



Ministry of Justice

Associations between ethnic background and being sentenced to prison in the Crown Court in England and Wales in 2015.

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Summary and Aims

This research demonstrated that for offenders convicted of recordable¹, indictable offences in the Crown Court in 2015, there was an association between ethnicity and being sentenced to prison. Under similar criminal circumstances the odds of imprisonment for offenders from self-reported Black, Asian, and Chinese or other backgrounds were higher than for offenders from self-reported White backgrounds. Whilst statistically significant, the increases in the odds of imprisonment were all medium sized effects² (53%, 55%, and 81% higher, respectively, for offenders self-reporting as Black, Asian, and Chinese or other). No effect was observed for offenders from a self-reported Mixed background.

The association varied within specific offence groups of interest. The analysis found no effect from ethnicity within the offence groups of acquisitive violence and sexual offences, but a strong effect within drug offences. Within drug offences, the odds of imprisonment were around 240% higher for offenders from self-identified Black, Asian, and Minority Ethnic (BAME) backgrounds combined, compared to those from a self-identified White background.

The aim of this research was to explore further work on ethnicity published by the Ministry of Justice in 2015. The earlier study found that, for offenders convicted of recordable offences in 2011 in England and Wales, there was an association between being from a Black, Asian, or Minority Ethnic³ (BAME) background⁴ and being sentenced to prison⁵. While not directly comparable to the current analysis, the effect was statistically significant and small.

The current research investigated whether similar associations to those observed using 2011 data were observed again in 2015. It used more recent data from the Crown Court (2015 calendar year), and included self-reported ethnicity as well as the plea (Guilty or not Guilty). In addition, a more detailed analysis of ethnicity and specific offence groups was undertaken.

¹ Offences recorded on the Police National Computer (PNC). This excludes lower-level offences which are likely to attract only a fine.

² Effect sizes were judged to be small, medium and large based on values of Cohen's D, a calculation which facilitates interpretation of the results of the type of analysis conducted here. Categorisation was as follows: Small Cohen's D < 0.2; Medium Cohen's D => 0.2 to < 0.5; Large Cohen's D >= 0.5.

³ Police officer-identified, as opposed to self-identified ethnicity.

⁴ Compared with being from a White background.

⁵ Compared with being sentenced to another type of disposal such as a community order, suspended sentence order, or discharge.

Whilst a number of associations were observed between the likelihood of custodial sentencing and a range of offence / offender characteristics, it is important to note that the current analysis did not take into account all factors which were used in making sentencing decisions. For example, the analysis used seventeen broad offence groups, allowing for comparisons between defendants from different ethnic backgrounds within these groups. However, there remains a range of offence seriousness within the offence groups (e.g. murder and common assault are both Violence against the person offences)⁶, which is not included in the modelling. Furthermore, the mitigating and aggravating circumstances surrounding offences could not be included in the statistical models. Future analyses could include more detailed measures of offence seriousness to provide a fuller picture of the observed associations between ethnicity and sentencing.

Approach

Self-identified ethnicity is a personal characteristic largely missing from information on those prosecuted for many high-volume summary offences. For this reason, this analysis is limited to cases convicted and sentenced in the Crown Court for indictable only or triable-either-way offences (referred to as indictable offences). The results can only be generalised, therefore, to this specific subset of cases in 2015.

The analysis sample was constructed using data drawn from government Management Information (MI) sources. An extract was obtained from the Police National Computer (PNC) recording the most severe sentence given to each offender convicted or cautioned⁷ in 2015 (355,806 records). These data are useful because they provide information on previous criminal history. Data about self-identified ethnicity and plea were merged onto the PNC data. These data come from the Ministry of Justice Court Appearance Database, which contains information on defendants dealt with at magistrates' courts and the Crown Court, extracted from court MI systems. The Court Appearance data also provided an indicator of whether the case was both tried and sentenced in the Crown Court, rather than being convicted at magistrates' court and only sentenced in the Crown Court, allowing for the exclusion of the latter from our analysis.

