

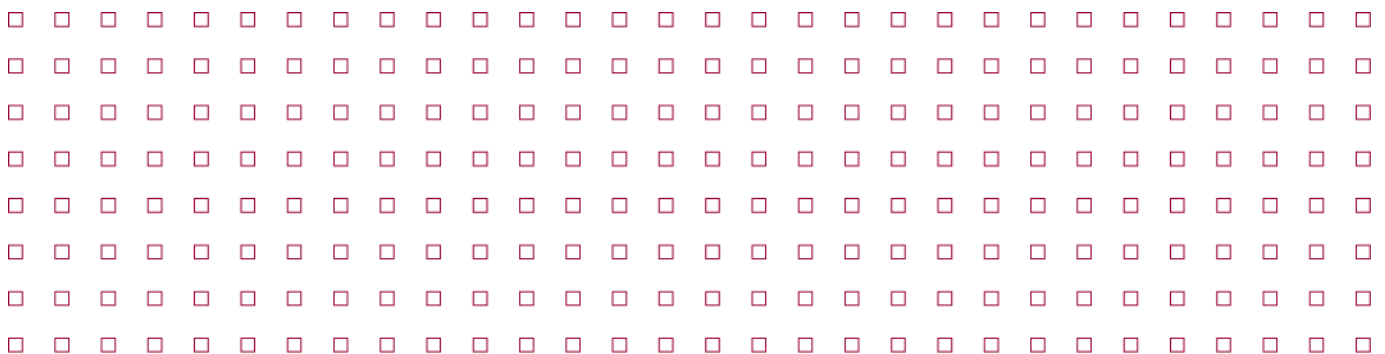


Ministry of  
**JUSTICE**

# **Statistics on Race and the Criminal Justice System 2008/09**

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

June 2010





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This information is also available on the Ministry of Justice website:  
[www.justice.gov.uk/publications/raceandcjs.htm](http://www.justice.gov.uk/publications/raceandcjs.htm)

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The authors would like to express their thanks to members of the Race Advisory Group and the newly formed Race Programme Board for their advice during the preparation of this report.

## **Criminal Justice Act 1991 – Section 95**

Section 95 of the Criminal Justice Act 1991 states that:

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

This report brings together statistical information on the representation of women as suspects, offenders and victims within the Criminal Justice System and as employees/practitioners within criminal justice agencies.

Every effort is made to ensure that the figures presented are accurate and complete. However, these data have been extracted from large administrative data systems generated by the courts, police forces and other agencies. As a consequence, care should be taken to ensure the limitations of these data are taken into account.

The basic statistical information in this document should be considered in conjunction with the parent statistical publications and research reports that are now available on related issues. Most of these reports are now published on websites such as the Home Office website, [www.homeoffice.gov.uk/rds/index.htm](http://www.homeoffice.gov.uk/rds/index.htm) the Crown Prosecution Service website, [www.cps.gov.uk](http://www.cps.gov.uk) the Ministry of Justice website, [www.justice.gov.uk](http://www.justice.gov.uk) and the Youth Justice Board website, [www.yjb.gov.uk](http://www.yjb.gov.uk).

The data presented is largely from published government reports, but on occasion has been supplied by criminal justice agency colleagues. It is presented either in terms of calendar years, financial years or other relevant time periods, reflecting the reporting cycles and data collection of the agencies contributing information for this publication. For further technical data and quality statements see appendices in parent publications.

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## Summary

This report provides details of how members of the Black and Minority Ethnic (BME) community in England and Wales are represented in our Criminal Justice System (CJS). The contents of the report will be of interest to government policy makers, the agencies that comprise the CJS, and others who want to understand better how experiences of the CJS differ between ethnic groups. It is important to note that the data presented highlight areas where there is a difference in the results between ethnic groups and where practitioners and others may wish to undertake more in-depth analysis to understand further the reasons for such differences. This should not be equated with discrimination as there are many reasons why apparent disparities may exist.

The data presented in the report suggest that there have been some developments since the 2007/08 publication of these statistics for example, in clear-up rates of racially or religiously aggravated offences. However, some substantial differences continue to exist in the experiences of people from BME groups compared with people from a White background. For example:

- The British Crime Survey (BCS) 2008/09 showed that the risks of being a victim of crime were higher for adults (aged 16 and over) from a Mixed and Asian background than for those from a White background (Chapter 2).
- Trend data for 2004/05 to 2008/09 showed that, in England and Wales, the use of Stop and Search (s1 PACE and other legislation) had increased each year in the last five years for each ethnic group. The greatest percentage rises were for the Black and Asian groups with increases of over 70% (Chapter 3).
- A higher percentage of BME offenders were sentenced to immediate custody for indictable offences in 2008 than offenders from a White ethnic background (Chapter 4). This could be due to a number of reasons other than discrimination including: the mix of crimes committed; the seriousness of the offence; the presence of mitigating or aggravating factors; whether a defendant pleads guilty; or whether the defendant is represented or not. Research by Thomas (2010) for the Ministry of Justice<sup>1</sup> indicated that people from BME backgrounds were more likely to plead not guilty and be tried. A guilty plea can reduce a sentence by up to a third. Further work is needed to assess whether the higher proportion sentenced to immediate custody is related to plea or other factors.

Table A shows the proportion of each ethnic group in the resident population aged ten and over based on the best currently available estimates for mid-2007

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<sup>1</sup> <http://www.justice.gov.uk/publications/are-juries-fair.htm>

– Population Estimates by Ethnic Group (PEEGs),<sup>2</sup> and the ethnic breakdown of those at different stages of the criminal justice process.

**Table A: Percentage at different stages of the Criminal Justice System compared with ethnic breakdown of general population, England and Wales 2008/09**

	Ethnicity						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated/Unknown	
<b>Population aged 10 &amp; over 2007 PEEGs<sup>(1)</sup></b>	89.4%	2.6%	5.2%	1.3%	1.5%	0.0%	<b>100%</b>
<b>Stops and Searches<sup>(2)</sup></b>	67.0%	14.8%	8.8%	2.8%	1.3%	5.4%	<b>100%</b>
<b>Arrests<sup>(3)</sup></b>	80.6%	7.6%	5.4%	2.8%	1.4%	2.2%	<b>100%</b>
<b>Cautions<sup>(3) (4)</sup></b>	82.6%	6.7%	4.9%	2.7%	1.5%	4.3%	<b>100%</b>
<b>Court ordered supervision by probation service</b>	82.0%	6.0%	4.7%	2.7%	1.2%	3.4%	<b>100%</b>
<b>Prison population (All including Foreign Nationals)</b>	72.8%	14.4%	7.2%	3.4%	1.7%	0.5%	<b>100%</b>

Note: Figures may not add to 100% due to rounding.

- (1) Stops and Searches recorded by the police under section 1 of the Police and Criminal Evidence Act 1984 and other legislation.
- (2) The data in these rows are based on ethnic appearance, and, as such, do not include the category Mixed ethnicity (the data in the rest of the table are based on self-identified ethnicity).
- (3) These data are for adults only.
- (4) Prison population figures are as at 30 June 2009. Please note that these figures include those awaiting deportation.

## Specific Findings

### Victims

- Findings from the 2008/09 BCS suggested the risk of adults (aged 16 and over) being a victim of crime were higher for those from a Mixed background (35% of people within this group were victims) than from other ethnic groups; and greater for those from an Asian (26%) than from a White ethnic background (23%). These differences were statistically significant. There were no statistically significant differences between the risks of being a victim for adults from a Black background (24%) compared with those from a White background (23%).

<sup>2</sup> Population Estimates by Ethnic Group (or PEEGs) for 2007 provided by ONS. The PEEGs are experimental estimates which cover the usually resident population including international migrants staying for 12 months or more.

- In 2008/09, 55,862 racist incidents were recorded by the police – a decrease of 4% compared to 2007/08 when 58,445 racist incidents were recorded. Trends for the last four years showed that, following an increase between 2005/06 and 2006/07, the number of racist incidents decreased in 2007/08 and 2008/09.
- The number of racially or religiously aggravated offences recorded by the police in 2008/09 was 36,752. There was an increase in these offences between 2005/06 and 2006/07, followed by a decrease in 2007/08 and 2008/09.
- WAVES (the Witness and Victim Experience Survey) data for cases closed between April 2008 and March 2009 showed that, while the majority of victims across all ethnic groups were satisfied with their overall contact with the CJS, fewer victims in the Black (75%) and Mixed (72%) ethnic groups reported being satisfied with their overall contact with the CJS than in the White ethnic group (80%). These differences were statistically significant.

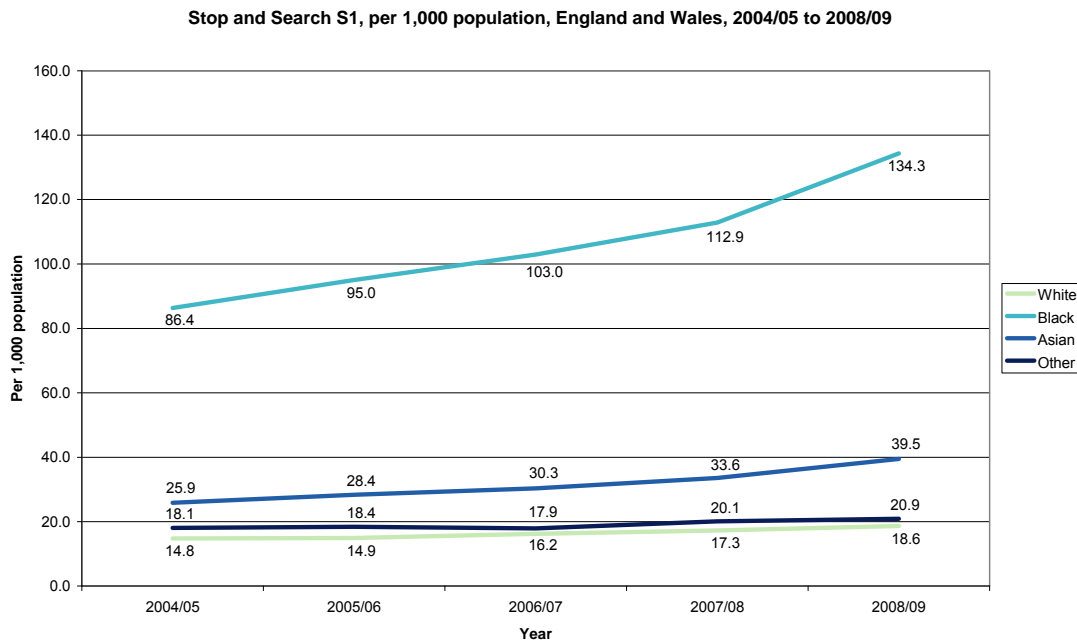
### **Suspects: Stops and Arrests**

- The police recorded 1,142,763 Stops and Searches using s1 PACE and other legislation (hereafter referred to as ‘Stops and Searches’) in 2008/09 – a 10% increase on the previous year (1,036,363). Of the Stop and Searches carried out, 15% were of Black people, 9% of Asian people, 3% of people of Mixed ethnicity, and 1% of people from a Chinese or Other background.
- In 2008/09, there were over seven times more Stop and Searches of Black people per head of population than of White people, and over twice as many Stop and Searches per head of population of Asian people and people of Mixed ethnicity. When referring to the rate per head of population<sup>3</sup> for England and Wales, it is important to bear in mind that the higher rate than that obtained for London and the rest of England and Wales is the product of the aggregation of forty-two police force areas (PFAs) each with different distributions of both ethnic population and use of Stop and Search. While the Metropolitan Police Service accounts for 14% of the England and Wales population, 42% of Stop and Searches are carried out by the Metropolitan Police Service.
- The number of Stop and Searches increased across all ethnic groups in each year between 2004/05 and 2008/09. The number of White people being Stopped and Searched increased by just under 30% between 2004/05 and 2008/09, while the number of Black and Asian people being Stopped and Searched increased by over 70%.

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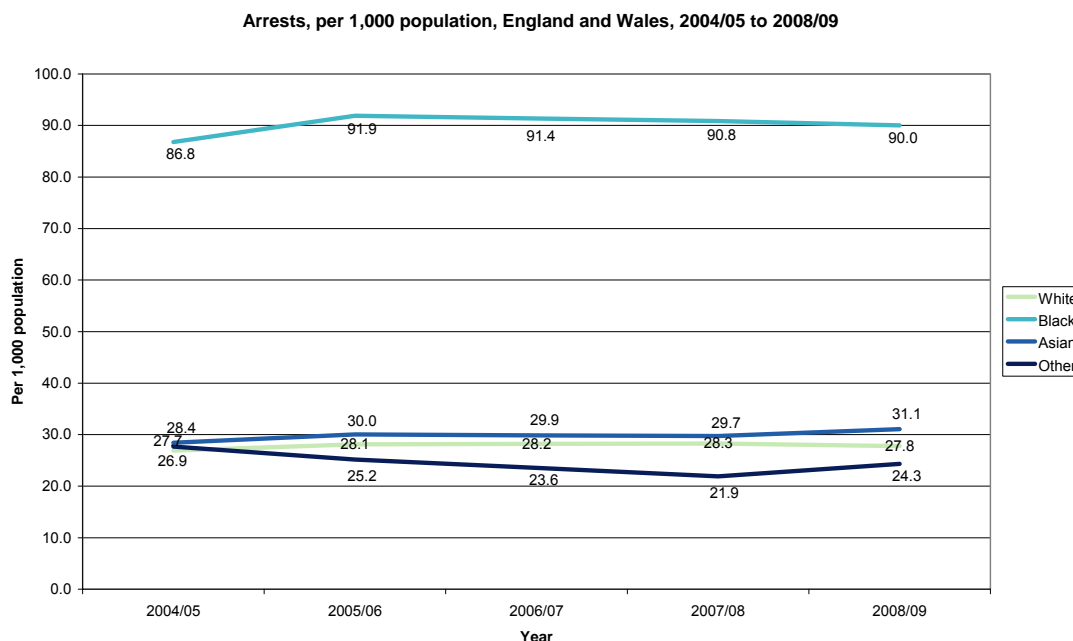
<sup>3</sup> ONS experimental population estimates by ethnic group have been used to create per 1,000 population numbers for each of the ethnic groups.

