

EQUALITY AND DIVERSITY IMPACT ASSESSMENT OF CPS STATUTORY CHARGING: ENGLAND AND WALES: FOR THE PERIOD ENDING MARCH 2006

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1. Introduction

1.1 This assessment has been prepared so that the CPS can fulfil an obligation under the statutory gender and race equality duties and as part of its commitment to monitoring its key services for potential adverse impact. It updates and extends an earlier, shorter, EDIA for September 2004 to February 2005. At that time statutory charging was confined to 14 geographical areas covering 60% of CPS workload. (Lewis, 2005).

1.2 The previous EDIA was subject to a consultation process in 2005. As a result the content of this EDIA has been increased to deal with several issues not covered previously. In the same way a draft version of this EDIA has been subject to a consultation process during the summer of 2007. It was discussed at a meeting of the CPS Community Accountability Forum (CAF) in July 2007 and some changes made following that meeting. When plans are being drawn up for the next EDIA, expected in 2009, these CAF views will be fully taken into account.

1.3 This EDIA covers the 12 months April 2005 to March 2006, during which statutory charging was extended to all areas of England and Wales. Its main purposes are to assess the impact of statutory charging and discover if charging decisions vary with: the gender, ethnicity and age of the suspect: and (when charged) the type of offence with which suspects are charged.

1.4 A separate analysis has been also been included of certain equality and diversity aspects of three specific offence types: domestic violence, homophobic offences, and offences of a racist/religious nature.

1.5 This assessment has been written by independent consultants, based on data from the CPS case management system, COMPASS. The Charts referred to in the text can be found in Annex A. A summary of the technical processes used is given at Annex B. The minutes of the CAF are at Annex C.

2. Background

2.1 Up to 2002, charging decisions were taken by the Police, although in many cases they did consult with the CPS. However, in October 2002, Lord Justice Auld's *Review of the Criminal Courts* recommended the CPS should be given greater legal powers to determine the decision to charge in all but minor cases. Successful pilot schemes were conducted in five areas over a 6-month period during 2002. As a result of these, during 2003 the CPS, in

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partnership with the Association of Chief Police Officers (ACPO) developed charging arrangements to enable each Area to roll out the principles of statutory charging.

2.2 Under the Statutory Charging Scheme local arrangements are complemented by the implementation of an out of hours service, CPS Direct. CPS Direct, staffed by experienced Prosecutors, operates from 5pm to 9am Monday to Friday and all day at weekends and public holidays enabling the CPS to offer round the clock coverage.

2.3 Statutory charging was first implemented in 14 Priority Areas² that successfully moved to the statutory scheme by November 2004. By April 2007 all areas had migrated to the new scheme but, during the period to which this EDIA refers, over 80% of CPS cases were covered by the statutory charging scheme.

2.4 The analyses in this EDIA are based on data for the 12- months from April 2005 to March 2006. Data were drawn from COMPASS; the CPS computerised case management system, in the form of EXCEL spreadsheets that included area, gender, ethnicity, age, offence, and the result of the charging process. It also includes an analysis of Hate Crime data.

3. History of Statistics on Gender, Ethnicity, Age , Offence and Hate Crimes

3.1 Statistics on the position of Women and of Black and Minority ethnic communities within the Criminal Justice System have been collected and published since 1992 under the provisions of S95 of the 1991 Criminal Justice Act³. The reason for this legislation was to produce information that would help with the performance of members of the criminal justice agencies in their duty of non-discrimination on grounds of gender or ethnicity. The collection of such statistics has been mostly through criminal justice agencies and the most visible evidence of publication has been through the annual S95 publications of the Home Office^{4,5}. For ethnicity this is supplemented by a published commentary on the statistics (Home Office, 2006a, 2006b).

3.2 The Race Relations (Amendment) Act 2000 introduced the concept of diversity and equality impact assessments of policies and practices within the criminal justice system. Since then many of these statistics have been used when making these impact assessments.

3.3 The main results on ethnicity from the earlier EDIA indicated that:

² Avon & Somerset, Cleveland, Greater Manchester, Humberside, Kent, Lancashire, London, Merseyside, Northumbria, Nottinghamshire, South Yorkshire, Thames Valley, West Midlands and West Yorkshire. These cover 60 per cent of CPS business.

³ S95 of the 1991 CJA says that:

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

(2) Publication under subsection (1) above shall be effected in such a manner as the Secretary of State considers appropriate for the purpose of bringing the information to the attention of the persons concerned.

⁴ See, for example, *Race and the Criminal Justice System: a publication under Section 95 of the Criminal Justice Act 1991*. Home Office, London, downloadable from www.homeoffice.gov.uk/rds/publications.

⁵ See, for example, *Statistics on Women and the Criminal Justice System 2004-5: a Home Office publication under the Criminal Justice Act 1991*. Home Office, London, downloadable from www.homeoffice.gov.uk/rds/publications.

- There were no significant differences across different ethnic groups in the proportion of cases finalised by a charge. Cases with *Black* suspects were finalised by charge in slightly more cases (48.9%), as were cases with *Mixed* suspects (47.8%). Cases with *White*, *Asian* or *Other* suspects were similar.
- There were some differences by ethnicity in cases finalised by No Further Action (NFA) on evidential grounds. 25.4% of cases nationally with *White* suspects were so finalised: cases with *Black*, *Mixed* or *Other* suspects were less likely to have their cases finalised NFA on evidential grounds (all significantly lower than *White* at around 19%-20 %.)

3.5 The main results on gender from the earlier EDIA indicated that:

- Male suspects (44.6%) were more likely than Females (34.8%) to receive a charge – although the report stated that without further analysis of factors such as offence type it is difficult to assess the reason for this.
- Females (5.3%) were more likely than Males (3.0%) to have their case finalised by a decision to caution, reprimand or issue a warning.
- Females (35.7%) were more likely than Males (27.2%) to receive a charging decision of No Prosecution on evidential grounds.
- No significant difference in the percentage of cases for which more information was sought or where there was a No Prosecution on public interest grounds.

3.6 CPS Policy and some statistics on hate crimes are published on the CPS web site: domestic violence⁶; homophobic crime⁷ and racist and religious crimes⁸: However, this is the first time that an equality and diversity analysis has been carried out of the results of the charging process for the hate crimes.

3.7 This EDIA is the first one to include statistics relating to age differences in the charging process and an analysis of the pattern of offences with which the person is charged and is in response to requests from community groups that an analysis by age and by offence be undertaken when the first assessment was consulted on. The aspects of age and offence are, however, covered in great detail in Home Office publications⁹.

4. Key Points of Data analysis for 2005-2006

4.1 There is little variation of charging decision by **gender** except that female suspects are slightly more likely to receive a decision to make no prosecution on evidential grounds rather than a decision to charge.

⁶ See 'Domestic violence snapshot' on the CPS web site

<http://www.cps.gov.uk/publications/prosecution/domestic/index.html>.

⁷ See 'Prosecuting cases with a homophobic element' on CPS web site at

<http://www.cps.gov.uk/publications/prosecution/hmpbcrbook.html>.

⁸ See 'Racial and Religious Monitoring 2004-5' on CPS web site at

<http://www.cps.gov.uk/publications/prosecution/domestic/index.html>.

⁹ See, for example Chapter 3 'Offenders Found Guilty and Cautioned' of Criminal Statistics, England and Wales, 2005 to be found on Home office web site <http://www.homeoffice.gov.uk/rds/pdfs06/hosb1906.pdf>.

4.2 There are one or two data quality issues to do with **ethnicity** but conclusions can still be drawn: in particular, there is no variation of charging decision by the main ethnic group of the suspect except that non-White suspects are slightly less likely to receive a decision to No Prosecution on evidential grounds.

4.3 The variation in charging decision by ethnic classification was much greater for female cases than for male cases. Some issues remain that cannot be fully covered by the data available to this impact assessment.

4.4 The available statistics do not allow an analysis by age as such, but by four **age-related factors**: young offenders; prolific young offenders; persistent offenders; other adult offenders. Our analysis showed considerable variation in charging decisions across this classification.

4.5 Given the nature of Statutory Charging, whereby the CPS make the decision to charge, the **Offence** is only recorded on the COMPASS system once the charge has been made, so it is not possible to produce an analysis showing the result of the charging process for different offences or the offence before the charging process was completed. However, analyses have been carried out in this EDIA showing the patterns of offences charged for different genders, ethnicities and age groups. COMPASS is only able to report on the principal offence categories and as such is unable to breakdown further into types of offence.

4.6 A new series of tables has been produced on charging for three different **Hate Crimes**. Of the 45,700 cases of **Domestic Violence**, the vast majority, 42,100 (92%) had male defendants. A charge was imposed in 53% of male cases but only 36% of females. The ethnicity of suspects in domestic violence cases was broadly in proportion to the proportion in all cases, with significant numbers in the not known category. For Asian suspects, a higher number of cases lead to a charge (56% compared with an average of 51%): for Black suspects, a much lower number of cases ended with no prosecution on evidential grounds and a much higher number ended in 'Other' results.

4.7 Of the small number (527) cases of **Homophobic Crime** 88% were for male suspects. Female suspects were more likely to be charged (59% compared with 53%) or finalized by a decision such as a caution (6% and 1%). Male suspects more likely to have incomplete cases (5% and 1.5%) or 'other' result (20% and 11%) There were too few cases for ethnicity differences to be observed. Young offenders were less likely to be charged and Persistent young offenders or Prolific Offenders much more likely to be charged.

4.8 Of the 8,300 cases of **Racist and religious crimes: approximately 75% were White**; 5% were Asian suspects; 3.5% Black; 1.5% Mixed Race; and under 1 % 'other ethnicity': in the other 15% of cases the ethnicity was unknown or not recorded. 17% of suspects were female and 83% male: there were few differences in the charging results by gender. Persistent young offenders and prolific priority offenders were much more likely to be charged. There were some differences in the charging patterns by ethnicity and these have been listed in paragraph 11.2.

4.9 There are some variations in all results across the CPS areas and regions. Area tables and a limited analysis are included in a separate document, which is being made available to local Areas.

5. Data on which this impact assessment are based

5.1 The data on which this current impact assessment are based are the 560,000 cases finalised nationally in the 12-months from April 2005 – March 2006. Within this number separate analyses have been made of the 46,000 cases of domestic violence and the 8,300 cases where the charge was racist and religious crime. The large number of cases for these categories makes the analysis of the situation in this EDIA quite robust. However, in the case of homophobic crime, only 500 cases were available for analysis, which means that the analyses for homophobic crime needs to be interpreted much more carefully and in due course merged with similar data for future years to see if the patterns continue.

5.2 There are, however, a few concerns that should be recalled when interpreting this EDIA. In a large administrative system there will always be a number of cases when data have not been recorded or been recorded inaccurately, although the initial difficulties with COMPASS have mainly been ironed out. Moreover, the accuracy of the classification of gender, ethnicity, age, and offence, depends to some extent on police and court processes rather than those of CPS. A further difficulty is that this EDIA cannot consider cases that were not entered onto COMPASS, eg. due to data processing errors or when the case does not come to the CPS at all.

