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Young adults in court: shrinking numbers and increasing disparities

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SUMMARY OF FINDINGS

- In England and Wales, the rate of court appearances among young adults (aged 18–24) has dropped by 76% over recent years, from 32.2 court appearances per thousand young adults in 2007–08 to 7.8 per thousand in 2018–19. The reduction in rates among those over 24 has been far less pronounced and only apparent in the last two years.
- The drop in rates of court appearances among young adults is evident in all offence categories, but particularly apparent in relation to theft, burglary, violence, sexual offences and criminal damage (all down more than 75%). Drug offences have overtaken theft as the most common offence type among young adults appearing in court.
- While the rate of custodial sentences among young adults has fallen by 40%, the rate of immediate custodial sentences in this age range remains twice as high as for those over 24, and is now more than 12 times higher than for those who are under 18.
- The reduction in rates of both court appearances and custodial sentences are greatest among ‘white’ young adults. As a result, ‘non-white’ young adults are now appearing in court and being sentenced to immediate custody at 1.7 times the rate of ‘white’ young adults.
- There is significant geographical variation in the rates of court appearances among young adults, ranging from 8.4 to 23.1 appearances per thousand in 2017–18, a differential of 2.75 times.

RECOMMENDATIONS

- To enable improved data collection and analysis, the Ministry of Justice must:
 - Make accessible individual-level data on age, ethnicity, sociodemographic characteristics, sentencing histories, and geographic location;
 - Ensure ethnicity is consistently and robustly monitored;
 - Analyse local court data to better understand geographical variation in practices.
- In response to the evidence presented here, policymakers and professionals must:
 - Address the disadvantage faced by young adults of minority ethnic origin in relation to the use of court procedures;
 - Seek explanation from localities in which rates of court appearances among young adults are out of kilter with the national trends;
 - Understand and address the disproportionately high rates of immediate custodial sentences among young adults.

BACKGROUND

As illustrated in Figure 1, the 'age-crime curve' - ubiquitously reported in studies across many temporal, geographical, social and cultural contexts - indicates a steep rise to a peak rate of criminality among those in the late teenage years,

followed by an abrupt decline among those in their early twenties. Young adulthood – defined here as the ages of 18 to 24 - is therefore a key period of life for engaging in criminal behaviour, as well as for desisting from that behaviour.

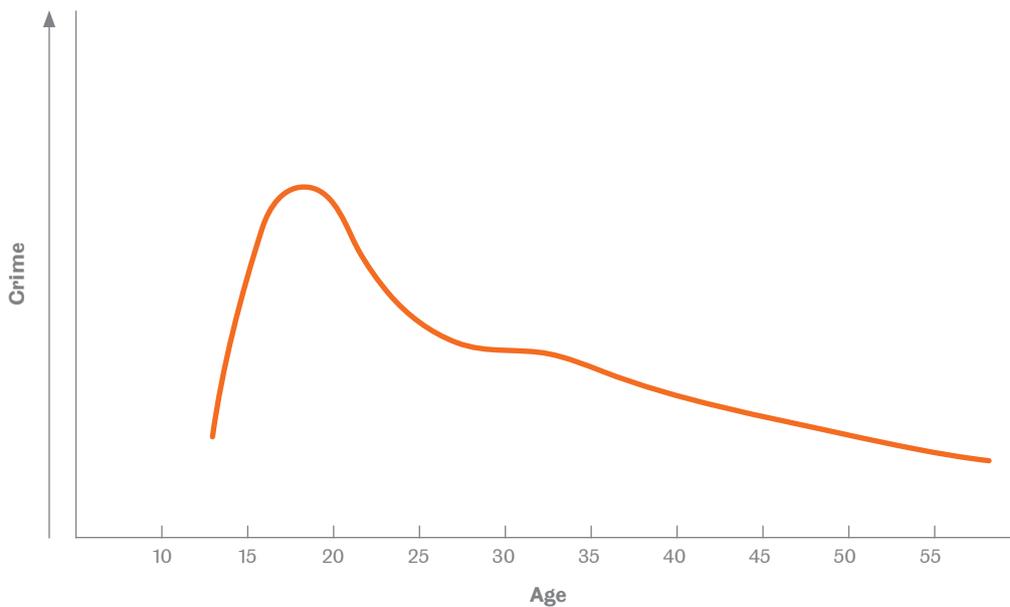


Figure 1. An illustrative example of the typical 'age-crime curve'

