

CENTRE FOR CRIME PREVENTION

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Research Note 2
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The failure of revolving door community sentencing

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Community sentences are a failure. This is the reality the Ministry of Justice must face as it considers payment by results for private providers.

Community sentences fail to protect the public for their duration - unlike prison - and they have a higher reoffending rate than either medium or long prison sentences. The most recent figures show 123,675 offences were committed by 37,833 criminals within a year of them receiving a community sentence.¹

Community sentences are very widely used, but their effectiveness is minimal. The majority of those convicted of an offence in 2011/12 had previously been given at least one community sentence before returning to crime. Of those who committed an offence serious enough to go to prison, the overwhelming majority (76%) had previously served one or more community sentences. Some of these prisoners had been through a revolving door of community sentences before finally receiving a custodial sentence: almost 8,000 had served 11 or more community sentences and 407 had served 21 or more. Fewer than 1 in 8 of those given a community sentence for more serious indictable offences were first time offenders.

Key Findings

- **81,594 (76%)** of the 107,688 criminals sent to prison in 2011/12 had previously served at least one community sentence before later committing the offences that resulted in a prison term. Of these offenders:
 - **68,485 (64%)** had served 2 or more community sentences;
 - **37,516 (35%)** had served 5 or more;
 - **7,783** had served 11 or more;
 - **1,784** had served 16 or more; and

¹ "Proven re-offending is defined as any offence committed in a one year follow-up period and receiving a court conviction, caution, reprimand or warning in the one year follow-up. Following this one year period, a further six month waiting period is allowed for cases to progress through the courts." (Proven re-offending quarterly - April 2010 to March 2011, Ministry of Justice, 31 January 2013, at <http://www.justice.gov.uk/statistics/reoffending/proven-re-offending>)

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- **407** had served 21 or more community sentences
- **221,405 (54%)** of the 407,838 criminals convicted of a criminal offence in 2011/12 had previously served at least one community sentence
 - **120,546 (30%)** had served 3 or more;
 - **91,321 (22%)** had served 4 or more; and
 - **51,830 (13%)** had served 6 or more community sentences
- Those sentenced to lengthier prison sentences tend to be the most hardened criminals. Even so, the longer the prison sentence, the lower the reconviction rate – with all but the shortest prison sentences having lower reoffending rates than community sentences. The one year reoffending rate is:
 - **35.6%** for all adults given a community sentence – resulting in **123,675** offences
 - **64.1%** for adults on a community sentence who were given Supervision and Drug Rehabilitation - resulting in **16,644** offences
 - **30.7%** for adults sentenced to between 4 to 10 years in prison (ie serving at least two to five years) – with the prisoner of course unable to commit any offences outside prison while held inside
 - **15.0%** for adults sentenced to more than 10 years (ie serving at least five years) – with prisoners committing no offences outside prison while they remain inside
 - **4.7%** for adults serving indeterminate and life sentences – with prisoners committing no offences outside prison while they remain inside
- **90,029** community sentences were given to criminals guilty of more serious indictable offences – and **fewer than 1 in 8 (12.4%)** of those were for a first offence
 - **66.4%** went to those with 3 or more previous convictions
 - **31.0%** went to those with 11 or more previous convictions
 - **23.2%** went to those with 15 or more previous convictions
- The areas of England and Wales with the highest one year reconviction rates by adults given community sentences or a suspended sentence are²:
 1. Durham Tees Valley 44.1%
 2. Northumbria 43.2%
 3. Lancashire 39.0%

² This regional data from the MOJ actually *underestimates* the rate of reoffending by those on community sentencing by combining it into one figure with the somewhat lower reoffending rate for those on suspended sentences.

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4. York and North Yorkshire	37.8%
5. West Mercia	37.2%
6. Nottinghamshire	36.9%
7. Cumbria	36.7%
8. Wales	36.1%
9. Hampshire	35.6%
10. Norfolk and Suffolk	35.6%

- The areas with the greatest number of reoffences by adults given community sentences or a suspended sentence are³:

1. London	18,097 reoffences
2. Wales	11,592
3. Greater Manchester	10,732
4. Staffordshire and West Midlands	9,454
5. West Yorkshire	8,277
6. Northumbria	7,957
7. Durham Tees Valley	7,494
8. Lancashire	6,416
9. Hampshire	5,541
10. Surrey and Sussex	5,228

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³ This regional data from the MOJ actually *underestimates* the rate of reoffending by those on community sentencing by combining it into one figure with the somewhat lower reoffending rate for those on suspended sentences.

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Revolving door community sentences

Public opinion on community sentences is stark: people feel it is ineffective both at protecting the public and at reducing reoffending.⁴ Freedom of Information requests by the Centre for Crime Prevention and reoffending data from the Ministry of Justice confirm this impression as accurate.