**Figure A: Stops and Searches (section 1 PACE and other legislation) per 1,000 population (based on PEEGs), by observed ethnicity, England and Wales 2004/05 to 2008/09**



- Provisional data suggested the number of people asked to Stop and Account fell by 6% between 2007/08 and 2008/09 from 2,353,918 to 2,211,598.
- The number of Arrests in England and Wales remained relatively stable between 2007/08 and 2008/09 (1,475,266 and 1,458,429 respectively).
- In 2008/09, there were three times more Arrests of Black people than of White people per 1,000 population.
- Trend data show that there was a 4% increase in Arrests of White people between 2004/05 and 2008/09, a 16% increase for Black people, and a 26% rise for Asian people. The available population data (for 2004 to 2007) – PEEGs – suggest there was a 1% rise in the White population, an 11% increase in the Black population, and a 15% rise in the Asian population.

**Figure B: Arrests per 1,000 population (based on PEEGs), by observed ethnicity, England and Wales 2004/05 to 2008/09**

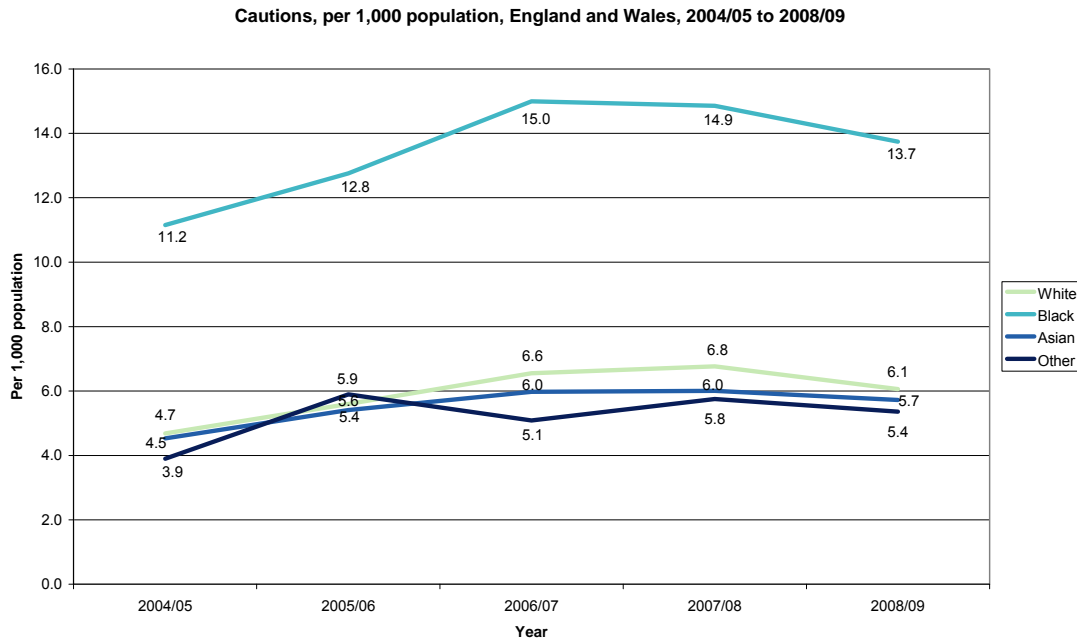


Note: These rates are based on officer identified ethnicity and differ from those shown in Chapter 3 which reflect self-identified ethnicity.

### Offenders: Cautions, prosecutions and sentencing

- In 2008, 313,351 people were cautioned for notifiable offences compared with 350,498 in 2007, a decrease of just less than 11%.
- Trend data show that, between 2004 and 2007, there was an increase in the total number of cautions each year for White, Black and Asian people. This was followed by a drop in 2008. There was a 10% reduction in cautions for White people between 2007 and 2008, a 7% decrease for Black people and people of Other ethnic origin, and a 5% decrease for Asian people.
- There were substantial improvements in the recording of ethnicity data for Magistrates' Court cases in 2008 compared to 2007.
- In 2008, White juveniles and adults in England and Wales had higher conviction rates at Magistrates' Courts than juveniles and adults of any other ethnicity.
- A higher percentage of adults and juveniles in the BME groups were sentenced to immediate custody than in the White ethnic group. Research for the Ministry of Justice has indicated that people from BME backgrounds are more likely to plead not guilty and be tried (Thomas, 2010). A guilty plea can reduce the sentence by up to a third. Further work is needed to assess whether the higher proportion sentenced to immediate custody is related to plea or other factors.

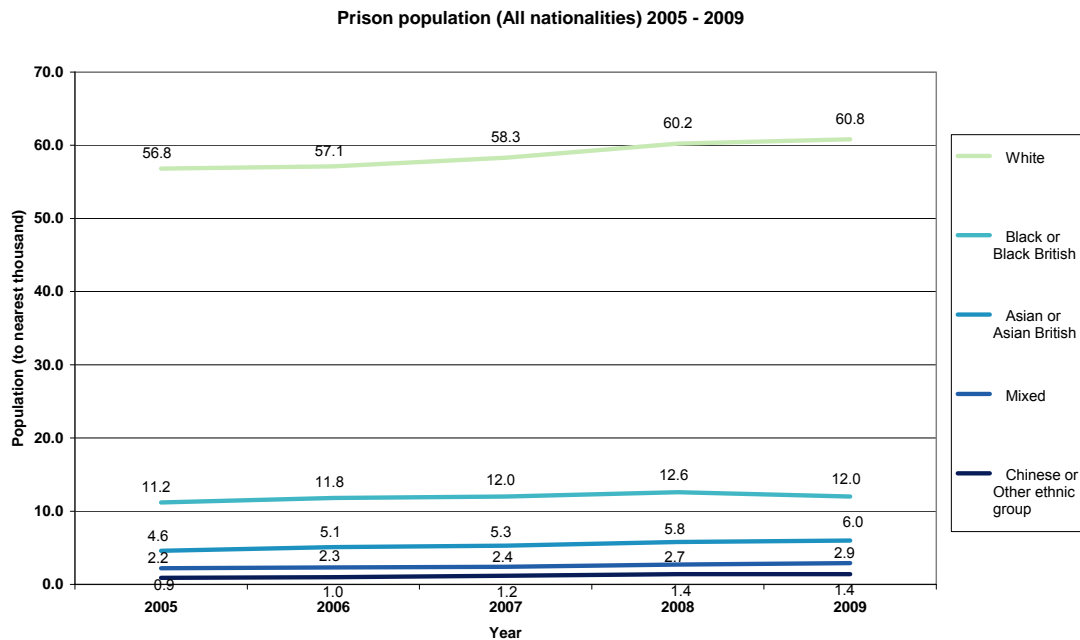
**Figure C: Cautions per 1,000 population (based on PEEGs), by observed ethnicity, England and Wales 2004/05 to 2008/09**



### Offenders: Under supervision or in custody

- The number of individuals commencing court orders remained relatively stable between 2008 and 2009 (164,873 versus 166,837 respectively).
- BME individuals comprised 15% of those receiving court order supervisions in 2009.
- The proportion commencing court orders within each ethnic group has remained relatively stable since 2005. The greatest difference was for the Mixed group whose share of court order supervisions increased by 0.5 percentage points between 2005 and 2009.
- The number of individuals commencing pre/post release supervisions in 2009 was 45,970 – a 2% decrease compared to 2008 (46,790).
- BME individuals comprised 20% of those receiving pre-post release supervisions in 2009.
- The greatest change between 2005 and 2009 was for the White group whose share of pre/post release supervisions increased by 1.4 percentage points.
- As at 30 June 2009, members of BME groups accounted for 27% of the overall prison population including foreign nationals (83,454) compared to 25% of the overall population (76,190) in 2005.

**Figure D: Prison population including foreign nationals (to nearest thousand) by self-identified ethnicity, England and Wales as at 30 June 2005 to 2009**



- Although the number of deaths in prison custody rose between 2008 and 2009, the number of BME deaths in prison fell during this period.
- In 2009, White people accounted for over 90% of self-inflicted deaths in prison custody. Trends data for 2005 to 2009 show that White people have consistently accounted for over three-quarters of self-inflicted deaths in prison custody across ethnicities.

### Practitioners in the Criminal Justice System

- In the Police, Crown Prosecution and Prison services, the proportion of staff from BME backgrounds was similar to or the same as that recorded for the previous year.
- The police appeared to be making progress with employing members of BME groups as police officers; and the Crown Prosecution Service had registered proportionately more BME staff in the most senior positions than for their organisation overall.
- Progress within the Judiciary was modest. On the one hand, the number of Recorders from a BME background as at 31 March 2009 remained very similar (57 out of 1,235) compared with five years earlier (56 out of 1,442). But over the same points in time, the number of Circuit Judges from a BME background increased from 5 of 641 in 2005 to 14 of 640 in 2009; and High Court Judges from 1 of 107 to 3 of 109.

## Chapter 1. Introduction

Section 95 of the Criminal Justice Act 1991 states that:

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

Documents pursuant to this requirement have been published since 1992. This report, as with previous editions, brings together statistical information on the representation of Black and Minority Ethnic (BME) groups as victims, suspects and offenders within the Criminal Justice System. It also provides details of employees within the criminal justice agencies. The publication aims to help practitioners and members of the public understand trends in the Criminal Justice System and how these vary between ethnic backgrounds and over time.

The Chief Statistician announced, on 10 June, several changes to this year's publication in order to help users of the statistics find the information they require more easily and to improve the accuracy of the data.

1. A much simpler publication for users to understand the key messages with a simplification of the structure of the report into five key areas:
  - Victims
  - Suspects: police Stops and Arrests
  - Offenders: cautions, prosecutions and sentencing
  - Offenders: under supervision or in custody
  - Practitioners in the Criminal Justice System.
2. A clear summary highlighting the key trends and providing much more detail on changes over time than in previous years.
3. Provision of the same range of detailed information as previous years, but with much of the detail, particularly on all 42 Local Criminal Justice Boards, provided as supplementary tables in Excel to allow easy re-use of data.
4. Replacing the previously used 2001 Census-based mid year-estimates of ethnicity by police force areas with the Office for National Statistics' 2007 experimental population estimates by ethnic group (PEEGs) for local areas.<sup>4</sup> Due to population changes affecting the composition of ethnic

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<sup>4</sup> PEEGs are classified as experimental statistics as they have not yet achieved the National Statistics quality standard. They have been published and made available for use whilst ONS continues to develop further the methodology underpinning the estimates. ONS welcome any comments or feedback from users of these



groups in England and Wales, the Ministry of Justice sought advice on which population estimates should be employed in the 2008/9 publication of Statistics on Race and the Criminal Justice System from the Office for National Statistics. The Office for National Statistics advised the Ministry of Justice to use the experimental Population Estimates by Ethnic Group (PEEGs) which provide the best currently available estimates of the resident population by age, sex and ethnic group for mid-2001 to mid-2007 for local authorities in England and Wales.<sup>5</sup> To ensure consistency, revised rates per thousand for previous years are also included in the analysis to allow accurate comparisons over time.

5. Improvements have been made in ethnic monitoring, especially through the roll-out of the police's standard IT interface with magistrates' courts and the courts own roll-out of its single Libra IT system. The main roll-out of these systems took place in 2008 and has led to improvements that start to be seen for the 2008 period covered in this report and are expected to continue in future years. To consolidate progress, analysts have worked with Her Majesty's Courts Service (HMCS), representatives from the National Police Improvement Agency (NPIA), Association of Chief Police Officers (ACPO), and the Equalities and Human Rights Commission (EHRC) to improve the level of recording in magistrates' courts.
6. A new appendix containing a glossary to aid understanding of the terms used in the definition and delivery of criminal justice.

For all of the chapters, every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts, police forces and other agencies. As a consequence, care should be taken to ensure the limitations of these data are taken into account. Data are presented in terms of calendar and financial years and other periods, reflecting the reporting cycles and data collection of the agencies contributing information for this publication.

## Revisions

Statistics are by their nature subject to error and uncertainty. Initial estimates are often systematically amended to reflect more accurate and complete information provided by data suppliers. Where any revisions have been made to previously published data, there is a note at the foot of the relevant tables in this report and the Excel spreadsheets associated with this report.

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estimates. The PEEGs will remain experimental until their quality can be measured against an independent source of ethnic population estimates; this is likely to be data from the 2011 Census.

<sup>5</sup> Because the experimental population estimates were only available for 2007, they were also used for 2008.

## Chapter 2. Victims

This chapter looks at the experience of victimisation from national surveys and recorded crime with particular reference to racist incidents, and racially and religiously aggravated offences.

The British Crime Survey (BCS), the Witness and Victim Experience Survey (WAVES) and records of racist incidents and racially and religiously aggravated offences show the following key results.

- The risks of being a victim of crime were higher for adults (aged 16 and over) from a Mixed background than from other ethnic groups, and greater for those from an Asian than from a White ethnic background (BCS 2008/09).
- The number of racist incidents recorded by police in 2008/09 was 55,862. Trends for the last four years showed that, following an increase between 2005/06 and 2006/07, the number of racist incidents decreased in 2007/08 and 2008/09.
- The number of racially or religiously aggravated offences recorded by the police in 2008/09 was 36,752. There was an increase in these offences between 2005/06 and 2006/07, followed by a decrease in the two subsequent years.
- In 2008/09, the clear-up rate for racially or religiously aggravated offences (41%) was higher than for equivalent non-racially or religiously aggravated offences (28%).
- WAVES data for cases closed between April 2008 and March 2009 showed that 75% of Black victims were satisfied with their contact with the CJS compared to 80% of White victims, 78% of Asian victims, and 72% of victims from a Mixed ethnic background.

### Risk of victimisation

As not all crimes are reported to the police, the main source of information about the risks of victimisation for different ethnic groups is the BCS – a large nationally representative survey that asks people in detail about their experience of crime in the last twelve months. According to the 2008/09 BCS:

- Thirty-five per cent of adults (aged 16 and over) in the Mixed ethnic group, 26% of those in the Asian, 24% in each of the Black and Chinese and Other, and 23% in the White ethnic groups were victims of crime in the 12 months prior to interview.
- The risk of being a victim of crime was higher (these differences were statistically significant)<sup>6</sup> for:

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<sup>6</sup> In statistics, a result is called statistically significant if it is unlikely to have occurred by chance.

- adults from a Mixed ethnic background compared with all other ethnic groups; and
- for those from an Asian ethnic background compared with those from a White ethnic background.
- There was no statistically significant difference between the risks of being a victim of crime for adults from a Black ethnic background versus those from a White ethnic background.

