

BME Communities' Expectations of Fair Treatment *by the* Criminal Justice System

September 2005

CRIMINAL JUSTICE SYSTEM



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Introduction

Background and Objectives

The Criminal Justice System (CJS) Race Unit at the Office for Criminal Justice Reform (OCJR) commissioned MORI to conduct qualitative research into the expectations of Black and Minority Ethnic (BME) people about whether they would be treated equitably by different agencies within the Criminal Justice System.

The CJS Race Unit is compiling a delivery plan to meet the new public service agreement target set for them. The key issue to be addressed by this plan is the level of 'confidence' that BME people have that they will be treated equitably by the CJS.

The key objective of this research was to ascertain the expectations that different BME people have regarding their treatment within the CJS and whether they expect their treatment to differ from that given to people from other ethnic groups. Factors that underpin (and drive) these perceptions and levels of confidence in the fairness of the system are also explored.

Focus Groups: An Introduction

Focus groups are the most widely known type of qualitative research. They typically involve around eight to ten participants and last around one and a half to two hours, depending on the range of issues that are covered and the nature of the participants. The dynamics of the discussion encourage respondents to generate new ideas, stimulate debate and react to what other group members are saying.

In most circumstances, the greater the homogeneity of participants, the more successful the group will be in terms of the depth of information gathered. Shared perspectives and experiences generally help the group to gel, and provide more in-depth information.

The principal value of a focus group is that it is a dynamic process: the debate between participants can be developed by the moderator and new ideas are generated which may not have emerged with any other methodology. They are also particularly good for in-depth discussion of sensitive or emotive issues.

Qualitative research is less concerned with measurement ("how many?", "how often?") and more with understanding nuance, motivations, attitudes and feelings ("why?", "how?"). The methods we have used involve small sample sizes: population characteristics therefore cannot be extrapolated. Instead, the research reported here provides a depth of understanding and insight into the minds of BME respondents.

Methodology

Group Structure

MORI conducted 16 focus groups in total. Each group was recruited to be internally homogeneous in terms of age and ethnicity. As only eight to 13 local residents were involved in each session, it is important to note that this report is not intended to provide a representative view of opinion across the different BME groups, but, rather, it is an attempt to provide a more in-depth analysis of the issues that are salient to these groups.

The groups were recruited by MORI's Field and Tab department in accordance with the recruitment criteria detailed below, which had been agreed with the CJS Race Unit. The criteria were designed in order to gain a good geographical, age, gender and ethnic spread. Ethnic background was self-defined by respondents. The Mixed Race groups only included those from the following two ethnic backgrounds: Black Caribbean and White, and Black African and White. Members of the CJS Race Unit team attended 11 of the 16 focus groups. Respondents were each paid £30 as an incentive to attend the sessions and a thank you for their time.

All groups were conducted between 27th April and 1st June 2005.

	Younger 18-24 years (unless stated otherwise)	25-40 years (unless stated otherwise)	40-65 years (unless stated otherwise)	Older 65+ years (unless stated otherwise)
Bangladeshi	1 male group Tower Hamlets	1 female group Birmingham		1 female group, not proficient in English Tower Hamlets (55+ yrs)
Chinese	1 mixed gender group Manchester			
Black African		1 female group Hackney	1 male group Hackney	
Black Caribbean	1 male group Lewisham	1 mixed gender group Bristol	1 female group Birmingham	1 mixed gender group Lewisham
Indian	1 female group Loughborough		1 male group Ealing	
Pakistani		1 male group Manchester 1 female group Peterborough		
Mixed Race	1 mixed gender group Hackney (14-17 years)	1 mixed gender group Hackney (18-30 years)		

Issues Covered

The aim of the discussions was to cover a range of issues highlighted as important to understanding perceptions of treatment within the CJS. The discussions were structured to enable comparison between different ethnic groups, ages and genders. However, as mentioned above, while we sometimes identify differences between the groups, we are not able to quantify the extent of these differences.

The groups were moderated by experienced MORI qualitative researchers using a topic guide which covered the following areas of discussion:

- Awareness and knowledge of the CJS and its constituent agencies;
- Contact with the CJS;
- Perceptions of equal treatment by the CJS (including barriers and enablers);
- Employment opportunities within the CJS and representativeness of the CJS;
- Improvements and ways forward.

In addition to these topics, participants were also asked about their local area and concerns around crime in general to help start the discussions, as well as providing some context.

Throughout the discussions, there was a focus on answering the following six key questions:

1. Have the attendees had an experience of the CJS and its individual agencies?
2. How were they treated by the agency (agencies) and how did this affect their feelings/views of the CJS?
3. Besides personal experience, what else influences their views on the agencies?
4. How did they feel they would be treated in comparison to other ethnic groups, particularly the White ethnic group?
5. Would employment of more BME people in the CJS be a positive or negative factor?
6. What improvements would make a difference to people's confidence in equality of treatment?

The report is structured around these areas and identifies, where appropriate, the differences in perceptions between age groups, ethnic groups and genders. It also draws out, where applicable, any areas where opinions differ regarding the constituent agencies of the CJS.

Definitions, Presentation and Interpretation of Data

Qualitative methods, such as group discussions, are ideal for exploring complex issues and to elicit a full range of possible answers. The real value of qualitative research is that it allows insight into the attitudes and beliefs of BME respondents, which could not be examined in as much depth using a structured quantitative questionnaire. Qualitative research utilises smaller samples that are chosen purposively to ensure representation of a full range of views within the sample.

However, it must be remembered that qualitative research is designed to be illustrative and does not look to produce statistics, but to identify the range of views, opinions and experiences of residents. Further, these findings cannot be generalised as we are unable to make assertions as to the representativeness of the groups involved in this research. In addition, it is important to bear in mind that we are dealing with perceptions rather than 'facts'. Therefore, these issues need to be taken into account when interpreting the research findings.

Throughout the report we have made use of verbatim comments to exemplify a particular viewpoint. It is important to be aware that these views do not necessarily represent the views of all participants. The recording equipment for Group 2, Bangladeshi females in Birmingham, malfunctioned. Therefore, verbatim comments are not included in the report but the discussion with this group is referred to within the text.

Summary of Findings

- Throughout this study respondents were consistently positive about having the opportunity to discuss issues relating to the CJS. As we discuss below, awareness and knowledge of this area were typically limited, and respondents welcomed the opportunity to learn more and share views with peers in an encouraging environment. These groups provided a useful and constructive forum for exploration of the issues, and feedback from respondents was extremely positive.
- Consistent with previous MORI studies, awareness of the full range of agencies of the CJS was low across all the groups. Although most people were able to identify some of its constituent agencies, very few participants were able to identify them all, even when prompted. Personal contact, experiences of friends and relatives, hearsay, levels of visibility and coverage in the media all have a role to play in determining participants' knowledge of the different agencies.
- The police are the most well-known agency, and therefore tended to be uppermost in respondents' thinking around the CJS. Most people's perceptions of the CJS tend to be strongly driven by their views of the police (they are seen by some as the 'foot soldiers of the CJS') which in turn are often influenced by the interaction people have had with the police. Knowledge of agencies beyond the police was patchy, with few respondents able to detail their functions. There was some awareness that prisons and the courts are part of the system, but knowledge and understanding of the CPS, Probation Service and Youth Offending Teams was generally low.
- It is important to bear in mind that contact with agencies varied across the different types of respondent. Younger male groups were the most likely to say that they have had contact with the agencies, typically the police. Across the groups, it was the older, female and Indian groups who generally had lower levels of contact. Despite some mentions of positive experiences (including, for example, visiting the courts as part of a school trip, and an open day at the local prison), in the main, experiences were reported as being negative.
- The CJS was spontaneously mentioned by some respondents as treating people from BME communities unfairly. This view was not shared by all groups but was most prevalent among the younger, male and Black groups. However, those who are most positive did concede, after probing, that racism and unfair treatment towards BME people may occur (though much of this is based on media reporting or hearsay). There was a strong feeling amongst some people that there is a distinct hierarchy in terms of expected treatment, with Black people likely to be treated most unfairly, followed by Asians and then White people. However, some participants who identified themselves as being Muslim expressed the view that they were most likely to receive unfair treatment following events on September 11th 2001.¹ Some respondents cited other factors, including non-race or non-ethnicity based issues, which may have an influence on treatment; specifically:

¹ It is important to note that these groups took place before the London bombings on 7th July 2005.

- The area they live in (particularly deprived areas, or those with a reputation for crime);
- Education/social class.
- For respondents, unfair treatment is characterised by a number of different indicators, mainly the targeting and implementation of stop and search, language/mannerisms of CJS staff (mostly police) and perceived lack of responsiveness to the needs of BME communities.
- The main influence on perceptions tended to be personal contact, but in the absence of this (either personal or through friends/relatives), participants based their perceptions on what they have seen or heard in the media. This included entertainment-based articles/programmes as well as local and national news stories. High profile cases in particular (Stephen Lawrence, Zahid Mubarek) are often key in forming negative perceptions around fairness of treatment.
- Word of mouth and hearsay are also significant influencers of perceptions. Many of the participants lived in close-knit communities, and although many had no personal experiences with the CJS, they often discussed local incidents and events, demonstrating the power of these informal communication networks.
- Few people were aware of the proportion of BME employees within the CJS; estimates varied widely, from 1% to 20%. However, there was a consistent feeling that where BME people were employed, they tended to be in mostly lower-ranking or ancillary positions, which indicated a lack of representation at senior levels. For most respondents this did not encourage perceptions of fairness across the system.
- Although perceptions varied, some (wrongly) believed that the police, which was felt to be the largest agency, was also likely to have the highest proportion of BME employees.
- Whilst there was a general acceptance that more BME employees may help to improve perceptions of fairness, this largely depended on whether or not there was seen to be greater representation at senior levels of the system. However, there was some negative feeling towards BME people currently employed by the CJS, in particular the police. They were often seen as having abandoned their own cultural identity to 'fit in'. Respondents felt that further increases in the proportions of BME employees should therefore be accompanied by more flexibility in the system to allow diversity and enhance perceptions of fairness, for example, by encouraging cultural dress, such as the hijab.
- While the increased representation of BME people within the CJS was generally supported in the groups, there are some real stumbling blocks to realising this. These include:
 - The perception amongst some that BME people working within the CJS could be viewed negatively, for example, as having 'sold out' to the system, or having cast off their own cultural heritage;
 - It could often be seen as a less prestigious career path than, for example, accountancy, medicine or practising law for a corporate firm;
 - Some respondents spontaneously mentioned quotas and positive discrimination in negative terms (although this is illegal and is not practised by the CJS in any way). They do not want to have preferential treatment over other ethnic groups as this is often felt to encourage conflict;
 - Respondents, and in particular those in the younger groups, felt there was a lack of information generally about what careers were available within the CJS, and they were unsure about how they would go about finding this information.

