



Crown Prosecution Service HQ
102 Petty France
Westminster
SW1H 9EA

cpsprivateoffice@cps.gov.uk

Andy Slaughter MP
Chair
Justice Select Committee

Sent via e-mail to:

Justicecom@parliament.uk

27 November 2024

Dear Andy,

RE: The outcome of CPS research into disproportionality in our charging decisions

I am writing to you today to notify you that the Crown Prosecution Service (CPS) intend to publish the findings from our [research into disproportionality in our charging decisions](#) and a [Disproportionality Action Plan](#) on 28 November.

It is widely established that there is a disproportionate representation of ethnic minorities across the whole criminal justice system. The decisions we make as prosecutors have a profound impact on the lives of victims and defendants. It is vital we hold ourselves to the highest standards of accountability and transparency.

That is why in 2021 we commissioned the University of Leeds to look for evidence of disproportionality in our charging decisions, using the current industry standard regression analysis which is a rigorous and robust methodology for identifying disproportionality and widely used across government and private industry.

This research, published in February 2023, told us that ethnic minority defendants were more likely to be charged for a comparable crime than white British suspects. Further, this pattern was consistent across England and Wales. A summary of the first phase of research can be found at the link below:

[CPS charging decisions - examining demographic disparities in the outcomes of our decision making | The Crown Prosecution Service](#)

Crown Prosecution Service

As the publication makes clear, while the research revealed that these disparities existed, it could not tell us anything about why the disparities were there. We therefore commissioned a further programme of comprehensive research aimed at understanding why the disparity existed. This second phase of research, which is now concluded, has been overseen by our independent Disproportionality Advisory Group, which includes academics, legal professionals and third sector partners with experience in issues of race equality, disproportionality and the justice system. Their role has been to provide constructive challenge and quality assurance of our work.

This further research included an analysis of how our decisions may be impacted by other factors, such as previous offending history, socio-economic background, the language and presentation of evidence files, the processes we ask our prosecutors to follow when reviewing files, training and workforce culture. We also examined the link between demographics in CPS Areas and higher or lower levels of disproportionality.

The outcome of the research suggests that the underlying causes are complex and does not point to any one clear driver for disproportionality. The disproportionality we have found in our charging decisions could not be explained by looking at factors such as previous convictions and socio-economic status. Rather, the findings indicate a variety of other factors may be at play. Additionally, although there was disproportionality across all CPS Areas, we found a significant correlation between working-age population ethnic diversity and disproportionality. Local CPS Areas with more ethnically diverse general working-age populations generally showed lower levels of disproportionality.

One factor identified by the research that may be contributing to disproportionate charging decisions was the difference in the language used by both police and prosecutors for suspects of different ethnicities. One project used a sophisticated set of methods called Corpus Linguistics which allowed the researchers to analyse large samples of text to uncover patterns in the language used. In respect of a sample of cases involving mixed ethnicity suspects (the highest charge rates of an ethnic group) we found more direct and definitive language used, when looking at comparable offence types with similar levels of harm in a sample of cases involving white British suspects (the lowest charge rate of an ethnic group). This points to issues across the criminal justice system, which will require a cross-system approach if we are to tackle it effectively.

To this end as part of our comprehensive plan of action to address the findings of the research, we are working with Temporary Deputy Assistant Commissioner, Alison Heydari - Police Race Action Plan Programme Director, to establish a Joint National Police Chiefs' Council (NPCC) & CPS Race Disproportionality Board. One of the principal aims of this group will be to facilitate continuous check and challenge between prosecutors and police to eliminate racial bias within the criminal justice process.

Other key actions in response to the findings, include:

- A change to the Code for Crown Prosecutors – to make sure that identifying and addressing bias is considered by prosecutors before a charging decision is made.
- An extensive programme of learning and development, and digital tools to identify bias and support decision making.
- Creation of a Joint Enterprise Local Scrutiny and Involvement Panel in every CPS Area to provide feedback on our decision-making and approach in these cases which can disproportionately involve defendants from minoritised communities.

Crown Prosecution Service

Attached for your information are embargoed copies of the Disproportionality Research Summary Report and Action Plan.

We know these findings will be of concern to communities and criminal justice partners, particularly communities who are disproportionately represented at all stages of the criminal justice system. Our role as the prosecution authority for England and Wales is to make fair and objective decisions free of bias. We have undertaken a detailed and rigorous research programme, and it is clear from the data that there have been racial disparities in our legal decision-making. This is clearly unacceptable, and I will apologise, both personally and on behalf of the organisation. I deeply regret that this has occurred.

I want to assure you of the CPS' unwavering resolve to working with stakeholders, including other criminal justice partners to implement the necessary actions to address this, and tackle other cross-system issues that may be contributing to racial disparities. We know that achieving fair and proportionate charging decisions is crucial if we are to secure the trust and confidence of all the communities we serve.

If you would like to discuss the research and action plan in more detail, please contact our parliamentary team at CSParliament@cps.gov.uk and they will arrange this for you.

Yours sincerely,



STEPHEN PARKINSON
DIRECTOR OF PUBLIC PROSECUTIONS

Crown Prosecution Service