It should be noted that differences in the risk of victimisation between ethnic groups may be at least partly attributable to factors other than ethnicity. Previous research (Jansson, 2006; Salisbury and Upson, 2004) has shown that people with a Mixed ethnic background are most at risk of crime. However, multivariate analyses<sup>7</sup> (based on the 2005/06 BCS) identified that, for the key crime types, ethnicity was not independently associated with the risk of victimisation (Jansson *et al.*, 2007). The proportion of young people in the Mixed ethnic group was, for example, found to be large in comparison to other ethnic groups; and young people are at a higher risk of victimisation (Kershaw *et al.*, 2008).

### Racist incidents

Racist incidents are recorded by the police and, as recommended by the Stephen Lawrence Inquiry, refer to “any incident which is perceived to be racist by the victim or any other person.”<sup>8</sup>

- The overall number of racist incidents recorded by the police in England and Wales decreased by 4% from 58,445 in 2007/08 to 55,862 in 2008/09.
- Between 2007/08 and 2008/09, there was a decrease in the number of racist incidents recorded in over three-fifths of police force areas (PFAs).
- Trends for the last four years show that, following an increase between 2005/06 and 2006/07, the number of racist incidents recorded across England and Wales decreased in 2007/08 and 2008/09 (see Table 2.01).

<sup>7</sup> Multivariate analysis involves analysis of more than one statistical variable (e.g. age, gender, ethnicity) at a time.

<sup>8</sup> See MacPherson, W (1999). *The Stephen Lawrence Inquiry*. Stationery Office.

**Table 2.01: Number of racist incidents, England and Wales 2005/06 to 2008/09**

Police force area	2005/06	2006/07	2007/08	2008/09	Change 2005/06 to 2008/09	Change 2007/08 to 2008/09
Avon & Somerset	2,062	2,130	1,884	1,885	-8.6%	0.1%
Bedfordshire	482	406	377	463	-3.9%	22.8%
Cambridgeshire	582	532	422	397	-31.8%	-5.9%
Cheshire	499	472	592	471	-5.6%	-20.4%
Cleveland	545	308	270	453	-16.9%	67.8%
Cumbria	324	242	270	256	-21.0%	-5.2%
Derbyshire	830	697	892	714	-14.0%	-20.0%
Devon & Cornwall	1,265	1,116	1,151	1,001	-20.9%	-13.0%
Dorset	438	516	588	681	55.5%	15.8%
Durham	360	421	382	346	-3.9%	-9.4%
Dyfed-Powys	171	217	167	181	5.8%	8.4%
Essex	985	921	926	738	-25.1%	-20.3%
Gloucestershire	497	425	525	537	8.0%	2.3%
Greater Manchester	3,858	4,488	4,620	4,646	20.4%	0.6%
Gwent	339	412	256	280	-17.4%	9.4%
Hampshire	1,709	2,665	2,537	2,107	23.3%	-16.9%
Hertfordshire	1,571	1,461	1,389	1,241	-21.0%	-10.7%
Humberside	340	435	566	526	54.7%	-7.1%
Kent	1,353	1,384	1,429	1,522	12.5%	6.5%
Lancashire	2,313	2,292	2,452	2,230	-3.6%	-9.1%
Leicestershire	1,367	1,476	1,317	1,405	2.8%	6.7%
Lincolnshire	202	247	247	244	20.8%	-1.2%
London, City of	76	117	116	102	34.2%	-12.1%
Merseyside	1,455	1,800	1,458	1,448	-0.5%	-0.7%
Metropolitan Police	13,729	11,166	9,750	10,190	-25.8%	4.5%
Norfolk	431	444	550	487	13.0%	-11.5%
North Wales	426	469	390	319	-25.1%	-18.2%
North Yorkshire	286	189	118	168	-41.3%	42.4%
Northamptonshire	921	1,009	1,050	937	1.7%	-10.8%
Northumbria	1,417	1,555	1,361	1,066	-24.8%	-21.7%
Nottinghamshire	1,368	1,445	1,363	1,014	-25.9%	-25.6%
South Wales	1,719	1,453	1,332	1,797	4.5%	34.9%
South Yorkshire	1,060	1,877	1,901	1,904	79.6%	0.2%
Staffordshire	1,035	1,215	1,111	1,172	13.2%	5.5%
Suffolk	355	437	602	488	37.5%	-18.9%
Surrey	1,655	1,670	1,360	1,151	-30.5%	-15.4%
Sussex	1,387	1,513	1,396	1,001	-27.8%	-28.3%
Thames Valley	2,223	2,815	2,728	2,668	20.0%	-2.2%
Warwickshire	440	498	524	484	10.0%	-7.6%
West Mercia	925	930	869	846	-8.5%	-2.6%
West Midlands	3,799	4,027	3,561	3,110	-18.1%	-12.7%
West Yorkshire	3,669	3,764	3,405	2,878	-21.6%	-15.5%
Wiltshire	458	415	241	308	-32.8%	27.8%
<b>England &amp; Wales</b>	<b>60,926</b>	<b>62,071</b>	<b>58,445</b>	<b>55,862</b>	<b>-8.3%</b>	<b>-4.4%</b>

Note: Some figures have been revised by forces since they were published last year.

For further information on racist incidents, please refer to supplementary Table S2.01.

### **Racially and religiously aggravated offences**

Racially or religiously aggravated offences relate to specific designated crimes in law that are judged to have a racial or religious aggravation. An offence may be defined as racially or religiously aggravated if: at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial or religious group; or the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of that group.<sup>9</sup>

The racially or religiously aggravated offences category traditionally comprised the following offences: harassment; less serious wounding; criminal damage; and assault without injury. In 2008/09, the term 'less serious wounding' was replaced by offences of actual bodily harm and grievous bodily harm without intent.

- In 2008/09, the police recorded 36,752 racially or religiously aggravated offences across England and Wales.
- There was an upward trend in racially or religiously aggravated offences in England and Wales as a whole between 2005/06 and 2006/07, followed by decreases in these offences in the two subsequent years. This resulted in an overall decrease between 2005/06 and 2008/09 of 11%.
- Between 2007/08 and 2008/09, there was a decrease in the number of racially or religiously aggravated offences recorded in around four-fifths of PFAs.
- In 2008/09, 41% of racially or religiously aggravated offences were cleared up, compared to 28% of equivalent non-racially or religiously aggravated offences.

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<sup>9</sup> These offences were introduced into law by section 28 to 32 of the Crime and Disorder Act 1998 and section 39 of the Anti-terrorism, Crime and Security Act 2001. These aggravated offences were created to allow more severe sentencing for these specific categories of crime and as such should not be seen as a wider measure of hate crime.

**Table 2.02: Number of racially or religiously aggravated offences, England and Wales 2005/06 to 2008/09**

Police force area	2005/06	2006/07	2007/08	2008/09	Change 2005/06 to 2008/09
Avon and Somerset	1,326	1,337	1,027	1,148	-13.4
Bedfordshire	339	308	292	230	-32.2
Cambridgeshire	322	351	365	402	24.8
Cheshire	569	557	536	424	-25.5
Cleveland	528	464	390	288	-45.5
Cumbria	232	219	187	188	-19.0
Derbyshire	494	492	554	469	-5.1
Devon and Cornwall	818	809	696	588	-28.1
Dorset	214	291	294	302	41.1
Durham	258	304	245	220	-14.7
Dyfed-Powys	118	167	125	113	-4.2
Essex	796	922	913	871	9.4
Gloucestershire	283	326	264	277	-2.1
Greater Manchester	3,398	3,677	3,637	3,584	5.5
Gwent	289	269	234	205	-29.1
Hampshire	1,120	1,326	1,320	1,089	-2.8
Hertfordshire	985	954	846	709	-28.0
Humberside	417	655	407	374	-10.3
Kent	798	935	858	755	-5.4
Lancashire	1,363	1,238	1,042	846	-37.9
Leicestershire	1,007	1,055	941	953	-5.4
Lincolnshire	200	143	101	155	-22.5
London, City of	75	83	73	57	-24.0
Merseyside	1,420	1,423	1,100	1,059	-25.4
Metropolitan Police	8,769	8,226	7,357	7,944	-9.4
Norfolk	343	340	265	254	-25.9
North Wales	396	356	316	300	-24.2
North Yorkshire	205	234	172	191	-6.8
Northamptonshire	455	422	455	359	-21.1
Northumbria	834	924	729	808	-3.1
Nottinghamshire	566	715	793	840	48.4
South Wales	713	555	611	610	-14.4
South Yorkshire	1,032	1,037	927	774	-25.0
Staffordshire	805	889	760	760	-5.6
Suffolk	240	329	328	322	34.2
Surrey	845	588	305	328	-61.2
Sussex	710	991	776	586	-17.5
Thames Valley	1,128	1,483	1,233	1,350	19.7
Warwickshire	293	379	416	351	19.8
West Mercia	527	499	503	481	-8.7
West Midlands	3,071	3,338	3,249	2,859	-6.9
West Yorkshire	2,898	2,691	2,493	2,122	-26.8
Wiltshire	260	253	196	207	-20.4
<b>England &amp; Wales</b>	<b>41,459</b>	<b>42,554</b>	<b>38,331</b>	<b>36,752</b>	<b>-11.4</b>

Note: The figures in this table have been provided by the Home Office from the database used to produce *Crime in England and Wales: Quarterly Update to June 2009*, and exclude British Transport Police.

For further information on racially or religiously aggravated offences, please see supplementary Table S2.02.

### Satisfaction with overall contact with the CJS

The Witness and Victim Experience Survey (WAVES) interviews victims and prosecution witnesses aged 18 and over whose case resulted in a charge, after the case has closed.<sup>10</sup> Responses provided by victims involved in cases closed between April 2008 and March 2009 (see Table 2.03) suggest the following.

- Although the majority of victims were satisfied (completely, very or fairly) with their overall contact with the CJS, significantly fewer people in the Black and Mixed ethnic groups (75% and 72% respectively) reported being satisfied than in the White group (80%). A greater proportion of those from a Chinese ethnic background (88%) reported being satisfied than from a Mixed (72%), Black (75%) or Asian background (78%). These differences were statistically significant.
- When comparing victims experiencing similar crime types, significantly fewer Black victims of violence<sup>11</sup> were satisfied (74%) than White (79%) or Asian (80%) victims of violence. For victims of theft, there was a statistically significant difference between levels of satisfaction among people from Mixed (67%) and White (80%) backgrounds.

**Table 2.03: Percentage of victims who were satisfied (completely, very or fairly) with their overall contact with the CJS, by ethnic group (WAVES cases closed between April 2008 and March 2009)**

	White	Black	Asian	Mixed	Chinese	Other
<b>All Victims</b>	80%	75%	78%	72%	88%	78%
<b>Victims by crime type:</b>						
<b>Violence</b>	79%	74%	80%	74%	-	78%
<b>Criminal damage</b>	76%	66%	75%	-	-	-
<b>Theft</b>	80%	78%	74%	67%	-	-
<b>Burglary</b>	85%	82%	81%	72%	-	-

Note: '-' denotes that the number of individuals completing this question was under 30 and therefore no percentage is shown.

The data presented from WAVES highlight possible differences in experience between BME groups for further investigation, rather than providing an explanation of such differences.

<sup>10</sup> Sensitive cases, such as sexual offences, domestic violence, crimes involving a fatality, and any crime where the defendant is a member of the victim's or witness' household, are excluded from this telephone-based survey given the particular sensitivities associated with these offences. Cases involving drug, fraud and motoring offences are also excluded.

<sup>11</sup> Please note that the WAVES violence category does not include sexual offences, domestic violence, crimes involving a fatality, and any crime where the defendant is a member of the victim's or witness' household.

## Chapter 3. Suspects: Stops and Arrests

This chapter looks at individuals who are suspected of committing an offence. These individuals come into contact with the police through one (or more) of the following processes: being Stopped and Searched;<sup>12</sup> being asked to Stop and Account; or by being Arrested.

- There were 10% more Stop and Searches under section 1 PACE and other legislation (hereafter referred to as Stop and Search) in 2008/09 than in the previous year. The Metropolitan Police Service saw a 22% increase in Stop and Searches over this period.
- Per 1,000 of the population, there were seven times more Stop and Searches of Black people than people from a White background in England and Wales as a whole. This is partly because 54% of the Black population of England and Wales live in London where Stop and Search is more common for all ethnic backgrounds. Per 1,000 of the population there were 47 stop and searches of people from White backgrounds and 210 of people from Black backgrounds in London, compared to 14 and 47 respectively in the rest of England and Wales.
- In the rest of England and Wales, there was large variation in the number of Stops and Searches per 1,000 population and, in some Police Force Areas, the number of Stops and Searches per 1,000 population was higher for people from a White background than those from a Black background.
- The number of Stops and Searches increased for all ethnicities in each of the past five years.
- In England and Wales as a whole, Black and Asian people have seen a greater increase in the number of Stops and Searches per 1,000 of the population relative to White people over the last five years. Per 1,000 population, Black people were Stopped and Searched 5.8 times more than White people in 2004/05 compared to 7.2 times in 2008/09. Asian people were Stopped and Searched 1.7 times more than White people in 2004/05 compared to 2.1 times more in 2008/09.<sup>13</sup>
- In 2008/09, less than 10% of Stop and Searches resulted in an Arrest across England and Wales as a whole. Stops of Asian suspects were least likely to result in an Arrest (7.7%) in comparison with other ethnic groups.
- Provisional Stop and Account numbers suggest a fall of just under 5% to 2,211,598 in 2008/09.

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<sup>12</sup> There are several Stop and Search police powers, but this chapter looks only at section 1, the most commonly used of the Stop and Search powers. Please refer to the glossary for more details.

<sup>13</sup> Trends for Stop and Search are based on visual appearance/ officer identified data for ethnicity and therefore may differ from other values in the chapter that are based on self-identified ethnicity.



- In 2008/09, more Black people were asked to Stop and Account per 1,000 population than any other ethnicity.
- There was a slight drop (just over 1%) in the total number of arrests in 2008/09 compared to 2007/08 across all of England and Wales.
- Over three times more Black people than White people per 1,000 population were arrested in 2008/09 (89 per 1,000 compared with 27 per 1,000).