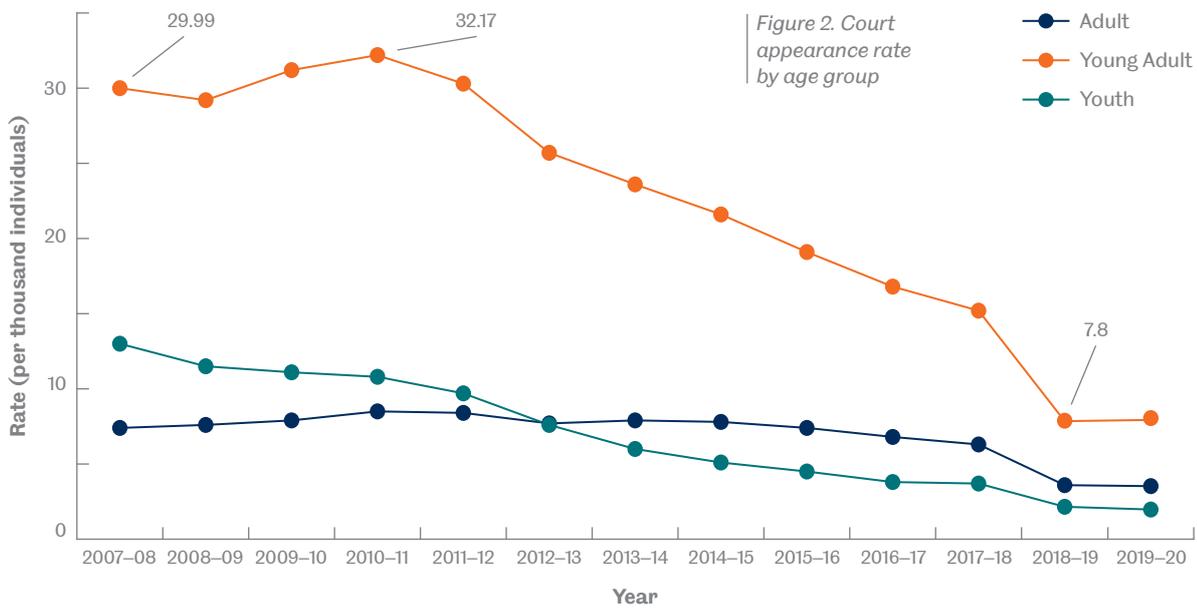
It is long-established that young adults are significantly overrepresented in the criminal justice system in England and Wales. The House of Commons Justice Committee¹ reported that, despite representing just 10 per cent of the population, those aged 18–24 account for 30 to 40 per cent of probation service caseloads and prison entrants each year. Whilst statistics recently published by the Ministry of Justice² have indicated that the number of young adults in prison or serving a community sentence has fallen by more than a third since 2011, this still suggests an over-representation.

To make sense of these trends, we have analysed court appearance data over a 13-year period, from 2007–08 to 2019–20³, as published annually by the Ministry of Justice. In the discussion that follows, we compare patterns in rates of appearances by age group, with consideration to variation by geographical area, ethnicity, and gender, and to offence type and sentencing outcome. Further details of our research and methodology is provided on the back page of this report.

YOUNG ADULT COURT APPEARANCE RATES IN DECLINE

According to Ministry of Justice data, in 2007–08, young adults accounted for 150,950 court appearances in England and Wales. This number peaked at 167,126 appearances in 2010–11, before steadily falling to a low of 39,677 appearances in 2018–19, a decline of 76.3%. In the same period, the

overall number of court appearances for all age groups has fallen by 64.1%, with a peak of 554,003 in 2010–11 to 198,741 in 2018–19. The reduction in numbers of young adults appearing in court in England and Wales is therefore notably greater than in the population as a whole.



As shown in Figure 2, the peak rate of 32.2 court appearances per thousand young adults in the population of England and Wales in 2010–11, drops by 76% to 7.8 per thousand in 2018–19.

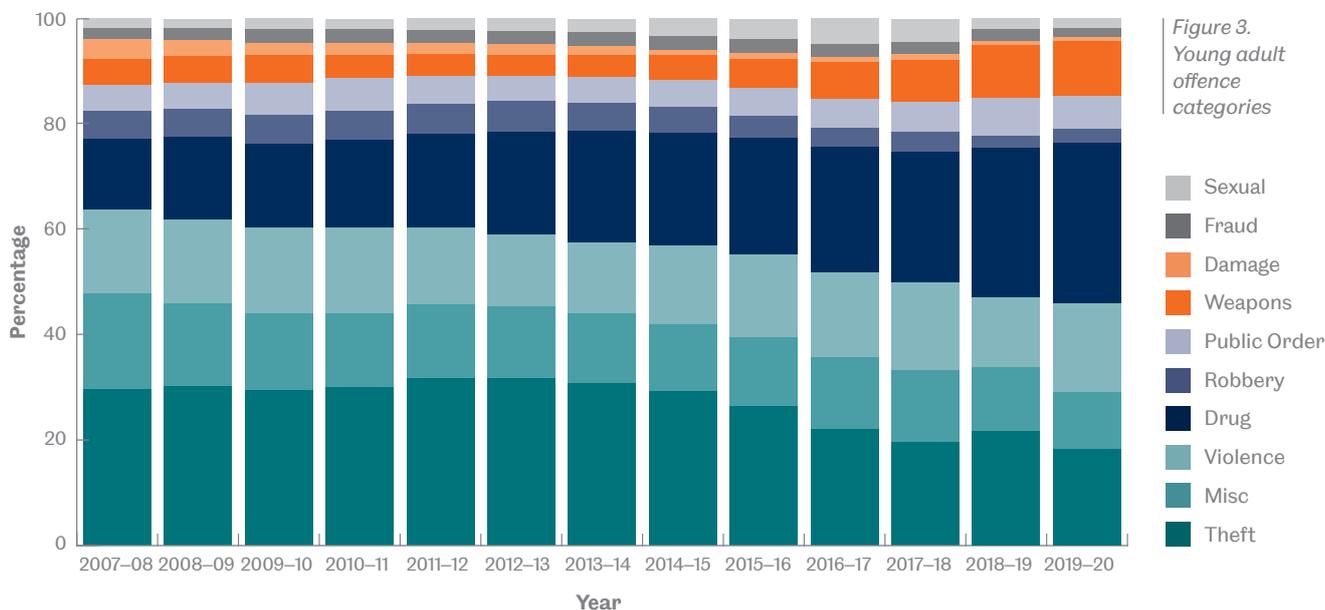
A similar downward trend is apparent in the use of court proceedings for those under 18, as has been well documented elsewhere⁴. Since 2007–08, the rate of court appearances has dropped from 13 per thousand young people under 18 to just under 2 per thousand; a reduction of over 85%.

The rate for those over 24 had been steadier over this period, until a significant drop in 2018–19, when rates fell by over 40% in one year. Comparison here is difficult though, as the population includes large numbers of older people who are far less likely to appear in court. Indeed, one of the limitations in the Ministry of Justice data is the inability to further break down the adult population, so as to compare trends for young adults with those in other age bands, particularly from 25 to 35.



