

Smaller, but tougher

How the criminal justice system is processing young adults

by Liat Tuv



CENTRE FOR CRIME
AND JUSTICE STUDIES

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Transition to Adulthood

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Executive summary

The last 15 years has seen a sharp decline in the number of young adults (18-24) going through the courts. It is beyond the scope of this briefing to offer explanations for this decrease in numbers of young adults in court. Rather, the purpose of this briefing is to highlight disparities within this downward trend according to gender and ethnicity.

The number of young adults in court for more serious offences (defined here as indictable or triable either way) has decreased by 65 per cent over the last 15 years. The number of young adults sent to prison for those offences has decreased by 60 per cent over that same time period. Meanwhile, the number of young adults remanded in custody at Crown Court has decreased by 33 per cent.

While the numbers have declined, those young adults who are prosecuted have been increasingly:

- More likely to be remanded
- Less likely to get a community sentence
- More likely to get a prison sentence (and go to prison for longer)

There are significant differences between young men and young women, which have sharpened over time.

- Far more young men than women are prosecuted and convicted
- Young men are more likely to be remanded and more likely to get a prison sentence

However, young women are more likely to be remanded for offences that did not ultimately lead to a prison sentence. Seen another way, in March 2025, over half of the young women (aged 18-20) in prison were there on remand while under half of the young men (aged 18-20) in prison were there on remand.

Ethnic disparities have also sharpened over time as the number of White young adults prosecuted has decreased at a faster rate than for other groups.

In the aggregate sentencing data, a smaller percentage of sentenced White young adults have been sent to prison than any other ethnic group and a larger percentage of sentenced White young adults have received community sentences than any other group.

We know from statistical studies that ethnic disparities in sentencing narrow when controlling for a number of factors (including offence, plea, etc). However, this data on sentencing outcomes does not tell us about all the cumulative points of disparity up to that point, throughout the system and beyond it, which could lead to large disparities and disproportionality in the aggregate data.

Striking disparities raise questions for further research when considering both ethnicity and gender together. However, meaningful comparisons between men and women of different ethnicities is hard to do based on the aggregate data and is further complicated by the decreasing amount of ethnicity data recorded.

Background

This briefing takes as its starting point that the number of young adults (defined here as those aged 18-24) going through the courts has been decreasing over the last 15 years. It is beyond the scope of this briefing to offer explanations for the decrease in numbers of young adults proceeded against, although it is worth noting that court proceedings for all ages have decreased in the same time period. Rather, the purpose of this briefing is to highlight disparities within this downward trend according to gender and ethnicity. The analysis takes its cue from the findings of two important policy reviews in these domains; the 2007 Corston Report and the 2017 Lammy Review.

In 2007, the Corston Report showed that, as a small minority within a criminal justice system that is designed for men, women's outcomes and experiences need to be understood in their own terms. This is an important context to consider when analysing the disparities in outcomes for men and women. The establishment of a Women's Justice Board this year has refocused conversations around the concerns and recommendations raised in the Corston Report (see, for example, Delap and Hogarth, 2025). Indeed, the Lord Chancellor cited the 'landmark [Corston] review' when announcing the plan for a Women's Justice Board at the 2024 Labour conference (Syal, 2024). It would be appropriate then to review the data on young women in the criminal justice system with Corston's Report in mind.

In 2017, the Lammy Review highlighted disparities between White and 'Black, Asian and minority ethnic (BAME)' groups across the criminal justice system. In 2022, a report from Sheffield and Manchester Universities found that, while the number of young adult court appearances had greatly decreased over the preceding decade, there was a disparity between the trends for White and 'non-White' young adults (Hartman and Hughes, 2022). This disparity appears to suggest that some of the ethnic disparities and inequalities identified in the 2017 Lammy Review remain.

Finally, the Independent Sentencing Review, which published its report last month, and the Sentencing Council's new guideline on the imposition of custody and community sentences in April (now paused) have both sparked wider discussions about the sentencing of women and ethnic minorities. In particular, these discussions have highlighted ongoing tensions between efforts to address disparities in the justice system and the principle of equal treatment under the law. Within this context it is important to establish both the limits of what aggregate data can tell us about disparity and, as in the Lammy Review, to contextualize these findings within a broader picture of disproportionality across the entire criminal justice system.