### Stop and Search

Police officers have the power to stop and search individuals under a range of legislation, including section 1 of the Police and Criminal Evidence Act 1984 (PACE), as well as section 60 of the Criminal Justice and Public Order Act 1994, and section 44 of the Terrorism Act 2000. The commentary in this report concentrates on section 1, which is the most commonly used of the Stop and Search powers. In 2008/09, there were just over 1.1 million section 1 Stops and Searches compared with over 100,000 section 60 Stops and Searches and just under 200,000 section 44 Stop and Searches. Section 60 and section 44 data are available in the supplementary tables.

**Table 3.01: Stop and Search section 1 PACE and other legislation, self-identified ethnicity, 2008/09**

	White	Black	Asian	Mixed	Chinese or Other	Not Stated	Total
<b>Met</b>	44.4%	29.3%	12.6%	3.6%	2.3%	7.8%	<b>481,777</b>
<b>Rest of E&amp;W</b>	83.4%	4.2%	5.9%	2.2%	0.5%	3.7%	<b>660,986</b>
<b>E&amp;W</b>	67.0%	14.8%	8.8%	2.8%	1.3%	5.4%	<b>1,142,763</b>

- The number of Stop and Searches grew by around 10% from 1,036,363 in 2007/08 to 1,142,763 in 2008/09. Most of this growth is accounted for by a 22% increase in the use of the power by the Metropolitan Police Service, while the rest of England and Wales increased its use by 3%.
- By using population data, it is possible to adjust the figures on Stop and Search to represent the impact on different ethnic groups per 1,000 population. Table 3.02 below shows that, in England and Wales as a whole, each of the BME groups have a greater number of Stop and Searches per 1,000 population than White people, with the biggest difference in most areas being between the Black and White groups.

**Table 3.02: Stop and Search section 1 PACE and other legislation per 1,000 population, self-identified ethnicity, England and Wales 2008/09**

Police Force Area	White	Black	Asian	Mixed	Chinese or Other	All persons
Avon & Somerset	8	72	9	26	1	13
Bedfordshire	12	52	24	48	3	16
Cambridgeshire	8	14	10	11	4	8
Cheshire	5	13	5	9	5	6
Cleveland	24	20	14	13	74	24
Cumbria	19	13	18	6	10	19
Derbyshire	8	25	14	26	4	9
Devon & Cornwall	15	26	7	20	5	15
Dorset	10	55	9	23	6	10
Durham	10	7	3	4	1	10
Dyfed-Powys	22	65	34	29	10	23
Essex	6	19	7	19	6	7
Gloucestershire	11	47	12	31	5	12
Greater Manchester	20	79	30	59	10	22
Gwent	13	91	34	33	8	14
Hampshire	14	67	19	36	10	15
Hertfordshire	18	59	34	52	10	20
Humberside	13	22	13	21	27	14
Kent	11	33	11	21	6	11
Lancashire	16	32	24	24	3	17
Leicestershire	19	76	29	58	6	23
Lincolnshire	22	35	13	19	2	22
Merseyside	38	82	21	40	18	39
London <sup>14</sup>	47	210	71	93	47	74
Norfolk	15	53	14	33	3	15
Northamptonshire	18	58	20	56	4	19
Northumbria	26	24	17	16	3	25
North Wales	13	53	18	13	6	13
North Yorkshire	13	19	16	11	3	13
Nottinghamshire	4	21	7	15	2	5
South Wales	15	91	16	25	6	16
South Yorkshire	21	76	41	55	3	24
Staffordshire	10	43	23	32	5	11
Suffolk	9	29	7	28	5	10
Surrey	16	39	22	28	6	17
Sussex	12	38	22	23	3	13
Thames Valley	12	47	28	45	5	16
Warwickshire	10	47	12	57	3	11
West Mercia	11	36	24	36	4	12
West Midlands	7	36	24	28	6	12
West Yorkshire	22	55	35	55	9	25
Wiltshire	8	51	7	24	4	9
<i>E&amp;W – London</i>	14	47	24	34	7	16
<b>England and Wales</b>	<b>18</b>	<b>135</b>	<b>40</b>	<b>52</b>	<b>20</b>	<b>24</b>

<sup>14</sup> To enable the calculation of rates per 1,000 population, figures for 'London' in the above table include data for both the Metropolitan police force area and the City of London. Elsewhere in this chapter, data for the two police force areas have been reported separately.

- When referring to the rate per population<sup>15</sup> for England and Wales, it is important to bear in mind that the higher rate than that obtained for London and the rest of England and Wales is the product of the aggregation of forty-two PFAs each with different distributions of both ethnic population and use of Stop and Search. While the Metropolitan Police Service accounts for 14% of the England and Wales population, 42% of Stop and Searches are carried out in the Metropolitan Police Service.
- After accounting for the differences in ethnic populations across England and Wales, in London, 4.5 times more Black people were stopped and searched than White people (210 per 1,000 compared with 47 per 1,000). In the rest of England Wales, 3.3 times more Black people than White people were Stopped and Searched (47 per 1,000 compared with 14 per 1,000). In England and Wales as a whole, 7.5 times more Black people were stopped and searched than White people (135 per 1,000 versus 18 per 1,000). These figures are similar to those for 2007/08.
- Across individual PFAs, the rate of Stop and Searches per 1,000 population for Black compared with White persons ranged from 9.1 times in Avon and Somerset to 0.7 times in Cumbria and Durham. This means that, in Cumbria and Durham, more White people are Stopped and Searched per 1,000 population than Black people.
- For people from an Asian background, the rate of Stop and Searches per 1,000 population compared to White people ranged from 3.3 times in West Midlands to 0.3 times in Durham.<sup>16</sup>
- For those persons from a Mixed background, the rate of Stop and Searches per 1,000 ranged from 5.5 times in Warwickshire to 0.3 times in Cumbria.
- The Chinese or Other to White rate of Stop and Searches per 1,000 population ranged from 3.1 times in Cleveland to 0.1 times in Northumbria.

**Table 3.03: Trends in Stop and Search section 1 PACE and other legislation, England and Wales 2004/05 to 2008/09<sup>17</sup>**

Year	White	Black	Asian	Other	Total
2004/05	627,579	118,165	59,954	12,733	818,431
2005/06	634,426	135,262	69,274	14,101	853,063
2006/07	690,643	152,120	77,421	14,755	934,939
2007/08	738,893	172,896	89,884	17,678	1,019,351
2008/09	796,434	205,700	105,731	18,393	1,126,258

<sup>15</sup> ONS experimental population estimates by ethnic group have been used to create per 1,000 population numbers for each of the ethnic groups.

<sup>16</sup> When comparing the rate of Stop and Searches per 1,000 population, a value of below one indicates that White people were Stopped and Searched in greater numbers per 1,000 population, than those of the comparative ethnicity.

<sup>17</sup> Trend data is based on officer defined ethnicity and therefore slight differences may be seen in the tables compared to those that use self-defined ethnicity.

- Table 3.03 shows that the use of Stop and Search has increased each year for the past five years across all ethnic groups. The greatest percentage rises over this period were recorded for the Black and Asian groups where the number of Stop and Searches increased by over 70% between 2004/05 and 2008/09.

**Table 3.04: Stop and Search section 1 PACE and other legislation per 1,000 population, officer identified ethnicity, England and Wales 2004/05 to 2008/09**

Year	White	Black	Asian	Other
2004/05	14.8	86.4	25.9	18.1
2005/06	14.9	95.0	28.4	18.4
2006/07	16.2	103.0	30.3	17.9
2007/08	17.3	112.9	33.6	20.1
2008/09	18.6	134.3	39.5	20.9

- After accounting for the differences in ethnic populations across England and Wales per 1,000 population, each ethnicity has seen an increase from 2004/05.
- Per 1,000 of the population, Black persons were Stopped and Searched 5.8 times more than White people in 2004/05 compared to 7.2 times more in 2008/09.
- Per 1,000 of the population, Asian persons were Stopped and Searched 1.7 times more than White people in 2004/05 compared with 2.1 times more in 2008/09.

**Table 3.05: Percentage of resultant arrests for Stop and Search section 1 PACE and other legislation, self-identified ethnicity, 2008/09**

	White	Black	Asian	Mixed	Chinese or Other	Not Stated	Total
<b>Met</b>	8.6%	8.9%	7.1%	10.3%	10.4%	6.8%	<b>8.5%</b>
<b>Rest of E&amp;W</b>	10.9%	10.8%	8.6%	9.7%	13.1%	10.4%	<b>10.8%</b>
<b>E&amp;W</b>	10.3%	9.3%	7.7%	10.0%	11.0%	8.3%	<b>9.8%</b>

- In 2008/09, less than 10% of Stop and Searches resulted in an Arrest. With the exception of the Mixed ethnic group, Stop and Searches in the Metropolitan Police Service area led to fewer resultant Arrests than in the rest of England and Wales.
- In England and Wales, people of Asian ethnicity had the lowest proportion of resultant Arrests (8%), with Chinese or Other the highest (11%).

Stop and Search is an important detection tool for the police – it allows officers to search individuals without the need for an arrest to take place. A 10% arrest rate from Searches under section 1 PACE (and other legislation) does not indicate a misuse of the power.

For further information on Stop and Search section 1 please refer to supplementary Tables S3.01–S3.04. Stop and Search section 60 and section 44 can be found in supplementary Tables S3.05–S3.08.

### Stop and Account

Following recommendations in the Macpherson Report<sup>18</sup> on the Stephen Lawrence inquiry, police forces in England and Wales record all stops (statutory and non-statutory) of members of the public. A Stop and Account is where an officer requests a person in a public place to account for himself/herself in relation to one or more of the following: his/her actions; his/her behaviour; his/her presence in an area; or his/her possessions.

The Stop and Account data are currently provisional. A confirmed dataset will be available in the autumn of this year.

**Table 3.06: Stop and Account (provisional), self-identified ethnicity, 2008/09**

	White	Black	Asian	Mixed	Chinese or Other	Not Stated	Total
<b>Met</b>	56.8%	14.8%	13.7%	2.9%	2.4%	9.4%	<b>600,227</b>
<b>Rest of E&amp;W</b>	87.2%	3.4%	3.9%	1.7%	0.6%	3.3%	<b>1,611,371</b>
<b>E&amp;W</b>	78.9%	6.5%	6.6%	2.0%	1.1%	4.9%	<b>2,211,598</b>

Provisional figures suggest that overall, Stop and Account numbers have fallen from 2,353,918 in 2007/08 to 2,211,598 in 2008/09, a reduction of 6%. However this is mainly due to the reduction in White Stop and Accounts in the rest of England and Wales.

- The Metropolitan Police Service saw an increase in Stop and Account across all ethnicities in 2008/09 compared with 2007/08, ranging from an increase of 40% for White persons to over 60% for Asians.

For further information on Stop and Account please refer to supplementary Table S3.09.

### Arrests

Because the ethnicity of all those who commit crime is not known, a robust baseline for assessing whether the figures on arrests are disproportionate or reflect the ethnic background of offenders is not available. However, findings from the longitudinal analysis of the *Offending, Crime and Justice Survey 2003–06* (Hales *et al*, 2009<sup>19</sup>) suggested that an individual’s ethnic group was not significantly associated with increased or reduced likelihood of offending.

<sup>18</sup> <http://www.archive.official-documents.co.uk/document/cm42/4262/4262.htm>

<sup>19</sup> [http://rds.homeoffice.gov.uk/rds/offending\\_survey.html](http://rds.homeoffice.gov.uk/rds/offending_survey.html)

Against this background, the arrests data presented are best seen as evidence of whom the police suspect of committing crime.

**Table 3.07: Arrests, self-identified ethnicity, 2008/09**

	White	Black	Asian	Mixed	Chinese or Other	Not Stated	Total
<b>Met</b>	49.6%	27.2%	10.9%	5.6%	3.6%	3.1%	<b>227,883</b>
<b>Rest of E&amp;W</b>	86.3%	4.0%	4.4%	2.2%	1.0%	2.1%	<b>1,230,546</b>
<b>E&amp;W</b>	80.6%	7.6%	5.4%	2.8%	1.4%	2.2%	<b>1,458,429</b>

- The number of arrests in England and Wales has fallen slightly from 1,475,266 in 2007/08 to 1,458,429 in 2008/09, a decrease of over 1%. However, the Metropolitan Police Service showed an increase of over 4%.
- The ethnic distribution of Arrests has remained similar over the last two years. In the Metropolitan Police Service, White persons account for around half of the Arrests, Black people for just over a quarter and Asians for around a tenth. In the rest of England and Wales, White persons accounted for over 86% of Arrests and Black and Asian persons only around 4% each.

**Table 3.08: Arrests per 1,000 population, self-identified ethnicity, England and Wales 2008/09**

Police Force Area	White	Black	Asian	Mixed	Chinese or Other	All persons
Avon & Somerset	22	105	19	58	11	24
Bedfordshire	27	84	44	98	19	32
Cambridgeshire	28	72	38	61	18	31
Cheshire	23	58	21	25	33	23
Cleveland	43	69	43	59	44	44
Cumbria	28	34	21	26	21	28
Derbyshire	25	85	38	72	34	26
Devon & Cornwall	17	36	19	24	16	18
Dorset	24	78	31	53	18	26
Durham	34	43	24	38	15	34
Dyfed-Powys	26	82	31	13	29	26
Essex	34	108	35	67	35	36
Gloucestershire	27	124	24	72	43	30
Greater Manchester	32	83	33	83	23	34
Gwent	32	197	75	94	56	34
Hampshire	25	75	24	52	22	26
Hertfordshire	22	65	25	60	17	25
Humberside	29	52	30	47	34	30
Kent	27	79	36	37	69	30
Lancashire	35	29	29	94	5	35
Leicestershire	23	77	27	67	34	26
Lincolnshire	31	55	22	39	31	31
Merseyside	34	90	23	51	38	36
London <sup>20</sup>	25	93	29	70	35	35
Norfolk	24	78	22	41	19	25
Northamptonshire	24	99	26	59	25	26
Northumbria	45	63	35	31	17	45
North Wales	33	138	43	31	52	34
North Yorkshire	30	40	16	11	37	31
Nottinghamshire	35	122	45	114	21	38
South Wales	28	147	30	49	41	31
South Yorkshire	31	108	37	35	30	33
Staffordshire	25	100	45	82	37	27
Suffolk	24	88	21	54	24	25
Surrey	15	47	21	23	8	16
Sussex	26	108	32	53	12	29
Thames Valley	27	105	46	86	21	31
Warwickshire	21	78	22	59	10	22
West Mercia	26	89	45	50	26	27
West Midlands	23	76	28	70	35	28
West Yorkshire	34	83	39	100	27	37
Wiltshire	14	66	15	45	26	15
<i>E&amp;W – London</i>	28	85	33	63	26	30
<b>England and Wales</b>	<b>27</b>	<b>89</b>	<b>31</b>	<b>65</b>	<b>29</b>	<b>30</b>

<sup>20</sup> To enable the calculation of rates per 1,000 population, figures for 'London' in the above table include data for both the Metropolitan police force area and the City of London.

