



Ministry of  
**JUSTICE**



# **Statistics on Race and the Criminal Justice System 2010**

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

October 2011





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This information is also available on the Ministry of Justice website:

[www.justice.gov.uk/publications/statistics-and-data/criminal-justice/race.htm](http://www.justice.gov.uk/publications/statistics-and-data/criminal-justice/race.htm)



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The authors would like to express their thanks to members of the Race Advisory Group and the 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 Black, Asian and Minority Ethnic groups as victims, suspects, and offenders 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/science-research/research-statistics/](http://www.homeoffice.gov.uk/science-research/research-statistics/)), and the Ministry of Justice website ([www.justice.gov.uk](http://www.justice.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 the appendices to this report and in parent publications.

**If you have any feedback, questions or requests for further information about this statistical bulletin, please direct them to the appropriate contact given at the end of this report.**

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## Summary

This report provides information about how members of Black, Asian and Minority Ethnic (BME) Groups in England and Wales were represented in the Criminal Justice System (CJS) in the most recent year for which data were available, and, wherever possible, across the last five years. Section 95 of the Criminal Justice Act 1991 requires the Government to publish statistical data to assess whether any discrimination exists in how the CJS treats people based on their race.

The contents of the report will be of interest to 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 are differences and where practitioners and others may wish to undertake more in-depth analysis. The identification of differences should not be equated with discrimination as there are many reasons why apparent disparities may exist.

Table A shows the estimated proportion of each ethnic group in the resident population aged ten and over based on Population Estimates by Ethnic Group (PEEGs) for 2009, and the ethnic breakdown of those at different points of the CJS process.

**Table A: Proportion of individuals at different stages of the CJS process by ethnic group compared to general population, England and Wales**

|   | White | Black | Asian | Mixed | Chinese or Other | Unknown | Total             |
|---|-------|-------|-------|-------|------------------|---------|-------------------|
| <b>Population aged 10 or over 2009</b>                      | 88.6% | 2.7%  | 5.6%  | 1.4%  | 1.6%             | -       | <b>48,417,349</b> |
| <b>Stop and Searches (s1) 2009/10</b>                       | 67.2% | 14.6% | 9.6%  | 3.0%  | 1.2%             | 4.4%    | <b>1,141,839</b>  |
| <b>Arrests 2009/10</b>                                      | 79.6% | 8.0%  | 5.6%  | 2.9%  | 1.5%             | 2.4%    | <b>1,386,030</b>  |
| <b>Cautions 2010<sup>(1)</sup></b>                          | 83.1% | 7.1%  | 5.2%  | -     | 1.8%             | 2.8%    | <b>230,109</b>    |
| <b>Court order supervisions 2010</b>                        | 81.8% | 6.0%  | 4.9%  | 2.8%  | 1.3%             | 3.2%    | <b>161,687</b>    |
| <b>Prison population (including foreign nationals) 2010</b> | 72.0% | 13.7% | 7.1%  | 3.5%  | 1.4%             | 2.2%    | <b>85,002</b>     |

Note:

1. Data based on ethnic appearance and therefore do not include the Mixed category.

## **Specific findings**

### **Victims**

The most recent data on victims showed differences in the risks of crime between ethnic groups and, for homicides, in the relationship between victims and offenders. Overall, the number of racist incidents and racially or religiously aggravated offences recorded by the police decreased over the last five years.

#### *Risks of victimisation*

The 2010/11 British Crime Survey (BCS) showed that the risk of being a victim of personal crime was higher for adults from a Mixed background than for other ethnic groups. It was also higher for members of all BME groups than for the White group. Over the five-year period 2006/07 to 2010/11, there was a statistically significant fall in the risk of being a victim of personal crime for members of the White group of 0.8%. The apparent decrease for those from BME groups was not statistically significant.

Findings from the 2009/10 BCS interviews with children showed that a higher proportion of children in the BME group reported that they avoided travelling on buses because they were worried about their safety or avoided using a mobile phone in public all or most of the time (22% and 30% respectively) than in the White group (14% and 22% respectively).

Of the 2,007 homicides recorded for the latest three-year period (2007/08 to 2009/10), 75% of victims were White, 12% Black and 8% Asian. These proportions are lower for the White group and higher for the Black and Asian groups than reflected in estimates of the general population. In the majority of homicide cases, victims were suspected of being killed by someone from the same ethnic group, which is consistent with previous trends (88% of White victims, 78% of Black victims and 60% of Asian victims).

#### *Racially motivated crimes recorded by the police*

In 2010/11, 51,187 racist incidents were recorded by the police - a decrease of almost 18% in the number of racist incidents reported across England and Wales over the five-year period (2006/07 to 2010/11).

In 2010/11, the police recorded 31,486 racially or religiously aggravated offences across England and Wales. This represents a 26% decrease in the number of such offences recorded by the police over the last five years.

## **Suspects**

Between 2006/07 and 2009/10, there were increases in all three Stop and Search powers (section 1 (s1) of the Police and Criminal Evidence Act 1984, section 60 (s60) of the Criminal Justice and Public Order Act 1994 and section 44 (s44) of the Terrorism Act 2000) across ethnicities. Per 1,000 population, higher rates of s1 Stop and Searches were recorded for all BME groups (except for Chinese or Other) than for the White group. While there were decreases across the last five years in the overall number of arrests and in arrests of White people, arrests of those in the Black and Asian group increased.

### *Stop and Search*

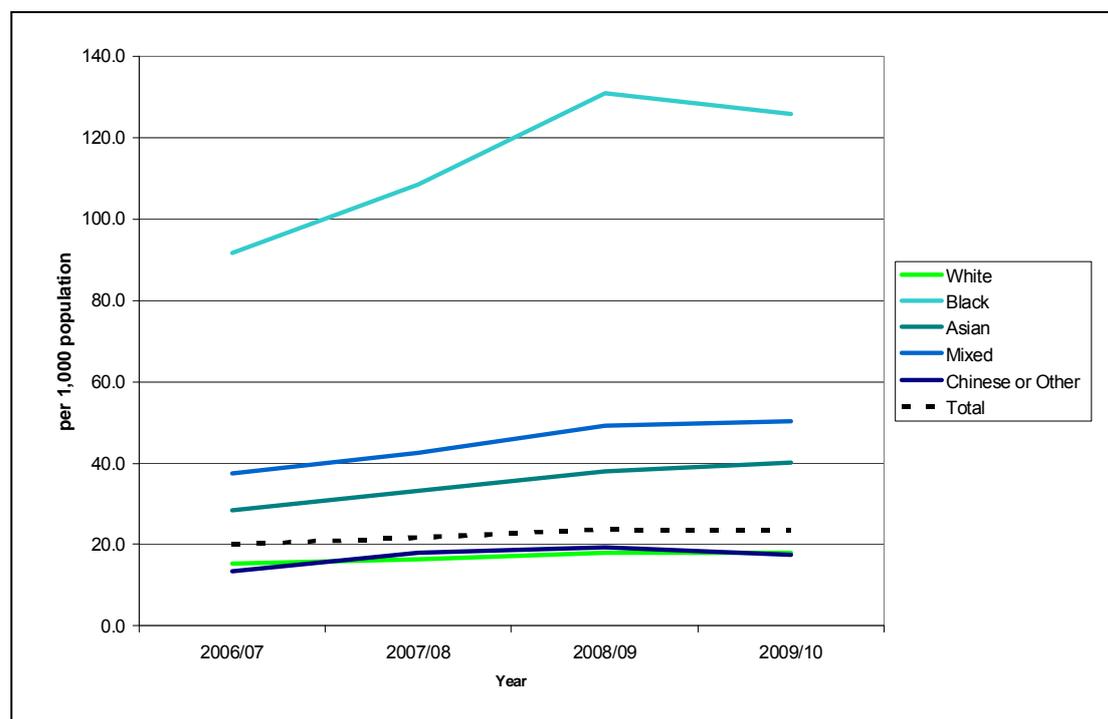
In 2009/10, there were 1,141,839 s1 Stop and Searches – a 20% increase compared with four years ago (2006/07). The number of Stops and Searches under s1 had also increased across all ethnicities during this period.

Per 1,000 of the population, Black persons were Stopped and Searched 7.0 times more than White people in 2009/10 compared to 6.0 times more in 2006/07. When referring to the rate per 1,000 population<sup>1</sup> for England and Wales, it is important to bear in mind that the higher rate than that obtained for the rest of England and Wales (excluding the Metropolitan Police Service) is the product of the aggregation of 42 police force areas (PFAs), each with different distributions of both ethnic population and use of Stop and Search powers. While the area served by the Metropolitan Police Service accounts for 14% of the England and Wales population, 43% of s1 Stop and Searches are carried out by the Metropolitan Police Service.

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<sup>1</sup> ONS experimental statistics - Population Estimates by Ethnic Group (PEEGs) - have been used to create per 1,000 population rates for each of the ethnic groups, as such caution should be exercised when using these figures.

**Figure A: Stop and Searches (section 1 PACE and other legislation) per 1,000 population (based on PEEGs) by self-defined ethnicity, England and Wales 2006/07 to 2009/10**



Note:

Due to an issue identified during the production of this report, rates for 2007/08 and 2008/09 are indicative only and may be subject to change.

The number of Stop and Searches of persons under section 60 (s60) of the Criminal Justice and Public Order Act 1994 increased for all ethnicities from 44,659 in 2006/07 to 149,955 in 2008/09, and then decreased to 118,112 in 2009/10. This represents a net increase across the period of 164%.

While the proportion of s60 Stop and Searches remained relatively stable for the Mixed and Chinese/Other ethnic groups between 2006/07 and 2009/10, the proportion for the White group decreased (from 53% to 40%) and the proportions for the Black and Asian groups increased (from 22% and 9% to 33% and 16% respectively).

The number of Stop and Searches of persons under section 44 (s44) of the Terrorism Act 2000 increased for all ethnicities from 37,963 in 2006/07 to 197,008 in 2008/09, and then decreased to 85,311 in 2009/10. Over the four year period, there was a 125% increase.

The proportion of s44 Stop and Searches accounted for by each ethnic group remained relatively stable between 2006/07 and 2009/10, at close to 60% for the

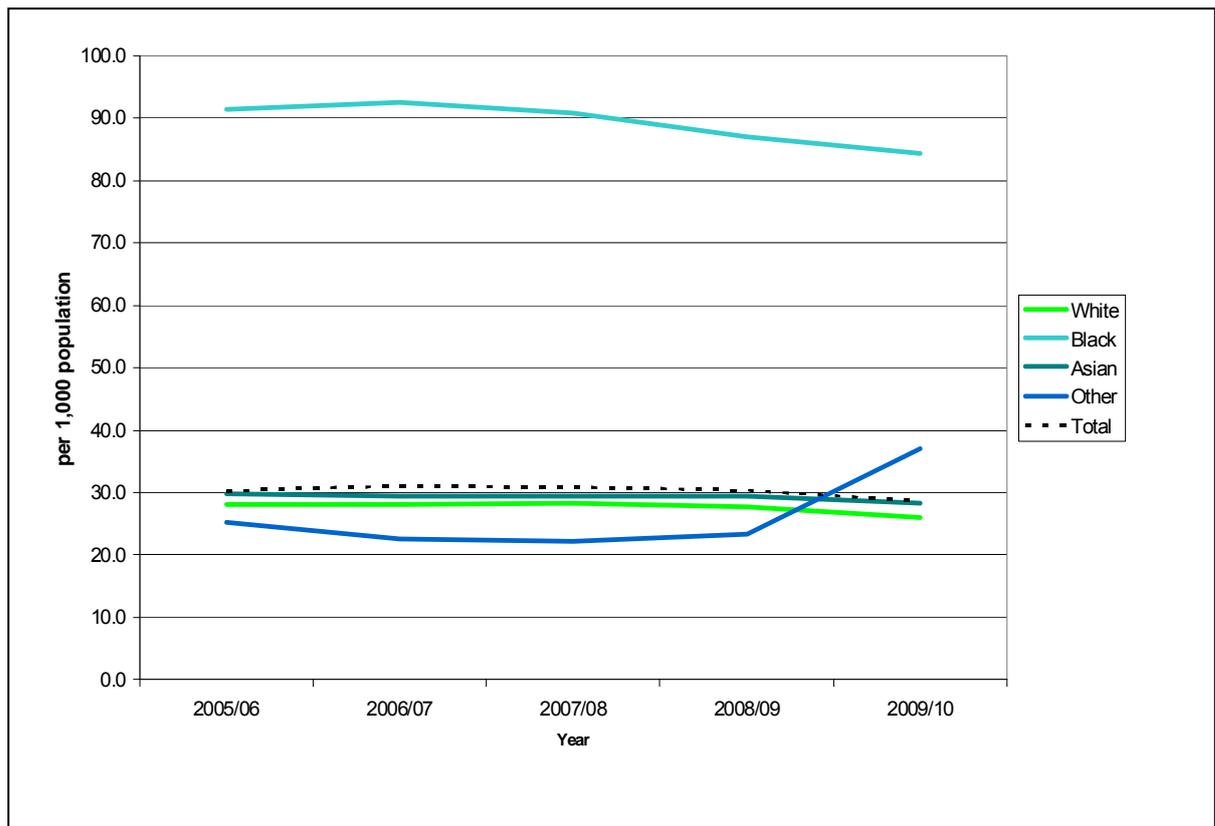
White group, 10% for the Black group, 15% for the Asian group, 2% for the Mixed group, and 4% for the Chinese or Other group.

*Arrests*

Across England and Wales, there was a decrease (just over 3%) in the total number of arrests in 2009/10 (1,386,030) compared to 2005/06 (1,429,785). While the number of arrests for the White group also decreased during this period, arrests of Black persons rose by 5% and arrests of Asian people by 13%.

Overall, there were more arrests per 1,000 population of each BME group (except for Chinese or Other) than for people of White ethnicity in 2009/10. Per 1,000 population, Black persons were arrested 3.3 times more than White people, and those from the Mixed ethnic group 2.3 times more.

**Figure B: Arrests per 1,000 population (based on PEEGs) by officer observed ethnicity, England and Wales 2005/06 to 2009/10**



In 2009/10, just over 9% of s1 Stop and Searches resulted in an arrest across England and Wales as a whole – a decrease compared to 2006/07 when there were just under 12% resultant arrests. Consistent with the previous four years, a lower proportion of s1 Stop and Searches of Asian suspects resulted in an arrest (7% in 2009/10) than for the other ethnic groups.

In 2009/10, 2% of s60 and less than 1% of s44 Stop and Searches resulted in an arrest compared with 4% and 1% respectively in 2006/07.

## **Defendants**

Data on out of court disposals and court proceedings show some differences in the sanctions issued to people of differing ethnicity and also in sentence lengths. These differences are likely to relate to a range of factors including variations in the types of offences committed and the plea entered, and should therefore be treated with caution.

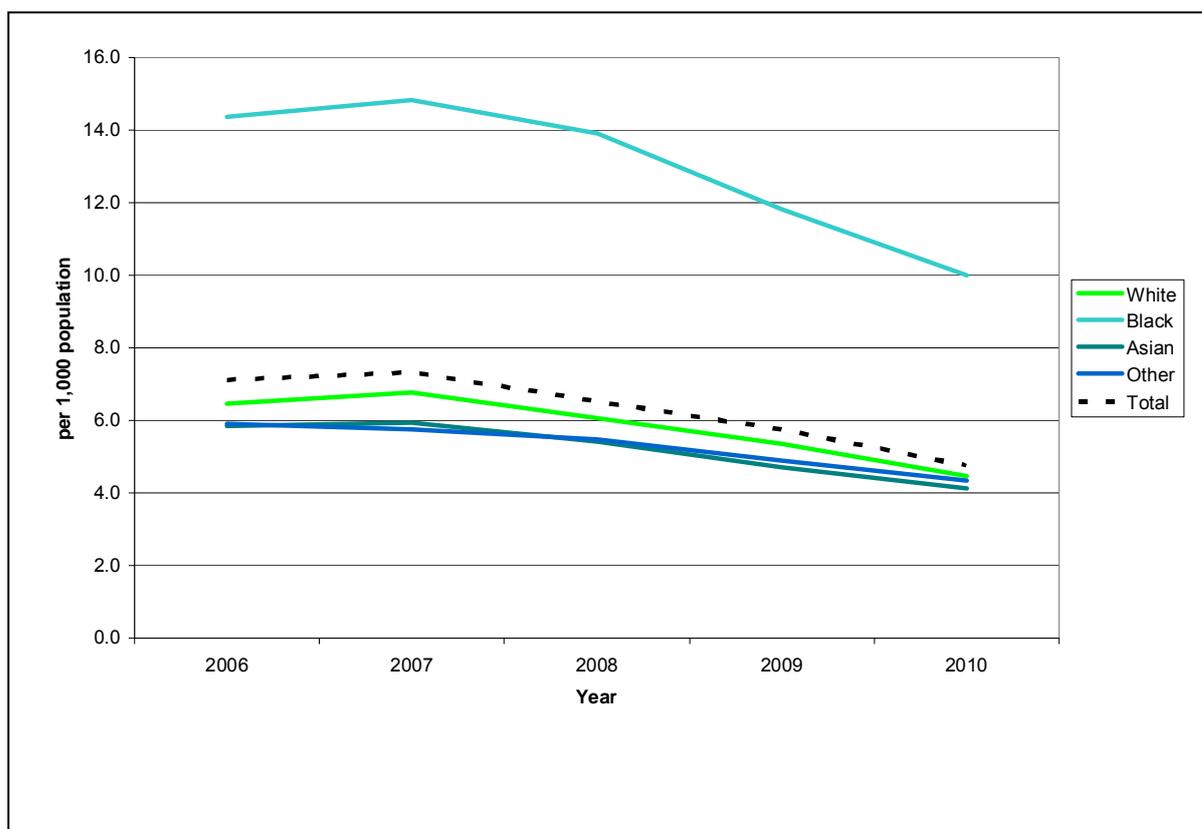
### *Out of court disposals*

A total of 140,769 Penalty Notices for Disorder (PNDs) were issued in 2010. Of these, 73% were issued to White people, 5% to Asians, 4% to people from the Other ethnic group, 2% to Black people, and 15% to people of unknown ethnicity. PNDs can be issued for Higher Tier Offences (covering, for example, theft and being drunk and disorderly) and Lower Tier Offences (including, for example, trespassing on a railway and consumption of alcohol in a designated public place). The patterns by ethnic background were relatively consistent across both these offence groups.

In 2010, 230,109 people received a police caution for notifiable offences, a decrease of 32% compared to 2006. Despite the decrease in overall numbers cautioned, there were minimal changes in the ethnic distribution of those cautioned from 2006 to 2010 with White people receiving 81%–83% of cautions, Black people 6%–7% and Asians 4%–5% in each year.

There were wide variations in the ethnic distribution of those cautioned for differing offence types in 2010, which may reflect differences in the types of offences committed between ethnic groups. For example, comparing the highest and lowest proportions for each ethnic group, White people accounted for 90% of cautions for burglary and criminal damage, and 65% of cautions for robbery. Black people accounted for 22% of cautions for robbery, 12% for fraud and forgery and 3% for burglary.

**Figure C: Cautions per 1,000 population (based on PEEGs) by observed ethnicity, England and Wales 2006 to 2010**



### *Prosecutions and sentencing*

Conviction ratios for indictable offences were higher for White persons in 2010 than for those in the Black and Asian groups (81% for White, 74% for Black, and 77% for Asian).

A higher percentage of those in the BME groups were sentenced to immediate custody for indictable offences than in the White group in 2010 (White 23%, Black 27%, Asian 29% and Other 42%). This may in part be due to differences in plea between ethnic groups.

In 2010, the highest average custodial sentence length (ACSL) for those given determinate sentences for indictable offences was recorded for the Black ethnic group, at 20.8 months, followed by the Asian and Other groups with averages of 19.9 months and 19.7 months respectively. The lowest ACSL was recorded for the White group at 14.9 months.

Both of these findings (proportions sentenced to immediate custody and ACSLs) should be treated with caution as there are a number of other factors which could

effect sentence length 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 the Ministry of Justice indicated, for example, that people from BME backgrounds were more likely to plead not guilty and be tried (Thomas, 2010). Based on current sentencing guidelines, a guilty plea can reduce a sentence by up to a third. Further work is therefore needed to assess whether the higher proportion sentenced to immediate custody is related to plea or other factors.

## **Offenders**

The ethnic distribution of those under supervision and in prison has remained relatively stable over the last five years. In terms of prisoners' behaviour in custody, individuals from the White ethnic group continue to account for the vast majority of self-inflicted deaths and self-harm incidents in prison.

### *Under supervision*

In 2010, the percentage of individuals commencing court order supervision from a BME background was 15%. This is similar to the proportion recorded in 2006 (14%).

Of the 46,204 individuals who had been given custodial sentences and were commencing pre-/post-release supervision in 2010, 22% were from a BME background compared to 19% in 2006.

### *In prison*

On 30 June 2010, the total prison population in England and Wales was 85,002. Of these, 21,878 prisoners (just under 26%) were from BME groups. This proportion is consistent with that recorded from 2006 to 2009 (when it was between 26%–27%).

In 2010, BME groups represented 20% of British nationals in the prison population and 63% of foreign nationals in the prison population. While the percentage of BME foreign national prisoners has decreased since 2006 (when it was 70%), the percentage of BME British national prisoners has remained relatively stable (18% in 2006).

In 2010, there were 196 deaths in prison – an increase of 28% compared to 2006 (153 deaths), which was largely accounted for by a rise in the number of natural deaths. As in previous years, the vast majority (just over 88% of the total 58 recorded

in 2010) of self-inflicted deaths involved prisoners of White ethnicity. Over 80% of self-harm incidents in 2010 also involved White prisoners. This is similar to past years when over four-fifths of self-harm incidents were among White prisoners.

### **Staff and practitioners**

The representation of people from the BME group as employees and at senior levels in CJS agencies varied substantially.

The percentage of staff from a BME background was similar to that in the previous year for each of the agencies considered: Police 4.8%, Crown Prosecution Service (CPS) 14.9%, Judiciary 4.2%, National Offender Management Service (NOMS) 6.0% and Probation 14.1% respectively. The ethnic distribution of police officers and NOMS staff was also consistent with trend data (2007–2011 for the police and 2008–2011 for NOMS).

The CPS and the Probation Service appeared to have the highest proportion of BME staff (of those considered), with more than 14% of staff in each from a BME background in the most recent year available. The Police and the Judiciary appeared to have the lowest proportions with fewer than 5% from a BME group. High proportions of staff with unknown ethnicity for both the CPS and the Judiciary, mean that these findings should be treated with caution, however.

At senior level, the CPS reflected the highest proportion of staff from BME backgrounds of the five agencies considered (just fewer than 15% of all Senior Level staff declared from a BME background).

## 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 fulfilling this requirement have been published since 1992. This report, as with previous editions, brings together statistical information on the representation of Black, Asian and Minority Ethnic (BME) groups as victims, suspects, defendants 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.<sup>2</sup>

Following the consultation on improvements to the Ministry of Justice statistics, the Chief Statistician announced that, in future, this publication would focus on drawing together a compendium of previously published statistics, which would be produced biennially<sup>3</sup>. This development complements arrangements made at the same time for all Ministry of Justice and relevant Home Office publications to release data on ethnicity to ensure that such information is readily available to users. This is the first compendium of *Statistics on Race and the Criminal Justice System* and will be followed next year by its sister publication *Statistics on Women and the Criminal Justice System*.

Improvements continue to be made in ethnic monitoring, especially in the courts. However, there is some variability between the completeness of ethnicity measures between sources, which needs to be borne in mind when interpreting the data. Wherever possible, data on self-defined ethnicity are presented in this report and the proportions presented include the unknown category.

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<sup>2</sup> The Ministry of Justice has an established user group for this publication, which is consulted to ensure that it meets the needs of current and potential users, and to obtain views on the information provided.

<sup>3</sup> *Consultation on improvements to Ministry of Justice Statistics: Response to Consultation CP(R)*, 15/10, 17 March 2011, Ministry of Justice.

A number of changes have been made to the data collections drawn upon in this report. For example:

- Information relating to the experience of victims from the Witness and Victim Survey (WAVES) is not included in this volume because this survey is no longer continuous and a separate report on survey findings, including ethnicity, is due to be published in 2011/12.
- In March 2010, the national requirement to record Stop and Account was abolished as part of the Government's commitment to reduce police bureaucracy, and work to confirm these statistics ceased. These data are therefore no longer incorporated in this report.
- Following the feedback to the consultation on improving Ministry of Justice statistics, a new measure of re-offending has been developed and will be published on 27 October 2011. Accordingly, information on re-offending is not included in this volume, but will continue to be included in future editions.

In the previous report, the 2001 Census-based mid-year estimates of ethnicity by police force area were replaced by the Office for National Statistics' 2007 experimental statistics - Population Estimates by Ethnic Group (PEEGs). As experimental estimates, work on the quality of these statistics is ongoing and ONS has recently issued further information outlining some concerns about the reliability of these statistics at sub national level.<sup>4</sup> For consistency purposes (and following discussions with ONS), the latest available PEEGs have been employed in this report. As experimental measures, these figures are indicative only and should be interpreted with caution, however. A review of the population data employed in future reports will be undertaken following the release of the 2011 Census data.