Multivariate logistic regression models were built to account for the associations between sex, ethnicity, age, offence group, previous criminal history, the plea (Guilty or Not Guilty) and being sentenced to prison, compared with being sentenced to another type of disposal such as a community order, suspended sentence order, or discharge. This allowed the associations between ethnicity and imprisonment to be examined under similar criminal circumstances.

Limitations

In order to understand the limitations of this analysis, it is important to set out the levels of attrition in the dataset. The PNC extract and Court Appearance data were matched using Surname, First Initial, Date of Birth and Court Appearance (sentencing) date. Of the 355,806

⁶ As noted in Statistics on Race and the Criminal Justice System 2014, differences in sentencing between ethnic groups may be attributable to a range of factors, including differences in the type or seriousness of the offences committed, and patterns of offending and outcomes vary by ethnicity at the level of specific offences.

⁷ Where an offender was convicted of more than one offence at the same court hearing, the offence attracting the most severe sentence was considered to be the main offence. Where an offender was convicted of more than one offence in 2015, the earliest main offence in the calendar year was included, but no later main offences. For example, if an offender was convicted of offences at a court hearing in January, and other offences at a court hearing in March, the main offence in January was included, but not the offence(s) in March. We cannot know from the data any other drivers behind plea making decisions such as gravity of pending offences.

PNC records, approximately 82% matched on these criteria and only records which strictly matched on these criteria were retained in the analysis. Cases which were convicted and sentenced in the Crown Court for indictable offences were retained, resulting in an analysis sample of 24,419 records. Approximately 12% of these records were dropped from the analysis due to missing data on sex⁸, ethnicity or plea, which gave a final sample of 21,369 cases. Findings reported in this paper are robust to this missing data⁹ but are only generalisable to convictions for indictable offences that were both convicted and sentenced in the Crown Court.

Furthermore, whilst the logistic regression models allowed the associations between ethnicity and imprisonment to be examined under similar criminal circumstances, these models cannot take into account all factors involved in sentencing: for example, they do not include the specific offence committed or any associated mitigating and aggravating factors.

Results

A. Descriptive Statistics

The unadjusted¹⁰ imprisonment rates varied according to a number of defendant characteristics. **Table 1** shows the characteristics of sentenced defendants and the unadjusted imprisonment rate by key characteristics.

The overall rate of imprisonment for the cohort of offenders was 55%, with the remaining 45% receiving another punishment such as a community sentence, suspended sentence order, or discharge.

Based on self-reported ethnicity, 78% identified themselves as White, whilst 8% identified as Asian, 9% as Black, 3% as Mixed, and 2% as Chinese or other ethnicity. Without controlling for any other variables or conditions, higher unadjusted rates of imprisonment were observed for defendants self-reporting as BAME, compared with White defendants. The highest rate of imprisonment (64%) was observed for Black defendants, followed by Asian defendants (61%). The lowest rate of imprisonment was observed for those self-reporting as White (53%)¹¹.

Women were less likely to be imprisoned than men (33% versus 57%). The rates of imprisonment were relatively similar across the different age groups (ranging from 48% of offenders aged 18 to 21, to 58% of those aged 26 to 30 or 31 to 40).

The most common offence group for offenders in the data was Violence against the person, accounting for 22% of offenders. Rates of imprisonment were highest for Acquisitive violence (83%) and Burglary (domestic) (75%), and lowest for Public order and harassment (33%).

⁸ 'Sex' is considered here to refer to whether someone is male or female based on their physiology, with 'gender' representing a social construct or sense of self that takes a wider range of forms. We refer to sex rather than gender in this paper because the binary classification better reflects how individuals are generally reported in data relating to the Criminal Justice System.

⁹ That is, additional checks were completed by re-running the models and including the records with missing data. This resulted in minimal change in the odds ratios, and had no effect on the conclusions of this analysis.

¹⁰ The imprisonment rate when not controlling for any other variables or conditions.

¹¹ Whilst not directly comparable, the 2015 study Associations between police-recorded ethnic background and being sentenced to prison in England and Wales also reported higher unadjusted imprisonment rates for BAME offenders.