5.3 It must be stressed that this EDIA looks at CPS processes only and is not an assessment of the impact of the criminal justice system as a whole. CPS can only prosecute cases brought to it by the police. Although this EDIA covers the 560,000 people dealt with by the CPS charging process, there are a further 700,000 offenders brought to justice each year through charges, summonses, cautions, offences taken into consideration, penalty notices for disorder or formal warnings for cannabis possession, who are dealt with by the police alone and not covered by this CPS analysis.

5.4 However, the quality of the data from this case management system is generally very good and CPS now has access to the best equality and diversity data in the criminal justice system. There is a general lesson to be learnt by other agencies from the success of CPS in collating, as well as in publishing, these data on equality and diversity.

5.5 COMPASS records gender very well indeed, and over 99% of all records include a gender code. Thus, there are no concerns about the quality of data on gender. COMPASS records ethnicity better than other CJ agencies and national analyses are possible for all ethnic categories. However, an ethnicity code was not available for 135,000 of the 560,000 cases recorded on COMPASS. This 24% missing data is a big improvement on the 35% missing in the EDIA in 2004-05 and the reasons remain more likely to lie with the police with the solution being a medium-term one¹⁰. As has been stated, data on age, as such, is not available on COMPASS as there is currently no formal requirement to record such, so that the analysis of differences by age is necessarily limited. In order for full analyses by age to be made, it would be necessary to include an age-at-charge variable for each pre-charge case processed. In a similar way, and as noted at paragraph 4.5 offence is only recorded after charge.

¹⁰ Recommendations on how to improve the proportion of cases where an ethnicity code is passed on by the police have been made in a recent report to OJCR on the Fundamental Review of Statistics on Race and the CJS: see Lewis & Ellis, 2005. In broad terms these recommendations would involve setting quality recording thresholds for the police, as the main agency collecting data on the ethnicity of suspects.

5.6 COMPASS data used in this EDIA on the results of the pre-charge process has changed slightly since the first EDIA. Details are given in Annex B.

6. Variations by Gender

National variations in case decisions

6.1 Nearly 560,000 cases were finalised during the 12-month period, twice as many as in the 2004-5 EDIA (Lewis, 2005) and many times the numbers considered in any previous investigation (eg. Mhlanga(1999), John(2003), CPS (PB045, 2004) This enables a very robust analysis. Summary results for gender are given in Table 6.1 and Figure 6.1.

Table 6.1 National Results of the charging process by gender

	Number of Cases	Charge	Finalised by a decision	Incomplete Cases	No Pros (evidence)	No Pros (public interest)	Other	Admin Finalised
Female	69,118	37.5%	5.1%	5.8%	32.0%	3.3%	15.1%	1.3%
Male	488,943	41.9%	3.2%	6.1%	28.6%	2.4%	16.3%	1.5%
Total	558,061	41.4%	3.4%	6.0%	29.0%	2.5%	16.2%	1.5%
Number of Cases	558,061	230,787	19,096	33,612	161,938	14,081	90,354	8,193

6.2 The main conclusions from Table 6.1 are:

- There is a greater proportion of male suspects (87.6%) compared with female suspects (12.4%)
- Male suspects (41.9%) are slightly more likely than Females (37.5%) to receive a charge:
- Females (5.1%) are slightly more likely than Males (3.2%) to have their case finalised by a decision to issue a conditional caution, a caution, a reprimand or a warning:
- Females (32.0%) are slightly more likely than Males (28.6%) to receive no prosecution on evident grounds:
- There was no significant difference in the percentage of cases finalised administratively or where there was no prosecution on public interest grounds.

6.3 These results are very similar to those from the EDIA for 2004-2005 (Lewis, 2005) but show an improvement in the percentage of cases that lead to a charge:

- Cases finalised by charge rose from 38.9% to 41.4%
- Those finalised by another decision changed little (3.6% fell slightly to 3.4%)
- Incomplete cases fell from 8.1% to 6.0%
- Cases with no prosecution due to evidence fell from 32.5% to 29.0%
- Cases with no prosecution on public interest grounds fell slightly from 2.9% to 2.5%

6.4 These results should be considered in the context of wider data on the interaction between gender and the criminal justice system. The best collection of material is published in the

Home Office Section 95 publication *Statistics on Women and the Criminal Justice System* (Home Office, 2005) This shows a large number of aspects of criminal justice where women have different patterns from men:

- Women are far less likely to commit offences than men
- They generally commit less serious offences
- Women's criminal careers are far shorter than men's
- Women are more likely to plead guilty
- Women are more likely to be cautioned, discharged or given a community sentence

This EDIA does not claim to comment on how all these different patterns might influence the result of the charging process. However, there is some information on the offences with which people were charged once the charging process had been completed.

6.5 Because the offence is not recorded pre-charge, it is not possible to look at the proportion of each offence that led to a charge, incomplete case, etc. We can simply look at the patterns of charging by gender and see whether this is likely to have influenced the outcome of the charging process.

Table 6.2 Offences of those charged: by gender

	Number of cases	Homicide	Offences Against The Person	Sexual Offences	Burglary	Robbery	Theft and Handling	Fraud And Forgery	Criminal Damage	Drugs Offences	Public Order Offences	All Other Offences (excluding Motoring)	Motoring Offences
Female	29,566	0.2%	34.9%	0.3%	3.2%	2.5%	25.3%	3.1%	6.2%	5.9%	8.7%	5.9%	3.9%
Male	229,522	0.3%	31.2%	3.0%	7.4%	3.1%	16.8%	1.5%	7.9%	6.1%	9.3%	6.0%	7.6%
Total	259,088	0.3%	31.6%	2.7%	6.9%	3.0%	17.7%	1.7%	7.7%	6.1%	9.2%	6.0%	7.2%
Number of Cases	259,088	714	81,814	6,892	17,828	7,808	45,959	4,370	19,946	15,766	23,827	15,545	18,619

6.6 Table 6.2 shows different likelihoods of women being charged for particular offences than men: Women were more likely to be charged with offences against the person than men (35% against 31%): less than half as likely to be charged for burglary (3.2% against 7.4%): more likely to be charged for theft (25% against 17%) twice as likely to be charged for fraud. The overrepresentation of Theft and Handling (25% for women: 17% for men), together with previous research, is suggestive that the CPS is faced with less serious cases, on average, for women than for men: e.g. shoplifting, TV licence evasion and social security fraud. This would certainly be a cause of the higher proportion of cases finalised by a decision, and the slightly higher proportion of cases dropped in the public interest. However, it is still not clear why more female cases are dropped on evidential grounds.

6.7 The outcome of cases has also been analysed by gender and the age categories in tables 6.3 and 6.4. There are some differences: for persistent young offenders, girls are more likely to be charged than boys and less likely to have the prosecution dropped on evidence grounds, in contrast to offenders generally: for prolific priority offenders women are much more likely to have no prosecution on evidential grounds than men.

Table 6.3 Results of the charging process by gender and age: females

	Number of cases	Charge	Finalised by a decision	Incomplete cases	No Pros. (evidence)	No Pros. (public interest)	Others	Finalised Admin.
Persistent Young Offender	1,382	68.7%	0.2%	3.0%	9.3%	1.9%	16.1%	0.7%
Prolific Priority Offender	365	58.1%	0.8%	6.0%	18.9%	3.3%	12.1%	0.8%
Young Offender	7,013	44.7%	6.5%	6.5%	19.4%	2.3%	20.0%	0.7%
Other adult offenders	60,358	35.8%	5.1%	5.8%	34.1%	3.4%	14.5%	1.4%
Total	69,118	37.5%	5.1%	5.8%	32.0%	3.3%	15.1%	1.3%

Table 6.4 Results of the charging process by gender and age: males

	Number of cases	Charge	Finalised by a decision	Incomplete cases	No Pros. (evidence)	No Pros. (public interest)	Others	Finalised Admin.
Persistent Young Offender	13,575	66.0%	0.3%	3.8%	10.5%	1.2%	17.6%	0.7%
Prolific Priority Offender	3,712	62.3%	0.4%	5.5%	13.0%	2.0%	15.9%	0.9%
Young Offender	36,323	45.9%	4.9%	5.9%	19.4%	1.7%	21.4%	0.8%
Other adult offenders	435,332	40.6%	3.2%	6.1%	30.1%	2.5%	15.9%	1.6%
Total	488,942	41.9%	3.2%	6.1%	28.6%	2.4%	16.3%	1.5%

7. Variations by Ethnicity

7.1 National results for ethnicity classifications used by CPS are summarised in Table 7.1. The differences by ethnicity are not as clear-cut as those by gender. In particular, the 24% of cases lacking an ethnicity classification (down from 35% in 2004-2005) had a very different set of results of the charging process than the cases in which an ethnicity classification was present. Table 7.1 shows that cases lacking an ethnicity classification were very less likely to result in a charge and much more likely to result in no prosecution on evidence or on public interest grounds. This is exactly as in 2004-5.

Table 7.1 National Results of the charging process by main ethnicity categories

	Number of Cases	Charge	Finalised by decision	Incomplete cases	No Pros (evidence)	No Pros (public interest)	Other	Admin Finalised
Asian	21,385	46.9%	2.2%	6.0%	24.8%	1.5%	17.3%	1.2%
Black	31,748	50.0%	1.9%	4.4%	18.2%	1.4%	21.7%	2.5%
Mixed	9,523	48.9%	2.3%	5.0%	18.8%	1.8%	21.5%	1.7%
Other	4,190	49.3%	2.1%	4.7%	18.5%	1.5%	21.5%	2.4%
White	356,555	46.0%	3.2%	5.5%	25.1%	2.2%	17.0%	1.0%
Not Provided	81,279	22.0%	5.1%	7.9%	47.2%	4.1%	10.6%	3.0%
Not Stated	53,904	30.2%	4.1%	8.1%	38.3%	3.4%	14.4%	1.5%
Total	558,584	41.3%	3.4%	6.0%	29.0%	2.5%	16.2%	1.5%

7.2 The main results on ethnicity are:

- There were no significant differences across different ethnic groups in the proportion of cases finalised by a charge. Cases with *Black* suspects were finalised by charge in slightly more cases (50.0%), as were cases with *Mixed* suspects (48.9%) or with *Other* suspects (49.3%). Cases with *White or Asian* suspects were similar (46%). Looking at the 16+1 classification, there were some small variations within the main categories.

- There were no significant differences across different ethnic groups in the proportion of cases finalised by a decision, although cases with suspects of *Other* (2.1%) and *Mixed* (2.3%) ethnicity were slightly lower than for *White* suspects (3.2%). There were no differences within the wider 16+1 classification.
- There were some differences by ethnicity in cases finalised by no prosecution on evidential grounds. 25.1% of cases with *White* suspects and 24.8% of cases with Asian suspects were so finalised; cases with *Black*, *Mixed* or *Other* suspects were less likely to have their cases finalised with no prosecution on evidential grounds (all significantly lower than *White* at around 18%-20%.) There were some other differences within the 16+1 categories: e.g. cases with *Other White*, *Mixed White/Black African* or *Mixed Other* suspects were much less likely to have their cases finalised with no prosecution on evidential grounds (all below 18%.)