Data in this report are presented in terms of calendar and financial years, reflecting the reporting cycles and data collection of the agencies contributing information for this publication. The most recent data from the British Crime Survey (adult survey), and police recorded crime statistics on victims relate to 2010/11, statistics from the Children's British Crime Survey, the Homicide Index and on police powers such as Stop and Search and arrests refer to 2009/10, while data for the courts and prisons relate to 2010. Five-year trends have been presented wherever possible. Where changes to data systems (e.g. for staff in the CPS, Probation and Judiciary) or data

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<sup>4</sup> See ONS (2011). Population Estimates by Ethnic Group: Planned Assessment of the Reliability. Available: [www.ons.gov.uk/ons/taxonomy/index.html?nscl=Population+Estimates](http://www.ons.gov.uk/ons/taxonomy/index.html?nscl=Population+Estimates). This note highlights notable differences between the estimates and corresponding figures from the Annual Population Survey for some areas. These differences have grown over the decade, possibly reflecting the need, in many areas of the PEEG methodology, to rely on assumptions derived from the 2001 Census results.

quality issues (e.g. for the courts) do not allow for this, trends have been presented for the nearest periods possible.

Additional appendices have been introduced in this edition, which provide users with further information on the sources drawn upon including quality of data.

## **Revisions**

It is important to note that data included in this report 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.

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 revisions have been made to data published in previous editions of this report, a note has been included at the foot of the relevant tables.

## Chapter 2. Victims

This chapter reviews the latest available evidence of victimisation from the British Crime Survey (BCS) for adults and children; and official statistics for homicide, racist incidents, and racially and religiously aggravated offences. Data on ethnicity from the BCS are self-reported whereas for homicides they are based on ethnic appearance.

Key findings were:

- The 2010/11 BCS<sup>5</sup> showed that the risk of being a victim of personal crime was higher for adults from a Mixed background than for other ethnic groups. It was also higher for members of all BME groups than for the White group. Over the five-year period 2006/07 to 2010/11, there was a statistically significant fall in the risk of being a victim of personal crime for members of the White group of 0.8%. The apparent decrease for those from BME groups was not statistically significant.
- Findings from the 2009/10 BCS interviews with children showed that a higher proportion of children in the BME group reported that they avoided travelling on buses because they were worried about their safety and using a mobile phone in public all or most of the time (22% and 30% respectively) than in the White group (14% and 22% respectively).
- For the latest three-year period (2007/08 to 2009/10), 75% of victims of homicides were White, 12% Black and 8% Asian. These proportions are lower for the White group and higher for the Black and Asian groups than reflected in estimates of the general population.
- In the majority of homicide cases, victims are suspected of being killed by someone from the same ethnic group, which is consistent with previous trends. Of those cases with a current suspect for the period 2007/08 to 2009/10, 88% of White victims, 78% of Black victims, and 60% of Asian victims were suspected of being killed by someone from the same ethnic group.
- In 2010/11, 51,187 racist incidents were recorded by the police. Over the five-year period (2006/07 to 2010/11), there was a decrease of almost 18% in the number of incidents reported across England and Wales.

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<sup>5</sup> The main publication of findings from the 2010/11 BCS are presented in Chaplin *et al* (2011). *Crime in England and Wales 2010/11: Findings from the British Crime Survey and police recorded crime* (First Edition). Home Office Statistical Bulletin 10/11.

- In 2010/11, the police recorded 31,486 racially or religiously aggravated offences across England and Wales. Over the five-year period (2006/07 to 2010/11), there was a 26% decrease in the number of such offences recorded by the police.

## Risks of victimisation

### Adults

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-scale nationally representative survey that asks people aged 16 or over about their experience of crime in the last 12 months. The main police recorded crime dataset for England and Wales does not currently include information about victim ethnicity. Responses to the 2010/11 BCS (see Table 2.01) showed that:

- In 2010/11, just fewer than 6% of adults were victims of personal crime. There were differences between ethnic groups, with 6% of White adults reporting having been victims of personal crime<sup>6</sup> compared with 8% of those from BME backgrounds.
- The highest proportion of victimisation involving personal crime was reported by the Mixed ethnic group (11%), followed by Chinese or Other (9%), Asian (7%) and Black (7%).
- Between 2006/07 and 2010/11, there was a decline in the percentage of respondents in the White, Mixed and Black ethnic groups who had been victims of personal crime. The change for the White group was statistically significant, while the apparent falls for other groups were not statistically significant.

It should be noted that differences in the risk of victimisation between ethnic groups may be *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. Recent multivariate analysis of the BCS – where the relative contribution of a number of different factors are examined – suggested that ethnicity was independently associated with the risk of violence,

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<sup>6</sup> 'Personal crimes' covers all crimes against the individual and only relates to the respondent's own personal experience (not that of other people in the household). An example of a personal crime would be an assault. Published BCS data for 'all personal crime' excludes sexual offences (except for 'wounding with a sexual motive') as the number of sexual offences picked up by the survey is too small to give reliable estimates.

although it was less important than other factors such as age, sex and marital status (see Flatley *et al.*, 2010).

**Table 2.01: Trends in the percentage of adults who were victims once or more of a BCS personal crime by ethnicity, England and Wales 2006/07 to 2010/11**

|                               | 2006/07                          | 2007/08       | 2008/09       | 2009/10       | 2010/11       |
|-------------------------------|----------------------------------|---------------|---------------|---------------|---------------|
|                               | <i>% victimised once or more</i> |               |               |               |               |
| <b>ALL</b>                    | <b>6.6</b>                       | <b>6.1</b>    | <b>6.3</b>    | <b>5.7</b>    | <b>5.9</b>    |
| White                         | 6.5                              | 6.1           | 6.2           | 5.7           | 5.6           |
| Non-White                     | 8.0                              | 6.0           | 7.0           | 5.6           | 7.5           |
| <i>Mixed</i>                  | 15.7                             | 8.2           | 13.2          | 9.1           | 10.8          |
| <i>Asian or Asian British</i> | 6.6                              | 5.3           | 6.5           | 4.0           | 7.0           |
| <i>Black or Black British</i> | 9.6                              | 7.0           | 6.8           | 6.9           | 6.9           |
| <i>Chinese or other</i>       | 6.2                              | 5.5           | 6.2           | 7.2           | 8.5           |
| <hr/>                         |                                  |               |               |               |               |
| <i>Unweighted bases</i>       |                                  |               |               |               |               |
| <i>ALL</i>                    | <i>47,138</i>                    | <i>46,903</i> | <i>46,220</i> | <i>44,559</i> | <i>46,754</i> |

Source: British Crime Survey

Trends in the total number of racially motivated incidents from 2006/07 to 2010/11 as reported by adults responding to the BCS are shown in Table 2.02. Key findings were as follows:

- In each of the five years, racially motivated incidents represented a small proportion of all offences reported by adults. There were 150,000 racially motivated incidents reported in 2010/11 compared with 9,618,000 incidents of crime overall.
- Although there was a 17% decrease between 2006/07 and 2010/11, this was not statistically significant and reflects the stable pattern over the five-year period, with racially motivated incidents accounting for between 1% and 2% of total BCS crime.

**Table 2.02: Trends in the total number of BCS racially motivated incidents (in thousands), England and Wales 2006/07 to 2010/11**

|                                | 2006/07                             | 2007/08       | 2008/09       | 2009/10       | 2010/11       |
|--------------------------------|-------------------------------------|---------------|---------------|---------------|---------------|
|                                | Number of incidents (in thousands): |               |               |               |               |
| Total BCS Crime                | 11,060                              | 10,002        | 10,446        | 9,503         | 9,618         |
| Total racially motivated crime | 180                                 | 150           | 159           | 121           | 150           |
| <i>Unweighted base</i>         | <i>47,138</i>                       | <i>46,903</i> | <i>46,220</i> | <i>44,559</i> | <i>46,754</i> |

Source: British Crime Survey

Notes:

1. Figures here may vary from those previously published due to revisions made to population estimates.
2. Caution should be taken when interpreting these figures as they are based on a small number of incidents and as a result the confidence interval surrounding them is relatively large (2010/11 BCS: 150,000, High: 215,000, Low: 85,000).
3. The figure for 2007/08 for total racially motivated crime is different to that previous published due to an error.

### *Children*

Since June 2010, the BCS has been supplemented with experimental data on victimisation collected from children. The children's sample is designed to be representative of children aged 10 to 15 resident in households in England and Wales. In addition to questions about experience of crime, the survey extension also gathers information from children aged 10 to 15 on a number of crime-related topics such as experience and attitudes towards the police, personal safety, being in public spaces and access to leisure facilities. Because a much smaller number of children are surveyed than adults (approximately 4,000 compared with 46,000), it is not possible to distinguish between all of the different ethnic groups. However, useful insights are provided on the similarities and differences between children from White and BME backgrounds in regard to fear of crime, exposure to risk, and the precautions taken to avoid becoming a victim. The findings summarised below suggest a mixed picture in 2009/10.<sup>7</sup>

- A higher proportion of children from the BME group (22%) than in the White group (14%) reported that they avoided travelling on buses at certain times of the day because they were worried about their safety or other people causing trouble.
- Similarly, 30% of children from a BME background reported avoiding using a mobile phone in public all or most of the time compared with 22% of White children; and 42% of BME children said they avoided using a mobile phone in certain places all or most of the time compared with 36% of White children.

<sup>7</sup> See Hoare, J. *et al* (2011) *Children's experience and attitudes towards the police, personal safety and public spaces: Findings from the 2009/10 British Crime Survey interviews with children aged 10 to 15*, Home Office Statistical Bulletin 08/11.

- In contrast, the proportion of children who reported they had experienced bullying in the last year was higher for White children (23%) than for children from a BME background (17%).
- The proportion of children aged 13 to 15 who agreed or disagreed that carrying a knife meant they were more likely to get stabbed themselves was very similar, with 70% of White children and 66% of Non-White agreeing; and 17% from both groups disagreeing with the statement.

## Homicides

Information on the ethnic appearance of victims and suspects is available from the Homicide Index.<sup>8</sup> The Index contains details of all offences recorded as homicide and covers murder, manslaughter and infanticide. It is continually updated with revised information from the police and the courts and, as such, is a better source of data on these offences than the main recorded crime dataset. Due to the small number of homicides recorded each year and small numbers for some ethnic groups, the analysis included here combines data for three-year periods. Data on the ethnicity of victims are relatively complete. In the three year period 2007/08 to 2009/10, ethnicity was not known for fewer than 2% of victims.

The latest available figures for 2007/08 to 2009/10 suggest:

- Of the 2,007 homicides recorded between 2007/08 and 2009/10, 75% of all homicide victims were White, 12% Black, 8% Asian, 3% were from the Other ethnic group, and the ethnicity of 2% of victims was unknown. These proportions are broadly similar to those recorded in 2001/02 to 2003/04 and 2004/05 to 2006/07<sup>9</sup>, but are lower for the White group and higher for the Black and Asian groups than estimated for the general population (the most recent PEEGs suggest that, on average, 89% of the population were from the White ethnic group, 3% Black and 6% Asian during this three-year period).
- Homicide by sharp instrument was the most common method of killing across all ethnic groups. A greater proportion of Black victims (53%) were killed this way than other groups (White 34%, Asian 43% and Other 37%). Other major methods of killing also varied by ethnic group. For example, a greater

<sup>8</sup> The data reported here have been supplied by the Home Office and can be read in conjunction with Smith *et al.* (2011). *Homicides, Firearm Offences and Intimate Violence 2009/10: Supplementary Volume 2 to Crime in England and Wales 2009/10* (January 2011). Home Office Statistical Bulletin 01/11.

<sup>9</sup> Data for the period 2001/02 to 2003/04 include 172 victims of Dr Shipman and 20 cockle pickers who drowned in Morecambe Bay. Year 2005/06 includes 52 victims of the 7 July London bombings.

proportion of Black homicide victims were killed by shooting (25%) compared with other ethnic groups (White 4%, Asian 7% and Other 10%). A higher percentage of White homicide victims were killed by hitting or kicking (26%) compared with other ethnic groups (Black 7%, Asian 13%, and Other 19%). A greater percentage of Asian victims were killed by a blunt instrument (14%) compared with other ethnic groups (White 9%, Black 3%, and Other 6%). These patterns are similar to those recorded in previous three-year periods.

- In the majority of homicide cases, victims were suspected of being killed by someone from the same ethnic group, which is consistent with previous trends. Of the cases with a current suspect in 2007/08 to 2009/10, 88% of White victims, 78% of Black victims, and 60% of Asian victims were suspected of being killed by someone from the same ethnic group.
- There were differences between the relationship of the homicide victims and principal suspects in cases with a current suspect across ethnic groups. While the largest proportion of homicides involving White victims involved a principal suspect from the victim's family (37%), the principal suspect in homicides with Black victims was, in the largest proportion of cases, some other known person (39%); and, in homicides involving Asian victims, strangers (45%).

While data for this period show that homicides for particular ethnic groups are concentrated in particular areas (i.e. with Black homicide victims concentrated in the Metropolitan, West Midlands and Greater Manchester police force areas); these differences reflect, in part, the resident population of these areas and the increased risk of being a victim of homicide in an urban area. Furthermore, caution should be exercised in interpreting the Homicide Index statistics in isolation from the evidence available from other studies. Leyland and Dundas (2010), for example, argue for the importance of neighbourhood of residence, alcohol use, the carrying of knives and gang culture; whilst the 2009/10 British Crime Survey shows that BME groups do not have a higher risk of being a victim of violence after taking other socio-economic factors into account.<sup>10</sup>

Table 2.03 presents estimated annual homicide rates per million population by ethnicity for England and Wales, based on data for the most recent three-year period (2007/08 and 2009/10). These have been calculated using an average of the

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<sup>10</sup> See Leyland and Dundas (2010). 'The social patterning of deaths due to assault in Scotland, 1980-2005: population-based study', *J Epidemiology Community Health* May; 64(5):432-9 and Flatley *et al.* (2010) *Crime in England and Wales 2009/10: Findings from the British Crime Survey*. Home Office Statistical Bulletin 12/10.

population for the three years 2007–2009 based on the experimental Population Estimates by Ethnic Group produced by ONS.<sup>11</sup> As previously noted, caution needs to be taken when using these estimates as they are experimental statistics and further work is currently being undertaken on their quality assurance. These estimates are also based on self-identification of ethnic group whereas data on the ethnicity of homicide victims is based on visual identification, which is not directly comparable.

**Table 2.03: Rates per million population of offences currently recorded as homicide by ethnic appearance, annual average based on data for 2007/08 to 2009/10**

|  | White       | Black       | Asian       | Other       | Total       |
|--|-------------|-------------|-------------|-------------|-------------|
| <b>London</b>                            | 14.0        | 66.5        | 20.7        | 37.0        | <b>21.8</b> |
| <b>Rest of E&amp;W (excluding BTP)</b>   | 11.4        | 34.7        | 17.0        | 18.5        | <b>12.6</b> |
| <b>England and Wales (including BTP)</b> | <b>11.8</b> | <b>49.7</b> | <b>18.3</b> | <b>24.7</b> | <b>13.9</b> |

Note:

The rate for London is based on combined figures for the Metropolitan Police Service and the City of London.

It is important to note that a large number of police force areas did not record any homicides for Black (20), Asian (22) or Other (25) persons.<sup>12</sup> Key points to note from the table are:

- For England and Wales overall, the rate for White homicide victims was 11.8 per million population compared with 49.7 for Black victims and 18.3 for Asians.
- There were higher rates of homicide in London than for England and Wales as a whole across all ethnic groups, with the highest rate for the Black group (at 66.5 per million population).

### **Racist incidents reported to the police**

Racist incidents are recorded by the police and, following the recommendation of the Stephen Lawrence Inquiry, refer to “any incident which is perceived to be racist by

<sup>11</sup> The figures presented in this report will differ from those published by the Home Office in *Homicides, Firearm Offences and Intimate Violence 2009/10: Supplementary Volume 2 to Crime in England and Wales 2009/10* (January 2011), which were based on the population estimates available at that time relating to 2007.

<sup>12</sup> Please note that these figures exclude data for the British Transport Police, which have been included in the other Homicide figures reported in this chapter.

the victim or any other person".<sup>13</sup> Research from across England and Wales indicates that the majority of racist incidents recorded involve either damage to property or verbal harassment.<sup>14</sup>

The latest available figures for racist incidents reported to the police in England and Wales (see Table 2.04)<sup>15</sup> show that:

- Overall, 51,187 racist incidents were recorded by the police in 2010/11 – a decrease of almost 18% across the last five years (2006/07 to 2010/11).
- The largest numeric reductions in racist incidents were recorded in the Metropolitan and West Midlands police forces who between them accounted for 3,142 (or 29%) of the overall reduction between 2006/07 and 2010/11.
- The overall downward trend for the five-year period was not shared by all police force areas (PFAs). Eleven PFAs showed an increase, with South Wales recording the largest numeric rise (521 incidents or 36%) when comparing 2006/07 with 2010/11.

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<sup>13</sup> See MacPherson, W. (1999) *The Stephen Lawrence Inquiry*. London, Stationery Office.

<sup>14</sup> See Maynard and Read (1997) *Policing Racially Motivated Incidents*, Crime Detection and Prevention Series, Paper 84, London, Home Office.

<sup>15</sup> This table is based on the Home Office Statistical Findings 1/11 (*2<sup>nd</sup> edition*) published 8 September 2011. It also draws on data previously published in *Statistics on Race and the Criminal Justice System*, Ministry of Justice.

**Table 2.04: Number of racist incidents, England and Wales 2005/06 to 2009/10**

| <b>Police force area</b>       | <b>2006/07</b> | <b>2007/08</b> | <b>2008/09</b> | <b>2009/10</b> | <b>2010/11</b> | <b>Percentage change<br/>2006/07 to<br/>2010/11</b> |
|--------------------------------|----------------|----------------|----------------|----------------|----------------|---|
| Avon & Somerset                | 2,130          | 1,884          | 1,885          | 2,037          | 1,894          | -11.1%  |
| Bedfordshire                   | 406            | 377            | 463            | 474            | 493            | 21.4%   |
| Cambridgeshire                 | 532            | 422            | 397            | 498            | 411            | -22.7%  |
| Cheshire                       | 472            | 592            | 471            | 384            | 425            | -10.0%  |
| Cleveland                      | 308            | 270            | 453            | 494            | 581            | 88.6%   |
| Cumbria                        | 242            | 270            | 256            | 213            | 219            | -9.5%   |
| Derbyshire                     | 697            | 892            | 714            | 839            | 972            | 39.5%   |
| Devon & Cornwall               | 1,116          | 1,151          | 1,001          | 1,036          | 931            | -16.6%  |
| Dorset                         | 516            | 588            | 681            | 641            | 587            | 13.8%   |
| Durham                         | 421            | 382            | 346            | 332            | 254            | -39.7%  |
| Essex                          | 921            | 926            | 738            | 858            | 796            | -13.6%  |
| Dyfed-Powys                    | 217            | 167            | 181            | 172            | 141            | -35.0%  |
| Gloucestershire                | 425            | 525            | 476            | 406            | 404            | -4.9%   |
| Greater Manchester             | 4,488          | 4,620          | 4,649          | 4,100          | 3,288          | -26.7%  |
| Gwent                          | 412            | 256            | 280            | 273            | 343            | -16.7%  |
| Hampshire                      | 2,665          | 2,537          | 1,457          | 1,564          | 1,491          | -44.1%  |
| Hertfordshire                  | 1,461          | 1,389          | 1,241          | 1,214          | 1,133          | -22.5%  |
| Humberside                     | 435            | 566            | 526            | 565            | 582            | 33.8%   |
| Kent                           | 1,384          | 1,429          | 1,522          | 1,396          | 1,357          | -2.0%   |
| Lancashire                     | 2,292          | 2,452          | 2,230          | 2,132          | 1,735          | -24.3%  |
| Leicestershire                 | 1,476          | 1,317          | 1,405          | 1,534          | 1,342          | -9.1%   |
| Lincolnshire                   | 247            | 247            | 244            | 274            | 277            | 12.1%   |
| London, City of                | 117            | 116            | 102            | 58             | 59             | -49.6%  |
| Merseyside                     | 1,800          | 1,458          | 1,448          | 1,417          | 1,313          | -27.1%  |
| Metropolitan Police<br>Service | 11,166         | 9,750          | 10,190         | 10,541         | 9,405          | -15.8%  |
| Norfolk                        | 444            | 550            | 487            | 469            | 605            | 36.3%   |
| Northamptonshire               | 1,009          | 1,050          | 937            | 926            | 801            | -20.6%  |
| Northumbria                    | 1,555          | 1,361          | 1,066          | 971            | 1,027          | -34.0%  |
| North Wales                    | 469            | 390            | 319            | 375            | 327            | -30.3%  |
| North Yorkshire                | 189            | 118            | 168            | 197            | 215            | 13.8%   |
| Nottinghamshire                | 1,445          | 1,363          | 1,539          | 1,457          | 1,256          | -13.1%  |
| South Wales                    | 1,453          | 1,332          | 1,797          | 1,810          | 1,974          | 35.9%   |
| South Yorkshire                | 1,877          | 1,901          | 1,904          | 2,264          | 2,019          | 7.6%  |
| Staffordshire                  | 1,215          | 1,111          | 1,172          | 1,290          | 1,354          | 11.4%   |
| Suffolk                        | 437            | 602            | 488            | 373            | 294            | -32.7%  |
| Surrey                         | 1,670          | 1,360          | 1,151          | 1,130          | 1,002          | -40.0%  |
| Sussex                         | 1,513          | 1,396          | 1,001          | 802            | 635            | -58.0%  |
| Thames Valley                  | 2,815          | 2,728          | 2,655          | 2,625          | 2,469          | -12.3%  |
| Warwickshire                   | 498            | 524            | 484            | 358            | 367            | -26.3%  |
| West Mercia                    | 930            | 869            | 846            | 715            | 765            | -17.7%  |
| West Midlands                  | 4,027          | 3,561          | 3,110          | 2,758          | 2,646          | -34.3%  |
| West Yorkshire                 | 3,764          | 3,405          | 2,926          | 2,687          | 2,803          | -25.5%  |
| Wiltshire                      | 415            | 241            | 308            | 213            | 195            | -53.0%  |
| <b>England and Wales</b>       | <b>62,071</b>  | <b>58,445</b>  | <b>55,714</b>  | <b>54,872</b>  | <b>51,187</b>  | <b>-17.5%</b>                                       |

Note:

Data for 2008/09 differ to those presented in the last edition of *Statistics on Race and the Criminal Justice System* due to subsequent revisions to the data collection.

## Racially and religiously aggravated offences recorded by the police

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>16</sup>

Prior to 2008/09, the racially or religiously aggravated offences category 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. For England and Wales overall, as with previous years, harassment was the main type of racially or religiously aggravated offence, accounting for over two-thirds (70%) of all offences recorded for 2010/11. This was followed by assault without injury (12%), assault occasioning actual bodily harm (9%) and criminal damage (8%). Grievous bodily harm amounted to less than 1% of all recorded offences.

- In 2010/11, the police recorded 31,486 racially or religiously aggravated offences across England and Wales. Over the five-year period from 2006/07 to 2010/11, there was a 26% fall in the number of racially or religiously aggravated offences in England and Wales from 42,554 to 31,486. Only five forces recorded a rise between 2006/07 and 2010/11, with the largest numeric increase in Suffolk at 68 offences more than the 329 total recorded in 2006/07.
- For 2010/11, the clear-up rate for racially or religiously aggravated harassment was 10 percentage points lower than for non-racially or religiously aggravated harassment (46% compared with 56%) but higher for assault without injury (45% compared with 33%) and actual bodily harm (46% compared with 40%).