- Equally, whilst accepting that an increase in BME representation within the CJS could improve perceptions of fair treatment, some participants said they would not encourage their friends, family or children to join the agencies. Often this was due to a deep mistrust of the CJS, particularly in the cases of the Black Caribbean respondents and those identifying themselves as Muslim. For others, the CJS was not considered to offer a prestigious career path, as noted above.
- The research provides some indications of how perceptions of fairness of treatment across the CJS can be improved;
 - Greater information provision about the roles and responsibilities of the CJS and its component agencies, via leaflet drops around communities, workshops/roadshows and the internet;
 - Ensuring that acceptable standards of customer care are embraced by officers and staff of all grades across all agencies. Participants felt this must be embedded in training courses and monitoring processes;
 - Demonstrating greater appreciation of cultural differences; through more engagement/understanding of BME populations, for example, visiting community events or school open days;
 - Increasing BME representation across the CJS (notably at more senior levels) whilst not being (incorrectly) seen as driven by quota-setting;
 - Identifying relevant role models – BME officers and staff who are currently in high-ranking positions;
 - Demonstrating how unfair treatment within the CJS is currently being dealt with, ideally by an independent monitoring body. Although this is already happening (i.e. the Independent Police Complaints Commission), it needs much wider communication to ensure that people are aware of efforts being made in this area.

Setting the Scene: The Participants and their Local Areas

The local area in which people live can play an important part in how they feel about their quality of life and their opportunities, including how they relate to public bodies. For instance, MORI's research shows that satisfaction with the local area generally, and ratings of public service providers such as the local council, are more negative in areas of higher deprivation. We also know that perceptions of community cohesion vary significantly across local areas, as do performance measures of local criminal justice boards and police forces. This chapter of the report provides a thumbnail sketch of the participants and the local area they live in to help interpret findings in later chapters.

Group 1: Bangladeshi, Male, 18-24 year olds, Tower Hamlets

Local Authority (LA) Population 196,106

Diversity Profile Extremely ethnically diverse area of inner London with particularly high concentration of Asian/Asian British, in some wards over 50%.

Respondent characteristics All Bangladeshi young men born and raised in Tower Hamlets, some working locally and some studying.

Views of the area
 POSITIVES: Strong Bangladeshi community, central location, access to amenities
 NEGATIVES: Drug problems, anti-social behaviour

Group 2: Bangladeshi, Female, 25-40 year olds, Birmingham

LA Population 991,900

Diversity Profile More ethnically diverse than nationally, with particularly high concentrations of Mixed Race people (Black Caribbean and White), Indian, Bangladeshi and Pakistani residents (all at least 2.5 times higher than the national average). High proportions of Muslims and Sikhs living in the city.

Respondent characteristics Mostly married with children, all live in 'Bangladeshi' areas.

Views of the area
 POSITIVES: Close-knit Bangladeshi community, multi-culturalism, convenience of amenities.
 NEGATIVES: Crime, lack of employment opportunities, parking, drugs, vandalism and lack of cleanliness (particularly regarding vermin).

Group 3: Bangladeshi, Female, 55+ year olds, not proficient in English, Tower Hamlets

LA Population 196,106

Diversity Profile Extremely ethnically diverse area of inner London with particularly high concentration of Asian/Asian British, in some wards over 50%.

Respondent characteristics Nine Bangladeshi-born women, lived in England for between 22 and 34 years, all married with children/grandchildren. Most claimed a little understanding of English, two had studied English and two had been in low-skilled employment.

Views of the area POSITIVES: Strong Bangladeshi community
NEGATIVES: Drugs perceived to be a major problem, and police can be slow to respond. Petty crime by local youth, some racism.

Group 4: Indian, Male, 40-65 year olds, Ealing

LA Population 305,100

Diversity Profile More ethnically diverse than nationally, a quarter of population is Asian, compared with 12% for London and around 4% for England and Wales. Ealing has a higher proportion of Hindus, Sikhs and Muslims than the rest of the country.

Respondent characteristics Most born in India and were first generation immigrants. All married with families and have lived in Ealing since they came to England. All participants were owner-occupiers. Mix of professions and occupations in the group; ranging from being unemployed to an accountant.

Views of the area POSITIVES: Vibrant and established Indian community, multi-culturalism, enjoyed living in the area.
NEGATIVES: Spontaneously mentioned Somali community as being apparently responsible for increase in crime in the area, which respondents put down to lack of opportunities and no employment.

Group 5: Indian, Female, 18-24 year olds, Loughborough

LA Population 155,300

Diversity Profile Predominantly White population, although one or two wards with about 20% concentration of Asian/Asian British.

Respondent characteristics Eight British-born Indian women, all currently studying in the Leicester area and living at home with their families. Most described themselves as relatively well off.

Views of the area POSITIVES: Mix of cultures, tend to get on with each other
NEGATIVES: More visible crime, anti-social behaviour.

Group 6: Pakistani, Male, 25-40 year olds, Manchester

LA Population 432,400

Diversity Profile More ethnically diverse than nationally, with particularly high concentrations of Mixed Race people (Black Caribbean and White), Chinese and Pakistani residents (all at least 2.5 times higher than the national average). High proportions of Muslims living in the city (9% compared with 3% nationally).

Respondent characteristics One Pakistani-born, long-term immigrant, one Israeli-born, five UK-born. Three professionals, two unemployed, two students. Two respondents had lived in London previously. All respondents identified themselves as Muslims.

Views of the area POSITIVES: Cosmopolitan city, friendliness of the people, pace of life, regeneration income associated with 2000 Commonwealth games.
NEGATIVES: Crime, drugs, traffic.

Group 7: Pakistani, Female, 25-40 year olds, Peterborough

LA Population 159,100

Diversity Profile More diverse than the national average: Peterborough's population comprises around 7% Asians (compared with around 4% nationally). It also has more Pakistani residents than average (around 4% compared with just over 1% nationally).

Respondent characteristics Respondents were a mixture of first generation immigrants from Pakistan and those born and bred in Peterborough. Two of the women had moved to the area after getting married. All were married with families. Most did not work and looked after the family. A couple of the participants worked as part-time teaching assistants in their local primary school.

Views of the area POSITIVES: Peterborough is a small and accessible city. All enjoyed living in the area and felt relatively safe. Felt there is a strong (but small) Pakistani community where people look out for each other.
NEGATIVES: Some feelings that the area they live in has a negative reputation because it is labelled 'deprived'. Also concerns about influx of Eastern European residents, who are seen to be the/a cause of an increase in anti-social behaviour.

Group 8: Black Caribbean, Male, 18-24 year olds, Lewisham

LA Population 248,400

Diversity Profile More ethnically diverse than nationally, with particularly high concentrations of Mixed Race people (Black Caribbean and White), Chinese and Black residents (all at least 2.5 times higher than the national average).

Respondent characteristics All except one UK-born. UK-born respondents have all lived in London their entire lives, and only three had lived outside the Lewisham area. Mixed tenure, some living at home with parents, others in council accommodation and one private renter. Three in employment, two studying and the rest were unemployed.

Views of the area

POSITIVES: Respondents see area as 'average' and were reluctant to mention any positive aspects about the area at all. When pushed, proximity to central London was mentioned.

NEGATIVES: Unemployment, nothing for young people to do, gangs and gang-related crime.

Group 9: Black Caribbean, Female, 40-65 year olds, Birmingham

LA Population 991,900

Diversity Profile More ethnically diverse than nationally, with particularly high concentrations of Mixed Race people (Black Caribbean and White), Indian, Bangladeshi and Pakistani residents (all at least 2.5 times higher than the national average). High proportions of Muslims and Sikhs living in the city.

Respondent characteristics Mostly mothers, range of professions from youth worker; to café owner and unemployed.

Views of the area

POSITIVES: Facilities and opportunity (particularly those related to education).

NEGATIVES: Crime, especially related to recent high publicity around gun-crime, traffic and vermin.

Group 10: Black Caribbean, Mixed Gender, 25-40 year olds, Bristol

LA Population 391,600

Diversity Profile Bristol has a slightly higher proportion of Black British residents than the rest of the country. The St. Paul's and Ashley area of Bristol, where this group took place, comprises around 12% Black British residents compared with around 2% across Bristol. The Black population in this part of Bristol is predominantly Caribbean.

Respondent characteristics Mixture of married and single people. At least half of group comprised single parents. Most were social renters. Mixture of employed and unemployed people. Most had lived in Bristol all their lives with one or two having moved there from other large urban areas (London and Birmingham).

Views of the area

POSITIVES: Strong and long established Black community in St. Paul's area of Bristol. Close to the city centre.

NEGATIVES: Violent crime, lack of employment opportunities, drug dealing but feel this is sensationalised by media and those living outside the area. Also critical of regeneration taking place as they feel the local community is being broken up and residents are being displaced as the area is being 'gentrified'.

Group 11: Black Caribbean, Mixed Gender, 65+ year olds, Lewisham

LA Population 248,400

Diversity Profile More ethnically diverse than nationally, with particularly high concentrations of Mixed Race People (Black Caribbean and White), Chinese and Black residents (all at least 2.5 times higher than the national average).

Respondent characteristics All except one Caribbean-born. All retired with the exception of two. All have lived in the Lewisham area since moving to the UK, the other was born in the area.

Views of the area

POSITIVES: Shopping facilities, multi-cultural neighbourhood, employment opportunities and proximity to the West End

NEGATIVES: Crime and anti-social behaviour, which is felt in a large part to be related to youngsters having nothing to do.

Group 12: Chinese, Mixed Gender, 18-24 year olds, Manchester

LA Population 432,400

Diversity Profile More ethnically diverse than nationally, with particularly high concentrations of Mixed Race people (Black Caribbean and White), Chinese and Pakistani residents (all at least 2.5 times higher than the national average). High proportions of Muslims living in the city (9% compared with 3% nationally).

Respondent characteristics Most people in the group were students. The group comprised Chinese-born people (these were recent immigrants within the last year or two) and UK-born people, some of whom had lived in Manchester their whole life (and still live with parents), and two moved to the area to study. Those not living with family tended to live in 'student' areas of the city.

Views of the area POSITIVES: Cosmopolitan city, Chinatown and nightlife.
NEGATIVES: Crime, in particular racist crime and anti-social behaviour targeted at foreign students

Group 13: Black African, Male, 40-65 years old, Hackney

LA Population 208,200

Diversity Profile Far more ethnically diverse than nationally, with particularly high concentrations of Black British/African and Caribbean. Quite high proportions of Muslims living in the Borough (14% compared with 3% nationally).

Respondent characteristics Nine predominantly Hackney-born respondents. Some full-time parents with other professions ranging from pest control officer to trainee engineer. Most had lived in the area for a long time.

Views of the area POSITIVES: Diverse with lot of nationalities interacting. Centrally located, so good for travel.
NEGATIVES: Economically poor and lacking in facilities (e.g. sports, housing stock). Serious crime was an issue.

Group 14: Black African, Female, 25-40 years old, Hackney

LA Population 208,200

Diversity Profile Far more ethnically diverse than nationally, with particularly high concentrations of Black British/African and Caribbean. Quite high proportions of Muslims living in the Borough (14% compared with 3% nationally).

Respondent characteristics Nine predominantly Hackney-born respondents (one born in Kenya and one born in Ghana). Mixture of non-working mothers and trainee teachers/nurses. Most with two children or more. Most had lived in the area for 10 years or more.

Views of the area POSITIVES: Centrally located, easy to travel to central London and elsewhere. Very diverse. Good children's activities.
NEGATIVES: Street crime (although perceived as going down). Lots of under-achievement of Black people.

