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Book Review of A Fair Hearing? Ethnic minorities in the criminal courts

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A Fair Hearing? Ethnic minorities in the criminal courts. By Stephen Shute, Roger Hood, and Florence Seemungal (Eds.). Devon: Willan publishing, 2005. pp. Ix, 160.

This book is based on questionnaire research, which investigated the experiences of ethnic minority, as well as, white, defendants and witnesses in the English criminal courts between 2000 and 2002. It examines in particular, the extent to which black and Asian people who had appeared in both the crown court and the magistrates' courts perceived their treatment to have been unfair, whether they believed any unfairness to have been the result of ethnic bias, and whether this had affected their confidence in the criminal courts of England. The research on which this monograph is based is concerned with such perceptions and beliefs held by minority ethnic citizens who have come into contact with the criminal courts. It is the first large-scale study in Britain to have concentrated on how minority ethnic defendants and witnesses experienced their treatment, as compared with white defendants and witnesses. It raises the question of the extent to which those members of ethnic minorities who felt they were not treated fairly and with equal respect by the criminal courts believed that this was due to discriminatory treatment based on their race, colour or culture.

As we said, the study on which this monograph is based was carried out by the Oxford Center for Criminology in association with the University of Birmingham for the Lord Chancellor's Department (now the Department for Constitutional Affairs). The first fruits were published as a report by the Lord Chancellor's Department: Roger Hood, Stephen Shute and Florence Seemungal, *Ethnic Minorities in the Criminal Courts: Perceptions of Fairness and Equality of treatment*. With the Department's support, that report has been transformed into this monograph in the hope that the findings will reach a wider audience. In undertaking the transformation, the authors have tried to place the research in the broader context of the concerns that have been expressed over the last fifteen years or so about the treatment of minority ethnic people by the English Criminal Courts. The authors have also rearranged the ordering and presentation of the findings and augmented the text in various ways. This book involved observations of cases and interviews with more than a thousand people (defendants, witnesses, barristers, solicitors,

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judges, magistrates and others), and focused on courts in Manchester, Birmingham and London. This book consists of eleven chapters.

A Fair Hearing? Ethnic minorities in the criminal courts begins by showing how widely the belief has been held that ethnic minorities are discriminated against by the courts and by other agencies in the English Criminal Justice System and discusses the factors that have contributed to this belief, especially the large over-representation of black people in prison. Therefore, this study is concerned primarily with the views of minority ethnic defendants in both the Crown Court and Magistrates' Courts. But these are not, of course, the only persons who have experience of the criminal courts, nor the only persons who have a perspective on how courts respond to ethnic minorities who appear before them. For this reason, the authors also canvassed views (although on a smaller scale) from witnesses, court staff, lawyers and legal representatives, magistrates, district judges, recorders and circuit judges. The scope of the questions put to them will become apparent when the authors discuss their responses later in the monograph.

The main part of this book then looks at the institutional setting in which the research took place, the experience of defendants and witnesses, their views of how they were treated by the criminal courts of England, and the views of others involved in the court process. So, the authors begin the analysis of the findings of this research by describing in chapter three the institutional settings of, and 'ethnic balance' in, the criminal courts in which the study was carried out, as well as the main characteristics and prior experiences of the courts of the defendants who were interviewed. Chapter four, the heart of the study, reports on the defendants' and witnesses' perceptions of their treatment at the hands of both the crown court and the magistrates' courts. It attempts to assess the incidence of perceived unfairness and to identify how often and in what ways the treatment – both the procedures and the decision-making – accorded to those interviewed had been regarded as racially biased. In chapters five and six the authors explore the extent to which defendants and witnesses generally had confidence that the criminal courts would treat them or others in a fair and unbiased way and the extent to which their views had changed as a result of their recent experience. Chapters seven and eight look at the question of how fairness towards ethnic minorities is perceived by those who administer or have a professional role in the criminal courts – court staff, lawyers, judges and magistrates. The authors also explore attitudes towards 'ethnic awareness' training. Chapter nine discusses the experience of witnesses. Chapter ten examines how far attitudes and behaviour towards ethnic minorities are perceived to have changed over time and identifies a 'cultural shift' towards the elimination of behaviours which might give rise to perceived racial bias in the criminal courts. The views of all parties on what still needs to be done to improve the confidence of ethnic minorities in the criminal courts are presented in chapter eleven. This chapter draws together the findings, discusses their implications, and suggests some ways in which the system might be improved so as to reduce yet further the number of cases in which minority ethnic defendants perceive themselves to have been unfairly treated simply because they are from an ethnic minority. So, final chapters in this book address the issue of sensitivity to ethnicity on the part of judges, magistrates and lawyers. They show that attitudes and practices are perceived to have changed for the better but conclude that more needs to be done to increase the confidence that members of ethnic minorities have in the fairness of the English Criminal Courts.

'A Fair Hearing? Ethnic minorities in the criminal courts', is a well informed and well argued book that should be welcomed as a substantial contribution to scholarship on English Criminal Justice System. This book ought to be an extremely useful resource for anyone engaged in the study of Criminal Courts of England.

Today's observers and scholars of English Criminal Justice System are awaiting this kind of publication. They are interested in understanding new information to their studies. The conceptual framework and arguments in this monograph present windows of opportunity and challenges that await those readers.

Overall, this book is an informative, important, interactive and stimulating from the perspective of the English Criminal Justice System. It lays the foundations for future scholarly inquiry into unanswered questions and emerging ones. Scholars, advocates and law students should buy this book.