Since 2007–08, the rate of court appearances has dropped from 32.2 per thousand young adults to 7.8 per thousand; a reduction of over 75%.

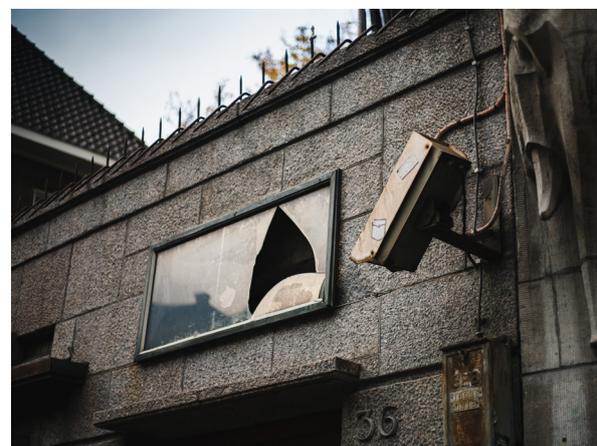
A CHANGING PROFILE OF OFFENCES

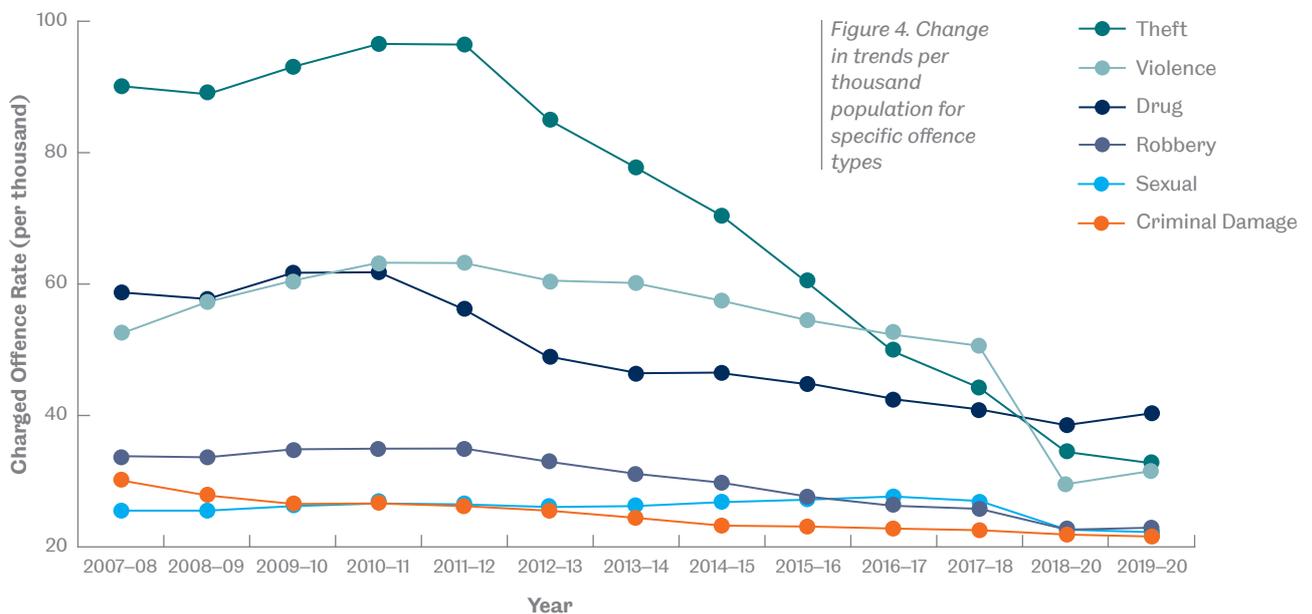


The data reveals a changing profile in the offences for which young adults are appearing in court. Between 2007–08 and 2015–16, theft was the most common offence category, accounting for around 30% of appearances until a substantial decline after 2013–14. This decline is mirrored in rates of appearances for theft-related offences, which have reduced from a high point of 96.4 per thousand young adults in the population in 2010–11 to 14.6 per thousand in 2019–20 – a drop of 85%. Over this period, a reduction of more than 75% in the court appearance rates is also apparent regarding burglary, violent offences, sexual offences and criminal damage.

In 2016–17, drug-related offences became the most common category for court appearances among young adults, accounting for only 13.4% in 2006–07, but 24.9% in 2016–17 and 30.6% in 2019–20. Nonetheless, rates of court appearance for drug-related offences have declined from a peak of 54 per thousand young adults in 2010–11 to 24.4 in 2019–20.

Since 2016–17, drug-related offences have been the most common category for court appearances among young adults, accounting for only 13.4% in 2006–07, but 30.6% in 2019–20.





To understand whether such trends are age related, it is useful to consider change in the proportion of different offence categories that are accounted for by young adults. Whereas, between 2007–08 and 2013–14, young adults used to account for more than 30% of court appearances for violent offences, in 2019–20 they accounted for under 20%. Similarly, until 2012–13, young adults accounted for more than 20% of appearances for theft, in 2019–20 that proportion was less than 13%. In contrast, despite a rise in the proportion of offences that are drug-related in this age group, young adults have consistently accounted for 32–34% of offences of this type.

The broad categories revealed in this data disguise the seriousness of the offences within each category with which people are being charged; further analysis is needed in order to understand whether, for example, it is a low gravity category of theft that is no longer being processed through the court system, or indeed how such offences are being dealt with differently, if this is the case. The trends in the use of custodial sentences described below suggest that it is not as simple as less serious offences being diverted from court.

Between 2007–08 and 2009–10, young adults used to account for more than 30% of court appearances for violent offences; in 2019–20 they accounted for just under 20%.