The table below shows how many community sentences had previously been given to those sent to prison in 2011/12. The less effective community sentences are at steering serious offenders away from crime, the lower this figure will be.

Table 1: Number of previous community sentences of offenders given an immediate custodial sentence, 12 months ending June 2012, England and Wales⁵

Number of previous community sentences	Number of cases	Percentage of total
0	26,094	24%
1+	81,594	76%
2+	68,485	64%
3+	56,858	53%
4+	46,588	43%
5+	37,516	35%
6+	29,723	28%
11+	7,783	7%
16+	1,784	2%
21+	407	0.4%
Total	107,688	

More than three quarters – 81,594 - had previously been given at least one community sentence before committing the offence(s) that landed them in prison. Almost two thirds – 68,485 – had been given at least two community sentences.

As evidence of a large-scale revolving door system of community sentencing, an astonishing 7,783 had previously been given 11 or more community sentences, with 1,784 given 16 or more and 407 given 21 or more.

⁴ See, for example, Fitting the Crime, Robert Kaye, Policy Exchange, November 2010, p.40, at <http://www.policyexchange.org.uk/images/publications/fitting%20the%20crime%20-%20nov%2010.pdf>

⁵ Data taken from Freedom of Information request 79657 to the Ministry of Justice, 14 January 2013

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Figures for the broader category of all offenders in 2011/12, whatever their punishment, tell a similar story. 54% had served at least one community sentence before their reconviction. This represents 221,405 cases in a single year. Of these almost 70,000 had served five or more community sentences and 51,830 had served six or more.

Table 2: Number of previous community sentences for all offenders with a conviction, 12 months ending June 2012, England and Wales⁶

Number of previous community sentences	Number of cases	Percentage of total
0	186,433	46%
1+	221,405	54%
2+	160,650	39%
3+	120,546	30%
4+	91,321	22%
5+	69,006	17%
6+	51,830	13%
Total	407,838	

Apologists for community sentencing regularly cite reoffending by those released from prison as proof of its failure. But as these figures show the vast majority of prisoners had also been through community punishments – often multiple times – before they made it as far as prison, these reoffending rates are at least as much a failure for community sentencing as for prison. The main difference is that prisoners are no danger to the public for the duration of their sentence.

Reoffending rates

Even the comparative reoffending rates reveal the relative success of prison. Anti-prison groups regularly claim that community sentences outperform short prison sentences in reducing reoffending. It is wise to count the spoons when one hears this line. It disingenuously ignores that reoffending figures for those in prison are calculated from the moment the custodial sentence ends – rather than when it begins. Even more dishonestly, it skates over the truth that it is only the very shortest prison sentences that have significantly higher reoffending rates – 57.8% for

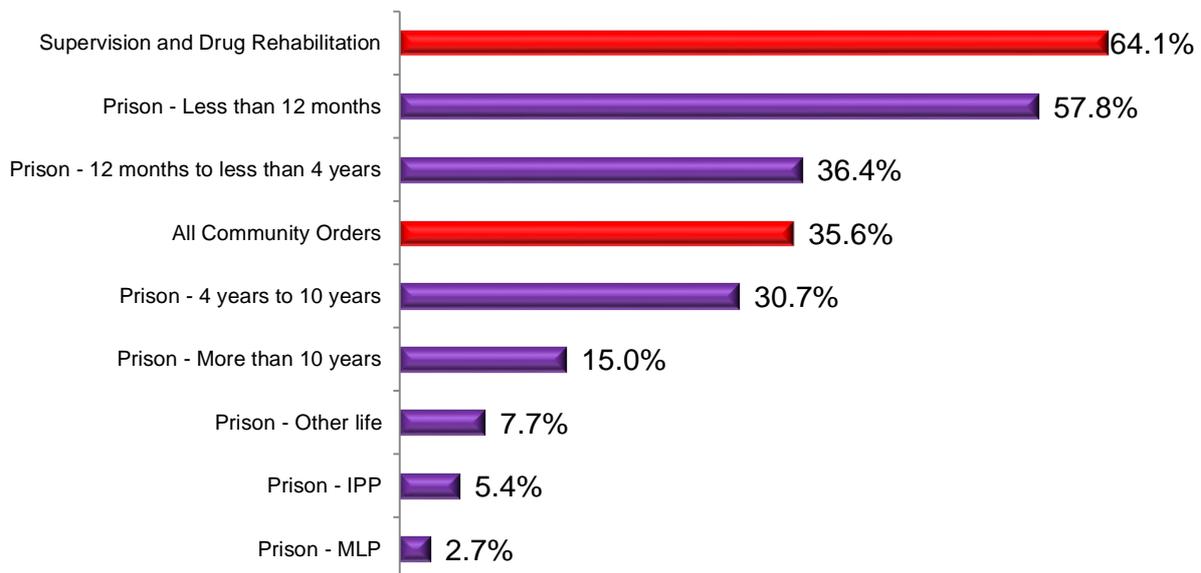
⁶ Data taken from Freedom of Information request 79657 to the Ministry of Justice, 14 January 2013

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those who serve 6 months or less. The intention of such carefully worded statements is that the listener come away believing that the more prison is used, the higher that reoffending will be, even though the figures show the opposite.

