Disproportionality: Research Summary Report

CPS Social Research Team

This document gives an overview of the CPS' Disproportionality Research Programme, with a brief explanation of the aims, methodology and a summary of the key findings for each study. Reports with the full details of these studies are also available. To request these research products in full please contact the research team at research@cps.gov.uk.

Please note that the findings from the University of Leeds research have now been superseded by our updated analysis of 2022-2024 data.

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The Context for This Work

As part of its overarching review of disparities across the Criminal Justice System (CJS) the Lammy Review (2017) looked at CPS charging decisions from 2014 and 2015. It concluded that CPS charging decisions were broadly proportionate. However, given the scale of the problem that exists throughout the CJS, the CPS undertook a commitment, as part of the 2025 Inclusion and Community Engagement Strategy, to examine our own work more closely.

The University of Leeds Research (2022)

Please note that the findings from the University of Leeds research have now been superseded by our updated analysis of 2022-2024 data

In 2021, the CPS commissioned the University of Leeds to look at the outcomes of CPS charging decisions for evidence of disparity. This research (Pina-Sánchez and Lewis, 2022) looked at the outcomes of decisions made between January 2018 and December 2021 that led to a charge, a caution, or no further action. This amounted to approximately 195,000 cases. The research used regression analysis; a research industry standard technique and a more sophisticated method than the relative rate index used in the Lammy Review. Regression analysis enabled the researchers to control for different variables, allowing them to isolate the impact other variables had on the relative outcomes of our charging decisions. For example, the researchers controlled for variables such as age, sex and crime type to isolate ethnicity as a variable in order to understand whether this produced any disparities in relation to the outcomes of our charging decisions. The research also investigated differences in suspect charging rates by looking at the odds ratios. Odds ratios allow us to compare the chances of one group being charged against the chances of another group being charged.

A summary of this research was published by the CPS in 2023 which covered the differences in the national charging rates between different ethnic groups. The research also looked at differences at the local CPS Area level which were not included in the 2023 publication and are now included with the other key findings from this research, which are:

- **Charge rates varied by ethnicity:** White British suspects had the lowest charge rate, with 69.6% of cases resulting in a charge. All other ethnic groups exhibited higher charge rates with defendants from a mixed white and black ethnicity background showing the largest difference reaching an 81.3% charge rate. After controlling for subject and case characteristics, ethnic disparities remain significant across all ethnic groups, with the odds of being charged for mixed heritage groups being more than twice that of white British suspects.

- **Differences in charge rates between ethnic groups varied by offence type:** Some offences such as robbery or public disorder showed little variations between ethnic groups. Others did show significant variations between ethnic groups, however, such as burglary, violence against a person, and homicide where the odds of being charged were more than double for mixed ethnicity compared to white British suspects.
- **Charge rates varied by suspect age**: When looking at suspect ages, 10–13-year-olds had the lowest charge rate. After controlling for gender, ethnicity and offence type, younger suspects (ages 14-24) and older suspects (ages 60-79) showed higher odds of being charged compared to the reference.
- **Charge rates did not vary based on the sex of the suspect**: [1] Unadjusted charge rates showed that more males (71.4%) are charged in comparison to females (66.1%). However, when case and suspect characteristics were controlled, there was no charge rate differences in sex of the suspect.
- **Differences in charge rates between ethnic groups varied by CPS Area:** The odds of charge for all ethnic minority suspects compared to white suspects across the 14 CPS Areas showed varying degrees of ethnic disproportionality, with some Areas demonstrating charging rates that were twice as high for ethnic minority suspects compared to white British. The odds for more specific ethnicity categories (including black, mixed, non-British white and South Asian) compared to white British suspects were also analysed. In six of the CPS Areas all ethnic minority suspect groups had statistically significant higher rates of charge that white British suspects.

The Leeds research demonstrated that there was disproportionality in CPS' charging decisions, but it did not explain why this disproportionality exists.

[1] In this analysis, suspect sex was treated as a binary variable (the differences of Males vs Females).

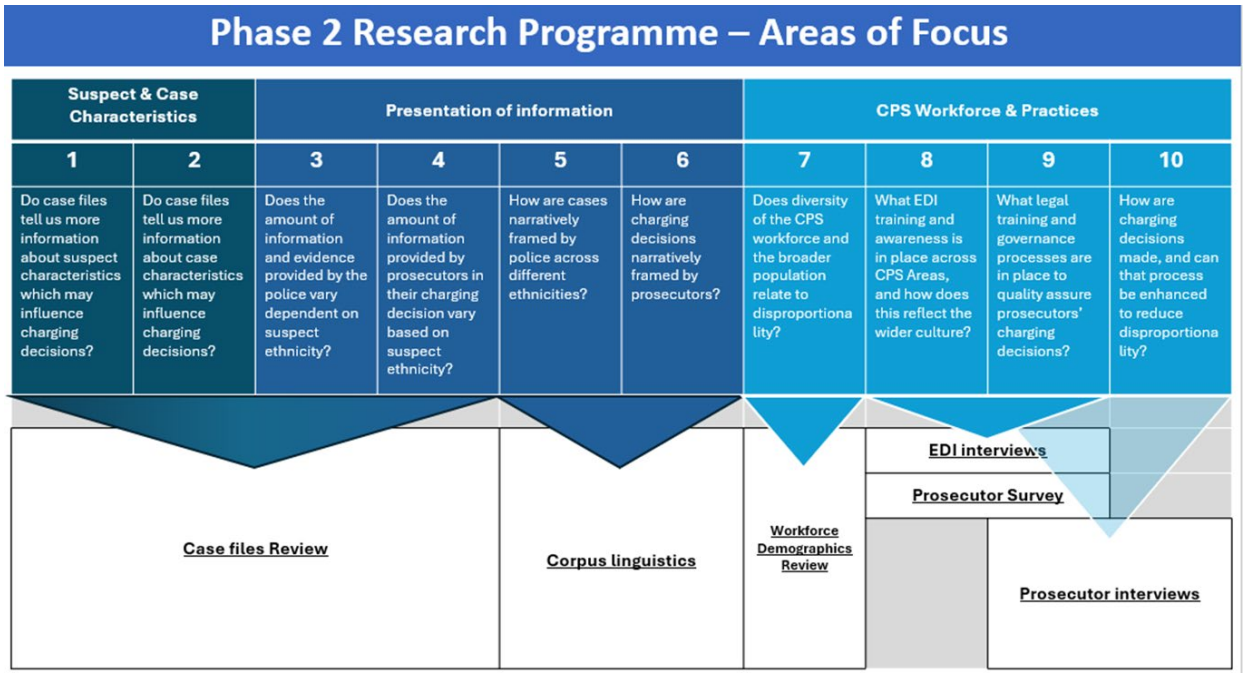
The Disproportionality Research Programme

