

Section 95

Criminal Justice Act 1991

Race and the
**Criminal Justice System:
An overview to the
complete statistics
2003–2004**

February 2005

CRIMINAL JUSTICE SYSTEM



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Criminal Justice Act 1991 section 95

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

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Foreword by Ministers

We are pleased to publish this overview to the Section 95 Race and the CJS statistics, which updates the 2002/3 Overview Report published in July 2004. The document provides a narrative to the statistical report and includes relevant research to make it easier for those of us working in the Criminal Justice System to get a real sense of where we are.

This Government is committed to equality throughout public services and these statistics show there are signs that change is happening and we are becoming more effective. This document along with the full statistics published separately on the Home Office website helps to identify those areas where we are making progress but also highlights the areas that require further efforts. For example, we have a Stop and Search Action Team looking at the use of stop and search powers. The Action Team is publishing a draft Manual on the use of stop and search for consultation in January 2005 with this Overview.

The fundamental review of the Section 95 Statistics mentioned in the 2002/3 Overview report is nearing completion. The draft final report has identified a number of areas where we need to change our practices to make a real difference to how we use the statistics to drive change. We will be working on these recommendations in Spring 2005.

Section 95 Statistics are an invaluable tool in the move towards an equitable Criminal Justice System. We as Criminal Justice Ministers are committed to ensuring they are used in the most appropriate way to deliver justice for all our diverse communities. Delivery of a modern, fair and effective Criminal Justice System is possible, but not without the relevant tools and joint working between agencies. We have come a long way but there is still more to do. Together we can achieve all our aims and ensure that we have a system that is modern, fair and effective; a system in which all communities can have confidence.

Secretary of State for Constitutional Affairs



Attorney General



Home Secretary



Summary

This report provides an overview of key findings from the detailed publication '*Statistics on Race and the Criminal Justice System – 2004*'. It updates the summary of 2002/3 statistics published in July 2004¹, looking specifically at what has changed in the statistics.

The data reported show that whilst some progress has been made in relation to the proportion of staff from Black and Minority Ethnic (BME) groups working in the Criminal Justice System (CJS), other areas remain largely unchanged.

More specifically:

1. Evidence shows people from BME groups continue to be disproportionately represented in the Criminal Justice System. For example, Black people are just over six times more likely to be stopped and searched, three times more likely to be arrested, and seven times more likely to be in prison than White people.
2. Whilst data concerning ethnicity and crime need to be treated with extreme caution², evidence suggests that this imbalance is not simply the result of people from BME groups committing a disproportionate number of crimes. For example, findings from the Crime and Justice Survey³ suggest Black or Black British people between the ages of 10 and 25 years are no more or less likely to commit crime than their White counterparts. Similarly, the British Crime Survey (BCS) reported drug use to be significantly less common amongst young Black people relative to their White counterparts⁴.
3. Evidence that members of BME groups are disproportionately represented in the Criminal Justice System is not unique to England and Wales. International reviews suggest specific minority ethnic groups are more likely to have contact with the system than majority groups⁵.
4. Although several theories exist, we do not, as yet, have sufficiently robust data to enable us to reach definitive conclusions as to the cause, or causes, of the disproportionate appearance of BME groups observed in the data described. However, the Government clearly recognises this as an extremely important issue deserving further work. Chapter 6 of this report describes steps CJS agencies are taking to improve the experience of people from BME groups throughout the system.

The population figures used in this report were derived from the mid year population estimates produced by the Office for National Statistics and weighted using the 2001 Census⁶. This showed the proportion of the population aged 10 years and over across England and Wales to be:

1 Hearndon, I., & Hough, M. (2004). *Race and the Criminal Justice System: An overview to the complete statistics 2002/3*. London: Criminal Justice System Race Unit.

2 Bowling, B. and Phillips, C. (2002) *Racism, Crime and Justice*. Harlow: Longman.

3 *Ethnicity and Crime: Findings from the Offending (Crime and Justice) survey*. In preparation, London: Home Office.

4 Aust, R., & Smith, N. (2003). *Ethnicity and drug use: key findings from the 2001/2002 British Crime Survey*. Findings 209. London: Home Office

5 Junger-Tas, J., & Marshall, I. H. (1999). The self-report methodology in crime research. In M. Tonry (Ed.), *Crime and Justice. A Review of Research*. Vol 25. (pp. 291-367). Chicago: The University of Chicago.

6 The 2001 Census was based on 16 categories (including Mixed). In order to make comparisons with the population where data was only collected for four groups (White, Black, Asian, Other) the Mixed category was divided between these categories as described in *Statistics on Race and the Criminal Justice System*.

- White – 91.3%
- Black – 2.8%
- Asian – 4.7%
- Other – 1.2%.

Main findings:

Experience as users of the CJS

- Worry about burglary, car crime and violent crime fell between 2002/3 and 2003/4 for all ethnic groups. However the 2003/4 British Crime Survey (BCS) showed that BME groups were significantly more likely than White people to be worried about burglary, car crime and violent crime.
- The number of racist incidents recorded by the police rose by 9.7% from 49,078 in 2002/3 to 52,694 in 2003/4, following an 11% fall in the previous year. A majority of forces showed an increase in the number of incidents, but figures from the Metropolitan Police Service showed a slight decline. The 2003/4 BCS however shows that the number of victims of racist attacks remained the same as in 2002/3 (206,000)
- The police recorded 2,605 homicides in the three-year period ending 2003/4. Ten per cent of these were of Black people, 6% Asian and 4% 'Other' minority ethnic groups. Black victims (31%) were more likely to be shot compared with Asian (12%) and White (6%) homicide victims.

Experience as suspects, defendants and prisoners

- In 2003/4, just under 738,000 'stop and searches' were recorded by the police under a range of legislation (including the Police and Criminal Evidence Act), 15% less than the previous year.
- Of those subjected to stop and search procedures, 15% were Black people, 7% Asian people and 1% of 'Other' ethnic origin. Relative to the population, in 2003/4 Black people were six and a half times more likely to be stopped and searched than White people, a rise on the previous year.
- In 2003/4, 29,407 searches were made under sections 44(1) and 44(2) of the Terrorism Act 2000 compared with 21,577 in 2002/3, an increase of 36%. Searches of White people increased from 14,429 to 20,637 (up 43%), for Black people from 1,745 to 2,704 (up 55%) and for Asian people from 2,989 to 3,668 (up 22%). Just over half (53%) of searches took place in the Metropolitan Police Service and 25% in the City of London.
- In 2003/4 an estimated 1.33 million arrests for notifiable offences took place. Of these, 9% were recorded as being of Black people, 5% Asian and 1% 'Other' ethnic origin. Compared with 2002/3, arrests of Black people fell by 0.3% and Asian people by 1.3%, but arrests of White people rose by 1.7% and those of people in the 'Other' category by 10.7%.
- Relative to the population as a whole, Black people were over three times more likely to be arrested than White people, similar to the previous year. There were variations across forces in the proportions of individuals from different ethnic groups being arrested for specific types of offence.
- In 2003/4, 219,750 persons were cautioned for notifiable offences, an increase of 7.2% on the previous year. Of these, 14,720 (7%) were recorded as Black people, 10,256 (5%) Asian and 2,703 (1%) in the 'Other' group, all similar proportions to the previous year.

- Magistrate's courts from only eight police force areas provided robust data on ethnicity. In 2003, excluding those defendants committed to the Crown Court for trial, of the total prosecuted, 55% of White defendants, 45% of Black and 44% of Asian defendants were convicted.
- Combining data from all police force areas, a greater proportion of White defendants (78%) were found guilty in the Crown Court in 2003 than Black (73%) or Asian (72%) defendants.
- In 2003, Youth Offending Teams dealt with 283,639 offences by offenders aged 10-17, compared with 266,119 in 2002, up 6.6%. Of these, 83.5% were White, 6.3% Black, 3.1% as Asian, 1.7% Mixed and 1.2% 'Other'.
- The level of over-representation of Black offenders for drugs offences increased relative to 2002. Young Black people were substantially over-represented compared with White people for robbery offences, with offenders of Asian and Mixed ethnic background also showing some over-representation for the same offence. These patterns are similar to those evident in both 2001 and 2002.
- Remand decisions were made on 119,008 young offenders in 2003. Of these, 10.1% described themselves as Black, 3.4% Asian, 2.2% Mixed, and 1.4% 'Other', with 4.3% recorded as Unknown. These proportions are mostly similar to those in 2002. However, there was a one percent rise in the proportion of Black youths remanded.
- The most noticeable differences between ethnic groups for young offenders were in relation to unconditional bail. Forty-six percent of Black and 47.4% of Mixed ethnicity were given unconditional bail, compared to 54.8% of Asian people and 56.5% of White people. Specifically, of those bailed, 65% of White and 61% of Asian youths were given unconditional bail, compared with 57% of Black youths and 59% of those of Mixed origin. The reverse was true for remands in custody. 8.2% of Black and 8.0% of Mixed origin, were remanded in custody, compared to 5.2% for Asian people and 5.0% for White people.
- In cases where data quality was reasonably good, during the period January to March 2004, Asian and Black offenders each accounted for about 3% of those on probation, whilst people of Mixed or 'Other' ethnicity accounted for just under 2% and 1% respectively.
- On 28 February 2003, there were 17,775 people from BME groups (excluding 'Not Known') in prison establishments, 24.6% of the prison population.

Working in the CJS

- The proportion of BME officers within the 43 police forces in 2003/4 was 3.3%, an increase of 705 officers (18%) from the previous year. The BME officers comprised 37% Asian, 27% Black, 24% Mixed, and 13% Chinese or 'Other' minority ethnic groups. These figures may have been affected by the substantial reduction in the number of officers whose ethnicity was not stated.
- Of the total of 3,418 Community Support Officers in post in 2003/4, 17% were from BME groups, compared to 15% the previous year.

Confidence in the CJS

- People from an Asian or 'Other' ethnic background were the most likely to rate the CJS agencies as doing a good or excellent job.
- Relative to White people, people from BME groups reported higher levels of perceived discrimination within the CJS.

