Report

Racial Disparity in Women's Diversion from the Criminal Justice System

Centre for Justice Innovation

Executive Summary

Context

This report sets out initial findings from a scoping exercise into racial disparity in women's diversion from the criminal justice system commissioned by the Centre for Justice Innovation and undertaken by Russell Webster as part of a programme of work funded by the JABBS Foundation for Women and Girls.

The Lammy Report[1] published in 2017 confirmed the existence of racial disproportionality at every stage and process in the criminal justice system. However, the official data about women's diversion and ethnicity was not easily accessible nor collated in one place. This study set out to rectify this situation.

Data limitations

The study identified several significant limitations in the availability and comparability of the data. While data on women and ethnicity was available for arrests, stop and searches and cautions, it was not available for community resolutions, which is the most common form of diversion disposal. We were able to address this gap via a Freedom of Information (FOI) request which was completed by 35 out of the 43 police forces in England and Wales.

Additionally, the information on ethnicity did not appear to be robust because the processes and categories used to define ethnicity were not consistently applied across police force areas. For some data, ethnicity was defined by the detaining police officer; for others it was reported to be self-defined. Most ethnicity data is recorded only at a high level (White, Black, Asian, Mixed and Other), treating each as a single, homogenous group and inevitably concealing the variation within them.

Key findings

- The stop and search rate for Black women was 3.7 per 1,000 population, compared with 2.0 for White women. Black women are therefore 1.9 times *more* likely to be stopped and searched than White women.
- Black women received approximately 24 community resolutions per 1,000 arrests, compared with 45 per 1,000 arrests among White British women. Black women are therefore 1.9 times *less* likely to be given a community resolution than White British women.
- 43% of Black women were held in custody following arrest, compared with 36% of White women. Black women are therefore 1.2 times *more* likely to be held in police custody after arrest than White women.
- 20% of Black women were remanded in custody at magistrates' court, compared with 15% of White women. Black women are therefore 1.3 times *more* likely to be remanded in custody at magistrates' court than White women.

1 D. Lammy (2017). The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System. Ministry of Justice.

A review of the limited literature, alongside a small number of practitioner interviews, identified several provisional components of effective practice. These included gender-responsive approaches from the police; diversion workers whose backgrounds and ethnicity reflect the communities they work with; wider availability of women-specific diversion schemes; and engagement conditions that are proportionate, with the option to continue support after the out-of-court resolution (OOCR) ends.

Overall, it is clear from the data that there exists quantifiable racial discrimination at each stage of the processes involved in the detention, arrest, case disposal and prosecution of women who come into contact with the criminal justice system. It is, therefore, likely that women who experience differential treatment at one stage face compounding disadvantage as they move through further stages of the criminal justice system.

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Introduction

This report brings together, for the first time, the range of official data that exists on racial disparity in women's diversion from the criminal justice system, supplemented by new data secured through an FOI request and an initial review of the limited literature and practice in this area. It sets out what is currently known, where the gaps remain and what further work is needed to build a fuller picture.

This report is structured as follows: Section 1 covers the extent of public information about racial disparity in women's diversion; Section 2 presents the results of a Freedom of Information (FOI) inquiry into the ethnicity of women issued community resolutions by police forces in England and Wales in 2024/25; and Section 3 discusses initial suggestions of good practice from the limited literature and a small number of practitioner interviews.

Current knowledge

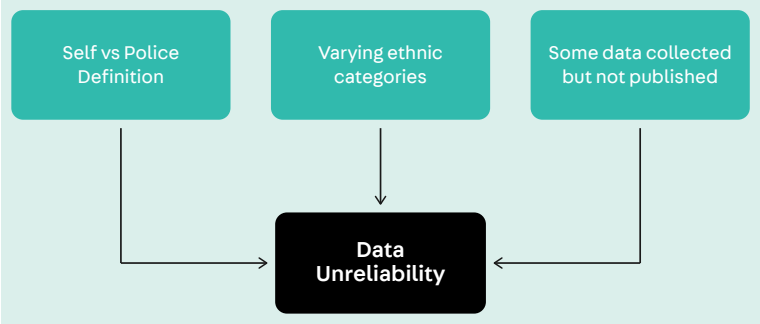
Available data: limitations and comparability