A STARK IMPACT ON SENTENCING

While comparable data is only available from 2007–08 to 2017–18, during this period the conviction rate remains between 59.9% and 62.5%. So, whilst we see a drop in the conviction rate per thousand young adults from 19.8 in 2011–12 to 9.1 in 2017–18, it is clear that this is a result of the drop in court appearances, not the way in which courts are dealing with young adults.

In 2009–10, 23,751 young adults were sentenced to immediate custody. This number has subsequently decreased in every year, with 12,689 young adults sentenced to immediate custody in 2017–18. This is equivalent to a drop from rates between 4.7 and 4.9 per thousand young adults sentenced to immediate custody between 2007–08 and 2011–12 to a rate of 2.53 per thousand in 2019–20.

This represents a near 50% drop in the rate of young adults sentenced to custody over this period. This is also reflected in the proportion of immediate custodial sentences that are accounted for by young adults, from over 30% between 2007–08 and 2010–11, to less than 20% in 2019–20. Nonetheless, the rate of immediate custodial sentence for young adults remains twice as high as for those over 24, and has risen to more than 12 times higher than for those who are under 18. It therefore appears as though young adults are at greater risk of custodial intervention; however, further information on individuals and their offences and offending history is needed before any firm explanation for these trends can be offered.



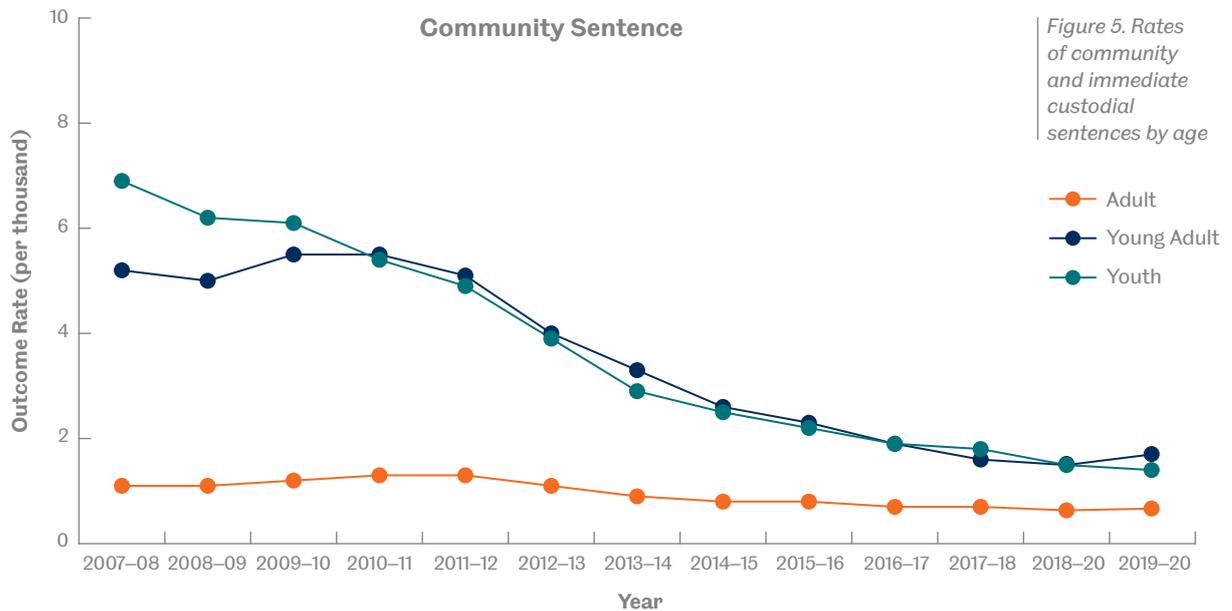
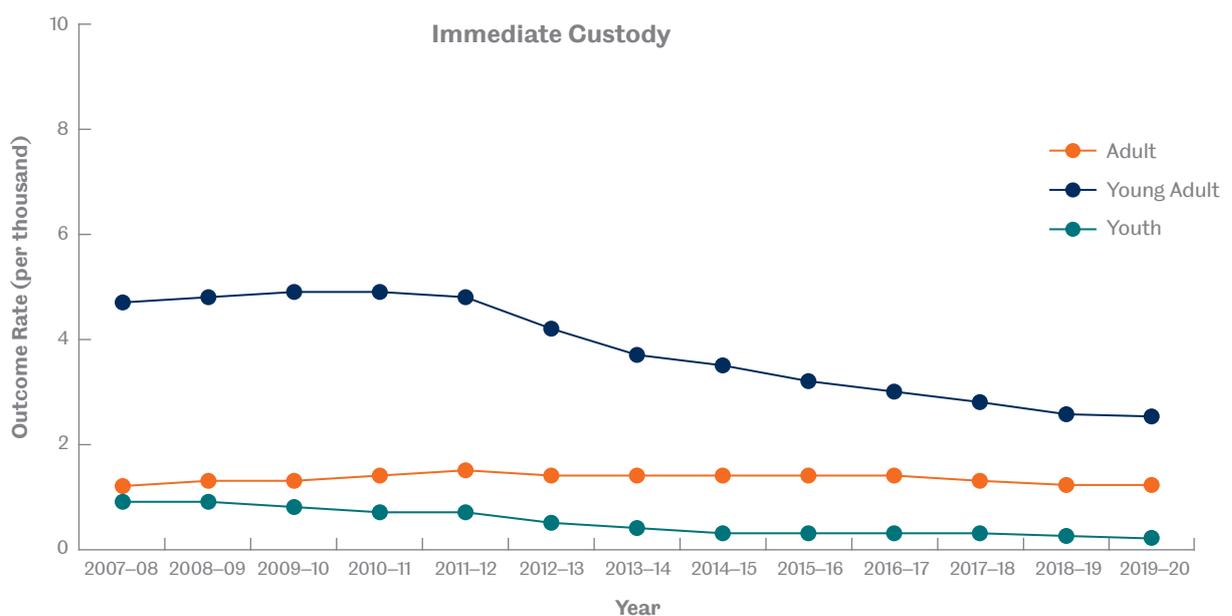


Figure 5. Rates of community and immediate custodial sentences by age



The use of community sentences for young adults shows an even greater rate of decline. Between 2007-08 and 2011-12, the rate per thousand young adults given community sentences ranged from 5 to 5.5, followed by a consistent and steep decline to a rate of 1.5 per thousand in 2018-19, before an increase to 1.6 the following year.

