of relevant documentation was conducted, especially recent research, local RESs and central guidance to CJS agencies

---

5 See Annex A for objectives of this review.
6 Mainly the lack of control that Home Office statisticians had over the completeness and quality of such statistics and the IT systems from which many of them were drawn.
7 For details of NS reviews please see ONS web site
1.11 Our conclusions are based mainly on what we obtained from these 5 areas. These were chosen to represent the different population distributions of BME communities within England & Wales. In London, West Midlands and Leicestershire there are high populations of BME communities. However, even within these 3 areas the percentage population varied considerably by Borough and many respondents found it difficult to sum up the position for their area as a whole and wanted more detailed information.

1.12 Devon & Cornwall, and to a lesser extent, South Wales, represent areas where the percentage population of BME communities is much smaller. However, the number of different BME communities seemed to be just as great as in areas such as London, with the additional problem associated with small communities such as the small number of representative organisations, and the general isolation felt by many BME communities.

1.13 Within each area, we interviewed between 10 and 15 members of CJS and external agencies. Using the secretariat of the LCJBs we covered as many agencies as possible in each area. In a small number of cases this was not possible, due to those chosen being difficult to contact, or not knowing enough about BME issues and statistics.

1.14 We consider that we have a good representation from most agencies within the five areas we visited: in particular the police, CPS, Probation, Prisons, Magistrates’ Courts, Youth Offending Teams and Race Equality Councils (RECs) are well covered. We were less sure that the spread of interviews from the Crown Court and from victim services was quite enough to give a full picture. We did not attempt to cover all agencies that might contribute, because this would have extended the work beyond the time available: we did not interview Probation Boards or Prison Independent Monitor Boards. We did obtain information from some Local Authorities, a regional office of the Independent Police Complaints Commission and from one Police Authority. We recognise that single interviews are unlikely to be representative of the country as a whole and it will be necessary for our recommendations to be considered more widely during any further consultation process.

1.15 We found a number of examples of good practice in the collection and use of BME CJS statistics, both nationally and locally. These are summarised in Chapter 8.

**ONS Guidelines for quality reviews**

1.16 Using ONS guidelines for the review meant that it was possible to link the thinking on BME justice statistics with that on other CJS statistical reviews, in particular the review of statistics on the administration of justice. It is important to do this because in many cases, BME CJS statistics are a sub-category of more general CJS statistics and the recommendations of this review need to fit with the work that is already being carried out more generally; for example with the need to obtain management information from a range of planned CJS IT systems.

1.17 Although not an ONS quality statistics review as such, we consider it would be good practice if the final report were to be published on the ONS web site. This would enable it to be read together with other reviews of National and Official Statistics.

**Statutory Requirements for CJS Statistics**

1.18 Race and CJS statistics are brigaded together with financial and gender statistics in S95 of the 1991 CJA as statistics that need to be published on a regular basis by the Home Secretary. There are several other sets of statistics collected by the police that have their basis in statute.
• Data collected under the Police and Criminal Evidence (PACE) Act 1986, on, for example stops and searches must be published. This is done in an annual Statistical Bulletin.

• A similar procedure is carried out on numbers stopped by the police under various terrorism acts, and summary statistics are also published in annual Statistical Bulletins.

• The Home Secretary exercises his power, under section 45 of the Police Act 1996, to ask the police for Statistical Returns to monitor their performance and he lays a summary of this material, the Abstract of Police returns, before Parliament each year.

• Under the Police Reform Act 2002 various PSA indicators are collected each year by police forces and published by the Home Office.

• The Police Performance Assessment Framework (PPAF) is a statutory requirement on the police to collect certain data, including an ethnicity breakdown.

1.19 More specific to how BME statistics on CJS should be used the RR (A)A imposes a duty on all public bodies to produce regular Race Equality Schemes (RESs) and say how they would monitor these and publish the results, particularly with regard to employment of BME communities. RESs have been produced by many agencies, but the first annual publication of the statistics resulting from these has not yet occurred.

1.20 The RR(A)A also placed a duty on specified public authorities to work towards the elimination of unlawful discrimination and to promote the equality of opportunity between people of different BME groups. As summarised on the Home Office website (www.homeoffice.gov.uk/comr race/raceact/dutyfaq.htm) this:

‘general duty is a positive one, requiring public authorities to seek to avoid unlawful discrimination before it occurs. As policy makers and service providers they must take steps to ensure their policies and services are fair, and put things right when they are unfair or unlawful. As employers they must ensure that their procedures and practices are fair so that the public sector better reflects the society that it serves.’

This applies to central CJS departments and to CJS agencies.

1.21 Specifically, the Act also imposed a statutory duty on government departments to arrange for:

‘assessing and consulting on the likely impact of its proposed policies on the promotion of race equality and monitoring its policies for any adverse impact on the promotion of race equality’

(Home Office, 2004h.) Several recent commentators have commented the importance of this law (see Coulsfield, 2004; Tonry, 2004 p 89 et seq; Lewis, 2004).

1.22 In our view good BME statistics will be essential to central government in fulfilling its remit under the RR(A)A. A good example is seen in the partial Race Impact Assessment carried out by the Home Office to coincide with the publication of the Identity Cards Bill in November 2004 (see Home Office web site www.homeoffice.gov.uk/docs3/reia_241104.pdf) This reports on the carrying out of a specific survey of the views of BME communities.

8 All Statistical Bulletins are published on www.homeoffice.gov.uk/rds/publications
9 For the first time this brought the police within such race legislation. LCJBs, however, are not subject to the RR(A)A, because they are not creatures of statute, but informal bodies.
1.23 However, during this review we have learned that it is not primarily new legislation that has caused the differences that exist at present but a combination of policies and practices that are often not on the face of it discriminatory but which cause disparities to increase. An example given to us by several respondents was the point that the practice of giving sentence discounts for guilty pleas may have good wider justification, but it actually discriminates against some BME groups, because they are more likely to plead not guilty. Such points have also been made by other commentators (e.g. Tonry, 2004 p.89; Coulsfield, 2004.) The carrying out of Race Impact Assessments by local CJS agencies are a statutory duty under the RR (A)A, and using BME statistics for this seems to us essential to allow CJS agencies to fulfil their duties under the act.

Need for statutory powers to have resource backing

1.24 Although governments have imposed statutory statistical duties on CJS agencies, from our experience and consultations with users of BME statistics, we feel that statutory powers alone are not sufficient to ensure good statistics. It is also important to have good leadership, at both national and local levels, to take a strategic view of what is needed in gathering, interpreting and disseminating statistics, including the need to ensure adequate resources, effective IT systems, central guidance and a flow of BME data between agencies.

1.25 The most relevant example we found from this review is that the Crown Prosecution Service (CPS), magistrates courts, the Crown Courts and victims’ organisations rely on the police to pass them information on the BME classification of suspects that are prosecuted. Until there are good business processes for doing this and efficient IT systems to process and retrieve the data once captured, statutory powers are not going to be sufficient.

1.26 We shall return to this later, but if any amendment is to be made to the statutory powers under which statistics are collected, then such statutory powers are unlikely to be sufficient without the necessary investment in resources, especially in the IT systems from which the statistics will be extracted.

10 The act does not apply to LCJBs, although it does apply to all the CJS agencies that sit upon them.
Chapter 2: What works well – The Good News

2.1 Inevitably, with a review of this nature, we have focussed on areas for improvement. However, it is important not to overlook what is good about the current arrangements and we found much that is positive.

2.2 In Chapter 8 we go into more detail about several examples of what works well in certain local areas or nationally and might be copied elsewhere. In this chapter we mention only a small number of pieces of good news.

- All respondents were agreed that the publication of national S95 statistics was desirable and should continue.
- Most respondents thought that the S95 statistics had the potential to dovetail neatly with requirements under the RR(A)A and agency specific performance measures.
- In many CJS agencies BME issues were tied to performance measures. It was generally felt that the impact of BME statistics would be greater if they were tied to performance.
- All respondents nationally and most LCJB respondents agreed that S95 was a good vehicle for ensuring that the ONS 16+1 BME classification became the national standard.
- Most respondents agreed that central production of national S95 data by the Home Office was desirable. Most respondents felt that resourcing LCJBs to coordinate and disseminate BME data locally should facilitate this.
- Only a minority of respondents had seen the 2002-2003 Overview Report (Hearnden and Hough, 2004) published by the CJS Race Unit. However, these respondents thought that adding context to the statistics, particularly the incorporation of British Crime Survey (BCS) and other additional data, was helpful in disseminating key findings.
- The requirement of the Home Secretary to publish S95 statistics was seen as a potentially powerful tool in improving performance on BME issues.
- Some local areas had already published BME statistics. Others would welcome guidance from central government departments on a strategy for publication.
Chapter 3:
What is not working so well – The Bad News

3.1 Much of the purpose of this review was to identify areas for improvement. Not surprisingly, we found a number of deficiencies in the current system for producing, disseminating and using BME statistics. We mention some of the more important ones here and others will occur as we go through the report.

- Dissemination methods for current statistics published under S95 were ineffective and lacked prominence within CJS agencies. They were rarely known about or used in non-CJS agencies, such as local councils. Some agencies needed hard copy given the generally poor access to the Internet.
- Under half of the respondents had actually used S95 data personally. Fewer still had seen the 2002-3 overview (Hearnden and Hough, 2004).
- All those aware of S95 statistics thought them not prominent enough or used directly to make organisational decisions.
- Respondents tended to consider collecting the S95 statistics as a different and unrelated task from the need for data to be collected to monitor their legislative responsibilities under the RR (A)A. S95 statistics were regarded as a duty toward the Home Office: RR (A)A statistics as a duty towards their own agency. There was not enough awareness that S95 statistics are essentially the national publication of information collected locally as part of agencies’ RR (A)A responsibilities.
- Respondents felt there was insufficient funding for local surveys of public confidence.
- S95 figures and the 2002-3 overview are thought too dated to be of much local policy and practice value or relevance.
- Few local respondents were aware of the full extent of BME data that were already collected locally.
- There is a tension in police forces between their instructions to use the 16+1 classification for statistical returns, and their instructions for entering data to the Police National Computer (PNC) using the ‘IC’ classification. Annex D shows the relationship between these two classifications. In our view, the continued use of the PNC classification is outdated and unhelpful, even in its basic purpose of investigation. More importantly, in the context of this review, the police tend to spend more time on PNC data entry than on statistics and the use of the PNC classification is detrimental to the data quality of the statistics produced by the police, and to the classifications which are passed on to the CPS and the courts. In our judgement, the PNC classification needs to be brought into line with the classification used for BME statistical returns.
IT systems were variable in quality and performance. Youth Justice Board (YJB) and CPS data systems seemed best able to produce BME statistics, though were often still dependent on an initial police (non-16+1 and officer/PNC-defined) BME classifications. Prison IT systems are the same for all prisons and produce good BME statistics. The Probation Service has recently issued a circular in an attempt to improve the quality of data entered to Probation IT systems.

Courts IT systems were least able to produce BME statistics of use to local management. There have been some recent improvements to Crown Court data on BME offenders, but still only 65% of those sentenced have a BME classification recorded. Magistrates’ courts BME data still relies on legacy systems and under 20% of those sentenced have a BME classification. Court statistics tend to focus on sentencing decisions, so that other decisions, such as remands and bail conditions are poorly recorded and rarely analysed.

Court computer systems do not seem to allow for an analysis of offences where the racial element is an aggravating factor. Magistrates are asked to announce in court what additional punishment they have given where an offence is racially aggravated, but there does not seem to be a system for recording this.

There seems to be no national data requirement for BME victim statistics, although there is for witnesses. No local respondents are aware that the position will be improved by the introduction of the new Witness and Victim Experience Survey (WAVES), designed to measure local and national victim and witness satisfaction with the CJS and by the PPAF initiative (see MORI 2004) It will be some time before the extent of the improvement due to WAVES is known and taken into account by LCJBs and local agencies. Victims Support personnel are not always invited to participate in the diversity subgroups of LCJBs.

Human Resource data on BME employees focuses on staffing and management, but very little seems to be collected on staff attitudes. There was little awareness of the CJS staff confidence survey carried out by OCJR that has a BME breakdown.

There is no specific requirement to collect BME information on Pre-Sentence Report writing and programme completions for Probation or Yots. Any local areas that do collect this information have no national figures for comparison.

Although some Probation and other local CJS agencies carry out surveys of public confidence, the prison service is relatively weak in this area.

In some cases, BME data collected by agencies did not match reported cases to RECs and the experience and perceptions of local BME communities. For instance, one REC reported that despite the local prison BME statistics presenting a very positive picture overall, a number of negative single cases were still reported to them. This led to questions about the value of the statistics and a notion that these cases, not the statistics, had a much greater impact on community relations.
Quality of BME data

Data quality of public statistics generally

4.1 Data on BME communities and the CJS are of little value if they are incomplete, inaccurate or produced too late to be of use. However, the need for good statistics has to be balanced against their cost. Statistics collected by the CJS reflect only the amount of work that comes to the CJS and not what actually happens. To obtain more information about what is actually happening in the general population, we need to supplement these data by surveys of the general public.

4.2 For CJS the main external surveys to supplement CJ agency data are:

- The British Crime Survey (BCS) carried out by the Home Office with interviews from 40,000 households on a rolling basis.
- The Home Office Citizenship Survey (HOCS) collects information to measure the PSA BME confidence target
- Local crime and public confidence surveys carried out by the police and other agencies. The Association of Police Authorities (APA) produces guidance on such surveys.

4.3 We have looked at the quality of both official data and survey data in our review of user needs for BME CJS statistics.

Data quality of CJS statistics on BME populations

4.4 Based on interviews with those collecting and using BME data within the CJS, and examining available statistics, we found the following general characteristics of data quality:

General Population

4.5 Census figures for the general population are available for April 2001 analysed by the 16+1 ONS classification. These are published for all geographical areas needed by CJS agencies. Two RECs informed us they believed there was census under recording of some BME communities in their areas because of an unhappiness of some communities in completing census forms. We could not verify this statement. We know ONS is well aware of the potential for under-recording and make no recommendation.

\footnote{For the various classifications used in BME statistics please see Annex D.}
4.6 More important, in our view, was the comment from most agencies and groups that the BME census figures very quickly become out of date. They felt that the procedures for updating local BME population estimates for their areas were unsatisfactory. Local population estimates are used considerably to estimate needs and to calculate rates for comparative purposes (For an example of this see the information on Stop and Search from the 2004 S95 publication.12) Rates allow comparisons between the experience of different minority ethnic groups, for example, the likelihood of being stopped and searched. It is thus important that such estimates are as up to date and accurate as possible. The point was made by the police that where a large population of new communities moved into their area this added to their policing issues but current estimates did not take account of such movement.

4.7 ONS does update estimates of local populations each year but not by their BME classification. RDS (OCJR) in the Home Office takes the ONS estimates for each county and then produces estimates of BME populations by county. This is done by using the percentages of BME communities produced from the preceding census13. These figures are published in the annual S95 volume. However, if there has been differential movement of BME communities, the census percentages and the BME population estimates based on them will gradually become more out of date.

4.8 The GLA uses a more sophisticated method of producing annual BME estimates for each London Borough. The GLA updates the local BME populations directly, instead of using the BME percentages from the 2001 Census. They do this by using data from as many registers and counts as possible, making allowances for the completeness and accuracy of the data in these sources. They used data from regular Labour Force Survey; from the National Health Service records, making allowance for the known over counts; the International Passenger Survey; the Electoral register; registers of those paying Council Tax; and School Censuses. This technique is recognised as being a valid one by ONS (see GLA web site www.london.gov.uk).

4.9 The GLA told us that they knew of only one other local authority, Bradford, that also produced such estimates. We were not able to check this. They also informed us that the resource cost of producing such data was relatively small, estimated as one extra person in their Data Management and Analysis Group (DMAG). The GLA data are used by the Metropolitan Police and available to the LCJB.

4.10 Some police forces outside London stated that, from time to time they tried to produce their own estimates of their BME populations. They felt these estimates enabled them to produce stop and search rates for each BME community that reflected the up to date population more accurately than the figures currently available in the annual S95 statistics.

4.11 It seems unsafe for the police to make their own estimates, as confusion could follow there being two population estimates in use. However, the need for more accurate annual BME population data seems a user requirement that needs to be addressed. We shall return to this in Chapter 6.

---

12 The 2004 S95 statistics – pp 33, 36 and Table 4.2 of (Home Office, 2005b) divides the numbers of people stopped and searched into the resident population numbers for each BME group and makes the comment that ‘For the majority of police forces, it was apparent that the number of recorded “stop and searches” relative to the general population was consistently higher for Black people than for White people in 2003/4’ (Table 4.2).

13 For the latest example see Appendix A3 of Home Office 2004d, which shows for each local CJS board area, the estimated population aged 10 and over by ethnic origin. The percentages for the mix of ethnic groups in each area were derived from the 2001 Census and were applied to the ONS mid-2002 population estimates for those aged 10 and over.
Completeness of BME data in CJS agencies

4.12 There is considerable variation in completeness. Both the police and RECs told us of community work with BME communities that confirmed high under reporting of racist incidents. BCS figures show that the risk of racist incidents is much higher for BME people than for white (Salisbury and Upson, 2004.) The most recent S95 figures (Home Office, 2005c) report a 7% increase in racist incidents reported in 2003/4 compared with a 10% fall in the previous year but it is not clear that either change reflects what is actually happening. It seems that CJS agencies are not at present getting a full picture of racist incidents from the public. This will particularly affect figures for arrests, prosecutions and court proceedings for racist incidents which are clearly all lower than they would be if more were reported.

4.13 Other BME data are much more complete: published figures (Home Office 2004d) give percentages of ‘Ethnicity unknown or not recorded’ for the following series: Stop and Search (2%): Arrests (1%): Cautions (3%): Young Offenders (6%): Prison receptions (0%). These seem acceptably small given the difficulties of obtaining this information, often in an operational situation.

4.14 However, we felt there were several other areas where data are much less complete. In particular the CPS, courts, witness services, police complaints, and victim support services rely heavily on the police passing on the information about BME people. We felt the business practices for passing such data do not work as well as they should. This is confirmed by the most recent S95 figures (Home Office, 2005c) which report that:

A major gap in the current information available on the way that BME groups are dealt with by the CJS system is the lack of data concerning prosecution and sentencing.

For example, in magistrates’ courts, monitoring of ethnic appearance of those appearing in courts during 2003/4 was only possible for less than one-fifth of cases (Home Office 2005c.) Business practices in passing BME data from the police to other agencies needs to be improved. We shall return to this in chapter 6.

4.15 We were also told that some police forces seem unwilling to pass BME data to victims’ groups as they felt precluded from doing so under the Data Protection Act. Their judgement is that ethnicity, as such, was not a factor that victims’ groups should take into account. We were not able to judge whether this was a significant factor and make no recommendation. However, we feel victims’ groups have a strong case for wanting to measure how well they are reaching BME communities and how successful policies to match their services to characteristics of the victim such as gender, age, language and ethnicity are. In such a case, it seems an unnecessarily harsh interpretation of the data protection law not to pass BME data from the police to the victims’ groups.

4.16 The National Probation Service (NPS) has set quality thresholds in terms of completeness of BME data. These had worked to some extent, but more recently, NPS had been so concerned with the quality of probation data on ethnicity that a special circular was issued in December 2004. The circular confirmed indications from our interviews with some probation staff and explained that poor quality and missing data on ethnicity had been evidenced by a variety of sources:

- A recent exercise looking at diversity identified that the quality of race data collection remained an issue with over 500 cases where no race data was recorded.
RDS data for April to June 2004 shows that although the overall situation regarding missing data had improved (5.2% missing for court order commencements and 9% missing for pre/post release commencements) in some areas the situation had worsened slightly compared to the previous quarter.

4.17 The probation circular identifies those areas demonstrating real achievement (less than one per cent missing) and those where an urgent improvement action plan is required (more than 7 per cent missing). It also recommended that all Board Chairs/Chief Officers:

- Examine their performance and satisfy themselves that they have implemented effectively the 16+1 census classification on race and ethnic monitoring
- Those areas identified as under-performing should provide the National Probation Directorate (NPD) with an improvement action plan by 31 March 2005
- Those with missing data over 5% should devise an improvement action plan
- Particular attention should be paid to those areas that have been identified as delivering effective outcome on this issue and where applicable areas should include practical steps to learn/share practices and include evidence of this in improvement plans

4.18 The circular also commented on the noticeably large numbers of refusals from some areas and asked for intelligence to determine what lay behind the 'Not Stated' identification. Was it a refusal? Was it a lack of opportunity to categorise? Board Chairs and Chief Officers were asked to ensure that a distinction was made between those who genuinely refuse and those who are not asked at all.