This briefing will look at trends by gender and ethnicity in turn before addressing the data limitations to analysing the intersection of both.

A quick note about the data

The analysis in this briefing is based predominantly on aggregate data published quarterly by the Ministry of Justice. The data were collected primarily for administrative purposes. The aggregate nature of the data limits possibilities for statistical analysis that could control for factors or explore causal links. Where possible, this briefing will refer to recent studies that have been able to conduct more in-depth analyses based on richer datasets to provide better context for our findings.

The trends discussed in this report draw from tables of data on 2010-2016 and 2017-2024. Due to work undertaken by the Ministry of Justice between May 2023 and January 2024, data from 2017 onwards has been updated while data from 2016 and before has not (because the methodology required digitized data) (Ministry of Justice, 2025a). It is worth noting, however, that the technical notes indicate the largest changes are for specific offences and outcomes. As this report looks at aggregate results for all offences, the general trend is not greatly affected by the changes for specific offences.

In regards to court-related data, this briefing focuses on offences that were indictable or triable either way. We chose to focus on these offences in court because it is known that ethnicity is more likely to be recorded in these cases. Even then, the ethnicity data for young adults in court have appeared to become less complete. 'Unknown' accounted for about seven per cent of the young adults proceeded against in 2010 and rose to account for about 37 per cent in 2024. When calculating trends or outcomes by ethnicity in this briefing we have ignored the 'unknown' category. However, to calculate rates per the general population in this briefing we have had to assume that the distribution of ethnicities across the 'unknown' category is the same as amongst the knowns. It is worth noting that, if ethnic minorities are more represented within the 'unknown' category, then disproportionalities may be larger than we have noted. Due to the decreasing amount of ethnicity data (and the decreasing number of young adults) we decided to analyse ethnicity data based on the broad five categories (Asian, Black, Mixed, White and Other). This broad focus ensured that we had enough data to analyse but does also mean we miss potential disparities within and between these categories (for example, the specific outcomes for Romany, Gypsy and Irish Traveller groups get lost within the broader White group).¹

¹ Research has shown, for example, that Romany, Gypsy and Traveller groups have been over-represented in prison (HM Inspectorate of Prisons, 2014) and have lower levels of trust in the police than other groups (Realities Checked, 2023).

The general trend for all young adults

The number of young adults in court for more serious offences (defined here as indictable or triable either way) has decreased by 65 per cent over the last 15 years and the number of young adults sent to prison for those offences has decreased by 60 per cent over that same time period. Meanwhile, the number of young adults remanded in custody at Crown Court has decreased by 33 per cent.

Further research and data analysis would be needed to explain why the numbers of young adults in the criminal justice system are decreasing. A list of potential questions for further research, raised in the process of preparing this briefing, will be presented at its conclusion below. For the purposes of this briefing, it is worth noting the context in which the total number of individuals proceeded against for more serious offences has decreased. The number of adults (aged 25 and over) prosecuted for these more serious offences has decreased by 20 per cent (decreasing from 251,182 in 2010 to 201,977 in 2024).

The numbers of young adults held on remand and sentenced to immediate custody have decreased, but not as rapidly as the number of those prosecuted. While we only looked at remand status of young adults at Crown Court, we know from a 2021 report that the number of young adults remanded in custody has fallen less sharply than the number of young adults sentenced to immediate custody (Allen, 2021). The fact that these custodial numbers are decreasing at a slower rate than numbers prosecuted suggests that there has been a change in outcomes for those in the criminal justice system.

Although we found that fewer young adults are going through the courts, those that do find themselves in court for more serious offences have been increasingly more likely to be remanded in custody and to receive custodial sentences, and less likely to receive community sentences. A recent report (Borysik, 2024) found that the decrease in use of community sentences has been particularly stark for 'revolving door offences' (non-violent offences, including theft, summary non-motoring and some drug offences).