This decline has been in near perfect symmetry to that of under 18s. Unlike in relation to custodial sentencing, there is a much less dramatic drop in the proportion of community sentences accounted for by young adults – from 24.9% in 2007-08 to 18.7% in 2019-20.

INCREASING DISPARITIES BY GENDER AND ETHNICITY

In any given year, males account for around 90% of young adult court appearances. The trends in court appearances for young adults as a whole are therefore unsurprisingly mirrored among young adult men. A peak of 147,461 court appearances by young adult men 2010–11, at a rate of 28.4 court appearances per thousand, was reduced to 69,897 appearances in 2017–18, at a rate of 13.7 per thousand, and then further to 35,637, at a rate of 7 per thousand the year after. This is a reduction of over 75%.

In contrast the number of court appearances for young adult women have ranged from 19,030 in 2010–11 to 3,757 in 2019–20, corresponding to a peak rate of 3.7 court appearances per thousand and of 0.7 in the most recent figures. This is a reduction in this rate of 81%. The difference between rates by gender is such that young adult men are now 9.5 times more likely to appear in court, having been 7.7 times more likely in 2010–11. This suggests that, despite relatively low numbers, young adult women have been particularly affected by the changing trends in the use of court procedures.

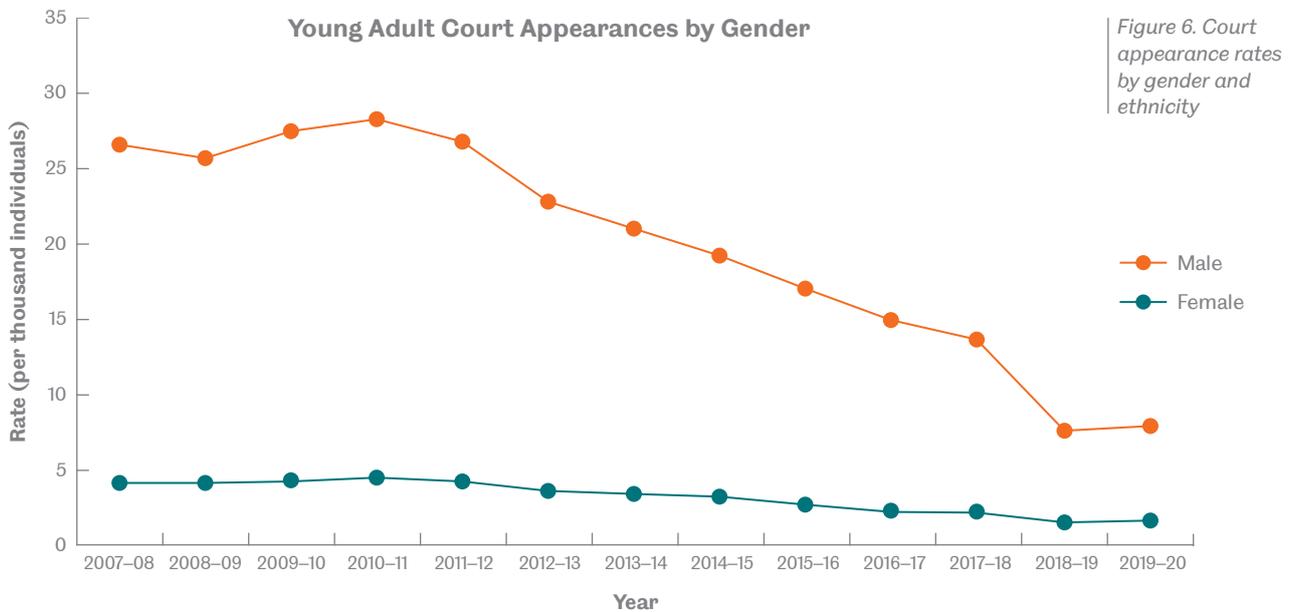
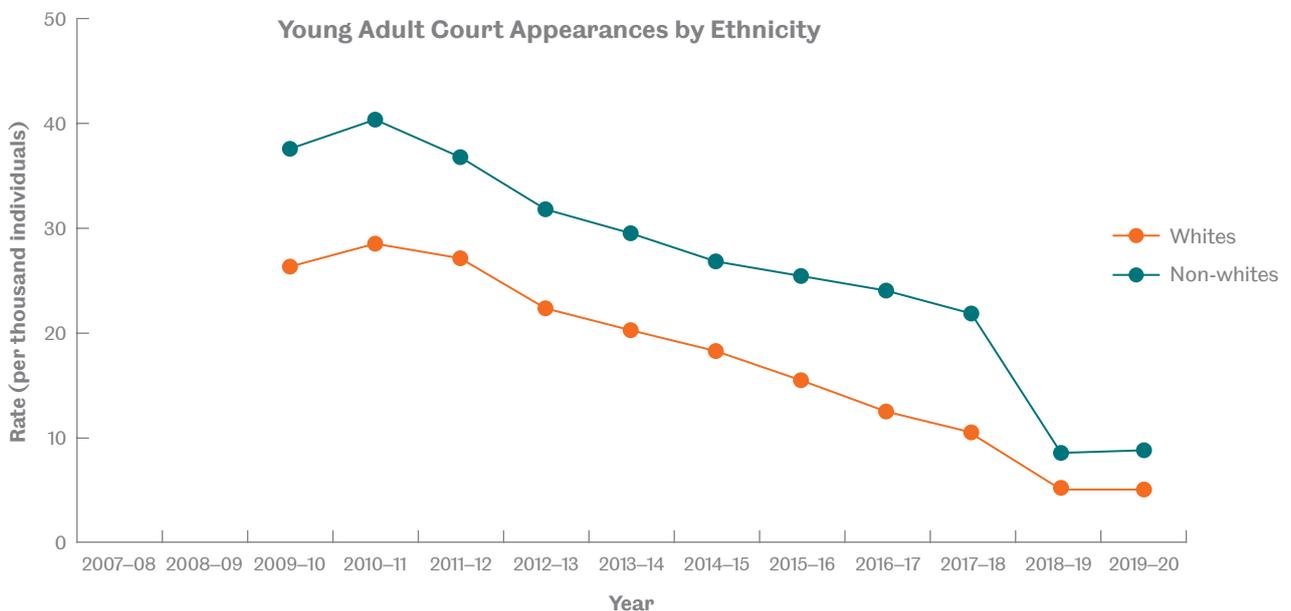