Nearly three-quarters of the offenders (74%) held previous convictions or cautions, and the imprisonment rate for this group was 58%. In contrast, the imprisonment rate for those without previous convictions or cautions was 45%.

Eighty percent of offenders pleaded guilty whilst one-fifth (20%) pleaded not guilty. The imprisonment rate differed considerably, from 51% for Guilty pleas to 71% for Not Guilty.

Table 1. Characteristics of sentenced defendants - where self-reported ethnicity and plea from Crown Court Appearance data is available - for their first main offence in 2015, and the rate of imprisonment, England and Wales.

| | | N | % | % Imprisoned |
|--|-------------------------------|--------|------|--------------|
| Self-identified ethnicity | White | 16,728 | 78% | 53% |
| | Asian | 1,646 | 8% | 61% |
| | Black | 2,000 | 9% | 64% |
| | Mixed | 618 | 3% | 55% |
| | Chinese or other | 377 | 2% | 59% |
| Sex | Female | 2,155 | 10% | 33% |
| | Male | 19,214 | 90% | 57% |
| Age at sentencing | Under 18 | 293 | 1% | 54% |
| | 18 to 21 | 3,171 | 15% | 48% |
| | 22 to 25 | 3,515 | 16% | 54% |
| | 26 to 30 | 3,740 | 18% | 58% |
| | 31 to 40 | 4,992 | 23% | 58% |
| | 41 to 50 | 3,293 | 15% | 54% |
| | 51 and older | 2,365 | 11% | 53% |
| Plea | Guilty | 17,193 | 80% | 51% |
| | Not Guilty | 4,176 | 20% | 71% |
| Offender Group Reconviction Scale 4 ¹² | Violence against the person | 4,734 | 22% | 48% |
| | Absconding (bail) | 114 | 1% | 72% |
| | Acquisitive violence | 1,424 | 7% | 83% |
| | Burglary (domestic) | 1,751 | 8% | 75% |
| | Burglary (other) | 417 | 2% | 62% |
| | Criminal damage | 277 | 1% | 55% |
| | Drug import/export/production | 932 | 4% | 36% |
| | Drug possession/supply | 3,435 | 16% | 55% |
| | Fraud and forgery | 1,820 | 9% | 50% |
| | Handling stolen goods | 269 | 1% | 36% |
| | Motoring offences | 345 | 2% | 44% |
| | Other offences | 658 | 3% | 51% |
| | Public order and harassment | 1,178 | 6% | 33% |
| | Sexual (against child) | 2,259 | 11% | 57% |
| | Sexual (not against child) | 1,038 | 5% | 66% |
| Theft (non-motor) | 572 | 3% | 44% | |
| Vehicle-related theft | 146 | 1% | 47% | |
| One or more previous convictions or cautions | | 15,732 | 74% | 58% |
| No previous convictions or cautions | | 5,637 | 26% | 45% |
| Total N | | 21,369 | 100% | 55% |

Percentages within group may not sum to 100 percent due to rounding.

¹² These aggregated offence groups were developed as part of the Offender Group Reconviction Scale version 4/G (OGRS4/G), a statistical predictor of proven reoffending. As such, the offence classification system optimises OGRS4/G's predictive validity by contrasting the reoffending rates of those convicted of different types of offence, and the resulting groups are not directly comparable with those recorded in the court appearance data, which are used when custody rates are published in the Criminal Justice Statistics Quarterly and for other related statistics.

In order to make more meaningful comparisons of the imprisonment rate between defendants of different ethnic backgrounds, these factors were added to a series of logistic regression models, with imprisonment (or not) as the outcome. Age was entered using the seven bands shown in Table 1. Previous convictions and cautions were entered as both a binary (yes/no) and a continuous variable (number of previous convictions or cautions). Offence group was recorded using the Offender Group Reconviction Scale 4 classification. These aggregated offence groups were developed as part of the Offender Group Reconviction Scale version 4/G (OGRS4/G), a statistical predictor of proven reoffending, and are not directly comparable with those recorded in the court appearance data, which are used when custody rates are published in the Criminal Justice Statistics Quarterly and for other related statistics

This allowed any independent associations between ethnicity and imprisonment to be examined whilst these other factors were held constant, hence allowing comparisons to be made under similar criminal circumstances.