The data we analysed also showed that average custodial lengths have been increasing over the last 15 years. It is beyond the scope of this briefing to explain why these rates of remand and custody are increasing for young adults in the criminal justice system. However, we do know that the percentage of adults over 25 remanded in custody at Crown Court have increased for the same offences (rising from 42 per cent in 2012 to 53 per cent in 2024) and, while the average length of remand is not published, one report (Snell, 2023) has found evidence that remand length has increased for all adults going through the Magistrates' courts.

We also know that custody rate and custody length have been increasing for all ages. For example, in 2023, the Sentencing Academy analysed sentencing trends in the preceding decade and found that the use of custody and the average custodial sentence length have both risen considerably for indictable only and triable either way offences combined (Pina-Sánchez *et al.*, 2023). More recently, the Independent Sentencing Review identified a trend of sentence inflation, noting the increasing prison population over twenty five years corresponds with legislative and policy changes (Independent Sentencing Review, 2025a)

Table 1: General sentencing trends

All young adults (18-24)	
Prosecuted	Down 65 per cent 2010: 126,510 2024: 43,843
Sentenced	Down 67 per cent 2010: 101,249 2024: 33,522
Community sentences	Down 75 per cent 2010: 28,542 (28 per cent of sentences) 2024: 7,210 (22 per cent of sentences)
Immediate custodial sentences	Down 60 per cent 2010: 25,218 (25 per cent of sentences) 2024: 10,064 (30 per cent of sentences)
Average custodial sentence length	2010: 16.3 months 2024: 24.5 months

According to NOMIS mid-year population estimates, the population of young adults only decreased by about 2.4 per cent between 2010 and 2023 so all these decreases are also large in relative terms.

Table 2: General remand trend

All young adults (18-24)	
Defendants at Crown Court	Down 41 per cent 2012: 32,875 2024: 19,291
Remanded in custody at Crown Court	Down 33 per cent 2012: 14,400 (44 per cent of defendants) 2024: 9,663 (50 per cent of defendants)

According to NOMIS mid-year population estimates, the population of young adults only decreased by about 2.4 per cent between 2010 and 2023 so all these decreases are also large in relative terms.

Gender disparity remains

Young women make up a small percentage of the young adults in the criminal justice system (just as women in general make up a small percentage of all adults in the criminal justice system). There is an obvious disparity between men and women here because there are many more young men in the system. However, because of the magnitude of that disparity, any broad patterns and trends skew to telling us the male story and we miss some of the particularities of young women's experiences and outcomes. In 2007, the Corston Report showed how women are "marginalised within a [criminal justice] system largely designed by men for men" (Corston, 2007: 2). Women are a minority in the system, but that is precisely why their court outcomes can be inappropriate. As the Corston Report notes, women in custody are more likely to be imprisoned further away from home and family and more likely to lose their home and children as a result, all while female offenders are less likely to pose a risk to the public.

Overall, the data show that there are fewer young women in the system than young men, and they are seemingly less likely to receive custodial sentences, and that disparity in sentencing appears to be increasing as well. These conclusions are based on aggregate data, where a number of potential factors could be at play, such as there being a different proportion of very serious offences among young men and women or different case characteristics. However, it is worth noting for context that similar disparities have been found among adults in general in thorough statistical studies. For example, Pina-Sánchez and Harris (2020) found that male offenders (in general, not focused on young adults) were more likely to be given custodial sentences than female offenders even after controlling for most case characteristics, including mitigating factors such as 'caring responsibilities', and the odds ratios of receiving a custodial sentence were largest for assault, burglary and drugs offences. Another recent study found that men were more likely than women to receive an immediate custodial sentence for robbery and theft offences (Chen *et al.*, 2023).

While it appears then that young women have had better court outcomes than young men in remands and sentencing, the picture is a bit more complicated when we consider the relationship between the remand data and sentence data together.

Between 2012 and 2024, young women were more likely than young men to be remanded in custody at Crown Court for offences that they did not then receive custodial sentences for. On average, only 56 per cent of young women (aged 18-24) who had a custodial remand status at Crown Court went on to be sentenced to immediate custody (making up 65 per cent of all those young women that were sentenced). Meanwhile, in that same time period, on average, 75 per cent of young men (aged 18-24) who had been remanded in custody at Crown Court went on to receive custodial sentences (making up 84 per cent of those sentenced).