Group 15: Mixed Race, mixed gender, 14-17 year olds, Hackney

LA Population 208,200

Diversity Profile Far more ethnically diverse than nationally, with particularly high concentrations of Black British/African and Caribbean. Quite high proportions of Muslims living in the Borough (14% compared with 3% nationally).

Respondent characteristics Mostly still studying or in between studies. Most had lived in area for long time/grown up there.

Views of the area POSITIVES: Lots of parks, friends.
NEGATIVES: Violence (inter-school fighting and local rivalries with those from adjacent postcode areas) so didn't feel very safe in areas. Public transport also a negative (seen as unsafe).

Group 16: Mixed Race, Mixed Gender, 18-30 year olds, Hackney

LA Population 208,200

Diversity Profile Far more ethnically diverse than nationally, with particularly high concentrations of Black British/African and Caribbean. Quite high proportions of Muslims living in the Borough (14% compared with 3% nationally).

Respondent characteristics Mix of students and young mothers, with some in work (e.g. HGV driver, film runner). Most had lived in area for a long time.

Views of the area

POSITIVES: Centrally located so good for travel/commuting. Diverse community.

NEGATIVES: Poor schooling, pupil discipline in schools, poor housing. Violence an issue (postcode issues, as mentioned above). Lack of youth clubs/things to do for young people.

Awareness of the CJS

Overall awareness

In all the groups, participants were asked to identify the different agencies that make up the CJS, via a series of cards with different public bodies listed on them. The non-CJS agencies varied in some of the groups.

Overall, awareness of the CJS was fairly limited. In the groups, very few participants were able to correctly identify all the agencies that constitute the CJS. This is consistent with other research MORI has carried out in this area. For example, the survey MORI conducted with OCJR Confidence Unit in 2003² showed that 9% or less of BME respondents could spontaneously name a single CJS agency other than the police and courts.

The CJS seen as part of a wider ‘authority’

It is interesting and instructive to note that when participants were asked to consider the different agencies and types of organisation that may be part of the CJS, they tended to think beyond the confines of those covered by the Home Office, and often did not differentiate them from health, education and local government. To many participants, the agencies were part of ‘the authorities’ or ‘the establishment’. This illustrated the need for cross-government awareness and actions when addressing issues relating to the public’s understanding of the CJS.

All them – The Crown Prosecution Service, Probation Service, everything. Everything boils down to the Government; they’re at the top.

Female, Black Caribbean, 40-65 years, Birmingham

The CJS agencies

Police

When asked to identify the individual agencies, the police were the most well-known agency and one that dominated any spontaneous discussions about the system in general. For many, the police are the CJS and therefore they tended to be a key driver in determining attitudes towards the CJS as a whole. This trend was seen across all the groups. Again, this is consistent with other MORI research and should be borne in mind when interpreting participants’ views towards ‘the CJS’.

When asked to consider the other agencies and what they do, levels of awareness varied considerably and relatively few people were able to detail their functions. Those who were most able to correctly say what the agencies do tended to be those who had most contact (either personally or via friends and

² ‘Criminal Justice System Confidence Survey’, 26th February-14th April 2003.

family), particularly the groups among Black Caribbean respondents (except the older Lewisham group), the younger male participants (Bangladeshis in Tower Hamlets, Pakistanis in Manchester) and the Mixed Race groups in Hackney. Among other groups, levels of awareness were very low and participants only talked about the different agencies when prompted. This was especially the case among the Chinese group, the older Bangladeshi women's group in Tower Hamlets and the Pakistani women in Peterborough. The group where knowledge and awareness was higher relative to contact or experience was the young Indian women in Loughborough.

The Courts

Participants were intuitively aware that the courts are part of the CJS and able to say what they do. The courts were perceived to act as arbiters and 'decide the punishment for people' and most were aware that there are two types of courts: one for low level crimes (such as parking offences) and another for more serious crimes (although not all participants were able to name the two different types).

Magistrates have got petty offences but high court deal with more serious crimes.

Male, Mixed Gender, Mixed Race, 18-30 years, Hackney

When people talked about the courts they tended to refer to lawyers, judges and barristers. Those who had contact with the courts (either as witnesses, defendants or suspects) were more knowledgeable about the courts, although many did concede that despite direct contact their understanding was patchy, for instance in the young Black Caribbean male group in Lewisham. However, beyond direct contact there were no real patterns that emerged in terms of which groups were more likely to know what courts do.

Prisons

Similarly to the courts, in all the groups, people were aware of and had some idea about what prisons do, despite very few respondents having had any direct experience of them. Most commonly, they were seen as "punishment centres". However, given that the role of prisons exceeds just punishment of offenders, knowledge around rehabilitation, re-education and other aspects appeared to be limited. Awareness tended to be influenced by external factors, such as the media, although the Pakistani women in the Peterborough group had a detailed knowledge of prisons because a new prison had recently been built in their local area.

Well prisons obviously are a punishment centre.

Female, Pakistani, 25-40 years, Peterborough

Crown Prosecution Service

Knowledge of what the Crown Prosecution Service is and does was very low. Only a few participants (again, mostly those who had contact with it) were able to say what it does. Where participants had no contact, they tended to hazard a guess and some mentioned that it 'decides whether a case should go to court or not' but beyond this, details were very patchy.

As I understand it, when the crime is recorded and, the case goes through and these are the people who decide whether the case goes ahead or not, whether to charge you or not, or let you go free.

Male, Indian, 40-65 years, Ealing

It is interesting to note that when prompted, people were more able to talk about the type of people who they think work there rather than what the agency actually does. For instance, they mentioned that the CPS comprises lawyers, judges, clerks and civil servants.

Well educated. Probably a lot of lawyers there. People with secretaries ... all sorts of different people, but people from different backgrounds who've done, education and all that stuff.

Male, Mixed Gender, Mixed Race, 18-30 years, Hackney

I think they're [CPS] quite White, middle-class people rather than working class ethnic minorities or Black people.

Female, Indian, 18-24 years, Loughborough

Probation Service and YOTs

The Probation Service and Youth Offending Teams (YOTs) were least well known. Although many respondents were correctly able to identify them as being part of the CJS, this was largely because people felt they 'should' be part of the CJS and are 'legal sounding', rather than because they had any more detailed knowledge. A few participants across the groups talked more knowledgeably about the Probation Service and YOTs, for instance in the Pakistani group in Peterborough, where one woman worked as a youth volunteer for a local community organisation and had contact with YOTs previously through this community role. Similarly, one participant in the Indian group in Ealing said one of his employees had recently had contact with the Probation Service. Despite this handful of experiences, knowledge was generally low apart from in the Mixed Race group in Hackney, the Black Caribbean group in Bristol, and the Bangladeshi male group in Tower Hamlets, where some people reported higher levels of awareness (and contact) with these agencies.

Despite overall low levels of awareness across most groups, the Probation Service and YOTs were generally seen as having a 'rehabilitation' or 'helping' function. Respondents' positive feelings towards these more caring aspects meant that these agencies tended to be viewed as treating people more equitably than the other agencies.

The criminals, they just have to pay their cost back to the community basically.

Male, Indian, 40-65 years, Ealing

[YOTs] help to reform an individual ... they just help bring younger children into line again.

Female, Indian, 18-24 years, Loughborough

In court you have to prove yourself innocent whereas them [probation] they will listen to you and give you the chance at least to make a difference to your life.

Male, Bangladeshi, 18-24 years, Tower Hamlets

What influences awareness?

To a major extent, awareness of the CJS is determined by personal contact and experience, what people have heard/read about in the media, or word of mouth/hearsay. Among all groups, awareness and knowledge of the police tended to be determined by personal contact³ (especially among the younger male groups and Black Caribbean respondents). For those with limited contact with the police, awareness was very much driven by media and hearsay/word of mouth: for instance, the Pakistani female group in Peterborough, both groups among Bangladeshi women (Birmingham and Tower Hamlets) as well as the Black African women in Hackney and the Chinese group in Manchester.

³ Criminal Justice System Confidence Survey, 26th February-14th April 2003.

Similarly, with the other agencies of the CJS, where participants had little or no contact, their limited awareness/knowledge tended to be based on media reports and word of mouth/hearsay. This was particularly so in the case of prisons, where most participants had no personal contact, but it was the agency they felt they knew most about after the police.

For the courts, personal experience, and to a lesser extent the media, influence awareness and knowledge. However, it is important to bear in mind that even some of those who had direct experience of the courts conceded they did not understand how they work, for instance in the Pakistani male group in Manchester where there was some confusion between criminal and civil courts.

For the CPS, Probation Service and YOTs, personal contact (or general knowledge) is the greatest determinant of information. The media did not tend to have a strong influence here due to a general lack of coverage/focus on these agencies.

Improving perceptions via information and contact

In a few of the groups, participants mentioned they had learnt about some of the agencies through educational visits at school/college, or via open days. In these cases, as we discuss in the next chapter, perceptions of the CJS tended to be more positive.

I'm doing GCSE law and we went visiting a Crown Court and saw things taking place and a lot of the CPS people are Black women and Chinese men and stuff like that. I also visited the prison with the courts and saw how people got delivered and taken care of.

Male, Mixed Gender, Mixed Race, 14-17 years, Hackney

One of the key findings in most of the groups was that participants themselves acknowledged they knew very little about the CJS because most felt it is a system they wanted to avoid coming into contact with. They did, however, cite a demand for greater information (which they believed would lead to improved perceptions).

These are the sort of places where the ordinary person tries to avoid and they don't want to know, don't want to visit them, don't want to go to them.

Male, Indian, 40-65 years, Ealing

We don't know our law. We haven't studied law. We know nothing about it.

Male, Bangladeshi, 18-24 years, Tower Hamlets

Contact with the CJS

It is important to explore the levels and types of contact which different participants have had with the CJS in order to understand how this impacts on opinions and attitudes towards the system (including perceptions around fairness of treatment). As already noted, personal contact and experience are major drivers of opinions.

There were varying levels of personal contact with the CJS across the groups, ranging from being charged with a serious offence to being a witness to a crime. In most groups, the main contact people had experienced was with the police; few respondents across the groups had experienced contact with the other agencies.

There were differences in the levels and types of contact across the groups. Among the groups with younger males, a large number of participants said they had contact with the CJS as suspects, particularly in the Black Caribbean groups in Bristol and Lewisham, the Mixed Race groups in Hackney and the Bangladeshi males in Tower Hamlets. In contrast, most of the female and older participants had contact primarily as victims or witnesses (although there are some exceptions in the Black Caribbean Bristol group, the Black Caribbean women in Birmingham and the Black African women in Hackney).

As mentioned previously, a few participants in the groups had been in contact with the CJS via educational visits through school or college (the young Mixed Race group in Hackney) and in the female Pakistani Peterborough group a participant had visited the new prison which had opened in the area (as it was a contentious issue among residents). However, it is apparent that such contact was very limited.

The following table summarises details of the different types of contact the groups had typically experienced with the CJS. It is important to note that the last column 'Overall limited contact' has been added to illustrate that it was typically only one or two participants in each group who had contact with the CJS, and in most cases this was with the police.