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<sup>16</sup> These offences were introduced into law by sections 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 2.05: Number of police recorded racially or religiously aggravated offences, England and Wales 2006/07 to 2010/11**

| <b>Police force area</b>    | <b>2006/07</b> | <b>2007/08</b> | <b>2008/09</b> | <b>2009/10</b> | <b>2010/11</b> | <b>Percentage change 2006/07 to 2010/11</b> |
|-----------------------------|----------------|----------------|----------------|----------------|----------------|---|
| Avon & Somerset             | 1,337          | 1,027          | 1,148          | 1,162          | 1,088          | -18.6%                                      |
| Bedfordshire                | 308            | 292            | 230            | 286            | 332            | 7.8%  |
| Cambridgeshire              | 351            | 365            | 404            | 426            | 345            | -1.7%                                       |
| Cheshire                    | 557            | 536            | 424            | 375            | 370            | -33.6%                                      |
| Cleveland                   | 464            | 390            | 288            | 272            | 222            | -52.2%                                      |
| Cumbria                     | 219            | 187            | 188            | 188            | 142            | -35.2%                                      |
| Derbyshire                  | 492            | 554            | 469            | 548            | 515            | 4.7%  |
| Devon & Cornwall            | 809            | 696            | 588            | 731            | 757            | -6.4%                                       |
| Dorset                      | 291            | 294            | 302            | 256            | 240            | -17.5%                                      |
| Durham                      | 304            | 245            | 220            | 225            | 183            | -39.8%                                      |
| Dyfed-Powys                 | 167            | 125            | 113            | 99             | 79             | -52.7%                                      |
| Essex                       | 922            | 913            | 871            | 866            | 752            | -18.4%                                      |
| Gloucestershire             | 326            | 264            | 277            | 246            | 181            | -44.5%                                      |
| Greater Manchester          | 3,677          | 3,637          | 3,587          | 3,248          | 2,753          | -25.1%                                      |
| Gwent                       | 269            | 234            | 205            | 268            | 202            | -24.9%                                      |
| Hampshire                   | 1,326          | 1,320          | 1,089          | 1,002          | 903            | -31.9%                                      |
| Hertfordshire               | 954            | 846            | 709            | 697            | 485            | -49.2%                                      |
| Humberside                  | 655            | 407            | 374            | 365            | 355            | -45.8%                                      |
| Kent                        | 935            | 858            | 755            | 589            | 615            | -34.2%                                      |
| Lancashire                  | 1,238          | 1,042          | 846            | 845            | 604            | -51.2%                                      |
| Leicestershire              | 1,055          | 941            | 953            | 903            | 625            | -40.8%                                      |
| Lincolnshire                | 143            | 101            | 155            | 101            | 175            | 22.4%                                       |
| London, City of             | 83             | 73             | 57             | 45             | 58             | -30.1%                                      |
| Merseyside                  | 1,423          | 1,100          | 1,059          | 1,050          | 856            | -39.8%                                      |
| Metropolitan Police Service | 8,226          | 7,357          | 7,947          | 8,013          | 6,949          | -15.5%                                      |
| Norfolk                     | 340            | 265            | 254            | 261            | 290            | -14.7%                                      |
| North Wales                 | 356            | 316            | 300            | 292            | 249            | -30.1%                                      |
| North Yorkshire             | 234            | 172            | 191            | 203            | 212            | -9.4%                                       |
| Northamptonshire            | 422            | 455            | 359            | 401            | 361            | -14.5%                                      |
| Northumbria                 | 924            | 729            | 808            | 658            | 550            | -40.5%                                      |
| Nottinghamshire             | 715            | 793            | 840            | 820            | 689            | -3.6%                                       |
| South Wales                 | 555            | 611            | 610            | 629            | 582            | 4.9%  |
| South Yorkshire             | 1,037          | 927            | 774            | 668            | 497            | -52.1%                                      |
| Staffordshire               | 889            | 760            | 760            | 776            | 654            | -26.4%                                      |
| Suffolk                     | 329            | 328            | 316            | 361            | 397            | 20.7%                                       |
| Surrey                      | 588            | 305            | 328            | 348            | 358            | -39.1%                                      |
| Sussex                      | 991            | 776            | 586            | 667            | 546            | -44.9%                                      |
| Thames Valley               | 1,483          | 1,253          | 1,352          | 1,240          | 1,113          | -24.9%                                      |
| Warwickshire                | 379            | 416            | 357            | 269            | 268            | -29.3%                                      |
| West Mercia                 | 499            | 503            | 481            | 452            | 456            | -8.6%                                       |
| West Midlands               | 3,338          | 3,249          | 2,859          | 2,728          | 2,491          | -25.4%                                      |
| West Yorkshire              | 2,691          | 2,493          | 2,122          | 1,920          | 1,797          | -33.2%                                      |
| Wiltshire                   | 253            | 196            | 207            | 206            | 190            | -24.9%                                      |
| <b>England and Wales</b>    | <b>42,554</b>  | <b>38,351</b>  | <b>36,762</b>  | <b>35,705</b>  | <b>31,486</b>  | <b>-26.0%</b>                               |

Source: The figures in this table have been provided by the Home Office from the database used to produce 'Crime in England and Wales 2010/11' and exclude British Transport Police.

## 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 both of the following processes: being Stopped and Searched or by being arrested. Headline data have been previously published in the Home Office report *Police Powers and Procedures England and Wales 2009/10*, which also includes more information on the use of Stop and Search powers, including items most commonly searched for.

Stop and Account data have also been reported in previous versions of this report. In March 2011, the national requirement to record Stop and Account was abolished as part of the Government's commitment to reduce police bureaucracy. As a result, such data are no longer validated centrally and are therefore not included in this report.

Key points to note:

- Between 2006/07 and 2009/10, there were increases in all three Stop and Search powers (section 1 (s1) of the Police and Criminal Evidence Act 1984, section 60 (s60) of the Criminal Justice and Public Order Act 1994 and section 44 (s44) of the Terrorism Act 2000) across ethnicities.
- In 2009/10, there were 1,141,839 Stop and Searches of persons under s1 of PACE – a 20% increase compared with 2006/07.
- The number of Stops and Searches under s1 increased for all ethnicities between 2006/07 and 2009/10. The largest increase was for the Asian group (62%), followed by the Mixed and Chinese/Other ethnic groups (both of 54%) and the Black group (50%).
- Per 1,000 of the population, Black persons were Stopped and Searched 6.0 times more than White people in 2006/07 compared to 7.0 times more in 2009/10. When referring to the rate per 1,000 population<sup>17</sup> for England and Wales, it is important to bear in mind that the higher rate than that obtained for the rest of England and Wales (excluding the Metropolitan Police Service) is the product of the aggregation of 42 Police Force Areas (PFAs), each with different distributions of both ethnic population and use of Stop and Search powers. While the area served by the Metropolitan Police Service accounts for 14% of the

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<sup>17</sup> ONS experimental statistics - Population Estimates by Ethnic Group - have been used to create per 1,000 population rates for each of the ethnic groups, as such caution should be exercised when using these figures.

England and Wales population, 43% of s1 Stop and Searches are carried out by the Metropolitan Police Service.

- The number of Stop and Searches of persons under section 60 (s60) of the Criminal Justice and Public Order Act 1994 increased for all ethnicities from 44,659 in 2006/07 to 149,955 in 2008/09, and then decreased to 118,112 in 2009/10. This represents a net increase across the period of 164%.
- While the proportion of s60 Stop and Searches remained relatively stable for the Mixed and Chinese/Other ethnic groups between 2006/07 and 2009/10, the proportion for the White group decreased (from 53% to 40%) and the proportions for the Black and Asian groups increased (from 22% and 9% to 33% and 16% respectively).
- The number of Stop and Searches of persons under section 44 (s44) of the Terrorism Act 2000 increased for all ethnicities from 37,963 in 2006/07 to 197,008 in 2008/09, and then decreased to 85,311 in 2009/10. This represents a net increase over the period of 125%.
- The proportion of s44 Stop and Searches accounted for by each ethnic group remained relatively stable between 2006/07 and 2009/10, at close to 60% for the White group, 10% for the Black group, 15% for the Asian group, 2% for the Mixed group, and 4% for the Chinese or Other group.
- Across England and Wales, there was a decrease (just over 3%) in the total number of arrests in 2009/10 (1,386,030) compared to 2005/06 (1,429,785).
- Between 2005/06 and 2009/10, the number of arrests for the White group decreased, while arrests involving Black persons rose by 5% and arrests of Asian people by 13%.
- Overall, there were more arrests per 1,000 population of each BME group (except for Chinese or Other) than for people of White ethnicity in 2009/10. Per 1,000 population, Black persons were arrested 3.3 times more than White people, and those from the Mixed ethnic group 2.3 times more.
- In 2009/10, just over 9% (107,006) of s1 Stop and Searches resulted in an arrest across England and Wales as a whole – a decrease compared to 2006/07 when there were just under 12% resultant arrests. Consistent with the previous four years, a lower proportion of s1 Stop and Searches of Asian suspects resulted in an arrest (7% in 2009/10) than for the other ethnic groups.
- In 2009/10, 2% of s60 (2,870) and less than 1% (429) of s44 Stop and Searches resulted in an arrest compared with 4% and 1% respectively in 2006/07.

## Stop and Search

Police officers have the power to Stop and Search individuals under a range of legislation. This section looks only at those powers where information is recorded about the ethnicity (both self-defined and officer-identified ethnicity)<sup>18</sup> of the suspect: section 1 (s1) of the Police and Criminal Evidence Act 1984 (PACE), section 60 (s60) of the Criminal Justice and Public Order Act 1994, and section 44 (s44) of the Terrorism Act 2000.<sup>19</sup> It is important to note that use of each of these powers can be affected by specific policing operations and in response to changing levels of crime and policing needs.

Data presented in this chapter, except for five-year trends on Arrests, are based on self-defined ethnicity, as these are expected to be more reliable and more directly comparable with population data.<sup>20</sup> Across the three powers (s1, s60 and s44), data on the ethnicity of those Stopped and Searched were relatively complete. In 2009/10, self-defined ethnicity was unknown for fewer than 5% of those Stopped and Searched under s1, and just over 5% of those Stopped and Searched under s60 and under s44.

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<sup>18</sup> Section 95 of the Criminal Justice Act 1991 led to new measures to establish consistent ethnic monitoring within the police service. The areas of police activity monitored initially were: stop and searches, arrests, cautions and homicides. At this stage, the classification was based upon the police officer's visual perception of the ethnic appearance of the suspect/victim, using four categories (White, Black, Asian and Other). This was compatible with the fuller classification used in the 1991 Census and elsewhere. From 1 April 2003, in addition to the visual assessment using the 4-point classification, it has been mandatory for all police forces to record ethnicity by self-assessment by the suspect using the 16-point classification used in the 2001 Census. Both classifications have been maintained to allow for time series comparison and comparison with population estimates. Following the recent changes to police recording requirements as part of the Government's commitment to reduce police bureaucracy, police forces have been advised that they will be required to collect self defined ethnicity in all cases and, only if an individual refuses or appears to declare incorrectly, to record ethnicity based on the officer's visual perception.

<sup>19</sup> Information on Stop and Searches under the powers of section 47 of the Firearms Act 1968, section 23 of the Misuse of Drugs Act 1971, and sections 4 and 55 of the Police and Criminal Evidence Act 1984 is not included in this publication. Information on Stop and Searches under these powers is included in the Home Office report *Police Powers and Procedures England and Wales 2009/10*, which is available at [www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/police-research/hosb0711/](http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/police-research/hosb0711/)

<sup>20</sup> In 2005/06 some police forces were unable to supply data broken down by self-defined ethnicity for Stop and Search, instead supplying data broken down by officer-defined ethnicity only. As a result, data on stop and searches for four years only are presented in this report.

*Stop and Searches under section 1 (s1) PACE and other legislation*

*Extent and trends*

- In 2009/10, there were just over 1.1 million s1 Stop and Searches of persons. As in previous years, a substantial proportion of these (43%) were recorded by the Metropolitan Police Service (see Table 3.01 below).

**Table 3.01: Stop and Search section 1 PACE and other legislation by self-defined ethnicity, 2009/10**

|                                    | White        | Black        | Asian       | Mixed       | Chinese or Other | Not stated  | Total            |
|------------------------------------|--------------|--------------|-------------|-------------|------------------|-------------|------------------|
| <b>Metropolitan Police Service</b> | 45.0%        | 28.8%        | 14.3%       | 4.0%        | 2.2%             | 5.7%        | <b>489,706</b>   |
| <b>Rest of E&amp;W</b>             | 83.8%        | 3.9%         | 6.1%        | 2.2%        | 0.5%             | 3.4%        | <b>652,133</b>   |
| <b>England &amp; Wales</b>         | <b>67.2%</b> | <b>14.6%</b> | <b>9.6%</b> | <b>3.0%</b> | <b>1.2%</b>      | <b>4.4%</b> | <b>1,141,839</b> |

Source: Home Office

- Table 3.02 shows that the use of s1 Stop and Search increased from 955,113 in 2006/07 to 1,141,839 in 2009/10 – a rise of 20%. It also increased in each of the past four years across all ethnic groups, with the exception of the Black and Chinese/Other groups where the volume of Stop and Searches decreased by over 1% and over 4% respectively between 2008/09 and 2009/10.

**Table 3.02: Trends in Stop and Search section 1 PACE and other legislation by self-defined ethnicity, England and Wales 2006/07 to 2009/10**

| Year                  |   | White   | Black   | Asian   | Mixed  | Chinese or Other | Not Recorded | Total     |
|-----------------------|---|---------|---------|---------|--------|------------------|--------------|-----------|
| <b>2006/07</b>        | N | 649,211 | 111,027 | 67,882  | 22,090 | 9,074            | 95,829       | 955,113   |
|                       | % | 68.0%   | 11.6%   | 7.1%    | 2.3%   | 1.0%             | 10.0%        | 100.0%    |
| <b>2007/08</b><br>(p) | N | 705,627 | 135,620 | 83,474  | 26,306 | 12,852           | 72,484       | 1,036,363 |
|                       | % | 68.1%   | 13.1%   | 8.1%    | 2.5%   | 1.2%             | 7.0%         | 100.0%    |
| <b>2008/09</b><br>(p) | N | 765,271 | 168,766 | 100,059 | 31,995 | 14,612           | 62,060       | 1,142,763 |
|                       | % | 67.0%   | 14.8%   | 8.8%    | 2.8%   | 1.3%             | 5.4%         | 100.0%    |
| <b>2009/10</b>        | N | 767,366 | 166,249 | 109,836 | 34,087 | 13,961           | 50,340       | 1,141,839 |
|                       | % | 67.2%   | 14.6%   | 9.6%    | 3.0%   | 1.2%             | 4.4%         | 100.0%    |

Source: Home Office

Note:

1. The trend data for total s1 Stop and Searches published in *Statistics on Race and the Criminal Justice System 2008/09* did not include s1 Stop and Searches for which ethnicity had not been recorded, and will differ from the totals given here which include those for which ethnicity was not recorded.

(p) An issue has been identified with figures for one police force area for 2007/08 and 2008/09, which is currently under investigation. As a result, figures for these years are indicative only and subject to change.

- The greatest percentage rise between 2006/07 and 2009/10 was recorded for the Asian group, where the number of s1 Stop and Searches increased by 62%.
- The percentage of s1 Stop and Searches accounted for by the White group decreased slightly from 68% in 2006/07 to 67% in 2009/10, while the percentages for the Black and Asian groups increased slightly from 12% and 7% in 2006/07 to 15% and 10% in 2009/10 respectively.

**Table 3.03: Stop and Search section 1 PACE and other legislation per 1,000 population by self-defined ethnicity, England and Wales 2006/07 to 2009/10**

| Year                         | White | Black | Asian | Mixed | Chinese or Other | All persons |
|------------------------------|-------|-------|-------|-------|------------------|-------------|
| <b>2006/07</b>               | 15.2  | 91.6  | 28.3  | 37.4  | 13.5             | <b>20.1</b> |
| <b>2007/08<sup>(p)</sup></b> | 16.5  | 108.4 | 33.1  | 42.5  | 18.0             | <b>21.7</b> |
| <b>2008/09<sup>(p)</sup></b> | 17.9  | 131.0 | 38.1  | 49.3  | 19.3             | <b>23.7</b> |
| <b>2009/10</b>               | 17.9  | 125.7 | 40.2  | 50.3  | 17.5             | <b>23.6</b> |

Source: Home Office

Note:

1. ONS experimental statistics - Population Estimates by Ethnic Group - have been used to create separate rates per 1,000 population for each ethnic group. Caution should therefore be exercised when using these figures.

2. Rates may differ from those previously published as based on the most recently available population estimates.

<sup>(p)</sup> An issue has been identified with figures for one police force area for 2007/08 and 2008/09, which is currently under investigation. As a result, figures for these years are indicative only and subject to change.

#### *Rates per 1,000 population*

After accounting for the differences in ethnic populations across England and Wales<sup>21</sup>, the rates of Stop and Search per 1,000 population for each ethnic group were higher in 2009/10 than in 2006/07 (see Table 3.03).

- The increases in the rates of Stop and Search per 1,000 population for White persons were the same as for all persons in England and Wales (1.2 times more in 2009/10 compared with 2006/07). For the Black and Minority Ethnic groups, the increases in the rates of Stop and Search per 1,000 population were slightly higher than those for the White group (1.4 times more in 2009/10 compared with 2006/07 for the Black and Asian groups, and 1.3 times more for the Mixed and Chinese or Other groups).
- Per 1,000 of the population, Black persons were Stopped and Searched 7.0 times more than White people in 2009/10 compared to 6.0 times more in

<sup>21</sup> Population estimates by ethnic group were adjusted by Ministry of Justice statisticians to include only those aged 10 and over and aggregated to police force area level. Rates of Stop and Search per 1,000 population per ethnic group were then calculated by dividing the number of Stop and Searches for an ethnic group by the estimated population for that ethnic group in the same region and multiplying by 1,000.

2006/07. This represents a decrease since 2008/09, when Black persons were Stopped and Searched 7.3 times more than White persons.

- Per 1,000 of the population, Asian persons were Stopped and Searched 2.2 times more than White people in 2009/10 compared with 1.9 times more in 2006/07.
- Per 1,000 of the population, Mixed persons were Stopped and Searched 2.8 times more than White people in 2009/10 compared with 2.5 times more in 2006/07.
- Per 1,000 population, the rate of Stop and Search for the Chinese or Other group was similar to that for the White group in 2009/10, which is consistent with 2006/07.

By using available population data, it is possible to estimate the relative frequency of use of these Stop and Search powers on different ethnic groups per 1,000 population<sup>22</sup> by police force area (PFA).

- When referring to the rate per 1,000 population<sup>23</sup> for England and Wales, it is important to bear in mind that the higher rate than that obtained for the rest of England and Wales (excluding the Metropolitan Police Service) is the product of the aggregation of 42 police force areas (PFAs), each with different distributions of both ethnic population and use of Stop and Search powers. While the area served by the Metropolitan Police Service accounts for 14% of the England and Wales population, 43% of s1 Stop and Searches are carried out by the Metropolitan Police Service.
- In London<sup>24</sup>, there were 4.6 times more Stop and Searches involving Black people than White people (214 per 1,000 compared with 47 per 1,000) in 2009/10.
- In the rest of England and Wales, there were 2.6 times more Stop and Searches of Black people compared to White people (37 per 1,000 compared with 14 per 1,000) in 2009/10.

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<sup>22</sup> Population Estimates by Ethnic Group were adjusted by Ministry of Justice statisticians to include only those aged 10 and over and aggregated to police force area level. Rates of Stop and Search per 1,000 population per ethnic group were then calculated by dividing the number of Stop and Searches for an ethnic group by the estimated population of that ethnic group in the same region and multiplying by 1,000.

<sup>23</sup> ONS experimental statistics: Population Estimates by Ethnic Group have been used to create per 1,000 population rates for each of the ethnic groups. Caution should therefore be exercised when using these figures.

<sup>24</sup> To enable the calculation of rates per 1,000 population, figures for London in Table 3.04 include data for both the Metropolitan Police Service and the City of London police. Elsewhere in this chapter, data for the two police force areas have been reported separately.

- Across individual PFAs<sup>25</sup>, the ratio of Stop and Searches per 1,000 population for the Black compared with the White ethnic group ranged from 4.9 times in Gwent and Nottinghamshire to 0.4 times in Durham.<sup>26</sup> This means that in Durham, there were more Stop and Searches of White people per 1,000 population than Black people.
- For people from an Asian background, the ratio of Stop and Searches per 1,000 population compared to White people ranged from 4.5 times in Gwent to 0.2 times in Durham.
- For those persons from a Mixed background, the ratio of Stop and Searches per 1,000 population compared to White people ranged from 4.3 times in Nottinghamshire and the West Midlands, to 0.3 times in Durham and in Northumbria.
- The Chinese or Other to White ratio of Stop and Searches per 1,000 population ranged from 1.3 times in Gwent to less than 0.1 times in Lincolnshire and Northumbria.

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<sup>25</sup> Please note that ratios included in the text are based on unrounded figures and may differ from those obtained based on Table 3.04, which presents whole numbers.

<sup>26</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.

**Table 3.04: Stop and Search section 1 PACE and other legislation per 1,000 population by self-defined ethnicity and police force area, 2009/10**

| Police force area           | White     | Black      | Asian     | Mixed     | Chinese or Other | All persons |
|-----------------------------|-----------|------------|-----------|-----------|------------------|-------------|
| Avon & Somerset             | 9         | 40         | 4         | 23        | 2                | 12          |
| Bedfordshire                | 10        | 37         | 22        | 41        | 4                | 14          |
| Cambridgeshire              | 9         | 11         | 11        | 13        | 3                | 9           |
| Cheshire                    | 6         | 9          | 7         | 7         | 5                | 6           |
| Cleveland                   | 49        | 42         | 44        | 37        | 38               | 49          |
| Cumbria                     | 23        | 16         | 18        | 15        | 5                | 23          |
| Derbyshire                  | 9         | 24         | 18        | 24        | 3                | 9           |
| Devon & Cornwall            | 15        | 24         | 5         | 16        | 3                | 16          |
| Dorset                      | 10        | 44         | 10        | 17        | 5                | 10          |
| Durham                      | 11        | 4          | 2         | 3         | 1                | 11          |
| Dyfed-Powys                 | 27        | 30         | 14        | 18        | 10               | 27          |
| Essex                       | 6         | 14         | 6         | 16        | 2                | 6           |
| Gloucestershire             | 10        | 35         | 10        | 29        | 4                | 11          |
| Greater Manchester          | 15        | 68         | 24        | 47        | 10               | 18          |
| Gwent                       | 17        | 83         | 76        | 43        | 21               | 18          |
| Hampshire                   | 12        | 48         | 13        | 28        | 9                | 13          |
| Hertfordshire               | 12        | 35         | 18        | 36        | 7                | 14          |
| Humberside                  | 12        | 16         | 9         | 16        | 12               | 12          |
| Kent                        | 10        | 26         | 10        | 17        | 4                | 10          |
| Lancashire                  | 17        | 26         | 27        | 24        | 4                | 18          |
| Leicestershire              | 23        | 94         | 38        | 62        | 3                | 28          |
| Lincolnshire                | 17        | 18         | 6         | 11        | 1                | 17          |
| London                      | 47        | 214        | 80        | 105       | 44               | 73          |
| Merseyside                  | 37        | 55         | 12        | 33        | 16               | 37          |
| Norfolk                     | 17        | 57         | 11        | 23        | 4                | 17          |
| Northamptonshire            | 18        | 53         | 24        | 42        | 6                | 20          |
| Northumbria                 | 32        | 20         | 19        | 11        | 3                | 31          |
| North Wales                 | 10        | 9          | 6         | 10        | 4                | 10          |
| North Yorkshire             | 9         | 10         | 11        | 9         | 3                | 9           |
| Nottinghamshire             | 5         | 23         | 8         | 20        | 3                | 6           |
| South Wales                 | 14        | 46         | 13        | 16        | 5                | 14          |
| South Yorkshire             | 21        | 83         | 39        | 48        | 3                | 24          |
| Staffordshire               | 8         | 17         | 16        | 21        | 3                | 8           |
| Suffolk                     | 6         | 21         | 5         | 18        | 5                | 7           |
| Surrey                      | 13        | 28         | 17        | 22        | 6                | 14          |
| Sussex                      | 12        | 26         | 15        | 20        | 5                | 13          |
| Thames Valley               | 18        | 62         | 36        | 63        | 6                | 22          |
| Warwickshire                | 15        | 45         | 17        | 59        | 6                | 16          |
| West Mercia                 | 10        | 28         | 23        | 30        | 1                | 11          |
| West Midlands               | 5         | 23         | 18        | 21        | 4                | 8           |
| West Yorkshire              | 16        | 38         | 34        | 40        | 10               | 19          |
| Wiltshire                   | 10        | 38         | 8         | 19        | 5                | 10          |
| <b>England and Wales</b>    | <b>18</b> | <b>126</b> | <b>40</b> | <b>50</b> | <b>18</b>        | <b>24</b>   |
| <i>E&amp;W excl. London</i> | <i>14</i> | <i>37</i>  | <i>21</i> | <i>29</i> | <i>6</i>         | <i>16</i>   |

Source: Home Office

Note:

1. ONS experimental statistics - Population Estimates by Ethnic Group - have been used to create rates per 1,000 population, as such caution should be exercised when using these figures.
2. To enable the calculation of rates per 1,000 population, figures for 'London' in the above table include data for both the Metropolitan Police Service and the City of London police. Elsewhere in this chapter, data for the two police force areas have been reported separately.

### Section 60 Stop and Searches

Section 60 of the Criminal Justice and Public Order Act 1994 gives police the right to search people in a defined area at a specific time when they believe, with good reason, that: there is the possibility of serious violence; that a person is carrying a dangerous object or offensive weapon; or, that an incident involving serious violence has taken place and a dangerous instrument or offensive weapon used in the incident is being carried in the locality.