The Disproportionality Research Programme was designed by the CPS to expand on the Leeds research so that we could understand more about the underlying factors that contribute to racial disproportionality in charging decisions.

Areas of Investigation

We identified three areas that could be driving the disproportionality seen in charging decisions based on recommendations from the authors of the Leeds research, current literature, and guidance from the independent Disproportionality Advisory Group (DAG). These areas were**: Suspect and Case Characteristics**, **Presentation of Information** and internal **CPS Workforce and Practices**.

Within these areas, we looked at ten specific research questions.



Ensuring the Quality of our Work

The programme of research was led by the CPS Social Research Team, and followed the GSR protocols for research which include strict research ethics protocols and data protection rules and regulations, ensuring anonymity and data integrity.

This work was overseen and scrutinised by the Disproportionality Advisory Group (DAG) which is an independent expert group, made up of academics, legal professionals, and third-sector partners. The role of the DAG has been to provide expert advice, guidance and quality assurance to the research team.

Research Findings

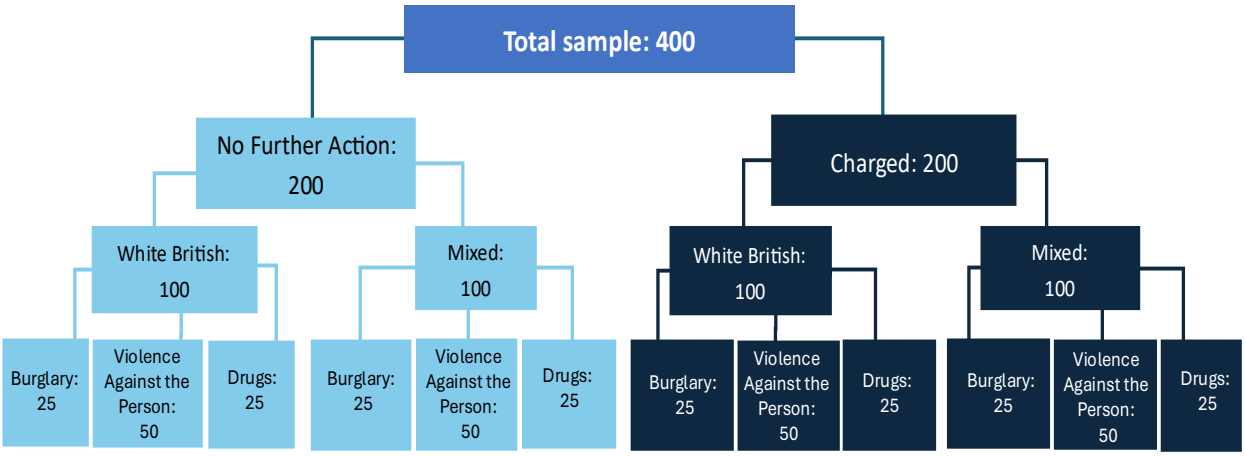
In this section, we summarise the findings from each area of focus within Phase Two of the Research Programme. Against the ten research questions, we outline the aims, methodology and key findings from each of the seven studies we carried out.

Suspect & case characteristics	
Research Question 1	***Research Question 2***
Do case files tell us more information about suspect characteristics which may influence charging decisions?	**Do case files tell us more information about case characteristics which may influence charging decisions?**

Case File Review: Suspect and Case Characteristics

We wanted to explore whether there were differences in the characteristics of either suspects or cases which may be contributing to the rates of disproportionality exhibited within CPS case files. A lot of this information, such as a suspect's socio-economic background or offending history, was not available in the data analysed by the Leeds Researchers, so to collect this data we carried out an in-depth review of case files based on date, CPS Area, offence type and suspect ethnicity. 400 cases were selected, 200 from mixed ethnicity suspects and 200 white British suspects where a decision to charge was made as well as No Further Action (NFA). We then compared these files across a number of variables.

We purposely chose the ethnicity groups with the least and most disproportionality from the University of Leeds research (mixed ethnicity, and white British) and crimes where disproportionality was most prevalent (Drugs, Burglary and Violence Against the Person offence types) so that any differences between the groups would be identified.