A review was undertaken of publicly available datasets to assess what could be established about women's diversion and ethnicity. Data investigated included:

- Stop and search summary data tables
- Police, powers and procedures data
- Arrest data (including offence groups)
- Police custody and pre-charge bail statistics
- Criminal Justice Statistics Quarterly data on out-of-court resolutions (OOCRs)

The review identified several significant limitations in the availability and comparability of the data. While data on women and ethnicity was available for arrests, stop and search and cautions, it was not available for community resolutions, which is the most common form of diversion disposal. In the year ending March 2026, there were 226,647 OOCRs issued, which represents an increase of 5% when compared with the previous year. This rise is due to the continued increase in the use of community resolutions - with 185,570 issued in the year ending March 2026 (a 10% increase when compared with the previous year), the highest number ever recorded and accounting for 82% of all OOCRs issued[2].

Because data relating to OOCRs and ethnicity was not otherwise available, we submitted an FOI request to all police forces in England and Wales to collect it directly (see Section 2 for full details). Within these available datasets, the information on ethnicity did not appear to be robust because the processes and categories used to define ethnicity were not consistently applied across police force areas. For some data, ethnicity was defined by the detaining police officer; for others it was reported to be self-defined. Most ethnicity data is recorded only at a high level (White, Black, Asian, Mixed and Other), treating each as a single, homogenous group and inevitably concealing the variation within them.



Confusingly, government statistics sometimes use different ethnic definitions even when they are based on the same primary dataset.

In summary, there is not a unified publicly available dataset which presents all arrests, charges and other outcomes with the ethnicity of those arrested and charged. Therefore, the review was only able to identify partial data at different stages in the processing of women who are arrested.

What the data shows

This section sets out the available data at each of these stages in turn: stop and search, cautions, community resolutions and remand.

2 Ministry of Justice (2026). Criminal Justice Statistics quarterly: March 2026. published 30 July 2026.

Stop and search

Home Office stop and search summary data tables for 2024/25[3] provide data by sex and (high-level) ethnicity, although the categories of "mixed" and "other" are combined. Table 1 shows that while racial disparity is not as pronounced for women as it is for men, significant disparities still exist. Looking at the rates of stop and search per 1,000 people in the relevant population[4], Black women are almost twice as likely as White women (1.9 times) to be stopped and searched. While Asian men are more likely to be stopped and searched than their White counterparts, Asian women are less likely.

Table 1: Stop and Search (2024/25)

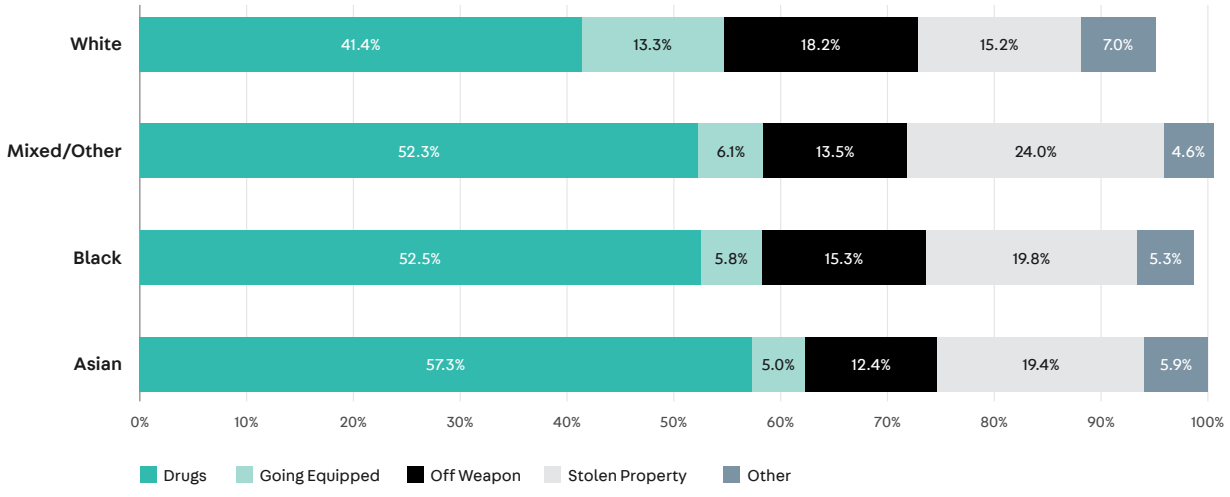
Ethnicity	Total Numbers		Rate Per 1,000	
	Male	Female	Male	Female
White	269,727	48,463	11.3	2.0
Mixed/Other	30,170	2,857	20.4	1.9
Black	66,899	4,661	58.6	3.7
Asian	50,890	2,476	18.8	0.9

