CPS decision-making and defendant characteristics

- The data is for 2017/18. It is based on CPS management information for defendants, including age, gender and ethnic background. Data on religion, disability and sexual orientation is not available. Data for victims is also unavailable at the standard required for meaningful analysis. The CPS is working with the police to improve the equality data on victims and defendants captured in the police Digital Case File, which is then transferred to the CPS. This is a long term project, which will lead to significant improvements in the capacity of the CPS to understand disproportionality in CPS decision-making across defendants, victims and all protected characteristics.

- The CPS is demand-led, taking decisions on cases referred by the police. When cases are referred to the CPS, decisions are taken in accordance with the Code for Crown Prosecutors. The CPS has very little control over its caseload, and consequently, disproportionality in arrest rates will affect CPS data.

- There is inherent disproportionality in the CPS caseload. The 17/18 police arrest data compared with the most recent (2011) census data confirms this:

	2011 Census	2017/18 Arrests[1]
Black	3%	10%
Asian	7%	7%
White	87%	77%
Mixed/other	2.9%	5%

Ethnicity

- The ethnic background of many defendants is not captured by the police in many cases referred to the CPS. There is, consequently, a portion of cases for whom the ethnic background is 'unknown'. Depending on the specific breakdown, the proportion of defendants where the ethnicity is 'unknown' undermines the ability of the CPS to draw any firm conclusions regarding disproportionality.

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[1] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751215/police-powers-procedures-mar18-hosb2418.pdf

- The data demonstrates that, although there are clear differences in the charge rate, conviction rate and rate of dropped cases across ethnic groups, there is little evidence for disproportionality. The charge rate ranges from 65.6 – 73.2%. It is lower for BAME groups than White British, with the exception of Mixed, which is higher than any other group. The rate of dropped cases is also higher for BAME groups, ranging from 10.7 – 12.4%, with White British lower at 8.5%.

   A lower charge rate is a result of the CPS not charging cases which have been referred by the police which are not considered by prosecutors to meet the Code Test.

- Conviction rates are also lower for BAME groups than White British, ranging from 77.9 – 83.5 %. White British is higher, at 86.3%. Cases involving BAME defendants are therefore slightly less likely to result in a conviction. This does not necessarily mean that the CPS was wrong to bring charges in these cases, as it may be that although they met the Code Test, they did not meet the standard for a criminal conviction. The caseload for BAME defendants and White British defendants also varies, which will affect the headline figures.

- Overall, where there is some variation in the charging and conviction rates, this may at least in part be explained by the fact that ethnic groups fall unevenly between offence categories, and different offences have significantly different charging and conviction rates (a prosecution for theft being much more likely to result in a conviction than a prosecution for rape, for example).

Table 1 – overall 17/18 decision-making and outcomes by ethnic category

	Referrals		Charged		No Prosecution		Administratively Finalised[2]		Completed		Convicted		Prosecutions Dropped	
	Volume	% (vol category/ vol total referrals)	Volume	% charge rate	Volume	% NFA rate	Volume	% Administratively Finalised rate	Volume	% (vol category/ vol total completed)	Volume	% Conviction rate	Volume	% Dropped rate
Black	19,991	7.6%	13,767	68.9%	3,485	17.4%	2,593	13.0%	39,045	7.4%	31,383	80.4%	4,723	12.1%
Asian	14,336	5.4%	9,408	65.6%	2,925	20.4%	1,887	13.2%	25,633	4.9%	20,580	80.3%	3,170	12.4%
Mixed	5,712	2.2%	4,184	73.2%	884	15.5%	593	10.4%	11,570	2.2%	9,658	83.5%	1,237	10.7%
White	160,543	60.9%	113,647	70.8%	27,030	16.8%	18,347	11.4%	323,838	61.6%	279,480	86.3%	27,559	8.5%
Chinese or other	2,486	0.9%	1,689	67.9%	462	18.6%	307	12.3%	5,612	1.1%	4,374	77.9%	681	12.1%
Unknown	60,398	22.9%	39,045	64.6%	12,479	20.7%	8,092	13.4%	120,092	22.8%	96,630	80.5%	13,294	11.1%
Total	263,466		181,740	69.0%	47,265	17.9%	31,819	12.1%	525,790		442,105	84.1%	50,664	9.6%

- There is disproportionality evident in the caseload, when broken down by offence category. For example, 18.5% of all completed prosecutions for robbery offences and 15.5% of completed prosecutions for drugs offences involve Black defendants. This caseload is a reflection of the cases sent to the CPS by the police.

- However, there are also some differences in conviction rates across ethnic groups, when broken down by offence category. For example, the conviction rate for Black defendants in homicide cases is 69.0%, in comparison with 83.8% for White defendants.

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[2] Cases are administratively finalised where the police have not responded to an action plan or where the police have decided not to pursue the investigation following early advice from prosecutors. A case which is administratively finalised will not always be at an end. An administratively finalised case which has not been NFA'd by the police could be reopened by the CPS if the police provided a response to the action plan.