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Chapter 1:

Introduction

Since 1992 the Home Office has published statistical information to meet the requirement under Section 95 of the 1991 Criminal Justice Act. The aim of these publications is to help those involved in the administration of justice to avoid discrimination on the grounds of race. An additional publication to the 2002-3 statistics was published in July 2004 to present both an overview⁷ of the statistical information and also a more general assessment of the experience of Black and Minority Ethnic (BME) groups within the CJS in England and Wales. The current document aims to highlight the main national changes that have taken place between 2002-3 and 2003-4 in both the statistical indicators and also in the development of policy and practice. The companion document *Statistics on Race and the Criminal Justice System* available on the Home Office RDS website includes breakdowns by police force areas.

This report presents summary data describing the experiences of BME groups not just as victims, suspects and offenders but also as employees within the CJS. For the moment, ethnic monitoring data are collected using a broad classification system⁸. As a consequence, we lack detailed information on the experiences of smaller ethnic groups, and on the special problems associated within distinct geographical areas.

When interpreting the data, it is worth noting that people from BME groups are often significantly disadvantaged in social and economic terms compared to the White population, although there is considerable variation between each ethnic group. For example, Chinese and Indian groups tend to suffer little or no economic disadvantage relative to White groups; Black Caribbean, Bangladeshi and Pakistani groups suffer a range of severe forms of disadvantage, as do Black African groups, albeit to a lesser degree. This disadvantage relates to factors such as housing, education and employment: factors that are particularly predictive of offending behaviour and general involvement in the criminal justice process.

How ethnicity is monitored in the CJS

Ethnic monitoring in criminal justice agencies relies on a variety of recording methods and classification systems. Since 1 April 2003, a standard system of recording has been introduced into all agencies based on self-classification into one of 16 categories used in the 2001 Census. This approach allows direct comparisons to be made between criminal justice data and Census data. Classification is based around five main groups: White, Mixed, Black, Asian and 'Other'. The Mixed group mainly includes those of Black and White origin and Asian and White origin. The change to self-classification has been particularly difficult for the police since it has involved collecting data on ethnicity directly from a suspect on the

⁷ Hearndon, I., & Hough, M. (2004).

⁸ The CJS Race Unit has commissioned an independent review of how ethnic monitoring data are collected which is due to report in 2005. Once due consideration has been given to the report's recommendations, changes may be introduced in future years.

street. As a consequence, a high proportion of data on ethnicity is missing. In view of this problem, presentation of police data continues the previous practice of using the police's visual assessments of ethnicity and the four groups Asian, Black, White and Other. For other sources e.g. household surveys (such as the BCS), prison receptions and the monitoring of those who work in criminal justice agencies, the 2001 Census categories have already been successfully introduced. The aim is to achieve use of the 2001 categories across the entire CJS over the next 2-3 years.

Chapter 2:

The experience of people from BME groups as users of the Criminal Justice System

People seek the services of criminal justice agencies for various reasons. The most obvious is to notify the police of a crime but for many it may be as a witness, member of a jury or as a voluntary helper such as a lay magistrate, prison visitor or victim support volunteer. People from BME groups face the same rises and falls in crime as White people, but they experience particular problems such as higher levels of victimisation and the higher risk of being the victim of a racist incident.

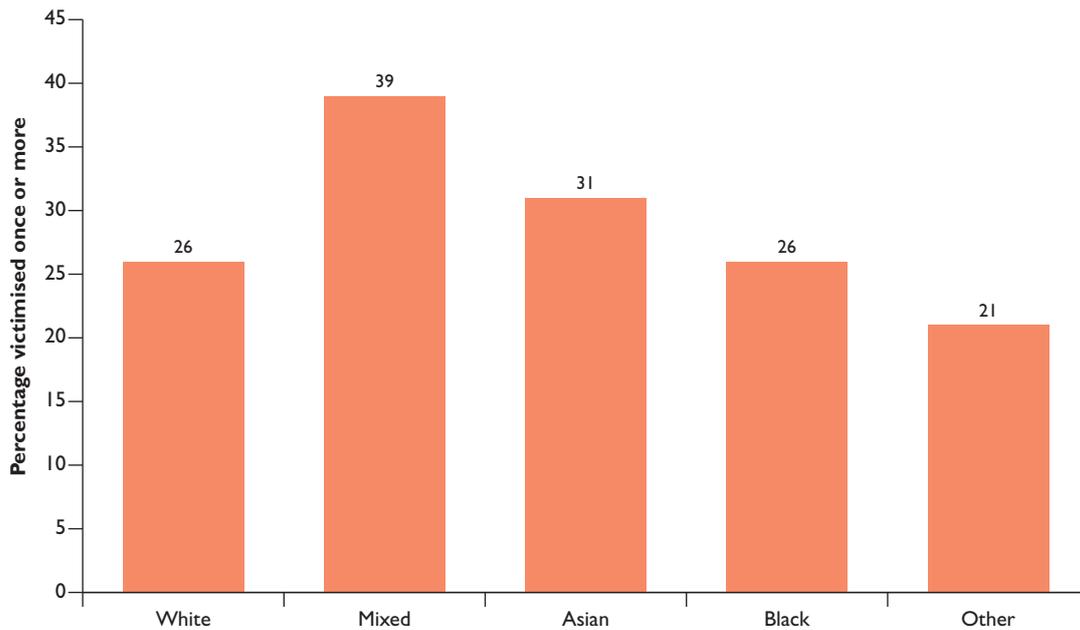
Experience as crime victims

The annual British Crime Survey (BCS) is the main source of information on victimisation. The BCS involves face-to-face interviews with over forty thousand people. It includes a range of questions on people's experience of crime in the last twelve months. Figure 2.1 shows that people of Mixed ethnic origins face the highest risks of being the victim of crime, although Asian people also face significantly higher risks of crime relative to Other ethnic groups. White and Black people face similar levels of risk, whilst people from 'Other' ethnic backgrounds have the lowest level of risk. This pattern remains largely unchanged from 2002/3, with the exception that the risk of becoming the victim of a crime has reduced for members of the 'Other' ethnic group.

The 2002/3 BCS also indicated that the risk of becoming a victim, and the type of crime one would be a victim of, can vary according to age, and area lived in. The higher risks of victimisation experienced by Asian people (but not for the Mixed group) disappeared after allowing for age⁹. People of Mixed race continued to have higher risks of victimisation after controlling for type of area lived in. The high risk of becoming a victim of crime experienced by people of Mixed ethnic origins is particularly important as their numbers are expected to rise significantly in the coming years.

⁹ Salisbury, H and Upson, A (2004) *Ethnicity, Victimisation and Worry about Crime: findings from the 2001/02 and 2002/3 British Crime Surveys*. London: Home Office Research Findings No 237.

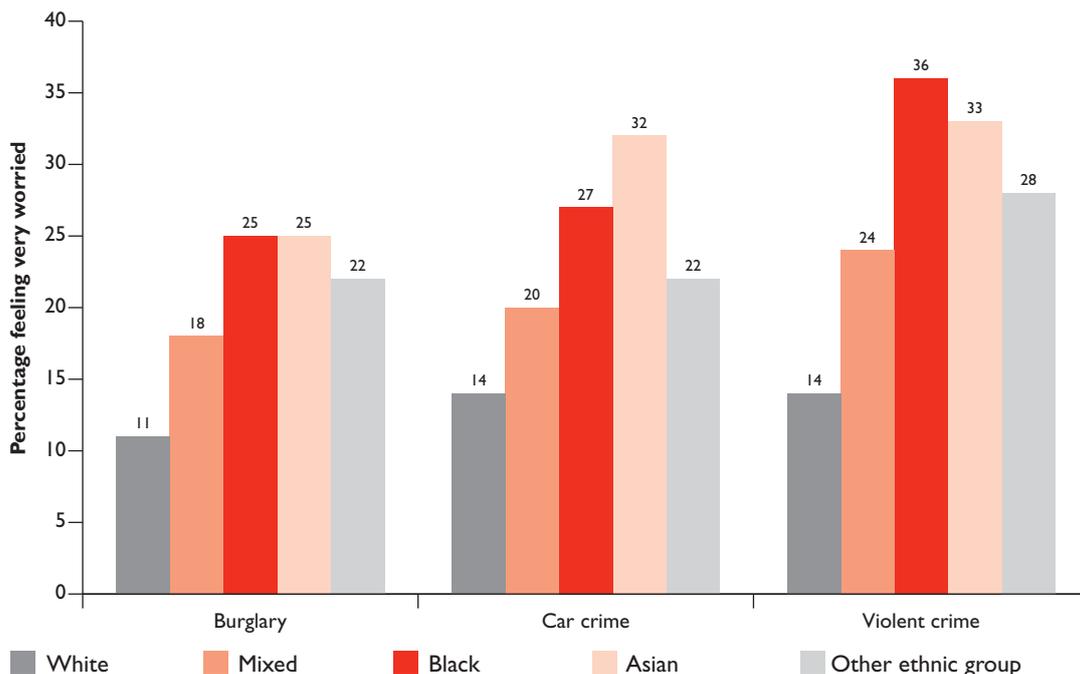
FIGURE 2.1
Risk of being the victim of a crime (2003/04 British Crime Survey interviews)



Worry about crime

BCS results presented in Figure 2.2 show people in BME groups were more likely than White people to worry about burglary, car crime and violent crime. Between 2002/3 and 2003/4, the percentage of people worried about crime fell across all ethnic groups. However, the 2002/3 BCS showed that people from BME groups continued to worry more about crime than their White counterparts, even after allowing for the type of areas they lived in. In 2003/4, all groups worried most about violent crime, although for White people, worry about car crime and violent crime were equally high.

FIGURE 2.2
Worry about crime by ethnic group (2003/04 British Crime Survey interviews)



Racist crimes

The experience of crime for those in BME groups, either as a victim or a witness to a crime, will include some crimes that will have been racially motivated. The latest information from the BCS (self-reported crime) estimates that in 2003/4 there were 206,000 racially motivated incidents (including those on White people), a much lower estimate than in the mid-90s, but similar to numbers estimated in 2002/3. Such incidents will include the use of racist language, criminal damage and physical assaults. Police statistics show a different result; racist incidents recorded by the police rose steadily from just over 10,000 in 1996/7 to about 50,000 incidents in 2001/2. Since then the figures have remained static. The sharp rise is thought to be the result of encouragement by all agencies and community groups for better reporting by victims and better recording by the police rather than an actual rise in the number of incidents. Although White people experience the highest number of incidents they are at a comparatively lower risk of racially motivated crime.