**Table 3.05: Stop and Search section 60 legislation by self-defined ethnicity, 2009/10**

|                                    | White        | Black        | Asian        | Mixed       | Chinese or Other | Not stated  | Total          |
|------------------------------------|--------------|--------------|--------------|-------------|------------------|-------------|----------------|
| <b>Metropolitan Police Service</b> | 27.2%        | 40.9%        | 19.5%        | 4.8%        | 1.4%             | 6.2%        | <b>90,809</b>  |
| <b>Rest of E&amp;W</b>             | 82.9%        | 6.5%         | 4.8%         | 2.7%        | 0.6%             | 2.5%        | <b>27,303</b>  |
| <b>England &amp; Wales</b>         | <b>40.1%</b> | <b>32.9%</b> | <b>16.1%</b> | <b>4.3%</b> | <b>1.2%</b>      | <b>5.4%</b> | <b>118,112</b> |

Source: Home Office

- Table 3.05 shows that, in 2009/10, there were 118,112 Stop and Searches under s60 – an increase of 164% from the 44,659 recorded in 2006/07. The largest increases were recorded for the Black and Asian groups (at 303%, up from 9,644 in 2006/07 to 38,902 in 2009/10, and 399%, up from 3,806 in 2006/07 to 19,008 in 2009/10, respectively).
- Although the use of s60 Stop and Search increased substantially across the ethnicities between 2006/07 and 2008/09, it decreased between 2008/09 (149,955) and 2009/10 (118,112).
- While the proportion of s60 Stop and Searches remained relatively stable for the Mixed and Chinese/Other ethnic groups between 2006/07 and 2009/10, the proportion for the White group decreased (from 53% to 40%) and the proportions for the Black and Asian groups increased (from 22% and 9% to 33% and 16% respectively).
- In 2009/10, 77% of s60 Stop and Searches were carried out in the Metropolitan Police Service area and another 13% in the Merseyside police force area. Due to the concentration of s60 Stop and Search powers in particular PFAs and at specific times, it is difficult to accurately identify the relevant population for comparison. Rates per 1,000 population have therefore not been calculated.

### *Section 44 Stop and Searches*

Under s44<sup>27</sup> of the Terrorism Act 2000, subject to confirmation by the Home Secretary within a 48-hour period, police forces were able to apply to carry out such Stops and Searches within a particular area during an agreed period without the need of reasonable suspicion. The majority of those police forces that regularly authorised the use of s44 ceased using the power following the Home Secretary's statement on 8 July 2010<sup>28</sup>. Data on s44 Stop and Searches will therefore be replaced with data on use of the new s47A power<sup>29</sup> in future editions of this report.

- In 2009/10, 85,311 s44 Stop and Searches were recorded across England and Wales. Although the use of s44 Stop and Search increased substantially between 2006/07 (37,963) and 2008/09 across the ethnicities, the use of s44 Stop and Search decreased between 2008/09 (197,008) and 2009/10 (85,311).
- Across ethnicities, the largest increase was recorded for the Black group (212%, up from 2,970 in 2006/07 to 9,261 in 2009/10), followed by Chinese or Other (207%, up from 1,210 in 2006/07 to 3,709 in 2009/10), Asian (202%, up from 4,911 in 2006/07 to 14,853 in 2009/10) and White (115%, up from 23,787 in 2006/07 to 51,165 in 2009/10).
- The proportion of s44 Stop and Searches accounted for by each ethnic group remained relatively stable between 2006/07 and 2009/10, at close to 60% for the White group, 10% for the Black group, 15% for the Asian group, 2% for the Mixed group, and 4% for the Chinese or Other group.
- In 2009/10, 96% of s44 Stop and Searches were carried out by the Metropolitan Police Service.
- Due to the change in use of this power across police forces and its concentration in particular areas and at specific times, rates per 1,000 population are not presented.

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<sup>27</sup> Figures in this publication include both s44(1) for vehicles, drivers and passengers and s44(2) for pedestrians.

<sup>28</sup> The full statement can be found via this link: <http://webarchive.nationalarchives.gov.uk/+/http://www.homeoffice.gov.uk/publications/parliamentary-business/oral-statements/stop-and-search-statement/?view=Standard&pubID=821759>. Furthermore, the Home Secretary announced on 26 January 2011 the findings from the review of counter-terrorism and security powers. One of the recommendations of the review was that stop and search powers under sections 44 to 47 of the Terrorism Act 2000 should be repealed and replaced with a much more limited power.

<sup>29</sup> As noted in Povey et al (2011, p.39): 'An authorisation for the use of the new stop and search powers can only be given under section 47A where the person giving it reasonably suspects an act of terrorism will take place and considers the powers are necessary to prevent such an act. An authorisation can last for no longer and cover no greater an area than is necessary to prevent such an act. This represents a significantly higher threshold for giving an authorisation than the "expediency" test under section 44 of the 2000 Act. As a result, the numbers of section 47A searches are expected to be greatly reduced from the number of section 44 searches prior to the remedial order. Information on this will be available as data on use of section 47A is being collected in place of section 44.'

## Arrests

Because the ethnicity of all those who commit crime is not known (i.e. those who are not arrested or dealt with by the courts), 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) suggested that an individual's ethnic group was not significantly associated with increased or reduced likelihood of offending.

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

Data on the ethnicity of those who were arrested are relatively complete. In 2009/10, officer-identified ethnicity was unknown for just over 1% of those arrested and self-defined ethnicity was unknown for just over 2% of those arrested.

For consistency with the last edition of this report, Table 3.06 shows the number of arrests recorded between 2005/06 and 2009/10 by officer-identified ethnicity. Key findings are:

- Overall, there was a 3% decrease in the number of arrests between 2005/06 and 2009/10 from 1,429,785 to 1,386,030.
- Between 2005/06 and 2008/09, the number of arrests of White persons remained close to 1.2 million, decreasing to 1.1 million in 2009/10.<sup>30</sup>
- In 2009/10, the number of arrests of Black persons was 5% higher than in 2005/06 and arrests of Asian persons 13% higher.

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<sup>30</sup> To maintain consistency with previously published figures for five-year trends, figures broken down by officer-identified ethnicity have been given. Elsewhere in the publication, figures broken down by self-identified ethnicity are given as they include the Mixed ethnic group.

**Table 3.06: Arrests by officer-identified ethnicity, England and Wales 2005/06 to 2009/10**

| Year           | White     | Black   | Asian  | Other  | Not recorded | Total            |
|----------------|-----------|---------|--------|--------|--------------|------------------|
| <b>2005/06</b> | 1,197,657 | 130,781 | 73,298 | 19,300 | 8,747        | <b>1,429,785</b> |
| <b>2006/07</b> | 1,196,430 | 137,031 | 75,591 | 18,475 | 50,398       | <b>1,477,925</b> |
| <b>2007/08</b> | 1,208,722 | 139,114 | 79,631 | 19,272 | 28,527       | <b>1,475,266</b> |
| <b>2008/09</b> | 1,190,834 | 137,822 | 83,211 | 21,391 | 28,881       | <b>1,462,139</b> |
| <b>2009/10</b> | 1,111,990 | 137,389 | 82,738 | 35,703 | 18,210       | <b>1,386,030</b> |

Source: Home Office

1. The trend data for total arrests published in *Statistics on Race and the Criminal Justice System*

2008/09 did not include arrests for which ethnicity had not been recorded, and will differ from the totals given here which include arrests for which ethnicity was not recorded.

2. Figures for 2005/06 included estimated figures from North Yorkshire. Individual figures may not sum to total due to rounding.

3. To maintain consistency with previously published figures for five-year trends, figures broken down by officer-identified ethnicity have been given. Elsewhere in the publication, figures broken down by self-identified ethnicity are given as they include the Mixed ethnic group.

Ethnicity data based on the self-defined classification are more directly comparable with estimates of the general population, and are therefore presented in the remainder of this section. Table 3.07 shows the number of arrests by self-defined ethnicity for the most recent year available for England and Wales as a whole, the Metropolitan Police Service and the rest of England and Wales.

**Table 3.07: Arrests by self-defined ethnicity, 2009/10**

|                                    | White        | Black       | Asian       | Mixed       | Chinese or Other | Not recorded | Total            |
|------------------------------------|--------------|-------------|-------------|-------------|------------------|--------------|------------------|
| <b>Metropolitan Police Service</b> | 48.9%        | 27.0%       | 11.4%       | 5.8%        | 3.8%             | 3.1%         | <b>240,816</b>   |
| <b>Rest of E&amp;W</b>             | 86.1%        | 4.0%        | 4.4%        | 2.3%        | 1.0%             | 2.2%         | <b>1,145,214</b> |
| <b>England &amp; Wales</b>         | <b>79.6%</b> | <b>8.0%</b> | <b>5.6%</b> | <b>2.9%</b> | <b>1.5%</b>      | <b>2.4%</b>  | <b>1,386,030</b> |

Source: Home Office

- Of the 1,386,030 arrests recorded across England and Wales in 2009/10, 17% were carried out by the Metropolitan Police Service.
- White persons accounted for almost four-fifths of arrests across England and Wales as a whole, Black people for 8% and Asians for just under 6%.
- In the Metropolitan Police Service, White persons accounted for around 50% of arrests, Black people for 27% and Asians for over 11%.
- In the rest of England and Wales, White persons accounted for over 86% of arrests, Black persons for 4% and Asian persons just over 4%.

Table 3.08 shows rates of arrests per 1,000 population by PFA for 2009/10, which have been calculated using the 2009 experimental statistics (PEEGs) published by ONS.

- Across England and Wales as a whole, there were more arrests per 1,000 population for each of the BME groups (except for Chinese or Other) than for people of White ethnicity. There were 84 arrests per 1,000 population for the Black group compared with 26 arrests per 1,000 population for the White group, 29 per 1,000 for the Asian group and 59 per 1,000 for those from a Mixed ethnic background.
- Per 1,000 population, Black persons were arrested 3.3 times more than White people, and those from the Mixed ethnic group 2.3 times more.
- Across PFAs, the ratio of arrests per 1,000 population for Black compared to White persons ranged from 4.0 in Gwent to 0.7 in Durham (i.e. more arrests per 1,000 population of White people than Black people).
- The ratio of arrests per 1,000 population for Asian compared to White persons ranged from 2.0 in Gwent to just under 0.4 in Dyfed-Powys and North Yorkshire.
- The ratio of arrests per 1,000 population for Mixed compared to White persons ranged from 3.6 in Bedfordshire to 0.3 in North Yorkshire.
- The ratio of arrests per 1,000 population for Chinese or Other compared to White persons ranged from 2.2 in Kent to 0.2 in Lancashire.

**Table 3.08: Arrests per 1,000 population by self-identified ethnicity and police force area, England and Wales 2009/10**

| Police force area           | White     | Black     | Asian     | Mixed     | Chinese or Other | All persons |
|-----------------------------|-----------|-----------|-----------|-----------|------------------|-------------|
| Avon & Somerset             | 23        | 89        | 14        | 52        | 11               | 24          |
| Bedfordshire                | 25        | 77        | 37        | 90        | 16               | 29          |
| Cambridgeshire              | 27        | 51        | 30        | 55        | 13               | 29          |
| Cheshire                    | 21        | 49        | 20        | 20        | 28               | 21          |
| Cleveland                   | 43        | 61        | 38        | 46        | 28               | 43          |
| Cumbria                     | 25        | 32        | 14        | 22        | 17               | 24          |
| Derbyshire                  | 21        | 65        | 36        | 54        | 23               | 22          |
| Devon & Cornwall            | 18        | 30        | 11        | 26        | 5                | 18          |
| Dorset                      | 23        | 55        | 19        | 37        | 15               | 24          |
| Durham                      | 33        | 24        | 14        | 31        | 13               | 33          |
| Dyfed-Powys                 | 26        | 22        | 10        | 11        | 16               | 26          |
| Essex                       | 29        | 75        | 21        | 52        | 18               | 30          |
| Gloucestershire             | 23        | 79        | 20        | 49        | 23               | 25          |
| Greater Manchester          | 28        | 76        | 31        | 73        | 19               | 30          |
| Gwent                       | 28        | 113       | 58        | 48        | 31               | 29          |
| Hampshire                   | 26        | 68        | 18        | 47        | 23               | 27          |
| Hertfordshire               | 21        | 65        | 19        | 60        | 20               | 24          |
| Humberside                  | 31        | 42        | 27        | 43        | 21               | 31          |
| Kent                        | 26        | 60        | 27        | 32        | 55               | 28          |
| Lancashire                  | 33        | 31        | 31        | 72        | 6                | 34          |
| Leicestershire              | 24        | 88        | 28        | 56        | 19               | 26          |
| Lincolnshire                | 26        | 33        | 16        | 28        | 15               | 26          |
| London                      | 25        | 99        | 32        | 75        | 38               | 36          |
| Merseyside                  | 35        | 95        | 17        | 40        | 29               | 36          |
| Norfolk                     | 22        | 65        | 12        | 32        | 11               | 22          |
| Northamptonshire            | 23        | 87        | 22        | 49        | 15               | 25          |
| Northumbria                 | 40        | 48        | 26        | 18        | 17               | 39          |
| North Wales                 | 36        | 64        | 16        | 20        | 33               | 36          |
| North Yorkshire             | 24        | 29        | 9         | 8         | 22               | 29          |
| Nottinghamshire             | 32        | 104       | 31        | 101       | 18               | 34          |
| South Wales                 | 28        | 92        | 22        | 43        | 29               | 29          |
| South Yorkshire             | 28        | 89        | 30        | 33        | 22               | 29          |
| Staffordshire               | 24        | 62        | 39        | 68        | 33               | 26          |
| Suffolk                     | 23        | 78        | 17        | 62        | 11               | 24          |
| Surrey                      | 14        | 31        | 13        | 17        | 7                | 15          |
| Sussex                      | 25        | 76        | 22        | 46        | 19               | 27          |
| Thames Valley               | 24        | 87        | 37        | 77        | 15               | 27          |
| Warwickshire                | 18        | 49        | 19        | 51        | 11               | 19          |
| West Mercia                 | 22        | 54        | 31        | 38        | 14               | 23          |
| West Midlands               | 18        | 64        | 24        | 55        | 29               | 23          |
| West Yorkshire              | 29        | 67        | 39        | 89        | 28               | 33          |
| Wiltshire                   | 16        | 56        | 15        | 41        | 12               | 17          |
| <b>England and Wales</b>    | <b>26</b> | <b>84</b> | <b>29</b> | <b>59</b> | <b>25</b>        | <b>29</b>   |
| <i>E&amp;W excl. London</i> | <i>26</i> | <i>69</i> | <i>27</i> | <i>53</i> | <i>20</i>        | <i>27</i>   |

Source: Home Office

Note:

1. ONS experimental statistics - Population Estimates by Ethnic Group - have been used to create rates per 1,000, and caution should therefore be exercised when using these figures.
2. To enable the calculation of rates per 1,000 population, figures for 'London' in the above table include data for both the Metropolitan Police Service and the City of London police. Elsewhere in this chapter, data for the two police force areas have been reported separately.

## Arrests resulting from Stop and Search

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. The proportions of arrests resulting from Searches under s1, s60 and s44 should not therefore be regarded as a misuse of the power.

Data on resultant arrests for 2006/07 to 2009/10 are presented in this section for consistency with other data on Stop and Search.

Table 3.09 shows the proportion of resultant arrests for s1 Stop and Searches in 2009/10.

**Table 3.09: Percentage of resultant arrests for Stop and Search section 1 PACE and other legislation by self-defined ethnicity, 2009/10**

|                            |               | White  | Black  | Asian | Mixed | Chinese or Other | Not stated | Total          |
|----------------------------|---------------|--------|--------|-------|-------|------------------|------------|----------------|
| <b>Metropolitan</b>        | N             | 17,944 | 11,637 | 4,401 | 1,900 | 1,084            | 2,185      | <b>39,151</b>  |
|                            | % of Searches | 8.1%   | 8.3%   | 6.3%  | 9.7%  | 10.1%            | 7.8%       | <b>8.0%</b>    |
| <b>Rest of E &amp; W</b>   | N             | 57,993 | 2,673  | 3,221 | 1,297 | 403              | 2,268      | <b>67,855</b>  |
|                            | % of Searches | 10.6%  | 10.6%  | 8.1%  | 8.9%  | 12.5%            | 10.2%      | <b>10.4%</b>   |
| <b>England &amp; Wales</b> | N             | 75,937 | 14,310 | 7,622 | 3,197 | 1,487            | 4,453      | <b>107,006</b> |
|                            | % of Searches | 9.9%   | 8.6%   | 6.9%  | 9.4%  | 10.7%            | 8.8%       | <b>9.4%</b>    |

Source: Home Office

- In 2009/10, just over 9% (107,006) of s1 Stop and Searches in England and Wales resulted in an arrest. This percentage has decreased steadily from 2006/07 when it was just under 12%.
- With the exception of the Mixed ethnic group, s1 Stop and Searches in the Metropolitan Police Service area led to fewer resultant arrests than in the rest of England and Wales (8% and 10% respectively overall).
- In England and Wales, the lowest percentage of s1 resultant arrests was for the Asian group (7%), with s1 resultant Arrests for the Chinese or Other ethnic group the highest (11%). This is consistent with previous years, including 2006/07 when the proportion of s1 Stop and Searches resulting in arrests for the Asian group was 10% compared to 17% for the Chinese or Other group.

**Table 3.10: Percentage of resultant arrests for Stop and Search section 60 of the Criminal Justice and Public Order Act 1994 by self-defined ethnicity, 2009/10**

|                                    |               | White | Black | Asian | Mixed | Chinese or Other | Not stated | Total        |
|------------------------------------|---------------|-------|-------|-------|-------|------------------|------------|--------------|
| <b>Metropolitan Police Service</b> | N             | 553   | 938   | 228   | 116   | 45               | 111        | <b>1,991</b> |
|                                    | % of Searches | 2.2%  | 2.5%  | 1.3%  | 2.6%  | 3.6%             | 2.0%       | <b>2.2%</b>  |
| <b>Rest of E &amp;W</b>            | N             | 740   | 46    | 42    | 22    | 4                | 25         | <b>879</b>   |
|                                    | % of Searches | 3.3%  | 2.6%  | 3.2%  | 3.0%  | 2.5%             | 3.7%       | <b>3.2%</b>  |
| <b>England &amp; Wales</b>         | N             | 1,293 | 984   | 270   | 138   | 49               | 136        | <b>2,870</b> |
|                                    | % of Searches | 2.7%  | 2.5%  | 1.4%  | 2.7%  | 3.5%             | 2.1%       | <b>2.4%</b>  |

Source: Home Office

- In 2009/10, just over 2% (2,870) of s60 Stop and Searches in England and Wales resulted in an arrest. This percentage has decreased from 2006/07 when it was just under 4%.
- In England and Wales, the lowest percentage of s60 resultant arrests was for the Asian group (1%), with resultant arrests for the Chinese or Other ethnic group the highest (over 3%). This represents a change from 2006/07 when the proportion of s60 Stop and Searches resulting in arrests was highest for the Black group (over 4%) and lowest for the Asian group (just under 3%).

**Table 3.11: Percentage of resultant arrests for Stop and Search under section 44(1) and 44(2) of the Terrorism Act by self-defined ethnicity, 2009/10**

|                                    |               | White | Black | Asian | Mixed | Chinese or Other | Not stated | Total       |
|------------------------------------|---------------|-------|-------|-------|-------|------------------|------------|-------------|
| <b>Metropolitan Police Service</b> | N             | 159   | 99    | 84    | 8     | 27               | 21         | <b>398</b>  |
|                                    | % of Searches | 0.3%  | 1.1%  | 0.6%  | 0.4%  | 0.7%             | 0.5%       | <b>0.5%</b> |
| <b>Rest of E &amp;W</b>            | N             | 13    | 5     | 5     | 5     | 1                | 2          | <b>31</b>   |
|                                    | % of Searches | 0.5%  | 2.4%  | 1.0%  | 6.8%  | 1.7%             | 1.2%       | <b>0.8%</b> |
| <b>England &amp; Wales</b>         | N             | 172   | 104   | 89    | 13    | 28               | 23         | <b>429</b>  |
|                                    | % of Searches | 0.3%  | 1.1%  | 0.6%  | 0.7%  | 0.8%             | 0.5%       | <b>0.5%</b> |

Source: Home Office

- In 2009/10, less than 1% (429) of s44 Stop and Searches in England and Wales resulted in an arrest. This percentage has decreased from 2006/07 when it was just over 1%.

- In England and Wales, the lowest percentage of s44 resultant arrests was for the White group (0.3%), with resultant arrests for the Black group the highest (1.1%). The gap between the two groups has narrowed compared with 2006/07 when the proportion of s60 Stop and Searches resulting in arrests was highest for the Black group (2.7%) and lowest for the White group (0.8%).

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

This chapter looks at outcomes for defendants<sup>31</sup> in the CJS in 2010. It contains information on out of court disposals and court sanctions issued to different ethnic groups. Data on cautions and Penalty Notices for Disorder (PNDs) are reported centrally by the police, and court data are provided by the magistrates' courts and the Crown Court. The analysis presented in this chapter builds on that in *Criminal Justice Statistics, England and Wales 2010*, and is based on the 4+1 visual appearance classification (see Appendix C) to ensure consistency between Ministry of Justice publications.

While court data for offence groups<sup>32</sup> are presented in the supplementary tables of this report, these each include a range of offences that differ in seriousness and which may impact on the final disposal issued. This makes it difficult to draw conclusions about consistency in sentencing between different ethnic groups. To address this as far as possible with the available data, a more detailed analysis is presented in this chapter which examines sentencing by ethnicity for three specific offence types (actual bodily harm, burglary in a dwelling, and possession for a controlled drug Class A), and for the violence against the person offence group.

Key points were:

- A total of 140,769 PNDs were issued in 2010. Of these, 73% were issued to White people, 5% to Asians, 4% to people from the Other ethnic group, 2% to Black people, and 15% to people of unknown ethnicity. These patterns were relatively consistent for both Higher and Lower Tier offences.
- In 2010, 230,109 people received a police caution for notifiable offences, a decrease of 32% compared to 2006. Despite the decrease in overall numbers cautioned, there were minimal changes in the ethnic distribution of those cautioned from 2006 to 2010 with White people receiving 81%–83% of cautions, Black people 6%–7% and Asians 4%–5% in each year.
- There were wide variations in the ethnic distribution of those cautioned for differing offence types in 2010. For example, comparing the highest and lowest proportions for each ethnic group showed that White people accounted for 90% of

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<sup>31</sup> The figures stated are not a measure of individuals as it is possible for an individual to receive more than one sanction in a year.

<sup>32</sup> These include: violence against the person; sexual offences; burglary; robbery; theft and handling stolen goods; fraud and forgery; criminal damage; drug offences; other indictable offences; and summary offences.

cautions for burglary and criminal damage, but 65% of cautions for robbery. Black people accounted for 22% of cautions for robbery, 12% for fraud and forgery and 3% for burglary.

- Conviction ratios for indictable offences were higher for White persons in 2010 than for those in the Black and Asian groups (81% for White, 74% for Black, and 77% for Asian).
- A higher percentage of those in the BME groups were sentenced to immediate custody for indictable offences than in the White group in 2010 (White 23%, Black 27%, Asian 29% and Other 42%). This may in part be due to differences in plea between ethnic groups.
- In 2010, the highest average custodial sentence length (ACSL) for those given determinate sentences for indictable offences was recorded for the Black ethnic group, at 20.8 months, followed by the Asian and Other groups with averages of 19.9 months and 19.7 months respectively. The lowest ACSL was recorded for the White group at 14.9 months. As with the proportion sentenced to immediate custody, these findings should be treated with caution as there are a number of factors which could effect sentence length including the mix of crimes committed, the seriousness of the offences and the plea entered.

## **CJS disposals**

This section explores differences in the disposals received by defendants of different ethnic groups in the CJS in 2010. It looks separately at out of court disposals (PNDs and cautions) and sanctions issued at court. It should be noted that data on out of court disposals and court sanctions are not strictly comparable with those on arrests presented in the previous chapter due to differences in the time periods covered and because the aggregated offence categories for these sources do not directly compare.

### **Out of court disposals**

Out of court disposals available to the police are PNDs and cautions (including conditional cautions). PNDs are used to deal with low-level criminal behaviour, but no criminal conviction or admission of guilt is associated with payment of the penalty. Cautions<sup>33</sup> are formal warnings given by senior police officers to a person who

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<sup>33</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.

admits to having committed a criminal offence which could have led to a prosecution. They cover a wider range of offences than PNDs. Due to the differences in offence categories, it is not possible to produce analyses for all out of court disposals by offence group. Data for PNDs and cautions have therefore been presented separately.

Table 4.01 shows the percentage of persons issued with a PND by observed ethnic appearance. The main findings were as follows:

- A total of 140,769 PNDs were issued in 2010. Of these, 73% were issued to White people, 5% to Asians, 4% to people of Other ethnicity and 2% to Black people, which is relatively consistent with 2009.
- PNDs can be issued for Higher Tier Offences (covering, for example, theft and being drunk and disorderly) and Lower Tier Offences (including, for example, trespassing on a railway and consumption of alcohol in a designated public place).
- In 2010, the majority of PNDs were given for Higher Tier Offences. The ethnic distribution of those issued PNDs was relatively similar for both the Higher and Lower Tier Offence Groups.<sup>34</sup> Nearly three-quarters (74%) of PNDs for Higher Tier Offences were issued to White people in 2010 compared to 71% for Lower Tier Offences.
- The proportion where the ethnic group was not recorded was 15% in 2010, compared to 19% in 2009.

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<sup>34</sup> PNDs are a fixed penalty of £50 (Lower Tier Offences) or £80 (Higher Tier Offences).