Women are also more likely than men to be in prison without a prison sentence. This can be seen in the Ministry of Justice's most recent offender management statistics. In March 2025 about 20 per cent of men (of all ages) in prison were on remand, while about 26 per cent of women (of all ages) in prison were on remand. The difference is a little greater between the genders at the ages of 18 to 20. In this age group, about 42 per cent of young men in prison were on remand, and about 57 per cent of young women in prison were on remand. That is, more than half of the young women (aged 18-20) in prison at the end of March 2025 either had not yet been tried or had not yet received a sentence.

The Corston Report recommended that “women unlikely to receive a custodial sentence should not be remanded in custody” (Corston 2007: 9) based on the finding that some sentencers were not taking sufficient account of whether the alleged offence was imprisonable. The data examined for this report appears to indicate that young women are still more likely than young men to be remanded in custody in cases where a custodial sentence was ultimately less likely.

In her opening remarks to the first meeting of the Women’s Justice Board, the Lord Chancellor said that “[f]or most women, prison isn’t working. We are sending too many women to prison. We are sending the wrong women to prison.” (Ministry of Justice, 2025b). Given this focus, it is all the more important to question why young women appear more likely than young men to be held on remand for offences that did not ultimately result in custodial sentences.

Table 3: Sentencing trends by gender

	Male (18-24)	Female (18-24)
Prosecuted	Down 65 per cent 2010: 110,984 2024: 39,216	Down 70 per cent 2010: 15,526 2024: 4,627
Sentenced	Down 66 per cent 2010: 89,137 2024: 30,018	Down 71 per cent 2010: 12,112 2024: 3,504
Community sentences	Down 75 per cent 2010: 24,495 (27 per cent of sentences) 2024: 6,023 (20 per cent of sentences)	Down 71 per cent 2010: 4,047 (33 per cent of sentences) 2024: 1,187 (34 per cent of sentences)
Immediate custodial sentences	Down 59 per cent 2010: 23,570 (26 per cent of sentences) 2024: 9,688 (32 per cent of sentences)	Down 77 per cent 2010: 1,648 (14 per cent of sentences) 2024: 376 (11 per cent of sentences)
Average custodial sentence length	2010: 16.7 months 2024: 24.8 months	2010: 10.4 months 2024: 17.3 months

Table 4: Remand trends by gender

	Male (18-24)	Female (18-24)
Defendants at Crown Court	Down 40 per cent 2012: 30,131 2024: 18,103	Down 57 per cent 2012: 2,744 2024: 1,188
Remanded in custody at Crown Court	Down 32 per cent 2012: 13,731 (46 per cent of defendants) 2024: 9,362 (52 per cent of defendants)	Down 49 per cent 2012: 669 (24 per cent of defendants) 2024: 301 (25 per cent of defendants)
Sent to prison after being Remanded in custody at Crown Court	Down 38 per cent 2012: 10,543 (77 per cent of those remanded) 2024: 6,570 (70 per cent of those remanded)	Down 63 per cent 2012: 406 (61 per cent of those remanded) 2024: 149 (50 per cent of those remanded)

Ethnic disparity remains

The Lammy Review found a disproportionate percentage of 'Black, Asian and minority ethnic (BAME)' groups in the criminal justice system. The data from 2023 appears to show that this is still the case. While the Lammy review focused on disproportionate representation of BAME and unequal outcomes, it acknowledged that there were significant differences between groups within that category. As a particular example, the review pointed to the over-representation of Black adults and children in custody, with the over-representation being particularly pronounced for children. The data from the Ministry of Justice *Ethnicity and the Criminal Justice System* reports appears to show that this over-representation has persisted since 2017.

According to data from the Ministry of Justice *Ethnicity and the Criminal Justice System* reports, in June 2016, Black young adults (aged 18-24) made up about 18 per cent of the young adult prison population. By June 2022, young Black adults made up about 20.6 per cent of the young adult prison population (Ministry of Justice, 2022). Although this increase was almost in line with an increase in the general population – Black young adults rose from just under four per cent to just over five per cent of the young adult population in that time – it shows that the disparity has not changed even as overall numbers have decreased.