The 1998 Crime and Disorder Act identified certain offences of violence, harassment and criminal damage as racially aggravated; 35,020 such offences were recorded in 2003/4, of which, 59% were harassment and 25% wounding or common assault. The total number of offences was above that recorded in both 2001/2 and 2002/3. Although about one third of these offences are cleared up by the police (about the same as for non-racially aggravated offences), only a small number (2,520 offenders) were cautioned or convicted by the courts. This rate may reflect the difficulty of proving racial aggravation in court¹⁰.

The Crown Prosecution Service (CPS) also monitors racist incidents¹¹. It identified 4,728 of the cases they dealt with in 2003/4 as being racist incidents; 13% higher than in 2002/3; the police identified 90% of these cases, whilst the CPS identified the remaining 10%.

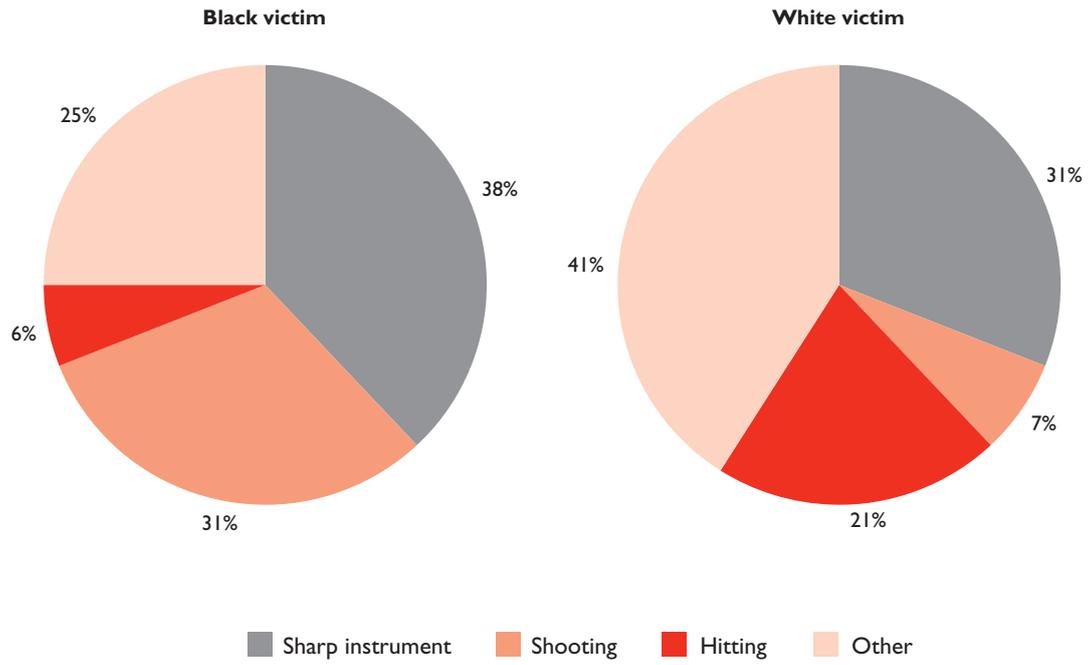
Homicides

Murder, manslaughter and infanticide (collectively referred to as homicide) are amongst the less frequent crimes in England and Wales. In the three years from 2001/2 the police recorded 2,605 offences showing wide disparities in the risks for different ethnic groups. Excluding the 172 homicides of White people presumed to have been killed by Harold Shipman, Black people were 5 times more likely and Asian people twice as likely to be victims of a homicide than White people, the same as in the three years up to 2002/3. While the risk for White people was spread evenly across both sexes and all age groups, Black victims were predominately young men and a third were the victims of firearms (see Figure 2.3).

¹⁰ Burnley, E. and Rose, G (2002) *Racist Offences – how is the Law Working?: the implementation of the legislation on racially aggravated offences in the Crime and Disorder Act 1998*, Research Study No 244. London: Home Office.

¹¹ CPS (2004) *Racist incident monitoring: Annual Report 2003/4* London: Crown Prosecution Service (2005).

FIGURE 2.3
Homicides by apparent method of killing, combined data for 2001/2 to 2003/4

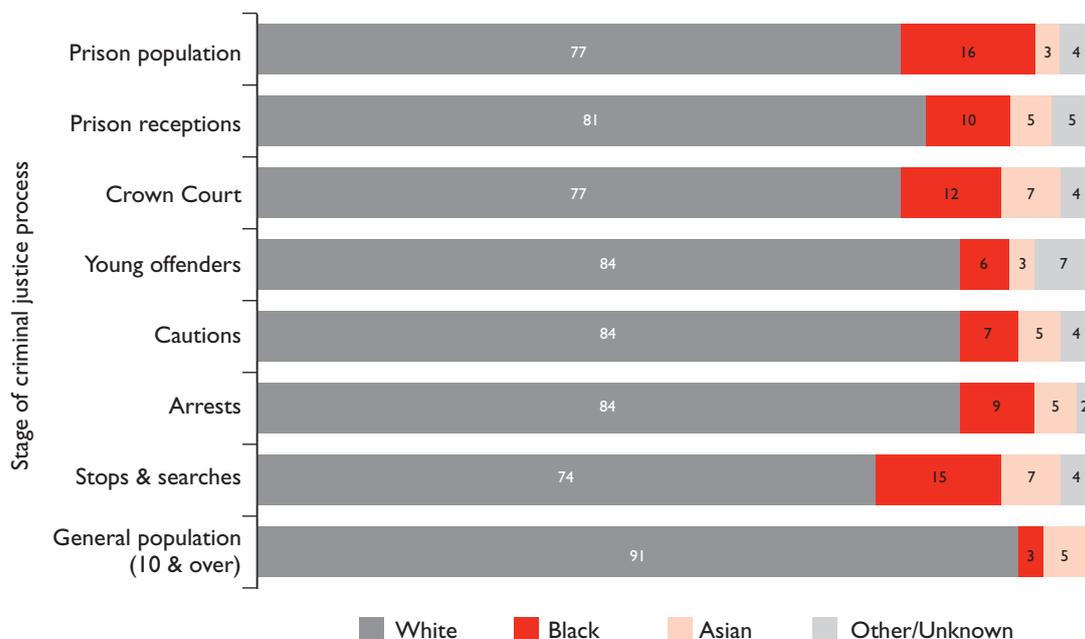


Chapter 3:

The experience of people from BME groups as suspects, defendants and prisoners

Evidence reviewed in this chapter shows quite clearly that people from BME groups are disproportionately represented at each stage of the criminal justice process from initial contact to sentencing (Figure 3.1). Evidence also suggests that it may be unlikely to be because people from BME groups are more likely to offend^{12,13}.

FIGURE 3.1
Proportion (%) of ethnic groups at different stages of the criminal justice process, England & Wales, 2003/4



Criminologists have suggested several factors that might lie at the root of this observed disproportionality, including discrimination on the part of the police¹⁴, socio-demographic factors¹⁵, the suggestion that Black people spend more time on the streets than their White counterparts¹⁶, or police recording practices¹⁷. Other authors have suggested that methodological and conceptual issues make it impossible to conclude that people from BME groups commit any more or less crime than White people¹⁸.

¹² Aust, R. & Smith, N. (2003). *Ethnicity and drug use: key findings from the 2001/2002 British Crime Survey*. Findings 209. London: Home Office

¹³ *Ethnicity and Crime: Findings from the Offending (Crime and Justice) survey*. In preparation, London: Home Office.

¹⁴ Smith, D.J., & Gray, J. (1985). *Police and the Public*. London: Gower.

¹⁵ FitzGerald, M. (1993). *Ethnic Minorities and the Criminal Justice System*. Royal Commission on Criminal Justice Research Study 20. London: HMSO.

¹⁶ FitzGerald, M. and Sibbitt, R. (1997) *Ethnic Monitoring in Police Forces: A beginning*. Home Office Research Study 173. London: Home Office.

¹⁷ FitzGerald, M. and Sibbitt, R. (1997) *Ethnic Monitoring in Police Forces: A beginning*. Home Office Research Study 173. London: Home Office.

¹⁸ Bowling, B. and Phillips, C. (2002) *Racism, Crime and Justice*. Harlow: Longman.

The current lack of robust ethnic monitoring data across the CJS, combined with the lack of clear empirical evidence, make it impossible to provide a definitive answer to the question of the root causes for this disproportionality for the moment. However, it is clear from the data that disproportionality continues to be a key issue worthy of further research.

Offending behaviour

There is no consistent picture of whether there are differences in offending behaviour between ethnic groups that could explain the over-representation of BME groups. The BCS asked victims to give their description of the ethnicity of 'their' offender. These results show a slight under-representation of Asian offenders, and a slight over-representation of Black offenders. The exception was victims of personal robbery where a Black person was said to be responsible for the attack in about a third of cases¹⁹. Alternative methods of measurement based on self-reported criminal behaviour have their own methodological problems, so results have to be treated with caution. However, findings from a self-report survey due to be published in 2005 suggest that for those offences covered, Black and Black British males in the general population aged 10 to 25 years were no more or less likely to have committed an offence than White males of the same age. The same survey suggests that Black or Black British males aged 25 to 65 years are significantly less likely to have committed an offence than their White counterparts²⁰.

Stop and searches

An important 'gateway' for a minority of offenders into the CJS is the process of 'stop and search', powers granted under the terms of the Police and Criminal Evidence Act (1984) and Other legislation. Even before their introduction, concerns were consistently raised over the disproportionate use of these powers on BME groups and in particular Black youths. This difference has been shown both by household surveys such as the British Crime Survey and also police statistics.