Summary

When comparing mixed ethnicity and white British suspects, the majority of factors we examined did not show any differences. In particular, there was no difference in legal case factors, such as a suspect's prior offending history or the severity of the offence. These findings suggest that the disproportionality seen in our charging decisions cannot be explained solely through differences in certain suspect and case characteristics.

Key findings

Suspect Characteristics

- There was no difference in the number of previous convictions or previous offences in either charged or NFA cases between the two ethnic groups.
- Suspect sex did not show any differences in between charged and NFA cases between the two groups.
- When looking at Socio Economic Status,[2] there was no difference between white British or mixed ethnicity suspects in either NFA or charged cases.
- The only suspect variable which was identified as having a meaningful difference was the age of the suspects. White British suspects were found to be older in both charged (by four years) and NFA cases (by seven years). Mixed ethnicity suspects were younger than their white British counterparts – despite the data showing no differences in previous offending history or seriousness of offence.

[2]Socio- Economic status was characterised using the Indices of Multiple Deprivation (IMD) and the Welsh Indices of Deprivation (WIMD). These are scales created from local government data to measure deprivation in geographical areas.

- There was no difference between charged and NFA cases in whether a suspect was judged as having Bad character or not.[3] There was not a significant difference between the two ethnic groups, however the difference was nearing significance, with mixed ethnicity suspects identified as having bad character more often than white British suspects.

Case Characteristics

When looking at the charges that were proposed by the police,[4] we found no difference in the number of proposed charges for both ethnicity groups for charged or NFA cases.

- Similarly, when looking at cases which had charges that were authorised by the CPS,[5] there was no difference in the number of charges authorised between both groups in cases that resulted in NFA or a charge.
- There was no difference between the two ethnicity groups when taking into account whether a decision of NFA is made at the Evidential or Public interest stage of the Full Code test.[6]
- There was no difference in the Severity of Offence in either charged of NFA cases between the two ethnicity groups. [7] When looking at anticipated pleas, there was no difference in NFA samples. However, when looking at charged cases, there was a difference with white British suspects expecting to plead guilty more often (39.3%) compared with mixed ethnicity suspects (16.7%). This finding is similar to previous research which has found those from a non-white British background are less likely to plead guilty due to lack of trust in the CJS.

Presentation of information			
Research Question 3	*Research Question 4*	*Research Question 5*	*Research Question 6*

[3] A Bad Character judgement is applied to a suspect by the police and prosecutors. This judgement is more subjective than objective. A formal definition can be found here: Bad Character Evidence | The Crown Prosecution Service (cps.gov.uk)

[4] Upon receiving sufficient evidence, the police will decide to charge based on a realistic prospect of conviction. This depends on the type and seriousness of the offence committed.

[5] For more serious or complex cases, police refer cases for the CPS to charge.

[6] The Code for CPS prosecutors includes a 2-stage test. The first stage is the evidential stage where prosecutors must decide if there is enough evidence to secure a realistic prospect of conviction. The second stage is the public interest stage, in which prosecutors must decide if prosecuting is in the interest of the public.

[7] Severity of offence was measured using the CJS charging Code, and the Cambridge Crime Harm Index (which is a scale that measures the seriousness of the crime harm to victims). As well as whether the case was heard at magistrates or Crown court (more serious offences are heard in Crown court).

Case File Review: Amount of Information

We wanted to explore whether there were differences in the quantity of information provided by the police and prosecutors in charged and NFA cases of white British and mixed ethnicity suspects. Using the same 400 case files used for the study into case and suspect characteristics, we looked at the following information:

- The word count of the police 'Summary of Offence' document: which is a summary of the case provided by police and typically includes the suspect interview and an overview of the available evidence.
- The word count of the 'Police Rationale' document: which is information provided by the police to explain their reasoning for referring the case to the CPS, including their opinion of the strengths and weaknesses of the case.
- The number of evidential files that the police provide to the CPS.
- The word count of the CPS charging decision: which is the information CPS prosecutors provide on the MG3A[8] document when they review the case when making a charging decision.

We also looked at the 'reflectiveness' of the case file materials. This was an additional variable coded by the research team based on whether the materials in the case files were listed clearly and correctly. Those that were clear and correct, were categorised as 'reflective'. If the materials in the case files were not listed clearly and correctly they were coded as 'not reflective'. Case files that were somewhere in between were listed as 'partially reflective'.

[8] The MG3A is a document that is sent from prosecutors to the police.

Summary

There was no difference found in the amount of information provided by police for mixed ethnicity suspects compared to white suspects. We did however find a higher word count in the information provided by the CPS for charged cases involving mixed ethnicity suspects, compared to white suspects.

Key Findings

- There was no difference between the word counts of police summary documents and police rationale documents between the mixed ethnicity and white suspects.
- When looking specifically at information prosecutors provided, there was a difference in charged cases but not NFA cases. In charged cases, prosecutors provided more information for mixed ethnicity suspects than for their white British counterparts.
- We looked at the relationship between the amount of information provided by the police and the CPS and found that the amount of information provided by the police predicted the information provided by the CPS, where an increase in police information corresponded to an increase in CPS information.
- We found no difference in the number of evidence files provided between white British and mixed ethnicity suspects, however there was a notable difference in the variable measuring evidence 'reflectiveness'. In NFA cases, white British suspects had a higher proportion of materials listed as 'not reflective' and a notably lower proportion of 'reflective' materials compared to mixed ethnicity suspects. Mixed ethnicity suspects were more likely to have the evidential material accurately listed compared to white British suspects.