The over-representation is observable much earlier in the criminal justice system, as ethnic minorities (Black young adults in particular) are disproportionately proceeded against. Hartman and Hughes found that the disparity between White and 'non-White' groups in court appearances had grown by 2020 so that 'non-White' young adults were appearing in court at 1.7 times the rate that White young adults were (Hartman and Hughes, 2022). That is, the number of 'non-White' young adults appearing in court was a greater percentage of the general 'non-White' young adult population than was the case for White young adults. We calculated that this disparity was even more pronounced for Black young adults, who were appearing in court at over three times the rate (per population) that White young adults were that year for the more serious offences.

Although our analysis did not look at stages in the criminal justice system before prosecution, recent reports suggest that there are disparities at the charging stage. In 2023, the Crown Prosecution Service (CPS) shared findings from a Leeds University study that showed ethnic minority defendants are significantly more likely to be charged for a comparable offence than White British defendants (Crown Prosecution Service, 2023). More recently, and following further research, the Director of Public Prosecutions made a statement apologizing for "racial disparities in our legal decision-making" and outlined changes the CPS would make to address these disparities (Crown Prosecution Service, 2024).

Disparities are also observable in other outcomes throughout the criminal justice system. Ethnic minority groups at Crown Court appear more likely to be held on remand. Based on aggregate data across both Crown and Magistrate's courts, it also appears that ethnic minorities sentenced for more serious offences were less likely to be given community sentences, more likely to be given custodial sentences, and those with custodial sentences appeared to get longer sentences on average. As these observations are based on aggregate data, they do not take into account potential factors that could shift averages or rates, such as severity of the offence or type of plea. Statistical studies have shown that disparities in average sentence length broadly flatten out when taking some of these factors into account. The case is different for custody rate disparities, which do remain when taking other

factors into account, even if these disparities are smaller than in the aggregate and, as recent research suggests, are most pronounced for drug offences (Pina-Sánchez *et al.*, 2025).

In 2017, the Lammy Review offered one potential factor influencing custody rate disparities. Based on data from 2014/15, “BAME defendants were consistently more likely than White defendants to plead not guilty in court,” when a guilty plea could have resulted in community punishment rather than a custodial sentence (Lammy, 2017: 25). The Lammy review connects these plea decisions to issues of distrust in the criminal justice system, and a similar issue of distrust is also more recently noted in the 2023 Casey review.

As the Lammy Review noted, “many of the causes of BAME overrepresentation lie outside the [criminal justice system], as do the answers to it” (Lammy, 2017: 4). While we have just looked at aggregate data, and could not control for causal factors, recent studies have found a clear disparity in outcomes even when accounting for numerous potential causal factors, including type of plea. For example, a recent statistical analysis of Crown Court records found that, after controlling for defendant case and court factors, ethnic disparities in custodial sentences persist (Lympelopoulou, 2024). Meanwhile, a 2022 study found that, for offences that could potentially be dealt with using a community-based sentence instead of immediate custody, White adults (of all ages) generally had a higher average number of previous convictions before receiving a custodial sentence, when compared to other groups (Sorsby, 2022).

A qualitative study in 2022 identified two causes of disparity in sentencing: firstly the “differential consideration of mitigating and aggravating factors” and secondly, “indirect discrimination arising from defendants’ socio-economic backgrounds and over-policing” (Veiga, Pina-Sánchez and Lewis, 2022). On the first point, an in-depth statistical analysis of judges’ sentencing decisions (Guilfoyle and Pina-Sánchez, 2025) found that certain, more subjective, aspects of the decision-making process (like identifying remorse) were more biased in favour of White individuals.

As noted in the Lammy review, disproportionality occurs throughout and beyond the criminal justice system so a focus only on sentence outcomes would not give a full or proper picture of ethnic disparity and its causes. However, a focus on decision-making within the criminal justice system, particularly one that controls for potential outside factors, is a useful illustration that there is something to examine or reform within the system itself.