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Gender

- In regards to gender, the CPS receives far fewer referrals from the police for cases involving female defendants. The charge rate for female defendants is also lower – 60.1% in comparison with 70.1% for males – though the conviction rates are the same at 84%.

- When broken down by offence category, there is little difference in the conviction rates for male and female defendants in almost all categories. Generally, the conviction rate for female defendants is slightly lower, with the exception of theft, where it is slightly higher. Overall, there is no significant disproportionality evident in the data.

Table 2 – overall 17/18 decision-making and outcomes by gender

	Referrals		Charged		No Prosecution		Administratively Finalised		Completed		Convicted		Prosecutions Dropped	
	Volume	% (vol category/ vol total referrals)	Volume	% charge rate	Volume	% NFA rate	Volume	% Administratively Finalised rate	Volume	% (vol category/ vol total completed)	Volume	% Conviction rate	Volume	% Dropped rate
Female	28,086	10.7%	16,876	60.1%	6,647	23.7%	3,982	14.2%	75,177	14.3%	63,116	84.0%	7,406	9.9%
Male	234,711	89.1%	164,517	70.1%	40,405	17.2%	27,740	11.8%	448,355	85.3%	377,393	84.2%	42,897	9.6%
Unknown / missing	669	0.3%	347	51.9%	213	31.8%	97	14.5%	2,258	0.4%	1,596	70.7%	361	16.0%
Total	263,466		181,740	69.0%	47,265	17.9%	31,819	12.1%	525,790		442,105	84.1%	50,664	9.6%

Age

- Almost 90% of the CPS caseload relates to defendants aged 18-24 (21.4%) and 25-59 (67.7%). For under 18s, the charge rate is much lower (62.9% for 14-17 year olds). This is likely to reflect the public interest factors which tend towards diversion rather than the prosecution of youths. Similarly, the charge rate for elderly defendants (aged 60+) is lower.

- The conviction rate is steady for all age brackets, ranging from 82.4% for 14-17 year olds, to 80.6% for 60-69 year olds. For those at the youngest and oldest ends of the spectrum, the conviction rate is lower.

- In a similar pattern, the rate of dropped prosecutions is relatively steady, ranging from 8.9 – 10.3% for those in the middle of the spectrum. However, the dropped prosecution rate is higher for those at the younger and older ends of the spectrum (20.2% for 10-13 year olds, and 14.3% for 80+).

- This pattern is, broadly speaking, replicated in offence category data, though it is less pronounced. Conviction rates by offence category are relatively steady across age bands, though the conviction rates for the youngest and oldest defendants in some categories are occasionally lower.

| Table 3 – overall 17/18 decision-making and outcomes by age | | | | | | | | | | | | | |

	Referrals		Charged		No Prosecution		Administratively Finalised		Completed		Convicted		Prosecutions Dropped	
	Volume	% (vol category/ vol total referrals)	Volume	% charge rate	Volume	% NFA rate	Volume	% Administratively Finalised rate	Volume	% (vol category/ vol total completed)	Volume	% Conviction rate	Volume	% Dropped rate
10-13	1,608	0.6%	831	51.7%	315	19.6%	365	22.7%	2,568	0.5%	1,943	75.7%	520	20.2%
14-17	17,112	6.5%	10,759	62.9%	3,005	17.6%	2,934	17.1%	31,006	5.9%	25,551	82.4%	4,298	13.9%
18-24	56,301	21.4%	39,474	70.1%	9,159	16.3%	7,060	12.5%	107,365	20.4%	91,669	85.4%	9,589	8.9%
25-59	178,438	67.7%	125,191	70.2%	32,280	18.1%	19,577	11.0%	366,981	69.8%	309,303	84.3%	34,014	9.3%
60-69	5,581	2.1%	3,499	62.7%	1,276	22.9%	740	13.3%	10,701	2.0%	8,626	80.6%	1,099	10.3%
70-80	1,759	0.7%	1,091	62.0%	397	22.6%	242	13.8%	2,903	0.6%	2,288	78.8%	351	12.1%
80+	511	0.2%	232	45.4%	163	31.9%	106	20.7%	705	0.1%	484	68.7%	101	14.3%
Unknown / missing	2,156	0.8%	663	30.8%	670	31.1%	795	36.9%	3,561	0.7%	2,241	62.9%	692	19.4%
Total	263,466		181,740	69.0%	47,265	17.9%	31,819	12.1%	525,790		442,105	84.1%	50,664	9.6%

Conclusions and next steps

- The CPS has published an Inclusion and Community Engagement strategy. In accordance with commitments made in this strategy, the CPS will continue to monitor disproportionality in decision-making. Data will be published on an annual basis, and where the CPS identifies 'unexplainable' disproportionality, action will be taken to understand and address it.

- The CPS will continue to work with colleagues in the Criminal Justice System to improve the quality and breadth of equalities data available to the CPS, in regards to both defendants and complainants. This will improve the ability of the CPS to identify and address disproportionality. Further data on ethnicity and the criminal justice system is available here.