- Overall, in England and Wales, each BME group experiences more Arrests per 1,000 population than people of White ethnicity. Black people experienced 89 arrests per 1,000 compared with 27 arrests per 1,000 population for White people.
- Across PFAs, the rate of Arrests per 1,000 population for Black compared with White persons ranged from 6.1 in Gwent to 0.9 in Lancashire. This means that, in Lancashire, there were 29 arrests per 1,000 of the Black population compared to 35 per 1,000 of the White population.
- The rate of Arrests per 1,000 population for Asian compared to White persons ranged from 2.3 in Gwent to 0.5 in North Yorkshire.
- The rate of Arrests per 1,000 population for Mixed compared to White persons ranged from 3.6 in Bedfordshire to 0.4 in North Yorkshire.
- The rate of Arrests per 1,000 population for Chinese or Other compared to White ranged from 2.6 in Kent to 0.1 in Lancashire.

**Table 3.09: Trends in Arrests, England and Wales 2004/05 to 2008/09**

Year	White	Black	Asian	Other	Total
<b>2004/05</b>	1,141,317	118,761	65,879	19,482	<b>1,345,439</b>
<b>2005/06</b>	1,197,657	130,781	73,298	19,300	<b>1,421,036</b>
<b>2006/07<sup>21</sup></b>	-	-	-	--	-
<b>2007/08</b>	1,208,722	139,114	79,631	19,272	<b>1,446,739</b>
<b>2008/09</b>	1,187,197	137,808	83,186	21,386	<b>1,429,577</b>

- In each year since 2004/05, there have been between 1.1 million and 1.2 million Arrests of White persons.
- From 2004/05 until 2007/08, Black and Asian persons saw a similar percentage increase in the number of Arrests (17% and 21% respectively). In 2008/09, Asian persons continued to see an increase, while the Arrest of Black persons dropped from the previous year.

For further information on Arrests, please refer to supplementary Tables S3.10–S3.13.

<sup>21</sup> Three police forces were unable to supply data in 2006/07 so that year's data have been excluded from the trend analysis.



## Chapter 4. Offenders: cautions, prosecutions & sentencing

This chapter contains information from police forces on cautions, and data from magistrates' courts and the Crown Court on prosecutions and sentencing. The ethnicity data presented is based on the 4+1 visual appearance/ officer identified classification rather than the individual's own self identified ethnicity. At the end of the chapter, a more detailed analysis is presented which examines sentencing by ethnicity for particular types of offence.

- In 2008, 313,351 people were cautioned for notifiable offences, a decrease of around 11% from the 350,498 in 2007.
- Trend data show that, between 2004 and 2007, there was an increase in the total number of cautions each year for White, Black and Asian people followed by a drop in 2008.
- There were minimal changes in the ethnic distribution of those cautioned from 2004 to 2008 with White people receiving around 81–84% of cautions, Black people 6% to 7% and Asians 4% to 5% in each year.
- Substantial improvements were seen in the recording of ethnicity data for magistrates' courts cases in 2008 compared to 2007.
- In 2008, White adults and juveniles in England and Wales had higher conviction rates at magistrates' courts than juveniles and adults of any other ethnicity.
- In England and Wales as a whole, a higher percentage of adults and juveniles in BME groups were sentenced to immediate custody for indictable offences than in the White ethnic group.
- Across both adults and juveniles in London and the rest of England and Wales, BME groups had a higher percentage sentenced to immediate custody for indictable offences than in the White group.

### Cautions<sup>22</sup>

A caution is a formal warning given to those aged over 17. Although not a conviction, cautions are admissions of guilt and are recorded by the police and form part of an individual's criminal record.

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<sup>22</sup> The cautions statistics relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been cautioned for two or more offences at the same time, the principal offence is the more serious offence.

For cautioning, it is important to note the following points:

- In cases where cautioning is an option, the offender's eligibility to be cautioned depends on a number of factors, including whether he/she admits to committing the offence;
- The use of the caution varies also by offence group, so variations between ethnic groups may partly reflect ethnic differences in patterns of offending;
- The cautions data presented here are restricted to notifiable offences and exclude less serious summary offences;<sup>23</sup>
- From 1 June 2000 the Crime and Disorder Act 1998 came into force nationally and removed the use of cautions for persons aged under 18 and replaced them with reprimands and warnings. These figures are included in the caution totals.

**Table 4.01: Percentage of persons cautioned for notifiable offences, by observed ethnic appearance, England and Wales 2008**

	White	Black	Asian	Other	Unknown	Total
<b>England and Wales</b>	82.6%	6.7%	4.9%	1.5%	4.3%	<b>313,351</b>

The main findings for cautions were as follows.

- In 2008, 313,351 people were cautioned for notifiable offences, a decrease of less than 11% from 350,498 in 2007.
- The number of people cautioned fell by 1% in the London area from 47,603 in 2007 to 47,004 in 2008 compared to a 12% drop in the rest of England and Wales (from 302,895 in 2007 to 266,347 in 2008).

**Table 4.02: Trends in cautioning (for notifiable offences), by observed ethnic appearance, England and Wales 2004 to 2008**

Year	White	Black	Asian	Other	Not known	Total
<b>2004</b>	83.8%	6.4%	4.4%	1.2%	4.2%	<b>237,337</b>
<b>2005</b>	82.7%	6.3%	4.6%	1.6%	4.9%	<b>288,139</b>
<b>2006</b>	81.3%	6.4%	4.4%	1.2%	6.6%	<b>343,718</b>
<b>2007</b>	82.5%	6.5%	4.6%	1.4%	5.0%	<b>350,498</b>
<b>2008</b>	82.6%	6.7%	4.9%	1.5%	4.3%	<b>313,351</b>

- Trend data for the last five years show that there was an increase in cautions among White, Black and Asian people from 2004 to 2007, followed by a drop in 2008.
- Since 2004 there has been a 30% increase in cautions given to White people, a 38% increase in those given to Black people and a 46% increase in those given to Asian people.

<sup>23</sup> Due to this restriction, the figures may not match those published elsewhere.

- There were minimal changes in the ethnic distribution of those cautioned from 2004 to 2008 with White people receiving 81%–84% of cautions, Black people 6% to 7% and Asians 4% to 5% in each year.

More detailed cautions data are available in the supplementary tables and can be found in Tables S4.01–S4.04.

### **Court proceedings data quality**

Ethnicity data for magistrates' and Crown Court cases are recorded by the police. Historically the recording of ethnicity data for magistrates' courts cases has been poor with high numbers of unknown ethnic identity. After a considerable programme of work, a substantial improvement in the data has been noted.

All areas now record some ethnicity data whereas, in 2007, ten areas failed to do so. In 2007, only four areas had ethnicity data for 75% or more of cases. In 2008, four times as many (16) recorded ethnicity data for 75% or more cases.<sup>24</sup>

While these improvements in magistrates' courts data are promising, any conclusions made from the data should be treated with care as the number of cases with unknown ethnicity still remains high.

The recording of ethnicity for Crown Court data has historically been more complete than for magistrates' court data, with nearly all areas recording a person's ethnicity in at least 50% of cases. The differences in data quality between magistrates' and Crown Court cases may be linked to the types of offences committed. For example, in charged cases, the defendant will have been seen by the police and will have been asked about their ethnicity. In summons cases, the defendant will not have been seen by the prosecutor.

### **Prosecutions and sentencing<sup>25,26</sup>**

There were 418,695 adults and 62,409 juveniles proceeded against for indictable offences in 2008. In magistrates' courts, 205,120 of the adults, and 43,702 of juveniles proceeded against for indictable offences were convicted in 2008. The following tables (Tables 4.03 to 4.05) set out the breakdowns by ethnic group and for London, the rest of England and Wales and England and Wales as a whole for persons proceeded against and convicted for indictable offences in 2008. These figures have also been used to calculate the

<sup>24</sup> These percentages are based on the numbers proceeded against.

<sup>25</sup> The figures given in the tables relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences, it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

<sup>26</sup> Data for 2008, excludes data for Cardiff magistrates' court for April, July, and August.

**conviction rate** (the number of convictions divided by the number of people proceeded against).

**Table 4.03: Persons proceeded against, at magistrates' courts and the Crown Court, indictable offences only, 2008**

Proceeded against		White	Black	Asian	Other	Unknown	Total	
Magistrates Court	Adult	London	13,860	8,667	2,612	1,509	30,704	57,352
		Rest of E&W	133,972	7,569	5,145	2,345	131,053	280,084
		E&W	147,832	16,236	7,757	3,854	161,757	337,436
	Juvenile	London	2,434	2,800	446	252	5,070	11,002
		Rest of E&W	23,785	1,384	658	237	21,776	47,840
		E&W	26,219	4,184	1,104	489	26,846	58,842
Crown Court	Adult	London	5,762	5,125	1,708	1,415	2,771	16,781
		Rest of E&W	42,025	4,055	3,548	1,531	13,319	64,478
		E&W	47,787	9,180	5,256	2,946	16,090	81,259
	Juvenile	London	184	451	67	52	153	907
		Rest of E&W	1,715	204	150	65	526	2,660
		E&W	1,899	655	217	117	679	3,567

**Table 4.04: Persons convicted,<sup>27</sup> at magistrates' courts and the Crown Court, indictable offences only, 2008**

Convicted		White	Black	Asian	Other	Unknown	Total	
Magistrates Court	Adult	London	8,390	4,485	1,390	850	17,627	32,742
		Rest of E&W	85,236	3,750	2,416	1,108	79,868	172,378
		E&W	93,626	8,235	3,806	1,958	97,495	205,120
	Juvenile	London	1,829	1,911	300	165	3,551	7,756
		Rest of E&W	18,262	917	434	169	16,164	35,946
		E&W	20,091	2,828	734	334	19,715	43,702
Crown Court	Adult	London	4,111	3,787	1,142	1,073	1,976	12,089
		Rest of E&W	34,321	3,374	2,758	1,251	10,788	52,492
		E&W	38,432	7,161	3,900	2,324	12,764	64,581
	Juvenile	London	101	282	39	32	97	551
		Rest of E&W	1,286	162	120	47	396	2,011
		E&W	1,387	444	159	79	493	2,562

<sup>27</sup> 'Persons convicted' includes both those who pleaded guilty and those who pleaded not guilty and were found guilty.

**Table 4.05: Conviction rate, at magistrates' courts and the Crown Court, indictable offences only, 2008**

Conviction rate			White	Black	Asian	Other	Unknown	Total
Magistrates' Court	Adult	London	60.5%	51.7%	53.2%	56.3%	57.4%	57.1%
		Rest of E&W	63.6%	49.5%	47.0%	47.2%	60.9%	61.5%
		E&W	63.3%	50.7%	49.1%	50.8%	60.3%	60.8%
	Juvenile	London	75.1%	68.3%	67.3%	65.5%	70.0%	70.5%
		Rest of E&W	76.8%	66.3%	66.0%	71.3%	74.2%	75.1%
		E&W	76.6%	67.6%	66.5%	68.3%	73.4%	74.3%
Crown Court	Adult	London	71.3%	73.9%	66.9%	75.8%	71.3%	72.0%
		Rest of E&W	81.7%	83.2%	77.7%	81.7%	81.0%	81.4%
		E&W	80.4%	78.0%	74.2%	78.9%	79.3%	79.5%
	Juvenile	London	54.9%	62.5%	58.2%	61.5%	63.4%	60.7%
		Rest of E&W	75.0%	79.4%	80.0%	72.3%	75.3%	75.6%
		E&W	73.0%	67.8%	73.3%	67.5%	72.6%	71.8%

- The conviction rate for adults at magistrates' courts was substantially higher for White persons compared to those in BME groups (White 63%, Black 51%, Asian 49% and Other 51%).
- The conviction rate for juveniles at magistrates' courts was higher than that for adults and similar ethnic differences were seen (White 77%, Black 68%, Asian 66% and Other 68%).
- The conviction rate for adults at the Crown Court was higher than that at magistrates' courts, but the differences between ethnicities was not as noticeable (White 80%, Black 78%, Asian 74% and Other 79%)
- Overall in England and Wales, for juveniles at the Crown Court, the conviction rate for those from an Asian background was the same as that for those from a White background (just over 73%).

**Table 4.06: Persons sentenced,<sup>28</sup> at all courts, 2008**

Sentenced		White	Black	Asian	Other	Unknown	Total
Adult	London	12,944	8,569	2,627	2,134	18,373	44,647
	Rest of E&W	122,062	7,247	5,348	2,502	86,871	224,030
	E&W	135,006	15,816	7,975	4,636	105,244	268,677
Juvenile	London	1,931	2,197	343	197	3,642	8,310
	Rest of E&W	19,590	1,081	558	219	16,506	37,954
	E&W	21,521	3,278	901	416	20,148	46,264

<sup>28</sup> Outcomes for those who are sentenced are: absolute or conditional discharge; fine; community sentence; suspended sentence; immediate custody; or otherwise dealt with.

**Table 4.07: Persons given a fine, at all courts, 2008**

Fine		White	Black	Asian	Other	Unknown	Total
Adult	London	2,051	1,391	416	178	5,254	9,290
	Rest of E&W	17,480	994	741	250	17,882	37,347
	E&W	19,531	2,385	1,157	428	23,136	46,637
Juvenile	London	151	174	35	12	299	671
	Rest of E&W	655	34	14	4	721	1,428
	E&W	806	208	49	16	1,020	2,099

**Table 4.08: Persons given a community sentence, at all courts, 2008**

Community sentences		White	Black	Asian	Other	Unknown	Total
Adult	London	2,904	1,638	524	315	4,125	9,506
	Rest of E&W	32,130	1,341	1,043	377	24,502	59,393
	E&W	35,034	2,979	1,567	692	28,627	68,899
Juvenile	London	1,386	1,492	235	129	2,721	5,963
	Rest of E&W	14,488	730	387	140	12,175	27,920
	E&W	15,874	2,222	622	269	14,896	33,883

**Table 4.09: Persons given a suspended sentence, at all courts, 2008**

Suspended sentences		White	Black	Asian	Other	Unknown	Total
Adult	London	1,481	884	285	268	1,519	4,437
	Rest of E&W	14,815	764	762	262	7,415	24,018
	E&W	16,296	1,648	1,047	530	8,934	28,455
Juvenile*	London	-	-	-	-	-	-
	Rest of E&W	-	-	-	-	-	-
	E&W	-	-	-	-	-	-

Note: \* A suspended sentence can not be given to a juvenile.

