



Ministry of
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Evidence Digest

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Impact through insight

OMS

Offender Management
and Sentencing

Analytical Services

OMSAS: driving evidence-based
strategy, policy and delivery

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INTRODUCTION

Offender Management and Sentencing Analytical Services (OMSAS) aims to provide insightful, consistent, quality assured intelligence on business issues through building the evidence base to support the delivery of DSO 3: Protecting the public and reducing re-offending and PSA 23: Safer communities. The evidence also has a bearing on areas relevant to DSO 4: Effective, transparent and responsive CJS for victims and the public supporting PSA 24: CJS for victims and the public.

This Digest brings together the evidence currently available to OMSAS on court decisions; offender management; re-offending and public protection. It aims to assist policy makers and practitioners as a quick reference guide to base their policy/intervention designs and delivery plans/implementation on an evidence base.

We are continually improving the evidence base through our own work, linking with analysts across the Ministry of Justice and other government departments, as well as the external research community. Research projects go through rigorous quality assurance processes such as MoJ Research Quality Assurance (RQA). We also have a capacity building workstream that aims to build effective links for constructive engagement with our wider stakeholder community including delivery practitioners and academic researchers.

There are a number of analytical projects currently underway that will build the evidence base in the short to medium term. These include:

- Three major cohort studies (one researching prisoners, one on offenders under community supervision, and one on juveniles). The cohort studies are designed to provide evidence about which interventions are effective in reducing re-offending for offenders with different needs and characteristics.
- A unit cost study aimed at supporting the cohort studies in generating unit cost data on activities and interventions. This will support further cost effectiveness and cost-benefit evaluations based on the findings from the cohort studies.
- Developing the analytical framework to appraise how CJG/NOMS manages offenders within current resources to achieve maximum improvement to public value (outcomes, services and trust).
- Developing our understanding of the relative cost of criminal careers for all offenders, including: previous criminal careers; what costs different offenders are expected to generate in the future; and to establish which factors are indicative of different future cost trajectories. This will help NOMS determine more accurately those offenders

who represent “high value” investments and “low value” investments in offender management.

- Modelling approaches to assess the effectiveness of different sentences, where all the necessary data for conventional modelling is not available.
- Analysis of re-offending rates and criminal histories of offenders given cautions and penalty notices for disorder to increase our understanding of the impact of these disposals.
- Cross government data matching to link MoJ data with other government departments’ databases to develop a holistic understanding of employment/income, health and educational attainment of offenders with a view to gaining a better understanding of factors that have an impact on re-offending.

Upcoming versions of this document will highlight the latest evidence gathered from these projects. For further information on the evidence that OMSAS produce please contact the Head of OMSAS, Dr Chloë Chitty (xxxxx.xxxxxx@xxxxxxx.xxx.xx).uk

WHAT'S NEW IN THIS EDITION

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ADDITIONAL INFORMATION

Prior to the publication of this Evidence Digest more recent data has been published which we were unable to include in the main document. This is listed below.

Re-offending

Local adult re-offending 1 January 2008 – 31 December 2008 published 14 May 2009

<http://www.justice.gov.uk/publications//local-adult-reoffending.htm>

Re-offending of adults: results from the 2007 cohort published 21 May 2009

<http://www.justice.gov.uk/publications/reoffendingofadults.htm>

Re-offending of juveniles: results from the 2007 cohort published 21 May 2009

<http://www.justice.gov.uk/publications/reoffendingjuveniles.htm>

Probation

Probation statistics quarterly brief October to December 2008 England and Wales published 30 April 2009

<http://www.justice.gov.uk/publications/probationquarterly.htm>

Prison

Population in custody monthly tables February to April 2009 England and Wales

<http://www.justice.gov.uk/publications/populationincustody.htm>

End of Custody Licence releases and recalls April 2009 England and Wales published on 29 May 2009

<http://www.justice.gov.uk/publications/endofcustodylicence.htm>

REMAND DECISIONS

In 2007, a total of 52,000 persons were remanded in custody by magistrates, three per cent of all those proceeded against at magistrates' courts. The figure has fallen steadily since 1999 when there were 98,000 (five per cent of all proceeded against).¹

Almost a third (32%) of those committed for trial to the Crown Court in 2007 were remanded in custody, either at the point of committal or subsequently. This proportion has been around 30 to 31 per cent in each year from 2001–2006, although it had previously been lower (25 per cent in 1996 and 1997).²

In 2007 just over half (52%) of those remanded in custody before trial at either magistrates' courts or the Crown Court were sentenced to custody; a further 12 per cent received a community sentence and 15 per cent were acquitted or not proceeded with.³

Over recent months the use of tagging on bail for adults has increased, with 4,724 new starts in the three months from June to August 2008 compared with 3,744 over the same period in 2007.⁴

Similarly, the caseload of adults tagged on bail has increased by 40% over the last year, up to 2,735 at the end of August 2008 (compared to 1,955 at the end of August 2007).⁵

At 29 September 2008, 1,902 defendants or offenders had been released into the Bail Accommodation and Support Service. By that date, 904 of those released had successfully completed their periods of bail or Home Detention Curfew (HDC) (including 103 defendants who received a custodial sentence); 670 had breached; 328 remained in the service.

1 Ministry of Justice and Office for Criminal Justice Reform (2008), Statistics Bulletin: Criminal Statistics: England and Wales 2007, London: Ministry of Justice

2 *ibid.*

3 *ibid.*

4 Monthly tagging starts data.

5 Monthly tagging caseload data.

SENTENCING

Trends in numbers sentenced and use of disposals including criminal history Key points – July to September 2008⁶

All key points highlighted below are for indictable offences and are comparisons with the third quarter of 2007.

All courts

- The number of persons sentenced was 77,700 which was a fall of 0.6 per cent on the same quarter in 2007. There was a 10.0 per cent increase in the numbers sentenced at the Crown Court and a fall of 4.0 per cent at magistrates' courts. The number of male offenders sentenced fell by 0.2 per cent and female offenders by 2.6 per cent.
- The number of persons sentenced aged 21 and over was 56,400, a rise of 4.0 per cent on the same quarter in 2007. For other age groups the numbers sentenced fell, juveniles by 10.8 per cent and young adults by 11.2 per cent.
- The number of persons sentenced to immediate custody was 19,700, an increase of 4.8 per cent on the same quarter in 2007. The custody rate for indictable offences was 25.3 per cent. This was a rise of 1.3 percentage points on 2007.
- The average custodial sentence length for all indictable offences was 16.3 months, excluding the growing number of life/indeterminate sentences. This was a rise of 1.3 months from 2007 and the highest figure recorded since the third quarter of 2006.
- The number of persons sentenced to a Suspended Sentence Order (SSO) was 6,800, a fall of 1.2 per cent on the same quarter in 2007. The use of SSOs changed in this and the preceding quarter – there was a 15.7 per cent fall in their use at magistrates' courts while at the Crown Court their use rose by 10.7 per cent to 4,200.
- There were increases in the numbers sentenced for sexual offences, burglary, robbery, theft and handling of stolen goods and drug offences. The biggest increase was for drug offences, up 20.2 per cent.
- The biggest decreases were for fraud and forgery, down 25.7 per cent, criminal damage, down 22.4 per cent, and indictable motoring offences, down 17.4 per cent.

⁶ Ministry of Justice (2009), Statistics Bulletin: Sentencing statistics quarterly brief July to September 2008, England and Wales, London: Ministry of Justice.

Magistrates' courts

- There were 56,700 persons sentenced at magistrates' courts. This was a fall of 4.0 per cent on the same period in 2007.
- The immediate custody rate was virtually unchanged at 13.5 per cent. The suspended sentence rate fell from 5.3 to 4.6 per cent, the use of fines rose from 19.9 to 21.7 per cent, while the community sentence rate fell from 38.9 per cent to 37.3 per cent.
- The average custodial sentence length fell from 2.9 to 2.6 months.

Crown Court

- There were 21,100 persons sentenced at the Crown Court, an increase of 10.0 per cent.
- There was an increase in the immediate custody rate up from 56.4 to 57.3 per cent.
- The suspended sentence rate rose slightly to 19.9 per cent.
- There was a decrease in the fine rate, down to 1.6 per cent.
- The community sentence rate fell by 0.5 percentage points to 16.6 per cent.
- The average custodial sentence length rose from 24.4 months to 25.3 months.

Criminal histories⁷

- Of all sentences given for indictable offences, the proportion given to offenders with 15 or more previous convictions or cautions rose steadily from 17 per cent in 2000 to 25 per cent in 2007.
- Older offenders tend to have more previous convictions and cautions than younger offenders. For example, amongst those offenders with only one or two previous sanctions, juveniles made up the largest proportion in 2007 (33%) whereas offenders with 15 or more sanctions were most frequent amongst the 25-to-29-year-old age group (21%).
- Criminal history varies with the type of offence. In 2007, only five per cent of those convicted of burglary; seven per cent of those convicted of theft and handling stolen goods; and eight per cent of those with drugs offences were first-time offenders. This compared with 36 per cent of those convicted of sexual offences and 40 per cent of those convicted of fraud and forgery.

⁷ Ministry of Justice (2008), Statistics Bulletin: Sentencing Statistics 2007, England and Wales, London: Ministry of Justice

- Those offenders with a substantial previous criminal history are most likely to receive a custodial sentence. In 2007, 40 per cent of offenders with 15 or more previous convictions or cautions received a custodial sentence compared with 14 per cent for those with only one or two previous sanctions.
- In 2007, seven per cent of juveniles receiving a custodial sentence had no previous criminal history recorded on the Police National Computer (PNC), compared with 12 per cent for adult offenders. For both age groups the proportion of custodial sentences given to offenders with 15 or more previous sanctions has risen steadily since 2000.

First-time offenders

- For juveniles with no previous convictions or cautions sentenced in 2007 more than half had committed violence, theft or robbery; the proportion sentenced for robbery rose steadily from eight per cent in 2000 to 18 per cent in 2007. For adults, the most frequent first offences involved violence, theft or fraud and forgery.

Third-time burglars

- PNC data enable us to identify 581 third-time burglars in 2007 and 491 of these (85%) were given a custodial sentence. Where a custodial sentence was given in 2007 about a quarter received a sentence of three years or more.

SENTENCING

Knife crime⁸

Statistics published by the Ministry of Justice in the first quarterly knife crime sentencing bulletin (on Thursday 12 March 2009) showed that:

- More offenders were sent to jail (23%): the number of offences resulting in immediate custody rose from 1,125 in the last quarter of 2007 to 1,386 in the same period of 2008. On average there was a 40 per cent increase in the number of prisoners serving a sentence for possession of an offensive weapon between the same periods.
- Fewer cautions were issued: the number fell by 31 per cent over the same period (1,706 in the last quarter of 2008 compared with 2,455 in the same period of 2007).
- There was more use of tougher community sentences: the number of offences resulting in community sentences rose by 16 per cent (from 1,861 in the last quarter of 2007 to 2,151 in the same period of 2007).
- Sentences were longer: the average immediate custodial sentence rose by 38 per cent (from 133 days in the last quarter of 2007 to 184 days in the same period of 2008)

The proportion of all possession offences resulting in immediate custody rose to 21 per cent in the last quarter of 2008 from 17 per cent in the same period of 2007. The proportion of offences resulting in a caution decreased from 36 per cent in the last quarter of 2007 to 25 per cent in the last quarter of 2008.

The statistics also show a decline in the total number of offences involving possession of a knife or other offensive weapon (6,704 offences were dealt with between October and December last year, compared to 6,808 in the same period of 2007).

⁸ Ministry of Justice (2009), Statistics Bulletin: Knife Crime Sentencing Quarterly Brief October to December 2008, England and Wales, London: Ministry of Justice

SENTENCING

Compliance with sentencing guidelines/Factors influencing sentencing

The Sentencing Commission Working Group recently commissioned and published a Sentencing Survey⁹ exploring the feasibility and practicalities of capturing information on factors that influence sentence outcomes. The survey comprised a one-month data collection exercise in ten Crown Court centres. Sentencers were asked to provide information on the factors associated with sentencing four offence categories: assault, sexual assault, robbery and burglary. Conclusions on sentencing on a national scale cannot be drawn from these results due to the non-random sample. However, the survey successfully captured the key factors that influenced sentencing decisions for the courts and offences surveyed. It demonstrated that this type of data collection is possible and provided a model for collecting information more widely.

The survey provided some insight into how sentencers consider previous convictions in relation to sentencing decisions. Sixty-six per cent (n=198) of offenders in the survey had previous convictions relevant to the offence being sentenced. Of these, around half were said to have aggravated the sentence. An escalating pattern of offending was commonly associated with upward movement (a more stringent sentence than that recommended) from the sentence starting point recommended in the guidelines. Previous convictions were discounted as being relevant to the sentencing decisions in 21 per cent of cases. The most commonly cited reason for this was lack of relevance to the offence being sentenced.

The survey provided some insight into the use and application of aggravating and mitigating factors. It found that relatively few aggravating and mitigating factors (including personal mitigation) were commonly cited. The most commonly cited factor was not necessarily key in influencing movement from the sentence starting point recommended in the guidelines.

The survey provided insight into the factors commonly associated with sentences that fall outside the guideline ranges for the level of offence seriousness described in Sentencing Guideline Council (SGC) guidelines. In 46 per cent of cases where SGC guidance had been issued, sentencers imposed a sentence outside the guideline ranges for the level of offence seriousness described (sentences that fall outside the range do not necessarily constitute departures from the guidelines). There was some inconsistency in sentencers' interpretation of the guidance on the use of Suspended Sentence Orders (SSOs). Thirty-one of the 61 SSOs (49%) given for all offences were above the range, while nine (15%) were below the range.

⁹ Harris, J., Mason, T., Moreton, K. and de Silva, N. (2008) *Sentencing Commission Working Group: Crown Court Sentencing Survey*. Addendum to 'Sentencing Guidelines in England and Wales: An Evolutionary Approach'. Available online at: <http://www.justice.gov.uk/docs/crown-court-sentencing-survey.pdf>

In order to understand better how sentencing guidelines are applied, it is necessary to monitor a wider range of sentencing factors (e.g. time served on remand, the application of the totality principle, previous convictions, personal mitigation, and other aggravating and mitigating factors).

The survey results provided a basis for further work on sentencing decisions. This included the provision of guidance to sentencers on aggravating and mitigating factors; the need to have a shared understanding amongst sentencers, the SGC and data analysts of when a sentence can be imposed outside the ranges for the levels of offence seriousness described in SGC guidelines; and the need for clear guidance from the SGC on the use of SSOs.

SENTENCING

Purposes of sentencing

There are five purposes of sentencing

- (a) the punishment of offenders;
- (b) the reduction of crime (including its reduction by deterrence);
- (c) the reform and rehabilitation of offenders;
- (d) the protection of the public; and
- (e) the making of reparation by offenders to persons affected by their offences.

[Section 142, Criminal Justice Act 2003]

There is a range of evidence on the effectiveness of each of these purposes. However, some of the purposes (e.g. punishment) are more difficult to quantify and measure in terms of effectiveness than others (e.g. rehabilitation).

There are a range of rehabilitative interventions/programmes for offenders (including Offending Behaviour Programmes, education and employment). There is some good evidence showing that offending behaviour programmes for general offenders^{10,11,12,13,14} anger management/ violence reduction programmes¹⁵; sex offender programmes^{16,17,18,19}; and some drugs interventions²⁰ are effective in reducing reconvictions. There is promising evidence (mainly international) about resettlement programmes such as education and employment^{21,22}. There is a lack of evidence about other key needs, e.g. lifestyles and

10 Landenberger, N. A. and Lipsey, M.W. (2005) 'The Positive Effects of Cognitive-Behavioural Programs for Offenders: A Meta-Analysis of Factors Associated with Effective Treatment.' *Journal of Experimental Criminology*.

Wilson, D. B., Bouffard, L. A. and MacKenzie, D. L. (2005) 'A quantitative review of structured, group-orientated, cognitive-behavioural programs for offenders.' *Criminal Justice and Behaviour*, 32(2), 172-204.

11 McGuire, J. (2002). 'Criminal Sanctions Versus Psychologically-Based Interventions with Offenders: A Comparative Empirical Analysis'. *Psychology, Crime and Law*, 8, 183-208.

12 Pearson, F. S., Lipton, D. S., Cleland, C. M. and Yee, D. S. (2002) 'The effects of behavioural/cognitive-behavioural programs on recidivism'. *Crime and Delinquency*, 48 (3) 476-496.

13 Lipton, D. S., Pearson, F. S., Cleland, C. and Yee, D. (1998) *How do Cognitive-behavioural Programmes for offenders compare with other modalities: A meta-analytic perspective*. Presented at the Stop and Think conference 9-11 March 1998. York: UK.

14 Washington State Institute for Public Policy (2006) *Evidence-Based Adult Corrections Programs: What Works and What Does Not*. –Washington State Institute for Public Policy. [Available online at: www.wsipp.wa.gov].

15 Jolliffe, D. and Farrington, D. (2007) - *A systematic review of the national and international evidence on the effectiveness of interventions with violent offenders*. Ministry of Justice Research Series 16/07. London: Ministry of Justice.

16 Lösel, F. and Schmucker, M. (2005) 'The effectiveness of treatment for sexual offenders: A comprehensive meta-analysis'. *Journal of Experimental Criminology*, 1, 117-146.