Reasons for stop and search

By accessing the full open data tables of the same dataset, it is possible to compare the recorded grounds for stop and search among women from different ethnic groups. Chart 2 shows the breakdown of the four most common reasons: drugs, stolen property, offensive weapons and going equipped. The "other" category includes: firearms, criminal damage, anticipation of violence as well as the official category of "other".

White women are less likely to be stopped and searched for drugs than their counterparts from other ethnic groups and more likely to be stopped and searched for going equipped and offensive weapons.

Chart 2: Grounds for stop and search of women by recorded ethnic group (2024/25)



3 Home Office (2025). Stop and search, arrests and mental health detentions: year ending March 2025.

4 Ethnicity Facts and Figures service (2024). Population of England and Wales, by ethnicity, May 2024 update.

Outcomes from stop and search

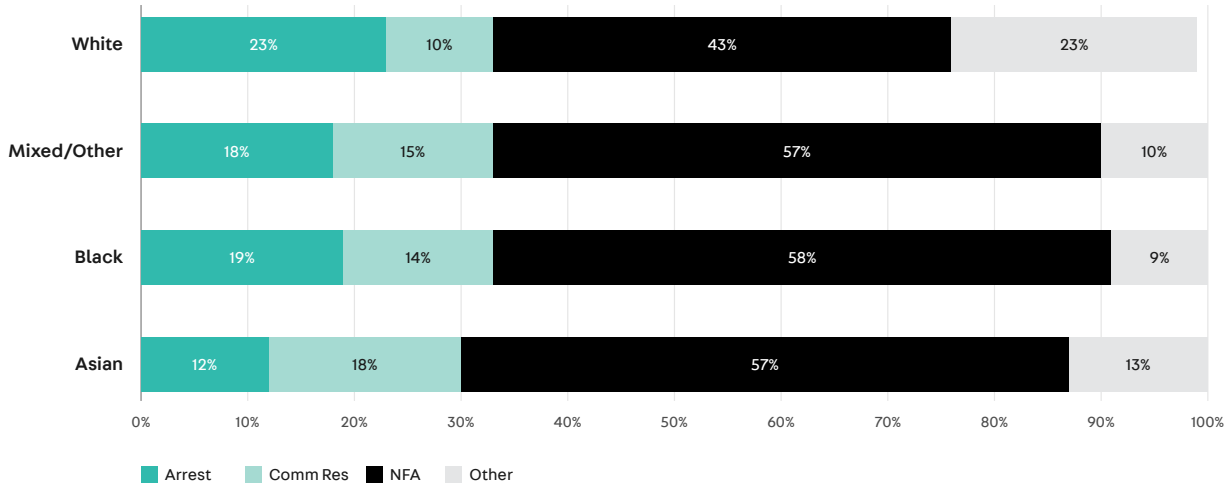
The outcomes for stop and search vary significantly by ethnic group. White women are more likely to be arrested and less likely to be subject to No Further Action (NFA). While almost one quarter (23%) of White women are arrested following a stop and search, the figures for other ethnic groups vary: 12% for Asian women, 17.7% for women of mixed/other ethnicities and 18.3% for Black women. Conversely, NFA followed a stop and search for the majority of Asian (57.3%), Black (56.6%) and mixed/other women (56.4%), compared with 43.6% of White women.

The available data do not explain these differences in outcomes; further analysis would be required to examine whether they reflect variation in the grounds for searches, local policing practices or other factors. However, given the racial disparity throughout the criminal justice system, one possibility is that the arrest rate is higher for White women because they face fewer unwarranted stop and searches than women from other ethnic groups.