4.19 This is of relevance in determining potential causes of the problem and devising appropriate solutions. We feel that this circular could be very important in the improvement of data quality and will suggest in our recommendations that other agencies could follow a similar practice in setting quality thresholds for reporting and recording BME data.

Completeness of data in different IT systems

4.20 A further factor in the incompleteness of data is that where IT systems are inadequate then data on ethnic classifications cannot be easily obtained from them. Again, this varies greatly, depending on the agency, and the extent to which legacy systems are still in use.

4.21 An ethnicity classification is included on COMPASS, the CPS IT system. COMPASS is live, to various levels, in all 42 CPS areas. The CPS and police are working closely together to improve acceptable completeness of BME data. In particular the Charging Scheme, by which the CPS and the police work more closely together on cases, is improving file quality. Although such developments are very positive and are likely to lead to improved completeness of BME data in due course, it is likely to be some time before CPS data over the whole country reaches an acceptable level. Anecdotal evidence from the CPS suggests that an ethnicity coding is at present missing from around a third of cases recorded.

4.22 Although plans exist for the magistrates’ courts IT system Libra to be introduced in 2006, legacy systems are still in use in most areas, often more than one in the same local CJS area. These systems vary in their ability to produce data. Only one of our 5 areas was able to show us data on sentencing of BME offenders (South Wales MCC, 2003.)
4.23 We were told that current IT systems within the Crown Court only gave limited information about the BME classification of defendants. Court disposals and remand decisions were not available by type of offence and remand decisions could not be analysed except by manual research: data on public confidence were not generally available. Recent S95 figures (Home Office, 2005c) show that 65% of cases at the Crown Court have ethnicity recorded. This is a much higher figure than for magistrates' courts, but still not sufficient to give a full picture. However, it seems to us that, within a year or two, data for the Crown Court will be recorded on the IT system. To ensure these can be accessed by local managers, plans are now needed to make user-friendly analysis software available.

4.24 The position with the Probation Service seems to vary by area, and a more complete picture than we were able to obtain from 5 areas has been provided by the probation circular mentioned above. Because of the quality threshold on the recording of data on ethnicity of probation clients, most areas were making good progress in moving towards the target of data on 90% or more of their clients being recorded. However, because of the legacy systems and for other IT reasons, it was not always possible to obtain timely statistics. We were given examples, in Summer 2004 where latest probation data were over a year late.

4.25 We found that, in general, those running centralised CJS IT systems take statistics and management information less seriously than more operational matters. This was characterised by local staff often not being sure when the statistical element of packages would be rolled out, or not knowing whether standard software which came with the new systems would be flexible enough for them to produce the sort of data that could be useful.

4.26 The historical lack of good local statistics from the CPS, magistrates' and Crown Court IT systems has led to a general lack of use of data in these areas, and to a feeling that any data that does exist is for Home Office use at national level rather than for local use. Over the next few years, as the new systems are rolled out, there is great potential to change this attitude.

**Need for Tracking Data**

4.27 Many respondents made the point that there was considerable potential to improve data quality if offenders could be tracked through the different stages of the CJS system. At present, all statistics are produced within the constraints of the IT systems of individual agencies. Tracking could give access to for example statistics of whether particular types of police action were associated with particular court disposals, or corrections treatments.

4.28 Tracking is a very new concept. It only exists for a few types of case: e.g. persistent young offenders: offenders associated with the street crime initiative: those on the prolific and other priority offender schemes. Most respondents did not have experience of using data from such tracking experiments. However, the experience with the existing IT systems that are used for these experiments shows that tracking is possible and can be effective.

4.29 No-one suggested that BME offenders should be tracked separately. Many made the point that where tracking was being carried out, then the ethnicity of offenders should be routinely collected. This would mean that BME analyses could be produced from the tracking systems and any differential experience could be examined.
Data on BME communities employed within the CJS

4.30 IT Systems have been set up within each agency to record recruitment, training, retention and wastage and other personnel characteristics. Ethnicity is recorded and results published regularly; (see Home Office 2004d) Data are also available for local areas and will be published in the annual reports of their RESs.

4.31 Although the data are reasonable there are some concerns about their completeness. In the most recent statistics (Home Office, 2005c) the ethnicity of 1% of police officers was recorded as ‘unknown’ but about 8% of prison officers. In the Probation Service:

- In the Second Year Review of RESs no probation area provided all the information required on the monitoring of staff by ethnic background.
- The Probation Human Resource Workforce Profile Report published in November 2004 concluded that the overall number of staff identified as Not Stated was reasonably low at 7.5% but that there were regions with much higher figures i.e. East Midlands (17.1%), London (15.6%) and the South East (9.8%)

4.32 CPS figures show 10% of employees whose ethnicity was ‘unknown’. Figures for those employed in courts are based on completion of a voluntary questionnaire and show 30% of all employees whose ethnicity is not known. (Home Office, 2004d)

Data on BME communities with an unpaid role within the CJS

4.33 This section considers BME communities acting on juries, as magistrates or fulfilling other unpaid roles within the CJS. It is important that BME communities have full opportunities to act in such roles and that their participation is monitored routinely so that action can be taken to increase such opportunities if participation is seen to be low.

4.34 The position is improving rapidly on the statistics about jury service. We were told that a small-scale survey in Yorkshire in the 1990s had shown that BME communities were under represented on juries because they made more applications for exemption. However, since then administrative changes have meant there are much fewer exemptions from serving on juries, which has reduced the likelihood of BME under-representation. However, jury names are still taken from the electoral register and there is concern that not all of the BME population place their names on the electoral register. It was reported in 2002 that (see the Electoral Commission, 2002) the number of unregistered voters [was] higher among ... the black African and black Caribbean population.

For that reason we are pleased a research study of the extent to which different groups are represented on juries is now being carried out by DCA. Any change to routine statistics on juries would need to take into account the results of this study.

4.35 Data on ethnicity of the magistracy seem to be generally available and of good quality. Action is taken based on local figures, including contact with local BME communities. Data on other voluntary activities such as special constables, members of Prisons Independent Monitoring Boards and local Probation Boards are also available.
**Victims Data**

4.36 Information on victims is likely to change considerably during 2005 following the introduction of the new Witness and Victim Experience Survey (WAVES) planned to start in early 2005 (MORI, 2004). This is a telephone survey with at least 100 victims and 100 witnesses in each local CJB area each quarter. Individual reports will be produced for each local CJB area and these will be analysed by ethnicity.

4.37 WAVES will be a very useful addition to the BCS that already gives good statistics of BME victims (see Home Office 2004f). However, it is important that the quality and completeness of BME data from WAVES is monitored carefully. There does not seem to be any boosting of the sample for BME communities, which could reduce the quality of data in areas with small BME populations. Moreover, the survey is confined to victims of violence, robbery, burglary, theft and criminal damage, and to cases in which an offender was charged: this will not include BME victims of racial and religious offences that are not reported or where an offender is not charged.

4.38 One of the main characteristics of the quality of existing data on victims mentioned to us was that of incompleteness: there is no routine data on racist incidents not reported to the police. Although the police do report data on victims to victims’ organisations, the BME classification of the victim is often not reported. The Victim Support organisation is introducing a new Management Information System that should give some more useful information on victims. However, until police pass through information on the ethnic classification of victims to victims’ organisations as a matter of routine, there will continue to be missing information in this area.

**Quality of Survey Data**

4.39 The BCS is now well-funded and carried out in 40,000 households each year with a BME booster that allows robust analysis at a national level between ethnic groups. A large number of questions is asked on victimisation and public knowledge, attitudes and confidence in the justice system. Also HOCS gives good information on BME confidence measures at a national level.

4.40 However, for both surveys, the data is robust at a national level only. To get good local information one must carry out local surveys of BME confidence. In our opinion the lack of comprehensive, good quality, local level survey data on BME confidence is one of the most significant barriers to measuring progress. Some such surveys do exist but they need to be much more widespread, held more frequently and better designed. In short more money needs to be spent on them. This forms a significant part of the costs of our recommendations.

4.41 In broad terms, local surveys seem to be carried out as a response to RESs. The resources available are not based on the need for a statistically valid sample. We were told of surveys where the number of BME people surveyed was far too small to draw any sensible conclusions, because neither the money nor the statistical skills were available to be able to consider alternative methods of sampling. It is important that central guidance is available to local agencies and LCJBs: e.g. on sample size; the need for a BME sample boost to ensure results are significant; or on the significance of year-on-year changes.

4.42 Despite this we were shown several good examples of such local surveys. Some were carried out under the auspices of the LCJB, some by individual agencies, and some by local authorities or; in Wales, the Welsh Assembly. Also, the APA carries out customer satisfaction surveys and, with the Home Office, through the PPAF, gives guidance for police forces and police authorities to carry out such surveys.
4.43 To some extent the lack of good survey data is balanced by a collection of local data on local population profiles. In these profiles information is gathered from many sources, including local BME communities. However, examples of this collection of data on profiles were mainly in areas of high BME percentage populations where there are many local BME community organisations: e.g. in London, West Midlands and Leicestershire & Rutland. In areas of smaller percentage populations, there are fewer BME organisations to assist. There can also be more complex statistical problems in sampling from smaller communities and hence a much higher need for statistical skills and resources.
Chapter 5: User needs for BME Data about the CJS

5.1 Evidence has been obtained about user needs, at both a national and local level, from over 100 interviews or submissions. This chapter summarises those needs as reported to us. We also give our judgement on the importance that we feel should be attached to these reported needs. We have used three categories:

- **High**: These are statistical series we feel should be part of a minimum data set collected, used and published by local agencies and LCJBs. These series are also those we feel should be reported regularly to the Home Office or other central departments.

- **Medium**: These series could also be valuable for monitoring the experience of different BME communities locally, but we do not judge them to be of the first importance.

- **Low**: These are series about which more information is needed before a judgement should be made. This could be because little data exist, where the phenomenon being discussed is a relatively new one to surface, or where there is only anecdotal information.

We also list below our understanding of what data are already collected and give more detail about User needs in Annex C. Recommendations as to how to best satisfy these User needs follow in Chapter 6, with costs and priorities given in Chapter 7.

**National user needs**

5.2 We interviewed 18 people at a national level. We gained a broad idea of what data were needed nationally from discussions with statisticians and researchers within the Home Office and from discussions with the TAG and the CJS Race Unit.

5.3 We were told that at the national level BME statistics are needed to:

- Ensure that those working within the CJS do not treat BME groups in a less favourable way
- Monitor general trends in the characteristics of the BME communities and their interaction with the CJS
- Ensure current legislation is being followed and to develop new legislation
- Educate the public as to the current situation
- Manage CJS agencies efficiently and effectively

5.4 We were also told that these statistics needed to:

- ensure that all communities report crime and anti-social behaviour against them to the authorities and are not inhibited from doing so
monitor that all victims are satisfied with the treatment that they receive from CJS agencies once they have reported incidents to them

ensure that community leaders are content that their communities are getting fair treatment from the CJS agencies

ensure that the police, in particular, carry out their duty of maintaining public order in a way that is fair to all communities

encourage all communities to participate fully with the CJS system, as employees, volunteers, victims or witnesses

5.5 Finally, we were informed that these statistics also needed to be:

- Produced annually, preferably around the same time each year
- Produced in as user-friendly a way as possible so that they were easy to understand and their main message came over clearly
- Collected with a few missing values as possible
- Consistent on a year-to-year basis regarding content, classification, etc

5.6 During the course of our study, the Government announced that a new BME confidence target would be introduced as part of the PSA 2 Target:

The Percentage of people from BME Communities who think they will be treated equally compared to people from other backgrounds is higher than in the baseline year

The PSA will have been achieved for the confidence aspect if 2 out of the 3 following elements are met:

- The percentage of people who are very or fairly confident about the effectiveness of the CJS in bringing people who commit crimes to justice is higher than in the baseline year
- The percentage of people from BME communities who think the CJS treat people of all races equally is higher than in the baseline year
- The percentage of victims and witnesses who are satisfied is higher than in the baseline year

This new PSA has been developed to reflect the CJS vision for 2008 (see OCJR, 2004) and addresses the issues of particular concern to BME communities. The Home Office, DCA and CPS share responsibility for this target

5.7 Associated with this is the need to ensure that mechanisms exist to measure whether the target has been met. At a national level this PSA will be measured by whether the HOCS shows that at least 3 out of 5 CJS agencies (Police, CPS, Courts, Probation service, Prisons) have showed an improvement on the 2001 baseline. The position at the local level is more complex and we discuss that when we turn to local surveys.

5.8 On other specific points, respondents felt:

- There was a need for responsibility for BME statistics to be held within the policy area rather than the research area
- LCJBs should have a strong role in data collation, quality control, presentation and use

---

14 The PSA is a target for the year 2007/8.
● There was a case for more data collection of material that applied to several CJS agencies: e.g. data on public confidence. There was also a feeling that present BME statistics did not always get to the operational level

● There were some differences of view when it came to the use made of sentencing/court disposals statistics. Some respondents felt a strong need for the Home Office and DCA to maintain control over how the statistics were used

● Several respondents mentioned the potential of tracking BME offenders through the various parts of the CJS, and felt that BME classifications should be included wherever tracking experiments or systems were introduced. However, very few had any actual experience of using BME data from tracking experiments

5.9 Most respondents felt that much more context and commentary was needed when the statistics were published: some felt that publication should be removed from the political process as much as possible, although others recognised that politicians also had a right to place their own interpretation on the figures. Some national CJS departments emphasised the need to make many BME statistics into performance indicators, to focus people's interests and ensure that statistics led to actions being taken rather than simply monitoring. Agencies such as the CPS and the YJB felt that diversity needed to be embedded within performance management and gave examples of how they were doing so: e.g. a consultancy report for CPS reported that CPS were judged good at producing policies to comply with RR(A)A but poor on identifiable outcomes and delivery (see www.cps.gov.uk)

5.10 Resources available for statistics were mentioned several times. It was recognised that good statistics cost money, and improvements needed from the present situation would not occur without an investment of new resources. It was also recognised from the centre that the delivery of improvements to the treatment of BME communities would need to occur mainly at a local level. This implied much of the investment of action into improved statistics needed to be local. This also implied more collection staff, a greater local strength in analysis and interpretation, including involving local communities and more use of the data by operational officers. Several respondents talked about the need for some kind of audit process that routinely looked into the way statistics were being collected and used locally.

5.11 There was general agreement with the need to keep with the 16+1 classification in order to achieve stability, although many felt that local additions within the 16+1 classification could be useful. Not everyone felt, however, that statistics should always use the full 16+1 classification when the data are published, but make a professional decision after seeing what the figures said for example, in some local areas, numbers in some categories would be very small and were better be grouped for publication.
Prioritisation of User Needs

5.12 The tables in this section summarise user needs for statistics from each agency. We have included each need as stated to us by those interviewed. More detail is given in Annex C. We also include in the tables in this section comments on what importance should be given to this user need at the present time, using the classifications in paragraph 5.1.

Local area user needs by agency.

5.13 The following sections consider user needs as obtained from those interviewed locally, both in CJS agencies and elsewhere.

5.14 Local areas’ needs are more extensive than had been previously recognised and are growing in number and complexity. This is because of the impetus given by the RR (A)A and the consequent RESs. Many of those interviewed showed us their RESs, and noted how they had included a requirement to monitor and publish their employment of BME communities.

5.15 Following the government introduction of the national BME confidence target (see paras 5.6-5.7 above), there will be a local user need to develop a local measure of BME confidence parallel with PSA 2. This will need to be achieved by local surveys. However, these have often proved difficult for local areas, because of cost and the need to achieve adequate sample sizes for BME populations. Existing surveys such as the HOCS or the BCS are not large enough to produce BME measures for local communities. Each area is likely to present different problems of sampling, especially where BME communities are dispersed.

Local User Needs for Police Data

5.16 A summary of user needs for police data is given in Figure 1, including data requested by other CJS or external agencies. The police are the gatekeepers to the CJS and the agency with the most opportunity to collect data on BME communities. Thus, demands for BME data collected by the police were the greatest. Most, but not all, of the series in Figure 1 were recognised by the police as being appropriate for them to collect, and in this sense were owned by the police.
5.17 The detail required can vary for each series and more on detail is given in Annex C. In broad terms, where the police themselves are using the data, such as that on stop and search or in the future on stops, data is needed on ongoing basis by operational subdivisions of the Force, such as Basic Command Unit (BCU). Where an overall impression is needed, such as public confidence, these data are only called for on an annual or two-yearly basis.

---

We make specific recommendations on stops data in Chapter 7 (see para. 7.4 onwards)
Local User Needs for CPS data

5.18 A summary of user needs for CPS data is given in Figure 2 including data requested by other CJS or external agencies. However, in contrast with the police, few other agencies raised user needs for CPS data.

FIGURE 2
Local User Needs for BME data to be collected by the CPS

<table>
<thead>
<tr>
<th>Series</th>
<th>Importance (High also means data need to be returned to HO/central departments)</th>
<th>Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Racist incidents</td>
<td>High</td>
<td>Yes, if reported</td>
</tr>
<tr>
<td>2. Human Resources (recruitment, retention, promotion)</td>
<td>High</td>
<td>Yes</td>
</tr>
<tr>
<td>3. Public confidence</td>
<td>High</td>
<td>In some areas. Could be collected as part of LCJB confidence surveys</td>
</tr>
<tr>
<td>4. Statutory charging for racially motivated offences</td>
<td>High</td>
<td>Yes</td>
</tr>
<tr>
<td>5. Conditional cautioning</td>
<td>High</td>
<td>Yes</td>
</tr>
<tr>
<td>6. Fixed penalties for disorder</td>
<td>High</td>
<td>Yes</td>
</tr>
<tr>
<td>7. Racially aggravated &amp; religiously motivated charges</td>
<td>High</td>
<td>Yes</td>
</tr>
<tr>
<td>8. Bail/Mode of Trial decisions</td>
<td>Low – pending IT development</td>
<td>Not yet</td>
</tr>
<tr>
<td>9. Prosecutions</td>
<td>High although not raised by users as a specific need</td>
<td>Yes, collected on central computer system</td>
</tr>
<tr>
<td>10. Use of restorative justice</td>
<td>Medium</td>
<td>Not yet available</td>
</tr>
</tbody>
</table>

Local User needs for courts data

5.19 A summary of user needs for courts data is given in Figure 3, including data requested by other CJS or external agencies. Most courts rely on legacy IT systems and are waiting for the new nationally designed court IT systems to be implemented in their court. The most recent Home Office data show that ethnicity is recorded for only 19% of magistrates’ cases, but for 65% of Crown Court cases (see Home Office, 2005b). However, we are told that the system for magistrates’ courts, Libra, will not be rolled out in all courts for at least another two years. In some cases these legacy systems are able to produce some of this information. However, in no case, is all the information requested readily available. There is also concern among users that the new systems will concentrate on operational aspects and not give priority to statistics.
We feel there is a general lack of priority given to statistics in most CJS IT systems and will return to this in our recommendations.

**FIGURE 3**
Local User Needs for Courts Data by BME classification

<table>
<thead>
<tr>
<th>Series</th>
<th>Importance (High also means data need to be returned to HO/central departments)</th>
<th>Available</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>(Many have to wait until the LIBRA and the Crown Court IT system can answer local statistical requests)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Pre-sentence report recommendations¹⁶</td>
<td>High</td>
<td>Yes</td>
</tr>
<tr>
<td>2. Court disposals (sentencing, length of sentence, amount of fine, discharge, discontinuance, committals, found guilty, etc)</td>
<td>High</td>
<td>Awaits IT developments</td>
</tr>
<tr>
<td>3. Human Resources (recruitment, retention, promotion)</td>
<td>High</td>
<td>Yes</td>
</tr>
<tr>
<td>4. Numbers asked to stand down from Jury service</td>
<td>High</td>
<td>Yes</td>
</tr>
<tr>
<td>5. Public confidence</td>
<td>High</td>
<td>Not routinely. Could be collected as part of LCJB surveys</td>
</tr>
<tr>
<td>6. Orders given; e.g. Drug Testing and Treatment, Offender programmes</td>
<td>High</td>
<td>Not routinely</td>
</tr>
<tr>
<td>7. Bail &amp; Remand decisions</td>
<td>High</td>
<td>Awaits IT developments</td>
</tr>
<tr>
<td>8. Plea</td>
<td>High</td>
<td>Ditto</td>
</tr>
<tr>
<td>9. Disposals in racist incident cases</td>
<td>High</td>
<td>Ditto</td>
</tr>
<tr>
<td>10. Disposals in racially aggravated cases. (How they differ from non-aggravated cases)</td>
<td>High</td>
<td>Yes in CC</td>
</tr>
<tr>
<td>11. Applications for magistrates</td>
<td>Low-pending Developments</td>
<td>Not routinely</td>
</tr>
</tbody>
</table>

¹⁶ This would also apply to any new arrangements being brought in by NOMS: eg the use of shorter reports.
Local User Needs for Probation Service Data

5.21 A summary of user needs for probation data is given in the Figure 4, including data requested by other CJS or external agencies. More detail is given in Annex C.

