



Ministry
of Justice



Statistics on Race and the Criminal Justice System 2012

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

November 2013



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The authors would like to express their thanks to members of the Race Advisory Group 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 the different ethnic groups as victims, suspects, defendants, and offenders within the Criminal Justice System and as practitioners/staff 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. These reports are published on the Home Office and the Ministry of Justice sections of the GOV.UK website (www.justice.gov.uk) and the Office for National Statistics website (www.ons.gov.uk).

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

This report provides information about how members of all ethnic groups, including those from Black, Asian and Minority Ethnic (BAME) groups, were represented in the Criminal Justice System (CJS) in England and Wales in the most recent years for which data were available, and, wherever possible, in the preceding four years. However, the identification of differences should not be equated with discrimination, as there are many reasons why apparent disparities may exist.

Table A below shows the estimated proportion of each ethnic group in the resident population aged ten and over based on the population estimates from the 2011 census, and the ethnic breakdown of those at different points of the CJS process. Care should be taken comparing percentages across different sources due to variation in the percentage of individuals with unknown ethnicity.

Table A: Overview of Race and the CJS: Proportion of individuals in the CJS by ethnic group compared to general population, England and Wales

Data	Type of Ethnicity ⁽¹⁾	Time Period ⁽²⁾	Ethnic Group					Unknown	Total
			White	Black	Asian	Mixed	Chinese or Other		
Population aged 10 or over	Self-identified	2011	87.1%	3.1%	6.4%	1.7%	1.7%	-	49,443,451
Stop and Searches (s1) ⁽³⁾	Self-identified	2011/12	67.1%	14.2%	10.3%	2.9%	1.3%	4.2%	1,120,084
Arrests	Self-identified	2011/12	79.5%	8.3%	5.9%	3.0%	1.4%	1.8%	1,235,028
Penalty Notice for Disorder	Self-identified	2012	68.8%	2.1%	5.5%	0.6%	3.8%	19.3%	106,205
Cautions ⁽¹⁾	Officer Identified	2012	83.9%	7.0%	5.2%	-	1.4%	2.6%	188,610
Court Proceedings (Indictable)	Self-identified	2012	71.4%	7.8%	4.7%	1.9%	1.1%	13.1%	375,874
Convictions (indictable)	Self-identified	2012	73.2%	7.5%	4.5%	1.8%	1.1%	11.9%	308,124
Sentenced to Immediate Custody (Indictable)	Self-identified	2012	70.6%	8.9%	5.5%	1.9%	1.7%	11.4%	81,082

Notes:

(1) Self-identified ethnicity is based on the 2001 Census self-identified ethnicity classification (16+1) which has been grouped (5+1). Officer identified ethnicity is based on ethnic appearance and therefore do not include the Mixed category.

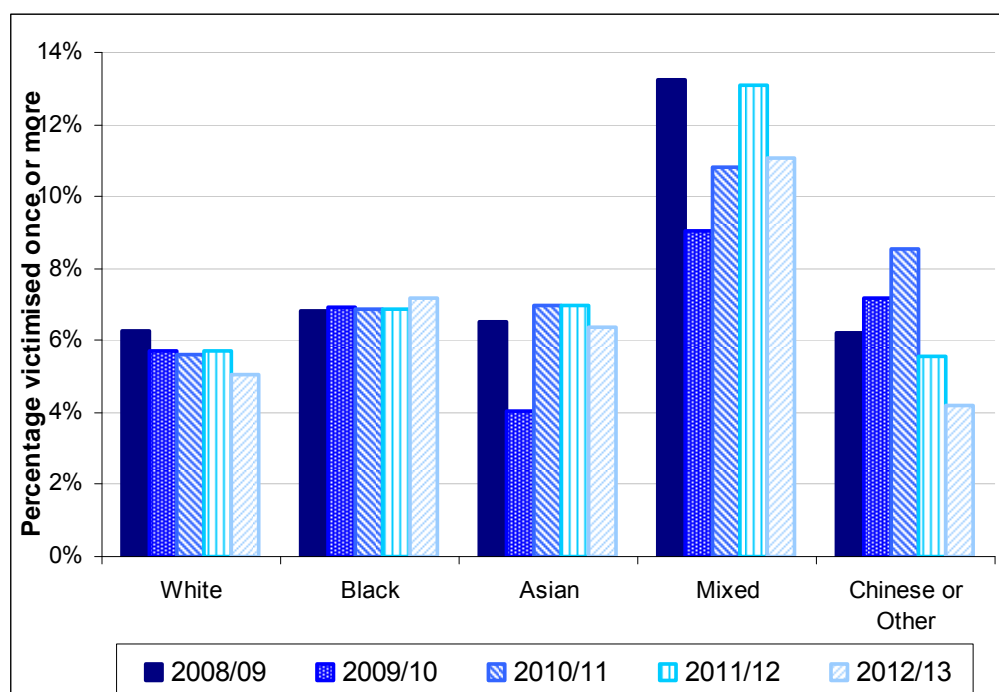
(2) Latest data available at time of publication.

(3) Data from the British Transport Police are excluded for consistency with the tables presented elsewhere in the report. These data are available in the supplementary tables to Chapter 3.

Victims of Crime

- The 2012/13 Crime Survey for England and Wales (CSEW) shows that adults from self-identified Mixed, Black and Asian ethnic groups were more at risk of being a victim of personal crime than adults from the White ethnic group. This has been consistent since 2008/09 for adults from a Mixed or Black ethnic group; and since 2010/11 for adults from an Asian ethnic group. Adults from a Mixed ethnic group had the highest risk of being a victim of personal crime in each year between 2008/09 and 2012/13 (Figure A).

Figure A: Percentage of adults who were victims once or more of a CSEW personal crime by self-identified ethnicity, England and Wales, 2008/09 to 2012/13



Homicide Victims

Homicide is a rare event, therefore, homicide victims data are presented aggregated in three-year periods in order to be able to analyse the data by ethnic appearance. The most recent period for which data are available is 2009/10 to 2011/12.

- The overall number of homicides has decreased over the past three three-year periods. The number of homicide victims of White and Other ethnic appearance decreased during each of these three-year periods. However the number of victims of Black ethnic appearance increased in 2006/07 to 2008/09 before falling again in 2009/10 to 2011/12.

- For those homicides where there is a known suspect, the majority of victims were of the same ethnic group as the principal suspect. However, the relationship between victim and principal suspect varied across ethnic groups. In the three-year period from 2009/10 to 2011/12, for victims of White ethnic appearance the largest proportion of principal suspects were from the victim's own family; for victims of Black ethnic appearance, the largest proportion of principal suspects were a friend or acquaintance of the victim; while for victims of Asian ethnic appearance, the largest proportion of principal suspects were strangers. (Figure B).
- Homicide by sharp instrument was the most common method of killing for victims of White, Black and Asian ethnic appearance in the three most recent three-year periods. However, for homicide victims of White ethnic appearance hitting and kicking represented the second most common method of killing compared with shooting for victims of Black ethnic appearance, and other methods of killing for victims of Asian ethnic appearance (Figure C).

Figure B: Relationship of homicide victim and principal suspect by ethnic appearance, England and Wales, 2003/04 to 2011/12

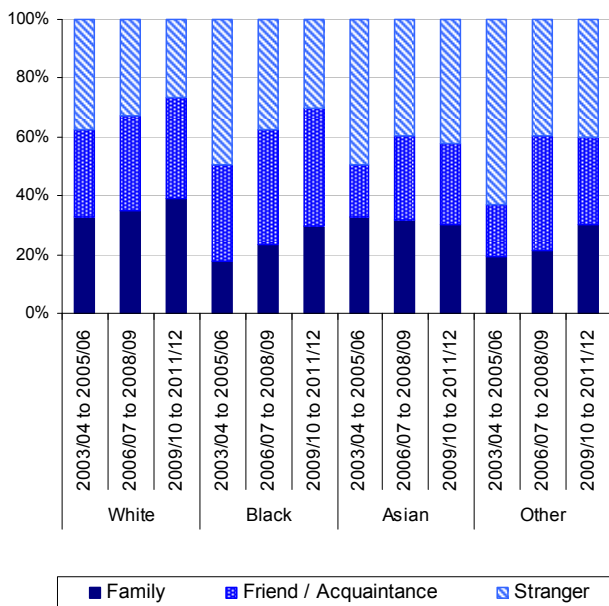
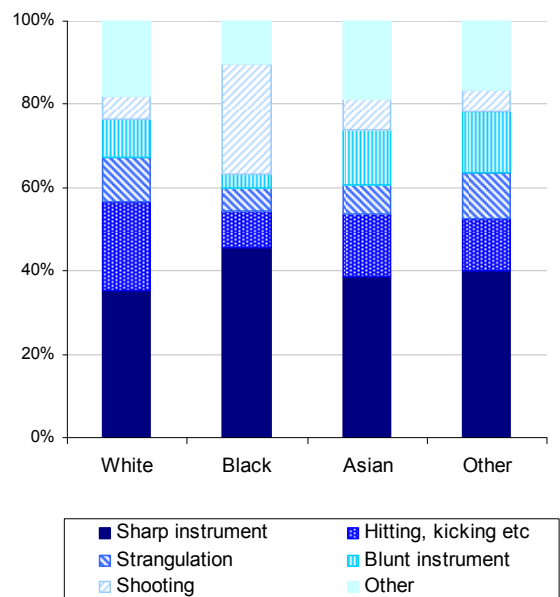


Figure C: Method of killing in homicide victims by ethnic appearance, England & Wales, 2012



Suspects

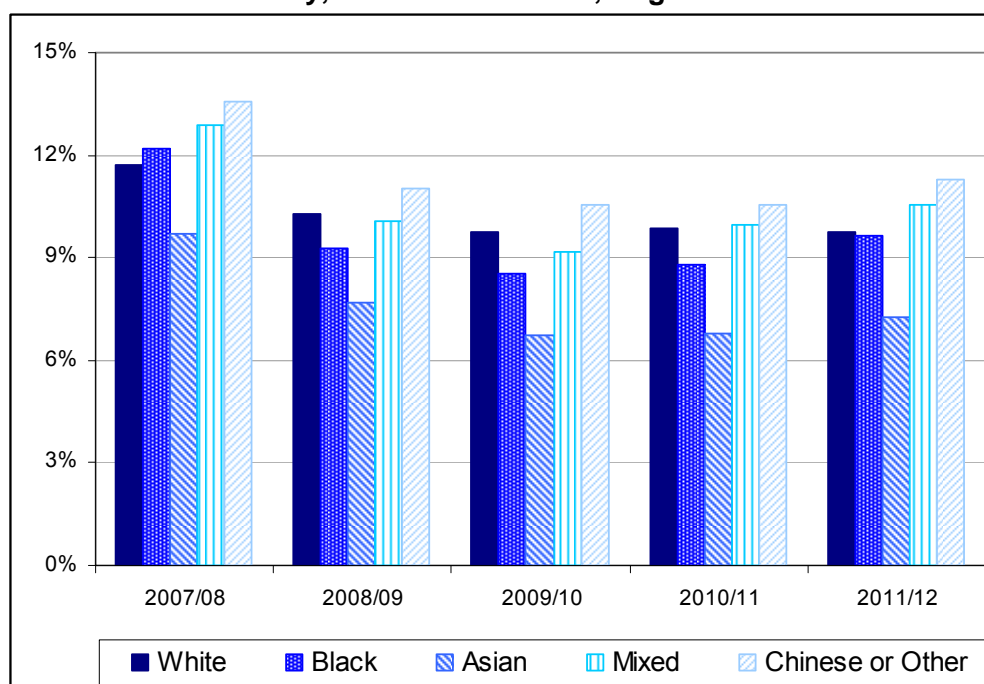
- In 2011/12, a person aged ten or older¹, who self-identified as belonging to the Black ethnic group was six times more likely than a White person to be stopped and searched under section 1 (s1) of the Police and Criminal

¹ Ten years is the age of criminal responsibility.

Evidence Act 1984 and other legislation in England and Wales; persons from the Asian or Mixed ethnic group were just over two times more likely to be stopped and searched than a White person.

- Despite an increase across all ethnic groups in the number of stops and searches conducted under s1 powers between 2007/08 and 2011/12, the number of resultant arrests decreased across most ethnic groups. Just under one in ten stop and searches in 2011/12 under s1 powers resulted in an arrest in the White and Black self-identified ethnic groups, compared with 12% in 2007/08. The proportion of resultant arrests has been consistently lower for the Asian self-identified ethnic group (Figure D).

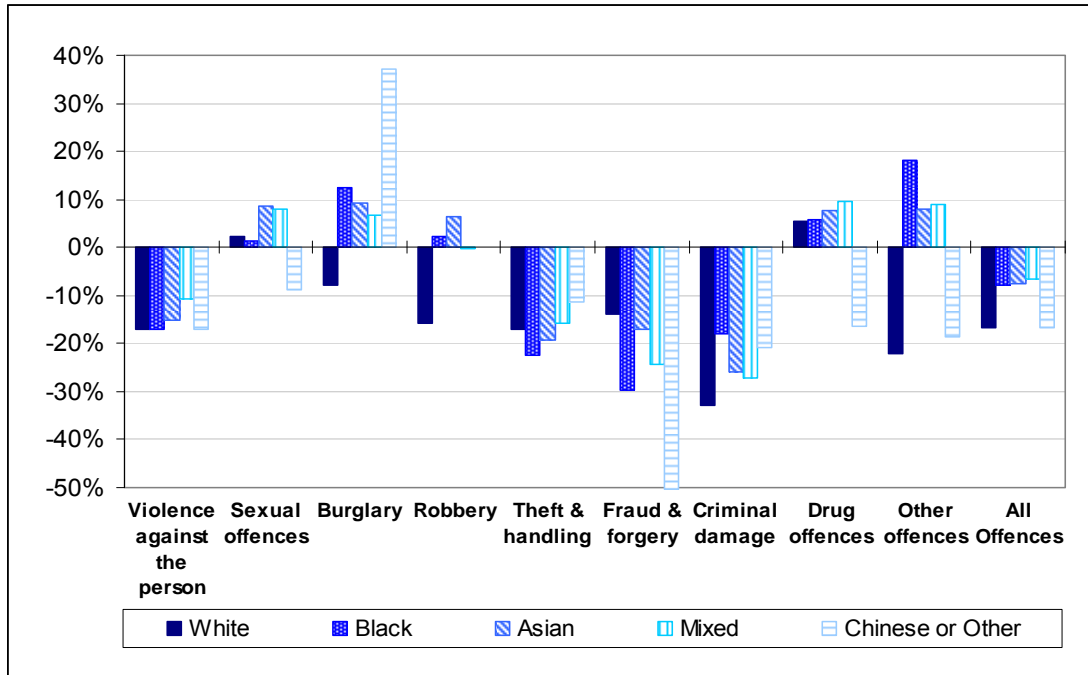
Figure D: Proportion of resultant arrests from s1 stops and searches by self-identified ethnicity, 2007/08 to 2011/12, England and Wales



- In 2011/12, for those aged 10 or older, a Black person was nearly three times more likely to be arrested per 1,000 population than a White person, while a person from the Mixed ethnic group was twice as likely. There was no difference in the rate of arrests between Asian and White persons.
- The number of arrests decreased in each year between 2008/09 and 2011/12, consistent with a downward trend in police recorded crime since 2004/05. Overall, the number of arrests decreased for all ethnic groups between 2008/09 and 2011/12, however arrests of suspects from the Black, Asian and Mixed ethnic groups peaked in 2010/11.

- Arrests for drug offences and sexual offences increased for suspects in all ethnic groups except the Chinese or Other ethnic group between 2008/09 and 2011/12. In addition, there were increases in arrests for burglary, robbery and the other offences category for suspects from the Black and Asian ethnic groups (Figure E).

Figure E: Percentage change in the number of arrests by offence group and self-identified ethnicity between 2008/09 and 2011/12, England and Wales



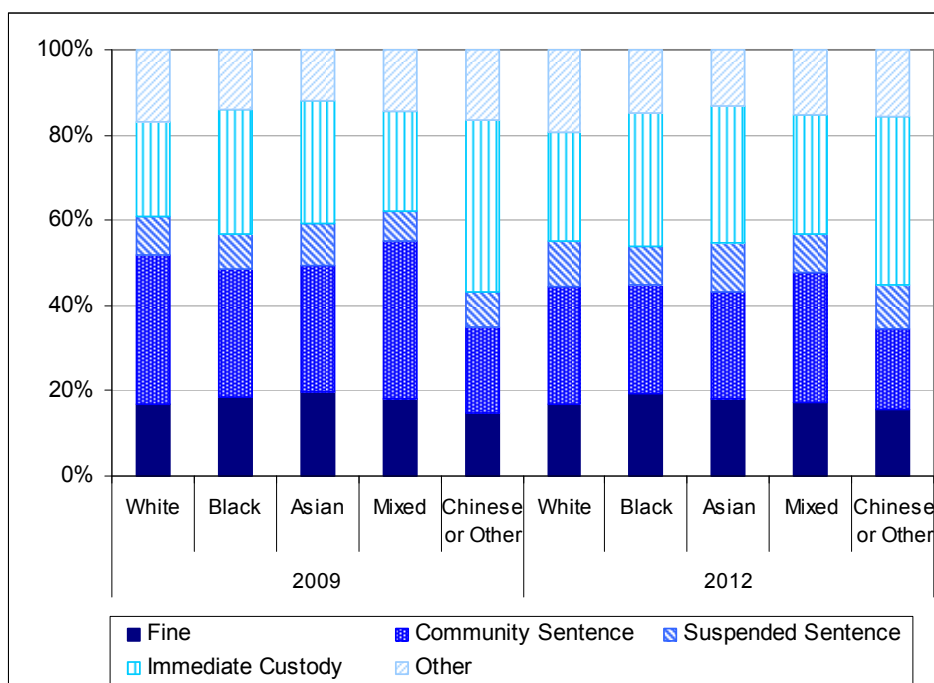
Defendants

- The use of out of court disposals (Penalty Notices for Disorder and cautions) decreased each year across all ethnic groups between 2008 and 2012. This decline coincided with the replacement, in April 2008, of a target to increase offences brought to justice, with one placing more emphasis on bringing serious crime to justice. The later target was subsequently removed in May 2010.
- Black persons were less likely to receive an out of court disposal for an indictable offence, and more likely to be proceeded against at magistrates' court, than all other ethnic groups. This remained consistent between 2009 and 2012 despite the overall decrease in the proportion of out of court disposals of those formally dealt with by the CJS.

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- Fewer offenders entered the court system in 2012 compared with 2009, which is consistent with the decrease in the number of arrests across all ethnic groups. As a result, fewer offenders were sentenced overall.
- The conviction ratio (the number of convictions divided by the number of people proceeded against) for indictable offences increased across all ethnic groups between 2009 and 2012, but has generally been higher for the White ethnic group compared with any other ethnic group during this period. These figures do not necessarily relate to the same persons, as someone can be convicted in a different year to that in which they were proceeded against.
- Between 2009 and 2012, for indictable offences, there was a decrease across all ethnic groups in the proportion receiving community sentences. In contrast there was an increase for most ethnic groups in the proportion receiving an immediate custodial sentence for an indictable offence. The most common sentence outcome for White and Mixed ethnic group offenders was a community sentence, whilst for Black, Asian and Chinese or Other offenders the most common sentence outcome was immediate custody (Figure F).

Figure F: Sentence outcomes by self-identified ethnicity, England and Wales, 2009 and 2012

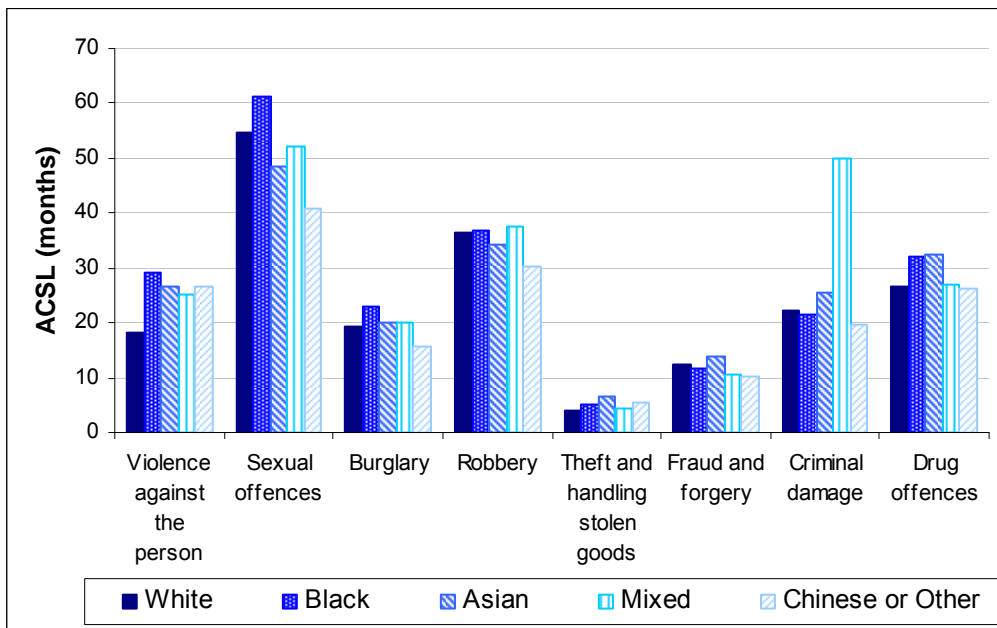


- There are differences in the offence profile for which different ethnic groups are sentenced, reflecting differences in the patterns of proceedings. For offenders from the White and Mixed ethnic groups sentenced to immediate

custody, the most common offence group between 2009 and 2012 was theft and handling stolen goods, while for Black and Asian offenders it was drug offences. For offenders from the Chinese or Other ethnic group, the most common offence up to 2010 was drug offences, and since 2011, has been theft and handling stolen goods.

- The Average Custodial Sentence Length (ACSL) for indictable offences has been higher in all years between 2009 and 2012 for offenders from a BAME group compared with those from a White ethnic group. However, there are differences by offence group (Figure G). For example, between 2009 and 2012, offenders from the Asian ethnic group had a consistently higher ACSL for theft and handling stolen goods and a consistently lower ACSL for sexual offences than offenders from both the White and Black ethnic groups. A range of offences of varying levels of seriousness are included within each offence group and differences in the ACSL may to a large extent be due to the different offences committed by different ethnic groups.

Figure G: Average Custodial Sentence Length by offence group and self-identified ethnicity, England and Wales, 2012



- While the ACSL for drug offences decreased between 2009 and 2012, the number of offenders sentenced to immediate custody for drug offences has increased. This has coincided with a decrease in the use of cautions for drug offences over the same time period. The decline in the number of cautions for drug offences varied across ethnic groups, ranging from a decrease of 13% for the White ethnic group to a decrease of 29% for the Asian ethnic group.

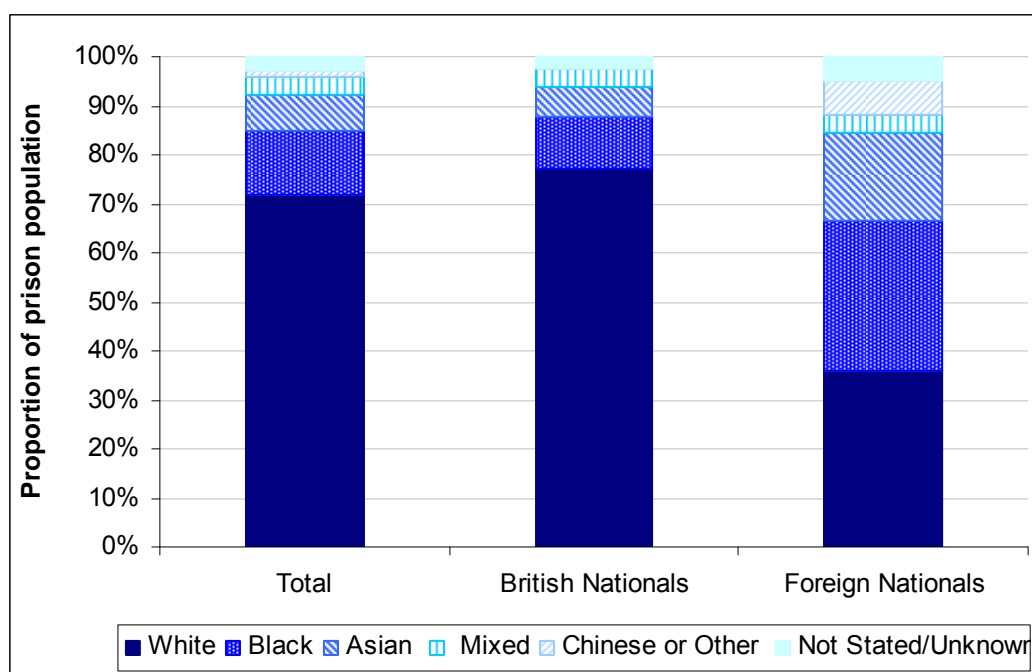
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Since their introduction in 2009, the number of PNDs issued for the possession of cannabis² increased across all ethnic groups. For example, there was a 29% increase to persons who self-identified as Asian.

Offenders

- On 30 June 2012, the proportion of White offenders in the British national prison population was more than twice as high than in the foreign nationals prison population. Conversely, the proportion of Black and Asian offenders in the foreign national prison population was nearly three times as high as those in the British national prison population (Figure H).

Figure H: Prison population by self-identified ethnicity, England and Wales as at 30 June 2012



- The proportion of offenders sentenced for particular offence groups do not always represent the prison population in the same way, as it does not reflect the length of sentence each offender must serve. For example, although in 2012 similar proportions of offenders of White and Black ethnicity were sentenced to immediate custody for sexual offences, on the 30 June 2012, the proportion of White prisoners serving a sentence for sexual offences was higher than for Black prisoners.

² Possession of Cannabis is the only drug offence which is covered by a PND.

- There were 192 deaths in prison in 2012, the same as in 2011, approximately 2.2 deaths per 1,000 prisoners in both years. There were differences across the ethnic groups; a higher rate of White offenders died in prison compared with the other ethnic groups. White offenders also represent the majority of self-harm incidents. Despite an overall decrease in the number of such incidents, in 2012 nearly nine out of ten self-harm incidents involved a White offender, while less than three quarters of the prison population self-identified as being White. In contrast, less than one in ten self-harm incidents in 2012 were by a BAME prisoner, despite this group representing one quarter of the prison population.

Practitioners

- For police officers, staff and practitioners in the Crown Prosecution Service (CPS), National Offender Management Service (NOMS) and Ministry of Justice, there has been an overall reduction in the number of officers, staff or practitioners over the most recent five years (four years for the CPS). However, during this period the ethnic breakdown of staff has remained relatively stable.

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 or sex or any other improper ground...'

Documents specifically fulfilling this requirement have been published since 1992, in the form of statistical information as detailed below. This report, as with previous editions, brings together statistical information on the representation of individuals of different ethnic 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, policy makers, academics and members of the public understand trends in the Criminal Justice System in England and Wales, and how these vary between ethnic groups, and over time.

The contents of the report will be of interest to government policy makers, the agencies that comprise the Criminal Justice System and others who want to understand better whether and how experiences across the Criminal Justice System differ by ethnicity. 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, however, as there are many reasons why apparent disparities may exist.

Following the consultation in 2010 on improvements to the range of statistics published by the Ministry of Justice, the Chief Statistician announced that, in future, this publication would focus on drawing together a compendium of previously published statistics, and would be produced biennially.³ This is the second biennial 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*.

³ See Ministry of Justice (2011). Consultation on improvements to Ministry of Justice Statistics: Response to Consultation CP(R), 15/10, 17 March 2011, Ministry of Justice. webarchive.nationalarchives.gov.uk/20111121205348/www.justice.gov.uk/consultations/565.htm

Those familiar with previous editions of this publication will find several additions and more detailed analysis presented in this most recent report. Data on arrests and sentencing are presented using the self-identified ethnicity classification, instead of an ethnic classification based on visual appearance. The supplementary tables contain data using both classifications.

Chapter 3 contains additional analysis of arrests data by offence group and by age band.

Chapter 4 includes an overview section looking at all those formally dealt with by the Criminal Justice System through an out of court disposal or court proceeding and presents a more in depth range of analysis on sentencing, examining differences between all ethnic groups by offence group and age band, as well as presenting information on offenders' previous criminal histories.

Chapter 5 includes the new measure of re-offending, developed following feedback received in response to the 2010 consultation on improving Ministry of Justice statistics.

Supplementary Excel tables also accompany the chapters, providing additional data predominantly for the two most recent years.

In the previous report, the Population Estimates by Ethnic Group (PEEGs), a set of experimental statistics released by the Office for National Statistics (ONS), were aggregated by police force area to provide a general population comparator by ethnic group. However, the ONS has since issued further information outlining some concerns about the reliability of these statistics at a subnational level and has not released PEEGs since 2009⁴. This publication therefore, uses only 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. For example, data on stops and searches and arrests are presented by financial years, while data from courts, prison and probation are presented as calendar years. Five-year trends have been presented wherever possible. Where

⁴ 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. 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.

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changes to data systems or data quality issues do not allow for this, trends have been presented for the longest periods possible.

Coverage of ethnicity information varies considerably across the different data sources therefore care must be taken both when comparing information from different sources, and over time, particularly for datasets where ethnicity is unavailable for a large number of individuals. In cases where ethnicity information is unavailable for a substantial proportion of the population of interest, no analysis has been possible.

Ethnic Group classifications

There are two main ethnic group classifications used within the report; the 5+1 self-identified classification based on the 16+1 classification used in the 2001 Census and the 4+1 visual appearance classification used by the police when they visually identify someone as belonging to an ethnic group. Where data sources include both classifications, the self-identified classification has been used in preference. The 2011 Census introduced a new 18+1 classification. To enable meaningful time series comparisons, data from any sources using this classification have been converted into the old 5 + 1 categories (i.e. both the Chinese and the new Arab category are included in the Chinese or Other ethnic group). The Not Stated/Unknown category for self-identified ethnicity includes all individuals where ethnicity information is not available either because they have chosen not to state their ethnicity or because no information is recorded.

Data are presented on self-identified ethnicity whenever available, as this classification is more directly comparable with population data and generally perceived as more reliable than officer identified ethnicity, as it refers to how individuals consider themselves rather than as they are perceived by others.

Occasional papers

In addition to this report, the Ministry of Justice is looking at introducing occasional papers to explore in more depth those areas where differences have been identified by ethnicity.

The Ministry of Justice would welcome feedback on whether these papers would be valuable and on any topics of interest to users of this report (email: statistics.enquiries@justice.gsi.gov.uk).

Revisions

Data included in this report have been extracted from large administrative data systems generated by the courts, police forces and other agencies. Such 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 at some later point. As a consequence, care must be taken when using the statistics presented in this report to ensure the inevitable limitations of these data are taken into account.

Chapter 2. Victims

This chapter explores the nature, extent and risks of victimisation as reported in the *2012/13 Crime Survey for England and Wales (CSEW)*, based on self-identified ethnicity. It also includes police recorded crime statistics on homicide (murder, manslaughter or infanticide) based on the ethnic appearance of the victim from *2011/12 Focus on: Violent Crime and Sexual Offences*⁵ In addition, racist incidents and racially and religiously aggravated offences are presented. Racist incidents refer to any incident, including any crime which is perceived to be racist by the victim or any other person whereas a racially or religiously aggravated offence refers to committing an offence based on the victim's membership (or presumed membership) of a racial or religious group or where the offender is motivated by hostility towards members of a racial or religious group. Where possible, trends are also presented for the preceding four years.

The main findings were as follows:

- The 2012/13 CSEW showed that the risk of being a victim of personal crime remained higher in 2012/13 for adults from a Non-White ethnic group compared with adults from the White ethnic group. The risk was higher for adults from the Mixed, Black and Asian ethnic groups (11%, 7% and 6%, respectively) compared with adults from the White ethnic group (5%).
- The overall number of homicides has decreased across all ethnic groups over the past three three-year periods up to 2011/12. There were decreases in the number of homicide victims from the White and Other ethnic groups during each of these periods.
- There were some differences across ethnic groups in the apparent method of killing. Homicide by sharp instrument was the most common method of killing across all ethnic groups in the three-year period 2009/10 to 2011/12, but the second most common method of killing for victims from the Black ethnic group was shooting, which represented 27% of all homicides for this ethnic group, compared with between 5% and 8% for victims in the other ethnic

⁵ Based on the latest data available from the Home Office Homicide Index. Due to the small number of homicides recorded each year and small numbers for some ethnic groups, the analysis on homicide victims combines data over three-year periods.

groups. For victims from the White ethnic group the second most common method of killing was hitting and kicking.

- There were differences across ethnic groups between the relationship of the homicide victim and principal suspect⁶ in cases where a suspect was known. In 2003/04 to 2005/06, for victims from the White, Black and Asian ethnic groups, suspects that were strangers represented the largest proportion of principal suspects. For all these three ethnic groups, the proportion of suspects that were strangers has decreased over time, and it was the largest proportion in 2009/10 to 2011/12 for victims from the Asian ethnic group only. In the most recent three-year period, for homicides involving victims from the White ethnic group, the largest proportion involved a principal suspect from the victim's family whilst for victims from the Black ethnic group the largest proportion involved a friend or acquaintance of the victim.
- Overall, racist incidents and racially or religiously aggravated offences recorded by the police have decreased over the past five years, by 18% and 21% respectively. In 2011/12, the most recent period for which data are available, there were 47,678 racist incidents and in 2012/13 there were 30,234 racially or religiously aggravated offences.

