

# The Crown Prosecution Service (CPS) and Racist Policy

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## Summary of Findings

That the Crown Prosecution Service is seen to exhibit:

- The use of deeply flawed analysis that hides the fact of a hugely disproportionate number of white victims of racist crime (of racially motivated violence, especially).
- Specific and unambiguous attempts to falsely characterise racist crime as an activity committed *exclusively* by white people.
- An abandonment of 'colour blind' law enforcement in favour of the adoption of policy and procedures driven by racist ideology – to the disadvantage of the white community.
- The adoption of the Macpherson definition of 'institutional racism', to the exclusion of all other alternatives. A non-evidential, and therefore a conveniently unchallengeable definition, based on psycho-sociological ideology.
- Dogmatism. An arrogant dismissal of all contrary views and analysis. No justification or reasoning given other than characterising contrary arguments (of researchers, workers within the legal and law enforcement professions) as "*indicative of institutional racism*".
- An indulgence in expressing political opinion. An endorsement of particular political ideology – of multiculturalism and diversifism.

This study has been prepared under the auspices of DarkLake Synectics\* – an independent, non-political research organisation. This organisation has a particular interest in the development of social systems: of structures of complex social groups; emergent organisational behaviour (culture); co-evolutionary 'niche' development; cultural kinetics; social stability and of ethnic and cultural identity. The research concentrates on obtaining an understanding of the development and behaviours of highly complex social, economic and cultural groups.

\* sin-ek'tiks, n. the study of processes leading to invention, with the end aim of solving practical problems, esp. by a synectics group, a miscellaneous group of people of imagination and ability but varied interests. [Chambers Twentieth Century Dictionary]

***“Our policy is to prosecute racist and religious crime fairly, firmly and robustly.”***

CPE document: Racist and Religious Crime – CPS Prosecution Policy.

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## Introduction

Any attempt to investigate an organisation as large and complex as The Crown Prosecution Service (CPS), for evidence of ‘institutional racism’, would be a formidable task – certainly for an individual researcher and even for most specialist research groups.

We therefore decided to adopt a less direct and more expedient strategy, by means of examining the manner in which the CPS examines itself. We have found from past experience that this can be a very effective way in which to detect forms of behaviour within an organisation that have become institutionalised – systematic, often unwitting and very often unacknowledged. It is a method of inquiry that is especially effective in revealing behaviour that is based on false belief or deliberate deceit.

Therefore we have used the CPS document: ‘Race for Justice – A Review of CPS Decision Making for Possible Bias at Each Stage of The Prosecution Process’ for this purpose – to gain insight into the CPS perception of racism within society, and to look for evidence of institutional racism within the CPS itself. We refer to this particular CPS document throughout our inquiry as the ‘CPS Review document’,

The document under examination is therefore the version available on the CPS web-site as of the 23<sup>rd</sup> April 2007. The CPS Review document continues to be in the public domain, see:

[www.cps.gov.uk/publications/equality/racejustice.pdf](http://www.cps.gov.uk/publications/equality/racejustice.pdf).

The document’s original issue date is given as the 12<sup>th</sup> October 2003, therefore we assume it has been a part of, and consistent with, CPS policy for at least 3<sup>1/2</sup> years.

The Review was commissioned by the Crown Prosecution Service for the purpose of self-audit – to investigate the workings of the CPS for evidence of ‘institutional racism’ and, in particular, to check for:

*... evidence of bias in the way that the CPS dealt with particular target groups, principally black and minority ethnic people and women. [ref. 1: paragraph 7].*

The CPS commissioned The Gus John Partnership Limited (GJP) to undertake the audit under CPS supervision, and to prepare the CPS Review document for approval and publication (by the CPS).

The project brief is clearly described, at the beginning of the Review document, as a set of three questions to be answered:

- a) is [racial] discrimination or bias occurring at any stage of the prosecution?*
- b) if so, which of the seven stages listed above should give the CPS cause for concern?*
- c) As a result of the findings of this research, does the CPS need to amend its policies, procedures or practices? [ref 1: paragraph 11]*

We have therefore used the CPS Review document as an opportunity to investigate the CPS for institutional racism (of whatever form) – by examining the manner in which the CPS performs the important task of self-scrutiny. This report gives details of our findings.