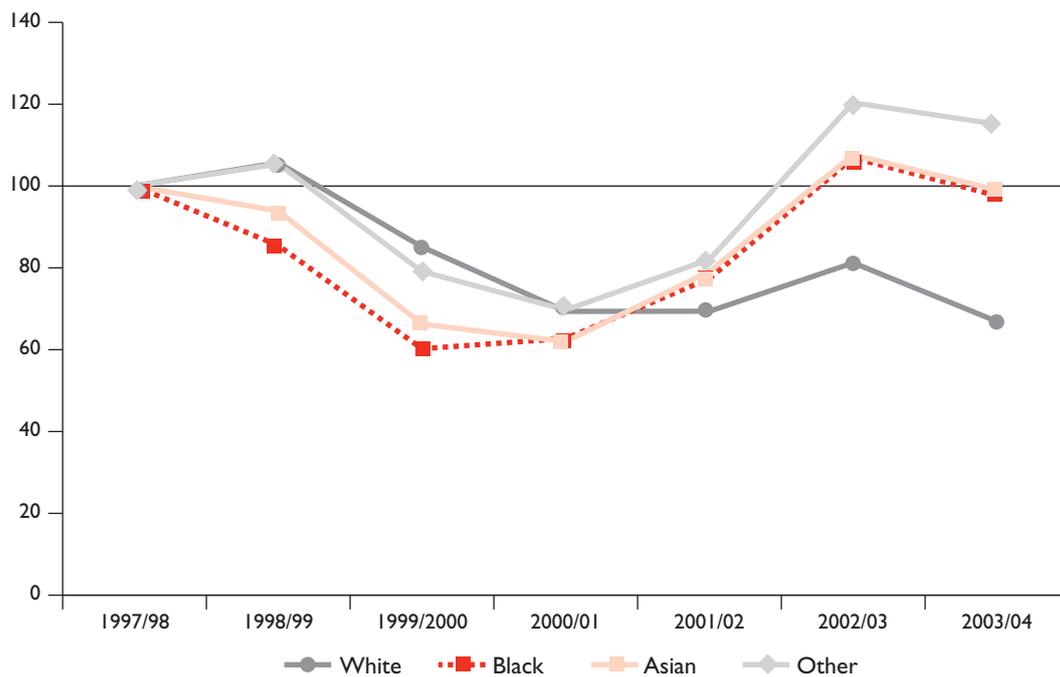
Although police statistics provide a measure of the risk of being searched, they only record the total number of searches carried out each year and not the number of persons searched. Searches are carried out on only a small minority of the population, but one person may be searched many times in one year. In 2003/4, police statistics showed the first fall in the use of these powers since 2000/1 (Figure 3.2). In a small number of forces this is thought to be partly the result of new recording practices. These practices have enabled stops previously included with stop and search statistics in these areas to be separately recorded. Compared with 2002/3 for England and Wales, there was a 19% fall in the number of searches on White people, a 9% fall for Black people, 8% fall for Asian people and 4% fall for 'Other' ethnic groups. For White people, the main drop in 2003/4 was in searches for stolen property while for those from BME groups it was spread over all types of searches. Rises in the number of stops and searches were recorded in 12 police force areas.

19 Kershaw, C., Budd, T., Kinshott, G., Mattinson, J., Mayhew, P. and Myhill, A. (2000) *The 2000 British Crime Survey England and Wales*. Home Office Statistical Bulletin 18/00. London: Home Office.

20 *Ethnicity and Crime: Findings from the Offending (Crime and Justice) survey*. In preparation, London: Home Office.

FIGURE 3.2

Persons stopped and searched under s1 Police and Criminal Evidence Act 1984 and other legislation, by ethnic group, percentage change on the 1997/98 totals, 1998/99–2003/4



Although searches fell in 2003/4, when compared with population estimates the level of disproportionality increased, Black people were 6.4 times more likely to be stopped and searched than White people, compared with 5.8 times more likely in 2002/3. Asian people were 1.9 times more likely to be stopped and searched compared with 1.7 times in 2002/3. The level of disproportionality has increased steadily since 1999/2000 although the number of searches carried out by individual police forces has varied.

There are wide variations between police forces both in the use of stop and search powers and the reason why such searches are made. Nationally just over one half of searches were for drugs, although in many forces (e.g. Greater Manchester) the main reason given was for stolen property. Few searches resulted in an arrest, with similar rates between ethnic groups and for different police force areas; nationally 13% of searches lead to an arrest for both the White and Black group in 2003/4 and 11% for Asian people. Compared with 2002/3, the arrest rate for Black people fell by 3 percentage points in 2003/4 and for Asian people by 2 percentage points but remained unchanged for White people.

Searches may also be made under section 60 of the Criminal Justice and Public Order Act 1994, providing the police with additional powers if violence is anticipated. In 2003/4, a total of 39,840 searches were carried out under these powers in 33 police force areas, 4,330 fewer than in 2002/3. The largest falls were in the BME groups (16% for Black people, 20% for Asians and '37%' for 'Other' BME groups) compared with a 3% fall for White people. Black people were still 13 times more likely than white people to be searched under these powers whilst Asian people were 6 times more likely to be stopped. Only 4% of searches resulted in an arrest.

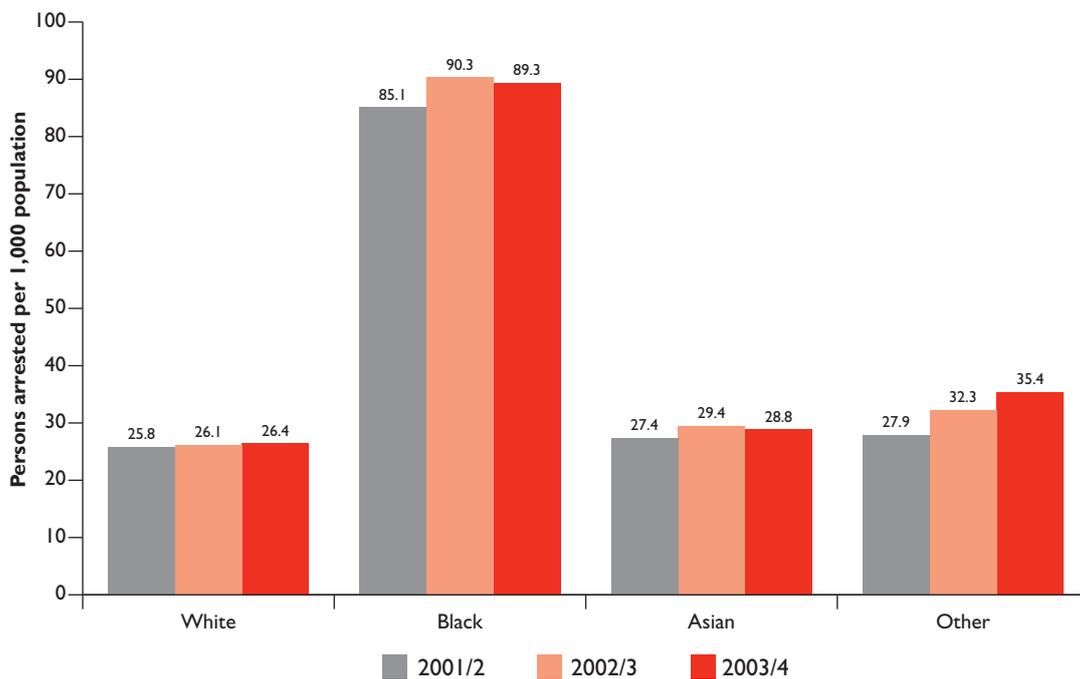
The Terrorism Act 2000 provides the police with further powers to carry out searches. These powers (under section 44(1) for vehicle searches and section 44(2) for pedestrians) were used to carry out about 29,400 searches in 2003/4, a 36% increase since 2002/3. Of these searches 20,632 were of White

people, 2,701 of Black people, 3,661 of Asians and 1,320 were of 'Other' BME groups. About half of all searches were in the Metropolitan Police District and a quarter in the City of London. The use of this power in London reflects the high level of police security as a deterrent against potential terrorist attacks.

Arrests

Seven per cent of all arrests in 2003/4 resulted from a 'stop and search', slightly lower than in 2002/3 (9%). Figure 3.3 shows that unlike 'stop and searches' the level of total arrests has remained relatively constant for all BME groups over the past three years. The difference between the two trends can be explained by the recent fall in arrests for offences (e.g. drugs offences) that could follow a stop and search in contrast to a rise in arrests for Other types of offences.

FIGURE 3.3
Persons arrested for notifiable offences per 1,000 population, by ethnic group, 2001/2 to 2003/4



The type of offences that led to an arrest has changed little over recent years. In 2003/4, Black people remained over-represented for robbery offences (28% of all arrests for robbery) and Black and Asian people for fraud and forgery (17% and 10% respectively of those arrested for this offence).

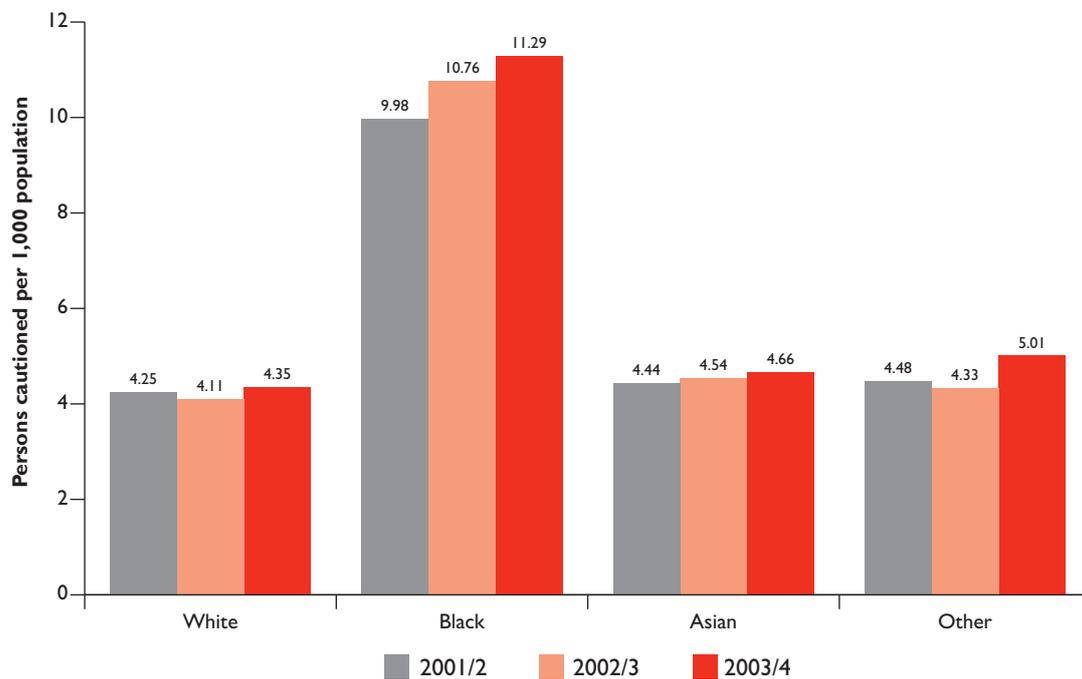
Cautions

Once arrested, suspects may either be charged or given a formal caution or written warning or have no further action taken. For those aged under 17, a caution is in the form of a reprimand or final warning.