Table 5: Sentencing trends by Ethnicity

	Asian young adults (18-24)	Black young adults (18-24)	Mixed young adults (18-24)	Other (young adults (18-24)	White young adults (18-24)
Community sentence rate	2010: 23 per cent (1,196 of 5,211) 2024: 18 per cent (292 of 1,667)	2010: 21 per cent (1,710 of 8,062) 2024: 15 per cent (351 of 2,345)	2010: 25 per cent (928 of 3,724) 2024: 18 per cent (220 of 1,213)	2010: 21 per cent (208 of 995) 2024: 16 per cent (70 of 428)	2010: 30 per cent (22,683 of 75,752) 2024: 24 per cent (3,902 of 15,981)
Custody rate	2010: 29 per cent (1,533 of 5,211) 2024: 33 per cent (549 of 1,667)	2010: 29 per cent (2,335 of 8,062) 2024: 37 per cent (860 of 2,345)	2010: 25 per cent (931 of 3,724) 2024: 34 per cent (418 of 1,213)	2010: 31 per cent (310 of 995) 2024: 38 per cent (162 of 428)	2010: 24 per cent (17,914 of 75,752) 2024: 28 per cent (4,433 of 15,981)

Table 6: Prosecution trends by ethnicity

	Ethnic minority (18-24)	White (18-24)
Prosecuted	Down 69 per cent 2010: 23,450 2024: 7,349	Down 78 per cent 2010: 94,142 2024: 20,280
Sentenced	Down 69 per cent 2010: 17,992 2024: 5,653	Down 79 per cent 2010: 75,752 2024: 15,981

While the table above does not take into account the rate per population we have calculated this separately. Like Hartman and Hughes, our estimates of prosecutions as a rate per population show that, up to 2020, the relative number of young White adults prosecuted also decreased more than for ethnic minorities (specifically Asian and Black young adults), with the rate of young White adults prosecuted decreasing by about 70 per cent while the rate of Asian and Black young adults prosecuted decreased by about 52 per cent and 56 per cent respectively. This difference appears to narrow in the last three years but it is unclear whether or how this has been impacted by the growing number of 'unknown' ethnicity data recorded.

Table 7: Remand trends by ethnicity

	Ethnic minority	White
Defendants at Crown Court	Down 53 per cent 2012: 8,159 2024: 3,798	Down 64 per cent 2012: 22,215 2024: 8,013
Remanded in custody at Crown Court	Down 47 per cent 2012: 3,992 (49 per cent of defendants) 2024: 2,113 (56 per cent of defendants)	Down 58 per cent 2012: 9,182 (41 per cent of defendants) 2024: 3,889 (49 per cent of defendants)

Data limitations in telling an intersectional story

So far in this briefing we have looked at gender and ethnic disparity separately. While this approach reveals a number of well-known disparities (as indicated by the Corston and Lammy reviews), it does not fully reveal some important nuances. Particularly, the extent of the over-representation of young adult ethnic minority men and the unique experiences and outcomes of young adult ethnic minority women. While there is enough data for us to analyse the male ethnicity data, the female ethnicity data is much more difficult due to the very small population of women in the criminal justice system.

Men make up the vast majority of the prison population so when we analyse the data by ethnicity alone we are really looking at proportions across male groups. In the last section we noted that, in 2022, young Black adults made up 20.6 per cent of the young adult prison population while only making up about 5.2 per cent of the general young adult population. In the same year, young Black men made up about 20.4 per cent of the young adult prison population, but were only around 2.6 per cent of the general young adult population. Looking at the data this way highlights how acute the disproportionate representation of young Black men is in particular. At the same time it does not appropriately show the disparity between young women across ethnicity. Young Black women made up 0.2 per cent of the young adult prison population while making up 2.6 per cent of the general young adult population, but our calculations show that the rate of young Black women in prison was about two times that of young White women in 2022.

The Corston Report gave the example of the over-representation of ethnic minority women within the women's prison population to illustrate the point that, while women are a minority group within the criminal justice system, there are even smaller minority groups among them that have their own specific needs and problems (Corston, 2007: 27). This disparity between women reflects disparities that exist between ethnic groups in general but, as mentioned before, any general trend we see in the data is more likely to tell us about the trend of the male population. In some cases it is only possible to present the general picture. For example, the Lammy Report presented data about the ethnic disparity in guilty pleas between ethnicities but, in the case of young people, it could only form a conclusion about the male data because there were not enough female cases to review (Lammy, 2017: 26).