FIGURE 4
User needs for BME data to be collected by probation services

<table>
<thead>
<tr>
<th>Series</th>
<th>Importance (High also means data need to be returned to HO/central departments)</th>
<th>Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Public confidence</td>
<td>High</td>
<td>From time to time</td>
</tr>
<tr>
<td>2. Use of community service</td>
<td>High</td>
<td>Could be collected as part of LCJB surveys</td>
</tr>
<tr>
<td>3. Outcome of breach action</td>
<td>High</td>
<td>Yes</td>
</tr>
<tr>
<td>4. Human resource data (recruitment, retention, promotion)</td>
<td>High</td>
<td>Not always routinely</td>
</tr>
<tr>
<td>5. All Performance Indicator data</td>
<td>High</td>
<td>Yes</td>
</tr>
<tr>
<td>6. Pre-sentence reports (PSR) and Short sentencing reports (SSR) and their concordance with actuals</td>
<td>High</td>
<td>Yes, but concordance not always monitored</td>
</tr>
<tr>
<td>7. Racially motivated offenders</td>
<td>Medium</td>
<td>Not routinely</td>
</tr>
<tr>
<td>8. Court reports with positive recommendations</td>
<td>High</td>
<td>Yes (See HM Chief Inspector of probation, 2005)</td>
</tr>
<tr>
<td>9. Use of offender programmes</td>
<td>Medium, Low pending developments</td>
<td>Not routinely</td>
</tr>
<tr>
<td>10. Analysis of data from the Offenders Assessment System</td>
<td>Low pending developments</td>
<td>Not routinely</td>
</tr>
<tr>
<td>11. Placement of ex-prisoners in Employment Training or Education</td>
<td>Medium</td>
<td>Not routinely</td>
</tr>
<tr>
<td>12. Bail recommendations</td>
<td>Medium</td>
<td>Not routinely</td>
</tr>
<tr>
<td>13. Reconvictions</td>
<td>Low pending developments</td>
<td>Not routinely</td>
</tr>
</tbody>
</table>
Local User Needs for Prison Service Data

5.22 A summary of user needs for BME data is given in Figure 5, including data requested by other CJS or external agencies. More detail is given in Annex C. The Prison service has a good national IT system, with local access to data needed. There are also good traffic light systems for management use. However, few other agencies use prison data, and conversely, the prison service has little use for data from elsewhere.

**FIGURE 5**
Local User needs for prison service data by BME classification

<table>
<thead>
<tr>
<th>Series</th>
<th>Importance (High also means data need to be returned to HO/central departments)</th>
<th>Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mostly already available through existing national IT system</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Population</td>
<td>High</td>
<td>Yes</td>
</tr>
<tr>
<td>2. Incentives</td>
<td>High</td>
<td>Yes</td>
</tr>
<tr>
<td>3. Mandatory Drug Testing</td>
<td>High</td>
<td>Yes</td>
</tr>
<tr>
<td>4. Adjudications</td>
<td>High</td>
<td>Yes</td>
</tr>
<tr>
<td>5. Complaints</td>
<td>High</td>
<td>Yes</td>
</tr>
<tr>
<td>6. Home detention Curfew and other early release</td>
<td>High</td>
<td>Yes</td>
</tr>
<tr>
<td>7. Racist incidents in prison</td>
<td>High</td>
<td>Yes</td>
</tr>
<tr>
<td>8. All deaths</td>
<td>High</td>
<td>Yes</td>
</tr>
<tr>
<td>9. Employment Tribunals</td>
<td>High</td>
<td>Yes</td>
</tr>
<tr>
<td>10. Public confidence</td>
<td>High</td>
<td>Not generally. Could be collected via LCJB surveys</td>
</tr>
<tr>
<td>11. Resettlement initiatives</td>
<td>Medium</td>
<td>Yes</td>
</tr>
<tr>
<td>12. Employment, Offender programmes etc</td>
<td>Medium</td>
<td>Yes</td>
</tr>
<tr>
<td>13. Those granted parole</td>
<td>Medium</td>
<td>Yes</td>
</tr>
<tr>
<td>14. Reconvictions</td>
<td>Low, pending developments</td>
<td>Some research data available</td>
</tr>
</tbody>
</table>
Local Youth Offending Team (YOT) User Needs

5.23 User needs in the YOT areas concentrate on the pattern and the success of policies carried out by YOT teams. The YJB has good statistics of each case. These statistics are readily available, on a national basis on the YJB web site, and are made available to each YOT area. The 16+1 classification is used in this IT system and analyses can be made by BME classification of any material that is collected on administrative records. A summary of user needs is given in Figure 6, including data requested by other CJS or external agencies. More detail is given in Annex C.

FIGURE 6
Local User needs for BME data to be collected by YOTs

<table>
<thead>
<tr>
<th>Series</th>
<th>Importance (High also means data need to be returned to HO/central departments)</th>
<th>Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Success of policies</td>
<td>High</td>
<td>Yes</td>
</tr>
<tr>
<td>2. Pre-court disposals</td>
<td>High</td>
<td>Yes</td>
</tr>
<tr>
<td>3. Court disposals</td>
<td>High</td>
<td>Depends on IT</td>
</tr>
<tr>
<td>4. Pre-sentence reports (PSR) and Short sentencing reports (SSR) and their concordance with actual sentences</td>
<td>High</td>
<td>Not routinely</td>
</tr>
<tr>
<td>5. Reconvictions</td>
<td>High</td>
<td>No</td>
</tr>
<tr>
<td>6. School exclusions (formal/informal)</td>
<td>High</td>
<td>No</td>
</tr>
<tr>
<td>7. Placement in ETE/Accommodation</td>
<td>Medium</td>
<td>In some areas</td>
</tr>
</tbody>
</table>

Other Local User Needs for data

5.24 A wide variety of needs were suggested. These are noted in Figure 7 and more detail is given in Annex C. Figure 7 is on a different basis from Figures 1-6, as these needs are not always requests for data as such but often reflect the perceived need for a research programme that looks into the prevalence of certain phenomenon (e.g., points 5, 6, 8, and 10 of Figure 7). Much of the information mentioned is not the responsibility of the CJS, but would need to be provided by other government departments or by local authorities. Some of the needs reflect a lack of knowledge about local BME statistics, or a call for better presentation of statistics that do exist locally. No priorities are given in the table, as no suggestion is made that such data needs to be sent to central departments.

5.25 The main driver of these requests was the fact that many groups outside the CJS obtain their information about the interaction between BME communities and the CJS through cases that were brought to their attention, typically by victims or by some who felt themselves unfairly accused. Such groups, such as RECs, admitted their sample could be biased and they did not know the extent to which their contacts represented a wider set of problems. RECs were usually not well enough funded to carry out such research themselves, and felt that government should be responsible for doing so.
5.26 Those expressing the need for data were not necessarily pressing for routinely collected statistics, but for some more evidence on which to judge the extent of the problems listed in Figure 7. Their main aim in seeking such information was to be able to produce solutions to the problems. It was implied that some of these solutions could involve changing structures within the CJS agencies, or by ensuring policies of other government departments towards BME communities were more directed.

FIGURE 7
Other Local User needs for BME Information

<table>
<thead>
<tr>
<th>Series</th>
<th>Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. External validation of the accuracy of the data or of the systems that produce the data</td>
<td>No. This request arose from people who felt unhappy that statistics were collected by CJS agencies to monitor themselves, with no external validation</td>
</tr>
<tr>
<td>2. Accurate social data for local areas, on an annual basis, by population, school roles, School exclusions, doctor’s lists, housing lists and other similar service phenomena</td>
<td>Much of this data is in fact available and this request reflects partly a lack of knowledge about local BME statistics. However, there seems a legitimate request for better presentation of local BME data</td>
</tr>
<tr>
<td>3. Actual racist incidents experienced</td>
<td>Data on racist incidents collected by CPS when these are prosecuted. The only way to collect data on actual racist incidents is via LCJB surveys</td>
</tr>
<tr>
<td>4. Information on incidents involving religious hatred under recent laws</td>
<td>This request reflects a lack of knowledge of data routinely published by the CPS</td>
</tr>
<tr>
<td>5. Data on new BME communities: e.g. asylum seekers, students, (seasonal) migrant workers</td>
<td>Not routinely available. Research is needed to establish the best way of meeting such perceived needs</td>
</tr>
<tr>
<td>6. Data on social deprivation</td>
<td>Not routinely. Research is needed to establish the best way of meeting such perceived needs</td>
</tr>
<tr>
<td>7. Public confidence in CJS and the quality of service given to BME communities</td>
<td>Some survey data available, but this could be collected at LCJB level</td>
</tr>
<tr>
<td>8. Measures of inter-racial tensions, especially new communities and old ones.</td>
<td>Not generally. Research is needed to establish the best way of meeting such perceived needs</td>
</tr>
<tr>
<td>9. Anti-social behaviour actually experienced</td>
<td>Not locally available. Could be collected as part of LCJB surveys</td>
</tr>
<tr>
<td>10. How the isolation of BME communities in rural areas affects victimisation/ reporting.</td>
<td>Not routinely. Research needed to establish the best way of meeting such perceived needs</td>
</tr>
<tr>
<td>11. Information on victims and witnesses, especially for domestic violence</td>
<td>Some information available, not always by BME classification</td>
</tr>
</tbody>
</table>
User Needs by LCJB area.

5.27 The characteristics and needs of the five areas covered in this study were specific to this study. Had other areas been considered, then the characteristics, and possibly the needs would have been different. Annex F summarises the characteristics of the 5 areas considered: Devon & Cornwall; Leicestershire & Rutland; London; South Wales; and West Midlands and may be of interest more widely as examples of the variation throughout the country.

Consultation with police force statistical officers

5.28 Useful information was obtained from interviews with police force statistical officers in the five areas considered in detail. In addition, the CJS Race Unit asked police force statistical officers in all police force areas for their input to the study. The main factors raised by this aspect of the consultation were the difficulties associated with the collection and use of BME statistics within their force e.g., how to:

● ensure good quality data from different BCUs
● ensure use of 16+1 classifications for statistical purposes, when police were also instructed to use the PNC classification for many other purposes
● encourage police to use the statistics that were collected and distributed within the force
● obtain relevant statistics from other agencies with poor IT systems: e.g., courts

Other user needs

5.29 We received several comments at a consultation organised at the 2004 conference of the British Society of Criminology at Portsmouth. These were mainly about research. Some researchers were unhappy about the classification used, mainly in that it confused ethnicity and race, and rendered invisible White minorities (Irish people, travellers) who, they thought, were also disproportionately stopped. However, good alternatives were not easy to find and open-ended questions on ethnicity had been shown not to work.

5.30 There was disagreement about whether stop and search rates should be calculated by reference to actual populations or to some estimate of the numbers of BME populations present in the street. Some felt that it was essential to do this while others such estimates extremely difficult and not very useful in measuring discrimination.

5.31 There was also disagreement as to whether statutory backing to collect statistics was useful and some felt that differential treatment of BME communities was difficult to measure and called for research studies to look in more detail at surrounding circumstances. Several people felt that problems were not about measurement but more about action. Others looked for more open government once the Freedom of Information Act in 2005 was in force.

5.32 We obtained different types of comment from RECs and via web sites such as those of the Institute for Race Relations, The Monitoring Group or the Black Information Link. In many cases the main evidence was from casework, predominantly negative, and statistics were sought to confirm or balance this experience. However, groups differed very much from each other (see REWM, 2004 for the results of the 2004 REC National Audit.)
5.33 In some cases, we found the Race Equality Councils further advanced in the analysis of the relation between new legislation and public sector behaviour e.g. see REWM, 2003 for a very perceptive analysis of the methodology needed to respond to the RR(A)A.

5.34 We also accessed the web sites of many other groups, including pressure groups, staff associations and NGOs within the CJS and e-mailed many of them to see if they wished to contribute to the review. We found very little information that was specific to statistics, although the web sites provided a good deal of background to the study and gave us a very good idea of what issues dominated thinking.

5.35 It was clear that whatever these groups thought about BME statistics, they did not wish to comment to us and had not placed much about BME statistics on their web sites. However, we have incorporated comments where they were useful and relevant, e.g. those from LIGALI and from NACRO: and we have been influenced by the policy comments, especially the need for better careers for BME staff within the CJS, which was mentioned by several of the web sites we read. What was also often useful was the research on behalf of such groups: e.g. Wilson & Moore's 2003 study of the experiences of young Black people in prison gave some evidence to some of worries RECs had mentioned to us, when they concluded that:

*While there is no evidence of racism on official Prison Service paper, talk to the Black prisoners themselves and they will tell you a very different story.*

(Wilson & Moore, 2004)

This again highlights the need for research to get behind the BME statistics themselves.
Chapter 6

A response to User Needs: Conclusions and Recommendations

6.1 We first list conclusions around the following areas:

- Whether user needs are being satisfied at present
- The lack of local ownership of data on BME people and the CJS
- The timeliness and the quality of the data
- The different needs at local and national level
- The need for some outside control of the data
- Business processes for collecting data

Are user needs being satisfied at present?

6.2 We feel that, although a considerable amount of BME data is available, user needs for BME data are not being satisfied at present. Sometimes this relates to incompleteness of data: we were given examples of incomplete data where missing percentages were greater than the percentages of BME communities being considered. We were also given examples of incidents not being reported to the police; for example, racist incidents or domestic violence. We were given examples of data on ethnicity not being passed from one agency IT system to another, thus resulting in a large number of missing values. We also found many IT systems, mainly legacy ones that did not easily produce good BME statistics.

6.3 Sometimes the data are there but not always known about: we found many local staff not fully aware of what detailed statistics there were available; many local staff did not know that the Home Office annual S95 data are still published on-line. This is partly because many local staff do not yet have Internet access. National IT systems such as those for the courts and for probation were regarded as not user friendly in making it easy for local staff to obtain data. There was a stated need for greater context in publication and for publication geared to local needs. Sometimes these local needs were much more detailed than had been previously recognised, e.g. for Borough level or for BCU level. Many agencies were also overwhelmed by the amount of potential information that could be made available and short of staff or analytical skills to produce and digest statistics.

6.4 There was sometimes a lack of communication between those who collected the data and local operational staff: e.g. statistics could be entered to the computer or sent to the Home Office, but local management did not routinely look at them.
6.5 We found considerable variation in need, both between different agencies and between different CJS areas. A large number of needs are held in common, but problems are very different in different areas, and the structures and policies being put into operation to meet these problems will vary, and hence statistics to monitor these will also vary. Also different CJS agencies have different breadths of concern. The perceived concerns of the prison service, for example, are limited to 75,000 prisoners at any one time. This, statistically at least, makes their job easier than that of the police who interact with the whole 50 million population.

6.6 Another reason that user needs are not being satisfied is that they are continually growing and the statistical strategy has not kept up with the user demand. The demands of the RR(A)A for data to monitor RESs and the need to consider BME data on victims and public confidence are examples of recent growth in demand.

6.7 We found that user needs for outside groups such as RECs and victim’s organisations are very different than for CJS agencies. CJS agencies often have to satisfy well-defined performance indicators and work within well-defined structures, asking for statistics that can be integrated into RESs, staff training plans and other operational plans.

6.8 External agencies get most of their information through case studies when something has gone wrong and need to be able to judge whether these case studies are extreme examples or the tip of an unacceptable iceberg of cases that are going wrong.

The lack of local ownership of data

6.9 It is clear from what we heard that there is a considerable feeling in LCJBs and among local agencies that a lot of data are collected by the Home Office and other central departments for central purposes, using local people as data collecting agents. The message should be promulgated by the Home Office and other central departments that centrally collated data is simply a putting together of data that are collected and used locally.

6.10 Too often local people tend to think of the collection of data on BME communities as being something imposed on them from the centre, rather than something they should be doing to monitor and improve their operational work. Thus, local police forces collect BME data on breath tests and sent these to the Home Office. Although our sample was a small one, we did not find any area that routinely looked at these BME breath test statistics for their local area and monitored operational policy as a consequence, for example in terms of disproportionality. Neither did we find anyone in the Home Office who routinely used them. Similarly data are entered to CPS and Courts computers on ethnic classification, and although one or two local areas use this data themselves, the general feeling is that such data is mainly for central use. Local areas often only see their own statistics, if at all, when the S95 publication is produced, usually long after the date referred to by the statistics.

6.11 Thus, some data are sent to centre departments but not used operationally locally. This is not always the case: we found a lot of examples of local areas using data in a very positive way (see Chapter 7): But there is a need to strengthen the local ownership of data so that what is collected locally is recognised as being collected primarily for local purposes.

6.12 Local staff were generally critical of Home Office data. They felt that is was far too late to be very useful; not easy to access by all those who needed them; not always very accurate, especially with regard to estimates of population, and in general did not help local CJS agencies or local external agencies very much.
The timeliness and the quality of the data

6.13 This lack of ownership of data means that a number of statistical series are of poor quality or out of date. We have discussed the quality problem in Chapter 4, but we feel that the main driver behind the improvement in quality of data will come about when data are used locally as a matter of routine. Once this happens, the pressure for better collection, more readily available software for local use, and more timely data, will be more direct.

6.14 There are many examples of statistics being late. The most obvious one is that for court decisions. These tend to be only available when S95 data are published. There seems to be little recognition, either at a central or local level, that such statistics are an important part of management information that needs to be available routinely and speedily, so that local management can decide whether any action is needed.

6.15 Because of the lack of timely data, local management has never been able to approach the concept of good management information in a rational way. For example, when we asked people from the magistrates’ courts how often and in what detail they would want their data on court decisions, the answer was that because they lacked the experience of having timely data, they were not sure how often they wanted it. This, in many cases the specification of user needs is no more than an educated guess.

The different needs at local and national level

6.16 There was very little recognition that data needs at the local level and those at the national level are very different. It seems to us that the main characteristics of local level needs are to:

- Monitor the, often changing, needs of local communities, frequently in small areas
- Monitor the way operational practices are being conducted, often at BCU, court, or even individual officer level
- See if local communities feel confident about how CJS policies are working locally
- Be able to put things right speedily, if that is what is necessary
- Introduce new policies and practices locally
- Allocate resources locally, if needs chance
- Report back to the public and the media about local matters

This requires management information that is speedy, available for local areas such as Boroughs and towns, that does not need to wait for other areas to complete data collection and is independent of any political process.

6.17 In our view needs at national level are very different from those at local level. The main characteristics of national level statistics are:

- Less need for statistics to be up to date
- Need for comparative statistics for all CJS areas
- To judge whether general policies are working
- To advise on political reaction to any significant changes to needs or practices.
- To advise on any new policies or practices
To advise on any overall improvements or changes to IT systems or data collecting arrangements

To report the latest situation under S95

This requires much more general statistics, at a later date than local data.

The need for some outside control of the data

6.18 Some respondents from agencies such as RECs said it was unacceptable to them that statistics on which local CJS agencies were judged were those collected by those agencies themselves. Such RECs did not criticise the actions of senior officers in attempting to improve the situation of BME communities. However, they were critical of some more junior officers; they implied that such officers did not take seriously the orders of their seniors. Since junior officers were usually those who collected data on which their actions were judged, RECs considered such statistics suspect.

6.19 The suggestion was made that there should be some external audit of statistics. This could be a duty imposed on the relevant CJS inspectorate to check on the statistical systems in place: the setting up of a new statistical inspectorate: or occasional audits of processes in which local representatives had a chance to comment on data collection procedures.

Business processes for collecting data

6.20 We have mentioned before that data quality is affected by the way data is collected or produced. This section deals with the current business practices for collecting, analysing and publishing the data on BME communities. These processes differ for different series.

6.21 We start by considering basic population figures. These are used heavily by CJS agencies to calculate rates and measure needs. Local areas rely on BME Census data, updated as necessary. We found some discontent with the updating processes currently available. We also found that, in some areas, the police attempt to use local knowledge to update local population figures, because they felt that such indicators as rates of stop & search looked less favourable when official population estimates were used.

6.22 The police are gatekeepers to the CJS. Most people would report a crime to them. They are also the most visible agency for keeping public order. In doing this they exercise powers such as stop and search, giving breath tests, etc. They are thus the first and main collectors of data on ethnicity. It makes sense for some other agencies to rely on the police to pass to them data on ethnic background of suspects. This is because the CPS and courts cannot expect to see every suspect and judge his/her ethnicity for themselves.

6.23 The downside of this is that the only way that the CPS, courts, witnesses or victims groups are able to obtain data on the ethnicity of a suspect or a victim is through the police. An accurate method of passing this data on from the police to other agencies is essential. Current business processes for passing data on from the Police do not work well.