7.3 These are summarised in Table 7.1. The very different patterns for cases where ethnicity is not provided or not available can be seen clearly. Whereas the proportion of cases that ended with a charge was over 40% for every broad ethnicity classification, it was only 22% where ethnicity was not provided and 30% where ethnicity was not stated. For all recorded ethnicity classifications cases concluded with no prosecution on evidential grounds formed around 25% or fewer: whereas 47% of cases where ethnicity was not provided ended with no prosecution on evidential grounds and 38% of cases where ethnicity was not recorded. The data available does not give any reason why this could have happened, nor is there any obvious speculation that could be made. Further investigation of this phenomenon is needed in the form of the detailed perusal of a number of case files together with discussions with

those involved in the charging and recording process. Patterns for all 16 ethnic categories are shown in Figure 7.2.

7.4 This EDIA cannot explain all these differences. However, there is some information on the offences with which people of different ethnicities were charged once the charging process had been completed. Because the offence is not recorded pre-charge, it is not possible to look at the proportion of each offence that led to a charge, incomplete case, etc. We can simply look at the patterns of charging by ethnicity and see whether this is likely to have influenced the outcome of the charging process.

Table 7.2 Offence for which different ethnicities were charged

	Number of cases	Homicide	Offences Against The Person	Sexual Offences	Burglary	Robbery	Theft and Handling	Fraud And Forgery	Criminal Damage	Drugs Offences	Public Order Offences	All Other Offences (excluding Motoring)	Motoring Offences
Asian	11,128	0.4%	32.1%	3.4%	3.1%	4.5%	13.4%	4.2%	4.7%	8.3%	8.1%	7.6%	10.2%
Black	17,454	0.5%	26.0%	2.5%	5.2%	8.4%	16.4%	4.3%	4.0%	10.3%	7.2%	7.7%	7.4%
Mixed	5,593	0.4%	29.4%	1.6%	7.6%	8.4%	16.7%	2.1%	6.5%	7.6%	7.6%	6.1%	5.9%
Other	2,327	0.3%	23.5%	3.7%	3.7%	2.4%	17.5%	8.5%	3.7%	8.9%	6.6%	14.2%	7.0%
White	194,916	0.2%	32.5%	2.6%	7.4%	2.3%	18.3%	1.1%	8.4%	5.4%	9.5%	5.5%	6.7%
Not Provided	8,567	0.6%	25.5%	2.8%	6.3%	3.4%	18.2%	2.9%	7.6%	8.5%	8.8%	7.3%	8.1%
Not Stated	19,186	0.3%	31.3%	3.1%	6.0%	2.5%	15.4%	1.9%	6.6%	6.2%	9.6%	6.9%	10.0%
Total	259,171	0.3%	31.6%	2.7%	6.9%	3.0%	17.7%	1.7%	7.7%	6.1%	9.2%	6.0%	7.2%

7.5 Table 7.2 shows the pattern of offences with which people of different ethnicities were charged. Variations can be seen but most of them are not significant. Those worth mentioning which could have influenced the result of the charging process are:

- White defendants were more likely to be charged with Burglary and less likely to be charged with Robbery or Fraud and Forgery.
- Asians were much less likely to be charged with burglary: less likely to be charged with theft or damage but much more likely to be charged with fraud.
- Black defendants were less likely to be charged with offences against the person but much more likely to be charged with drugs offences or robbery.
- Defendants of Mixed race were much more likely to be charged with robbery.
- Defendants of 'other' ethnicity were much less likely to be charged with offences against the person and burglary and much more likely to be charged with drugs offences or with fraud.

7.6 Age patterns by ethnicity have also been examined. Tables 7.3-7.6 show the ethnicity and charge breakdown for the four main age categories.

7.7 For young offenders the differences between ethnicities were similar to the situation for all offenders shown in Table 7.1

Table 7.3 Young offenders and ethnicity categories

	Number of Cases	Charge	Finalised by a decision	Incomplete cases	No Pros. (evidence)	No Pros (public interest)	Others	Admin Finalised
Asian	1,190	51.5%	3.9%	9.1%	14.3%	0.6%	20.3%	0.3%
Black	2,530	52.6%	2.5%	5.8%	11.7%	1.1%	24.9%	1.5%
Mixed	1,341	50.9%	3.5%	5.9%	11.6%	1.0%	26.5%	0.6%
Other	173	48.0%	1.7%	3.5%	15.6%	1.2%	30.1%	0.0%
White	32,610	47.3%	5.0%	5.7%	18.2%	1.7%	21.5%	0.5%
Not Provide	2,481	25.4%	9.8%	7.2%	38.5%	3.3%	12.7%	3.2%
Not Stated	3,033	34.4%	6.8%	7.5%	28.7%	3.2%	18.5%	1.0%
Total	43,358	45.7%	5.1%	6.0%	19.4%	1.8%	21.1%	0.8%

7.8 For persistent young offenders the different between ethnicities was similar to that for all offenders shown in Table 7.1

Table 7.4 Persistent young offenders and ethnicity categories

	Number of Cases	Charge	Finalised by a decision	Incomplete cases	No Pros (evidence)	No pros (public interest)	Others	Admin Finalised
Asian	165	70.9%	0.6%	2.4%	5.5%	1.2%	18.8%	0.6%
Black	566	68.2%	0.4%	3.4%	7.2%	0.7%	17.5%	2.7%
Mixed	411	64.0%	0.0%	5.1%	10.0%	1.9%	18.5%	0.5%
Other	31	64.5%	0.0%	3.2%	9.7%	3.2%	16.1%	3.2%
White	12,532	67.8%	0.2%	3.4%	9.3%	1.1%	17.7%	0.5%
Not Provide	575	42.1%	0.7%	7.8%	33.0%	3.0%	11.0%	2.4%
Not Stated	680	56.2%	0.7%	6.5%	16.2%	2.5%	17.5%	0.4%
Total	14,960	66.2%	0.2%	3.8%	10.4%	1.2%	17.5%	0.7%

7.9 For prolific priority offenders the differences between ethnicities were similar to the situation for all offences shown in table 7.1

Table 7.5 Prolific Priority offenders and ethnic categories

	Number of Cases	Charge	Finalised by a decision	Incomplete cases	No Pros (evidence)	No Pros (public interest)	Others	Admin Finalised
Asian	74	54.1%	0.0%	4.1%	24.3%	4.1%	12.2%	1.4%
Black	237	68.4%	0.0%	1.7%	4.2%	0.4%	23.6%	1.7%
Mixed	95	66.3%	0.0%	6.3%	10.5%	1.1%	14.7%	1.1%
Other	18	38.9%	0.0%	0.0%	11.1%	5.6%	38.9%	5.6%
White	3,291	63.2%	0.5%	5.5%	12.5%	2.1%	15.6%	0.7%
Not Provided	170	33.5%	1.8%	10.6%	36.5%	5.3%	10.0%	2.4%
Not Stated	192	59.4%	0.5%	7.8%	20.3%	1.0%	9.9%	1.0%
Total	4,077	61.9%	0.5%	5.5%	13.5%	2.1%	15.6%	0.9%

Table 7.6 Other adult offenders and ethnicity categories

	Number of Cases	Charge	Finalised by a decision	Incomplete cases	No pros (evidence)	No Pros (public interest)	Others	Admin Finalised
Asian	19,956	46.4%	2.1%	5.9%	25.5%	1.6%	17.2%	1.3%
Black	28,415	49.2%	1.9%	4.3%	19.1%	1.4%	21.4%	2.6%
Mixed	7,676	47.5%	2.2%	4.8%	20.7%	1.9%	20.9%	2.0%
Other	3,968	49.3%	2.1%	4.8%	18.8%	1.5%	21.1%	2.4%
White	308,122	44.8%	3.2%	5.5%	26.6%	2.3%	16.5%	1.1%
Not Provided	78,053	21.7%	5.0%	8.0%	47.6%	4.2%	10.6%	3.0%
Not Stated	49,999	29.5%	3.9%	8.2%	39.2%	3.4%	14.2%	1.5%
Total	496,189	40.0%	3.4%	6.1%	30.6%	2.6%	15.7%	1.6%

Comparisons with other studies

7.10 These national findings can be compared with previous CPS work on variations in the treatment of suspects by ethnicity. The main conclusions are that the situation is similar to that in the first EDIA (Lewis, 2005) Only limited comparisons are possible with the previous work of the work of Mhlanga (1999) and of the Gus John Partnership (2003) as both researchers looked at different aspects of the charging and court process than this EDIA and both dealt with the situation before statutory charging was introduced and were constrained by smaller samples.

7.11 **Mhlanga**, (Mhlanga (1999), Barclay & Mhlanga (2000)) looked at CPS decisions in a study of 6,100 cases of young defendants during September and October 1996. He found termination on grounds of insufficiency of evidence was more common for minority than White defendants. The results of the current EDIA show the position to be reversed.

7.12 **The Gus John Partnership** (2003) analysed the charging process in a sample of areas with regard to offence group. They found a number of different patterns by offences and ethnicity: e.g. that half of all men, but two-thirds of all White and Afro-Caribbean women received a dishonesty charge: and that a grievous bodily harm charge was twice as common among White male suspects as among Afro-Caribbean suspects. As far as the charging process is concerned, Gus John found that percentage differences between ethnic groups were too small to be statistically significant but there was a tendency for NFA on evidential and public interest grounds to be more common for Afro-Caribbean suspects than those from other ethnic groups.

7.13 The current and earlier EDIA are in some ways complementary to the two previous studies. The coming of COMPASS means that EDIAs now benefit from large-scale data analyses not possible earlier.

8. Variations by Age

8.1 One of the comments made on the first EDIA (Lewis, 2005) was that the analyses took no account of age. At present there is no formal requirement to collate and record age data. However the CPS has been able to address this concern to a limited extent, by making available spreadsheets from COMPASS analysed by the following four categories:

- Young offenders (YOs) those under 18 at the time of their offence
- Persistent Young offenders (PYOs) those previously sentenced for 3+ offences¹¹
- Prolific Priority offenders (PPOs) offenders, including adults, selected for special attention as part of the small group responsible for a disproportionate amount of all crime.
- Other adult offenders

8.2 From the 560,000 total cases around 43,000 were young offenders, 15,000 persistent young offenders, and 4,100 prolific priority offenders: the rest, 496,000 or nearly 90% were other adult offenders. (Figure 8.1) The relatively small percentage of the total CPS case-load

¹¹ A persistent young offender is a young person aged 10-17 years who has been sentenced by any criminal court in the UK on three or more occasions for one or more recordable offences and within three years of the last sentencing occasion is subsequently arrested or has an information laid against him for further recordable offence. See <http://www.crimereduction.gov.uk/toolkits/py020101.htm>.

who were under 18 reflects the fact that, mainly through the work of the Youth Justice Board, most young offenders are dealt with by diversion from the court system¹².