B. Ethnicity and sentencing in the Crown Court

Table 2 shows the results of the logistic regression model (n = 21,369). Where comparisons were made between categories within factors, the reference categories are provided in parentheses ()¹³. An odds ratio (OR) greater than one¹⁴ shows increased odds of being sentenced to prison, and an odds ratio of less than one shows decreased odds of being sentenced to prison, compared to the reference category.

Odds ratios are related to probability or likelihood: increased odds means increased probability of being sentenced to immediate custody (imprisonment). However, odds can take any value greater than zero, whilst probability is restricted to values between 0 and 1 (or 0% and 100%). A 40% increase in odds (OR of 1.4) is considered small, whilst a 500% increase in odds (OR of 5.0) is large, for example. The standard error shows how much the estimate varied across cases. The odds ratios have been converted into Cohen's D: a standardised effect size measure which, for statistically significant associations, is interpreted in the 'Effect size' column as Small (S), Medium (M), or Large (L).

Ethnicity

Self-reporting as Asian, Black, or Chinese or other was associated with an increased odds of imprisonment compared to the White category. Self-reporting as Asian or Black was associated with a 50-55% increase, whilst self-reporting as Chinese or other saw an 80% increase in the odds of imprisonment. Each of these effects was statistically significant and medium sized. In contrast, there was no statistically significant difference in the odds of imprisonment for offenders self-reporting as Mixed.

Sex

The odds of men being sentenced to imprisonment were more than twice (228%) those of women. The effect was statistically significant and medium sized.

Age

The odds of adults being sentenced to prison were generally higher than juveniles. The increases in the odds of imprisonment varied from 49% for offenders aged 22 to 25, to 65% for those aged 26 to 30, to 53% for offenders aged 31 to 40. The analysis found no

¹³ E.g. for ethnicity as a factor, each non-White ethnicity type is compared with the White category.

¹⁴ Plus reaching statistical significance.

significant difference between juveniles aged 10-17 and those aged 18-21, and 41 years or older.

Table 2. Logistic regression model for the likelihood of being sentenced to prison, for those convicted and sentenced for indictable offences at the Crown Court