## Comment On: The Review Remit and Methodology

The definition of ‘institutional racism’, used by the CPS, is taken from that provided by the Macpherson Report (February 1999) into the police handling of the murder of Stephen Lawrence. The CPS comment:

*The Crown Prosecution Service commissioned the Diversity Monitoring Project (DMP) in the summer of 2001. This initiative was in line with the CPS response to the findings and recommendations of the Stephen Lawrence Inquiry Report ... [ref.1: paragraph 1]*

and,

*The Stephen Lawrence Inquiry Report helpfully highlighted the manner in which institutional cultures and the stereotypical beliefs that underpin them could give rise to practices which obstruct the proper investigation of crime and could lead to gross denial of justice. [ref. 1: paragraph 2]*

To make sure the reader is in no doubt which meaning of ‘institutional racism’ that the CPS refers to, the explicit definition is quoted from Macpherson:

*... discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic groups. [ref.1: paragraph 3]*

However, in their inquiry into Macpherson’s Report, the widely regarded researchers Dennis, Erdos and Al-Shahi make the following observations on this (Macpherson’s) definition of ‘institutional racism’: ‘Racism that is unwitting, ignorant, thoughtless, hidden, unintentional and so forth is by definition either very difficult to detect or actually undetectable. ... The report sidesteps altogether the problem of showing that ‘racist’ conduct has taken place. Macpherson simply announces that in its inquiry and from now on, if any category of colour, ethnic

*origin or culture, which is also a minority, shows a statistical excesses (of undefined proportions) in police statistics, then that excess is proof that the police service is 'institutionally racist'.* [ref. 4: page 115]

It is this highly contentious definition of 'institutional racism', in which data is gathered for the purpose of supporting the presumption, that the CPS appear to have elected to use.

It is frequently claimed that Macpherson found the Metropolitan Police Service to be institutionally racist, and white British society in general to be generally predisposed towards racist behaviour. It is apparently upon this supposition regarding the nature of (white) society that the CPS assumes will (and does) lead our society to '*disadvantage minority ethnic groups*'. However a proper reading of the Macpherson Inquiry Report (again, see analysis by Dennis, Erdos and Al-Shabi ref. 4) shows that he failed to find *any* evidence that could be used to support these claims.

An outcome of Macpherson's peculiar perception of 'institutional racism' was that the *denial* of the presence of racial bigotry, even on the basis of an absence of *any* observable evidence, was itself evidence of the presence of racist bigotry – to paraphrase: 'that an absence of evidence is *not* evidence of absence but *irrefutable* evidence of concealment or denial'. Such, sadly, are the Kafkaesque fantasies that resulted from the Macpherson Inquiry – a highly doctrinaire form of pseudo-psychological reasoning that the Crown Prosecution Service also appears eager to embrace.

Similarly, the Review closes down any possible alternative explanation of the ethnic minority's experience of the judicial process. Only one explanation, institutional racism, is to be permitted:

*There will often be plausible alternative explanations for patterns and processes which, on closer examination, could be shown to be indicative of institutional racism.* [ref. 1: paragraph 104]

To quote the CPS Review's own cautionary words:

*In any oppressive society, the cultural perspectives of the dominant group are imposed on institutions by individuals and individuals by institutions.* [ref. 1: paragraph 6]

However 'institutions' are (by definition) institutionally based and, ideologically speaking, very often highly politicised. They operate in accordance with their own self-interest – and this is not necessarily in the interests of the 'majority group'. And, of course, a '*dominant group*' as an institution is often extremely intolerant of examination and criticism – a defining feature (some will argue) of institutionalism. It is in this institutionalised dogmatic framework that "*alternative explanations*" are summarily (often contemptuously) dismissed.

GJP worked in close collaboration with the CPS in the collection of the case file data and in the setting of the investigation remit. However it is noted that the investigative review was conducted within parameters *set* by the CPS [ref. 1: paragraph 12] and therefore must be considered to be an internal CPS review.

It is clear from the CPS report's Rationale and from other parts of the document that the audit task (with regard to examining the CPS for institutional racism) was constrained to view 'institutional racism' as racist behaviour of which the victims are *only* to be found within the membership of ethnic minority groups (that is, people who are not white) [ref. 1: paragraphs 3, 7, 86, 109, and 141]. It would appear that, according to the CPS and in the Review document, white victims of institutional racism simply do not exist.

It therefore appears to be a presumption, within the context of this CPS review, that any possible concerns of white people (the ethnic majority group) need not be considered or investigated.

The Review excluded from the investigation all cases of 'incitement to racial or religious hatred' – the reason given that such cases are not dealt with within CPS Areas [ref. 1: paragraph 134]. This decision is very difficult to understand given that the CPS is very much involved in such cases, not least in the preparation and submission of the CPS Area case reports to the Casework Directorate [ref. 2]. Also, given that the CPS sees such cases as '*politically sensitive*' [ref. 3], we would have thought that this was a very good reason for including such cases in any investigation into institutional racism. Not least we would like to have seen the nature of this '*political sensitivity*' thoroughly examined and explained. We have noted this omission and find it to be especially perplexing. In the course of its duties, the CPS should not, of course, be subjected to political interference – nor should it be swayed in its decisions by '*political sensitivities*'.