6.24 The business processes for Youth Offending Teams, the probation and prison services are different from those for the police, CPS and the courts. YOTs, probation and prisons deal with a smaller group of client offenders: it is more straightforward for these agencies to collect BME data themselves. They normally see each offender and they do not need to rely on any other agency for the ethnic classification. There are still data problems within each agency but they can be solved within each agency and do not need to rely on a business process that cuts across several CJS agencies.
Recommendations

6.25 The rest of this chapter is concerned with our recommendations. Many of them will have resource costs if they are to be implemented. In Chapter 7 we estimate the costs of implementing our recommendations, based on certain stated assumptions.

Organisation and governance of BME CJS statistics

6.26 First of all we consider the governance of statistics on race and criminal justice. We do this because we feel that until it is clearly set down who is responsible for BME statistics and the details of these responsibilities then improvements will be slow in coming.

6.27 We first make a series of recommendations involving the responsibilities of OCJR, central government departments, LCJBs and local CJS agencies. Although the exact division of responsibilities is likely to evolve over time, depending on the results of consultations, on ministerial decisions, developments in IT systems and on the availability of funds, we envisage a division of responsibilities based on the following judgements:

- OCJR to take the national strategic lead
- Central departments to maintain responsibilities for BME data for their own policy areas
- LCJBs to take the local strategic lead in their own area
- Local CJS agencies to retain the lead in collecting and using data within their own policy concerns

REC 01
We recommend that the future responsibilities for the governance of BME statistics within the CJS should be clearly set down and should follow the structure set out in Figure 1

FIGURE 1
Recommended governance structure for statistics on BME Communities within the CJS

The Office for Criminal Justice Reform will continue to have responsibility for BME statistics to the extent that they will, with the help of RDS (OCJR)

- Co-ordinate approaches to ministers about BME statistics
- Be responsible for taking forward the recommendations of this review
- Issue guidelines to LCJBs, including a minimum set of data that should be collected
- Collect and publish examples of good practice in data collection, presentation and use
- Collate annual publications of local CJS boards into an annual publication under S95 of the CJA 1991
- Maintain a central web-site of good practice, more detailed central statistics, links to other central government web sites and to LCJB websites
Central Government Departments will retain some responsibilities for BME statistics, in that they will need to:

- Create and maintain user-friendly software to produce statistics on a local basis on BME populations from centrally created IT systems
- Publish annual BME statistics on specific topics within their responsibility; e.g. the CPS statistics on prosecutions for racist incidents and religiously motivated offences as part of their national Race Equality Scheme
- Use BME statistics to fulfil their duties under the RR(A)A, e.g. for Race Impact Assessments of new legislation to reassure the public, reducing the fear of crime and anti-social behaviour, and building confidence on the criminal justice system without compromising fairness
- Maintain a comprehensive research programme in their BME policy area

Local CJS Boards will have strategic responsibility for BME data in their area by:

- Collecting BME data that applies to more than one CJS agency e.g. public confidence surveys
- Collating BME data from local CJS agencies and elsewhere
- Analysing BME data from local CJS agencies and elsewhere
- Producing quarterly summaries of BME data for circulation to all local CJS agencies
- Producing and publishing annual summaries of BME data
- Developing the LCJB websites already available through CJS Online to include more detailed BME statistics as well as links to central web-sites and those of other LCJBs
- Liasing with local Crime and Disorder Reduction Partnerships (CDRPs), local authorities and other stakeholders such as the police authority, Probation Board, victims groups and Race Equality Councils (RECs) about BME statistics
- Collating improvements in data quality in local agencies
- Ensuring local agencies have mechanisms in place to use the statistics they collect
- Having regard to data produced by other LCJBs

Local CJS agencies will retain their responsibilities on BME statistics:

- To collect data on BME communities and the CJ system within their agency
- To improve data quality and completeness of the data they collect
- To regularly consider data collected by other agencies within their area
- To share their own data with other local CJS agencies
- To devise and maintain mechanisms for using BME data they produce or are produced by other local CJS agencies
- To pass data annually to OCJR and other central government departments for their use and possible publication
- To make changes to local practice resulting from ongoing use of local data
We consider each of these in more detail:

**OCJR to take the national strategic lead**

6.28 OCJR, with the help of RDS (OCJR) should take the strategic lead in deciding which statistics need to be sent to the Home Office and its associated bodies for national monitoring. Other central CJS departments will continue to decide which statistics they wish to receive from local areas. The requirements for national monitoring are much more limited than those data collected for local monitoring. One way of improving the way that local staff deal with BME statistics is to cut back on the amount of data that they have to send to the Home Office, so that the burden imposed is more limited.

6.29 The list would vary from time to time, as ministers and OCJR change their priorities, issues change and the focus for BME statistics moves from national to local. We listed as ‘High’ in chapter 5 those statistical series that we felt at the moment should be sent to the Home Office for national level monitoring in the annual S95 publications and web site.

**REC 02**

**OCJR should make it clear which statistical series need to be sent to central government departments and with what frequency. These should be confined to statistical series essential for national needs. The priority series marked ‘High’ in Figures 1 to 6 of Chapter 5 of this report should be a starting point for OCJR to draw up the minimum data set of statistics to be reported.**

6.30 Although LCJBs will eventually develop their own ways of working that could be more appropriate to local needs, in the first instance it seems necessary to have central guidelines under which the statistics should be collected and analysed.

**REC 03**

**Central guidelines should be issued by OCJR, with the assistance of RDS (OCJR) specifying the minimum data set of statistical series that should be collected: the quality and completeness that should be aimed for, the timeliness for publication, and the use that should be made of such statistics by local agencies.**

6.31 We feel OCJR, with the assistance of RDS (OCJR) should retain its mandate to publish statistics on BME communities under S95. The CJS Race Unit should co-ordinate these BME data published by the LCJBs into an annual national publication. This volume should be made much more accessible to users. It should be produced in paper form, at least for the next few years, with only the more important series included. It should also include good practice and a good deal of context, on the lines of the 2002-3 volume (Hearnden & Hough, 2004). It should include details of any awards for good practice.
The point was made to us by a small number of respondents that the S95 publication should be de-coupled from the political process. We consider this need below in the context of general developments in National Statistics. However, we do feel that there would be benefits to all stakeholders if the S95 volume is published at the same time each year, and that there is some external input to the drafting of this volume.

Most of the national level data should be made available on the OCJR/RDS/ONS web site where national and local stakeholders can read them. These should be issued at the same time as the S95 Volume. This web site entry should have comprehensive links to local and national RESs, local BME data publications and other related reports by LCJBs and agencies, so that it can be a central resource used by all stakeholders interested in BME statistics and policies. There would be benefits in having a new separate dedicated web site, acknowledged as the main source of BME statistics.

Consideration should be given to setting up a new OCJR/RDS/ONS web site to become a comprehensive source of data and information on BME communities and the CJS, for use by all CJS agencies. It should include data in EXCEL spreadsheets to be used directly by stakeholders. It would thus need some dedicated resources to ensure value for money.
Central departments to maintain responsibilities for BME data for their own policy areas

6.34 OCJR, the Home Office, CPS and DCA should retain the specific responsibilities listed in Figure 1 above. One considerable difficulty that we found is that statisticians and analysts obtain their data from a variety of local and central IT systems. Often these systems have been set up by central government departments for management purposes and produce statistics only as a by-product. The system usually includes BME data but because of poor software arrangements does not always produce timely results. Moreover, the quality of the data is not good. There seems to us a need for much more attention and priority to be paid to statistics and management information by those designing and running such IT systems.

6.35 There is a long history of central CJS government departments producing IT systems for local use and rolling these out throughout the country. At present four agencies, the CPS, magistrates’ courts, the Crown Court and the Probation Service are at various stages of such a roll out, although details vary considerably. However, in every agency, we were told of a lack of clear understanding at local level as to how easy it will be to obtain management data on BME communities from these systems.

6.36 We feel that national IT systems should automatically produce regular tables of management information by BME classification. In this way local managers would soon become used to looking at this data and then start using the data to influence policy and practice in the light of general guidance already issued. If regular tables are not produced automatically, then locally available software should be user-friendly so that local management can easily obtain this management data. Training should be provided for this from the national system organisers.

**REC 06**

All agencies and authorities designing CJS IT systems should give much more priority to obtaining statistics and management information from these systems, both generally, and, specifically, for statistics on BME communities. This would need dedicated resources.

**REC 07**

Central departments rolling out the national IT systems for the CPS, magistrates’ courts and the Crown Court should give priority to local staff being trained so that they can obtain data from their systems in a user friendly manner. They should examine the needs for data identified in this report and make sure that software is available for local use so that such data can be produced on a quarterly basis. Guidelines for the use of such software should be produced.

6.37 We were impressed by the work carried out by CJIT, within OCJR, in coordinating the IT developing within all CJS agencies. CJIT has already produced some of the infrastructure needed for better management information: e.g. the work on CJS Exchange-related data standards (CJIT, 2003) and looked at the need to deliver comprehensive and effective joined-up CJS management information (CJIT, 2004). They have also set up JPIT to eventually provide the information needed by the LCJBs to support their cross-CJS delivery role.
6.38 Even here, statistics and management information is not given a high priority and we feel that this needs to be addressed within OCJR more generally, as well as for BME data. In the statement of their vision, scope and governance for the programme of work to develop the JPIT (CJIT, 2004) they acknowledge that the funding for JPIT and CJMIS is not yet forthcoming. The latest information given to us is that, even by October 2004, no specific funding had been made available for this Criminal Justice Management Information System (CJMIS) development. Moreover it is necessary to acknowledge that, even with 2005 funding, CJMIS cannot be delivered for another 3 years.

6.39 Thus, OCJR, in our view needs to raise the profile of management information from the CJS and argue for the correct funding to be provided. A strong business case should be made for the BME statistics to be included in CJMIS. However, we also feel that the CJS Race Unit needs to make plans for BME statistics development that do not include any new CJMIS data for at least the next three years. This Business Case should also raise the need to ensure that the potential of tracking is fully recognised.

**REC 08**

**OCJR (CJS Race Unit) should produce an early Business Case for the User Requirement for BME data to be promised via the CJS MIS system. This should be a spur to the more general case that CJIT is making for funding for the development of the management information system and for JPIT. This Business case should also include the need for all Tracking initiatives to include a BME classification so that the progress of BME offenders through the CJS can be investigated.**

6.40 We have mentioned before that statistics are not able to provide the full answer to questions on BME issues within the CJS. Some gaps in data will never be filled from routine statistics, as the hypotheses being considered need too much data to collect routinely. Our list of references shows an extensive body of work that has been carried out in the past that is complementary to the statistics that are generally available. However, not all central departments have an ongoing research programme into BME issues: too often such research is funded on an ad-hoc basis. We feel there is the need to maintain a significant research programme within each central government department. There is also a need for central departments to keep abreast of research on BME issues being carried out in other agencies: e.g. universities: CJS agencies: local authorities: etc.

**REC 09**

**Central government departments, including OCJR, should continue to sponsor a research programme to supplement the statistics collected on BME communities and the CJS. They should also keep close to BME research being commissioned by other foundations and organisations. They should bring together relevant research and highlight the main conclusions from it in the annual S95 report.**
LCJBs to take the local strategic lead in their own area

6.41 It seems important to us that, in the circumstances following the RR (A)A, the main importance of BME statistics is to improve the situation of BME communities within local areas. Until it is recognised that statistics need to be collected locally mainly to be used locally to improve local services it is unlikely that local staff will fully recognise that it is their responsibility to collect the data, to improve them and to use them to improve services. Too often we found that, although much good work was done locally, local staff felt that the Home Office was really responsible for policy and the real owner of the statistics collected.

6.42 Individual local CJS agencies will remain the main organisations collecting and using data about their own policies and practices. However, we envisage LCJBs having the main strategic role in regard to BME statistics within their local geographical area. The details of this role are laid out in Figure 1. We chose the LCJB because this is the one local organisation that covers all the CJS agencies and which can consider the total needs of BME communities. It did not seem to us appropriate to recommend that one CJS agency or an external agency, e.g., the local authority, should be the strategic leader on statistics because then the essential need to cover all justice services provided to BME communities would be less likely to be achieved.

6.43 There are some disadvantages to giving this strategic responsibility to LCJBs. They are quite new organisations, not particularly well financed, and, because they are not creatures of statute, it is not straightforward to lay responsibilities on them. Because of this, we make several other recommendations that we feel will improve their likelihood of being able to carry out their statistical responsibilities to the proper standard.

6.44 Each LCJB will need to have a statistically competent individual. In some areas, probably metropolitan ones where statistics are needed for individual Boroughs, BCUs, or courts, it may be necessary to employ more than one statistically competent person, because of the large amount of work involved. In other areas, the role of statistician might be combined with that of local performance officer, provided the right skills are present.

REC 10

To carry out their strategic role in statistics, LCJBs need to be resourced to collect, use and publish their own local BME Statistics. This is likely to require at least one member of staff with statistical skills working for each LCJB, although this will vary across different CJS areas.

6.45 LCJBs also have the responsibility to ensure all agencies have access to each other’s data. This is best done in two ways: firstly by ensuring that regular summaries of data are circulated under the auspices of the LCJB; secondly by encouraging local agencies working closely together on policy and practice to exchange statistics on a routine basis: for example, police and the CPS need to look at racist incident statistics on an ongoing basis.
6.46 LCJBs also have the responsibility to ensure that local BME data about the CJS is made available routinely to the communities and public in their local area. This needs a firm commitment and dedicated resources.

REC 11
Each LCJB should circulate detailed BME data to senior officers within their local CJS agencies on a regular basis, ideally quarterly. The LCJB should also encourage member agencies to take seriously, own and use this information routinely for ongoing operational purposes to ensure that agencies were fulfilling their legislative responsibilities.

6.47 It does not seem to us necessary to make this an expensive and comprehensive statistical volume. Rather it should concentrate on headline issues, and give a ‘Story’ to the local communities and the media, associated with the main statistics on topics of issue. More detailed statistics should be released at the same time, on the web site of the LCJB, for community groups, local academics, etc to access.

REC 12
Firm arrangements are needed for each LCJB to make public BME data for their area on an annual basis. This should be published at about the same time each year, so that communities’ expectations are met and to facilitate confidence. These data should not be subject to any national or local political control.

6.48 The LCJB also needs to collect information routinely on public confidence. This is because the public may feel it is judging the service received from one agency when in fact it is more dependent on a second agency. For example, the police can get blamed for low sentences imposed by the courts, or for cases not brought to court. Thus surveys of confidence need to cover the whole range of CJS services in a particular area. This is not to stop individual agencies collecting data on the confidence of BME communities in them, but this could be in addition to the surveys conducted by the LCJB.

REC 13
The annual local statistical publication produced by the LCJB should consist of a short readable summary of headline points, associated with a clear story about the main developments in policy and practice brought out from the statistics. At the same time a more detailed set of the local statistics from which the national volume is derived should be placed on the web site of the LCJB, making data available, probably in EXCEL spreadsheet form, so that external analysts can make direct use of the figures. A reference to the more detailed statistics should be included in the short summary publication and every effort made to ensure that these references hold good over time.

6.49 The LCJB also needs to collect information routinely on public confidence. This is because the public may feel it is judging the service received from one agency when in fact it is more dependent on a second agency. For example, the police can get blamed for low sentences imposed by the courts, or for cases not brought to court. Thus surveys of confidence need to cover the whole range of CJS services in a particular area. This is not to stop individual agencies collecting data on the confidence of BME communities in them, but this could be in addition to the surveys conducted by the LCJB.
Another reason for the LCJB carrying out confidence surveys is that such a survey would be better value for money than a series of local surveys from each agency. These surveys would also be an important source of information on the PSA target to be introduced from April 2005. We discussed the introduction of the national BME confidence target in paragraphs 5.6 and 5.7 and noted that there is now a local user need to develop a local measure of BME confidence parallel with PSA 2. This measure can only be achieved by local surveys. These are intrinsically quite difficult for BME populations because of the potential cost and the need to achieve adequate sample sizes for BME populations. Existing surveys such as the HOCS or the BCS are not large enough to produce BME measures for local communities, although one solution might be to boost their BME samples in some areas. More research is needed, and more advice given from the centre as to the best way to conduct such surveys. Moreover, each LCJB area is likely to present different problems of sampling, especially where BME communities are dispersed.

The LCJB statistician, working within national guidance, would need to advise on the size of such a survey to obtain good data for the area involved: this would involve considering the need for any ethnic boost, differential sampling in sub-areas, combining with surveys by other bodies such as local authorities, the Welsh Assembly, etc, using existing local citizen’s panels, using existing national surveys such as the HOCS or the BCS, possibly with booster samples. Ideally such surveys should be carried out on an annual basis, but this would depend on the funding available and the estimated change in confidence expected from a local area. There are some estimates of the likely cost of such surveys in Chapter 7.

**REC 14**

The LCJB should collect regular information, from household surveys, on public confidence in CJS services in the local area, covering both the White and BME populations. The results of such surveys should be used by the LCJB and by local CJS agencies to monitor their policies towards BME populations. Headline data should also be published and will complement the national measures of the BME confidence target that forms part of PSA Target to reassure the public, reducing the fear of crime and anti-social behaviour, and building confidence in the CJS without compromising fairness.

Local CJS agencies to retain the lead in collecting and using data within their own policy concerns.

Individual local CJS agencies will remain the main organisations collecting and using data about their own policies and practices. The need for BME statistics for local agencies has been growing over the last few years, and is paralleled by a growing demand for statistics in other areas. For example, under the Disability Discrimination Bill 2005, all public agencies will have a responsibility to publish statistics about disability issues. Many local CJS agencies have put a good deal of work into BME statistics over the last few years. We found this especially in the work that had been put into setting up local RESs: for example by police forces, police authorities, courts probation and prison services. Other agencies, such as the CPS, are organised nationally and consequently have set up a national racial equality scheme. However, we found that there was sometimes a lack of integration of the routine statistics with the RESs. Ownership of routine BME data was not always fully accepted and local agencies need to do more to recognise the key role they have to play in using BME statistics to improve operational services.
6.52 It is important that such mechanisms are transparent, both to the public and to any inspecting authority. Several respondents called for some new audit process to look at the quality and the use of data. We are not recommending such a new audit process because of:

- the expense which would be involved
- existing inspectorates already have the power to look into any system within CJS agencies. They would be able to look at the statistics of BME communities and the CJS, either within a local area agency, or as part of a thematic review of race. Any review of the Inspectorate system would need to ensure such powers were retained
- We also felt it not practical to recommend that BME criminal statistics should have an audit process when other CJ statistics systems are not subject to such an audit

However, we do recommend some accountability to the public at large.

**RECOMMENDATION 17**

Local CJS agencies should publish, in association with their annual reports on their Race Equality Schemes (RESs), their mechanisms for using BME statistics to improve their services to the local communities.

---

**Statutory Basis of BME CJS statistics**

6.53 Having discussed the organisation and governance of BME statistics, we now turn to their statutory basis. We discussed earlier that BME statistics published by the Home Office/OCJR under S95 were no longer National Statistics. One aspect of National Statistics is that they are decoupled from the political process to a great extent.

6.54 A few respondents had made the case to us that BME statistics on CJS had become too close to the political process, at least at national level. They pointed out, in particular that:

- There was no prior announcement of when the Home Office were going to publish S95 statistics
- The actual publication date varied considerably from year to year
The Home Office had changed to website publication without considering that many interested stakeholders did not have access to the Internet.

They also made the suggestion that if the S95 publication were part of National Statistics this would improve their availability and hence the use of these statistics.

6.55 We are not convinced that the situation would be improved if BME statistics on CJS were to become National Statistics. Too much has to be done first to improve the data and making better use of them. Indeed most of our recommendations give priority to local data collection, analysis and use. We feel that the quality of data that is demanded of National Statistics cannot be delivered from present arrangements.

6.56 We understand there is a recent development whereby National Statistics procedures and protocols could be applied to all statistics that are required nationally, whether or not they are formally National Statistics. We do not know the timescale for such a decision but we welcome this possible development, which could apply to BME statistics on CJS issued by central government departments. The implications of this for data quality and publication would need to be considered with all stakeholders and carefully worked through. On the face of it this seems to be a sensible compromise between the present position and that of re-badging BME CJS statistics as National Statistics. It should also be a spur to improving data quality.