Figure 6. Court appearance rates by gender and ethnicity

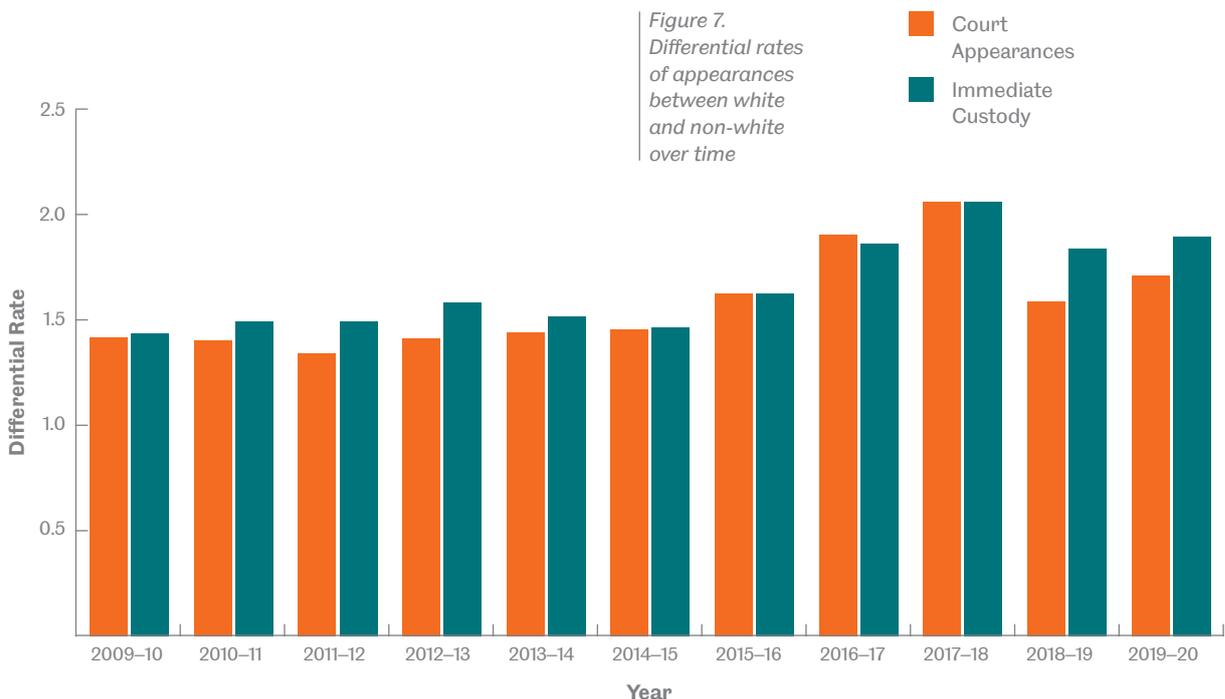


Accurate data regarding ethnicity is far less straightforward to ascertain. No data on ethnicity is reported by the Ministry of Justice until 2009–10, and, with a lack of annual data, the population size of each ethnic group is necessarily estimated year to year.⁵ Given these concerns, we reluctantly limit our analyses to ‘white’ and ‘non-white’ categories, and offer these figures as estimates. Nonetheless a clear narrative is apparent.

Once again, a peak rate of court appearances occurred in 2010–11. In this year, there were an estimated 28.6 court appearances per thousand ‘white’ young adults, compared to approximately 40.5 court appearances per thousand ‘non-white’ young adults. As such, ‘non-white’ young adults were 1.4 times more likely to appear in court than ‘white’ young adults. By 2017–18, the rate for ‘white’ young adults had dropped to 10.5 court appearances per thousand – a reduction of 63.2%. This compares to a rate of 21.9 court appearances per thousand among ‘non-white’ young adults. The reduction in this rate was therefore much less for ‘non-white’ young adults, at 45.9%; the differential between the two categories has consequently

grown, with ‘non-white’ young adults now more than twice as likely to appear in court than ‘white’ young adults. This discrepancy has been addressed somewhat in the last two years. The rates now stand at 5.2 per thousand for ‘white’ young adults and 8.9 for ‘non-white’ young adults; however, this is still a discrepancy of 1.7 times, and therefore greater than pre-2015–16 levels. In contrast, among adults over 24 the differential in rates of court appearances between ethnic groups has been reduced from 1.9 to 1.3 over the same period.