As noted earlier, much of the motivation for the CPS Review into prosecution practices arises as a consequence of the findings of the Macpherson Inquiry Report – this is referred to repeatedly at the beginning of the Review document. We therefore find it to be totally inexplicable that cases of murder have been excluded from the investigation [ref. 1: paragraph 9]. No explanation is given.

To conclude this initial introductory comment on remit and method, we note that the CPS admit to the difficulties of this type of Review inquiry:

*Collecting and analysing retrospective information of the sort that the remit of this project necessitated inevitably means that the reconstruction of events could involve a measure of*

*subjectivity and, whilst this is a potential pitfall in all research, this was a particular issue in this project. [ref. 1: paragraph 21]*

However how this '*particular issue*' was addressed is not described within the CPS document. We are therefore obliged to assume it never was.

## Comment On: The Analysis

The CPS Review, conducted by GJP, mostly consists of a statistical analysis of CPS case files. The analysis provides information on differences in the experiences between the various ethnic groups during the following prosecution procedures: of charging; of bail; of plea before venue (mode of trial); of discontinuance; of failed cases and of plea-bargaining. Generally speaking this section of the CPS Review report summarises the statistical findings without comment, however some interesting (and most revealing) remarks have been included and these are examined below.

### Analysis Procedure

Of the original 15,000 case files, 12,913 were down-selected for statistical analysis by GJP. These case files covered criminal investigations within England and Wales. Case file selection was on the basis of: simplicity of the case (single defendant, single criminal charge); on having a good population cross-section (of ethnicity, age and gender); and of having sufficient case data (including file endorsements).

### General Analysis

A multivariate statistical analysis technique was applied to the case file data with regard to determining relationships (if any) between the attributes of the population (ethnicity, age and gender) and the performance of the prosecution process (of review bail, pleas before venue – mode of trial, discontinuance, failed cases, plea bargaining, etc.).

It is noted that GJP acknowledge the severe limitations of this analysis exercise with regard to the primary objective of the review:

*The files carried no endorsements about the prosecutor's gender and ethnicity, nor much, if any, details of the rationale for the representations they made in Court or the decisions they endorsed on the files. In the circumstances, all the statistical analysis could do is to identify broad differentials as between minority ethnic offenders' experience of the CPS and that of white offenders. [ref. 1: paragraph 23]*

In other words, an admission that the statistical analysis of the 12,913 case files would not enable the primary objective of the Review to be achieved – to establish the presence of institutional racism within the CPS [as per ref. 1: paragraph 11]. Of course the problem is that these "*broad differentials*" may exist for very many different reasons. As Dennis, Erdos and Al-Shabi have pointed out, by adopting prior-assumptions as to the cause of these differentials (of institutional racism) then the credibility and reliability of any investigation is nullified.

### Race Cases

It seems clear that a broad-based, statistically quantifiable approach in attempting to examine for general institutional racism within the CPS was effectively abandoned. Instead the focus was switched to a search for racial discrimination within the CPS on the basis of a discriminatory examination of an extremely small (relatively speaking) number of case files identified (by the CPS, Police, defendant, victim, witnesses, etc. [see ref. 1: paragraph 63]) as having a '*racial dimension*'. The assumption appears to be that these particular cases are more likely to show differential racist bias by the CPS prosecutors. It is presumed that the objective was therefore to do what the statistical analysis could not do – to:

*... identify broad differentials as between minority ethnic offenders experience of the CPS and that of white offenders. [ref. 1: paragraph 23]*

Of the 12,913 case files researched, 651 were considered to have an identifiable '*racial dimension*' of which 370 were specifically '*racially aggravated cases*'.

In terms of victims of racist crime the CPS Review document observes that:

*Overall, nearly half of all victims in these cases (46.9%) were classified to 'other' ethnic groups, while 44.2% were from African-Caribbean or Asian ethnic groups and only 8.9% of victims were white. In contrast, 77% of defendants in these cases were white.*

This prompts a strange and baffling comment from the Review authors:

*This is not so surprising as, typically, racist crime is perpetuated against African Caribbean and Asian people by white people and only in a minority of cases are white people the victims of racist crime.* [ref. 1: paragraph 62, see also paragraph 69]

What this has to do with an investigation of the CPS for institutional racism is not explained. More importantly this statement has the potential of being *extremely* misleading – crime data shows that a person from the majority white community is much less likely to be a perpetrator of a racist crime than a person from an ethnic minority. Given the demographic make-up of the UK (as per the 2001 Census, Office for National Statistics) we would expect (all things being equal) the number of white victims to be 1.8 percent (see ref. 5, Appendix A, with regard to analytical method and modelling techniques). Which begs the question: why does the CPS/GJP Review refer to the proportion of white victims being “*only*” 8.9 percent? Given that the CPS/GJP analysis shows the white community suffering disproportionately from racist crime (by a factor of almost 5-fold) it is astonishing that the CPS do not comment on this disturbing feature of racist crime. Indeed it is difficult to come to any other conclusion than that the CPS are very determined to promote the myth that racist crime is a crime perpetrated (typically, or indeed almost exclusively) by white people.

