

## **Black and Asian offenders on probation**

CALVERLEY, Adam, COLE, Bankole <<http://orcid.org/0000-0001-6741-0467>>, KAUR, Gurpreet, LEWIS, Sam, RAYNOR, Peter, SADEGHI, Soheila, SMITH, David, VANSTONE, Maurice and WARDAK, Ali

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**Home Office Research Study 277**

# Black and Asian offenders on probation

Adam Calverley, Bankole Cole, Gurpreet Kaur, Sam Lewis, Peter Raynor,  
Soheila Sadeghi, David Smith, Maurice Vanstone and Ali Wardak

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Home Office Research, Development and Statistics Directorate  
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# Foreword

This report presents the findings of a survey which was commissioned to help inform the development of probation work with black and Asian offenders. For interventions with offenders to be effective in reducing reoffending, it is essential to understand not only the factors directly associated with offending (criminogenic needs) but also how they vary for different groups of offenders. Hitherto, little has been known about how criminogenic needs vary between different ethnic groups. This survey aimed to examine their criminogenic needs, explore their views of probation supervision and to inform decisions about appropriate interventions.

In total, 483 black and Asian offenders were surveyed. The research found that black, Asian and mixed heritage offenders showed less evidence of crime-prone attitudes and beliefs, and lower levels of self-reported problems than comparison groups of white offenders. In addition, only a third of offenders wanted to be supervised by someone from the same ethnic group. There was also very limited support from those attending programmes for groups containing only members from minority ethnic groups.

This report is an important contribution both to development of probation practice and to wider debates on the treatment of minority ethnic groups in the criminal justice system. Further research is underway to increase our knowledge of 'what works' for black and Asian offenders.

Chloe Chitty  
Programme Director  
Offending and Criminal Justice (What Works)

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Adam Calverley, Bankole Cole, Gurpreet Kaur, Sam Lewis, Peter Raynor, Soheila Sadeghi, David Smith, Maurice Vanstone and Ali Wardak

(Adam Calverley and Ali Wardak are at the University of Glamorgan; Bankole Cole and Gurpreet Kaur are at the University of Lincoln; Sam Lewis, Peter Raynor and Maurice Vanstone are at the University of Wales, Swansea; and Soheila Sadeghi and David Smith are at the University of Lancaster.)

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# Executive summary

This study involved interviews with 483 offenders under supervision by the Probation Service and identified by probation records as black or Asian. The interviews collected information about their ‘criminogenic needs’<sup>1</sup>; their experiences of supervision on community rehabilitation orders and programmes; their contact with other parts of the criminal justice system; and their wider experiences of life as black and Asian people in Britain. The sample also included a number of offenders who classified themselves as of mixed ethnic origin, described in the report as mixed heritage.

The 483 respondents included 241 black, 172 Asian, 57 mixed heritage and 13 ‘other’ offenders, drawn from a range of areas with varying densities of minority ethnic population. They included 236 who were attending or had been attending a programme, and 247 who were being or had been supervised without a programme. Some categories of offender and types of area were oversampled to ensure that useful numbers would be available for analysis, and the sample was then weighted to reflect, as far as possible, the actual proportions and locations of minority ethnic people in the national caseload of community rehabilitation orders. Findings are reported on the basis of the weighted sample except where otherwise indicated.

## Criminogenic needs

The main quantitative assessment of criminogenic needs was carried out using the CRIME-PICS II questionnaire, which is designed to elicit information about crime-prone attitudes and beliefs and about social and personal difficulties experienced by offenders (‘self-reported problems’). Key findings were:

- All three minority ethnic groups (black, Asian and mixed heritage) showed less evidence of crime-prone attitudes and beliefs, and lower levels of self-reported problems, than relevant comparison groups of white offenders. The differences between this survey sample as a whole and the main white comparison group were statistically significant on all subscales of CRIME-PICS II.

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1. ‘Criminogenic needs’ are characteristics of people or their circumstances which are associated with an increased risk of offending. They are also sometimes described as ‘dynamic risk factors’. In this report, criminogenic needs are addressed in two ways: comparatively, using a standardised instrument (see Chapter 3), and in a more qualitative way through interviews about individual experiences (see Chapter 6).



- Within the minority ethnic sample, offenders of mixed heritage had the highest average scores on most measures of crime-prone attitudes and self-reported problems, and Asians the lowest<sup>2</sup>.
- This evidence therefore lends no support to the idea that offenders on probation who belong to minority ethnic groups tend to have distinctively different or greater criminogenic needs than white probationers. This resembles the findings of other comparative studies (reviewed in Chapter 3). Their experiences are likely to differ from those of white probationers in other ways, however, which are discussed below.
- These findings suggest that the minority ethnic offenders in the sample had received the same community sentences as white offenders who had higher levels of criminogenic need. This finding, based on small but statistically significant differences, may have a number of explanations. However, one way in which such a result could be produced is through some degree of differential sentencing. This could result in minority ethnic offenders with low criminogenic needs facing a slightly higher risk than comparable white offenders of receiving a community sentence rather than a less serious sentence. Another possibility is that minority ethnic offenders with high needs may be less likely to receive a community sentence than comparable white offenders. These possibilities would need to be investigated through further research, but they also suggest a need for continuing vigilance in relation to diversity issues in sentencing and in the preparation of pre-sentence reports.
- Offenders on orders with an additional requirement to attend a programme had slightly lower scores for crime-prone attitudes and beliefs and for self-reported problems than those on ordinary orders, although the difference was only significant in relation to self-reported problems. There was no evidence that this was due to a programme effect. The programme group had a higher average Offender Group Reconviction Scale (OGRS) score, however, indicating more previous convictions.
- There was some indication that Asian offenders were less likely to access programmes, which may have been partly due to their lower average OGRS scores.

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2. The only exception to this was the V or 'victim hurt denial' scale on which offenders of mixed heritage scored low and Asians high. See Chapter 3 for details.

## Experiences of probation

The majority of respondents' comments on their experiences of probation were broadly favourable, in line with other consumer studies covering mainly white probationers. Key findings were:

- A good probation officer was one who treated people under supervision fairly and with respect, listened to them and showed understanding.
- About a third (35%) wanted to be supervised by someone from the same ethnic group, 56 per cent said that it made no difference, ten per cent did not know whether it mattered, and two per cent were opposed to the idea. (These figures do not add up to 100 because a small number of respondents said that having a minority ethnic supervisor might be a good thing and a bad thing.)
- Programmes also attracted favourable comments, although a substantial minority of participants (22%) reported not liking anything about their programme. Most (86%) programme participants said that the group leaders had treated them fairly.
- Of those who attended programmes, about a third (33%) said that the ethnic composition of the group was unimportant; of the remainder, most said it should be mixed. There was very limited support (only eight respondents, all from areas with high ethnic minority populations, equivalent to a weighted five per cent of the programme sample) for groups containing only members from minority ethnic groups.
- These findings tended to support a policy of running mixed programme groups rather than groups consisting only of minority ethnic offenders. Mixed staffing could be advantageous but was not thought by most respondents to be essential.
- The indications regarding 'singleton' placements where only one member of a group is from an ethnic minority are less clear. Eleven per cent of the 95 per cent of programme participants who described the ethnic composition of their programme group experienced 'singleton placements', and this proved to be an uncomfortable experience for some. Nevertheless, in 'low density' areas, singleton placements would sometimes be the only alternative to effectively excluding minority ethnic offenders from programmes, which would itself be undesirable.

## Social disadvantage

- The interviews explored a number of areas of possible social disadvantage, and there was evidence of substantial social exclusion and disadvantage in relation to employment, income, education and training.
- However, respondents were not, on average, significantly more socially disadvantaged than white offenders on probation. Black and Asian people in general are known to experience more disadvantage than white people in Britain (see Chapter 5), but these differences did not appear clearly among the smaller selected population of offenders on probation. Black, Asian, and mixed heritage probationers all showed substantial evidence of disadvantage, as white probationers also did in other studies.
- Within the sample, there were noticeable differences in levels of social disadvantage between minority ethnic groups. For example, while 41 per cent of the sample reported a generally negative experience of school, Indians, Pakistanis and black Africans were less likely to have had a negative experience of school than Bangladeshi, black Caribbean or mixed heritage offenders. Thirty-five per cent of mixed heritage offenders had been in local authority care, compared to 22 per cent of black Caribbeans, nine per cent of black Africans, and four per cent of Asians. (The corresponding figure for white probationers is given in other studies as 19 per cent.)
- When asked about reasons for disadvantage, many respondents attributed adverse experiences, particularly in relation to employment and education, to racial prejudice, hostility or discrimination.

## Experiences of criminal justice

Many respondents reported experiences of unfair treatment in various parts of the criminal justice system. Key findings included the following:

- Although very little ‘white’ comparative information was available here, respondents reported a number of negative experiences (in relation, for example, to racial abuse or oppressively frequent ‘stop and search’) which they believed would be less likely to happen to a white offender.

- While probation staff were generally described as behaving fairly, other parts of the criminal justice system, particularly the police, were described much less favourably.
- This evidence suggests that the Probation Service should be aware that negative experiences of criminal justice are likely to affect perceptions of the legitimacy of the system, and this in turn can affect motivation and compliance.
- Visible representation of minority ethnic communities in the staffing of criminal justice agencies was seen as helpful.
- Probation staff also need to be aware of the particular needs and experiences of offenders of mixed heritage, who have received less research and policy attention than other ethnic minority groups.

## Other implications

- It was clear from contacts with Probation Service managers and staff that there was a general awareness of the need to avoid, at one extreme, the 'colour-blind' practice that ignores diversity of culture, experience and opportunity. However, this study has also demonstrated the range of views and experiences to be found within each minority ethnic group, as well as some differences in responses between black, Asian and mixed heritage probationers.
- This suggests that it is important not to treat minority ethnic status as a defining identity from which personal characteristics, experiences and needs can be reliably inferred. This, however benignly intended, is itself a form of ethnic stereotyping.
- Respondents in this study expected to be treated fairly, as individuals, as 'a normal person', by staff who listened to them and respected their views. Policies and practice therefore need to be informed by awareness of diversity, but not based on untested assumptions about what diversity implies.



This report presents the findings of a study which aimed to identify the criminogenic needs of black and Asian offenders, to explore their views about probation supervision, and to inform decisions about appropriate service provision. The study was commissioned against the background of long-standing concern about the possibility that people from minority ethnic groups may be subject to disadvantageous treatment at all stages of the criminal justice process, even if this does not result from overt racist discrimination (Phillips and Brown, 1998). It was this concern that led to the provision in Section 95 of the 1991 Criminal Justice Act that the Home Office should publish annually 'information...facilitating the performance of such persons [those engaged in the administration of justice] of their duty to avoid discriminating against any persons on the ground of race or sex or any other improper ground'. As the Foreword to the most recent report, Race and the Criminal Justice System, states:

A modern, fair, effective criminal justice system is not possible whilst significant sections of the population perceive it as discriminatory and lack confidence in it delivering justice (Home Office, 2002a: 1).

We review below the evidence that people from minority ethnic groups perceive the criminal justice system in this light.

## **Ethnic minorities and criminal justice**

There is recent evidence (from the 2000 British Crime Survey) that black and particularly Asian people are more likely than whites to say that the criminal justice system is effective in bringing offenders to justice, dealing with cases promptly and efficiently, and meeting the needs of crime victims. Minority ethnic people were, however, less confident that the system respected the rights of suspects and treated them fairly, and black respondents especially were less likely than whites to believe that the police treated witnesses well (Mirrlees-Black, 2001). Ethnic minorities' perceptions of the system as a whole were found to be more positive than whites' except in relation to prisons and, more emphatically, the police. The 2000 Survey also found that black people were more likely than either Asians or whites to have been stopped by the police, whether on foot or in a vehicle, and that people from all minority ethnic groups were less likely to say that, when they were stopped, they were

treated fairly and politely, or that they were satisfied with the behaviour of the police (Clancy et al., 2001). Young black men (under the age of 25) were the group most likely to be stopped by the police, and while being black was not found to increase the likelihood of being stopped while on foot (a finding unlike those of the Surveys of 1993 and 1995), it did increase the chances of being stopped while in a car.

In relation to victimisation, the 2000 British Crime Survey found that while people from minority ethnic groups do not experience higher rates of victimisation than whites living in similar areas, they – particularly Pakistanis and Bangladeshis – are more likely say that they are very worried about becoming victims of crime, and more likely to interpret crimes of which they have been victims as racially motivated (Clancy et al., 2001). Among people who reported crimes to the police, those from minority ethnic groups were less likely than whites to express satisfaction with the police response. Being a victim of crime predicted a lower rating of police performance: only 33 per cent of victims of racially motivated incidents thought that the police were doing a good job.

Much discussion of the possibility that people – and in particular black people – in minority ethnic groups are discriminated against in criminal justice decision-making has centred on the dramatic over-representation of black people in the prison population. The Home Office (2002a) estimates that in 2000 the rate of incarceration of black males was about nine times as high as that for white males, and about fifteen times as high for black as for white females. Only some of the disproportion can be explained by the presence in these populations of foreign nationals, many arrested on entry into Britain; there remains a problem about how far the discrepancy can be explained by differences in the volume and types of crime committed by black people (compared with both whites and Asians), and how far it is to be attributed to differential and possibly discriminatory treatment in the criminal justice system.

There is no doubt that minority ethnic people in Britain are, overall, more likely than whites to experience the kinds of disadvantage that are known to be risk factors for involvement in crime. The Home Office (2000a) uses Labour Force Survey figures to show that all minority ethnic groups are less likely than whites to be employed, and that rates of unemployment are particularly high in the most crime-prone age group (16-24). Pakistani, Bangladeshi and black African groups have the highest proportion of working-age people living in households in which no one is in paid employment, and Pakistani and Bangladeshi children, and people of working age from these ethnic groups, are the most likely to live in families with the lowest incomes. Children from the same groups, along with black children, are least likely to obtain five passes at A-C level in the GCSE examination, and black

children in all categories are more likely than any other ethnic group to be excluded from school. All these factors – poverty, low educational achievement, problems at school, unemployment – could plausibly be associated with an increased risk of criminal involvement.

There is also evidence, however, that minority ethnic people may be (further) disadvantaged by their treatment by criminal justice agencies, and that this applies especially to blacks. Since they – and to a lesser extent Asians – are more likely to be stopped by the police and more likely to be arrested (Home Office, 2002a), their chances of becoming available to be processed by the criminal justice system are higher than those of whites. There is also consistent evidence that once they are in the system the kinds of decisions made on black and Asian people differ from those made on whites (Phillips and Brown, 1998; Bowling and Phillips, 2002). Black people are more likely to be charged rather than cautioned, more likely to be charged with more rather than less serious offences, and more likely (perhaps as a consequence) to be remanded in custody. Both blacks and Asians are more likely than whites to plead not guilty, and more likely to be acquitted. If convicted of offences of violence, they are more likely to receive custodial sentences. The overall pattern suggests that, certainly in the earlier stages of the criminal justice process, the decisions made on minority ethnic people differ from those made on whites in a way that increases their chances of being drawn further into the system, and ultimately increases the risk of custody.

In its review of the evidence and statement of intended action, the Home Office (2002b, p. 10) itself concludes that the differences ‘are such that it would be implausible to argue that none are due to discrimination’. While recognising that factors other than racism may have contributed to these differences, the Home Office statement goes on to describe action already taken or in prospect to reduce discrimination in the criminal justice system and to improve understanding of the processes involved. The action taken includes the implementation of the Race Relations (Amendment) Act in April 2001, which brings most criminal justice agencies under the scope of legislation that makes discrimination on the basis of race illegal. Further action involves the full implementation of the recommendations of the Macpherson Report (1999) on the murder of Stephen Lawrence, research in the Crown Prosecution Service and the Lord Chancellor’s Department (now the Department for Constitutional Affairs) on possible areas of discriminatory practice, research and work on the development of good practice in the National Probation Service and the Youth Justice Board, and the promotion of anti-racist practice in the Prison Service. The Home Office (2002b) also announced the establishment of a new unit with a cross-departmental brief to work towards a better understanding of patterns of over- and under-representation of ethnic minorities in the criminal justice system, identify barriers to improvement, propose a



programme of action to eliminate discrimination, draw together and disseminate good practice, and make recommendations on what statistics should be collected and how they should be publicised. Issues of racism and discrimination in criminal justice are, then, recognised as an important policy priority.