Table 8.1 Result of charging process by age group: national

	Number of Cases	Charge	Finalised by a decision	Incomplete cases	No Pros (evidence)	No Pros (public interest)	Other	Admin Finalised
Young Offender	43,358	45.7%	5.1%	6.0%	19.4%	1.8%	21.1%	0.8%
Persistent Young Offender	14,960	66.2%	0.2%	3.8%	10.4%	1.2%	17.5%	0.7%
Prolific Priority Offender	4,077	61.9%	0.5%	5.5%	13.5%	2.1%	15.6%	0.9%
Other Adult Offenders	496,189	40.0%	3.4%	6.1%	30.6%	2.6%	15.7%	1.6%
Number of Cases	558,584	230,880	19,112	33,667	162,166	14,099	90,453	8,207

8.3 Table 8.1 summarises the results of the charging process for these 4 categories. There is considerable variation. The percentage charged was around 66% for persistent young offenders and 62% for prolific priority offenders. This would be expected for these categories, who are known to be offenders and for whom the evidence base is likely to be much stronger. Few of these two groups had their case finalised by a caution, or because of lack of evidence.

The differences between young offenders and other adults is of more interest, as there is no selection for these categories apart from age. Young offenders are significantly more likely (45.7%) to be charged than adults (40.0%) and much less likely to have no prosecution on evidence grounds (19.4% against 30.6%).

¹² For a summary of the processes involved and the statistics of all pre-court decisions see the YJB annual statistics at <http://www.yjb.gov.uk/publications/Scripts/prodView.asp?idproduct=325&eP=>

Table 8.2 Results of the charging process by gender and age: females

	Number of cases	Charge	Finalised by a decision	Incomplete cases	No Pros (evidence)	No Pros (public interest)	Other	Finalised Admin.
Young Offenders	7,013	44.7%	6.5%	6.5%	19.4%	2.3%	20.0%	0.7%
Persistent Young Offender	1,382	68.7%	0.2%	3.0%	9.3%	1.9%	16.1%	0.7%
Prolific Priority Offender	365	15.3%	0.2%	1.6%	5.0%	0.9%	3.2%	0.2%
Other Adult offenders	60,358	35.8%	5.1%	5.8%	34.1%	3.4%	14.5%	1.4%
Total	69,118	37.5%	5.1%	5.8%	32.0%	3.3%	15.1%	1.3%

Table 8.3 Results of the charging process by gender and age: males

	Number of cases	Charge	Finalised by a decision	Incomplete cases	No Pros (evidence)	No Pros (public interest)	Other	Finalised Admin.
Young Offender	36,323	45.9%	4.9%	5.9%	19.4%	1.7%	21.4%	0.8%
Persistent Young Offender	13,575	66.0%	0.3%	3.8%	10.5%	1.2%	17.6%	0.7%
Prolific Priority Offender	3,712	62.3%	0.4%	5.5%	13.0%	2.0%	15.9%	0.9%
Other adult offenders	435,332	40.6%	3.2%	6.1%	30.1%	2.5%	15.9%	1.6%
Total	488,942	41.9%	3.2%	6.1%	28.6%	2.4%	16.3%	1.5%

8.4 The pattern is similar by age (Tables 8.2, 8.3) However, there is a consistent pattern for females in that a higher proportion of persistent girl young offenders were charged than persistent boy young offenders, with fewer cases of no prosecution on evidence grounds. The position is reversed for prolific priority offenders with boys being more likely to be charged than girls.

8.5 Most of these differences are not easily explained. However Table 8.4 gives offences with which the four age categories were charged. There are considerable differences between the four age categories:

- Prolific priority offenders are those who are more likely to be charged with burglary or theft and less likely to be charged with offences against the person.
- Persistent young offenders are more likely to be charged with burglary and theft and less likely to be charged with offences against the person.
- Young offenders are more likely than the above two categories to be charged with offences against the person and robbery and less likely to be charged with drug offences and theft.

These differences in offences are likely to impact on the result of the charging process.

Table 8.4 Pattern of offences for which different age categories were charged

	Number of Cases	Homicide	Offences Against The Person	Sexual Offences	Burglary	Robbery	Theft And Handling	Fraud And Forgery	Criminal Damage	Drugs Offences	Public Order Offences	All Other Offences (excluding Motoring)	Motoring Offences
Young Offender	27,028	0.1%	30.0%	1.7%	9.1%	7.1%	17.3%	0.4%	11.2%	2.7%	10.1%	5.0%	5.2%
Prolific Priority Offender	3,271	0.1%	17.9%	1.3%	14.6%	4.2%	30.9%	0.7%	5.5%	4.7%	6.9%	5.7%	7.5%
Persistent Young Offender	11,930	0.1%	20.7%	0.6%	11.1%	5.1%	23.1%	0.4%	12.4%	3.3%	10.6%	6.9%	5.7%
Other adult offenders	216,942	0.3%	32.6%	2.9%	6.3%	2.4%	17.3%	1.9%	7.0%	6.7%	9.0%	6.1%	7.5%
Total	259,171	0.3%	31.6%	2.7%	6.9%	3.0%	17.7%	1.7%	7.7%	6.1%	9.2%	6.0%	7.2%

9. Analysis of charging process for domestic violence

9.1 For the first time in this EDIA, results of the charging process for hate crimes of domestic violence, homophobic crime and racist and religious crime have been included¹³. These show the results of the pre-charge process and do not show whether those cases prosecuted have resulted in a finding of guilt, or the sentence imposed.

¹³ The definitions used for hate crimes are:

Race Hate Crime: The Stephen Lawrence Inquiry Report (recommendation 12) defines a racist incident as "any incident which is perceived to be racist by the victim or any other person".

Religious Hate Crime: "Any incident which is perceived to be based upon prejudice towards or hatred of the faith of the victim or so perceived by the victim or any other person."

Homophobic Hate Crime: "Any incident which is perceived to be homophobic by the victim or any other person of any other person".

Domestic Violence: "Any criminal offence of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality."¹³

9.2 Table 9.1 shows the results for domestic violence by gender. Of the 45,700 cases, the vast majority, 42,100 (92%) had male defendants and 3,600 female (8%). A charge was imposed in 52.8% of male cases but only 35.7% of female ones. Conversely, there was no prosecution on evidence grounds in 21% of male cases but 37% of female ones: and there was no prosecution in the public interest in 1.6% of male cases and 4.2% of female ones.

Table 9.1 Charging results for domestic violence by gender

	Number of Cases	Charge	Finalised by a decision	Incomplete cases	No pros (evidence)	No Pros (public interest)	Other	Admin Finalised
Female	3,582	35.7%	6.6%	2.9%	36.8%	4.2%	13.4%	0.4%
Male	42,146	52.8%	2.8%	3.4%	21.4%	1.6%	17.6%	0.5%
Total	45,731	51.4%	3.1%	3.3%	22.6%	1.8%	17.3%	0.5%
Number of Cases	45,731	23,527	1,398	1517	10,318	838	7,889	244

9.3 The position by ethnicity is shown in Table 9.2 and varies considerably.

- For **Asian** suspects, a higher number of cases lead to a charge (56% compared with an average of 51%)
- For **Black** suspects, a much lower number of cases ended with no prosecution on evidential grounds and a much higher number of cases ended in ‘Other’ results (25% compared with 17%)
- For **Mixed ethnicity** suspects there was a higher charge rate (56% compared with 51%) and a lower rate of no prosecution on evidence grounds (17% compared with 23%)
- The Highest charge rate was for suspects of ‘**other**’ ethnicities.

Table 9.2 Charging results for domestic violence by ethnicity

	Number of Cases	Charge	Finalised by a decision	Incomplete cases	No Pros. (evidence)	No Pros. (public interest)	Other	Admin Finalised
Asian	2,357	56.2%	2.1%	2.9%	19.1%	1.4%	17.8%	0.5%
Black	2,644	53.3%	1.9%	2.7%	14.8%	1.4%	25.1%	0.9%
Mixed	645	56.0%	2.2%	2.0%	16.6%	1.4%	20.8%	1.1%
Not Provided	3,210	22.2%	6.5%	4.3%	51.6%	4.2%	9.4%	1.9%
Not Stated	2,896	38.9%	4.0%	4.2%	34.5%	2.9%	15.3%	0.3%
Other	286	57.7%	3.1%	3.5%	16.1%	0.7%	18.2%	0.7%
White	33,693	54.7%	2.8%	3.3%	19.8%	1.6%	17.4%	0.4%
Total	45,731	51.4%	3.1%	3.3%	22.6%	1.8%	17.3%	0.5%

9.4 Results by age category are shown in table 9.3.

- For **Young offenders**, charges were made in about the same number of cases as for other adults, but the likelihood of ‘other’ outcome was higher (20% compared with 17%)
- For **persistent young offenders** the charge rate was very much higher at 78%, and the rate of no prosecutions on evidence grounds very much lower (8% compared to 23%)
- For **prolific priority offenders** the charge rate was also much higher, at 70% and the rate of no prosecutions was much lower.

Table 9.3 Charging results for domestic violence by age category

	Number of Cases	Charge	Finalised by a decision	Incomplete cases	No Pros. (evidence)	No Pros. (public interest)	Other	Admin Finalised
Young Offender	659	52.7%	4.9%	3.3%	15.6%	3.2%	20.2%	0.2%
Persistent Young Offender	258	77.9%	0.0%	0.8%	7.8%	1.2%	12.0%	0.4%
Prolific Priority Offender	227	69.6%	0.9%	1.8%	10.6%	0.0%	16.3%	0.9%
Other adult offenders	44,587	51.2%	3.1%	3.3%	22.8%	1.8%	17.2%	0.5%
Total	45,731	51.4%	3.1%	3.3%	22.6%	1.8%	17.3%	0.5%

10. Analysis of charging process for homophobic crime

10.1 The number of cases of homophobic crime was small: there were only 527 such cases recorded during the whole year. Most of these (88%) were for male defendants. There were some differences by gender: female suspects were more likely to be charged (59% compared with 53%) or finalized by a decision such as a caution (6% compared with 1%): male suspects were more likely to have incomplete cases (5% compared to 1.5%) or have an ‘other’ result (20% compared with 11%) (see Table 10.1).

Table 10.1 Charging results for homophobic crime by gender

	Number of Cases	Charge	Finalised by a decision	Incomplete cases	No Pros. (evidence)	No Pros. (public interest)	Others	Admin Finalised
Female	65	58.5%	6.2%	1.5%	18.5%	1.5%	10.8%	3.1%
Male	462	53.2%	1.1%	4.8%	19.9%	0.6%	19.5%	0.9%
Total	527	53.9%	1.7%	4.4%	19.7%	0.8%	18.4%	1.1%
Number of Cases	527	284	9	23	104	4	97	6

10.2 Results for homophobic crime by ethnicity are too small in number for any significance to be read into the charging differences. Table 10.2 shows very small numbers of such cases for non-white suspects (only 32 out of the 527 cases recorded.)

Table 10.2 Charging results for homophobic crime by ethnicity

	Number of Cases	Charge	Finalised by a decision	Incomplete cases	No Pros. (evidence)	No Pros. (public interest)	Others	Admin Finalised
Asian	8	62.5%	0.0%	0.0%	25.0%	0.0%	12.5%	0.0%
Black	9	66.7%	0.0%	0.0%	0.0%	0.0%	33.3%	0.0%
Mixed	11	45.5%	0.0%	0.0%	9.1%	0.0%	36.4%	9.1%
Not Provided	37	27.0%	0.0%	10.8%	48.6%	0.0%	10.8%	2.7%
Not Stated	36	47.2%	0.0%	8.3%	16.7%	0.0%	27.8%	0.0%
Other	4	50.0%	0.0%	0.0%	25.0%	0.0%	25.0%	0.0%
White	422	56.6%	2.1%	3.8%	18.0%	0.9%	17.5%	0.9%
Total	527	53.9%	1.7%	4.4%	19.7%	0.8%	18.4%	1.1%

10.3 Table 10.3 shows the patterns by age classification for homophobic crime. There are considerable differences, although, in the case of prolific priority offenders these are not significant because of small numbers.