We therefore conclude that:

**REC 18**

**BME CJS statistics issued by central government departments, such as the annual publication of S95 statistics under the 1991 CJA should not be re-badged as National Statistics for the time being. However, those publishing statistics on a national basis should apply National Statistics procedures and protocols to BME CJS statistics as much as possible, in line with recent developments in statistical policy generally. Possible re-badging as National Statistics should be reconsidered at the next review in 5 years time.**

6.57 We concluded in Chapter 1 that statutory backing to statistical data collection did not in itself improve the chances of good data being collected and good use being made of the data. As important were such practical matters as the availability of resources, central support and leadership in the form of guidelines and appropriate software and good statistical skills being available. However, there can be benefits to be gained from including a statutory backing to statistical data. The history of BME CJS data having such a backing, starting with S95 of the 1991 Act about the publication of data and continuing with the RR (A)A 2000 shows that such a statutory backing can be beneficial. At present the statutory backing to BME CJS data is partial and were the recommendations in this report to be followed, there is the potential for it to become much more complete. We therefore suggest the following to be considered in due course:

**REC 19**

**Once the recommendations of this report have been implemented, Ministers should be asked to consider a new statutory basis for collecting and publishing BME statistics, to include bring together all existing statutory arrangements.**
Specific local recommendations – Good Practice in the collection/use of BME statistics

6.58 We found a lot of good practice in the collection and use of BME CJS statistics. Some of these are listed in Chapter 7. However, much of this was not shared outside the particular geographical area. We felt that there would be a good deal to be gained in local areas if they were aware of good practice from elsewhere. This is not only in exchanging ideas but also in exchanging software and thereby reducing separate development costs. We see a role for OCJR and central government departments as well as for local CJS agencies and LCJBs with regard to good practice.

6.59 There seem to be three important points to be made. Good practice needs to be collected together: it needs to be published and made available to all stakeholders: and geographical areas need to be encouraged to use good practices developed elsewhere.

REC 20

The OCJR should, as a matter of routine, collect examples of good practice in the collection and use of ethnic minority statistics in CJS from local areas. The following parameters could be followed:

- An full initial audit of good practices should be conducted: e.g. LCJBs could be encouraged to submit good examples to OCJR; examples could be found from local publications and visits could be made by OCJR
- LCJBs should be encouraged to include good practice in their annual publications
- LCJBs should be encouraged to develop mechanisms for sharing good practice, both between equivalent agencies and across agencies
- A list of good examples should be published each year, at the same time as national statistics each year
- The best example(s) each year could be highlighted, perhaps by the award of a prize

6.60 Rather than simply publishing good practice, OCJR should actively encourage and produce incentives for central departments and local areas to take up the best practices.

REC 21

OCJR should take a leading role in getting good practice in the collection, analysis and use of BME statistics adopted at both national and local level: examples of this role could be:

- To encourage central government departments and local agencies to adopt good practice in improving data quality and completeness
- To look for good examples in other social areas, such as education
- To encourage use of common software, both nationally and locally where relevant
Data Quality

6.61 We found in Chapter 4 that data quality of BME CJS statistics was generally poor and needed to be improved. Many of our recommendations, especially the need for extra resources and those on central IT systems, will improve data quality. However, there are some specific recommendations that can be made. We felt that the completeness of Probation Service recording has been improved by central guidance from the National Probation Service, for example in the recent circular to Probation Areas (see National Probation Service, 2004) We feel that there needs to be a strong move to improve data quality through making it clear to all agencies that an important part of their performance will depend on whether their data on BME communities is complete and accurate. We recommend central guidance on recommended completion rates be also set for police forces.

6.62 It is also important that the police pass complete data on ethnic classifications through to the CPS and to the Courts and victims organisations.

REC 22

Quality thresholds for completion rates should be set for the police, as the collecting agency:

- To encourage more complete recording of BME classifications
- To encourage the police to pass more complete data to other agencies

These thresholds will need to be negotiated with police authorities and ACPO. We suggest that they should resemble the quality thresholds already set for the probation service in a recent probation circular. For the police this might mean that e.g. records of those arrested and those charged should be at least 95% complete before the data are passed on to the CPS and the courts. Such indicators should be extended as soon as possible to include all relevant police statistics, including complaints. This quality threshold should also apply to data held on CPS and courts data systems.

6.63 There are areas where the quality of data is dependent not on collection processes but on the IT systems where the data are held. We make specific recommendations on these below, but it is clear that such improvements are likely to be slow in coming, even if our recommendations are followed. We therefore see a continuing need for OCJR and RDS to continue to press for better quality data and to make it clear, in the annual publication, where data quality falls short.

6.64 There will also be a need for more staff within the Home Office to give advice on improving local statistics. In particular, there is a need for more advice to be given on the carrying out of local surveys in such areas, e.g. to consider alternative methods of sampling that would enable better local statistics on BME confidence or a proper measure of the extent of reporting of racial incidents. There is also a likelihood that a far higher volume of statistics will come to the Home Office in the future, both as a result of growing amount of BME statistics as central IT systems come on stream and because of the recommendations in this report. For all these reasons there is a need to reconsider the resources available to RDS to analyse BME statistics.
Many of our other recommendations, if followed, are also likely to improve data quality, especially those for central government departments to make improvements to the way management information and statistics are obtained from centrally designed IT systems.

### Gaps in data

The main gap in data availability is the lack of good updating procedures for local census information on BME populations. We were impressed by the work of the GLA in updating their annual estimates of BME communities by Borough. We suggest that all local areas need to look into the possibility of updating their census estimates. For some local authority areas, where there is little migration, current updating procedures may be sufficient: ie applying the population percentages obtained in the 2001 census to total mid-year estimates. However, some areas, e.g. those with larger BME populations, say over 10 per cent, or where there has been large movement of BME populations, should produce annual estimates using the methodology pioneered by the GLA.

### REC 24

**ONS should make plans, with OCJR, RDS, local authorities and LCJBs to make better estimates of BME populations on an annual basis for those local authorities where the BME population is over 10 per cent or where there are known to have been large changes to BME populations. These estimates will enable CJS agencies to have access to population data that is much more accurate than current estimates, and enable them to target their services appropriately. The methodology should be based on that used by the GLA, and make use of data from all valid sources.**

Another gap mentioned to us was the lack of information on the extent to which different communities are taking part in jury service. Late in the study we discovered that DCA has commissioned some research on this topic from Birmingham University. We are glad to hear of this as a research study of this type is a good first way of obtaining information about BME communities and jury service. Depending on the results of this study there could be a need for continuing statistics. Thus, once the results of this study are available, DCA will be able to decide whether routine statistics are needed on the extent to which different communities serve on juries.
6.68 There were other gaps in statistics suggested to us in the area of courts data: for example, the use of bail and remand, the extent to which orders are breached. For a list of these see Chapter 5 on user needs and Annex C. Many of these gaps will be filled once the centrally designed IT systems are in general use.

Classifications

Ethnicity

6.69 The current 16+1 classification causes some difficulty, but is generally accepted as the best compromise between different possibilities. Most LCJBs valued the possibility of collecting extra classifications for their own area, as long as they were compatible with the 16+1: travellers and Somalis were most often mentioned.

6.70 The more important of the difficulties mentioned with the 16+1 classification were:

- Some respondents pointed out that it was not always possible to collect data on the 16+1 classification, e.g. in the case of a victim’s assessment of their attacker. Clearly, in such cases broader classifications should be used, but we recommend 16+1 wherever this is practicable.

- Some respondents also said that statistics collected under the 16+1 classification could be more expensive than those under broader classifications: e.g. where paper records are to be analysed before IT systems are available. We agree, but hopefully, this will be a temporary situation, and we would hold to a 16+1 classification once IT systems are working well.

- Some respondents mentioned that categories should be grouped together for publication: e.g. at local level, where there are sometimes very few in some categories: or at national level, for clarity of getting the message across. This could well be so, and would be a professional judgement to be made at the time of publication. However, it should be made clear why the 16+1 classification has been telescoped and references given to how the more detailed information can be obtained.

REC 25

Once the results of the University of Birmingham study of jury empanelment is complete, the DCA should look into whether there is a need for routine collection of data on the ethnic composition of juries.

REC 26

Local CJS agencies should continue to collect and use the current 16+1 classification, wherever this is practicable. Areas that wish to collect more detailed information should do so as long as this can be grouped into the 16+1 classification. Whenever less detailed information is published, reference should be made to where more detailed information can be obtained from.
6.71 We therefore do not make any suggestion about changes to the classification to be used. The main barrier to more widespread use of the 16+1 classification is that the police still use their 6+1 system for several data bases, especially entering offender/suspect data to the Police National Computer. We see no value in continuing to collect data on the 6+1 system, which represents a set of social circumstances from two generations ago.

**REC 27**

Notwithstanding the variation between police-defined and self-defined ethnicity, the Police National Computer should change its BME classification system to a classification compatible with the 16+1 system, to improve the quality of BME data.

6.72 The system of collecting information on ethnic classifications of those in contact with the CJS system is an important aspect of government statistics and there could be lessons for other parts of the government statistical service. Therefore, we recommend close co-operation between the Home Office and ONS.

**REC 28**

Home Office RDS should liaise closely with ONS about developments in ethnic classifications, ensure the latest thinking is carried over into CJS data capture, and that lessons learned in CJS data capture are passed to ONS.

**Religion**

6.73 Some respondents felt that religion would be a useful data field. They claimed that many of their services needed to respond to the religion of the offender or employee, as distinct from his or her ethnicity. Examples given were the need to provide holy books in courts and to allow for religious observances in the probation and prison services. Respondents felt that such information is generally routinely available where needed.

6.74 Others felt that collecting data on religion was necessary because of the way some communities were targeted by offenders because of their religion. This was usually with reference to the Muslim community, although recent statistics (Community Security Trust, 2005) show that the Jewish community is also subject to such targeting. Few respondents seemed to be aware of the developments that were already taking place in collecting data on religion: e.g. the collection and publication of data on religiously aggravated offences by the CPS (see CPS, 2004.) These statistics are now routinely available by local CJS area, but do not always get disseminated at local level. Because of this recent growth in statistics, we do not see the present need to make any recommendations about collecting more data on religion. However, it is important that such data are disseminated and read more widely.

**Tracking**

6.75 We have mentioned before that many respondents suggested that the tracking of offenders through the various parts of the CJS had great potential. Some stated that they already tracked offenders but on examination this usually turned out to be within their own systems and despite rather than as part of their existing IT systems. The closer working together of police and CPS
enabled mostly manual tracking of such aspects as racial incidents brought to charge. However, when we asked exactly what extra data would be available from tracking that would assist them in their policies and practices, few people could be specific.

6.76 The only specific information we were shown on BME offenders obtained from a tracking system was from the GLA (GLA, 2004) that they had obtained from their Street Crime Action Team (SCAT) tracker data for the period April 2002 to March 2003. This analysis compared outcomes for around 7,500 people arrested for street crimes from different ethnic groups. They found that slight differences did exist in the outcomes of arrests depending on ethnicity, with BME people being slightly more likely to be charged with Street crime than White people arrested and White people more likely to receive a caution. At court level, a higher proportion of cases were discontinued for Black and Asian offenders than for White Offenders. Further Metropolitan Police Service (MPS) analysis has shown wider variations for particular Boroughs.

6.77 On further consideration of such results, it was clear that the arrest to charge analysis could be obtained entirely from police data and the court discontinuance data could be entirely obtained from court data. Thus we feel that the value added of Tracking has yet to be fully substantiated. Moreover respondents raised some doubts of the practicality of Tracking:

- Many respondents recognised the difficulty of routinely currently passing data from the police to other systems
- The cost of special tracking systems, both in money and demand for data, in advance of linked up systems through CJIT, is very large
- The GLA summed up the situation succinctly in their report on the SCAT work:

  *IT systems are not joined up across CJS agencies. This makes it difficult to track disproportionality and outcomes across CJS agencies. The SCAT Tracker system, and its subsequent replacement J-Track, has addressed this in a small way, but because the system requires individuals in each agency to key data into a system designed only for tracking purposes, this can only ever be a temporary solution … enforcing data quality is difficult’ (GLA, 2004 p. 5)

6.78 Despite this we recognise the potential of tracking for understanding more clearly how BME offenders progress through the justice system. We feel that this should be by ensuring that all tracking experiments and systems should include a BME classification of the offender. Such experiments could yield useful BME data, but we see the main development in tracking as having to wait for linked CJS systems, following the developments that have been outlined to us from CJIT. These seem unlikely to take place within the next three years. However, we recognise that some tracking experiments are likely to continue during that period and we feel that a BME classification should be included within such experiments. We have already made this point, in REC09 on the Business Case needed for management information developments from CJIT systems.

6.79 Most people felt that tracking of BME staff was both desirable, feasible and took place in many cases. This involved following through staff so that progress could be monitored. We were also told that such information would be published in the RESs. We recommend that such work should continue.
Reconviction Rates

6.80 One of the most important of the CJS PSA performance indicators is the use of reconviction rates to measure the effect of the CJS in reducing offending. This is typically carried out using the specific measure of reconviction rates two years after leaving prison or completing a community sentence. There is a need to access the national database (‘Offenders Index’), and so both national and local analyses are usually carried out by RDS (NOMS) in the Home Office. The ethnic classification of offenders is not routinely held on the Offenders Index, but can be obtained from access to other databases such as the prison IT system.

6.81 In this way RDS (NOMS) has produced some very useful reconviction analyses by BME classification. These tend to be very positive and show that generally reconviction rates for non-White offenders are lower than for White offenders. (See Home Office 2003)

6.82 It is important that such analyses are produced routinely and there is a need for RDS (NOMS) to improve the access of their national database (Offenders Index) to BME data. We are pleased to note that recently RDS has strengthened its links with the PNC. Thus, although the BME classification used by PNC is not ideal, the chances of wider BME analyses of reconviction rates are now greatly enhanced. We would like to see RDS use this potential more widely to produce BME analyses as a matter of course and to examine the possibility of producing local BME analyses of reconviction rates as an aid to local management.

Taking forward the recommendations of this review

6.83 The recommendations of our review should be taken forward in parallel with the continuing work resulting from the 2001 review of statistics on the Administration of CJS (see ONS web site). That review made a large number of recommendations that have been taken forward, as circumstances have permitted, by a steering group headed by DCA. We have seen their most recent draft report (DCA, 2004). Much of their work is relevant to our recommendations on BME statistics, in particular two of their five high-level recommendations:

- **CJS analysts and others [should] move towards using a single analytical data base covering the magistrates’ court and the Crown Court**

- **Analysts [should] provide support and input to strategic IT initiatives, which will allow cases to be tracked through the CJS and management information (MI) to be produced more generally to inform CJS business.**
  (DCA, 2004, para. 18)

6.84 It is important that OCJR both learns from the past experience of this earlier review and works closely with the ongoing experience of the steering group.
6.85 Although the work following this review and the work of the Steering group overlap, there is still a necessity for a new mechanism to be set up to take forward recommendations of our review. The TAG has proved to be an excellent mechanism for overseeing the work to put the 2004 statistics into context and to oversee the working of this review. It seems to us sensible that a similar mechanism is put into place to oversee future developments and support the teams in CJS Race Unit, RDS and local statisticians and analysts, who have to take forward our recommendations.

6.86 It is likely that a group will need to be set up with a different membership as current membership tends to concentrate on national needs. Now the requirement for local needs to drive these statistics has been identified a new group would need to have representation from local areas. It should also have a large degree of independence, with an external chair, and should include both statisticians and policy makers. It will need a wide representation of CJS agencies and of other relevant stakeholders, e.g. the APA. It will also need to link its work to that of CJIT and with the ongoing work on improving statistics on the administration of criminal justice.

REC 30

When taking forward work on BME statistics CJS Race Unit and RDS should liaise closely with the work of the Steering Group on the Review of Statistics on the Administration of Criminal Justice, to ensure both that work is not duplicated and that needs for BME statistics are incorporated by that steering group into their ongoing work. Articulation of BME needs would add to the requests of the steering group for greater funding and resources.

REC 31

In taking forward the recommendations of this review, it will be important to consult widely and to allow all stakeholders to input to the change process. This means that a consultative group will be very useful to OCJR in taking forward the recommendations. Such a group could have many of the characteristics of the TAG for this review (see Annex A) but may need a different membership, and may need sub-groups to take forward specific work. The group should also have enough strength to lobby for more resources where this review recommends that these are necessary.

6.87 The costs and the likely impact of implementing our recommendations are given in Chapter 7. Total costs are considerable. It is probably unlikely that sufficient resources will be available under present funding arrangements. However, many of the recommendations could be introduced at low cost and would still have a medium to high impact.

6.88 Most of the high cost recommendations fall to LCJBs in extra staff, including training, and in conducting local confidence surveys. This cost would average around £100,000 a year for each LCJB; judging from discussions with management staff in some LCJBs, this would amount to almost doubling the budget. It is unlikely that such total extra costs would be available all at once. This suggests an alternative approach to implementation, which would involve piloting the local recommendations in one or more local CJS areas.
6.89 There could even be advantages in such piloting. Areas could be chosen that were sympathetic to the ideas put forward or had already moved some ways towards the thinking in this review: any snags could be ironed out, and this is likely to lead to modifications of some of the detail in the review and more effective implementation of our recommendations in other areas once resource became available. Moreover the fact that action was being taken in response to this review would be seen by BME communities and groups as a positive step forward, and is likely to lead to more co-operation between CJS agencies and BME communities. We therefore suggest the following recommendation, if resources are not available for full implementation of all our recommendations in the immediate future.

**REC 32**

**In taking forward the recommendations of this review, it will be necessary to take into account available resources. It would be possible to pilot the recommendations in a small number of LCJB areas and there could be advantages in doing so, as this could iron out snags before countrywide implementation.**
Chapter 7:

Cost and prioritisation of recommendations

7.1 This chapter considers the recommendations made in Chapter 6, attaches cost estimates to each of them and considers their likely impact on improving the statistics on BME communities and the CJS system. This enables us to prioritise our recommendations based on the two dimensions of impact and cost. We also consider the timescale of implementation.

7.2 Figure 1 below gives our estimates of costs. These should be taken as indicative costs only. We do not have the full information necessary to cost everything in the detail that would be required for internal Civil Service or CJS agency bids. They are essentially costs of sufficient accuracy to enable a prioritisation of the recommendations to be made. The costs will need to be reviewed within OCJR, central and local agencies, using more detailed and more up-to-date information that will be available about staff and IT costs, and in the light of other resource allocations. We have, as far as possible, given the assumptions made when calculating the estimates. In one or two cases, it has not been possible to make indicative estimates.

7.3 The costs are those additional to the current situation. Where activities are already being carried out, e.g. the collection of data by CJS agencies and the production of the S95 annual volume by OCJR and RDS (OCJR) only the estimated additional cost is included e.g. when considering the staff costs for RDS (OCJR) in carrying out the additional central work stemming from our recommendations, the costs in Figure 1 are additional to the current staff levels of 0.6 G7, SRO and an HEO.