Relative to the population (Figure 3.4), Black people had the highest number of cautions (including reprimands and warning) in 2003/4. Compared with arrests, Black people remained slightly less likely to be cautioned than 'Other' ethnic groups (only 13% of arrests resulting in a cautioned compared with 16% for Asian and 17% for White people). When compared with arrests Black people were shown

to be consistently more reluctant to be cautioned than white people which research suggests²¹ is due to a caution requiring an acceptance of guilt.

FIGURE 3.4
Persons cautioned for notifiable offences, per 1,000 population, by ethnic group, 2001/2 to 2003/4



Court proceedings

Increasingly the police seek charging advice from the CPS. This is under the provision of the new statutory charging scheme through which the CPS prosecutor decides the charge in the majority of cases, with a few minor exceptions. Statutory charging is currently being rolled out across the country and will be fully implemented in all parts of England and Wales by 2007. An initial race and gender impact assessment of charging decisions was undertaken in two parts of London in early 2004 and found no ethnic differential. In 2005/6 the CPS will build on this with a full impact assessment exercise and the results will inform the further roll out of statutory charging.

At present there are no comprehensive ethnic data on proceedings at either magistrates' courts or the Crown Court. For magistrates' courts, ethnic data is only available from 8 police force areas where the level of missing data is below 20%. It excludes two areas (Avon & Somerset and West Yorkshire) included in the last report but where the level of missing data has risen. The Crown Court has recently introduced an ethnic monitoring system enabling the collection of the ethnicity of 65% of all suspects tried in 2003/4 for most areas of the country. At both courts, court staff extract the ethnicity of a suspect from the charge sheet supplied by the police. The incompleteness of data means that the results must be treated with caution. However the mix of ethnic groups found for Crown Court trials is very similar to that for arrests, suggesting that the data is representative of the population as a whole.

21 FitzGerald, M. (1993). *Ethnic Minorities and the Criminal Justice System*. Royal Commission on Criminal Justice Research Study 20. London:HMSO.

Combined information for the magistrates' courts in the eight police force areas is consistent with earlier research²² and HM Crown Prosecution Service Inspectorate²³ and suggests that in 2003/4:

- BME groups were more likely than White people to be committed at magistrates' court to be tried by a jury at the Crown Court (20% for Black people, 24% for Asians and 13% for White people). Earlier research²⁴ suggests that this may reflect the wish of BME defendants to be tried by a jury at the Crown Court.

For the Crown Court: combining all available information for 2003/4 indicates that:

- BME defendants were substantially more likely to be acquitted at the Crown Court than White defendants (31% for Black people, 30% for Asians and 22% for White people). Research by the Crown Prosecution Service²⁵ suggests a tendency for the police to bring charges against Black and Asian defendants with weaker evidence.

Sentencing

Defendants convicted at either magistrates' courts or the Crown Court will be sentenced after taking into account information from the Pre-Sentence Report. A small number of defendants will be sent from the magistrates' court to the Crown Court where magistrates feel their powers are insufficient.

The sentencing decision is probably the most complex of all those that are made in the criminal process. Sentences have to take into account the nature of the offence, the plea, the offender's previous criminal history and other mitigating or aggravating circumstances relating to the offence and the offender. In these circumstances it is difficult to separate differences due to ethnicity as against other factors. A major study to attempt to differentiate ethnicity from such factors was published in 1992 and covered decisions made in five Crown Court Centres in the West Midlands in 1989²⁶. The study concluded that adult male Black defendants were slightly more likely to be sentenced to custody than White defendants and Asian defendants slightly less likely. It also showed that substantially longer sentences were given to both Black and Asian offenders than White offenders.

A more recent study of young offenders showed no evidence of significant differences in the likelihood of Black, Mixed race or White male youths receiving a custodial sentence. Asian males, however, were more likely to receive a custodial sentence. Black males, if sentenced to custody, were more likely to get a longer sentence than their White counterparts²⁷.

The data currently available from magistrates' courts and the Crown Court partly supports the conclusions from this survey although as with the data on court proceedings the results must be treated with caution. It cannot, however, allow for the factors that the West Midlands study²⁸ was able to take into account since this would require a similar new study.

22 Barclay, G. and Mhlanga, B. (2000) *Ethnic differences in decisions on young defendants dealt with by the Crown Prosecution Service*. Home Office Section 95 Findings No 1. London: Home Office.

23 HM Crown Prosecution Inspectorate (2002) *Report on the Thematic Review of Casework having a Minority Ethnic Dimension*. London: HMCPIS.

24 FitzGerald, M. (1993). *Ethnic Minorities and the Criminal Justice System*. Royal Commission on Criminal Justice Research Study 20. London: HMSO.

25 John, G. (2003) *Race for Justice. A review of CPS decision making for possible racial bias at each stage of the prosecution process*. London CPS.

26 Hood, R. (1992) *Race and Sentencing*. Oxford: Clarendon Press.

27 Feilzer, M. & Hood, R. (2004). *Differences or Discrimination – Minority Ethnic Young People in the Youth Justice System*. London: Youth Justice Board.

28 Hood, R. (1992) *Race and Sentencing*.

In the 8 areas this shows:

At the magistrates' court:

- No difference in the use of custody between those from BME groups and White people.
- Black offenders were more likely to be fined and less likely to be discharged compared with White offenders, although their overall use of community sentences was the same. Community service orders mainly include community rehabilitation orders and community punishment orders.
- Asian offenders were less likely to be given community sentences compared with White offenders and more likely to be fined.

At the Crown Court:

- Black offenders were more likely to be sentenced to custody than both Asian and White offenders with the highest differences found for drug offences. 81% of Black offenders were sentenced to custody for drug offences, 71% of Asian and 59% of White offenders. This difference is thought to be due to a higher proportion of trafficking offences among Black drug offenders.

Young offenders

Youth Offending Teams, rather than the usual prosecution processes, normally deal with offenders aged under 17 years. Research²⁹ on the experiences of BME young people dealt with in this way showed that there were higher proportions of young Black people committing some offences and receiving certain disposals than in the general population.

In 2003, 283,640 offences were dealt with in this way, of which, where ethnicity was known 84% were White, 6 % Black, 3% Asian, 2% Mixed and 1% 'Other'. Although the number of offences had risen by 7% since 2002, the proportion of defendants from different ethnic groups remained unchanged. Young Black people were substantially over-represented compared with White people for robbery offences.

The main findings for 2003 were:

- BME suspects were more likely to be remanded in custody. This could reflect differences between groups in the severity of the charges faced or other factors such as the suspect's accommodation or mental health. The use of remand had fallen slightly for all ethnic groups since 2002.
- Black offenders and those of Mixed origin were more likely to be sentenced to custody in the form of Detention and Training Orders but less likely to be discharged or given a referral order. Twelve percent of Black offenders were sentenced to custody, 10% of those of Mixed origin, compared with 8% for Asian and 6% for White offenders. The use of Detention and Training Orders has fallen for all ethnic groups since 2002 compensated for by a rise in the use of community sentences.

Probation

No information has been available on the ethnicity of persons supervised by the National Probation Service in recent years. However, following the introduction of the 2001 Census categories, information is now available for the last quarter of 2003/4 in 37 probation areas, excluding the London area. As with other parts of the criminal justice process this shows an over-representation of Black offenders for those starting court order supervision by the Probation Service.

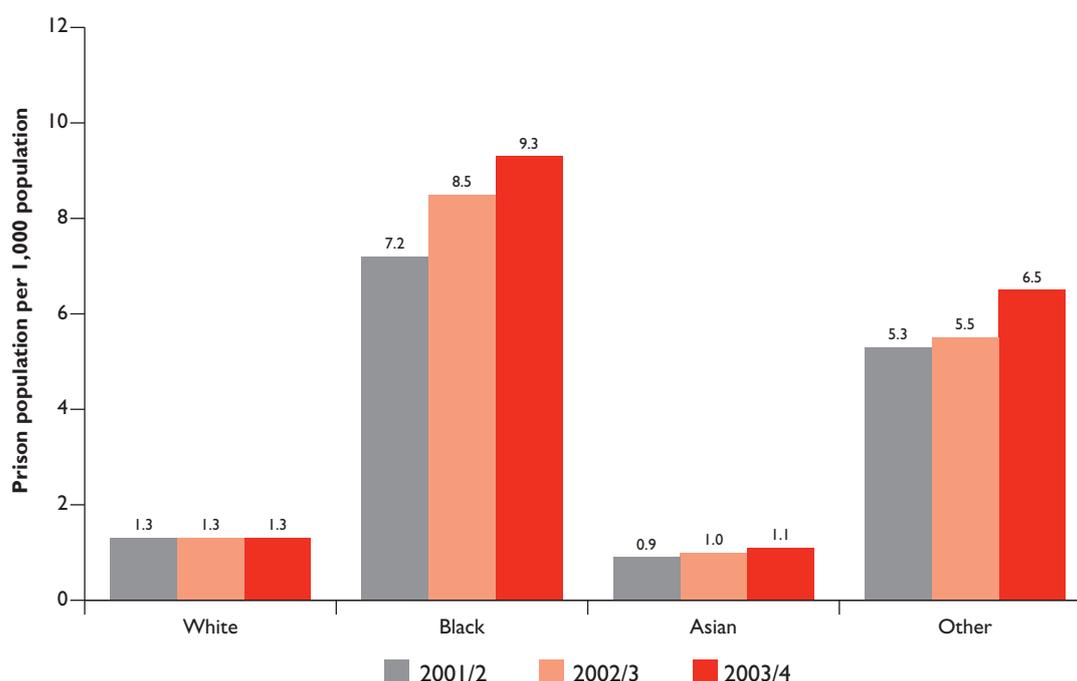
²⁹ Feilzer, M. & Hood, R. (2004).

Prison Population

Including foreign nationals the number of Black prisoners relative to the population on 28 February 2003 was 7 times higher than for White people, while the Asian rate was just over three-quarters that for White people (Figure 3.5). These rates have risen since 2002 reflecting a rise in the number of Black and Asian prisoners whilst the White prison population remained unchanged.