The rate of community resolutions following stops and searches also varies by ethnic group with White women less likely to receive this outcome. Approximately one in ten White women received a community resolution following a stop and search compared with 18.1% of Asian women, 15.1% of mixed/other women, and 13.9% of Black women.

Full information is provided in Chart 3.

Chart 3: Outcomes from stops and search (2024/25)



Cautions

The most recent OOCRs data (published as part of the Criminal Justice Statistics Quarterly collection) for the year to September 2025[5] gives the breakdown of cautions and conditional cautions for adults by overarching Home Office ethnic categories (White, Black, Asian and Other). Table 4 below shows that White women are more likely to receive a conditional caution than all other ethnic groups. Almost two thirds of White women (65%) receive a conditional caution compared with 58% of Asian women, 54% of Black women and 53% of women defined as Other (though the small sample size for the "Other" group means the figure should be treated with caution). It might be argued that a conditional caution offers more support to the person cautioned, albeit with more consequences for non-compliance.

Table 4: Simple vs conditional cautions for women by overall ethnicity (year to September 2025)

Caution received	All Women		White		Asian		Black		Other	
	No.	%	No.	%	No.	%	No.	%	No.	%
Conditional	5,631	**64%**	4,651	**65%**	211	**58%**	268	**54%**	23	**53%**
Simple	3,134	**36%**	2,522	**35%**	153	**42%**	231	**46%**	20	**47%**

Community resolutions

The Ministry of Justice (MoJ) Statistics on Ethnicity and the Criminal Justice System for 2024[6] states that ethnicity data is not available for community resolutions via the footnote reproduced below:

"4.3 Out of Court Disposals [footnote 27]

In the latest year, around three-quarters of the total Out of Court Disposals issued were community resolutions – this has increased markedly over the last decade, as the volumes of Penalty Notices for Disorder and cautions have fallen. Currently it is not possible to breakdown community resolutions data by ethnicity – we will look to expand the available evidence and seek to develop our understanding of their use across ethnic groups."

For this reason, we made an FOI request to all English and Welsh police forces, full details of which are in the next Section.

5 Ministry of Justice (2025). Criminal Justice Statistics quarterly: September 2025.
6 Ministry of Justice (2024). Ethnicity and the criminal justice system, 2024.

Remand

The most recent remand data for the year to September 2025 (also published as part of the Criminal Justice Statistics Quarterly collection) gives the breakdown of remand decisions at the pre-court and magistrates' courts stages for adults by the same overarching Home Office ethnic categories (White, Black, Asian, Mixed and Other). At the pre-court stage, the data shows whether someone was arrested and bailed or arrested and held in police custody. At magistrates' court, the data shows whether a defendant was bailed or remanded in custody. Disproportionate remand rates are pronounced for Black women and women defined as mixed ethnicity. While 36% of White women are arrested and kept in police custody, this amounts to 43% of Black women and 44% of women recorded as mixed ethnicity. Similarly, 15% of White women are remanded in custody at magistrates' court compared with 20% of Black women and 21% of women recorded as mixed ethnicity. Table 5 below sets out the full breakdown of arrest and remand decisions by ethnicity, including the Asian and Other groups not discussed above.

Table 5: Remand decisions for women by overall ethnicity (year to September 2025)

Remand decision	All women		White		Asian		Black		Mixed		Other	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Arrest Bail	21,635	62%	17,015	64%	396	64%	752	57%	491	56%	171	63%
Arrest Custody	13,409	38%	9,760	36%	224	36%	571	43%	379	44%	100	37%
Bailed	28,536	86%	16,355	85%	488	87%	864	80%	550	79%	182	82%
Remanded	4,769	14%	2,858	15%	70	13%	221	20%	145	21%	39	18%

FOI request on community resolutions

This review identified the available published evidence on racial disproportionality in the treatment of women at the pre-court stage. Since most diversion activity happens after the apprehension of an individual by the police, the lack of publicly available ethnicity data relating to this area of activity hampers our understanding of the current situation. To address this evidence gap, an FOI request was submitted to all 43 English and Welsh police forces on 27 April 2026 asking for:

1. The total number of adult women arrested with a breakdown of their ethnic group in your police force area for the financial year 2024/25
2. The total number of community resolutions with a breakdown by ethnic group for this same group of adult women arrested in 2024/25

Public bodies are required to respond to FOI requests within 20 working days of the request. 39 police forces responded to our request. 35 of these provided the data requested. The details of the responses of the four forces who replied but did not provide data are given below.