**Table 4.01: Percentage of persons issued with a Penalty Notice for Disorder by observed ethnic appearance, England and Wales 2009 and 2010**

| Ethnicity            | 2009                       |                           |                    | 2010                       |                           |                    |
|----------------------|----------------------------|---------------------------|--------------------|----------------------------|---------------------------|--------------------|
|                      | Total Higher Tier Offences | Total Lower Tier Offences | Total all offences | Total Higher Tier Offences | Total Lower Tier Offences | Total all offences |
| White                | 70.0%                      | 67.4%                     | <b>69.9%</b>       | 73.6%                      | 71.3%                     | <b>73.5%</b>       |
| Black                | 1.9%                       | 3.4%                      | <b>2.0%</b>        | 1.7%                       | 3.8%                      | <b>1.8%</b>        |
| Asian                | 5.3%                       | 6.4%                      | <b>5.4%</b>        | 5.4%                       | 4.4%                      | <b>5.4%</b>        |
| Other                | 3.9%                       | 3.4%                      | <b>3.9%</b>        | 4.3%                       | 3.5%                      | <b>4.3%</b>        |
| Not Recorded/Unknown | 18.8%                      | 19.4%                     | <b>18.9%</b>       | 15.0%                      | 17.0%                     | <b>15.0%</b>       |
| <b>Total</b>         | <b>164,985</b>             | <b>5,408</b>              | <b>170,393</b>     | <b>136,542</b>             | <b>4,227</b>              | <b>140,769</b>     |

Source: Police returns

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

- 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>35</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.

Tables 4.02 and 4.03 show the percentage of persons cautioned for notifiable offences by observed ethnic appearance. The main findings were as follows:

- In 2010, 230,109 people were cautioned for notifiable offences – a decrease of 32% compared to 2006. Despite the decrease in overall numbers cautioned, trend data for the last five years show that there were minimal changes in the ethnic distribution of those cautioned from 2006 to 2010 with White people receiving 81%–83% of cautions, Black people 6%–7% and those from an Asian background 4%–5% in each year.
- The percentage of persons cautioned for notifiable offences whose ethnicity was unknown has decreased from 6% in 2006 to 3% in 2010, which represents an improvement in the completeness of ethnicity data.

<sup>35</sup> Due to this restriction, the figures may not match those published elsewhere.

**Table 4.02: Percentage of persons cautioned for notifiable offences by observed ethnic appearance, England and Wales 2006 to 2010**

|             | White | Black | Asian | Other | Unknown | Total          |
|-------------|-------|-------|-------|-------|---------|----------------|
| <b>2006</b> | 81.4% | 6.3%  | 4.4%  | 1.4%  | 6.4%    | <b>338,151</b> |
| <b>2007</b> | 82.5% | 6.5%  | 4.6%  | 1.4%  | 5.0%    | <b>350,498</b> |
| <b>2008</b> | 82.4% | 7.0%  | 4.9%  | 1.6%  | 4.2%    | <b>314,350</b> |
| <b>2009</b> | 82.6% | 6.9%  | 5.0%  | 1.7%  | 3.8%    | <b>278,443</b> |
| <b>2010</b> | 83.1% | 7.1%  | 5.2%  | 1.8%  | 2.8%    | <b>230,109</b> |

Source: Police returns

Note:

1. Figures include cautions for all ages and reprimands and warnings for those aged under 18.
2. There have been revisions to the figures for 2006 and 2008 since the last publication.

- There was wide variation in the ethnic distribution of those cautioned in 2010 by offence group, possibly reflecting different offending patterns. For example, when comparing the lowest and highest proportions for each ethnic group, White people accounted for 90% of cautions for burglary and criminal damage, compared to 65% of cautions for robbery. Black people received 22% of cautions for robbery, 12% of cautions for fraud and forgery and 3% of cautions for burglary.

**Table 4.03 Percentage of persons cautioned for notifiable offences by observed ethnic appearance and offence, England and Wales 2010**

| Offence group                      | White        | Black       | Asian       | Other       | Unknown     | Total          |
|------------------------------------|--------------|-------------|-------------|-------------|-------------|----------------|
| Violence against the person        | 83.7%        | 6.9%        | 5.3%        | 1.5%        | 2.5%        | <b>21,871</b>  |
| Sexual offences                    | 82.6%        | 5.1%        | 6.3%        | 1.5%        | 4.6%        | <b>1,364</b>   |
| Burglary                           | 90.1%        | 3.3%        | 2.6%        | 0.9%        | 3.0%        | <b>3,484</b>   |
| Robbery                            | 65.2%        | 21.7%       | 8.7%        | 3.4%        | 1.0%        | <b>207</b>     |
| Theft and handling of stolen goods | 81.5%        | 7.2%        | 5.4%        | 2.6%        | 3.3%        | <b>47,538</b>  |
| Fraud and forgery                  | 70.8%        | 11.7%       | 10.1%       | 4.2%        | 3.2%        | <b>6,126</b>   |
| Criminal damage                    | 90.1%        | 3.7%        | 2.5%        | 1.3%        | 2.4%        | <b>5,075</b>   |
| Drug offences                      | 83.5%        | 7.7%        | 5.2%        | 1.4%        | 2.3%        | <b>40,721</b>  |
| Other (excluding motoring)         | 83.5%        | 6.1%        | 5.5%        | 2.3%        | 2.6%        | <b>7,131</b>   |
| Summary non-motoring               | 83.7%        | 6.9%        | 5.0%        | 1.6%        | 2.8%        | <b>96,592</b>  |
| <b>Total</b>                       | <b>83.1%</b> | <b>7.1%</b> | <b>5.2%</b> | <b>1.8%</b> | <b>2.8%</b> | <b>230,109</b> |

Source: Police returns

### Prosecutions and sentencing<sup>36</sup>

This section focuses on those proceeded against who were suspected of committing indictable offences (or more serious offences where the defendant has the right to trial by jury).

<sup>36</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.

### *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. In 2006, 80% of ethnicity information (based on the officer-observed ethnicity classification) was unknown for those sentenced at the magistrates' courts for indictable offences. In 2010 this figure was 10%.

Because of this considerable improvement in the completeness of ethnicity data in recent years, the analysis of court proceedings in this chapter concentrates on 2010 data with some comparisons to 2009. It is not possible to present five-year trends as elsewhere in the report, due to the comparatively poorer quality of data for earlier years.

### *Prosecutions*

The following tables (Tables 4.04 to 4.06) set out the breakdowns by ethnic group for persons proceeded against and convicted for indictable offences in 2010. These figures have also been used to calculate the conviction ratio for 2010 (the number of convictions divided by the number of people proceeded against). As someone can be convicted in a different year to that in which they were proceeded against and data on prosecutions and convictions for 2010 may relate to different individuals, these figures are indicative only.

- In 2010, 436,932 persons were proceeded against for indictable offences, and 349,832 were convicted.
- With the exception of the Other group, the conviction ratio was higher for White persons compared to those in the BME groups (81% for White, 74% for Black, and 77% for Asian).

**Table 4.04: Persons proceeded against for indictable offences by region and ethnic appearance, 2010**

| <b>Region</b>              | <b>White</b>   | <b>Black</b>  | <b>Asian</b>  | <b>Other</b> | <b>Unknown</b> | <b>Total</b>   |
|----------------------------|----------------|---------------|---------------|--------------|----------------|----------------|
| London                     | 35,286         | 24,066        | 7,811         | 2,638        | 9,111          | <b>78,912</b>  |
| Rest of E & W              | 285,677        | 19,652        | 13,947        | 3,251        | 35,493         | <b>358,020</b> |
| <b>England &amp; Wales</b> | <b>320,963</b> | <b>43,718</b> | <b>21,758</b> | <b>5,889</b> | <b>44,604</b>  | <b>436,932</b> |

Source: Court Proceedings database

**Table 4.05: Persons convicted for indictable offences by region and ethnic appearance, 2010**

| Region                     | White          | Black         | Asian         | Other        | Unknown       | Total          |
|----------------------------|----------------|---------------|---------------|--------------|---------------|----------------|
| London                     | 27,978         | 17,921        | 5,985         | 2,638        | 6,732         | <b>61,254</b>  |
| Rest of E & W              | 233,404        | 14,479        | 10,670        | 3,238        | 26,787        | <b>288,578</b> |
| <b>England &amp; Wales</b> | <b>261,382</b> | <b>32,400</b> | <b>16,655</b> | <b>5,876</b> | <b>33,519</b> | <b>349,832</b> |

Source: Court Proceedings database

**Table 4.06: Conviction ratio for indictable offences by region and ethnic appearance, 2010**

| Region                     | White        | Black        | Asian        | Other        | Unknown      | Total        |
|----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| London                     | 79.3%        | 74.5%        | 76.6%        | 100.0%       | 73.9%        | 77.6%        |
| Rest of E & W              | 81.7%        | 73.7%        | 76.5%        | 99.6%        | 75.5%        | 80.6%        |
| <b>England &amp; Wales</b> | <b>81.4%</b> | <b>74.1%</b> | <b>76.5%</b> | <b>99.8%</b> | <b>75.1%</b> | <b>80.1%</b> |

Source: Court Proceedings database

Note:

1. It is important to note that the two measures that conviction ratios are based on (persons proceeded against and convicted) may relate to different people (i.e. someone can be convicted in a different year to that which they were proceeded against). The high conviction ratios in some cells (for example, the Other group in London) are likely to reflect small numbers.

### *Sentencing*

Once found guilty in a criminal court of law an individual can receive one of six broad disposals: an absolute/conditional discharge; a fine; a community sentence; a suspended sentence; a sentence to immediate custody; or they are otherwise dealt with. Otherwise dealt with includes a number of orders, for example hospital orders, confiscation orders and compensation orders.

Table 4.07 shows, of the total numbers sentenced in each ethnic group, the proportion receiving each of the different disposals for indictable offences in 2010.

Key findings were as follows:

- Overall, 347,422 defendants were sentenced for indictable offences in England and Wales across all courts. Of these, 59,437 (17%) were given a fine, 108,495 (31%) a community sentence, 34,176 (10%) a suspended sentence and 82,939 (24%) an immediate custodial sentence. The remainder were given a discharge or otherwise dealt with.
- A higher percentage of those in the BME group were sentenced to immediate custody for indictable offences than in the White group in 2010 (White 23%, Black 27%, Asian 29% and Other 42%).
- Differences between ethnic groups may occur for a number of reasons 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>37</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 analysis undertaken to explore this issue is presented later in this chapter.

- In 2010, the lowest proportion issued a fine or community sentence, and the highest proportion given a suspended sentence or immediate custodial sentence was recorded for the Other ethnic group. For example, 21% of the Other ethnic group, 28% of Asian people, 29% of Black people and 32% of White people were given a community sentence in 2010.

**Table 4.07: Persons sentenced at all courts for indictable offences by ethnic appearance, 2010**

| <b>Sentenced</b>          |                | <b>White</b>   | <b>Black</b>  | <b>Asian</b>  | <b>Other</b> | <b>Unknown</b> | <b>Total</b>   |
|---------------------------|----------------|----------------|---------------|---------------|--------------|----------------|----------------|
| <b>Fine</b>               | London         | 15.8%          | 18.6%         | 20.6%         | 11.2%        | 17.1%          | 17.0%          |
|                           | Rest of E&W    | 16.4%          | 19.4%         | 17.7%         | 10.9%        | 22.4%          | 17.1%          |
|                           | <b>E&amp;W</b> | 16.4%          | 18.9%         | 18.8%         | 11.0%        | 21.4%          | 17.1%          |
| <b>Community Sentence</b> | London         | 26.5%          | 29.3%         | 26.9%         | 18.6%        | 23.6%          | 26.7%          |
|                           | Rest of E&W    | 32.9%          | 29.7%         | 27.9%         | 22.5%        | 30.0%          | 32.2%          |
|                           | <b>E&amp;W</b> | 32.2%          | 29.5%         | 27.6%         | 20.7%        | 28.7%          | 31.2%          |
| <b>Suspended Sentence</b> | London         | 9.7%           | 8.1%          | 8.8%          | 12.9%        | 11.5%          | 9.5%           |
|                           | Rest of E&W    | 9.9%           | 9.0%          | 11.2%         | 11.1%        | 10.1%          | 9.9%           |
|                           | <b>E&amp;W</b> | 9.8%           | 8.5%          | 10.4%         | 11.9%        | 10.4%          | 9.8%           |
| <b>Immediate Custody</b>  | London         | 25.3%          | 25.7%         | 25.2%         | 41.9%        | 30.0%          | 26.7%          |
|                           | Rest of E&W    | 22.8%          | 27.7%         | 31.4%         | 42.7%        | 19.7%          | 23.3%          |
|                           | <b>E&amp;W</b> | 23.0%          | 26.6%         | 29.2%         | 42.4%        | 21.8%          | 23.9%          |
| <b>Other</b>              | London         | 22.7%          | 18.3%         | 18.5%         | 15.4%        | 17.8%          | 20.1%          |
|                           | Rest of E&W    | 18.0%          | 14.3%         | 11.7%         | 12.8%        | 17.7%          | 17.5%          |
|                           | <b>E&amp;W</b> | 18.5%          | 16.5%         | 14.1%         | 14.0%        | 17.7%          | 18.0%          |
| <b>Total Sentenced</b>    | London         | 27,670         | 17,749        | 5,937         | 2,727        | 6,715          | 60,798         |
|                           | Rest of E&W    | 231,923        | 14,196        | 10,651        | 3,339        | 26,515         | 286,624        |
|                           | <b>E&amp;W</b> | <b>259,593</b> | <b>31,945</b> | <b>16,588</b> | <b>6,066</b> | <b>33,230</b>  | <b>347,422</b> |

Source: Court Proceedings database

Table 4.08 shows the average custodial sentence length (ACSL) in 2010 for the 81,536 who were given determinate sentences for indictable offences.

- Overall, the highest ACSL was recorded for the Black ethnic group, at 20.8 months, followed by the Asian and Other ethnic groups with averages of 19.9 months and 19.7 months respectively. The lowest ACSL was recorded for the White group at 14.9 months. These patterns are consistent with the data for 2009. As previously noted, differences in sentencing outcome and sentence length can be due to a number of factors: the mix of crimes committed; the seriousness of the

<sup>37</sup> [www.justice.gov.uk/publications/are-juries-fair.htm](http://www.justice.gov.uk/publications/are-juries-fair.htm)

offence; the presence of mitigating or aggravating factors; and whether a defendant pleads guilty.

- There were differences in ACSL by ethnic group within offence group. For example, for fraud and forgery, the lowest ACSL was for the Black group at 9.3 months, and the highest for the White and Asian ethnic groups at 11.5 and 11.7 months. These patterns are consistent with the data for 2009. There were also large variations in ACSL by ethnic group for sexual offences. The highest ACSL was for the Black group at 60.4 months, and the lowest for the Asian ethnic group at 39 months.

**Table 4.08: Average immediate custodial sentence length at all courts by offence group and ethnic appearance, England and Wales 2010**

| Offence group                   | Average immediate custodial sentence length (months) |              |              |              |              |               |
|---------------------------------|--|--------------|--------------|--------------|--------------|---------------|
|                                 | White  | Black        | Asian        | Other        | Unknown      | Total         |
| Violence against the person     | 16.8   | 20.1         | 23.6         | 21.8         | 20.2         | <b>17.8</b>   |
| Sexual offences                 | 48.9   | 60.4         | 39.0         | 46.0         | 45.5         | <b>48.7</b>   |
| Burglary                        | 18.5   | 22.7         | 16.9         | 17.5         | 18.7         | <b>18.7</b>   |
| Robbery                         | 34.5   | 36.6         | 31.3         | 35.2         | 32.4         | <b>34.5</b>   |
| Theft and handling stolen goods | 3.7  | 4.5          | 6.3          | 7.6          | 5.1          | <b>4.1</b>    |
| Fraud and forgery               | 11.5   | 9.3          | 11.7         | 10.3         | 11.9         | <b>11.0</b>   |
| Criminal damage                 | 18.1   | 14.8         | 21.8         | 18.2         | 17.8         | <b>18.0</b>   |
| Drug offences                   | 28.5   | 34.3         | 29.4         | 28.9         | 41.4         | <b>30.7</b>   |
| Other (excl motoring offences)  | 8.3  | 14.7         | 16.2         | 13.3         | 9.4          | <b>9.6</b>    |
| Indictable motoring offences    | 9.9  | 9.6          | 9.0          | 9.2          | 8.6          | <b>9.6</b>    |
| <b>All indictable offences</b>  | <b>14.9</b>  | <b>20.8</b>  | <b>19.9</b>  | <b>19.7</b>  | <b>17.6</b>  | <b>16.2</b>   |
|                                 | Numbers given determinate sentences                  |              |              |              |              |               |
| Violence against the person     | 10,142   | 1,230        | 655          | 270          | 925          | <b>13,222</b> |
| Sexual offences                 | 2,181  | 218          | 210          | 94           | 241          | <b>2,944</b>  |
| Burglary                        | 8,664  | 641          | 237          | 171          | 704          | <b>10,417</b> |
| Robbery                         | 2,969  | 910          | 350          | 172          | 381          | <b>4,782</b>  |
| Theft and handling stolen goods | 17,768   | 1,568        | 880          | 358          | 1,707        | <b>22,281</b> |
| Fraud and forgery               | 1,923  | 1,024        | 530          | 404          | 832          | <b>4,713</b>  |
| Criminal damage                 | 860  | 47           | 28           | 23           | 93           | <b>1,051</b>  |
| Drug offences                   | 5,509  | 1,561        | 1,100        | 618          | 904          | <b>9,692</b>  |
| Other (excl motoring offences)  | 8,021  | 990          | 633          | 391          | 1,254        | <b>11,289</b> |
| Indictable motoring offences    | 798  | 104          | 133          | 31           | 79           | <b>1,145</b>  |
| <b>All indictable offences</b>  | <b>58,835</b>  | <b>8,293</b> | <b>4,756</b> | <b>2,532</b> | <b>7,120</b> | <b>81,536</b> |

Note:

Average immediate custodial sentence length excludes indeterminate sentences.

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

As in last year's publication, additional analysis has been undertaken for the purposes of this report to complement the general analysis reported above. This is intended to further understanding of the variations in sentencing for different ethnic groups.

Based on the seriousness of offences scale developed jointly by the Home Office, academic and legal experts, and the Sentencing Guidelines Council,<sup>38</sup> three mid-range offences were selected to compare court outcomes by ethnicity for the purposes of this report. 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). An analysis of violent offences has also been included for comparison. Given the small numbers involved, only those results which are consistent across the three-year period 2008–2010 are highlighted in the text.

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>39</sup> and there are only sufficient data to cover persons from White, Black and Asian backgrounds. Nevertheless, these analyses provide a provisional indication of where, if at all, there are any differences associated which are potentially 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.

With regard to those persons sentenced for specific offences, differences by ethnicity in the percentages receiving an immediate custodial sentence and ACSL can be noted. This differential pattern can also be observed with regard to sentences for all other violence against the person offences (see Table 4.12).

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<sup>38</sup> See Mason, T. *et al* (2007). *Local Variation in Sentencing in England and Wales*. Ministry of Justice. There is less variability in the disposals given for offences towards the top and bottom of the scale (i.e. in terms of 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.

<sup>39</sup> These data are based on police perceptions/observations of the ethnicity of offenders. However, the preferred standard is self-defined ethnicity.

*Actual bodily harm*

- A greater proportion of White persons submitted a guilty plea than Black or Asian persons in 2010 (68% compared to 51% and 48% respectively), which is consistent with 2008 and 2009 data.

**Table 4.09: Number of persons tried, found guilty and sentenced at the Crown Court for actual bodily harm by plea and ethnicity, England and Wales 2010**

| <b>Ethnicity</b> | <b>Plea</b>       | <b>Total tried</b> | <b>Percentage acquitted</b> | <b>Total sentenced</b> | <b>Percentage sentenced to immediate custody</b> | <b>Average custodial sentence lengths (excluding life) in months</b> |
|------------------|-------------------|--------------------|-----------------------------|------------------------|--|--|
| <b>White</b>     | <b>Guilty</b>     | 5,633              | -                           | 6,673                  | 39%  | 12.5   |
|                  | <b>Not Guilty</b> | 2,673              | 78%                         | 582                    | 43%  | 16.0   |
| <b>Black</b>     | <b>Guilty</b>     | 472                | -                           | 555                    | 44%  | 12.1   |
|                  | <b>Not Guilty</b> | 459                | 74%                         | 120                    | 45%  | 19.3   |
| <b>Asian</b>     | <b>Guilty</b>     | 342                | -                           | 392                    | 35%  | 12.6   |
|                  | <b>Not Guilty</b> | 364                | 79%                         | 76                     | 43%  | 18.4   |
| <b>Total</b>     | <b>Guilty</b>     | 7,004              | -                           | 8,273                  | 39%  | 12.4   |
|                  | <b>Not Guilty</b> | 3,910              | 78%                         | 867                    | 44%  | 16.8   |

Source: Court Proceedings database

Note:

1. 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.
2. The percentage acquitted is not available for those pleading guilty. This is indicated by '-'.

- A higher percentage of Black persons than White or Asian persons were sentenced to immediate custody whether they pleaded guilty or not, though the differences were small for those pleading not guilty. For example, for those pleading guilty, 44% of Black persons were sentenced to immediate custody, compared to 39% of White persons and 35% of Asian persons in 2010. A higher proportion of those in the Black group were also sentenced to immediate custody than in the White and Asian groups in 2008 and 2009 data.
- For those pleading not guilty, Black people had a higher ACSL, at 19.3 months in 2010, compared to 16.0 and 18.4 months for those in the White and Asian ethnic groups respectively. This is consistent with trends for 2008 and 2009.

### *Burglary in a dwelling*

- A lower proportion of Black and Asian people submitted a guilty plea than White people in 2010 (67% and 65% respectively compared to 81% for White), which is consistent with 2008 and 2009 data.
- As in 2008, the ACSL for those who submitted a guilty plea in 2010 was lowest for Asian persons (21.4 months). For those who submitted a not guilty plea, it was lowest for the White ethnic group (36.5 months), which is consistent with 2008.
- Caution should be exercised when using figures from the Asian not-guilty group due to small numbers.

**Table 4.10: Number of persons tried, found guilty and sentenced at the Crown Court for burglary in a dwelling by plea and ethnicity, England and Wales 2010**

| <b>Ethnicity</b> | <b>Plea</b>       | <b>Total tried</b> | <b>Percentage acquitted</b> | <b>Total sentenced</b> | <b>Percentage sentenced to immediate custody</b> | <b>Average custodial sentence lengths (excluding life) in months</b> |
|------------------|-------------------|--------------------|-----------------------------|------------------------|--|--|
| <b>White</b>     | <b>Guilty</b>     | 5,261              | -                           | 6,843                  | 72%  | 25.0   |
|                  | <b>Not Guilty</b> | 1,204              | 72%                         | 347                    | 81%  | 36.5   |
| <b>Black</b>     | <b>Guilty</b>     | 461                | -                           | 555                    | 67%  | 27.5   |
|                  | <b>Not Guilty</b> | 228                | 68%                         | 74                     | 80%  | 47.3   |
| <b>Asian</b>     | <b>Guilty</b>     | 154                | -                           | 205                    | 65%  | 21.4   |
|                  | <b>Not Guilty</b> | 83                 | 78%                         | 18                     | 78%  | 37.9   |
| <b>Total</b>     | <b>Guilty</b>     | 6,384              | -                           | 8,277                  | 72%  | 24.9   |
|                  | <b>Not Guilty</b> | 1,696              | 71%                         | 498                    | 81%  | 37.2   |

Source: Court Proceedings database

Note:

1. 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.
2. The percentage acquitted is not available for those pleading guilty. This is indicated by '-'.

### *Possession of a controlled drug Class A*

- Patterns in plea by ethnicity varied between years, which is perhaps a consequence of the small numbers involved.
- As in 2008, a greater proportion of White people were acquitted than Black and Asian people in 2010 (76% compared to 66% and 55% respectively).
- Of those who pleaded not guilty in 2010, the largest percentage sentenced to immediate custody was for the Black ethnic group (36% Black compared to 11% White), which is consistent with data for 2008.

- Caution should be exercised when quoting figures from the Asian and Black not-guilty groups and the Asian guilty group due to small numbers.

**Table 4.11: 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 2010**

| <b>Ethnicity</b> | <b>Plea</b>       | <b>Total tried</b> | <b>Percentage acquitted</b> | <b>Total sentenced</b> | <b>Percentage sentenced to immediate custody</b> | <b>Average custodial sentence lengths (excluding life) in months</b> |
|------------------|-------------------|--------------------|-----------------------------|------------------------|--|--|
| <b>White</b>     | <b>Guilty</b>     | 426                | -                           | 658                    | 26%  | 7.6  |
|                  | <b>Not Guilty</b> | 71                 | 76%                         | 18                     | 11%  | *  |
| <b>Black</b>     | <b>Guilty</b>     | 100                | -                           | 129                    | 36%  | 7.0  |
|                  | <b>Not Guilty</b> | 32                 | 66%                         | 11                     | 36%  | *  |
| <b>Asian</b>     | <b>Guilty</b>     | 52                 | -                           | 72                     | 26%  | 14.1   |
|                  | <b>Not Guilty</b> | 11                 | 55%                         | 5                      | *  | *  |
| <b>Total</b>     | <b>Guilty</b>     | 644                | -                           | 956                    | 28%  | 8.1  |
|                  | <b>Not Guilty</b> | 134                | 71%                         | 40                     | 18%  | 28.4   |

Source: Court Proceedings database

Note:

1. 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.
2. \*\* These values have been excluded as they would have been based on the sentence lengths of five people or less given immediate custody.
3. The percentage acquitted is not available for those pleading guilty. This is indicated by '-'.