Main types of contact with CJS

		As a witness	As a victim	As a suspect	Overall limited contact
Group					
1	Bangladeshi, Male, 18-24 yrs; LONDON, TOWER HAMLETS			✓	
2	Bangladeshi, Female, 25-40yrs; BIRMINGHAM	✓	✓		✓
3	Bangladeshi, Female, 55+yrs; LONDON, TOWER HAMLETS	✓			✓
4	Indian, Male, 40-65 yrs; LONDON, EALING	✓	✓	✓	✓
5	Indian, Female, 18-24 yrs; LOUGHBOROUGH	✓	✓		✓
6	Pakistani, Male, 25-40 yrs; MANCHESTER			✓	
7	Pakistani, Female, 25-40 yrs; PETERBOROUGH	✓	✓		✓
8	Black Caribbean, Male, 18-24 yrs; LONDON, LEWISHAM			✓	
9	Black Caribbean, Female, 40-65 yrs; BIRMINGHAM			✓	✓
10	Black Caribbean, Mixed Gender, 25-40 yrs; BRISTOL			✓	
11	Black Caribbean, Mixed Gender, 65+ yrs; LONDON, LEWISHAM				✓
12	Chinese, Mixed Gender, 18-24 yrs; MANCHESTER	✓	✓		✓
13	Black African, Male, 40-65 yrs; LONDON, HACKNEY			✓	✓
14	Black African, Female, 25-40 yrs; LONDON, HACKNEY			✓	✓
15	Mixed Race (Black African/Black Caribbean and White), Mixed Gender, 14-17 yrs; LONDON, HACKNEY		✓	✓	
16	Mixed Race (Black African/Black Caribbean and White), Mixed Gender, 18-30 yrs; LONDON, HACKNEY	✓		✓	

Source: MORI

4 Contact as a suspect was mainly through family members (sons).

The type of contact people had with the CJS tended to have a bearing on their views of the CJS as a whole. Perhaps not surprisingly, those who had contact with the CJS as suspects tended to be more negative about the CJS, although many of those who had contact as witnesses and victims were also negative.

The British Crime Survey shows that those people who have low levels of contact with the system typically have lower levels of confidence in the CJS than those who have no contact. However, MORI's work with the Office of Public Service Reform (OPSR⁴) has demonstrated that people's overall views of the police are strongly influenced by how they are treated during the course of the contact. In the OPSR research perceived fairness of treatment emerged as the key driver of overall satisfaction with contact.

When asked to identify the key aspects of their contact with the CJS (positive and negative) it is clear that some participants, particularly groups with younger males (Bangladeshis in Tower Hamlets the Mixed Race groups in Hackney), and those with Black Caribbean respondents (Lewisham, Bristol and Birmingham) typically believed that people are specifically targeted and treated in particular ways because of their race. For instance, these groups in particular, believed they were more likely to be treated as suspects because of their race. That said, those in the Indian groups (Ealing and Loughborough), as well as the Chinese respondents, tended to feel it was down to factors other than race, which apply to people of all different backgrounds, such as ineffectiveness of the CJS (especially the police) at resolving crimes, and being poor at customer care generally.

Very few people now actually go to the police because in Ealing, I think the figure is about 6.08% crimes are actually resolved. You make a complaint, they will fill out all these papers and all the rest of it, but follow up to say that the person got caught is about 6%.

Male, Indian, 40-65 years, Ealing

While some of the groups saw this ineffectiveness as a symptom of an over-stretched system (and therefore race-neutral), many of the people in the Mixed Race and Black African groups in Hackney and the Black Caribbean groups in Lewisham and Bristol felt that it was because the police were not interested in crimes in their areas and communities, for example, drug dealing within the Black community in Bristol. There was also some element of this in the Bangladeshi women's groups in Tower Hamlets and Pakistani women's group in Peterborough, where participants felt the police were not responsive to the needs of their community.

Don't have no faith in them, they just take so long to do anything, I could sort out the crime if I wanted, I could, listen, if someone robbed my house, I will find you before the police will.

Male, Black Caribbean, 18-24 years, Lewisham

⁴ Contacting the Police – Customer Satisfaction Survey, MORI/OPSR February 2003.

Perceptions of Treatment by the CJS

Overall perceptions of the CJS

When discussing the CJS, many participants spontaneously mentioned that they felt the system was:

- Unjust
- Unfair
- Discriminatory
- Racist
- Ineffective

The extent to which people felt these terms apply to the CJS varied across the groups. However, it was the younger male groups (of all ethnicities) and those among Black Caribbeans (and to a lesser extent the Black African males) who tended to be most negative about the CJS. Nevertheless there was some feeling among other groups (such as the Pakistani women's group in Peterborough and the younger Bangladeshi women's group in Birmingham) that BME people were unfairly treated.

Resp 1: It [The CJS] doesn't mean anything to me personally, because I've got no faith in it.

Resp 2: The first word that came into my head was 'unfair'.

Female, Black Caribbean, 40-65 years, Birmingham

They've got a lot to do if they're going to win the confidence of Black people... because they're so blatant[ly racist].

Female, Mixed Gender, Black Caribbean, 65+ years, Lewisham

Even where the CJS was seen as treating all people equally (such as the Indian groups in Ealing, the older Bangladeshi women in Tower Hamlets and the Chinese respondents in Manchester), participants did concede, after probing, that people from Black and Minority Ethnic backgrounds may be treated less favourably than people from a White background in particular situations. Much of this opinion was based on what people have seen or heard about discriminatory practices within the CJS.

Well, I'd hate to think that it [treatment] would be any different. But then, saying that, to be honest in some cases, not to myself, but my friends, if they're driving they seem to think that they get stopped more because they've got a car full of boys who are Asian, or a car full of Black friends.

Female, Indian, 18-24 years, Loughborough

In line with earlier points, in most groups, the views and expectations of treatment by the CJS as a whole were informed almost exclusively by opinions of treatment by the police; the most visible and well-known agency. Indeed, for many people who have not had contact with the CJS beyond the police (or no contact at all), the police tended to be their only reference point – even when, as the second quote below illustrates, the incident relates to CJS agencies other than the police (in this example the CPS).

I think they [police] are the foot soldiers of the system.

Female, Mixed gender, Black Caribbean, 25-40 years, Bristol

And when the police got hold of them, there were about four White boys involved and about six Black boys. The four White boys were cautioned and the six Black boys were sent to court at Snaresbrook Crown Court for the same thing.

Female, Black African, 25-40 years, Hackney

For those who have had contact beyond the police, there were differences in perceptions of the agencies, although some felt their interactions with the police (which most talked about negatively) tended to affect their experiences of the other agencies. For instance, in the young Black Caribbean group in Lewisham, there was a sense that the other agencies of the CJS acted on the information they received from the police and if this were biased, then treatment by the other agencies would be biased too. This view was also held among some people in the Black Caribbean Bristol group.

Yeah, they take it from the police [evidence], because that's where they're getting their reports from, they don't know the situation, they weren't there, so ... [they judge you on that].

Male, Black Caribbean, 18-24 years, Lewisham

I think that the police, they lead other people by their bad behaviour and show what they are actually doing. Because I think they are actually at the bottom of the rung.

Female, Mixed Gender, Black Caribbean, 25-40 years, Bristol

However, in other groups there were mixed feelings about this and many felt that racism and unfair treatment was most prevalent within the police and that other agencies were more likely to treat people fairly (for instance, the older Mixed Race group in Hackney).

Variations in perceptions of treatment

There were mixed feelings about the way people are treated by the CJS. Some people in the groups genuinely did not believe that they had been (or would be) treated any differently to people of different ethnic backgrounds in a similar situation. This was especially the case among the two Indian groups in Loughborough and Ealing, the Chinese group in Manchester and the groups with Bangladeshi women in Tower Hamlets and Birmingham, and to a lesser extent, the Black African women in Hackney.

This may be attributable to low levels of contact with the system overall. In some of the groups (even where there was a spontaneous negative reaction towards the CJS), there was some feeling that treatment by the CJS depended more on the severity of the crime or offence, than the person's race. Some went even further and said it depended on an individual's personality or mood; for example, you may get treated less favourably because the official you are dealing with may simply be 'having a bad day.' This was felt to be the case more so for the courts and CPS, rather than the police. However,

those who were most negative about the system overall were more likely to feel it is due to systemic racism rather than chance; for instance, the younger male groups (Bangladeshis in Tower Hamlets and the Black Caribbean group in Lewisham).

Among other groups, clear hierarchies emerged in terms of expected levels of treatment. Participants in the Black groups (Hackney, Bristol, Birmingham, Lewisham) believed that White people were treated most favourably, followed by Asians, with Black people receiving the lowest levels of service and most unfair treatment. However, this pattern was not consistent across all groups. Among the Bangladeshi and Pakistani groups (Peterborough, Manchester, Tower Hamlets and Birmingham) *faith* was perceived to be a key determinant of treatment, and in particular that Muslims were likely to be treated least fairly as a direct consequence of September 11th and the 'War on Terror'⁵.

If I was a Muslim, I'd probably get arrested too because of the bare fact that that's not the 'in thing' today. You can get arrested quite easily because of terrorism and all sorts of things.

Male, Mixed Gender, Black Caribbean, 65+ years, Lewisham

They [Asians] get treated better, we are at the bottom of the list, no matter where you go.

Male, Mixed Gender, Black Caribbean, 25-40 years, Bristol

At one time Black people were possibly more offensive than Pakistanis, but now the whole thing's changed. Black people are socially acceptable in White communities and it's the Pakistanis who have become the enemy.

Male, Pakistani, 25-40 years, Manchester

I'd say probably better [Asians are treated] ... there's different stereotypes placed on different Black people, but when it comes to Asian people, they're just widely known to be very successful in stuff they're doing ... they wouldn't have quite such a bad experience.

Male, Black Caribbean, 18-24 years, Lewisham

Black, White, Asian, all of them are in for shoplifting. The Black one will get eight months, the Asian will get four months and the White one would get two months. That's how it is.

Male, Bangladeshi, 18-24 years, Tower Hamlets

Along with race and faith, there was also a strong perception that geography has a bearing on fairness of treatment by the CJS (again, this was felt to be particularly the case with the police). For instance, outside of issues of race, those in the Bristol, Hackney, Tower Hamlets, Lewisham and Peterborough groups all felt they were (and would be) treated less favourably than others because of the areas in which they live. Indeed, many participants were aware they lived in deprived areas and felt this automatically counted against them. Examples given of unfair treatment here were the police being less responsive to them if they were called out to the scene of a crime, or a general lack of crime reduction activity. This is linked to perceptions of the CJS being ineffective in dealing with and administering justice. However, there was also some feeling across the groups that this was more likely to be the case in areas where Black and Minority Ethnic communities live – particularly areas that are more deprived or are seen as having a bad reputation (e.g. Hackney, Lewisham, St. Paul's in Bristol, central Peterborough and Tower Hamlets).

⁵ It is important to note that these groups took place before the London bombings on 7th July 2005.

We pay our taxes like everybody else so we, in effect, pay their [police] wages so we should have the same service that other British, other White English areas have that are nice and quiet. Why don't we have the same level of service?

Female, Pakistani, 25-40 years, Peterborough

It is important to note that, in some of the groups, the perceived lack of responsiveness and unfair (or poor) treatment was not confined to the police and also extended to other agencies outside of the CJS, such as the fire service and local authority.

Some respondents living in 'White' or middle-class areas felt that they had received better treatment on account of their location.

