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Ministry
of Justice

An investigation into racial bias in court case outcomes in England and Wales

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Background

The racial bias in our justice system is creating a social timebomb

David Lammy



My review reveals the prejudice that black and minority ethnic children face. We've had enough talking - we must act on this issue urgently

- People from minority ethnic backgrounds are overrepresented within the criminal justice system in England and Wales
- The **Lammy Review** highlights overrepresentation results in 'wasted lives' and generates mistrust in the justice system

Background

- Lack of trust in the fairness of the criminal justice system among ethnic minority groups may *worsen* inequality
- Lack of trust leads to a higher likelihood of ‘not guilty’ pleas
- Ethnic minority defendants more likely to opt for jury trial in the Crown Court – can lead to harsher sentences than magistrates’ court



Background

- A recommendation of the Lammy Review is to identify how outcomes differ for people of different backgrounds and **‘explain or reform’**
- A tendency to dismiss differences between ethnic groups by suggesting this may be due to other things
- Currently, available statistics tend not to control for other things such as age

Overall project aims

My research project will:

- Statistically control for other factors that are available within the data, such as age and offence type and severity
- Investigate the role of not guilty pleas and electing for trial at the Crown Court
- Investigate whether differences between ethnic groups are the same or different for men and women

Further research questions

Following discussions with the **ADR UK User Representation Panel** - representatives from justice organisations that work with, and on behalf of, system users (such as defendants and prisoners) – I have added further research questions:

Are there differences between ethnic groups and between men and women in:

- The number of non-custodial sentences a person receives before receiving a prison sentence?
- The difference in the severity of the offence someone is prosecuted for and the severity of the offence they are eventually convicted of?

Data used

- **De-identified** magistrates' and Crown Court datasets from the Ministry of Justice, made available via the ADR UK-funded Data First programme
- Case level administrative data on criminal court use (includes things such as age, type of offence, whether co-defendants, etc.)

Data access

- Through the **Office for National Statistics Secure Research Service** – a trusted research environment (TRE)
- Data cannot be removed or copied from the secure environment
- Accessed under the Assured Organisational Connectivity Scheme – University of Sheffield had to show they meet the **safe setting criteria** and achieve certification
- Outputs (findings) can only be removed following clearance from ONS



Data access approval

- Had to become a **Fully Accredited Researcher**
- Project Approval by the **Digital Economy Act Research Accreditation Panel** – research is in the public interest; is a feasible, lawful, ethical and transparent use of data
- Application for data access to Ministry of Justice (MoJ) – research of benefit to MoJ and wider public, ethical, data protection and security



Impact/public benefit

- Insights into differences between ethnic groups and the relationship between this and gender
- Address tendency to dismiss differences as being due to other things
- Contribute to the principle of ‘explain or reform’
- Enable policy decisions to be better targeted in terms of reducing differences
- Provide better information to justice organisations that work with, and on behalf of, system users – e.g. Prison Reform Trust, Revolving Doors, Release



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Questions

- Contact details for anything further: a.sorsby@sheffield.ac.uk