- Young offenders were less likely to be charged and much more likely to have an ‘other’ result. (27% compared with 17%).
- Persistent young offenders were very much more likely to be charged (76% compared with 54%): more likely to have incomplete cases (10% compared to 4%) and much less likely not to be prosecuted on evidence grounds (10% compared with 20%).
- Prolific priority offenders were much more likely to be charged (nearly 90%) but there were small numbers involved and this is not significant.

Table 10.3 Charging results for homophobic crime by age category

	Number of Cases	Charge	Finalised by a decision	Incomplete cases	No Pros. (evidence)	No pros (public interest)	Others	Admin Finalised
Young Offender	85	47.1%	3.5%	3.5%	15.3%	1.2%	27.1%	2.4%
Persistent Young Offender	21	76.2%	0.0%	9.5%	9.5%	0.0%	4.8%	0.0%
Prolific Priority Offender	9	88.9%	0.0%	0.0%	0.0%	0.0%	11.1%	0.0%
Other adult offenders	412	53.4%	1.5%	4.4%	21.6%	0.7%	17.5%	1.0%
Total	527	53.9%	1.7%	4.4%	19.7%	0.8%	18.4%	1.1%

11. Analysis of Charging process for racist and religious crime

11.1 There were a large number of cases of racist and religious crime, just over 8,300, of which around 17% were female and 83% male. There were only slight differences in the charging results by gender, with females more likely to have no prosecution on

evidential grounds (20% compared to 17%) and males more likely to have an ‘other’ result (18.7% compared to 15.1%).

Table 11.1 Charging results for race and religious crime by gender

	Number of Cases	Charge	Finalised by a decision	Incomplete cases	No Pros. (evidence)	No Pros. (public interest)	Other	Admin Finalised
Female	1,369	52.3%	3.2%	5.9%	20.2%	1.9%	15.1%	1.4%
Male	6,961	55.0%	2.2%	5.5%	16.8%	1.1%	18.7%	0.8%
Total	8,334	54.5%	2.4%	5.6%	17.4%	1.2%	18.1%	0.9%
Number of Cases	8,334	4,545	199	463	1,446	101	1,508	72

11.2 Table 11.2 shows the results for race and religious crime by ethnicity. Of the 8,300 cases: around three quarters were White; 5% were Asian suspects: 3.5% were Black: 1.5% were Mixed Race: and less than 1 % were of ‘Other’ ethnicity. There were a lot of differences in the charging patterns:

- **White suspects** account for around 75% of suspects charged with racist and religious crime
- **Asian suspects** were less likely to be charged (49% compared with 55%) and more likely to have no prosecution on evidence grounds (24% compared with 17%)
- The pattern for **Black suspects** was similar to that for **White suspects**
- The patter for suspects of **Mixed race** was similar to the average.
- Suspects of **‘Other’ ethnicity** were as likely to be charged as **White suspects**, much less likely to have incomplete cases and more likely to have an ‘Other’ result.

Table 11.2 Charging results for race and religious crime by ethnicity¹⁴

	Number of Cases	Charge	Finalised by a decision	Incomplete cases	No Pros. (evidence)	No Pros. (public interest)	Other	Admin Finalised
Asian	414	48.8%	1.0%	7.5%	24.4%	1.0%	16.7%	0.7%
Black	285	58.6%	2.5%	4.9%	13.7%	1.8%	16.5%	2.1%
Mixed	124	53.2%	1.6%	5.6%	17.7%	2.4%	19.4%	0.0%
Not Provide	702	29.9%	4.6%	6.7%	40.0%	1.6%	14.2%	3.0%
Not Stated	611	45.3%	3.3%	7.9%	25.5%	1.1%	16.5%	0.3%
Other	46	58.7%	0.0%	2.2%	13.0%	0.0%	23.9%	2.2%
White	6,147	58.5%	2.2%	5.1%	13.6%	1.2%	18.8%	0.6%
Total	8,329	54.6%	2.4%	5.6%	17.3%	1.2%	18.1%	0.9%

¹⁴ Excluding 5 cases not classified in Lancashire.

11.3 Table 11.3 shows results for race and religious crime by the age category: 14% of the cases were young offenders: 3% of cases were persistent young offenders and less than 1% was prolific priority offenders: Over 80% of all cases were ‘other’ adult offenders.

- Charging patterns were similar for **young offenders** to the average, with slightly more incomplete cases.
- **Persistent young offenders** were more likely to be charged (64% compared to 55%) and much less likely to have no prosecution on evidence grounds (8% compared to 17%)
- **Prolific priority offenders** were more likely to be charged (59% compared with 55%), more likely to have incomplete cases (10% compared to 6%) and much less likely to have no prosecution on evidence grounds (8% compared to 17%): however, they were also much more likely to have no prosecution on public interest grounds (4% compared to 1%).

Table 11.3 Charging results for race and religious crime by age breakdown¹⁵

	Number of Cases	Charge	Finalised by a decision	Incomplete cases	No Pros (evidence)	No Pros (public interest)	Other	Admin Finalised
Young Offenders	1,137	53.8%	3.7%	8.3%	15.2%	0.7%	18.0%	0.3%
Persistent Young Offenders	263	64.3%	0.0%	6.5%	7.6%	0.4%	21.3%	0.0%
Prolific Priority Offenders	49	59.2%	0.0%	10.2%	8.2%	4.1%	18.4%	0.0%
Other adult offenders	6,885	54.2%	2.3%	5.0%	18.1%	1.3%	18.0%	1.0%
Total	8,334	54.5%	2.4%	5.6%	17.4%	1.2%	18.1%	0.9%

12. Analysis of the charging process for gender and ethnicity together

12.1 This section looks at combinations of variables not previously covered. Tables 12.1 and 12.2 show how the charging of female and male suspects varies by ethnic background, using the 16+1 ethnicity classifications. In 24.8% of male cases and 19.6% of female cases ethnicity was not recorded. The variation in charging decision was much greater for female cases, mainly because of the smaller numbers of females in several ethnic classifications.

¹⁵ Including 5 cases not classified in Lancashire

Table 12.1 Results of the charging process by main ethnicity categories: female cases

Ethnicity class'n	N8umber of Cases	Charge	Finalised by decision	Incomplete cases	No Pros (evidence)	No Pros (public interest)	Other	Admin Finalised
A1 – Indian	345	36.2%	4.6%	6.1%	32.2%	2.6%	17.7%	0.6%
A2 - Pakistani	374	33.7%	2.7%	7.0%	42.2%	2.7%	11.2%	0.5%
A3 - Bangladeshi	65	41.5%	4.6%	6.2%	27.7%	6.2%	12.3%	1.5%
A9 - Any Other Asian	316	43.7%	3.2%	6.0%	25.3%	3.5%	15.8%	2.5%
B1 - Caribbean	1,715	46.7%	3.7%	4.8%	22.7%	2.1%	18.3%	1.7%
B2 – African	918	51.4%	3.3%	3.8%	21.1%	0.4%	18.7%	1.2%
B9 - Any Other Black	571	50.8%	2.1%	4.9%	18.7%	2.1%	18.9%	2.5%
B - Black or Black British	11	45.5%	0.0%	18.2%	27.3%	0.0%	0.0%	9.1%
M1 - White and Black Caribbean	756	48.5%	3.6%	5.0%	20.2%	1.9%	20.5%	0.3%
M2 - White and Black African	119	41.2%	3.4%	8.4%	15.1%	2.5%	25.2%	4.2%
M3 - White and Asian	126	42.1%	5.6%	5.6%	26.2%	3.2%	17.5%	0.0%
M9 - Any Other Mixed	280	42.9%	2.1%	7.1%	23.6%	3.6%	18.6%	2.1%
NP - Not Provided	6,993	17.2%	6.5%	7.5%	49.7%	5.3%	11.3%	2.5%
NS - Not Stated	6,531	25.1%	5.8%	7.4%	42.0%	4.6%	13.7%	1.4%
O1 – Chinese	173	65.3%	3.5%	2.9%	18.5%	2.3%	4.6%	2.9%
O9 - Any Other Ethnic Group	239	42.3%	3.8%	6.7%	20.9%	2.5%	19.7%	4.2%
W1 – British	48,088	40.7%	5.0%	5.4%	29.5%	3.0%	15.3%	1.0%
W2 – Irish	426	50.5%	3.8%	5.4%	20.7%	2.1%	16.2%	1.4%
W9 - Any Other White Background	1,040	44.0%	3.8%	4.2%	21.6%	2.6%	22.2%	1.5%
W – White	31	32.3%	0.0%	12.9%	41.9%	3.2%	3.2%	6.5%
Total	69,118	37.5%	5.1%	5.8%	32.0%	3.3%	15.1%	1.3%

12.2 There is considerable variation in the different patterns of charging for females by ethnic category. Much of this is due to the small numbers involved, although the categories with fewer than 50 cases have been merged into the appropriate ‘other’ category. On average 40.7% of White British females were charged compared with 33.7% of Pakistani females, 42.9% for Mixed ‘other’ females, 48.5% for Black Caribbean females and 50.5% for White Irish females. In this case differences of about 8% with the White British category are significant, so that issues needing further consideration are why Pakistani females have such a low charge rate and why White Irish Females have such a high rate: the first additional aspect to consider would be whether the offence of which these females were suspected varied by ethnic classification.

12.3 In a similar fashion, the proportion of females for whom no further action on evidence grounds was taken also varied. This was around 29.5% for White British females, as low as

23.6% for Mixed (Other) females and 25.3% for those classified as Asian (other): but as high as 42.2% for Pakistani Females. The reasons are likely to be similar to be a mirror image of those discussed above.

12.4 There is also considerable variation in the proportion whose cases were finalised by a decision such as a caution or a final warning. This varied significantly from 2.1% for Black (Other) females to 3.6% for Black Caribbean females and is an issue that should be considered further when further data such as offence for which suspected is available.