Discrepancies by ethnicity are also apparent in relation to the use of custodial sentences. For ‘non-white’ young adults, rates of sentencing to immediate custody have reduced from a high of 6.4 per thousand in 2011–12 to 3 in 2019–20 – a drop of 53%. However, rates for ‘white’ young adults have fallen faster: a drop of 62%, from 4.2 in 2011–12 to 1.6 in 2019–20. This means the differential between the categories has grown over that period, such that in 2019–20 ‘non-whites’ were sentenced to immediate custody at 1.9 times the rate of ‘white’ young adults, whereas the differential was around 1.5 times prior to 2011–12.



GEOGRAPHICAL VARIATION

The trends reported above all relate to England and Wales as a whole. However, the following chart shows that rates of court appearances are far from uniform nationally. Court appearance data is reported by Police Force Area – though this data is unavailable after 2017–18. While such areas clearly include a significant number of courts, and have

within them areas with very different profiles of crime and sociodemographics, the chart serves to illustrate the geographical variation in both the recent rates of court appearances among young adults and in the degree of reduction in rates over the last ten years.

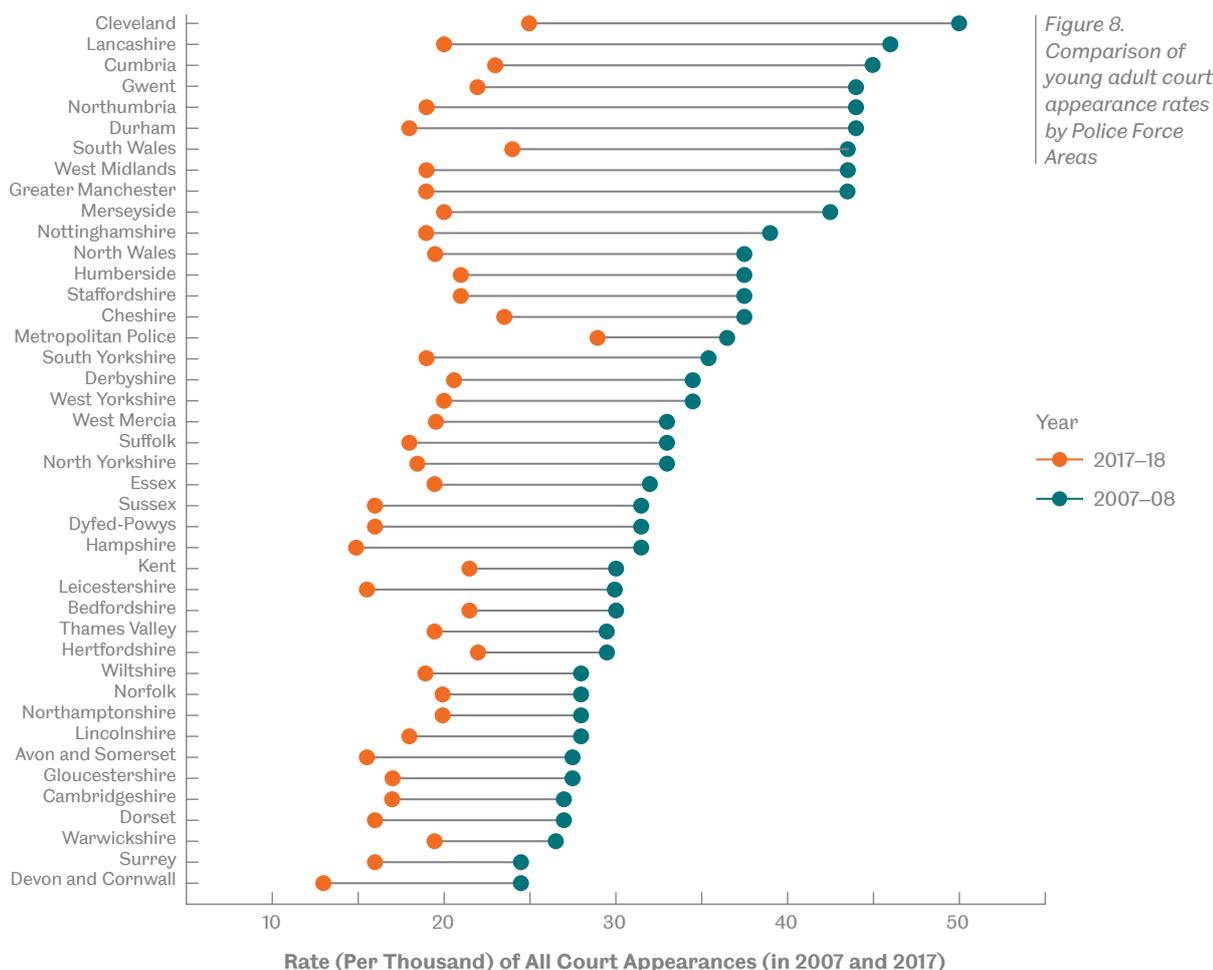


Figure 8. Comparison of young adult court appearance rates by Police Force Areas

The chart is ordered by the rates of court appearances among young adults in 2007–08. These rates range from 19.3 per thousand in Devon and Cornwall to 44.7 per thousand in Cleveland. Reduction in rates in police force areas over this period range from 25% to 62%. This results in rates of court appearance per thousand young adults in 2017–18 of between 8.4 in Devon and Cornwall to 23.1 in the area covered by the Metropolitan Police. Perhaps unsurprisingly, we see the greatest

reduction in rates in those areas with the highest rates in 2007–08. In contrast, the relatively small reduction seen in the Metropolitan Police Force Area leads London to have the highest rate of court appearances among young adults. This warrants further analysis, based on a greater depth of understanding of individual cases, including exploring the extent to which this is explained by or explains the differential in outcomes by ethnicity.