Risks of victimisation

As not all crimes are reported to the police, the main source of information on the incidence and likelihood of victimisation for different ethnic groups is the Crime Survey for England and Wales (CSEW), formerly known as the British Crime Survey. The CSEW is a large nationally representative survey that asks people about their experience of victimisation (including crimes not reported to the police) in the previous 12 months. The section below provides a summary of the key findings from the survey. Further data are available in the *Crime in England and Wales, Year Ending March 2013* release, published by the ONS⁷.

Adults

Table 2.01 shows the findings from the CSEW, based on responses from 34,880 adults aged 16 and over in 2012/13.

⁶ There is only ever one principal suspect per homicide victim.

⁷ Data from the CSEW is available at www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcn%3A77-314526

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- Overall, the 2012/13 CSEW showed a lower risk of being a victim of personal crime for the White ethnic group (5%) compared with the combined Non-White⁸ ethnic groups (7%). The risk of being a victim of personal crime⁹ was higher for adults from the Mixed ethnic group than for adults from other ethnic groups, a consistent finding in each of the previous four years. Previous research (Jansson, 2006; Salisbury and Upson, 2004) has shown that people with a Mixed ethnic group are most at risk of crime.
- The 2012/13 CSEW showed a statistically significant decrease in the proportion of people in the White ethnic group who had been victims of personal crime compared with the 2011/12 survey. The apparent reduction in the proportion of people in the Non-White group who were victims was not statistically significant. Looking at the breakdown of BAME groups, the CSEW has shown some apparent variation over time in the risk of being a victim of personal crime. However, figures for the BAME groups are based on small samples (for example fewer than 400 adults were surveyed in 2012/13 from the Mixed and Chinese or Other ethnic groups) and as a result trends tend to fluctuate and should be interpreted with caution.

⁸ The figures in this table are based on rates and therefore the Non-White category is not a summation of ethnic groups.

⁹ '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 CSEW 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.

Table 2.01: Trends in the percentage of adults who were victims once or more of a CSEW personal crime by self-identified ethnicity, England and Wales, 2008/09 to 2012/13

	Persons victimised once or more (percentages)				
	2008/09	2009/10	2010/11	2011/12	2012/13
ALL	6.3	5.7	5.9	5.9	5.2
White	6.2	5.7	5.6	5.7	5.0
Non-White ⁽¹⁾	7.0	5.6	7.5	7.2	6.8
<i>Black</i>	6.8	6.9	6.9	6.9	7.2
<i>Asian</i>	6.5	4.0	7.0	7.0	6.4
<i>Mixed</i>	13.2	9.1	10.8	13.1	11.1
<i>Chinese or Other</i>	6.2	7.2	8.5	5.6	4.2
<i>Unweighted base</i>	<i>46,220</i>	<i>44,559</i>	<i>46,754</i>	<i>46,031</i>	<i>34,880</i>

Source: Crime Survey for England and Wales

Note:

(1) For consistency between ethnicity classifications, the 'Chinese' data from 2012/13 CSEW has been moved from the Asian section to the Chinese or Other section. The repositioning of the 'Chinese' tick box in the CSEW may have some impact on comparability.

The CSEW also asks respondents about their perceptions of crime and victimisation. The 2012/13 CSEW survey shows that¹⁰:

- Nearly three times as many adults from BAME groups worry or think they are likely to be a victim of violent crime than White adults. However, the proportions who were actually victims of violence were similar (2.7% for Non-White compared with 2.5% for the White ethnic group).
- In particular, a higher proportion of adults from the Chinese or Other and Asian ethnic groups thought they would likely be a victim of a violent crime in the next 12 months (about 6% and 4% respectively). Only 1% of adults from the Chinese or Other ethnic group were victims of violent crime. About 3% of adults from the Asian ethnic group were victims of violent crime, which was similar to the proportions for White and Black adults.

It should be noted that differences in the risk of victimisation between ethnic groups may be partly attributable to factors other than ethnicity. Multivariate analysis of the CSEW, where the relative contribution of a number of different factors were examined, suggested that although ethnicity was independently associated with the

¹⁰ Open data tables from the 2012/13 CSEW, www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm%3A77-314526%20

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

Table 2.02 shows the trends in the total number of racially motivated incidents from 2008/09 to 2012/13 as reported by adults responding to the CSEW.

- In each of the last five years racially motivated incidents represented a small proportion of all offences reported by adults, between 1% and 2% of total CSEW crime in each year.

Table 2.02: Trends in the total number of CSEW racially motivated incidents (in thousands), England and Wales, 2008/09 to 2012/13

	Number of incidents (in thousands):				
	2008/09	2009/10	2010/11	2011/12	2012/13
Total CSEW Crime	10,446	9,503	9,623	9,500	8,643
Total racially motivated crime	159	121	155	185	124
<i>Unweighted base</i>	<i>46,220</i>	<i>44,559</i>	<i>46,754</i>	<i>46,031</i>	<i>34,880</i>

Source: Crime Survey for England and Wales

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 (2012/13 CSEW total racially motivated crime: 124,000, High: 150,000, Low: 96,000).

Children

Since June 2010, the CSEW has also collected data on victimisation of children. The children's sample is designed to be representative of children aged 10 to 15 resident in households in England and Wales. Appendix Table D3 of the annual and demographic tables of *Crime in England and Wales*¹¹ shows the victimisation rates of children aged 10 to 15 from the White and Non-White ethnic groups. Due to a much smaller number of children surveyed compared with adults (approximately 3,000 children and 35,000 adults), the CSEW does not distinguish between all of the different BAME ethnic groups for children.

The victimisation rates suggest a mixed picture across ethnic groups in 2012/13:

- Children from the White ethnic group were more than twice as likely to have been a victim of violence compared with children from the Non-White group (7% compared with 3%). In particular children from the White ethnic group

were more likely to be a victim of violence with injury (5% compared with 1% for the Non-White group).

- The children's survey has been refined in previous years. Therefore it is difficult to discern a trend as the total number of incidents has varied across the available time series. In addition, these differences are small, and the risk of victimisation between ethnic groups may be partly attributable to factors other than ethnicity, for example the type of area (urban or rural).

Homicides

The Home Office Homicide Index contains record-level details of all offences recorded as homicide and covers murder, manslaughter (including corporate 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 over three-year periods. Information on the ethnic appearance of victims and suspects is also published in the *2011/12 Focus on: Violent Crime and Sexual Offences*¹².

Table 2.03 below shows the number of homicide victims between 2003/04 and 2011/12 by officer identified ethnicity. The key points were:

- There were 1,776 homicides in the three-year period 2009/10 to 2011/12, a decrease of 15% compared with 2006/07 to 2008/09, and a decrease of 21% compared with 2003/04 to 2005/06¹³.
- Of the 1,776 homicides in 2009/10 to 2011/12, 75% of victims were from the White ethnic group, 11% were from the Black ethnic group, 9% were from the Asian ethnic group, 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 previous periods.

¹¹ www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/period-ending-march-2013/rft---annual-trend.xls

¹² Based on the latest data available from the Home Office Homicide Index: www.ons.gov.uk/ons/dcp171778_298904.pdf

¹³ Data for the period 2003/04 to 2005/06 include 20 cockle pickers who drowned in Morecambe Bay and 52 victims of the 7 July London bombings. Data for the period 2009/10 to 2011/12 includes 12 victims of Derrick Bird.

Table 2.03: Homicides currently recorded⁽¹⁾ by ethnic appearance of victim, England and Wales, 2003/04 to 2011/12⁽²⁾

	Ethnic appearance of victim (numbers)					Total
	White	Black	Asian	Other	Not known	
2003/04 to 2005/06	1,641	238	166	87	130	2,262
2006/07 to 2008/09	1,524	268	170	77	46	2,085
2009/10 to 2011/12	1,333	195	160	55	33	1,776

Source: Home Office Homicide Index

Note:

(1) Offences recorded as homicide as at 1 November 2012; figures are subject to revision as cases are dealt with by the police and the courts, or as further information becomes available.

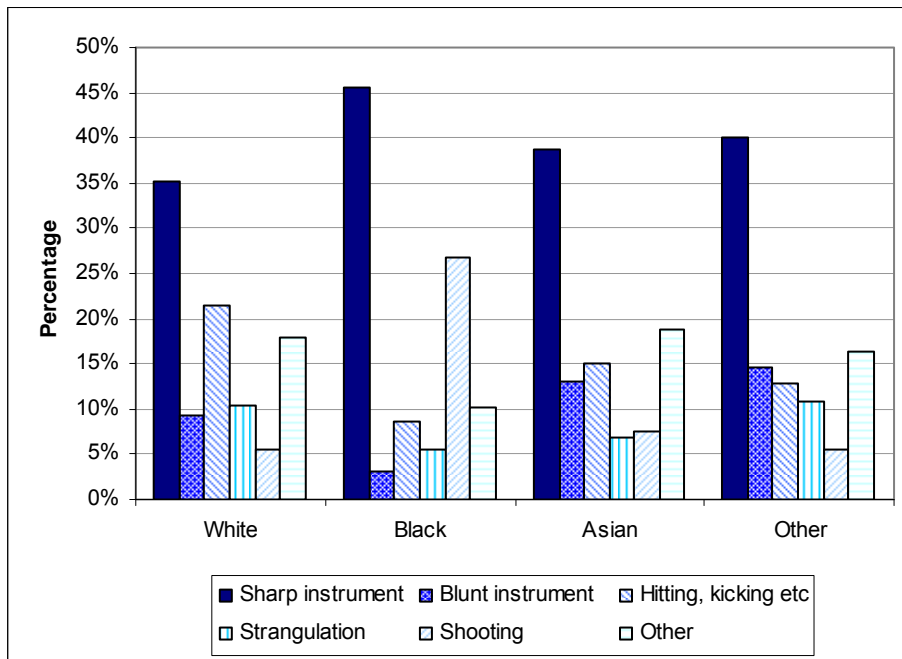
(2) Data for the period 2003/04 to 2005/06 include 20 cockle pickers who drowned in Morecambe Bay and 52 victims of the 7 July London bombings. Data for the period 2009/10 to 2011/12 includes 12 victims of Derrick Bird.

Method of killing

Figure 2.01 below shows the apparent method of killing broken down for each ethnic group for the three-year period 2009/10 to 2011/12:

- Homicide by sharp instrument was the most common method of killing across all ethnic groups. Following this, a higher proportion of victims from the White ethnic group were killed by hitting and kicking compared with homicide victims of other ethnic groups. In contrast, a higher proportion of homicide victims from the Black ethnic group were killed by shooting. These findings are broadly consistent across the previous two three-year periods.

Figure 2.01: Method of killing in homicide victims by ethnic appearance, England and Wales, combined data for 2009/10 to 2011/12



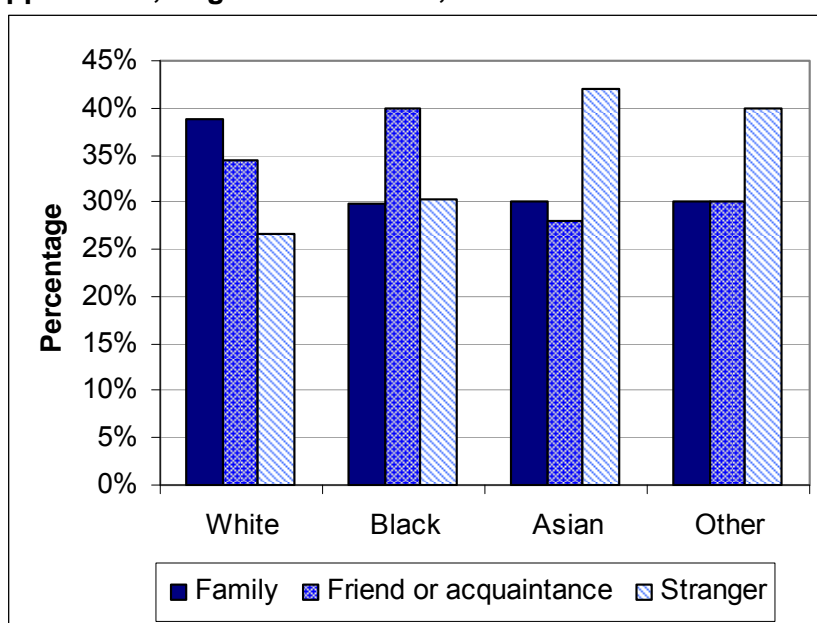
Source: Home Office Homicide Index

*Homicides with a principal suspect*¹⁴

- Of the 1,776 homicides recorded in 2009/10 to 2011/12, 88% had a principal suspect identified, and of these principal suspects, 98% had a known ethnicity. For most ethnic groups, in the majority of homicide cases, victims were killed by someone from the same ethnic group (White 90%, Black 74%, and Asian 58%). Due to the low numbers in BAME groups these proportions have varied over the past two three-year periods.
- Figure 2.02 below shows the relationship between principal suspect and victim for each ethnic group for 2009/10 to 2011/12. For homicide victims from the White ethnic group, the largest proportion of suspects involved the victim’s family, whilst for homicide victims from the Black ethnic group the largest proportion of suspects was a friend or acquaintance of the victim. For homicide victims from both the Asian and Other ethnic groups, strangers represented the largest proportion of known suspects. For all ethnic groups the proportion of suspects that were strangers has decreased since 2003/04 to 2005/06.

¹⁴ There is only ever one principal suspect per homicide victim. Where there are multiple suspects if any conviction information is available the suspect with the longest sentence or most severe conviction is determined to be the principal suspect. In the absence of any court outcome, the principal suspect is either the person considered by the police to be the most involved in the homicide or the person with the closest relationship to the victim.

Figure 2.02: Relationship of homicide victims to principal suspect by ethnic appearance, England and Wales, combined data for 2009/10 to 2011/12



Source: Home Office Homicide Index

Table 2.04 below, presents estimated annual homicide rates per million population by ethnicity for England and Wales, based on 2011 Census data released by the ONS¹⁵. Census estimates are based on self-identification of ethnic group whereas data on the ethnicity of homicide victims is based on visual ethnic appearance, which is not directly comparable. To account for this, the self-identified classification was adjusted following the rules defined in Appendix C. This table differs from figures released in the publication *Focus on Violent Crime and Sexual Offences*¹⁶ which calculated estimated annual homicide rates using the experimental Population Estimates by Ethnic Group for 2009 produced by the ONS¹⁷ and combined the Mixed and Other self-identified ethnic group to compare against the Other category in the observed ethnicity classification used in the collection of data on homicide victims.

The main points to note from the table are:

¹⁵ Population estimates by ethnic group to calculate these rates were aggregated to police force area level by Ministry of Justice statisticians using 2011 Census data. Homicide rates per million population per ethnic group were then calculated by dividing the number of homicides (based on an annual average for 2009/10 to 2011/12) for an ethnic group by the estimated population for that ethnic group in the same region and multiplying by one million. The data can be found at www.nomisweb.co.uk/census/2011/DC2101EW

¹⁶ See Page 36: www.ons.gov.uk/ons/dcp171778_298904.pdf

Census 2011 data were not available at the time of table production for this release

¹⁷ In February 2012, the Office for National Statistics published a quality assessment of the Population Estimates by Ethnic Group (PEEG) experimental statistics used in the previous report, concluding that “the reliability of the PEEGs cannot be fully assessed until the results of the 2011 Census are available” and postponing publication of more releases. For further information, please see the Quality and Methodology Information paper available at: www.ons.gov.uk/ons/guide-method/method-quality/specific/population-and-migration/pop-ests/population-estimates-by-ethnic-group/index.html

- For England and Wales overall (including British Transport Police), rates of homicide were almost three times higher for the Black ethnic group and almost 1.5 times higher for the Asian ethnic group compared with those from the White ethnic group.
- There were different rates of homicide in London compared with the rest of England and Wales for victims of different ethnicities. For victims from the Asian ethnic group, the rate of homicides was higher in the rest of England and Wales (excluding the British Transport Police) compared with London, whereas for victims from the White and Black ethnic groups, the rate of homicides was higher in London. The difference was largest for victims from the Black ethnic group; 32 homicides per million population in London compared with 20 homicides per million population in the rest of England and Wales.
- However, there are likely to be important socio-economic factors in homicides that cannot be examined using Homicide Index data. Leyland and Dundas (2010), for example, argue the importance of neighbourhood of residence, alcohol use, the carrying of knives and gang culture; while Flatley et al. (2010) showed that BAME groups do not have a higher risk of being a victim of violence after taking other socio-economic factors into account.

Table 2.04: Rates per million population of offences currently recorded as homicide by victim's ethnic appearance, annual average based on data for 2009/10 to 2011/12

	Ethnic appearance				Total
	White	Black	Asian	Other	
London ⁽¹⁾	11	32	11	12	14
Rest of E&W (excluding BTP)	9	20	14	16	10
England and Wales (including BTP)	9	26	13	15	11

Source: Home Office Homicide Index

Note:

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

Racist incidents reported to the police

Racist incidents are recorded by the police and refer to any incident, including any crime, which is perceived to be racist by the victim or any other person.

Table 2.05 shows the latest available figures for racist incidents reported to the police in England and Wales.

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There were 47,678 racist incidents recorded in 2011/12, a decrease of 18% from 2007/08 and of 8% from 2010/11. The overall downward trend for the five-year period was not seen in all police force areas (PFAs); nine (out of 43) PFAs showed an increase over this period. However, most of the police forces that have seen increases account for a small number of racist incidents across England and Wales and the large percentage increases may represent only a small number of incidents.

Table 2.05: Number of racist incidents, England and Wales, 2007/08 to 2011/12

Police force area	Financial Year					Percentage change 2007/08 to 2011/12
	2007/08	2008/09	2009/10	2010/11	2011/12	
Avon & Somerset	1,884	1,885	2,037	1,894	1,565	-16.9%
Bedfordshire	377	463	474	493	370	-1.9%
Cambridgeshire	422	397	498	411	286	-32.2%
Cheshire	592	471	384	425	360	-39.2%
Cleveland	270	453	494	581	554	105.2%
Cumbria	270	256	213	219	238	-11.9%
Derbyshire	892	714	839	972	660	-26.0%
Devon & Cornwall	1,151	1,001	1,036	931	877	-23.8%
Dorset	588	681	641	587	481	-18.2%
Durham	382	346	332	254	264	-30.9%
Essex	926	738	858	796	794	-14.3%
Dyfed-Powys	167	181	172	141	152	-9.0%
Gloucestershire	525	476	462	404	322	-38.7%
Greater Manchester	4,620	4,649	4,100	3,288	3,740	-19.0%
Gwent	256	280	273	343	400	56.3%
Hampshire	2,537	1,457	1,564	1,491	1,429	-43.7%
Hertfordshire	1,389	1,241	1,214	1,133	1,232	-11.3%
Humberside	566	526	565	782	722	27.6%
Kent	1,429	1,522	1,396	1,357	1,237	-13.4%
Lancashire	2,452	2,230	2,132	1,735	1,726	-29.6%
Leicestershire	1,317	1,405	1,534	1,342	1,213	-7.9%
Lincolnshire	247	244	274	277	279	13.0%
London, City of	116	102	58	59	59	-49.1%
Merseyside	1,458	1,448	1,417	1,313	1,320	-9.5%
Metropolitan Police	9,750	10,190	10,541	9,405	8,327	-14.6%
Norfolk	550	487	469	605	664	20.7%
Northamptonshire	1,050	937	926	801	908	-13.5%
Northumbria	1,361	1,066	971	1,027	913	-32.9%
North Wales	390	319	375	327	377	-3.3%
North Yorkshire	118	168	197	215	237	100.8%
Nottinghamshire	1,363	1,539	1,457	1,256	1,113	-18.3%
South Wales	1,332	1,797	1,810	1,974	1,615	21.2%
South Yorkshire	1,901	1,904	2,264	2,019	1,515	-20.3%
Staffordshire	1,111	1,172	1,290	1,354	906	-18.5%
Suffolk	602	488	373	294	477	-20.8%
Surrey	1,360	1,151	1,130	1,002	787	-42.1%
Sussex	1,396	1,001	802	635	531	-62.0%
Thames Valley	2,728	2,655	2,625	2,469	2,001	-26.6%
Warwickshire	524	484	358	367	365	-30.3%
West Mercia	869	846	715	765	904	4.0%
West Midlands	3,561	3,110	2,758	2,646	2,765	-22.4%
West Yorkshire	3,405	2,926	2,687	2,803	2,618	-23.1%
Wiltshire	241	308	419	393	375	55.6%
England and Wales	58,445	55,714	55,134	51,585	47,678	-18.4%

Source: Racist Incidents, England and Wales

Note:

 Data may not agree with 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:

- i. 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
- ii. the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of that group.¹⁸

Table 2.06 shows the number of police recorded racially or religiously aggravated crime over the past five years.

- There were 30,234 racially or religiously aggravated offences recorded by the police in 2012/13, a 21% fall from 2008/09. Across England and Wales, six PFAs had an increase in the number of racially or religiously aggravated offences, the majority of which also saw increases in their populations between 2008 and 2012. However, some of these PFAs had low numbers of these crimes recorded and the percentage increases represent only a small number of offences.

Racially or religiously aggravated offences are categorised under the following offence headings: harassment; assault with injury; assault without injury; and criminal damage¹⁹.

- In 2012/13, of all harassment offences, 14% were racially or religiously aggravated. The proportion of racially or religiously aggravated offences for the other offence groups was much smaller (1% for assault with injury, 2% for assault without injury and less than 1% for criminal damage).
- In 2012/13, just under 50% of racially and religiously aggravated harassment and assault offences (with and without injury), were detected²⁰, compared with 31% of racially and religiously aggravated criminal damage offences.

¹⁸ 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.

¹⁹ Offence groups reflect the Home Office classifications used in *Crime in England and Wales, year ending March 2013* and may not therefore be the same as those previously published. They are also subject to revision in subsequent publications.

²⁰ Detected crime is a term that describes notifiable offences that have been 'cleared up' by the police.

However, detection rates for racially and religiously aggravated criminal damage are twice those of non-racially or religiously aggravated criminal damage (16%). These trends have been consistent with previous years but the detection rate for racially or religiously aggravated criminal damage offences has increased from 23% in 2009/10 to 31% in the latest period.²¹

²¹ 2009/10 data taken from *Statistics on Race and the Criminal Justice System 2010*.

Table 2.06: Number of police recorded racially or religiously aggravated offences, England and Wales, 2008/09 to 2012/13

Police force area	Financial Year					Percentage change 2008/09 to 2012/13
	2008/09	2009/10	2010/11	2011/12	2012/13	
Avon & Somerset	1,148	1,162	1,088	970	861	-25.0%
Bedfordshire	230	286	332	216	224	-2.6%
Cambridgeshire	404	426	351	299	250	-38.1%
Cheshire	424	375	370	302	433	2.1%
Cleveland	288	272	222	198	254	-11.8%
Cumbria	188	188	143	166	125	-33.5%
Derbyshire	469	548	515	423	374	-20.3%
Devon & Cornwall	588	731	757	714	628	6.8%
Dorset	302	256	240	210	135	-55.3%
Durham	220	225	183	185	147	-33.2%
Dyfed-Powys	113	99	79	58	57	-49.6%
Essex	871	866	752	779	743	-14.7%
Gloucestershire	277	246	181	191	157	-43.3%
Greater Manchester	3,587	3,248	2,753	2,774	2,433	-32.2%
Gwent	205	268	202	162	173	-15.6%
Hampshire	1,089	1,002	903	883	768	-29.5%
Hertfordshire	709	697	485	558	522	-26.4%
Humberside	374	365	355	304	297	-20.6%
Kent	755	589	615	590	561	-25.7%
Lancashire	846	845	604	592	502	-40.7%
Leicestershire	953	903	625	531	571	-40.1%
Lincolnshire	155	101	175	178	178	14.8%
London, City of	57	45	58	56	67	17.5%
Merseyside	1,059	1,050	856	909	891	-15.9%
Metropolitan Police	7,947	8,013	6,962	6,967	7,655	-3.7%
Norfolk	254	261	290	318	251	-1.2%
Northamptonshire	359	401	361	360	323	-10.0%
Northumbria	808	658	550	500	427	-47.2%
North Wales	300	292	249	224	134	-55.3%
North Yorkshire	191	203	212	136	141	-26.2%
Nottinghamshire	840	820	689	576	423	-49.6%
South Wales	610	629	582	533	597	-2.1%
South Yorkshire	774	668	497	396	431	-44.3%
Staffordshire	760	776	654	556	551	-27.5%
Suffolk	316	361	397	293	251	-20.6%
Surrey	328	348	358	279	249	-24.1%
Sussex	586	667	546	456	597	1.9%
Thames Valley	1,352	1,239	1,113	930	871	-35.6%
Warwickshire	357	269	268	259	227	-36.4%
West Mercia	481	452	456	537	478	-0.6%
West Midlands	2,859	2,728	2,491	2,365	2,281	-20.2%
West Yorkshire	2,122	1,920	1,797	1,580	1,467	-30.9%
Wiltshire	207	206	190	162	243	17.4%
British Transport Police	1,287	1,218	1,246	1,195	1,286	-0.1%
England and Wales	38,049	36,922	32,752	30,870	30,234	-20.5%

Source: Home Office figures from the database used to produce *Crime in England and Wales 2012/13*.

Note: Some forces have revised their data. Totals for previous years may not match previously published.

Chapter 3. Suspects: Stops and searches and Arrests

This chapter examines 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 previously been published in the Home Office report *Police Powers and Procedures England and Wales 2011/12*, which includes more information on the use of stop and search powers, including items most commonly searched for. Data in this chapter are presented using the self-identified ethnicity classification. Data on stops and searches using the officer identified ethnicity classification can be found in the supplementary tables. Data on arrests include only those aged 10 or older, as this is the age of criminal responsibility.

The main findings were:

- Between 2007/08 and 2011/12, there was a 7% increase in the number of stops and searches conducted under the most common stop and search powers used by the police (section 1 of the Police and Criminal Evidence Act 1984 and other legislation). The increase was consistent across all ethnic groups, with the proportions of stops and searches for each ethnic group remaining relatively stable throughout the period.
- Per 1,000 population aged 10 or older (the age of criminal responsibility), a person from the Black ethnic group was six times more likely to be stopped and searched in 2011/12 under section 1 powers than a person from the White ethnic group, while someone from the Asian ethnic group was approximately twice as likely to be stopped and searched than a White person.
- The proportion of arrests resulting from stops and searches under section 1 powers was relatively stable overall at just over 9% since 2008/09 (down from over 11% in 2007/08). Across ethnic groups, 10% of stops and searches of persons from the White ethnic group resulted in arrests, similar to the proportion for persons from the Black ethnic group (10% or just under) and higher than for individuals from the Asian ethnic group (at 7% or just above).
- The overall number of arrests decreased each year between 2008/09 and 2011/12, consistent with a downward trend in police recorded crime in those years. In the same period, the proportion of arrests was stable when broken

down by ethnicity and offence group. However, there were consistent differences between ethnic groups during those years: BAME groups accounted for just under 20% of all arrests for all offences, compared with around 40% for robbery and around 10% for criminal damage.

- Per 1,000 population aged 10 or older, a Black person was nearly three times more likely to be arrested than a White person and a person from the Mixed ethnic group was twice as likely. There was no difference in the rate of arrests between Asian and White individuals.

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 self-identified ethnicity²² of the suspect:

- section 1 (s1) of the Police and Criminal Evidence Act 1984 (PACE)²³
- section 60 (s60) of the Criminal Justice and Public Order Act 1994
- section 47A (s47A) of the Terrorism Act 2000, which replaced powers of stop and search under section 44 (s44) of the same act

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. Earlier in 2013, the Home Office asked Her Majesty's Inspectorate of Constabulary to examine how police forces use stop and search and conducted a public consultation

²² 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: stops and searches, arrests and cautions. 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 self-identified ethnicity 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.

²³ The s1 stops and searches return includes data on the use of all stop and search powers available to the police, where not separately collected below (see s60 and s44). The powers included are mainly under section 1 of the Police and Criminal Evidence Act (PACE), but include some searches under other legislation. The most frequently used stop and search powers are separately categorised in terms of the reason for search, for example stolen property, offensive weapons or drugs. Searches for all other reasons not separately classified are included in the 'other' category of the return, examples of which include: Fireworks, Terrorism (section 43 of the Terrorism Act 2000) and searches under sections 163 and 164 and the Sporting Events (Control of Alcohol etc) Act 1985.

to understand how the use of these powers is viewed by the public and by those involved in policing.²⁴

British Transport Police (BTP) started to supply the Home Office with data on stop and search from 2009/10. To allow a comparison over five years, data from BTP were excluded from this chapter. However, data on stops and searches from BTP for 2010/11 and 2011/12 are included in this chapter's supplementary tables.

Stops and searches under section 1 (s1) PACE and other legislation

Stops and searches under s1 are the most used stop and search powers by the police. Declared self-identified ethnicity on stops and searches under s1 PACE and other legislation has increased over the period 2007/08 to 2011/12. In 2007/08, the proportion of persons not stating their ethnicity was 7% which decreased in the following year and has been stable at 4% since 2009/10.

Table 3.01 below shows the stops and searches conducted under s1 PACE and other legislation between 2007/08 and 2011/12. The main points are:

- In 2011/12, there were 1,120,084 s1 stops and searches. This represents a 7% increase from 1,042,425 stops and searches in 2007/08, but a decrease of 7% from a peak of 1,203,725 stops and searches in 2010/11.
- Section 1 stops and searches increased for all ethnic groups between 2007/08 and 2011/12. In that period, the largest percentage increase was for the Asian ethnic group (37%), whilst the smallest percentage increase was for the White ethnic group (6%).
- There has been slight variation in the ethnic breakdown of s1 stops and searches in each year between 2007/08 and 2011/12. However during this period the proportion of individuals with unknown or not stated ethnicity fell by about three percentage points which means any changes should be treated with caution. During this period the proportion of stops and searches of individuals from the Asian ethnic group increased by two percentage points, whilst there was a small decrease for the White group and a small increase for the Black group. .

²⁴ This consultation seeks views on the police powers of stop and search, specifically under the following legislation: s1 of the PACE 1984, s23 of the Misuse of Drugs Act 1971 and s60 of the Criminal Justice and Public Order Act 1994. Documentation relating to it can be found at www.gov.uk/government/consultations/stop-and-search

Table 3.01: Stop and search under section 1 PACE and other legislation by self-identified ethnicity, England and Wales, 2007/08 to 2011/12 ^{(1) (2)}

	Self-identified ethnicity (numbers)						Total
	White	Black	Asian	Mixed	Chinese or Other	Not stated	
2007/08	711,005	135,671	83,710	26,352	13,072	72,615	1,042,425
2008/09	770,372	168,802	100,321	32,041	14,740	62,140	1,148,416
2009/10	767,418	166,257	109,836	34,094	13,961	50,346	1,141,912
2010/11	795,488	183,611	124,835	33,921	16,703	49,167	1,203,725
2011/12	751,408	159,600	115,027	32,411	14,693	46,945	1,120,084

	Self-identified ethnicity (percentages)						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated	
2007/08	68.2%	13.0%	8.0%	2.5%	1.3%	7.0%	1,042,425
2008/09	67.1%	14.7%	8.7%	2.8%	1.3%	5.4%	1,148,416
2009/10	67.2%	14.6%	9.6%	3.0%	1.2%	4.4%	1,141,912
2010/11	66.1%	15.3%	10.4%	2.8%	1.4%	4.1%	1,203,725
2011/12	67.1%	14.2%	10.3%	2.9%	1.3%	4.2%	1,120,084

Source: Home Office

Notes:

(1) The British Transport Police (BTP) started to supply the Home Office with s1 stop and search data from 2009/10. To allow a comparison through time, data from the BTP were excluded from this table.

(2) The figures presented are correct at the time of publication of *Police Powers and Procedures 2011/12* and may include revisions submitted by forces for the years covered by, and received since the publication of the previous edition of *Statistics on Race and the Criminal Justice System*.

Table 3.02 compares the number and ethnic breakdown of s1 stops and searches conducted by the Metropolitan Police with those conducted by all other forces in England and Wales, excluding the BTP.

In 2011/12, the Metropolitan Police accounted for 42% of s1 stops and searches conducted in England and Wales. In comparison, London represented 14% of the population aged 10 or older in England and Wales in 2011.²⁵ This difference is also apparent for the individual ethnic groups. For instance, in 2011/12, the Metropolitan Police accounted for 27%, 84% and 64% of all individuals stopped and searched under s1 PACE from a White, Black and Asian ethnic group, respectively. In 2011, London represented 10%, 58% and 37% of the White, Black and Asian ethnic population of England and Wales aged 10 or older in 2011. This is explained in part by both the high population density and the high BAME populations (resident and visitor) within the Metropolitan Police Service area.

²⁵ Estimates of the population by ethnic group were adjusted by Ministry of Justice statisticians using 2011 Census data to include only those aged 10 and over and aggregated to police force area level. For consistency between ethnicity classifications, the 'Chinese' data from 2011 Census has been moved from the 'Asian/Asian British' section to the 'Chinese or other ethnic group' section. The repositioning of the 'Chinese' tick box in the 2011 Census may have some impact on comparability. The data can be found at www.nomisweb.co.uk/census/2011/DC2101EW

Table 3.02 does not account for any differences in the ethnic make-up of areas across the country. This is addressed in the next section, in Table 3.03.