**Table 4.10: Persons given immediate custody, at all courts, 2008**

Immediate custody		White	Black	Asian	Other	Unknown	Total
<b>Adult</b>	London	4,463	3,569	1,137	1,148	4,499	14,816
	Rest of E&W	34,529	3,183	2,236	1,266	18,179	59,393
	E&W	38,992	6,752	3,373	2,414	22,678	74,209
<b>Juvenile</b>	London	182	369	52	42	355	1,000
	Rest of E&W	1,967	190	105	50	1,537	3,849
	E&W	2,149	559	157	92	1,892	4,849

Tables 4.11 and 4.12 show the percentage of persons sentenced to a community sentence and to immediate custody.

**Table 4.11: Percentage of persons sentenced to a community sentence, at all courts, 2008**

Percentage sentenced to a community sentence		White	Black	Asian	Other	Unknown	All
<b>Adult</b>	London	22.4%	19.1%	19.9%	14.8%	22.5%	21.3%
	Rest of E&W	26.3%	18.5%	19.5%	15.1%	28.2%	26.5%
	E&W	25.9%	18.8%	19.6%	14.9%	27.2%	25.6%
<b>Juvenile</b>	London	71.8%	67.9%	68.5%	65.5%	74.7%	71.8%
	Rest of E&W	74.0%	67.5%	69.4%	63.9%	73.8%	73.6%
	E&W	73.8%	67.8%	69.0%	64.7%	73.9%	73.2%

**Table 4.12: Percentage of persons sentenced to immediate custody, at all courts, 2008**

Percentage sentenced to immediate custody		White	Black	Asian	Other	Unknown	All
<b>Adult</b>	London	34.5%	41.7%	43.3%	53.8%	24.5%	33.2%
	Rest of E&W	28.3%	43.9%	41.8%	50.6%	20.9%	26.5%
	E&W	28.9%	42.7%	42.3%	52.1%	21.5%	27.6%
<b>Juvenile</b>	London	9.4%	16.8%	15.2%	21.3%	9.7%	12.0%
	Rest of E&W	10.0%	17.6%	18.8%	22.8%	9.3%	10.1%
	E&W	10.0%	17.1%	17.4%	22.1%	9.4%	10.5%

- In 2008, there were 481,104 prosecutions for indictable offences in England and Wales across all courts (for both juveniles and adults), of which, 79,058 (16%) resulted in a sentence to immediate custody.
- Across both adults and juveniles in London and the rest of England and Wales, BME groups had a lower percentage sentenced to a community sentence in 2008 than in the White group.

- Across both adults and juveniles, BME groups had a higher percentage sentenced to immediate custody for indictable offences than in the White group in 2008. This could be due to a number of reasons other than discrimination including: the mix of crimes committed; the seriousness of the offence; the presence of mitigating or aggravating factors; whether a defendant pleads guilty; or whether the defendant was represented or not. Research by Thomas (2010) for the Ministry of Justice<sup>29</sup> indicated that people from BME backgrounds are more likely to plead not guilty and be tried. A guilty plea can reduce a sentence by up to a third. Further work is needed to assess whether the higher proportion sentenced to immediate custody is related to plea or other factors.
- In 2008, the percentage of White adults sentenced to immediate custody for indictable offences in England and Wales was just under 29%; while for BME groups it ranged from 42% to 52%.
- The percentage of White juveniles sentenced to immediate custody for indictable offences in England and Wales was 10%; while for BME groups it ranged from 17% to 22%.

Further information regarding prosecutions and sentencing can be found in the supplementary tables, specifically Tables S4.05–S4.10.

### **Further analysis of proceedings and sentencing at the Crown Court for selected offences**

Based on the seriousness of offences scale developed jointly by the Home Office, academic and legal experts, and the Sentencing Guidelines Council,<sup>30</sup> three mid-range offences were selected to compare court outcomes by ethnicity for the purposes of this report. The intention was to complement the general analysis reported above with a more detailed assessment of specific offences where either a custodial or a community sentence was possible. Offences towards the top and bottom of the scale have a more limited scope as to whether the offender is given a custodial or a community-based sentence. The seriousness scale has ten points with murder as level 1 and, amongst others, failing to comply with traffic light signals as level 10. The three offences selected were assault occasioning actual bodily harm (level 4), burglary in a dwelling (level 4) and possession of a controlled drug class A (level 7).

The results obtained should be treated with caution not only because the outcome of any case will depend on a range of factors, but also because the best available data are based on observed ethnicity<sup>31</sup> and there is only sufficient data to cover persons from White, Black and Asian backgrounds. Nevertheless, these analyses provide a provisional indication of where, if at

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<sup>29</sup> <http://www.justice.gov.uk/publications/are-juries-fair.htm>

<sup>30</sup> See Mason T *et al.* (2007) *Local Variation in Sentencing in England and Wales*, Ministry of Justice

<sup>31</sup> These data are based on police perceptions/ observations of the ethnicity of offenders. However, the preferred standard is self-identified ethnicity.



all, there are any differences associated with the ethnic background of the offender. In reviewing the tables below, it is important to note that it is possible for the total number sentenced to exceed the total tried. This is because the number tried refers to the persons tried at the Crown Court and the number sentenced at the Crown Court includes those convicted at the Crown Court together with those committed for sentence from magistrates' courts.

As Thomas (*op.cit.*) found in her recently published study of cases before the Crown Court, there appears to be a link between offence type and acquittal rates. Thomas found that acquittal rates were low for drug offences but higher for non-fatal offences against the person. The same can be seen from comparing Tables 4.13 and 4.15.

With regard to those persons sentenced for specific offences, differences by ethnicity in the percentages receiving an immediate custodial sentence and average custodial sentence lengths can be noted. This differential pattern can also be observed with regard to sentences for all other violence against the person offences (see Table 4.16).

**Table 4.13: Number of persons tried, found guilty and sentenced at the Crown Court for Actual Bodily Harm by plea and ethnicity,<sup>32</sup> England and Wales 2008.**

Ethnicity	Plea	Total tried	Percentage acquitted of those pleading not guilty	Total sentenced	Percentage sentenced to immediate custody	Average custodial sentence lengths (excluding life) in months
White	Guilty	3,786	*	4,941	40%	13.1
	Not Guilty	2,084	76%	494	45%	14.7
Black	Guilty	290	*	354	45%	13.7
	Not Guilty	281	72%	80	55%	17.5
Asian	Guilty	225	*	260	37%	13.0
	Not Guilty	221	82%	39	41%	14.0
Total	Guilty	5,254	*	6,776	41%	13.1
	Not Guilty	3,132	76%	740	45%	15.1

Note:

The 'Other' and 'Unknown' categories have been excluded from these tables due to small numbers. Therefore the ethnic groups shown will not sum to the total shown in this table.

- A greater proportion of White persons submitted a guilty plea than Black or Asian persons (64% compared to 51% and 50% respectively).
- The percentage acquitted was highest for those of an Asian background (82%).
- A higher percentage of Black persons than White or Asian persons were sentenced to immediate custody whether they pleaded guilty or not.
- Black people had a higher average sentence length than White or Asian persons whether they pleaded guilty or not.

<sup>32</sup> The statistics relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences, the principal offence is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

**Table 4.14: Number of persons tried, found guilty and sentenced at the Crown Court for Burglary in a dwelling by plea and ethnicity, England and Wales 2008**

Ethnicity	Plea	Total tried	Percentage acquitted of those pleading not guilty	Total sentenced	Percentage sentenced to immediate custody	Average custodial sentence lengths (excluding life) in months
White	Guilty	3,721	*	5,320	69%	24.0
	Not Guilty	737	73%	199	69%	32.7
Black	Guilty	352	*	468	67%	24.4
	Not Guilty	115	67%	38	58%	28.5
Asian	Guilty	104	*	146	57%	21.6
	Not Guilty	21	67%	7	100%	27.4
Total	Guilty	5,136	*	7,258	69%	24.3
	Not Guilty	1,101	72%	310	68%	32.0

Note:

The 'Other' and 'Unknown' categories have been excluded from these tables due to small numbers. Therefore the ethnic groups shown will not sum to the total shown in this table.

- Caution should be exercised when quoting figures from the Asian not guilty group due to small numbers.
- A lower proportion of Black people submitted a guilty plea than White or Asian persons (75% compared to 83% for both Asian and White).
- The percentage acquitted was highest for those of a White background (73%).
- While the percentage sentenced to immediate custody was similar for Black and White people who submitted a guilty plea (67% and 69% respectively), for those who submitted a not guilty plea, 69% of White people were sentenced to immediate custody compared to 58% of Black people.
- The average custody length was similar for Black and White persons who submitted a guilty plea (24.4 months and 24.0 months respectively), but White persons received a longer average sentence length than Black persons when a not guilty plea had been submitted (32.7 and 28.5 respectively).

**Table 4.15: Number of persons tried, found guilty and sentenced at the Crown Court for Possession of a controlled drug Class A by plea and ethnicity, England and Wales 2008**

Ethnicity	Plea	Total tried	Percentage acquitted of those pleading not guilty	Total sentenced	Percentage sentenced to immediate custody	Average custodial sentence lengths (excluding life) in months
White	Guilty	358	*	593	24%	9.5
	Not Guilty	65	57%	29	21%	28.8
Black	Guilty	109	*	161	30%	14.2
	Not Guilty	25	48%	13	31%	-
Asian	Guilty	41	*	57	47%	19.6
	Not Guilty	13	38%	8	13%	-
Total	Guilty	627	*	1,014	27%	12.3
	Not Guilty	126	55%	58	26%	25.0

Note:

'-' These values have been excluded as they would have been based on the sentence lengths of five people or less.

The 'Other' and 'Unknown' categories have been excluded from these tables due to small numbers. Therefore the ethnic groups shown will not sum to the total shown in this table.

- Caution should be exercised when quoting figures from the Asian and Black not guilty groups and the Asian guilty group due to small numbers.
- A greater proportion of White persons submitted a guilty plea than Black or Asian persons (85% compared to 81% and 76% respectively).
- A greater proportion of White people were acquitted than Black and Asian people (57% compared to 48% and 38% respectively).
- Of those who pleaded guilty, Asian persons had the largest percentage sentenced to immediate custody (47% Asian, 30% Black, 24% White).
- Of those who pleaded not guilty, Black persons had the largest percentage sentenced to immediate custody (31% Black, 21% White, 13% Asian).

**Table 4.16: Number of persons tried, found guilty and sentenced at the Crown Court for selected offences, England and Wales, 2008** <sup>(1) (2)</sup>

Offence	Ethnicity	of which:			Sentence breakdown								
		Total tried	Ac-quitted	% ac-quitted of total tried	Total found guilty	Total sentenced	Absolute / conditional discharge	Fine	Comm-unity sen-tence	Sus-pended sen-tence	Immed-iate Custody	% Immediate Custody of sentenced	Other-wise dealt with
<b>Assault occasioning actual bodily harm</b>	White	5,870	1,590	27	4,280	5,435	103	77	1,223	1,792	2,178	40	62
	Black	571	201	35	370	434	16	-	75	130	203	47	10
	Asian	446	182	41	264	299	7	8	64	107	112	37	1
	Other	203	59	29	144	177	6	1	38	51	79	45	2
	Unknown	1,296	360	28	936	1,171	18	17	238	356	520	44	22
	<b>Total</b>	<b>8,386</b>	<b>2,392</b>	<b>29</b>	<b>5,994</b>	<b>7,516</b>	<b>150</b>	<b>103</b>	<b>1,638</b>	<b>2,436</b>	<b>3,092</b>	<b>41</b>	<b>97</b>
<b>Other violence against the person</b>	White	7,871	1,837	23	6,034	7,140	122	57	921	1,635	4,171	58	234
	Black	1,183	406	34	777	916	14	7	125	132	587	64	51
	Asian	712	283	40	429	479	9	9	45	72	322	67	22
	Other	376	114	30	262	310	10	5	40	50	186	60	19
	Unknown	2,349	618	26	1,731	1,949	36	19	233	335	1,277	66	49
	<b>Total</b>	<b>12,491</b>	<b>3,258</b>	<b>26</b>	<b>9,233</b>	<b>10,794</b>	<b>191</b>	<b>97</b>	<b>1,364</b>	<b>2,224</b>	<b>6,543</b>	<b>61</b>	<b>375</b>
<b>Total violence against the person (Indictable only and triable either way)</b>	White	13,741	3,427	25	10,314	12,575	225	134	2,144	3,427	6,349	50	296
	Black	1,754	607	35	1,147	1,350	30	7	200	262	790	59	61
	Asian	1,158	465	40	693	778	16	17	109	179	434	56	23
	Other	579	173	30	406	487	16	6	78	101	265	54	21
	Unknown	3,645	978	27	2,667	3,120	54	36	471	691	1,797	58	71
	<b>Total</b>	<b>20,877</b>	<b>5,650</b>	<b>27</b>	<b>15,227</b>	<b>18,310</b>	<b>341</b>	<b>200</b>	<b>3,002</b>	<b>4,660</b>	<b>9,635</b>	<b>53</b>	<b>472</b>

(1) Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts, and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

(2) The statistics relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences the principal offence is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

Source: Justice Statistics Analytical Services in the Ministry of Justice

- For both assault occasioning actual bodily harm and other violence against the person offences that were tried at the Crown Court, a higher proportion of defendants from BME backgrounds were acquitted compared to White people.
- Of the total sentenced at Crown Court for all violence against the person offences, fewer from a White background received immediate custody (50%), compared with those from a Black (59%), Asian (56%) and Other background (54%).
- Proportionately more from the White group received a community sentence for all violence against the person offences (17%) compared to Black (15%), Asian (14%) and Other (16%) ethnic groups.

## Chapter 5. Offenders: under supervision or in custody

This chapter looks at the numbers of people starting court order supervision (court supervisions and pre/post release supervisions); the numbers serving custodial sentences; and the number who died while in custody in England and Wales.