## **Race issues and the Probation Service**

Such issues are of current concern in the Probation Service as in other criminal justice agencies. Introducing a report on the service's work on race issues, the then Chief Inspector of Probation declared himself 'dismayed by many of the findings', especially those which suggested disparities between the approach to work with white and minority ethnic offenders (Her Majesty's Inspectorate of Probation, 2000: 1). Subsequently Powis and Walmsley (2002) undertook a study of current and past probation programmes for Black and Asian offenders with a view to extracting lessons for the development of practice. The research which is the subject of this report is intended to complement Powis and Walmsley's work by adding to knowledge of Black and Asian men's perceptions of probation and their ideas on what kinds of practice are likely to be most helpful. The research is to be further complemented by the National Probation Directorate, which has identified five models of working with Black and Asian offenders and is committed to testing their effectiveness (Powis and Walmsley, 2002, p. 44).

Despite their current salience, attention to issues of ethnicity, racism and anti-discrimination in the Probation Service is relatively recent. In some of the earliest research on these themes, Denney and Carrington (1981) found stereotypical attitudes among probation officers towards Rastafarians, and Whitehouse (1983) identified negative attitudes to black defendants in social enquiry reports (today's pre-sentence reports). Green (1989) criticised the service for a 'colour-blind' approach that denied the reality of racism in the lives of minority ethnic offenders, and Denney (1992) argued that court reports more often presented negative accounts of black than of white defendants. Hood (1992) found that minority ethnic defendants in Crown Courts were more likely than whites to be sentenced without reports. Holdaway and Allaker (1990) argued that the Probation Service had been slow to respond to such criticisms, and noted that at the time of their survey only ten areas had a strategic approach to the supervision of minority ethnic offenders. There were, however, examples in the 1980s of local efforts to develop more appropriate forms of practice: the service in the West Midlands supported the Handsworth Alternative Scheme, a probation-linked project which specifically liaised with training and employment projects run by black people (Denney, 1992); and the team serving the St. Paul's area of Bristol,

following riots there in 1981, adopted a 'community-based and detached' approach (Lawson, 1984). In 1984, the Association of Black Probation Officers (ABPO) held its first general meeting, and in 1987 the National Association of Asian Probation Staff (NAAPS) was formed, on the basis that Asian perspectives were not adequately covered by the term 'black' (HMIP, 2000).

Previous research on the needs and perceptions of minority ethnic people supervised by the Probation Service has typically been on a small scale. For example, Lawrence et al. (1992), working in collaboration with the then Inner London Probation Service (ILPS), interviewed a sample of black offenders, black and white workers, and staff of interested agencies, and scrutinised 59 court reports. They concluded that most black offenders wanted special provision, but also observed that popular perceptions of this client group were 'wide of the mark. Indeed, in many respects, both with regard to the social characteristics of the black client group seen by ILPS and patterns of offending, black clients do not differ appreciably from white clients' (p. 7). Jeffers (1995) interviewed 44 offenders (28 minority ethnic and 16 white men and women) and observed contact between officers and offenders. He concluded that black and white offenders shared a desire for respect, trust, credibility and practical assistance, and observed that black offenders' perception of probation 'may be as much to do with its symbolic location, relative to the criminal justice system as a whole and the degree to which this wider system is seen as racially discriminating' (p. 33). Jeffers identified two characteristic probation approaches: firstly, 'minimal managerial anti-racism and equal opportunities strategies', i.e. the recruitment of black staff, equality of treatment and ethnic monitoring; and second, a 'more politicised anti-racist project' involving, for example, the development of black empowerment groups designed to 'counter the negative self images black offenders may have through the medium of groupwork and help them take control of their lives through increasing their self esteem'(p. 16). The scope and nature of special provision for minority ethnic offenders are discussed at greater length below.

In a recent study of pre-sentence reports on Asian and white defendants in the north of England, Hudson and Bramhall (2002) reported serious deficiencies in the recording of data on offenders' ethnicity, a point which is discussed in more detail below. They also found important differences in the style and content of reports. Reports on Asians tended to be 'thinner', in the sense that they gave less information, and they were more likely to use 'distancing' language when discussing information given by the defendant ('he tells me that...', and the like). Asian defendants were less likely to be presented as showing remorse and accepting responsibility for the offence, and their problems were more often attributed to their individual characteristics than to externally observable difficulties such as substance misuse. There were also differences in sentencing proposals: community punishment orders were more

likely to be proposed for Asians, and community rehabilitation orders for whites; and reports on Asians were more likely to make no positive proposal, or to present a custodial sentence as inevitable. The authors concluded that Asians received community punishment orders and short custodial sentences in cases where whites would receive community rehabilitation orders, and that this disparity in sentencing was a result of the proposals in reports. These conclusions are based on a relatively small sample and on reports in one probation area, but the study suggests, as did the HMIP report (2000) that there is no room for complacency in the Probation Service about its practice with minority ethnic offenders.

### **Developments in policy and practice**

Probation policy and practice on minority ethnic offenders have not developed smoothly or consistently. On the policy level, the Probation Inspectorate (HMIP, 2000) noted that the importance of anti-discriminatory practice was stressed in the 1992 National Standards for probation, was much less evident in the 1995 version, and became more prominent again in 2000. The Inspectorate also observed that equal opportunities and anti-discrimination issues were not mentioned in the three-year plans for the service covering 1996-2000. There is also evidence of continuing (and worsening) problems of data collection and monitoring, which are highly relevant to the present study: although such data have officially been collected since 1992, the Home Office (2002a) was unable to include ethnic data on persons supervised by the Probation Service in its annual presentation of statistics on race and the criminal justice system, and observed (p. 3): 'Over recent years the proportion of ethnic data missing has risen substantially'. It is therefore not surprising that data on minority ethnic probationers in Probation Statistics proved an unreliable source in the planning stages of this study.

The development of practice has also been uneven and patchy. Accounts exist of a number of local projects, sometimes accompanied by resource packs or training manuals (Jenkins and Lawrence, 1993; Kett et al., 1992; de Gale et al., 1993; Briggs, 1995; Johnson et al., 1996; Butt, 2001; Durrance et al., 2001; Williams, 2001), but such developments have tended to be local initiatives dependent on the energy and enthusiasm of a few staff. Where they have received some publicity they have not led to general changes in approach, and in 1999 it was judged that there was insufficient evidence of effectiveness for any programmes for black and Asian offenders to be awarded 'Pathfinder' status (Powis and Walmsley, 2002, p. 1). Powis and Walmsley's survey of such programmes was conducted in the summer of 2000. It found little research data on criminogenic factors, no programmes sufficiently evidence-based to meet accreditation criteria, ambivalence about special

provision and about the mixing of black and Asian offenders, and inconsistency over ethnic definitions. Powis and Walmsley identified 13 programmes that had run at some time, in ten different probation areas, but only five that were running at the time of the survey. Programmes were categorised as Black Empowerment Groups, Black Empowerment within General Offending, Black Empowerment and Reintegration, and Offence Specific Programmes. Staff were positive about the programmes, but the researchers concluded:

There are many arguments that support running separate programmes but also some that advocate mixed group-work provision. There is, as yet, little empirical evidence to substantiate either position (p. 11).

More recently, Durrance and Williams (2003) have argued that there are good grounds for believing that some minority ethnic offenders could benefit from special provision of the kind aimed at by programmes containing an element of empowerment, and that it is premature to suppose that 'what works' with white offenders will by definition work with other ethnic groups. They suggest that the experience of racism may have a negative impact on the self-concept of black and Asian people, and that work may therefore be required to enable or empower them to acquire a more positive sense of identity. They use their own evaluation findings to suggest that empowerment is a feasible and potentially valuable approach to working with offenders who have experienced some form of institutionalised discrimination.

### **The present research: aims and design**

The present study was intended to fill some of the gaps in knowledge identified by Powis and Walmsley, and to provide a stronger empirical base to inform arguments about the best form of provision for minority ethnic offenders. Its aims were:

- to collect some systematic information on the criminogenic needs of black and Asian offenders;
- to explore the views of black and Asian offenders about their experiences of supervision by the Probation Service, particularly in their current probation (or community rehabilitation) order, and their experiences of probation programmes; and
- to draw an overall picture of the problems faced by black and Asian offenders and how they respond to attempts to address them.

The research design originally envisaged conducting 500 structured interviews with black and Asian men currently on probation or community rehabilitation orders. Women were not included in the Home Office's specification for the research. In the event, 483 interviews were conducted that produced valid data for analysis; practical difficulties in the conduct of the fieldwork are discussed in the following chapter. The study did not include a white comparison group: comparisons are made with data on white offenders from other studies.

The intended sample was highly structured, by ethnicity, area, and type and stage of order. The aim was to interview 200 offenders on orders with 1A conditions – i.e. that they should participate in a groupwork programme – and 300 on 'standard' orders. The sample was to be made up of 200 offenders recorded in probation records as 'Asian' and 300 recorded as 'black'; therefore 80 Asian and 120 black offenders subject to 1A conditions were to be interviewed, and 120 Asian and 180 black offenders subject to standard orders<sup>3</sup>. The sample of probation areas was chosen to cover areas with high, medium and low proportions or 'densities' of minority ethnic people on probation<sup>4</sup> as a percentage of the total probation caseload. The Home Office assigned probation areas to a density category on the basis of figures provided by the areas. Sample sizes for each area were arrived at on the basis of a one-seventh sample of the estimated total population of black and Asian people on probation in high density areas, one-third in medium density areas, and one-half in low density areas. This sampling strategy was adopted to ensure adequate representation in the sample of offenders from each type of area. For similar reasons, some oversampling of Asian offenders was built into the sampling strategy. The sample number for each area for both 1A and standard orders was, as far as possible, divided by four to cover offenders near the start of orders, those at an intermediate stage, those coming to the end of an order, and those who had been breached for failing to comply with their order's requirements<sup>5</sup>. The interviews actually conducted broadly followed the sampling strategy, with adjustments as necessary to approximate the target of 500 interviews in total.

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3. The interview schedule asked respondents to categorise their ethnic origin as one of: black African, black Caribbean, black Other, Pakistani, Bangladeshi, Indian, Asian Other, mixed heritage and Other, which is consistent with the definitions of ethnicity used in the 2001 Population Census.

4. In this report we have generally used the old-fashioned term 'probation order' rather than the more cumbersome community rehabilitation order, since the former was more readily understood by respondents, and we suspect it will still be more familiar to many readers.

5. In the event, this aspect of the sampling strategy did not show any interesting differences between different stages beyond those which would in any case have been expected: for example, people interviewed very early in orders or programmes were not able to give as much information about them as those interviewed later, and those who failed to complete or breached orders or programmes had slightly but significantly higher scores on crime-prone attitudes and self-reported problems ( $P < 0.01$  and  $P < 0.05$  respectively for orders, and  $P < 0.01$  in both cases for programmes).

## **The structure of the report**

Chapter 2 describes the conduct of the fieldwork for the research and discusses some of the problems encountered and the reasons for them; further material on this is in Appendix 1. Chapter 3 describes the basic demographic characteristics of the sample and begins to explore the question of whether the criminogenic needs of black and Asian offenders are distinct from those of white offenders. Chapter 4 summarises respondents' views of probation and programmes. Chapter 5 discusses evidence of social exclusion and deprivation among respondents, and their experiences of the criminal justice system. Chapter 6 reviews the findings and discusses implications for probation policy and practice.



### Planning and organisation

The research contract began on 1 August 2001. The research team designed 800 flyers and 500 large colour posters to publicise the project; these were for distribution in the probation offices taking part in the study, and described the nature and duration of the research, its main aims, and the staff involved. The team distributed these materials to the relevant probation areas, and produced separate information sheets for offenders and probation officers. A form was produced on which offenders were to indicate their consent to the interview and acknowledge receipt of the £10 paid for each interview in recognition of the time and effort involved.

The project required nine researchers in four geographically dispersed universities to work effectively as a team, and to maintain contact with the Home Office, the National Probation Directorate (NPD), and the various probation areas involved. The research was introduced to the participating areas by a Diversity Workshop, which was organised by the Research, Development and Statistics Directorate of the Home Office (RDS) and the NPD, and held in London in October 2001. RDS formed a Steering Group including members of NAPO, ABPO and NAAPS<sup>6</sup> to inform and support the research.

Two important tasks for the preliminary period of the research were to agree a sampling strategy and develop a data collection instrument to be used in pilot interviews and modified as necessary. The highly structured nature of the sample as originally planned has been described in Chapter 1. The breakdown of the target figure by area is shown in the first column of figures in Table 2.1, which gives the target sample number for each area, categorised by the ‘density’ of the minority ethnic population; the second column shows the number of interviews eventually achieved. (The target figures were set on the understanding that the team might need to be flexible about numbers across areas in order to achieve the intended overall sample.)

In the first few weeks of the project, the team also worked to develop a data collection instrument – essentially an interview schedule – that would address the research questions specified for the project. The aim was to produce an instrument that could capture both

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6. The National Association of Probation Officers, the Association of Black Probation Officers, and the National Association of Asian Probation Staff.



quantitative and qualitative data. The schedule consisted of five main sections, following an introductory set of questions that covered basic personal details and information about the current order and past experiences of probation supervision. The first section covered experiences of individual supervision and ideas on what constituted helpful and appropriate probation practice. The second dealt with experiences of programmes, and was therefore not relevant to all interviewees. It explored perceptions of the purpose and value of programmes and experiences of being a member of a group. The third section was concerned with the interviewee's current situation; it was mainly concerned with housing, employment, family life, and drug and alcohol use. The CRIME-PICS II instrument was administered after this set of questions (see Chapter 3). The following section used the CRIME-PICS responses to explore interviewees' criminogenic needs, their perceptions of why they had got into trouble, and what changes they thought would help them stay out of trouble in future. The fifth and final section dealt with experiences of the criminal justice system, both as an offender and, where relevant, as a victim.

## **The conduct of the research**

The members of the research team involved in interviewing were a diverse group in terms of gender, ethnicity and culture. The majority<sup>7</sup> of the interviews were conducted by black and Asian researchers, and each researcher interviewed offenders from all ethnic groups to guard against biases resulting from interviewers' ethnicity. There were very few indications of differences in response patterns on account of interviewers' ethnicity (but see Chapter 4 for a discussion of those that were found). Also, checks were made periodically for consistent differences among interviewers in the type and quality of data obtained in interviews, and none were found.

The schedule was piloted and modified in November 2001. Fourteen pilot interviews<sup>8</sup> were held in probation offices in Manchester and Cardiff, and lasted from one hour and fifteen minutes (the shortest) to two hours and ten minutes. Final revisions to the schedule were made following the pilot and further discussion in a Steering Group meeting. The schedule subsequently proved a robust and reliable data collection instrument.

The experience of piloting the schedule was useful not only for allowing improvements to be made to the interview schedule but for showing that the process of fieldwork and data collection would be much more complex than we had expected. The main reason for this

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7. Minority ethnic researchers conducted 69 per cent of the interviews (unweighted figure).