17 Washington State Institute for Public Policy (2006) *Evidence-Based Adult Corrections Programs: What Works and What Does Not*. –Washington State Institute for Public Policy. [Available online at: www.wsipp.wa.gov]

18 Friendship, C., Mann, R. E. and Beech, A. R. (2003) Evaluation of a National Prison-Based Treatment Program for Sexual Offenders in England and Wales. *Journal of Interpersonal Violence*, 18(7), 744-759.

19 Wilson, R. J., Picheca, J. E. and Prinzo, M. (2007) 'Evaluating the Effectiveness of Professionally-Facilitated Volunteerism in the Community-Based Management of High-Risk Sexual Offenders: Part Two – A Comparison of Recidivism Rates'. *The Howard Journal* Vol 46(4) 327-337

20 Washington State Institute for Public Policy (2006) *Evidence-Based Adult Corrections Programs: What Works and What Does Not*. –Washington State Institute for Public Policy. [Available online at: www.wsipp.wa.gov]

21 Stewart, D. (2005) *An evaluation of basic skills training for prisoners*. Home Office Research Findings 260. London: Home Office.

22 Hurry, J., Brazier L., Parker M. and Wilson A. (2006) *Rapid evidence assessment of interventions that promote employment for offenders*. London: Department for Education and Skills.

associates, alcohol misuse and the impact of offender management (however, there is a programme of research in OMSAS to build this knowledge). There is also evidence that some interventions (e.g. Scared Straight²³) do not work.

There is partial evidence²⁴ on the effect of deterrence on reducing crime. There is good UK evidence that visible policing has a deterrence effect²⁵. For offence types that have low detection rates, increasing the likelihood of prosecution or increasing the use of custody for cases convicted are likely to be ineffectual and costly.

'Public protection' includes the incapacitating effect of imprisonment. Analysis of criminal careers²⁶ shows that the primary benefits of public protection/incapacitation are the delay in the resumption of an offending career and a curtailment in the length of an offending career for persistent offenders. Benefits of incapacitation increase for more harmful offenders and with increased sentence length. Short sentences can generate additional cost (over and above community sentences) and offer little benefit in terms of the incapacitation of offenders. Short sentences also potentially involve an opportunity cost as they prevent offenders from accessing interventions. The public protection benefits of indeterminate sentences are likely to be highly variable and, on public protection grounds, may not necessarily justify the costs of lengthier periods in prison. Further work is needed examining the incapacitation impact of community public protection initiatives such as Multi-Agency Public Protection Arrangements (MAPPA).

Analysis of incapacitation suggests that punishment is likely to be the only source of 'added value' from a short period of imprisonment. Punishment could be considered as custody, unpaid work and fines. There is a lack of evidence on the value of fines and unpaid work as a means of punishment. Punishment will depend on individual circumstances; for example, fines are more of a punishment to offenders who are less well off financially, and unpaid work is more of a punishment for offenders who have limited time.

Reparation involves making amends to victims or the community. There is some evidence on the effectiveness of reparation. For example, restorative justice has proven itself as a way of increasing victim satisfaction with the criminal justice process. It may also help to reduce re-offending^{27,28}. Unpaid work is likely to have a reparatory effect for the community but further work will be required to measure this.

23 Petrosino A., Turpin-Petrosino, C. and Buehler, J. (2003) "'Scared Straight' and other juvenile awareness programs for preventing juvenile delinquency" (Updated C2 Review). In: *The Campbell Collaboration Reviews of Intervention and Policy Evaluations* (C2-RIPE), November, 2003. Philadelphia, Pennsylvania: Campbell Collaboration.

24 E.g. Von Hirsh *et al.*, (1999); Doob and Webster (2003); Farrington *et al.*, (1994); Healey (2007) unpublished analysis of police effectiveness.

25 E.g. Von Hirsh *et al.*, (1999); Doob and Webster (2003); Farrington *et al.*, (1994); Healey (2007) unpublished analysis of police effectiveness.

26 OMS Analytical Services analysis of costs of criminal careers and sentence length.

27 Shapland, J., Atkinson, A., Atkinson, H., Chapman, B., Dignan, J., Howes, M., Johnstone, J., Robinson, G. and Sorsby, A. (2007) *Restorative justice: the views of victims and offenders: the third report from the evaluation of three schemes*. Ministry of Justice Research Series 3/07.

28 Shapland, J., Atkinson, A., Atkinson, H., Dignan, J., Edwards, L., Hibbert, J., Howes, M., Johnstone, J., Robinson, G. and Sorsby, A. *Does restorative justice affect reconviction? The fourth report from the evaluation of three schemes*. Ministry of Justice Research Series 10/08.

Future work is underway to measure public preferences over a range of sentencing disposals and criminal justice outcomes.

There is a wide evidence base on public attitudes towards the criminal justice system and sentencing (for example, the public often express a desire for longer sentences and more prison places etc.). However, this study seeks to examine:

- *the specific elements/variables that drive public preferences* (understanding the extent to which preferences for different criminal justice disposals are dependent on the nature of the offence, the characteristics of the offender, the characteristics of the victim, the level of information given on the costs and effectiveness of each disposal option, and the characteristics and attitudes of the respondent);
- *the extent to which the public are prepared to make trade-offs with respect to the multiple purposes of sentencing* (for example, reduced re-offending through effective rehabilitation, deterrence or incapacitation, punishment of offenders, reparation to victims and the community and delivery outcomes that are viewed as fair and just); and
- *the amount the public are willing to pay for different disposals* (when considering different combinations of the variables listed above).

OFFENDER MANAGEMENT

Pre-Sentence Reports (PSRs) trends²⁹

The total number of court reports³⁰ written by the Probation Service in 2007 was 215,360, fewer than the number written in 1997 (228,400). Since 2003 the number of reports written has been steadily increasing.

Fast Delivery PSRs³¹ were introduced in 2000 and their use has increased year on year.

Table 1: Use of Fast Delivery PSRs

| Year | Report type | | |
|---------------------|-------------------|----------|--------------------|
| | All court reports | All PSRs | Fast Delivery PSRs |
| 1997 | 228,402 | 228,402 | - |
| 1998 | 236,828 | 236,828 | - |
| 1999 | 237,456 | 237,456 | - |
| 2000 | 219,952 | 204,981 | 14,971 |
| 2001 | 213,431 | 191,622 | 21,809 |
| 2002 | 213,768 | 185,275 | 28,493 |
| 2003 | 201,871 | 163,265 | 38,606 |
| 2004 | 204,821 | 161,525 | 43,296 |
| 2005 ⁽¹⁾ | 189,600 | 142,997 | 46,603 |
| 2006 | 209,525 | 154,250 | 55,275 |
| 2007 | 215,358 | 147,016 | 68,342 |

(1) In 2005 there was a drop in the number of court reports recorded due to a change in the data collection method.

In the latest quarter of data available the number of written Standard Delivery Pre-Sentence Reports (PSRs) has fallen. In quarter three of 2008 the number of Standard PSRs produced dropped by 8 per cent compared to the third quarter of the previous year. However, the number of Fast Delivery PSRs (both written and oral) increased overall by 16 per cent.

The proportion of Fast Delivery PSRs from the combined total of Fast Delivery and Standard PSRs has increased. In the third quarter of 2008 it was 38 per cent compared with 33 per cent in quarter three of 2007.

The level of concordance between sentences given and proposed for the 12 months ending September 2008 was highest for custodial sentences at 87 per cent, compared to 71 per cent for community sentences and 53 per cent for Suspended Sentence Orders.

29 Ministry of Justice (2008), Statistics Bulletin: Offender Management Caseload Statistics 2007, England and Wales, London: Ministry of Justice
 Ministry of Justice (2009), Statistics Bulletin: Probation statistics quarterly brief July to September 2008, England and Wales, London: Ministry of Justice

30 Includes Standard and Fast Delivery (both written and oral) pre-sentence reports, court review and deferred sentence reports.

31 These were known as specific sentence reports until April 2005 when the CJA 2003 Act introduced revised definitions of pre-sentence reports.

OFFENDER MANAGEMENT

Offender management model including caseload by tier

Offender Management Model

The National Offender Management Model (NOMM) is consistent with the best available evidence on what works in reducing re-offending. It draws on learning from the North West Offender Management Pathfinder. The Offender Management Community Cohort Study will provide further evidence of how offender management works in practice and OMSAS is providing further advice to NOMS as necessary on work on the NOMM.

The evidence surrounding what works in offender supervision broadly supports what is proposed in the NOMM. Further research is required to assess how far supervision practices can reduce re-offending. However, the strongest evidence available shows that the following principles of offender supervision are effective in reducing re-offending or changing offending behaviour, all of which are features of the NOMM.

- **Resources should follow risk³²** the evidence suggests that we should focus efforts on those offenders who are at medium-high risk of re-offending.
- **Supervisory practices should incorporate elements of pro-social modelling** where the offender is actively engaged in the sentence and is motivated, supported and encouraged to change their offending behaviour.³³
- **The relationship between the offender and offender manager is critical**, with consistent supervision promoting a trusting working relationship.^{34,35,36,37,38}

32 Although note that the criminal careers analysis focuses on enabling the system to determine more accurately those offenders who represent:

“High value” investments in offender management – i.e. high future cost trajectories and responsiveness to intervention – higher social returns from intervention;

“Low value” investments – e.g. unresponsive to change, those on a trajectory towards or on the cusp of natural desistance – lower social returns from intervention.

33 Brown, I. (1999) *Effective one-to-one supervision*. Produced for West Yorkshire Probation Service: Unpublished research.

34 Barry, M. (2000) *The Mentor/Monitor Debate in Criminal Justice: ‘What Works’ for Offenders*. British Journal of Social Work, 30, 575-595.

35 Burke, L., Mair, G. and Ragonese, E. (2006) *An evaluation of service provision for short-term and remand prisoners with drug problems*. Probation Journal, 53 (2), 109-123.

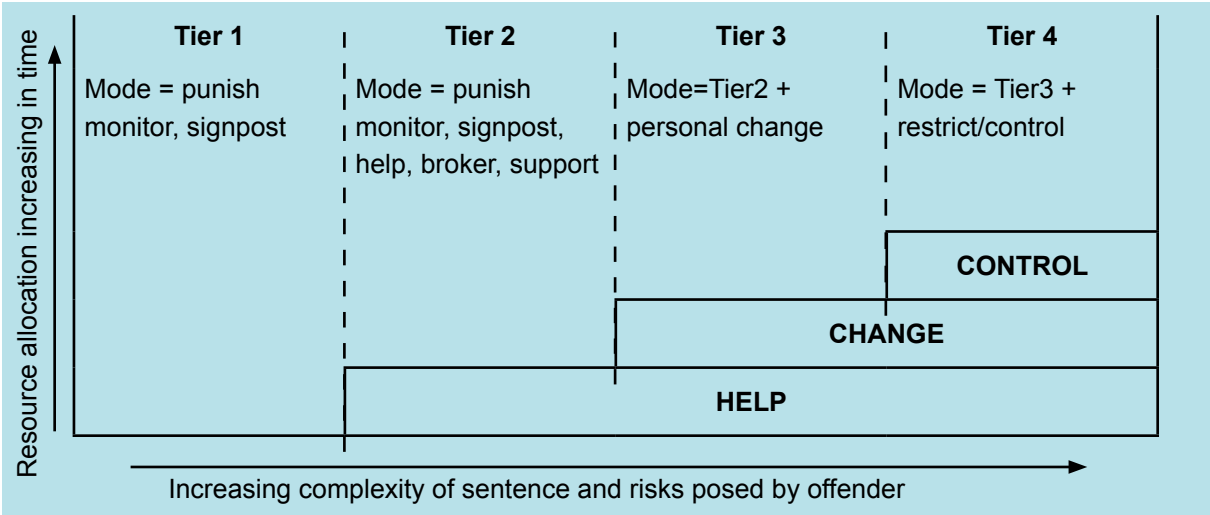
36 Underdown, A. and Ellis, T. (1998) *Strategies for Effective Offender Supervision*. London: Home Office.

37 Partridge, S. (Ed.) (2004). *Examining case management models for community sentences*. London: Home Office.

38 Coker, J. B. and Martin, J. P. (1985) Licensed to Live. Oxford: Blackwell. In: J. Winstone and F. Pakes (Eds.) (2005) *Community Justice: Issues for Probation and Criminal Justice*, p.16-32.

- **Supervision and referrals to other agencies for interventions should vary according to the assessed risk levels and needs of the offender.**^{39 40 41 42}
- **Referrals to partner agencies can benefit offenders with multiple needs** and offenders who would otherwise not have received community supervision. However, the evidence is mixed and some negative as well as positive aspects were identified.^{43 44}
- **A four tier framework guides decisions about allocation of resources under the offender management model**, see Figure 1 below. All sentences for convicted offenders include an element of ‘punishment’. Offenders convicted of less serious offences and those deemed to be at low risk of re-offending and low risk of harm to others are likely to be categorised as tier 1. This attracts straightforward punishment sentences such as fines, curfew and unpaid work. OASys assessments are not generally completed for these offenders. Tier 2 offenders are likely to be those offenders who meet the less serious and risk criteria but need help to reduce their risk of re-offending – for example, help with health problems, accommodation, employment and learning skills. Tier 3 and tier 4 offenders are typically those convicted of more serious offences. (It should be noted that sentencer discretion affects this: for example someone who is low risk and has low needs could be given a sentence associated with a higher tier, depending on the circumstances of the case.)

Figure 1: NOMM Tiering Framework and Sentence Modalities



Source: Grapes, T. (2006) The NOMS Offender Management Model, London, Home Office.

39 Durrance, P. and Williams, P. (2003) Broadening the agenda around what works for Black and Asian offenders. *Probation Journal* 50(3), 211-224.

40 Calverley, A., Cole, B., Kaur, G., Lewis, S., Raynor, P., Sadeghi, S., Smith, D., Vanstone, M. and Wardak, A. (2004) Black and Asian offenders on Probation. London: Home Office.

41 Beaumont, B., Caddick, B. and Hare-Duke, H. (2001) Meeting Offenders' Needs. Nottinghamshire Probation Service: Unpublished research.

42 Burnett, R. (1996) Fitting supervision to offenders: assessment and allocation decisions in the Probation Service. London: Home Office.

43 Mille, A. and Erol, R. (2006) Rehabilitation and Resettlement: A study of Prolific Offender Case Management in Birmingham, United Kingdom. *International Journal of Offender Therapy and Comparative Criminology*, 50(6), 691-710.

44 Cinamon, K. and Hoskins, J. (2006) The Prolific and other Priority Offender Initiative in practice. *The Journal of Community and Criminal Justice* 53(2), 154-166.

At the end of December 2007 about half (47%) of those supervised by the Probation Service on Community Orders were in Tier 3 or Tier 4 and about one fifth (21%) were in Tier 1, as shown in the table below.

Table 2: Persons supervised⁽¹⁾ by the Probation Service by supervision tier and sex, 2007

| | Community order – England and Wales, 31st December 2007 | | |
|------------|---|----------------|------------------|
| | Male and female offenders | Male offenders | Female offenders |
| Tier 1 | 21% | 21% | 22% |
| Tier 2 | 32% | 30% | 42% |
| Tier 3 | 42% | 43% | 34% |
| Tier 4 | 5% | 5% | 1% |
| Not stated | 1% | 1% | 1% |
| All | 100% | 100% | 100% |
| | 101,858 | 86,952 | 14,906 |

(1) Each person is counted only once in the total even if they started several types of supervision in the year.

Source: Ministry of Justice (2008), Statistics Bulletin: Offender Management Caseload Statistics 2007, England and Wales, London: Ministry of Justice

OFFENDER MANAGEMENT

Terminations⁴⁵

More than 60 per cent of Community and Suspended Sentence Orders ran their full course or were terminated early for good progress in the third quarter of 2008.

Of the 31,540 Community Orders terminated in the third quarter of 2008, 61 per cent had run their full course or were terminated early for good progress, compared with 29 per cent terminated for negative reasons (failing to comply or conviction of a further offence). The equivalent percentages for quarter three of 2007 were 56 and 33 respectively.

Of the 10,900 Suspended Sentence Orders (SSOs) terminated in the third quarter of 2008, 61 per cent had run their full course or were terminated early for good progress, compared with 31 per cent terminated for negative reasons. The equivalent percentages for quarter three of 2007 were 51 and 39 respectively.

⁴⁵ Ministry of Justice (2009), Statistics Bulletin: Probation statistics quarterly brief July to September 2008, England and Wales, London: Ministry of Justice.

OFFENDER MANAGEMENT

Risk assessment⁴⁶

Definition:

“The systematic collection of information to determine the degree to which harm (to self and others) is likely, at some future point in time.”⁴⁷

Risk assessment underpins sentence planning, resource allocation, targeting of interventions designed to reduce re-offending and community supervision of offenders. It is a central tenet of the Offender Management Model⁴⁸ and forms a core element of public protection managed through prison, probation and police services. For all involved in offender management, from Parole Board release decisions to treatment and community supervision, making a full and accurate assessment of risk is crucial to decision making. In understanding the boundaries of risk assessment, however, it must be recognised that this is not an exact science, and that no environment is risk free. Assessment includes predicting future re-offending (in the UK this is usually measured by reconviction) and predicting the harm, to both an offender and their victim, that re-offending is likely to cause.