I live in an area which is all English, all White, and we are the only Asian family in the whole area. Crime is very low. We've been burgled twice in 27 years but the police have come and take it very seriously, treat us very well.

Male, Pakistani, 25-40 years, Manchester

A person's dress is also felt to determine the way people are treated by the CJS. In many of the groups, particularly in the young male groups, participants say they are automatically treated with suspicion and treated less favourably if they wear hooded tops⁶ (although there were some participants in the older groups who did say they found young people in hooded tops intimidating). Among the Bangladeshi and Pakistani participants in Tower Hamlets, Birmingham and Manchester, particularly the women (but also among the men), there was a sense that religious dress can lead to discriminatory practices, for instance women who wear the hijab and men who have traditional beards. This, again, they felt had been more prevalent since the events of September 11th 2001.

If I was going somewhere, like if I'm going training, or if I'm wearing a tracksuit, or I'm wearing a baseball cap, then they would stop me ... why should they be influenced by the things that you wear? I find it really unfair.

Male, Black Caribbean, 18-24 years, Lewisham

In some of the groups, there were discussions around social class and gender, and how they can determine treatment by the CJS. For instance, some people noted that a Black middle class (and so – they assumed – more educated) person was likely to be treated better than a working class Black person, and potentially a working class White person. For instance, in one of the Hackney groups with Black African respondents, there was some feeling that the Stephen Lawrence case only attracted large-scale media attention because Stephen came from a well-educated background.

The whole Stephen Lawrence thing ... if he'd been somebody who'd left school at 16, no qualifications, I'm sure would not have had the attention it had.

Female, Black African, 25-40 years, Hackney

They always treat you fairly if you are educated, but if you didn't understand English I think then they would be unfair.

Female, Pakistani, 25-40 years, Peterborough

⁶ During fieldwork there was significant national press coverage around the problems associated with 'hoodies'. Bluewater shopping centre was reported as having banned the wearing of hoodies on 11th May 2005.

Many of the women, particularly in the Bangladeshi, Pakistani and Indian groups, felt that men would be treated less fairly than women. This may, of course, be related to the fact that men are generally more likely to come into contact with the CJS than women.

I don't think this stuff affects women as much as it affects men because we go about our daily business and get on with work or children. But the men are in the streets will come across these things.

Female, Mixed Gender, Mixed Race, 18-30 years, Hackney

Definitions of unfair treatment

In terms of how people define unfair treatment, a number of different issues were discussed. Across all the groups clear themes emerged in terms of indicators. These are summarised in the table below and then discussed in more detail.

Definitions of unfair treatment

		Stop and search	Language	Body language/mannerism	Assumption based on ethnicity	Lack of responsiveness
1	Bangladeshi, Male, 18-24 yrs; LONDON, TOWER HAMLETS	✓			✓	
2	Bangladeshi, Female, 25-40yrs; BIRMINGHAM		✓		✓	
3	Bangladeshi, Female, 55+yrs; LONDON, TOWER HAMLETS		✓		✓	
4	Indian, Male, 40-65 yrs; LONDON, EALING	✓				
5	Indian, Female, 18-24 yrs; LOUGHBOROUGH	✓				
6	Pakistani, Male, 25-40 yrs; MANCHESTER	✓	✓		✓	
7	Pakistani, Female, 25-40 yrs; PETERBOROUGH			✓	✓	✓
8	Black Caribbean, Male, 18-24 yrs; LONDON, LEWISHAM	✓		✓	✓	
9	Black Caribbean, Female, 40-65 yrs; BIRMINGHAM				✓	✓
10	Black Caribbean, Mixed Gender, 25-40 yrs; BRISTOL	✓	✓	✓	✓	✓
11	Black Caribbean, Mixed Gender, 65+ yrs; LONDON, LEWISHAM	✓		✓	✓	✓
12	Chinese, Mixed Gender, 18-24 yrs; MANCHESTER		✓		✓	✓
13	Black African, Male, 40-65 yrs; LONDON, HACKNEY			✓	✓	✓
14	Black African, Female, 25-40 yrs; LONDON, HACKNEY			✓	✓	✓
15	Mixed Race (Black African/Black Caribbean and White), Mixed Gender, 14-17 yrs; LONDON, HACKNEY	✓	✓	✓		
16	Mixed Race (Black African/Black Caribbean and White), Mixed Gender, 18-30 yrs; LONDON, HACKNEY	✓		✓		

Source: MORI

Stop and search: this emerged as a key issue in many of the groups, particularly those conducted with young Black Caribbean people in Lewisham, Bangladeshi men in Tower Hamlets and the Mixed Race groups in Hackney. There was a strong sense that Black and Minority Ethnic groups are more likely to be stopped and searched than other ethnic groups, and police statistics on stop and search show this to be true. Many of the participants who had been stopped and/or searched questioned why their ethnic background was being recorded by the police and were suspicious that this could be used negatively against them. Clearly, this illustrates that people are unaware that recording ethnicity is intended to provide accountability to ensure that the police are not using powers unfairly.

I don't really like the police because when I was younger out with my friends, I always used to get stopped and searched but me and my friends, we're no criminals, we don't break no laws.

Male, Mixed Gender, Mixed Race, 14-17 years, Hackney

Yeah, at the end of the day you stop and you realise that it's because of your colour [reference to being stopped by the police].

Male, Black African, 40-65 years, Hackney

There's catching criminals, and there's harassing you ... [it's] two different things. It pisses me off when they are sitting there saying you fit the description, but every other Black person in the world fits it too. I know I don't look like my friend here, and I know I don't look like my friend over there, so how the hell can we all fit the description of a Black person? What is the description of a Black person? Big nose? Hat? What?

Male, Black Caribbean, 18-24 years, Lewisham

Language: this was discussed on a number of different levels. Those who had been in contact with the police primarily as suspects, but not exclusively, said the language used is often accusatory and aggressive.

I think there is such stereotypical stuff that goes around, that they don't allow for people to be who they are ... because I am Black they expect me to behave in a certain way and if I don't then they probably provoke me until they get what they want.

Female, Mixed Gender, Black Caribbean, 65+ years, Lewisham

Many also said that the language used by officials within the CJS (such as the courts) is often off-putting and can be disarming to people with lower educational levels, which they felt applies disproportionately to many BME groups. Some participants also felt that a poor command of English by BME people can lead to unfair treatment (and assumptions about their capabilities and education levels).

Mannerisms/body language/physical treatment: this issue related both to customer care and the way people come into contact with the CJS, i.e. whether people are treated politely or taken seriously, but also how they are physically handled. For instance, in some groups, people reported incidences where unnecessary force had been used to restrain/arrest Black or Asian people. This was particularly highlighted in the Black groups; especially among the younger Black Caribbean groups in Lewisham and Bristol and the Mixed Race groups in Hackney.

The Criminal Justice System does not work... as a Black person, I don't feel it works in our favour, they see us as one thing, Black people are aggressive, we do drugs, we just have a criteria that they expect from us, so when they confront us they do with three, four police, I'm walking around minding my own business, waiting for the bus, four policemen will jump out of a car, just to say something, I'm thinking, but if it was anyone else, I know it will be probably one or two.

Male, Black Caribbean, 18-24 years, Lewisham

I think when it comes to arresting a White boy for a knife maybe the same procedures might go, but I think their whole attitude ... would be different , their body language, they might not be so firm in their handling.

Male, Black Caribbean, 18-24 years, Lewisham

A police officer arrests a White man they don't put handcuffs on him, they just move him into the van. I have seen when they hauled over a 14 year old boy handcuffed and spread-eagled on the road.

Male, Mixed Gender, Black Caribbean, 65+ years, Lewisham

Assumptions based on ethnicity: in some of the groups, participants reported experiences of being regarded with suspicion even though they were the witness or victim of the crime, and in one case a participant said she was assumed to be a defendant in court rather than a witness because of her ethnicity. Similarly, in the Chinese group, participants felt that police often assumed they were unable to speak English because they are Chinese.

Lack of responsiveness: as discussed previously, some participants felt that the lack of police responsiveness and efficacy indicates they are getting a poorer service than others. When talking about fairness of treatment, people tended to focus on how they have been or would be treated as suspects. That said, and as illustrated above, some based their views on actual experiences of being victims or witnesses as well as word of mouth and media. For many, lack of responsiveness was area-based and more likely to occur in areas with large BME populations.

I think they let Chinese people look after themselves because I've never seen the police walking around, down the streets [in Chinatown].

Male, Mixed Gender, Chinese, 18-24 years, Manchester

Different perceptions of unfairness

It is noteworthy that across the groups, people had different concepts of what constituted racism or unfair treatment. In some groups, for instance, there appeared to be an 'acceptance' of unfair treatment which many did not apportion to racism.

This issue is also related to the fact that in some of the groups, participants saw incidents of racism or unfair treatment as being part and parcel of everyday life. They accepted that there are a minority of people within society at large who hold racist views and this is mirrored within the CJS: they ascribed incidences of unfavourable treatment down to a 'few rotten apples' rather than being a systemic problem. Participants who held this view tended to view the CJS more positively (those in the Loughborough and Ealing groups and to a lesser extent, the Bangladeshi women) and were also likely to think that race relations as a whole are improving in Britain.

There are some who are good, others are bad and you will get all types. The majority are good. It is the minority.

Female, Bangladeshi, 55+ years, Tower Hamlets

In contrast, many of the younger males and Black Caribbean respondents, as well as the Black African males, did say that the CJS agencies (and again particularly the police) are inherently racist. Indeed, some spontaneously used the phrase 'institutional racism' within the groups.

There has been lip service towards improvement over Black and White issues, police and so forth. But, as some of the reports and so on, I can't see how some institution like the police, which were dubbed institutionally racist years ago, can be changed overnight.

Male, Black African, 40-65 years, Hackney

The people who are prosecuting, the judge, they are really clever. If they're racist they won't do it directly. They'll do it indirectly.

Male, Bangladeshi, 18-24 years, Tower Hamlets

Among these participants, there was also a feeling that historic discrimination by the CJS towards BME people continues today and they were pessimistic that things will change: many said they have conditioned themselves to expect and accept it. Some also acknowledged that they had passed on this negative feeling about the CJS to their children.

Male: We know it is racist so we deal with the problem. We know it is so we deal with it.

Female: You teach your children that.

Mixed Gender, Black Caribbean, 25-40 years, Bristol

Does treatment vary across the agencies?

As noted earlier, most people's perceptions of treatment by 'the CJS' were driven by their views of the police. However, there were mixed views on how the other agencies of the CJS would treat people. In some groups, there was a feeling that the courts (both magistrates and crown) were more likely to treat them fairly because they are more open to public scrutiny: members of the public can follow proceedings and jurors are made up of 'ordinary' members of the public.

I was quite impressed with that particular judge, he was incredibly calm and very nice towards everybody including Black and White people that came in.

Male, Pakistani, 25-40 years, Manchester

However, this view was not shared by some participants who felt that the courts and the CPS are intrinsically 'White-centric' and therefore treat BME people less favourably. This view was particularly prevalent among Black participants.

All systems are set up for White people, if you look at the laws they are all for White people. They haven't taken into consideration the races of the people so they don't look at your culture and don't take it into consideration.

Female, Mixed Gender, Black Caribbean, 25-40 years, Bristol

There was a case with Millwall fans, they went berserk. There was an Asian kid who threw a stone and he got five years, [but the White people] they got three or four months for smashing the whole street up.