8. These were not included in the final analysis.

was that (as we might have predicted, given the Home Office's own criticisms of the quality of probation data on ethnicity, discussed in Chapter 1) the data held centrally in probation areas had proved to be inaccurate and often out of date; this meant, among other things, that it was impossible accurately to identify offenders in the categories required for strict adherence to the sampling strategy. A number of other practical lessons, reinforced by subsequent experience, were drawn from the pilot study. Firstly, it was clear that research interviews were much more likely to be successfully arranged and conducted when they immediately followed or preceded an appointment with the offender's probation supervisor. Secondly, we learned that we ought to expect a high rate of non-attendance even for interviews arranged in this way, and that the approach to sampling needed to take account of this, and be guided by considerations of opportunity and feasibility. Thirdly, it was clear even from the pilot that our presence as researchers could quickly become irksome to busy probation staff, if, for example, it was necessary to arrange more than one appointment with an offender. Some of the difficulties encountered in the course of the research are discussed further in Appendix 1.

In order to maintain a reasonable rate of progress towards the target figure of 500 interviews, additional staff were recruited on a sessional basis by the Glamorgan and Lincoln teams, and conducted a total of 41 interviews. It was also necessary to diverge from the target figures for each area when numbers apparently unavailable for interview in one area could be made up in another. It was also decided to include a relatively small number of interviews (53) with offenders who, whilst not subject to a probation order, were able to discuss the probation element of a different disposal (usually a community punishment and rehabilitation order).

Table 2.1 shows the final breakdown of interviews by area, and compares the target numbers with those actually achieved.

**Table 2.1: Target and actual interview numbers by area**

Typology of areas	Offenders: target sample	N of interviews achieved
<b>High density</b>		
Bedfordshire	9	11
Greater Manchester	30	38
Leicestershire	9	11
London	191	210
Nottinghamshire	13	14
Thames Valley	18	18
West Midlands	78	64
Subtotal	348	368
<b>Medium density</b>		
Avon and Somerset	17	15
Hertfordshire	6	3
Warwickshire	7	2
West Yorkshire	52	41
Wiltshire	6	4
Subtotal	88	65
<b>Low density</b>		
Devon/ Cornwall	4	5
Essex	7	3
Lancashire	31	23
Lincolnshire	5	5
South Wales	17	16
Subtotal	64	52
<b>Total</b>	<b>500</b>	<b>483</b>

As the table makes clear, the impact of the problems discussed above and in Appendix 1 was greater in medium and low density areas than in high density areas, with the exception of the West Midlands, where workload pressures on probation staff had led to a policy of minimal contact with certain categories of offender. This may suggest that probation areas with a high density of black and Asian offenders on probation and community rehabilitation orders have been generally more successful in developing practice that allows for constructive supervision and a better sense of offenders' current status. It should be noted, however, that even low density areas can contain small localities of high density, and it is important that the needs and interests of minority ethnic offenders in these localities should not be overlooked.

Overall, 241 interviews were conducted with subjects who defined themselves as black (compared with a target figure of 300) and 172 with subjects who defined themselves as Asian (compared with a target figure of 200) – making a total of 413. The remaining 70 interviewees defined themselves in ways not envisaged in the original scheme, as of mixed heritage (57 cases) and in some other way (13 cases). High density areas were over-sampled in comparison with the target figure, and medium and low density areas were under-sampled. As a final comparison with the sample originally envisaged, 237 interviewees were or had been on orders entailing participation in a programme, when the target figure had been 200. This discrepancy reflects the fact that a growing proportion of offenders under probation supervision are required to attend a programme. Since the data that produced the original sampling scheme are known to be defective, there is no reason to regard these divergences from the sample originally envisaged as having introduced a damaging element of unrepresentativeness.

For purposes of analysis, the sample was weighted (by area and ethnicity) to reflect, as far as possible, the actual distribution of minority ethnic probationers reported in the Probation Statistics for England and Wales 2001 (Home Office 2002b). This corrects any biases resulting from the differential sampling of high, medium and low density areas, and ensures that responses are as representative as possible of minority ethnic people on Probation or Community Rehabilitation Orders at the time of the study. All findings are therefore reported in terms of the weighted sample except where they are specifically stated to be unweighted. Each respondent was assigned a weighting factor which was the product, to two decimal places, of the weighting by area and the weighting by ethnicity. The factors are shown in Table 2.2.

**Table 2.2: Weighting factors used in presenting the results**

Ethnicity	High density	Medium density	Low density
Black	1.40	0.85	0.52
Asian	0.59	0.36	0.22
Mixed heritage	1.55	0.94	0.57
Other	1.53	0.93	0.57

## Conclusions

It is not unusual for difficulties to arise in social research that relies for contact with its research subjects on the support and facilitation of an organisation whose primary purpose is not research. That was the case here, even though with few exceptions the formal position of probation areas' senior management was supportive of the research. Deficiencies and inconsistencies in probation service records were the most obvious source of the obstacles the researchers had to overcome, but other problems arose from variations in the quality of the relationship between offenders and supervisors, ambivalence about the research among probation staff, and organisational policies that made relevant offenders difficult to identify and contact. The researchers had to adopt a pragmatic and sometimes opportunistic approach in order to achieve a total number of interviews close to the original target. Appendix 1 provides a more detailed account of the many problems encountered.

**Characteristics of the sample**

Ethnicity was classified under four general headings: black, Asian, mixed heritage, and other. The terms 'black' and 'Asian' were used in accordance with the 1991 Census of Population codes where black is defined as African, Caribbean, and black other, and Asian is defined as Pakistani, Bangladeshi, Indian and Asian Other. In addition, a number of interviewees defined themselves as of mixed heritage or mixed race, and it appeared useful to count these as an additional category. Interviewees described as being mixed heritage tended to have one white parent and one minority ethnic parent<sup>10</sup>. Table 3.1 shows the ethnic breakdown of the sample:

**Table 3.1: Ethnic composition of the (unweighted and weighted) sample**

Ethnicity	Frequency (unweighted)	Per cent (unweighted)	Frequency (weighted)	Per cent (weighted)
Black African	60	12.4	77	16.0
Black Caribbean	146	30.2	187	38.7
Black Other	35	7.2	45	9.2
All black	241	49.9	309	63.9
Pakistani	74	15.3	36	7.4
Bangladeshi	12	2.5	6	1.3
Indian	62	12.8	31	6.5
Asian other	24	5.0	13	2.6
All Asian	172	35.6	86	17.8
Mixed heritage	57	11.8	72	15.0
Other	13	2.7	16	3.3
TO TAL	483	100	483	100

9 The figures up to and including those in Table 3.4 are unweighted as they simply describe the people who were interviewed, rather than seeking to infer any characteristics applicable to the minority ethnic probation caseload as a whole. The only exception to this is in Table 3.1, where the data are unweighted and weighted. The figures in the rest of the chapter are weighted unless otherwise stated.

10 Of the 40 mixed heritage interviewees who gave details of their parents' ethnic origin, 33 (82.5%) said that one parent (usually their father) fell into one of the 'black' categories, whilst the other parent was white. It is not possible to say whether the same applies to the 17 minority mixed heritage interviewees who did not provide these details. However, there was no indication that this group differed in any major respect from the 40 who did provide this information.

The ‘Other’ category includes people such as one interviewee who described his ethnic origin as ‘international’, one who said he was an Arab, and another who, when asked how he would describe his ethnic background said:

[It is] kind of confused. I’ve got Irish and Scottish blood in me, because of [my] parents I’m half Somalian and Jamaican. I’ve been around black Americans all my life.

### Areas, disposals and orders

Table 2.1 in Chapter 2 lists the probation areas involved in the study, and whether they have a high, medium or low proportion of inhabitants from minority ethnic groups. Table 3.2, below, shows the ethnicity of the interviewees. Eighty-nine per cent of interviewees were or had been on a probation (or community rehabilitation) order ( $n = 430$ ). The remaining respondents discussed the probation supervision and in some cases attendance at a probation programme that they had experienced as part of another order ( $n = 53$ ), such as a community punishment and rehabilitation order (CPRO). Almost half of the interviewees (49%) were or had been on a probation (or community rehabilitation) order that included an additional requirement to attend a probation-led programme. The remainder were or had been on an ‘ordinary’ probation order with no such stipulation. Tables 3.3 and 3.4 show the breakdown of interviewees by type and stage of order<sup>11</sup>:

**Table 3.2: Number and ethnicity of respondents from high and medium/ low density areas**

Ethnicity	High density	Medium and low	Total
Black	200	41	241
Asian	120	52	172
Mixed heritage	37	20	57
Other	9	4	13
<b>TOTAL</b>	<b>366</b>	<b>117</b>	<b>483</b>

11. Interviewees who were on a CPRO, and the small number on other orders, were allocated to the ‘ordinary order’ group or the ‘programme order’ group depending on whether they had experience of attending a probation-led programme.

**Table 3.3: Number and percentage of interviewees at different stages of a 'programme order'**

Stage of programme order	Frequency	Per cent of those on a programme order	Per cent of total sample
Current	91	38.6	18.8
Completed programme but still on order	78	33.1	16.1
Failed to complete/ breached	30	12.7	6.2
Had yet to start	37	15.7	7.7
TO TAL	236	100 <sup>12</sup>	48.9

**Table 3.4: Number and percentage of interviewees at different stages of a non-programme order**

Stage of ordinary order	Frequency	Per cent of those on an ordinary order	Per cent of total sample
Early	87	35.2	18.0
Mid	57	23.1	11.8
Late	77	31.2	15.9
Failed to complete/ breached	26	10.5	5.4
TO TAL	247	100	51.1

Less than half of the respondents (44%) said that this was their first experience of probation supervision. Of those who had had previous experience (56%), 45 per cent reported having done community service, 45 per cent had received a probation order, 31 per cent had been given a supervision order, and 30 per cent had had a detention and training order, youth offender licence, or a borstal or youth custody licence.

12. Percentages total 100.1 because of rounding



**Length of probation order**

**Table 3.5: The length of orders given to probationers in 2001, and to the interviewees**

Length of probation order	Persons starting probation order in 2001 <sup>13</sup>		Survey respondents	
	Frequency	%	Frequency	Valid %
Under 12 months	6,657	12.2	29	6.1
12 months	29,094	53.4	216	45.9
13-24 months	17,572	32.3	208	44.2
25-36 months	1,147	2.1	18	3.8
All lengths (Total)	54,470	100.0	470	100.0
Average length of order (months)	15.9		16.8	

(Here, as in many of the tables, N is less than 483 as not all interviewees answered or were able to answer the question.) Survey respondents had been given longer sentences than the probation population as a whole, with just 52 per cent receiving orders of 12 months or less, compared with 66 per cent of the general probation population. The average length of sentence was longer for survey respondents than amongst probationers generally, and a breakdown of the average length of order by ethnicity showed that the difference was even more marked for some minority ethnic groups.<sup>14</sup>

**The index (main current) offence<sup>15</sup>**

Table 3.6 shows which offence(s) led to the interviewees being placed on probation<sup>16</sup> (Note: percentages do not add to 100 because some offenders had been convicted of multiple offences.)

13. Home Office (2002c): Table 3.14.

14 Average length of orders in months by ethnicity: black African 15.7, black Caribbean 16.5, black Other 18.1, Pakistani 17.5, Bangladeshi 12.4, Asian Other 17.2, mixed heritage 16.9, Other 22.6.

15 It should be noted that information regarding the nature of the index offence usually came from the interviewees themselves, and whilst every effort was made to confirm this information with independent sources, for example by talking to the interviewees supervising officer or by looking at the case file, often this was not possible.

16 Lists of the offences that fall within each offence category can be found in the Home Office (2000b) OASys manual (version 5), pp.146-151.

**Table 3.6: The index offence**

Offence category	Frequency	Per cent
Violence against the person	84	17.5
Sexual offences	11	2.3
Burglary	31	6.4
Robbery	24	5.0
Theft and handling	104	21.6
Fraud, forgery and deception	35	7.1
Criminal damage	18	3.7
Drug offences	45	9.2
Other offences	51	10.6
Motoring offences	142	29.5

The index offence varied according to ethnicity. Black interviewees were more likely to have been convicted of criminal damage than Asian or mixed heritage interviewees. Asian interviewees were more likely to have been convicted of sexual offences, fraud, forgery and deception, drug offences and motoring offences, than their black and mixed heritage counterparts. Mixed heritage respondents were more likely to have been convicted of violence against the person, burglary, robbery and theft and handling, than the black and Asian people in the sample (see Table A1, Appendix). Of all men starting probation orders in 2001, theft and handling (25%), violence against the person (10%) and burglary (6%) represented the largest specific offence groups<sup>17</sup> (Home Office, 2002c: Table 3.4).

### Composition of the sample by age

The mean age of respondents at interview was 29.7 years. A breakdown of the mean age of respondents by ethnicity found slight variations in mean age by ethnic group.<sup>18</sup> The age distribution of the survey sample is broadly similar to that found for male probationers generally, although more survey respondents were in the 21-29 age band, and fewer in the lower age bands, than in the general probation population.

17. The offence group sizes in Table 3.6 and the Home Office figures are not directly comparable. The Home Office figures include indictable offences only, whilst Table 3.6 includes summary and indictable offences.

18 Mean ages: black African 28.1, black Caribbean 30.9, black Other 27.4, Pakistani 27.3, Bangladeshi 22.0, Indian 31.2, Asian Other 27.4, mixed heritage 31.1, Other 30.7.

**Table 3.7: The ages of men starting a probation order in 2001, and of the interviewees**

Age range	Age of males starting a probation order in 2001 <sup>19</sup>		Age of survey respondents at interview	
	Frequency	%	Frequency	Valid %
16-17	468	1.1	0	0
18-20	7,938	18.4	84	17.4
21-29	16,591	38.5	191	39.7
30 and over	18,097	42.0	207	42.9
<b>TOTAL</b>	<b>43,094</b>	<b>100.0</b>	<b>482</b>	<b>100.0</b>

Patterns of offending tend to differ according to age (see Mair and May, 1997: Table 3.14), and the survey respondents proved to be no exception. Interviewees aged from 18 and 20 were more likely to have been convicted of robbery, burglary, criminal damage and/ or motoring offences than those in other age groups. Respondents aged from 21 and 29 were more likely to have been convicted of theft and handling, fraud, forgery and deception and/ or drug offences than their older and younger counterparts. Interviewees aged 30 and over were more likely to have been convicted of violent and/ or sexual offences than younger respondents (see Table A2, Appendix 2).

### Other characteristics

The majority of interviewees (83%) said that they were British. Christianity and Islam were the most common religions followed by respondents: 45 per cent said that they were Christian, and 16 per cent reported being Muslim. A further 27 per cent of respondents said that they did not follow any religion. Christian respondents were usually black, whilst Muslim respondents tended to be Asian.

### Measuring criminogenic need

A central aim of this study was to attempt some quantitative assessment of the major criminogenic needs of minority ethnic offenders on probation, to inform decisions about what kind of services should be developed for or offered to them. 'Criminogenic needs' in this context should be understood as characteristics of a person or his/ her situation which increase the risk of offending, but are in principle capable of change; in other words,

<sup>19</sup> Source: Home Office (2002c): Table 3.3.

'dynamic risk factors' (see, for example, Andrews and Bonta, 1998). In this chapter we concentrate on needs that can be assessed in a standardised way and therefore compared with studies of other groups. It is important to note that other needs not covered in this chapter, such as experiences of social exclusion or discrimination, may also be criminogenic in some circumstances. These possibilities are discussed further in Chapter 5.

Assessing the criminogenic needs of respondents required a standardised instrument capable of reasonably convenient use with a small amount of training, but known to have an acceptable level of reliability and some relationship with offending. The possibility of using the Offender Assessment System<sup>20</sup> (OASys Development Team, 2001) was considered, but it was clear that it would take a considerable time to administer, preventing researchers from covering other ground in interviews. It was important to ensure that the interviews covered other material in order to gather information about experiences of probation and other life-experiences, both to meet other objectives of the study and to reduce the risk that the agenda of the interviews might be unduly restricted by the use of an instrument based mainly on research with white offenders (which is the basis of all standardised measures of criminogenic need known to the research team).