Risk assessment typically measures two kinds of risk factor, ‘static’ and ‘dynamic’, and methods of assessment are ‘actuarial’ or ‘clinical’ in nature. Static factors are unchangeable historical characteristics of an offender (e.g. gender, age and previous criminal convictions) associated with higher rates of re-offending, and ‘actuarial’ risk prediction relies on assessing these factors. It calculates the probability that an individual will re-offend, a probability based on the average re-offending rate calculated from a sample of offenders who match that individual on relevant static factors. ‘Clinical’ risk prediction, in contrast, is less structured and relies on interviews and observations of social, behavioural, environmental and personality factors related to previous offending. These factors are considered ‘dynamic’ in nature rather than static as they are amendable to change via treatment and offender management more generally and as such can help in identifying appropriate provision in these areas.

Both actuarial and clinical approaches are limited when used alone. For example, actuarial assessment cannot identify which offenders will go on to re-offend, merely into which category an individual falls (e.g. high or low risk), nor can it indicate risk of harm or identify how risk might be reduced for a particular individual. Clinical assessment, however, can be more open to bias than actuarial approaches as it relies upon judgement and can be influenced by an assessor’s opinion of the relative importance of different risk factors.

46 Adapted from Cann, J. and Harper, G. (2008) Recidivism Prediction. In: G. J. Towl, D. P. Farrington, D. A. Crighton and G. Hughes (Eds). *Dictionary of Forensic Psychology*. Willan Publishing.

47 O’Rourke, M. (2008) Risk Assessment. In: G. J. Towl, D. P. Farrington, D. A. Crighton and G. Hughes (Eds). *Dictionary of Forensic Psychology*. Willan Publishing.

48 Home Office (2006) *The NOMS Offender Management Model*. London: Home Office.

A number of tools are available, many of which have been validated on UK populations and are used as part of risk assessment processes within the National Offender Management Service (NOMS). Some are actuarial, some clinical and others a combination of the two. This dual approach is the now widely accepted method of most reliably, and usefully, assessing risk. A number of tools predict specific types of re-offending (e.g. sexual or violent); others are designed for general application.

The most prominent tool used to assess adult offenders in England and Wales is the Offender Assessment System (OASys). This is applied to offenders given a custodial sentence of 12 months or longer and used to assess risk of general offending, likely degree of harm caused by any re-offending, and degree of need posed by an offender in a range of areas. OASys calculates (using an actuarial measure) a likelihood of reconviction score based upon static (i.e. criminal history) and dynamic factors (e.g. an offender's accommodation situation, degree of substance misuse, attitudes, education status and emotional well-being). It also enables an (unstructured) clinical judgement to be made about the risk of serious harm likely to be caused if an individual goes on to re-offend. The likelihood of reconviction score and the judgement regarding risk of serious harm, along with individual scores on the range of dynamic factors assessed, are used to inform sentence planning, needs assessment and risk management.

The Risk Matrix 2000 (RM2000) is used to predict the risk of future sexual offending and the Structured Assessment of Risk and Need (SARN) is used for offenders going through prison-based treatment programmes. The RM2000 comprises three actuarial scales which assess the risk of sexual re-offending, non-sexual violent re-offending and a combination of sexual and other violent re-offending from a range of static factors. It is used across NOMS with offenders sentenced for sexual or violent offences.

The SARN enables a structured clinical assessment of dynamic risk factors for sexual offenders, and also encompasses the RM2000, thus covering both actuarial and clinical methods. The structured nature of this tool helps ensure that a range of risk factors are addressed and so the bias inherent in less structured assessments can be reduced. Currently, however, use of the SARN is limited to offenders undergoing a sex-offender treatment programme as its primary purpose is to identify treatment needs and monitor progress. Systematic dynamic risk assessment for offenders not accessing treatment is not currently widely available.

Other tools are used to predict the risk of future violent offending in England and Wales. The risk of violent re-offending can be measured by the Historical Clinical Risk-20 (HCR-20) tool, a clinical tool that considers dynamic risk factors only (the historical, or static, factors are scored according to professional judgement rather than an actuarial scoring scale). Other tools incorporate both actuarial and clinical approaches and include

the Spousal Assault Risk Assessment (SARA) and the Violence Risk Scale (VRS). The Psychopathy Checklist-Revised (PCL-R), while primarily a tool to identify psychopathy among forensic patients, can be used to help measure psychopathy as a risk factor in predatory violence.

Risk assessment in England and Wales is undergoing substantial development. From summer 2009, the OASys General re-offending Predictor (OGP) will become the common tool for assessing the likelihood of proven re-offending (including convictions, formal cautions, reprimands and final warnings). This actuarial measure incorporates calculation of static risk (measured using the Offender Group Reconviction Scale v.3, OGRS3) and scores on dynamic factors which research using OASys data has shown to be most predictive of non-violent reconviction., (i.e. drug misuse, accommodation, employability, lifestyle, thinking and behaviour, and attitudes which in addition to criminal history as measured using OGRS3 were the best individual predictors of non-violent reconviction). A separate actuarial predictor of violence (OASys Violence Predictor, OVP) will also be included from July 2009, and practitioners will be directed to this score as a basis for further judgements on risk of serious harm. (A Research Summary describing the development of both measures has been published by the OASys Data, Evaluation & Analysis team in NOMS⁴⁹).

NOMS is also piloting a risk assessment tool to examine dynamic risk factors for sexual offenders managed in the community, regardless of whether or not they are taking part in a sex-offender treatment programme. The Stable and Acute 2007⁵⁰ tool, developed in Canada, provides a structured method of assessing dynamic risk factors which are both 'stable' (i.e. potentially changeable but enduring factors related to re-offending, such as attitudes tolerant of sexual offending) and 'acute' (i.e. factors which can change over weeks, days or even hours such as access to victims and substance misuse). Scores resulting from this can help identify particular areas of risk and treatment need. They can also be used to assess the degree to which risk factors have been alleviated following treatment, and an offender's adherence to their supervision and management plans. The pilot will be completed in spring 2009 and a parallel programme of research examining implementation is due to report by early summer 2009. This report will include recommendations to NOMS on a national roll-out of the tool to the police and probation services.

49 Howard, P. (2009) *Improving the prediction of re-offending using the Offender Assessment System*. Ministry of Justice Research Summary 2/09. London: Ministry of Justice

50 Hanson, R. K., Harris, A. J. R., Scott, T. L. and Helmus, L. (2007) *Assessing the risk of sexual offenders on community supervision: The Dynamic Supervision Project*. Public Safety Canada 2007-05.

OFFENDER MANAGEMENT

Integrated Offender Management

- **Integrated Offender Management (IOM) is a new initiative, aiming to reduce re-offending.**
- Integrated Offender Management approaches target offenders in the community (both those on statutory supervision and those who are not, both youth and adult) who present the highest risks to their communities, especially those short sentence offenders released from prison under no statutory supervision.
- It is targeted at persistent offenders and includes those who may not otherwise be supervised by the Offender Management Services, including those sentenced to less than 12 months' imprisonment, a known high re-offending group.
- The initiative is being piloted in five areas: West Yorkshire, West Midlands, Lancashire, Nottinghamshire and London. The London IOM project is known as the Diamond initiative. Lambeth, Lewisham and Newham have been selected for the London Diamond Initiative, to be piloted over two years from Autumn 2008. The Home Office and MOJ are building research into the pilots to evaluate the IOM. The research design is currently being agreed. The Diamond Initiative will be evaluated by the Metropolitan Police Service's Strategic Research and Analysis Unit.
- The schemes will be multi-agency partnerships, including the police, the National Offender Management Service, local authorities and voluntary organisations, who will jointly plan and deliver a package to help offenders desist. This will include help finding homes, work, support for their children and families and access to mainstream services.
- OMSAS is providing advice to policy colleagues on how best to build the evidence on IOM.
- Home Office research⁵¹ supports a positive assessment of the Prolific and other Priority Offender (PPO) programme and while no firm conclusions can be drawn at this stage about the specific impact of the PPO scheme on levels of offending the results are nonetheless encouraging, particularly given the fact that the different elements of the evaluation all suggest movement in the same direction.

Note: a reduction in convictions of 62 per cent was found among the first PPOs put into the PPO programme over their first 17 months. The results of the PPO evaluation support a positive assessment of the programme, but no firm conclusions can be drawn around the specific impact of the PPO scheme on levels of offending at this stage.

51 Home Office (2007) An impact assessment of the Prolific and other Priority Offender programme. On-line report 08/07. London: Home Office. http://uk.sitestat.com/homeoffice/homeoffice/s?rds.rdsolr0807pdf&ns_type=pdf&ns_url=%5Bhttp://www.homeoffice.gov.uk/rds/pdfs07/rdsolr0807.pdf%5D

OFFENDER MANAGEMENT

Effectiveness

- **The offender management community cohort study (OMCCS) is one of three cohort studies (one on prisoners, one assessing offenders on community orders under community supervision, and one on young offenders i.e. 10–17 years old).**
- These cohort studies are designed to provide evidence about which interventions and combinations of interventions reduce re-offending for offenders with different needs and characteristics. The Unit Costs of Criminal Justice project (UCCJ) will contribute to evidence about the unit costs of offender management activity. It also aims to provide the basis for the continued future generation of unit-cost information based on consistent and transparent methodologies and using sound economic principles. The UCCJ project is essential for supporting planned evaluations of the cost-effectiveness of offender management activities as part of the on-going OMSAS adult and juvenile cohort studies. Over the medium/longer term it will add value to existing NOMS agency work on costing and specification benchmarking and will also enable the wider application of cost-benefit analysis as a tool for informing strategic and operational policy decisions.
- **Criminal careers analysis within the juvenile and adult offender populations (ongoing to April 2010)**

OMSAS is using external evidence sources and existing data systems (internal and potentially external) to identify offenders who are more likely to represent:

- **“High value” investments** – offenders who in the future follow relatively high-cost criminal career trajectories and who are more likely to respond to activities that seek to reform and rehabilitate. These are the types of offender where the greater social returns from commissioned services will be concentrated.
- **“Low value” investments** – offenders who are more likely to follow low-cost trajectories in the future – e.g. offenders already on the cusp of, or, who are close to naturally desisting from further re-offending.

Why is this work important? It will help establish whether there is scope for improving the evidence used in existing offender assessment processes with a view to achieving a more socially beneficial targeting of resources (e.g. there may currently be significant opportunity costs in the system – “high value” offenders being displaced by “low value” offenders in terms of receiving interventions).

FINES

Trends in use of fines⁵²

The number of offenders fined for *all* offences dropped from 998,700 in 1997 to 941,500 in 2007, a decrease of six per cent.

Magistrates' courts recorded the lowest figure for the number of offenders fined for *indictable* offences during the last decade, at 47,728 in 2007.

The proportion of offenders fined for indictable offences at magistrates' courts was 20 per cent in 2007. The number sentenced for indictable offences at magistrates' courts has declined over the last ten years.

Fines are mostly given for summary offences; in 2007 summary offences accounted for 95 per cent of the fines given at all courts. Of the remaining five per cent given for indictable offences the breakdown is shown in Table 3 below.

Table 3: The proportion of fines given in 1997 and 2007 for indictable offence types

| | 1997 | 2007 |
|-------------------------------------|-------|-------|
| Violence against the person | 13.6% | 4.8% |
| Sexual offences | 8.2% | 2.7% |
| Burglary | 4.7% | 2.0% |
| Robbery | 0.4% | 0.4% |
| Theft and handling stolen goods | 25.7% | 13.1% |
| Fraud and forgery | 18.0% | 11.3% |
| Criminal damage | 19.2% | 9.6% |
| Drug offences | 46.4% | 31.9% |
| Other (excluding motoring offences) | 46.5% | 31.3% |
| Indictable motoring offences | 56.8% | 23.1% |

The average fine amounts (£) at all courts, by offence, is shown in the table below. *These figures have not been adjusted for inflation.*

⁵² Ministry of Justice (2008), Statistics Bulletin: Sentencing Statistics 2007, England and Wales, London: Ministry of Justice

Table 4: Average fine amounts (£) at all courts, by offence

| Indictable offences | 1997 | 1996 | 2007 |
|-------------------------------------|------|------|-------|
| Violence against the person | 171 | 218 | 239 |
| Sexual offences | 220 | 216 | 285 |
| Burglary | 143 | 162 | 161 |
| Robbery | 79 | 461 | 73 |
| Theft and handling stolen goods | 106 | 108 | 105 |
| Fraud and forgery | 176 | 241 | 286 |
| Criminal damage | 110 | 121 | 126 |
| Drug offences | 101 | 112 | 112 |
| Other (excluding motoring offences) | 413 | 879 | 1,159 |
| Motoring offences | 175 | 286 | 319 |
| Summary offences | | | |
| Summary offences (non-motoring) | 104 | 126 | 130 |
| Summary motoring offences | 163 | 170 | 175 |
| All offences | 146 | 165 | 172 |

Fines in individual cases are set by the courts in accordance with:

- the maximum provided by Parliament for the particular offence (applies to magistrates' courts only; the Crown Court has an unlimited power to fine);
- sentencing guidelines, which take account of:
 - the seriousness of the particular offence as compared with typical versions of that offence; and
 - the ability of the offender to pay.

Courts are assisted in determining amounts by the Sentencing Guidelines Council's *Magistrates' Court Sentencing Guidelines*. The approach is as follows:

- the fine should first reflect the seriousness of the offence;
- it will then be adjusted to take into account the financial circumstances of the offender. "The aim is for the fine to have an equal impact on offenders with different financial circumstances; it should be a hardship but should not force the offender below a reasonable 'subsistence' level";
- it should normally be possible for an offender to pay off a fine within a year;
- individual offence guidelines have one or more starting points and a range of potential penalties to which the court should have regard. For fines, these are divided into three levels:

- Fine Band A – starting point of 50 per cent of relevant weekly income with a range of 25–75 per cent;
- Fine Band B – starting point of 100 per cent of relevant weekly income with a range of 75–125 per cent;
- Fine Band C – starting point of 150 per cent of relevant weekly income with a range of 125–175 per cent;

Fines enforcement and Fine Payment Pilots

There were 1,475 sentenced prison receptions of fine defaulters in 2007 (two per cent of the total number of sentenced prison receptions for 2007). This figure decreased from 6,336 in 1997 (seven per cent of the total number of sentenced prison receptions for 1997).⁵³ Table 5 shows the number of fine defaulters received into prison between 1997 and 2007 and the percentage of the total number of prison receptions for each year.⁵⁴

Table 5: Fine defaulters as a percentage of all sentenced prison receptions

| | Total number of prisoner receptions under sentence | Fine defaulters | Annual percentage of prisoner receptions as fine defaulters |
|------|--|-----------------|---|
| 1997 | 87,168 | 6,336 | 7% |
| 1998 | 91,282 | 5,374 | 6% |
| 1999 | 93,965 | 3,727 | 4% |
| 2000 | 93,671 | 2,476 | 3% |
| 2001 | 91,976 | 1,453 | 2% |
| 2002 | 94,807 | 1,192 | 1% |
| 2003 | 93,495 | 1,250 | 1% |
| 2004 | 95,161 | 1,835 | 2% |
| 2005 | 92,452 | 2,038 | 2% |
| 2006 | 90,038 | 1,904 | 2% |
| 2007 | 91,736 | 1,475 | 2% |

The Courts Act 2003 enacted proposals to improve fine enforcement set out in the White Paper, *Justice for All*. The Act introduced a package of measures aimed at significantly increasing payment rates, diverting fine defaulters from prison and restoring the reputation of the fine as a credible sentencing option.⁵⁵

53 Ministry of Justice (2008), Statistics Bulletin: Offender Management Caseload Statistics 2007, England and Wales, London: Ministry of Justice.

54 Please note that as data for fine enforcement are collated in terms of the value of the fine it is not possible to compare these to the number of fines issued on an annual basis. The decline in prison receptions for fine default displayed in Table 5 may therefore be related to a decrease in the number of fines issued and should therefore be treated with caution.

55 Department of Constitutional Affairs (2003) *Regulatory Impact Assessment: Courts Bill: Proposals to Improve Fine Enforcement* (July 2003).

Since 2003, there has been a steady year-on-year rise in payment rates of fines, from 73 per cent in 2003–2004 to 90 per cent in 2006–2007. The Courts Act 2003 also promoted better informed and more rational sentencing practices to reduce the number of fines imposed in cases where the offender would have significant problems in paying. This combined with the earlier and more accurate use of ‘means forms’ is likely to have contributed to the improved year-on-year collection rates following the introduction of the Act in 2003.

Fine Payment Work is one of a range of fine collection tools created by the Courts Act 2003. Others include:

- automatic deductions from benefits;
- automatic deductions from earnings; and
- 50 per cent fine increase.

The Fine Payment Pilots began in five Court Service areas in 2004 (later extended to two additional areas in 2008). The aim of the scheme was to provide offenders who *‘couldn’t’* pay their fines with the opportunity to convert their fines into voluntary work through a statutory conversion rate (£6 per hour). A process study of the pilots has been carried out and is due to be published in Summer 2009.

RESTORATIVE JUSTICE

Restorative justice has been defined as “a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future.”⁵⁶

Restorative justice has a number of different aims including victim satisfaction and reducing re-offending.