It is noted that the CPS recognise a tendency on behalf of the police to apply a prejudicial approach to their enquiries when dealing with a criminal incident, and to apply a non-evidential criteria to this decision:

*The police were more likely to identify the case as a racist incident where the defendant was white than where the defendant was African Caribbean or Asian.’* [ref. 1: paragraph 65, and see also paragraph 72], where ‘*A racist incident is any incident which is perceived to be racist by the victim or any other person.*’ [ref. 1: paragraph 67],

However, again, the nonsense of this totally subjective and un-testable approach to identifying ‘racist incidences’ is subjected to justifiable ridicule by Dennis, Erdos and Al-Shahi: ‘*Macpherson recommends that the definition of a racist incident should continue to be ‘any incident which is perceived to be racist by the victim or any other person.’ ... For all practical purposes this expands the occasions for racial offence being perpetrated and taken to infinity, and it reduces the empirical evidence needed for establishing racial offence for all practical purposes to zero.*’ [ref. 4: page 116]

However the CPS choose not to comment on this matter, nor to place their research in the context of the disproportionately high number of white victims of racist crime. Why are the police more likely to identify a white defendant as racist, given that it is the white community that suffers disproportionately from this type of crime? Clearly the CPS prefers to remain silent on this vitally important matter.

A feature of the subjective component of perceived institutional racism is revealed in the comment:

*It [criminal proceedings perceived by the ethnic minority to be biased against them] could also lead, more alarmingly, to a collective sense of frustration and anger among Asian and African-Caribbean young people at the apparent collusion of the police with perpetrators of race hatred and racist crimes and with the structured denial of justice.* [ref. 1: paragraph 86].

This illustrates the manner in which a sense of victimisation can become self-reinforcing within a minority group. Of even more concern must be the possibility that a false ‘victim mentality’ can (perhaps inadvertently) be encouraged by the Criminal Justice System itself. Once again, the CPS Review document fails to explore this important issue. Also, yet again, note the assumption within the above statements that the perpetrators of race hatred and racist crime are white people. This is especially disturbing.

## Race Cases – Case Study Examples

Of the 651 case files considered to have an identifiable ‘*racial dimension*’, 46 were selected (later reduced to a sub-set of 33 case files in which it is acknowledged by the CPS of errors or faults on the part of the prosecutor [ref. 1: paragraph 87]), on the basis of guidance from GJP, for detailed *qualitative* analysis. The basis for selection was those files identified a-priori to be ‘*of potential interest*’ [ref. 1: paragraph 73]. The nature of this ‘*potential interest*’ or of the guidance provided in the selection process is not disclosed.

Again, the nonsense of attempting to conduct a meaningful, statistically-based investigation, based on such a relatively small and subjectively selected sample of case files, is recognised by GJP:

*It should be noted that the manner in which the cases in the 46 files were dealt with is not viewed as being representative of the practice of CPS lawyers across the sample. Those files should therefore be regarded as case studies which, through the in-depth analysis undertaken, highlight issues of concern that the CPS needs to address.* [ref. 1: paragraph 76]

It is for that reason that GJP stresses the objective of doing (only) a ‘*qualitative review*’ [ref. 1: paragraph 77].

Therefore the reason for including case study examples in a report of this kind is, it is assumed, to supplement the inevitably austere (and inconclusive) results of statistical analysis – to include examples of operational problems that CPS staff can directly relate to (in terms of their duties and responsibilities). It is therefore

puzzling that GJP should attempt to make quantitative (statistical) assessments of both the 46 case study files [ref. 1: paragraphs 79, 80, 81] and the reduced 33 case study files [ref. 1: paragraphs 89, 95, 97 and 100] – representing just 7 percent and 5 percent of the 651 case files respectively.

Also, the limited-sample case study review should serve the particular purpose of assisting an investigation into the effectiveness and fairness of the CPS – however the actual nature of the case file crimes (the particular ethnicity of the defendants and victims, and the details of the physical or verbal assault) are not relevant.

Which begs the question as to why it was felt necessary to include such seemingly gratuitous details in this investigative review of CPS procedures [see ref. 1: paragraphs 83, 90, 94, 96 and 98]. It is noted that of the three cases where the identity of the defendant is specifically mentioned, two were white males and one was a white female. In the *only* case where the identity of the defendant was (implicitly) identified as being of an ethnic minority group (of Pakistani origin) the investigative concern is not with this defendant, but with the possibility that the white *victim* was racist.