The instrument eventually chosen was the CRIME-PICS II questionnaire (Frude et al., 1994) that had a number of characteristics appropriate to this study. It is relatively quick and simple to administer, relying on offenders' responses to questions and their self-reports about problems rather than on interviewers' judgments; it has a history of use in probation research; it is currently widely used in 'pathfinder' project evaluations; and it is known to be related to reconviction risk (Raynor, 1998). It has also been used in the past with groups of white or predominantly white offenders, offering the possibility of useful comparisons with the current sample. CRIME-PICS II concentrates particularly on attitudes and beliefs which are conducive to offending and on self-reported life problems, producing scores on five scales known as G, A, V, E and P. (These stand for General attitude to offending, Anticipation of reoffending, Victim hurt denial, Evaluation of crime as worthwhile, and Problems.) Both raw and scaled (standardised) scores are produced for G, A, V, E and P, and a separate score for each of the fifteen problem areas covered by P.

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20 The Offender Assessment System is a structured risk/ need assessment instrument designed for use by probation and prison staff, drawing on official records as well as interviews. It requires a significant amount of training.

## Comparison groups for CRIME-PICS II

A number of studies that have used CRIME-PICS II were examined to identify possible comparison groups for this study. Some of them were unsuitable because of the way in which findings were reported (for example, mean scores with no standard deviations (SD)<sup>21</sup> or no information about ethnicity), or because they were drawn from very different sentences or parts of the penal system where different scores might be expected anyway. Many studies omitted general risk measures such as OGRS (the Offender Group Reconviction Scale) or OGRS 2 (a later version of OGRS)<sup>22</sup> that might help to establish comparability. For example, Wilkinson (1998) gave results for 205 probationers, but without SD or ethnic breakdown, although about one-third of his sample was black. Harper (1998) covered 65 probationers, but again with no SD or ethnic breakdown. McGuire et al. (1995) provided only problem scores, and Surrey Probation Service (1996) provided change information but no scores, and had a low number of offenders. The research report on resettlement pathfinders (Lewis et al., 2003) gave full CRIME-PICS II data on 843 offenders, but comparability is limited as the offenders were short-term prisoners (some ethnic comparisons from this study are mentioned below). Other studies (Maguire et al., 1996 on Automatic Conditional Release prisoners; Richards, 1996 on the Cambridgeshire Intensive Probation Centre; and Jones, 1996 on another probation centre in Dyfed) involved small numbers and in some cases different kinds of offender.

More promising were: a study of a probation centre in the Midlands (Davies, 1995) which involved 117 offenders known to be 87 per cent white and 81 per cent male; a study by Hatcher and McGuire (2001) of the early pilots of the 'Think First' programme which provided data on 357 offenders, clearly mainly white and 94 per cent male; the data kindly supplied by the Cambridge team evaluating community punishment pathfinders (see Rex et al., 2002), which enabled us to extract scores for 1,341 white male offenders; and, most usefully, the original validation sample for CRIME-PICS II in Mid Glamorgan (Frude et al., 1994). This covered 422 offenders supervised by the Mid Glamorgan service between 1991 and 1993 (including the STOP evaluation cohort – Raynor, 1998), almost entirely male, at a time when the Mid Glamorgan caseload was 99.5 per cent white (Home Office, 1994). OGRS scores were not available for all these groups, but the average OGRS score for the community punishment study is reported as 47 per cent, and the average risk of reconviction for probationers in 1993 is given by May (1999) as 53 per cent, which is consistent with other information suggesting that the Mid Glamorgan sample would score well below 55 per cent. All the CRIME-PICS II

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21 The standard deviation is the normal statistical measure of the dispersion of scores in a sample. It is required to calculate the significance of differences between the means.

22 It is likely that the scores in some of the reports discussed below were calculated using OGRS whilst others were calculated using OGRS 2, because of the different times at which the offenders were assessed. For simplicity we refer to OGRS throughout the rest of the report.

comparisons in this report are either within the survey sample or with these four groups, and particularly with the original validation sample. Although none of these comparison groups was weighted to improve its representativeness of offenders under supervision in general, the general characteristics of the validation sample resemble those of probationers at the time, including May's sample (1999) which was selected to represent a range of areas. Overall the available CRIME-PICS II studies represent the best available comparison information on the criminogenic needs of white offenders until large volumes of OASys data become available in the future.

It was also envisaged that a number of offenders in the sample would have been assessed using the assessment instruments ISI-R (Level of Service Inventory Revised) or ACE (Assessment, Case Management and Evaluation) that could then be compared to norms established in previous studies (Raynor et al., 2000). Some OASys assessments might also have been carried out. However, so few examples of such assessments were made available that no meaningful analysis could be attempted. In 90 cases (equivalent to a weighted 78 cases) OGRS scores were provided, which were of some value in comparing static risk levels. The latest national information available at the time of writing indicated that the average OGRS score for offenders on community rehabilitation orders in the first quarter of 1999 was 52.8 (Home Office, 2003), which is close to the survey sample's weighted average of 51.8.

### CRIME-PICS II scores in the sample and the comparison groups

Table 3.8 and Figure 3.1 show the raw G, A, V, E and P scores for the survey sample compared to the CRIME-PICS II validation sample ('white comparison')<sup>23</sup>. The scores showed little variation between high, medium and low density areas<sup>24</sup>. The table also shows scores for each of the main ethnic groups (omitting the 13 members of the heterogeneous 'Other' group). Scores are not available for one of the 483 respondents, so N = 482. OGRS scores are included, and significant differences (derived from t-tests<sup>25</sup>) are indicated in the CRIME-PICS II scores. For the identified ethnic groups, the indicated probabilities refer to the significance of differences between the particular ethnic group and the remainder of the full survey sample. In the final column they refer to the significance of differences between the full survey sample and the CRIME-PICS II validation sample. In both cases \* =  $p < 0.05$ , \*\* =  $p < 0.01$ .

<sup>23</sup> See p.31, above for an explanation of the G, A, V, E and P scales.

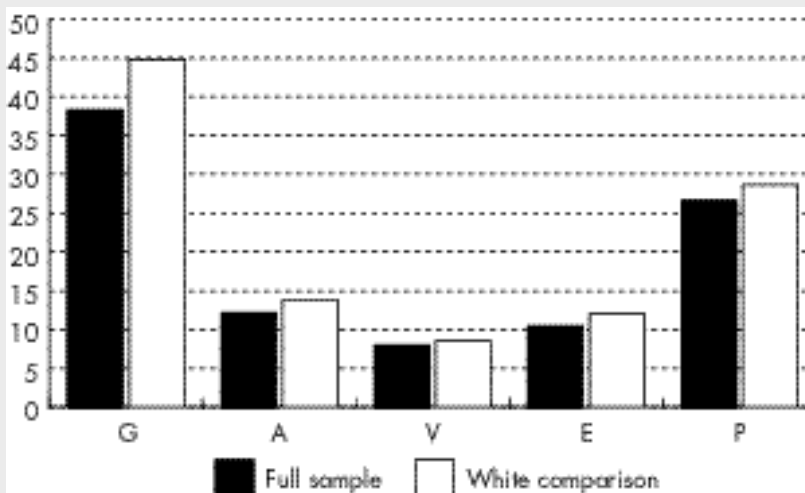
<sup>24</sup> The average unweighted scores in high (H) and medium and low (ML) density areas were: G (H = 37.85, ML = 37.07), A (H = 12.04, ML = 11.63), V (H = 8.22, ML = 8.10), E (H = 10.33, ML = 10.44), and P (H = 26.72, ML = 26.43).

<sup>25</sup> T-tests are a way of calculating the significance of a difference between the average scores recorded by two groups on the same measure. They show the probability that the difference could have come about by chance: the lower the probability (p), the higher the significance.

**Table 3.8: Raw CRIME-PICS II scores compared**

Scale	Full weighted sample	Black	Asian	Mixed heritage	White comparison
Weighted N	482	308	86	72	
(Unweighted)	(482)	(240)	(172)	(57)	(422)
G	38.28	38.48	35.66 **	40.61 *	44.84 **
A	12.20	12.27	11.15 **	13.16 *	13.89 **
V	8.04	8.09	8.74 *	6.79 **	8.58 **
E	10.50	10.59	9.73 **	11.14	12.03 **
P	26.62	26.33	26.86	27.36	28.62 **
OGRS	51.8	49.7	44.6	62.6	53.0 <sup>26</sup>
(No. of OGRS scores available)	(N=90)	(N=36)	(N=38)	(N=14)	

**Figure 3.1: Raw CRIME-PICS II scores compared**



It is immediately clear that the survey sample shows lower scores than the white comparison group on all scales, apart from Asian offenders on the V scale. Within the survey sample there are also a number of differences between ethnic groups: black offenders were slightly but not significantly higher than the sample as a whole on all scales except the P scale;

<sup>26</sup> This is an estimate based on the data collected for the STOP study (Raynor and Vanstone 1997).

Asian offenders were significantly lower on G, A and E but higher on V; and offenders of mixed heritage were significantly high on G and A but low on V. All group scores, even those which were high for the sample, were lower than for the white group. A full breakdown of the problem scores is given in Table A.3 in Appendix 2: the only problem areas in which the survey subjects reported greater difficulties than the white comparison sample were relationships, housing (particularly among black offenders), health (particularly among Asian offenders) and not feeling good about oneself (particularly among offenders of mixed heritage).

**Table 3.9: Other CRIME-PICS II comparisons**

	Scale Full weighted sample	Probation Centre (Davies, 1995)	Think First Hatcher and (McGuire, 2001)	Community Punishment (Rex et al., 2002)	Programme subsample (weighted)	Non-programme subsample (weighted)
N	482	117	357	1341	250	247
G	2.5	4.1	4.6	2.0	2.5	2.6
A	3.8	4.5	5.4	3.1	3.8	3.8
V	4.0	4.3	3.5	4.1	3.8	4.2
E	3.7	4.5	5.0	2.8	3.6	3.7
P	4.1	4.6	5.3	3.1	3.8	4.3
OGRS	51.8 (N=90)				55.0 (N=60)	44.8 (N=30)

Table 3.9 compares the survey sample with the other studies identified above. Scaled scores are used here as some studies only provided these. Differences are in the expected directions: the Think First and Probation Centre groups score higher than the survey sample, and the community punishment group scores lower, reflecting the known tendency for people on community punishment orders to have fewer problems than those on probation/ community rehabilitation orders (Raynor, 1998).

The table also compares those members of the survey sample who were involved in programmes with those who were supervised without programmes. It is interesting that offenders on programmes had a higher risk of reconviction (as indicated by their higher average OGRS score), but fewer crime-prone attitudes and beliefs and self-reported problems (as indicated by their lower CRIME-PICS II scores) than those not on programmes, although the differences in CRIME-PICS II scores were only statistically significant on the P



scale<sup>27</sup>. There was no evidence that these differences were due to a programme effect, since the CRIME-PICS II scores for those who had completed a programme were not significantly lower than for those who were part way through a programme, and were not lower than scores for those who had yet to start. There were statistically significant differences<sup>28</sup> in the proportion of different ethnic groups who were on programmes (51.5% of black offenders, 39.5 % of Asian offenders and 66 % of mixed heritage offenders were on programmes). This may have been at least partly due to differences in OGRS scores.

### Other comparative studies

It is interesting to compare these findings with those of some other studies which have included direct comparisons between minority ethnic offenders and white offenders within the British penal system. The numbers of black and Asian offenders in these studies are lower than in the present study, but the parallels are interesting.

The second pilot study undertaken for the OASys instrument in 1999-2000 covered 2,031 offenders of whom 180 are described as black and 83 as 'south Asian' (Clark et al., 2002). Both black and Asian offenders had lower average OASys scores than white offenders, indicating a lower level of criminogenic need and probably a lower risk of reoffending. In particular, black offenders showed significantly lower scores on lifestyle and associates, alcohol misuse, drug misuse and emotional problems. Asian offenders scored significantly lower on criminal history, accommodation problems, educational need, financial problems, lifestyle, drug misuse, 'interpersonal problems' and thinking skills. Among offenders located in the community rather than in prison, the proportion of black and particularly Asian offenders who showed the appropriate level and profile of needs to be assessed as well 'fitted' to an offending behaviour programme was lower than the corresponding proportion of white offenders. This is a further indication of lower assessed need.

A study reported by Merrington (2001) of assessments carried out by probation officers in Greater Manchester using the ACE assessment system (see Roberts et al., 1996) covered 3,746 offenders, of whom 365 were black or Asian. The analysis did not separate black from Asian offenders, but it showed that black/ Asian offenders had lower 'offending-related' scores (the ACE measure of criminogenic need) and were less likely than white offenders to be assessed as having problems with accommodation, alcohol and drugs, mental health, emotional stability and self-esteem. There were 'no areas in which ethnic minorities are judged to have more criminogenic problems than whites' (p. 8).

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<sup>27</sup> P<0.05.

<sup>28</sup> P<0.01.

Finally, direct comparisons of CRIME-PICS II scores between ethnic groups were possible in the first phase of the 'pathfinder' evaluation of resettlement projects for short-term prisoners (Lewis et al., 2003). Initial scores were available for 730 white, 67 black and 25 Asian prisoners. Minority ethnic offenders showed lower criminogenic needs and problem scores, though the differences were not statistically significant. Overall, the convergence between these other studies and the current study is quite striking, particularly as some of them (those using OASys and ACE) were based on assessments by professionals, and others (using CRIME-PICS II) were based on offenders' own statements.

### **Implications of the CRIME-PICS II findings**

Analysis of the CRIME-PICS II scores within the survey sample showed lower levels of crime-prone attitudes and beliefs than other studies have found in white offenders subject to probation/ community rehabilitation orders. This is true of both black and Asian offenders in the sample, with the largest difference found among Asian offenders. Offenders of mixed ethnic origin scored closest to white probationers, but still had slightly lower scores. Levels of self-reported problems showed less difference between black, Asian and mixed heritage offenders and were closer to (but still in most problem areas lower than) those recorded for white probationers. These findings are important when considered alongside the known over-representation of minority ethnic people in the criminal justice system (Home Office 2002a) and the fact that the survey respondents were serving probation orders of greater than average length (see above, p. 35).

The finding that the criminogenic needs of minority ethnic probationers were, on average, lower than those of their white counterparts suggests that minority ethnic offenders were tending to receive the same community sentences as white offenders who had higher levels of criminogenic need. This finding, based on small but significant differences in levels of criminogenic need, may have a number of explanations; however, one possibility that deserves consideration is that it was at least partly a result of differential sentencing. In other words, it raises the possibility that at least some comparable white offenders were receiving less serious sentences, and that some minority ethnic offenders were more likely than comparable white offenders to receive sentences above the community sentence range.

There were no significant differences in CRIME-PICS II scores between those on programmes and those not on programmes, except that those not on programmes reported slightly but significantly more problems<sup>29</sup>. There was no evidence that this was due to any effect of the

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29  $P < 0.05$

programmes on those who attended them. The average OGRS score was higher for those on programmes, suggesting that allocation to programmes had reflected differences in static risk factors rather than differences in criminogenic needs. Asian offenders (who, as a group, had the lowest mean OGRS scores) were less likely to have been allocated to a programme than other offenders in the sample (the difference was statistically significant), and mixed heritage offenders (who had higher OGRS scores) were significantly more likely to have been allocated to a programme.

The findings concerning attitudes, beliefs and self-reported problems suggest that a balance needs to be struck between two kinds of provision: services designed to address attitudes and beliefs, and services designed to address problems and social disadvantages. The appropriate balance between these should reflect assessed needs, and the evidence in this study suggests that for many minority ethnic offenders a focus on opportunities to address problems and disadvantages might be helpful. The next chapter reports experiences of probation and programmes, and Chapter 5 explores the nature of social disadvantage within the sample in more detail.