FIGURE 1
Estimated cost of recommendations

<table>
<thead>
<tr>
<th>No.</th>
<th>Summary (Dependent on other RECs)</th>
<th>Cost in £s Figures in brackets are annual costs</th>
<th>Notes and assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Overall Structure</td>
<td>Cost would be sum of costs below</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Set minimum data set</td>
<td>9,000</td>
<td>3-months junior RDS staff time (one-off cost)</td>
</tr>
<tr>
<td>3</td>
<td>Central guidance</td>
<td>12,000</td>
<td>2-months G7 staff time (one-off cost) in OCJR</td>
</tr>
<tr>
<td>4</td>
<td>Producing annual volume</td>
<td>9,000</td>
<td>If extra material is included such as good practice, EXCEL data and comprehensive references to web sites and to research results, etc, there could be some extra cost of around 3 person months for RDS staff (one off cost)</td>
</tr>
<tr>
<td>No.</td>
<td>Summary (Dependent on other RECs)</td>
<td>Cost in £s Figures in brackets are annual costs</td>
<td>Notes and assumptions</td>
</tr>
<tr>
<td>-----</td>
<td>---------------------------------</td>
<td>-----------------------------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>5</td>
<td>New OCJR/RDS web site (REC 04)</td>
<td>20,000 (10,000)</td>
<td>Set up costs for RDS. Annual staff costs for RDS. Both costs would need to be confirmed by IT specialists. Costs could be lower if S95 statistics were included on web sites that are already planned.</td>
</tr>
<tr>
<td>6</td>
<td>Govt Depts to give priority to user friendly IT systems</td>
<td>50,000</td>
<td>This depends on what arrangements have already been made for local staff access to COMPASS, LIBRA, etc. This would need to be assessed by central depts. This is an estimate of software costs.</td>
</tr>
<tr>
<td>7</td>
<td>Govt Depts to supply training in statistical aspects of new IT systems (REC 07)</td>
<td>(500,000)</td>
<td>Zero costs assumed as local staff would need to be trained in the use of the new systems. Statistical aspects could be covered at the same time.</td>
</tr>
<tr>
<td>8</td>
<td>Business case for BME data via CJS MIS, including Tracking</td>
<td>12,000</td>
<td>2-months G7 staff time assumed in OCJR.</td>
</tr>
<tr>
<td>9</td>
<td>Govt Depts to sponsor a research programme on BME communities and the CJS</td>
<td>(500,000)</td>
<td>This assumes a wide interpretation of research, as specified in Chapter 7. This cost would cover all central CJS depts whose research programmes would be planned in a co-ordinated fashion.</td>
</tr>
<tr>
<td>10</td>
<td>Statistical resourcing of LCJBs (RECs 02,03)</td>
<td>(1,500,000) 40,000</td>
<td>Staff costs at £36,000 for each of 42 areas. Initial training costs at £400 a day for police stats officer and for new LCJB stats officer. These costs assume every LCJB has an average of one additional person. A lower level of additional staffing, or a pilot in a number of geographical areas would cost less.</td>
</tr>
<tr>
<td>11</td>
<td>LCJBs to circulate data quarterly (REC 02,03,10)</td>
<td></td>
<td>This cost would be included in the cost of REC 10. Cost also assumes statistics would be circulated electronically. Paper circulation would add extra costs.</td>
</tr>
<tr>
<td>12</td>
<td>LCJBs to publish statistics annually (RECs 02,03,10,11)</td>
<td>(500,000)</td>
<td>This assumes a £12,000 printing cost for 42 areas. But could perhaps be done more cheaply e.g. as part of an annual report on the RES, rather than as a dedicated document and the solution could vary across LCJBs.</td>
</tr>
<tr>
<td>13</td>
<td>Use of local web sites for more detailed data (REC 02,03,10,11, 12)</td>
<td></td>
<td>Each LCJB already has a web site. This assumes existing sites are developed and the cost of adding statistics is absorbed within this development.</td>
</tr>
<tr>
<td>No.</td>
<td>Summary (Dependent on other RECs)</td>
<td>Cost in £s Figures in brackets are annual costs</td>
<td>Notes and assumptions</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>14</td>
<td>Local surveys of public confidence (RECs 02, 03, 10)</td>
<td>(2,100,000)</td>
<td>This assumes that each local area spends around £100,000 on a public confidence survey every 2 years. But could be cheaper options ie piggy backing onto others’ surveys</td>
</tr>
<tr>
<td>15</td>
<td>LCJBs own the BME statistics</td>
<td></td>
<td>Assumed to be no extra cost</td>
</tr>
<tr>
<td>16</td>
<td>Local CJS agencies to be aware of data from other agencies</td>
<td></td>
<td>Assumed to be no extra cost</td>
</tr>
<tr>
<td>17</td>
<td>Local CJS agencies to publish mechanisms for using BME statistics</td>
<td></td>
<td>Costs could be absorbed within the costs of producing annual reports on Racial Equality Schemes and could vary across LCJBs</td>
</tr>
<tr>
<td>18</td>
<td>S95 publication to stay outside NS, but to follow RDS procedures if they change</td>
<td></td>
<td>Assumed to be no extra cost</td>
</tr>
<tr>
<td>19</td>
<td>Possible new statutory basis</td>
<td></td>
<td>Assumed to be no extra cost</td>
</tr>
<tr>
<td>20</td>
<td>Collection of examples of good practice</td>
<td>Up to 9,000</td>
<td>Up to 3 months junior staff time assumed co-ordinating responses from LCJBs</td>
</tr>
<tr>
<td>21</td>
<td>OCJR take leading role in setting good practice (REC 20)</td>
<td></td>
<td>Assumed to be included in REC 20</td>
</tr>
<tr>
<td>22</td>
<td>Quality threshold to be set for police collecting and passing on data</td>
<td></td>
<td>Setting thresholds will be cost neutral. There is likely to be a small cost to the police in setting up mechanisms to achieve better data quality</td>
</tr>
<tr>
<td>23</td>
<td>OCJR/RDS to develop training role for local statistical officers (RECs 02, 03, 10)</td>
<td>(36,000)</td>
<td>Assumed 1 extra training officer within RDS. Alternatives, such as contracting with outside agencies to write a training package, for internal use, could be more cost-effective in the long run</td>
</tr>
<tr>
<td>24</td>
<td>ONS to produce annual BME population estimates for some local areas</td>
<td>(36,000)</td>
<td>Assumed 1 extra staff within ONS, but there are other possibilities. Any improved estimates would need to have ONS input</td>
</tr>
<tr>
<td>25</td>
<td>DCA to consider the need for jury BME statistics</td>
<td></td>
<td>The consideration would be no extra cost</td>
</tr>
<tr>
<td>26</td>
<td>Continue to use 16+1 classification</td>
<td></td>
<td>Assumed to be no extra cost</td>
</tr>
<tr>
<td>27</td>
<td>PNC to change to 16+1 classification, with no back record conversion</td>
<td>100,000</td>
<td>If new records from a particular date were placed on a 16+1 classification, no cost is assumed for back record conversion. However, there is likely to be a software cost to ensure old and new data can both be used</td>
</tr>
</tbody>
</table>
7.4 As well as one-off and annual costs, totals can be summarised as falling to central departments or to local areas. This is done in Figure 2. From this the cost can be estimated of implementing the recommendations gradually throughout the country, perhaps starting with one or two local CJS areas as pilot developments (REC 32).

**FIGURE 2**
Estimated cost of recommendations – Summary

<table>
<thead>
<tr>
<th>No.</th>
<th>Summary (Dependent on other RECs)</th>
<th>Cost in £s Figures in brackets are annual costs</th>
<th>Notes and assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
<td>RDS to liase with ONS</td>
<td></td>
<td>Assumed to be no extra cost</td>
</tr>
<tr>
<td>29</td>
<td>Reconviction rates</td>
<td></td>
<td>It is not possible to make this estimate without much more detail information on current developments within RDS(NOMS)</td>
</tr>
<tr>
<td>30</td>
<td>Close links with Review of Statistics on Administration of Justice</td>
<td></td>
<td>Assumed to be no extra cost</td>
</tr>
<tr>
<td>31</td>
<td>Consultative group for taking forward recommendations</td>
<td>£5,000</td>
<td>Assumed cost of a technical group: expenses, hire of rooms, etc. CJS Race Unit would have figures from their experience with the TAG of this review</td>
</tr>
<tr>
<td>32</td>
<td>Implement the local recommendations in a small number of pilot areas first</td>
<td></td>
<td>Cost would depend on the number of areas chosen. For each LCJB we estimate an initial training cost of £1,000 per area, an ongoing staff cost of £36,000 an annual printing cost of £12,000 and expenditure on a local confidence surveys of £100,000 each two years</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>On-off costs</th>
<th>Annual costs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Central Costs</strong></td>
<td>£221,000</td>
<td>£587,000</td>
</tr>
<tr>
<td><strong>Local area costs</strong></td>
<td>£40,000</td>
<td>£4,100,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>£261,000</td>
<td>£4,687,000</td>
</tr>
<tr>
<td><strong>Estimated cost per local area</strong></td>
<td>£1000</td>
<td>£100,000</td>
</tr>
</tbody>
</table>
We now go on to consider the likely impact of each recommendation. Figure 3 considers the recommendations by their impact and cost.

**FIGURE 3**
Analysis of recommendations by impact and cost

<table>
<thead>
<tr>
<th>Low Impact</th>
<th>Medium Cost</th>
<th>High Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Low Impact</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R18 BME stats to be outside NS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R25 Jury statistics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R28 RDS to liase with ONS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R31 Consultation group for implementation</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Medium Impact</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R02 Min Data set</td>
<td></td>
<td>R24 Local BME population estimates</td>
</tr>
<tr>
<td>R03 Central guidance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R04 Producing annual volume</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R16 Local staff to use data from other agencies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R19 New statutory basis</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R29 Reconviction rates</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>High Impact</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R07 IT systems training</td>
<td></td>
<td>R05 CJS web site</td>
</tr>
<tr>
<td>R08 CJIT Business Case</td>
<td></td>
<td>R06 IT systems</td>
</tr>
<tr>
<td>R11 (depends R10) Local data circulated</td>
<td>R23 OCJR/RDS training role</td>
<td>R09 Research programme</td>
</tr>
<tr>
<td>R13 Local web sites (depends R10)</td>
<td>R21 OCJR to encourage use of good practice</td>
<td>R10 Local Stats Staff</td>
</tr>
<tr>
<td>R15 Local staff to own/ use stats</td>
<td>R22 Quality thresholds</td>
<td>R12 Local publication</td>
</tr>
<tr>
<td>R17 Local staff to publish mechanisms</td>
<td>R26 16+1 classification</td>
<td>R14 Local surveys</td>
</tr>
<tr>
<td>R20 OCJR to collect good practice</td>
<td>R30Links with Review of Admin Justice stats</td>
<td></td>
</tr>
<tr>
<td>R21 OCJR to encourage use of good practice</td>
<td>R32 Implement the local recommendations in a small number of areas as pilots</td>
<td></td>
</tr>
<tr>
<td>R22 Quality thresholds</td>
<td>R26 16+1 classification</td>
<td>R31 Consultation group for implementation</td>
</tr>
<tr>
<td>R23 OCJR/RDS training role</td>
<td>R27 PNC to change classification</td>
<td>R32 Implement the local recommendations in a small number of areas as pilots</td>
</tr>
</tbody>
</table>

In Figure 3 Impact and Cost are defined in the following ways:

<table>
<thead>
<tr>
<th>Impact</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>High</strong></td>
<td>Leading to an excellent system of BME statistics</td>
</tr>
<tr>
<td><strong>Medium</strong></td>
<td>Considerable improvements to BME statistics but still some deficiencies</td>
</tr>
<tr>
<td><strong>Low</strong></td>
<td>Some improvements to BME statistics but still some considerable deficiencies</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cost</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>High</strong></td>
<td>£100,000+</td>
</tr>
<tr>
<td><strong>Medium</strong></td>
<td>£15-50,000</td>
</tr>
<tr>
<td><strong>Low</strong></td>
<td>Up to £15,000</td>
</tr>
</tbody>
</table>
7.6 The costs in this chapter enable decisions to be made about implementation, in terms of the impact of the recommendations and their likely cost. Once decisions have been made about the future, these tables should also enable central government departments to cost the way forward.

**Timing of implementation**

7.7 Timing of implementation will depend on the results of the consultation process following from this review and on the availability of resources. This report was finalised in April 2005 and considered by the National CJS Board during the Summer of 2005. The report is likely to be disseminated during the Autumn of 2005. Recommendations that have little to no cost could be brought in after that, once agreed with stakeholders.

7.8 Decisions on the availability of resources are unlikely to be taken and resources made available before 2006. In the likely event that resources are available for work in a pilot area or areas, this could start in the Spring of 2006 leading to the first local data being circulated internally towards the autumn of 2006 and published at the end of the financial year 2006/7.

7.9 The future extension of the recommendations to all areas will depend on the availability of resources. However fast this happens a further review of BME statistics and CJS should take place within the five years that are recommended by ONS.
Chapter 8: Good practice in the collection and use of BME CJS statistics

8.1 During our interviews we were impressed with a wide range of good practices in collecting and using BME statistics on criminal justice. We also obtained some good ideas from several of the references and web sites that we consulted. We felt that if 5 local CJS areas had yielded a number of good examples, than a fuller audit would identify a much wider range of good practices. We have already recommended in Chapter 6 (REC 20) that OCJR should conduct an ongoing audit of good practices.

8.2 In this chapter we have selected a small number of the good practices identified. While it is too early to assess the impact of these practices, we felt they were sufficiently promising to recommend to other LCJB areas. However, it was not possible to make an exhaustive or definitive list, the areas we have not covered may have good examples on the same topics and there could also be good examples in areas such as health or education, etc.

A. Statistics on stops under Recommendation 61 of the Stephen Lawrence Enquiry

8.3 The police have responsibility for collecting data on such stops from the 1 April 2005. Each area that we visited was making some preparations to do this, but we were particularly impressed with a pilot system in South Wales. This is mainly to provide data for local use but has also been designed to be a source for Home Office statistics. In the pilot:

- police were issued with a small pad of forms with a single page for each stop
- This pad was easy to carry and fitted into the pocket of a police constable
- It contained all the coding material necessary (ethnic classifications: reasons: BCU beats), summaries of legislation and advice on police conduct
- The same system could be used to collect data on stops, stop and search, vehicle stops
- Data were keyed direct into a bespoke Microsoft Access database on a weekly basis
- Regular analyses were produced by: e.g. time, small area, individual person/officer
- Data was used routinely in operational situations
- Individuals were classified by the self-defined ethnicity code 16+1 and the officer defined ethnicity codes 6+1 code
- Data were collected on the person’s name, date of birth, gender, height, hair colour
- Data were also collected on the outcome of the event: arrest, summons, warning
8.4 As well as obtaining data from each area, the Home Office needs to be satisfied that the statistical mechanisms in place are good ones. Were other areas to use a system such as this then the development costs for new statistics could be reduced considerably.

8.5 Although this pilot serves both local and Home Office purposes, it is clear to us that the Home Office needs very little of the detail that is collected locally. Whereas each force will use the data for operational as well as statistical purposes, the Home Office will only need summary information, on an annual basis, for the whole force. Whereas local areas will need a lot of individual information, both for operational use and to compare with local populations, the Home Office will only need broad totals and how the local force uses the data operationally.

B. The use of ‘families of areas’ for comparison purposes

8.6 The use of appropriate comparison areas is widely regarded as good practice within policing and probation, and the Prison Service ensures that prison comparisons are matched on a number of factors. The use of families of comparison areas for analysis is relatively widespread within the LCJB agencies and there is a clear commitment to using this information to establish an appropriate baseline for performance. However, as far as BME populations are concerned, most respondents looked for some guidance from central agencies as to which groups of areas should be considered for comparisons. In particular there was a need for a lead to be set by OCJR in making use of family comparison areas in the annual S95 publication from OCJR.

C. Local Diversity Officers

8.7 Most LCJB areas in our study have established a ‘diversity and fairness’ group headed by a senior CJS official. In two areas this is the Chief Crown prosecutor; in a third a deputy probation Chief; in a 4th an ACPO member. In most cases LCJBs have also appointed a performance manager whose remit includes BME statistics. These are the key ways in which BME issues are drawn together across local CJS agencies in order to speed up the improvement in statistical quality and use of BME statistics in planning, policy and practice. We have recommended in Chapter 6 (REC 02) that each LCJB should employ someone with statistical skills. Such a person would need to work very closely with the LCJB equality and diversity officers and equality specialists in local CJS agencies.

D. Local outcome measures

8.8 Some local agencies, e.g. Probation, are developing local outcome measures, which could be developed in other areas. For example, in Leicestershire & Rutland, we were told about the following outcome measures:

- Reconviction rates by BME classification
- Enforcement referrals by BME and gender
- Programme completions by BME classification
- Enforcement and programme non-completion by BME classification
- Monitoring the success of provision for those released from custody by BME classification
- DTTO referral rates by BME classification
8.9 These data are fed into policy and practice in order that actions may be taken to reduce discrimination, but as yet, there are no assessments of impact. This seemed to us a practice that should be encouraged in other areas.

E. Collecting data on the grant of police bail with conditions

8.10 An experimental manual system was in place in Leicestershire and Rutland, that focuses on bail decisions by individual custody officers. This information is not required by PACE, but several respondents from different agencies mentioned this as a possible area where discrimination could take place. They felt it was necessary to identify any bias in the way conditions are added to bail by BME classification. We feel that this is a subject that needs to be developed. Local areas that are aware of the need for data should be encouraged to pilot data collection systems.

F. Development of social indicators in local areas

8.11 In South Wales and in Leicestershire & Rutland BME analysis was combined with indicators of poverty, deprivation and service needs, to show that young white males in a particular area of a city were the group most in need of additional support and services to reduce criminogenic factors. This type of inclusive approach to BME analysis can be used to increase overall public confidence, not just that of BME people, and help to reduce the likelihood of rebound (Macrae, Milne and Bodenhausen, 1994) or backlash effects on race issues among non-BME populations (see for instance Camp et al, 1997; Owen, 1985) regarding race issues and perceived differential access to scarce resources.
References and web sites consulted

Barclay, G. and Mhlanga, B. 2000 Ethnic differences on decisions on young defendants dealt with by the Crown Prosecution Service, Section 95 Findings No. 1, 2000


CJIT, OCJR, 2003 CJSE-related Data Standards: Criminal Prosecution Reference Structure, V0.2, August 2003

CJIT, OCJR, 2004 CJ Management Information System Programme Brief V1.1, June 2004


Feilzer, M. & Hood, R., 2004 Differences or discrimination: minority ethnic young people in the youth justice system: London, Youth Justice Board


HM Inspector of Probation, 2005 I'm not a racist, but… An inspection of NPS work with racially motivated offenders, downloaded from www.homeoffice.gov.uk on 1 February 2005

HM Prison Service, 2004 A Table of range settings for ethnic monitoring


Home Office RDS, Wastage of Minority Police Officer: Findings 212, HO RDS, 2003


Home Office 2004b An evaluation of the phased implementation of the recording of police stops, in response to s.61 of the Stephen Lawrence Inquiry, Development and Practice report 23, July 2004

Home Office 2004c The views of the public on of the phased implementation of the recording of police stops, in response to s.61 of the Stephen Lawrence Inquiry, Development and Practice report 22, July 2004


Home Office 2004e Strength in Diversity, June 2004


John, G. 2003 Race for Justice: a review of CPS decision making for possible racial bias at each stage of the prosecution process. London Crown Prosecution Service
Lewis, C., 2004 Trends in crime, victimisation and punishment, p.54 chapter in Alternatives to Prison: Options for an insecure society (Bottoms, Rex and Robinson, eds.), Willan, Cullompton, UK

Macpherson, W. 1999 The Stephen Lawrence Inquiry


Metropolitan Police Service Race Equality Scheme 2002-2005


NACRO Barriers to equality: Challenges in tracking black and minority ethnic people through the CJS system: NACRO 2004.


South Wales MCC 2004a Quality of Service survey on basis of ethnicity, April 2004

South Wales MCC 2004b Race Equality Scheme 2002-2005


South Wales Police 2004b C Division BCU Stop Form Pilot Scheme: F351
Stone, V. and Tuffin R., 2000 Attitudes of People from minority ethnic communities towards a career in the police service, Police Research Series Paper 136


Web Sites consulted:
Black Information Link www.blink.org.uk
Commission for Racial Equality www.cre.gov.uk
Community Security Trust www.thecst.org.uk
Crown Prosecution Service www.cps.gov.uk
Department of Constitutional Affairs www.dca.gov.uk
Devon & Cornwall LCJB www.lcjb.cjsonline.org/devonandcornwall
Greater London Authority www.london.gov.uk
Home Office Policy www.homeoffice.gov.uk
Home Office RDS www.homeoffice.gov.uk/rds
Independent Race & Refugee News network www.irr.org.uk
Leicestershire LCJB www.lcjb.cjsonline.org/leicestershire
Leicestershire REC www.lrec.org.uk
London LCJB www.lcjb.cjsonline.org/metropolitanpolice
Morris Enquiry www.morrisenquiry.gov.uk
National Black Police Association www.nationalbpa.com
Office of National Statistics (ONS) www.statistics.gov.uk
Plymouth Racial Equality Council www.plymouth.gov.uk
Prison Officers Association www.poauk.org.uk
Race Equality West Midlands www.rewm.org
South Wales LCJB www.lcjb.cjsonline.org/southwales
The Community Fund www.community-fund.org.uk
The Monitoring Group www.monitoring-group.co.uk
Victims Support www.victimssupport.org
West Midlands Race Equality Council www.rewm.org
West Midlands LCJB www.lcjb.cjsonline.org
Youth Justice Board www.youth-justice-board.gov.uk
The Review was set up to achieve the following objectives:

- To develop proposals for an efficient, cost-effective Race and the CJS Statistics system for the CJS that will meet the identified needs, taking into account developments in progress and any that are planned.
- To identify what information needs to be collected, by whom and where from; the implications for computer systems (existing and in development).
- To make proposals to develop data collection systems that enable individuals to be tracked through the CJS and suggest timescales in line with known CJS needs concerned with race.
- To make recommendations on how data should be made available to users; what regular outputs need to be made available and in what form.

It was anticipated that Race and CJS statistics would be needed, in particular for:

- Managing CJS agency operations at the centre/locally to ensure that they meet their statutory requirements under the RRAA in terms of employment and service delivery.
- Policy development and evaluation of equality and diversity.
- Strategic management of the CJS locally and nationally.
- Informing the general public, academics, Judiciary and magistracy and others.