Studies on gender disparities (e.g. Pina-Sánchez and Harris, 2020) have also found that there are challenges in comparing outcomes across the intersection of gender and ethnicity. One challenge to analysing outcomes by gender and ethnicity is that the population size of young ethnic minority women is so small it is often hard to draw conclusions from aggregate data. In the court data, this small size is exacerbated by the increasingly incomplete ethnicity data. As mentioned above, 'unknown' accounted for about seven per cent of the young adults being proceeded against in 2010 and rose to account for about 37 per cent in 2024.² It is unclear why the 'unknown' category has grown but it should be noted that one of the recommendations of the 2017 Lammy review was that the Ministry of Justice and criminal justice system agencies should publish all datasets held on ethnicity (while protecting individual privacy) and that the quality of these datasets should be improved with every Race Disparity Audit.

2 According to the Ministry of Justice technical guide in May 2025, "after a considerable programme of work, a substantial improvement in the data has been noted in the recording of ethnicity for indictable offences" (Ministry of Justice, 2025: 9) but data is still missing for summary offences. Notes within the Outcomes by Offence tool outline that "the 'not stated' category includes all others for whom ethnicity information is not available, either because they have chosen not to state their ethnicity or because no information has been recorded."

In most cases the disparity between gender appears much greater than that between ethnicity but the difficulty in finding enough data to analyse the intersection means we may miss potential outcomes where that is not the case. In 2010, the average sentence length for young Black women was 17.2 months, by 2024 it was 22.3 months. Meanwhile, for young White men, the average sentence length in 2010 was 15 months, rising to 20.7 months in 2024. The average custody length across that time period was 21.4 months for young Black women and 19.3 months for young White men. It appears then that young Black women are receiving longer sentences than those given to White men, which stands in contrast to the general disparity between young men and women (in which young adult men are on average sentenced to 1.5 times the sentence length of young adult women).

We cannot draw firm conclusions from this data for two main reasons. Firstly, it is hard to establish representative averages from such small populations. Secondly, we cannot control for potential influencing factors such as seriousness of offence (to test the possibility that one group were being sentenced for offences that carry longer sentences than the other).

Regarding that first point, the average sentence length for young Black women is drawn from a much smaller population than that of young White men, which means it is more likely to be skewed by outliers. For example, only 15 young Black women were sentenced to immediate custody for more serious offences in 2022 and the average sentence length jumped up to 40.9 months. It does, however, appear that the median sentence length of young Black women was higher than that of young White men in at least seven of the last 15 years, and medians are less affected by outliers.³

Regarding the second point, our analysis is based on aggregate data and it is not certain whether the disparity would be as clear once other individual and case characteristics are controlled for. For context, in a recent thorough statistical study of Magistrates and Crown Court data, Lymperopoulou (2024) found that after controlling for case, court, and individual characteristics (including gender), there was little disparity in sentence lengths between White British and other ethnic groups. However, the study noted the exception of Pakistani, Bangladeshi and Black Caribbean groups, who did appear to receive longer sentences than the White British group (Lymperopoulou, 2024: 1198). We cannot assume that the differences between young women of different ethnicities (or between young women and men of different ethnicities) follow the same pattern as those between different ethnicities in general, but it is important to note the effect that controlling for case and court characteristics can have.

The caveats around representative averages and potential influencing factors do not necessarily mean that we should discount the finding that young Black women appear to be receiving longer sentence lengths than young White men. Rather it highlights the need for better data to be able explain this disparity in line with the Lammy Review's recommendation to 'explain or reform'.

³ Medians were calculated by arranging the Ministry of Justice (2025) Outcomes by Offence pivot tables for December 2024 by sex, ethnicity and sentence length, and calculating where the halfway point of sentenced young people would be.

Reflections & Questions

Why has the criminal justice system appeared to concentrate, with an increasingly smaller number of young adults (18-24) receiving harsher sentences?