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## Chapter 4: Experiences of probation and programmes

### Introduction

This chapter examines interviewees' experiences of probation supervision and programmes. Particular attention is paid to whether the supervising officer, and the content of supervision and programmes, recognised and addressed respondents' needs and experiences as black and Asian offenders. This is generally regarded (see, for example, Powis and Walmsley, 2002) as an important aspect of responsivity (which, broadly speaking, refers to the 'fit' between programme provision and the needs and learning styles of programme participants), and therefore as a likely contributor to the effectiveness of probation.

### Supervision plans

The National Standards for the Supervision of Offenders in the Community (revised in 2002) state that a written supervision plan must be completed within 15 days of the start of a community rehabilitation order, and that offenders should be involved in its formulation. Of the 97 per cent of interviewees who answered the relevant question, 77 per cent reported having seen a plan, whilst the rest said that they had not. This compares favourably with the findings of Mair and May (1997); in their study of 1,213 mainly white<sup>30</sup> offenders on probation, 66 per cent said that a supervision plan had been drawn up, 19 per cent said that it had not, and 15 per cent could not remember.

Offenders were asked whether their views had been considered during the formulation of the plan. Of the 72 per cent of offenders who had seen a plan and who answered the relevant question, 57 per cent (41% of whole sample) said that their views had been taken into account, 24 per cent said that they had not been, and 19 per cent did not know. Mair and May (1997) report that three-quarters of offenders said that their probation officer had asked what they thought should go into the plan, the remainder of respondents saying that they had not been asked or could not remember.

Interviewees were asked whether they had talked with their main supervisor about their feelings and needs as a black or Asian offender. Ninety per cent of interviewees responded, and 30 per cent of these said that such a conversation had taken place. In over

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<sup>30</sup> Ninety-three per cent of offenders were white.

half of these cases, however, the issues discussed were not related to being black or Asian (52%, or 15% of whole sample). Where relevant matters were discussed, the topics most commonly mentioned were racism (18%, 5% of whole sample) and cultural needs and issues (6%, 2% of whole sample).

## Orders, supervisors and supervision

The vast majority of interviewees – 86 per cent – reported having been treated fairly by their supervisor<sup>31</sup>, with little variation in the positive response rate between members of different minority ethnic groups<sup>32</sup>. The most frequent reasons for saying that they had been treated fairly were that they had been treated with respect, as a ‘normal’ person, equally, etc. (18% of the whole sample), they could talk to their supervisor or their supervisor listened to them (14%), and they received help with needs and problems (13%).

In the unweighted sample<sup>33</sup>, seventy-two per cent of main supervisors were white, 22 per cent were black, six per cent were Asian, and less than one per cent were of mixed heritage. These figures varied considerably between different density areas. In high density areas, 27 per cent of offenders had a black supervisor whilst six per cent had an Asian supervisor. In medium and low density areas these figures were eight per cent and four per cent respectively. Since 89 per cent of all probation officers on 31 March 2002 were white, whilst just seven per cent were black and two per cent were Asian (Home Office, 2002c: Table 7.10), high density probation areas in particular seem to have operated a policy of allocating minority ethnic offenders to minority ethnic supervisors.

Interviewees were asked whether having a minority ethnic supervisor had (or would have) made a positive difference. Thirty-five per cent of participants<sup>34</sup> said that it was (or would have been) a benefit. Interestingly, less than half (41%) of those being supervised by a black

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31 Ninety-seven per cent of the 429 probationers surveyed by Ros Harper in a study published by Middlesex Probation Service (2000), of whom 84 per cent were male and 58 per cent were white, reported having being ‘treated fairly’ by probation staff.

32 Eighty-five per cent of black respondents, 84 per cent of Asian interviewees, and 86 per cent of mixed heritage respondents reported having been treated fairly or very fairly.

33 The weighted figures are as follows: 69 per cent of main supervisors were white, 25 per cent were black, five per cent were Asian, and less than one per cent were of mixed heritage. In high density areas, 28 per cent of offenders had a black supervisor whilst six per cent had an Asian supervisor. In medium and low density areas these figures were eight per cent and five per cent respectively.

34 This group did not differ from the rest of the sample in relation to offence profile. Just 8.9 per cent of this group had participated in programmes exclusively for minority ethnic offenders, whilst the rest had not. They did score significantly higher on the CRIME-PICS II G ( $P<0.05$ ), A ( $P<0.01$ ) and E ( $P<0.05$ ) scales, however. This is probably because the majority (80.9%) of those favouring a minority ethnic supervisor were black or mixed heritage, and these groups had the highest average CRIME-PICS II scores.

or Asian probation officer gave this response. Fifty-six per cent said that supervisors' ethnicity made no difference, ten per cent said that they did not know, and two per cent were opposed to the idea<sup>35</sup>. Offenders interviewed by black and Asian researchers were significantly<sup>36</sup> more likely than those interviewed by white researchers to report favouring a minority ethnic supervisor. This was one of the very few situations in which the ethnicity of interviewers may have affected responses, but its impact on overall findings was limited by the fact that most interviews were not carried out by white researchers.

The most frequent reasons given for wanting a supervisor from a minority ethnic group were that he or she would be more able to understand the background, culture and experiences of a black or Asian person (22% of the whole sample), that they would be easier to talk to (8%), and that they would make the interviewee feel more comfortable (6 %):

[Having an Asian supervisor makes a difference] because he understands me fully, we're from the same place ... For example he knows that in our communities you can't speak openly about our problems. I'd feel ashamed if I did but in front of him you can say what you need to and he knows the pressures I've been under. You wouldn't get that understanding of my situation from a white supervisor.

When I'm trying to explain things in my own slang he knows what I'm saying. I'd prefer to have a black supervisor but I don't really mind. I think it's easier and more comfortable. Sometimes you talk about deep stuff and perhaps a white person wouldn't understand my upbringing. I don't know how they can help you if they don't know your way of life.

When asked whether minority ethnic offenders should have supervisors from the same ethnic background, 36 per cent of respondents agreed, 43 per cent disagreed, and 21 per cent were indifferent (n=475). It should be noted that offenders interviewed by minority ethnic interviewers were significantly<sup>37</sup> more likely than those seen by white researchers to agree with this assertion, which again suggests that responses were affected by interviewers' ethnicity.

Interviewees were asked what made a good supervisor of a black or Asian person. The most frequent responses were that a good supervisor should be easy to talk to or should listen to the offender (27% of the whole sample); be understanding and sympathetic (27%); and understand the offender's needs, feelings and experiences as a black or Asian person

35 Percentages do not add up to 100 because a small number of respondents said that having a minority ethnic supervisor might be a good thing and a bad thing.

36  $P < 0.01$ .

37  $P < 0.01$ .

(20%). Just three per cent of interviewees defined a good supervisor as one who was black or Asian<sup>38</sup>, and there was no evidence that the ethnicity of the supervisor was significantly related to the perceived helpfulness of supervision, or to whether the order was breached.

When asked what they liked about their supervision, the most common responses were having someone to talk to or someone who listens (17% of the whole sample), and receiving help with needs and problems (21%). Thirty-five per cent of participants said that there was nothing that they had liked<sup>39</sup>. When asked what they had not liked about their supervision, 12 per cent reported disliking having to attend at all, seven per cent said that it had not been helpful, had made no difference, or had been a waste of time, and seven per cent said that it was restrictive and inconvenient. Thirty-eight per cent of interviewees said that they had not disliked anything about their supervision<sup>40</sup>.

## Programmes

As noted in Chapter 3, almost half of the unweighted sample was or had been on an order with an additional requirement to attend a probation-led programme (49%). This group accounted for 52 per cent of the weighted sample. The majority (63%) were or had been on, or were due to do 'Think First' or 'Think First for Black and Asian offenders' (57% and 6% respectively). Other programmes attended included anger management programmes (10%), 'Enhanced Thinking Skills' (5%), 'Reasoning and Rehabilitation' (5%), and the 'Black self-development programme' (4%). Just ten per cent of the programme sample had been on programmes that were exclusively for minority ethnic offenders. Those who were waiting to start their programme, and had no previous programme experience, were excluded from the analysis and are not included in the remaining findings reported in this chapter<sup>41</sup>.

When asked why they had been put on the programme, respondents said that it was to stop them committing crime (40% of the programme sample), to help them to think first and be less impulsive (31%), and to help with anger management (10%). Just four per cent mentioned punishment as being among the reasons why they had been required to attend a programme.

38 A complete list of responses is provided in Table A4 in Appendix 2.

39 Thirty-seven of the 160 participants who said that there was nothing that they had liked about their supervision also said that there was nothing they had disliked, suggesting indifference towards rather than a particular like or dislike of their supervision.

40 Thirty-seven of the 184 interviewees who said that they had not disliked anything about their supervision also said that there was nothing they had liked, again suggesting indifference.

41 Two hundred and thirty-six of those in the unweighted sample were or had been on a probation order with an additional requirement to attend a programme. Thirty-seven people had not started at the time of interview, however, and had no other experience of a probation programme. Thus only the responses from the remaining 199 interviewees were used in the analysis, accounting for 45 per cent of the weighted sample.

When asked whether the programme leaders had explained the purposes of the programme, the vast majority (90%) of programme participants who responded (96% of the programme sample) said that they had. These were most often given as to teach participants to be less impulsive and to think of the consequences of their actions (33% of the programme sample), to help offenders to avoid trouble and crime, to consider their offending behaviour etc. (28%), and problem solving (11%). When asked what they and the group leaders did, the most common responses were role-plays, 'dilemmas', problem solving etc. (59% of the programme sample); consideration of offending behaviour (22%); learning to be less impulsive and to think of the consequences of actions (15%); and raising empathy and victim awareness (8%).

Ninety-six per cent of programme participants described the ethnicity of their programme leaders. The ethnicity of the probation teams delivering these programmes was as follows for the unweighted (and weighted) sample: 51 per cent all white staff (42%); 34 per cent (39%) both white and minority ethnic staff; 16 per cent (19%) minority ethnic staff only. When asked whether the group leaders were aware of their needs as a black or Asian person on probation, 40 per cent of those who responded (93%) said yes, 49 per cent said no (in some cases because they did not see themselves as having special needs), and the remainder did not know. A significantly<sup>42</sup> higher proportion of those on programmes designed exclusively for ethnic minority offenders said that the group leaders were aware of their needs (77%).

Ninety-five per cent of programme participants described the ethnic composition of their programme group, the majority (72%) of which were 'mixed', containing white and minority ethnic offenders. Eleven per cent of respondents, usually in medium or low density areas, reported being the only minority ethnic participant. Such singleton placements proved to be an uncomfortable experience for some, as illustrated by one interviewee who said, 'I felt isolated'. Some groups were made up entirely of participants from minority ethnic groups (17%).

When asked whether the ethnic composition of a group matters, most (66%) of those programme participants who responded (94%) said that composition is important<sup>43</sup>. The vast majority of those for whom composition mattered (87%, 54% of the whole programme sample) thought that it should be mixed:

[The composition of the group] has got to represent life out there, hasn't it? If you were ... in a group with no black people you'd feel out of place. [There would be]

42.  $P < 0.01$

43 Respondents were significantly ( $P < 0.05$ ) more likely to say that group composition matters when interviewed by a minority ethnic researcher, indicating the presence of bias.



no-one to relate [to] on your level or understand about being black in this country. [At the] same time if you went in a group and they were all black you'd think 'why do only black people get on these courses?' [Groups] need to be mixed.

Some of those who wanted mixed groups were more specific, preferring mixed groups with more than one person from each minority ethnic group (13% of the programme sample), or with an equal split between members of different minority ethnic groups (4%)<sup>44</sup>:

When there is an even number of each race, people would be more comfortable to talk about themselves, and they can't make fun of each other.

If I was the only black [person] in the group I [would] just feel like they are talking behind my back. I [would] think that I am [being] left out and I would be very shy to talk about myself.

The most common reasons for wanting a mixed group were that participants would feel more relaxed (22% of the whole programme sample), that a mixed group would provide a good learning experience (10%), and that participants would be more likely to talk about themselves (9%).

Just eight per cent of those who said that group composition is important favoured groups for ethnic minority offenders only (5% of the whole programme sample). As already noted, just ten per cent of programme participants had actually been on programmes that were exclusively for minority ethnic offenders. Interestingly, these individuals were not significantly more likely to say that they favoured groups specifically for minority ethnic offenders than the remainder of the programme sample<sup>45</sup>.

Eighty-six per cent of the programme participants said that their group leaders had treated them fairly, whilst just three per cent said that they had been treated unfairly. The remaining 11 per cent said that they did not know whether their treatment had been fair, or that it had been 'mixed', or had failed to respond. The most common reasons for giving a positive account were that all participants were treated equally (23% of the whole programme sample), with respect, as a 'normal person' etc. (18%), and that the facilitators were friendly, patient, down-to-earth etc. (13%). Just three per cent of participants reported being treated unfairly by other members of the group.

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44 It is possible that some of those who said that groups should be 'mixed' would have preferred there to be more than one person from each ethnic group, or an equal split between members of different ethnic groups, but their responses were too vague to code as such.

45 This was calculated using Fisher's exact test.

Participants were asked what they liked about their programme. The most frequent responses were that it was educational and informative (16% of the whole programme sample), that they had made new friends, met old friends, and got on well with other group members (13%), that they had liked the group discussions (11%), and that they had addressed their offending behaviour (9%). A substantial minority of participants said that they had not liked anything about their programme (22%)<sup>46</sup>.

When participants were asked what they had disliked, the most common complaints were that the programmes were not relevant, a waste of time, or had not helped (17% of the whole programme sample), they were boring or repetitive (16%), that participants were treated like children or it was like being at school (11%), and that the programmes were restrictive and prevented participants from doing other things (9%)<sup>47</sup>. Eighteen per cent of all participants said that they had not disliked anything<sup>48</sup>. Twelve per cent of participants failed to complete their programme. Two-thirds of these non-completions were due to the offender's misbehaviour<sup>49</sup>. The remainder were due to circumstances beyond his control<sup>50</sup>.

When asked what kind of programme could best address the needs of black and Asian offenders, many participants said that programmes should provide practical help and advice (24% of the whole programme sample), and should deal with black or Asian issues (20%) such as racism and black history. Eight per cent of the sample suggested that programmes should be tailored to the individual, saying that generic 'one-style-fits-all' programmes did not suit everyone. Seven per cent of participants said that a programme run exclusively by and for black and/or Asian people would best meet the needs of black and Asian offenders. It is interesting to note that almost all of those making this comment had not actually attended a programme specifically designed for minority ethnic offenders, and most had been in mixed groups.

## The impact of probation and programmes

Interviewees were asked whether being on probation had changed the way that they thought about or approached problems. Of those who responded (98%), the majority (67%) said that it had. There was no significant difference in the positive response rates of black

46 Four of the people who said that there was nothing that they had liked also said there was nothing that they had disliked, suggesting indifference rather than a particular like or dislike of their programme.

47 Similar comments were made by some of those attending a probation programme who were interviewed for the 'STOP' research (Raynor and Vanstone, 1997: 54-55).

48 See n.45.

49 For example his being removed from the programme for non-compliance, or because he was sent to prison.

50 For example as a result of the offender's illness, or inability to speak English.

and Asian respondents, or of those at the early and late stages of an ordinary order. Amongst the programme sample, those who had completed a programme were significantly<sup>51</sup> more likely to give a positive response than those who had yet to start. Twenty-two per cent of the whole sample said that they were less impulsive or more likely to consider the consequences of their actions<sup>52</sup>. Sixteen per cent said that they were trying to refrain from anti-social or criminal behaviour and seven per cent said that they had or were now trying to address their substance misuse problems. Thirty-three per cent of respondents said that the order had not affected their thinking, claiming that it had been a waste of time, irrelevant, had not helped etc. (7% of the whole sample), and that they still had practical problems to be addressed (4%).