### *Violence against the person*

Table 4.12 below presents information on the numbers tried, acquitted, found guilty and sentenced for offences of violence against the person. The figures on assault occasioning actual bodily harm differ to those shown in Table 4.09 as the data relate to all cases regardless of plea. Key findings are:

- 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. This was also the case in 2008 and 2009. For example, 25% of White people pleading guilty or not guilty who were tried for assault occasioning actual bodily harm in 2010 were acquitted, compared to 35% of the Other ethnic group, 37% of Black people and 41% of Asians.
- Of the total sentenced at Crown Court for all violence against the person offences, a higher proportion of defendants from a Black background received immediate

custody (55%), compared with those from a White (47%), Asian (49%) and Other background (49%). These patterns are consistent with 2008 and 2009.

Table 4.12: Number of persons tried, found guilty and sentenced at the Crown Court for selected violence offences, England and Wales, 2010

| Offence  | Ethnicity    | of which:   |               |                            |                    | Sentence breakdown |                                  |            |                    |                    |                   |                                  |                      |
|--|--------------|-------------|---------------|----------------------------|--------------------|--------------------|----------------------------------|------------|--------------------|--------------------|-------------------|----------------------------------|----------------------|
|  |              | Total tried | Acquitted     | % acquitted of total tried | Total found guilty | Total sentenced    | Absolute / conditional discharge | Fine       | Community sentence | Suspended sentence | Immediate custody | % Immediate custody of sentenced | Otherwise dealt with |
| Assault occasioning actual bodily harm                                     | White        | 8,306       | 2,094         | 25                         | 6,212              | 7,255              | 117                              | 57         | 1,666              | 2,465              | 2,835             | 39                               | 115                  |
|  | Black        | 931         | 340           | 37                         | 591                | 675                | 10                               | 6          | 142                | 197                | 298               | 44                               | 22                   |
|  | Asian        | 706         | 288           | 41                         | 418                | 468                | 6                                | 4          | 137                | 146                | 172               | 37                               | 3                    |
|  | Other        | 300         | 105           | 35                         | 195                | 223                | 4                                | 1          | 41                 | 78                 | 94                | 42                               | 5                    |
|  | Unknown      | 671         | 220           | 33                         | 451                | 519                | 8                                | 6          | 111                | 154                | 227               | 44                               | 13                   |
|  | <b>Total</b> |             | <b>10,914</b> | <b>3,047</b>               | <b>28</b>          | <b>7,867</b>       | <b>9,140</b>                     | <b>145</b> | <b>74</b>          | <b>2,097</b>       | <b>3,040</b>      | <b>3,626</b>                     | <b>40</b>            |
| Other violence against the person  | White        | 11,033      | 2,669         | 24                         | 8,364              | 9,663              | 207                              | 78         | 1,530              | 2,343              | 5,156             | 53                               | 349                  |
|  | Black        | 1,646       | 612           | 37                         | 1,034              | 1,130              | 33                               | 15         | 138                | 194                | 691               | 61                               | 59                   |
|  | Asian        | 1,000       | 385           | 39                         | 615                | 672                | 14                               | 8          | 111                | 117                | 387               | 58                               | 35                   |
|  | Other        | 433         | 172           | 40                         | 261                | 306                | 13                               | 1          | 45                 | 62                 | 167               | 55                               | 18                   |
|  | Unknown      | 1,110       | 349           | 31                         | 761                | 859                | 15                               | 13         | 119                | 160                | 518               | 60                               | 34                   |
|  | <b>Total</b> |             | <b>15,222</b> | <b>4,187</b>               | <b>28</b>          | <b>11,035</b>      | <b>12,630</b>                    | <b>282</b> | <b>115</b>         | <b>1,943</b>       | <b>2,876</b>      | <b>6,919</b>                     | <b>55</b>            |
| Total violence against the person (indictable only and triable either way) | White        | 19,339      | 4,763         | 25                         | 14,576             | 16,918             | 324                              | 135        | 3,196              | 4,808              | 7,991             | 47                               | 464                  |
|  | Black        | 2,577       | 952           | 37                         | 1,625              | 1,805              | 43                               | 21         | 280                | 391                | 989               | 55                               | 81                   |
|  | Asian        | 1,706       | 673           | 39                         | 1,033              | 1,140              | 20                               | 12         | 248                | 263                | 559               | 49                               | 38                   |
|  | Other        | 733         | 277           | 38                         | 456                | 529                | 17                               | 2          | 86                 | 140                | 261               | 49                               | 23                   |
|  | Unknown      | 1,781       | 569           | 32                         | 1,212              | 1,378              | 23                               | 19         | 230                | 314                | 745               | 54                               | 47                   |
|  | <b>Total</b> |             | <b>26,136</b> | <b>7,234</b>               | <b>28</b>          | <b>18,902</b>      | <b>21,770</b>                    | <b>427</b> | <b>189</b>         | <b>4,040</b>       | <b>5,916</b>      | <b>10,545</b>                    | <b>48</b>            |

Source: Court Proceedings database

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

This chapter looks at offenders starting court order supervision, on pre-/post-release supervision, serving custodial sentences, and those who died while in custody in England and Wales. It draws upon the Ministry of Justice publications, *Offender Management Statistics 2010* and *Safety in Custody Statistics 2010*; and data from the Independent Police Complaints Commission (IPCC) on deaths in police custody. The Ministry of Justice will introduce a new measure of re-offending in the *Proven Re-offending Statistics* statistical bulletin, which will be published on 27 October 2011. As data on ethnicity will be included in this publication, statistics relating to re-offending are not incorporated in this report but will continue to be included in future editions of *Statistics on Race and the Criminal Justice System*.

Data in this chapter on community sentences refer to individuals starting probation supervision, rather than individuals being sentenced (as discussed in Chapter 4). The commentary concentrates on where there are meaningful differences between ethnic groups. These differences may be attributable to a range of factors, including differences in the type or seriousness of the offences for which they were sentenced. As in other chapters, percentage breakdowns for ethnicity include unknown/not stated categories and, as a result, may differ from those published elsewhere. Further data are available in the supplementary tables for Chapter 5.

- In 2010, the percentage of individuals commencing court order supervision from a BME background was 15%. This is similar to the proportion recorded in 2006 (14%).
- Of the 46,204 individuals who had been given custodial sentences and were commencing pre-/post-release supervision in 2010, 22% were from a BME background compared to 19% in 2006.
- On 30 June 2010, the total prison population in England and Wales was 85,002. Of these, 21,878 prisoners (just under 26%) were from BME groups. This proportion is consistent with that recorded from 2006 to 2009 (when it was between 26%–27%).
- In 2010, BME groups represented 20% of British nationals in the prison population and 63% of foreign nationals in the prison population. While the percentage of BME foreign national prisoners has decreased since 2006

(when it was 70%), the percentage of BME British national prisoners has remained relatively stable (18% in 2006).

- In 2010, there were 196 deaths in prison – an increase of 28% compared to 2006 (153 deaths), which was largely accounted for by a rise in the number of natural deaths.
- As in previous years, the vast majority of self-inflicted deaths involved prisoners of White ethnicity (88% of the 58 recorded in 2010).
- Over 80% of self-harm incidents in 2010 also involved White prisoners. This is similar to past years when over four-fifths of self-harm incidents were among White prisoners.

## **Offenders under supervision**

### *Community Orders*

Community orders were introduced as a single community sentence by the Criminal Justice Act 2003, which must contain at least one of 12 possible requirements (such as unpaid work, curfew, or drug rehabilitation). Data on the ethnicity of offenders serving community sentences are of good quality with the percentage of not stated or unknowns consistently below 5% for the period 2006–2010.

- The number of individuals commencing court order supervision in England and Wales in 2010 was 161,687 – a 4% increase compared to 2006 when the total was 155,666.
- Overall, 6% of individuals commencing court order supervision in 2010 were from a Black background, while 1% were from the Chinese or Other ethnic group.
- Between 2006 and 2010, the percentage of individuals commencing court order supervision who were from a BME background remained relatively stable (at 14% in 2006 and 15% in 2010).
- The percentage of court order supervision commencements was also relatively stable for each ethnic group between 2006 and 2010, with only the Mixed and Asian groups displaying small increases (from 2% and 4% in 2006 to 3% and 5% respectively).

**Table 5.01: Court order supervision commencements by self-identified ethnicity, England and Wales 2006 to 2010**

|             | White | Black | Asian | Mixed | Chinese or Other | Not Stated/ Unknown | Total          |
|-------------|-------|-------|-------|-------|------------------|---------------------|----------------|
| <b>2006</b> | 81.4% | 6.1%  | 4.4%  | 2.3%  | 1.2%             | 4.5%                | <b>155,666</b> |
| <b>2007</b> | 82.1% | 6.2%  | 4.6%  | 2.4%  | 1.2%             | 3.5%                | <b>162,648</b> |
| <b>2008</b> | 82.1% | 6.0%  | 4.5%  | 2.5%  | 1.2%             | 3.6%                | <b>164,873</b> |
| <b>2009</b> | 82.0% | 6.0%  | 4.7%  | 2.7%  | 1.2%             | 3.4%                | <b>166,837</b> |
| <b>2010</b> | 81.8% | 6.0%  | 4.9%  | 2.8%  | 1.3%             | 3.2%                | <b>161,687</b> |

Source: Offender Management Statistics

Note:

Data in this table may differ from those previously published due to differences in the timing of data extracts.

### *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 licence period after release from custody. The data below allow changes in the ethnic composition of offenders being supervised to be identified.

- The proportion of individuals starting pre-/post-release supervision for whom ethnicity was not stated or unknown was 5% in 2010, and consistently below 8% over the last five years.
- The number of individuals commencing pre-/post-release supervision in 2010 was 46,204 – a 7% increase compared with 2006.
- Table 5.02 shows that, of the 46,204 individuals commencing pre-/post-release supervision in 2010, 22% were from a BME background. This reflects a slight increase on 2006 when the percentage was 19%.
- Between 2006 and 2010, the number of individuals from a BME background commencing pre-/post-release supervision increased by 22% compared to 7% for people from the White ethnic group.
- The percentage of pre-/post-release supervision order commencements increased between 2006 and 2010 for all BME groups, except the Black group where the proportion remained relatively stable at 8–9%.

**Table 5.02: Pre-/post-release supervision orders commencements by self-identified ethnicity, England and Wales 2006 to 2010**

|             | White | Black | Asian | Mixed | Chinese or Other | Not Stated/ Unknown | Total         |
|-------------|-------|-------|-------|-------|------------------|---------------------|---------------|
| <b>2006</b> | 73.1% | 8.9%  | 5.6%  | 2.9%  | 1.8%             | 7.7%                | <b>43,160</b> |
| <b>2007</b> | 73.4% | 8.8%  | 5.5%  | 3.4%  | 2.6%             | 6.3%                | <b>43,638</b> |
| <b>2008</b> | 72.4% | 8.6%  | 5.9%  | 3.4%  | 2.8%             | 6.9%                | <b>47,482</b> |
| <b>2009</b> | 73.8% | 8.1%  | 6.0%  | 3.4%  | 2.7%             | 5.9%                | <b>45,970</b> |
| <b>2010</b> | 72.7% | 8.9%  | 6.5%  | 3.5%  | 3.0%             | 5.4%                | <b>46,204</b> |

Source: Offender Management Statistics

## Offenders in prison

### *Total prison population (including foreign nationals)*

The figures below describe the ethnicity of the prison population in England and Wales, including foreign nationals. A new IT system was introduced for the prison population in 2009. For comparison purposes, figures for 2009 are presented from both sources in this report.<sup>40</sup>

- Ethnicity data for the prison population were consistently of high quality between 2006 and 2010. Although there was a slight rise in the percentage of not stated or unknowns as at 30 June 2010 (at 2.2%), this is possibly a result of the system change described above.
- The prison population (including foreign nationals) at 30 June 2010 was 85,002. Overall, 21,878 prisoners (just under 26%) identified themselves as being from BME groups. This is the same proportion as in 2006.

<sup>40</sup> Please see *Offender management statistics: definitions and measurements* for further details (available: [www.justice.gov.uk/downloads/publications/statistics-and-data/mojstats/oms-definitions-measurement.pdf](http://www.justice.gov.uk/downloads/publications/statistics-and-data/mojstats/oms-definitions-measurement.pdf)).

**Table 5.03: Total prison population (including foreign nationals) by self-identified ethnicity, England and Wales as at 30 June 2006 to 2010**

|                           | White | Black | Asian | Mixed | Chinese or Other | Not Stated/ Unknown <sup>(b)</sup> | Total         |
|---------------------------|-------|-------|-------|-------|------------------|------------------------------------|---------------|
| <b>2006</b>               | 73.3% | 15.1% | 6.6%  | 2.9%  | 1.2%             | 0.9%                               | <b>77,982</b> |
| <b>2007</b>               | 73.1% | 15.1% | 6.6%  | 3.1%  | 1.4%             | 0.7%                               | <b>79,734</b> |
| <b>2008</b>               | 72.4% | 15.1% | 7.0%  | 3.2%  | 1.6%             | 0.7%                               | <b>83,194</b> |
| <b>2009<sup>(a)</sup></b> | 72.8% | 14.4% | 7.2%  | 3.4%  | 1.7%             | 0.5%                               | <b>83,454</b> |
| <b>2009<sup>(a)</sup></b> | 72.8% | 14.5% | 7.2%  | 3.4%  | 1.7%             | 0.3%                               | <b>83,391</b> |
| <b>2010</b>               | 72.0% | 13.7% | 7.1%  | 3.5%  | 1.4%             | 2.2%                               | <b>85,002</b> |

Source: Offender Management Statistics

Note:

1. Figures include offenders without recorded nationality.

<sup>(a)</sup> Due to the introduction of a new prison IT system the 2010 prison population data are now taken from a different source. The 2009 figures from both the old and new systems have been presented to aid comparison.

<sup>(b)</sup> Also includes 1991 Census ethnicity codes.

- The number of prisoners without a recorded nationality increased from 1,026 in 2009 to 2,851 in 2010 (an increase of 178%).
- Between 2006 and 2010, the number of British nationals in the prison population increased by 7% from 66,160 to 71,016. In the same period, the growth of foreign national prisoners was 2%, rising from 10,879 in 2006 to 11,135 in 2010.

**Table 5.04: Total prison population (British nationals only) by self-identified ethnicity, England and Wales as at 30 June 2006 to 2010**

|                           | White | Black | Asian | Mixed | Chinese or Other | Not Stated/ Unknown <sup>(b)</sup> | Total         |
|---------------------------|-------|-------|-------|-------|------------------|------------------------------------|---------------|
| <b>2006</b>               | 80.9% | 10.6% | 4.8%  | 2.8%  | 0.2%             | 0.7%                               | <b>66,160</b> |
| <b>2007</b>               | 80.6% | 10.6% | 4.9%  | 3.0%  | 0.2%             | 0.6%                               | <b>67,767</b> |
| <b>2008</b>               | 79.7% | 11.1% | 5.2%  | 3.2%  | 0.3%             | 0.6%                               | <b>70,751</b> |
| <b>2009<sup>(a)</sup></b> | 79.6% | 10.9% | 5.4%  | 3.4%  | 0.3%             | 0.3%                               | <b>71,231</b> |
| <b>2009<sup>(a)</sup></b> | 79.7% | 10.9% | 5.4%  | 3.4%  | 0.3%             | 0.2%                               | <b>70,898</b> |
| <b>2010</b>               | 78.1% | 10.8% | 5.5%  | 3.5%  | 0.3%             | 1.9%                               | <b>71,016</b> |

Source: Offender Management Statistics

Note:

<sup>(a)</sup> Due to the introduction of a new prison IT system the 2010 prison population data are now taken from a different source. The 2009 figures from both the old and new systems have been presented to aid comparison.

<sup>(b)</sup> Also includes 1991 Census ethnicity codes.

- In 2010, BME groups represented 20% of British nationals in the prison population and 63% of foreign nationals in the prison population. While the percentage of BME foreign national prisoners has decreased since 2006

(when it was 70%), the percentage of BME British national prisoners has remained relatively stable (18% in 2006).

- In 2010, the foreign national prison population comprised of 33% White people, 33% Black, 18% Asian and 9% Chinese or Other. The British national prison population comprised 78% people of White ethnicity, 11% Black, 5% Asian and 0.3% Chinese or Other. Prisoners of Mixed ethnicity represented similar shares of both the foreign and British national prison population at between 3%–4%.

**Table 5.05: Total prison population (foreign nationals only) by self-identified ethnicity, England and Wales as at 30 June 2006 to 2010**

|                 | White | Black | Asian | Mixed | Chinese or Other | Not Stated/<br>Unknown<br>(b) | Total         |
|-----------------|-------|-------|-------|-------|------------------|-------------------------------|---------------|
| <b>2006</b>     | 29.4% | 42.1% | 17.0% | 3.7%  | 7.0%             | 0.8%                          | <b>10,879</b> |
| <b>2007</b>     | 28.4% | 41.9% | 16.8% | 3.5%  | 8.8%             | 0.7%                          | <b>11,093</b> |
| <b>2008</b>     | 29.1% | 39.5% | 17.5% | 3.5%  | 9.7%             | 0.7%                          | <b>11,498</b> |
| <b>2009 (a)</b> | 31.4% | 36.0% | 18.2% | 3.2%  | 10.7%            | 0.5%                          | <b>11,350</b> |
| <b>2009 (a)</b> | 30.9% | 36.3% | 18.4% | 3.3%  | 10.7%            | 0.4%                          | <b>11,467</b> |
| <b>2010</b>     | 33.3% | 33.3% | 17.7% | 3.6%  | 8.9%             | 3.3%                          | <b>11,135</b> |

Source: Offender Management Statistics

(a) Due to the introduction of a new prison IT system the 2010 prison population data are now taken from a different source. The 2009 figures from both the old and new systems have been presented to aid comparison.

(b) Also includes 1991 Census ethnicity codes.

### Safety in police custody

The figures presented below concern people who have been arrested or otherwise detained by the police. Deaths recorded as having occurred in police custody 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' include 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.

- The number of allegations of discriminatory behaviour by the police remained constant between 2009/10 and 2010/11 (1,515 and 1,517 respectively).<sup>41</sup>
- There were 21 deaths in police custody in 2010/11 compared to 17 in the previous year, of which one was of an individual from a BME background in 2010/11.

<sup>41</sup> No commentary has been included for other IPCC data due to the high proportion of unknown ethnicity recorded. The data are presented in the supplementary tables for consistency with past reports, however.

## Safety in prison custody

The data in this section are available in the Ministry of Justice's statistical bulletin *Safety in Custody 2010 England and Wales*.

### *Deaths in prison*

The figures presented in Table 5.06 concern people who have died in custody while in prison between 2006 and 2010. It should be noted that 2010 figures on cause of death are provisional only due to the introduction of a new classification category – “unclassified or awaiting further information” – for those deaths where no information on cause was available.<sup>42</sup> As a result, numbers can change from one year to the next as new information becomes available, e.g. if one unclassified death is reclassified as self-inflicted then the figures will be updated accordingly.

- In 2010, there were 196 deaths in prison – an increase of 28% compared to the 153 deaths recorded in 2006, which was largely accounted for by a rise in the number of natural deaths (a numeric increase of 41 from 83 natural deaths in 2006 to 124 in 2010).
- As in previous years, the majority of deaths in prison (87%) in 2010 were of people from a White background.
- The percentage of deaths of people from a BME background fluctuated between 2006 and 2010 rising from 12% in 2006 to 18% in 2007, decreasing to less than 10% in 2009 and at 13% in 2010. There were also fluctuations for each ethnic group, which are likely to be a consequence of the small numbers recorded for some groups.

**Table 5.06: Deaths in prison custody by self-identified ethnicity, England and Wales 2006 to 2010**

|             | White | Black | Asian | Mixed | Chinese or Other | Total      |
|-------------|-------|-------|-------|-------|------------------|------------|
| <b>2006</b> | 87.6% | 6.5%  | 3.9%  | 1.3%  | 0.7%             | <b>153</b> |
| <b>2007</b> | 81.6% | 11.4% | 4.9%  | 1.1%  | 1.1%             | <b>185</b> |
| <b>2008</b> | 86.7% | 1.2%  | 7.9%  | 1.8%  | 2.4%             | <b>165</b> |
| <b>2009</b> | 90.5% | 1.8%  | 3.6%  | 3.6%  | 0.6%             | <b>169</b> |
| <b>2010</b> | 87.2% | 5.6%  | 5.6%  | 1.0%  | 0.5%             | <b>196</b> |

Source: Safety in Custody 2010

<sup>42</sup> In previous years, the small number of such cases have been included in the “other non-natural” category. However, during 2010 there was an increase in these cases; for example, where prisoners were found unresponsive in bed (with no known underlying medical condition). As a result, these instances are now being shown separately.

- In 2010, there were 58 known self-inflicted deaths in prison custody – the lowest value since 1999. Of these, 51 (88%) were of people of White ethnicity.
- Trend data show that, in each year between 2006 and 2010, close to or more than four-fifths of self-inflicted deaths in prison custody were of people of White ethnicity (ranging from 78% to 92% during this period).
- In 2010, there were 2.3 deaths in prison custody per 1,000 prisoners. Between 2006 and 2009, the rate was relatively stable at between 2.0–2.3 per 1,000 prisoners.<sup>43</sup>
- The rate of deaths in custody per 1,000 White prisoners increased between 2006 and 2010 from 2.3 to 2.8. During the same period, the rate of deaths in custody for BME prisoners was at 1.0 or just below, except for 2007 when it was 1.6 per 1,000 prisoners. Rates for individual BME groups are more volatile due to the small number of cases involved and are therefore not reported.

#### *Self-harm incidents*

- In 2010, there were 26,983 self-harm incidents in prison, up 15% from 23,400 in 2006. This compares with a 9% increase in the prison population over the same period.
- The ethnicity of over 9% of those involved in self-harm incidents was not known in 2010, compared with 8% in 2006 and 10% in 2009.
- In 2010, the majority of self-harm incidents (84%) were among White prisoners. This is consistent with the previous four years where over four-fifths of self-harm incidents involved White prisoners.
- BME prisoners accounted for 7% of self-harm incidents in 2010. This is consistent with the trend for 2006 to 2009, which shows that BME prisoners accounted for between 7% and 8% of all self-harm incidents.
- In 2010, there were 31.7 self-harm incidents per 100 prisoners, compared with 25.3 self-harm incidents per 100 prisoners in 2006. There were large differences between ethnic groups with 36.9 self-harm incidents per 100 White prisoners compared to 8.7 self-harm incidents per 100 BME prisoners.

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<sup>43</sup> These rates have been calculated based on the number of deaths and data on the prison population on 30 June 2010.

### *Prisoner assailants, victims and fighters*

This section looks at trends in the ethnicity of assailants, victims and fighters in prison between 2006 and 2010.

- In 2010, there were 7,289 prison assailants. This represents an increase of 7% compared to 2006, which is lower than the increase in the overall prison population over the same period (9%).
- Data on the ethnicity of prisoner assailants, fighters and victims was relatively complete with the level of unknowns for each at less than 3% in 2010.
- Of prison assailants in 2010, just over 40% (2,927) were from a BME background compared to 33% in 2006. In 2010, Black prison assailants accounted for just under 27% of all assailants, compared to under 22% in 2006.
- In 2010, there were 11,257 prisoner fighters, the same number as in 2009 and an 8% increase from the 10,447 recorded in 2006. Of these, 37% were from a BME background compared to 29% in 2006. White prisoners accounted for the majority (60%) of fighters, followed by Black (23%) and Mixed prisoners (7%).
- Similar to assailants and fighters, the percentage of White victims decreased between 2006 and 2010 from 73% to 69%. The percentage of BME victims increased slightly each year from 2006 (27%) until 2009 (30%), and then decreased slightly in 2010 (29%).

## Chapter 6. Staff and Practitioners in the Criminal Justice System

This chapter reports on the representation of BME groups as practitioners, employees, or volunteers in the Criminal Justice System (CJS) and how this has changed over time. A five-year trend analysis was undertaken where data were available; in this case, for the police, and the Magistracy. There have been changes to recording practices/ systems for the Crown Prosecution Service (CPS), the Judiciary and the Probation Service, which means that five-year trends can not be presented for these agencies. Two issues are explored. First, the proportion of those employed in particular agencies that are from a BME background. Second, the proportion of BME group members employed in the most senior positions.