Evidence suggests that restorative justice effectively satisfies victims. Internationally, and in a recent large-scale study in the UK, rates of satisfaction with the restorative justice process amongst victims that participate are high, typically 75 per cent or more.^{57,58}

The evidence on whether restorative justice reduces re-offending is more mixed. **A review of research on restorative justice schemes in the UK and abroad⁵⁹ suggested that it reduced re-offending for some but not all offenders. However, there are limitations in generalising international schemes to wider populations of UK offenders. Up until recently UK studies found no significant effects of restorative justice on reconviction rates.**^{60,61}

A recent Ministry of Justice study⁶² evaluated three restorative justice schemes (running since 2001). It assessed the impact of restorative justice on reconviction and reported some effect (although this appeared to be to reduce rather than to stop re-offending). This evaluation also found that restorative justice can provide value for money. The research did not show any statistically significant results against the traditional measure of the likelihood of re-offending over two years save for one of the 13 groups where the re-offending rate of the control group was unusually high. Overall, there was some indication of an effect but this may be extremely limited. The research found strong evidence (statistically significant) that restorative justice reduces the frequency of further offending but no evidence that it reduces the severity of re-offending. One of the three restorative justice schemes evaluated showed a lower *cost of convictions* versus a control group. Results

56 Marshall, T. (1999) *Restorative Justice: an overview*. Home Office Occasional Paper. London: Home Office.

57 *ibid*

58 Shapland, J., Atkinson, A., Atkinson, H., Chapman, B., Dignan, J., Howes, M., Johnstone, J., Robinson, G. and Sorsby, A. (2007) *Restorative justice: the views of victims and offenders: the third report from the evaluation of three schemes*. MoJ Research Series 3/07.

59 Sherman, L. and Strang, H. (2007) *Restorative Justice: The Evidence – A report to the Smith Institute, University of Pennsylvania, Jerry Lee Centre of Criminology and the Esmée Fairbairn Foundation*.

60 Miers, D., Maguire, M., Goldie, S., Sharpe, K., Hale, C., Netten, A., Uglow, S., Doolin, K., Hallam, A., Enterkin, J. and Newburn, T. (2001) *An Exploratory Evaluation of Restorative Justice Schemes*. London: Home Office
Dignan, J. (1989) *Repairing the Damage: An evaluation of an Experimental Adult Reparation Scheme in Kettering, Northamptonshire..*

61 Wilcox, A. and Hoyle, C. (2004) *Restorative Justice Projects: The National Evaluation of the Youth Justice Board's Restorative Justice Projects*. London: Youth Justice Board.

62 Shapland, J., Atkinson, A., Atkinson, H., Dignan, J., Edwards, L., Hibbert, J., Howes, M., Johnstone, J., Robinson, G. and Sorsby A. (2008) *Does restorative justice affect reconviction? The fourth report from the evaluation of three schemes*. Ministry of Justice Research Series 10/08.

for the other two restorative justice schemes were not statistically significant. Costs of convictions included the costs to potential future victims and to the criminal justice system. In terms of cost-benefits, one of the schemes produced a net benefit in terms of reconviction (the sums saved in decreased reconviction were greater than the costs of running the scheme), whilst the other two schemes produced a net cost.

PROBATION SUPERVISION

Local adult re-offending

The local adult re-offending measure is based on adult offenders on the probation caseload at the end of each quarter and considers re-offending over a three-month period. It is based on combining four quarters of data to give a rolling four-quarter report. It differs from the National Statistics on re-offending in the following respects:

- the sample of offenders;
- the measure of re-offending;
- the time allowed for re-offending; and
- the types of sentences which mean an offence is counted.

Details on these differences can be found in the publication from which the following key points were taken⁶³. All key points refer to the period 1 October 2007 to 30 September 2008.

- The three-month re-offending rate of all offenders on the probation caseload in England and Wales who were at risk of re-offending was 9.88 per cent.
- Four Government Office Regions had a statistically significant increase⁶⁴ in re-offending compared to the baseline⁶⁵ (East of England; North West; South West and Wales). No other Government Office Region had a result that was statistically significant.
- Of the 42 probation areas, six had a statistically significant increase⁶⁶ in re-offending, while two areas showed a statistically significant reduction⁶⁷ in re-offending.
- Sixteen local authorities had a statistically significant increase⁶⁸ in re-offending, while 12 local authorities showed a statistically significant reduction⁶⁹ in re-offending.
- Re-offending by offenders on licence from custodial sentences increased⁷⁰ by 4.24 per cent compared to the baseline, although the actual rate of re-offending remained lower (at 8.63%) than the rate of re-offending for offenders on court orders under probation supervision (at 10.12%).

63 Ministry of Justice (2009), Statistics Bulletin: Local Adult Re-offending 1 October 2007 – 30 September 2008, England and Wales, London: Ministry of Justice

64 Increases or decreases in re-offending refer to rates that have been adjusted to control for changes in the characteristic of offenders on the probation caseload. Further information on this can be found in reference 64.

65 The baseline used is 1 April 2007 – 31 March 2008.

66 Increases or decreases in re-offending refer to rates that have been adjusted to control for changes in the characteristic of offenders on the probation caseload. Further information on this can be found in reference 64

67 *Ibid*

68 Increases or decreases in re-offending refer to rates that have been adjusted to control for changes in the characteristic of offenders on the probation caseload. Further information on this can be found in reference 64.

69 *Ibid*

70 *Ibid*

PROBATION SUPERVISION

Trends in Community Orders, Suspended Sentence Orders⁷¹

Starts

The number of offenders starting Community Orders remained relatively stable between quarter three of 2007 and quarter three of 2008, with between 33,000 and 33,900 offenders starting these in each of the last five quarters.

The number of male offenders starting Community Orders increased by three per cent (up from 27,800 to 28,500), whereas female offenders increased by four per cent (up from 5,230 to 5,430).

The number of offenders starting Suspended Sentence Orders (SSOs) decreased by a percentage point (down from 11,570 to 11,470).

The number of male offenders starting SSOs decreased by two per cent (down from 9,990 to 9,820) and female offenders increased by five per cent (up from 1,570 to 1,650).

Fifty per cent of all Community Orders starting in quarter three of 2008 had just one requirement, compared with 49 per cent one year earlier. Fourteen per cent had three or more requirements, compared with 15 per cent a year earlier.

Thirty-eight per cent of all SSOs starting in quarter three of 2008 had just one requirement, compared with 36 per cent one year earlier. Twenty per cent had three or more requirements, compared with 21 per cent a year earlier.

Caseload

Offenders supervised under Community Orders on 30 September 2008 fell slightly by a percentage point on one year earlier (down from 101,670 to 100,360).

There was a two per cent decrease in the Community Order caseload for male offenders, compared with a one percentage point increase for female offenders (up from 14,660 to 14,840).

Nine per cent more offenders were being supervised under SSOs on 30 September 2008. This reflected an eight per cent increase in male offenders and a 14 per cent increase in female offenders.

⁷¹ Ministry of Justice (2008), Statistics Bulletin: Offender Management Caseload Statistics 2007, England and Wales, London: Ministry of Justice.
Ministry of Justice (2009), Statistics Bulletin: Probation statistics quarterly brief July to September 2008, England and Wales, London: Ministry of Justice

Criminal histories of offenders on the caseload at the end of 2007

Thirteen per cent of offenders on the probation caseload had no previous convictions or cautions, while 18 per cent had 15 or more.

Sixteen per cent of offenders serving Community Orders had 15 or more previous convictions or cautions compared with 20 per cent for Suspended Sentence Orders and 25 per cent for those under pre- and post-release supervision.

Male offenders are more likely to have previous convictions or cautions than female offenders; 23 per cent of female offenders on the caseload had no previous recorded convictions or cautions compared with 11 per cent for males.

Offenders with the most substantial criminal history are likely to be those with the most requirements associated with their court orders. Of offenders with one requirement, 18 per cent had no previous convictions or cautions. In contrast, only three per cent of offenders with five or more requirements had no previous convictions or cautions.

Trends in pre- and post-release supervision (starts, caseload)

The number of offenders starting pre- or post-release supervision by the Probation Service increased by four per cent (up from 11,370 to 11,870 between quarter three of 2007 and quarter three of 2008).

The number of male offenders starting pre- or post-release supervision increased by four per cent, whereas the number of female offenders increased by 15 per cent (up from 760 to 880).

A total of 97,080 offenders were supervised either before or after release from prison at the end of March 2008, a six per cent increase from a year before.

The number on pre-release supervision increased by two per cent (from 66,350 to 67,540) whereas the number on post-release supervision (in the community) increased by 16 per cent (from 26,110 to 30,270).

For male offenders, the percentage increases in both pre- and post-release supervision mirrored those for all offenders.

For female offenders, the total on either pre- or post-release supervision increased by three per cent; those on pre-release supervision decreased by three per cent and those on post-release supervision (in the community) increased by 17 per cent.

Longer-term trends show that the number of offenders supervised either before or after release from prison increased by 22 per cent between 31 December 2002 and 31 December 2007 (up from 77,240 to 94,560). The number under pre-release supervision increased by 19 per cent (from 55,730 to 66,380) whereas the number under post-release supervision increased by 31 per cent (from 22,000 to 28,720). These increases (in particular the latter) are due partly to changes brought in by the Criminal Justice Act 2003, which mean that offenders now spend longer on licence than in the past.

PROBATION SUPERVISION

Supervision of high risk offenders

- **MAPPA (Multi-Agency Public Protection Arrangements) is the term used to describe the arrangements set up locally to assess and manage offenders who pose a risk of serious harm.** National MAPPA Guidance (2007) indicates the use of three levels of management:
- Level 1: involves ordinary agency management;
- Level 2: where the active involvement of more than one agency is required to manage the offender. Most offenders assessed as high or very high risk of serious harm can be effectively managed at Level 2 where the management plans do not require the oversight and commitment of resources at a senior level; and
- Level 3: where it is determined that the management issues require active conferencing **and** senior representation from the agencies.

The few cases referred to Level 3 are for those offenders whose management is so problematic that multi-agency cooperation and oversight at a senior level is required, together with the authority to commit significant resources.

There were 12,806 MAPPA Level 2 and 3 Registered Sexual Offenders (RSO), Violent Offenders (VO), and Other Offenders (OO) in the 2007/08 reporting year in England and Wales⁷². During this period 79 Serious Further Offences (SFO) were committed by Level 2 and 3 MAPPA nominees⁷³.

Two research studies have been conducted into the use of MAPPA for managing those offenders convicted of sexual offences against children. The first examined operations within and experiences of MAPPA; the second the extent of third-party discretionary disclosure which takes place in the management of these offenders.

(i) Operation and experience of MAPPA⁷⁴

The aim of this study was to examine (qualitatively) the operational practices for sex offenders managed at Levels 2 and 3 within the MAPPA arrangements.

72 London National Statistics for Multi-Agency .Public Protection Arrangements Annual reports 07/08. www.probation.homeoffice.gov.uk/output/page30.asp

73 *Ibid.*

74 Wood, J. and Kemshall, H., *The operation and experience of Multi-Agency Public Protection Arrangements (MAPPA)*, Home Office Online Report 12/07.

- **Practitioners, including MAPPA and Strategic Management Board (SMB) representatives, identified the primary aim of MAPPA as “public protection”, with inter-agency cooperation key.** Rehabilitation, however, was not spontaneously identified by practitioners as a core aim. Offenders themselves were less well able to define the aims of MAPPA except in terms of the individuals and agencies with whom they came into contact through supervision.
- **Staff were positive about the contribution of MAPPA to the supervision of sex offenders convicted of offences against children, suggesting it helped with: information exchange; responses to changes in risk; social welfare of offenders; discretionary disclosure; extending supervision past licence, and victim liaison.**

(ii) Extent of discretionary disclosure under MAPPA⁷⁵

The aim of this study was to examine of the extent to which third-party discretionary disclosure was used with child sex offenders managed under MAPPA. This practice enables details about offenders to be made known to third parties following an identified risk to children.

- **Disclosures were usually made by the offender under close MAPPA management and supervision. Follow-up checks by supervising officers were made to ensure they took place.** The nature of the convicted offence was the most usual detail disclosed, followed by an offender’s exact residence and their licence requirements.
- **Disclosure occurred most frequently to school staff, followed by employers, new/ex-partners and their family members, and staff in community services.**
- **The key positive outcome was reported as enhanced child protection through limiting offenders’ access to potentially risky situations.**
- **Reported negative outcomes included loss of intimate relationships, jobs, and access to sporting and social facilities.**
- **Forty (out of 43) Police/Probation Areas in England and Wales responded to self-completion questionnaires exploring the use of disclosure during January to June (inclusive Twenty-nine Areas had disclosed information on MAPPA nominees during this time.**

⁷⁵ Cann, J. *Assessing the extent of discretionary disclosure under the Multi-Agency Public Protection Arrangements (MAPPA)*, Home Office Online Report 13/07.

The use of polygraphy with sex offenders

A Home Office funded pilot with sex offenders⁷⁶ suggested polygraph testing might contribute to the effective treatment and supervision of sex offenders. It should be noted that limitations of the pilot (including its voluntary nature) and accompanying research mean that robust conclusions about the effectiveness of polygraphy as a risk management tool could not be drawn.

In the study, over 90 per cent of case managers who provided feedback stated that they had found the test to be somewhat or very helpful. Examiners and case managers reported that new disclosures relevant to supervision and treatment had been made in the majority of polygraph examinations. However, as noted above, it is not possible to attribute these disclosures to the polygraph.

Using provision in the Offender Management Act 2007, a mandatory trial of polygraph testing began in April 2009. Thorough research is planned to examine whether or not polygraph testing is a useful and effective risk management tool for offender managers.

In general, the current evidence base in relation to the polygraph, and its use with offenders, is neither extensive nor of good quality.

76 Grubin, D. (2006), *Polygraph Pilot Study: Final Report*, National Probation Directorate.
<http://www.probation.justice.gov.uk/files/pdf/Polygraph%20Pilot%20Report%20-%20July%202006.pdf>

PROBATION SUPERVISION

Prolific and other priority offenders

The Prolific and other Priority Offender (PPO) programme, implemented from 6 September 2004, targets those offenders who commit most crime in the area, or whose offending causes the most damage to the local community.

The three strands of the PPO programme aim to:

- **Catch and Convict** offenders who commit most crime in their locality, or whose offending causes most harm to their community. There is no standard, national definition of PPOs. Local areas devise their own selection criteria, based on key principles set out in national guidance. PPOs are subject to intense police supervision;
- **Rehabilitate and Resettle** PPOs, working with them to stop their offending by offering a range of supportive interventions. These address identified needs and risks of further offending. The opportunity to rehabilitate is backed by a swift return to court if offending continues;
- **Prevent and Deter** to stop the most active young offenders escalating into tomorrow's prolific offenders through youth justice interventions and continued post-sentence support.

The programme features a joined-up multi-agency offender management model, involving criminal justice agencies, local authorities and other partners, based on a shared vision of objectives, priorities and outcomes.

Research evaluation⁷⁷ supports a positive assessment of the PPO programme. While no firm conclusions can be drawn around the specific impact of the PPO scheme on levels of offending at this stage, the results are nonetheless encouraging, particularly given the fact that the different elements of the evaluation all suggest movement in the same direction.

More specifically:

- a comparison of total convictions in the 17 months before and 17 months following the programme showed a 43 per cent reduction in PPO offending; and
- a comparison from the start of the scheme to 17 months after the start showed a 62 per cent reduction in convictions and a sharp reduction in PPO offending following entry onto the scheme.

⁷⁷ Home Office (2007) *An impact assessment of the Prolific and other Priority Offender programme*. Online Report 08/07. http://uk.sitestat.com/homeoffice/homeoffice/s?rds.rdsolr0807pdf&ns_type=pdf&ns_url=%5Bhttp://www.homeoffice.gov.uk/rds/pdfs07/rdsolr0807.pdf%5D

The reduction in recorded convictions cannot necessarily be attributed to the PPO programme, as we do not know what would have happened to these offenders had the scheme not been introduced.

The PPO research concluded that the comparison group was not a valid representation of what would have happened without the scheme. This ultimately limited the conclusions that could be drawn about the specific impact of the PPO programme.

PROBATION SUPERVISION

Adult re-offending⁷⁸

In the six years to 2006 there was a 23 per cent reduction in the number of offences committed by offenders within one year of commencing a court order under probation supervision⁷⁹.

In 2006, offenders commencing court orders under probation supervision committed on average 1.2 offences⁸⁰ each within a year. This was down from 1.6 in 2000.

In 2006, 36% per cent of offenders commencing a court order under probation supervision committed at least one offence in the following year. This was down from 40 per cent in 2000.

Between 2000 and 2006 there was no change in the average number of most serious offences⁸¹ committed within a year by offenders commencing court orders under probation supervision. For every 100 offenders in the 2006 cohort, there was less than one serious offence in the following year.

Table 6: Re-offending rates for offenders commencing a court order under probation supervision (England and Wales)

| Year | Number of offences per 100 offenders | Percentage of offenders committing at least one offence | Number of most serious offences per 100 offenders |
|---------------------|--------------------------------------|---|---|
| 2000 | 158.8 | 39.5% | 0.6 |
| 2001 ⁽¹⁾ | | | |
| 2002 | 175.1 | 40.9% | 0.7 |
| 2003 | 174.1 | 42.1% | 0.7 |
| 2004 | 148.6 | 39.0% | 0.7 |
| 2005 | 138.1 | 37.9% | 0.8 |
| 2006 | 121.7 | 36.1% | 0.6 |

(1) Data for 2001 are not available due to problems with historical data for this year.

In 2006, offenders sentenced to community orders or suspended sentence orders with one requirement⁸² had in general lower re-offending rates than offenders with more than one requirement. However, the number of requirements with the sentence is based on the characteristics and needs of the offender, and, in general, offenders with more needs are more likely to re-offend.