The graph below shows that the longer the prison sentence, the lower the reoffending rate once the prisoner is released. This is true even though prison is reserved for a minority of serious, repeat offenders⁷ and therefore those sent to prison for longer sentences are much more likely to be hardened criminals.

Graph 1: One year adult reoffending rates for those sentenced to community penalties and those sentenced to prison⁸



The worst reoffending rates are for those on community sentences under Supervision and Drug Rehabilitation. The best are for those sentences to the longest prison sentences.

A sentence of at least four years, meaning in practice the criminal serves at least two years, gives the public at least two years' respite. It also appears to change a substantial number of hardened criminals, and cut reoffending. The pseudonymous blogger Inspector Gadget has seen first-hand the positive effects of stiff sentencing:

“If you have someone in custody who is facing a proper sentence, they change. Suddenly, they want to talk to you and grass their mates up,

⁷ See 'The sentencing gap: Punishment for serious, repeat offenders', Centre for Crime Prevention, 17 January 2013

⁸ 'Table 19a: Adult proven re-offending data, by custodial sentence length, 2000, 2002 to March 2011' and 'Table 20: Adult proven re-offending data, by most frequently-used combinations of requirements for offenders starting Community Orders, 2005 to March 2011', both from Early estimates of proven re-offending: results from April 2011 to March 2012, Ministry of Justice, at <http://www.justice.gov.uk/downloads/statistics/reoffending/proven-reoffending-apr10-mar11-tables.xls>

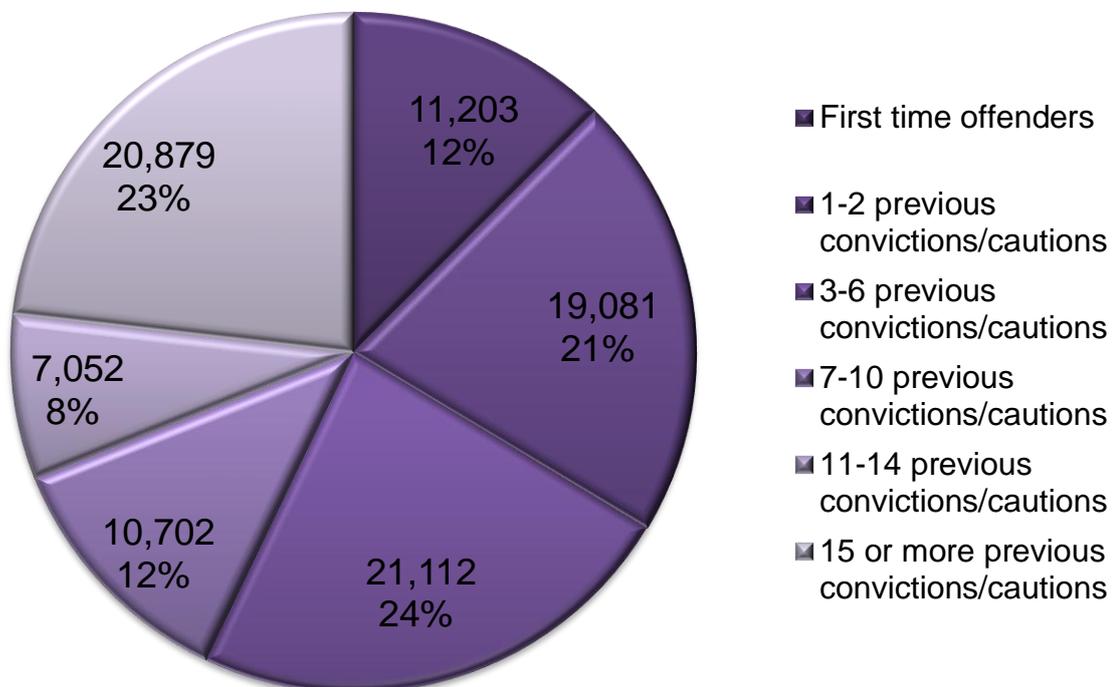
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suddenly they want a lawyer, suddenly they need consultations for hours, suddenly they are in tears and want to see their family, suddenly they are asking their missus to bring in their favourite pictures of the kids. They are calling you Sir and smoking 20 fags an hour. When you have the same men in for a summary-only offence (only triable before the magistrates, with no custodial sentences beyond six months and terms that long an extreme rarity), they're sneering and swaggering and hoping the police officers and their families all die of cancer.⁹

Previous convictions of those given community sentences

The graph below looks at all those given a community sentence even after being found guilty of 'indictable offences' such as theft, violence and burglary.