Table 12.2 Results of the charging process by main ethnicity categories: Male cases

Ethnic Class'n	Number of Cases	Charge	Finalised by decision	Incomplete cases	No Pros (evidence)	No Pros (public interest)	Other	Admin Finalised
A1 – Indian	4,853	45.8%	2.5%	6.1%	26.0%	1.7%	16.6%	1.3%
A2 - Pakistani	8,254	47.3%	1.9%	6.1%	25.7%	1.4%	16.5%	1.2%
A3 - Bangladeshi	2,230	49.0%	1.7%	5.6%	19.1%	1.1%	22.0%	1.4%
A9 - Any Other Asian	4,902	48.7%	2.2%	6.0%	22.4%	1.5%	18.0%	1.2%
B1 - Caribbean	15,682	51.2%	1.5%	4.4%	18.1%	1.4%	20.8%	2.6%
B2 - African	7,939	48.3%	2.1%	4.0%	17.3%	1.2%	24.4%	2.7%
B9 - Any Other Black	4,881	49.5%	1.7%	5.0%	17.7%	1.2%	22.3%	2.6%
B - Black or Black British	18	50.0%	0.0%	16.7%	16.7%	11.1%	0.0%	5.6%
M1 - White and Black Caribbean	4,583	50.6%	1.9%	4.7%	17.0%	1.5%	22.2%	2.0%
M2 - White and Black African	955	45.9%	2.5%	4.6%	18.4%	2.2%	24.4%	2.0%
M3 - White and Asian	978	48.5%	2.5%	5.0%	22.5%	1.7%	18.5%	1.3%
M9 - Any Other Mixed	1,717	48.3%	2.3%	5.4%	20.2%	1.7%	20.7%	1.5%
NP - Not Provided	74,119	22.4%	5.0%	8.0%	47.0%	4.0%	10.5%	3.0%
NS - Not Stated	47,136	31.0%	3.8%	8.2%	37.7%	3.3%	14.5%	1.5%
O1 - Chinese	873	52.9%	1.9%	4.2%	17.6%	1.1%	18.6%	3.6%
O9 - Any Other Ethnic Group	2,896	48.0%	1.9%	4.8%	18.6%	1.5%	23.3%	1.8%
W1 - British	295,337	46.9%	2.9%	5.5%	24.6%	2.1%	17.0%	1.0%
W2 – Irish	2,823	49.8%	2.1%	4.5%	19.7%	1.4%	21.0%	1.5%
W9 - Any Other White Background	8,568	45.6%	2.7%	4.4%	19.5%	1.5%	24.4%	1.8%
W – White	157	31.8%	2.5%	33.1%	21.7%	2.5%	5.7%	2.5%
Total	488,943	41.9%	3.2%	28.6%	6.1%	2.4%	16.3%	1.5%

12.5 The variations in proportions of males, by ethnicity, were less than those for female, mainly because of the larger numbers involved. 46.9% of White British Males had their cases concluded by a charge, and this varied from 52.9% for Chinese males to 50.6% for males of mixed ethnicity (White/Black Caribbean) The result for Chinese males was significantly below that for White British males and would merit further investigation of offence and age of suspect: the result for males of mixed ethnicity (White/Black Caribbean) was not quite significant.

12.6 There was no significant variation in the proportion of cases finalised by a decision such as a caution or a final warning, but those cases finalised with No Further Action on evidence grounds varied from 17.8% for Males of Mixed ethnicity (White/Black African) to 29% for Indian males. Again reasons for this variation would need investigating and would probably be a mirror image of those mentioned above.

13. Suggestions for future publications on diversity

13.1 Now that the Statutory Charging process has been rolled out and functioning as core business it is important that statistics on the charging process and an EDIA should also be routinely made available for public discussion. The request for more data to be published by the CPS has also been made recently by the recent report of the House of Commons Home Affairs Committee (HASC, 2007). The details will depend on the continuing quality of data from COMPASS, and, broadly speaking, it seems sensible that the statistics should be published on an annual basis. An independent equality impact assessment should also be conducted routinely: perhaps annually or every two years.

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Chris Lewis
University of Portsmouth

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EQUALITY AND DIVERSITY IMPACT ASSESSMENT OF CPS STATUTORY CHARGING: ENGLAND AND WALES: APRIL 2005-MARCH 2006

ANNEX A - NATIONAL CHARTS

Figure 6.1 National result of charging process by gender 2005-6: Percentages

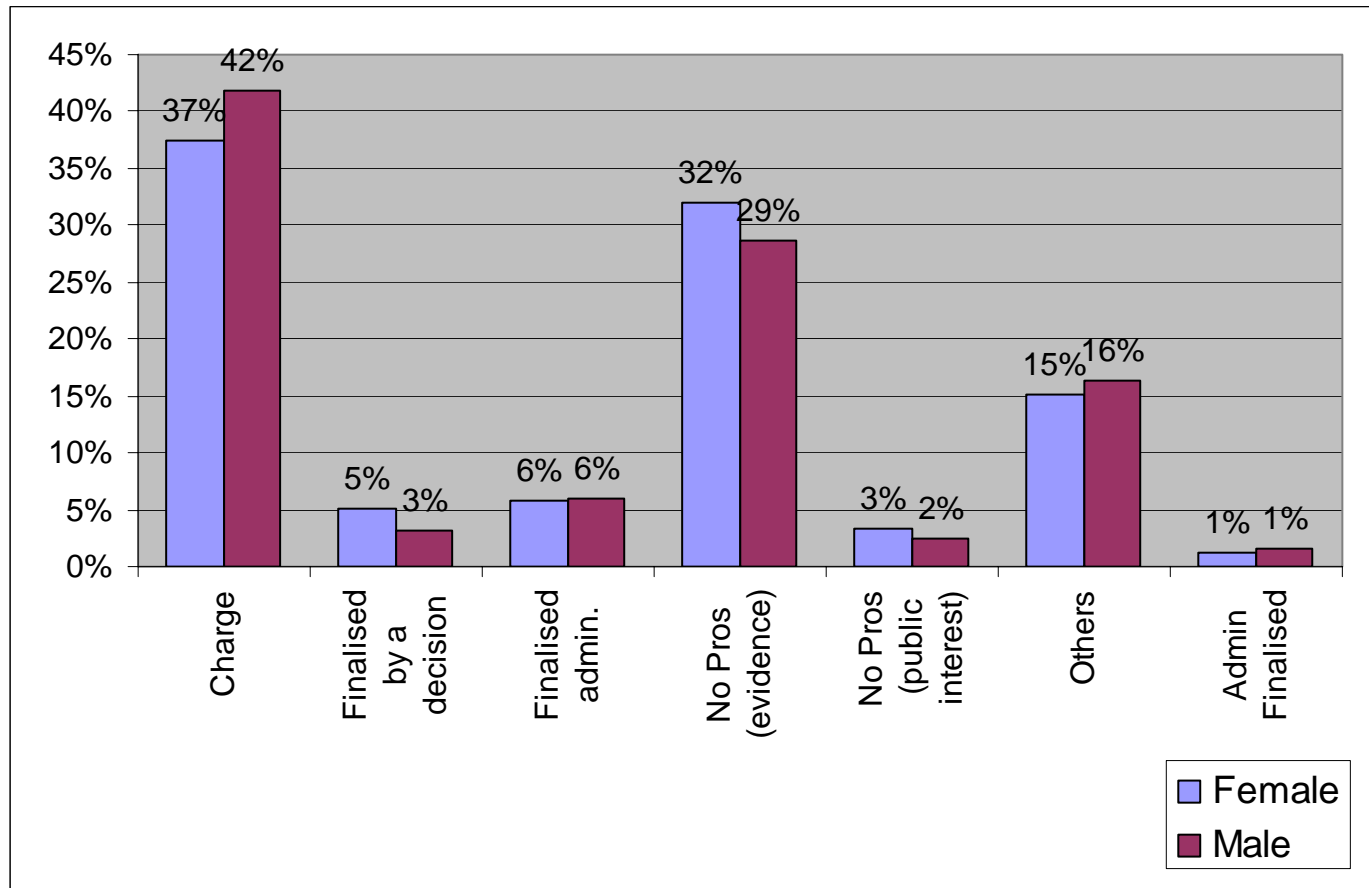


Figure 7.1 Result of charging process by main ethnicity group: Percentages of cases finalised

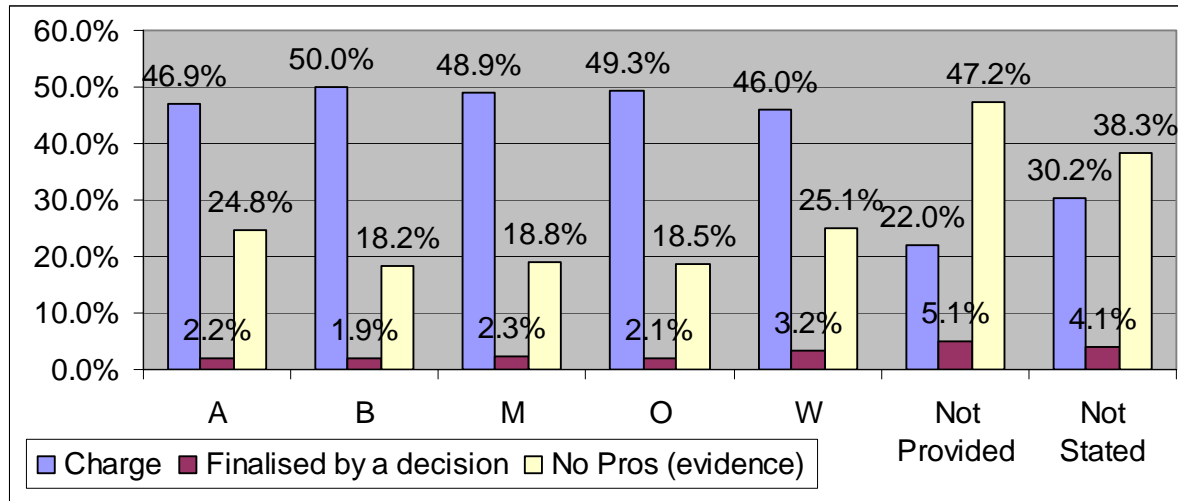
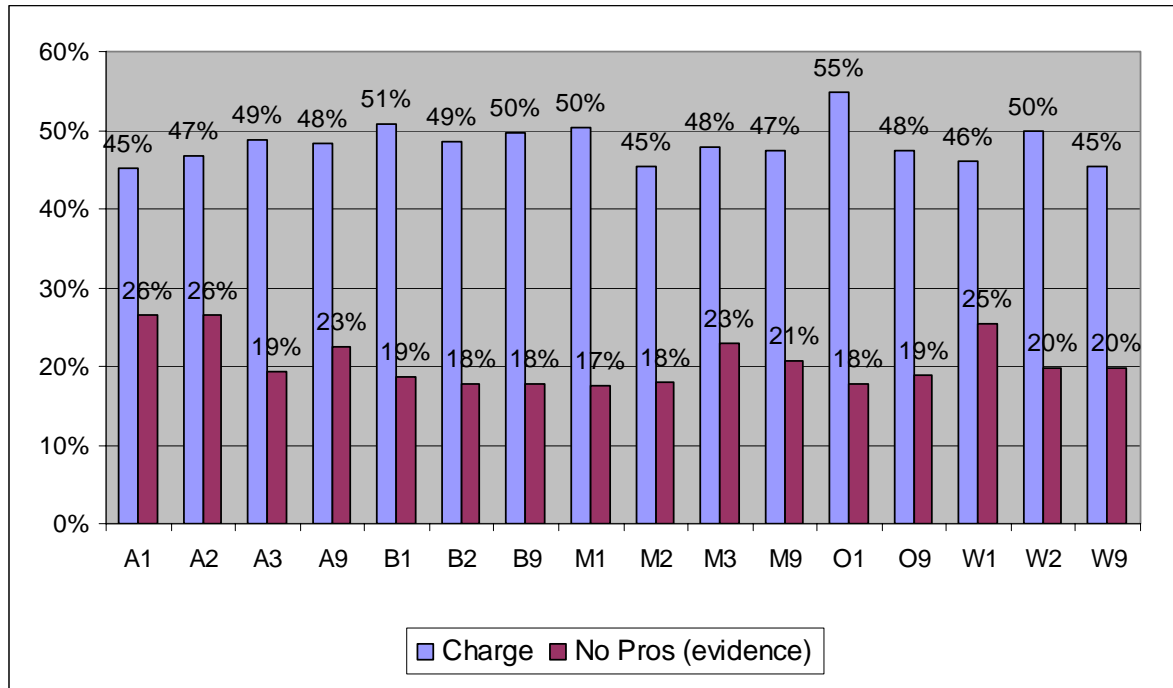


Figure 7.2 Charging process by 16 ethnicity categories¹⁶: Percentages of cases finalised



¹⁶ The coding of the categories is as follows: W1 – White British: W2 – White Irish: W9 – White Other: A1 – Indian: A2 – Pakistani: A3 – Bangladeshi: A9 – Other Asian: B1 – Black Caribbean: B2 – Black African: B9 – Black Other: M1- Mixed White/ Black Caribbean: M2 – Mixed White Black African: M3 – Mixed White/Asian: M9 – Mixed Other: O1 – Chinese: O9 – Any Other.