Interviewees were asked how helpful they had found their contact with the Probation Service as a black or Asian person. Sixty-three per cent of those who responded (96%) said that it was helpful, 16 per cent said that it was unhelpful, and the remainder described their experience as 'mixed'. There was no significant difference in the positive response rates of black and Asian respondents. In a study of mainly white probationers by Mair and May (1997), 87 per cent of respondents described their probation order as useful. In the current study, the most frequently cited reasons for giving a positive response were that probation had provided practical help and advice, or help with needs and problems (30% of the whole sample), that it had helped them to stay out of trouble or prison (10%), and that it was good to have someone to talk to or someone who listens (6%). These resemble the findings of Mair and May (1997)<sup>53</sup>. Interviewees giving a negative response often said that they had not gained anything from the order, it had been irrelevant to them or had been useless (8% of the whole sample), and that they had not received sufficient help with practical problems (4%).

On the whole, then, the accounts given of supervision and programmes were mostly positive. This result is in line with the findings of other recent (post-1991) studies of white or mainly white groups of probationers. Mair and May (1997) found that 87 per cent of their 1,213 mainly white and male respondents thought probation helpful, as compared to 63 per cent in this study. Farrall (2002) found that 52 per cent of his 199 mainly white and male probationers thought that their 'obstacles' or problems were successfully resolved during their probation orders. In Mantle's (1999) similar sample of 492 probationers, 71

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51  $P < 0.05$ .

52 This again echoes the findings of Raynor and Vanstone (1997): in their study of 64 white men on the 'Straight Thinking on Probation' programme, 'thinking before acting, speaking or offending' and 'thinking of consequences' were the first and third most frequently self-reported changes in thinking.

53 In the study by Mair and May (1997), the most frequently cited 'good points about being on probation' were having someone independent to talk to (54%), getting practical help and advice (33%), and being helped to keep out of trouble (19%).

per cent found their probation officer helpful; Bailey and Ward (1992) found 15 out of 22 expressing a similar view, while Rex (1997) found that 52 of her 60 mainly white and male subjects saw themselves as receiving guidance from their probation officers, and 37 said they received active help. Similarly, 89 per cent of the white male programme completers of the STOP programme (Raynor and Vanstone, 1997) found it helpful. The positive attitude to probation shown by the majority of respondents was therefore comparable with results from a number of studies of mainly white probationers, but towards the lower end of the range.

The vast majority of participants reported being treated fairly by their supervisor and (where relevant) their programme leaders, and two-thirds described their contact with probation as helpful. Some interviewees did not want or expect their ethnicity to be an issue, preferring to be treated like any other probationer:

[My ethnicity has] never needed to be brought up. I don't think it needs to be discussed. It might be an issue for other people but not for me ... I've been around white people all my life – mum's white, girlfriend's white, gran's white. Not an issue for me is it?

This was not true for many interviewees, however. One-third of interviewees expressed a preference for a minority ethnic supervisor. Over half of all programme participants wanted programme groups to be mixed or, in a few cases, exclusively for minority ethnic offenders, and some of those who found themselves the only minority ethnic member in a group reported feeling uncomfortable and excluded. For some black and Asian probationers, then, equality of outcome does not mean simply being treated the same as their white counterparts.



[Social exclusion] is a shorthand label for what can happen when individuals or areas suffer from a combination of linked problems such as unemployment, poor skills, low incomes, poor housing, high crime environments, bad health and family breakdown. (Social Exclusion Unit, 1998).

The data collected in this study indicated that the black, Asian and mixed heritage offenders who took part suffered, to differing degrees, from social exclusion or disadvantage in three main areas: economic, educational and geographical. These areas are discussed in turn in the first part of this chapter, with comparable information from studies of white offenders where this is available. The second part of the chapter discusses respondents' views of their experiences in the criminal justice system, and their beliefs about how their ethnic origins affected the way they were treated.

### **Economic disadvantage**

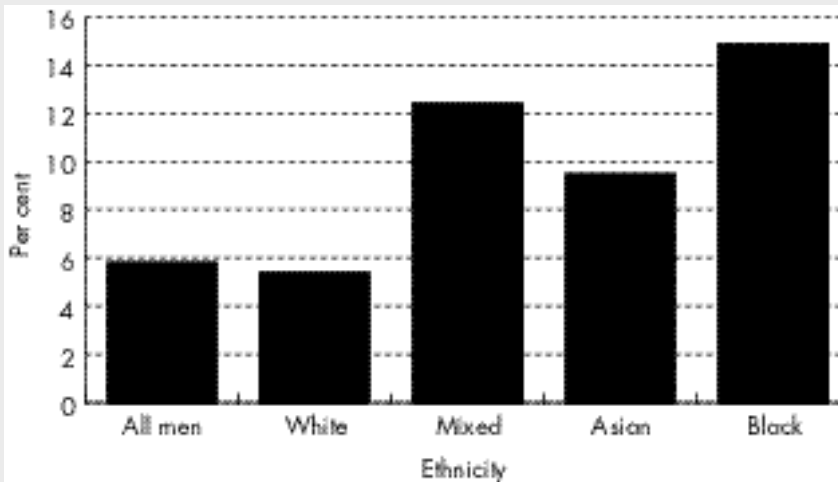
Economic exclusion is generally related to an individual's (or family's or community's) unemployment, work status, benefit dependency, lack of housing ownership, substandard quality of housing, lack of satisfactory educational qualifications, etc. In the current study, unemployment, low income, and benefit dependency are indicators of economic exclusion.

The 2001 Census found that men and women from minority ethnic groups had higher unemployment rates than white people. Figure 5.1 shows the unemployment rates for men from different ethnic groups<sup>54</sup>.

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54 Figure 5.1 was compiled using data from the Census 2001: National Report for England and Wales, p.134, Table S108, using the International Labour Organisation (ILO) definition of the unemployment rate as a percentage of all those who were economically active. The unemployment figures quoted for the current study give the number of unemployed as a percentage of all respondents. Whilst the 'unemployment rates' in Figure 5.1 and Table 5.1 are not directly comparable, they illustrate the level of economic exclusion experienced by the interviewees (whose unemployment rate is even higher when calculated using the ILO definition).

**Figure 5.1: Unemployment rates for men by ethnic group**



All but one of the interviewees described their employment status. Table 5.1, below, shows that 66 per cent of respondents were unemployed. Just 17 per cent were in full time employment. As Table 5.2 shows, 69 per cent of those who answered the relevant question (99% of the sample) said that state benefits were their main source of income, 23 per cent said that their own wages were their main source of income, and four per cent claimed to have no income source.

**Table 5.1: Work situation or employment status (n=482)**

Work situation/ employment status	Valid %
Full-time	16.6
Part-time	5.3
Temporary/ casual	3.0
Unemployed	65.9
Unavailable for work	9.2
<b>TOTAL</b>	<b>100</b>

**Table 5.2: Main source of income (n=479)**

Main source of income	Valid %
Wages (self)	22.7
Wages (partner)	0.9
Wages (other)	0.1
Pension/ maintenance	0.5
State benefits	69.2
Loans	0.1
No income source	3.6
Other	2.1
Do not know	0.7
TOTAL	100

Many of the respondents blamed racial discrimination in the job market for the high unemployment rate of many minority ethnic people in Britain:

In this country I think colour is part of the reason why black and Asian people don't get the same opportunities. I've been to jobs where I've been more qualified than white people have but I haven't got the job because of racism.

Another respondent said:

Loads of my black friends, like me, don't have jobs. It's very hard to get a job if you're black, and even worse if you've been in prison. And another thing, even if you do get a job it's nearly always a shit job that doesn't pay well or is boring.

Other respondents blamed discrimination in the job market on the unique lifestyle of many black and other minority ethnic people in Britain:

I've applied for so many jobs [and] sent CVs, but it's really hard getting a job if you're a young black man. I applied for McDonald's but they said that they couldn't give me a job 'cause of my haircut, but that's my ethnic identity, it's my culture. What would you think if I told you to cut your hair to do what you're doing? It's ridiculous innit?

Black/ Caribbean, black/ Other, mixed heritage and Bangladeshi groups had the highest levels of unemployment (71%, 77%, 71% and 67% respectively) and the lowest levels of full-time employment. Conversely, the unemployment rates for Indian and Pakistani



interviewees were more than ten per cent lower than the sample average, whilst their full and part time employment rates were approximately ten per cent higher than the sample average. This pattern was repeated for many of the measures considered in this chapter. Not surprisingly, money and employment were the most frequently mentioned factors when people were asked which problems from the CRIME-PICS II problem checklist had contributed to their getting into trouble (see Table A5 in Appendix 2). Corresponding figures from studies of white or mainly white offenders were 54 per cent of probationers unemployed (Mair and May, 1997), and 64 per cent unemployed in a study based on probation officers' assessments of younger offenders (Stewart and Stewart, 1993). It is interesting that overall, the survey respondents rated employment as a slightly less serious problem than the CRIME-PICS white comparison sample, but this may be due to differences in perceived problem severity. Given the evidence reviewed here, it is unlikely to be due to a difference in actual unemployment rates in favour of the survey sample.

### Educational disadvantage and exclusion

Of those respondents who answered the relevant question (99.6%), most (66%) reported having educational or vocational qualifications, whilst 37 per cent said that they had no qualifications. Very few had higher educational qualifications, however, such as degrees (3% of the whole sample), higher vocational qualifications such as HND or NVQ 4 or 5 (4%), or further educational qualifications such as A levels or their equivalent (6%). As illustrated in Table 5.3 below, only 36 per cent of the whole sample said they had any GCSEs at all.

**Table 5.3: Educational qualifications**

Qualification	Number of interviewees who reported having this qualification	%
Basic vocational qualification	168	34.7
Higher vocational or professional qualifications	21	4.3
CSE/ GCSE/ O level	174	35.9
O A or AS Level	1	0.1
A level or equivalent	30	6.1
Degree/ postgraduate qualification or equivalent	15	3.1
Other qualification	31	6.3

Figures for comparison from other studies are 41 per cent of probationers with no qualifications (Mair and May, 1997) and 80 per cent who left school with no qualifications, based on probation officer assessments, in Stewart and Stewart (1993). The initially high proportion of the sample (63%) who reported that they had educational qualifications tends to disguise the number who left school without qualifications, as many qualifications were gained outside school, in job centre training schemes or in prison (see Table 5.3). One of the main reasons why many respondents did not have higher qualifications appeared to be related to their experiences of school in Britain. As Table 5.4 shows, many respondents had unsatisfactory experiences of school, and this was particularly true of black and mixed heritage probationers. This is not surprising, as research shows that black children in particular tend to be negatively labelled by teachers, as unlikely to do well academically and as likely to behave badly (see Gillborn and Mirza, 2000).

**Table 5.4: School experiences and ethnicity (N=468)**

Ethnicity	Generally positive	Generally negative	Mixed	Did not go
	Valid % (n)	Valid % (n)	Valid% (n)	Valid% (n)
Black	33.7 (101)	41.7 (125)	24.0 (72)	0.7 (3)
Asian	43.0 (34)	34.2 (57)	22.8 (18)	
Mixed heritage	30.6 (22)	47.2 (34)	18.1 (13)	4.2 (3)
Other	47.1 (8)	29.4 (5)	11.8 (2)	11.8 (2)
TO TAL	35.3 (165)	40.8 (191)	22.4 (105)	1.5 (7)

There are also marked differences within these ethnic categories (n=469). Black African respondents were significantly 55 more likely to give positive accounts of school than all other ethnic groups. While a majority of black African offenders described their feelings about school as generally positive (56%), only a quarter of black Caribbean (27%) and black Other (24%) offenders and a third of mixed heritage (31%) offenders did likewise. Black African offenders were also less likely than black Caribbean offenders to report that they truanted or were suspended. They were also significantly more favourable in their responses to their teachers: two-thirds gave positive accounts of their teachers compared to one-third of black Caribbean responses. Finally, black Africans were less likely to report experiencing racism at school from either the teachers or the pupils (12%) than the black Caribbean (19%), Pakistani (14%), Bangladeshi (33%), Indian (23%) and mixed heritage (24%) interviewees.

Fifteen per cent of the whole sample reported having been suspended from school. There was considerable variation in suspension rates between members of different minority ethnic groups. Whilst 16 per cent of black African and 22 per cent of black Caribbean interviewees said that they had been suspended, alongside 11 per cent of those of mixed heritage, this figure fell to just three per cent of Pakistani and three per cent of Indian offenders. Similar findings emerged in relation to school exclusions. Whilst 15 per cent of the whole sample reported having been excluded, exclusion rates were higher amongst the black African (10%), black Caribbean (16%) and mixed heritage (19%) interviewees than amongst their Pakistani (8%) and Indian (3%) counterparts<sup>56</sup>.

One fifth (20%) of the total sample said they experienced racism at school either from the pupils, the teachers or both. Such experiences were slightly more common amongst Asian (23%) than amongst black (18%) interviewees. One-quarter (26%) of all interviewees reported that they truanted while at school, with proportions varying from 19 per cent of Pakistani and 21 per cent of black African interviewees to 30 per cent of mixed heritage, 33 per cent of Bangladeshi and 33 per cent of 'Asian Other' offenders. A few quotations may help to convey what a negative experience school was for many of the interviewees:

We had white teachers. They weren't really bothered about us. They didn't really care. [I] got expelled for hitting the head teacher. [I] used to truant occasionally.

In my time there was much racism. NF [National Front] and all these things in my school. There were only three people from ethnic minority communities, and the rest were all whites. The boys would call me nigger, sambo, jungle bunny, coon. I had to fight back and that was my problem. So all my time was spent fighting. Otherwise I liked the school, and I wanted to be educated.

### **Geographical/ environmental disadvantage**

Geographical disadvantage in the context of the present study was indicated by rented/ supported housing, low quality housing, lack of proximity to key social services, dislike of the neighbourhood/ area, and the stigma attached to particular kinds of housing and area. Table 5.5 below shows how the respondents were accommodated.

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<sup>56</sup> Two (three in unweighted sample) of all six (12 unweighted) Bangladeshi interviewees reported having being suspended, and one reported having being excluded. Whilst the small numbers involved means that caution must be exercised when interpreting these figures, initial indications are that Bangladeshi's are at a higher risk of suspension and equal or greater risk of exclusion than offenders from the other Asian sub-categories.

**Table 5.5: Housing types (N=473)**

Type of housing	Frequency	Valid %
Own	88	18.6
Rented/ supported	305	64.4
No fixed abode (NFA)	20	4.3
Other	60	12.7
TOTAL	473	100

Four per cent of respondents said they had no fixed abode – what is conventionally regarded as homeless. This probably conceals the actual extent of those facing the problem of insecure accommodation, however. Thirteen per cent of responses were coded under the ‘other’ category, which typically included staying in Approved Premises (probation hostels) or other transitional arrangements such as staying on a friend’s or relative’s floor. Whilst not all respondents were unhappy with such arrangements, many were, or had experienced similar problems in the past. Moreover a long period of time spent in such a vulnerable environment, and within the company of other offenders, could be a factor in their offending. The following response illustrates this point well:

I left home when I was 17. Since then I’ve been in hostels. [I am] 25 now – that’s a long time. Because I’ve been moving from hostel to hostel I’ve been meeting new people who are into stealing and crime. You’ve nothing to do in [a] hostel, no money, and as you’re living with them you need to ‘stay in with them’. If I had my own flat I wouldn’t be doing any stealing or getting into trouble.

Mair and May (1997) found that 70 per cent of their sample of mainly white probationers rented their accommodation from a local authority or housing association, and seven per cent were renting a bedsit or living in bed and breakfast accommodation, Approved Premises or some other type of temporary accommodation.

Not all interviewees described what kind of area they lived in, but the two-thirds who did so gave descriptions consistent with previous research which suggests that black and Asian offenders often live in the poorest areas with the highest crime rates. The most common descriptions of the kind of areas they lived in were that it was ‘an inner city’ area (13% of the whole sample), a poor area or a rough area with lots of crime (20%), or a predominantly minority ethnic/ mixed area (15%).