| Effect | Odds Ratio | 95% Confidence Limits | | Cohen's D | Effect Size |
|--|------------|-----------------------|--------------|-----------|-------------|
| | | <i>Lower</i> | <i>Upper</i> | | |
| (White) | | | | | |
| Asian | 1.551 *** | 1.385 | 1.737 | 0.242 | M |
| Black | 1.533 *** | 1.379 | 1.703 | 0.235 | M |
| Chinese or other | 1.814 *** | 1.453 | 2.264 | 0.328 | M |
| Mixed | 1.055 | 0.885 | 1.258 | 0.030 | |
| (Female) | | | | | |
| Male | 2.280 *** | 2.052 | 2.533 | 0.454 | M |
| (Under 18 years old) | | | | | |
| Aged 18 to 21 | 1.150 | 0.885 | 1.494 | 0.077 | |
| Aged 22 to 25 | 1.493 *** | 1.149 | 1.941 | 0.221 | M |
| Aged 26 to 30 | 1.654 *** | 1.272 | 2.151 | 0.278 | M |
| Aged 31 to 40 | 1.531 *** | 1.179 | 1.988 | 0.235 | M |
| Aged 41 to 50 | 1.299 | 0.996 | 1.693 | 0.144 | |
| Aged 51 and older | 1.318 | 1.006 | 1.726 | 0.152 | |
| (Guilty) | | | | | |
| Not Guilty | 2.604 *** | 2.403 | 2.822 | 0.528 | L |
| (Violence against the person) | | | | | |
| Absconding (bail) | 2.245 *** | 1.463 | 3.446 | 0.446 | M |
| Acquisitive violence | 4.936 *** | 4.217 | 5.778 | 0.880 | L |
| Burglary (domestic) | 2.399 *** | 2.104 | 2.736 | 0.483 | M |
| Burglary (other) | 1.168 | 0.937 | 1.455 | 0.085 | |
| Criminal damage | 1.707 *** | 1.318 | 2.210 | 0.295 | M |
| Drug import/export/production | 0.697 *** | 0.598 | 0.811 | 0.199 | S |
| Drug possession/supply | 1.464 *** | 1.333 | 1.607 | 0.210 | M |
| Fraud and forgery | 1.480 *** | 1.313 | 1.667 | 0.216 | M |
| Handling stolen goods | 0.470 *** | 0.358 | 0.615 | 0.417 | M |
| Motoring offences | 0.965 | 0.765 | 1.216 | 0.020 | |
| Other offences | 1.456 *** | 1.220 | 1.739 | 0.207 | M |
| Public order and harassment | 0.531 *** | 0.461 | 0.611 | 0.349 | M |
| Sexual (against child) | 1.825 *** | 1.629 | 2.045 | 0.332 | M |
| Sexual (not against child) | 1.793 *** | 1.545 | 2.081 | 0.322 | M |
| Theft (non-motor) | 0.942 | 0.780 | 1.138 | 0.033 | |
| Vehicle-related theft | 0.826 | 0.584 | 1.168 | 0.106 | |
| Each additional previous conviction or caution ¹⁵ | 1.046 *** | 1.042 | 1.050 | 0.025 | S |
| (No previous convictions or cautions) | | | | | |
| Previous convictions or cautions | 1.119 *** | 1.036 | 1.209 | 0.062 | S |

*** Denotes statistical significance at $p < 0.01$; Effect Size is shown only for statistically significant effects.

¹⁵ For continuous data such as number of previous convictions or cautions, the odds ratio is an estimate of the change in the odds with each unit change (e.g. with each additional previous conviction or caution).

Plea

Pleading 'Not Guilty' was associated with a 260% increase in the odds of imprisonment, compared to pleading 'Guilty'. In light of this large effect, further analyses were conducted to compare the association between self-identified ethnicity and imprisonment seen in the main model outlined above (where plea is controlled for) to an equivalent model where plea was not controlled for (see Section C).

Offence group

Compared to Violence against the person offences¹⁶, the odds of imprisonment for other offence groups varied. Acquisitive violence offences were associated with approximately a 500% increase in the odds of imprisonment, whilst Burglary (domestic) and Absconding (bail) were associated with increases of around 240% and 220% respectively. In contrast, Drug import/export/production, Handling stolen goods, and Public order and harassment were all associated with statistically significantly lower odds of imprisonment. The majority of statistically significant effects were of medium size, except for the increased odds of imprisonment for Acquisitive violence offences, which was large, and the decreased odds for Drug import/export/production, which was small.

Previous convictions or cautions and previous custodial sentences

The odds of imprisonment were approximately 12% higher for offenders with previous convictions or cautions compared with those without. The odds of imprisonment increase with the number of prior convictions or cautions; the analysis found that the odds of imprisonment increase by about 4% for each prior conviction or caution. This would translate into a roughly 40% increase in the odds of imprisonment for someone with 10 prior convictions or cautions.

C. Ethnicity, plea and sentencing

In this analysis, the interactions between ethnicity, plea and imprisonment were of particular interest. In Statistics on Race and the Criminal Justice System 2014, White offenders tried for selected Violence against the person offences or drug offences at the Crown Court were more likely to plead guilty¹⁷ than Black, Asian, or Chinese or other defendants. If a defendant pleads guilty early on in a case, this often results in a discounted sentence length or a smaller likelihood of receiving a custodial sentence. In line with this, pleading 'Not Guilty' was associated with large increases in the odds of imprisonment in the main model (see Section B). Therefore, plea could help explain, or mediate¹⁸, the association between ethnic background and receipt of a custodial sentence.