Table 3.02: Stop and search under section 1 PACE and other legislation by self-identified ethnicity for Metropolitan Police and the combined remaining forces, England and Wales, 2011/12 ^{(1) (2)}

	Self-identified ethnicity (numbers)						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated	
Metropolitan Police	204,893	134,104	74,104	19,266	11,574	24,462	468,403
Other forces	546,515	25,496	40,923	13,145	3,119	22,483	651,681
England and Wales	751,408	159,600	115,027	32,411	14,693	46,945	1,120,084

	Self-identified ethnicity (percentages)						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated	
Metropolitan Police	43.7%	28.6%	15.8%	4.1%	2.5%	5.2%	468,403
Other forces	83.9%	3.9%	6.3%	2.0%	0.5%	3.5%	651,681
England and Wales	67.1%	14.2%	10.3%	2.9%	1.3%	4.2%	1,120,084

Source: Home Office

Notes:

(1) The British Transport Police (BTP) started to supply the Home Office with s1 stop and search data from 2009/10. To allow a comparison through time and consistency in this report, data from the BTP was excluded from this table.

(2) The figures presented are correct at the time of publication of *Police Powers and Procedures 2011/12* and may include revisions submitted by forces for the years covered by, and received since the publication of, the previous edition of *Statistics on Race and the Criminal Justice System*.

Rates per 1,000 population

Table 3.03 allows for a comparison across police forces of the number of s1 stops and searches by accounting for the differences in ethnic populations across England and Wales²⁶. It uses 2011 Census data released by the Office for National Statistics to calculate s1 stop and search rates per 1,000 population for 2011/12. It is not currently possible to present rates for previous years due to the lack of comparable robust ethnicity data for the general population.²⁷ Table 3.03 shows that per 1,000 population in England and Wales:

- Black persons were six times more likely to be stopped and searched under s1 powers compared with White persons.
- Asian persons and those from a Mixed ethnic group were just over two times more likely to be stopped and searched than White persons.

²⁶ Rates of stops and searches per 1,000 population per ethnic group were calculated by dividing the number of Stops and searches for an ethnic group by the estimated population for that ethnic group (as described in the previous footnote) in the same region and multiplying by 1,000.

²⁷ In February 2012, the Office for National Statistics published a quality assessment of the Population Estimates by Ethnic Group (PEEG) experimental statistics used in the previous report, concluding that "the reliability of the PEEGs cannot be fully assessed until the results of the 2011 Census are available" and postponing publication of more releases. For further information, please see the Quality and Methodology Information paper available at www.ons.gov.uk/ons/guide-method/method-quality/specific/population-and-migration/pop-ests/population-estimates-by-ethnic-group/index.html

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- the rate of stop and search for the Chinese or Other group was similar to the White ethnic group.

However, it is important to bear in mind that the rate for England and Wales is the product of the aggregation of 43 police force areas (PFAs), each with different distributions of both ethnic population and use of stop and search powers. In particular, this should be taken into consideration when comparing the different rates for England and Wales and for England and Wales excluding London²⁸, due to the high proportion of s1 stops and searches conducted by the Metropolitan Police and the high BAME populations within the Metropolitan Police Service area. Examining the London s1 stop and search rate separately shows that:

- In 2011/12, the police forces covering London had a rate of 47 stops and searches per 1,000 White ethnic population, which was the second highest rate in England and Wales after Cleveland (which had a rate of 63 stops and searches per 1,000 White ethnic population) and almost three times as high as the overall rate for England and Wales (17 stops and searches per 1,000 White ethnic population).
- In London, individuals from the Black ethnic group were 3.2 times more likely to be stopped and searched compared with those from the White ethnic group, while individuals from the Asian or the Mixed ethnic group were 1.3 and 1.5 times more likely to be stopped and searched, respectively. Individuals from the Chinese or Other ethnic group were less likely to be stopped and searched under s1 powers than those from the White ethnic group, with less than one stop and search of a person from the Chinese or Other ethnic group for each stop and search of a White person.
- In the rest of England and Wales, Black persons were 2.8 times more likely to be stopped and searched under s1 powers than White persons. Asian and Mixed ethnic persons were respectively 1.4 and 1.6 times more likely to be stopped and searched than White persons. Individuals of Chinese or Other ethnicity were half as likely as White persons to be stopped and searched.

²⁸ To enable the calculation of rates per 1,000 population, figures for London in Table 3.03 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.

Table 3.03: Stop and search under section 1 PACE and other legislation per 1,000 population by self-identified ethnicity and police force area, England and Wales, 2011/12

Police Force Area	s1 Stop and search rates per 1,000 population					All persons
	White	Black	Asian	Mixed	Chinese or Other	
Avon and Somerset	13.9	55.3	12.7	20.9	5.2	17.0
Bedfordshire	11.5	27.0	15.4	21.9	4.1	14.2
Cambridgeshire	22.2	57.8	28.5	35.6	4.1	23.5
Cheshire	3.8	12.8	5.9	2.9	7.2	3.9
Cleveland	62.9	109.9	38.7	35.8	25.6	62.4
Cumbria	30.4	59.3	29.3	21.1	18.0	31.3
Derbyshire	15.5	47.3	26.0	44.6	6.9	16.7
Devon & Cornwall	11.2	51.3	8.7	14.3	4.2	11.8
Dorset	9.8	114.4	9.9	20.0	3.8	10.4
Durham	9.6	9.8	5.2	3.0	1.5	9.6
Dyfed-Powys	28.1	91.7	18.5	18.5	12.3	28.8
Essex	2.2	8.8	2.3	7.1	2.0	2.4
Gloucestershire	8.6	67.3	18.7	27.6	10.5	9.6
Greater Manchester	19.8	43.1	24.3	33.1	9.1	21.6
Gwent	13.3	41.7	45.7	20.4	30.7	14.3
Hampshire	18.1	74.7	18.9	25.4	6.5	19.4
Hertfordshire	8.7	23.4	10.5	30.9	5.3	10.1
Humberside	12.6	27.7	22.8	14.2	4.2	12.9
Kent	5.0	22.2	3.8	7.5	21.4	5.4
Lancashire	15.6	47.5	20.8	18.4	4.9	16.3
Leicestershire	8.9	35.9	12.8	28.5	1.3	10.9
Lincolnshire	9.8	26.5	11.5	12.5	1.9	10.1
London ⁽¹⁾	47.1	151.5	63.1	69.1	32.8	66.5
Merseyside	20.1	41.2	10.5	16.2	8.0	20.2
Norfolk	20.5	111.9	17.4	24.8	6.5	21.2
Northamptonshire	12.8	41.1	18.8	26.8	7.5	14.1
Northumbria	32.7	31.3	27.0	9.5	1.7	32.1
North Wales	6.0	9.9	6.3	2.1	6.1	6.0
North Yorkshire	10.2	20.3	22.2	9.6	1.9	11.1
Nottinghamshire	2.5	11.7	5.4	7.0	1.5	3.2
South Wales	12.1	41.6	11.8	14.7	2.6	12.5
South Yorkshire	14.3	35.4	23.8	22.1	0.7	15.4
Staffordshire	18.4	46.4	41.4	38.7	6.8	19.5
Suffolk	4.9	22.9	6.7	11.3	2.4	5.3
Surrey	15.1	69.5	20.3	23.9	8.9	16.5
Sussex	17.6	95.9	28.5	21.9	8.6	18.7
Thames Valley	10.4	29.4	17.6	33.4	6.2	12.9
Warwickshire	7.9	37.2	8.5	35.0	1.2	8.5
West Mercia	8.7	48.4	37.0	27.7	3.1	9.8
West Midlands	10.5	38.4	23.4	23.2	8.7	15.5
West Yorkshire	19.9	38.1	28.2	36.0	5.4	21.9
Wiltshire	7.4	51.1	5.4	13.1	6.8	8.0
<i>E&W excl. London</i>	<i>14.1</i>	<i>38.8</i>	<i>20.4</i>	<i>23.2</i>	<i>6.4</i>	<i>15.3</i>
England and Wales	17.4	104.2	36.4	38.5	17.6	22.7

Source: Home Office and Office for National Statistics

Notes:

(1) 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.

(2) For consistency between ethnicity classifications, the 'Chinese' data from 2011 Census has been moved from the 'Asian/Asian British' section to the 'Chinese or other ethnic group' section. The repositioning of the 'Chinese' tick box in the 2011 Census may have some impact on comparability.

Section 60 Stops and searches

Section 60 (s60) of the Criminal Justice and Public Order Act 1994 gives police the right to search persons 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 3.04 shows stops and searches conducted under s60 between 2007/08 and 2011/12. The main findings are:

- In 2011/12, there were 45,601 stops and searches under s60, the lowest number between 2007/08 and 2011/12. Section 60 stops and searches peaked in 2008/09, (nearly three times as much as the previous financial year), which coincided with two initiatives aimed at reducing knife crime²⁹. They have since been decreasing each year. Despite the overall decrease between 2007/08 and 2011/12, there were substantially more s60 stops and searches for all the BAME groups in 2011/12 than in 2007/08.
- The ethnic breakdown of s60 stops and searches changed between 2007/08 and 2011/12, with the most notable change between 2007/08 and 2008/09;
 - 65% of s60 stops and searches in 2007/08 were of White persons. This fell to a low of 31% in 2010/11 and rose to 35% in 2011/12.
 - By contrast, there was an increase in the proportion of s60 stops and searches of persons from the Black, Asian, Chinese or Other (all peaking in 2010/11) and Mixed ethnic groups (which peaked in 2011/12). 18% of stops and searches under s60 in 2007/08 were of Black persons. This rose to 36% in 2011/12.

²⁹ Operation Blunt 2, launched by the Metropolitan Police Service on 19 May 2008, and the Home Office's Tackling Knives Action Programme, launched in June 2008.
www.gov.uk/government/publications/police-powers-and-procedures-in-england-and-wales-201112/police-powers-and-procedures-in-england-and-wales-2011-12#stops-and-searches

Table 3.04: Stop and search under section 60 by self-identified ethnicity, England and Wales, 2007/08 to 2011/12 ^{(1) (2)}

	Self-identified ethnicity (numbers)						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated	
2007/08	34,639	9,347	3,827	1,391	524	3,648	53,376
2008/09	63,651	47,427	21,296	5,739	1,976	9,866	149,955
2009/10	47,320	38,902	19,008	5,122	1,418	6,342	118,112
2010/11	18,821	22,497	12,245	2,634	1,007	2,941	60,145
2011/12	15,744	16,411	7,712	2,159	746	2,829	45,601

	Self-identified ethnicity (percentages)						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated	
2007/08	64.9%	17.5%	7.2%	2.6%	1.0%	6.8%	53,376
2008/09	42.4%	31.6%	14.2%	3.8%	1.3%	6.6%	149,955
2009/10	40.1%	32.9%	16.1%	4.3%	1.2%	5.4%	118,112
2010/11	31.3%	37.4%	20.4%	4.4%	1.7%	4.9%	60,145
2011/12	34.5%	36.0%	16.9%	4.7%	1.6%	6.2%	45,601

Source: Home Office

Notes:

(1) The British Transport Police (BTP) started to supply the Home Office with s1 stop and search data from 2009/10. To allow a comparison through time, data from the BTP was excluded from this table.

(2) The figures presented are correct at the time of publication of 'Police Powers and Procedures 2011/12' and may include revisions submitted by forces for the years covered by, and received since the publication of, the previous edition of this report.

- In 2011/12, the Metropolitan Police conducted the majority of s60 stops and searches (86%) in England and Wales, excluding the BTP. This majority is even more pronounced for the BAME groups. For example, 95% of all s60 stops and searches of individuals of a Black ethnic group in that year were conducted by the Metropolitan Police. Because this specific stop and search power is only used at specific times, it is not appropriate to calculate rates per 1,000 population.

Section 44/47A Stops and searches

Under section 44 (s44) of the Terrorism Act 2000, police forces were able to apply to carry out stops and searches within a particular area during an agreed period without the need of reasonable suspicion, subject to confirmation by the Home Secretary within a 48-hour period. The majority of those police forces that regularly authorised the use of s44 ceased, using the power³⁰ following the Home Secretary's statement

³⁰ Available at:

www.gov.uk/government/publications/police-powers-and-procedures-in-england-and-wales-201112-user-guide

on 8 July 2010³¹. As noted in Home Office (2013b), as a result of a legal challenge made by the European Court of Human Rights, and as a part of the UK Government's commitment to introduce safeguards against the misuse of powers under the Terrorism Act 2000, the Home Secretary conducted a review of these powers, the findings of which were announced on 11 January 2011.

One of the recommendations of the review was that stop and search powers under s44 of the Terrorism Act 2000 should be repealed and replaced with a much more targeted and proportionate power. This new power under section 47A (s47A) of the same Act came into force on 18 March 2011³² and allows authorisation for stops and searches in a particular area and only where specific intelligence of a possible attack is known.³³

- In 2011/12, there were no s47A stops and searches recorded across England and Wales. Povey et al (2011) noted that “the numbers of section 47A searches are expected to be greatly reduced from the number of section 44 searches”, due to “a significantly higher threshold for giving an authorisation than the ‘expediency’ test under section 44”.

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 stops and searches under s1 and s60 that do not result in an arrest should not therefore be regarded as a misuse of the power. Data on s44/s47A are not presented as there were no occurrences of stop and search under that power in 2011/12.

Analysis of data for all arrests conducted by the police is presented in the next section.

Arrests resulting from s1 Stop and search

Ethnicity information on arrests resulting from s1 stops and searches has a lower level of known ethnicity than for s1 stops and searches and the overall information on arrests, with ethnicity unknown or not stated on 8% of the data on resulting arrests,

³¹ 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>.

³² Further information about this change is at www.gov.uk/government/publications/terrorism-act-2000-remedial-order-2011

³³ Further information about section 47A of the Terrorism Act 2000 is available at: www.legislation.gov.uk/uksi/2011/631/body/made.

compared with 4% for s1 stops and searches and 2% for arrests (see next section) in 2011/12. However there has been a slight improvement (one percentage point) compared with 2007/08.

Table 3.05 shows the proportion of resulting arrests for s1 stops and searches in 2011/12 (for context, s1 stops and searches are presented in table 3.01).

- In 2011/12, 9% of all s1 stops and searches resulted in an arrest compared with 11% in 2007/08.
- The proportion of arrests resulting from s1 stops and searches was lower for all ethnic groups in 2011/12 compared with 2007/08. All ethnic groups had a decrease of between two and two and half percentage points in the proportion of resulting arrests between 2007/08 and 2011/12. The proportion of resulting arrests of persons from the Asian ethnic group consistently lower than for persons from other ethnic groups.

Table 3.05: Arrests resulting of stop and search under section 1 PACE and other legislation by self-identified ethnicity, England and Wales, 2007/08 to 2011/12

	Self-identified ethnicity (numbers)						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated	
2007/08	83,209	16,523	8,126	3,396	1,774	6,648	119,676
2008/09	79,256	15,617	7,690	3,225	1,628	5,129	112,545
2009/10	75,022	14,157	7,406	3,131	1,475	4,365	105,556
2010/11	78,427	16,135	8,453	3,380	1,759	4,231	112,385
2011/12	73,226	15,411	8,342	3,416	1,660	3,704	105,759

	Self-identified ethnicity (as a percentage of s1 stops and searches)						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated	
2007/08	11.7%	12.2%	9.7%	12.9%	13.6%	9.2%	11.5%
2008/09	10.3%	9.3%	7.7%	10.1%	11.0%	8.3%	9.8%
2009/10	9.8%	8.5%	6.7%	9.2%	10.6%	8.7%	9.2%
2010/11	9.9%	8.8%	6.8%	10.0%	10.5%	8.6%	9.3%
2011/12	9.7%	9.7%	7.3%	10.5%	11.3%	7.9%	9.4%

Source: Home Office

Arrests resulting from s60 stop and search

Ethnicity information on arrests resulting from s60 stops and searches is of similar quality to the overall information on arrests, and better than the overall information on s60 stops and searches, with ethnicity either unknown or not stated on 3% of the

data on resulting arrests, compared with 2% for arrests and 6% for s60 stops and searches in 2011/12.

Table 3.06 shows the proportion of resulting arrests for s60 stops and searches in 2011/12 (for context, s60 stops and searches are presented in table 3.04). However, care should be used when analysing these data due to small numbers in the arrests for some ethnic groups.

- Arrests resulting from s60 stops and searches peaked in 2008/09 and have decreased since. This is consistent with the number of s60 stops and searches undertaken.
- The proportion of arrests resulting from s60 stops and searches decreased for all ethnic groups except the Chinese or Other group when comparing 2011/12 with 2007/08, with the proportion of resulting arrests of persons from the Asian ethnic group consistently lower than for persons from the other ethnic groups.

Table 3.06: Arrests resulting of stop and search under section 60 of the Criminal Justice and Public Order Act 1994 by self-identified ethnicity, England and Wales, 2007/08 to 2011/12

Self-identified ethnicity (numbers)							
	White	Black	Asian	Mixed	Chinese or Other	Not Stated	Total
2007/08	1,378	406	94	72	13	100	2,063
2008/09	2,125	1,334	365	161	59	201	4,245
2009/10	1,293	984	270	138	49	136	2,870
2010/11	497	523	204	62	37	51	1,374
2011/12	441	531	134	63	24	75	1,268

Self-identified ethnicity (as a percentage of s60 stops and searches)							
	White	Black	Asian	Mixed	Chinese or Other	Not Stated	Total
2007/08	4.0%	4.3%	2.5%	5.2%	2.5%	2.7%	3.9%
2008/09	3.3%	2.8%	1.7%	2.8%	3.0%	2.0%	2.8%
2009/10	2.7%	2.5%	1.4%	2.7%	3.5%	2.1%	2.4%
2010/11	2.6%	2.3%	1.7%	2.4%	3.7%	1.7%	2.3%
2011/12	2.8%	3.2%	1.7%	2.9%	3.2%	2.7%	2.8%

Source: Home Office

Arrests

Arrests refer to the power of police officers to deprive a person of their liberty for the purpose of the investigation and prevention of crime. Police officers have the power

to arrest anyone aged 10 or over 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 in an offence. Arrests data do not offer a full picture of offending behaviour, as they only reflect those offences identified by the police.

The ethnicity of offenders who commit all crime is not known (i.e. those who are not arrested or dealt with by the courts), and so a robust baseline for assessing whether the figures on arrests are disproportionate or reflect the ethnicity of all offenders is not available. Against this background, the arrests data presented are best seen as evidence of whom the police suspect of committing crime.

The Home Office collects and publishes data relating to arrests for notifiable offences³⁴ from all police forces in England and Wales, except the British Transport Police. The analysis presented here is based on self-identified ethnicity of those arrested, unless otherwise stated, as the data are more directly comparable with estimates of the general population and data presented elsewhere in the report.

The analysis and commentary on self-identified ethnicity are presented only for a four year period (from 2008/09 to 2011/12) due to lack of comparability of the ethnic breakdown in 2007/08 with subsequent years. However, the total number of arrests is comparable across the whole five year period, from 2007/08 to 2011/12.³⁵

Data on the ethnicity of those who were arrested are relatively complete. In 2011/12, self-identified ethnicity was unknown or not stated for 2% of those arrested, and officer-identified ethnicity was missing for 1% of those arrested.

Table 3.07 shows the number of arrests recorded between 2007/08 and 2011/12 by self-identified ethnicity. It shows that:

- In 2011/12, there were 1,235,028 arrests in England and Wales, a 16% decrease compared with 2008/09. The number of arrests peaked in 2006/07

³⁴ A notifiable offence is an offence serious enough to be recorded by the police (also referred to as recorded crime). Includes most indictable and triable-either-way offences.

³⁵ Suffolk Police were not able to provide a breakdown for self-identified ethnicity in 2007/08. Instead, all their arrests are included in the "not stated" category. This does not affect officer identified ethnicity and was resolved for subsequent years.

and has since been decreasing each year.³⁶ This is also consistent with a downward trend in police recorded crime since 2004/05.³⁷

- The ethnic breakdown of those arrested in each year between 2008/09 and 2011/12 has been stable. The White ethnic group accounted for the large majority of arrests (between 80% and 81% of all arrests in this period), followed by Black (8%), Asian (between 5% and 6%), Mixed (3%) and Chinese or Other groups (1%).
- Arrests for all ethnic groups decreased in 2011/12 compared with 2008/09. For the White and the Chinese or Other ethnic groups this was a year-on-year decrease, while for the Black, Asian and Mixed ethnic groups there was an increase in the number of arrests in 2010/11, and then a decrease in 2011/12.

Table 3.07: Arrests by self-identified ethnicity, England and Wales 2007/08 to 2011/12

Self-identified ethnicity (numbers)							
	White	Black	Asian	Mixed	Chinese or Other	Not Stated	Total
2007/08 ⁽¹⁾	1,170,527	109,206	74,755	40,726	21,103	58,949	1,475,266
2008/09	1,178,536	111,271	78,422	40,256	20,931	32,723	1,462,139
2009/10	1,103,206	110,977	78,124	40,133	20,249	32,633	1,385,322
2010/11	1,083,354	113,167	79,609	40,871	19,654	25,310	1,361,965
2011/12	982,393	102,424	72,443	37,628	17,444	22,696	1,235,028

Self-identified ethnicity (percentages)							
	White	Black	Asian	Mixed	Chinese or Other	Not Stated	Total
2008/09	80.6%	7.6%	5.4%	2.8%	1.4%	2.2%	1,462,139
2009/10	79.6%	8.0%	5.6%	2.9%	1.5%	2.4%	1,385,322
2010/11	79.5%	8.3%	5.8%	3.0%	1.4%	1.9%	1,361,965
2011/12	79.5%	8.3%	5.9%	3.0%	1.4%	1.8%	1,235,028

Source: Home Office

Notes:

(1) Suffolk Police Force was not able to provide self-identified ethnicity breakdowns in 2007/08. The total number of arrests is not affected.

For consistency with previous editions of this report, Table 3.08 below shows the number of arrests by ethnic appearance between 2007/08 and 2011/12. The results are broadly consistent with those by self-identified ethnicity in Table 3.07, although

³⁶ www.gov.uk/government/publications/police-powers-and-procedures-in-england-and-wales-201112/police-powers-and-procedures-in-england-and-wales-2011-12

³⁷ www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/period-ending-december-2012/stb-crime-in-england-and-wales--year-ending-december-2012.html#tab-Overall-level-of-crime

the absence of a Mixed ethnicity category seems to have impacted on the proportions of the other groups, particularly the Black ethnic group.

Table 3.08: Arrests by ethnic appearance, England and Wales 2007/08 to 2011/12

	Ethnic appearance (numbers)					Total
	White	Black	Asian	Other	Not Recorded	
2007/08	1,208,722	139,114	79,631	19,272	28,527	1,475,266
2008/09	1,190,834	137,822	83,211	21,391	28,881	1,462,139
2009/10	1,111,307	137,366	82,731	35,703	18,215	1,385,322
2010/11	1,099,633	141,677	83,642	21,529	15,484	1,361,965
2011/12	999,994	128,981	75,963	19,450	10,640	1,235,028

	Ethnic appearance (percentages)					Total
	White	Black	Asian	Other	Not Recorded	
2007/08	81.9%	9.4%	5.4%	1.3%	1.9%	1,475,266
2008/09	81.4%	9.4%	5.7%	1.5%	2.0%	1,462,139
2009/10	80.2%	9.9%	6.0%	2.6%	1.3%	1,385,322
2010/11	80.7%	10.4%	6.1%	1.6%	1.1%	1,361,965
2011/12	81.0%	10.4%	6.2%	1.6%	0.9%	1,235,028

Source: Home Office

Arrests by offence group

This section looks at differences in arrests by self-identified ethnicity between 2008/09 and 2011/12, both in terms of the number of arrests and the ethnic composition within offence groups. The main findings are:

- Consistent with the general trend between 2008/09 and 2011/12 discussed above, arrests for all offence groups decreased except for drug offences and sexual offences, which increased by 5% and 2% respectively.
- Arrests for drug offences and sexual offences also increased in the same period for persons from the White (increases of 5% and 2% respectively), Black (6% and 1%), Asian (8% and 9%) and Mixed ethnic groups (9% and 8%), while decreasing for the Chinese or other group (by 17% and 9% respectively).
- In addition, there was an increase in arrests of individuals from the Black, Asian and Mixed ethnic groups for the following offence groups: burglary (increases of 12%, 9% and 7% respectively); other offences (increases of 18%, 8% and 9% respectively) and robbery (an increase of 2% for the Black

ethnic group and 6% for the Asian ethnic group, with no change for the Mixed ethnic group).

- The general trend for a decrease in arrests between 2008/09 and 2011/12 was observed across all ethnic groups for arrests for criminal damage, fraud and forgery, theft and handling and violence against the person.

Table 3.09 below presents the proportion of arrests by offence group and ethnic group in 2011/12. Data for the period 2008/09 to 2011/12 is presented in the supplementary tables. These show that:

- The ethnic profile of those arrested varies across the different offence groups. The majority of arrests in each offence group was of persons from the White ethnic group; their proportion in 2011/12 ranged from 56% of all arrests for robbery to 87% of all criminal damage arrests.
- The proportion of arrests by ethnic group between 2008/09 and 2011/12 was similar for most offence groups. The only changes of three percentage points or more were³⁸:
 - For fraud and forgery, the percentage of White ethnic group arrests increased by four percentage points (from 61% to 66%);
 - For other offences, the percentage of White ethnic group arrests decreased by five percentage points (from 78% to 73%), while the percentage of Black ethnic group arrests increased by three percentage points (from 7% to 11%);
 - For robbery, the percentage of arrests of persons from the White ethnic group decreased by four percentage points (from 61% to 56%) while there was a three percentage points increase for those from the Black ethnic group (from 22% to 24%).
- Robbery had the largest proportion of BAME arrests of all offence groups and criminal damage the lowest. In 2011/12, individuals from a BAME ethnic group accounted for 42% of all arrests for robbery (increasing from 38% in 2008/09) and 11% of all arrests for criminal damage (increasing from 10% in 2008/09). For robbery, the four percentage point increase was due to a

³⁸ Please note that the differences were calculated based on unrounded figures, which may create apparent discrepancies when presenting them rounded in the text.

combined effect of a decrease of arrests of White persons (by 16%) and a small increase in BAME arrests (by 2%) for this offence group.

Table 3.09: Arrests by self-identified ethnicity and offence group, England and Wales 2011/12

Offence Group	Self-identified ethnicity (percentages)						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated	
Burglary	85.6%	6.0%	2.9%	3.5%	0.8%	1.2%	90,706
Criminal damage	86.9%	4.8%	3.3%	2.5%	0.8%	1.8%	95,518
Drug offences	74.3%	11.5%	7.6%	3.8%	1.5%	1.3%	121,243
Fraud and forgery	65.6%	14.8%	12.0%	2.6%	2.9%	2.0%	27,830
Other offences	73.0%	10.5%	8.4%	3.3%	2.0%	2.8%	179,075
Robbery	56.4%	24.3%	8.5%	7.9%	1.5%	1.3%	31,578
Sexual offences	75.7%	9.3%	9.2%	2.2%	1.9%	1.6%	34,457
Theft and handling	84.1%	5.9%	4.1%	2.6%	1.5%	1.8%	270,416
Violence against the person	81.0%	7.4%	5.8%	2.7%	1.2%	1.8%	384,205
All Offences	79.5%	8.3%	5.9%	3.0%	1.4%	1.8%	1,235,028

Source: Home Office

Arrests by age group

Table 3.10 below shows the number of arrests by self-identified ethnicity and age group for the years 2008/09 to 2011/12. It shows that:

- Between 2008/09 and 2011/12, arrests of juveniles (those aged between 10 and 17) decreased across all ethnic groups, while arrests of adults (those aged 18 or older) decreased for most ethnic groups. However, the number of arrests for White individuals (both juveniles and adults) have decreased at a higher rate than arrests of the BAME groups (except adults from the Chinese or other ethnic group) in this period:
 - For juveniles, there was a decrease of 42% in arrests of White juveniles, compared with decreases of 15% for Black juveniles, 30% for Asian juveniles, 25% for juveniles from the Mixed ethnic group and 26% for juveniles from the Chinese or Other ethnic group.
 - For adults, there was a decrease of 11% for arrests of White adults compared with decreases of 6% for Black adults, 3% of Asian adults and 15% of adults from the Chinese or other ethnic group, and a 2% increase in arrests of adults from the Mixed ethnic group.

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- The proportions of adult arrests by ethnic group have been relatively stable in each of the three preceding years. By contrast, the proportions of juveniles from the Black, Asian, and Mixed ethnic groups increased between 2008/09 and 2011/12, due to the larger decrease in juveniles arrests from the White group compared with the other ethnic group.

A number of factors might have contributed to the fall in the number of juveniles arrested, including:

- The natural demographic effect of a declining population of 10 to 17 year olds in England and Wales, which is predicted to continue until 2016;³⁹
- The change in the offences brought to justice target in 2008 to focus on serious offences and the removal of this target in 2010;⁴⁰ and
- The increase in Restorative Justice programmes and Triage schemes⁴¹ keeping young persons out of the youth justice system.⁴²

³⁹ Office for National Statistics (2011). National Population Projections, 2010-based extra variants, available at: www.ons.gov.uk/ons/rel/npp/national-population-projections/2010-based-extra-variants/index.html

⁴⁰ See Ministry of Justice (2012). Criminal Justice Statistics Quarterly Update to December 2011, p4.

⁴¹ Triage schemes are based in police stations and aim to identify the needs of young people as they enter the youth justice system. One of the main objectives of the schemes is to divert young people who have committed less serious crimes away from the formal youth justice system.

⁴² Home Office (2012). Assessing young people in police custody: An examination of the operation of Triage schemes, available at www.gov.uk/government/publications/assessing-young-people-in-police-custody-an-examination-of-triage-schemes

Table 3.10: Arrests by self-identified ethnicity and age group, England and Wales, 2008/09 to 2011/12 ⁽¹⁾

Juveniles (Self-identified ethnicity, percentages)							
	White	Black	Asian	Mixed	Chinese or Other	Not Stated	Total
2008/09	81.4%	7.7%	4.1%	4.4%	0.8%	1.5%	273,352
2009/10	79.8%	8.8%	4.2%	4.7%	0.9%	1.7%	241,497
2010/11	78.3%	10.2%	4.4%	5.0%	0.9%	1.2%	210,900
2011/12	77.1%	10.7%	4.6%	5.4%	1.0%	1.2%	168,037

Adults (Self-identified ethnicity, percentages)							
	White	Black	Asian	Mixed	Chinese or Other	Not Stated	Total
2008/09	80.5%	7.6%	5.7%	2.4%	1.6%	2.4%	1,184,967
2009/10	79.6%	7.9%	5.9%	2.5%	1.6%	2.5%	1,142,275
2010/11	79.8%	8.0%	6.1%	2.6%	1.5%	2.0%	1,149,800
2011/12	79.9%	7.9%	6.1%	2.7%	1.5%	1.9%	1,066,253

Source: Home Office

Note:

(1) Excludes those with age unknown.

Arrests by Police Force Area

- In alignment with the overall trend in England and Wales, the majority of police forces made fewer arrests in 2011/12 than in 2008/09.

Table 3.11 below compares the ethnic breakdown of arrests by self-identified ethnicity for 2011/12 for the Metropolitan Police with the combined remaining forces in England and Wales:

- Similarly to stops and searches, the Metropolitan Police had the largest number of arrests of any force in England and Wales. In 2011/12, the Metropolitan Police made 19% of all arrests in England and Wales.
- This proportion varies across the different ethnic groups, reflecting the ethnic diversity of London. For instance, in 2011/12, the Metropolitan Police carried out 11%, 61% and 39% of all arrests from a White, Black and Asian ethnic group, respectively. However this is similar to the population aged 10 or older, as in 2011, London accounted for 10%, 58% and 37% of all individuals from the White, Black and Asian ethnic groups in England and Wales, respectively.

Table 3.11: Arrests by self-identified ethnicity, for Metropolitan Police and the combined remaining forces, England and Wales, 2011/12

	Self-identified ethnicity (numbers)						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated	
Metropolitan Police	112,115	62,315	28,291	14,015	8,543	6,757	232,036
Other forces	870,278	40,109	44,152	23,613	8,901	15,939	1,002,992
England and Wales	982,393	102,424	72,443	37,628	17,444	22,696	1,235,028

	Self-identified ethnicity (percentages)						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated	
Metropolitan Police	48.3%	26.9%	12.2%	6.0%	3.7%	2.9%	232,036
Other forces	86.8%	4.0%	4.4%	2.4%	0.9%	1.6%	1,002,992
England and Wales	79.5%	8.3%	5.9%	3.0%	1.4%	1.8%	1,235,028

Source: Home Office

Rates per 1,000 population

Table 3.12 shows rates of arrests per 1,000 population by Police Force Area for 2011/12, accounting for the differences in ethnic populations across England and Wales. These rates, like those in Table 3.03, were calculated using the ethnic breakdown of the resident population from the 2011 Census published by the Office for National Statistics. As discussed above, at this moment is not possible to present rates for previous years.⁴³ Table 3.12 shows that per 1,000 population in England and Wales:

- Persons from the Black ethnic group were nearly three times more likely to be arrested compared with White persons.
- Persons from the Mixed ethnic group were twice as likely to be arrested compared with White persons.
- Persons from the Asian or from the Chinese or other ethnic group were arrested at the same or similar rate to persons from the White ethnic group.