It should be noted that some of the agencies covered by this report are not exclusive to the CJS (i.e. the Judiciary and the Magistracy), and that, because employees may work both on criminal and civil justice issues, it is often not possible to separate employees working for the CJS only. The data presented on the representation of BME groups therefore relate to the agencies as a whole (and not to the CJS specifically). As the unknown/not stated category has been included in calculations relating to ethnicity in this report, figures presented may differ from those published by the agencies themselves.

The key findings were:

- The percentage of staff from a BME background was similar to that in the previous year for each of the agencies considered: Police 4.8%, CPS 14.9%, Judiciary 4.2%, NOMS 6.0% and Probation 14.1% respectively.
- The ethnic distribution of police officers and NOMS staff was also consistent with trend data (2007-2011 for the police and 2008 to 2011 for NOMS).
- The CPS and the Probation Service appeared to have the highest proportion of BME staff (of those considered), with more than 14% of staff in each from a BME background in the most recent year available. The Police and the Judiciary appeared to have the lowest proportions with fewer than 5% from a BME group. High proportions of staff with unknown ethnicity for both the CPS and the Judiciary mean that these findings should be treated with caution, however.

- At senior level, the CPS appeared to reflect the highest proportion of staff from BME backgrounds of the five agencies considered (just under 15% of all Senior Level staff declared from a BME background).

### Police

- Ethnicity data relating to police officers were relatively complete with only 1.2% of all police officers in post without a declared ethnicity on 31 March 2011.
- Between 2007 and 2011, the percentage of BME police officers in post rose from 3.9% to 4.8%. Police officers who defined themselves as Asian and Mixed accounted for 1.9% and 1.3% of all police officers respectively compared with 1% for Black police officers. There was also a small but steady increase in the representation of the Asian and Mixed groups across the five-year period from 1.5% and 1.0% in 2007, respectively. The proportion of police officers from the Black group remained stable at 1.0% during this period.

**Table 6.01: Police officers in post (full-time equivalents) by self-identified ethnicity, England and Wales as at 31 March 2007–2011**

|             | White | Black | Asian | Mixed | Chinese or Other | Not Stated | Total          |
|-------------|-------|-------|-------|-------|------------------|------------|----------------|
| <b>2007</b> | 94.7% | 1.0%  | 1.5%  | 1.0%  | 0.4%             | 1.4%       | <b>141,882</b> |
| <b>2008</b> | 94.6% | 1.0%  | 1.6%  | 1.1%  | 0.5%             | 1.4%       | <b>141,854</b> |
| <b>2009</b> | 94.3% | 1.0%  | 1.7%  | 1.2%  | 0.5%             | 1.3%       | <b>143,778</b> |
| <b>2010</b> | 94.1% | 1.0%  | 1.8%  | 1.3%  | 0.5%             | 1.3%       | <b>143,735</b> |
| <b>2011</b> | 94.1% | 1.0%  | 1.9%  | 1.3%  | 0.5%             | 1.2%       | <b>139,110</b> |

Source: Home Office

Notes:

1. Tables on police officer and staff strength contain full-time equivalent figures that have been rounded to the nearest whole number. Revisions to data for previous years by certain police forces have resulted in some small discrepancies between the total staff figures published here and those published by the Home Office in its statistical bulletin *Police Service Strength, England and Wales 31 March 2011*. There are no discrepancies in the 31 March 2011 totals.

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

- The ethnic breakdown of senior police officers in post has been relatively stable over the last five years, with the percentage from a BME background at around 3.0%. In 2011, 1.2% were from an Asian background, 1.0% Mixed, 0.7% Black and 0.1% Chinese or Other.

**Table 6.02: Senior police officers in post (full-time equivalents) by self-identified ethnicity, England and Wales as at 31 March 2007–2011**

|             | White | Black | Asian | Mixed | Chinese<br>or Other | Not Stated | Total        |
|-------------|-------|-------|-------|-------|---------------------|------------|--------------|
| <b>2007</b> | 96.6% | 0.7%  | 1.2%  | 0.6%  | 0.2%                | 0.7%       | <b>1,662</b> |
| <b>2008</b> | 96.3% | 0.8%  | 1.1%  | 0.8%  | 0.2%                | 0.8%       | <b>1,693</b> |
| <b>2009</b> | 95.7% | 0.7%  | 1.4%  | 0.9%  | 0.2%                | 1.1%       | <b>1,713</b> |
| <b>2010</b> | 95.6% | 0.7%  | 1.3%  | 1.2%  | 0.1%                | 1.2%       | <b>1,725</b> |
| <b>2011</b> | 96.3% | 0.7%  | 1.2%  | 1.0%  | 0.1%                | 0.7%       | <b>1,583</b> |

Source: Home Office

Note:

1. Senior police officer includes Superintendent and above (Chief Superintendent and ACPO).
2. Revisions to data for previous years by certain police forces have resulted in some small discrepancies between the total staff figures published here and those published by the Home Office in its statistical bulletin *Police Service Strength, England and Wales 31 March 2011*. There are no discrepancies in the 31 March 2011 totals.

- Data on individuals joining and leaving the police forces were also available. These showed that, in the 12 months to 31 March 2011, police forces recruited 2,197 full-time equivalent officers, a drop of nearly 75% compared to 2006/07 (8,671).
- Of the new joiners in 2010/11, 91.9% were White, 7.5% were BME and no ethnicity was available for around 0.6%. This is consistent with trends since 2006/07.
- During the year to 31 March 2011, 6,664 full-time equivalent officers left the police – a drop of nearly 19% compared to the number of officers leaving the forces in 2006/07 (8,178).
- Of the 2010/11 leavers, 95.5% were White, 3.1% were BME and 1.5% had no ethnicity information. This ethnic breakdown is consistent with trends since 2006/07.
- Taken together, the data suggest that people in the BME group represent a higher proportion of those joining the police service than leaving it.
- Further information on police staff is available in the supplementary tables, which accompany this report.

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

- As the Crown Prosecution Service (CPS) merged with the Revenues and Customs Prosecutions Office (RCPO) during the last quarter of 2009, it has only been possible to compare data for the last two years for this agency.
- Ethnicity data were less complete for the CPS than for other agencies, which needs to be borne in mind when interpreting findings. The percentage of not stated or unknowns was 12.1% in 2009 rising to 12.7% in 2010.

- The percentage of BME staff in the CPS was stable between 2009 and 2010 at just under 15%. The largest BME group was Asian (6.4% in 2010), followed by Black (5.2%), Mixed (2.0%) and Chinese/Other (1.4%).
- At a senior level, the percentage of staff from a BME background was 14.9% in 2010, compared to 14.6% in 2009.

**Table 6.03: Crown Prosecution Service staff by self-identified ethnicity, as at 31 December 2007–2010**

|                           | White | Black | Asian | Mixed | Chinese or Other | Not Stated/ Unknown | Total        |
|---------------------------|-------|-------|-------|-------|------------------|---------------------|--------------|
| <b>2007</b>               | 65.8% | 4.2%  | 4.9%  | 1.2%  | 1.0%             | 22.9%               | <b>8,735</b> |
| <b>2008</b>               | 65.8% | 4.1%  | 4.8%  | 1.3%  | 1.1%             | 22.9%               | <b>8,695</b> |
| <b>2009<sup>(a)</sup></b> | 73.1% | 5.1%  | 6.2%  | 2.0%  | 1.4%             | 12.1%               | <b>8,869</b> |
| <b>2010</b>               | 72.4% | 5.2%  | 6.4%  | 2.0%  | 1.4%             | 12.7%               | <b>8,344</b> |

Source: Crown Prosecution Service HR database

Notes:

1. Data excludes the following grades: Fee Paid, Non Salaried, Non-Executive Director and G1 Permanent Secretary.

2. These data are based on the ONS headcount specification and may differ from other published figures due to differing specifications.

<sup>(a)</sup> The CPS merged with RCPO in 2009/10. The figures from 2009 are the result of combining the grade structures of these two organisations.

## Judiciary<sup>44</sup>

Figures for the numbers of judges in post changed in 2008 to include four posts: 1) Judge Advocates; 2) Deputy Judge Advocates; 3) Masters, Registrars, Costs Judges and District Judges (Principal Registry of the Family Division, PRFD); and 4) Deputy Masters, Deputy Registrars, Deputy Costs Judges and Deputy District Judges (PRFD).

- In 2011, the ethnic background for 19.0% of the judiciary was not known.<sup>45</sup> This high value of unknowns must be borne in mind when interpreting the findings.
- The percentage of judges whose ethnicity was unknown also varied considerably between posts. For example, in 2011, no ethnicity was available for 6.5% of District Judges (County Courts) and just over 43.2% of Deputy Masters, Deputy Registrars, Deputy Costs Judges and Deputy District Judges (PRFD). These groups represented 12.0% and 2.0% of all judicial posts respectively.
- In 2011, 4.2% of the judiciary declared themselves to be from a BME background, up from 3.9% in 2010. The highest proportion within the BME group

<sup>44</sup> Courts Judiciary only.

<sup>45</sup> As with other professions, provision of this information is voluntary.

was for Asian people who represented 1.7% of all courts judicial office holders/judges.

- Recorders and Deputy District Judges (County Courts) together accounted for over 54% of the Judiciary, and comprised 5.0% and 4.9% BME members respectively. In both cases, the largest BME representation was for the Asian group, with 1.8% of Recorders and 2.4% of Deputy District Judges (County Courts) respectively.
- Of the 161 senior level judges (Justices of the Supreme Court, Heads of Division, Lord Justices of Appeal and High Court judges) in position on 1 April 2011, 4 were from a BME background, 34 had no recorded ethnicity and the remaining 123 were from a White background.
- Further information on judicial diversity can be found at [www.judiciary.gov.uk/publications-and-reports/statistics](http://www.judiciary.gov.uk/publications-and-reports/statistics)  
<http://jac.judiciary.gov.uk/about-jac/823.htm?format=print>

### **National Offender Management Service (NOMS)**

Data on NOMS staff presented in this chapter relate to the organisation as a whole, as well as being broken down for HM Prison Service and NOMS Headquarters (HQ).

- A new NOMS HR database was introduced during 2007/08. At that stage, staff ethnicity codes not recorded using the 2001 Census ethnicity codes were reset to “Not Stated”. Due to issues with recording, there was also a higher rate of non-declared ethnicity for staff new to the service.
- On 31 March 2011, the percentage of all NOMS staff for whom ethnicity was unknown or not stated was 8.8%. It should be noted that, while the percentage of unknown or not stated ethnicity for HM Prison Service staff was 8.3%, no ethnicity information was available for just under 17% of staff in NOMS HQ.
- There were 49,210 staff in NOMS as at 31 March 2011. Of these, 45,965 were part of HM Prison Service and 3,245 were part of NOMS HQ.
- Overall, the percentage of BME staff in NOMS was relatively stable between 2008 and 2011, at 6% or just under. The percentages for each individual BME group also remained stable over the same period.
- As at 31 March 2011, there were 52 Senior Civil Servants in NOMS. Of these, no ethnicity was reported for 15 members, 1 was from a BME background, and the remaining 36 were White.

**Table 6.04a: NOMS staff by self-identified ethnicity, as at 31 March 2007–2011**

|                            | White | Black | Asian | Mixed | Chinese or Other | Not Stated/ Unknown | Total         |
|----------------------------|-------|-------|-------|-------|------------------|---------------------|---------------|
| <b>2007</b>                | 91.0% | 2.8%  | 1.4%  | 0.9%  | 0.8%             | 3.1%                | <b>49,571</b> |
| <b>2008</b> <sup>(1)</sup> | 87.9% | 2.7%  | 1.5%  | 0.9%  | 0.7%             | 6.3%                | <b>51,239</b> |
| <b>2009</b>                | 85.7% | 2.5%  | 1.5%  | 1.0%  | 0.7%             | 8.6%                | <b>52,956</b> |
| <b>2010</b>                | 85.6% | 2.6%  | 1.6%  | 1.0%  | 0.7%             | 8.4%                | <b>51,212</b> |
| <b>2011</b>                | 85.2% | 2.6%  | 1.7%  | 1.0%  | 0.7%             | 8.8%                | <b>49,210</b> |

Source: NOMS HR

<sup>(1)</sup> A new HR database came into place in 2007/08, at which stage, staff ethnicity codes which were not in the standard 2001 Census ethnicity codes were reset to “Not Stated”.

- On 31 March 2011, BME staff accounted for 5.7% of all HM Prison Service staff (45,965), which is similar to the percentage recorded for NOMS as a whole (6.0%).

**Table 6.04b: HM Prison Service staff by self-identified ethnicity, as at 31 March 2007–2011**

|                            | White | Black | Asian | Mixed | Chinese or Other | Not Stated/ Unknown | Total         |
|----------------------------|-------|-------|-------|-------|------------------|---------------------|---------------|
| <b>2007</b>                | 91.7% | 2.7%  | 1.3%  | 0.9%  | 0.8%             | 2.6%                | <b>47,098</b> |
| <b>2008</b> <sup>(1)</sup> | 88.5% | 2.6%  | 1.4%  | 0.9%  | 0.7%             | 5.8%                | <b>47,853</b> |
| <b>2009</b>                | 87.3% | 2.5%  | 1.4%  | 1.0%  | 0.7%             | 7.1%                | <b>48,636</b> |
| <b>2010</b>                | 86.9% | 2.5%  | 1.5%  | 1.0%  | 0.7%             | 7.3%                | <b>46,885</b> |
| <b>2011</b>                | 86.0% | 2.5%  | 1.5%  | 1.0%  | 0.7%             | 8.3%                | <b>45,965</b> |

Source: NOMS HR

<sup>(1)</sup> A new HR database came into place in 2007/08, at which stage, staff ethnicity codes which were not in the standard 2001 Census ethnicity codes were reset to “Not Stated”.

- The representation of BME staff in NOMS HQ (9.5%) was higher than for the whole of NOMS (6.0%).
- As at 31 March 2011, the profile of each ethnic group also differed, with 3.8% of staff in NOMS HQ identifying themselves as Asian and 4.0% as Black (compared to 1.7% and 2.6% in the whole of NOMS).

**Table 6.04c: NOMS HQ staff by self-identified ethnicity, as at 31 March 2007–2011**

|                            | White | Black | Asian | Mixed | Chinese or Other | Not Stated/ Unknown | Total        |
|----------------------------|-------|-------|-------|-------|------------------|---------------------|--------------|
| <b>2007</b>                | 78.0% | 4.3%  | 3.1%  | 0.9%  | 0.8%             | 12.8%               | <b>2,473</b> |
| <b>2008</b> <sup>(1)</sup> | 79.4% | 3.2%  | 2.4%  | 0.8%  | 0.8%             | 13.5%               | <b>3,386</b> |
| <b>2009</b>                | 67.5% | 3.1%  | 2.8%  | 0.9%  | 0.7%             | 24.9%               | <b>4,320</b> |
| <b>2010</b>                | 71.5% | 3.4%  | 3.3%  | 1.0%  | 0.8%             | 20.1%               | <b>4,327</b> |
| <b>2011</b>                | 73.6% | 4.0%  | 3.8%  | 0.9%  | 0.9%             | 16.9%               | <b>3,245</b> |

Source: NOMS HR

<sup>(1)</sup> A new HR database came into place in 2007/08, at which stage, staff ethnicity codes which were not in the standard 2001 Census ethnicity codes were reset to “Not Stated”.

### Probation Service

NOMS and Probation Service staff figures are reported separately in this report, as all NOMS staff (both with HQ and HM Prison Service) are civil servants, whereas Probation Service staff are employed independently.<sup>46</sup> Due to a change in recording systems, Probation Service staff data relate to 2009 and 2010 only. These data were good quality. Of the 22,555 staff in the Probation Service as at 31 December 2010, 3.0% had not declared their ethnicity compared to 2.6% in the previous year.

- Members of BME groups represented 14.1% of all Probation Service staff as at 31 December 2010, up from 13.8% in 2009. Staff from a Black ethnic background represented 8.3%, those from an Asian background represented 3.5%, Mixed 1.8% and Chinese or Other 0.5%, which is similar to the breakdown recorded in 2009.
- At a senior level<sup>47</sup>, 8.0% of staff identified themselves as from a BME background (up from 7.6% in 2009). Those from Black and Asian backgrounds represented 4.1% (up from 3.6% in 2009) and 2.5% (down from 2.9% in 2009) of senior level staff respectively.

### Other criminal justice agencies

- As at 31 March 2011, 8.0% of magistrates identified themselves as from a BME background, up from 6.9% in 2007. Staff from Black and Asian backgrounds accounted for the largest proportions within the BME group at 4.1% and 2.7% of all magistrates in 2011, respectively.

<sup>46</sup> Probation trusts are separate employers and are responsible for their own staffing levels.

<sup>47</sup> In the Probation Service, senior level comprises of Chief Executive (formerly known as Chief Officer prior to trust status being achieved); Deputy Chief Officer; Assistant Chief Officer; and Area/District Manager.

- The supplementary tables accompanying this chapter provide data on the ethnic breakdown of Ministry of Justice staff, Parole Board staff, Victim Support staff, Youth Offending Team (YOT) members, and Serious Fraud Office staff, as well as barristers and private practice solicitors.

## Bibliography

Chaplin, R., Flatley, J and Smith, K (2011). *Crime in England and Wales 2010/11: Findings from the British Crime Survey and police recorded crime (First Edition)*.

Home Office Statistical Bulletin 10/11.

[www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb1011/hosb1011?view=Binary](http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb1011/hosb1011?view=Binary)

Dhani, A. and Kaiza, P (2011). *Police Service Strength England and Wales, 31 March 2011*. Home Office Statistical Bulletin 13/11.

[www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/police-research/hosb1311/hosb1311?view=Binary](http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/police-research/hosb1311/hosb1311?view=Binary)

Flatley, J. Kershaw, C. Smith, K. Chaplin, R and Moon, D. (2010). *Crime in England and Wales 2009/10: Findings from the British Crime Survey*. Home Office Statistical Bulletin 12/10. [www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb1210/](http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb1210/)

Hales, J., Nevill, C., Pudney, S and Tipping, S. (2009). *Longitudinal analysis of the Offending, Crime and Justice Survey 2003–06*. Home Office Research Report 19.

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

Hoare, J., Parfremment-Hopkins, J., Britton, A., Hall, P., Scribbins, M and Flatley, J. (2011). *Children's experience and attitudes towards the police, personal safety and public spaces: Findings from the 2009/10 British Crime Survey interviews with children aged 10 to 15*, Home Office Statistical Bulletin 08/11.

[www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb0811/hosb0811?view=Binary](http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb0811/hosb0811?view=Binary)

Home Office (2011). *Racist Incidents England and Wales 2010/11*. Home Office Statistical Findings 1/11. [www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosf0111/hosf0111-xls?view=Binary](http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosf0111/hosf0111-xls?view=Binary)

Jansson, K. (2006). *Black and Minority Ethnic groups' experiences and perceptions of crime, racially motivated crime and the police: findings from the 2004-05 British Crime Survey*. Home Office Online Report 25/06.

Leyland, A. H and Dundas, R (2010). *The social patterning of deaths due to assault in Scotland, 1980-2005: population-based study*. Journal of Epidemiology Community Health May; 64(5), pp. 432-9.

MacPherson, W (1999). *The Stephen Lawrence Inquiry*. London, Stationery Office

Mason, T., de Silva, N., Sharma, N., Brown, D and Harper, G. (2007). *Local Variation in Sentencing in England and Wales*. Ministry of Justice.

[www.justice.gov.uk/publications/docs/local-variation-sentencing-1207.pdf](http://www.justice.gov.uk/publications/docs/local-variation-sentencing-1207.pdf)

Maynard, W and Read, T (1997). *Policing Racially Motivated Incidents*, Crime Detection and Prevention Series, Paper 84, London, Home Office.

Ministry of Justice (2011a). *Criminal Justice Statistics, England and Wales 2010*.

[www.justice.gov.uk/downloads/publications/statistics-and-data/criminal-justice-stats/criminal-stats-quarterly-dec10.pdf](http://www.justice.gov.uk/downloads/publications/statistics-and-data/criminal-justice-stats/criminal-stats-quarterly-dec10.pdf)

Ministry of Justice (2011b). *Consultation on improvements to Ministry of Justice Statistics: Response to Consultation CP(R)*, 15/10, 17 March 2011, Ministry of Justice. Available: [www.justice.gov.uk/consultations/565.htm](http://www.justice.gov.uk/consultations/565.htm)

Ministry of Justice (2011c). *Offender Management Caseload Statistics 2010 Annual Tables*. [www.justice.gov.uk/publications/statistics-and-data/prisons-and-probation/oms-quarterly.htm](http://www.justice.gov.uk/publications/statistics-and-data/prisons-and-probation/oms-quarterly.htm)

Ministry of Justice (2011d). *Offender management statistics: definitions and measurements*. [www.justice.gov.uk/downloads/publications/statistics-and-data/mojstats/oms-definitions-measurement.pdf](http://www.justice.gov.uk/downloads/publications/statistics-and-data/mojstats/oms-definitions-measurement.pdf)

Ministry of Justice (2011e). *Safety in Custody Statistics 2010*.

[www.justice.gov.uk/publications/statistics-and-data/prisons-and-probation/safety-in-custody.htm](http://www.justice.gov.uk/publications/statistics-and-data/prisons-and-probation/safety-in-custody.htm)

Office for National Statistics (2011). *Population Estimates by Ethnic Group: Planned Assessment of the Reliability*.

[www.ons.gov.uk/ons/taxonomy/index.html?nscl=Population+Estimates](http://www.ons.gov.uk/ons/taxonomy/index.html?nscl=Population+Estimates).

Povey, D., Mulchandani, R., Hand, T and Kaur Panesar, L. (2011). *Police Powers and Procedures England and Wales 2009/10 (2<sup>nd</sup> Edition)*. Home Office Statistical Bulletin 07/11. [www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/police-research/hosb0711/hosb0711?view=Binary](http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/police-research/hosb0711/hosb0711?view=Binary)

Salisbury, H and Upson, A. (2004). *Ethnicity, victimisation and worry about crime: Findings from the 2001/02 and 2002/03 British Crime Surveys*. Home Office Findings 237.

Smith, K., Coleman, K., Eder, S and Hall, P (2011). *Homicides, Firearm Offences and Intimate Violence 2009/10: Supplementary Volume 2 to Crime in England and Wales 2009/10*. Home Office Statistical Bulletin 01/11.

[www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb0111/hosb0111?view=Binary](http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb0111/hosb0111?view=Binary)

Thomas, C. (2010). *Are juries fair?* Ministry of Justice Research Series 1/10. [www.justice.gov.uk/publications/are-juries-fair.htm](http://www.justice.gov.uk/publications/are-juries-fair.htm)

## **Appendix A – Glossary**

This glossary provides a brief description of the main terms used in the commentary of this report. For further information, please contact the Analytical Services division using the contact details provided at the end of this bulletin.

### **Absolute discharge**

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

### **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.

### **Average Custodial Sentence Length (ACSL)**

Average length of determinate custodial sentences given in months. This excludes indeterminate sentences (life or imprisonment for public protection sentences) as the length of these sentences is not recorded.

### **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.

## **British Crime Survey (BCS)**

The British Crime Survey (BCS) is a large nationally representative survey that asks people in detail about their experiences of crime in the last 12 months.

## **Caution**

A caution can be given when there is sufficient evidence for a conviction and it is not considered to be in the public interest to institute criminal proceedings. Additionally, the offender must admit guilt and consent to a caution in order for one to be given. A formal caution may be given by, or on the instructions of, a senior police officer. A system of reprimands and warnings replaced cautioning for juveniles in June 2000.

## **Charge**

A formal accusation against a person.

## **Community Sentences**

This term refers to all court orders except Suspended Sentence Orders and Deferred Sentences, which may have a custodial component to the sentence.

## **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 Orders**

The term court orders used in the text includes all the 'orders' listed. It does not include any pre- or post-release supervision.

## **Court sanctions**

Once found guilty in a criminal court of law an individual can receive one of six broad disposals or court sanctions: an absolute/conditional discharge; a fine; a conditional sentence; a suspended sentence; a sentence to immediate custody; or be otherwise dealt with.

## **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, 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).

## **Disposal**

The end result of a trial at court. In this publication the disposals of interest are sentence, but other disposals are possible, for example where there is no finding of guilt.

## **District Judge (magistrates' court)**

A judge who sits in the magistrates' court (not to be confused with those sitting in a county 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 and Tribunals Service**

Her Majesty's Courts and Tribunals Service (HMCTS) is an agency of the Ministry of Justice. The agency is responsible for administration of the civil, family and criminal courts and tribunals in England and Wales, and non-devolved tribunals in Scotland and Northern Ireland. This covers the Crown, county and magistrates' courts.

## **Higher-level offences**

Offences where a fixed penalty of £80 is issued for offences such as theft, and being drunk and disorderly.

## **Home Office**

The government department responsible for reducing and preventing crime.

## **Homicide**

The term 'homicide' covers the offences of murder, manslaughter and infanticide. Murder and manslaughter are common law offences that have never been defined by

statute, although they have been modified by statute. The offence of infanticide was created by the Infanticide Act 1922 and refined by the Infanticide Act 1938 (s1).

### **Homicide Index**

The Homicide Index is a database held by the Home Office, which is continually updated with revised information from the police and the courts.