Presentation of information			
Research Question 3	***Research Question 4***	***Research Question 5***	***Research Question 6***
Does the amount of information and evidence provided by the police vary dependent on suspect ethnicity?	Does the amount of information provided by prosecutors in their charging decision vary based on suspect ethnicity?	**How are cases narratively framed by police across different ethnicities?**	**How are charging decisions narratively framed by prosecutors?**

Corpus Linguistics

The CPS commissioned researchers at Aston University to look at differences in the language used in case files for mixed ethnicity suspects and white British suspects.

Aston University used a set of methods called Corpus Linguistics, which allowed them to analyse large samples of text to uncover patterns in the language used. The methods used in this study were:

- **Keyness analysis**: that identified the words and phrases being used more often in one set of reports compared to the other
- **Concordance analysis**: that looked at how key words and phrases were used in the reports
- **Discourse analysis:** that described the language used when discussing suspects

The same 400 case files were used from the previous studies. Aston University focused on two parts of the case files: the MG3 report which is sent by the police to the CPS and includes a decision log, action plan and report to the CPS for a charging decision, and the MG3A documents sent from prosecutors back to the police.

Summary

We found evidence of differences in the language used to describe suspects and their actions between reports relating to mixed ethnicity and white British suspects. We did not find explicit racism or biases in the texts, however mixed ethnicity suspects and their actions were described in more negative and prosecution-worthy terms, which framed them in a more blameworthy manner.

Key Findings

MG3s (Police Reports)

For both charged and NFA cases, MG3s for mixed ethnicity suspects contained more negative characterisations of suspects, and use of definitive language and descriptions of violence with regard to the suspect compared to white British suspects.

- In charged cases, mixed ethnicity suspects were described more often in terms of physical actions. In contrast, white British suspects were more often described as being involved in verbal processes, suggesting they speak and are spoken to more frequently.

Examples of the text seen in the MG3s:

Mixed ethnicity	vs	White British
*'suspect then **grabbed** the victim's top'*		*'suspect **states** that he has stepped out of the way'*

- In NFA cases, mixed ethnicity suspects' MG3s contained more detailed descriptions of the offence and the negative effects on victims were more often focused on. In contrast in MG3s for white British suspects, the suspect and the alleged offence were described more neutrally.

MG3As (Prosecutor Record of Review)

- In charged cases, MG3A reports for mixed ethnicity suspects contained more descriptions of violence about both the offence and the suspect. There was also more reference to the severity of the offence and detailed descriptions of this, alongside more references to supporting evidence and more recommendations for follow-up action. Mixed ethnicity suspects were more frequently described in terms of physical actions, and as leading or provoking these actions. In contrast, white British suspects were more often described in a way that expressed their own verbal

and mental processes. This means they were described more often as voicing their own actions.

Examples of the text seen in the MG3As:

Mixed ethnicity	vs	White British
*'Suspect has **pushed** the victim on her arm'*		*'The suspect **admits** being a class A drug user'*

- In cases which resulted in NFA, reports contained more descriptions of the suspect's alleged offending behaviour and supporting evidence, as well as references to prosecution obstacles and lack of prosecution support. Reports about white British suspects contained more references to bail status. Mixed ethnicity suspects were more frequently described as being instigators in their own behavioural and verbal processes, meaning they speak and are spoken to more. White British suspects were more often described as having actions done to them.

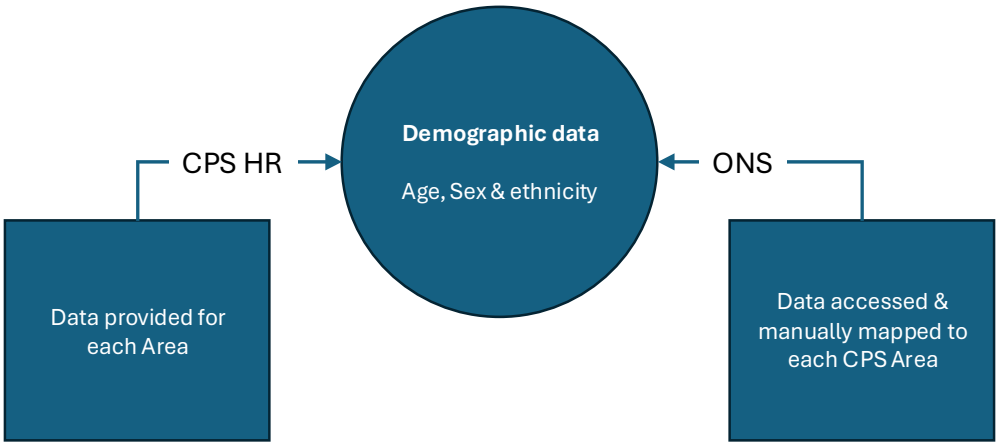
CPS workforce & practices			
Research Question 7	***Research Question 8***	***Research Question 9***	***Research Question 10***
Does diversity of the CPS workforce and the broader population relate to disproportionality?	What EDI training and awareness is in place across CPS Areas, and how does this reflect the wider culture?	What legal training and governance processes are in place to quality assure prosecutors' charging decisions?	How are charging decisions made, and can that process be enhanced to reduce disproportionality?