Chris Lewis and Tom Ellis, of the University of Portsmouth were chosen to carry out the review. Both had previously worked in RDS, Home Office and had extensive experience of statistics and research on ethnic minorities within the CJS.
Technical Advisory Group (TAG) on S95 Statistics

This Group was chaired by Professor Stephen Shute of the University of Birmingham and comprised:

David Evans | ACPO/OCJR
Robert Hutley | Justices Chief Executive, Devon and Cornwall
Laurence Gouldbourne, Douglas Abbot | CPS
Imogen Brown, Steve Porch | NOMS
Adam Spriggs | Youth Justice Board
Keith Abbott, Peter Owunna | Department for Constitutional Affairs
Pat Dowdeswell, Pat Mayhew | Home Office (RDS)
Jo Jones | CJIT
Bridget Ogden, Angie Munley | OCJR (CJS Race Unit)
Mike Marriott | OCJR, Local Performance Delivery Support Unit
Neena Samota, Jackie Worrall | NACRO
Clare Cooper | CRE
Sonia Cunningham | APA
Beverley Morse | Justices Clerks Society
Stella Yarrow | OCJR (CJS Race Unit)
Sarah Pepper, John Corkery, Alan Gray | Home Office (RDS)

Cost of Review

The Cost of the Review was around £50,000 in external staff costs and £4,000 in travel/subsistence costs. To this should be added costs such as the time of CJS Race Unit staff and of those who co-operated in the interviews or sent in evidence. However, it has not been possible to estimate such costs.
In all, the user needs of more than 100 people were taken into account during this review. These consisted of:

- 24 members of the TAG (see Annex A)
- 18 people interviewed who supplied a national perspective
- Over 70 people who supplied a local perspective in the 5 chosen local areas, either through interviews or through focus groups
- 18 who sent in their user needs in other ways, mainly through e-mail to OCJR or to the review team.

**Those interviewed who gave a national perspective (18)**

<table>
<thead>
<tr>
<th>Organization</th>
<th>Roles/Representatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Magistrates Association</td>
<td>Chair &amp; Chief Executive</td>
</tr>
<tr>
<td>Judicial Studies Board</td>
<td>Helen Baker and diversity colleague</td>
</tr>
<tr>
<td>Judiciary</td>
<td>Judge Kamil, Leeds Combined Court</td>
</tr>
<tr>
<td></td>
<td>Lord Justice Thomas, Senior Presiding Judge, RCJ</td>
</tr>
<tr>
<td>National Probation Directorate</td>
<td>Diane Baderin, Diversity Advisor</td>
</tr>
<tr>
<td>Prison Service</td>
<td>Beverley Thompson</td>
</tr>
<tr>
<td>Dept Constitutional Affairs</td>
<td>Nick Smedley</td>
</tr>
<tr>
<td>Youth Justice Board</td>
<td>Chris Hume</td>
</tr>
<tr>
<td>Home Office</td>
<td>Mark Carroll, Race Advisor</td>
</tr>
<tr>
<td></td>
<td>Gordon Barclay, RDS Statistics</td>
</tr>
<tr>
<td></td>
<td>John Corkery, RDS Statistics</td>
</tr>
<tr>
<td>OCJR (2)</td>
<td>John Froszte.g.a, RDS, Statistics</td>
</tr>
<tr>
<td>Crown Prosecution Service</td>
<td>John Wailing, CJIT</td>
</tr>
<tr>
<td>Association of Chief Police Officers</td>
<td>Seamus Taylor</td>
</tr>
<tr>
<td>Commission for Racial Equality</td>
<td>Matthew Baggott, Chief Officer Leicestershire Police</td>
</tr>
<tr>
<td></td>
<td>Claire Cooper</td>
</tr>
</tbody>
</table>
Those interviewed who gave a local perspective

A. Devon & Cornwall (11)

CPS
Magistrates’ Courts
Crown Court (2)
Police (4)
Probation
YOT
Race Equality Council

Emerging findings were shared with those interviewed and comments taken into account.

B. Leicestershire and Rutland (14)

CPS (2)
YOS (2)
Probation
Race Equality Council
Police
Independent Police Complaints Commission
Victim Support
Magistrates’ Courts Leicestershire County Council Project
Prison Service
Leicestershire & Rutland CJB
Leicestershire & Rutland Police Authority

An initial meeting was held with the LCJB and emerging findings shared with those interviewed.
C. London (20)
An initial meeting was held with the LCJB contact and the emerging findings shared with him.

Probation (2)  Head of Performance, Research & Information Unit
CPS (5)  Group of 5 CPS diversity officers with additional Chief Crown Prosecutor input
Police (3)  Commander; Chief Inspector NSY, Inspector
Courts  Court manager
Prisons  HMPS liaison with Local CJB.
Youth Justice Board  Contact not possible
Racial Equality Councils (2)  Newham, Kingston
Greater London Authority (3)  Statistician, Community Safety, Diversity officer
NACRO  Director
Victim Support  Diversity officer

D. South Wales (17)
An initial meeting was held with the LCJB secretariat. Further interviews were held with:

Crown Prosecution Service  Diversity Officer
Police (9)  Secretariat local CJB, Chief Inspector, Diversity Officer; Superintendent, Cardiff BCU, Head Stops data team Analyst, Corporate Development Unit (CDU) Focus group of 3 statisticians, CDU,
CPS / Court  CPS lawyer at Barry Magistrates Court.
Courts  Justices’ clerk, Pontypridd
YOT  Head, Bridgend YOT Team
Probation (2)  Assistant Director, Diversity Advisor
Prison  Race Relations advisor Cardiff prison
Racial Equality Council  Director

A LCJB meeting was then attended, where emerging findings were discussed and the views of the board noted for the final report..
E. West Midlands (10)
An initial visit was held with the head of the diversity group of the LCJB.

CPS (2)  Chief Crown Prosecutor, Business manager
Police (3)  Chief Superintendent, Performance Officer
            Community Safety Support Officer
YOT       Head Birmingham YOT
Prison Service  RRLO, HMP Featherstone
Courts (2)  Crown Court Manager, Justices’ Clerk
Probation  Assistant Director West Midlands Service

Emerging findings were shared with the race and diversity group of the LCJB.

Researchers, Statisticians and other stakeholders who sent in comments (18)
Moira Wallace, Head of OCJR
Pat Dowdeswell, Paul Henderson, Duncan Prime, RDS Home Office
Comments from police force statisticians in areas other than those visited (e.g., Bedfordshire, Sussex, Northumbria)
Comments from around 12 researchers and statisticians attending the meeting on BME statistics at the annual conference of the British Criminology Society
Toyin Agbetu LIGALI, Equality for All
Annex C: Summary user needs for CJS agencies

This list has been compiled from the 5 CJS areas. Not all areas will have felt that they need everything in this table. The degree of detail requested in each case varied. In many cases the detail required was little more than a guess, since no data were currently available. In many cases the answers allowed for the cost of the requirement in labour or IT. All agencies expressed a need for accurate and timely data that returned to the collecting point as soon as possible after processing.
### Local Police data needs by BME classification

<table>
<thead>
<tr>
<th>Topic</th>
<th>Use</th>
<th>Frequency needed</th>
<th>Detail needed</th>
<th>Geographical detail</th>
<th>Data collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Racist incidents</td>
<td>To reduce crime, ASBOs</td>
<td>Quarterly to HO</td>
<td>Type, time</td>
<td>As much as possible to show action</td>
<td>In most areas</td>
</tr>
<tr>
<td>Stops</td>
<td>Officer/suspect behaviour</td>
<td>Continuous</td>
<td>Reason/ suspect</td>
<td>As much as possible to enable action</td>
<td>Mandatory from April 2005</td>
</tr>
<tr>
<td>Stop/Search</td>
<td>Ditto</td>
<td>Continuous</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Yes</td>
</tr>
<tr>
<td>Intelligence data/ S &amp; S</td>
<td>To see how stats represent reality</td>
<td>Continuous</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Not in this way</td>
</tr>
<tr>
<td>Bail/Mode of trial decisions</td>
<td>Tackle differential treatment</td>
<td>Continuous</td>
<td>Ditto</td>
<td>Ditto</td>
<td>No</td>
</tr>
<tr>
<td>Breath tests</td>
<td>To reduce drunk driving</td>
<td>Monthly</td>
<td>Ditto</td>
<td>Not below (BCU)</td>
<td>Not in all areas</td>
</tr>
<tr>
<td>Homicides</td>
<td>To HO. Not used locally</td>
<td>Each one</td>
<td>A lot about circumstances</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Arrests</td>
<td>Monitor police activity</td>
<td>Quarterly to HO</td>
<td>Offence, age, sex, area.</td>
<td>As detailed as possible</td>
<td>Yes</td>
</tr>
<tr>
<td>Cautions, Warnings, etc</td>
<td>Suspect behaviour: CPS advice</td>
<td>Monthly, Sent HO</td>
<td>Each caution.</td>
<td>CJB area</td>
<td>In some cases</td>
</tr>
<tr>
<td>Confidence in CJS</td>
<td>All policies</td>
<td>Annually</td>
<td>Broad figures</td>
<td>Expensive below force</td>
<td>Yes, by Surveys</td>
</tr>
<tr>
<td>Complaints</td>
<td>Public confidence</td>
<td>Annually</td>
<td>Broad figures</td>
<td>Force area</td>
<td>Yes</td>
</tr>
<tr>
<td>Outcome of complaints</td>
<td>Public confidence</td>
<td>Annually</td>
<td>Broad figures</td>
<td>Force area</td>
<td>No always</td>
</tr>
<tr>
<td>ASBOs</td>
<td>To reduce crime</td>
<td>Quarterly</td>
<td>Age, sex, area</td>
<td>By BCU</td>
<td>By some forces</td>
</tr>
<tr>
<td>HR data</td>
<td>To monitor HR policies</td>
<td>Regularly</td>
<td>Age, sex, area</td>
<td>By force</td>
<td>Summaries to Police Inspectorate</td>
</tr>
<tr>
<td>Social statistics</td>
<td>To know clients</td>
<td>Annual</td>
<td>Each social characteristic</td>
<td>As detailed as possible</td>
<td>Only 2001 census</td>
</tr>
<tr>
<td>Narrowing justice gap</td>
<td>PI</td>
<td>Quarterly</td>
<td>By force</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Victim referrals</td>
<td>To ensure victims agencies receive data</td>
<td>Continuous</td>
<td>By offence</td>
<td>By BCU</td>
<td>Some</td>
</tr>
<tr>
<td>Witness referrals</td>
<td>Ditto</td>
<td>Continuous</td>
<td>Broad figures</td>
<td>By force</td>
<td>Some DP issues</td>
</tr>
</tbody>
</table>
## Local CPS User needs by BME classification

<table>
<thead>
<tr>
<th>Topic</th>
<th>Use</th>
<th>Frequency needed</th>
<th>Detail needed</th>
<th>Geographical detail</th>
<th>Data collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prosecutions</td>
<td>To monitor differential use</td>
<td>Quarterly</td>
<td>By offence</td>
<td>CJ Area</td>
<td>Yes</td>
</tr>
<tr>
<td>HR Data</td>
<td>PI</td>
<td>Annual</td>
<td>By function</td>
<td>CJ Area</td>
<td>Yes</td>
</tr>
<tr>
<td>Racist incidents</td>
<td>Differential prosecution</td>
<td>Continuous</td>
<td>Individual incident</td>
<td>CJ area</td>
<td>Yes for local.</td>
</tr>
<tr>
<td>Conditional bail</td>
<td>Identify bias</td>
<td>Quarterly</td>
<td>Station/custody officer</td>
<td>Policed Station</td>
<td>Paper based</td>
</tr>
<tr>
<td>Tracking victims</td>
<td>Disproportionate impact</td>
<td>Continuous</td>
<td>Ward</td>
<td>Ward</td>
<td>Not really</td>
</tr>
<tr>
<td>Public confidence</td>
<td>To improve service</td>
<td>Annually</td>
<td>Broad figures</td>
<td>CJ area</td>
<td>Not always</td>
</tr>
<tr>
<td>Statutory charging for racially motivated offences</td>
<td>To improve service</td>
<td>Quarterly</td>
<td>Broad figures</td>
<td>CJ area</td>
<td>Yes</td>
</tr>
<tr>
<td>Conditional cautioning</td>
<td>To monitor differential use</td>
<td>Quarterly</td>
<td>By offence</td>
<td>CJ area</td>
<td>Yes</td>
</tr>
<tr>
<td>Fixed penalties for disorder</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
<td>CJ Area</td>
<td>Yes</td>
</tr>
<tr>
<td>Racially aggravated/religiously motivated offences</td>
<td>To improve service</td>
<td>Quarterly</td>
<td>Ditto</td>
<td>CJ Area</td>
<td>Yes</td>
</tr>
<tr>
<td>Use of restorative justice</td>
<td>To monitor trends</td>
<td>Quarterly</td>
<td>Ditto</td>
<td>CJ area</td>
<td>Not yet available</td>
</tr>
</tbody>
</table>

*Source: Root and Branch Review of Race and the CJS Statistics: Final Report*
## Local Courts User Needs by BME classification

<table>
<thead>
<tr>
<th>Topic</th>
<th>Use</th>
<th>Frequency needed</th>
<th>Detail needed</th>
<th>Geographical detail</th>
<th>Data collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remand/Bail</td>
<td>Discrimination</td>
<td>Quarterly</td>
<td>By court</td>
<td>By court</td>
<td>Waits IT</td>
</tr>
<tr>
<td>PSR recommendation</td>
<td>Ditto</td>
<td>Quarterly</td>
<td>By court</td>
<td>By court</td>
<td>Yes</td>
</tr>
<tr>
<td>Court Disposals</td>
<td>Ditto</td>
<td>Quarterly</td>
<td>Ditto</td>
<td>By court</td>
<td>Yes</td>
</tr>
<tr>
<td>Racially aggregated v. other disposals</td>
<td>Ditto</td>
<td>Continuous</td>
<td>Ditto</td>
<td>By court</td>
<td>No</td>
</tr>
<tr>
<td>Orders given</td>
<td>Ditto</td>
<td>Quarterly</td>
<td>By offence</td>
<td>By court</td>
<td>Not routinely</td>
</tr>
<tr>
<td>Disposals in racist incident cases</td>
<td>To improve service</td>
<td>Quarterly</td>
<td>Broad figures</td>
<td>By court</td>
<td>Waits IT</td>
</tr>
<tr>
<td>Plea</td>
<td>To monitor</td>
<td>Quarterly</td>
<td>Broad figures</td>
<td>By court</td>
<td>Ditto</td>
</tr>
<tr>
<td>HR Data</td>
<td>To meet Pls</td>
<td>Annual</td>
<td>Function</td>
<td>Cj Area</td>
<td>Yes</td>
</tr>
<tr>
<td>Jury applications and numbers asked to stand down</td>
<td>To ensure BME communities represented</td>
<td>Ongoing</td>
<td>Individual</td>
<td>Cj Area</td>
<td>No</td>
</tr>
<tr>
<td>Magistrate Applications</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
<td>No</td>
</tr>
<tr>
<td>Public confidence</td>
<td>Address lack of</td>
<td>Every few years</td>
<td>Survey data</td>
<td>CJB Area</td>
<td>Yes</td>
</tr>
<tr>
<td>ASBOs</td>
<td>Use of policy</td>
<td>Annual</td>
<td>Offender characteristics</td>
<td>Cj Area</td>
<td>Paper based</td>
</tr>
</tbody>
</table>
### Local Probation User need by BME classification

<table>
<thead>
<tr>
<th>Topic</th>
<th>Use</th>
<th>Frequency needed</th>
<th>Detail needed</th>
<th>Geographical detail</th>
<th>Data collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police data</td>
<td>improve service</td>
<td>Quarterly</td>
<td>Varies</td>
<td>Not stated</td>
<td>Not always</td>
</tr>
<tr>
<td>Social statistics</td>
<td>To know clients</td>
<td>Annual</td>
<td>Each social characteristic</td>
<td>Low level to fit with WA</td>
<td>2001 census</td>
</tr>
<tr>
<td>HR Data</td>
<td>To meet Performance Indicators (PIs)</td>
<td>Annual</td>
<td>Each HR function</td>
<td>CJ Area</td>
<td>Yes</td>
</tr>
<tr>
<td>Confidence in Probation Service</td>
<td>Improve service</td>
<td>Occasional</td>
<td>General</td>
<td>CJ Area</td>
<td>Some surveys</td>
</tr>
<tr>
<td>Use of community service</td>
<td>Improve management of offenders</td>
<td>Quarterly</td>
<td>By offence</td>
<td>CJ Area</td>
<td>Yes</td>
</tr>
<tr>
<td>Outcome of breach action</td>
<td>Ditto</td>
<td>Quarterly</td>
<td>By offence</td>
<td>CJ Area</td>
<td>Not routinely</td>
</tr>
<tr>
<td>PSR/Bail recommendations</td>
<td>PI 95% +ve</td>
<td>Quarterly</td>
<td>Overall, sex, area</td>
<td>By court</td>
<td>Yes</td>
</tr>
<tr>
<td>Use of offender programmes</td>
<td>Improve service</td>
<td>Annually</td>
<td>Type, sex</td>
<td>CJ Area</td>
<td>No.</td>
</tr>
<tr>
<td>Analysis of OASyS data</td>
<td>improve service</td>
<td>Annually</td>
<td>Enormous potential</td>
<td>Depends on OASyS data</td>
<td>Pilot scheme</td>
</tr>
<tr>
<td>Segmented PI data</td>
<td>Ensure service delivery</td>
<td>Annual</td>
<td>Area</td>
<td>Area</td>
<td>Not by BME</td>
</tr>
<tr>
<td>Placement in ETE</td>
<td>Disproportionality continuous</td>
<td>Probation office</td>
<td>Paper based</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Racially motivated offenders</td>
<td>To ensure effective service delivery</td>
<td>Continuous</td>
<td>Type, Sex</td>
<td>Area</td>
<td>Yes, see HMCI, 2005</td>
</tr>
<tr>
<td>Reconvictions</td>
<td>To measure effectiveness</td>
<td>Annually</td>
<td>By offender programme</td>
<td>Area</td>
<td>Awaits IT</td>
</tr>
</tbody>
</table>
### Local Prison User need by BME classification

<table>
<thead>
<tr>
<th>Topic</th>
<th>Use</th>
<th>Frequency needed</th>
<th>Detail needed</th>
<th>Geographical detail</th>
<th>Data collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>Set targets</td>
<td>Monthly</td>
<td>16+1</td>
<td>By Wing</td>
<td>Yes</td>
</tr>
<tr>
<td>Incentives, Discrimination</td>
<td>Monthly</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Resettlement monitor action</td>
<td>Monthly</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>MDT tests</td>
<td>Ditto</td>
<td>Monthly</td>
<td>+ve/-ve</td>
<td>Ditto</td>
<td>Yes</td>
</tr>
<tr>
<td>Adjudications</td>
<td>Ditto</td>
<td>Monthly</td>
<td>16+1</td>
<td>Ditto</td>
<td>Yes</td>
</tr>
<tr>
<td>Complaints</td>
<td>Ditto</td>
<td>Monthly</td>
<td>16+1</td>
<td>Ditto</td>
<td>Yes</td>
</tr>
<tr>
<td>HDC</td>
<td>Ditto</td>
<td>Monthly</td>
<td>16+1</td>
<td>Ditto</td>
<td>Yes</td>
</tr>
<tr>
<td>Resettlement into ETE</td>
<td>Ditto</td>
<td>Monthly</td>
<td>16+1</td>
<td>Ditto</td>
<td>In some prisons</td>
</tr>
<tr>
<td>Racist Incidents</td>
<td>Operations</td>
<td>Each one</td>
<td>Description</td>
<td>Varies</td>
<td>Yes</td>
</tr>
<tr>
<td>Use of offender programmes</td>
<td>Identify differential use</td>
<td>Annual</td>
<td>By type of programme</td>
<td>By prison</td>
<td>Not generally</td>
</tr>
<tr>
<td>Parole</td>
<td>Differential use</td>
<td>Annual</td>
<td>By offence</td>
<td>By prison</td>
<td>Yes</td>
</tr>
<tr>
<td>Reconvictions</td>
<td>To measure effectiveness</td>
<td>Annual</td>
<td>By offence</td>
<td>By main prison</td>
<td>Some research data exist</td>
</tr>
<tr>
<td>HR, including exit interviews</td>
<td>Identify discrimination</td>
<td>Annual</td>
<td>16+1</td>
<td>By prison</td>
<td>Yes, not always exit ints.</td>
</tr>
<tr>
<td>Suicides &amp; deaths in prison</td>
<td>Identify over-representation</td>
<td>Quarterly</td>
<td>16+1</td>
<td>Ditto</td>
<td>In most prisons on paper</td>
</tr>
<tr>
<td>Employment tribunal</td>
<td>Ditto</td>
<td>Annual</td>
<td>16+1</td>
<td>Ditto</td>
<td>Ditto</td>
</tr>
<tr>
<td>Public confidence</td>
<td>To improve service</td>
<td>Annual</td>
<td>16+1</td>
<td>Ditto</td>
<td>Not generally available</td>
</tr>
</tbody>
</table>
## Local YOT User need by BME classification