WAYS FORWARD

An analysis of administrative data over a thirteen-year period offers several key insights into trends in the use of court procedures against those aged 18 to 24 in England and Wales by highlighting the significant overall drop in use of court appearances, but demonstrating the growing disparities between ethnic groups and geographical areas. Furthermore, despite significant reductions, the

rate of immediate custodial sentences for young adults remains twice as high as for those over 24, and is now more than 12 times higher than for those who are under 18. These insights provide points of reflection for the Ministry of Justice in further developing data collection and analysis, and for policymakers and professionals who can influence the operation of the criminal justice system.

It is imperative that policy makers and professionals understand why the number of court appearances among young adults is decreasing so significantly. Several possible explanations warrant further consideration:

- Recent analysis of the Crime Survey for England and Wales suggests that crime has been broadly stable during the period in which we have analysed court appearance data, though with increases in some crime types and decreases in others⁷. It does not appear therefore that a drop in crime is the cause of a drop in overall court appearances. Such analyses are not available by age group, however, and consideration to this might help explain some of the differences we observe here.
- It is not clear whether the reduction is part of a deliberate policy to reduce the use of formal criminal justice procedures, for example, through proscribed changes in the decision-making of either police officers or prosecutors. Of course, there has been significant focus on the potential impact of austerity and the reduction in the number of police officers nationally, and this warrants further modelling.
- However, this would not sufficiently explain the differential impact on young adults. It is therefore also critical to understand how

substantial reductions in the number of under 18s being processed by the youth justice system are impacting upon criminal justice engagement among young adults. This could be achieved through an historical analysis of the trajectories of individual young people criminalised in their youth, with regard to particular crime types and severity. The hypothesis would be that criminal justice system engagement is criminogenic for young people, increasing the risk of sustaining their involvement in criminal behaviour into adulthood.

It is imperative that policy makers and professionals also understand any implications the reduction in the number of court appearances has for the level of crime in society, and therefore for decisions regarding policy and resourcing. Given the evidence that crime rates are not increasing, in the very least, a reduction in the use of formal criminal justice procedures does not appear to equate to an increase in offending. However, analyses of particular crime types would be informative here, including a focus on more serious and violent crimes.

To enable improved data collection and analysis, the Ministry of Justice must:

- Make accessible to researchers and data analysts the detailed individual-level data on offences and sentencing histories needed to model the interplay between sociodemographic characteristics, geographic variation, and offence categories, so as to explain the trends presented here;
- Enable examination of the particular impact of recent trends in reducing the use of formal criminal procedures among under 18s on rates of criminal justice system engagement in the adult population;
- Provide more detailed age-related information in publically available data, so that trends for 18 to 24 year olds can be compared to other specific age bands, including those aged 25 to 34, rather than simply to a broad and generic 'over 25s' category;
- Ensure data on the ethnicity of people appearing in court is consistently and robustly monitored, so that trends can be accurately identified for specific minority ethnic groups, including Gypsy Roma Traveller communities, and extend such monitoring to other sociodemographic characteristics known to be vulnerable to criminal justice intervention, including care leavers;
- Provide consistent and comparable local court data to allow understanding of geographical variation, and to ascertain whether apparent variation in police force areas is better explained by more localised practices.

In response to the evidence presented here, policymakers and professionals must:

- Understand and address explanations for the apparent higher rates of custodial sentences for young adults, with particular consideration to varied experiences of young adults and those over 24, and between those under 18 and those who are marginally older, yet subject to an adult justice system;
- Understand and address the significant disadvantage faced by young adults of minority ethnic origin in relation to the use of court procedures and custodial sentences;
- Seek explanation from police forces and police and crime commissioners, and local courts in which rates of court appearances among young adults are significantly above or below the national average, or significantly out of kilter with the national trends in declining rates.

RESEARCH

The results presented here are based on analysis, led by Prof Todd Hartman, of court data published by the Ministry of Justice on the United Kingdom Government public sector information website, www.gov.uk. The data covers all court appearances in England and Wales, and is published annually, covering the previous period April 1st to March 31st. The raw data for the pivot tables were disaggregated using a weighted count variable, which means that individuals cannot be identified.

Rates per thousand individuals were calculated for each age category by year using population estimates from the Office of National Statistics (ONS) Population Estimates Unit retrieved from Nomis. Population estimates for ethnic groups was calculated using the Annual Population Survey.

The data and R code for the study is available here: <https://github.com/tkhartman/young-adults-uk-courts>

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The views and results presented here are those of the authors and not necessarily those of the University of Sheffield, University of Manchester, the Barrow Cadbury Trust or the Transition to Adulthood Alliance.

FOOTNOTES

1. <https://publications.parliament.uk/pa/cm201617/cmselect/cmjust/169/169.pdf>
2. <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-january-to-march-2017>
3. Full data and script files are available here: <https://github.com/tkhartman/young-adults-uk-courts>. Data from 2020–21 is not included due to limitations in comparing this data to previous years given the effects of the global pandemic and related ‘lockdowns’ on the operation of criminal justice systems.
4. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/774866/youth_justice_statistics_bulletin_2017_2018.pdf
5. Annual population estimates for ethnicity by age are not published by the Office for National Statistics, and so are calculated using population estimates from the Annual Population Survey (<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/methodologies/annualpopulationsurveyapsqmi>). This survey is limited to those over 16 years of age, and requires further estimates of the distribution within the age band 16–19 in order to calculate young adult population sizes.
6. We are unable to provide comparable rates for those under 18 due to a lack of population statistics, but this is discussed elsewhere: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/774866/youth_justice_statistics_bulletin_2017_2018.pdf
7. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingmarch2019>



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