Workforce Demographics

We wanted to investigate the demographic variables in our workforce such as ethnicity, sex,[9] and age. We looked at these variables both in the CPS workforce and comparatively in the working-age population, using Office for National Statistics (ONS) 2021 Census data[10] broken down by the 14 CPS Areas.

[9] For simplicity in the analysis, Sex and Gender data was amalgamated and labelled as Sex

[10] The ONS Census 2021 data was retrieved from the following locations:
https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/datasets/ethnicgroupbyageandsexinenglandandwales/2021
https://www.ons.gov.uk/datasets/TS009/editions/2021/versions/1/filter-outputs/b87216fe-4e7d-4db3-9df4-9bd462fcb23f#get-data
https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland



Key Findings

Ethnicity

We looked at the levels of staff of different ethnicities in the CPS workforce and the wider working-age population. Because of small numbers in the data and to follow on from our previous studies, ethnicity was grouped into 'ethnic minority' and 'white' categories, and a ratio of ethnic diversity was calculated by computing the number of white employees for every 100 ethnic minority employees for both the CPS workforce and the broader working-age population. At the time of analysis there were 461 white working-age residents for every 100 ethnic minority working-age residents across England and Wales.

- The working-age population in all CPS Areas (except for London North) had more white residents than ethnic minority residents. Within the CPS workforce, white employees outnumbered their ethnic minority counterparts, with the exception of London North and London South.

Age

We looked at the average age of the CPS workforce and the general population.

- The average age of the CPS workforce was slightly higher than the national working-age population (45 compared to 42). There was little variation in this average across the 14 CPS Areas and the national population.

Sex

We calculated the number of females to every 100 males (within the CPS workforce and working-age general population).

- In the general population there were 104 females for every 100 males with slight variation over Areas. This differed from the CPS workforce where there are more females in employment: 219 females to every 100 males. There was variation across

the different CPS Areas with the largest ratio in the East of England (281 Females to 100 males), and the smallest in Mersey-Cheshire (176 Females to 100 Males).

CPS workforce & practices			
Research Question 7	*Research Question 8*	*Research Question 9*	*Research Question 10*
Does diversity of the CPS workforce and the broader population relate to disproportionality?	**What EDI training and awareness is in place across CPS Areas, and how does this reflect the wider culture?**	**What legal training and governance processes are in place to quality assure prosecutors' charging decisions?**	How are charging decisions made, and can that process be enhanced to reduce disproportionality?

Equality Diversity and Inclusion and Legal Training - Interviews with Providers

We wanted to explore what training and governance was in place around Equality, Diversity and Inclusion (EDI) to support prosecutors with legal processes and quality assure prosecutors' charging decisions. We interviewed CPS staff who had responsibility for training and development in the 14 Areas. This included staff such as our Legal Training Leads (LTLs), Inclusion and Community Engagement Managers (ICEMs) and Area Business Managers (ABMs). We also interviewed members from our People Team (D&I) and Learning Services (LS) team[11]).

Summary

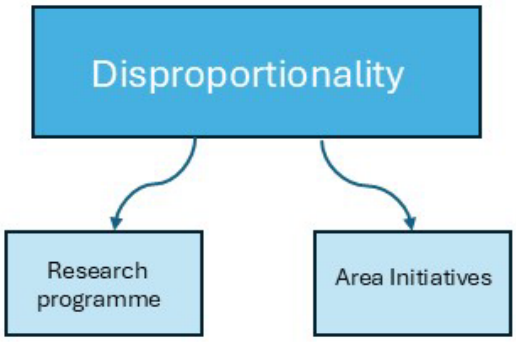
Organisational Culture and workforce issues with capacity were frequently discussed by participants. Perceptions of participants was of busy staff who could not always prioritise EDI or challenge unconscious biases. Some participants talked about positive initiatives in different CPS Areas around EDI but this was not felt to be consistent across Areas. Increased awareness and championing from senior leadership was seen as essential to improving EDI and culture, as well as addressing the high workloads and lack of resources.

Key Findings

We identified five key themes from the interviews:

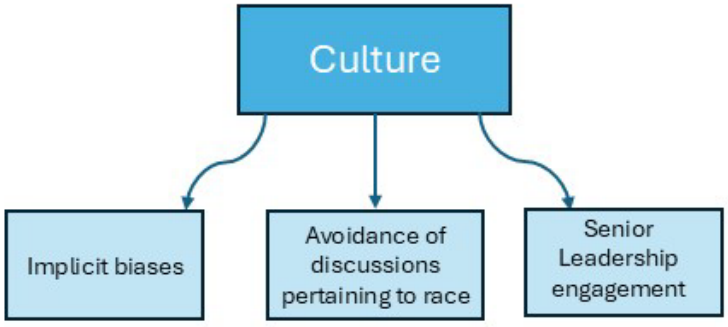
Awareness of Disproportionality

[11] The Learning Service team have changed names since the research study was conducted and used to be called the Central Legal Training Team (CLTT).



The majority of those interviewed were familiar with the CPS Disproportionality Programme, specifically the University of Leeds research. However, there were a few participants who were not aware of the research programme or had limited awareness. Some respondents were also aware of racial disproportionality more widely and discussed positive initiatives in their Areas to combat this.