Similarly to table 3.03, data from the Metropolitan Police and City of London police force were combined to produce a London total.

- In London, per 1,000 population, a person from the Black ethnic group was 2.7 times more likely to be arrested than a person from the White ethnic

⁴³ See footnote 25.

group; while a person from the Mixed ethnic group was 1.9 times more likely to be arrested than someone from the White ethnic group. Persons from both the Asian and Chinese or Other ethnic groups were slightly less likely to be arrested than a person from the White ethnic group. These values are similar to those for England and Wales.

- The rest of England and Wales showed a similar pattern to that of London and the whole of England and Wales. However, at individual force level, there was a wider variation. For example, per 1,000 resident population Dorset arrested 7.8 times as many individuals (resident and visitors) from the Black ethnic group compared with the White ethnic group, while in Northumbria, it was 1.5 times more.
- In Dorset, Dyfed-Powys, Gloucestershire and Norfolk police force areas, the rate of arrests per 1,000 Black population compared with the White population was more than twice that of the whole of England and Wales. However, the number of arrests of Black suspects was relatively low in all these police force areas.

Table 3.12: Arrests per 1,000 population by self-identified ethnicity and police force area, England and Wales, 2011/12 ^{(1) (2)}

Police Force Area	Arrests rates per 1,000 population					Total
	White	Black	Asian	Mixed	Chinese or Other	
Avon and Somerset	23.5	80.3	25.6	52.6	18.1	25.1
Bedfordshire	22.7	58.2	27.2	57.5	20.4	25.8
Cambridgeshire	18.9	77.3	22.3	37.8	10.0	21.0
Cheshire	16.3	69.9	18.0	14.7	25.7	16.6
Cleveland	43.5	90.6	37.4	45.2	39.9	43.6
Cumbria	20.9	66.7	22.1	28.2	14.5	21.0
Derbyshire	20.6	74.5	31.8	49.3	28.0	21.9
Devon & Cornwall	15.9	83.8	25.1	23.1	9.0	16.3
Dorset	16.6	129.5	18.0	30.6	10.4	17.4
Durham	29.9	69.9	31.9	30.7	14.6	30.0
Dyfed-Powys	25.1	158.6	28.3	20.6	11.7	25.5
Essex	22.1	69.9	24.2	50.6	22.7	23.6
Gloucestershire	14.6	93.1	23.6	43.9	37.4	16.4
Greater Manchester	25.2	53.2	23.8	49.4	15.9	26.6
Gwent	26.0	84.4	49.6	40.3	23.6	26.8
Hampshire	20.5	83.4	16.6	28.0	21.4	21.5
Hertfordshire	17.9	53.8	17.7	44.8	14.7	20.3
Humberside	27.6	77.6	41.0	41.8	27.4	28.2
Kent	18.6	66.7	18.2	28.0	47.4	20.8
Lancashire	32.3	56.1	23.0	60.8	6.4	32.0
Leicestershire	19.8	70.2	17.4	41.9	14.4	20.9
Lincolnshire	35.0	121.2	40.4	43.3	96.9	36.1
London ⁽¹⁾	26.1	71.0	24.3	50.5	24.4	33.3
Merseyside	29.6	68.8	27.3	28.2	22.1	30.1
Norfolk	18.8	113.7	16.9	32.0	19.6	19.6
Northamptonshire	18.6	56.8	21.9	37.7	19.7	20.0
Northumbria	35.9	54.9	31.1	23.5	7.6	35.7
North Wales	27.8	58.0	15.1	10.0	13.2	27.8
North Yorkshire	28.4	52.5	19.6	36.3	15.0	28.9
Nottinghamshire	29.2	88.8	30.9	64.6	17.8	31.6
South Wales	25.0	70.2	20.2	43.0	17.3	25.8
South Yorkshire	21.6	58.2	27.2	25.8	18.9	22.6
Staffordshire	22.0	77.4	37.4	59.1	36.0	23.5
Suffolk	18.9	95.4	22.7	43.5	25.0	20.3
Surrey	14.0	67.9	14.8	19.3	9.7	15.1
Sussex	22.2	119.6	25.3	38.8	18.8	24.1
Thames Valley	18.9	59.4	25.0	55.4	16.6	21.5
Warwickshire	13.5	64.8	15.7	46.3	13.7	14.6
West Mercia	19.5	114.1	39.5	38.5	19.9	20.4
West Midlands	13.7	35.0	13.3	32.1	14.6	15.7
West Yorkshire	25.0	53.4	28.0	62.9	16.7	27.5
Wiltshire	12.2	66.8	11.9	37.5	18.2	13.3
<i>E&W excl. London</i>	<i>22.4</i>	<i>61.2</i>	<i>22.0</i>	<i>41.8</i>	<i>18.4</i>	<i>23.6</i>
England and Wales	22.8	66.9	22.9	44.7	20.9	25.0

Source: Home Office and Office for National Statistics

Note:

(1) 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.

(2) For consistency between ethnicity classifications, the 'Chinese' data from 2011 Census has been moved from the 'Asian/Asian British' section to the 'Chinese or other ethnic group' section. The repositioning of the 'Chinese' tick box in the 2011 Census may have some impact on comparability.

Chapter 4. Defendants: cautions, prosecutions & sentencing

This chapter looks at outcomes for defendants⁴⁴ in the Criminal Justice System (CJS) between 2008 and 2012⁴⁵ drawing on data from the MoJ publication *Criminal Justice System Statistics*. Once a suspect has been identified by the police, charged and arrested, the police work with the Crown Prosecution Service in deciding the most appropriate course of action in each case. The decision can be made to not take the offender to court, through a number of available out-of-court disposals, or to proceed against the defendant at a magistrates' court.

The chapter contains information on out of court and court disposals given to different ethnic groups. Data on cautions and Penalty Notices for Disorder (PNDs) are recorded centrally by the police, while court data are provided by the magistrates' courts and the Crown Court. Data on out of court disposals and court proceedings are not strictly comparable with those on arrests presented in the previous chapter due to differences in the time periods covered.

The data in this chapter are presented using both the ethnic appearance classification (for cautions and previous criminal histories) and the 2001 Census self-identified ethnicity classification (for PNDs and court data). This differs from previous editions of the report, where court data were presented using the ethnic appearance classification. This change in the presentation of court data means the data are more directly comparable with population data. Court data in the supplementary tables are presented using both classifications.

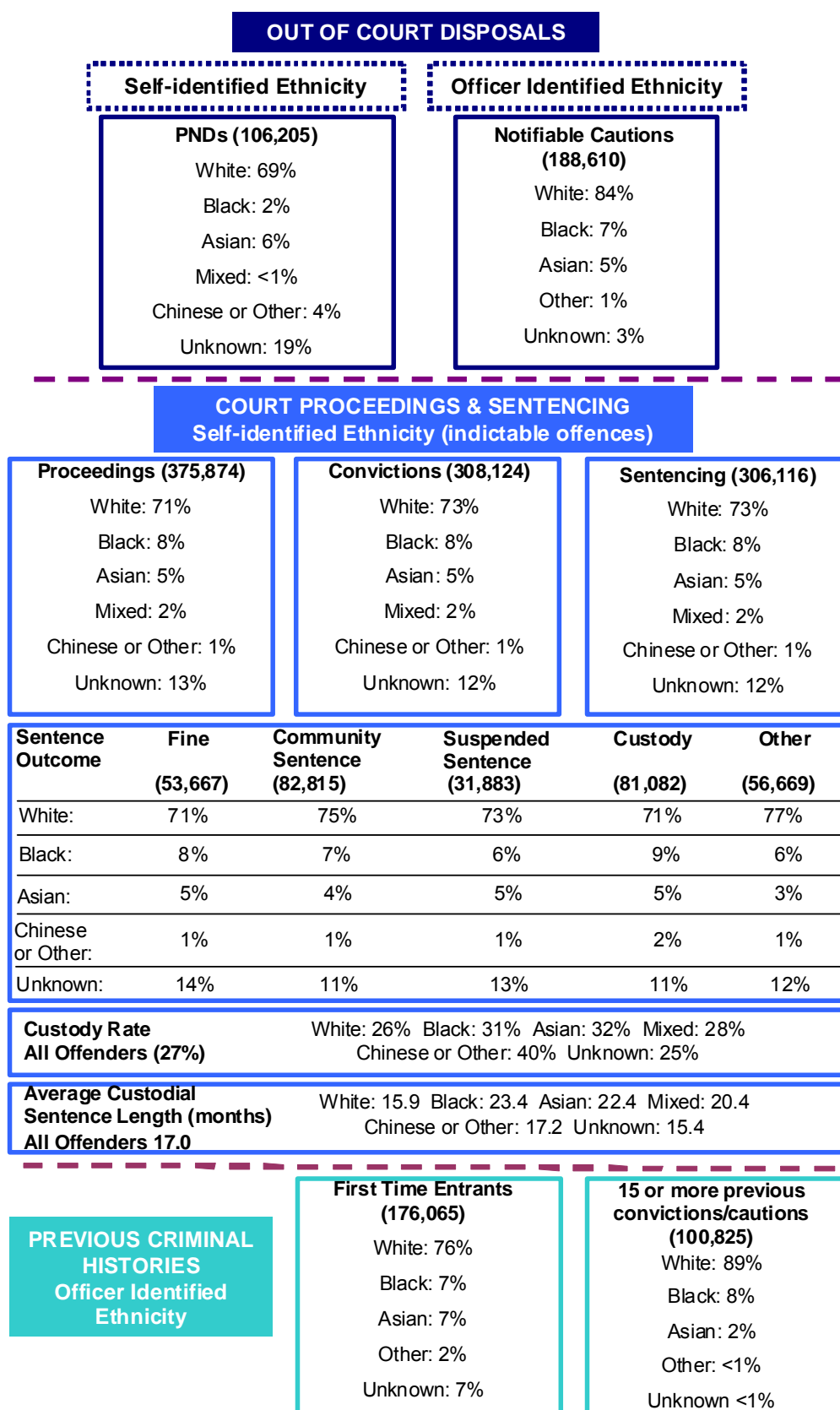
Further analyses are presented exploring three specific offences (actual bodily harm, burglary in a dwelling and production, supply and possession with intent to supply of Class A drugs). In addition, this chapter includes information on the offending histories of offenders cautioned or convicted in England and Wales. This information is taken from the Police National Computer (PNC) and is not directly comparable with court data.

Figure 4.01 provides an overview of data presented in this chapter by ethnicity classification.

⁴⁴ This chapter looks at persons only. Other defendants such as companies and public bodies are excluded.

⁴⁵ A person can be dealt with by the Criminal Justice System on more than one occasion in a single year and therefore can be counted more than once.

Figure 4.01: Overview of data sources and ethnic group breakdowns, 2012



Note: Totals may not sum to 100% due to rounding.

The main findings are:

- Between 2008 and 2012 the number of PNDs issued, cautions administered and number of offenders entering the court system decreased year on year, consistent with a decrease in the number of arrests over the same period (a 16% decrease). The number of PNDs and cautions both decreased by 40% between 2008 and 2012, The decline in the use of out of court disposals coincided with the replacement, in April 2008, of a target to increase offences brought to justice, with one placing more emphasis on bringing serious crime to justice. The later target was subsequently removed in May 2010. The number of court proceedings decreased by 9% over the same period. This was largely driven by a fall in the number of summary motoring cases.
- When considering the combined total number of PNDs, cautions and court proceedings for indictable offences, defendants from the Black ethnic group were issued proportionally fewer PNDs and proportionally more were proceeded against at magistrates' court relative to all other ethnic groups. Proportionally, more PNDs were issued to the Other ethnic group relative to all other ethnic groups. This remained consistent between 2009 and 2012 despite the overall decrease in the proportion of out of court disposals in the combined total.
- The number of PNDs issued decreased between 2008 and 2012 for all ethnic groups except the Mixed ethnic group. For cautions, the yearly decrease was consistent across all ethnic groups in the period. The ethnic profile of defendants proceeded against at magistrates' court also remained consistent in each year between 2009 and 2012.
- The conviction ratio (the number of convictions divided by the number of people proceeded against) increased across all ethnic groups between 2009 and 2012, but has been consistently higher for the White ethnic group compared with any other ethnic group throughout this period. Similarly, the acquittal rate at the Crown Court is lower for White defendants compared with those from other ethnic groups. However, the proportion of proceedings that were dismissed or withdrawn as a proportion of all proceeded against at the magistrates' court is broadly similar for each ethnic group.
- Between 2009 and 2012 community sentences and immediate custody accounted for over 50% of sentence outcomes for those sentenced for an indictable offence. The most common sentence outcome for offenders from

the White or Mixed ethnic groups was a community sentence, whilst for Black, Asian and Chinese or Other offenders the most common sentence outcome was immediate custody.

- Between 2009 and 2012 there was a decrease across all ethnic groups in the proportion of community sentences received by offenders. This decrease was seen across all indictable offence groups. In contrast there was an increase in the custody rate (the proportion of custodial sentences out of all sentenced) received across all ethnic groups (with the exception of the Chinese or Other group that saw a less than 1% decrease).
- Between 2010 and 2012 the Average Custodial Sentence Length (ACSL) increased across all ethnic groups. The rise in ACSL has been driven by changes in the case mix of people getting custodial sentences and longer sentences for indictable offences. Additionally there has been a decrease in the number of offenders sentenced to indeterminate sentences (who are excluded from the ACSL) and an increase in the number sentenced to long determinate sentences (10 years or more).
- The distribution across ethnic groups of the custody rate and the ACSL varies for different offence groups. For example offenders from the White ethnic group had a higher custody rate for robbery compared with other ethnic groups. Offenders from the Black ethnic group had the highest custody rate for violence against the person offences.
- The number of first time entrants (FTEs) to the criminal justice system decreased by 38% for all offenders between 2008 and 2012, reflecting decreases seen in the number of arrests, cautions and court proceedings during this period. In 2011 per 1000 population aged ten or older, there was a higher rate of Black FTEs (8.2) compared with White (3.6), Asian (4.3) and Other (4.4) FTEs.
- In each year between 2008 and 2012 a lower proportion of White offenders had no previous cautions/convictions compared to all other ethnic groups. In contrast a higher proportion of White offenders had 15 or more previous cautions/convictions compared to all other ethnic groups.
- There has been an increasing trend in the number of PNDs issued for possession of cannabis since its introduction in 2009, while the number of cautions administered for drug offences has generally declined between 2008

and 2012. The decline in the number of cautions for drug offences varied across ethnic groups, ranging from a decrease of 13% for the White ethnic group to a decrease of 29% for the Asian ethnic group. The latter coincided with a 29% increase in the number of PNDs issued for possession of cannabis⁴⁶, since their introduction, to persons who self-identified as Asian. However, there was an increase for all ethnic groups, apart from offenders of Chinese or Other ethnicity, in the total number of persons sentenced and in those sentenced to immediate custody for drug offences between 2009 and 2012. Despite this increase, there was a decrease in the ACSL of those sentenced for drug offences across all ethnic groups.

Criminal Justice System disposals

This section explores differences in the disposals received by defendants of different ethnic groups in the Criminal Justice System from 2008 to 2012. It looks at disposals issued out of court (PNDs and cautions) and court proceedings and sentences issued at court.

Overview

This section looks at the combined data for those issued a PND, administered a caution for a notifiable offence or proceeded against at magistrates' court (jointly referred to in this section as those "formally dealt with"). The aim is to provide an overview of all those formally dealt with by the Criminal Justice System (except for cannabis warnings). The main points are:

- Between 2008 and 2012 the numbers of PNDs, cautions and court proceedings all fell year on year, consistent with the decrease in arrests and recorded crime across this period. The number of PNDs and cautions both decreased by 40% in that period. This decline coincided with the replacement, in April 2008, of a target to increase offences brought to justice, with one placing more emphasis on bringing serious crime to justice. The later target was subsequently removed in May 2010. The number of court proceedings decreased by 9% over the same period, largely driven by a fall in summary motoring cases.

In order to compare the different sets of data, this section uses the ethnic appearance classification for PNDs and court proceedings, instead of the self-

⁴⁶ Possession of Cannabis is the only drug offence which is covered by a PND.

identified classification used later in this chapter. This is because cautions data only record the ethnic appearance classification.

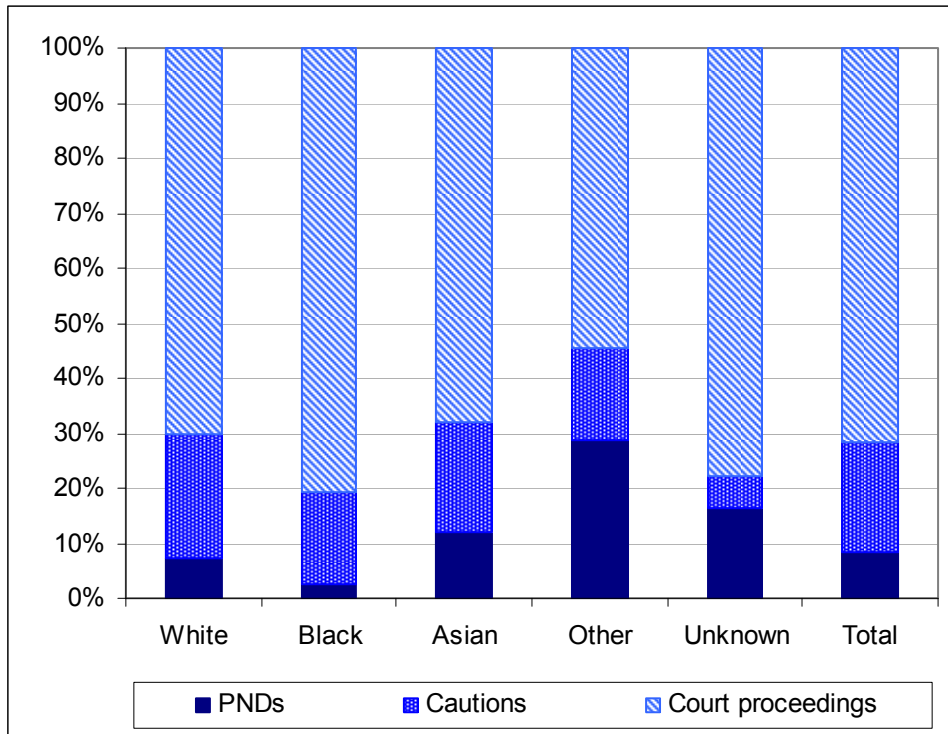
In addition, due to the high number of defendants proceeded against with unknown ethnicity for summary offences, it is not possible to include these in the analysis. Therefore the analysis below excludes summary offences and focuses only on indictable offences which cover the more serious offences such as violent and sexual offences and robbery, and when heard in court tend to be passed on to the Crown Court, either for sentencing or for a full trial with a judge and jury⁴⁷.

Figure 4.02 shows the proportion of out of court disposals and proceedings in 2012 for each ethnic group for indictable offences. The data presented may not be strictly comparable, for example due to differences in the length of time between offence and being proceeded at court, compared with a PND which is given on the spot.

- Overall, court proceedings accounted for over 70% of those formally dealt with for indictable offences, however there were variations across ethnic groups. Court proceedings accounted for over 80% of the total for persons from the Black ethnic group, whilst PNDs accounted for less than 5%. In contrast, PNDs issued accounted for just under 30% of all those formally dealt with from the Other ethnic group.
- Since 2009 the proportion of cautions administered of all those formally dealt with has decreased for all ethnic groups whilst the proportion of proceedings has increased (except for the Other group). However in all years a higher proportion of persons from the Black ethnic group were proceeded against compared with all other ethnic groups. This pattern was observed for all offence groups except for robbery, where nearly all persons across all ethnic groups were proceeded against.

⁴⁷ This group includes both 'indictable only' offences, which can only be tried on indictment in the Crown Court by a judge and jury, and 'triable-either-way' offences which are triable either summarily in a magistrate's court or on indictment in the Crown Court.

Figure 4.02: Proportion of defendants receiving a PND, caution or court proceeding for an indictable offence, by ethnic appearance, England and Wales, 2012



Source: Police returns, Police National Computer and Court proceedings database

The following sections explore out of court disposals and court proceedings and outcomes in greater detail.

Out of court disposals

PNDs and cautions are two types of out of court disposals that are available for use by the police⁴⁸. PNDs (also commonly known as ‘on the spot fines’) are a fixed penalty designed to tackle low-level, anti-social and nuisance offending for offenders. Cautions⁴⁹ are formal warnings given by senior police officers to a person who admits to having committed a criminal offence which could have led to a prosecution, and cover a wider range of offences than PNDs.

Data for PNDs are provided to the Ministry of Justice by individual police forces for offenders aged 16 or over, and information on ethnicity is recorded using a self-identified ethnicity classification. Data on cautions are taken from the Police National Computer and cover individuals aged 10 or older and use the officer identified ethnic appearance classification.

⁴⁸ Cannabis warnings are another out of court disposal available to the police but have not been included as data are not available by ethnicity.

PNDs

PNDs are issued for a range of minor offences and no criminal conviction or admission of guilt is associated with payment of the penalty. PNDs can be issued for higher tier offences (for example, retail theft under £100 and being drunk or disorderly) and lower tier offences (for example, trespassing on a railway or depositing and leaving litter). During the period of the report, the penalties for these were £80 and £50 respectively.⁵⁰

Table 4.01 shows the proportion of PNDs issued to persons aged 16 or over by self-identified ethnicity between 2008 and 2012. The proportion of persons with unknown ethnicity has varied between 15% and 19% during this period, and therefore some care must be taken when interpreting the data.

- Over the past five years there has been a 40% decrease in the number of PNDs issued. There have been decreases across all ethnic groups except the Mixed ethnic group, which saw a 15% increase in PNDs issued.
- There was an increase of 36% in the number of PNDs issued for the possession of cannabis⁵¹ from 11,491 following its introduction in 2009 to 15,616 in 2012. The majority were issued to persons from the White ethnic group. This has been consistent over the past four years.

Table 4.01: Proportion of PNDs issued to offenders aged 16 and over by self-identified ethnicity, England and Wales, 2008 to 2012

	Self-identified ethnicity (percentages)						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated /Unknown	
2008	74.9%	1.8%	5.0%	0.3%	3.2%	14.9%	176,164
2009	69.9%	1.8%	5.4%	0.2%	3.8%	18.9%	170,393
2010	73.5%	1.7%	5.3%	0.2%	4.2%	15.0%	140,769
2011	70.8%	1.8%	5.2%	0.3%	4.1%	17.8%	127,530
2012	68.8%	2.1%	5.5%	0.6%	3.8%	19.3%	106,205

Source: Police Returns

Figure 4.03 below shows the breakdown of offences for each ethnic group in 2012. The highest proportion of PNDs issued to White persons were for drunk and disorderly, whilst theft was the most common offence for which Black and Mixed

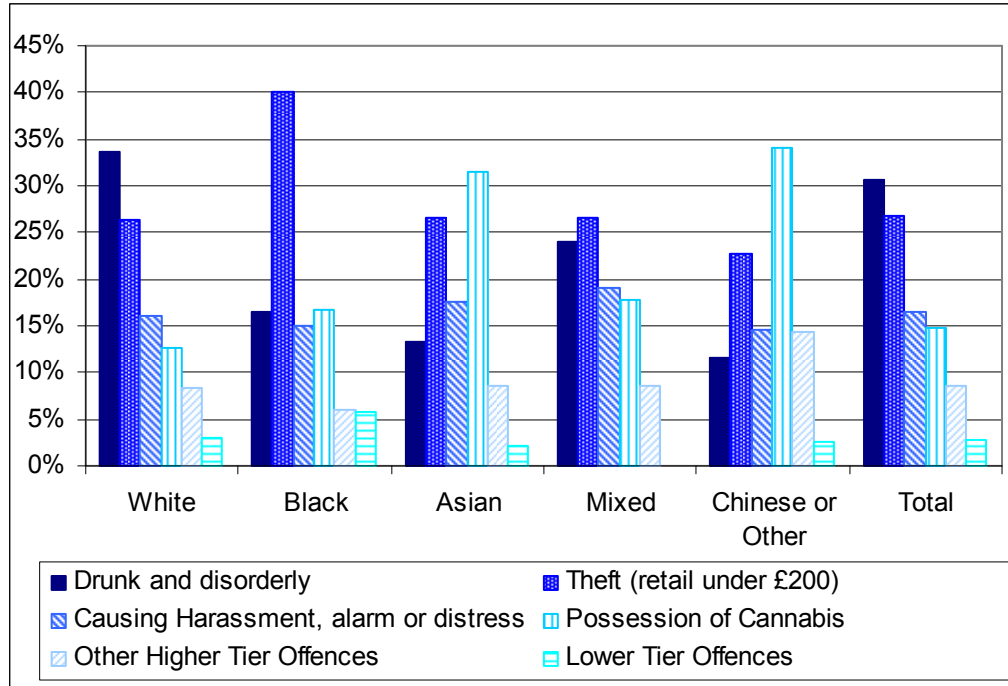
⁴⁹ The cautions statistics relate to persons for whom these offences were the principal offences for which they were dealt with. When an offender has been cautioned for two or more offences at the same time, the principal offence is the more serious offence.

⁵⁰ These amounts increased to £90 and £60 on 1 July 2013.

⁵¹ For a first time offence of cannabis possession, an adult is usually issued with a 'cannabis warning'.

persons were issued a PND. The highest proportion of PNDs for the Asian and Chinese or Other ethnic groups was for Possession of Cannabis. Table S4.02 in the supplementary tables provides an offence level breakdown for the number of PNDs issued to persons from 2008 to 2012.

Figure 4.03: Proportion of PNDs issued to offenders aged 16 and over by offence and self-identified ethnicity, England and Wales, 2012



Source: Police Returns

Cautions

A caution can be administered when there is sufficient evidence to provide a realistic prospect of a conviction but it is not considered to be in the public interest to institute criminal proceedings. Additionally, unlike a PND, the person must admit guilt and consent to a caution in order for one to be given. Cautions are intended for low level, often first time offending and cover a wider range of offences than PNDs. The cautions data presented here are restricted to notifiable offences and exclude less serious summary offences⁵². 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 replacing them with reprimands and warnings. These figures are included in the totals.

⁵² Due to this restriction, the figures may not match those published elsewhere.

Table 4.02 shows the proportion of offenders cautioned for notifiable offences by ethnic appearance between 2008 and 2012. The proportion of offenders classified as unknown has decreased from 4.2% in 2008 to 2.6% in 2012.

- The use of cautions fell by 40% between 2008 and 2012. Despite the decrease in the overall number of cautions issued, the proportion of those cautioned across ethnic groups remained relatively stable.

Table 4.02: Proportion of cautions issued for notifiable offences by ethnic appearance, England and Wales, 2008 to 2012

	Ethnic appearance (percentages)					Total
	White	Black	Asian	Other	Unknown	
2008	82.4%	7.0%	4.9%	1.6%	4.2%	314,346
2009	82.6%	6.9%	5.0%	1.7%	3.8%	278,443
2010	83.1%	7.1%	5.2%	1.8%	2.8%	230,109
2011	83.9%	7.2%	5.1%	1.4%	2.5%	217,714
2012	83.9%	7.0%	5.2%	1.4%	2.6%	188,610

Source: Police returns and Police National Computer (from 2011 onwards)

Notes:

(1) Figures include cautions for those aged 10 or older and reprimands and warnings for those aged under 18.

(2) There have been revisions to the figures for 2011 since the last publication.

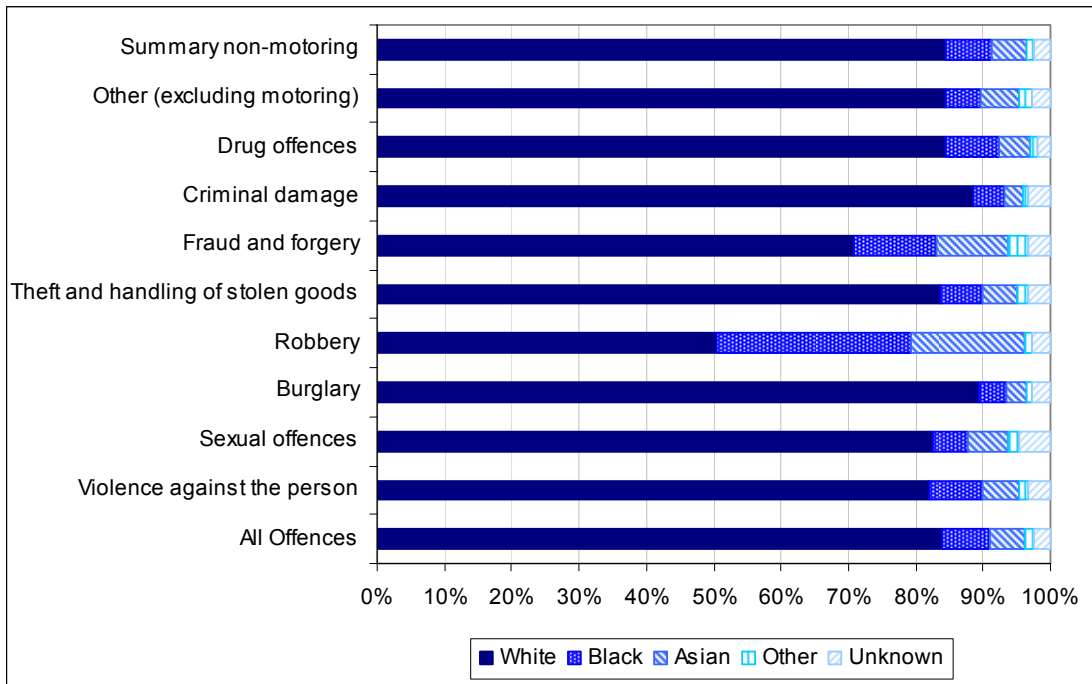
Cautions by offence group

Figure 4.04 presents the percentage of persons cautioned for notifiable offences by offence group and ethnic appearance in England and Wales in 2012.

- While the majority of cautions were administered to individuals from the White ethnic group, the proportion of those cautioned varied by ethnicity and offence group. This reflects different patterns in offending and is broadly consistent with patterns in arrests data (see chapter 3)⁵³. For example, in 2012, a higher proportion of cautions for criminal damage and burglary (both at 89%) were issued to the White ethnic group broadly similar to arrests data for criminal damage and burglary (87% and 86% respectively). For offenders from the Black ethnic group the highest proportion of cautions were received for robbery (29%), similar to arrests data (just under one quarter in 2011/12).

⁵³ Care should be taken when comparing data between arrests and cautions as the former is based on self-identified ethnicity compared with observed ethnic appearance for the later.

Figure 4.04: Proportion of cautions issued for notifiable offences by offence group and ethnic appearance, England and Wales, 2012



Source: Police National Computer

- Between 2008 and 2012, the two most common indictable offences for which cautions were issued were drug offences and theft and handling stolen goods. For both offence groups, the number of cautions issued by ethnic group decreased over the period. However, the decrease in cautions issued for drug offences is counter to an overall increase in arrests for this offence for all ethnic groups (except for the Chinese or Other group). The decrease in cautions has also been offset by an increase of 36% in the number of PNDs issued for the possession of cannabis since its introduction in 2009 and a 3% increase in the number of defendants proceeded against at the magistrates' court for drug offences between 2009 and 2012.

Cautions by age group

- The number of cautions issued to both juveniles and adults decreased across all ethnic groups between 2008 and 2012 (by 67% and 28% respectively). For both adults and juveniles the decrease was similar across most ethnic groups, but higher for the Other ethnic group.
- Cautions for theft and handling stolen goods and drug offences were the most common indictable offences for both juveniles and adults across all ethnic groups in each year between 2009 and 2012. While this was also the same in

2008 for adults, for juveniles the number of cautions administered for violence against the person offences was higher than drug offences.

Court Outcomes

This section focuses on individuals entering court proceedings, offenders receiving a conviction at court and sentence disposal⁵⁴. Particular focus will be given to defendants who were suspected of committing indictable offences (more serious offences where the defendant has the right to trial by jury).

There was a large improvement in recording of ethnicity between 2008 and 2009 which was evident in both the self-identified and ethnic appearance classifications⁵⁵. Due to this improvement in data quality there is a lack of comparability of the ethnic breakdown in 2008 with subsequent years. As such, the analysis and commentary on self-identified ethnicity are presented only for a four year period (from 2009 to 2012). Tables will present the full five year period for court proceedings, convictions and sentence outcomes, as the overall totals are comparable across the whole five year period.

Court Proceedings

If there is sufficient evidence against the defendant and none of the out of court disposals are appropriate, in most cases the police will formally charge the suspect. The law then requires the defendant to be brought before a magistrates' court as soon as possible. The defendant can be summoned to appear in court or remanded on bail or in custody.

- Between 2009 and 2012 there have been fewer defendants entering the criminal court system, with a decrease of 12% (from 1,682,888 in 2009 to 1,475,494 in 2012) in the number of defendants proceeded against at magistrates' court.

The proportion of defendants proceeded against with an unknown ethnicity between 2008 and 2012 was consistently high (53% in 2012), largely due to poor data coverage of the ethnicity of defendants proceeded against for summary offences. As such, it is not possible to provide any further analysis by ethnic group on all

⁵⁴ 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.