Figure 8.1 Variations in the charging process by age group

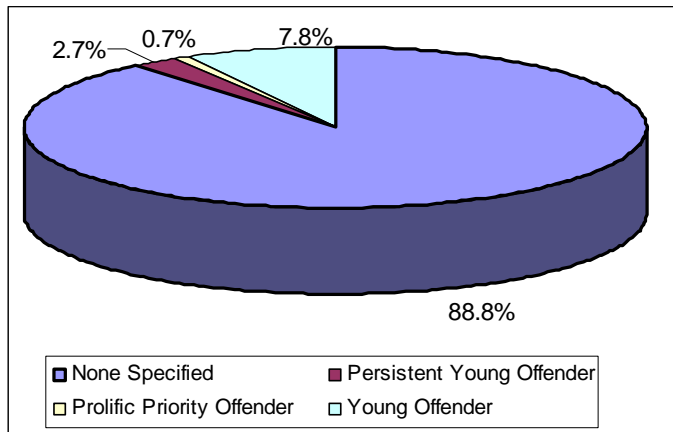


Figure 8.2 Result of charging process by age group: national

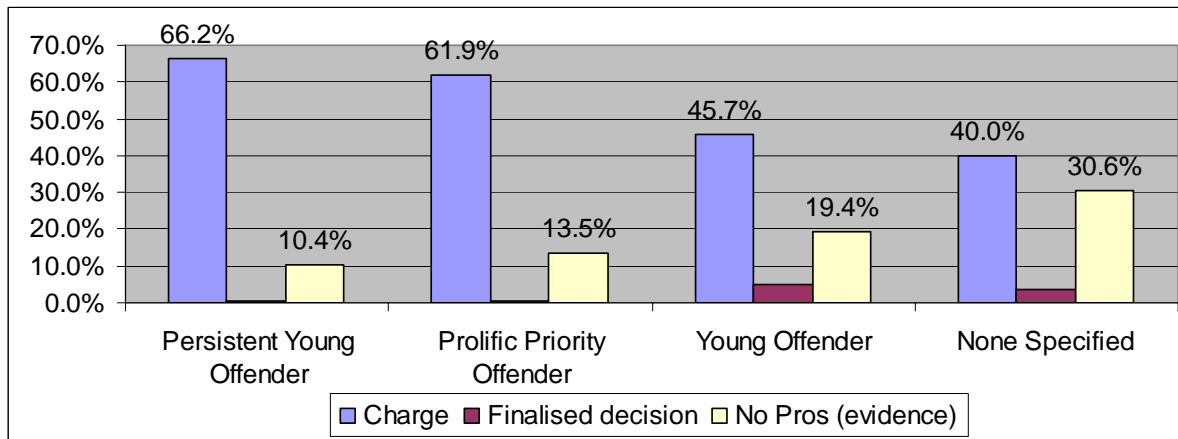


Figure 12.1 Results of the charging process by main ethnicity categories: Females

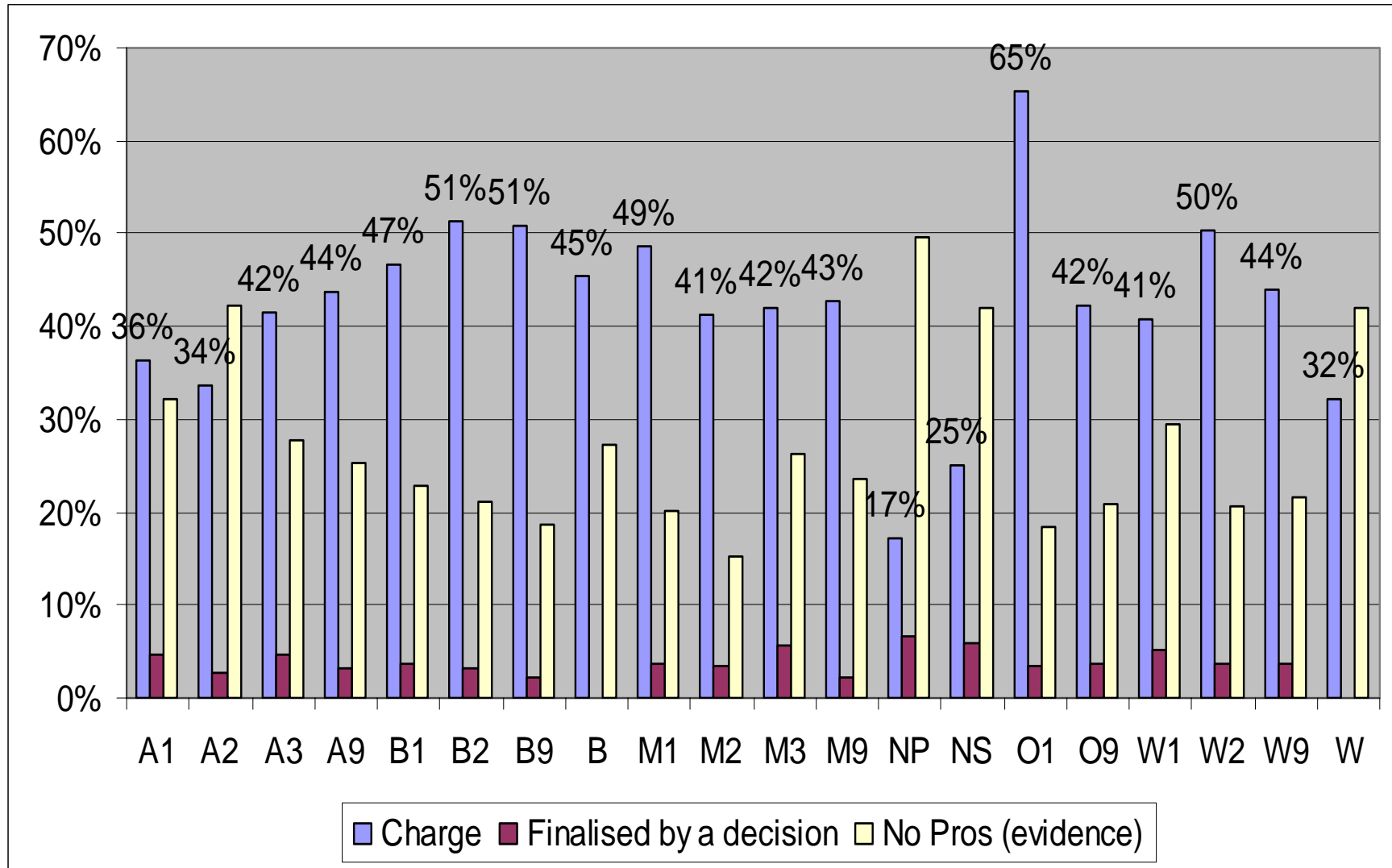
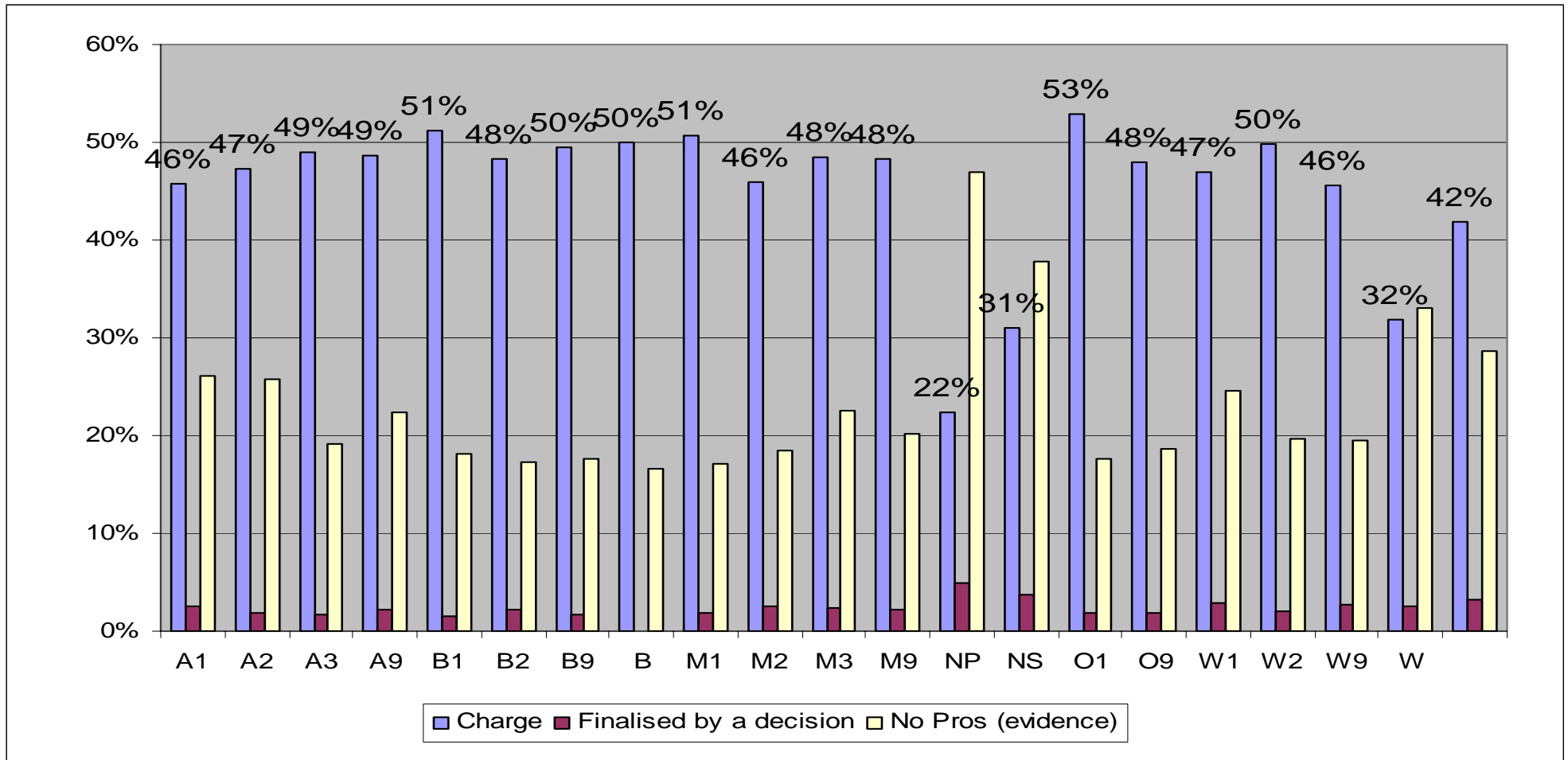


Figure 12.2 Results of the charging process by main ethnicity categories: Males



EQUALITY AND DIVERSITY IMPACT ASSESSMENT OF CPS STATUTORY CHARGING: ENGLAND AND WALES: APRIL 2005-MARCH 2006

ANNEX B: SUMMARY OF THE STATISTICAL PROCESS

1. The data set on which this statistical analysis was based is drawn from the CPS case management system COMPASS records for April 2005 to March 2006. This totalled over 500,000 records and consisted of several EXCEL spreadsheets listing cases by gender, age, ethnic coding (using the 2001 Census 16+1 classification), CPS area, offence, the result of the charging process. Separate spreadsheets were made available for homophobic crimes, domestic violence, and racial and religious hatred covering the period April 2005 to March 2006.