Incongruously inserted into this subsection is the following comment:

*Against the background of events in Northern cities and towns (Bradford, Oldham, Burnley) in recent times and the growing presence of the British National Party in mainstream politics, representing the people while peddling race hatred, every such case as we have just described is one too many.* [ref. 1: paragraph 86]

However no case study descriptions of CPS (or police) action against British National Party members are identified (including that of “*peddling race hatred*”) – therefore, what is the intended purpose of the inclusion of this comment, if the intention is to highlight deficiencies within the CPS prosecution process? It is, after all, the purpose of the Review to investigate the CPS for institutional racism, *not* the British National Party or its members. The concern must be that unwarranted and unsubstantiated comments such as this could be taken as indicative of political bias within the CPS – is the CPS concern with ‘*political sensitivities*’ influencing policy and prosecution decisions?

In the context of the “*background of events in Northern cities*” it is noted that the subsequent official inquiry by the Government adviser Professor Ted Cante found the cause *not* to be outside provocation (by, for example, the BNP) but as a result of “*self imposed segregation*” of the various ethnic communities (from ‘Challenging Local Communities to Change Oldham’, for Oldham Metropolitan Borough Council, 30<sup>th</sup> March 2006). This finding was made by Professor Cante despite his determination in seeing some Northern towns as being “*unhealthily all-white*” (The Sunday Times, 23<sup>rd</sup> April 2006) – an irrelevancy, of course, since he had already established that the root cause of such “*events*” to be the highly differentiated, multi-ethnic nature of Northern towns such as Bradford, Oldham and Burnley.

In this same section of the CPS Review we find the following comment:

*As the vast majority of the perpetrators in the 46 cases were white males, and the victims mostly Asian males, the issues highlighted in the discussion above on the role of the police applies even more to the CPS.* [ref. 1: paragraph 100]

However, as has been stated before, official crime data indicates that a white person is far less likely to have committed a racist crime than a person from an ethnic minority community. Comments such as ‘*issues highlighted*’ need to be explained within this context. The implication of this comment appears to be that the CPS believes, rather bizarrely, that the prosecution procedures should discriminate to the *detriment* of those defendants who happen to belong to the community that exhibits the *least* propensity for racist crime – the white ethnic community. And this policy appears to be based on an ignorance (or wilful denial) of the true demographic nature of racist crime.

Given that it has been previously observed that the case files contain no information about the prosecutor’s ethnicity or gender [ref. 1: paragraph 23] then any conclusions drawn from the case study files must inevitably be highly speculative.

## Comment On The Conclusions and Recommendations

Broadly speaking the conclusions to the investigative review mainly give recommendations with regard to the proper implementation and better management of existing procedures within the CPS, together with improvements in staff training. However within this section we find a most extraordinary (and, we believe, very revealing) comment:

*The charge that ‘institutional racism’ is a feature of British society does not imply that all white people are racists.* [ref. 1: paragraph 109]

Which begs the question: *who* would actually think such a thing – why introduce this comment on white people at all? Why might the CPS be concerned that readers of the Review document might draw this racist conclusion? To emphasise the point yet again, the purpose of the investigation was *not* (nor should have been) to examine the

behaviour of white people for evidence of intrinsic racism, but to investigate the CPS for evidence of *institutional racism*. Clearly the CPS apparently believes that ‘institutional racism’ is synonymous with (presumed) white racism – and that, contrary to the actual evidence, racism is a fundamental characteristic of (exclusively, or almost exclusively) people from the white community. Clearly the CPS falls foul of its own preferred (Macpherson) definition of institutional racism – of racism that is based on ignorance.

And again, we find the following comment in respect of CPS policy that gives the strong impression that the CPS is keen to single-out the ethnic majority (the white people, the people not of the ‘*minority ethnic groups*’) as the ‘*would-be perpetrators*’ of all race and religious crime:

*The CPS is committed to ensuring that prosecuting advocates make full use of the provisions of the legislation and send a signal to would-be perpetrators of race crimes, no less than to minority ethnic groups, about the vigour and thoroughness with which it will prosecute racist and religious crime. [ref. 1: paragraph 141]*

Given explicit statements such as this, we find it difficult to come to any other conclusion than that a systematic form of anti-white racism is being adopted, and is in operation within the CPS (see also the Conclusions section).

Much of the comment within this section concerns a perception by the Review researchers that the comparatively large number of ‘discontinued’ and ‘failed’ cases involving African Caribbean and Asian defendants [see ref. 1: paragraphs 151 and 155] indicates that members of the ethnic minority are being prosecuted unfairly (that is, as compared to white people). This is summed up with the comment:

*The evidence in our study points in the direction of a tendency on the part of the police to bring charges against African and Asian people, men and women, on the basis of poorer evidence than in the case of whites. [ref. 1: paragraph 165]*

The implication being that this is indicative of institutional racism. However we feel that an argument that relies on evidence that merely ‘*points in the direction of a tendency*’ is bereft of almost all credibility.