78 Ministry of Justice (2008), Statistics Bulletin: Re-offending of adults: results from the 2006 cohort, England and Wales, London: Ministry of Justice

79 Court orders under probation supervision include Community Orders, Suspended Sentence Orders and Community Sentences (prior to the introduction of Community Orders in April 2005).

80 Where the offence was 'proved' by a court conviction.

81 Most serious offences include: murder and offences resulting in death, serious violence (GBH) and serious sexual offences.

82 A combination of one or more (of 12) requirements can be attached to a community order, from unpaid work, to supervision, to accredited programmes, to drug and alcohol treatments etc.

PRISON

Trends in prison receptions and population

Prison receptions⁸³

First receptions

- There were 125,880 **first receptions**⁸⁴ in 2007, a decrease of two per cent compared with 2006 and five per cent lower than 2005. This was the lowest figure recorded for first receptions since 1997 (124,170; 1998 was 130,960).

Remand receptions

- 79,700 prisoners were **received on remand** in 2007, five per cent fewer than in 2006, reflecting a fall in both untried and convicted unsentenced receptions (down one per cent and nine per cent respectively).
- Almost a quarter of all **untried receptions** in 2007 were for violence against the person offences, with a further 14 per cent for theft and handling and 12 per cent for burglary. These proportions were similar to those seen in 2006 but showed a change over the longer term. In 1997 theft and handling was the largest offence group (23%) followed by burglary and violence against the person (19 and 15% respectively).

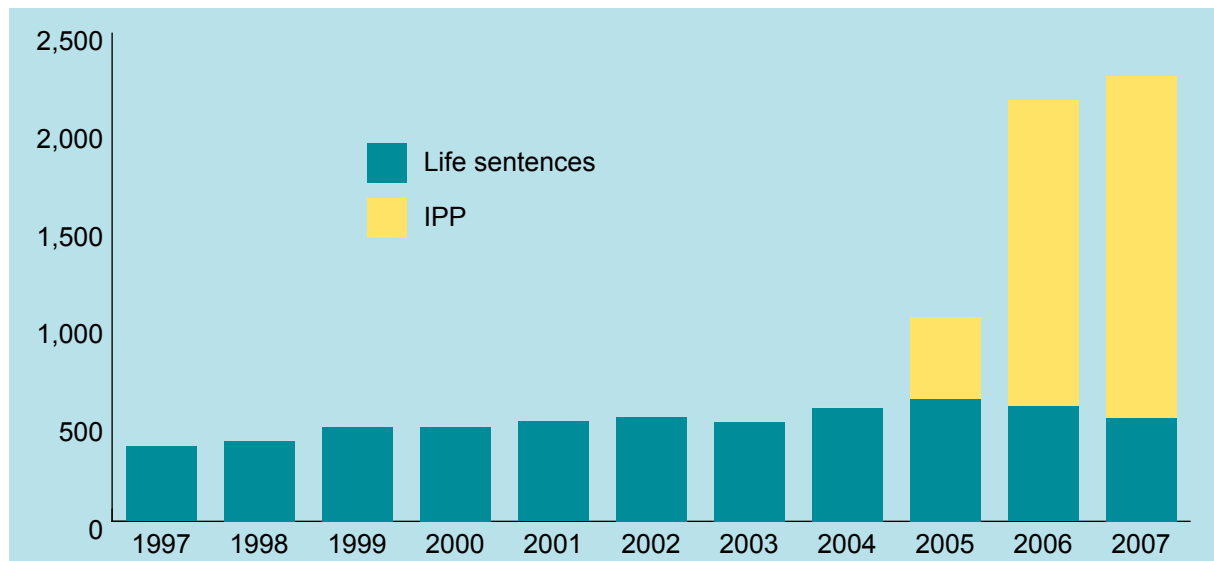
Sentenced receptions

- There were 90,260 **receptions under sentence** (excluding fine defaulters) in 2007, up two per cent on the previous year and 12 per cent higher than in 1997.
- **Receptions of prisoners on indeterminate sentences** (either a life sentence or an Indeterminate Sentence for Public Protection (IPP)) **increased by six per cent** from 2,160 in 2006 to 2,280 in 2007. This rise was due to an 11 per cent increase in IPP receptions (from 1,570 in 2006 to 1,750 in 2007) while receptions of all other indeterminate sentences fell by ten per cent to 530 (of which 360 were mandatory lifers).

83 Ministry of Justice (2008), Statistics Bulletin: Offender Management Caseload Statistics 2007, England and Wales, London: Ministry of Justice

84 First receptions provide an indication of the number of new prisoners in a time period. A person received into prison to serve a sentence may previously have been received on remand after conviction prior to sentence, and before that as a remand prisoner awaiting trial. First receptions will count that prisoner only once in the relevant time period in which they were first received.

Figure 2: Receptions of prisoners on indeterminate sentences, 1997 to 2007



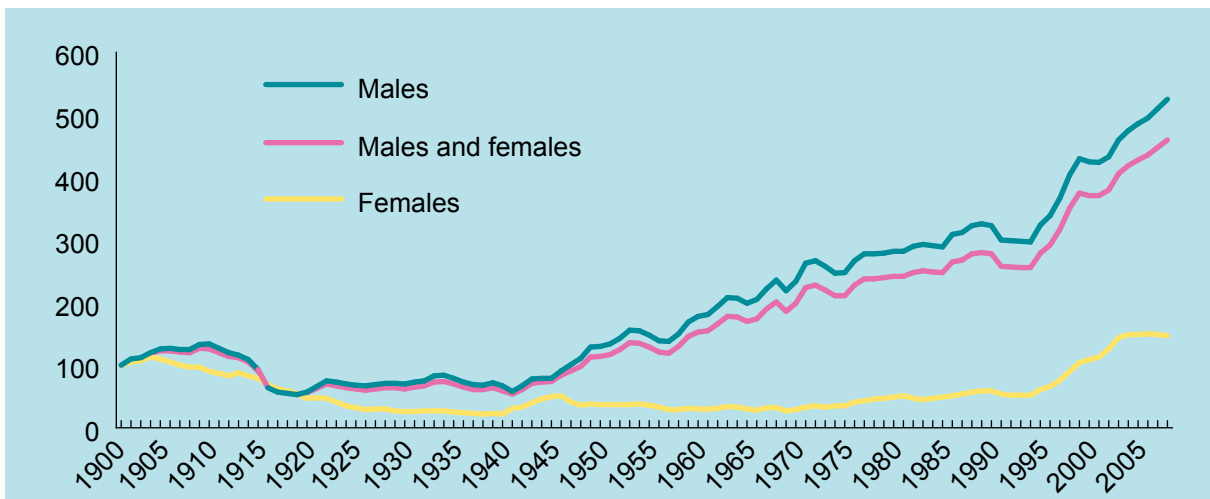
- The number of sentenced receptions increased between 2006 and 2007 in all sentence length bands except those for four years or more (excluding indeterminates) which fell by 180 (3%) reflecting the switch from long determinate sentences to IPPs (which rose by 180).
- **Receptions of non-criminal prisoners** fell by 18 per cent between 2006 and 2007 following a rise of 51 per cent between 2003 and 2006. The majority (86%) were being held under the 1971 Immigration Act with a further eight per cent committed for contempt of court.
- In 2007, 10,740 **prisoners of a foreign nationality** were received under an immediate custodial sentence, an increase of nine per cent from the previous year and continuing an upward trend which saw a 29 per cent rise between 2004 and 2007. By comparison, immediate custodial sentenced receptions of British nationals rose by two per cent from 2006 but fell by six per cent compared to 2004.
- Europeans represented the largest group of male foreign national receptions in 2007 (35%), followed by those from Africa (28%) and Asia (21%). Whereas among female foreign national receptions the largest group was Africans (38%) followed by those from Europe (30%) and Asia (19%).

Prison population⁸⁵

- As of 31 January 2009, the **overall population in custody** was 82,487, one per cent higher than a year earlier. The population in prison was 82,075, in Secure Training Centres 228, and in Secure Children's Homes (SCHs) 184.

The male population in prison increased by two per cent to 77, 812 and the female prison population fell by four per cent to 4,263 in January 2009.

Figure 3: Long-term trend in prison population



Remand population

- The **remand prison population** increased by one per cent to 12,908 in January 2009 compared to January 2008. Within this, the untried population increased four per cent to 8,341 and the convicted unsentenced population fell five per cent, to 4,567.
- Compared with January 2008, the largest percentage increases were in burglary, robbery and sexual offences, up by eight, six and three per cent respectively.

Sentenced population

- At the end of January 2009 there were 67, 473 sentenced⁸⁶ prisoners, an increase of two per cent from a year earlier.
- The largest proportional increase since January 2008 was for those serving indeterminate sentences (Life sentences and Indeterminate Sentences for Public Protection) which increased by 14 per cent.

⁸⁵ Ministry of Justice (2009), Statistics Bulletin: Population in custody monthly tables January 2009, England and Wales, London: Ministry of Justice

⁸⁶ Includes recalls and excludes fine defaulters.

- Among the sentenced population, the largest percentage increases were seen in violence against the person, sexual offences and robbery, up by 6.5 and three per cent from January 2008. The number of people serving sentences for motoring offences saw a drop of 19 per cent since January 2008.

Age

- The **adult prison population** was 70,424 at 31 January 2009, an increase of two per cent from a year earlier. Over the same time period, the young adult prison population was 9,429 and those aged 15 to 17 fell one per cent to 2,222.

Criminal histories of offenders on the prison caseload at the end of June 2007⁸⁷

Of those offenders on the caseload and under sentence in 2007, 13 per cent had no previous convictions or cautions compared with 14 per cent in 2002. A much higher proportion of these offenders had 15 or more previous sanctions (30 per cent in 2007 compared with 25 per cent in 2002).

Offenders serving short custodial sentences are more likely to have a substantial criminal history than those serving the longest sentences. Forty-two per cent of offenders serving sentences of six months or less had 15 or more previous convictions or cautions; for those serving four years or more the figure was 25 per cent.

Discharges and recalls

Trends in numbers leaving prison and under the parole, home detention curfew and end of custody licence schemes, and recalls to prison.⁸⁸

- **The total number of adults and young offenders discharged from determinate sentences in 2007 was 65,000 and 12,000, respectively a fall of one per cent and four per cent compared with 2006.** Between 2003 and 2007, the total number of discharges decreased by six per cent.
- **In 2007, discharges from sentences of up to six months accounted for 50 per cent of all discharges from determinate sentences.** Sentences between six and 12 months accounted for 12 per cent of discharges. Sentences between one and four years accounted for 29 per cent of discharges. Determinate sentences between four years and less than life accounted for ten per cent of discharges.
- **The average sentence length for adults discharged from determinate sentences in 2007 was around 18 months;** in 2003 the average sentence length was 16 months.

⁸⁷ Ministry of Justice (2008), Statistics Bulletin: Offender Management Caseload Statistics 2007, England and Wales, London: Ministry of Justice

⁸⁸ *ibid.*

The average time served (including remand) for adults discharged from determinate sentences was ten months in 2007 compared with nine months in 2003.

- **In 2007/08, a total of 11,756 prisoners serving determinate sentences were recalled to custody, an increase of five per cent on 2006/07.** In 2000/01, 2,457 prisoners serving determinate sentences were recalled.
- **Around 36 per cent of prisoners considered for parole in 2007/08 were released. This was the same rate as 2006/07.** Around 6,000 determinate sentence prisoners were considered for parole in 2007/08, a decrease of 13 per cent compared with 2006/07. Of those prisoners considered for parole, around 2,150 were released. The release rate in 1997/98 was 38 per cent. The highest release rates in the last ten years were between 2002 and 2004, at 53 per cent.
- **In 2007/08, 926 parolees were recalled, a decrease of 24 per cent from 2006/07 and the first drop in numbers recalled following ten years of year-on-year increases.** The 926 represented 27 per cent of all prisoners on parole.
- **Around 21 per cent (11,428) of potentially eligible prisoners were released on Home Detention Curfew (HDC) in 2007.** The rate in 2006 was 26 per cent. The highest release rates to date on HDC were in 2002 and 2003, at 37 per cent.
- **In 2007, there were 1,654 decisions to recall from HDC, representing a decrease of 24 per cent on 2006.** The most common reason for recall, which accounted for nearly 75 per cent of all recalls, was breaching HDC conditions. Nine per cent of recalls were on the grounds of being charged with a new offence.
- **In 2007, 146 life sentence prisoners were released for the first time. This was 11 more than those first released in 2006 and 26 more than those released in 1999.** In the same year, 134 offenders on life licence were recalled to prison. This was 30 fewer than those recalled in 2006 and 100 more than in 1999. The average time served for mandatory lifers first released from prison in 2007 on life licence was 16 years, an increase of two years on the previous three years. For other lifers the mean time served was nine years in 2007, an increase of two years from 2006.
- **Between the start of the scheme (29 June 2007) and the end of January 2009, there were 49,807 releases on End of Custody Licence (ECL⁸⁹).** Of these, 70 per cent were serving sentences of up to six months. Around 11,300 were serving sentences for theft and handling (23%); 9,700 (19%) were serving sentences for violence against the person. In the same period, there were 1,665 decisions to recall prisoners while on ECL.

⁸⁹ Ministry of Justice (2009), Statistics Bulletin: End of Custody Licence releases and Recalls January 2009, England and Wales, London: Ministry of Justice

PRISON

Adult re-offending⁹⁰

In the six years to 2006 there was a 15 per cent reduction in the number of offences committed by offenders within one year of discharge from prison.

In 2006, offenders discharged from prison committed on average 2.1 offences⁹¹ each within a year. This was down from 2.5 in 2000.

In 2006, 46 per cent of offenders discharged from prison committed at least one offence in the following year. This was down from 51 per cent in 2000.

Between 2000 and 2006 there was a decrease in the number of most serious offences⁹² committed within a year by offenders discharged from prison. For every 100 offenders in the 2006 cohort, there was less than one serious offence in the following year.

Table 7: Re-offending rates for offenders discharged from prison (England and Wales)

| Year | Number of offences per 100 offenders | Percentage of offenders committing at least one offence | Number of most serious offences per 100 offenders |
|---------------------|--------------------------------------|---|---|
| 2000 | 245.5 | 51.4% | 1.1 |
| 2001 ⁽¹⁾ | | | |
| 2002 | 288.2 | 55.0% | 1.2 |
| 2003 | 279.1 | 53.9% | 1.2 |
| 2004 | 253.1 | 51.9% | 1.0 |
| 2005 | 228.5 | 49.1% | 1.1 |
| 2006 | 208.4 | 46.5% | 0.9 |

(1) Data for 2001 are not available due to problems with historical data for this year.

Offenders sentenced to less than one year in prison have much higher re-offending rates than those sentenced to more than one year. In 2006 the number of offences committed in a year after discharge was 2.8 each for those sentenced to less than a year and 1.0 each for those sentenced to between one and two years. However, the length of prison sentence is based on the type of offence committed, as well as the criminal history and needs of the offender. Furthermore, offenders who receive a short prison sentence are more likely to have committed a large number of acquisitive crimes which is linked to a greater likelihood of re-offending.

90 Ministry of Justice (2008), Statistics Bulletin: Re-offending of adults: results from the 2006 cohort, England and Wales, London: Ministry of Justice

91 Where the offence was 'proved' by a court conviction.

92 Most serious offences include: murder and offences resulting in death, serious violence (GBH) and serious sexual offences.

Between 2000 and 2006, the greatest reductions (over 40 per cent in terms of the number of offences committed) were among offenders sentenced to more than one year in prison.

We are investigating the possibility of producing re-offending rates by individual prisons, but there are a number of issues to resolve in order for the data to be comparable between prisons. Feasibility work is underway with the NOMS Agency.

Effectiveness

Short prison sentences will only have minor benefits (in terms of costs of crime avoided), even for the most prolific segments of the offender population⁹³.

- The main source of value for short sentences is linked to punishment and reparation. Rehabilitation through accredited activities is currently unlikely for short-sentence prisoners and to this extent a period in prison could impose an opportunity cost for those offenders who would have been motivated to complete a programme had they received a Community Order (CO).
- Nevertheless, the value of a short prison term could be increased if a period spent in custody was used to effectively resettle offenders (though there is no direct evidence that resettlement programmes increase desistance).
- Longer sentences for offenders who are at risk of more serious offending on release will be more beneficial in this regard, though this needs to be balanced against the costs of public protection through longer sentences.
- Increasing sentence severity (sending more offenders to prison or directing judges to hand out longer sentences) is unlikely to generate a general deterrent against further re-offending, particularly for types of crimes that only have comparatively low detection rates.

93 OMSAS internal analysis, 2008.

RE-OFFENDING

Adult re-offending⁹⁴

In the six years to 2006 there was a 23 per cent reduction in the number of offences committed by offenders within one year of discharge from prison or commencement of a court order under probation supervision⁹⁵.

In 2006, offenders⁹⁶ committed on average 1.5 offences⁹⁷ each within a year. This was down from 1.9 in 2000.

In 2006, 39 per cent of offenders committed at least one offence in the following year. This was down from 44 per cent in 2000.