### **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 independent office holder under the Crown 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, magistrate, 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 established by an Act of Parliament, custom or practice.

### **Lower-level offences**

Offences where a fixed penalty of £50 is issued for offences such as trespassing on a railway, and consumption of alcohol in a designated place.

### **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. Cases in the magistrates' courts are usually heard by panels of three magistrates (Justices of the Peace), of whom there are around 30,000 in England and Wales.

### **Multivariate analysis**

Multivariate analysis involves analysis of more than one statistical variable (e.g. age, gender, and 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.

### **Penalty Notices for Disorder (PND)**

Penalty Notices for Disorder (PNDs) are more commonly known as 'on the spot fines'. They are a fixed penalty of £50 or £80 designed to tackle low-level, anti-social and nuisance offending for offenders aged 16 or over and are issued for a range of minor offences.

### **Personal crime (BCS)**

Personal crimes, as recorded in the BCS, refer to all crimes against the individual (not that of other people in the household). An example of a personal crime would be an assault. Published BCS data for 'all personal crime' excludes sexual offences (except for 'wounding with a sexual motive') as the number of these types of offences picked up by the survey is too small to give reliable estimates.

### **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 Stop and Searches per 1,000 population.

### **Post-release supervision**

All prisoners given a custodial sentence of 12 months or more serve a proportion of their sentence in custody and are then released on licence. They are supervised by probation staff before and after release from custody. In addition, offenders with sentences of less than 12 months who are aged under 22 receive a minimum of three months post-release supervision, provided this does not extend beyond their 22<sup>nd</sup> birthday.

### **Pre-court sanction**

Pre-court sanctions are out of court disposals that can be used by the police to deal with low risk low level and mostly first-time offenders outside the court system. They are not suitable for contested or more serious cases and would not normally be considered for those who repeatedly offend (subject to relevant guidance). The two out of court disposals discussed in this publication are Penalty Notices for Disorder (PND) and cautions.

### **Pre-release supervision**

Home supervising officers along with probation staff in prisons work jointly with prison staff on sentence planning and management, including consideration of post-release issues.

### **Principal suspect (Homicide Index)**

For the purposes of the Homicide Index, a suspect is defined as (i) a person who has been arrested for an offence initially classified as homicide and charged with homicide or (ii) a person who is suspected by the police of having committed the offence but is known to have died or committed suicide prior to arrest/being charged.

As more than one suspect may be tried for an offence and sometimes no suspect is ever brought to trial, the number of suspects is not the same as the number of offences.

### **Probation Service**

The National Probation Service generally deals with those aged 18 years and over (those under 18 are mostly dealt with by Youth Offending Teams, answering to the Youth Justice Board.) They are responsible for supervising offenders who are given community sentences and Suspended Sentence Orders by the courts, as well as offenders given custodial sentences, both pre and post their release.

### **Prosecution**

The institution or conduct of criminal proceedings against a person.

### **Prosecutor**

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

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

An offence may be defined as racially or religiously aggravated if: 1) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates toward the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial or religious group; or 2) the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of that group.

The racially or religiously aggravated offences category currently comprises offences of actual bodily harm and grievous bodily harm without intent; criminal damage; and assault without injury.

### **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.

### **Self-harm**

Self-harm in prison custody is defined as, “any act where a prisoner deliberately harms themselves irrespective of the method, intent or severity of any injury.” In the community, self-harm is common but often covert. In prisons, such incidents are more likely to be detected and counted.

### **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.

### **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, certain offences that involve no physical injury and some involving serious intent.

**Violent crime (BCS)**

Violent crime, as measured by the British Crime Survey, contains the full spectrum of assaults from pushing and shoving that result in no physical harm, to murder.

**Witness**

A person who gives evidence in court.

**Witness and Victim Experience Survey (WAVES)**

The Witness and Victim Experience Survey was a quarterly national telephone survey which comprised interviews with victims and prosecution witnesses aged 18 years and over in cases where an offender had been charged and the case with the Crown Prosecution Service had been closed (i.e. an outcome or verdict had been reached). The survey is no longer continuous and a separate report on survey findings is due to be published in 2011/12.

## Appendix B – Data sources and quality

*Statistics on Race and the CJS* draws on data from a number of sources across the CJS including data collected by the police, the courts and prisons. A brief description of the coverage of each of these sources is provided in this appendix, together with any known issues relating to data quality. Table B.01 outlines the main sources drawn on in this report and the data period covered, and provides links to where data can be found during non-publication years.

**Table B.01: Key sources presented in Statistics on Race and the CJS**

| Chapter       | Source  | Reference period             | Primary source   |
|---------------|---|------------------------------|--|
| Victims       | British Crime Survey (Adults)   | 2010/11                      | <a href="http://www.homeoffice.gov.uk/science-research/research-statistics/crime/crime-statistics/british-crime-survey/">www.homeoffice.gov.uk/science-research/research-statistics/crime/crime-statistics/british-crime-survey/</a>         |
|               | British Crime Survey (Children)                                       | 2009/10                      | <a href="http://www.homeoffice.gov.uk/science-research/research-statistics/crime/crime-statistics/bcs-10-15-year-olds/">www.homeoffice.gov.uk/science-research/research-statistics/crime/crime-statistics/bcs-10-15-year-olds/</a>           |
|               | Homicide Index  | 2009/10                      | <a href="http://www.homeoffice.gov.uk/science-research/research-statistics/crime/crime-statistics/british-crime-survey/">www.homeoffice.gov.uk/science-research/research-statistics/crime/crime-statistics/british-crime-survey/</a>         |
|               | Racist Incidents  | 2010/11                      | <a href="http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosf0111/">www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosf0111/</a> |
| Suspects      | Stop and Search Arrests   | 2009/10<br>2009/10           | <a href="http://www.homeoffice.gov.uk/science-research/research-statistics/police/">www.homeoffice.gov.uk/science-research/research-statistics/police/</a>   |
| Defendants    | PNDs<br>Cautions<br>Prosecutions<br>Sentencing                        | 2010<br>2010<br>2010<br>2010 | <a href="http://www.justice.gov.uk/publications/statistics-and-data/criminal-justice/criminal-justice-statistics.htm">www.justice.gov.uk/publications/statistics-and-data/criminal-justice/criminal-justice-statistics.htm</a>               |
| Offenders     | Community Orders<br>Pre/Post Release Supervision<br>Prison Population | 2010<br>2010                 | <a href="http://www.justice.gov.uk/publications/statistics-and-data/prisons-and-probation/oms-quarterly.htm">www.justice.gov.uk/publications/statistics-and-data/prisons-and-probation/oms-quarterly.htm</a>                                 |
|               | Deaths in Police Custody  | 2010                         | <a href="http://www.ipcc.gov.uk/en/Pages/research.aspx">www.ipcc.gov.uk/en/Pages/research.aspx</a>   |
|               | Deaths in Prison Custody<br>Self-harm                                 | 2010<br>2010                 | <a href="http://www.justice.gov.uk/publications/statistics-and-data/prisons-and-probation/safety-in-custody.htm">www.justice.gov.uk/publications/statistics-and-data/prisons-and-probation/safety-in-custody.htm</a>                         |
| Practitioners | Police  | 31/03/2011                   | <a href="http://www.homeoffice.gov.uk/science-research/research-statistics/police/">www.homeoffice.gov.uk/science-research/research-statistics/police/</a>   |
|               | CPS   | 31/12/2010                   | <a href="http://www.cps.gov.uk/data/equality_and_diversity/orkforce_diversity_data_2010_11.html">www.cps.gov.uk/data/equality_and_diversity/orkforce_diversity_data_2010_11.html</a>   |
|               | Judiciary   | 2011                         | <a href="http://www.judiciary.gov.uk/publications-and-reports/statistics">www.judiciary.gov.uk/publications-and-reports/statistics</a> .   |

## Chapter 2: Victims

### *British Crime Survey – Adult survey*

The BCS is a face-to-face victimisation survey of households in England and Wales. The 2010/11 BCS had a representative sample of 46,754 adults aged 16 or over. Respondents are randomly selected from the population resident in households in England and Wales.

- The survey asks about people's experiences and perceptions of crime, and includes questions on people's attitudes towards crime-related topics.
- For the population and crimes that it covers, the BCS provides a more reliable measure of extent and trends than the police recorded crime series.
- Estimates of crime are unaffected by changes in public reporting rates or in police recording practices.

The primary purpose of the BCS is to provide national-level estimates for the crime types it covers. It is not intended to provide a total count of crime. Furthermore, only limited analyses are possible at regional and police force area level.

The survey has some notable exclusions.

- The BCS does not cover crime against commercial or public sector bodies.
- The BCS does not include some relatively new crimes in its main crime count, such as plastic card fraud, although additional questions have been added to the survey to capture such issues and are reported separately.
- The BCS does not cover the population living in group residences (e.g. care homes or halls of residence) or other institutions.
- As a survey that asks people whether they have experienced victimisation, homicides cannot be included.
- Due to sensitivity of reporting in the context of a face-to-face interview, the main BCS crime count does not include rape and other sexual offences. However, the BCS does provide estimates of the proportion of adults who have been victims of such offences via a separate self-completion module.
- The BCS excludes so-called 'victimless' crimes (e.g. possession of drugs).

- As a sample survey, it interviews relatively few victims of the low-volume crimes, such as robbery. Figures presented for these crimes should therefore be interpreted with caution.

#### *British Crime Survey – Children’s survey*

Since January 2009, children aged 10 to 15 have been included in the BCS. Results from the 2009/10 survey, which were published by the Home Office in Summer 2011 (see Hoare *et al.*, 2011), are presented in *Statistics on Race and the CJS*. The sample for this survey was obtained from within those households that had already participated in the core survey and, in any 12-month period, the aim is to achieve around 4,000 interviews with children aged 10 to 15. The current sample size is designed to be able to provide reliable estimates of crimes and crime-related attitudes and experiences at a national level on an annual basis.

Overall, 68% of eligible children within households responding to the core BCS took part in the children’s survey (the BCS has a relatively high response rate to the core survey, 76% in 2009/10). The ‘true’ response rate (taking into account first stage non-response to the main BCS) is in the region of 52%.

A total of 3,762 valid interviews were conducted with children aged 10 to 15 during the 2009/10 BCS. Due to the modular structure of the questionnaire, approximately a third of the sample (that is, around 1,250 children) participated in each module.

*The User Guide to Home Office Crime Statistics* is a useful reference guide with explanatory notes regarding the issues and classifications which are key to the production and presentation of the BCS crime statistics. The most recent version is available at:

[www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/user-guide-crime-statistics/](http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/user-guide-crime-statistics/)

## *Homicides*

To allow trends in homicide to be examined by ethnicity, offences for three-year periods are presented in this report (2001/02 to 2003/04; 2004/05 to 2006/07; and 2007/08 to 2009/10).

- The data refer to the position as at 28 September 2010 and are based on the latest published homicide chapter, which can be found at: [www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb0111/](http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb0111/). These data will change as subsequent court hearings take place or other information is received.
- Homicide offences are captured according to the year in which the police initially recorded the offence as homicide (not necessarily the year in which the incident took place or the year in which any court decision was made).
- Data from the Homicide Index are deemed a better source of data than the separate main recorded crime data set as they are continually being updated with revised information from the police and the courts. The Index also provides far greater detail than the main recorded crime data set.
- Due to differences in the recording practice with respect to 'no crimes', data presented may not be the same as the provisional homicide figures presented in the annual *Crime in England and Wales* statistical bulletin, published each July.

## **Chapter 3: Suspects**

Chapter 3 of this report draws on data on Stop and Search under the Police and Criminal Evidence Act (PACE) and other legislation, resultant arrests and arrests for notifiable offences in 2009/10. These data are drawn from returns from the 43 local police forces in England and Wales and, as such, reflect police activity rather than providing a complete overview of the crimes committed by offenders or their specific characteristics.

### *Stop and Search*

Data on Stop and Search and arrests are first published in the Home Office Police Powers and Procedures Bulletin (available at: [www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/police-research/hosb0711/](http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/police-research/hosb0711/)). The coverage differs slightly from that in *Statistics on Race and the CJS*, which excludes:

- arrests where the offender age is not reported.
- Stop and Searches of unattended vehicles.

This means that figures in the two publications cannot always be reconciled.

### *Arrests*

Figures on arrests for recorded crime are also not strictly comparable with Cautions and Court Proceedings data held by the Ministry of Justice. This is mainly because the aggregated offence categories for notifiable offences do not directly compare with indictable (including triable-either-way) offence groups. In addition, there are differences between the time periods covered by the two sets of statistics. Court Proceedings figures relate to the year of the final court decision, rather than the year of arrest, and these may differ.

Where a person has been arrested for one or more recorded crimes on the same occasion, the offence with the highest maximum penalty is recorded. A person will appear more than once in the tables if arrested on more than one occasion during the year. However, as with any data collection system, differences in recording practice (over time and across police force areas) can lead to an unknown degree of error.

## **Chapter 4: Defendants**

The most recent data presented in this report refer to out of court disposals and court proceedings data for 2010, as reflected in the MoJ publication *Criminal Justice Statistics, England and Wales 2010*.

Data on Penalty Notices for Disorder and cautions are issued and recorded by police forces. These data are received either via the individual police forces or extracted from administrative database systems.

#### *Penalty Notices for Disorder (PND)*

Penalty Notices for Disorder (PNDs), more commonly known as ‘on the spot fines’, were introduced under the Criminal Justice and Police Act 2001 (sections 1–11) as part of the previous Government’s strategy to tackle low-level, anti-social and nuisance offending. Under the legislation, police can issue a fixed penalty of £50 or £80 for a specified range of minor disorder offences, either on the spot or at a police station.

Since 2004, when PNDs were piloted, data have been received from the individual police forces on a monthly basis. The two returns provided are details of PNDs issued and their subsequent outcomes. The returns are checked by the statistical teams for completeness and accuracy. Any anomalies in the data are queried with the force and any duplication of data is removed from the database.

On an annual basis a full reconciliation process is undertaken where each police force is given the opportunity to verify the monthly figures they have supplied and to make revisions to the annual returns prior to publication.

A new PND for the offence of possession of cannabis was introduced in 2009. Guidance was issued limiting the use of this PND to adults, i.e. to those aged 18 and over. The data submitted in 2010 showed that some PNDs were issued for this offence to juveniles, i.e. those aged under 18. These were queried with the relevant forces and subsequently 56% were cancelled.

#### *Cautions*

This report includes data on offenders formally cautioned by the police by offence, and ethnicity. These data include ‘simple cautions’, ‘conditional cautions’, and ‘reprimands and warnings’ (which replaced cautions for juvenile offenders on 1 June 2000).

Similar to the PND data collection, returns from each police force on cautions are submitted to the Ministry of Justice electronically each month. The records are validated for accuracy and completeness and police forces are notified of any

validation failures. This then gives them the opportunity to correct their returns and make amendments as necessary. Additionally, any apparent cautions given for serious offences, such as rape, are investigated more thoroughly.

Cautions data for Nottinghamshire have been revised. Due to an issue with the data collation process, cautions for Black people were omitted for the 2008 calendar year. These have now been recovered, which will increase the total number of cautions from the figures originally reported in *Criminal Statistics 2008* and *Statistics on Race and the Criminal Justice System 2008/09*.

From 2009/2010 the reporting of conditional cautions was made mandatory, including those given to juveniles aged 16 and 17. This meant from 1 April 2009 all returns distinguish conditional cautions from other caution type interventions. In addition, Youth Conditional Cautions (YCC), for juveniles aged 16 or 17, were introduced from 1 April 2009.

In 2010 around 1,200 cautions (0.5%) failed the validation process and were subsequently amended. Common validation failures included incomplete age or gender information and the mis-recording of observed ethnicity.

## **Court proceedings**

The complexities of the Criminal Justice System and the constraints on resources in collating and processing data limit the amount of information collected routinely so only the final outcome of proceedings at magistrates' courts and the Crown Court (where applicable) is recorded.

### *Prosecutions, convictions and sentencing*

Statistics on prosecutions, convictions and sentencing are either derived from the LIBRA case management system, which holds the magistrates' courts records, or the Crown Court's CREST system which holds the trial and sentencing data. The data include offences where there has been no police involvement, such as those prosecutions instigated by government departments, private organisations and individuals.

From July 1995 all Crown Court data on trials and sentences have been received directly from the Court Service's CREST computer system and from November 2008

all magistrates' courts data have been provided by the LIBRA case management system.

Prior to November 2008, the police reported on magistrates' court proceedings and it is thought that for some police force areas there may have been under-reporting of proceedings, in particular those relating to motoring offences, TV Licence evasion and other summary offences with no police involvement. The extent of under-reporting may vary from year to year.

The court system data used in this bulletin go through a variety of validation and consistency checks. Individual records are validated in an automated process that highlights irregularities and inconsistencies. In particular, checks are made, where possible, to ensure that:

- offences are correct and legitimate for the age of the defendant;
- the sentence given for an offence is applicable in law;
- hearings are consistent with the court they are heard in; and
- sentences follow guidelines given the age of the offender and the offence committed.

In general, data validation is ongoing to investigate unusual trends or records. For serious offences (such as homicide and serious sexual offences) and severe disposals (such as life imprisonment and indeterminate sentences of Imprisonment for Public Protection [IPP]) individual records are flagged for manual confirmation which further reduces the possibility of error.

For the Crown Court, where these validation failures occur, the data are corrected by referring to original court registers. Approximately 25,000 individual records per year are corrected.

At the magistrates' courts, the sheer volume of court records (around 2.8 million per year compared with 100,000 Crown Court records) means these files cannot follow the same process. The majority of validation failures are subject to automatic amendment and any serious errors are manually checked. The validation rate for the magistrates' courts' files is around 7%, compared to much higher rates at the Crown Court (30–40%).

Tables on court proceedings presented in this report relate to proceedings completed in the year. A defendant may appear more than once in the tables if proceedings were completed against that defendant on more than one occasion during the year.

Where proceedings involve more than one offence, the tables report the principal offence. The basis for the selection of the principal offence is as follows.

- Where a defendant is found guilty of one offence and acquitted of another, the offence selected is the one for which he is found guilty.
- Where a defendant is found guilty of two or more offences, the offence selected is the one for which the heaviest sentence is imposed.
- Where the same disposal is imposed for two or more offences, the offence selected is the one for which the statutory maximum penalty is the most severe.

The offence shown in the tables on court proceedings is the one for which the court took its final decision and is not necessarily the same as the offence for which the defendant was initially prosecuted, for example when the court accepts a guilty plea from the defendant on a lesser charge.

Unless otherwise stated, the sentence shown is the most severe sentence or order given for the principal offence (i.e. the principal sentence) which implies that secondary sentences given for the principal offence and sentences for non-principal offences are not counted in the tables. The exceptions to this rule are the tables containing statistics on compensation, confiscation and forfeiture where any one of the first four disposals may be counted.

*A Guide to Criminal Justice Statistics* is a useful reference guide with explanatory notes regarding the quality of data and the checks made in producing these statistics.

The most recent version is available at:

[www.justice.gov.uk/downloads/publications/statistics-and-data/criminal-justice-stats/criminal-justice-statistics-guide-0811.pdf](http://www.justice.gov.uk/downloads/publications/statistics-and-data/criminal-justice-stats/criminal-justice-statistics-guide-0811.pdf)

## **Chapter 5: Offenders**

The data presented in this chapter are based on the most recent publications of *Offender Management Statistics 2010* and *Safety in Custody Statistics 2010*.

Data on those in prison are drawn from administrative IT systems. Although care is taken when processing and analysing the returns, the detail collected is subject to the inaccuracies inherent in any large-scale recording system. While the figures shown have been checked as far as practicable, they should be regarded as approximate and not necessarily accurate to the last whole number shown in the tables.

*a) Prison flows and population*

Prison establishments record details for individual inmates on the prison IT system (either Prison-NOMIS or LIDS). The information recorded includes details such as date of birth, sex, religion, nationality, ethnic origin, custody type, offence, reception and discharge dates and, for sentenced prisoners, sentence length. The data from individual prison establishments then feed through to a central computer database, called the Inmate Information System (IIS), from which data extracts are used to produce the various analysis of prison population, receptions, discharges and time served in custody.

Until June 2009 the prison population data used for analysis were derived by combining two sources: the individual level data collected on IIS, and a set of aggregate totals from each prison establishment giving the numbers held in each prison broadly subdivided according to age group, sex, custody type and sentence length. The individual level data were scaled to the aggregate totals to create the monthly prison population dataset used for all analysis. A more detailed method of scaling was developed in 2004.

Following the rollout of the new prison IT system, Prison-NOMIS, the prison population data are now drawn from a single source, removing the need for the scaling process used previously. All prison population data from July 2009 onwards are taken from this new data source. For all annual tables showing the prison population over time, this means the 2010 figures have been taken from a different source to earlier years. To aid comparison, the 2009 figures from both the old and new systems have been presented.

*b) Probation Service supervision*

Since 2005, detailed information on the supervision of offenders (at the individual offender level) has been submitted by probation trusts on a monthly basis. These monthly 'probation listings' include information on offenders starting and terminating

probation supervision and those supervised on the probation caseload at the end of each month. Between 2002 and 2005 this information was submitted quarterly, and prior to 2002 a different data collection system was in place, which meant that information on caseload had to be calculated based on the number of people starting supervision and the number of terminations.

For further information on prisons and probation data, please see *Offender Management Statistics: definitions and measurement*, which is available at: ([www.justice.gov.uk/downloads/publications/statistics-and-data/mojstats/oms-definitions-measurement.pdf](http://www.justice.gov.uk/downloads/publications/statistics-and-data/mojstats/oms-definitions-measurement.pdf))

### c) *Safety in Prison*

Figures on self-harm and deaths in prison custody are drawn from administrative IT systems. Care is taken when processing and analysing the returns but the detail collected is subject to the inaccuracies inherent in any large-scale recording system. Although the figures are shown to the last whole number the figures may not be accurate to that level.

Figures for deaths during previous years may change due to late notifications and changes in classification following an inquest, which may happen several years after the death. Figures for self-harm and assaults for the previous year may be revised due to data corrections; earlier figures are not generally subject to revision.

There are currently eight deaths from 2010 which are recorded in a new “unclassified” category. In most cases, it is possible to classify a death as either apparent self-inflicted, suspected natural causes, apparent homicide or “other non-natural”; although there are cases where this is not possible. In previous years, the small number of such cases have been included in the “other non-natural” category. However, during 2010 there was an increase in these cases; for example, where prisoners were found unresponsive in bed (with no known underlying medical condition); these are now being shown separately.

Further information on the quality of data on safety in prison custody can be found in Appendix B of the *Safety in Custody* publication available at: [www.justice.gov.uk/downloads/publications/statistics-and-data/mojstats/safety-custody-2010.pdf](http://www.justice.gov.uk/downloads/publications/statistics-and-data/mojstats/safety-custody-2010.pdf)

## **Chapter 6: Staff and Practitioners**

Data on practitioners have been provided by the individual agencies listed in this chapter and are based on HR systems. As these systems are regularly updated, the data were true at the specific date supplied and may not always be reconcilable with those published by the agencies themselves.

As noted in the publication, there is wide variability in the quality of ethnicity data for different CJS agencies with the proportion of unknowns in the most recent year for which data are available, ranging from 1% for the Police to 19% for the Judiciary. This must be taken into account when interpreting the proportions presented.

## Appendix C – 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.

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)<br>White – South European (IC2)         |
| Black                                | Black (IC3)  |
| Asian                                | Asian (IC4)  |
| Other                                | Chinese, Japanese, or South East Asian (IC5)<br>Middle Eastern (IC6) |
| Unknown                              | Unknown (IC0)  |

## Self-classification

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

## Contacts

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

Tel: 020 3334 3536

Email: <mailto:newsdesk@justice.gsi.gov.uk>

Other enquiries about these statistics should be directed to the Justice Statistics Analytical Services division of the Ministry of Justice:

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Email: [statistics.enquiries@justice.gsi.gov.uk](mailto:statistics.enquiries@justice.gsi.gov.uk)

General enquiries about the statistical work of the Ministry of Justice can be e-mailed to: [statistics.enquiries@justice.gsi.gov.uk](mailto:statistics.enquiries@justice.gsi.gov.uk)

General information about the official statistics system of the UK is available from: [www.statistics.gov.uk](http://www.statistics.gov.uk)

## Explanatory notes

The United Kingdom Statistics Authority has designated these statistics as National Statistics, in accordance with the Statistics and Registration Service Act 2007 and signifying compliance with the Code of Practice for Official Statistics.

Designation can be broadly interpreted to mean that the statistics:

- meet identified user needs;
- are well explained and readily accessible;
- are produced according to sound methods, and
- are managed impartially and objectively in the public interest.

Once statistics have been designated as National Statistics it is a statutory requirement that the Code of Practice shall continue to be observed.

## Symbols and conventions

The following symbols have been used throughout the tables in this bulletin:

- .. not available
- 0 nil or less than half the final digit shown
- not applicable
- ≡ = Discontinuity in the series
- (p) = Provisional data

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[statistics.enquiries@justice.gsi.gov.uk](mailto:statistics.enquiries@justice.gsi.gov.uk).