Overall, the proportion of BME individuals receiving court order supervision and pre/post release supervision remained relatively stable between 2005 and 2009, while the proportion of prisoners from BME backgrounds increased slightly over the same period.

- The proportion of individuals from a BME background who received court order supervisions in England and Wales remained relatively stable between 2005 and 2009 (just under 14% in 2005 compared with just under 15% in 2009).
- The proportion of those receiving pre and post release supervisions who were from a BME background remained relatively stable between 2005 and 2009 (19% in 2005 compared with 20% in 2009).
- In 2009, the proportion of individuals identifying themselves as from a BME background in prisons (population including foreign nationals) in England and Wales was 27%. The same proportion was also recorded in 2008.
- The proportion of BME individuals who died in prison fell slightly between 2008 and 2009.
- In 2009, White people accounted for over 90% (55 of the 60 recorded) of self-inflicted deaths in prison custody. Trends data for 2005 to 2009 show that White people have consistently accounted for over three-quarters of self-inflicted deaths in prison custody across ethnicities.

### Court order supervision

Court orders are non-custodial sentences. Most of these are either:

- 1) *Community orders* – introduced as a single community sentence by the Criminal Justice Act 2003, which must contain at least one of twelve possible requirements (such as unpaid work, curfew, or drug rehabilitation); or
- 2) *Suspended sentence orders* – enable a court passing a custodial sentence of less than 12 months to suspend that sentence for a period of between six months and two years, while ordering the offender to undertake certain requirements in the community (drawn from the same list as those available for the community order).

- The number of individuals commencing court order supervision in England and Wales in 2009 was 166,837, representing a 1% increase since 2008 when the total number was 164,873.

- The proportion of individuals receiving court order supervision who were from a BME background remained relatively stable between 2005 and 2009 (just under 14% in 2005 compared to just under 15% in 2009) (see Table 5.01).
- Court order supervision increased for all ethnic groups between 2005 and 2009, although the fastest rate of increase was for those of a Mixed ethnic background.

**Table 5.01: Court order supervisions in England and Wales 2005 to 2009, self-identified ethnicity**

	White	Black	Asian	Mixed	Chinese or Other	Unknown	All BME	Total
<b>2005</b>	81.9%	5.8%	4.4%	2.2%	1.3%	4.4%	<b>13.7%</b>	<b>140,661</b>
<b>2006</b>	81.4%	6.1%	4.4%	2.3%	1.2%	4.5%	<b>14.0%</b>	<b>155,666</b>
<b>2007</b>	82.1%	6.2%	4.6%	2.4%	1.2%	3.5%	<b>14.4%</b>	<b>162,648</b>
<b>2008</b>	82.1%	6.0%	4.5%	2.5%	1.2%	3.6%	<b>14.3%</b>	<b>164,873</b>
<b>2009</b>	82.0%	6.0%	4.7%	2.7%	1.2%	3.4%	<b>14.6%</b>	<b>166,837</b>

Note: These figures are taken from the probation workload archive databases for commencements.

For further information on Court order supervision, please see supplementary Table S5.01.

### Pre/post release supervision

Prisoners released on licence are supervised by probation staff before and after they are released from custody. Pre-release supervision involves joint working between probation and prison staff on sentence planning, management, and post-release issues.

All prisoners given a custodial sentence of 12 months or more are subject to post-release supervision. Prisoners will serve a proportion of their sentence in custody and then be released on licence. They are supervised by probation staff before and during the license period after release from custody.

- The number of individuals commencing pre/post release supervision in 2009 was 45,970, representing a 2% decrease since 2008.
- Table 5.2 shows that, in 2009, BME individuals comprised 20% of those receiving pre/post release supervision.
- The proportion of BME individuals receiving pre/post release supervision has remained relatively stable between 2005 and 2009 (just under 19% in 2005 compared with just over 20% in 2009) (see Table 5.02).
- The proportion of those receiving pre/post-release supervision increased for the overall BME group from 2005 to 2008, but decreased between 2008 and 2009.



**Table 5.02: Pre/post release supervision orders in England and Wales 2005 to 2009, self-identified ethnicity**

	White	Black	Asian	Mixed	Chinese or Other	Unknown	All BME	Total
<b>2005</b>	72.4%	8.8%	5.4%	2.6%	2.0%	8.8%	<b>18.8%</b>	<b>46,103</b>
<b>2006</b>	73.0%	9.0%	5.6%	2.9%	1.8%	7.6%	<b>19.4%</b>	<b>42,473</b>
<b>2007</b>	73.3%	8.9%	5.6%	3.4%	2.6%	6.2%	<b>20.5%</b>	<b>42,961</b>
<b>2008</b>	72.3%	8.7%	5.9%	3.4%	2.9%	6.8%	<b>20.9%</b>	<b>46,790</b>
<b>2009</b>	73.8%	8.1%	6.0%	3.4%	2.7%	5.9%	<b>20.3%</b>	<b>45,970</b>

Note: These figures are taken from the probation workload archive databases for commencements.

For further information on pre/post release supervision, please see supplementary Table S5.02.

### Total prison population (including foreign nationals)

The figures below describe the ethnicity of the prison population in England and Wales, including foreign nationals.

- The prison population (including foreign nationals) at 30 June 2009 was 83,454. Overall, just under 27% (22,292) of prisoners identified themselves as being from BME groups. This is the same proportion as in the previous year (2008), but represents an increase on that recorded for 2005 (25%).
- While all groups increased in size in the prison population between 2005 and 2009, the largest increase can be seen in the Chinese and Other group. However, given the small size of this group within the prison population, this change should be interpreted with caution.

**Table 5.03: Total prison population (including foreign nationals) in England and Wales 30 June 2005 to 2009, self-identified ethnicity**

	White	Black	Asian	Mixed	Chinese or Other	Unknown	All BME	Total
<b>2005</b>	74.6%	14.7%	6.0%	2.8%	1.1%	0.8%	<b>24.6%</b>	<b>76,190</b>
<b>2006</b>	73.3%	15.1%	6.6%	2.9%	1.2%	0.9%	<b>25.9%</b>	<b>77,982</b>
<b>2007</b>	73.1%	15.1%	6.6%	3.1%	1.4%	0.7%	<b>26.2%</b>	<b>79,734</b>
<b>2008</b>	72.4%	15.1%	7.0%	3.2%	1.6%	0.7%	<b>26.9%</b>	<b>83,194</b>
<b>2009</b>	72.8%	14.4%	7.2%	3.4%	1.7%	0.5%	<b>26.7%</b>	<b>83,454</b>

Note: Figures are based on those aged 15 and over.

Includes foreign nationals (11,350) and those with nationality not recorded (874)

These figures include foreign nationals who have served their sentence and are awaiting deportation.

For further information on the total prison population (including foreign nationals), please see supplementary Table S5.03.

### Prison population (British nationals only)

The figures below describe the ethnicity of the prison population in England and Wales, excluding foreign nationals.

- The total prison population at 30 June 2009, excluding foreign nationals, was 71,231. Overall, 20% (14,292) of prisoners identified themselves as being from BME groups. This is the same proportion as in the previous year (2008), but represents an increase on that recorded for 2005 (18%).
- While all groups increased in size in the prison population between 2005 and 2009, the largest increases were for the Asian and Mixed groups. Those of a White ethnic background had the smallest increases.

**Table 5.04: Total prison population (British nationals only) in England and Wales 30 June 2005 to 2009, self-identified ethnicity,**

	White	Black	Asian	Mixed	Chinese or Other	Unknown	All BME	All
<b>2005</b>	81.7%	10.3%	4.5%	2.7%	0.3%	0.7%	<b>17.7%</b>	<b>65,670</b>
<b>2006</b>	80.9%	10.6%	4.8%	2.8%	0.2%	0.7%	<b>18.4%</b>	<b>66,160</b>
<b>2007</b>	80.6%	10.6%	4.9%	3.0%	0.2%	0.6%	<b>18.7%</b>	<b>67,767</b>
<b>2008</b>	79.7%	11.1%	5.2%	3.2%	0.3%	0.6%	<b>19.8%</b>	<b>70,751</b>
<b>2009</b>	79.6%	10.9%	5.4%	3.4%	0.3%	0.3%	<b>20.1%</b>	<b>71,231</b>

Note: Figures are based on those aged 15 and over.

For further information on the total prison population (British nationals), please see supplementary Table S5.03.

### Deaths in custody – police

The figures presented below concern the deaths of people who have been arrested or otherwise detained by the police. These deaths may have taken place on police, private, or medical premises, in a public place, or in a police or other vehicle. ‘Deaths in police custody’ includes deaths of prisoners while Released On Temporary Licence (ROTL) for medical reasons but excludes the deaths of any prisoners released on other types of temporary licence.

- Deaths in police custody fell from 22 in 2007/08 to 15 in 2008/09, representing a reduction of 32%.
- The number of deaths of people from BME groups in police custody rose slightly between 2007/08 and 2008/09, from 3 to 5.

### Deaths in Custody – prison

The figures presented in Table 5.5 concern people who have died in prison.

- Deaths in prison rose slightly from 165 in 2008 to 169 in 2009, an increase of just over 2%.
- Over the same period, the number of BME deaths in prison fell from 23 to 16.
- Between 2005 and 2009 deaths in prison fell from 174 to 169, representing a 3% decline.
- Deaths in custody of people from a BME background also fell over the five-year period. There were 29 deaths in 2005 compared with 16 in 2009.

**Table 5.05: Deaths in prison custody by ethnicity, England and Wales 2008 and 2009**

	White	Black	Asian	Mixed	Chinese or Other	All BME	Total
<b>2008</b>	142 (86.1%)	3 (1.8%)	13 (7.9%)	3 (1.8%)	4 (2.4%)	<b>23 (13.9%)</b>	<b>165 (100%)</b>
<b>2009</b>	153 (90.5%)	3 (1.8%)	6 (3.6%)	6 (3.6%)	0 (0.6%)	<b>16 (9.5%)</b>	<b>169 (100%)</b>

Note:

This table shows one more death for 2009 than the official statistics. This is due to the late reporting of a 'natural cause' death which occurred in December 2009. The official statistics will be revised in July 2010.

- In 2009, there were 60 self-inflicted deaths in prison custody. Over 90% of these (55 in total) were of people of White ethnicity.
- Trends data for 2005 to 2009 show that White people have consistently accounted for the largest proportion (over three-quarters) of self-inflicted deaths in prison custody across ethnicities.

For further information on deaths in custody, please see supplementary Tables S5.09–S5.12.

## Chapter 6. Practitioners in the Criminal Justice System

This chapter provides information on the representation of BME groups working for criminal justice agencies. Two questions are explored. First, what proportion of those employed in particular agencies are from a BME background? Second, what proportion of BME group members are employed in the most senior positions?

As with previous reports, the data provided in the spreadsheets which accompany this chapter cover a wide range of organisations. However, information from the National Probation Service on the ethnicity of its employees is not included in this publication as the data warehouse introduced in 2008 is still undergoing validation checks.

Only the most salient points are included in the commentary below, which describes and highlights but does not seek to explain the differences observed. A five year trend analysis has been undertaken for the police using data from past Section 95 reports and for the Judiciary using judicial datasets. However, due to changes to the classification or recording of staffing grades this has not been possible for other criminal justice agencies where a comparison with the previous year only is made.

The key points are as follows.

- In the Police, Crown Prosecution and Prison services, the proportion of staff from BME backgrounds was similar to or the same as that recorded for the previous year.
- The Police appeared to be making progress with employing members of BME groups as police officers and the Crown Prosecution Service had registered proportionately more BME staff in the most senior positions than for their organisation overall.
- Progress within the Judiciary was modest. On the one hand, the number of Recorders from a BME background remained very similar totalling 57 as at 31 March 2009 compared with 56 five years earlier. On the other hand, over the same points in time the number of Circuit Judges from a BME background increased from 5 in 2005 to 14 in 2009 and High Court Judges from 1 to 3.

### Police

- Members of BME groups represented 4.4% of the 143,770 police officers in post in 2008/09. This is a 0.3 percentage point rise on the previous year (see Table 6.01).
- The proportion of police officers in post from a BME background in 2008/09, compared with the previous year, increased for all ethnic groups with the greatest rise being amongst Mixed (11.4%) and Asian (10.8%) officers.

**Table 6.01: Police officers in post (full-time equivalents) by ethnicity, England and Wales 2007/08 and 2008/09**

	White	Mixed	Asian	Black	Chinese or Other	Not stated	Total
<b>2007/08</b>	134,144	1,526	2,231	1,374	656	1,925	<b>141,859</b>
<b>2008/09</b>	135,640	1,701	2,472	1,427	689	1,840	<b>143,770</b>
<b>% change</b>	<b>1.1%</b>	<b>11.4%</b>	<b>10.8%</b>	<b>3.9%</b>	<b>5.1%</b>	<b>-4.4%</b>	<b>1.3%</b>

Notes:

This and other tables on police officer and staff strength contain full-time equivalent figures that have been rounded to the nearest whole number. Because of rounding and the particular rounding conventions used, there may be an apparent discrepancy between totals and the sums of the constituent items, and very slight discrepancies between figures here and those published by the Home Office (Mulchandani, R and Sigurdsson, J. 2009).

Strength figures are for the 43 England and Wales police forces and exclude secondments and British Transport Police. Figures include staff on career breaks or maternity/paternity leave.

- There have been improvements over a five-year period in the proportion of persons from a BME background employed as senior police officers: 2.3% of Superintendent and above grades at 31 March 2005 were from BME groups. By 31 March 2009, the proportion had risen to 3.2%. At both points in time, the proportion not stating their ethnicity was 1.1%.

**Table 6.02: Senior police officers in post (full time equivalents) in percentages, England and Wales 2004/5 and 2008/9 as at 31 March**

	White	Mixed	Asian	Black	Chinese or Other	Not stated	Total
<b>2004/5</b>	96.6%	0.7%	0.8%	0.5%	0.2%	1.1%	1,671
<b>2008/9</b>	95.7%	0.9%	1.4%	0.7%	0.2%	1.1%	1,713

Note:

Senior police officer includes Superintendent and above.