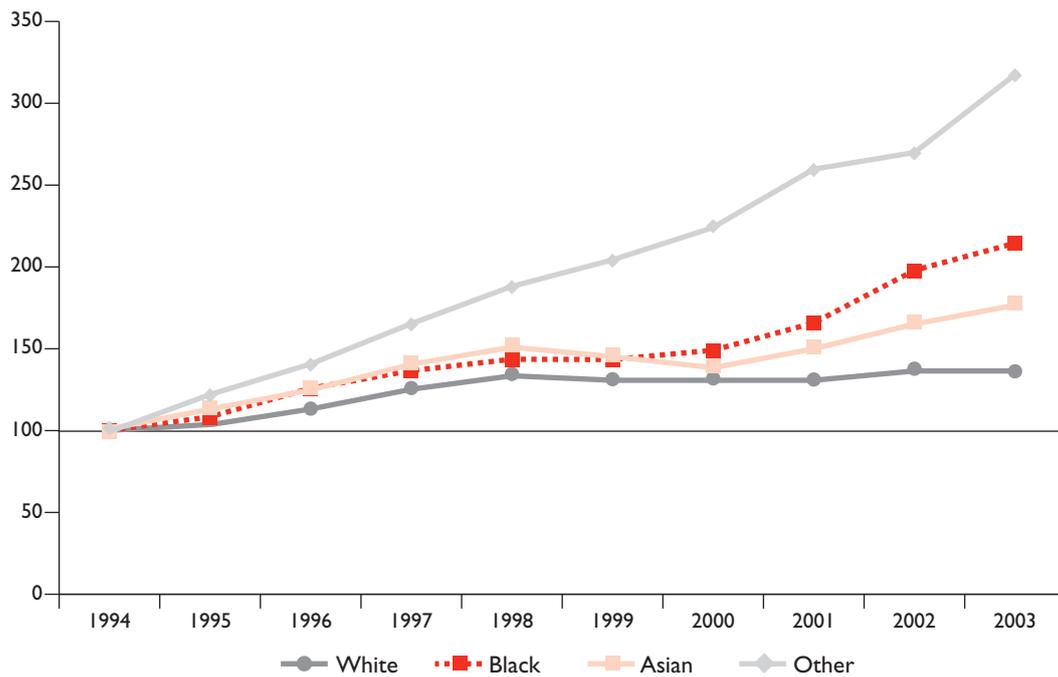
The disproportionate number of Black people in prison was therefore higher than for arrests although this could be expected from the higher use of custody and the longer sentence lengths referred to in the West Midlands research, as well as higher remand rates. The disproportionate nature of the numbers remains when foreign prisoners are excluded from the figures.

FIGURE 3.5
Prison population per 1,000 population, by ethnic group, 2001/2 to 2003/4
(including foreign nationals)



Including foreign nationals, the average population of Black prisoners has risen since 1994, by 113% and for Asian prisoners by 75% as compared with a 34% rise for White prisoners (Figure 3.6). The highest increase (215%) was in the 'Other' group that includes those of Chinese, Arab and Mixed origin. However, many people of Mixed origin may have been included under other BME groups before the 2001 Census categories were introduced.

FIGURE 3.6
Prison population, by ethnic group, 1994-2003 percentage change on the 1994 population, including foreign nationals



No evidence has been found for any differential treatment of people from the BME group on release from prison. The rate at which prisoners were released on Home Detention Curfew in 2002 have been found to be very similar for White, Black, and Asian male prisoners while the rate for 'Chinese and Other' male prisoners was higher³⁰. Research on the decisions of the Parole Board³¹ found no evidence of differential treatment of BME prisoners other than those accounted for by other characteristics associated with release, (i.e. the number of adjudications received during sentence and being housed in an open prison).

Reconviction

A study of those released from prison in 2001³² and reconvicted within two years showed lower reconviction rates for BME offenders (i.e. White (62%), Black (56%), South Asian (46%) and 'Other' (46%)). Restricting the analysis to only British nationals reduces the differences found (i.e. White (63%), Black (61%), South Asian (48%) and 'Other' (55%) since many foreign nationals leave the country on release.

30 Home Office (2003) *Prison statistics England and Wales 2002*. London: Home Office.

31 Moorthy, U., Cahalin, K. and Howard, P. (2004) *Ethnicity and Parole*. Home Office Research Findings No 222. London: Home Office.

32 Home Office (2004) *Offender Management Caseload Statistics 2003*. London: Home Office.

Chapter 4:

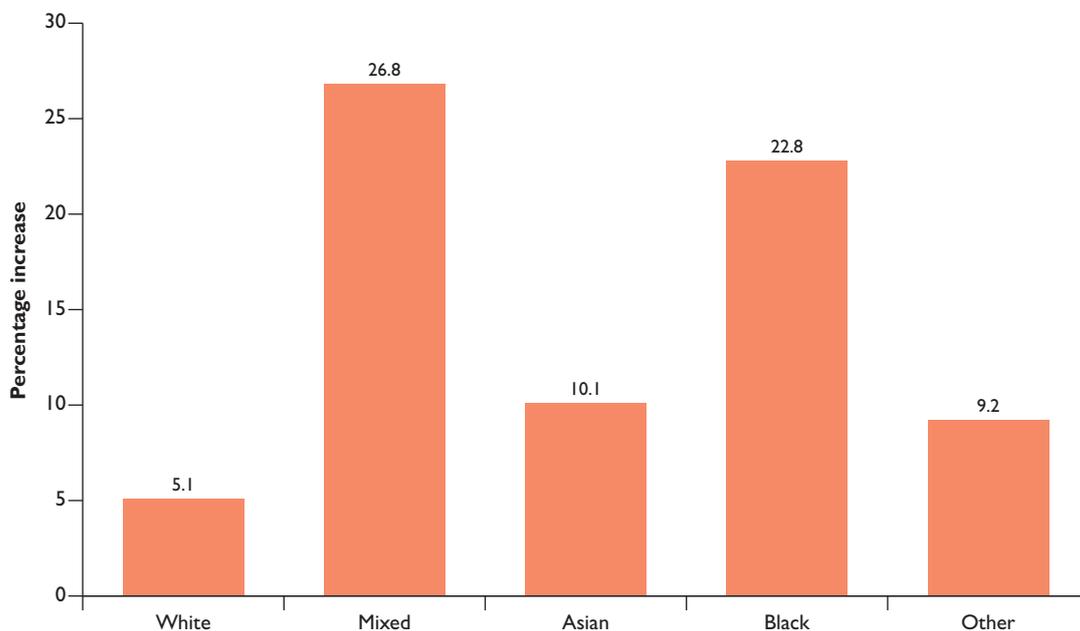
The experience of people from BME groups working in the Criminal Justice System

The number of staff from the BME groups working in criminal justice agencies has traditionally been very low. Over recent years there has been a marked improvement in representation at all grades in line with targets set for each agency. Targets have been set for agencies to reach full representation in relation to the proportion of their staff that belongs to BME groups, by 2009.

Police Service

In 2003/4, 3.3% of police officers were from BME groups, compared with 2% in 1999, narrowly missing the Home Office milestone target for 2004 of 4%. Asian people formed the largest group making up 36% of BME officers compared with 27% for Black officers, 24% for those of Mixed origin and 12% from 'Other' BME groups. The highest increases in 2003/4 compared with 2002/3 have been for those of Asian or Mixed origin (Figure 4.1).

FIGURE 4.1
Percentage increase in police officers by ethnic group 2002/3 to 2003/4



Among those ranked Superintendent and above the proportion from BME groups has also risen substantially from 0.8% in 1999 to 2.2% in 2003/4. There are currently five officers from the BME groups who hold posts at the Association of Chief Police Officers level (i.e. Assistant Chief Constable and above).

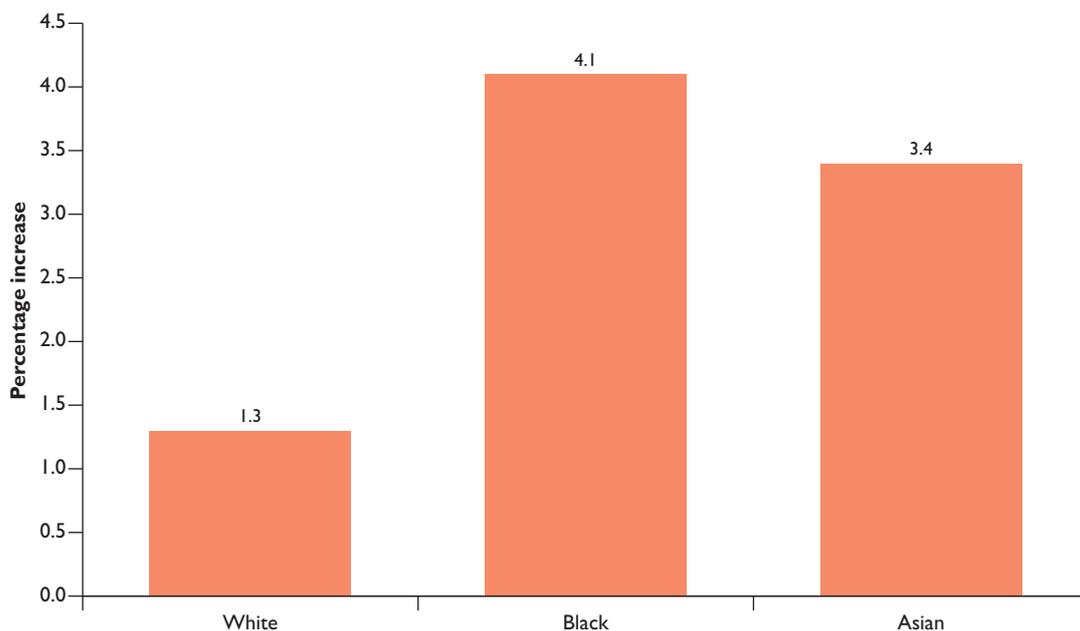
Seven percent of police constables with less than one year's service in 2003/4 were from the BME groups. For those leaving during 2003/4 the proportion resigning voluntarily was 62% compared with 29% for White people. These differences may reflect the varied lengths of time some officers have been in post.

In 2003/4, 418 Community Support Officers were in post, 17% of who were from BME groups compared with 15% in the previous year.