It should be noted, however, that the reasons for stating a plea of guilty or not guilty may themselves be associated with factors other than ethnic background and actual guilt or innocence, such as trial strategy, strength of evidence, and the motivation to obtain a sentencing discount for pleading guilty.

¹⁶ Violence against the person offences were chosen as the base comparison in order to mirror the 2015 analysis.

¹⁷ Where plea was known.

¹⁸ A mediator variable is one that explains the relationship between two other variables.

To investigate the role that plea behaviour plays in the relationship between ethnicity and odds of imprisonment, an equivalent regression model was built that excluded plea. **Table 3** shows the odds of a custodial sentence for each ethnic group relative to the White ethnic group, from separate logistic regression models in which plea was and was not controlled. When plea was removed from the main model, the odds of imprisonment increased for offenders self-identifying as Asian, Black, or Chinese or other. This suggests that plea partially explains the association between ethnicity and custodial sentencing. The increases, however, were limited such that all statistically significant associations were still classified as medium sized (i.e. of a similar magnitude), hence this mediating effect of plea was limited. There remains, therefore, a clear direct association between ethnic group and the odds of receiving a custodial sentence, whereby there are medium sized increases in the odds of imprisonment for offenders self-identifying as Asian, Black, or Chinese or other.

Table 3: Comparison of the association between self-identified ethnicity and the odds of imprisonment where plea was and was not controlled in the logistic regression model

| | Effects, controlling for plea | | | Effects, plea not controlled | | |
|---------------------------|-------------------------------|-----------|-------------|------------------------------|-----------|-------------|
| | Odds Ratio | Cohen's D | Effect Size | Odds Ratio | Cohen's D | Effect Size |
| Asian vs White | 1.551 *** | 0.242 | M | 1.732 *** | 0.303 | M |
| Black vs White | 1.533 *** | 0.235 | M | 1.765 *** | 0.313 | M |
| Chinese or other vs White | 1.814 *** | 0.328 | M | 1.94 *** | 0.365 | M |
| Mixed vs White | 1.055 | 0.030 | | 1.154 | 0.079 | |

*** Denotes statistical significance at $p < 0.01$; Effect Size is shown only for statistically significant findings; Odds ratios derived from models which include age, sex, offence group and prior offending.

D. Ethnicity and sentencing within specific offence groups

Further analyses were conducted to explore the extent of the association between ethnicity and custodial sentencing within specific higher-order¹⁹ offence groups: Acquisitive Violence²⁰, Drugs Offences, and Sexual Offences. These offence groups were chosen as they represent a wide range of offending behaviour. In each case, a separate logistic regression model was built. Due to limited volumes in some of the ethnicity sub-categories, this analysis only compared White offenders to BAME offenders as a whole.

It should be noted, however, that each of the offence groups covers a wide range of offences. As noted in Statistics on Race and the Criminal Justice System 2014, patterns of offending and outcomes vary by ethnicity at the level of specific offences. Variations in the rates of imprisonment could therefore potentially reflect variations in the mix of offences across ethnicity.

Table 4 shows the results of the specific higher-order offence group regression models, and the odds of imprisonment for BAME offenders compared to White offenders. For each of the

¹⁹ 'Drugs Offences' covers the OGRS4 offence groups 'Drug import/export/production' and 'Drug possession and supply', and 'Sexual Offences' covers the OGRS4 offence groups 'Sexual (against a child)' and 'Sexual (not against a child)'.

²⁰ Here, 'Acquisitive Violence' directly reflects the OGRS4 group 'Acquisitive Violence' and is therefore not a 'higher-order' group in the same way as 'Drugs Offences' and 'Sexual Offences'.

three chosen higher-order offence groups, the proportions of offenders from White and BAME ethnic groups and the proportions from each group who were sentenced to immediate custody (unadjusted) are shown. The final three columns show the odds ratio of imprisonment for offenders from a BAME background relative to those from a White background (and the 95% confidence intervals for these ratios), under similar criminal circumstances. That is, after adjusting for age, sex, previous convictions or cautions, previous custodial sentences, and plea. The results show that the association between ethnicity and imprisonment varied within the specific higher-order offence groups.