- Merseyside Police responded but stated that they were only able to provide data relating to arrests as the community resolution information would have required a manual search of their records.
- South Yorkshire Police stated that the number of people from some ethnic groups was so small that they declined to provide the information to prevent the risk of individuals being identified.
- Sussex Police only provided an ethnic breakdown of women who had been arrested and did not respond to a further request to provide data on community resolutions.
- Thames Valley Police declined to provide the information as it was “not in an easily retrievable format”.

The findings

Before presenting the findings, it is important to note that there are limitations to the data. These include:

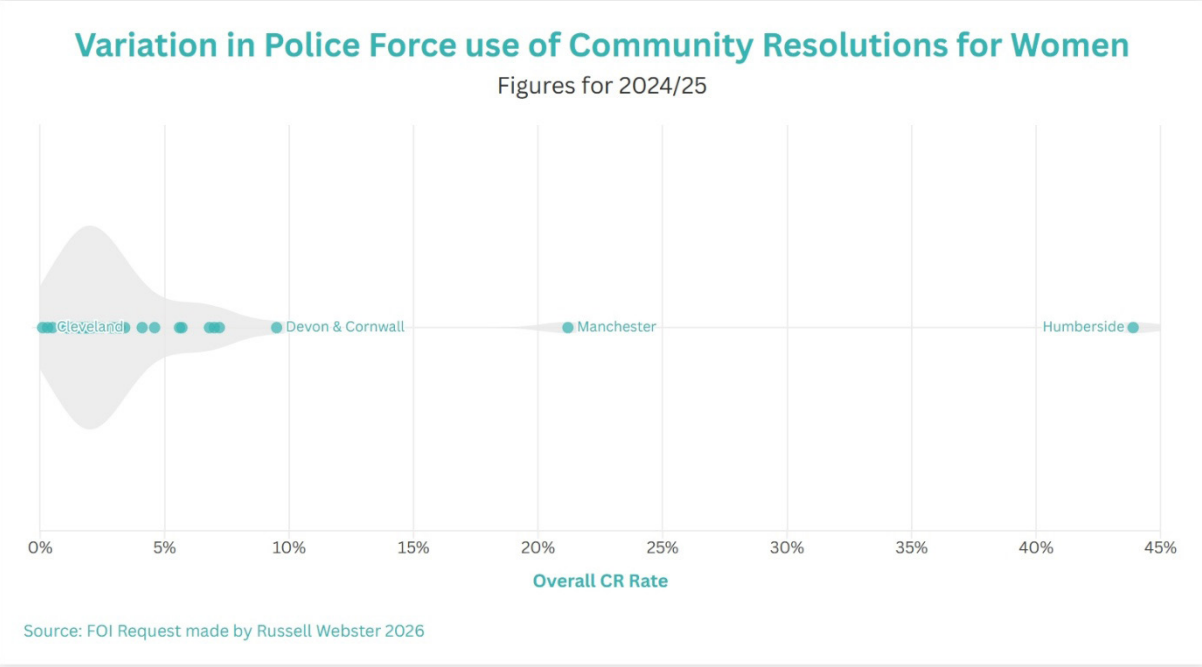
- Different forces using different ethnic categories with some using as few as six and others as many as twenty. For our analysis, all figures were collapsed into seven categories: Asian, Black, Mixed, White British, White Other, Other and Not Known/Not Stated.
- Most forces did not state the basis on which ethnicity was recorded; those which did said that ethnicity was self-defined. However, it seems unlikely that this is always the case since it is hard to imagine people defining their ethnicity, for example, as "North European".
- On a small number of occasions, the numbers of women from non-white ethnic groups were not recorded where this number was under five, again to prevent the potential identification of individuals.
- Ethnicity was not recorded (not known or not stated) in approximately one in twelve arrest records (8.6%) and almost one in three (29.9%) of the records relating to community resolutions.