Between 2000 and 2006 there was a decrease in the number of most serious offences⁹⁸ committed within a year by offenders. For every 100 offenders in the 2006 cohort, there was less than one serious offence in the following year.⁹⁹

Table 8: Adult re-offending rates (England and Wales)

| Year | Number of offences per 100 offenders | Percentage of offenders committing at least one offence | Number of most serious offences per 100 offenders |
|---------------------|--------------------------------------|---|---|
| 2000 | 189.4 | 43.7% | 0.8 |
| 2001 ⁽¹⁾ | | | |
| 2002 | 214.6 | 45.9% | 0.9 |
| 2003 | 207.5 | 45.8% | 0.9 |
| 2004 | 183.3 | 43.3% | 0.8 |
| 2005 | 167.9 | 41.6% | 0.9 |
| 2006 | 146.1 | 39.0% | 0.7 |

(1) Data for 2001 are not available due to problems with historical data for this year.

The reduction of 13 per cent between 2005 and 2006 is a very positive start towards the PSA23 target (to reduce re-offending¹⁰⁰ by ten per cent between 2005 and 2011). The challenge now will be to maintain this level of reduction across the rest of the PSA period.

94 Ministry of Justice (2008), Statistics Bulletin: Re-offending of adults: results from the 2006 cohort, England and Wales, London: Ministry of Justice

95 Court orders under probation supervision include Community Orders, Suspended Sentence Orders and Community Sentences (prior to the introduction of Community Orders in April 2005).

96 Discharged from prison or commencing court order under probation supervision.

97 Where the offence was 'proved' by a court conviction.

98 Most serious offences include: murder and offences resulting in death, serious violence (GBH) and serious sexual offences.

99 For the 2006 results, of the 74,716 offences committed only 354 were most serious.

100 As measured by the number of offences committed per 100 offenders within a year.

Offenders sentenced to prison have higher re-offending rates than those sentenced to court orders under probation supervision. In 2006, the number of offences committed in a year after discharge from prison was 2.1 each and 1.2 each for those sentenced to court orders. However, the sentence is based on the type of offence committed and the criminal history and needs of the offender, and, in general, offenders who receive a prison sentence are more likely to have committed a large number of previous offences and have needs which are linked to a greater likelihood of re-offending.

Between 2000 and 2006, the greatest reductions (over 40 per cent in terms of the number of offences committed) were among offenders sentenced to more than one year in prison.

Male offenders re-offend at a higher rate than female offenders. In 2006, male offenders committed 1.5 offences each compared with 1.2 for female offenders.

Young offenders re-offend at a higher rate than older offenders. In 2006, offenders aged 18–20 committed 1.8 offences each compared with 0.7 for offenders aged 50 or over.

Offenders sentenced for offences of an acquisitive nature have higher re-offending rates than offenders sentenced to other offence types. In 2006, offenders sentenced for theft committed 2.9 offences each compared with the average of 1.5 offences.

Offenders with no previous offending history have much lower re-offending rates than those who have committed a large number of previous offences. In 2006, offenders with no prior offences committed 0.2 offences each compared with 2.3 offences for those offenders with more than ten previous offences.

RE-OFFENDING

Juvenile re-offending¹⁰¹

In the six years to 2006 there was a 19 per cent reduction in the number of offences committed by offenders within one year of discharge from prison or sanction¹⁰².

In 2006, offenders¹⁰³ committed on average 1.2 offences¹⁰⁴ each within a year. This was down from 1.5 in 2000.

In 2006, 39 per cent of offenders committed at least one offence in the following year. This was down slightly from 40 per cent in 2000.

Between 2000 and 2006 there was a decrease in the number of most serious offences¹⁰⁵ committed within a year by offenders. The rate for the most serious offences was 0.8 per 100 offenders in 2006. Put another way, of the offences committed by this group within a year, 0.7 per cent were in the most serious category.¹⁰⁶

Table 9: Juvenile re-offending rates (England and Wales)

| Year | Number of offences per 100 offenders | Percentage of offenders committing at least one offence | Number of most serious offences per 100 offenders |
|---------------------|--------------------------------------|---|---|
| 2000 | 151.4 | 40.2% | 0.9 |
| 2001 ⁽¹⁾ | | | |
| 2002 | 142.1 | 38.5% | 0.9 |
| 2003 | 141.5 | 39.0% | 1.0 |
| 2004 | 132.4 | 38.6% | 1.0 |
| 2005 | 125.0 | 38.4% | 0.9 |
| 2006 | 146.1 | 39.0% | 0.7 |

(1) Data for 2001 are not available due to problems with historical data for this year.

The reduction of 1.5 per cent between 2005 and 2006 is a start towards the PSA23 target (to reduce re-offending¹⁰⁷ by ten per cent between 2005 and 2011).

101 Ministry of Justice (2008), Statistics Bulletin: Re-offending of adults: results from the 2006 cohort, England and Wales, London: Ministry of Justice.

102 Sanction includes court convictions other than prison, and out-of-court disposals such as reprimands and final warnings (penalty notices for disorder and ASBOs are not included).

103 Discharged from prison or sanctioned.

104 Where the offence was 'proved' by a court conviction or out-of-court disposal.

105 Most serious offences include: murder and offences resulting in death, serious violence (GBH) and serious sexual offences.

106 For the 2006 results, of the 60,245 offences committed only 407 were most serious.

107 As measured by the number of offences committed per 100 offenders within a year.

Offenders given out-of-court¹⁰⁸ disposals have much lower re-offending rates than offenders given court disposals. In 2006, the number of offences committed in a year after an out-of-court disposal was 0.6 each, whereas the average for offenders given court sentences varied from 1.6 for low-level court sentences¹⁰⁹ to 4.0 for prison sentences. However, the sentence is based on the type of offence committed and the criminal history and needs of the offender, and, in general, offenders who receive an out-of-court disposal will have committed very few, if any, previous offences and will not have been assessed as having many needs – this is linked to a much lower likelihood of re-offending.

Male offenders re-offend at a higher rate than female offenders. In 2006, male offenders committed 1.4 offences each compared with 0.7 for female offenders.

Young juvenile offenders re-offend at a lower rate than older juvenile offenders. In 2006, offenders aged 10–12 committed 0.9 offences each compared with 1.3 for offenders aged 16–17.

Offenders with no previous offending history have much lower re-offending rates than those who have committed a large number of previous offences. In 2006, offenders with no prior offences committed 0.5 offences each compared with 4.4 offences for those offenders with more than ten previous offences.

108 Reprimands and final warnings.

109 Such as referral orders, fines, discharges and reparation orders.

EFFECTIVENESS

We are confident that **General Offending Behaviour Programmes** (also referred to as Cognitive Skills or Cognitive Behavioural Programmes), currently run in custody and the community are likely to be effective in reducing re-offending.

We have **strong international evidence** on the effectiveness of some interventions in reducing re-offending but **research in the UK to date has been more limited and is mixed**.

- There is considerable international evidence, from various systematic reviews and meta-analyses analysing a large number of general offending behaviour/cognitive behavioural programmes, to support the effectiveness of these programmes in reducing re-offending¹¹⁰.
- A recent international review found that, on average, cognitive behavioural programmes for general offenders reduced recidivism by four percentage points¹¹¹.
- A recent meta-analysis suggested that positive effects of cognitive behavioural programmes are associated with treatment of higher-risk offenders, high-quality treatment implementation, and a cognitive behavioural therapy (CBT) programme that includes anger control and interpersonal problem-solving but not victim impact or behaviour modification components¹¹².
- The evidence from research in England and Wales on the effectiveness of general offending behaviour programmes is mixed^{113,114,115}. However, these findings may be due to implementation failure or the research designs used which makes it difficult to attribute the outcomes directly to the impact of the intervention¹¹⁶.

110 McGuire, J. (2002). 'Criminal Sanctions Versus Psychologically-Based Interventions with Offenders: A Comparative Empirical Analysis'. *Psychology, Crime and Law*, 8, 183-208. Pearson, F. S., Lipton, D. S., Cleland, C. M. and Yee, D. S. (2002) 'The effects of behavioural/cognitive-behavioural programs on recidivism'. *Crime and Delinquency*, 48 (3) 476-496. Lipton, D.S., Pearson, F.S., Cleland,

111 Washington State Institute for Public Policy (2006) *Evidence-Based Adult Corrections Programs: What Works and What Does Not*. Washington State Institute for Public Policy. [Available online at: www.wsipp.wa.gov].

112 Landenberger, N. A. and Lipsey, M. W. (2005) 'The Positive Effects of Cognitive-Behavioural Programs for Offenders: A Meta-Analysis of Factors Associated with Effective Treatment.' *Journal of Experimental Criminology*.

113 Friendship, C., Blud, L., Erikson, M. and Travers, R. (2002) *An evaluation of cognitive behavioural treatment for prisoners*. Home Office Research Findings 161. London: Home Office.

114 Falshaw, L., Friendship, C., Travers, R. and Nugent, F. (2003). *Searching for 'What Works': an evaluation of cognitive skills programmes*. Home Office Research Findings 206. London: Home Office.

115 Cann, J., Falshaw, L., Nugent, F. and Friendship, C. (2003). *Understanding What Works: accredited cognitive skills programmes for adult men and young offenders*. Home Office Research Findings 226. London: Home Office.

116 Debidin, M. and Lovbakke, J. (2004) 'Offending behaviour programmes in prison and probation'. In: Harper, G. and Chitty, C. (eds.) *The impact of corrections on re-offending: a review of 'what works'*. Home Office Research Study 291. London: Home Office.

- **March 2009** saw the publication of research evaluating the (short-term) effectiveness of the Enhanced Thinking Skills (ETS) Programme – a cognitive-behavioural (offender-behaviour) programme widely used in HM Prisons. The study demonstrated positive results. More specifically, it revealed that ETS programmes were effective in reducing both self-reported impulsivity (the main outcome measure – known to be linked to re-offending) and the incidence of prison security reports¹¹⁷.

Education, training and employment (ETE)

- The emerging evidence on **basic skills training in prison** suggests that basic skills courses can improve prisoners' skills¹¹⁸ and prison-based employment interventions are effective in helping offenders gain and retain employment¹¹⁹.
- Key findings from the Surveying Prisoner Crime Reduction (SPCR) survey¹²⁰ indicate that prisoners started their sentence with a range of substantial health and social problems including unemployment and a lack of qualifications. Prisoners' problems tended to be more severe if they were adult (aged 21 or over), female, or sentenced to less than 12 months. Nearly half (48%) of the sample reported needing help finding employment. Help getting qualifications and improving work-related skills were reported by 42 per cent and 41 per cent respectively. Around a third wanted help with housing and their offending behaviour.

Drugs and alcohol

- **NOMS has in place a comprehensive drug treatment framework**, based on the National Treatment Agency's revised Models of Care, to address the different needs of drug-misusers in prison. The interventions comprise:
 - Clinical services, detoxification and/or maintenance prescribing – **CARATs** (Counselling, Assessment, Referral, Advice and Throughcare service) – specialist support and advice services that, following assessment, deliver psychosocial interventions. Treatment and support CARATs are available in all adult prisons in England and Wales and take the lead Drug Interventions Programme (DIP) role in prisons.
 - Drug Rehabilitation Programmes – there are 114 drug rehabilitation programmes running in 99 establishments.

117 <http://www.justice.gov.uk/publications/enhanced-thinking-skills-programme.htm>

118 Stewart, D. (2005) *An evaluation of basic skills training for prisoners*. Home Office Research Findings 260. London: Home Office.

119 Hurry, J., Brazier L., Parker M., and Wilson A. (2006). Rapid evidence assessment of interventions that promote employment for offenders. London: Department for Education and Skills.

120 The problems and needs of newly sentenced prisoners: results from a national survey, Stewart D. (2008) Ministry of Justice Research Series: 16/08 <http://www.justice.gov.uk/publications/docs/research-problems-needs-prisoners.pdf>

- The CARATs provide the framework for treatment delivery consistent with the Models of Care infrastructure. Evidence shows that Models of Care are effective and the CARAT service is modelled on this. However, in terms of assessing the effectiveness of CARATs, the fact that it is based on individual need makes it difficult to assess its effectiveness and there is limited research on the service.
- **Mandatory drug testing (MDT)** provides the best information on drug misuse and levels of drugs in prisons. There are two types of MDT – random and targeted. The random MDT positive rate is one of the prison service’s Key Performance Indicators. Initially, ten per cent of every prison’s population was tested each month under the random programme, but since 1999 prisons with a population of 400 or above have tested five per cent.

The rMDT (random Mandatory Drugs Test) positives level shows drug use in custody declining since 1996/97 – down from 24.4 per cent to 9.1 per cent in 2007/08¹²¹. For a number of reasons, MDT results cannot be a complete measure of the prevalence of drugs misuse in prisons. However, MDT results do provide a reliable and statistically valid way of measuring patterns and trends of drug misuse¹²².

- **Evidence exists to support the effectiveness of certain treatments in reducing substance misuse.** Treatments which can be effective in addressing substance misuse have been shown to include pharmacotherapies (e.g. methadone); psychological treatments; residential rehabilitation; 12-step treatment; and therapeutic communities.¹²³

Recent international systematic reviews analysing large numbers of evaluations of drug treatment programmes concluded that, on average, drug treatment programmes reduce re-offending^{124,125}. Drug interventions shown to be effective included methadone treatment, heroin treatment, therapeutic communities, psycho-social approaches (CARATS is an example of such an approach) and drug courts. The most effective interventions to reduce drug-related crime seemed to be therapeutic communities and drug courts. More intensive interventions were more likely to bring about reductions in criminal behaviour than less intensive programmes. One of the most consistent findings from the drug treatment

121 NOMS Interventions and Substance Misuse Group.

122 Office for National Statistics (2005) ‘The impact and effectiveness of mandatory drug testing in prisons’, by Nicola Singleton, Elizabeth Pendry, Tracy Simpson, Eileen Goddard, Michael Farrell, John Marsden and Colin Taylor. <http://www.homeoffice.gov.uk/rds/pdfs05/r223.pdf>

123 Gossop, M. (2006). Treating drug misuse problems: evidence of effectiveness. London. NTA

124 Washington State Institute for Public Policy (2006) *Evidence-Based Adult Corrections Programs: What Works and What Does Not*. Washington State Institute for Public Policy. [Available online at: www.wsipp.wa.gov]

125 Holloway, K., Bennett, T. and Farrington, D. (2005) *The effectiveness of criminal justice and treatment programmes in reducing drug-related crime: a systematic review*. Home Office Online Report 26/05. London: Home Office

literature is that outcomes for prisoners are most favourable for offenders who participate in, and complete aftercare.¹²⁶

Many international evaluations of drug treatment to date have been of residential in-prison treatment (usually therapeutic communities). These have shown that prisoners who complete their treatment are less likely than untreated offenders to use drugs or to re-offend after release.¹²⁷ However, it should be borne in mind that there may be systematic differences between completers and non-completers (for example, they may be motivated and unmotivated participants respectively).

- **The evaluations to date of drug treatment programmes in prisons in the UK is limited, but suggest that these programmes can reduce re-offending^{128,129}.**

Prisoners who completed the 12-step RAPt programme had statistically significantly lower rates of reconviction after two years than a comparison group (40% versus 50%) – although there may be selection bias here¹³⁰, for example, motivation to participate.

- One study on self-reported behaviour of offenders on Drug Treatment and Testing Orders (DTTOs) (comparing the month before arrest and during the first four to six weeks of the order), found that on average offenders reported committing fewer offences and also reduced their spending on drugs by over 90 per cent. The two-year reconviction study of offenders from the DTTO pilots found that offenders who commenced the order were less likely to be reconvicted (80%) than a comparison group (91%). Offenders who completed the DTTO (30% of the sample) were significantly less likely to be reconvicted (53%) than offenders whose order was revoked (91%). However, the sample size for this study was small (174 offenders), and because of selection effects the reconviction rate for completers is not a reliable indicator of programme effectiveness. Therefore, it was not possible to determine to what extent these changes were due to the DTTO or whether other factors also contributed. We don't yet have anything comparable for Drug Rehabilitation Requirements (DRRs).^{131,132}

126 Prendergast, M. L., Hall, E. A., Wexler, H. K., Melnick, G. and Cao, Y. (2004) Amity Prison-Based Therapeutic Community: 5-Year Outcomes. *The Prison Journal*, 84(1), 36-60. Wexler, H. K., Melnick, G., Lowe, L. and Peters, J. (1999). 'Three-year re-incarceration outcomes for in-prison therapeutic community and aftercare in California'. *The Prison Journal*, 79(73), 321-336.

127 Bullock, T. (2003). Key findings from the literature on the effectiveness of drug treatment in prison. In Ramsay, M. (ed) *Prisoners' Drug Use and Treatment: Seven Research Studies*. Home Office Research Study 267. London: Home Office

128 Martin, C. and Player, E. (2000) *Drug Treatment in Prison: An Evaluation of the RAPt Treatment Programme*. Winchester: Waterside Press.

129 *ibid*

130 Ramsay, M. (ed) (2003). *Prisoners' Drug Use and Treatment: Seven Research Studies*. Home Office Research Study 267. London: Home Office.

131 Hough, M., Clancy, A., McSweeney, T. and Turnbull, P. (2003). *The impact of Drug Treatment and Testing Orders on Offending: two year reconviction results*. Home Office Research Findings 184. London: Home Office.

132 Turnbull, P., McSweeney, T., Webster, R., Edmunds, M and Hough, M (2000) *Drug treatment and testing orders: Final Evaluation Report*. Home Office Research Study 212. London: Home Office

- A community-based research study, NTORS (National Treatment Outcome Research Study) showed that, for every additional £1 spent on drug treatment, there was a return of at least £9.50 in the cost savings associated with victim costs of crime and reduced demands being made on the CJS¹³³. However, that figure is not specific to one form of drug treatment and refers to *community-based treatment only*.