Male, Black Caribbean, 18-24 years, Lewisham

Because of the colour of my skin he [the magistrate] just saw me, he wasn't even prepared to listen to any evidence... White, he would have at least listened to the evidence.

Male, Pakistani, 25-40 years, Manchester

Across the groups, some participants who had contact with the courts and CPS were more negative towards them (such as the younger Black Caribbean Lewisham group and the woman in the Black Caribbean Birmingham group who was mistaken for a defendant rather than a witness). However, there were no clear patterns showing that greater awareness of the courts and CPS leads to more negative views, although anecdotal stories tended to be negative.

My daughter was assaulted by a teacher and ... it was referred to the Crown Prosecution Service ... they read it and thought that it's not in the public interest ... [This is because] she is a White middle class teacher, and there must have been a reason [for her to assault a Black child].

Female, Black Caribbean, 40-65 years, Birmingham

Opinions were mixed with regards to treatment by prisons. While some were positive, others felt they were less likely to treat BME people equitably than White people. People tended to point to high-profile cases where BME people are reported to have been treated unfairly. The case of Zahid Mubarek⁷ was often mentioned, although not always by name.

I think it probably depends on who they [the prisoners] are, but obviously sometimes, I think there is discrimination in a big way. Though they might smile, when you turn your back, whatever and so we can see now what happened in Feltham.

Male, Indian, 40-65 years, Ealing

There was only one case mentioned of a personal experience where a respondent felt that they had been unfairly treated by the prison on account of their race.

Sometimes you take things to ... people in prison ... You say 'Can we bring this thing?' [They say] 'No, you cannot bring it, you have to post it'. But I've gone to a certain prison and I've seen White people taking things.

Female, Mixed Gender, Black Caribbean, 65+ years, Lewisham

In some of the Black groups, the high incidence of Black inmates with mental health problems was highlighted. While people did not feel that mental illness was caused by the prisons *per se*, there was a feeling that there is little cultural specific care and provision for those with illnesses, which can exacerbate problems.

As knowledge of the Probation Service and YOTs was low, few were able to comment on whether they treat BME people equitably. That said, positive perceptions driven by the fact that these agencies are primarily associated with rehabilitation rather than punishment, lead some people to believe they were more likely to treat people equally. Since people did not readily attribute a similar rehabilitation role to prisons, they did not share the same positive views towards them.

Is fairness of treatment improving?

There were no widely shared feelings as to whether fairness of treatment had improved or got worse. However, in some Asian groups, such as the Indian groups in Loughborough and Ealing and (to some extent) the Bangladeshi women's groups in Tower Hamlets, race relations across Britain were felt to have improved, and there was some feeling that fairness of treatment by the CJS had also improved. On the whole, however, many felt there had been little change over the last five years. Indeed, some

⁷ Zahid Mubarek, 19, from Walthamstow, in East London, was beaten to death the day before his release on March 21, 2000 at Feltham Young Offenders Institute, West London by his cell mate, a confirmed White racist.

felt things may be getting worse particularly among some of the Black groups and young Bangladeshis who now believe they are more likely to be stopped and searched than previously. In addition, many felt that despite the case of Stephen Lawrence, which many mentioned spontaneously, racism and unfair treatment is rife. This, they felt, is supported by the fact that there are still stories in the press that highlight racist incidents (again the case of Zahid Mubarek was frequently mentioned in relation to this).

What Influences Perceptions of Fair Treatment?

The same factors that influence awareness of CJS agencies (as detailed previously) also impact on respondents' perceptions of how they would be treated. Across all of the groups, personal experience, individual values and beliefs, word of mouth communications and media representation are the key factors that influence perceptions of how participants felt they might be treated by the CJS. The relative importance of these factors varied between the different groups, and these variations tended to reflect the amount and type of personal experiences people had.

The table on the following page indicates the types of things people either explicitly mentioned, or that we can infer from their comments about how they form their opinions regarding equitable treatment by the CJS.

Drivers of perceptions of fair treatment within the CJS

	Personal experience	Friends/Family/Community	Media reports of crime	Crime-entertainment/television	Personal values
1 Bangladeshi, Male, 18-24 yrs; LONDON, TOWER HAMLETS	✓	✓			
2 Bangladeshi, Female, 25-40yrs; BIRMINGHAM		✓	✓		✓
3 Bangladeshi, Female, 55+yrs; LONDON, TOWER HAMLETS		✓	✓	✓	
4 Indian, Male, 40-65 yrs; LONDON, EALING		✓	✓		✓
5 Indian, Female, 18-24 yrs; LOUGHBOROUGH		✓ ¹⁰	✓	✓	✓
6 Pakistani, Male, 25-40 yrs; MANCHESTER	✓	✓	✓		
7 Pakistani, Female, 25-40 yrs; PETERBOROUGH		✓	✓		
8 Black Caribbean, Male, 18-24 yrs; LONDON, LEWISHAM	✓	✓	✓	✓	
9 Black Caribbean, Female, 40-65 yrs; BIRMINGHAM		✓	✓	✓	
10 Black Caribbean, Mixed Gender, 25-40 yrs; BRISTOL	✓	✓	✓		
11 Black Caribbean, Mixed Gender, 65+ yrs; LONDON, LEWISHAM		✓	✓		
12 Chinese, Mixed Gender, 18-24 yrs; MANCHESTER				✓	✓
13 Black African, Male, 40-65 yrs; LONDON, HACKNEY	✓	✓	✓		
14 Black African, Female, 25-40 yrs; LONDON, HACKNEY		✓	✓	✓	
15 Mixed Race (Black African/Black Caribbean and White), Mixed Gender, 14-17 yrs; LONDON, HACKNEY	✓	✓	✓	✓	
16 Mixed Race (Black African/Black Caribbean and White), Mixed Gender, 18-30 yrs; LONDON, HACKNEY	✓	✓	✓		

Source: MORI

Previous experience

Among those who had personal experiences, these encounters were the key influencers of their perceptions of how fairly they would be treated by the CJS.

Those who had positive experiences were much more likely to believe that they would be treated equitably in the future. Although they were in the minority, respondents most likely to describe their experiences with CJS agencies as positive were those who achieved their desired outcome and said they were taken seriously and treated with respect.

In the case of reporting a crime, those who felt they were taken seriously were more likely to perceive that they would be treated equitably. Those charged with a crime, stopped and searched, or being a defendant were more likely to think that treatment is equitable and would be equitable in the future if they were treated with respect.

I've been through youth offending, and they don't judge you from when they first see you ... they're polite.

Male, Black Caribbean, 18-24 years, Lewisham

Every time I went for probation, they treated me nicely, they respected me.

Male, Bangladeshi, 18-24 years, Tower Hamlets

[Reason why respondent feels they would be treated equitably] The cops came and clean up my flat [from homeless drug addicts] ... my street become clean now.

Male, Black Caribbean, 65+ years, Lewisham

Two [incidents with the police] were good because they came in, that was fine they wrote everything down.

Female, Pakistani, 25-40 years, Peterborough

I think I've been treated quite well.

Male, Pakistani, 25-40 years, Manchester

Respondents reported negative experiences if they did not achieve their desired outcome, or if they felt that they had been unfairly treated on account of their ethnicity, religion or because of the area they lived in. These participants (the majority of those in the groups who had experience of the CJS) believed that they would be treated less equitably by the CJS.

My opinion's from direct experience. When I first came to London at age 17, I was stopped five or six times in the space of two months for walking down the street.

Male, Black African, 40-65 years, Hackney

It is important to also bear in mind that personal 'experiences' not only include respondents' past interactions with the CJS, but also experiences of other services perceived to be similar; for example, perceptions of traffic wardens, community wardens and the civil justice system were linked by some respondents to their perceptions of fairness within the CJS.

Although only mentioned in the older Black Caribbean group in Lewisham, and the female Black Caribbean group in Birmingham, leaflets and other publicity material appear to have had a direct positive impact on views of the CJS amongst these participants.

Further, respondents who had the opportunity to develop relationships with employees within the CJS (for example, with probation workers) tended to feel more positive about equitable treatment by the CJS in the future.

Word of mouth communications and the media

In addition to personal experience, respondents' perceptions were also shaped by communications from sources other than the CJS itself. These communications included family, friends, colleagues and community members and, more widely, the media. As mentioned previously, these forms of communication are very powerful especially in communities that are close knit.

I haven't experienced it. I am basing it [my opinions of fair treatment] on the media and other people's experiences.

Male, Mixed Gender, Black Caribbean, 25-40 years, Bristol

You hear it on the news, you hear it through people you know, friend of a friend.

Male, Pakistani, 25-40 years, Manchester

Friends and family

In the absence of personal experience, the experiences of friends and family is particularly important in driving perceptions of equitable treatment. Given this, older groups, female groups and the Chinese and Indian groups were more likely to rely on friends, family and other community members as they were less likely to actually have had contact themselves. This was particularly borne out in the Bangladeshi women's group in Birmingham, the Indian older men's group in Ealing and the Chinese group in Manchester where respondents tended to rely on word of mouth communications as the main influencer of their perceptions. The Indian group in Loughborough also included communications from school and teachers within their word of mouth circle.

Obviously the people around you influence [your] views [of equitable treatment within the Criminal Justice System].

Male, Black Caribbean, 18-24 years, Lewisham

Everybody's either affected directly or knows someone who's been affected [so you know about treatment from them].

Male, Bangladeshi, 18-24 years, Tower Hamlets

While word of mouth was more important for those who had not had personal experience, individuals who had personal experiences also informed their perceptions based on stories relayed through friends and family.

As is found in other MORI research, experience relayed through word of mouth is more likely to be negative than positive and this may be exacerbating the strength of negative opinion about fairness of treatment by the CJS.

Media reports about crime

High-profile local and national media also played a key role in influencing opinions; indeed, these media cases were mentioned in nearly all groups.

If you don't see it like first-hand, you go from TV.

Male, Mixed Gender, Mixed Race, 14-17 years, Hackney

The media, there is a lot of injustice you can see it just reading the papers.

Female, Mixed Gender, Black Caribbean, 25-40 years, Bristol

It's only what we have read in the paper, we don't know.

Male, Indian, 40-65 years, Ealing

I can't say much about [equitable treatment in] prison, because all we know about prison we read in the paper, we watch the news.

Female, Black African, 25-40 years, Hackney

Some respondents recognised that the media portrayal of BME treatment within the CJS may be skewed, whilst others clearly believed (most) media reports.

I think 60% of what the media portrays is actually true.

Male, Mixed Gender, Black Caribbean, 25-40 years, Bristol

Anything that happens in Hackney is a Black on Black crime. If a White person gets shot it's a Black on Black crime.

Male, Mixed Gender, Mixed Race, 18-30 years, Hackney

As mentioned previously, the cases of Damilola Taylor, Stephen Lawrence and Zahid Mubarek were all raised as instances which show that BME people are unfairly treated by the CJS. Even though the Damilola Taylor case apparently benefited from the recommendations following the Stephen Lawrence enquiry, it was still regarded as evidence of poor treatment of BME people.

That Indian boy and he went into that racist boy's cell and the racist boy killed him.