Overall

The combined data provided by the 35 police forces showed a total of 130,270 arrests of women in the financial year 2024/25, with 7,177 concluding with a community resolution as an outcome.

Interestingly, the frequency with which different police forces used community resolutions for women varied substantially. Cleveland Police recorded the lowest rate - issuing just 10 community resolutions out of 2,861 arrests (0.35%)[7]. Humberside Police recorded the highest - issuing 1,278 community resolutions relating to 2,912 arrests (43.9%). Across our 35 responding police forces, the average (mean) rate at which community resolutions were issued to women who were arrested was 4.9%. Chart 6 shows this variation; readers wishing to see the interactive version of this chart, which shows every police force, can do so via this link.

Chart 6: Variation in police force use of community resolutions for women



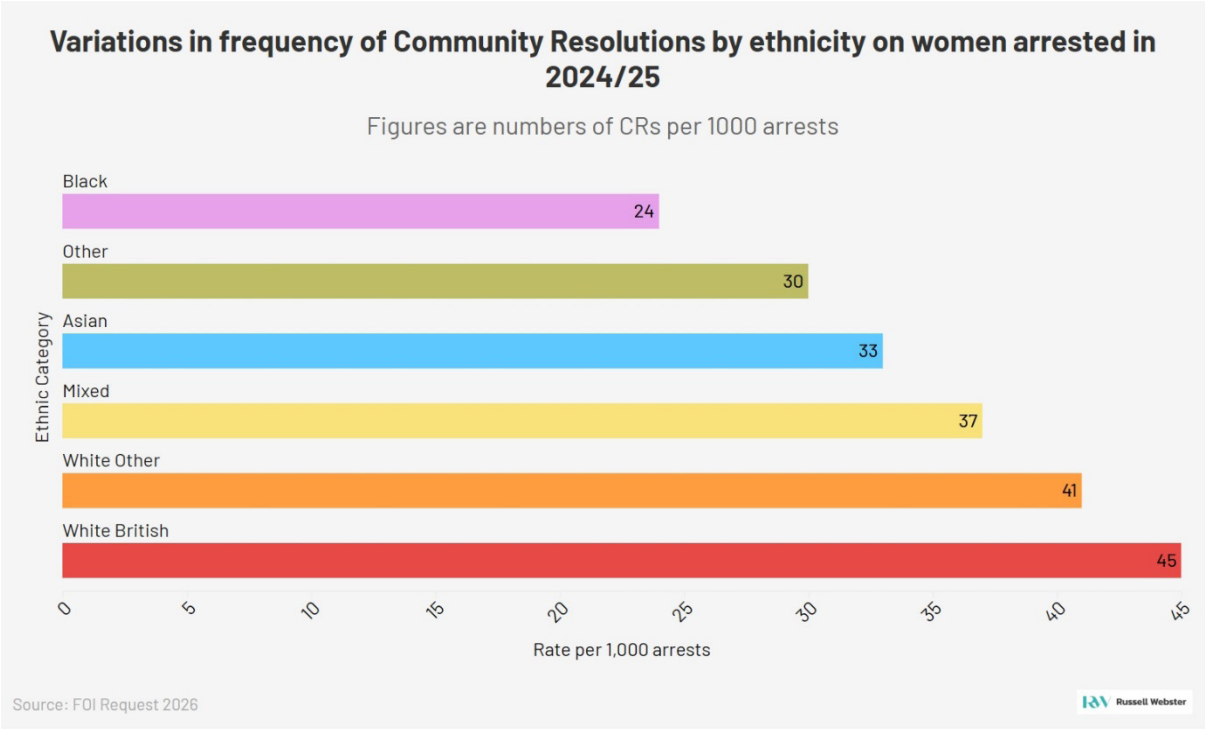
7 Cleveland Police did not record any community resolutions for non-white British ethnic groups, as the numbers involved were fewer than five; this ratio is therefore based on arrest data for White British women only.