Accommodation

- Around a third of prisoners about to leave prison have no accommodation arranged for their release¹³⁴. There is very little evidence on the impact of different forms of help in finding accommodation on re-offending.

Family-based interventions

- There is limited research evidence on **family-based interventions** that reduce re-offending. A review of the evidence¹³⁵ found that family-based interventions in general (i.e. interventions which focus on improving relationships and parenting skills within the family) were effective in reducing re-offending.

Interventions for violent offenders/anger management

Evaluations in other countries of **anger management programmes or programmes designed specifically for violent offenders** have shown mainly positive effects but the results are inconclusive, often due to the methodological quality of the evaluations^{136,137,138,139,140}. A systematic review for the Ministry of Justice found that, overall, interventions with violent offenders were successful at reducing re-offending¹⁴¹.

133 Godfrey C., Stewart D, Gossop, M. (2004) *Economic analysis of costs and consequences of the treatment of drug misuse: two year outcome data from the National Treatment Outcome Research Study (NTORS)*. *Addiction* 2004; 99 (6):697-707.

134 Niven, S. and Stewart, D. (2005) *Resettlement outcomes on release from prison in 2003*. London: Home Office.

135 Petrosino, A. and Derzon, J. (2006) *The role of the family in crime and delinquency: evidence from prior quantitative reviews and new analyses*. Unpublished report for the Home Office.

136 Howells, K., Day, A., Bubner, S., Jauncey, S., Williamson, P., Parker, A. and Heseltine, K. (2002) *Anger management and violence prevention: Improving effectiveness. Trends and Issues in Crime and Criminal Justice*. Australian Institute of Criminology.

137 Goldstein, A. P and Glick, B. (2001) 'Aggression Replacement Training: Application and evaluation management'. In: Bernfeld, G. A., Farrington, D. P. and Leschied, A. W. (Eds) *Offender Rehabilitation in Practice: Implementing and evaluating effective programs*. New York: John Wiley and Sons Ltd.

138 Polaschek, D. L. L. and Dixon, B.G. (2001) 'The violence prevention project: The development and evaluation of a treatment programme for violent offenders'. *Psychology, Crime and Law*, 7(1), 1-23.

139 Dowden, C., Blanchette, K. and Serin, R. (1999) *Anger management programming for federal male inmates: An effective intervention*. Research Branch: Correctional Services Canada..

140 Bush, J. (1995) *Teaching Self-risk Management to Violence Offenders* in McGuire, J. (Ed) *What Works: Reducing Re-offending. Guidelines from Research and Practice*. England: John Wiley and Sons.

141 Joliffe, D. and Farrington, D. (2007) *A Systematic Review of the National and International Evidence on the Effectiveness of Interventions with Violent Offenders*. London: Ministry of Justice.

Domestic violence interventions

Evaluations of **domestic violence** treatment programmes, on average, have yet to demonstrate reductions in recidivism.¹⁴²

Programmes for sex offenders

- US reviews of evaluations showed that cognitive-behavioural treatments for **sex offenders** in both prison and community settings are on average effective at reducing offending¹⁴³.
- Participants in the UK prison-based Sex Offender Treatment Programme (SOTP) in prison and probation demonstrated a statistically significant reduction in sexual and/or violent offence reconviction within two years of release, in comparison to offenders who have not undergone the programme¹⁴⁴. However, the small sample size in the probation-based element of the study means that the findings should be viewed with caution.

Mentoring

- A review of **mentoring of adult offenders**¹⁴⁵ found that the evidence of the effectiveness of such programmes in reducing re-offending is promising.

Interventions aimed at women

There is a scarcity of good quality studies carried out on **interventions aimed at women** in the UK. However, international and UK studies show that targeting anti-social attitudes and anger, self-control, family processes, anti-social associates, educational and vocational skills *may* be associated with reductions in women re-offending¹⁴⁶.

142 Washington State Institute for Public Policy (2006) *Evidence-Based Adult Corrections Programs: What Works and What Does Not*. Washington State Institute for Public Policy. [Available online at: www.wsipp.wa.gov]

143 Washington State Institute for Public Policy (2006) *Evidence-Based Adult Corrections Programs: What Works and What Does Not*. Washington State Institute for Public Policy. [Available online at: www.wsipp.wa.gov]

144 Friendship, C., Mann, R. E. and Beech, A. R. (2003) Evaluation of a National Prison-Based Treatment Program for Sexual Offenders in England and Wales. *Journal of Interpersonal Violence*, 18(7), 744-759.

Allam, J. (1998) *Effective practice in work with sex offenders: A reconviction study comparing treated and untreated offenders*. West Midlands Probation Service Sex Offender Unit.

145 Joliffe, D. and Farrington, D. (2007) A rapid evidence assessment of the impact of mentoring on re-offending: a summary. Online Report 11/07. London: Home Office.

146 Lart *et al.* (2008). *Ministry of Justice Research Series 08/08 – Interventions aimed at reducing re-offending in female offenders: a rapid evidence assessment*. London: Ministry of Justice.

Interventions aimed at juveniles

There is also a scarcity of good quality studies carried out on interventions aimed at juveniles in the UK. However, international studies show that rehabilitative treatment reduces re-offending by at least five per cent on average¹⁴⁷. In general, the more effective programmes include employment, vocational education, multi-modal, behavioural and cognitive-behavioural programmes^{148,149,150}.

Interventions causing harm

Programmes like '**Scared Straight**', which involve organised visits to prison facilities by juvenile delinquents or children at risk for becoming delinquent are designed to deter participants from future offending by providing first-hand observations of prison life and interaction with adult inmates. Research evidence indicates that *not only does this type of intervention fail to deter crime but it actually leads to more offending behaviour*.¹⁵¹

Strong evidence on the relationship between interventions to address particular needs and outcomes is difficult to establish because of the challenges of conducting robust studies (for example, identifying programmes that are soundly implemented; the practicalities of using randomised designs; issues over adequate matching where matched control group studies are tried; and sample size). It is therefore often a case of using evidence from a range of sources and different types of studies to draw inferences about impact of interventions rather than having clear cause and effect data.

147 Lipsey, M. and Cullen, F. (2007) The effectiveness of correctional rehabilitation: a review of systematic reviews. *Annual Review of Law and Social Science*, volume 3.

148 Lipsey, M. (1992) Juvenile delinquency treatment: A meta-analytic inquiry into the variability of effects. In: T. Cook *et al.* (Eds). *Meta-analysis for exploration: A casebook*. New York, NY: Russell Sage Foundation; and Sherman, L. W. *et al.* (Eds.). (2002) *Evidence-Based Crime Prevention*. Abingdon, Oxon: Routledge.

149 Lipsey, M., Chapman, G. L., and Landenberger, N. A. (2001) Cognitive-behavioral programs for offenders. *The Annals [of the American Academy of Political and Social Science]*, 578 (November), 144-157.

150 Landenberger, N. A and Lipsey, M. (2005) The positive effects of cognitive-behavioral programs for offenders: A meta-analysis of factors associated with effective treatment. *Journal of Experimental Criminology*.

151 Petrosino A., Turpin-Petrosino, C. and Buehler, J. (2003) "'Scared Straight' and other juvenile awareness programs for preventing juvenile delinquency" (Updated C2 Review). In: *The Campbell Collaboration Reviews of Intervention and Policy Evaluations (C2-RIPE)*, November, 2003. Philadelphia, Pennsylvania: Campbell Collaboration.

DIVERSITY

Juveniles

Effectiveness

International studies show that **rehabilitative treatment reduces re-offending** among juveniles by at least five per cent on average¹⁵².

In general, the most effective programmes include: employment, vocational education, multi-modal, behaviour and cognitive-behavioural programmes^{153,154,155}.

Programmes that attempt to reform offenders, through a 'tough love' approach i.e. '**boot camps**' (intensive regimes of training, drilling, and some treatment) and '**Scared Straight**' (programmes involving organised visits to prison and interaction with adult prisoners) **do not reduce re-offending** and in some cases **may cause harm** by increasing offending¹⁵⁶.

The international evidence comes mainly from the US and Canada and is based largely on males and offenders aged 14–17. Cultural and socio-political differences in national criminal justice systems will affect how well international findings apply in the UK.

There have not been many good quality studies in the UK evaluating the impact of interventions to reduce juvenile re-offending. Youth Justice Board research found indicative support for employment, training and education schemes, cognitive skills, multi-modal programmes and intensive interventions^{157,158,159,160}. Much of this research did not include a suitable comparison group so we cannot be sure that changes were caused by the programmes.

152 Lipsey, M and Cullen, F. (2007) The effectiveness of correctional rehabilitation: a review of systematic reviews. *Annual Review of Law and Social Science*, volume 3.

153 Lipsey, M. (1992) Juvenile delinquency treatment: A meta-analytic inquiry into the variability of effects. In: T. Cook *et al.* (Eds). *Meta-analysis for exploration: A casebook*. New York, NY: Russell Sage Foundation; and Sherman, L. W. *et al.* (Eds.). (2002) *Evidence-Based Crime Prevention*. Abingdon, Oxon: Routledge.

154 Lipsey, M and Wilson, D. (1998) Effective interventions for serious juvenile offenders: A synthesis of research. In: R. Loeber and D. P. Farrington (Eds). *Serious and violent juvenile offenders: risk factors and successful interventions*. Thousand Oaks, CA: Sage.

155 Lipsey, M., Chapman, G. L., and Landenberger, N. A. (2001) Cognitive-behavioral programs for offenders. *The Annals [of the American Academy of Political and Social Science]*, 578 (November), 144-157.

156 Petrosino A., Turpin-Petrosino, C. and Buehler, J. (2003) "'Scared Straight' and other juvenile awareness programs for preventing juvenile delinquency" (Updated C2 Review). In: *The Campbell Collaboration Reviews of Intervention and Policy Evaluations (C2-RIPE)*, November, 2003. Philadelphia, Pennsylvania: Campbell Collaboration.

157 Hurry, J. and Moriarty, V. (2004) *The national evaluation of the Youth Justice Board's education, training and employment projects*. London: Youth Justice Board.

158 Youth Justice Board (2004) *Cognitive Behaviour Projects (Summary)*. London: Youth Justice Board.

159 Hammersley, R. *et al.* (2004) *Drug and Alcohol Projects: The National Evaluation of the Youth Justice Board's Drug and Alcohol Projects*. London: Youth Justice Board.

160 Gray, E., Taylor, E., Roberts, C., Merrington, S., Fernandez, R. and Moore, R. (2005) *ISSP the final report on the Intensive Supervision and Surveillance Programme*. London: Youth Justice Board.

OMSAS has commissioned the Juvenile Cohort Study which will track a representative sample of 10,000 young offenders subject to community and custodial sentences throughout their sentence. The study will provide evidence on which interventions reduce re-offending for young people with different needs and characteristics.

Juveniles in custody¹⁶¹

On 31 January 2009 there were 2,634 juveniles in custody in England and Wales including 176 females. The majority were held in juvenile units in prison establishments (2,222) with a further 184 in Secure Children's Homes and 228 in Secure Training Centres. Of the juveniles held in prison establishments, 62 per cent were aged 17, 29 per cent aged 16 and nine per cent aged 15.

The number of juveniles in custody fell slightly over the last year (down two per cent from January 2008 to January 2009).

¹⁶¹ Ministry of Justice (2009), Statistics Bulletin: Population in custody monthly tables January 2009, England and Wales, London: Ministry of Justice

DIVERSITY

Women

Women form a minority both within the population in prison (4,263 out of a total of 82,487 on 31 January 2009)¹⁶² and among those starting community sentences (19,347 out of a total of 125,369 in 2007)¹⁶³.

Around three-quarters of women prisoners given custodial sentences in 2007 were sentenced to less than 12 months¹⁶⁴.

There was an approximately 66 per cent increase in sentenced receptions into custody for women between 1997 and 2007, compared with an approximately eight per cent increase for men¹⁶⁵.

Between 1997 and 2007 the women's prison population increased by 60 per cent compared with a 28 per cent increase for men, but has levelled off since 2002¹⁶⁶.

Women's rates of re-offending are lower than men's (a one-year re-offending rate of 33.1 per cent compared with 39.9 per cent for men, for a cohort released from prison or starting a court order under probation supervision in the first quarter of 2006.)¹⁶⁷.

Research evidence

Women recently released from custody are 36 times more likely than the general population to die as a result of suicide, whilst men are only eight times more likely, based on a large sample (250,000) cohort study¹⁶⁸. Women in custody are more than five times more likely to have mental health problems than women in the general population, with 78 per cent exhibiting some level of psychological disturbance compared with 15 per cent of the general population, based on 505 women given surveys (82% response rate) in 2004¹⁶⁹.

The educational attainment of women prisoners is lower than that of women in the community¹⁷⁰. Only three in ten women prisoners were in work at the time of

162 Ministry of Justice (2009), Statistics Bulletin: Population in custody monthly tables January 2009, England and Wales, London: Ministry of Justice.

163 Ministry of Justice (2008), Statistics Bulletin: Offender Management Caseload Statistics 2007, England and Wales, London: Ministry of Justice

164 *ibid*

165 *ibid*

166 *ibid*

167 Ministry of Justice (2008), Statistics Bulletin: Re-offending of adults: results from the 2006 cohort, England and Wales, London: Ministry of Justice

168 Pratt D., Piper M., Appleby L., Webb R. and Shaw J. (2006) *Suicide in recently released prisoners: a population-based cohort study*, *The Lancet* vol. 368, issue 9530, July 2006.

169 Plugge, E., Douglas N., and Fitzpatrick, R. *The Health of Women in Prison*, University of Oxford, Department of Public Health, 2006.

170 *Strategy and Resource Guide for the Resettlement of Women Prisoners*. Her Majesty's Prison Service (HMPS), Spring 2006.

imprisonment. This finding is from a sample of 567 women interviewed in 14 of the 17 female establishments in Britain in October/November 1998¹⁷¹.

There is a scarcity of good quality studies of re-offending interventions carried out in the UK (but see 'Together Women' below). **However, international and UK studies show that targeting anti-social attitudes and anger, self-control, family processes, anti-social associates, educational and vocational skills may be associated with reductions in women re-offending**¹⁷².

Implementing services for women offenders and those 'at risk' of offending: action research with 'Together Women'¹⁷³:

The Together Women Project (TW) aims to address the needs of women offenders to reduce their offending and the needs of women 'at risk' of offending to prevent them becoming involved in crime. It began operating between late 2006 and early 2007 in the North West and Yorkshire and Humberside National Offender Management Service (NOMS) Regions.

The action research, managed by OMSAS, found that:

- **TW was seen by local stakeholders as filling an important gap in provision, and providing a holistic response to the needs of service users through working closely with other agencies.** Most respondents believed women had at least some different needs to men, and all 40 stakeholders and staff interviewed believed that women responded to a different approach than men.
- **TW staff were able to identify cases in which they believed diversion from custody occurred, but interviews with legal advisors and sentencers suggested that this was rare.** All but three stakeholders and staff interviewed concluded that making TW enforceable would be unhelpful and ineffective.
- **Service users reported that TW was different from other services in that staff seemed genuinely interested in them as individuals, but provided a mixed picture regarding the effect of the project on their re-offending behaviour.**
- The report states that the project is currently over-reliant on key workers' unvalidated judgements of change. More objective measures have been identified to assess need and impact, but the feasibility of replacing existing measures with these alternatives remains to be assessed.

171 Hamlyn, B. and Lewis D. (2000) *Women Prisoners: A survey of their work and training experiences in custody and on release*. Home Office Research Study 208, London: Home Office.

172 Lart *et al.* (2008) *Interventions aimed at reducing re-offending in female offenders: a rapid evidence assessment (REA)*, Ministry of Justice Research Series 8/08, 2008.

173 Hedderman *et al.* (2008) *Implementing services for women offenders and those 'at risk' of offending: action research with Together Women*, Ministry of Justice Research Series 12/08 London: Ministry of Justice.

DIVERSITY

Ethnicity, religion and nationality¹⁷⁴

Ethnicity, religion and nationality of prisoners is self-declared.

Trends in numbers relating to the ethnicity and religion of prisoners

The method for classifying ethnicity changed in 2004 so direct comparisons with previous years is not possible. In 2004, nearly ten per cent of prisoners were classified under the old 1991 Census categories.

Ethnicity

- **In 2007, nearly three-quarters of the prison population was White.** Black or Black British prisoners accounted for 15 per cent of the population, Asian or Asian British prisoners accounted for seven per cent of the prison population.
- **Of British national prisoners in 2007, 81 per cent were White.** Black or Black British prisoners accounted for 11 per cent of the population, Asian or Asian British prisoners accounted for five per cent of the prison population.
- **In 2007, White British males were serving sentences for sexual offences, burglary and theft in greater proportions than all other ethnic groups for British nationals.**
- **In 2007, around 22 per cent of Black British male prisoners were in prison for robbery.** In contrast, around ten per cent of Black foreign male prisoners were serving sentences for the same offence.
- **In 2007, around 42 per cent of Black foreign male prisoners were serving sentences for drugs offences.** In contrast, around 21 per cent of Black British male prisoners were serving sentences for the same offences.
- **In 2007, around 58 per cent of foreign female prisoners were serving sentences for drugs offences.** Around 24 per cent of British females were in prison for the same offence.