Female, Mixed Gender, Mixed Race, 18-30 years, Hackney

It was in the newspapers about this boy ... I think he's mixed race, and about five policemen surround him and start kicking him and the boy didn't do nothing bad ... it was so clearly racially motivated.

Male, Black Caribbean, 18-24 years, Lewisham

These were also some notable misconceptions where respondents relayed media stories that were incorrect, yet were a reality for them and informed their views. As the quotes below illustrate, in the female Pakistani group in Peterborough, and the male Black Caribbean group in Lewisham, respondents incorrectly referred to cases as evidence that Black people in particular were treated less well than other groups when in fact it was people from other ethnic groups to which the stories actually referred.

What about the one recently in the press where that Black guy, before he was about to come out, the White [cell mate] he had in there killed him because he was Black.

Female, Pakistani, 25-40 years, Peterborough

There was this thing on the news the other day this police ... was searching this 15 year old ... Black boy. He was calling him rapist this, rapist that ... and he didn't realise the kid was recording it.

Male, Black Caribbean, 18-24 years, Lewisham

Cases involving White victims and defendants were also mentioned, and many respondents believed that high-profile 'White' cases were treated differently than if the victim or perpetrator had been from a BME community. Respondents in some groups felt that the media focuses on BME perpetrators and White victims, rather than giving coverage to BME victims and White perpetrators.

The lady in Surrey who was stabbed in the neck – the only reason it's on the news is because it's Surrey – if it was in Hackney it wouldn't be on. All they [the media] are saying is you would not expect this kind of crime in Surrey – that is the message I am getting from these papers. Whereas in Hackney it's 'oh that's Hackney, it's violent there you know.'

Female, Black African, 25-40 years, Hackney

There's been something on the news for nearly two weeks about this White girl in the country that got stabbed. Black people get shot and stuff in Hackney everyday.

Male, Mixed Gender, Mixed Race, 18-30 years, Hackney

Let's say a Black child commits a crime on the news it'll be like ... saying it over and over. But if it's a White person it comes on once and that's it.

Female, Black African, 25-40 years, Hackney

Crime-related 'entertainment' and documentary programmes

Outside of news publicity around local and national criminal cases, representation of BME people in crime-related entertainment television and documentaries was also thought by respondents to influence their perceptions of how they would be treated by the CJS. Programmes mentioned by respondents include reality programmes like Judge Judy, Street Crime and the Secret Policeman documentary, as well as fictional shows like Bad Girls, LA Law, Law and Order, the Bill, CSI, Jasmine, Porridge and movies like Sleepers and the Shawshank Redemption.

[In the Secret Policeman documentary] they had a group of men in a hotel room ... they were talking about beating up this Paki, this rah rah.

Male, Black Caribbean, 18-24 years, Lewisham

What we saw in the Secret Policeman documentary was all true.

Male, Pakistani, 25-40 years, Manchester

As mentioned previously, the two Pakistani groups (Peterborough and Manchester), and the three Bangladeshi groups (Birmingham and Tower Hamlets), all felt that people from their communities were less likely to be treated equitably following negative entertainment and news coverage of Muslims post-September 11.

Everything has gone worse since September 11th. You are more likely to be picked on.

Female, Pakistani, 25-40 years, Peterborough

I think the media always portray, and more so now, Muslims in a very bad light.

Male, Pakistani, 25-40 years, Manchester

Some respondents from the Chinese group felt that people of their ethnicity were not portrayed at all in the media in relation to crime, and therefore this made them ambivalent about their perceptions of treatment by the CJS.

You'll get media, and there'll be White-dominated crime or Black-dominated crime but whereas the Chinese-dominated crime is not really there is it?

Female, Mixed Gender, Chinese, 18-24 years, Manchester

In addition, many of the groups commented on the influence the media had in shaping the perceptions of BME groups in a wider context. Indeed there was some feeling that broader media representations of BME people as either aggressive, as criminals, or as subservient, in low paying or menial positions (for example, Black people as cleaners, Asian people as shopkeepers) reinforced stereotypes and influenced the way that CJS employees thought about BME populations.

As an Asian if I was to go into court, I would kind of expect a different treatment in a way because I am used to seeing a lot of Asians being prosecuted rather than White or others.

Male, Pakistani, 25-40 years, Manchester

The media actually ... has classed us [Black people] as criminals.

Male, Black African, 40-65 years, Hackney

Personal values and beliefs

In addition to personal experience and word of mouth, respondents' personal beliefs and morals regarding the role of 'authority', and the CJS in particular, also played a part in determining perceptions. This was not explicitly discussed; however, it was evident from their comments that some respondents were more engaged with the idea of the CJS and were more attuned towards 'the government' generally. These respondents respected 'authority' and felt that regardless of negative personal experiences, they should and would be treated equitably. As such, they were more likely to attribute negative experiences and stories to 'one bad apple' than institutional racism within the CJS. These sorts of attitudes were seen in particular among older groups, especially in the Indian group in Ealing, and the Bangladeshi group in Birmingham, but they were also mentioned elsewhere.

I think you are asking a group of people, those who have a respect of law and very seldom they have to face the police, the way that they do it. But if you asked the same questions now in Southall and in this area, someone about 18 years old, 18 to 20, they will answer you in a different way than we are going to answer you.

Male, Indian, 40-65 years, Ealing

Employment and Representation within the CJS

Proportion of BME employees within the CJS

It should be stressed that, in discussion of this issue, most participants had very little information upon which to base their judgement other than media representations and other informal sources, such as word of mouth. Therefore, perceptions and estimates of BME representation within the CJS tended to be based largely on conjecture.

Estimates of the proportions of BME employees within the CJS varied widely across the groups, from around 1-2% in the older Indian male group in Ealing, to anything up to 20% in the young Black Caribbean male group in Lewisham. Chinese respondents, for example, felt that the figure for their particular ethnic group would be low as they themselves represent a small proportion of the population⁸.

I still think [it's] a lot of middle class people, predominantly White really.

Male, Mixed Gender, Mixed Race, 14-17 years, Hackney

At least some respondents in all groups, however, felt that the CJS had employed increasing numbers of BME staff over the last decade, and for some, for example the young Indian women in Loughborough, positive discrimination was felt to have played some role (although this is illegal so is an erroneous belief). However, when pushed, many participants felt that, all else being equal, White applicants to the CJS were more likely to be employed over BME applicants. This can become a circular argument, as some felt that White employers were more likely to select White candidates, so that until enough employees from BME backgrounds are employed, this situation would not change.

It depends on the person who was employing 'cos I think if it was an Asian, they'd employ an Asian; if it was White they would employ the White [person].

Female, Indian, 18-24 years, Loughborough

Equally, some expressed the view that while BME employees within the CJS remained in the minority, they may still be subjected to racism and perhaps isolation, making working conditions unsatisfactory, and unlikely to attract new recruits from a BME background.

⁸ It should be noted here that in one of the groups, the question was phrased slightly differently (*what proportion of ethnic minorities do you think are employees in the CJS rather than what proportion of the employees in the CJS do you think are from ethnic minorities*). However, the question was understood by participants to mean the same thing, despite the slight difference in phraseology.

Roles of BME employees within the CJS

There was a consistent perception among the majority of participants that those from BME backgrounds who were employed by the CJS, more often than not, tended to be in low-grade positions; many cited cleaning, security and low level clerks jobs as examples. Equally, most felt that there was a lack of representation at senior level, and some (especially those in the groups of Black participants) expressed the view that people from their own ethnic background were unlikely to become solicitors, barristers or senior officers.

The older Indian men in Ealing, Pakistani women in Peterborough, and the older Black Caribbean groups in Lewisham, Bristol and Birmingham, expressed the view that simply increasing the proportions of people from BME communities working within the CJS would not serve to improve perceptions of equitable treatment.

I think they're quite, generally, White middle class people (working in the CPS) rather than working class ethnic minorities or Black people.

Female, Indian, 18-24 years, Loughborough

Why are all the cleaners Black? Every single place you see cleaners, they're Black.

Male, Bangladeshi, 18-24 years, Tower Hamlets

Increased BME employment in low status jobs is unlikely to affect perceptions of equitable treatment by the CJS for people from BME communities. Participants in the groups identified above felt that increased representation at higher levels, for example, in the courts, was needed before the system more widely represents the diversity of society.

I would look at the level that they can have a say, and a decisive say, a say that has weight. Not just, you're going to employ me to show that it's mixed race. You want people working where they can make decisions. We want people at decision-making points.

Male, Black Caribbean, 18-24 years, Lewisham

The judges are mainly all White men.

Female, Black Caribbean, 40-65 years, Birmingham

I've never seen a Black magistrate.

Male, Black African, 40-65 years, Hackney

Opportunities are limited. As we all know there's only a certain amount ... as a Black person, the less chance you are going to have. Because there's a fear factor by the bosses. And the reason totally is that they don't want to be supervised by a Black man.

Male, Mixed Gender, Black Caribbean, 65+ years, Lewisham

Across the CJS, the agency perceived most likely to employ people from BME backgrounds is the police. This view was possibly partly explained by the police being the agency with which respondents were most likely to have come into contact, or observed in their area. However, this should be viewed alongside the fact that the police is the service with the lowest BME employment (only 4.3% in 2003/4 compared to 5.4% for prisons, 6.8% in magistrates' courts, 10.5% for probation and 11.3% CPS).

I've noticed a lot more Asian policemen out on the streets.

Female, Indian, 18-24 years, Loughborough

There is more Asian and Black cops than before.

Male, Bangladeshi, 18-24 years, Tower Hamlets

However, what participants may have heard from friends or family who are employed within the CJS can often be influential in contributing to negative perceptions. Advocacy is key when it comes to forming views, and some participants in this study had heard negative reports of being in the police force or the prison service from word of mouth sources.

Few respondents specifically had a personally positive view of CJS employees (and in particular the police), but there were a couple of exceptions. One Indian respondent in Ealing whose son had a (White) police officer friend described him as a good man. One or two respondents in both the Pakistani Peterborough group and the Black Hackney groups cited examples of local police going into schools to talk to local children, which was seen as showing a more constructive and positive side to policing. One young woman in the Indian group in Loughborough spoke positively of the experiences of a male friend who worked for the police force.

He loves his job ... when you are in there and you are a minority, they do treat you well.

Female, Indian, 18-24 years, Loughborough

Perceived impact of BME employees in the CJS

There were some nuanced arguments around the subject of BME employees in the CJS during the discussions. Key to increasing the sense of an inclusive and fair CJS is the representation of BME groups at a more senior level, particularly among the organisations outside the police where representation was perceived to be lowest. Creating this sense of inclusiveness at all levels is fundamental to improving expectations of fair treatment. However, while most participants across the study agreed with the need to increase representation at all levels, they also noted some significant barriers.

As mentioned in the previous section, current expectations were that, in the main, those from a BME background were more likely to be in ancillary or administrative positions, which reinforced their negative views towards equitable treatment of BME communities within the CJS (compared to White employees who were perceived to dominate the more senior levels). Factors other than ethnicity were also felt to be significant here. Participants said they would welcome senior representation of people from the same background in terms of class and education, for example.

I wouldn't say it's predominantly White but it's still like, middle class people ... not your average Joe.