When interviewees were asked if they liked where they lived most (99.6%) responded, and their feelings were mixed. The majority (64%) reported liking their neighbourhood, whilst a smaller proportion (21%) did not<sup>57</sup>. In many cases, those who felt positively did so because they had many friends in the area, or knew many people, or considered their neighbourhood friendly (37% of those who liked their area, 24% of whole sample). Eighteen per cent said they liked their neighbourhood because it was mixed and a minority ethnic area (11% of whole sample). For those who did not like their neighbourhoods, by far the most common reasons were that there were many social problems such as drugs, crime and unemployment in the area. Again quotations help to give the flavour of these responses:

Nearly everybody here is into some sort of drugs. No one talks 'successful talk'. There's 18 year-olds who talk like it's the end of their life. Too much depression floating around.

The white people live in all the nice houses, all the nice parts, and the black people live in all the shit parts . . . I've got white friends – they agree with me.

Interviewees were asked whether they had been in care, and of those who responded (99% of sample), a substantial minority (19%) said that they had. This figure varied between ethnic groups, however, and was substantially higher for Bangladeshi (14%), black Caribbean (22%), black Other (29%), and mixed heritage (35%) offenders than for Pakistani (3%) and Indian (3%) offenders. This compares with the finding by Mair and May (1997) that 18 per cent of white probationers have been in care.

The interviewees' current living arrangements were as follows: 30 per cent lived with parents, 19 per cent with partners, 12 per cent with children, six per cent with friends, 11 per cent with relatives and 40 per cent alone (the figures add up to more than 100 because some respondents lived in more complex households, for example with their parents and their children).

Thirty per cent of the sample said that other members of their families had been in trouble with the law. This compares with a figure of 33 per cent for white probationers (Mair and May, 1997).

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<sup>57</sup> The remaining respondents did not know whether they liked their neighbourhood, or said that the question was not applicable because they were homeless.

## Experiences of criminal justice

Offenders were asked to comment on their treatment by different criminal justice professionals. Table 5.6 shows the results. The figures for fair treatment by probation staff were not as high as those given for actual supervisors and programme staff in Chapter 4, but other criminal justice personnel were much more heavily criticised. A recent study for the Lord Chancellor's Department (Hood, Shute and Seemungal 2003) has also indicated that many minority ethnic offenders report various kinds of unfair treatment within the criminal justice system.

**Table 5.6: In your experience with the criminal justice system, have you been treated fairly by ... ?**

	Yes Valid %	No Valid %	Don't know Valid %	Not applicable Valid %	TOTAL Valid %
The police (n=479)	26.6	62.0	9.2	2.2	100
Your solicitor (n = 480)	79.4	11.8	7.0	1.8	100
Court staff (n = 474)	67.7	14.3	13.0	5.0	100
Magistrates (n = 467)	53.3	37.2	5.0	4.5	100
The probation officer who wrote your report (n = 464)	78.3	9.8	10.2	1.7	100
The probation officer in court (n = 464)	53.0	6.7	16.2	24.1	100
Judges (n = 472)	42.8	24.6	5.6	27.0	100
Prison staff (n = 456)	28.9	24.1	4.8	42.2	100

When asked what behaviour they regarded as unfair treatment, respondents gave various examples. Table A.6 in Appendix 2 lists the more frequently mentioned examples.

Historically, the police have been at the centre of the debates on racial discrimination within the criminal justice system. Allegations of police stereotyping, targeting and unfair treatment of black and Asian young people have been made in several studies on policing (Cashmore and McLaughlin, 1991; Reiner, 1993; Pearson et al., 1989; Holdaway, 1983, 1996). It has been argued that the police represent to young minority ethnic people in inner city areas the symbol of a predominantly white society, and their authority is often not seen as legitimate (Hall et al., 1978; Lea and Young, 1993). As indicated in Chapter 1, studies of the courts and the Probation Service have also shown disparity in sentencing and professional practice

that could be explained in terms of unfair treatment, racial discrimination or prejudice by magistrates, judges and probation officers, although the evidence has not always been conclusive (FitzGerald, 1993; Hood, 1992; Denney, 1992, Hood et al., 2003).

Efforts were made to determine the level of discrimination suffered by respondents at the hands of the criminal justice agencies. The median level of discrimination was calculated on the basis of the number of different types of discrimination experienced by each interviewee. Thirty-seven per cent of interviewees scored above the median, having suffered high levels of discrimination. Forty-four per cent of offenders scored below the median, having experienced, by comparison, relatively low levels of discrimination. The remaining respondents experienced the median level of discrimination. It is interesting to note that those in the 'high discrimination' group had significantly<sup>58</sup> more problems, as recorded on the CRIME-PICS II 'P' scale, than those in the low discrimination group. The likelihood of being referred to a probation programme was not significantly different for members of the high and low discrimination groups.

## Stop and search

One of the most controversial areas of the operation of the criminal justice system is police stop and search. Studies have shown that blacks, and increasingly Asian young men, experience abuse of police powers in relation to stop and search (Gordon, 1983; Spencer and Hough, 2000; Bowling and Phillips, 2002). Current Home Office statistics show that black and Asian offenders are more likely to be stopped and searched compared with their white counterparts, even in predominantly white areas (Home Office, 2002a). The complaints of black and minority ethnic people with regard to stop and search relate to allegations of being stopped and/ or searched for no apparent reason.

Eighty-four per cent of those interviewed for this study claimed that they had been stopped or searched by the police for no reason: 85 per cent of black, 76 per cent of Asian and 90 per cent of mixed heritage interviewees made this assertion. Further analysis showed that black and mixed heritage respondents were significantly<sup>59</sup> more likely than Asian respondents to make this claim. Other studies have shown that the police have stopped blacks on speculative grounds more often than whites, in the hope that they would discover evidence of an offence (Norris et al., 1992; FitzGerald, 1999; Miller, Bland and Quinton, 2000; Quinton, Bland and Miller, 2000). As one of the Asian offenders put it:

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<sup>58</sup>  $P < 0.05$ .

<sup>59</sup>  $P < 0.05$ .

[The police] always assume you're a criminal, [and] that you're up to something. As soon as they see a car with Asian boys in [it] that's it, [they will say] 'you're acting suspiciously'.

The majority of those who claimed to have been stopped or searched for no reason felt angry, annoyed, offended or 'picked on' (50%). Many also felt embarrassed, ashamed, degraded or upset (24%). One-fifth of respondents perceived the stop or search to be racist (20%). Seven per cent of respondents said that it happened so often that they were used to it or had come to expect it. Only 12 per cent said that the police were just doing their job, or that they did not mind being stopped and searched.

### **Respondents' experiences as victims of crime**

The majority of offenders interviewed (65%) claimed to have been victims of crime. This is not surprising given that involvement in offending behaviour is recognised as one of the strongest correlates of victimisation and vice versa (see Van Dijk and Steinmetz, 1983; Gottfredson, 1984; Hartless et al., 1995; Ballintyne, 1999; Farrell and Maltby, 2003). Property crimes were the most frequently experienced offences, and were reported by 31 per cent of the sample. Others included non-racist violent crimes (25%), robbery (including being 'mugged') (13%), violent crimes perceived by the victim to have a racist element (4%), non-violent racist abuse (1%), and sexual offences (0.3%). Only two-thirds (63%) of those who were victims reported their experiences to the police, however. Lack of confidence that the police would do anything was the most common reason given for not reporting the crime(s). Of those who did report their victimisation to the police, the majority (51%) believed that they were not treated fairly. Again this is reminiscent of concerns expressed in other studies and reports (for example Bowling, 1999; Macpherson, 1999).

### **Respondents' suggestions for improvement**

Interviewees were also asked how the treatment of minority ethnic people within the criminal justice system could be improved. The most frequent responses were: by employing more black and Asian workers (27% of the whole sample); by eliminating racism (29%); and by encouraging a greater understanding of the cultures, needs and experiences of minority ethnic offenders (9%).



## Discussion

The comments of the respondents in this study indicated that many black and Asian offenders did not feel that the criminal justice system represents their interests or treats them fairly either as victims or offenders. Other studies have shown that minority ethnic people do not feel that they are adequately represented within the criminal justice system as professionals (Cook and Hudson, 1993). Lack of trust and confidence in the police and the courts were expressed by many respondents. Consequently they may be less likely to accept the decisions of criminal justice professionals as legitimate (Beetham, 1991; Tyler, 1990).

Without a widespread perception of legitimacy, criminal justice professionals themselves cannot do their jobs well. A reduced sense of the legitimacy of the criminal justice system can lead to greater law-breaking behaviour or an unwillingness to work with the police, for example, in order to deal with crime-related problems. In an American study, Lind and Tyler interviewed people who engaged in personal dealings with police officers and judges and found that people who feel fairly treated are more willing to accept decisions, even if those decisions are unfavourable (Lind and Tyler, 1992). The authors argued that experiencing fair procedures engages people's feelings of obligation to obey. It also leads people to view decisions as more consistent with their moral values (see also Tyler, 1997).

Perceptions of procedural fairness may vary from person to person. This study showed that black and Asian offenders' perceptions of fairness related to unbiased (non-racist) behaviour, being treated with dignity and respect, and having their needs and concerns as black and Asian offenders acknowledged. The following quotations sum up some of the general views of the offenders on the criminal justice system and their own treatment as black and Asian offenders:

I've been arrested sometimes and there have been times when it's Ramadan and I've been fasting all day or I can't eat 'cause the sun's come. Now I've been arrested and taken to the station and the sun's gone down and I'm starving but they won't bring me anything even when I ask them to. The first meal they bring me is breakfast when the sun comes up.

[There should be] more training in the criminal justice system about people's backgrounds and cultures – why do people behave this way or [why are they] acting as they are. [Criminal justice workers] need more understanding about Asians and blacks ... We were attending a traditional Asian stick dancing festival when the police arrested six of us for carrying offensive weapons. We got taken down [to] the station and everything.

Just that the system should be fair and that they should go by people's offences, not by their colour, or the way they present themselves. The system needs to look at themselves (sic) before looking at people because of their colour.

According to Tyler (2001), people are more likely to obey the law if they have trust and confidence in the fairness of the procedures used by legal authorities and legal institutions. So, by ensuring that decisions are made fairly, legal authorities can build a culture in which more people feel a moral responsibility to abide by the law. This is also likely to have implications for compliance with community sentences such as probation (Bottoms, 2001).



This study involved interviews with 483 offenders under supervision by the Probation Service and identified by probation records as black or Asian. The interviews collected information about their criminogenic needs, their experiences of supervision on probation (or community rehabilitation) orders and of programmes, their contact with other parts of the criminal justice system, and their wider experiences of life as black and Asian people in Britain. The sample also included a number of offenders who classified themselves as of mixed ethnic origin, described in the report as mixed heritage. The 483 respondents included 241 black, 172 Asian, 57 mixed heritage and 13 'other' offenders, drawn from a range of areas with varying densities of minority ethnic population. They included 236 who were due to do, were attending or had been attending a programme, and 247 who were being or had been supervised without a programme. Some categories of offender and types of area were over-sampled to ensure that useful numbers would be available for analysis, and the sample was then weighted to reflect, as far as possible, the actual proportions and locations of minority ethnic people in the national caseload of community rehabilitation orders.

### **Criminogenic needs**

In this report, criminogenic needs are addressed in two ways: comparatively, using a standardised measure, and in a more qualitative way through interviews about individual experiences. The quantitative assessment of criminogenic needs was carried out using self assessment by offenders using the CRIME-PICS II questionnaire, which is designed to elicit information about crime-prone attitudes and beliefs and self-reported problems. This part of the study indicated that all three minority ethnic groups (black, Asian and mixed heritage) showed less evidence of crime-prone attitudes and beliefs than relevant comparison groups of white offenders. Self-reported problems were also lower, though closer to those reported for white groups. Within the minority ethnic sample, offenders of mixed heritage had the highest average scores on most measures of crime-prone attitudes and self-reported problems. Asian offenders had the lowest, except on one of the five CRIME-PICS II subscales<sup>60</sup>. This part of the study, like other comparative studies, therefore lent no support to the idea that offenders on probation from minority ethnic groups are likely to have distinctively different or greater criminogenic needs (though their experiences may differ from those of white probationers in other respects which are discussed below).

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60 This was the V scale measuring 'victim hurt denial'.

Other findings from this part of the study were that offenders on programmes did not have greater needs than those who were not on programmes (though the programme group did have a higher average OGRS score, indicating more previous convictions). The lower levels of criminogenic need identified among those who attended programmes appeared to be an effect of targeting and selection rather than of programme attendance, since there was no evidence that needs were significantly lower during or after programme attendance than before. (It should be remembered that many of the programmes attended were non-accredited, or were in the early stages of roll-out and therefore likely to suffer from implementation problems [Hollin et al. 2002]). There was some indication that Asian offenders were less likely to access programmes, which may have been partly due to their lower average OGRS scores.

These findings concerning general levels of need and the comparisons with white probationers suggested that minority ethnic offenders were tending to receive the same community sentences as white offenders who had higher levels of criminogenic need. This finding, based on small but significant differences in levels of criminogenic need, may have a number of explanations; however, one possibility that deserves consideration is that it was at least partly a result of differential sentencing. In other words, it raised the possibility that at least some comparable white offenders had received less serious sentences (below the level of community sentences), and that some minority ethnic offenders were more likely than comparable white offenders to receive sentences above the community sentence range. Whilst this study did not demonstrate that this process was occurring, the findings were consistent with this possibility and suggested a need for further research on this question. They also tended to support a policy of continuing vigilance in relation to diversity issues in sentencing and in the preparation of pre-sentence reports.

## Experiences of probation

The majority of respondents' comments on their experiences of probation were broadly favourable, in line with other consumer studies covering mainly white probationers<sup>61</sup>. A good probation officer was one who treated people fairly and with respect, who listened and who showed understanding. About a third thought that it would be best for black or Asian offenders to be supervised by someone from the same ethnic group; the remainder disagreed or thought it unimportant. People who attended programmes designed

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61 As noted in Chapter 2, however, the chances of an offender attending a research interview were probably increased if they had a good relationship with their supervisor; if this is so, and given the relatively small number of interviews achieved with those who had failed to complete or had breached their order, the findings may have a slightly positive bias.

specifically for ethnic minority offenders were not significantly more likely to suggest that supervisors and probationers should be of the same ethnicity than the remaining programme participants, or than the rest of the sample as a whole.

Programmes also attracted favourable comments, but with a substantial minority making various criticisms. Most programme staff were said to have treated probationers fairly. Of those who attended programmes, about a third said that the ethnic composition of the group was unimportant; of the remainder, most said it should be mixed. There was very limited support (only eight respondents, all from 'high density' areas, equivalent to a weighted 5% of the programme sample) for groups exclusively for minority ethnic offenders. Only a small proportion (10%) of the programme sample had actually been on programmes designed for black and/ or Asian offenders, and these people were not significantly more likely to report a preference for such programmes than the other programme participants.

These findings tend to support a policy of running mixed programme groups rather than groups consisting only of minority ethnic offenders. Mixed staffing could be advantageous but was not thought by most respondents to be essential. The indications regarding 'singleton' placements where only one member of a group is from an ethnic minority were less clear: for many it might not affect their participation, but for some it probably would. Nevertheless, in 'low density' areas singleton placements must sometimes have been the only alternative to effectively excluding minority ethnic offenders from programmes. This appeared to be an issue for individual assessment and discussion with the probationer rather than for 'one size fits all' policies.

The National Probation Service is currently piloting four 'pathfinder' projects for black and Asian offenders. The relevant Probation Circular (Home Office 2001) sets out five models, of which four have been implemented and are being evaluated. Two of these involve groups for minority ethnic offenders only, and the other two are mixed in different ways. The survey findings were derived from people who were attending or had attended a variety of programmes, including accredited and non-accredited designs, and they did not include outcome measures. They cannot therefore provide much guidance about 'what works' with minority ethnic offenders, although they do contain some information about preferences. Full evaluation of the 'pathfinders' will be necessary to throw light on questions of effectiveness.