⁵⁵ Following the introduction of the LIBRA case management system in 2008.

defendants proceeded against at magistrates' court and **the remainder of this section on court proceedings and the next section on sentence outcomes will focus only on defendants proceeded against for indictable offences** (including triable either way). In 2012, defendants proceeded against at the magistrates' court for an indictable offence represented one quarter of all defendants proceeded against. This has been consistent over the previous four years. In 2012, of those proceeded against for an indictable offence, 13% had an undeclared or unknown ethnicity.

Tables 4.03 sets out the breakdowns by ethnic group for persons proceeded against for indictable offences between 2008 and 2012. The main points are:

- Defendants known to be from BAME groups accounted for 15% of defendants proceeded against for an indictable offence at the magistrates' court in 2012. This has been consistent in the previous four years.

Table 4.03: Persons proceeded against for indictable offences by self-identified ethnicity, England and Wales, 2008 to 2012

Year	Self-identified ethnicity (percentages)						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated/Unknown	
2008	50.2%	4.7%	2.5%	1.2%	0.8%	40.7%	396,278
2009	70.9%	7.8%	4.6%	1.8%	1.2%	13.5%	414,659
2010	72.8%	7.9%	4.7%	1.9%	1.2%	11.5%	436,932
2011	72.3%	8.0%	4.8%	2.0%	1.2%	11.8%	422,859
2012	71.4%	7.8%	4.7%	1.9%	1.1%	13.1%	375,874

Source: Court Proceedings database

- London represented 18% of all court proceedings and 17% of all convictions in England and Wales, comparable to the 19% of arrests conducted by the Metropolitan Police (see chapter 3). The variation in the ethnic distribution of court proceedings and convictions by region has been consistent since 2009 and is indicative of the ethnic diversity within London compared with the rest of England and Wales.
- In 2012, defendants known to be from the White ethnic group accounted for 43% of people proceeded against in London and 78% in the rest of England and Wales. This compares to the 62% of the population aged 10 or over in London and 91% in England and Wales self-identifying as White (according to the 2011 census). In contrast, there were a greater proportion of defendants known to be from a Black ethnic group proceeded against in London (26%)

and the rest of England and Wales (4%) compared to the Black population aged 10 or over (13% in London, 2% in the rest of England and Wales).

Table 4.04 shows the conviction ratio (the number of convictions divided by the number of people proceeded against) by ethnic group for 2008 to 2012. As someone can be convicted in a different year to that in which they were proceeded against, the data on prosecutions and convictions for 2012 may relate to different individuals. As such, the figures in Table 4.04 are indicative only.

- The conviction ratio increased across all ethnic groups between 2009 and 2012, but has been consistently higher for the White ethnic group compared with all other ethnic groups throughout this period.
- Similarly there has been a consistently lower ratio of acquittals⁵⁶ at the Crown Court (the number of acquittals as a proportion of offenders tried at the crown court in the same year) for White defendants compared with all other ethnic groups between 2009 and 2012. However the number of proceedings that were dismissed or withdrawn as a proportion of all offenders proceeded against at the magistrates' court in the same year has been broadly similar for each ethnic group over the past four years, with slightly higher ratios observed for the Black and Mixed ethnic groups⁵⁷.

Table 4.04: Conviction ratio for indictable offences by self-identified ethnicity, England and Wales, 2008 to 2012

Year	Self-identified ethnicity (ratio)						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated/Unknown	
2008	83.6	88.5	85.8	77.3	89.9	73.5	79.7
2009	78.7	72.7	71.8	71.5	74.0	89.7	79.2
2010	81.3	76.0	76.4	75.3	81.9	77.2	80.1
2011	83.0	78.7	78.2	76.8	81.2	74.5	81.3
2012	84.0	79.1	78.3	78.9	82.8	74.3	82.0

Source: Court Proceedings database

Note:

(1) 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).

Sentence Outcomes

⁵⁶ Offenders acquitted at the Crown Court in a given year may relate to different people to those tried (i.e. someone can be acquitted in a different year to that which they were tried).

Once an individual is found guilty in a criminal court of law, the main outcomes are: an absolute or conditional discharge; a fine; a community sentence; a suspended sentence; an immediate custody sentence; or they are otherwise dealt with⁵⁸. This section focuses on the outcomes of all those sentenced who have been convicted at court of committing indictable offences (more serious offences where the defendant has the right to trial by jury).

Differences in sentence outcomes may occur for a number of reasons including: the types of crimes committed; sentencing guidelines (legal maximums and minimums); 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 BAME 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. This chapter will not explore these factors, however, particular offence groups can be analysed to see if there is any relationship with the patterns in sentencing. Further analysis for three specific offences is included later in the chapter to provide some further understanding on the variation in court outcomes by plea status. Information on mitigating and aggravating factors is published in the Sentencing Council's Crown Court Sentencing Survey: <http://sentencingcouncil.judiciary.gov.uk/facts/crown-survey-results-2012.htm>

Figure 4.05 shows the sentence outcomes across ethnic groups for indictable offences in 2009 and 2012. The proportion of not stated/unknowns varied across sentence outcomes during this period. It shows:

- In both 2009 and 2012 community sentences and immediate custody accounted for over 50% of sentence outcomes. The most common sentence outcome for offenders from a White or Mixed ethnic group was a community sentence, whilst for offenders from the Black, Asian and Chinese or Other ethnic groups the most common sentence outcome was immediate custody.

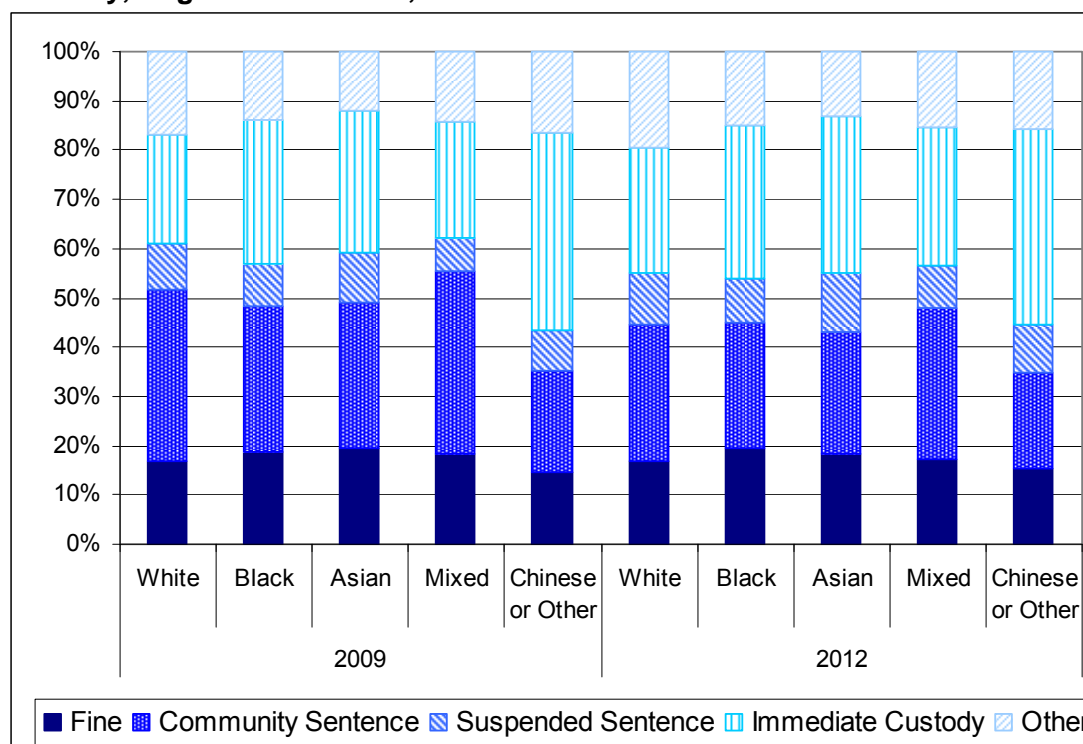
⁵⁷ Offenders dismissed or withdrawn in a given year may relate to different people to those proceeded against (i.e. someone can be dismissed or withdrawn in a different year to that which they were proceeded against).

⁵⁸ Miscellaneous group containing: mental health disposals; ancillary orders; and other procedural disposals.

Statistics on Race and the Criminal Justice System

- Between 2009 and 2012 there was a decrease across all ethnicities in the proportion of community sentences received by offenders. In contrast there was an increase in the proportion of custodial sentences received by offenders of all ethnicities (with the exception of the Chinese or Other group that saw a decrease of less than 1%).
- In the same four-year period, offenders from the Mixed ethnic group received proportionally the most community sentences, Asian offenders received proportionally the most suspended sentences and Chinese or Other offenders received proportionally the most custodial sentences.

Figure 4.05: Sentence outcomes for indictable offences by self-identified ethnicity, England and Wales, 2009 and 2012



Source: Court Proceedings database

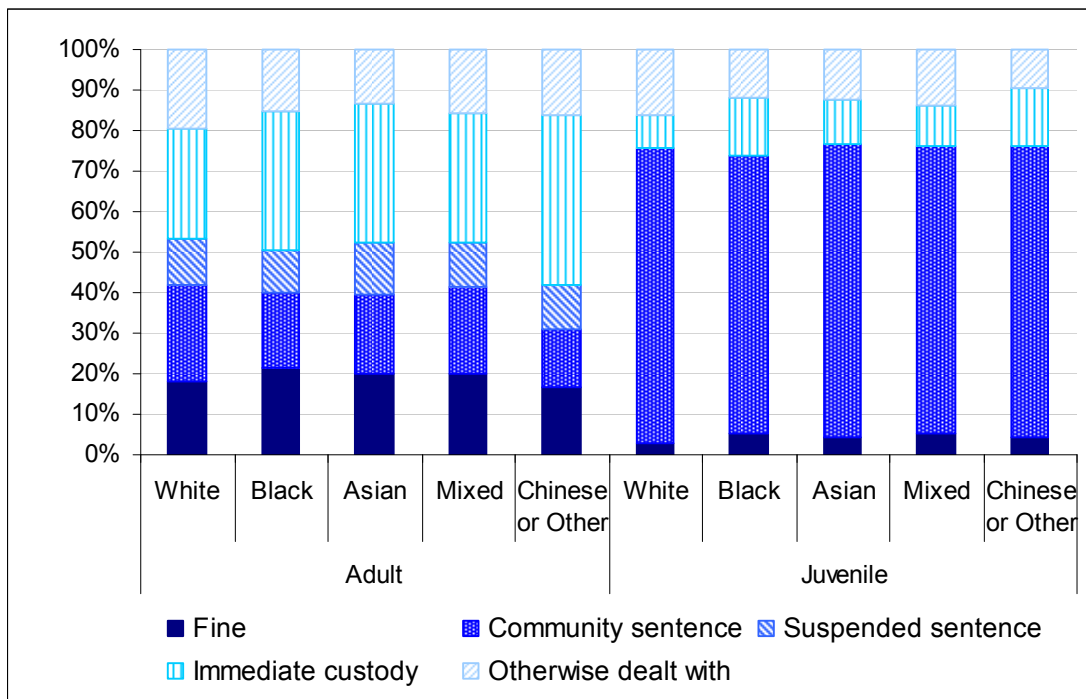
Figure 4.06 shows the sentence outcomes across ethnic groups for indictable offences by age group in 2012

- For juveniles, both overall and across ethnic groups, a community sentence was the most common outcome (72% of juveniles were sentenced to a community sentence in 2012). In contrast 23% of adults received a community sentence in 2012. The most common outcome for an adult offender across ethnicities was a custodial sentence (28% of

adults were sentenced to immediate custody in 2012). These findings have been broadly consistent over the past four years.

- For both adults and juveniles there were differences in sentence outcomes across ethnic groups (see figure 4.06). For example, for both adults and juveniles, all BAME groups received a larger proportion of immediate custodial sentences than the White ethnic group. In contrast, all BAME groups received a lower proportion of community sentences compared with the White ethnic group.

Figure 4.06: Offenders sentenced for indictable offences, by self-identified ethnicity and age group, England and Wales, 2012



Source: Court Proceedings database

Offenders sentenced to a custodial sentence

Table 4.05 below presents the total number of offenders sentenced by ethnic group and the proportion sentenced to immediate custodial sentences, for indictable offences between 2008 and 2012. Table 4.06 presents the Average Custodial Sentence Length (ACSL) for offenders sentenced to a determinate sentence⁵⁹ between 2008 and 2012. Ethnicity was unknown for 11% of these offenders in 2012, a decrease of 8 percentage points compared with 2009. These tables show:

⁵⁹ Excludes life and indeterminate sentences.

- Whilst there was a decrease in the total number of persons sentenced for an indictable offence between 2010 and 2012, corresponding to the decrease in court proceedings, the custody rate has increased in the same period. This trend was observed across all ethnicities (except for the Chinese or Other ethnic group which did not see an increase until 2012).
- The ACSL has also increased across all ethnicities (except for the Chinese or Other ethnic group) between 2009 and 2012. The rise in ACSL has been driven by changes in the case mix of people getting custodial sentences and longer sentences for indictable offences. Additionally, new legislations have led to a decrease in the number of offenders sentenced to indeterminate sentences (who are excluded from the ACSL), which coincided with an increase in the number sentenced to long determinate sentences (10 years or more) which are included in the ACSL calculation.
- The ACSL has also been higher in all years for those from a BAME group compared with White offenders. The highest ACSL has been for the Black and Asian ethnic groups.
- However, the ACSL is likely to reflect aggravating and mitigating factors of the case and at which stage the offender pleads guilty. Later this chapter will look at the differences in sentencing between ethnic groups for offenders that plead guilty and not guilty for selected offences.

Table 4.05: Numbers sentenced at all courts and percentage sentenced to immediate custody for indictable offences by self-identified ethnicity, England and Wales, 2008 to 2012

		Self-identified ethnicity						Total
		White	Black	Asian	Mixed	Chinese or Other	Not Stated/ Unknown	
2008	Total Sentenced	167,353	16,743	8,672	3,550	2,701	115,922	314,941
	Custody Rate	24.2%	38.4%	35.9%	27.0%	46.3%	23.1%	25.1%
2009	Total Sentenced	229,047	23,362	13,615	5,381	3,769	51,418	326,592
	Custody Rate	22.2%	29.1%	29.0%	23.6%	40.0%	30.8%	24.6%
2010	Total Sentenced	256,731	26,224	15,658	6,207	4,290	38,312	347,422
	Custody Rate	22.9%	28.4%	29.4%	23.7%	39.0%	23.3%	23.9%
2011	Total Sentenced	252,707	26,467	15,713	6,423	3,968	36,580	341,858
	Custody Rate	25.0%	30.4%	31.1%	26.7%	38.3%	22.7%	25.6%
2012	Total Sentenced	223,885	22,987	13,847	5,521	3,496	36,380	306,116
	Custody Rate	25.6%	31.3%	32.1%	27.9%	39.7%	25.5%	26.5%

Source: Court Proceedings database

Table 4.06: Average immediate custodial sentence length for indictable offences by self-identified ethnicity, England and Wales, 2008 to 2012

	Average Custodial Sentence Length (months)						Total
	Self-identified ethnicity						
	White	Black	Asian	Mixed	Chinese or Other	Not Stated/ Unknown	
2008	15.9	23.2	21.5	18.7	18.2	13.7	16.0
2009	14.6	20.2	19.5	17.5	16.7	20.0	16.5
2010	14.9	21.4	19.9	17.6	16.6	17.7	16.2
2011	15.6	22.8	22.0	17.7	17.0	16.7	16.8
2012	15.9	23.4	22.4	20.4	17.2	15.4	17.0

Source: Court Proceedings database

Table 4.07 below shows the percentage of offenders sentenced to immediate custody by offence group within each ethnic group in 2012. Table 4.08 shows the percentage of offenders sentenced to immediate custody as a proportion of all sentenced by ethnic group and offence group in 2012. This section provides an overall summary and more detailed commentary on drug offences, sexual offences and violence against the person offences.

- The most common indictable offence for which a person received a custodial sentence in 2012 was for theft and handling stolen goods. This was the most common offence group for most ethnic groups, except for those from a Black or Asian ethnic group where drug offences were the most common offence group. This reflects the high number sentenced as the custody rate was relatively low for both these offence groups.
- Across all ethnic groups, between 2009 and 2012 the custody rate for robbery, sexual offences and burglary were consistently higher compared with other offence groups. There is a different offence group profile for the different ethnic groups and this may in part explain some of the variation in the custody rates between ethnic groups.
- The profile of custody rates across ethnic groups also varied by offence group. For example, offenders from the White ethnic group had a higher custody rate for robbery than other ethnic groups in each of the previous four years. Offenders from the Black ethnic group had the highest custody rate for violence against the person offences in each year over the same period, while for drug offences this was highest for offenders from the Chinese or Other ethnic group.

Table 4.07: Persons sentenced to immediate custody for indictable offences by offence group and self-identified ethnicity, England and Wales, 2012

Offence group	Self-identified ethnicity (percentages)						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated/ Unknown	
Violence against the person	17.7%	16.1%	14.9%	17.9%	10.1%	12.7%	16.7%
Sexual offences	4.4%	3.4%	5.7%	1.4%	4.1%	3.3%	4.2%
Burglary	15.7%	11.0%	6.3%	16.9%	8.5%	10.7%	14.1%
Robbery	5.3%	12.5%	7.7%	11.6%	5.8%	5.2%	6.2%
Theft and handling stolen goods	30.3%	18.2%	17.9%	21.5%	24.4%	29.7%	28.2%
Fraud and forgery	3.2%	7.7%	9.8%	1.8%	11.3%	9.9%	4.8%
Criminal damage	1.4%	0.4%	0.5%	0.6%	0.5%	1.0%	1.2%
Drug offences	9.1%	18.5%	21.5%	15.5%	23.2%	10.6%	11.1%
Other (excl motoring offences)	11.6%	11.2%	12.7%	11.1%	11.5%	15.5%	12.1%
Indictable motoring offences	1.3%	1.0%	3.0%	1.8%	0.6%	1.4%	1.4%
All indictable offences (100%)	57,272	7,186	4,439	1,538	1,388	9,259	81,082

Source: Court Proceedings database

Table 4.08: Custody rate by offence group and self-identified ethnicity, England and Wales, 2012

Offence group	Self-identified ethnicity						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated/ Unknown	
Violence against the person	36.6%	44.1%	39.6%	40.0%	39.7%	34.8%	37.2%
Sexual offences	60.3%	58.3%	52.8%	46.7%	62.0%	60.2%	59.5%
Burglary	50.4%	60.6%	52.0%	53.9%	64.5%	56.4%	51.7%
Robbery	68.3%	52.0%	45.9%	44.3%	55.5%	53.7%	60.0%
Theft and handling stolen goods	19.5%	24.3%	25.7%	22.1%	29.2%	24.7%	20.6%
Fraud and forgery	23.3%	37.7%	40.0%	19.2%	51.3%	17.2%	24.2%
Criminal damage	16.6%	14.6%	20.4%	14.3%	20.6%	17.1%	16.7%
Drug offences	13.2%	18.5%	23.9%	15.6%	43.5%	19.7%	15.6%
Other (excluding motoring)	24.6%	32.7%	31.4%	27.6%	35.9%	19.4%	24.6%
Indictable motoring	39.9%	33.5%	38.3%	49.1%	21.6%	27.4%	37.3%
All indictable offences	25.6%	31.3%	32.1%	27.9%	39.7%	25.5%	26.5%

Source: Court Proceedings database

Table 4.09 below presents for 2012 the ACSL for determinate⁶⁰ sentences by ethnic group and offence group. It should be noted that for some offence and ethnic group combinations, small numbers of offenders are sentenced which can lead to large variations in the ACSL from one year to the next (for example, in 2012 there were less than ten offenders from the Mixed ethnic group sentenced to immediate custody for criminal damage). Therefore findings below focus only on offence and ethnic groups for which it was possible to provide a robust analysis.

⁶⁰ Excludes life and indeterminate sentences.

A range of offences of varying levels of seriousness are included within each offence group and it is likely that some of the differences in custody rate and ACSL are due to differences in the specific offences for which different ethnic groups are sentenced.

- The ACSL varied across offence groups, with sexual offences, robbery and drug offences having the longest ACSL. The ACSL also varied across ethnicity for different offence groups, although the ethnic group with the highest ACSL was from a BAME group for all offence groups.
- There was an increase in ACSL across all indictable offences between 2009 and 2012, except for theft and handling stolen goods, which had a relatively stable ACSL and for drug offences, which decreased from 32.1 months in 2009 to 28.7 months in 2012.

Table 4.09: Average immediate custodial sentence length for indictable offences by offence group and self-identified ethnicity, England and Wales, 2012

Offence group	Average immediate custodial sentence length (months)						Total
	Self-identified Ethnicity						
	White	Black	Asian	Mixed	Chinese or Other	Not Stated/ Unknown	
Violence against the person	18.2	29.3	26.6	25.1	26.6	19.5	19.9
Sexual offences	54.8	61.3	48.6	52.3	40.9	50.7	54.2
Burglary	19.2	23.0	20.1	20.0	15.5	17.6	19.3
Robbery	36.5	36.8	34.2	37.5	30.3	31.3	35.8
Theft and handling stolen goods	3.8	5.0	6.7	4.4	5.4	4.4	4.1
Fraud and forgery	12.5	11.5	14.0	10.6	10.3	13.6	12.7
Criminal damage	22.1	21.6	25.5	50.0	19.7	18.7	22.1
Drug offences	26.7	32.1	32.3	26.9	26.1	31.9	28.7
Other (excl motoring offences)	9.3	15.4	15.5	16.2	10.1	9.7	10.4
Indictable motoring offences	9.7	10.4	9.5	10.3	10.1	9.6	9.8
All indictable offences	15.9	23.4	22.4	20.4	17.2	15.4	17.0

Source: Court proceedings database

Note:

(1) Average immediate custodial sentence length excludes indeterminate sentences.

Drug Offences

- The number of offenders sentenced to immediate custody for drug offences increased each year between 2009 and 2011, before decreasing in 2012, reflecting both the decrease in the number sentenced and a lower custody rate. These patterns in the number of offenders sentenced to immediate custody for drug offences was consistent across all ethnic groups except the Mixed ethnic group. However, for all ethnic groups, the

ACSL for drug offences was the lowest in 2012 for the 2009 to 2012 period.

- On the 26 January 2009, there was an amendment to The Misuse of Drugs Act 1971 to reclassify cannabis from a class C to a class B drug. As a result, an increasing number of offenders were sentenced between 2009 and 2012 for offences relating to the production/supply/possession of cannabis.

Sexual Offences

- The number of offenders sentenced to immediate custody for sexual offences increased between 2009 and 2011, before falling in 2012 for most ethnic groups except for the Black and Asian groups where a small increase was seen.
- For all ethnic groups, those sentenced to immediate custody for sexual offences consistently had the highest ACSL of any indictable offence group in each year between 2009 and 2012. In 2012, offenders from the Black ethnic group were sentenced on average to 61.3 months compared with 54.8 months for the White ethnic group and 48.6 months for the Asian ethnic group.
- These differences in ACSL are partly due to differences in the number and type of sexual offences committed by offenders from different ethnic groups.
 - In 2012, just under half of offenders sentenced to custody from the Black ethnic group for a sexual offence were sentenced for rape⁶¹ compared with just over a quarter of White offenders and under a third of Asian offenders (combined these offences had an overall ACSL of 107.3 months). By comparison, over a quarter of Asian offenders were sentenced for sexual assault on a female⁶² compared with about a fifth of Black offenders and less than 10% of White offenders (overall this offence had an ACSL of 12.6 months).

⁶¹ Includes rape of a female aged under 16, rape of a female aged 16 or over, rape of a male aged under 16, rape of a male aged 16 or over, rape of a female child under 13 by a male and rape of a male child under 13 by a male.

⁶² There is a separate offence of sexual assault on a female child under 13 which had an ACSL of 33.5 months in 2012.

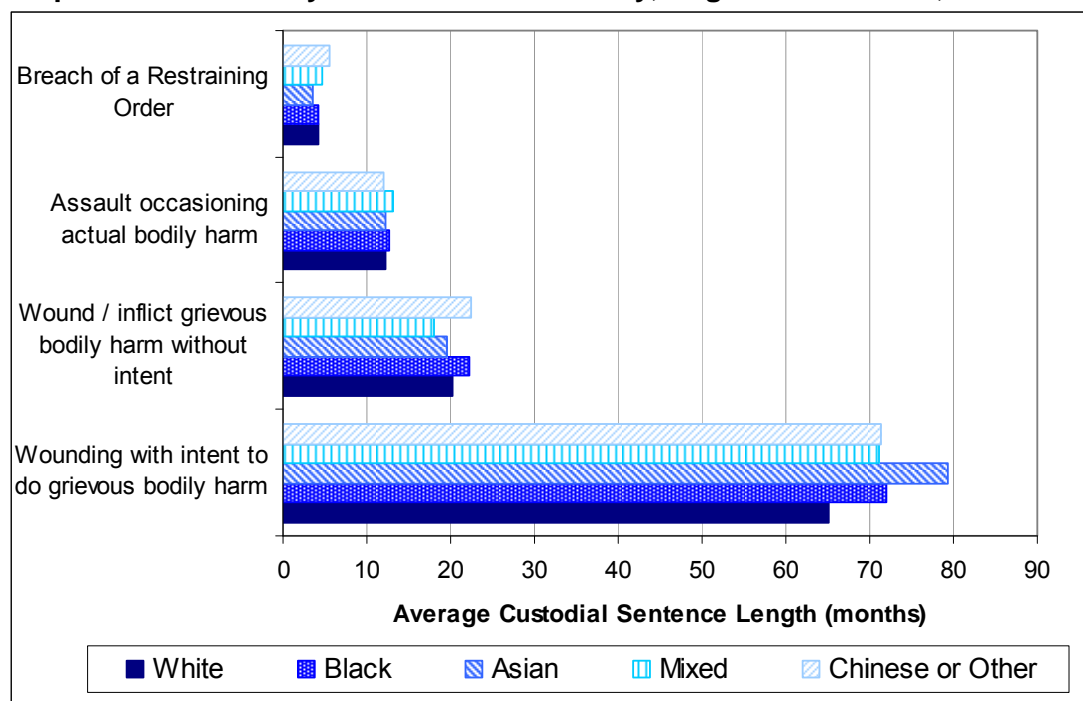
- In 2012, the most common sexual offence for which offenders were sentenced to immediate custody was rape of a female over 16. When considering this specific offence, there was little variation in the ACSL for White, Black and Asian offenders (91.7, 92.9 and 94.7 months respectively). Whilst the ACSL was slightly higher for Asian offenders, this group did receive a slightly lower proportion of indeterminate sentences, which are excluded from the ACSL calculation.

Violence against the person

- The number of offenders sentenced to immediate custody for violence against the person rose between 2009 and 2011, before falling in 2012 for all ethnic groups. During this period the custody rate increased across all ethnic groups. The White ethnic group consistently had both the lowest custody rate and the lowest ACSL across all ethnic groups. In 2012, offenders from the White ethnic group had an ACSL of 18.2 months compared with 29.3 months for Black offenders, who had the highest ACSL.
- These differences in ACSL are in part a consequence of the number and type of violence against the person offences committed which differs across ethnic groups. For example in 2012, a greater proportion of offenders sentenced for a violence against the person offence from any of the BAME groups were sentenced for wounding with intent to cause grievous bodily harm (16%-18%) compared to White offenders (11%). In contrast a lower proportion of offenders from all of the BAME groups were sentenced for wounding or inflicting grievous bodily harm without intent (11%-14%) compared with White offenders (17%). Wounding with intent to cause grievous bodily harm had an overall ACSL of 67.4 months, in contrast wounding or inflicting grievous bodily harm without intent had an ACSL of 20.5 months.
- There are differences in the ACSL across ethnic groups when considering specific offences. The scale of the difference varies by offence type. Figure 4.07 below shows the ACSL for the four most common violence against the person offences in 2012, which together accounted for two thirds of all violence against the person offences. There is wide variation between ethnic groups for wounding with intent to do grievous bodily harm

ranging from an ACSL of 65.1 for White offenders to 79.4 for Asian offenders, but less variation for the other three offence types.

Figure 4.07: Average custodial sentence length for selected violence against the person offences by self-identified ethnicity, England and Wales, 2012



Source: Court proceedings database

Further information is available on those proceeded against and convicted for assault occasioning actual bodily harm in the next section which looks at outcomes by plea status for specific offences. Later on in the chapter is a section comparing proceedings and conviction information for assault occasioning actual bodily harm with all other violence against the person offences.

Further analysis: Proceedings and sentencing at the Crown Court for selected offences

As in previous editions of this publication, additional analysis on selected offences is provided to complement the general analysis already provided in this chapter. This analysis is focused specifically for cases heard in the Crown Court, while elsewhere the commentary included data from both the magistrates’ and Crown courts. The analysis aims to provide further understanding of the variations in particular court outcomes for different ethnic groups by plea status for certain offences. The Early Guilty Plea Scheme is an initiative of the Senior Presiding Judge designed to encourage defendants to enter into a guilty plea an earlier opportunity (where

appropriate) to prevent delaying justice unnecessarily, and generally results in a reduction of sentence.⁶³

Tables 4.10 to 4.12 present the number of persons sentenced and the variation in percentages receiving an immediate custodial sentence and ACSL. Table 4.13 shows analysis of selected violence offences for comparative purposes.

Three offences with a high number of proceedings were selected:

- Assault occasioning actual bodily harm;
- Burglary in a dwelling, and;
- Production, supply and possession with intent to supply of class A drugs

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 includes persons tried at the Crown Court and the number sentenced includes those convicted at the Crown Court together with those convicted at the magistrates' courts and committed for sentence to the Crown Court.

Differences by ethnic group in the percentages receiving an immediate custodial sentence and ACSL can be noted for these three specific offences. This differential pattern can also be observed with regard to sentences for all other violence against the person offences (see Table 4.13).

The results obtained should be treated with caution because the outcome of any case will depend on a range of mitigating or aggravating factors therefore the analysis will be indicative only of where any differences occur between persons from different ethnic groups.

Actual Bodily Harm (ABH)

Table 4.10 presents the number of persons tried, found guilty and sentenced at the Crown Court for ABH by plea and ethnicity in England and Wales in 2012. Caution should be exercised when using figures from the Chinese or Other or Mixed ethnic groups due to the small numbers involved. The main points are:

- A higher proportion of defendants from the White ethnic group pleaded guilty compared with all other ethnic groups. For those offenders who pleaded not

⁶³ www.justice.gov.uk/downloads/legal-aid/early-guilty-plea-scheme.pdf

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guilty, a lower proportion of Black and Asian defendants were acquitted compared with the White group.

- A higher percentage of offenders from the Black and Mixed ethnic groups were sentenced to immediate custody whether they pleaded guilty or not guilty compared with those within the Asian or White ethnic groups. This was consistent for the four year period.
- The ACSL was higher across all ethnic groups (excluding Mixed) for offenders who pleaded not guilty compared with those who pleaded guilty, as expected due to reductions to the length of sentence for an early guilty plea. Of those who pleaded guilty, Black and Mixed ethnic group defendants had the highest ACSL (13.5 months and 14.2 months respectively). However, White and Asian defendants that pleaded not guilty had a higher ACSL than offenders from a Black and Mixed ethnic background who pleaded not guilty.

Table 4.10: Number of persons tried, found guilty and sentenced at the Crown Court for actual bodily harm by plea and self-identified ethnicity, England and Wales, 2012

Self-identified ethnicity	Plea	Total tried	Percentage acquitted	Total sentenced	Percentage sentenced to immediate custody	Average custodial sentence lengths (excluding life) in months
White	Guilty	3,730	-	4,709	44.4%	12.7
	Not Guilty	1,797	74.0%	468	49.1%	15.8
	Total	5,527	-	5,177	44.8%	13.0
Black	Guilty	299	-	356	46.3%	13.5
	Not Guilty	269	68.4%	85	56.5%	14.9
	Total	568	-	441	48.3%	13.8
Asian	Guilty	256	-	282	38.3%	11.9
	Not Guilty	240	70.4%	71	53.5%	15.8
	Total	496	-	353	41.4%	12.9
Mixed	Guilty	81	-	103	52.4%	14.2
	Not Guilty	56	75.0%	14	57.1%	11.8
	Total	137	-	117	53.0%	13.9
Chinese or Other	Guilty	41	-	60	46.7%	12.0
	Not Guilty	53	79.2%	11	27.3%	18.0
	Total	94	-	71	43.7%	12.6
Not Stated/Unknown	Guilty	366	-	446	41.9%	12.5
	Not Guilty	230	67.8%	74	55.4%	15.9
	Total	596	-	520	43.8%	13.1
All	Guilty	4,773	-	5,956	44.2%	12.7
	Not Guilty	2,645	72.7%	723	50.9%	15.6
	Total	7,418	-	6,679	44.9%	13.1

Source: Court Proceedings database

Note:

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

Burglary in a dwelling

Table 4.11 below shows the number of persons tried, found guilty and sentenced at the Crown Court for burglary in a dwelling by plea and ethnicity in England and Wales in 2012. Caution should be exercised when using figures from the Chinese or Other ethnic group due to the small numbers involved. The main points are:

- A higher proportion of defendants from the White ethnic group submitted a guilty plea compared with defendants from all other ethnic groups. A lower proportion of Black defendants who pleaded not guilty were acquitted, compared with the Asian and White ethnic groups. This has been consistent over the past four years.