Religion

- **Between 1997 and 2007, the prison population rose by 38 per cent from around 58,000 to 79,700.** In the same period the religious make-up of prisoners changed considerably.

¹⁷⁴ Ministry of Justice (2008), Statistics Bulletin: Offender Management Caseload Statistics 2007, England and Wales, London: Ministry of Justice

- **In 2007, the largest grouping of prisoners was those expressing no religion, accounting for around one-third of the population.** This increased by 64 per cent between 1997 and 2007.
- **In 2007, the next largest grouping was Anglicans, accounting for nearly 30 per cent of all prisoners.** The proportion of Anglicans decreased by seven per cent over the last ten years.
- **All Christians (Anglicans, Roman Catholics and others) accounted for over half the prison population in 2007.** This increased by 12 per cent over the last ten years.
- **In 2007, Muslim prisoners accounted for 11 per cent of the population, around 8,900 prisoners.** The Muslim prison population in 1997 was 3,700.
- Prisoners belonging to the Buddhist faith increased from around 200 in 1997 to around 1,600 in 2007.

Nationality

- **Foreign nationals made up around 14 per cent of the prison population in 2007.** 168 different nationalities were represented. In 1997, foreign nationals made up around eight per cent of the prison population.
- **In 2007, around 29 per cent of foreign national prisoners came from African countries.** Prisoners from European countries accounted for around 28 per cent. Prisoners from Asian and West Indian Countries accounted for 18 and 15 per cent respectively.
- **Prisoners from three countries made up over a quarter of the foreign prisoner population in 2007.** These countries are: Jamaica with 1,372, Nigeria with 1,028 and the Republic of Ireland with 637 prisoners.
- **Between January and December 2008, around 5,400 foreign prisoners were removed from the UK.** This builds on the 4,200 foreign prisoners sent home by the agency in 2007.¹⁷⁵

¹⁷⁵ <http://www.homeoffice.gov.uk/rds/pdfs09/immiq408.pdf> and <http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/immandasylumstats>

PUBLIC PERCEPTIONS

The general public has little understanding of the work of the correctional services, or of the justice system as a whole. The general public thinks about the work of the correctional services less than they do about the work of the police. In a MORI survey from 2003,¹⁷⁶ 74 per cent of people reported knowing a great deal/a fair amount about the police, 30 per cent of respondents reported knowing a great deal/a fair amount about prisons, 23 per cent of respondents reported knowing a great deal/a fair amount about the probation service.

Knowledge has a bearing on confidence. Those with the least knowledge of crime and sentencing practice were the most critical of the system¹⁷⁷. Providing information on the CJS has been shown to lead to increased levels of knowledge and of confidence in the CJS¹⁷⁸. It has also been found that those CJS institutions with which the public was most familiar tended also to be the institutions which the public consider most effective (and vice versa) (i.e. familiarity and perceived effectiveness were highly correlated).¹⁷⁹ People who felt more informed about how crime was being tackled tended to be more confident in the CJS¹⁸⁰.

The public has lower confidence in the correctional services than it does in the police. The British Crime Survey 2006/07¹⁸¹ found that police are the most highly rated CJS agency, but none was very highly rated (51 per cent of people thought the police were doing a good or excellent job, compared with 29 per cent for magistrates, 28 per cent for the CPS, 27 per cent for judges, 23 per cent for prison and 23 per cent for probation).

There is evidence that Minority Ethnic groups feel they would be treated worse than other ethnic groups by the correctional services. Ten per cent of Minority Ethnic groups felt they would be treated worse than people of other races by the probation service compared to three per cent of White respondents. The equivalent figures for the prison service were 17 and two per cent respectively¹⁸².

176 MORI (2003) Survey of Public Confidence in Criminal Justice, London: MORI.

177 Chapman, B., Mirrlees-Black, C. and Brawn, C. (2002) *Improving public attitudes to the Criminal Justice System: the impact of information*. Home Office Research Study 245. London: Home Office.

178 *ibid*

179 MORI (2008) Closing the Gaps: Crime and Public Perceptions, London: MORI.

180 *ibid*.

181 Allen, J., Edmonds, S., Patterson, A. and Smith, D. (2006) *Policing and the criminal justice system – public confidence and perceptions: findings from the 2004/05 British Crime Survey* Home Office Online Report 07/06. London: Home Office.

182 Murphy, R., Wedlock E. and King, J. (2005) *Early Findings from the 2005 Home Office Citizenship Survey* 2nd Edition. Home Office Online Report 49/05. London: Home Office.

The public thinks that sentences are too lenient. Three-quarters of BCS respondents in 2004/05 felt that sentences given out by the court were too lenient¹⁸³. However, the public underestimated the severity of sentencing and use of custody¹⁸⁴.

Research suggests that there is a lot of support for treating, as well as punishing, underlying problems (for example, through rehabilitation)¹⁸⁵.

Confidence in the CJS is strongly linked to perceptions of the effectiveness of the police. The police are the largest contingent of the CJS and have by far the most contact with the public. (MoJ Research Series 7/07). The actions of the police – and information about them – had a greater impact on confidence than is the case with other CJS agencies¹⁸⁶.

183 Allen, J., Edmonds, S., Patterson, A. and Smith, D. (2006) *Policing and the criminal justice system – public confidence and perceptions: findings from the 2004/05 British Crime Survey* Home Office Online Report 07/06.

184 MORI (2003) *Survey of Public Confidence in Criminal Justice*, London: MORI.

185 MORI (2003) *Survey of Public Confidence in Criminal Justice*, London: MORI.

186 Hough M. and Roberts, J.V (2004) *Confidence in justice: an international review*. Findings 243. London: Home Office.

INTERNATIONAL COMPARISONS

Prison population

At the end of August 2007, England and Wales had 149 prisoners per 100,000 population, the second highest rate in Western Europe. The highest was in Luxembourg (155), and other high rates were in Spain (148) and Scotland (142).¹⁸⁷

Higher rates were recorded in five of the new EU member states: Estonia (322), Latvia (287), Lithuania (239), Poland (237) and the Czech Republic (182), and also in two other European countries: the Russian Federation (613) and Ukraine (332).

The lowest rates in Western Europe were in Iceland (37), Denmark (62), Finland (64) and Slovenia (66).

The Russian Federation is one of 15 countries with prison population rates of 400 or above; this includes the USA whose rate of 762 in mid-2007 was the highest in the world.

Over the period 2001 to 2007, the prison population rose by 20 per cent in England and Wales compared with five per cent across all the 27 European Union countries. The largest percentage increases were seen in Luxembourg (up 109%), Cyprus (up 82%) and Northern Ireland (up 61%). The largest percentage decreases were seen in Romania (down 41%), Latvia and Republic of Korea (both down 26%) and Ukraine (down 23%).

In 2003, excluding Eastern European countries, England and Wales had one of the highest number of prison receptions per head of population. England and Wales had 256 receptions per 100,000 population compared with France (129), Italy (144) and Sweden (120). Higher rates were found in Switzerland (727), Scotland (742) and Northern Ireland (742).¹⁸⁸

In 2004, England and Wales had the lowest proportion of untried prisoners in Europe: 11 per cent of the prison population in England and Wales were untried prisoners compared with 32 per cent in France, 21 per cent in Sweden, and 20 per cent in Germany.¹⁸⁹

In 2004, 17 per cent of the prison population in England and Wales were serving sentences of ten years and over compared with 23 per cent in France, nine per cent in Sweden and five per cent in the Netherlands and Germany.¹⁹⁰

¹⁸⁷ Ministry of Justice (2008), Statistics Bulletin: Offender Management Caseload Statistics 2007, England and Wales, London: Ministry of Justice.

¹⁸⁸ European Sourcebook of Crime and Criminal Justice Statistics 2006.

¹⁸⁹ Council of Europe Annual Penal Statistics 2005.

¹⁹⁰ Council of Europe Annual Penal Statistics 2005.

In 2001, England and Wales had a lower rate of prison population per recorded crime than other European countries: a ratio of 12.1 prisoners per 1,000 recorded crimes compared to an average of 16.9 for all EU countries.¹⁹¹ However, simple comparisons between the prison population and crime rates are considered misleading because of differences between countries in both the way that crimes are recorded and their legal definitions.

Table 10: Prison population in EU and main OECD countries, per 100,000 population, 2007

| Country | Prison Population | Rate per 100,000 population in 2007 |
|-------------------|-------------------|-------------------------------------|
| England and Wales | 80,692 | 149 |
| Northern Ireland | 1,468 | 83 |
| Scotland | 7,291 | 142 |
| Austria | 8,887 | 107 |
| Belgium | 10,008 | 94 |
| Cyprus | 673 | 85 |
| Czech Republic | 18,901 | 182 |
| Denmark | 3,406 | 62 |
| Estonia | 4,327 | 322 |
| Finland | 3,370 | 64 |
| France | 60,677 | 95 |
| Germany | 75,719 | 92 |
| Greece | 10,700 | 96 |
| Hungary | 14,353 | 143 |
| Iceland | 115 | 37 |
| Ireland (Eire) | 3,325 | 76 |
| Italy | 48,693 | 82 |
| Latvia | 6,548 | 287 |
| Lithuania | 8,079 | 239 |
| Lithuania | 8,079 | 239 |
| Luxembourg | 745 | 155 |
| Malta | 387 | 95 |
| Netherlands | 18,103 | 110 |
| Norway | 3,280 | 69 |
| Poland | 90,199 | 237 |
| Portugal | 11,587 | 109 |
| Slovakia | 7,986 | 148 |
| Slovenia | 1,336 | 66 |
| Spain | 66,400 | 148 |
| Sweden | 6,770 | 74 |
| Switzerland | 5,715 | 76 |
| Turkey | 85,865 | 122 |
| Australia | 27,224 | 130 |
| Canada | 35,110 (2006) | 108 (2006) |
| Japan | 81,255 | 63 |
| New Zealand | 7,959 | 188 |
| South Africa | 161,639 | 339 |
| USA | 2,299,116 | 762 |

Source: Ministry of Justice, Offender Management Caseload Statistics 2007

¹⁹¹ Home Office, International Comparisons of Crime 2001, HOSB 12/03.

Table 11: Prison population in EU countries, per 1,000 recorded crimes, 2006

| Country | Prison Population | Recorded crimes | Prisoners per 1,000 recorded crimes |
|---------------------------|-------------------|-----------------|-------------------------------------|
| EU Average ⁽¹⁾ | | | 16.9 |
| England and Wales | 79,085 | 5,428,273 | 14.6 |
| Northern Ireland | 1,501 | 121,144 | 12.4 |
| Scotland | 7,183 | 419,257 | 17.1 |
| Austria | 8,780 | 589,495 | 14.9 |
| Belgium | 9,573 | 1,012,004 | 9.6 |
| Denmark | 3,957 | 425,093 | 9.3 |
| Finland | 3,477 | 324,575 | 10.7 |
| France | 59,522 | 3,725,588 | 16.0 |
| Germany | 77,166 | 6,303,223 | 12.2 |
| Greece | 10,280 | 463,750 | 22.2 |
| Ireland (Eire) | 3,053 | 103,178 | 29.6 |
| Italy | 39,005 | 2,771,490 | 14.1 |
| Luxembourg | 738 | 25,913 | 28.5 |
| Netherlands | 16,230 | 1,218,447 | 13.3 |
| Portugal | 12,446 | 398,959 | 31.1 |
| Spain | 64,215 | 2,267,114 | 28.3 |
| Sweden | 7,175 | 1,224,958 | 5.9 |

Source: Crime and Criminal Justice, Statistics in Focus 19/2008, Eurostat

(1) EU average unweighted

INTERNATIONAL COMPARISONS

Re-offending

Making robust international comparisons on re-offending is difficult. This is due to the lack of an international standard for measuring re-offending, as well as the complication of each country having different judicial systems.

Where comparisons have been made, the figures for England and Wales come out as broadly comparable with other countries (such as USA, Sweden, New Zealand, Scotland, Germany) once assumptions are made to account for likely sources of difference.

Work is underway, with England and Wales and the Netherlands leading the way, to try to devise a standardised way to compare re-offending rates across countries that would remove some of the difficulties encountered in making valid comparisons.

General points that countries have in common include younger male offenders and offenders who commit acquisitive crime having higher re-offending rates.

FUTURE CHALLENGES

Prison population projections

The Home Office for some years published projections of the prison population in England and Wales. This was continued by the Ministry of Justice from 2007. The projections are an essential basis for HM Prison Service and NOMS planning and for the Spending Reviews, as well as helping to inform NOMS strategy and sentencing policy development.

The projections cover a period of seven years, with the most recent published projections covering the period from September 2008 to June 2015¹⁹². The projections are based on assumptions about future criminal justice trends (e.g. sentencing) and incorporate the anticipated impacts of policy and process initiatives that have agreed implementation timetables.

Three scenarios (High, Medium and Low) have been projected based on assumptions about future sentencing trends. The Medium scenario assumes no increases or decreases in custody rates or determinate sentence lengths. The High/Low scenarios reflect a one per cent per annum increase/decrease in custody rates and a 0.5 per cent per annum increase/decrease in the average (determinate) custodial sentence lengths.

Other impacts included in the projections, such as those of new legislation and processes, are applied equally to all scenarios (for example, the End of Custody Licence (ECL) scheme, or the Criminal Justice and Immigration Act (CJIA) 2008.) However, they do not include impacts for any future measures for which implementation timetables are not yet known, or measures for which the effect cannot be projected with reasonable confidence.

Projected prison populations for the three scenarios are given in the table below. By the end of June 2015 the demand for prison spaces is projected to increase to between 83,400 and 95,800.

Table 12: Projected prison population (end June figures)

| Year | High | Medium | Low |
|------|--------|--------|--------|
| 2009 | 85,100 | 84,300 | 83,300 |
| 2010 | 88,100 | 86,400 | 84,400 |
| 2011 | 90,500 | 87,900 | 85,100 |
| 2012 | 92,100 | 88,700 | 85,000 |
| 2013 | 93,000 | 88,600 | 84,100 |
| 2014 | 94,200 | 89,000 | 83,600 |
| 2015 | 95,800 | 89,700 | 83,400 |

¹⁹² Ministry of Justice (2008), Statistics Bulletin: Prison Population Projections 2008-2015, England and Wales, London: Ministry of Justice

Two main caveats should be borne in mind.

- The projections assume that the CJA measures designed to reduce the prison population achieve the expected results. (There is ongoing monitoring to evaluate the impacts that these measures have had so far. Although it is difficult to assess the impacts of the Act so soon after commencement, early indications are that it is producing the expected reductions in prison population.)
- The projections do not include the effects of the new Sentencing Guideline Council guidelines and Tackling Knives Action Plan programmes on the number and length of custodial sentences given for possession of a knife. (Although at present we have several alternative scenarios for the effects of this, we do not yet have sufficient evidence on how the measures are working in practice to estimate with reasonable confidence the size and timing of their impact on the prison population.)

Major new influences on the prison population

Reform of IPPs

- Remove the statutory presumption of risk and allow full judicial discretion over whether to give an IPP where a case merits a tariff of two years or greater and is a specified violent or sexual offence;
- Remove the option of an IPP where the tariff is less than two years and allow a choice of an extended sentence for public protection (EPP) or a standard determinate sentence;
- Reform EPPs so that they no longer require Parole Board involvement, but instead have a fixed custodial sentence followed by an extended period on licence.

Application of 50 per cent release rule to those sentenced under the 91 Act

Convert sentences of four years or more given under the CJ Act 1991 to comparable sentences under the CJA 2003. In practice, this means releasing property, drugs and other non-violent, non-sexual offenders at the 50 per cent point, with the remaining 50 per cent served on licence, rather than requiring them to be released by the Parole Board at between the 50 per cent and two-thirds point, followed by licence to the 75 per cent point.

Fixed-term recalls

Revise release arrangements for offenders subject to recall, so that there is a presumption that those on determinate sentences who have not committed a sexual or violent offence nor are assessed as presenting serious harm are released automatically after 28 days rather than having to be considered by the Parole Board.

Presumption of no remand for summary-only offences

Introduce a statutory presumption (which can be overruled by the judge) that those committing summary offences be bailed unless they have: (a) previously breached bail in the same case and risk absconding, offending or interfering with witnesses; (b) absconded in previous proceedings and risk doing so again; (c) require custody for their own protection.

Credit against sentence for time on curfew

Allow offenders to receive a half a day's credit against their custodial sentence for every day they have spent bailed on tagged curfew, as long as they have been compliant.

Total impact from the Criminal Justice and Immigration Act 2008

Because of interactions between the measures, the total impact is less than the sum of the individual impacts. The total impact ranges from a reduction of just over 1,000 prisoners in June 2009 to over 3,000 in 2014.

Impact of new driving offences

The Road Safety Act 2006 introduced new offences: 'Causing death by careless driving', 'Causing death by careless driving while under the influence of drink or drugs' and 'Causing Death by Driving: Unlicensed, Disqualified or Uninsured Drivers'. Also the maximum sentences for other driving offences have been increased. These are expected to increase the prison population.

Knife crime

Current changes to the way knife crimes are sentenced will increase the prison population. This is a result of:

- the expectation to prosecute rather than caution;
- the increase in sentence tariffs in the SGC guidelines (in response to the Court of Appeal judgement); and
- increased police activity in this area as a result of Tackling Knives Action Plan (TKAP) initiatives.

Three scenarios have been calculated. Note that the calculations are provisional and will be updated whenever new data are available.