## Social exclusion, disadvantage and perceptions of legitimacy

The interviews explored a number of areas of possible social disadvantage, and there was evidence of substantial social exclusion and disadvantage in relation to employment, income, education and training. However, when these findings were compared with the limited amount of similar information available concerning white probationers, it appeared that the respondents were not on average more disadvantaged. Black and Asian people in general are known to experience more disadvantage than white people in Britain, but these differences do not appear clearly among the smaller selected population of offenders on probation. Black, Asian, mixed heritage and white probationers all show substantial evidence of disadvantage.

Exploration of perceived reasons<sup>62</sup> for disadvantage showed a rather different picture. Many adverse experiences, particularly in relation to employment and education, were attributed by respondents to racial prejudice, hostility or discrimination. This was particularly clear in many accounts of experience in the criminal justice system: although very little 'white' comparative information was available here, survey respondents reported a number of experiences (in relation, for example, to racial abuse or oppressively frequent 'stop and search') which would clearly be less likely to happen to a white offender. While probation staff were generally described as behaving fairly, other parts of the criminal justice system, particularly the police, were described much less favourably. Most of the policy implications of this lie outside the scope of this report, but the Probation Service needs to be aware that negative experiences of criminal justice are likely to affect perceptions of the legitimacy of the system, and this in turn can affect motivation and compliance. Visible representation of minority ethnic communities in the staffing of criminal justice agencies was seen as helpful. The survey evidence suggested that probation staff also need to be aware of the particular needs and experiences of offenders of mixed heritage, who in some cases appear to suffer from negative discrimination without being fully accepted by minority ethnic communities (Alibhai-Brown 2001; O Lumide 2002; Gorham 2003).

## Other implications

Contact with Probation Service managers and staff clearly showed general awareness of a need to avoid, at one extreme, the 'colour-blind' practice that ignores diversity of culture, experience and opportunity. However, this study also demonstrated the range of views and

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<sup>62</sup> In this context it is important not to dismiss perceptions as somehow different from and inferior to 'facts'. Perceptions are real and have real consequences: for example, legitimacy is a perceived attribute, but not an imaginary one. This is recognised, for example, in the greater weight given to victim perception in the National Crime Recording Standard (Simmons and Dodd 2003).

experiences to be found within each minority ethnic group, as well as some differences in responses between black, Asian and mixed heritage probationers. This suggested that it is important not to treat minority ethnic status as a defining identity from which personal characteristics, experiences and needs can be reliably inferred. This, however benignly intended, is itself a form of ethnic stereotyping. Effective practice requires the thorough assessment of individual offenders. The survey respondents expected to be treated fairly, as individuals, as 'a normal person', by staff who listened to them and respected their views. Policies and practice need to be informed by awareness of diversity, but not based on untested assumptions about what diversity implies.





The difficulties the researchers encountered in identifying offenders for interview, and in actually managing to interview them once they were identified, were a source of anxiety during much of the period of fieldwork, and were a standard agenda item at Steering Group meetings. It is worth describing the problems the researchers found in practice, both because they illuminate some important issues of probation practice and organisation, and because an understanding of the problems may be helpful in guiding future research that relies on the Probation Service to arrange interviews with specified categories of offender.

The first problem was that the information held by probation areas on the relevant categories of offender was (as we had found in the pilot and perhaps should have expected from the comments on data quality in Home Office Section 95 reports) often unreliable. Cases for potential inclusion in the sample were initially identified in all areas from centrally-held databases, the basic criteria being that the offenders were male, black or Asian, and on a probation order or community rehabilitation order. Cases so identified turned out to include people who were not male, not black or Asian, or not currently on probation or community rehabilitation orders. Furthermore, centrally-held records often told a different story from records obtained from local offices; for example, cases identified centrally would turn out to be no longer under supervision, or no longer in the area. These and other problems, such as absence from the record of information needed to establish the category of the sample into which an offender fitted, meant that identifying cases for inclusion in the study was a time-consuming and frustrating process. While the structured nature of the intended sample meant that we were very conscious of deficiencies in the records that might not seem serious to practitioners, the conclusion is inescapable that probation records are generally not as accurate, complete or up to date as they should be.

A second problem was that even when interviews with the 'right' offenders had been arranged, there was no guarantee that they would actually take place. The researchers independently formed the impression that an interviewee was most likely to keep an appointment if the following conditions were in place: that there was a good relationship between the offender and the supervising officer; that the research interview had been arranged to coincide with an appointment with the officer; and that the officer had been successful in communicating a positive message to the offender about the value and interest of the research. Even when these three factors were present it was not uncommon for

prospective interviewees to fail to keep appointments. In the absence of any one of these factors, the likelihood of non-attendance increased greatly, making for many wasted journeys and draining researchers' time and energy. The quality of the offender-officer relationship was often also an important influence on the research interview: in general, where the relationship was negative or perfunctory, interviewees were less likely to talk openly and candidly to the researcher. These difficulties suggest that the achieved sample may to some extent over-represent those who had a positive experience of probation: the hardest group to contact were the 'failures'. (This is, of course, likely to be true of all 'consumer' studies of probation – offenders in regular contact with the service will always be easier to contact than those who should be in regular contact but are not.)

A related problem was that some probation staff – including some with management responsibilities – apparently regarded the research as merely a nuisance and an added burden in an already heavy workload. This meant that even when (as was usually the case) the area's senior management was formally committed to supporting and facilitating the research, practical co-operation was not always forthcoming on the ground. It is possible – though we have no clear evidence on this – that the subject of the research made some probation staff particularly sensitive about the risk of negative findings.

Further problems arose from various features of the Probation Service's organisation and working practices. For example, staff were often on leave at times that were inconvenient for the researchers, and by the time they returned the status of the relevant offender could have changed so as to make him unsuitable for interview within the sampling frame – if he was now at a different stage of the order, or the order had been completed. It also proved difficult to determine who the supervising officer actually was when offenders were attending programmes at the start of their orders. In such cases, offenders' contacts were with staff running the programmes rather than with their designated supervising officer, and direct contact with probation centre or programme staff proved more fruitful than attempts to contact the formal supervisor. Offenders with no previous probation experience who were attending programmes and were interviewed near the start of their orders, while relatively easy to contact, often had little to say to the researchers, since their knowledge was based on only a few weeks of work on a programme. On the other hand, offenders nearing the end of orders, with longer experience of probation, were often difficult to contact, since they tended to be in only monthly (and perfunctory) contact with their supervisors. All these factors meant that progress towards the target of 500 interviews was slower and more fraught than had been envisaged.

**Table A1: The proportion/ number of offenders from different ethnic groups convicted of different offence-types (weighted) (N=483)**

Ethnicity: Offence%	Black (n)	Asian % (n)	Mixed heritage % (n)	Other % (n)	Total % (n)
Violence	17.8 (55)	11.6 (10)	23.6 (17)	18.8 (3)	17.6 (85)
Sexual offences	2.3 (7)	3.5 (3)	2.7 (2)		2.5 (12)
Burglary	5.5 (17)	5.8 (5)	9.7 (7)	11.8 (2)	6.4 (31)
Robbery	5.5 (17)	1.2 (1)	8.3 (6)		5.0 (24)
Theft and handling	21.0 (65)	22.1 (19)	27.4 (20)	6.3 (1)	21.7 (105)
Fraud, forgery and deception	7.4 (23)	9.3 (8)	2.7 (2)	11.8 (2)	7.2 (35)
Criminal damage	4.2 (13)	1.2 (1)	2.8 (2)	11.8 (2)	3.7 (18)
Drug offences	7.1 (22)	15.1 (13)	8.2 (6)	31.3 (5)	9.5 (46)
Motoring offences	30.7 (95)	31.4 (27)	25.0 (18)	12.5 (2)	29.4 (142)
Other offences	10.7 (33)	10.5 (9)	8.3 (6)	18.8 (3)	10.6 (51)
N	(309)	(86)	(72)	(16)	(483)

**Table A2: The proportion/ number of offenders in different age groups convicted of different offence-types (weighted)**

Age: Offence	18-20 Valid % (n)	21-29 Valid % (n)	30 and over Valid % (n)	Total Valid % (n)
Violence (n=482)	9.5 (8)	17.3 (33)	20.8 (43)	17.4 (84)
Sexual offences (n=483)	1.2 (1)	1.0 (2)	3.9 (8)	2.3 (11)
Burglary (n=482)	9.5 (8)	4.7 (9)	6.8 (14)	6.4 (31)
Robbery (n=483)	16.7 (14)	3.6 (7)	1.4 (3)	5.0 (24)
Theft and handling (n=483)	15.5 (13)	23.4 (45)	22.7 (47)	21.7 (105)
Fraud, forgery and deception (n=482)	4.8 (4)	11.0 (21)	4.3 (9)	7.1 (34)
Criminal damage (n=482)	7.1 (6)	4.2 (8)	2.4 (5)	3.9 (19)
Drug offences (n=482)	6.0 (5)	12.0 (23)	7.7 (16)	9.1 (44)
Motoring offences (n=482)	35.7 (30)	24.1 (46)	31.9 (66)	29.5 (142)
Other offences (n=483)	7.1 (6)	16.2 (31)	6.8 (14)	10.6 (51)
N	(84)	(191)	(207)	(482)

**Table A3: CRIME-PICS II problems in weighted sample and comparison group**

Problem area	Full sample	Black	Asian	Mixed heritage	White comparison
N: Weighted	482	308	86	72	
Unweighted	(482)	(240)	(172)	(57)	(422)
Money	2.54	2.55	2.52	2.62	2.67
Relationships	1.81	1.84	1.79	1.67	1.68
Employment	2.46	2.51	2.25	2.62	2.74
Temper	1.70	1.71	1.73	1.64	2.10
Need for excitement	1.65	1.68	1.56	1.68	1.75
Family	1.65	1.60	1.80	1.66	1.84
Health	1.56	1.48	1.77	1.54	1.41
Boredom	2.09	2.07	1.99	2.29	2.45
Housing	1.94	2.07	1.58	1.82	1.83
Drink/ drugs	1.60	1.45	1.81	1.80	1.82
Gambling	1.08	1.06	1.06	1.15	1.16
Depression	1.62	1.57	1.84	1.54	1.80
Not feeling good	1.57	1.53	1.54	1.73	1.54
Not confident	1.54	1.47	1.61	1.72	1.74
Lots of worries	1.93	1.90	2.14	1.83	2.09

**Table A4: Responses<sup>63</sup> to ‘What makes a good supervisor of a black or Asian person?’ (weighted)**

Characteristic	% (n) of interviewees who mentioned this characteristic
Easy to talk to, or should listen	27 (128)
Understanding and sympathetic	27 (128)
Understands the offender’s needs, feelings and experiences as a black or Asian person	20 (98)
Helps with needs or problems	14 (68)
Helpful or supportive (unspecific)	14 (66)
Treats offender with respect, fairly, as a normal person, is polite etc.	12 (59)
Seems to care, asks me how I am, always has time for me, takes an interest etc.	12 (59)
Treats everybody equally (including ‘is not racist’)	7 (36)
Is not judgmental	7 (36)
Experienced in dealing with offenders, knows the system well etc.	6 (27)
Friendly, pleasant, has a sense of humour etc.	5 (22)
Gives good advice	5 (22)
Trustworthy or honest	4 (21)
Well educated, knowledgeable or intelligent	4 (17)
Helps clients to not reoffend	3 (14)
Black or Asian	3 (14)
Should try to find out why clients commit crime – get to the root of the problem	2 (12)
Open-minded	3 (14)
Easy-going, not too authoritarian, flexible etc.	2 (12)
An ex-offender	2 (12)
Clients should feel comfortable with them	2 (8)
Enthusiastic, puts a lot of effort in	1 (7)
Authoritative, not too soft, strict etc.	1 (6)
Reliable, does not let you down, etc.	1 (5)

63 All responses mentioned by five or more respondents are included.

**Table A.5: Problems in CRIME-PICS II self-report schedule which respondents said had contributed to their getting into trouble (weighted)**

Problem	Percentage (n) of interviewees who said that this problem contributed to them getting into trouble
Problems with money	40.4 (195)
Problems with relationships	12.2 (59)
Problems with employment	23.7 (115)
Problems controlling temper	12.9 (62)
Need for extra excitement	5.7 (28)
Family problems	7.9 (38)
Problems of health and fitness	4.3 (21)
A tendency to get bored	18.0 (87)
Problems with drink	11.5 (56)
Problems with drugs	19.8 (96)
Problems with housing	10.5 (51)
Problems with gambling	1.1 (5)
Depressed	10.0 (48)
Problems feeling good about self	2.7 (13)
Problems with lack of confidence	2.2 (11)
Lots of worries	6.6 (32)

**Table A.6: Offenders who reported unfair treatment from criminal justice practitioners (weighted)**

Type of unfair behaviour	The police	Your solicitor	Court staff	Magistrates	The probation officer who wrote your report	The probation officer in court	Judges	Prison staff								
	n	%	n.	%	n.	%	n.	%								
Not listening	15	3.1	3	0.6	1	0.1	33	6.8	4	0.7	1	0.3	18	3.7	1	0.3
Could not be bothered	3	0.7	14	3.0	0	0.0	0	0.0	1	0.1	0	0.0	0	0.0	0	0.0
Making unfair assumptions of guilt	35	7.2	1	0.3	0	0.0	13	2.8	1	0.1	0	0.0	8	1.7	1	0.2
Treating me worse than they would treat a white person in the same situation	2	0.4	0	0.0	0	0.0	4	0.9	0	0.0	0	0.0	3	0.6	4	0.8
Using belittling language (e.g. nicknames)/rudeness/sweating/general bad behaviour	24	4.9	0	0.0	20	4.2	3	0.7	1	0.3	4	0.9	1	0.3	28	5.7
Using racial abuse	19	3.9	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	3	0.6
Using unnecessary force	86	17.7	0	0.0	1	0.3	0	0.0	0	0.0	0	0.0	0	0.0	16	3.4
Being excessively punitive	6	1.2	0	0.0	0	0.0	58	12.0	3	0.7	2	0.4	37	7.7	0	0.1
Misrepresented me/what I did/what I said/what I will do	17	3.6	1	0.3	1	0.3	2	0.3	18	3.6	4	0.7	0	0.0	1	0.1



**Table A.6: continued**

Type of unfair behaviour	The police	Your solicitor	Court staff	Magistrates	The probation officer who wrote your report	The probation officer in court	Judges	Prison staff
Stopped and/or searched me for no reason	48 9.8	0 0.0	0 0.0	0 0.0	0 0.0	0 0.0	0 0.0	0 0.0
Picked on me because of my colour	78 16.1	4 0.8	3 0.7	19 3.9	0 0.0	1 0.1	21 4.3	37 7.7
Not believing what I was saying	3 0.7	1 0.1	0 0.0	3 0.6	1 0.3	0 0.0	3 0.5	0 0.0
Treated me like a criminal	4 0.9	0 0.0	1 0.3	2 0.4	0 0.0	1 0.3	2 0.3	0 0.0
Did not take into account my bad personal experiences (i.e. problems, childhood traumas etc.)	0 0.0	0 0.0	1 0.1	6 1.1	0 0.0	0 0.0	7 1.4	0 0.0
Did not care about me	0 0.0	16 3.3	0 0.0	4 0.9	0 0.0	3 0.6	0 0.0	1 0.1
Other unfair behaviour	84 17.4	26 5.5	19 4.0	36 7.4	13 2.6	3 0.7	25 5.2	25 5.1
Any form of unfair treatment <sup>64</sup>	297 61.5	57 11.7	68 14.0	174 35.9	45 9.4	31 6.4	116 24.1	110 22.8

64 The total number of interviewees reporting unfair treatment was 361 (i.e., 74.7% of the weighted sample).

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