Male, Mixed Gender, Mixed Race, 14-17 years, Hackney

In contrast, however, there were some negative views expressed in all groups towards those from BME backgrounds currently employed by the CJS, particularly those who have joined the police force. To a large extent this can be attributed to the sense of cultural identity often shared by BME groups, and the feeling that to join 'the establishment' (often seen as very much White and middle-class) is an abandonment of that cultural identity.

The problem is, when they recruit you ... they don't allow you to be yourself, they want you, the only Black person, the concept of it, but you have to shed your Blackness.

Male, Black African, 40-65 years, Hackney

Perceived barriers to increasing representation

Although welcoming an increase in the proportion of BME employees, for many participants it was vital that this was accompanied by increased flexibility within the system to allow diversity to flourish: for example, employees being able to wear clothes that represent their ethnicity or faith, e.g. the hijab or turban.

I think they should allow them to wear their culturally appropriate clothes as well. We have got one and he has got a turban on and I think it is nice for them to allow religious clothes like turbans. They should allow that. Allowing them to have time off on Eid, all the religious festivals.

Female, Pakistani, 25-40 years, Peterborough

Some participants said they would not encourage their friends, family or children to seek a career within the CJS. This view stemmed partly from the point discussed above about cultural abandonment, but it was also due to a general mistrust of the CJS and a perceived lack of equitable treatment of BME communities (among the Black Caribbean, Pakistani and younger Bangladeshi groups in particular).

For others, in particular in the Indian and older Bangladeshi group, and for some of the older Black African participants, the CJS was seen to lack prestige as a career path when compared, for example, with accountancy or medicine.

We are talking about the community as a whole, I understand that some people done well so they are into these top jobs, but we are talking about the community, the people who live in our streets ... so I don't think that anyone who is educated wanting to go in to that.

Male, Indian, 40-65 years, Ealing

In the case of law, despite often being seen as a favourable profession *per se*, for some there was a distinction between practicing law for a corporate firm and practicing for the CPS, with the latter being seen as the less prestigious option.

A key issue for many participants across the research was that of communication, not just in the case of language but in a more general sense of understanding the needs of different communities. For most participants, it was felt that increasing the number of BME people working within the CJS would naturally enable smoother communication pathways, in both the practical spoken language sense, and in terms of an increased cultural awareness, for example around issues of dress, food or the particular needs of women from certain BME groups.

I feel we can explain ourselves better [to CJS employees of the same ethnicity] because of the ease of language.

Female, Bangladeshi, 55+ years, Tower Hamlets

This view, however, was countered in some cases, in particular in the Black Caribbean groups, who felt that by joining the CJS (in particular the police), people would lose the respect of their own communities and be viewed as becoming part of the White establishment. For others, for example, the young Black Caribbean men, there was a sense that those from their community may feel they have more to prove when being judged against a mainly White workforce, and would have to work much harder to become integrated into the system. For some in this group, this acted as a deterrent to increasing representation within the CJS.

Only in two groups did participants express the view that there may be an expectation that members of their own community working within the CJS would treat them differently to how other CJS employees would treat them. In the Bangladeshi women's group in Birmingham it was felt that, for

example, Bangladeshi police officers would be expected to dedicate themselves to the local Bangladeshi community and that the community, in turn, may expect favours and special treatment. However, some participants here also expressed the view that there may be an element of mistrust towards someone from their community working in the police force.

Some participants in the young Black Caribbean group in Lewisham also mentioned the fact that police from their own background may treat them worse than White employees, because they feel that they have more to prove in front of their White colleagues;

Resp 1: I've been arrested by a Black police officer, and a White police officer, and the worst one I've been arrested by was the Black police officers, 'cos they feel that they need to show the way they work, and their work colleagues, but they're one of, and these other guys on the road, so they have to act harder than the White one and that.

Resp 2: It's like they've got something to prove.

Resp 1: Yeah, exactly ... they're going to grab you harder, let them know that you're not playing about, I'm in this job ... I'm working here, so they'll arrest you more aggressively than any other, say like a White fed.

Male, Black Caribbean, 18-24 years, Lewisham

Overall, most people agreed that better representation of their background within the CJS would, on the whole, encourage people to feel that they would be more likely to be understood, respected and treated fairly. Few respondents, however, recalled seeing careers within the CJS promoted either in schools, colleges or the media, let alone targeted at them. With the above caveats in mind, most felt that potential opportunities for employees from BME backgrounds could be better and more effectively promoted.

Improving Perceptions of Fairness: the Way Forward

In order to understand how perceptions of fair treatment might be improved, it is important to be aware of the different signals and definitions of 'unfair treatment' as outlined previously. These issues (for example, perceived targeting of BME people through stop and search, language used, mannerisms, body language, physical treatment, assumptions, lack of responsiveness) will need to be addressed in different ways in order to improve perceptions. Suggestions to improve perceptions of equitable treatment fall into key themes.

Increased information provision

As this research shows, awareness of, and knowledge about the CJS and its different component agencies (apart from the police) is limited and much of what respondents do know comes from sources such as the news, television and film, and word of mouth. This lack of (accurate) knowledge can be seen to contribute towards some of the more negative perceptions expressed throughout the research: the less people know, the more their views are likely to be based on conjecture and information from sources that can be inaccurate.

Most respondents say that they would welcome more information about the CJS, and more guidance/signposts on how to find this information. This was common among all the different ethnic groups. Amongst some of the more close-knit communities, there was often a view that community elders/leaders in particular should be better informed of what the CJS does. For example, this was raised in the young Bangladeshi male group and the older Bangladeshi women's group in Tower Hamlets, and the Pakistani group in Peterborough. Participants said they want information on key themes:

- Citizens' rights;
- The role and responsibilities of the different agencies of the CJS;
- Where and from whom assistance may be available to them.

Additionally, various channels are mentioned by respondents as being more likely to be effective in communicating messages:

- Leaflets distributed in local areas (in languages other than English where necessary);
- CJS representatives at local community events;
- The internet (mentioned by young people in the male Bangladeshi group in Tower Hamlets and the Pakistani male group in Manchester in particular).

Communication and interaction

Following on from this is the issue of direct communication and one-to-one interactions. There is a sense in which this applies more to those parts of the CJS that respondents are more likely to come into contact with, the police and courts in particular. Younger (and predominantly male) respondents often mention the lack of respect and understanding shown to people from their ethnic background, both in terms of any contact they have with police on the streets and, for some, the way that they have felt when attending court. Many felt that to improve understanding and cultural awareness of BME communities, more training needs to be provided to CJS employees and that this should be an ongoing process rather than something that is done on a one-off basis. Some participants (particularly in the Black groups) suggested that employees of the CJS (at all levels) should be embedded into BME communities for a period of time as part of their training.

This focus on one-to-one communication skills is consistent with findings from MORI's work with the Home Office on police stops, and has implications for training and monitoring processes. It brings to the fore some critical 'customer care' issues that are imperative in enhancing perceptions of equitable treatment: feeling respected, being taken seriously, and being treated in an effective and courteous manner.

In terms of communications, the research also shows that there is little understanding around some of the processes involved in stop and search, which is a particular issue (and indicator of unfair treatment) for many of the younger male respondents. For instance, many do not know why their ethnicity is recorded if they are stopped and many also feel they are given no information about why they are being stopped. Some also suggest video recording stop and searches so that there is a more objective record of events rather than a police officer's notes.

One of the criticisms of the CJS (and another indicator of unfair treatment of BME people) is its lack of responsiveness to the needs of BME communities, particularly those living in more deprived areas or those with a reputation for crime. To counter these perceptions the CJS, and in particular the police, may need to ensure they communicate more widely any actions/initiatives that are taking place to tackle crime and anti-social behaviour in areas with large BME populations.

Better representation

One factor that participants felt would help them perceive the CJS as treating BME people fairly is better representation of BME people within the CJS itself. This report has illustrated ways in which increased representation would be likely to encourage perceptions of equitable treatment.

Representation of a wide range of ethnic groups will do much to encourage respondents to feel that the various levels of the CJS are approachable, not merely due to language, but also to demonstrate that there is an understanding of the range of cultural and social issues pertinent to BME communities.

However, some respondents were negative towards perceived 'quota-filling' as one of the reasons for increased representation of BME people within the CJS, and it is therefore preferable that any increases are seen as a natural and desired development rather than a consequence of positive discrimination. (Although this is illegal and is not carried out by the CJS agencies, there is a perception that this happens). Steps to encourage perceptions of equitable treatment include:

- Continuing to increase the recruitment of BME employees across the different agencies;
- Ensuring that it is widely communicated that BME staff are in senior positions across the CJS (where this is the case);

- Generating awareness that employees of the CJS are 'people like them' (in terms of social class as well as ethnicity). For instance, whilst not employees, it could be worth highlighting that jurors are ordinary members of the public;
- Ensuring better communication of recruitment practices in terms of recruitment drives and policy regarding recruitment of BME people, and helping to show BME employees as role models. Many people in the groups said they had never received or seen any information about employment opportunities within the CJS. Some suggested raising awareness through school open days and recruitment drives at local community events. The focus was very much on the CJS being proactive here.

It is important to bear in mind that while an increase in the employment of BME people within the CJS was endorsed, one of the barriers for many of the groups, particularly the younger males and Black participants, is building up a level of trust in the system. This is discussed below.

Engendering trust

Within this research some groups were more positive than others about fair treatment by the CJS (for example, the Indian groups were particularly positive). However, among many of the other groups, and in particular the younger male and Black groups, there was a widespread mistrust of the system. To counter this there may need to be a greater communication of the roles of the different agencies. Greater knowledge is consistently shown by research to increase levels of positive perceptions and trust in organisations.

Naturally, the media has a role to play here, and often respondents expressed the view that negative news around perceived unfair treatment or discrimination generated more attention than positive stories. Therefore, any ways in which negative information can be countered could be effective in enhancing the trust needed to improve perceptions of fair treatment by the CJS.

One of the issues mentioned in the groups is for the CJS to demonstrate (and communicate) how racism and unfair treatment of BME people is currently being tackled within the system. Many suggested that an independent body (made up of ordinary people) should be monitoring the system. This is already happening in parts of the CJS (i.e. the Independent Police Complaints Commission), but clearly this type of body may need to be extended to other parts of the system, and better communication undertaken to ensure that people are aware of efforts being made in this area.

Priorities for action

The research highlighted a number of steps that can be taken to improve perceptions of fair treatment. Specifically, the key issues that people raised across the groups focus on:

- Communications and information about the CJS. Participants across all the groups said they genuinely want to learn more about the CJS and its constituent agencies;
- Greater awareness of BME representation within the CJS. Although participants do not explicitly differentiate between the agencies in this regard, most talk about the police as their point of reference for the CJS, so there may be an argument for prioritising this agency;
- Ensuring relevant customer-care and cultural awareness skills are built into all training courses. This is mentioned in relation to all agencies, but may need to be a priority for the police because of the greater interface they tend to have with the public and specifically in the case of stop and search;

- Demonstrating how racism and unfair treatment within the CJS is currently being tackled and dealt with;
- Increasing interaction and engagement with local communities, for example, by attending schools, open days, community events and so on to promote and enhance the reputation of the CJS.

Most people in the groups supported better communications and more engagement, but the onus was very much felt to be on the CJS to interact with the public and demonstrate that it is genuinely taking on board and acting upon the concerns of BME people.



Criminal Justice System: working together for the public