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- The ACSL of offenders pleading not guilty varied across ethnicity: offenders from the Mixed ethnic group had the highest ACSL at 55.8 months while offenders from the Asian ethnic group had the lowest average sentence at 27.9 months (although this could be an effect of small numbers).
- The difference in the ACSL for offenders pleading guilty compared with those pleading not guilty varied between ethnic groups. For example there was a difference of 1.9 months for offenders from the Asian ethnic group compared with 31.8 months for offenders from the Mixed ethnic group.

Table 4.11: Number of persons tried, found guilty and sentenced at the Crown Court for burglary in a dwelling by plea and self-identified ethnicity, England and Wales, 2012

Self-identified ethnicity	Plea	Total tried	Percentage acquitted	Total sentenced	Percentage sentenced to immediate custody	Average custodial sentence lengths in months
White	Guilty	5,070	-	6,669	75.8%	25.4
	Not Guilty	1,291	66.8%	430	81.4%	40.9
	Total	6,361	-	7,099	76.1%	26.3
Black	Guilty	404	-	490	75.9%	28.2
	Not Guilty	211	60.2%	84	85.7%	47.6
	Total	615	-	574	77.4%	31.3
Asian	Guilty	176	-	216	70.4%	26
	Not Guilty	69	71.0%	20	75.0%	27.9
	Total	245	-	236	70.8%	26.2
Mixed	Guilty	148	-	186	75.8%	24
	Not Guilty	50	62.0%	19	68.4%	55.8
	Total	198	-	205	75.1%	26.7
Chinese or Other	Guilty	47	-	78	80.8%	19.7
	Not Guilty	19	68.4%	6	83.3%	32.4
	Total	66	-	84	81.0%	20.7
Not Stated/ Unknown	Guilty	445	-	607	80.6%	24.3
	Not Guilty	132	59.1%	54	75.9%	37.7
	Total	577	-	661	80.2%	25.3
All	Guilty	6,290	-	8,246	76.1%	25.4
	Not Guilty	1,772	65.5%	613	80.9%	41.5
	Total	8,062	-	8,859	76.4%	26.5

Source: Court Proceedings database

Note:

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

Production, supply and possession with intent to supply of drug Class A

Table 4.12 below shows the number of persons tried, found guilty and sentenced at the Crown Court for production, supply and possession with intent to supply of Class

A drugs by plea and ethnicity in England and Wales in 2012. Caution should be exercised when using figures from the Chinese or Other ethnic group due to the small numbers involved. The main points are:

- A higher proportion of White defendants submitted a guilty plea, compared with defendants from all other ethnic groups. A lower proportion of Black and Asian defendants who pleaded not guilty were acquitted compared with White defendants who pleaded not guilty. This has been consistent over the past four years.
- A higher proportion of offenders that submitted a not guilty plea were sentenced to immediate custody than those that pleaded guilty. This has been consistent across all ethnicities (excluding Chinese or Other) over the past four years. The ACSL was also higher for defendants that pleaded not guilty compared with those that pleaded guilty across all ethnic groups. For example, 92% of White defendants who pleaded not guilty were sentenced to immediate custody with an ACSL of 58.3 months. In contrast 76% of White defendants who pleaded guilty were sentenced to custody with an ACSL of 37.5 months.
- While a lower proportion of Black defendants were acquitted, offenders from the Black ethnic group received a lower ACSL across both types of plea compared with offenders from the White and Asian ethnic groups. For these offenders the ACSL has fallen across both types of plea by approximately three months between 2009 and 2012. This compares to an increase for both the White and Asian ethnic groups across both plea types over the same period.

Table 4.12: Number of persons tried, found guilty and sentenced at the Crown Court for production, supply and possession with intent to supply of class A drugs by plea and self-identified ethnicity, England and Wales, 2012

Self-identified ethnicity	Plea	Total tried	Percentage acquitted	Total sentenced	Percentage sentenced to immediate custody	Average custodial sentence lengths in months
White	Guilty	2,325	-	2,763	76.2%	37.5
	Not Guilty	379	52.0%	183	92.3%	58.3
	Total	2,704	-	2,946	77.2%	39.1
Black	Guilty	683	-	802	84.8%	34.6
	Not Guilty	216	40.3%	129	93.8%	53.9
	Total	899	-	931	86.0%	37.5
Asian	Guilty	467	-	519	87.5%	39.5
	Not Guilty	119	43.7%	67	94.0%	62.3
	Total	586	-	586	88.2%	42.2
Mixed	Guilty	111	-	133	82.7%	33.7
	Not Guilty	25	44.0%	14	92.9%	38.2
	Total	136	-	147	83.7%	34.2
Chinese or Other	Guilty	42	-	45	84.4%	43.0
	Not Guilty	16	56.3%	7	71.4%	87.6
	Total	58	-	52	82.7%	48.2
Not Stated/ Unknown	Guilty	326	-	372	78.0%	37.5
	Not Guilty	82	54.9%	37	100.0%	74.5
	Total	408	-	409	80.0%	41.7
All	Guilty	3,954	-	4634	79.4%	37.2
	Not Guilty	837	47.9%	437	93.3%	58.8
	Total	4,791	-	5,071	80.6%	39.3

Source: Court Proceedings database

Note:

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

Violence against the person

Table 4.13 below presents information on the numbers tried, acquitted, found guilty and sentenced at the Crown Court in 2012 for assault occasioning actual bodily harm compared with all other violence against the person offences. The main findings are:

- A higher proportion of defendants from BAME groups were acquitted compared with those from the White ethnic group for both assault occasioning actual bodily harm and other violence against the person offences. In part this can be explained by the higher proportion of White defendants who plead guilty.

- In 2012, a custodial sentence was the most common outcome given to offenders of each ethnic group who were sentenced at the Crown Court for all violence against the person offences. The proportions were higher across all ethnicities for the other violence against the person offences compared with assault occasioning actual bodily harm.
- The custody rate was highest for Mixed ethnic group offenders for those sentenced for assault occasioning actual bodily harm and lowest for Asian offenders, whilst for other violence against the person offences the custody rate was highest for Black offenders and lowest for White offenders.
- A suspended sentence was the second most common outcome given to offenders across all ethnicities and for both assault occasioning actual bodily harm and other violence against the person offences.

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Table 4.13: Number of persons tried, found guilty and sentenced at the Crown Court for violence against the person offences by self-identified ethnicity, England and Wales, 2012

Offence	Self-identified 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	Otherwise dealt with
Assault occasioning actual bodily harm	White	5,527	1,329	24.0%	4,198	5,177	1.1%	0.7%	17.7%	34.7%	44.8%	1.0%
	Black	568	184	32.4%	384	441	1.4%	1.1%	15.4%	31.7%	48.3%	0.9%
	Asian	496	169	34.1%	327	353	3.7%	0.3%	19.3%	34.6%	41.4%	0.8%
	Mixed	137	42	30.7%	95	117	0.0%	0.0%	15.4%	30.8%	53.0%	2.0%
	Chinese or Other	94	42	44.7%	52	71	2.8%	2.8%	18.3%	29.6%	43.7%	2.8%
	Not Stated/ Unknown	596	156	26.2%	440	520	0.4%	1.3%	19.6%	32.1%	43.8%	2.7%
Total		7,418	1,922	25.9%	5,496	6,679	1.2%	0.7%	17.8%	34.1%	44.9%	1.2%
Other violence against the person	White	8,828	2,081	23.6%	6,747	8,408	1.4%	0.6%	13.1%	23.1%	59.8%	2.0%
	Black	1,245	467	37.5%	778	908	0.7%	0.6%	7.8%	14.4%	73.7%	2.8%
	Asian	799	267	33.4%	532	618	1.9%	0.6%	12.1%	20.7%	61.8%	2.8%
	Mixed	250	74	29.6%	176	211	0.9%	0.0%	11.4%	18.5%	66.4%	2.9%
	Chinese or Other	169	67	39.6%	102	117	1.7%	0.0%	12.0%	18.8%	63.2%	4.3%
	Not Stated/ Unknown	1,004	294	29.3%	710	891	2.7%	0.2%	11.0%	20.9%	62.0%	3.3%
Total		12,295	3,250	26.4%	9,045	11,153	1.5%	0.5%	12.4%	22.0%	61.4%	2.3%
Total violence against the person (indictable only and triable either way)	White	14,355	3,410	23.8%	10,945	13,585	1.3%	0.6%	14.8%	27.5%	54.1%	1.7%
	Black	1,813	651	35.9%	1,162	1,349	0.6%	0.0%	12.8%	22.9%	61.6%	2.1%
	Asian	1,295	436	33.7%	859	971	2.6%	0.5%	14.7%	25.7%	54.4%	2.1%
	Mixed	387	116	30.0%	271	328	0.9%	0.7%	10.3%	20.1%	65.4%	2.6%
	Chinese or Other	263	109	41.4%	154	188	2.1%	1.1%	14.4%	22.9%	55.9%	3.7%
	Not Stated/ Unknown	1,600	450	28.1%	1,150	1,411	1.8%	0.6%	14.2%	25.0%	55.3%	3.0%
Total		19,713	5,172	26.2%	14,541	17,832	1.4%	0.6%	14.4%	26.5%	55.2%	1.9%

Source: Court Proceedings database

"-" = Nil

Previous Criminal Histories

As previously noted in this chapter there are a range of other factors that can contribute to the sentencing decisions made at court which can lead to differences in sentence outcomes between ethnic groups. One possible factor is an offender's history of offending. This section will look specifically at offending histories of offenders cautioned or convicted in England and Wales over the last 5 years.

Information presented in this section differs from previous sections on convictions, cautions and sentencing, in that all information in this section is taken from the Police National Computer (PNC). The PNC does not include a range of less serious summary offences (such as TV licence evasion and a range of motoring offences) and so the figures reported are not comparable to the figures reported in the previous sections. The data uses the *officer identified ethnic appearance classification* and looks at the number of first time entrants into the criminal justice system as well as the counts of separate previous occasions when offenders received a reprimand, final warning, caution or conviction for offenders sentenced or cautioned for an indictable offence.

Table 4.14 shows the number and percentage of first time entrants to the criminal justice system by age group, year and ethnic group, in England and Wales between 2008 and 2012. The proportion of first-time entrants with unknown ethnic appearance is likely to be higher in the most recent years' data. Offenders' records are likely to be more complete as they have more contact with the Criminal Justice System. For example, some first time entrants in 2008 will have had more contact with the authorities since their first conviction/caution, and are therefore, more likely to have information recorded about their ethnic appearance compared to first time entrants in 2012. The main points are:

- Overall the number of first time entrants (FTEs) to the criminal justice system decreased by 38%. This coincided with decreases seen in the number of arrests between 2007/08 and 2011/12 (down 16%, see chapter 3), in the number of cautions issued for notifiable offences (down 40%) and in the number of defendants proceeded against at the magistrates' court between 2008 and 2012 (a 12% decrease).
- The decrease was higher for juvenile FTEs (65%) compared with adult FTEs (27%), similar to the trend in arrests. The decreasing trend has been seen across all ethnic groups for adults and juveniles, and the proportion of FTEs

for each ethnic group has remained stable for adults. However for juveniles, however, there was a decrease in the proportion of White FTEs, down five percentage points, and an increase in Black FTEs, up two percentage points, between 2008 and 2012. This reflects the number of White FTEs decreasing at a faster rate than Black FTEs.

Table 4.14: Number and percentage of first time entrants to the criminal justice system by age group and ethnic appearance, England and Wales, 2008 to 2012

Ethnic appearance	Juvenile First Time Entrants				
	2008	2009	2010	2011	2012
White	83.5%	82.5%	80.9%	79.3%	78.5%
Black	8.2%	8.8%	9.7%	10.5%	9.9%
Asian	5.2%	5.3%	5.5%	5.4%	5.7%
Other	0.8%	1.0%	1.1%	1.1%	1.1%
Unknown	2.4%	2.4%	2.8%	3.6%	4.7%
All ethnicity groups (100%)	81,592	65,267	47,627	37,787	28,711

Ethnic appearance	Adult First Time Entrants				
	2008	2009	2010	2011	2012
White	76.4%	76.0%	75.3%	75.0%	75.0%
Black	8.1%	8.1%	8.0%	7.3%	7.0%
Asian	7.5%	7.7%	7.9%	7.7%	7.6%
Other	2.5%	2.6%	2.5%	2.5%	2.3%
Unknown	5.5%	5.6%	6.2%	7.4%	8.0%
All ethnicity groups (100%)	200,630	188,357	177,434	164,664	147,354

Ethnic appearance	All First Time Entrants				
	2008	2009	2010	2011	2012
White	78.5%	77.7%	76.5%	75.8%	75.6%
Black	8.1%	8.3%	8.4%	7.9%	7.5%
Asian	6.8%	7.1%	7.4%	7.3%	7.3%
Other	2.0%	2.2%	2.2%	2.2%	2.1%
Unknown	4.6%	4.8%	5.5%	6.7%	7.4%
All ethnicity groups (100%)	282,222	253,624	225,061	202,451	176,065

Source: Police National Computer

Notes:

(1) Offenders recorded on the Police National Computer by an English or Welsh police force as having received their first conviction, caution, reprimand or warning. Offences resulting in Penalty Notices for Disorder are not counted as first offences.

(2) Ethnicity identified and recorded on the PNC by police officer according to the appearance of offenders not as those self-identified and recorded on census

Table 4.15 shows the rates per 1,000 population for adult and juvenile FTEs by ethnicity in England and Wales in 2011.

- In 2011 per 1000 population aged ten or older, there were 8.2 Black FTEs compared with 3.6 White FTEs, 4.3 Asian FTEs and 4.4 Other FTEs. For both juveniles and adults, the Black ethnic group had the highest rate of FTEs. However there were also differences for the other ethnic groups by age group. For example, the White ethnic group had the second highest rate of FTEs for juveniles, but the lowest for adults

Table 4.15: First time entrants to the criminal justice system per 1,000 population, by ethnic appearance, England and Wales, 2011^{(1) (2)}

	Rates per 1,000 population ⁽³⁾ (ethnic appearance)				
	White	Black	Asian	Other	Total
Juveniles	6.9	11.3	4.1	3.2	7.1
Adults	3.2	7.6	4.4	4.6	3.7
All Offenders	3.6	8.2	4.3	4.4	4.1

Source: Police National Computer and Office for National Statistics

Notes:

(1) The rates were calculated for 2011 as this is the only year for which reliable population estimates by ethnic group are available.

(2) The population data used to calculate these rates was the 2011 Census data released by the Office for National Statistics. These estimates are based on self-identification of ethnic group whereas data on previous criminal histories is based on ethnic appearance, which is not directly comparable. To account for this, the self-identified classification was adjusted following the rules defined in Appendix C.

(3) Population data only considered those aged ten or older.

Table 4.16 shows the number and percentage of offenders sentenced for indictable offences by ethnicity and the number of previous convictions/cautions in England and Wales, between 2008 and 2012. The main points were:

- Of all White offenders, only 8% had no previous convictions/cautions, compared with 11% for Black offenders, 20% for Asian offenders and 34% for Other offenders. This was relatively stable for White offenders over the past 5 years but there was a decrease for all other ethnic groups in the proportion of offenders without previous convictions/cautions
- A higher proportion of White offenders had 15 or more previous convictions/cautions in each year between 2008 and 2012 compared with offenders from all other ethnic groups: approximately 1.5 times higher than for Black offenders; approximately 2.5 times higher than for Asian offenders and approximately 4 times higher for Other offenders. There have been increases in the proportions with 15 or more previous convictions/cautions for all ethnicities over the five year period.

Table 4.16: Offenders sentenced for indictable offences and the number of previous convictions/cautions by ethnic appearance, England and Wales, 2012

Number of previous convictions/cautions	Ethnic Appearance					Total
	White	Black	Asian	Other	Unknown	
0	8.1%	11.4%	20.4%	34.3%	40.9%	9.8%
1-2	14.2%	17.9%	21.1%	25.1%	18.5%	15.2%
3-6	19.2%	23.6%	23.7%	19.2%	17.1%	19.8%
7-10	12.2%	14.4%	13.0%	7.9%	7.4%	12.4%
11-14	9.4%	9.0%	6.9%	4.4%	4.7%	9.1%
15 or more	37.0%	23.7%	14.8%	9.2%	11.4%	33.7%
All offenders	246,886	32,372	16,050	3,747	3,885	302,940

Source: Police National Computer

Chapter 5. Offenders: under supervision or in custody

This chapter draws upon the Ministry of Justice publications *Offender Management Statistics 2012*, *Safety in Custody Statistics 2012*, the *Proven Re-offending Statistics* series, and data from the Independent Police Complaints Commission (IPCC) on deaths in police custody, presenting 2012 data and exploring five-year trends⁶⁴.

These publications provide statistics relating to offenders under supervision or in custody, self-harm, deaths and assaults in prison custody, and proven re-offending in England and Wales. As in other chapters, percentage breakdowns for ethnicity include unknown/not stated categories and, as a result, may differ from those published elsewhere.

The main findings were as follows:

- For offenders under supervision, a higher proportion of BAME offenders started pre-release supervision as a result of a custodial sentence than started supervision as a result of a community sentence. This is consistent with a higher proportion of BAME offenders sentenced to immediate custody than to a community sentence.
- On 30 June 2012, the proportion of White offenders in the British national prison population was more than twice as high (77%) as the proportion of White offenders in the foreign national prison population (36%). The proportion of offenders from the Black and Asian ethnic groups in the foreign national prison population was nearly three times as many (30% and 18% respectively) as the proportion in the British national prison population (11% and 6% respectively). Offenders from the Mixed ethnic group represent 4% of both the British and foreign national prison populations. This is in contrast to offenders from the Chinese or Other ethnic group who represent less than 1% in the British national prison population compared with 7% in the foreign national prison population.
- In 2012, there were 192 deaths in prison, approximately 2.2 deaths per 1,000 prisoners, compared with a rate of 2.0 deaths per 1,000 prisoners in 2008. There were differences between the ethnic groups with 2.7 deaths per 1,000

⁶⁴ Data on those in prison are also available for 30 June 2013. For consistency across sources (i.e. with probation data and safety in custody), this chapter focuses on data for 2012.

prisoners for offenders from the White ethnic group and 1.6 deaths per 1,000 prisoners for offenders from the Mixed ethnic group compared with one death per 1,000 prisoners for offenders from the Black and Asian ethnic groups.

There were no deaths in the Chinese or Other ethnic group.

- While the number of self-harm incidents has been decreasing, offenders from the White ethnic group still represented the majority of those that self-harmed in 2012 (87% of incidents), higher than the proportion of White offenders in the prison population (72%). This compares with 8% of self-harm incidents by offenders from BAME groups, lower than the proportion of BAME offenders in the prison population (25%).
- Prisoner assailants and fighters from BAME groups have been increasing over the past five years. When accounting for the changes in the ethnic distribution of the prison population, this appears to have been driven by an increase in the number of prisoner assailants from the Black ethnic group and fighters from the Black and Chinese or Other ethnic group. For example, in 2012, there were 178 prisoner assailants from the Black ethnic group per 1,000 prison population compared with 137 prisoner assailants from the Black ethnic group per 1,000 prison population in 2008. In comparison, there were 71 prisoner assailants from the White ethnic group per 1,000 prison population in 2012 compared with 75 prisoner assailants from the White ethnic group per 1,000 prison population in 2008.

Offenders under supervision

*Community Sentences*⁶⁵

In this section, data on community sentences refer to individuals starting probation supervision, rather than individuals being sentenced (as discussed in Chapter 4).

Table 5.01 below shows the ethnic breakdown of offenders commencing court order supervision as a result of a community sentence between 2008 and 2012. The proportion of not stated/unknown has remained between 3% and 4% during this time.

The main findings are:

⁶⁵ Most community sentences are either: 1) *Community orders* – 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); or 2) *Suspended Sentence Orders* – enable a court passing a custodial sentence of less than 12 months to suspend that sentence for a period of between six months and two years, while ordering the offender to undertake certain requirements in the community (drawn from the same list as those available for the community order).

- In 2012, there were 145,218 offenders commencing supervision as a result of a community sentence. This represents a 12% decrease compared with 2008 and a 13% decrease from a peak in commencements in 2009. This is likely to reflect the five year peak in 2009 in the number of offenders sentenced to community sentences for all offences which has subsequently decreased each year. The decrease in the number of commencements since 2009 is consistent across all ethnic groups except the Chinese or Other group.
- The proportions of offenders commencing supervision by ethnic group have been relatively stable over the past five years. In 2012, BAME offenders represented 15% of those commencing supervision.

Table 5.01: Court order supervision commencements by self-identified ethnicity, England and Wales, 2008 to 2012

	Self-identified ethnicity (percentages)						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated/ Unknown	
2008	82.1%	6.0%	4.5%	2.5%	1.2%	3.6%	164,873
2009	82.0%	6.0%	4.7%	2.7%	1.2%	3.4%	166,837
2010	81.6%	6.0%	4.8%	2.8%	1.3%	3.4%	163,268
2011	81.2%	6.1%	4.8%	2.8%	1.4%	3.6%	156,713
2012	81.1%	5.9%	4.8%	2.9%	1.4%	3.9%	145,218

Source: Offender Management Statistics

Note:

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

Table S5.01 in the supplementary tables for Chapter 5 provides further breakdowns by Probation Trust area.

Pre- and post-release supervision

All prisoners aged 21 or older given a custodial sentence of 12 months or more and all prisoners aged 18 to 21 are subject to pre-release and 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. Pre-release supervision involves joint working between probation and prison staff on sentence planning, management, and post-release issues.

Table 5.02 shows the ethnicity breakdown for offenders commencing pre-release supervision between 2008 and 2012. It shows that the proportion of unknowns and

not stated has decreased from 7% to 5% between 2008 and 2012. The key points are:

- In 2012, there were 45,966 offenders starting pre-release supervision as a result of a custodial sentence. The number of offenders starting pre-release supervision has varied between approximately 46,000 and 48,000 over the past five years.
- The proportion of offenders starting pre-release supervision by ethnic group has remained relatively stable over the past five years. The proportion of BAME groups has slightly increased (by two percentage points) but this could be as a result of a decrease over the same time period in the proportion of offenders recorded as not stated/unknown.

Table 5.02: Pre-release supervision order commencements by self-identified ethnicity, England and Wales, 2008 to 2012

	Self-identified ethnicity (percentages)						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated/Unknown	
2008	72.4%	8.6%	5.9%	3.4%	2.8%	6.9%	47,482
2009	73.8%	8.1%	6.0%	3.4%	2.7%	5.9%	45,970
2010	72.7%	8.9%	6.5%	3.5%	3.0%	5.4%	46,204
2011	72.6%	9.5%	6.9%	3.8%	2.5%	4.7%	47,925
2012	72.3%	9.6%	6.7%	3.8%	2.3%	5.2%	45,966

Source: Offender Management Statistics

Table S5.02 in the supplementary tables for Chapter 5 provides further breakdowns by Probation Trust area.

Offenders in prison

The total prison population includes offenders sentenced to immediate custody, those on remand, non-criminal prisoners and fine defaulters. The total prison population does not include offenders under the age of 15 years accommodated in the Youth Justice Board (YJB) operated secure estate⁶⁶. The populations presented are an annual series, recorded on the 30 June each year. 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 report⁶⁷.

⁶⁶ YJB Statistics can be found at www.gov.uk/government/publications/youth-justice-statistics

⁶⁷ Please see *Offender management statistics: definitions and measurements* for further details www.gov.uk/government/uploads/system/uploads/attachment_data/file/192439/omsq-definitions.pdf

Following the 2011 Census, the 18-point ethnicity classification was introduced onto the prison IT system. However, to maintain comparability in the prison series any data received under the new classification are adjusted back to the previous 16 point classification which is used throughout this report. In particular, the Chinese category has been moved from the Asian/Asian British heading to the Chinese or Other ethnic group heading. This repositioning of the Chinese category may have some impact on comparability between the old and new classifications.⁶⁸

As noted elsewhere in this report, differences between ethnic groups may be attributable to a range of factors, including differences in the type or seriousness of the offences committed and previous criminal history.

Total prison population (including foreign nationals)

Table 5.03 shows the prison population (including foreign nationals) by self-identified ethnicity for the period 2008 to 2012. During this period, the proportion of prisoners recorded as either not stated or unknown increased from 1% in 2008 to 3% in 2012. This increase happened in 2010, which suggests it could be related to recording issues due to the system change described earlier.

- The prison population (including foreign nationals) as at 30 June 2012 was 86,048, a 3% increase compared with 30 June 2008. While the number of offenders from the White ethnic group increased by 3% over this time period, offenders from BAME groups decreased by 3%.
- Overall, 25% of prisoners identified themselves as being from BAME groups on 30 June 2012, a decrease of two percentage points since 30 June 2008. The Black and Chinese or Other ethnic groups were the only BAME groups to see a decrease over this period (by 10% and 29%, respectively).

However, due to the increase in not stated and unknowns, changes in the ethnic breakdown of the prison population should be treated carefully.

⁶⁸ www.ons.gov.uk/ons/guide-method/census/2011/the-2011-census/2011-census-questionnaire-content/final-recommended-questions-2011---ethnic-group.pdf

Table 5.03: Total prison population (including foreign nationals) by self-identified ethnicity, England and Wales, as at 30 June, 2008 to 2012

	Self-identified ethnicity (numbers)						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated/Unknown ⁽³⁾	
2008	60,196	12,557	5,804	2,691	1,354	592	83,194
2009 ⁽²⁾	60,770	12,017	6,011	2,852	1,412	392	83,454
2009 ⁽²⁾	60,718	12,099	6,040	2,846	1,448	240	83,391
2010	61,229	11,639	6,042	2,995	1,202	1,895	85,002
2011	61,899	11,126	6,193	3,114	924	2,118	85,374
2012	61,867	11,281	6,335	3,159	960	2,446	86,048

	Self-identified ethnicity (percentages)						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated/Unknown ⁽³⁾	
2008	72.4%	15.1%	7.0%	3.2%	1.6%	0.7%	83,194
2009 ⁽²⁾	72.8%	14.4%	7.2%	3.4%	1.7%	0.5%	83,454
2009 ⁽²⁾	72.8%	14.5%	7.2%	3.4%	1.7%	0.3%	83,391
2010	72.0%	13.7%	7.1%	3.5%	1.4%	2.2%	85,002
2011	72.5%	13.0%	7.3%	3.6%	1.1%	2.5%	85,374
2012	71.9%	13.1%	7.4%	3.7%	1.1%	2.8%	86,048

Source: Offender Management Statistics

Notes:

(1) Figures include offenders without recorded nationality.

(2) 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.

(3) Also includes 1991 Census ethnicity codes.

- Offenders from the White ethnic group in the British national prison population represented more than double (77%) the proportion of offenders of the same ethnicity in the foreign national prison population (36%).
- In contrast the proportion of offenders from the Black and Asian ethnic group in the foreign national prison population was nearly three times higher (30% and 18% respectively) than the proportion in the British national prison population (11% and 6% respectively).
- Offenders from the Mixed ethnic group represented 4% of both the British and foreign national prison populations. This is in contrast to offenders from the Chinese or Other ethnic group who represented less than 1% in the British national prison population compared with 7% in the foreign national prison population.

Prison population - British nationals only

Table 5.04 below presents the British national prison population in England and Wales by self-identified ethnicity, between 2008 and 2012.

- Over the past five years the number of British nationals in prison increased by 4%, although the proportion they represent in the whole prison population has remained relatively constant, between 84% and 86%.
- The increase has mainly been driven by an increase in offenders from the Asian and Mixed ethnic groups (by 14% and 21% respectively) while the number of offenders from the White ethnic group has remained relatively stable and the number of offenders from the Black ethnic group has decreased by less than 1%.

Table 5.04: British national prison population by self-identified ethnicity, England and Wales, as at 30 June, 2008 to 2012

Self-identified ethnicity (numbers)							
	White	Black	Asian	Mixed	Chinese or Other	Not Stated/Unknown⁽²⁾	Total
2008	56,370	7,828	3,707	2,248	203	395	70,751
2009⁽¹⁾	56,692	7,782	3,875	2,452	183	246	71,231
2009⁽¹⁾	56,497	7,752	3,849	2,435	189	176	70,898
2010	55,462	7,647	3,897	2,488	181	1,341	71,016
2011	56,894	7,617	4,121	2,683	157	1,558	73,030
2012	56,631	7,756	4,228	2,723	183	1,717	73,238

Self-identified ethnicity (percentages)							
	White	Black	Asian	Mixed	Chinese or Other	Not Stated/Unknown⁽²⁾	Total
2008	79.7%	11.1%	5.2%	3.2%	0.3%	0.6%	70,751
2009⁽¹⁾	79.6%	10.9%	5.4%	3.4%	0.3%	0.3%	71,231
2009⁽¹⁾	79.7%	10.9%	5.4%	3.4%	0.3%	0.2%	70,898
2010	78.1%	10.8%	5.5%	3.5%	0.3%	1.9%	71,016
2011	77.9%	10.4%	5.6%	3.7%	0.2%	2.1%	73,030
2012	77.3%	10.6%	5.8%	3.7%	0.2%	2.3%	73,238

Source: Offender Management Statistics

Note:

(1) 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.

(2) Also includes 1991 Census ethnicity codes.

Prison population - foreign nationals only

Table 5.05 below presents the self-identified ethnicity of the prison population in England and Wales for foreign nationals only, between 2008 and 2012.

- In contrast to the British national prison population, the overall foreign national prison population decreased by 6% between 2008 and 2012. This was reflected in all ethnic groups apart from offenders from the White ethnic group which increased by 17%.
- This has impacted upon the ethnic profile in the foreign national prison population. Since 2008, the proportion of offenders from the White ethnic group has increased by seven percentage points, while the proportion of offenders from the Black and Chinese or Other ethnic groups have decreased by nine and three percentage points respectively. The proportion of offenders from the Asian and Mixed ethnic groups has remained stable

Table 5.05: Foreign national prison population by self-identified ethnicity, England and Wales, as at 30 June, 2008 to 2012

Self-identified ethnicity (numbers)							
	White	Black	Asian	Mixed	Chinese or Other	Not Stated/ Unknown⁽²⁾	Total
2008	3,343	4,539	2,009	403	1,120	83	11,498
2009⁽¹⁾	3,567	4,086	2,065	367	1,211	54	11,350
2009⁽¹⁾	3,547	4,162	2,106	374	1,229	49	11,467
2010	3,705	3,705	1,970	404	987	364	11,135
2011	3,905	3,302	1,969	377	739	487	10,779
2012	3,921	3,312	1,963	381	750	534	10,861

Self-identified ethnicity (percentages)							
	White	Black	Asian	Mixed	Chinese or Other	Not Stated/ Unknown⁽²⁾	Total
2008	29.1%	39.5%	17.5%	3.5%	9.7%	0.7%	11,498
2009⁽¹⁾	31.4%	36.0%	18.2%	3.2%	10.7%	0.5%	11,350
2009⁽¹⁾	30.9%	36.3%	18.4%	3.3%	10.7%	0.4%	11,467
2010	33.3%	33.3%	17.7%	3.6%	8.9%	3.3%	11,135
2011	36.2%	30.6%	18.3%	3.5%	6.9%	4.5%	10,779
2012	36.1%	30.5%	18.1%	3.5%	6.9%	4.9%	10,861

Source: Offender Management Statistics

(1) 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.

(2) Also includes 1991 Census ethnicity codes.

Tables S5.03-S5.06 in the supplementary tables for Chapter 5 provide further breakdowns by gender, age and offence group.

Prisoners by offence group

- The proportion of offenders sentenced for particular offence groups (as discussed in chapter 4) do not always represent the prison population in the same way. For example, in 2012, while 4% of all White offenders sentenced to immediate custody were for sexual offences, 16% of all White offenders were in prison for sexual offences on 30 June 2012. This compares to 4% of all BAME offenders sentenced to custody and 10% of all BAME offenders under an immediate custodial sentence for sexual offences.
- These differences reflect the differing length of sentences given to offenders for certain offences. For example, 30% of all White offenders sentenced to custody in 2012 were for theft and handling stolen goods offences, however, on 30 June 2012, only 7% of all White offenders in prison under an immediate custodial sentence were for theft and handling stolen goods offences. This compares with 19% of all BAME offenders sentenced to custody for theft and handling stolen goods offences and 4% of all BAME offenders in prison under an immediate custodial sentence for theft and handling stolen goods offences. This can be explained by the ACSL discussed in chapter 4. For sexual offences the ACSL was 54.2 months, whereas for theft and handling stolen goods the ACSL was 4.1 months.

Indeterminate sentenced prisoners

Indeterminate sentenced prisoners are offenders serving either a life sentence or an Indeterminate Sentence for Public Protection (IPP). In December 2012, new legislation abolished IPPs which can now only be imposed in very exceptional circumstances and introduced the new Extended Determinate Sentence which is available for offenders that would previously have received an IPP or an extended sentence.