<table>
<thead>
<tr>
<th>Topic</th>
<th>Use</th>
<th>Frequency</th>
<th>Detail</th>
<th>Data collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Racist incidents</td>
<td>Resource planning</td>
<td>Q local, A national</td>
<td>Location</td>
<td>City/county</td>
</tr>
<tr>
<td>Arrests, cautions, reprimands, final warnings, etc.</td>
<td>Compare disproportionality with caseload representation</td>
<td>Q</td>
<td>Small area</td>
<td>Not below city/county level</td>
</tr>
<tr>
<td>Court disposals by Type</td>
<td>Identify differential sentencing by BME</td>
<td>Q</td>
<td>Court jurisdiction</td>
<td>Not available</td>
</tr>
<tr>
<td>PSRs/SSRs snt’ce concordance</td>
<td>Identify fairness of outcomes for BME people</td>
<td>Continuous</td>
<td>Court jurisdiction</td>
<td>In some cases</td>
</tr>
<tr>
<td>Programme Outcomes</td>
<td>Differences in service provision</td>
<td>Q by programme</td>
<td>By programme</td>
<td>Ditto</td>
</tr>
<tr>
<td>Placement in ETE/ accom</td>
<td>Differences in service provision</td>
<td>Q</td>
<td>Placement type</td>
<td>Ditto</td>
</tr>
<tr>
<td>Reconvictions by supervision/ programme type</td>
<td>Differences in service provision</td>
<td>A</td>
<td>By s/ vision/ prog type</td>
<td>Ditto</td>
</tr>
<tr>
<td>Social deprivation by crime type</td>
<td>Race issue, or marker for socio-economic factors</td>
<td>A</td>
<td>?</td>
<td>Ditto</td>
</tr>
<tr>
<td>School exclusion, informal exclusion</td>
<td>Disproportionality and impact on offending</td>
<td>6 monthly</td>
<td>By type of offences/supervision</td>
<td>Ditto</td>
</tr>
<tr>
<td>National trends linked to local</td>
<td>How supervision trends vary locally</td>
<td>A</td>
<td>By offence type and deprivation</td>
<td>Ditto</td>
</tr>
</tbody>
</table>
### Local Race Equality Council Need by BME classification

<table>
<thead>
<tr>
<th>Topic</th>
<th>Use</th>
<th>Frequency needed</th>
<th>Detail needed</th>
<th>Geographical detail</th>
<th>Data collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Data from all agencies</td>
<td>Monitor discrimination</td>
<td>As required.</td>
<td>Record each case</td>
<td>Local community</td>
<td>Some</td>
</tr>
<tr>
<td>Social data</td>
<td>For denominators</td>
<td>Annual</td>
<td>Must be accurate</td>
<td>Local community</td>
<td>New system needed</td>
</tr>
<tr>
<td>Use and impact of RI data</td>
<td>Improved reporting, etc</td>
<td>Routinely</td>
<td>By community</td>
<td>Ditto</td>
<td>No</td>
</tr>
<tr>
<td>Real rise in Racist Incidents (RIs)</td>
<td>To match reported RIs</td>
<td>Routinely</td>
<td>Ditto</td>
<td>Ditto</td>
<td>No</td>
</tr>
<tr>
<td>Public confidence</td>
<td>General</td>
<td>Annual</td>
<td>As possible</td>
<td>CJ Area</td>
<td>No</td>
</tr>
</tbody>
</table>

### Local User needs for victim support data

<table>
<thead>
<tr>
<th>Topic</th>
<th>Use</th>
<th>Frequency</th>
<th>Detail</th>
<th>Data collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>HR data victim witness support</td>
<td>Monitor services</td>
<td>Q</td>
<td>Victim address generated small area</td>
<td>Ad hoc at moment</td>
</tr>
<tr>
<td>Victim referrals</td>
<td>Ditto</td>
<td>Continuous</td>
<td>Victim address</td>
<td>Yes</td>
</tr>
<tr>
<td>Witness referrals</td>
<td>Ditto</td>
<td>Continuous</td>
<td>PSD and Witness address</td>
<td>Yes</td>
</tr>
<tr>
<td>Council trends and population data</td>
<td>Ditto</td>
<td>6 months/annual</td>
<td>County/city and smaller areas</td>
<td>Ad hoc</td>
</tr>
<tr>
<td>Victim/witness views</td>
<td>Ditto</td>
<td>Quarterly surveys</td>
<td>Ward</td>
<td>Some surveys</td>
</tr>
<tr>
<td>Victim support take up</td>
<td>Ditto</td>
<td>Monthly/Quarterly</td>
<td>Postcode</td>
<td>Some surveys</td>
</tr>
</tbody>
</table>
### Leicestershire Police Authority needs by BME classification

<table>
<thead>
<tr>
<th>Topic</th>
<th>Use</th>
<th>Frequency</th>
<th>Detail</th>
<th>Data collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recruitment/appointment</td>
<td>Monitor equality of opportunity</td>
<td>When any is undertaken</td>
<td>16+, age, sex, disability</td>
<td>Yes</td>
</tr>
<tr>
<td>Consultation exercises</td>
<td>Are BME communities being reached and views representative</td>
<td>Annual consultation programme.</td>
<td>Ditto</td>
<td>Yes</td>
</tr>
<tr>
<td>HR data of force</td>
<td>Identify whether workforce is representative</td>
<td>Continuous</td>
<td>By force/rank</td>
<td>Yes, examined quarterly by Personnel Ctee</td>
</tr>
<tr>
<td>Internal Grievances</td>
<td>To monitor that all employees treated fairly</td>
<td>Quarterly</td>
<td>By ethnicity, age, rank, etc</td>
<td>Yes, examined quarterly by Personnel Ctee</td>
</tr>
<tr>
<td>Stop and search</td>
<td>Consider disproportionality</td>
<td>Monthly</td>
<td>By BCU / Force wide</td>
<td>Monthly data supplied to LPA</td>
</tr>
<tr>
<td>Complaints against police</td>
<td>Monitor ethnicity of complainants</td>
<td>Quarterly</td>
<td>Type of complaint</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### Annex D: Ethnicity classifications used

This annex is broadly taken from Appendix B of Reference (Home Office, 2004d.)

The table below gives details of the different ways in which information on ethnicity is categorised by CJS agencies in England and Wales.

The first 2 columns present categories that have traditionally been used by the police when they visually identify someone as belonging to an ethnic group. The third and fourth columns give the categories used by the 2001 census, when individuals identify themselves as belonging to an ethnic group. It needs to be noted that columns 1 and 2 are not measuring the same dimension as columns 3 and 4.

<table>
<thead>
<tr>
<th>VISUAL IDENTIFICATION</th>
<th>SELF-CLASSIFICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Census (Standard Home Office) 4 point classification ‘4+1’</td>
<td>Police PNC ‘Phoenix’ Classification</td>
</tr>
<tr>
<td>White (1)</td>
<td>White European (IC1) Dark European (IC2)</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Black (2)</td>
<td>Afro-Caribbean (IC3)</td>
</tr>
<tr>
<td>Asian (3) Indian sub-continent</td>
<td>Asian (IC4)</td>
</tr>
<tr>
<td>Other (4)</td>
<td>Oriental (IC5) Arab (IC6)</td>
</tr>
<tr>
<td>Unknown</td>
<td>Unknown (IC0)</td>
</tr>
</tbody>
</table>
For statistical purposes, CJS agencies have agreed to move to the 16+1 classification where this is possible i.e. when it is possible for self-classification to be proceeded with. However, it needs to be recognised that self-classification is not always possible, even when the person being classified is present. Moreover, the classification in Column 2 is still used by the police for PNC purposes, so that, for many officers it dominates training and operational use.

It should also be noted that, although data are often collected as 16+1 the classification 4+1 is often used for presentation of the figures, especially if numbers are small.
## Annex E: Glossary of terms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACPO</td>
<td>Association of Chief Police Officers</td>
</tr>
<tr>
<td>APA</td>
<td>Association of Police Authorities</td>
</tr>
<tr>
<td>BCS</td>
<td>British Crime Survey</td>
</tr>
<tr>
<td>BCU</td>
<td>(Police) Basic Command Unit</td>
</tr>
<tr>
<td>BME</td>
<td>Black and Minority Ethnic communities</td>
</tr>
<tr>
<td>CDU</td>
<td>Corporate Development Unit (South Wales Police)</td>
</tr>
<tr>
<td>CJ</td>
<td>Criminal Justice</td>
</tr>
<tr>
<td>CJA</td>
<td>CJS Act</td>
</tr>
<tr>
<td>CJIT</td>
<td>The Department for taking forward the strategic development of IT systems within the Office for CJS reform</td>
</tr>
<tr>
<td>CJS</td>
<td>Criminal Justice System</td>
</tr>
<tr>
<td>CJS Race Unit</td>
<td>Criminal Justice System Race Unit, within the Office for CJS Reform</td>
</tr>
<tr>
<td>CPS</td>
<td>Crown Prosecution Service</td>
</tr>
<tr>
<td>CRE</td>
<td>Commission for Racial Equality</td>
</tr>
<tr>
<td>DCA</td>
<td>Department for Constitutional Affairs</td>
</tr>
<tr>
<td>DMAG</td>
<td>Data Management &amp; Analysis Group of the Greater London Authority</td>
</tr>
<tr>
<td>DTTO</td>
<td>Drug Testing and Treatment Order</td>
</tr>
<tr>
<td>E &amp; W</td>
<td>England and Wales</td>
</tr>
<tr>
<td>GLA</td>
<td>Greater London Authority</td>
</tr>
<tr>
<td>HMCI</td>
<td>Chief Inspector of Probation</td>
</tr>
<tr>
<td>HMP</td>
<td>Her Majesty’s Prison</td>
</tr>
<tr>
<td>HOCS</td>
<td>Home Office Citizenship Survey</td>
</tr>
<tr>
<td>HR</td>
<td>Human Resources (Personnel)</td>
</tr>
<tr>
<td>IT</td>
<td>Information Technology</td>
</tr>
<tr>
<td>JCE</td>
<td>Justices Chief Executive</td>
</tr>
<tr>
<td>JPIT</td>
<td>Joint Performance Information Tool of CJIT set up in 2003 to provide the information to manage CJ performance</td>
</tr>
</tbody>
</table>
J-Track  A web-based system for tracking persistent adult offenders under a three-year scheme started in 2002.

LCD  Lord Chancellor’s Department, the precursor of the DCA

L & R  Leicestershire and Rutland

MCC  Magistrates Courts Committee

NACRO  National Association for the Care and Resettlement of Offenders

NOMS  National Offender Management Service

NPD  National Probation Directorate

NPS  National Probation Service

NS  National Statistics

NSY  New Scotland Yard

OCJR  Office for CJS Reform

ONS  Office for National Statistics

PACE  Police and Criminal Evidence Act 1986

Phoenix  IT System used on the PNC for recording information about offenders

PNC  Police National Computer

PPAF  Policing Performance Assessment Framework

PSA  Public Sector Agreement

RCJ  Royal Courts of Justice


REC  Race Equality Councils

RESs  Race Equality Schemes

RR(A)A  Race Relations (Amendment) Act 2000

RRLO  Race Relations Liaison Office

S95  Section 95 of the CJS Act 1991

SCAT  Street Crime Action Team, set up to monitor and deal with Street Crime in 2002-3, including a Tracking system, especially used in London.

SW  South Wales

TAG  Technical advisory group (for membership please see Annex A)

WM  West Midlands

YJB  Youth Justice Board

YOTs  Youth Offending Teams
Annex F: Characteristics of the five local areas chosen for detailed investigation

Devon & Cornwall

Devon & Cornwall has very different characteristics from most other areas. The estimated 2001 Census population of those aged 10 and over is given in Chart 1.

Chart 1
Percentages of 2001 census population over 10 years in each BME group: Devon & Cornwall and England & Wales

The BME population is quite small, at around 1.2% at the 2001 census. However, the diversity of groups is extremely high. For example, Plymouth schools have to cater for children from over 50 different language groups. This is more in number than in Bristol, which has a much higher BME population. Also although many BME populations are in cities such as Exeter and Plymouth, most live in isolated communities and are, in many cases, the only member of their ethnic background in the local village or small town.

The effect of having a very large number of quite small community groups leads to the following effect, which was mentioned by many of those interviewed:

- Many people, both in CJS agencies and the general population consider that the ‘problems with BME communities’ are minimal in the area
Others recognise that a large number of disparate small BME communities often suffer from more discrimination, albeit at a low level such as harassment.

The pattern of BME communities in Devon & Cornwall leads to there being fewer support groups for such communities.

The pattern also means that there are fewer coherent public sector policies towards such groups, both because of the small numbers and of the lack of representatives to relate to.

Within the CJS agencies, this leads to the situation that many staff, particularly senior ones, place emphasis on race equality and diversity policies, but there are a significant number of other staff who give little priority to diversity, and, more specific to this investigation, to the need for accurate monitoring and analysis of the ongoing situation.

Among the BME communities there are similar patterns. Reported racist incidents are not particularly high. However, reports of visits by CJS agencies and RECs to communities such as the Chinese catering trade community in Plymouth quote all of this community suffering from low level racist harassment on a routine basis, but very few making any reports to the police. Some efforts have taken place to encourage reporting but our respondents felt that more could be done.

As far as participation in the CJS is concerned, whether as victims, employees, magistrates, witnesses, or serving on juries, we were told that minority groups tend to avoid getting involved, mainly because they see little evidence that their participation will have any beneficial effect, and, in many cases, are concerned that their small businesses will suffer.

As a result, perceived user needs from CJS agencies are low in Devon & Cornwall. However, more generally, user needs could be said to be more complex: for example, in the classifications involved, and in the small area population estimations needed.
Leicestershire & Rutland

The LCJB covers both Leicestershire and Rutland (the latter has some 32,000 population). The BME population is high, particularly the Asian population, as can be seen in Chart 2.

Chart 2
Percentages of 2001 census population over 10 years in each BME group: Leicestershire & Rutland and England & Wales

Leicester City is the main conurbation. Much work with BME communities is split between Leicester City and the County with many parallel systems apparent. The other major conurbation in the LCJB area is Loughborough, which falls under the county initiatives.

Most of the people interviewed and most of the issues discussed fall under the umbrella of the LCJB Fair Treatment sub-group, whose remit extends beyond race and ethnicity issues, to gender, disability, isolated communities and areas of socio-economic deprivation, which are often largely white and are over-represented in the CJS.

Leicester City has long been known as one of the most ethnically diverse cities in the UK. There is a relatively small-established black population, although police have estimated that this has been boosted recently by around 10,0000 Somalis, who are mainly Muslim and have settled around the St Matthews area. During the East African expulsion in the 1970s, Asian ethnic groups originally settled around the Belgrave Road area to the north of the city centre, but are now relatively diffused in other city areas. The main Asian ethnic groups mentioned in interview were Sikhs, Gujaratis (Hindus and Muslims), and Ismailis. There is concern about how quickly 2001 census figures have become out of date.

London

London has a high population of BME communities. 2001 census estimates of those aged over 10 years old are given in Chart 3. London, through its Greater London Authority, is one of the few areas to update its BME population estimates annually.
London is the most varied CJS area for BME communities, and the proportion varies greatly between different Boroughs. A good deal of effort is already placed in obtaining both BME statistics and community audits giving complementary information on social characteristics at Borough level. BME population estimates for 2001 were around 29%, which is very much higher than nearly all other CJS areas. In some Boroughs the BME population is much higher. ONS gives the following figures:

Table 1
2001 Census populations of certain London Boroughs, all ages

<table>
<thead>
<tr>
<th>Borough</th>
<th>Percentage White</th>
<th>Percentage Non-White</th>
</tr>
</thead>
<tbody>
<tr>
<td>London</td>
<td>71.2%</td>
<td>28.8%</td>
</tr>
<tr>
<td>Brent</td>
<td>45.3%</td>
<td>54.7%</td>
</tr>
<tr>
<td>Hackney</td>
<td>59.4%</td>
<td>40.6%</td>
</tr>
<tr>
<td>Haringey</td>
<td>65.6%</td>
<td>34.4%</td>
</tr>
<tr>
<td>Newham</td>
<td>39.4%</td>
<td>60.6%</td>
</tr>
<tr>
<td>Tower Hamlets</td>
<td>51.4%</td>
<td>48.6%</td>
</tr>
</tbody>
</table>

*Source: ONS web site (www.statistics.gov.uk)*

Statistical needs are more formalised in London than in some other areas and a good deal of effort has been incurred obtaining such figures. Moreover, there are also a considerable number of RESs that have been formulated since the RR(A)A that improved services to BME communities. There has also been an acknowledgement, by the Metropolitan Police, that there is institutional racism within the police, and this is being dealt with.
All these policies are handicapped by having to obtain statistics from poor and legacy IT systems, particularly in the area of the courts and the probation service. Also various different parts of the capital, even within the same agency have different computer systems, existing from previous structures before amalgamation.

The existence of the Mayor of London, with some limited influence over social policy areas, and the existence of two police forces, the MPS and the City of London Police Force, need to be allowed for when considering the authority structure within London. This is particularly important when estimates of population are concerned, as special BME estimates are made by the GLA and used by the MPS and others. London also has a wide variety of social groups trying to improve the situation for BME communities.

South Wales

South Wales has different characteristics again from those areas already mentioned. The 2001 census estimates of those over 10 years are given in Chart 4.

Chart 4
Percentages of 2001 census population over 10 years in each BME group: South Wales and England & Wales

The BME population in South Wales is concentrated in the ports of Cardiff, Barry and Swansea where different nationalities have settled for over a century. Other groups have settled since 1950, continuing up to the present day, with recent asylum seekers from Somalia, and Eastern Europe. BME census population ranges from under 1% in rural areas, to 8% in Cardiff. Most interviewees claimed that the 2001 census under-enumerated BME populations, and quoted local community audits and school populations in evidence. However, we were not told that any authority or the Welsh Assembly had attempted to produce updated BME estimates.

We were told that South Wales feels in the forefront in developing policies and operations to serve BME communities. It started with a push by the recently-retired Chief Constable and is now accepted by nearly all those interviewed. Nevertheless, the Cardiff REC felt there were too many cases of
discrimination. South Wales has many Welsh Assembly-driven initiatives in policy and in statistical presentation.

Policies and operations to serve BME communities tend to be pushed forward through the wider diversity agenda. Police, Probation and Prisons all have diversity officers from the BME communities and we interviewed each of these. BME data are used for operational purposes in the police, probation and prison. Collecting data on religion is regarded as useful and carried out as part of their community audit, in which each area is mapped according to social/ethnic/commercial/community characteristics.

Some of the CJS IT systems in South Wales act against the production of good statistics. Police and prisons have good examples where they have new improved systems for data collection and use. However, probation and courts are still suffering from legacy systems that existed before recent amalgamations.

**West Midlands**

West Midlands has a large BME population of 20%. 2001 census estimates of those aged over 10 years are given in Chart 5.

**Chart 5**

*Percentages of 2001 census population over 10 years in each BME group: West Midlands and England & Wales*
In a similar way to London, West Midlands CJS area has a number of geographical areas within it that are very different in their population make-up. The ONS gives the following figures:

**Table 2**

*2001 Census populations of West Midlands London Boroughs, all ages*

<table>
<thead>
<tr>
<th>Borough</th>
<th>Percentage White</th>
<th>Percentage Non-White</th>
</tr>
</thead>
<tbody>
<tr>
<td>London</td>
<td>71.2%</td>
<td>28.8%</td>
</tr>
<tr>
<td>West Midlands County</td>
<td>79.95%</td>
<td>20.05%</td>
</tr>
<tr>
<td>Birmingham</td>
<td>70.04%</td>
<td>29.6%</td>
</tr>
<tr>
<td>Coventry</td>
<td>84.0%</td>
<td>16.0%</td>
</tr>
<tr>
<td>Dudley</td>
<td>93.7%</td>
<td>6.3%</td>
</tr>
<tr>
<td>Sandwell</td>
<td>79.7%</td>
<td>20.3%</td>
</tr>
<tr>
<td>Solihull</td>
<td>94.6%</td>
<td>5.4%</td>
</tr>
<tr>
<td>Walsall</td>
<td>86.4%</td>
<td>13.6%</td>
</tr>
<tr>
<td>Wolverhampton</td>
<td>78.8%</td>
<td>22.2%</td>
</tr>
</tbody>
</table>

*Source: ONS web site (www.statistics.gov.uk)*

The West Midlands is characterised by a large number of support groups for BME communities. These have many different characteristics, often form and reform speedily, and range from publicly funded bodies that have been around for years, to special interest groups recently sprung up. In a similar way to London, the requirement is for statistics that apply to different Boroughs, rather than for the area as a whole. This is partly to fit in with the local authorities and CDRPs that are very important and often are well representative of the communities; and partly because the areas themselves are very different in user needs for information and statistics. IT systems are very mixed, with the courts placing great faith in LIBRA when it comes to replace the various legacy systems, and probation looking for promised improvements to their system, which is very late in producing data.