Of course many alternative (and entirely plausible) reasons for these discontinued and failed cases could be given – not least the significant cultural differences (of values, belief, customs and traditions) between the ethnic majority and the ethnic minorities (including: the closeness of family – of protecting ‘family honour’, of close community ties, of problems with witness suspicion of the ‘authorities’, of language problems etc.), and the possibility of a more sympathetic attitude of the courts to a member of a ‘minority’. The CPS have attempted to close down this line of argument with the comment:

*This should not be interpreted to mean that the CPS and the Courts are more lenient in their treatment of black and Asian people, as some commentators suggested in respect of Dr. Mhlanga’s findings. [ref. 1: paragraph 165]*

Why not? No reason is given for the summary dismissal of this alternative interpretation.

One very plausible reason for the relatively high rates of discontinued and failed cases for ethnic minorities is that they have access to greater resources (support groups, legal aid organisations, monitor groups, campaign groups, etc.). And, in fact, the CPS Review document makes this very point:

*Having regard to the remit of this study and the CPS concern about possible evidence of ‘bias’ and ‘discrimination’, the key issue is what reasons are actually recorded for the presence of these trends?’ [ref. 1: paragraph 125, page 28]. ‘Indeed, the growth of defence committees and legal campaigns around criminal charges in communities up and down the country, beginning with the Mangrove 9 trial through to the post-riot trials in London, Manchester, Liverpool and elsewhere in the 1980s, coincided with the realisation within minority ethnic communities that they could take control of their own cases and work only with those lawyers who were disposed and willing to act according to their instructions and in full consultation with them. [ref. 1: paragraph 157].*

It is also a part of CPS policy to ‘*Provide a service to victims and witnesses from black and minority communities or from faith groups/communities*’. Given that white defendants or victims rarely have access to similar resources may well go some way in explaining the relative differences in discontinued and failed cases for the ethnic minority groups, and the higher rates of guilty pleas for white people. However this entirely credible scenario has been entirely ignored by the CPS. Why?

## Analysis

It is clear that the CPS have claimed ownership of, and responsibility for, the Review document. It was commissioned by the CPS, the research was undertaken with their active participation (with GJP) and the Review document is published on the CPS website.

As the authors of the Review have readily admitted, the use of statistical techniques to attempt to establish insight into personal motives or institutional tendencies, within a highly complex social context, is extremely difficult. However there appears to be some confusion on the part of the Review researchers as to whether they are investigating the workings of the CPS or investigating the nature of racism within the general population.

Where the investigation concentrates on the degree of conformance to established CPS and Police procedures and practices then the work is valuable and it is possible for good recommendations to be made. The problem is that the Review investigation frequently wanders off into explorations of actual racist behaviour of individuals and groups within the general population – and then proceeds to make qualitative judgements on the general ‘social scene’ that have nothing to do with the workings of the CPS.

Included within the Review are comments to the effect that racist crime in the UK is ‘typically’ a crime perpetrated by a white person on an ethnic minority victim. There is a persistent reference to institutional racism as being characteristically a problem of persecution *only* for the ethnic minorities (i.e. non-white) population. There is a danger that this may give a misleading impression of the nature of racism within the UK, and needlessly encourage a feeling of victimisation within minority groups.

No account appears to have been taken with regard to the demographic distribution of UK ethnic groups. For example, when factored in to the crime survey figures from the CPS, the Police, the Home Office and the British Crime Survey, the perception of racism as being ‘typically’ a crime committed by white people is shown to be bogus.

In terms of racially motivated crime the actual facts appear very different from the perceptions given by the CPS Review document. We have noted in our own studies that: *‘Given the population demographics for the first set of results for the period 1995/1996, the actual reported figures show the white community actually experiencing levels of racist crime some 100 times greater than should be expected (compared to the other, minority ethnic communities). Similarly, given the population demographics for the second set of results for the period 2002/2003, the actual reported figures show the white community actually experiencing levels of racist crime some 36 times greater than should be expected (compared to the other, minority ethnic communities). This is a situation not reported by the authorities (the Home Office and the CRE). Indeed the manner in which they present the ‘evidence’ tends to give exactly the opposite impression. Obviously this is an issue which needs to be taken up with both these agencies as a matter of some urgency – not least because it is the production of such bogus ‘evidence’ that has had (and still, presumably does have) such a big impact on Governmental policy.’* [ref. 4].

Subsequent to our published study [ref. 4] we have analysed more recent BCS crime data for 2004-2005. This shows the white community experiencing levels of *racist violence* some 72 times greater than should be expected, compared to other ethnic communities. This therefore confirms our earlier analysis results.