- Over the past five years there has been a 21% increase in the number of prisoners serving an indeterminate sentence, as fewer prisoners are released than received. This increase was seen across all ethnic groups. The largest increase was in the Asian ethnic group which increased from 564 prisoners serving an indeterminate sentence in 2008 to 789 in 2012 (40%). The Mixed and Black ethnic groups also saw increases of 38% (from 350 to 482) and

32% (from 1,487 to 1,966) respectively, while the White and Chinese or Other ethnic groups saw increases of 17% (from 8,790 to 10,283) and 14% (from 87 to 99) respectively.

- However, these changes have not had a large impact on the ethnic profile of offenders serving an indeterminate sentence. The proportion of Black, Asian and Mixed ethnic group offenders sentenced to an indeterminate sentence increased by just one percentage point from 2008 to 2012. Although the proportion of White offenders has decreased by two percentage points, they still represent the majority (75%) of prisoners serving an indeterminate sentence.

Proven re-offending

Table 5.06 below shows the proportion of offenders⁶⁹ who re-offend by ethnic appearance, and the average number of re-offences per re-offender. A proven re-offence is any offence committed in a one year follow-up period that resulted in a court conviction, caution, reprimand or warning within the one year follow-up or within a further six month waiting period to allow the offence to be proven in court. The main points are:

- The proportion of offenders who have re-offended has been stable between 2007 and 2011. Each re-offender has, on average, re-offended 2.9 times during the follow up period.
- For White, Black and Asian offenders, the proportion of those who re-offended was relatively similar between 2007 and 2011, with the Black and White ethnic groups having a higher proportion of re-offenders than the Asian group (in 2011, these proportions were 28%, 26% and 20% respectively). The proportion of Other ethnic offenders who re-offended decreased in the same period (from 20% in 2007 to 17% in 2011).
- The average number of re-offences per re-offender has been relatively stable by ethnic group between 2007 and 2011, and across ethnic groups.

⁶⁹ Includes adult and juvenile offenders who were released from custody, received a non-custodial conviction at court, received a caution, reprimand or warning, or tested positive for opiates or cocaine between 2007 and 2011.

Table 5.06: Proportion of offenders who re-offend and average number of re-offences per re-offender by ethnic appearance, England and Wales, 2007 to 2011

	Ethnic appearance (proportion of offenders)					All
	White	Black	Asian	Other	Unknown	
2007	25.6	28.9	21.5	19.7	6.2	24.8
2008	26.1	28.2	21.0	18.1	8.0	25.4
2009	25.6	27.4	20.6	17.4	7.9	24.9
2010	26.0	27.6	20.4	17.1	8.1	25.3
2011	26.4	27.8	20.4	16.5	7.2	25.5

	Ethnic appearance (average number of re-offences per re-offender)					All
	White	Black	Asian	Other	Unknown	
2007	3.0	2.9	2.7	2.7	2.4	2.9
2008	3.0	2.8	2.7	2.5	2.6	2.9
2009	2.8	2.6	2.6	2.5	2.4	2.8
2010	2.9	2.7	2.6	2.7	2.6	2.9
2011	3.0	2.7	2.6	2.6	2.4	2.9

Source: Proven re-offending statistics.

Safety in police custody⁷⁰

The figures presented below concern deaths of people who have been arrested or otherwise detained by the police under the Mental Health Act. The death may have taken place on police, private, or medical premises, in a public place, or in a police or other vehicle.

- There were 15 deaths in or following police custody in 2012/13 of which one was from a BAME background. There were also 15 deaths in police custody in 2011/12, of which two were from a BAME background.

Table S5.09 in the supplementary tables for Chapter 5 provides further breakdowns by gender, age and cause of death.

⁷⁰ No commentary has been included for other IPCC data on ethnicity of complainants due to the high proportion of unknown ethnicity recorded. Data on ethnicity of complainants and on allegations of discriminatory behaviour by the police are presented in the supplementary tables.

Safety in prison custody

Deaths in prison

A death in prison custody is defined as *'any death of a person in prison custody arising from an incident in or, on rare occasions, immediately prior to prison custody'*. Deaths in prison custody data include all deaths of prisoners arising from incidents during prison custody. They include deaths of prisoners while released on temporary license (ROTL) for medical reasons but exclude other types of ROTL where the state has less direct responsibility. In recent years, approximately one half of the overall deaths in prison custody actually occur in hospitals or hospices. Deaths where there is currently not enough information to determine a cause of death are classified as "awaiting further information". While the total number of deaths will remain unchanged in future publications, breakdowns by cause of death should be treated as provisional until the cause of death has been determined for all those awaiting further information.

Table 5.07 shows the ethnicity of offenders who have died in custody over the past five years. Due to the small numbers involved, caution should be taken when interpreting these numbers, as they can show large proportional variation over time.

- In 2012, there were 192 deaths in prison; while the number of offenders who died in prison was the same as in 2011, it represented a 16% increase compared with 2008, or approximately 2.2 deaths per 1,000 prisoners in 2012, compared with 2.0 deaths per 1,000 prisoners in 2008⁷¹. However, this could be a consequence of an ageing prison population. Between 2008 and 2012, the proportion of offenders aged 50 or older increased from 9% to 11%, while the proportion of those aged 24 or younger decreased from 30% to 26%.
- There were differences in the rate of deaths in prison across the different ethnic groups. In 2012, offenders from the White ethnic group had the highest rate with 2.7 deaths per 1,000 prisoners, compared with 1.0 deaths per 1,000 prisoners for the Black ethnic group, 1.1 deaths per 1,000 prisoners for the Asian ethnic group and 1.6 deaths per 1,000 prisoners for the Mixed ethnic group. There were no deaths in the Chinese or Other ethnic group.

⁷¹ These rates have been calculated based on the number of deaths and data on the prison population on 30 June 2012.

- Further breakdowns by cause of death show that the proportion of self-inflicted deaths of all deaths in custody of offenders from the White ethnic group has been reducing over time (from 35% in 2008 to 28% in 2012) while the proportion of natural causes deaths has been increasing over time (from 61% in 2008 to 65% in 2012). It is not possible to draw any conclusions for the BAME groups due to the small numbers involved and the large variation in proportions.

Table 5.07: Deaths in prison custody by self-identified ethnicity, England and Wales, 2008 to 2012

	Self-identified ethnicity (numbers)					Total
	White	Black	Asian	Mixed	Chinese or Other	
2008	143	2	13	3	4	165
2009	153	3	6	6	1	169
2010	172	11	11	2	1	197
2011	167	12	8	4	1	192
2012	169	11	7	5	0	192

Source: Safety in Custody 2012

Tables S5.10 to S5.12 in the supplementary tables for Chapter 5 provide further breakdowns by gender, age and cause of death.

Self-harm incidents

Self-harm⁷² in prison custody is defined as, ‘any act where a prisoner deliberately harms themselves irrespective of the method, intent or severity of any injury.’ Those who self-harm often do so covertly. In the community, such self-harm will often go undetected. In prisons, such incidents are more likely to be detected and counted. The proportion of self-harm incidents where the ethnicity was not known has been reducing over the past five years and now represents only 5% of all self-harm incidents.

- In 2012, there were 23,158 self-harm incidents in prison, a decrease of 8% since 2008 and a decrease of 14% since a peak of 26,979 self-harm incidents in 2010.
- The majority of self-harm incidents are committed by White offenders (87%, in 2012); higher than the proportion of offenders from a White ethnic background

⁷² Source: Safety in Custody Statistics: Self-harm supplementary tables: Table 2.7 www.gov.uk/government/publications/safety-in-custody-statistics

in the prison population (72% in 2012). By contrast, in 2012 only 8% of self-harm incidents were committed by offenders from BAME groups, who represented 25% of the prison population.

- Of the 23,158 self-harm incidents in prison, 1,547 (7%) resulted in a hospital attendance. The ethnic distribution of hospital attendances was very similar to self-harm incidents (85% were from a White background compared with 7% from BAME groups). This suggests that the proportion of self-harm incidents where attendance at a hospital is required is similar for both White and BAME groups.

*Prisoner assailants, fighters and victims*⁷³

Assaults in prison custody cover a wide range of violent incidents including fights between prisoners. The National Offender Management Service (NOMS) does not use the Home Office counting rule definitions of Actual Bodily Harm (ABH), Grievous Bodily Harm (GBH), affray etc. and figures cannot be directly compared.

- In 2012, there were 7,807 prisoner assailants⁷⁴ and 963 suspected assailants. There were a further 11,185 prison fighters⁷⁵ and 6,120 victims.
- The proportion of prisoner assailants from BAME groups increased from 33% in 2006 to 40% in 2010 and has remained constant for the past two years. This has been driven by an increase in the numbers of prisoner assailants from the Black ethnic group. There were 178 prisoner assailants of Black ethnicity per 1,000 prison population in 2012 compared with 135 prisoner assailants from the Black ethnic group per 1,000 prisoners in 2008.
- In comparison, there were 71 prisoner assailants of White ethnicity per 1,000 prisoners in 2012 compared with 75 prisoner assailants of White ethnicity per 1,000 prisoners in 2008.
- The proportion of prisoner fighters from BAME groups increased from 30% in 2005 to 40% in 2011. While there was an increase in the number of prison

⁷³ Source: Safety in Custody Statistics: Assaults supplementary tables: Table 3.6
www.gov.uk/government/publications/safety-in-custody-statistics

⁷⁴ Assailants refer to assault incidents in which there is a clear aggressor and victim. Such incidents arise from offences of GBH and ABH.

⁷⁵ Fighters refer to assault incidents in which there is no clear aggressor or victim. Such cases arise from offences of affray.

fighters in all BAME groups, when comparing with the prison population, only the Black and Other ethnic group saw increases per 1,000 prisoners.

- While the number of victims follows a similar trend with the proportion of victims from BAME groups increasing and from the White ethnic group decreasing, this seems to reflect the prison population as the number of victims per 1,000 prisoners has seen little variation by ethnic group.

Chapter 6. Staff and Practitioners in the Criminal Justice System

This chapter reports on the representation of BAME groups as practitioners or employees in the Criminal Justice System (CJS) and how this has changed over time. A five-year trend analysis was undertaken where data were available and directly comparable; in this case, for the police, the Ministry of Justice and the National Offender Management Service (NOMS). There have been changes to recording practices/systems for the Crown Prosecution Service (CPS), the Judiciary and the Probation Service, which mean that five-year trends cannot be presented for these agencies (a four year trend is available for the CPS). Two aspects are explored. First, the proportion of those employed in particular agencies that are from a BAME background. Second, the proportion of BAME 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 (for example, the Judiciary), and that, because employees may work both on criminal and civil justice issues, it is often not possible to separate those working for the CJS only. The data presented on the representation of BAME groups therefore relate to the agencies as a whole (and not those who work for 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 financial challenges in the Public Sector have made significant reductions in all areas of public spending necessary, including staff. For example, it is expected that, by 2015, the Civil Service workforce will be around 23% smaller than it was in March 2010.⁷⁶ The CPS, the Ministry of Justice, the NOMS, and the Probation Service are all affected by these changes, although the overall proportion of BAME groups in post in these agencies does not appear to have been directly impacted so far. As a public body, the Police Service is also subject to resourcing pressures.

Following consultation with this publication's advisory group, the Ministry of Justice's Chief Statistician has decided to make some changes to data available in supplementary tables for this chapter. These will focus only on the six agencies

⁷⁶ The Civil Service Reform Plan. (2012). <http://resources.civilservice.gov.uk/wp-content/uploads/2012/06/Civil-Service-Reform-Plan-acc-final.pdf>

covered in the body of this chapter: the police, the judiciary, the CPS, NOMS, Ministry of Justice and the Probation Service.

The most recent available data for each agency showed that:

- For police officers and staff and practitioners in the CPS, NOMS and Ministry of Justice, the proportions of staff by ethnicity have remained relatively stable over the most recent five years for which data are available (four years for the CPS) despite an overall reduction in the number of officers, staff or practitioners. Representation of BAME group amongst employees of these agencies varies ranging from about 5% of police officers to over 15% in the CPS.

Police

Data on police officers are presented as full time equivalents instead of headcount. This is consistent with data published by the Home Office in their *Police Workforce, England and Wales* statistical release. Ethnicity data relating to police officers were relatively complete with only 1.5% of all police officers in post without a declared ethnicity on 31 March 2013. This proportion was relatively stable in each of the preceding four years.

- The number of police officers decreased 10% between 30 March 2009 and 30 March 2013. However within this period the proportion of BAME police officers in post rose from about 4% to 5%, whilst the proportion of White police officers decreased from 94% to 93%. There was also a small increase in the number of officers with no stated ethnicity.
- In each year of the five year period, 39% of BAME police officers identified themselves as Asian. There was also a small but steady increase in the proportion of this group across the five-year period, whilst the proportion of police officers from the Black ethnic group remained stable.

Table 6.01: Police officers in post (full-time equivalents) by self-identified ethnicity, England and Wales, as at 31 March, 2009 to 2013

	Self-identified ethnicity						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated	
2009	94.3%	1.0%	1.7%	1.2%	0.5%	1.3%	143,778
2010	94.1%	1.0%	1.8%	1.3%	0.5%	1.3%	143,735
2011	94.1%	1.0%	1.9%	1.3%	0.5%	1.2%	139,110
2012	93.6%	1.1%	1.9%	1.4%	0.6%	1.4%	134,100
2013	93.4%	1.0%	2.0%	1.4%	0.6%	1.5%	129,584

Source: Home Office

Notes:

(1) Tables on police officer numbers 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 figures published here and those published by the Home Office in its statistical bulletin *Police Workforce, England and Wales*. There are no discrepancies in the 31 March 2013 totals.

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

- The number of senior officers decreased by 19% between 31 March 2009 and 31 March 2013, to 1,386 senior police officers. In this period, the number of senior police officers decreased in each ethnic group, except the Asian group. However, the majority of senior police officers are from the White ethnic group and for BAME groups the changes relate to very small numbers.
- The proportions of senior police officers in post by ethnic group have been relatively stable over the last five years

Table 6.02: Senior police officers in post (full-time equivalents) by self-identified ethnicity, England and Wales, as at 31 March, 2009 to 2013

	Self-identified ethnicity						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated	
2009	95.7%	0.7%	1.4%	0.9%	0.2%	1.1%	1,713
2010	95.6%	0.7%	1.3%	1.2%	0.1%	1.2%	1,725
2011	96.3%	0.7%	1.2%	1.0%	0.1%	0.7%	1,583
2012	94.9%	0.8%	1.8%	0.9%	0.1%	1.5%	1,479
2013	94.4%	0.6%	1.8%	1.0%	0.1%	2.1%	1,386

Source: Home Office

Notes:

1. Senior police officer includes Superintendent and above (Chief Superintendent and Association of Chief Police Officers (ACPO) ranks).

2. Revisions to data for previous years by certain police forces have resulted in some small discrepancies between the figures published here and those published by the Home Office in its statistical bulletin *Police Workforce, England and Wales*. There are no discrepancies in the 31 March 2013 totals.

Joiners and Leavers

Data on joiners and leavers are also provided as full time equivalents, and include transfers to and from other England and Wales forces but not officers returning or leaving after a period of secondment. Data on the ethnicity of both joiners and leavers was near complete, with respectively around 1% and 1.5% classified as not stated.

Due to small numbers, data on BAME groups are presented aggregated together. The main points are:

- In 2012/13, there were 2,358 full-time equivalent officers joining police forces. This is a similar number of joiners to the previous two years, although it represents a decrease of 76% compared to 2008/09. Between 2008/09 and 2010/11, the proportion of joiners from BAME accounted for around 7%-8% of new joiners. In 2011/12, this proportion increased to 11% before decreasing to 5% in 2012/13. This fluctuation reflects the small numbers involved (112 BAME joiners in 2012/13).
- Since 2009/10, the number of officers leaving the police force has been relatively stable at around 6,800 (in 2012/13 there were 6,848 leavers). The proportion of White and BAME leavers remained broadly similar across the period, with White police officers accounting for around 95%-96% of leavers, whilst the proportion of leavers from BAME groups was around 3%-4%.
- Taken together, the data suggest that people in the BAME group represent a higher proportion of those joining the police service than leaving.

Further information on police staff is available in the supplementary tables which accompany this report.

Crown Prosecution Service (CPS)

The Crown Prosecution Service (CPS) merged with the Revenues and Customs Prosecutions Office (RCPO) during the last quarter of 2009. The analysis focuses only on the 2009 to 2012 period although table 6.03 presents data on CPS staff between 2008 and 2012.

In each year the percentage of not stated or unknowns was about 12%, which should be borne in mind when interpreting the data. The main findings are:

- The proportion of BAME staff in the CPS increased slightly between 2009 and 2012, by less than one percentage point to over 15%. This increase is due to a higher rate of decrease in staff from the White ethnic group (18% decrease) than for staff from BAME group (13% decrease).
- Staff from the Asian and Black ethnic groups account for the majority of BAME staff in the CPS, about 12% of all staff in 2012.
- At a senior level, the proportion of staff from a BAME background was 16% of 64 senior managers in 2012, compared to 15% of 82 senior managers in 2009. This increase is due to a reduction of White senior staff, whilst the numbers for BAME senior staff have been relatively stable.

Table 6.03: Crown Prosecution Service staff by self-identified ethnicity, England and Wales, as at 31 December, 2008 to 2012^{(1) (2)}

	Self-identified ethnicity (percentages)						Total
	White	Black	Asian	Mixed	Chinese or Other	Unknown/ Not Stated	
2008	65.8%	4.1%	4.8%	1.3%	1.1%	22.9%	8,695
2009⁽³⁾	73.1%	5.1%	6.2%	2.0%	1.4%	12.1%	8,869
2010	72.4%	5.2%	6.4%	2.0%	1.4%	12.7%	8,344
2011	72.9%	5.3%	6.6%	2.0%	1.3%	11.8%	7,672
2012	72.1%	5.4%	6.8%	1.9%	1.3%	12.5%	7,373

Source: Crown Prosecution Service HR database

Notes:

(1) Data exclude the following grades: Fee Paid, Non Salaried, Non-Executive Director and G1 Permanent Secretary. From 2011 data include the G1 permanent secretary.

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

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

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). For the purposes of this analysis NOMS HQ is taken to include services organised at regional level but where functions are often carried out within establishments.

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 2013, the percentage of all NOMS staff for whom ethnicity was unknown or not stated was about 10%. It should be noted that whilst the percentage of unknown or not stated ethnicity for HM Prison Service staff was about 9%, ethnicity information was not available for 21% of staff in NOMS HQ. These proportions are at their highest since 2010.
- There were 47,723 staff in NOMS as at 31 March 2013. Of these, 40,273 (94%) were part of HM Prison Service and 2,450 (6%) were part of NOMS HQ and regional services. The share of NOMS HQ staff has decreased by two percentage points since 2009, largely due to a transfer of staff to the Ministry of Justice that occurred in 2010.
- Overall, the percentage of BAME staff in NOMS was relatively stable between 2009 and 2013, at or just under 6%. The proportion for each individual BAME group also remained stable over the same period. The proportion of the White group had a small decrease (of 1 percentage point) while the proportion of not stated or unknown had a similar increase.
- As at 31 March 2013, there were 38 Senior Civil Servants (SCS) in NOMS. Of these, no ethnicity was reported for 8 members, 1 was from a Chinese or other ethnic background, and the remaining 29 were White. The number of SCS in NOMS is the same as at 31 March 2008⁷⁷, but down from a peak of 65 as at 31 March 2009.

Table 6.04a: NOMS staff by self-identified ethnicity, England and Wales, as at 31 March, 2009 to 2013

	Self-identified ethnicity (percentages)						Total
	White	Black	Asian	Mixed	Chinese or Other	Unknown/ Not Stated	
2009	85.7%	2.5%	1.5%	1.0%	0.7%	8.6%	52,956
2010	85.6%	2.6%	1.6%	1.0%	0.7%	8.4%	51,212
2011	85.2%	2.6%	1.7%	1.0%	0.7%	8.8%	49,210
2012	85.4%	2.5%	1.6%	1.0%	0.7%	8.7%	45,576
2013	84.7%	2.5%	1.5%	1.0%	0.7%	9.5%	42,723

Source: NOMS HR

Notes:

(1) 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".

(2) Headcount figures have been revised from previous publications due to corrections in the allocation of ethnicity codes relating to a small number of individuals.

⁷⁷ *Statistics on Race and the Criminal Justice System 2010.*

- On 31 March 2013, BAME staff accounted for just under 6% of all HM Prison Service staff which is similar to the percentage recorded for NOMS as a whole. This proportion has been stable in the four preceding years.

Table 6.04b: HM Prison Service staff by self-identified ethnicity, England and Wales, as at 31 March, 2009 to 2013

	Self-identified ethnicity (percentages)						Total
	White	Black	Asian	Mixed	Chinese or Other	Unknown/ Not Stated	
2009	87.3%	2.5%	1.4%	1.0%	0.8%	7.2%	48,636
2010	86.9%	2.5%	1.4%	1.0%	0.8%	7.4%	46,885
2011	86.0%	2.5%	1.5%	1.0%	0.7%	8.3%	45,965
2012	86.3%	2.4%	1.4%	1.0%	0.7%	8.1%	42,779
2013	85.6%	2.4%	1.4%	1.1%	0.7%	8.8%	40,273

Source: NOMS HR

Notes:

(1) 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".

(2) Headcount figures have been revised from previous publications due to corrections in the allocation of ethnicity codes relating to a small number of individuals.

- The representation of BAME staff in NOMS HQ (10%) was higher than for the whole of NOMS (6%). This proportion has increased by over two percentage points since 2009. However, the high number of unknown and not stated staff must be taken in consideration when looking at these figures.

Table 6.04c: NOMS HQ staff by self-identified ethnicity, England and Wales, as at 31 March, 2009 to 2013

	Self-identified ethnicity (percentages)						Total
	White	Black	Asian	Mixed	Chinese or Other	Unknown/ Not Stated	
2009	67.5%	3.1%	2.7%	0.9%	0.8%	25.0%	4,320
2010	71.5%	3.4%	3.2%	1.0%	0.8%	20.1%	4,327
2011	73.6%	4.0%	3.7%	0.9%	0.8%	17.0%	3,245
2012	71.8%	3.5%	4.0%	1.0%	0.9%	18.8%	2,797
2013	69.1%	3.6%	4.2%	1.0%	1.0%	21.0%	2,450

Source: NOMS HR

Notes:

(1) 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".

(2) Headcount figures have been revised from previous publications due to corrections in the allocation of ethnicity codes relating to a small number of individuals.

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.⁷⁸

Probation Service figures provided in previous returns included all staff in post, irrespective of whether they were funded by the probation trusts. A new system for collecting probation workforce information introduced in July 2012 has improved reporting due to clarification on funding arrangements. The figures provided within this return only relate to staff that are employed and funded by the probation trusts and for that reason are not comparable with figures provided in previous returns. As a consequence, the analysis is only focused on data as at 31 December 2012 and does not cover previous years. In addition, data were collected using the 2011 Census ethnicity classification, and differs from the 2001 Census used elsewhere in this chapter.

- About 82% of the 19,709 Probation Service staff in post on 31 December 2012 identified themselves as belonging to the White ethnic group. Staff from the Black ethnic group represented about 8%, those from the Asian⁷⁹ ethnic group represented about 4%, Mixed 2% and less than 1% were from the Other ethnic group. Ethnicity was unknown or not stated for about 4% of staff.
- At a senior level⁸⁰, about 9% of 470 senior staff identified themselves as from a BAME background. Those from Black and Asian backgrounds represented over 4% and just under 3% of senior level staff respectively. Ethnicity was unknown or not stated for just under 3% of senior staff.

Judiciary⁸¹

Ethnicity information held on the judiciary database may be incomplete as judicial office holders are asked to provide the information on a voluntary basis and such details have only been collected since October 1991. Further ethnicity data were collected from judicial office holders in post through a diversity survey undertaken by the Judicial Office in 2007. In May 2009, the Judicial Office began collecting ethnicity

⁷⁸ Probation trusts are separate employers and are responsible for their own staffing levels.

⁷⁹ The 2011 Census ethnicity classification includes Chinese within the Asian group.

⁸⁰ 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.

⁸¹ Courts Judiciary only.

data from all new judicial appointees. From December 2011, the Judicial Appointments Commission has shared diversity data on selected candidates with the Judicial Office, in those cases where the individual confirmed they were content for the information to be shared. Data on Judicial Appointments can be found at <http://jac.judiciary.gov.uk/about-jac/823.htm>.

As some individuals hold more than one judicial post, the data are based upon primary appointment, i.e. the appointment held for the majority of time. Data on the ethnicity of the Judiciary published as at 1 April 2013 are not directly comparable with previous years, as the Chinese category is now published under the “Asian” heading.

- On 1 April 2013, the ethnic background for about 18% of the judiciary was not known. This high value of unknowns must be borne in mind when interpreting the findings.
- In 2013, about 5% of the judiciary declared themselves to be from a BAME background. The highest proportion within the BAME group was for Asian people who represented 2% of all courts judicial office holders/judges.
- Of the 148 senior level judges (Heads of Division, Lord Justices of Appeal and High Court judges) in position on 1 April 2013, the majority (112) were from a White background, with 5 from a BAME background and 31 with no recorded ethnicity.⁸²

Further information on the diversity of the Judiciary be found at www.judiciary.gov.uk/publications-and-reports/statistics/diversity-stats-and-gen-overview

Ministry of Justice

- Nearly a quarter of all Ministry of Justice staff had unknown or not stated ethnicity on 31 March 2013. Due to this, the ethnic breakdown must be interpreted with caution.
- The number of Ministry of Justice staff fell by about 12% between 2009 and 2013. The number and proportion of staff from the Asian, Mixed and Chinese or other ethnic groups have increased during the period. However it should be noted that the proportion of staff with no recorded ethnicity has also fallen.

⁸² Justices of the Supreme Court are no longer included, as these data are no longer held centrally by the Judicial Office.

- On 31 March 2013, just under 13% of staff had declared themselves to be from a BAME group with staff from the Black and Asian ethnic groups accounting for about 4% and 6% of all staff respectively.
- On 31 March 2013, there were 169 SCS in the Ministry of Justice, of which 7 self-identified as belonging to a BAME group, 114 self-identified as belonging to the White ethnic group and the remaining 48 cases had either unknown or not stated ethnicity. The proportion of SCS from a BAME background has fluctuated slightly over the preceding five years, with BAME staff representing between 4% and 9% of all SCS.

Table 6.05: Ministry of Justice staff by self-identified ethnicity, England and Wales, as at 31 March, 2009 to 2013

	Self-identified ethnicity (percentages)						Total
	White	Black	Asian	Mixed	Chinese or Other	Not Stated	
2009	60.9%	4.0%	4.9%	1.0%	0.7%	28.4%	28,295
2010	66.5%	4.4%	5.6%	1.1%	0.9%	21.4%	27,928
2011	67.1%	4.4%	5.9%	1.2%	0.9%	20.6%	28,606
2012	64.4%	4.0%	5.9%	1.1%	1.1%	23.6%	25,846
2013	63.8%	4.3%	6.3%	1.2%	0.9%	23.5%	24,876

Source: Ministry of Justice HR database

Note:

(1) These values may differ from those published elsewhere as the Ministry of Justice database, CHRIMSON, does not include the National Offender Management Service, Land Registry and National Archives. UK Supreme Court staff are recorded on the CHRIMSON database but are not included in the wider Ministry of Justice figures. These figures do include Scotland Office but only Ministry of Justice staff on secondment to Scotland Office. They do not include Scotland Office staff whose records are held on Scottish Government systems.

Other sources

Data from sources previously included in the supplementary tables can be found as follows:

- For diversity statistics on magistrates, data can be found at:
www.judiciary.gov.uk/publications-and-reports/statistics/magistrates-statistics
- For the Bar Council, the 2012 *Bar Barometer* can be found at:
www.barcouncil.org.uk/media/177918/bar_barometer_nov_2012.pdf
- For the Law Society, its annual reports can be found at:
www.lawsociety.org.uk/representation/research-trends/annual-statistical-reports/

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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 directorate using the contact details provided at the end of this bulletin.

Absolute discharge

When the court decides someone is guilty, but decides not to punish them further at this time, they will be given a 'discharge'. Discharges are given for minor offences. An 'absolute discharge' means that no further action will be taken.

Acquittal

The discharge of a defendant following a 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 for 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 in an offence.

Assailant

A prisoner involved in an assault incident whose role has been recorded on the NOMS incident reporting system as an 'assailant'. The system does not record details of non-prisoner assailants, for example visitors.

Assaults

Assaults in prison custody cover a wide range of violent incidents including fights between prisoners. NOMS does not use the Home Office counting rule definitions of Actual Bodily Harm (ABH), Grievous Bodily Harm (GBH), affray etc. and figures cannot be compared directly.

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.

Bail

The release of a defendant or charged individual from custody, subject sometimes to security being given and/or compliance with certain conditions.

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. Burglary does not necessarily involve forced entry; it may be through an open window, or by entering the property under false pretences (e.g. impersonating an official). Burglary does not cover theft by a person who is entitled to be in the dwelling at the time of the offence. The dwelling is a house, flat or any connected outhouse or garage. Common areas (e.g. hallways) are not included.

Case

An action, suit or claim in a court of law.

Caution

A caution may be given by the police when there is sufficient evidence for a **conviction** and it is not considered to be in the public interest to instigate criminal proceedings. **Offenders** must admit guilt and consent to a caution in order for one to be given.

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

Conditional caution – a warning with reparative and/or rehabilitative conditions attached, issued by the police to adults (aged 18 and over) under the Criminal Justice Act 2003. A conditional caution can be given following a CPS decision to issue and an offenders admission of guilt, and, although not a conviction, forms part of a person's criminal record.

Charge

A formal accusation of a criminal offence against a person.

Community sentence

When a court imposes a community sentence, the offender doesn't go to prison. But the court says there are specific things the offender can, can't and must do while serving their sentence. The magistrate or judge will decide which combination of these 'requirements' will most effectively punish the offender for their crime, while also reducing the risk of them offending again.

Conditional discharge

When the court decides someone is guilty, but decides not to punish them further at this time, they will be given a 'discharge'. Discharges are given for minor offences. A 'conditional discharge' means that the offender won't be punished unless they commit another offence within a set period of time (no longer than three years).

Conviction

The outcome of a criminal prosecution which concludes that the defendant is guilty of the crime charged. The conviction then appears on the offender's criminal record.

Conviction ratio

The conviction ratio is defined as the ratio of convictions to prosecutions for a principal offence over one year. As trials can span more than one year, offenders found guilty in a reporting year are not always the same defendants who were prosecuted in that year.

Coroner

A Coroner is an independent judicial office-holder, appointed by and paid by the relevant local authority. A coroner must be either an experienced lawyer, doctor or both. Coroners inquire into violent and unnatural deaths, sudden deaths of unknown cause, and deaths that have occurred in prison and certain other categories specified in the Coroners Act 1988.

Court (of law)

A judicial tribunal presided over by a judge, judges, or magistrates, and established to administer justice in civil and criminal cases.

Crime

An action or an instance of negligence that is deemed injurious to the public welfare or morals or to the interests of the state and that is legally prohibited.

An incident is counted as a crime if it is reported to the authorities and, following investigation is confirmed as a “crime” and recorded as such.

Crime Survey for England and Wales (CSEW)

The Crime Survey for England and Wales (formally known as the British Crime Survey) is a large, nationally representative survey that asks people in detail about their experiences of crime in the last twelve months. For further information on the CSEW, see Appendix B.

Criminal

A person who is guilty of a criminal offence.

Criminal damage

Criminal damage results from any person who without lawful excuse destroys or damages any property belonging to another, intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged.

Criminal Justice System

The system of law enforcement directly involved in apprehending, prosecuting, defending, sentencing, and punishing those who are suspected or convicted of criminal offences.

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)

As the principle prosecuting authority in England and Wales, the CPS advises the police on prosecution matters, determines charges in more complex cases, and prepares and presents cases at court.

Custodial sentence

A sentence where the offender is detained in a prison, young offender institution or secure training centre.

Custody

The state of being detained or held under guard by the police or in a prison.

Dangerous instruments

Defined in the Criminal Justice and Public Order Act 1994 as instruments which have a blade or are sharply pointed.

Defendant

A 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

Court disposal - The end result of a trial at court. In this publication, the disposals of interest are sentences, but other disposals are possible, for example, where there is a not guilty verdict.

Out of court disposal - A disposal issued before a case gets to court, when a defendant admits to a minor offence. Out of court disposals include cautions, reprimands and warnings.

Fighter

A prisoner involved in an assault incident whose role has been recorded on the NOMS incident reporting system as a 'fighter'. The system does not record details of non-prisoners who may be involved in fights for example, visitors.

Final warning

A formal warning issued to juveniles by the police for a second offence (no matter how minor).

Fine

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

Grievous Bodily Harm (GBH)

Refers to offences arising from sections 18 (with intent) and 20 of the Offences Against the Person Act 1861. This is a more serious offence than Actual Bodily Harm (ABH).

Her Majesty's Courts and Tribunals Service (HMCTS)

Her Majesty's Courts and Tribunals Service (HMCTS) is an agency of the Ministry of Justice. The agency is responsible for the 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-tier offences

For the reporting period covered in this report (2008 to 2012) this relates to offences where a fixed penalty of £80 is issued for offences such as theft, and being drunk and disorderly. The fine amount has increased to £90 as of 1 July 2013.

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

Judicial/Judiciary

Relating to the administration of justice or to the judgment of a court. A judge, 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.

Juvenile

A person under 18 years of age.