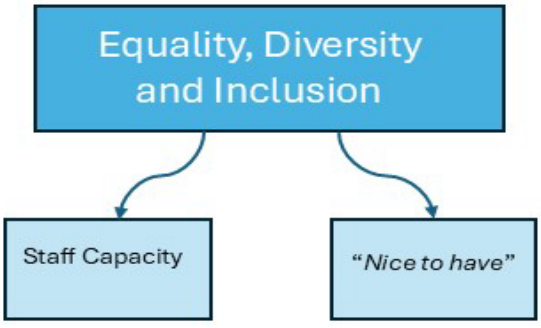
Organisational Culture



- There were mixed views on CPS culture, with some participants suggesting that discussions regarding race were sometimes avoided and EDI issues were not prioritised. Participants suggested that this was partially due to heavy staff workloads. Senior leadership was highlighted as key in driving forward the culture for the CPS.
- Some participants discussed the presence of implicit biases across the organisation, including from experienced prosecutors. Some participants had concerns that these attitudes were being passed down to new prosecutors. However, participants felt that senior leaders were positive in actively challenging such biases and this had been improving over time.

EDI Training and Awareness

- Staff responsible for EDI training and awareness discussed difficulties with capacity due to turnover, but also a lack of induction, training and support for their roles. Formal EDI training for staff was limited to mandatory centrally led training, with many respondents referring predominantly to the RESPECT

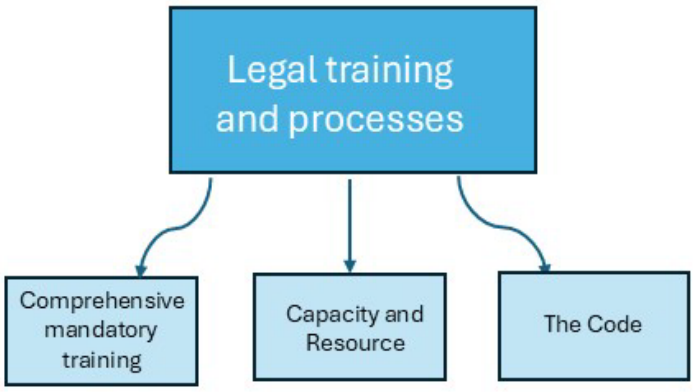


training.[12] Events organised by ICEMs and staff networks were seen as opportunities for informal training and awareness raising.

- Participants discussed low attendance at these events, along with the perception that these were seen as a 'nice to have' by staff. Some suggested that those staff who typically attend were not those that needed to be there, and as these events were not mandated, they will consistently be de-prioritised compared to legal work.

Legal Training and Processes

- Compared to EDI events, participants said that the legal induction and training was more consistent, and this was largely due to the mandatory Lawyer Induction Programme (LIP) lead by the LS Team.[13] The LIP was seen as a comprehensive programme to help prosecutors prepare for their role, further supplemented by additional team or individual level training and mentoring in local Areas.
- The LIP was perceived as very lengthy, and some participants spoke of the tension between the time it takes to train staff against the need for prosecutors to begin the role as soon as possible. Similarly with mentoring, despite it being consistently highlighted as a critical part of the induction process, participants spoke of how many Areas were struggling to provide mentors due to the workload of experienced prosecutors.
- The Code was highlighted as critical and a foundational element of the prosecutorial role. There were mixed views about to what extent EDI was taken into account during decision-making. This varied from some participants discussing individuals' inherent prejudices and that this was not acknowledged explicitly enough, through to others stating the Code should simply be applied as written.



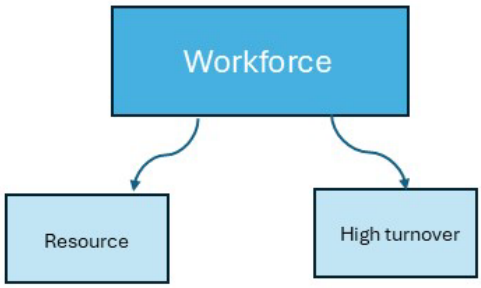
Workforce and Resource

- There were varying levels of awareness from participants around the level of staff diversity across Areas, partially because of low declaration rates of staff. Participants

[12] RESPECT training is an hour-long course, aiming to provide insight into the negative impact of bullying, harassment and discrimination in the workplace and how to apply the CPS' RESPECT policy at work.
[13] The Learning Service team have changed names since the research study was conducted and used to be called the Central Legal Training Team (CLTT).

spoke of how some Areas were actively focusing on increasing diversity through targeted recruitment and practices.

- Throughout all of the themes, workforce capacity was a key concern. This was seen as primarily due to high turnover of staff and high caseloads. Caseloads were not considered to be distributed equally across all Areas, with some participants suggesting the need to standardise caseloads across the CPS.



- Whilst recruitment was important to help backfill positions in the CPS to increase capacity to deal with cases, this also had a knock-on effect on as some teams struggled to keep up with the induction and training requirements for new staff.

CPS workforce & practices			
Research Question 7	***Research Question 8***	***Research Question 9***	***Research Question 10***
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Survey of Prosecutors

We asked prosecutors about their personal experience of EDI, legal training and CPS culture via an anonymous, online, survey. We wanted to understand how training programs and events support prosecutors in their roles to understand their decision-making processes and identify areas of improvement or further development.

The survey, run in late 2023/early 2024, used a mix of open and closed questions. We received 414 responses: 158 complete responses and 256 partial responses. Over half of respondents were female, just over 20% were from an ethnic minority. 58% of survey respondents were 45 and over, 44.1% of respondents were Senior Crown Prosecutors. CPS Direct was the Area with the highest proportion of survey respondents at 14.5%.