Similarly, in terms of racist murder the actual facts are very different from commonly held perceptions, for example we have also noted: *In terms of interracial murder, both in terms of suspects and convicted offenders, there are some extremely interesting and (to some, no doubt) surprising results. Overwhelmingly it appears to be the white community that suffers most from interracial murder – more white people are murdered by members of the ethnic minority community than vice-versa. This is despite there being approximately ten times more white people than there are people from the minority (BME) communities. Therefore a consistent picture emerging in terms of the victims of this category of murder – proportionately speaking, the white community experiences approximately 30 times more victims of interracial murder than should be expected, when compared to that experienced by the ethnic minority communities. A similar pattern of behaviour emerges when we analyse the criminal data relating to racist murder. Over the last nine years more white people have been victims of racist murder than people from the ethnic minorities. On a proportionate basis, the white community experiences approximately 60 to 90 times more victims of racist murder than should be expected, when compared to that experienced by the ethnic minority communities. Although the number of racist murders is relatively small, it is included in the analysis because of the consistency of the results (of a problem of rapidly increasing magnitude), because of the correlation with other analytical results (for example, of the numbers of interracial murder), because it is a rapidly accelerating trend (of the disproportionate, exponentially increasing, number of white victims) – and because of the seriousness of the social and political issues arising.* [Ref. 4]

We find it especially remarkable that incidences of murder have been excluded from the CPS Review. Given that much of the reason for the investigation into CPS practices arises from the findings of the Stephen Lawrence Inquiry, we would have thought that this would have been of primary interest.

Therefore the question is: what policy changes does the CPS believe it needs to make, given that we are seeing up to a 100-fold greater than expected number of racist crimes, a 70-fold greater than expected number of incidences of racist violence, a 30-fold greater than expected number of interracial murders, and up to a 90-fold greater than expected number of racist murders being committed *against* white people, when compared to the

same crimes committed against people from the minority ethnic community? It would appear that either the CPS does not actually know the facts of racist and interracial crime – or does know, but prefers to keep silent.

In terms of the treatment of offenders and victims by the law enforcement agencies, again the CPS appears to adopt a prejudiced position. The statistical data reveals significant differences in the experience of judicial procedures between minority ethnic groups, and between those groups and the white majority. The assumption appears to be that this is due to either discriminatory or negligent practices within the CPS and the Police. However no consideration appears to have been given to cultural differences between ethnic groups, or to the particularised involvement of ethnic support groups.

There is, we believe, real cause for concern with regard to the contents of the CPS Review document. It is assumed that not only do the contents of the Review document reflect the institutional culture within the CPS, but that the findings of the Review investigation will have influenced the activities of this organisation, and that the recommendations will have led to changes to CPS policy, procedures and working practices.

On the basis that the Review document is an official CPS publication it is quite astonishing that an agency of the Crown should indulge in, and publish, opinionated political comment. It is also disturbing that, given that the intention was only to investigate the procedures and practices of the CPS for evidence of institutional racism, that so much of the Review document involves comment on the propensity of white people to commit racist criminal acts. The CPS must, after all, deal with prosecution matters only on the facts of each individual case, on the alleged criminal act itself – therefore the defendant's (or victim's) particular skin colour, their gender, their political or religious allegiance, their social class or their cultural background are all immaterial.

It seems clear to us that the CPS Review failed to find any evidence of institutional racism against 'minority groups' within the CPS (as of October 2003). There are many plausible explanations for the observed differences in judicial process experienced by, and between, different minority ethnic groups – however only institutional racial discrimination within the CPS has been explored as a possible explanation.

In more general terms this Review document raises some important issues with regard to the institutional culture that presently dominates thinking within the CPS. The preoccupation of perceiving white people as being '*typical perpetrators*' of racist crime is particularly disturbing, given that the evidence shows that a racist criminal (and a violent criminal, especially) is far less likely to be a member the white community. It is somewhat paradoxical that this attitude should be so visible within an exercise concerned with an investigation into CPS institutional racism. The concern must be that white defendants may feel that they have legitimate grounds for claiming that the CPS is, in fact, institutionally prejudiced against them as members of the white community.

It is noted that increasingly we hear of calls for a greater representation of ethnic minorities in such organisations as the CPS and Police. Part of the rationale for this appears to be that ethnic minorities are more aware of the nature of the minority cultures and are therefore better equipped to work with ethnic minority people (an argument that effectively adds weight to the points we have made on 'cultural' reasons for the different ethnic experiences of the judicial process – see previous comment). However, simply instigating 'quotas' for such organisations is unlikely to prevent, or reduce, institutional racism (where it actually exists). We would therefore venture to suggest that it would be far better to concentrate on improvements to procedures, and in the better education and training of staff, to enable these organisations to achieve good standards of 'best practice'.