Table 7: Ethnic breakdown of arrests and community resolutions of women for 2024/25 (35 police forces via FOI)

Ethnicity	Arrests (No.)	% Total Arrest	CRs (No.)	% Total CRs
Asian	5,715	4.8%	188	3.7%
Black	8,887	7.5%	214	4.3%
Mixed	2,470	2.1%	91	1.8%
White British	94,835	79.7%	4,261	84.7%
White Other	5,825	4.9%	240	4.8%
Other	1,285	1.1%	38	0.8%

To examine differences between ethnic groups, community resolution rates were calculated per 1,000 arrests, as shown in **Chart 8** below. White women were most likely (45/1,000 arrests) to be given a community resolution, with Black women least likely (24/1,000 arrests). White women were almost twice as likely to be given a community resolution as their Black counterparts.

Chart 8: Variations in frequency of community resolutions by ethnicity in women arrested in 2024/25 (35 police forces via FOI)



As far as we are aware, this is the first publicly available data relating to the frequency of community resolutions made on different ethnic groups.

Factors affecting disparity in women's diversion

Overview

The original scoping plan envisaged a literature review supplemented by a range of stakeholder interviews aiming to identify models or elements of best practice in diverting women from minoritised ethnicities out of the criminal justice system.

However, formal searches for literature on diversion of women from minoritised ethnicities and informal requests for grey literature via a number of bodies revealed just one specific study on this issue, a study into racial disparity in diversionary work in Wales with a focus on women and children[8].

Literature

In this Welsh study, Jones (2025) confirms this lack of research, noting that *"Overall literature is limited on the effectiveness of OoCDs, and it is dominated by the lived realities and needs of men from White British ethnicity"*. However, he identifies several critical success factors for effective women's diversion work which address racial disparity, including:

- Partnership working between police and diversion providers around decision making on eligibility for diversion.
- Diversion providers should be independent of the criminal justice system with a focus on supporting women to lead healthy and positive lives.
- Workforce education and training for all partners, particularly police, to understand diversion best practice and the importance of a trauma-informed approach. This training should be co-produced and delivered by those with lived experiences of the justice system and pre-court approaches.
- Diversion approaches should be built on the experiences and needs of people from minoritised ethnicities.

The report concludes with several recommendations on the key components of a nationally defined and agreed model for pre-court diversion for women from minoritised ethnicities. Key recommendations include:

- OOCRs that do not require an admission of guilt, allow scope for multiple diversion attempts, and focus initially on light-touch conditions.
- A focus on using the lowest appropriate level of caution to effectively support women and reduce trauma of engagement with court proceedings.
- Considering a woman's cultural, heritage and religious identity within the assessment of needs for diversion.
- Making the offer of longer-term support available where required.
- Offering a quick (within two weeks) referral to mental health support services where required as this is a very common and significant need.
- All new diversion services should be co-produced with women from minoritised ethnicities.

8 M. Jones (2025). Understanding the issues which may be contributing to racial disparity within Pre-Court Diversionary approaches in Wales for all groups of people, with a focus on Women and Children. Higher Plain Research & Education.

Investigating existing practice

The Centre for Justice Innovation, the National Women's Justice Coalition and Clinks all helped in accessing a range of women's centres involved in providing diversion work. However, despite approaches to around ten services, only three practitioners were available to participate in interviews. Given the small and self-selecting sample, the interview findings should be regarded as exploratory.

Barriers

These interviews were more helpful in identifying barriers to effective diversion work with women from minoritised ethnicities than in identifying best practice. The main barriers identified were:

- Interviewees reported that workload pressures can limit police officers' capacity to examine the bigger picture beyond the presenting behaviour for which a woman is arrested, contributing to **low referral rates**. This context often includes domestic abuse, grooming and exploitation to which the arrested woman's behaviour is often closely linked. Interviewees suggested that this issue may be exacerbated for women from minoritised ethnicities where police officers lack cultural awareness. Interviewees perceived that when women are seen as perpetrators and not having support needs, a referral to a supportive diversion option is rarely made.

- **The requirement to admit an offence** in order to receive a referral to a diversion scheme can be a barrier to engagement. Interviewees suggested that women from minoritised ethnicities may be particularly reluctant to admit offences owing to lower levels of trust in the police service. They also reported that this issue can be exacerbated where duty solicitors advise their clients to say "no comment" where this may not be in dispute and they may enter a guilty plea later at court.