Summary

Most respondents agreed that the CPS legal training supported them in making fair decisions, however it was highlighted more could be done to warn against making disproportionate decisions. Respondents' experiences of mentorship and EDI were mixed. Respondents' views were also mixed in regard to disproportionality with some more engaged in the research and concept of unconscious biases than others.

Key Findings

Legal Training

- The Lawyer Induction Programme (LIP) is a mandatory training programme for prosecutors to complete when starting their career in the CPS, which was introduced in 2018. Over a third (39.6%) of respondents had completed this course. Before this, respondents reported completing various alternative training such as a two-day induction or residential courses. Twenty-two respondents said that they received little to no training upon joining the CPS.
- Trends were similar for those who had completed all types of CPS training, with the majority of respondents reporting that their training provided them with the skills to become a successful prosecutor (54.4% for the LIP, and 60% for alternative training), supporting them to make fair and consistent charging decisions (72.9% for the LIP, and 58.8% for alternative training). Those who agreed with this often mentioned how the training highlighted the importance of the Code for Crown Prosecutors and that this was sufficient to ensure fair and consistent charging decisions.
- Fewer respondents believed that the legal training warned them of making disproportionate decisions (32.1% for the LIP, and 11.4% for alternative training) or provide strategies to mitigate this potential disproportionality (22.2% for the LIP, and 14% for alternative training). The reasons given for this were a lack of content surrounding biased decision-making.

Mentoring

- Having a mentor was rated positively (67.9%) and viewed as helpful. However, respondents highlighted that the opportunities to mentor or to be a mentee were not as plentiful as they should be, mainly due to high workloads and not being given the opportunity.

EDI Training

- The EDI training most frequently reported as completed at the CPS by respondents were the Unconscious Bias training,[14] Hate Crime training, and RESPECT training. These courses were also rated as the most useful.
- Most respondents agreed that the EDI training was useful in increasing their awareness of biased decision-making and allowed them to apply what they had learned in their daily role. Some respondents believed that the Code provided sufficient awareness of fairness and consistency in charging and that EDI training was not necessary. Others had criticisms of the EDI training itself, highlighting that this was not enough to eliminate bias completely.

Inclusion Community Engagement Managers, Staff Networks & Events

- There was a general lack of awareness about ICEMs and network events, with many citing high workloads, and lack of communication being an issue. Over half of respondents (53.5%) did not know who their local ICEM was, and many were not aware of any internal EDI events that had been organised.
- Despite many respondents saying they were aware of the existence of Staff Networks, 62.3% of respondents were not members of any network. When asked about the barriers to attending EDI and network events, just over half (52.2%) of respondents reported no barriers. However, 24.4% of respondents did highlight their high workloads or a lack of awareness of the events that were occurring.

Culture

- Respondents' perceptions of EDI culture within the CPS were generally positive, but views were mixed in relation to disproportionality. While some prosecutors believed that the research had increased their awareness of the existence of bias, others struggled to reconcile the findings. Some respondents felt that the CPS had negative views of prosecutors because of the findings.

[14] Unconscious Bias training was phased out by the UK Government in 2020. Written Ministerial Statement on Unconscious Bias Training - GOV.UK (www.gov.uk).

CPS workforce & practices			
Research Question 7	*Research Question 8*	*Research Question 9*	*Research Question 10*
Does diversity of the CPS workforce and the broader population relate to disproportionality?	What EDI training and awareness is in place across CPS Areas, and how does this reflect the wider culture?	**What legal training and governance processes are in place to quality assure prosecutors' charging decisions?**	**How are charging decisions made, and can that process be enhanced to reduce disproportionality?**

Prosecutor Interviews: Application of the Code

We commissioned BMG Research to examine how prosecutors use the Code for CPS Prosecutors when determining whether to charge a suspect.[15] Thirty-nine interviews were carried out, with a mix of CPS prosecutors of varying career stages, genders, and ethnicities. Prosecutors were asked about decision-making processes, how to apply the Code test, and disproportionality in case decisions.

Summary

Generally, participants did not believe that prosecutors were making disproportionate decisions and believed that following the Code for CPS Prosecutors correctly would protect against this. A lot of importance was placed on the use of the Code to ensure fair and just decisions, with the evidential stage being viewed as having greater emphasis placed on it compared to the public interest stage. Some participants were less willing to engage with the topic of racial disproportionality as they did not believe it existed in the CPS, some did not engage because of concerns of how they would be perceived. However, participants did acknowledge that personal biases do exist, and many participants suggested a number of strategies for mitigating disproportionate decisions.

Key findings

The Code

- When deciding whether to charge, prosecutors typically described the decision-making process as linear with a focus on the evidential stage. Generally, the public interest stage was seen as sequential and, in some instances, as secondary to the evidence stage. The Code was seen as being the backbone of prosecutor decision-

[15] The Code for CPS prosecutors includes a 2-stage test. The first stage is the evidential stage where prosecutors must decide if there is enough evidence to secure a realistic prospect of conviction. The second stage is the public interest stage, in which prosecutors must decide if prosecuting is in the interest of the public.

making, providing 'rules' or a checklist to adhere to.

- More experienced prosecutors were perceived to question more the reliability of statements from suspects, victims, and witnesses based on experiences in court, where new context may come to light from the defence.
- Some prosecutors were concerned that some colleagues do not view the public interest stage as being as important as the evidential stage. Others noted most of the training on the decision-making process focuses on the evidential stage, suggesting this may undermine consistent charging decisions.