Prison Service

The overall figure for BME officers in the Prison Service (4.1%) has exceeded the Home Office milestone target for 2003 of 3.9% compared with 2.6% in 2001. For Governor grades, the equivalent figures are 3.2% and 2.0%. Black people accounted for nearly one half of BME prison officers (Figure 4.2).

FIGURE 4.2
Percentage increase in prison officers by ethnic group 2002/3 to 2003/4



Eight percent of recruits in 2003/4 were from the BME group.

Other Services

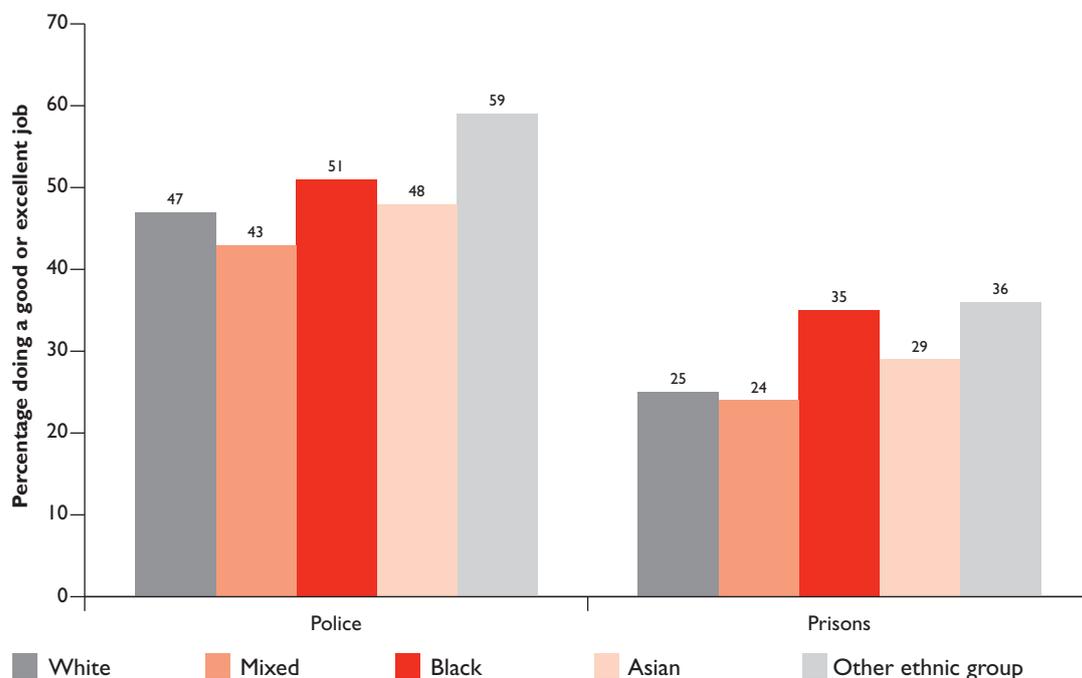
For other criminal justice services, the representation of BME groups again exceeds current national target for staff except at the most senior levels. The CPS annual equalities in employment report for 2003/4 indicates that the proportion of BME staff was 14% giving the CPS the highest proportion of BME staff. The National Probation Service had 11% BME staff. The proportions of people from BME groups were at or around the overall BME population for lay magistrates (7%), District Judges (7%), recorders (5%), magistrates' court staff (8%) and Crown Court staff (9%). Only a small number of staff from BME groups were in the most senior posts.

Chapter 5:

Confidence in the Criminal Justice System among people from BME groups

The 2003/4 British Crime Survey found in general that Asian people and those from 'Other' ethnic groups were the most likely to rate the Criminal Justice Agencies as doing a good or excellent job (Figure 5.1)

FIGURE 5.1
Police and Prisons doing a good or excellent job by ethnic group 2003/4



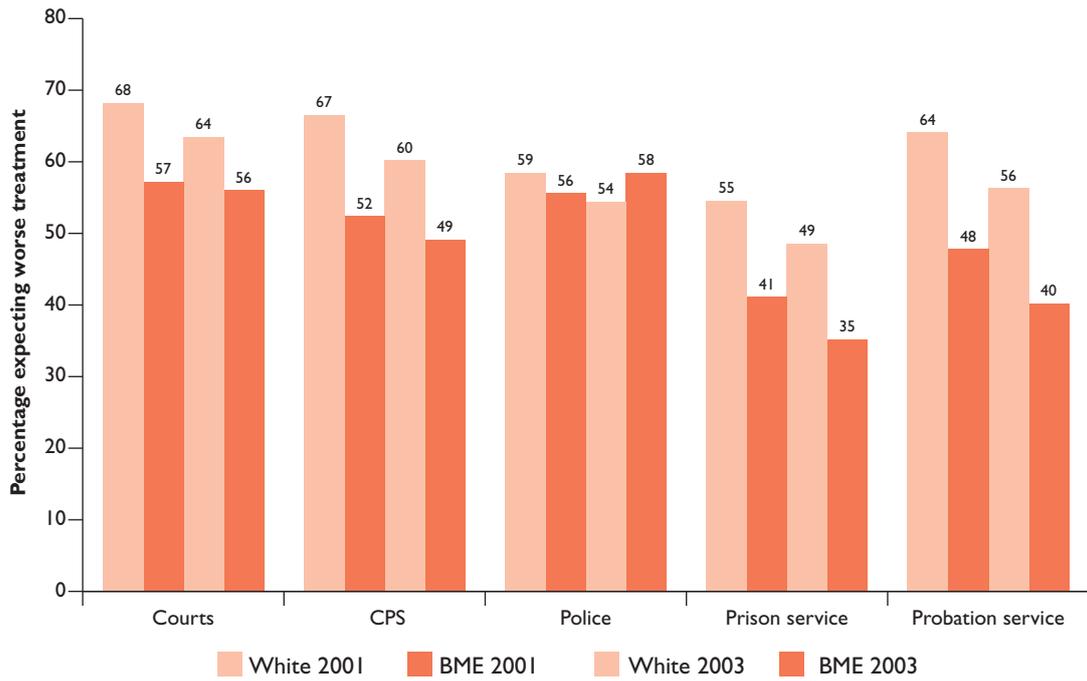
However, BME groups reported (Home Office Citizenship Survey 2001 and 2003) much higher levels of perceived discrimination with the CJS than the White population. Thirty-five percent of the Black population, 25% of the Mixed and 21% of the Asian group felt that the police would discriminate against them, compared to just 5% of the White population in 2003. Similar views were held of the Prison service, the Courts, Crown Prosecution Service and the Probation Service.

The Public Sector Agreement (PSA) target for BME confidence in the CJS is measured by using the proportion of BME people who, when asked this question in the Citizenship Survey, take the view that they would be treated the same as people from other races. For this purpose, all individual BME groups are amalgamated. The perceptions of BME and White people in 2001 and 2003 are illustrated in Figure 5.2.³³

³³ For the BME population, the change for the courts is not statistically significant.

FIGURE 5.2

Percentage of BME and White people expecting CJS agencies to treat them the same as people of other races, Home Office Citizenship Survey 2001 and 2003



Chapter 6:

What is being done?

Data from across the CJS has shown that BME people have a different experience of the CJS compared to White people. Ministers from the three main criminal justice agencies have signed the foreword at the beginning of this document pledging their commitment to the provision of a modern, fair and effective justice system. This chapter of the report deals with the activities being undertaken within these criminal justice agencies to deliver that pledge.

Each criminal justice agency has its own work to complete. In addition to this is the Public Sector Agreement (PSA) target on equal treatment for BME people in the CJS which will address key issues and coordinate work across the CJS. Each CJS agency will be monitored and will have to show improvements in a number of areas. Perceptions of equal treatment will be assessed via the Home Office Citizenship Survey.

The sections below indicate what agencies are doing to ensure they deliver their part of the PSA target.

Criminal Justice System Race Unit

The Race Unit has a central role in monitoring the delivery of the PSA target for BME equal treatment in the CJS. This target sets the goal of ensuring that by 2007/8, the percentage of people from BME communities who think that CJS agencies treat people of all races the same is higher than the percentage who thought this in 2001. The CJS agencies have each been tasked with improving confidence and have individual targets to achieve. The CJS Race Unit will be working with agencies to ensure they meet their targets and to monitor progress.

The CJS Race Unit is working across the system on specific priorities agreed by the National Criminal Justice Board or identified as particular rubbing points. These include:

Sentencing

As the sentencing decisions affect the number of offenders being held in prison, where the numbers of Black people continues to rise, it is essential that the decisions of those sentencing offenders are appropriate and seen to be fair. Research into sentencing in the West Midlands will begin in early 2005 and will carry out valuable research similar to that undertaken by Professor Roger Hood³⁴ in the late 1980s looking at any disparity in sentencing. This research will make a comparison between his findings and current sentencing patterns. The report from the research will include recommendations for further action for the CJS Race Unit and others in the CJS to take forward.

³⁴ Hood, R. (1992)

Mode of Remand

There is some evidence to suggest that BME defendants are remanded disproportionately into custody. The CJS Race Unit, in partnership with the CPS and others, is looking at the decision making process for BME defendants in respect of bail across the CJS. The CJS Race Unit has set up a Mode of Remand Action Team (MORAT) to bring together key stakeholders and develop an action plan to address the issues. Further work including the provision of guidance and the sharing of good practice will flow from this action plan.

Stop and Search

The Stop and Search Action Team (SSAT) was created to provide a joined up response to the problem of disproportionality in the use of stop and search by the police. The rates of stop and search for Black people in particular have been a trigger point for tension between the police and BME communities. It was recognised that a joined up approach, working with police forces, and understanding their operational requirements was essential for success. The SSAT is comprised of staff from the CJS Race Unit, the Police Leadership & Powers Unit, the Terrorism & Protection Unit, Research, Development & Statistics and Centrex (police training).

Members of SSAT have been visiting a number of pilot sites around the country talking to police officers, staff and community members and observing patrol officers at work. This has been distilled into a guidance manual to assist police forces in using the power effectively. The manual will be published in January 2005, at the same time as the Section 95 statistics, for wider consultation with members of the public. The ultimate outcome of this work is a reduction in the levels of inappropriate disproportionate stops and searches as well as increased BME community confidence in the use of the stop and search powers.