The numbers of young adults in the criminal justice system are falling but there are increasing rates of remand and custody and falling rates of community sentences. These sentencing trends appear to be occurring within a general context of increasing custody rates (and sentence lengths).

The recent Independent Sentencing Review addresses some causes of this general trend and notes that its recommendation for alternatives to immediate custody — particularly extending the upper limit for suspend sentence and expanding the use of deferred sentences — would be particularly relevant to young adult offenders (Independent Sentencing Review, 2025b: 148). However, the Review also suggests that the Government should consider how sentencing can be tailored to young adults (*ibid.*). Such consideration could benefit from an analysis of sentencing trends specifically for young adults.

Why are young women still more likely than young men to be remanded in custody for offences that did not result in custodial sentences?

Given that the Women's Justice Board referred to the Corston Report, it may be worth the board further examining Corston's observations on the proportion of women remanded in custody for cases that do not result in a custodial sentence, which remains higher than that for men (at least within the young adult data analysed for this briefing).

Why have ethnic disparities continued and what are the disparities at the intersection of gender and ethnicity?

Within the trends we have observed, the disparities noted by the Corston Report in 2007 and Lammy Review in 2017 appear to continue and, in some cases, increase. However, we have found it difficult to analyse and understand the experience of, and outcomes for, ethnic minority women from the published aggregate data alone. The disparity we did find, and the challenges in analysing it, calls for more robust reporting on ethnicity data as recommended in the 2017 Lammy Review and further analysis on the effects that both gender and ethnicity have on young adult outcomes in the criminal justice system.

Notes on the Data Analysis

To gather data on remands, prosecutions, and sentence outcomes, we used the following sources from the *December 2024 Quarterly Criminal Justice Statistics* (Ministry of Justice, 2025c):

- *Overall Volumes and Sentence Outcomes* pivot tables in the “Outcomes by Offence” files
- *Crown Court* pivot table in the “Remand Tool” files

We used the following filters:

- Age range: 18-20 and 21-24
- Offence type: Indictable and Triable either way

All data were viewed by calendar year. When we refer to averages across the time period it is an average of the numbers, rates, or averages, displayed for each year rather than filtering the pivot table to show all data in one column.

The “Remand Tool” shows the most serious remand status a defendant had at any point while at Crown Court.

The prison population data in relation to gender and percentage of prisoners on remand is taken from the 31 March prison population file in the Ministry of Justice’s *Offender management statistics quarterly: October to December 2024* (Ministry of Justice, 2025d). Meanwhile the prison population data by ethnicity is a combination of data from the *Ethnicity and the Criminal Justice system* reports from 2022 and 2020 and the *Race and the Criminal Justice System* reports from 2016 and 2014.

To calculate percentages of ethnicities in the general young adult population, we used census data from 2011 and 2021 – as linked to in figure 9 within the Office of National Statistics (ONS) article on “Ethnic group by age and sex, England and Wales: Census 2021” (Office of National Statistics, 2023) – and projected the percentages as a steady increase between those two dates.

To calculate rates per population we used a combination of the census data mentioned above and the mid-year population estimates published by the ONS and available through NOMIS.

For example, to estimate and compare numbers of young adults prosecuted as a rate of the general population we divided the number of young adults prosecuted by the mid-year population estimate of young adults that year. We also assumed that the ‘unknown’ ethnicity category in the prosecutions data would be representatively distributed among ethnicities so, to calculate how many young adults from each of the five broad ethnic groups were prosecuted, we took the number recorded and added the respective proportion of the ‘unknown’ category. To estimate the number of young adults from each of the five broad ethnic groups there were in the general population we applied the percentage distributions based on the 2021 census (around 12, five, four, three, and 76 per cent for Asian, Black, Mixed, Other, and White young adults respectively) to the mid-year population estimate. Based on these calculations, in 2020, the number of young Black adults prosecuted was just under three per cent of the number of young Black adults in the general population (6,880 out of 256,174) and young White adults were under one per cent of the number young White adults. Therefore, young Black adults were about three times more represented in the prosecution numbers than young White adults.

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