- Interviewees reported that many women are **often bailed initially** and subsequently given a conditional caution for which a women-specific intervention is not always available. Once a woman is bailed, community resolutions are no longer an option as a diversionary disposal.

- Interviewees reported that, for women who are non-English speakers, there can often be significant **delays in accessing interpreters**, meaning that the opportunity for referral can be missed.

- Interviewees identified the **limited availability of women-specific diversion schemes** as a fundamental barrier. They reported that, even where schemes exist, staffing may be insufficient for workers to be present regularly in custody suites and engage directly with women at the point of crisis.

Effective practice

Drawing together the wider diversion literature, the Welsh study, a recent practice briefing by the Centre for Justice Innovation on collaboration between police forces and women's centres[9], and the exploratory practitioner interviews, the following provisional components of effective practice were identified:

- Be clear about women's distinctive needs, including the high prevalence of experiences of abuse and victimisation, to build support for gender-responsive approaches amongst police.

- Close partnership working is needed between the diversion provider and local police forces, including agreeing referral criteria.

- Setting a condition to attend an assessment with the diversion provider as part of the OOCR can help engagement, but conditions should otherwise be kept to a minimum, with attendance at further appointments left voluntary rather than mandated.

- Sufficient resources should be in place to provide the sustained support needed to address women's needs and goals on a voluntary basis.

9 S. Whitehead (2026). Improving collaboration between police forces and women's centres: an evidence and practice briefing. Centre for Justice Innovation.

- Sufficient funding is required for the diversion service to be based at the custody suite or to be able to respond swiftly to maximise engagement rates.
- The employment of diversion workers whose backgrounds reflect the ethnicity of the women they support, and who have lived experience of the criminal justice system, is necessary.
- Cultural awareness training for frontline and custody suite police staff is required.
- Access to professional interpreters should be timely.

Conclusion

Limitations

As stated earlier, the review faced several significant limitations in the availability and comparability of the data. Ethnicity data existed for arrests, stop and search and cautions, but not for community resolutions, the most common form of diversion disposal, which is why we submitted an FOI request to collect this data directly.

Where ethnicity data was available, it was not always robust: processes and categories for recording ethnicity varied between datasets, with some defined by the detaining police officer and others self-defined, and most data grouped into broad categories (White, Black, Asian, Mixed and Other) that conceal the variation within them.

In summary, there is no unified publicly available dataset that presents all arrests, charges and other outcomes alongside the ethnicity of those arrested and charged, so the review was only able to identify partial data at different stages in the process.

Even so, the initial findings indicate racial disparities at several of the criminal justice decision points examined, although the scale and causes of these disparities require further investigation.

Cumulative disadvantage

As we make clear in the Executive Summary, this scoping exercise found disparities affecting Black women at every stage of the process examined: stop and search, custody following arrest, remand and access to community resolutions.

These figures are drawn from different datasets and should not be interpreted as describing a single cohort through the criminal justice system.

Nevertheless, it is clear that there exists quantifiable racial discrimination at each stage of the processes involved in the detention, arrest, case disposal and prosecution of women who come into contact with the criminal justice system.

It is, therefore, likely that women who experience differential treatment at one stage face compounding disadvantage as they move through further stages of the criminal justice system.

Summary

This scoping study has collated the existing evidence on racial disproportionality for women at the arrest and case disposal stages of the criminal justice system. It has also filled the stark data gap on the issuing of community resolutions through an FOI request.

This enriched evidence base strengthens the case for action to address the persistent, cumulative disadvantage faced by Black women and women from mixed ethnic backgrounds. The provisional components of effective practice identified in this report offer a starting point for that action.

Centre for Justice Innovation

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This report has been made possible through the generous funding of the JABBS Foundation for Women and Girls.

The JABBS Foundation for women and girls

About the Centre for Justice Innovation

The Centre for Justice Innovation seeks to build a justice system which all citizens believe is fair and effective. We champion practice innovation and evidence-led policy reform in the UK's justice systems. We are a registered UK charity.

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