Developing Statistics That Drive Change

Accurate and meaningful data is essential in order to inform agencies and central government departments of their performance when dealing with all people, but especially BME communities. It is recognised though that the statistics on the CJS and Race are not providing sufficient information to enable government departments, Local Criminal Justice Boards and managers of staff to easily identify areas for action or change. The Unit has taken delivery of a root and branch review of the Section 95 statistics that will be making recommendations for further action in early 2005. The CJS Race Unit will be working with colleagues to implement the recommendations.

Developing a More Representative Workforce

A new area of work for the unit is looking at the employment of BME people throughout the CJS and seeks to:

- Better understand why some parts of the CJS are more successful in the recruitment, retention and promotion of BME people than others;
- Better understand how we can support agencies to learn from each others' experience
- Look outside the CJS and learn from successful private, public and voluntary sector organisations

The workstream will provide opportunities for sharing good practice and providing guidance to CJS employees on recruitment, retention and the progression of BME staff.

Communicating with Local Criminal Justice Boards

Local Criminal Justice Boards (LCJBs) alongside the local criminal justice agencies are one of the main delivery agents for change in each of the local areas. The CJS Race Unit provides advice to the LCJBs on good practice in community engagement and their responsibilities around the Race Relations (Amendment) Act 2000. Recently the unit has been piloting a race self-assessment tool with four LCJB areas and a National LCJB Race Forum has been established to encourage the areas to work together, share best practice and swap ideas.

Home Office

Police

The police and the Home Office have continued to focus efforts in improving BME representation in police officers, police staff and the Special Constabulary. Since 2002/3, more transparent recruitment procedures have been put in place for police officers. New recruitment materials aimed at BME recruits, including a DVD and video, have been produced. Proposed new areas of work include taking language skills into account in the recruitment process where these are operationally justified; using BME members of the community as assessors in the police recruitment process; strengthening the support networks for existing BME officers; and targeting BME graduates.

The police have been working closely with the Crown Prosecution Service to deliver a better service to victims of racist incidents. Following the Stephen Lawrence Inquiry, the Home Office introduced a Code of Practice for the reporting and recording of racist incidents, in order to improve procedures, help victims of racism and deal with perpetrators effectively. A Home Office evaluation of how well the Code is working has been completed and will be published shortly.

The National Policing Plan 2005-2008³⁵ was published at the end of November 2004 and this includes a key police priority for developing public confidence. The priority is designed to provide a citizen-focused police service that responds to the needs of communities and individuals, especially victims and witnesses, and inspires public confidence in the police, particularly among minority ethnic communities.

Stop and search is and will continue to be a touchstone issue for BME communities, who feel that they can be unfairly targeted by this power. The report of the Stephen Lawrence Inquiry brought this issue into focus. One of the key recommendations from the Stephen Lawrence Inquiry is that the police should record all stops (previously only searches are recorded). This is due to come into force from April 2005 but a phased implementation has already taken place in a number of police forces.

Prison Service

Initiatives are ongoing to meet or exceed the specific duties and requirements on employment set out in the Race Relations (Amendment) Act 2000 and to ensure that equality of opportunity is delivered in all aspects of employment within the Prison Service. BME staff numbers have grown by just over 2% in the last five years. This has been achieved by making the employment target one of the Prison Service's Key Performance Indicators and is reflected in local and area business plans. There are now three prisons run by governors from the BME community.

The Service recognises that there is still a lot to do in the areas of progression and retention of BME staff and is in the process of agreeing challenging targets in these areas. Recruiters, with support and guidance, are required to develop an outreach strategy to encourage applications from under-represented groups. Developmental work has begun in order to deliver a national advertising campaign

³⁵ National Policing Plan 2005/8 Safer Stronger Communities, Home Office

to raise awareness of careers in the Prison Service particularly amongst under-represented groups. The campaign will be carefully monitored to measure the effectiveness of separate advertising sources and this will be used to form the basis of a future long-term strategy. The Service continues to develop its staff support networks, particularly RESPECT, the staff support network for BME staff.

The Prison Service has worked closely with the Commission for Racial Equality to produce an Action Plan: "Implementing Race Equality in Prisons – A Shared Agenda for Change". The Action Plan looks at all aspects of prison life (including, for example, complaints) and covers policies and standards; performance improvement; employment; staff development and training; and reporting and monitoring progress. Getting these right will ensure that the legislative requirements of the Race Relations (Amendment) Act 2000 – to eliminate unlawful racial discrimination, and to promote equality of opportunity and good relations between persons of different racial groups – will be met for both prison staff and BME prisoners.

Part of the Action Plan involves setting a Key Performance Target for Race Equality for prisoners and staff. This includes a review of the way racial incidents are handled, and greater use will be made of prisoner and visitor surveys to measure the impact of race relations policy and practice on BME prisoners.

Other examples of recent work include the development of a new racist incident form that has been introduced into all prisons. The form encourages third-party reporting and incorporates a number of safeguards to ensure that complainants are kept informed of progress and outcomes. In addition, the newly formed Race and Equalities Action Group includes a Delivery Team to help prison establishments implement the Action Plan and to incorporate the provisions of the Race Relations (Amendment) Act into their core business. This team is available to visit establishments to address particular concerns, should the need arise.

Probation

The National Probation Service (NPS) has already exceeded its employment target for BME staff and has a workforce where 10.5% of the staff is from BME communities. Representation of BME staff at most grades is better than the population figures but this is not true for the Senior Practitioner Group. In the Chief Officer group, BME staff account for only 2.5% of the total staff. The low representation of BME staff at the chief executive levels of the NPS is an area of specific concern. The NPS has invested in an initiative called ACCELERATE which targets BME managers and provides a two year personal development programme. The programme commenced in September 2004 and is due for completion in 2007.

There has been an ongoing problem with the collection of probation data including data quality and missing data issues. The NPS has tasked Board Chairs and Chief Officers to ensure that this situation has improved by 2005-2006 so that 95% of race and ethnic monitoring data on staff and offenders is returned on time and using the correct classifications.

The NPD is now introducing a new target on race and ethnic monitoring which is aimed at ensuring they have the right data on offenders so as to enable the assessment and development of better services.

The NPS has commissioned research looking at the needs of Black and Asian offenders on probation and is responding to the recommendations of that research. A change programme has been in place since 2001 reviewing accredited programmes to ensure that they are diversity proofed and appropriate

for disadvantaged groups. A reviewed diversity checklist was developed for the Correctional Services Accreditation Board to use as part of the criteria for decisions in accrediting programmes.

In response to the suggestion in some research that BME offenders' Pre-Sentence Report recommendations, or lack of them, could lead inadvertently to courts opting for custodial or higher level community sentences, the National Probation Directorate (NPD) introduced a diversity target on Pre-Sentence Reports to ensure that at least 95% of Pre-Sentence Reports written on BME offenders have proposals.

Crown Prosecution Service

The Crown Prosecution Service (CPS) has recently been commended by the National Audit Office for their public consultation on its "Public Policy Statement on Racist and Religious Crime". Other measures undertaken by the CPS to increase its responsiveness to BME communities include:

- A major project recently run by the CPS, the courts and the Police is called the 'No Witness, No Justice' Initiative. It recognises that victims and witnesses should be at the centre of the CJS, and is working on a programme to improve the service they receive and their satisfaction with that service. Included in this are specific measures to ensure that BME victims and witnesses receive appropriate care and services. The CPS is consulting with BME communities to make sure that the services offered are effective and appropriate.
- In 2004 the Director of Public Prosecutions and the CPS Chief Executive met with diverse community organisations including BME, Faith and Muslim groups in a series of face-to-face meetings in order to engage directly with community representatives.
- In 2004/5 the CPS has developed outcome measures for prosecutions of hate crimes and community engagement which the CPS will implement and report against.
- The CPS is developing a community engagement strategy, and guidance for CPS areas and will be running three community engagement pilots in 2005/6.

Department for Constitutional Affairs

BME staff represented nearly 15% of permanent staff in post in the Department for Constitutional Affairs (DCA). This is almost 2% higher than the previous year. Nearly a quarter of staff promoted to the next grade in that period were BME staff.

The DCA has a staff network for BME staff – PROUD whose role is to encourage, support and inspire staff especially those from the BME community and also to act as a conduit for BME staff to communicate their views to senior managers within the DCA and beyond.

DCA is about to launch a key programme of diversity work which has 4 main strands:

- Policy
- Delivering Services
- Realising Staff Potential
- Leadership and Legislation.

As part of their research programme the DCA is examining whether and to what extent, the courts system deals fairly and justly with the needs of a diverse and multi-cultural society, and whether it is regarded as fair. Two projects of relevance are Ethnic Minority magistrates' experience of their role and of the court environment, and Ethnic diversity and the jury system.

The Court Service has undertaken a targeted research project to examine the satisfaction of BME users. The aim is to understand whether the causes of dissatisfaction are related to the service received or determined by other factors and influences, such as their age, gender or the capacity in which they were using the court.

Youth Justice Board (YJB)

The YJB has set the following target in its Corporate Plan to “Ensure that Youth Offending Teams and secure facilities have action plans in place by April 2005 to achieve equal treatment by different ethnic groups and deliver targeted prevention activity that substantially reduces local differences by ethnicity in recorded conviction rates”.

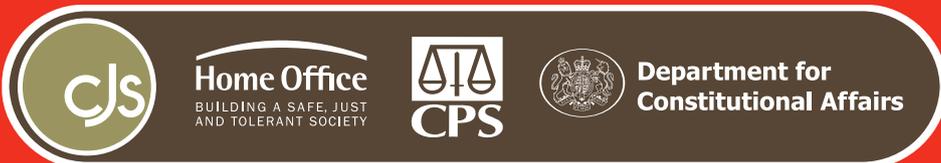
Research by the University of Oxford³⁶ on the experiences of BME young people shows that there are higher proportions of young Black people committing some offences and receiving certain disposals than in the general population. It also suggests that some of the disproportionate sentences/disposals do not reflect the nature of the offence or the young person, indicating that discrimination is taking place in some parts of the youth justice system. Working with NACRO, the YJB has set itself the target of reducing disproportionate sentences and disposals for BME young people and will be monitoring Youth Offending Teams on the proportion of BME young people receiving different disposals from April 2005.

³⁶ Feilzer, M. & Hood, R. (2004).

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