2. Of the 560,000 cases around 230,000 were resulted in a charge: 19,000 finalised through a decision such as a caution or a final warning: 33,600 were incomplete cases: 162,000 had No prosecution on evidence grounds and 14,100 on public interest grounds: 8,200 cases were finalised administratively. In 90,400 cases, about one-sixth of all cases, the result of the charging process was not available, which shows the need for the CPS recording process to be tightened up.

3. Of the 560,000 cases, around 489,000 were recorded as male and 69,100 as female. This 8 to 1 ratio is about the same as other statistics around the court stage of the criminal justice process. 356,600 were Classified as White: 21,400 as Asian: 31,800 as Black: 9,500 as Mixed: 4,200 as 'Other'. Ethnicity was not provided in 81,000 cases and not stated in 54,000 cases. Of the 560,000 cases, most, 496,000 were classified as Adult (other): 43,400 as Young offenders: 15,000 as persistent young offenders: and 4,100 as prolific priority offenders. 500 cases of homophobic offences were recorded: 43,000 cases of domestic violence and 8,300 cases of racial or religious hatred.

4. The data quality of the gender recorded on COMPASS was excellent, with under 1% of cases not having gender recorded. The data quality of ethnicity recorded was less complete, with 14% of records showing 'ethnicity not provided' by the suspect and 9% of records showing 'ethnicity not available'. This is a considerable improvement from the last EDIA when the figures were 18% and 14% respectively. The data quality of the result of the charging process was quite good, with 16% of records showing the result of the charging process being 'other', 'not given or' undefined'. This is slightly worse than the situation from the first EDIA. The main statistical analysis essentially ignores the missing data, or, to put it another way, assumes that the missing data are distributed in the same way as the data for which the variable is present.

5. The data set made available for analysis did not include variables such as criminal history and disability which are claimed by some commentators regard as being important predictors of the result of the charging process. However it should be noted that criminal history is not recorded on the COMPASS system. Disability recording was also not a requirement during the period of this data study. CPS systems do now record disability.

6. The analysis was straightforward and showed the proportion of cases of a particular gender, ethnicity classification or gender/ethnicity cross classification, where the charging process resulted in: A Charge: A 'finalisation' by a decision such as a caution or a final warning: A 'finalisation' by an administrative process such as a request for further information (incomplete cases); No further action being taken on evidential grounds: No further action to be taken on public interest grounds: Any other result

8. The classification of the result of the charging decision has changed slightly since the first EDIA with one more summary classification used in the main tables in this EDIA. The COMPASS categories are:

A- A charge is to be made and there is a request for the evidential file.

- B- A charge is to be made and there is a request for the expedited file.
- C- The case is to be finalised by a simple caution
- D- The case is to be finalised by a conditional caution
- E- The case is to be finalised by a reprimand
- F- The case is to be finalised by a final warning
- G- The case is to be finalised by the offence being taken into consideration in relation to another charge
- H- An incomplete case where further information is requested to be able to complete the evidential file
- I- An incomplete case where further information is requested to be able to complete the expedited file
- J- An incomplete case where early advice is requested and further action is deemed necessary.
- K- No prosecution to be made on public interest grounds
- L- No prosecution to be made on evidential grounds
- M- Other result of the charging process
- N- The result of the charging process is not given for this suspect
- O- The result of the charging process is undefined on the system
- Z- A case where the charging process has been finalised administratively for various reasons

9. These categories have been grouped into six categories for clarity of presentation in the tables and figures in this report.

1. **Charge** (This includes Codes A and B above.)
2. **Finalised by decision** (This includes Codes C, D, E, F, and G above.)
3. **Incomplete cases** (This includes Codes H, I, and J above.)
4. **No prosecution - Evidence** – Code K above.
5. **No prosecution - Public interest** - Code L above.
6. **Finalised administratively** – Code Z,
7. **Other** (This includes Codes M, N, and O above.)

10. The use of these codes is itself changing. Initial snags in the case management system have been ironed out and areas have become more familiar with the requirements of statutory charging. In particular, **Incomplete cases** have fallen to a lower level during 2005-6: and **Other** cases have been reduced by modifications to software.

11. A comparison was then made of whether these percentages, eg the percentage where the result ended with a charge, varied significantly by gender or ethnicity. The data were not sufficiently rich to attempt a multivariate analysis of the type used by Mhlanga in his study of young men dealt with by the CPS during 1996. (Mhlanga, 1999)

12. The statistical test used is found in Jones, 2002 and Spiegel, 1988 for the difference between proportions. It compares two proportions P1 and P2, eg the proportion of males who were charged with the proportion of females who were charged. They are deemed to be significantly different if they differ by more than the statistic

$$1.96*\text{SQRT}(P1*(1-P1)/N1+(P2*(1-P2)/N2)$$

where N1 and N2 are the numbers of males and females in the analysis. This is more as rule of thumb than an exact statistical test, as the number of possible comparisons, and hence calculations of the significance statistic, is very large. Broadly speaking, proportions (which are percentages divided by 100) are more accurate if they are based on larger numbers, so that one can be very much more secure with a percentage based upon, say 90,000 white males, than on a percentage based upon just over 100 Indian females.

ANNEX C: MEETING OF CPS COMMUNITY ACCOUNTABILITY FORUM TO DISCUSS THE DRAFT 2005-6 EDIA ON THE CPS CHARGING PROCESS

16 July 2007

Baljit Ubhey (Chair)	Chief Crown Prosecutor Thames Valley
Stephen Brookes MBE	Disability Research and Journalist
Jonathan Bushell	CPS Policy Directorate
Yung-Fang Chen	Portsmouth University
Jo Crossley	CPS Statutory Charging and Conditional Cautioning Team
Roger Daw	CPS Director of Policy
Deborah Gold	GALOP
Ingrid Hofmeester	Equality and Diversity Unit
Kate Hughes	LGBT Network
Suzanne Humphreys	Disability Staff Network
Barry Mussenden	Newham Monitoring Project
Bridget Irving	Justice for Women
Mervyn Kohler	Help the Aged
Doreen Lawrence	Stephen Lawrence Charitable Trust
Chris Lewis CBE	Portsmouth University
Norbert Marjolin	NSPCC
Marlene Oates-Hinds	CPS HR Directorate
Beverley Akinbile	National Black Crown Prosecution Association
Ellen Reynolds	CPS EDU Policy Advisor (Community Engagement)
Robert Stevenson	CPS Deputy Director, Business Development Directorate
Seamus Taylor	CPS Director of Equality and Diversity

1. Chris Lewis and Yung-Fang Chen had been commissioned to analyse 2005-6 COMPASS data to produce an EDIA for the CPS charging process. The draft had been circulated beforehand and Dr Chen presented some slides that drew out the main points of the analysis. The Consultation group made the following points on the draft EDIA:

2. Analysis

- a. There was a need to be clear about the definitions used, although it was recognised that these were in the full report: eg Persistent Young Offender (PYO), Prolific Priority Offender (PPO), Homophobic crime.
- b. Although data recording for ethnicity had improved, there were still around 24% of cases where ethnicity was not recorded. CPS needed to reduce this to an acceptable level, working with the police and their IT department to ensure that case entry included a mandatory requirement to enter a code for ethnicity. Similarly not all charging results were recorded.
- c. It was also felt that some other aspects of the data were incomplete: eg the number of homophobic crimes was very low, at 527, when compared with over 2,000 such incidents reported to the MPS alone in a year London. It was acknowledged that this was improving as reporting to CPS became more complete.
- d. Disability data is recorded from 1 April 2007 but is not included in this EDIA.
- e. The group felt that the analysis of CPS charging data was all right as far as it went, but only showed a partial picture.

- f. There was a need to show the differential treatment of different groups within the CJS as a whole: eg the EDIA figures were not able to show the known effects of differential CJS activity in such areas as Stop and Search, the issuing of Warnings for Cannabis use, or the Prison population: neither were the figures able to show the social background behind the figures for the CJS, eg the multiple disadvantages suffered by various minority communities.
- g. The figures shown only covered the 560,000 people dealt with by the CPS charging process. As 1.3 million offenders were brought to justice annually through charges, summonses, cautions, offences taken into consideration, penalty notices for disorder or formal warnings for cannabis possession, and around 60% of these were not covered by this CPS analysis. It is important to investigate whether an EDIA could be produced for these 700,000 offenders brought to justice but not part of the CPS charging process.

3. Presentation

- a. It would assist small charities with small facilities if large documents such as the EDIA were sent out in paper form, rather than as an e-mail attachment.
- b. The group felt there could be a need for something to be produced between the slides presented by Dr Chen and the large scale document circulated for the meeting.
- c. The group was pleased that analyses had been produced for each CPS area and that this material would be published and made available to CPS staff in local areas.
- d. In the group's experience, eg in the field of homophobic crime, minorities in local areas suffered in different ways and local solutions were needed.

4. Policy Implications

- a. The group felt that this EDIA should lead to the CPS sharing these results with the Police, especially with the National Police Improvement Agency (NPIA) in an attempt to get a strategic approach to an EDIA for those not covered by the CPS charging process
- b. The group felt that CPS could share the area data produced to complement the national EDIA with their Area Chief Crown Prosecutors and task them with making any necessary improvements to their operational practices where these may have been highlighted by the figures.
- c. The group felt that CPS could work with their areas and IT department to improve data integrity.
- d. Some members of the group, e.g. GALOP, would send in further comments on the many differences shown up by the figures that needed further investigation. They felt that these provided a basis for further work: in some cases, the possible need for more research, especially in area of hate crime: in others the possible need for changes to operational behaviour of law enforcement authorities.