Disproportionality

- Prosecutors generally believed that the CPS treats all suspects and charging decisions equally but did acknowledge the risk of individual prejudices influencing decisions. Adherence to the Code and making evidence-based decisions were seen to minimise disproportionate decision-making in the CPS.
- Some prosecutors did not want to engage with the topic of racial disproportionality. These prosecutors wanted examples from specific cases to demonstrate disproportionate decision-making in the CPS because they did not believe racial disproportionality existed amongst prosecutors. Prosecutors who did engage with the subject focused on factors external to the CPS that possibly contribute to racial disproportionality. These included personal biases of staff within other parts of the CJS as well as societal and geographical factors.
- There were some perceptions that some offences were more likely to be committed by certain ethnic groups suggesting the existence of (unconscious) confirmation bias among some prosecutors.

Mitigating Potential Racial Disproportionality

- When asked about ways to reduce individual prejudices and (unconscious) biases, participants suggested several strategies such as removing names and ethnicity from police forms, challenging assumptions in cases and rotating prosecutors between courts.
- Some participants praised the CPS for progress made in the last ten years to recruit from more diverse backgrounds, while recommending more be done to improve hiring processes to enhance diversity. Existing outreach programmes were viewed as positive, but participants wanted to see more of these programmes (specifically with youth and ethnic minority groups). Other suggestions included hiring more prosecutors from criminal law and defence backgrounds and introducing psychometrics to identify "*dispassionate*" prosecutors.
- Participants suggested training around equality, diversity and inclusion as well as unconscious bias training, making attendance compulsory, particularly ensuring

trainers are of diverse backgrounds.

Conclusions

Suspect and Case Characteristics

Do case files tell us more information about suspect characteristics which may influence charging decisions?

Suspect characteristics such as socio-economic status, previous convictions, previous offences and suspect sex, do not have significant differences in mixed ethnicity compared to white British case files.

Mixed ethnicity suspects were found to be younger than white British suspects, and Although bad character was not significant, mixed ethnicity suspects were more often characterised as having bad character.

Do case files tell us more information about case characteristics which may influence charging decisions?

Case characteristics such as severity of offence, who brought the charges (police or CPS), and whether a decision was made to NFA at public or evidential stage did not have significant differences in mixed ethnicity compared to white British case files.

White suspects were anticipated to plead guilty more often than mixed ethnicity suspects.

Summary
Characteristics relating to judgements made by police/prosecutors show differences between the two ethnic groups compared, whereas differences relating to quantifiable characteristics did not.

Presentation of Information

Does the amount of information and evidence provided by the police vary dependent on suspect ethnicity?

No difference was found in the amount of information or evidence provided by the police based on suspect ethnicity; however, material reflectiveness was different with mixed ethnicity suspects more likely to have the evidential material accurately listed compared to white British suspects.

Does the amount of information and evidence provided by prosecutors in their charging decision vary dependent on suspect?

Prosecutors provided more information in charged cases for mixed ethnicity suspects, compared to white British suspects.

How are cases narratively framed by police across different ethnicities?

There were linguistic differences between the cases of mixed ethnicity and white British suspects, with more definitive language and descriptions of violence being used for mixed ethnicity suspects compared to white British suspects.

How are cases narratively framed by prosecutors?

There were linguistic differences between the cases of mixed ethnicity and white British suspects. Mixed ethnicity suspects and their actions were described in more negative and prosecution-worthy terms.

Summary
There was no explicit evidence of racism in the text of the MG3 and MG3A documents, however the analysis provided evidence of differences in language use used by both police and prosecutors when characterising mixed ethnicity suspects compared to white suspects.

CPS Workforce and Demographics

What EDI training and awareness is in place across CPS Areas, and how does this reflect the wider culture?

Inconsistencies were seen across Areas in regard to EDI provision, as well as mixed experiences reported by respondents in relation to EDI training and Events. This was also linked in with staff resource and heavy caseloads being a barrier to attending events. Increased awareness and championing from senior leadership was seen as essential to improving EDI and culture.

What legal training and governance processes are in place to quality assure prosecutors' charging decisions?

Most respondents reported that the CPS Legal training supported them in making fair decisions, however fewer agreed that this training efficiently warned against making disproportionate decisions.

How are charging decisions made, and can that process be enhanced to reduce disproportionality?

Prosecutors said that charging decisions are made by following the Code, some spoke of the higher emphasis placed on the evidential stage compared to the public interest stage. Although respondents did not always agree that the CPS makes disproportionate decisions, following the Code correctly would ensure fair and just decision-making. Respondents reported several ways to mitigate disproportionality as well as addressing personal biases.

Summary
The levels of staff in the CPS workforce from ethnic minority backgrounds are comparable or higher than the working-age population.

Responses from CPS training providers were mixed and highlighted varying levels of

success in EDI initiatives across CPS Areas. Resource and capacity constraints was seen to often lead to low attendance at EDI events, with these events being de-prioritised in favour of legal business.

Although the majority of prosecutors who were surveyed were generally positive about their legal training, fewer agreed that CPS training sufficiently warned against making disproportionate decisions. When taking the Code into account, however, prosecutors believe that equal and fair decisions are made. CPS culture was viewed positively; however, respondents did agree that more can be done to improve this.

Research Next Steps

This research programme has investigated a range of factors that may be contributing towards disproportionality rates. Although this research has increased our understanding concerning disproportionality within the CPS, there is more we can do. The findings from this research will form the basis of the next phase, building on what has been uncovered. The next phase of research will focus on monitoring disproportionality and understanding more about how to reduce this.