Table 4. Case volumes, % of self-reported White and BAME offenders and % imprisoned, and adjusted imprisonment Odds Ratios from higher-order offence-group regression models, for selected offence groups

| | Unadjusted | | | | | Higher-order offence group regression model | | |
|----------------------|-----------------|---------|--------------------|--------|-------------------|---|-----------------------|-------|
| | Volume of Cases | % White | % White Imprisoned | % BAME | % BAME Imprisoned | Imprisonment Odds Ratio (BAME vs White) | 95% Confidence Limits | |
| | | | | | | | Lower | Upper |
| Acquisitive violence | 1,424 | 73% | 85% | 27% | 78% | 0.884 | 0.637 | 1.228 |
| Drugs Offences | 4,367 | 73% | 45% | 27% | 66% | 2.368 *** | 2.043 | 2.746 |
| Sexual Offences | 3,297 | 86% | 58% | 14% | 70% | 1.202 | 0.944 | 1.531 |

*** Denotes statistical significance at $p < 0.01$; Odds Ratios shown are from models also controlling for age, sex, plea, and offending history.

Acquisitive Violence

Around 1,400 offenders convicted for acquisitive violence were examined in our model. The majority of offenders in this group were White (73%²¹), of whom 85% were imprisoned. Seventy-eight per cent of BAME offenders were imprisoned, and the imprisonment odds ratio was 0.89 (i.e. an approximate 11% decrease in the odds of imprisonment compared to White offenders). This finding, however, was not statistically significant, and therefore we have no evidence that there are differences in the odds of imprisonment between white and BAME offenders convicted of acquisitive violence.

Drugs Offences

There were approximately 4,300 offenders convicted for drugs offences, the majority of which involved White offenders (73%). Forty-five per cent of White offenders were imprisoned compared with 66% of BAME offenders, and the imprisonment odds ratio was 2.4, indicating that the odds of imprisonment for BAME offenders were more than 2 times (236%) those of White offenders. Therefore there is evidence of an effect of ethnicity of the odds of imprisonment for offenders convicted of drugs offences, with BAME offenders being more likely to be imprisoned. As noted above, however, the higher-order offence group 'drugs offences' covers a wide range of offences, both in terms of class of drug and type of offence (e.g. from possession through to production and supply). Variations in the rates of imprisonment could potentially arise from variations in the mix of offences.

Sexual Offences

There were around 3,300 sexual offenders convicted for examination in our model, of whom 86% were White and 14% BAME. Fifty-eight per cent of White offenders were imprisoned,

²¹ Compared to 78% of indictable offenders in the overall model (in Section B).

compared with 70% of BAME offenders, and the imprisonment odds ratio was 1.20 (i.e. a 20% increase in the odds of imprisonment compared to White offenders). This finding was not statistically significant, and so we have no evidence that there are differences in the odds of imprisonment between white and BAME offenders convicted of sexual offences.

Conclusion

The regression models in this analysis showed an independent association between self-reported ethnicity and the odds of imprisonment for indictable offences at the Crown Court. Self-reporting as Asian or Black was associated with a 50-55% increase in the odds of imprisonment compared to self-reporting as White, whilst self-reporting as Chinese or other saw an 81% increase in the odds of imprisonment. The analysis also suggests that the association between ethnicity and custodial sentencing can be explained to a limited extent by the tendency of offenders' to plead guilty or not guilty.

The association between ethnicity and custodial sentencing varied for specific higher-order offence groups. Ethnicity was found to be associated with the odds of imprisonment for drugs offences but not for the offence groups of acquisitive violence and sexual offences. Given the fact that each of the offence groups covers a wide range of specific offences, variations in the imprisonment rate could reflect variations in the patterns of specific offending across ethnicity.

The findings reported in this paper are robust but only generalisable to convictions for indictable offences in the Crown Court. The models used in this research are restricted in that they do not account for all factors which influence sentencing decisions. Including additional factors, such as a lower level of offence granularity, would enable a more accurate examination of the associations identified in this research.

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