## Conclusions

The CPS Review sets for itself the goal of addressing a most fundamental of questions:

*... is [racial] discrimination or bias occurring at any stage of the prosecution?*

Unfortunately it fails to address this question in any sensible manner.

Instead the CPS Review retreats into using the Macpherson definition of 'institutional racism' – where an absence of evidence is *not* seen as any obstacle in forming an opinion regarding the presence of institutional racism within an organisation. There is a prior assumption (politically driven) of its existence, and the subsequent emphasis is on fabricating a politically correct 'narrative' in order to support that view and instigate institutional change.

Dennis, Erdos and Al-Shabi are especially scathing with regard to the politically correct, manipulatively applied concept of institutional racism: '*The use of what Lenin called 'termites and useful idiots', has been for over a century, of course, the standard practice of the destabilising left. But rarely has the tactic been so obvious or so successful as in the case of 'institutional racism'. Feeble leaders of major churches, professional bodies and other organisations, charged with conserving what is valuable in our cultural heritage, collapsed at the sight of this dishonest fabrication in a chorus of mutually applauded mea culpas.*' [ref. 4: page 134]

To this list of '*feeble leaders of professional bodies*' we can, it would appear, add The Crown Prosecution Service.

A particularly disturbing result from this study is the evidence of a lack of impartiality by authoritative agencies (Governmental and NGOs, and Crown Agencies including the CPS) when addressing the issues concerning ethnicity and crime. Indeed we would go as far as to say that there appears to good grounds for suspecting a wilful misrepresentation of the circumstances of some ethnic communities with regard to their experience of criminal activity. It appears, in particular, that the white community is being unfairly demonised in this respect, as the evidence shows that it is *this* community that exhibits the least propensity for serious criminal behaviour, the greatest (by far) tolerance towards other communities, and the least inclination (again, by far) for racist or interracial homicide. It is most perverse that what we actually appear to be witnessing is the promotion of a form of anti-white racism that is *not* the ‘institutional racism’ of Macpherson (of racism that is ‘unwitting’, ‘thoughtless’ ... and so on) but deliberate systematic racism, feeding upon unwarranted fear and ignorance, and driven by the agenda of extreme political purpose.

It is especially disturbing that, as with other important institutions such as The Home Office and The Commission For Racial Equality (see ref. 5), the CPS presents a fundamentally false picture of the nature of racist crime. It would be generous to say that this is simply symptomatic of an incompetence increasingly observed within the major State institutions, however given that all these institutions present the same false picture then the suggestion must be that this is, in fact, a wilful misinterpretation of racist crime – a dangerous deceit driven by a political agenda (of diversifism).

An important part of our cultural heritage is that of the unprejudiced nature of our system of law and judicial process – of ‘innocent until proven guilty’. It is an evolved system of Law that fundamentally protects the individual from the State. The CPS Review document can only (in our opinion) lead to fears that the criminal justice system has become institutionally biased to the detriment of the white (indigenous) community – at the behest of the (political) State. It is therefore rather ironic that the true value of the CPS Review document ‘Race For Justice – A Review of CPS Decision Making For Possible Bias At Each Stage Of The Prosecution Process’ may be seen as an example of the application of political correctness to the judicial process, for the purpose of destroying the most essential qualities of our heritage of Constitutional and Common Law – of the dispensing of justice without ‘fear or favour’ or of unfair prejudice.

The charge against the Crown Prosecution Service is therefore that it has been corrupted by an extreme political ideology that seeks, by the “*long march through the institutions*”, to dismantle Common Law. It has the opportunity to respond to these charges. However the fear is that the CPS will, instead, retreat even further from wisdom and commonsense, and indulge even more in expediting prosecutions on the basis of a highly politicised and fundamentally false view of the nature of crime, society and justice.

END

## References

- 1) ‘Race For Justice – A Review of CPS Decision Making For Possible Racial Bias at Each Stage of the Prosecution Process’, Published by The Crown Prosecution Service
- 2) ‘Guidance on Prosecuting Cases of Racial and Religious Crime’, Published by The Crown Prosecution Service
- 3) *Ibid.* section 2, page 4
- 4) ‘Racist Murder and Pressure Group Politics’, Norman Dennis, George Erdos, Ahmed Al-Shabi, The Institute for The Study of Civil Society
- 5) ‘Ethnicity and The Experience of Crime in England and Wales’, by Tony Shell, for Darklake Synectics, November 2006

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**Disclaimer.** Every reasonable effort have been made to ensure that the information given in this report is accurate in content and fairly reported. However considerable difficulties have been encountered in gaining access to full information concerning crime and ethnicity – even from official sources. This is an ongoing investigation, therefore we would therefore welcome any additional information from authoritative, verifiable sources regarding the above issues – for the purpose of confirmation, amendment, correction or supplementary reporting.