Law

The system made up of rules established by an Act of Parliament, custom or practice, enjoining or prohibiting certain action.

Lower-tier offences

For the reporting period covered in this report (2008 to 2012) this relates to 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. The fine amount has increased to £60 as of 1 July 2013.

Magistrate

A person appointed to administer judicial business in a magistrates' court. A magistrate also sits in the Crown Court with a judge or recorder to hear appeals and committals for sentence.

Magistrates' Court

The magistrates' courts are a key part of the criminal justice system – virtually all criminal cases start in a magistrates' court and the majority 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. They either deal with the case themselves, or commit it to the Crown Court for trial or sentence.

Ministry of Justice

The government department responsible for the various components of the justice system, including courts, prisons, probation services and attendance centres. The Ministry of Justice works to protect the public and reduce reoffending, and to provide a more effective, transparent and responsive criminal justice system for victims and the public.

National Offender Management Service (NOMS)

The agency responsible for prisons and probation.

Notifiable offence

The term 'notifiable' covers offences that are notified to the Home Office, and are collectively known as 'recorded crime'. Notifiable offences include all indictable and triable-either-way offences (excluding section 6 of the Bail Act 1976), together with certain closely associated summary offences. Police recorded crime statistics cover notifiable offences.

Offence

A breach of law or rule; an illegal act.

Offender

Someone who has been convicted of a crime.

Offensive weapon

Defined in the Police and Criminal Evidence Act 1984 as any article made or adapted for use for causing injury to persons (or intended by the person having it with him for such use by him or by some other person).

Otherwise dealt with

Includes a number of orders, for example hospital orders, confiscation orders and compensation orders.

Out of court disposals

Out of court disposals 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.

PACE

Refers to the Police and Criminal Evidence Act 1984, which instituted a legislative framework for the powers of police officers in England and Wales to combat crime, as well as providing codes of practice for the exercise of those powers.

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 – CSEW

Personal crimes, as recorded in the CSEW, refer to all crimes against the individual (not that of other people in the household), for example, an assault. Published CSEW data for ‘all personal crime’ exclude 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. Full CSEW definitions can be found in the CSEW User Guide: www.ons.gov.uk/ons/guide-method/method-quality/specific/crime-statistics-methodology/index.html

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 22nd birthday.

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.

Primary/Principal offence

Where more than one offence is considered in a court case or cautioning occasion, the offence that would/did attract the most severe sentencing outcome is deemed to be the Principal offence and other offences also dealt with in that case would be ignored. If two offences in the same case attract the same sentence the offence with the higher statutory maximum sentence is deemed the 'Principal offence'.

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 service responsible for supervising offenders who are given community sentences and Suspended Sentence Orders by the courts, as well as offenders given custodial sentences, both before and after their release.

Prosecution

The institution or conduct of criminal proceedings against a person.

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.

Recorded crime

Police recorded crime covers crimes which are recorded by the police and which are notified to the Home Office. All **indictable** and **triable-either-way offences** are included together with certain closely associated **summary offences**. Attempts are also included. The latest recorded crime (notifiable offence) list appears on the GOV.UK website at: www.gov.uk/government/publications/counting-rules-for-recorded-crime.

Restorative Justice

An approach to justice that emphasises reparation to the victim or the affected members of the community by the offender.

Remand

To send a prisoner or accused person into custody or admit them to bail.

Reprimand

A warning issued to juveniles for a first minor offence.

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.”⁶⁷ In the community, self-harm is common but often covert. In prisons, such incidents are more likely to be detected and counted.

Self-inflicted death

Any death of a person who has apparently taken his or her own life irrespective of intent. This is one of the four main categories used in the NOMS system for classifying deaths. It includes a wider range of deaths than just suicides.

Statistical significance

A statistical term for a result that is unlikely to have occurred by chance.

Stops and searches

Statutory powers exist under the Police and Criminal Evidence Act (PACE), Code A 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 permitted by the Misuse of Drugs Act 1971 and those for firearms under the Firearms Act 1968.

Summary offences

These offences are usually heard only by a magistrates' court. This group is dominated by motoring offences, for some of which fixed penalties can be issued, but also includes such offences as common assault and criminal damage up to £5,000.

Suspended sentence

A court may give an offender a 'suspended' prison sentence if the time they would otherwise spend in prison is under 12 months. With a suspended sentence, the offender doesn't go directly to prison but they do have to meet conditions in the community, set by the court. These conditions can last for up to two years. If the offender breaks these conditions, or commits another offence, they will usually have to serve the original sentence in prison.

Suspect

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

Triable only on indictment

These offences are the most serious breaches of the criminal law and must be tried at the Crown Court before a judge and jury. These 'indictable-only' offences include murder, manslaughter, rape and robbery.

Triable-either-way

These offences may be tried either at the Crown Court or at a magistrates' court. These offences include criminal damage where the value is £5,000 or greater, theft, burglary and drink driving. Triable only on indictment and triable either way are frequently amalgamated to form indictable offences.

Victims

A person who has suffered as a result of criminal conduct.

Victim Support

A national charity giving free and confidential help to victims of crime, witnesses, their family, friends and anyone else affected across England and Wales.

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. This offence group also includes offences involving less serious injury, certain offences that involve no physical injury and some involving serious intent.

Violent crime – CSEW

Violent crime, as measured by the CSEW, covers a range of offence types from minor assaults, such as pushing that result in no physical harm, to (but not including) murder. This includes offences where the victim was threatened with violence, regardless of whether or not there was any injury. CSEW violent crime is categorised according to offence type (wounding, assault with minor injury, assault without injury and robbery), and offender-victim relationship (domestic violence, stranger violence, acquaintance violence). Full definitions can be found in the CSEW User Guide: www.ons.gov.uk/ons/guide-method/method-quality/specific/crime-statistics-methodology/user-guide-to-crime-statistics.pdf

Appendix B – Data sources

Statistics on Race and the Criminal Justice System draws on data from a number of sources across the Criminal Justice System, 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, the data period covered, and provides links to where additional data can be found in the alternate years that this report is not published.

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

Chapter	Measure	Reference Period	Primary Source/Further Information
2. Victims	Crime Survey England and Wales (adult and child components)	2012/13	Crime Statistics - index Crime Survey
	Homicide Index	2011/12	Focus on: Violent Crime and Sexual Offending 2011/12
	Racists Incidents	2011/12	Racist Incidents, England and Wales 2011/12
	Racially and Religiously aggravated crime	2012/13	Crimes detected in England-and Wales 2012 to 2013
3. Suspects	Stops and Searches Arrests	2011/12	Police Powers and Procedures in England and Wales 2011/12
4. Defendants	PNDs	2012	Criminal Justice Statistics Quarterly update to December 2012
	Cautions	2012	
	Prosecutions	2012	
	Sentences	2012	
	Previous Criminal Histories	2012	
5. Offenders	Offender Management Statistics	2012	Offender Management Statistics- quarterly
	Safety in Custody Statistics	2012	Safety in Custody Statistics
	Proven Re-Offending	2011	Proven Re-offending Statistics
6. Staff and Practitioners	Police	2012/13	Police Workforce England and Wales
	Crown Prosecution Service	2011/12	CPS workforce_diversity_data_2011/12.
	National Offender Management Service workforce statistics	2012/13	NOMS-workforce-statistics
	Judiciary	01/04/2013	Judiciary Diversity Statistics

Chapter 2: Victims

Crime Survey England and Wales (CSEW) – adult survey

In April 2012, the British Crime Survey (BCS) became known as the Crime Survey for England and Wales (CSEW), to better reflect its geographical coverage. The CSEW is a face-to-face survey in which people resident in households in England and Wales are asked about their experiences of crime in the 12 months prior to the interview. For the crime types and population groups it covers, the CSEW provides a more reliable measure of trends in crime than police recorded crime statistics, as it has a consistent methodology and is unaffected by changes in levels of reporting to the police, recording practice or police activity. The CSEW records crimes that may not have been reported to the police and it is therefore used alongside the police recorded crime figures to show a more accurate picture of the level of crime in the country.

The CSEW figures presented in this publication are based on interviews conducted between April 2012 and March 2013, and therefore cover a mix of crimes occurring in 2011, 2012 and 2013. The 2012/13 CSEW had a representative sample of 34,880 adults aged 16 or over (a response rate of 73 per cent). The survey is weighted to adjust for possible non-response bias and to ensure that the sample reflects the profile of the general population. The overall sample size for the CSEW has been reduced from 46,000 households per year in the year ending March 2012 to 35,000 households in the year ending March 2013.

The primary purpose of the CSEW is to provide national-level estimates for the crime types it covers; it is not intended to provide a total count of crime. When interpreting results and making comparisons with police recorded crime it should be borne in mind that:

- The CSEW estimates cover the 12 months before each respondent's interview, and therefore there is a time lag compared with police recorded crime figures.
- Estimates from the CSEW are subject to a degree of variation as a result of sampling.
- Low-volume offences can frequently show apparently large year-on-year changes.

The CSEW has some notable exclusions in relation to crime type and respondents interviewed.

Crime type:

- Crimes against businesses are not included.
- So-called 'victimless' crimes (e.g. possession of drugs) are not included.
- Relatively new crimes (e.g. plastic card fraud) are not included in the main crime count, although additional questions have been added to the survey to capture such issues and are reported separately.
- As a survey that asks people whether they have experienced victimisation, murders cannot be included.
- Rape and other sexual offences are not included in the CSEW main crime count, due to the sensitivity of reporting in the context of a face-to-face interview. However, victimisation estimates for sexual offences are provided via a separate self-completion module on intimate violence.

Respondents:

- The population living in group residences (e.g. care homes, halls of residence, or other institutions) are not included.

Crime Survey England and Wales (CSEW) – children's survey

Since January 2009, the CSEW has asked children aged 10 to 15 residing in households in England and Wales about their experience of crime in the previous 12 months. Preliminary results from the first calendar year were published in 2010, and following a user consultation, these statistics were refined. The questionnaire was refined again for the 2011/12 survey. As a result of the changes to the questions and definitions, it is not possible to assess whether there has been a change in levels of victimisation for the time series. Methodological differences also mean that direct comparisons cannot be made between data collected in the adult and child surveys.

In 2012/13, 2,879 children (a response rate of 65 per cent of those eligible within households responding to the core CSEW) took part in the children's survey. The sample size reduction meant that the survey sample of children aged 10 to 15 automatically reduced from 4,000 children per year in year ending March 2012 to 3,100 in the year to March 2013.

Two measures of crime against children are presented in the CSEW. The figures referred to in this report use the 'preferred measure' of crime, which takes into account factors identified as important in determining the severity of an incident (such as relationship to the offender and level of injury or value of item stolen or damaged).

The '*preferred measure*' includes all offences where:

- the offender was not known (e.g. stranger, tradesman, pupil from another school); or
- the offender was known, but aged 16 or over and not a family member (e.g. neighbour, older friend, teacher); or
- the offender was known and either a family member or aged under 16 (e.g. parent, sibling, school-friend) and there was visible injury or theft or damage involving a 'high value' item; or
- a weapon was involved.

The User Guide to Crime Statistics for England and Wales is a useful reference guide with explanatory notes regarding the issues and classifications which are key to the production and presentation of the CSEW statistics. This can be downloaded from: www.ons.gov.uk/ons/taxonomy/index.html?nscl=Crime+in+England+and+Wales

Homicides

Statistics on Race and the Criminal Justice System presents data on homicide offences from 2009/10 to 2011/12, with offences shown 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).

The most recent data are based on the latest ONS publication, which can be found at <http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-violent-crime/index.html>. These data may change as subsequent court hearings take place or other information is received.

Data from the *Homicide Index* are deemed a better source of data than the separate main recorded crime dataset as it is continually being updated with revised information from the police and the courts. The Index also provides far greater detail than the main recorded crime dataset.

Racist Incidents

Racist incidents include notifiable offences, non-notifiable offences (e.g. some types of anti-social behaviour), incidents that were not subsequently recorded as crimes and 'no crimes', (see the [User Guide to Crime Statistics for England and Wales](#)). Conversely, certain race hate crimes may not have been initially recorded as racist incidents if the racial motivation was not immediately apparent. Consequently, the racist incidents total does not match the race hate crimes total.

This is the third year that racist incident statistics have been published by the Home Office.

These are currently official statistics. Whilst accreditation for National Statistics has not yet been sought from the UK Statistics Authority, the principles and protocols in the Code of Practice for Official Statistics have been followed where possible to ensure best practice.

Chapter 3: Suspects

Chapter 3 of this report presents data on arrests for notifiable offences, which form the basis of recorded crime statistics. Data are sourced from the latest edition in the Home Office's statistical series *Police Powers and Procedures England and Wales*, which can be found online at: <https://www.gov.uk/government/publications/police-powers-and-procedures-in-england-and-wales-201112>. These data reflect police activity and should not be used to infer levels of crime committed by offenders, or their specific characteristics.

The data presented are drawn from returns from the 43 local police forces in England and Wales, and cover trends in arrest rates, as well as breakdowns by offence group and ethnicity.

The following issues should be borne in mind when considering these data:

- Figures on arrests for notifiable offences are not strictly comparable with cautions and court proceedings data. This is mainly because the aggregated offence categories for notifiable offences do not directly compare with indictable (including triable-either-way) offence groups. Additionally, 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 more than one notifiable offence 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.
- As with any data collection system, differences in recording practice can impact on the comparability of figures over time and across police force areas.

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.

Therefore section 47A and Schedule 6B of the Terrorism Act 2000 introduce replacement stop and search provisions. 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.

Further information on arrests data can be found in the *User Guide to Police Powers and Procedures Statistics*, which is available at:

www.gov.uk/government/publications/police-powers-and-procedures-in-england-and-wales-201112-user-guide

Chapter 4: Defendants

The most recent defendants data presented in this report refer to out of court disposals and court proceedings data for 2012, from the Ministry of Justice publication *Criminal Justice Statistics quarterly*. The statistics in this bulletin relate to cases in the Crown and magistrates’ courts in England and Wales during the 12 months ending December 2012, and the preceding four years. The chapter also draws on data from the Police National Computer (PNC) for offending histories, which are published in the Ministry of Justice *Criminal Justice Statistics* report.

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 (PNDs)

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 are 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 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 2011 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 69 per cent of these were cancelled.

A new IT system PentiP commenced roll out to police forces during 2012, as a single replacement for their existing databases, one use of which was to capture data on PNDs. For forces using PentiP, details of PNDs issued and their subsequent outcomes are extracted from the live administrative system on a quarterly basis. The returns are checked in the same way by the statistical teams for completeness and accuracy, and any anomalies in the data queried with the PentiP system administrators. Until PentiP is fully established and rolled out to all forces, data will continue to be received from individual forces not using the system.

For the quarters July to September 2012 and October to December 2012, due to technical problems with PentiP, it is not possible for a number of forces currently on

the system to separate between those PNDs paid in full within 21 days and those paid in full outside the 21 day period. The issue is under investigation and is expected to be resolved ahead of the 2012 annual publication.

Cautions

From April 2011 all cautions data are collected from the Police National Computer. The records are validated for accuracy and completeness and amended as necessary. Additionally any apparent cautions given for serious offences, such as rape, are investigated thoroughly with forces. All cautions data prior to April 2011 were collected directly from police forces and have been through the same validation process.

From 2009/10 the reporting of conditional cautions was made mandatory, including those given to juveniles aged 16 and 17. This meant from 1st 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.

Court proceedings

The complexities of the CJS and the constraints on resources in collating and processing data limit the amount of information collected routinely, so only the final outcomes 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.

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. In addition, the gender of defendants at

magistrates' courts can be recorded as sex "Not Stated" under the LIBRA case management system.

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 17,000 individual records were corrected in 2011.

At the magistrates' courts, the sheer volume of court records (around 2.8 million per year compared with 100,000 Crown Court records) means that the same process cannot be followed. 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 per cent, compared to much higher rates at the Crown Court (30–40 per cent).

Data 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 principal offence is reported. 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/she 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). Secondary sentences given for the principal offence and sentences for non-principal offences are not counted in the tables.

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 the statistics referred to in this publication. The most recent version of the guide can be downloaded from:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/203870/criminal-justice-statistics-guide-may-2013.pdf

Offending Histories and First Time Entrants

The figures on first time entrants and previous offending histories have been taken from the Ministry of Justice's extract from the Police National Computer (PNC), the operational database used by all police forces in England and Wales. The PNC covers 'recordable' offences, which are defined as offences that can attract a custodial sentence plus some additional offences defined in legislation. Some non-recordable offences are also included on the PNC, particularly when they accompany recordable offences in the same case. A range of less serious summary offences, such as TV licence evasion and many motoring offences are not recorded on the

PNC. Like any other large scale administrative database the PNC is subject to delays and errors on recording and data entry. All the figures shown may be subject to revision in later editions of this publication as more information is recorded by the police.

First time entrants

A FTE is an offender who has received their first reprimand, warning, caution or conviction for an offence processed by a police force in England or Wales or by the British Transport Police. The measure excludes any offenders who at the time of their first conviction or caution, according to their PNC record, were resident outside England or Wales. Penalty notices for disorder, other types of penalty notice, cannabis warnings and other sanctions given by the police are not counted.

First offences and further offences

The figures shown for first offences follow the same definition as for first time entrants and therefore agree with the FTE figures. A further offence is any other primary offence recorded on the PNC that resulted in a reprimand, warning, caution or conviction and where the offender had received at least one of these sanctions on a previous occasion.

Criminal histories

The data on criminal histories relate to cautioning or sentencing occasions recorded on the PNC for indictable offences, although some figures are for summary offences that are recorded by the police. Where an offender has been cautioned or sentenced on more than one occasion, the offender's criminal history on each occasion has been included. Where an offender has been cautioned or sentenced on the same occasion for several offences, details of the primary offence have been presented. The figures relate to cautioning or sentencing occasions for offences prosecuted by police forces in England and Wales including British Transport Police; they exclude sentences resulting from prosecutions brought by other authorities such as the Department for Work and Pensions (DWP), HM Revenue & Customs (HMRC) and the Ministry of Defence (MOD). Although some of these cases are recorded on the PNC, they may not always be linked to the offender's previous criminal history and have therefore been excluded. Certain offences, such as benefit fraud, which are commonly prosecuted by non-police authorities, are, as a result, undercounted.

The tables show offending history figures for offenders at each cautioning or sentencing occasion. These offending history figures are counts of separate previous occasions when the offender received a reprimand, final warning, caution or conviction. They cover all offences recorded by the police on the PNC, including both indictable and summary offences, and include cases brought by non-police prosecuting authorities.

Chapter 5: Offenders: under supervision or in custody

The data presented in the Chapter 5 are based on the publications *Offender Management Statistics 2012*, *Safety in Custody Statistics 2012*, the *Proven Re-offending Statistics* series, and data from the Independent Police Complaints Commission (IPCC) on deaths in police custody.

Prison flows and population

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. Where figures in the tables have been rounded to the nearest whole number, the rounded components do not always add to the totals, which are calculated and rounded independently.

In May 2009, the National Offender Management Service began the roll-out of a new case management system for prisons (Prison-NOMIS). During the phased roll-out, data collection issues emerged that affected the supply of data for statistical purposes from July 2009 to February 2010. Specifically, statistical information on sentence length and offence group is not available on any of the prison datasets for this period. These problems were successfully resolved in March 2010, and various measures were taken to estimate sentence lengths for prisoners received or discharged before the problems were resolved. Further information on these measures can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/192439/omsq-definitions.pdf

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 have been taken from this new data source. Thus, for all annual tables showing the prison population over time, 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.

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.gov.uk/government/uploads/system/uploads/attachment_data/file/192439/omsq-definitions.pdf

Safety in custody

Deaths

The data relating to deaths in prison custody presented in this publication are drawn from the NOMS Deaths in Prison Custody database. The database draws on data from a number of sources:

- Historical archives (Death registers)
- Prisons
- Prisoner records
- NOMS strategic IT systems including;
 - NOMS Incident Reporting System (IRS)
 - NOMIS (which replaced the Local Inmate Database System(LIDS)),
 - Accommodation and Occupancy (A&O) database and
 - Inmate Information System (IIS)
- Prison and Probation Ombudsman (PPO) fatal incident investigations
- Coroners

Initial data are based on reports from prisons where deaths occurred and are appended with further details from strategic IT systems. Once available, PPO fatal incident investigations and Coroner's inquest findings are used to cross check data held on the database and confirm classifications.

The data are closely scrutinised and are considered to be of high quality. However, the nature of deaths may change over time as new information emerges in particular following inquests which often take place some years after a death. Overall, numbers of deaths in prison custody should be absolute. However, a single reclassification of a death following inquest will affect numerous tables in this publication. Tables dependent on classification of deaths should therefore be treated as provisional.

A '*death in prison custody*' is any death of a person in prison custody arising from an incident occurring during (or, on rare occasions, immediately prior to) prison custody.

This includes deaths of prisoners while Released on Temporary License (ROTL) for medical reasons but excludes deaths of any prisoners released on other types of temporary license.

Each death in prison custody is provisionally classified as one of the following:

- **Self-inflicted**

Any death of a person who has apparently taken his or her own life irrespective of intent.

- **Natural causes**

Any death of a person as a result of a naturally occurring disease process.

- **Homicide**

Any death of a person at the hands of another (includes murder and manslaughter).

- **Other**

Any death of a person whose death cannot easily be classified as natural causes, self-inflicted or homicide. These include

- (i) *Other/Non-natural:* Accidents arising from external causes, accidental overdose/ poisoning and deaths where taking a drug contributed to a death but not in fatal amounts.
- (ii) *Awaiting further information:* This category includes any death for which there is insufficient information to make a judgement about the cause. The information awaited may refer to post mortem or toxicology reports, Prison and Probation Ombudsman report or the Coroner's inquest. In a small number of cases the cause of death may never be known even after all of the necessary investigations have taken place.

All deaths in prison custody are subject to a coroner's inquest. It is the responsibility of the coroner to determine the cause of death. The NOMS system for classifying deaths provides a provisional classification for administrative and statistical purposes. The final classification is only determined at inquest.

Data in this publication include deaths of prisoners while Released on Temporary License (ROTL) for medical reasons but exclude deaths of any prisoners on other types of ROTL because the incident leading to a death does not usually occur within the direct control of the state. For example; a fatal overdose or road traffic accident. In addition, ROTL deaths cannot be counted accurately because:

- They are not always reported to NOMS immediately.
- When prisoners do not return to custody, they are declared as being unlawfully at large. Unless all such prisoners can be accounted for, the numbers dying while on ROTL cannot be measured with certainty.

Although non-medical ROTL deaths are excluded from deaths in prison custody figures, the Prison and Probation Ombudsman has the discretion to investigate them. A non-medical ROTL death may be included if the investigation concluded that the incident leading to the death occurred while in prison custody. We are not aware of any such cases but they are a possibility.

Awaiting further information/unclassified deaths: It has always been the case that some deaths have been difficult to classify. In 2010, there was an apparent increase in such deaths. To reflect this, the bulletin published in July 2011 included a new 'unclassified' category. At the time, it was unclear how these deaths would eventually be classified. It has now been concluded that of the deaths for which further information is still awaited after three months, the majority will end up classified as 'other/non-natural'. Most of the remaining deaths in the category will be natural causes. Only a small proportion are expected to be self-inflicted although there will remain an element of uncertainty that will not be removed until after inquest.

To address the uncertainty and preserve the time series the bulletin published in July 2012 adopted the following approach using four main categories and two sub categories:

- Self-inflicted
- Natural causes
- Homicide
- Other -*consisting of the two sub categories:*

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- Other/non-natural
- Awaiting further information (formerly 'unclassified')

The only essential change was that two existing categories were aggregated. The statistical reason for this change is that the two sub-categories, reported on previously, are relatively volatile changing quickly over time as new information emerges. As a result, they are not, in isolation, suitable for determining trends. However, the aggregate 'other' category is relatively stable and therefore more useful for determining trends.

The types of deaths included in the aggregate 'other' category include:

- Deaths following a fall
- Adverse reaction to medical treatment
- Refusal of medical treatment
- Drug related (other than self-inflicted overdoses)

Self-harm and Assaults

Detailed information on each self-harm or assault incident in prison custody comes from the NOMS Incident Reporting System. Monthly extracts and subsequent updates are taken from the live incident reporting system and compiled into a central database. Self-harm and assault statistics are both compiled from that database.

In prisons, as in the community, it is not possible to count self-harm or assault incidents with absolute accuracy. In prison custody, however, such incidents are more likely to be detected and counted. Self-harm and Assault data are relatively consistent from 2004 and 2002 onwards respectively and are considered satisfactory for determining trends. However, numbers are not absolute.

In addition to incidents, self-harm statistics include numbers of individuals self-harming. A number of methods are available for counting individuals but changes to the prison numbering system, and variations in names and dates of birth limit the accuracy to which individuals can be counted. As with incidents, numbers of individuals are satisfactory for determining trends.

It is in the nature of assault incidents that at least two people must be involved. As the numbers involved increase so too does the complexity and risk of error. Assigning the

correct role (assailant, victim, fighter etc.) to individuals involved in an incident is a potential source of error. All incidents are investigated and the majority of roles should be correctly assigned. On occasions, however, lack of witnesses or refusal of victims to co-operate will limit the accuracy of what can be recorded.

The incident reporting system only contains details of prisoners. It does not contain details of any staff or visitors involved in an assault incident. As a result, the relative completeness of data for particular incidents will vary. Data for different types of assaults (prisoner on prisoner, prisoner on staff etc) are considered satisfactory for determining trends but the amount of analysis and conclusions that can be drawn for particular types of assault will vary.

The self-harm and assault data presented in this report 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. The data presented in this report are considered satisfactory for analysing levels and determining trends but there will be non-response and processing errors in the underlying data.

- Self-harm non-response errors arise because self-harm behaviour amongst prisoners may go undetected. In addition, it is sometimes difficult to determine when one incident ends and the next begins particularly with repetitive self-harm.
- Assaults non-response errors arise because the victim of an assault may not inform staff and therefore the incident will go un-reported. In addition, there can be a range of factors that influence the threshold at which an event is reported as an assault incident.
- Processing errors may arise when incident reports are first written up or when they are subsequently recorded on the incident reporting system.

Re-offending

The data required for measuring proven re-offending are based on a range of data sources (prison data, probation data, identification of drug-misusing offenders, identification of prolific and other priority offenders, young offenders in secure accommodation, and criminal records from the Police National Computer) from a range of agencies (the National Offender Management Service, probation trusts, the Youth Justice Board, Drug Action Teams, local authorities and the National Police Improvement Agency). These figures have been derived from administrative IT

systems which, as with any large scale recording system, are subject to possible errors with data entry and processing.

There is no agreed international standard for measuring and reporting re-offending. An offender's journey through the criminal justice system can be a complex one; offenders can appear on numerous occasions. The underlying principle of measuring re-offending (or recidivism, which is the most commonly used term internationally) is that someone who has received some form of criminal justice sanction (such as a conviction or a caution) goes on to commit another offence within a set time period.

Measuring true re-offending is difficult. Official records are taken from either the police or courts, but they will underestimate the true level of re-offending because only a proportion of crime is detected and sanctioned and not all crimes and sanctions are recorded on one central system. Other methods of measuring re-offending, such as self report studies, are likely to also underestimate the rate.

Ministry of Justice publications in the *Proven Re-offending Statistics* series have been developed in response to a consultation in late 2010 and early 2011 on "Improvements to Ministry of Justice Statistics". For a more detailed explanation of this consultation and the data used in the *Proven Re-offending Statistics* series, please see the accompanying 'Definitions and Measurement' document at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/225091/proven-reoffending-definitions-measurement.pdf

Chapter 6: Staff and practitioners in the Criminal Justice System

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.

Figures are based on headcount for all agencies except the Police, who provided full-time equivalent figures. Police data are therefore not directly comparable with data from other agencies.

Police

The figures quoted in this report are for all officers including those officers on career breaks or maternity/paternity leave.

Police staff figures do not include school-crossing patrols, British Transport Police, contract staff employed by private companies and staff on external secondments. However, staff on fixed-term contracts are included, and secondments from one police force to another are included in the police officer strength total for the 43 forces of England and Wales.

Data on officers and staff joining and leaving the police force are unverified and are provided on a provisional basis only.

Revisions to data for previous years by certain police forces have resulted in some small discrepancies between the total staff figures published in this report and those published by the Home Office in its statistical Police Workforce publications (previously titled Police Service Strength). There are no discrepancies in the 31 March 2013 totals.

Crown Prosecution Service

As the Crown Prosecution Service (CPS) merged with the Revenue and Customs Prosecutions Office (RCPO) during the last quarter of 2009/10, figures from 2009 onwards combine the grade structures of these two organisations. Therefore it is only possible to compare data from the last three years for this agency.

Data from the Crown Prosecution Service HR database excludes all career break staff and does not include non salaried, fee paid, Non Executive Directors or G1 grades (Permanent Secretary). In 2011 a new Grade called Specialist Prosecutor was introduced. The staff in this grade were mainly formerly Crown Advocate graded staff. G7 & G6 graded staff reduced to less than 10 as former RCPO staff assimilated to CPS grades, so they are now combined with D & E grades. Grades Senior Crown Advocate & Principal Crown Advocate grew in numbers to allow for separate reporting from Crown Advocate. In 2012 a new grade of Senior Legal Manager was introduced, staff in this grade were mainly formerly Chief Crown Prosecutor graded staff. A grade of Senior Legal Advisor was introduced which is of a similar level to Senior Crown Prosecutor.

Judges

Since 2008, figures for judges have included those in four new 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, Registrars, Costs Judges and District Judges (PRFD). Data on judges also

no longer include Justices of the Supreme Court, as these data have not been held by the Judicial Office since the creation of the Supreme Court in 2009. As a result of these changes, data on judges presented in this report will not be comparable with those presented in previous editions.

The database containing the ethnicity of the judiciary may be incomplete as (a) judicial office holders are asked to provide the information on a voluntary basis and (b) such details have only been collected since October 1991. Further ethnicity data were collected from judicial office holders in post through a diversity survey undertaken by the Judicial Office in 2007. In May 2009, the Judicial Office began collecting ethnicity data from all new judicial appointees. With effect from December 2011, the Judicial Appointments Commission has shared diversity data on selected candidates with the Judicial Office, in those cases where the individual confirmed they were content for the information to be shared.

Ministry of Justice

Ministry of Justice figures include staff in Ministry of Justice Head Quarters (MoJ HQ), HM Courts and Tribunals Service (HMCTS) and the Office of the Public Guardian (OPG). They do not include the National Offender Management Service (NOMS), the National Archives, the UK Supreme Court or the Land Registry, which also come under the justice umbrella.

The Ministry of Justice has undergone some changes in recent years which will have affected the staff figures presented. In June 2010, 1,500 staff were transferred from NOMS to the Ministry of Justice. From 1 April 2011, Wales Office and Scotland Office were moved to the Office of the Territories.

These values may differ from those published elsewhere as the Ministry of Justice database, CHRIMSON, does not include the National Offender Management Service (NOMS), Land Registry and National Archives. UK Supreme Court staff are recorded on the CHRIMSON database but are not included in the Wider MoJ figures. These figures do include Scotland Office but only MoJ staff on secondment to Scotland Office. They do not include Scotland Office staff whose records are held on Scottish Government systems.

National Offender Management Service (NOMS)

Data from the NOMS HR database are subject to a number of staffing changes in recent years, some of which have affected specific parts of the workforce. In June

2010, approximately 1,500 NOMS HQ staff were transferred to the central Ministry of Justice. Additional NOMS HQ restructures, the closing of four prison establishments in 2011/12, and the transferral of another prison to the private sector, resulted in a further reduction in the total number of NOMS staff.

Headcount figures have been revised from previous publications and therefore are not comparable due to corrections in the allocation of ethnicity codes relating to a small number of individuals from the Other and Asian ethnic groups that have been reallocated into the Asian and Chinese or other categories respectively.

Probation Service

Probation Service figures provided in previous returns included all staff in post, irrespective of whether they were funded or not by the probation trusts. The new system for collecting probation workforce information that was introduced in July 2012 enables improved reporting due to clarification on funding arrangements.

The figures provided within this and future returns will only relate to staff that are employed and funded by the probation trusts and for that reason will not be comparable with figures provided in previous returns. As a consequence, data have not been provided for previous years.

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, while the third table presents the more recent classification used in the 2011 Census.

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 the self-identified classifications 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 ethnic appearance

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

2001 Census Self-identified classification

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

2011 Census Self-identified classification

Census 5-point classification	Census 18-point classification
White	White – British White – Irish White - Gypsy or Irish traveller White – Other
Black	Black – African Black – Caribbean Black – Other
Asian	Asian – Bangladeshi Asian – Indian Asian – Pakistani Asian - Chinese Asian – Other
Mixed	White and Black African (<i>Goes to Black on 4+1</i>) White and Black Caribbean (<i>Goes to Black on 4+1</i>) White and Asian (<i>Goes to Asian on 4+1</i>) Any other mixed background (<i>Goes to Other on 4+1</i>)
Other	Arab Any other ethnic group
Not Stated	Not Stated

Contact points for further information

Current and previous editions of this publication are available for download at <https://www.gov.uk/government/publications/race-and-the-criminal-justice-system--3>

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

Other enquiries about these statistics should be directed to: statistics.enquiries@justice.gsi.gov.uk

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

Other National Statistics publications, and general information about the official statistics system of the UK, are available from 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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available on request from
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