**Crown Prosecution Service (CPS)**

- Members of BME groups represented 11.6% of the 8,934 staff of the CPS as at 31 March 2009. This is the same proportion as recorded for the previous year (see Table 6.03).
- The proportion of staff identifying themselves as being from a BME background who occupied Senior Civil Servant positions at 31 March 2009 was 12.5%. This is a 2.4 percentage point increase on the previous year. Thus, there were proportionately more staff from a BME background in the most senior positions than in the organisation as a whole.

**Table 6.03: Crown Prosecution Service by ethnicity, England and Wales 2007/08 and 2008/09**

	White	Mixed	Asian	Black	Chinese or Other	Not stated	Total
<b>2007/08</b>	65.6%	1.3%	5.0%	4.2%	1.1%	22.8%	8,930
<b>2008/09</b>	65.7%	1.4%	5.0%	4.2%	1.1%	22.7%	8,934

Notes:

All data taken from published headcount data within quarterly Cabinet Office Absence Statistics

Data for all current staff (inc. career break & maternity leave)

Note that data reflects standard Civil Service grades onto which CPS grades have been mapped for Comparability.

All data may be subject to change due to retrospective changes in the HR database

Data in the table do not exactly match that quoted in the text due to rounding

### Prison Service<sup>33</sup>

- Between 31 March 2008 and 2009, the number of prison officers increased by just under 3% from 25,503 to 26,266. For both periods the proportion of prison officers from a BME background remained broadly stable at around 5%. The proportion of not stated cases increased slightly from 6.3% to 6.8%.

### Judiciary

- There are more Recorders than any other type of judge. A Recorder is usually a practicing barrister or solicitor. Recorders may sit in both Crown and county courts, but most start by sitting in the Crown Court. Their jurisdiction is broadly similar to that of the more senior position of a Circuit Judge, but they will generally handle less complex or serious matters coming before the court. 57 or 4.6% of the total of 1,235 Recorders were from BME groups. This proportion is slightly more than was the case in 2004/05 when there were 1,442 Recorders registered of whom 56 or 3.9% were from a BME background.<sup>34</sup>
- Amongst the senior Judiciary, a direct comparison over a five-year period is only possible with Circuit Judges and High Court Judges due to the system of classification used in the data available. Here some progress can be noted with the proportion of BME High Court Judges rising from 1 of 107 or 0.9% for the period 2004/05 to 3 of 109 or 2.8% as at 1 April 2009. Similarly, Circuit Judges increased from 5 of 641 or 0.8% to 14 of 640 or 2.2%.

<sup>33</sup> Since April 2007, BME representation within NOMS has been calculated as the total number of BME staff as a percentage of those whose ethnicity is known. However, for the purposes of this analysis, the percentages reported are based on the total including those individuals not stating their ethnicity.

<sup>34</sup> Since 2009, a new method of calculating ethnicity figures was introduced because a number of judges were not stating their ethnicity. The total percentage of judges from a BME background is now calculated as a percentage of those judges whose ethnicity is known. However, in this analysis, the percentages reported are based on the total including those judges not stating their ethnicity.

### **Magistracy and other criminal justice agencies**

In the spreadsheets accompanying this chapter, tables are provided containing information relating to the Magistracy, barristers and Queen's Counsel, private practice solicitors, Parole Board staff, Victim Support staff, Youth Offending Team (YOT) members, and Serious Fraud Office staff. From the available data describing the ethnicity of staff and volunteers in various criminal justice agencies, two key points have emerged.

- Data completeness varies considerably. For example, whereas for the Magistracy and YOT members all or most staff stated their ethnicity, the Ministry of Justice had 35.6% and Victim Support 28.1% of cases 'not known' or 'not stated'.
- The agencies with the highest proportions of employees from BME backgrounds were the Office of the Public Guardian (32.2%), the Serious Fraud Office (22.4%), and the Tribunals Service (18.9%).

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## **Appendix A – Glossary**

### **Absolute discharge**

The court takes no further action against an offender, but the offender's discharge will appear on his or her criminal record.

### **Accused**

The person charged. The person who has allegedly committed the offence.

### **Acquittal**

Discharge of defendant following verdict or direction of not guilty.

### **Act**

Law, as in an Act of Parliament.

### **Arrest**

The power of a police officer to deprive a person of his or her liberty in relation to the investigation and prevention of crime. Police officers have the power to arrest anyone who has committed an offence, is about to commit an offence, or is in the act of committing an offence. They also have the power of Arrest when a person is suspected of involvement with an offence.

### **Burglary**

When a person enters any building as a trespasser and with intent to commit an offence of theft, grievous bodily harm or unlawful damage.

### **Caution**

Simple Caution – non-statutory warning given to adults (aged 18 and over) by the police following admission of guilt, as an alternative to prosecution, which though not a conviction forms part of a person's criminal record.

Conditional Caution – warning under the Criminal Justice Act 2003 (with reparative and/or rehabilitative conditions attached), given by the police after a CPS decision to issue and following admission of guilt, to adults (aged 18 and over) as an alternative to prosecution, which though not a conviction forms part of a person's criminal record.

### **Charge**

A formal accusation against a person.

### **Circuit Judge**

A senior judge who sits in the Crown Court.

### **Committal**

Committal for Trial: following examination by the Magistrates of a case involving an either way offence the procedure of directing the case to the Crown Court to be dealt with.

Committal for Sentence: where the Magistrates consider that the offence justifies a sentence greater than they are empowered to impose they may commit the defendant to the Crown Court for sentence to be passed by a judge.

Committal order: an order of the Court committing someone to prison.

### **Conditional Discharge**

A discharge of a convicted defendant without sentence on condition that he/she does not re-offend within a specified period of time.

### **Conviction**

When an offender has pleaded or been found guilty of an offence in a court he or she is said to have been convicted. The conviction then appears on the offender's criminal record.

### **Court**

Body with judicial powers.

### **Court room**

The room in which cases are heard. There may be more than one court room in a court house.

### **Criminal**

Person who is guilty of a criminal offence.

### **Crown Court**

The Crown Court deals with all crime committed or sent for trial by Magistrates Courts. Cases for trial are heard before a judge and jury. The Crown Court also acts as an appeal court for cases heard and dealt with by Magistrates.

### **Crown Prosecution Service (CPS)**

The Crown Prosecution Service decides whether there is enough evidence to take a case to court, and whether it would be in the public interest to do so. After the decision to prosecute has been taken a CPS lawyer or solicitor represents the CPS in court.

### **Custodial sentences**

Sentences where the offender is detained in a prison, Young Offender Institution or Secure Training Centre.

**Defendant**

Person sued, person standing trial or appearing for sentence.

**Discharge**

(see absolute discharge, conditional discharge) The offender is found guilty of the offence, and the conviction appears on his or her criminal record, but either no further action is taken at all (absolute discharge), or no further action is taken as long as the offender does not offend again in a certain period of time (conditional discharge).

**District Judge**

A judge who sits in the magistrates' court. Previously known as a stipendiary magistrate.

**Either-way offence**

(see indictable offence, summary offence) An offence for which the accused may be tried by magistrates or by committal to the Crown Court to be tried by jury.

**Fine**

A sentence of the court which involves the offender paying money to the court as punishment for his/her crime.

**Her Majesty's Courts Service**

Her Majesty's Courts Service administers the civil, family and criminal courts in England and Wales. This covers the Crown, county and magistrates' courts.

**Home Office**

The government department responsible for reducing and preventing crime.

**Indictable offence**

A more serious criminal offence that can be tried at the Crown Court (indictable only) or at the magistrates' court (either way offences).

**Judge**

An officer appointed to administer the law and who has the authority to hear and try cases in a court of law.

**Judicial/Judiciary**

Relating to the administration of justice or to the judgment of a court.  
A judge or other officer empowered to act as a judge.

**Jury**

Body of 12 people sworn to try a case and reach a verdict according to the evidence in a court.

## **Law**

The system of roles established by an Act of Parliament, custom or practice.

## **Magistrate**

Someone who sits as part of a group of three and acts as a judge in the magistrates' court. Magistrates in England and Wales are trained volunteers.

## **Magistrates' Court**

The magistrates' courts are a key part of the criminal justice system - virtually all criminal cases start in a magistrates' court and over 95% of cases are also completed here. In addition, magistrates' courts deal with many civil cases, mostly family matters plus liquor licensing and betting and gaming work. Cases in the magistrates' courts are usually heard by panels of three magistrates (Justices of the Peace), of which there are around 30 000 in England and Wales.

## **Metropolitan Police Service (Met)**

The geographical area of jurisdiction of the police covering the London area but excluding the City of London Police.

## **Multivariate analysis**

Multivariate analysis involves analysis of more than one statistical variable (e.g. age, gender, ethnicity) at a time.

## **Notifiable offence**

Offence deemed serious enough to be recorded by the Police (also referred to as recorded crime). Includes most indictable and triable-either-way offences.

## **Offender**

Someone who has been convicted of a crime.

## **Plea**

A defendant's reply to a charge put to him by a court; i.e. guilty or not guilty.

## **Police Force Area (PFA)**

The geographic area of jurisdiction covered by a particular police force. There are 43 PFAs in England and Wales.

## **Population figures**

Some of the tables and graphs in this volume use resident population figures for different ethnic groups to calculate the number of police Arrests and Stops per 1,000 population.

### **Probation Service**

The National Probation Service's work with offenders combines continuous assessment and management of risk and dangerousness with the provision of expert supervision programmes designed to reduce re-offending.

### **Prosecution**

The institution or conduct of criminal proceedings against a person.

### **Prosecutor**

Person who prosecutes – usually the Crown Prosecution Service (see prosecution).

### **Racist incidents**

A racist incident is any incident that is perceived to be racist by the victim or any other person. The scope of racist incidents is wider than that for racially aggravated offences and a religiously aggravated offence may not constitute a racist incident.

### **Racist offences**

Racist offences are recorded by the police according to the ethnic appearance of victim and offence type

### **Recorder**

Members of the legal profession (barristers or solicitors) who are appointed to act in a judicial capacity on a part-time basis. They may progress to become full-time judges.

### **Statistical significance**

In statistics, a result is called statistically significant if it is unlikely to have occurred by chance.

### **Stops and searches**

Statutory powers exist under section 1 of the Police and Criminal Evidence Act (PACE), for a police officer to search a person or vehicle without first making an arrest. Other police powers not under PACE include Stops and Searches in anticipation of violence (under section 60 of Criminal Justice and Public Order Act 1994) and searches of pedestrians, vehicles and occupants (under sections 44(1) and 44(2) of the Terrorism Act 2000). Searches for drugs are still permitted by the Misuse of Drugs Act 1971 and those for firearms under the Firearms Act 1968. The police can also require people in a public place to Stop and Account for themselves i.e. their actions, behaviour, or presence in an area or possession of particular items.

### **Summary offence (see indictable, either way offence)**

A criminal offence which can only be tried by a Magistrates' Court.

**Suspended sentence**

A custodial sentence which will not take effect unless there is a subsequent offence within a specified period.

**Suspect**

A person being investigated in relation to a particular offence or offences.

**Triable either way**

These offences may be heard either at Magistrates' Court or Crown Court.

**Violence against the person**

Includes serious violence offences where the injury inflicted or intended is life threatening, and offences resulting in death, regardless of intent. The offence group also includes offences involving less serious injury. It also includes certain offences that involve no physical injury and some involving serious intent.

**Witness**

A person who gives evidence in Court.

**Young Offender Institution**

A prison for young people between the ages of 15 (16 for girls) and 21. Young offenders have to be kept separately from adults, and juveniles (those aged under 18) separate from 18 to 21 year-olds.

**Youth Offending Team (YOT)**

A Youth Offending Team is made up of local representatives from the police, Probation Service, social services, health, education, drugs and alcohol misuse and housing officers. The YOT identifies the needs of each young offender. It identifies the specific problems that make the young person offend as well as measuring the risk they pose to others. This enables the YOT to identify suitable programmes to address the needs of the young person with the intention of preventing further offending.

## Appendix B – Classifications of ethnicity

The two tables below give details of the different ways in which information on ethnicity is categorised by criminal justice agencies in England and Wales.

The first table present categories used by the police when they visually identify someone as belonging to an ethnic group, e.g. at the time of a Stop and Search or an Arrest. The second table give the categories used by the 2001 census when individuals identify themselves as belonging to a particular ethnic group. It should be noted that the two tables are not measuring the same dimension of ethnicity as columns 3 and 4.

The rows show how the categories in the different classifications of ethnicity correspond with each other. There is not necessarily a direct match in all cases.

The characters in brackets after the categories denote the codes used by practitioners within the Criminal Justice System, and are given to facilitate their understanding of how the categories are used. The code IC stands for 'Identity Code'.

The writing in italics under 'Census 16-point classification' indicates how the categories in this column correspond to the categories in the first column ('4+1' classification).

In the 5+1 and 16+1 classifications '+1' refers to Not Stated. In the 4+1 classification '+1' refers to Unknown.

### Visual appearance

<b>Census 4-point classification</b>	<b>Phoenix Classification</b>
White	White – North European (IC1) White – South European (IC2)
Black	Black (IC3)
Asian	Asian (IC4)
Other	Chinese, Japanese, or South East Asian (IC5) Middle Eastern (IC6)
Unknown	Unknown (IC0)

### Self-classification

Census 5-point classification	Census 16-point classification
White	White – British White – Irish White – Other
Black	Black – African Black – Caribbean Black – Other
Asian	Asian – Bangladeshi Asian – Indian Asian – Pakistani Asian – Other
Mixed	White and Black African ( <i>Goes to Black on 4+1</i> ) White and Black Caribbean ( <i>Goes to Black on 4+1</i> ) White and Asian ( <i>Goes to Asian on 4+1</i> ) Any other mixed background ( <i>Goes to Other on 4+1</i> )
Chinese or Other	Chinese Other
Not Stated	Not Stated



## Contact points for further information

Current and previous editions of this publication are available for download at <http://www.justice.gov.uk/publications/raceandcjs.htm>

Press enquiries should be directed to the Ministry of Justice press office:  
Tel: 020 3334 3536, Email: [pressofficenewsdesk@justice.gsi.gov.uk](mailto:pressofficenewsdesk@justice.gsi.gov.uk)

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We welcome the views of users on the format, content and timing of reports. These views and other general enquiries about the statistical work of the Ministry of Justice can be emailed to: [statistics.enquiries@justice.gsi.gov.uk](mailto:statistics.enquiries@justice.gsi.gov.uk)

Other National Statistics publications, and general information about the official statistics system of the UK, are available from [www.statistics.gov.uk](http://www.statistics.gov.uk)









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