Graph 2: Number of previous convictions/cautions of all those given a community sentence for indictable offences, 12 months ending June 2012, England and Wales¹⁰



⁹ *Perverting the course of justice (2008)*, 'Inspector Gadget', Monday Books

¹⁰ Table Q7.5 - Offenders sentenced for indictable offences by previous criminal history and sentence received, 12 months ending June 2002 to 12 months ending June 2012, England and Wales, Ministry of Justice, at www.justice.gov.uk/downloads/statistics/criminal-justice-stats/offending-histories-tables-0612.xls

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Not only are community sentences failing to prevent reoffending, but they are doled out in their tens of thousands to the most serious repeat offenders. The myth that they are a way to nip crime in the bud in its early stages is belied by the fact that fewer than one in eight of these sentences were given to those without previous convictions or cautions. Almost twice as many were given to those with 15 or more previous convictions or cautions.

Will Payment By Results work?

The Secretary of State for Justice has acknowledged these high reoffending rates, and is set to give private providers the opportunity to do better, under a Payment By Results (PBR) system.

The figures above leave enormous room for improvement. But they also suggest the possibility that community sentencing itself is at fault, and cannot outperform prison in tackling crime. If this is the case, then even relatively successful schemes may be throwing good money after bad, merely rewarding those who fail least.

Alternatively, the government could set the bar for reducing offending such that taxpayers would get value for money. But this risks private providers making no money when the above appalling reoffending rates persist, or – anticipating this – refusing to participate.

The greatest danger to the public is that in its enthusiasm for improving community sentencing, the Ministry of Justice neglects even more the proven value of prison in cutting both offending and reoffending.

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Appendix

Table 3: Adult proven reoffending data for those on court orders by probation trust – most recent figures¹¹

	Proportion of offenders who reoffend (%)	Number of reoffences	Number of reoffenders
Durham Tees Valley	44.1	7,494	2,041
Northumbria	43.2	7,957	2,105
Lancashire	39.0	6,416	1,932
York and North Yorkshire	37.8	2,283	696
West Mercia	37.2	2,983	889
Nottinghamshire	36.9	4,392	1,360
Cumbria	36.7	1,623	524
Wales	36.1	11,592	3,442
Hampshire	35.6	5,541	1,675
Norfolk and Suffolk	35.6	4,160	1,170
South Yorkshire	35.0	4,522	1,578
Cambridgeshire and Peterborough	34.8	2,130	697
Lincolnshire	34.7	1,618	506
West Yorkshire	34.5	8,277	2,656
Avon and Somerset	34.4	4,189	1,222
Wiltshire	34.2	1,317	395
Merseyside	34.2	4,853	1,485
Humberside	34.2	3,332	1,026
Kent	33.9	3,920	1,241
Greater Manchester	33.5	10,732	3,398
London	33.2	18,097	6,264
Essex	33.2	4,278	1,322
Thames Valley	33.0	4,349	1,307
Hertfordshire	32.9	2,594	756
Devon and Cornwall	32.3	2,424	851
Dorset	32.2	1,355	415
Surrey and Sussex	31.7	5,228	1,525
Cheshire	30.7	2,305	811
Gloucestershire	30.6	1,143	341
Leicestershire	30.1	2,295	761
Staffordshire and West Midlands	29.7	9,454	3,239
Derbyshire	29.3	2,321	790
Bedfordshire	28.2	1,279	382
Northamptonshire	28.2	1,395	509
Warwickshire	28.0	885	285

¹¹ This regional data from the MOJ actually *underestimates* the rate of reoffending by those on community sentencing by combining it into one figure with the somewhat lower reoffending rate for those on suspended sentences. The figures are taken from 'Table 24: Adult proven re-offending data, by probation trust based on first commencement from each trust, 2005 to March 2011', Early estimates of proven re-offending: results from April 2011 to March 2012, Ministry of Justice, at <http://www.justice.gov.uk/downloads/statistics/reoffending/proven-reoffending-apr10-mar11-tables.xls>

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Table 4: Number of previous community sentences of offenders given an immediate custodial sentence, 12 months ending June 2012, England and Wales¹²

Number of previous community sentences	Number of cases	Percentage of total
0	26,094	24%
1	13,109	12%
2	11,627	11%
3	10,270	10%
4	9,072	8%
5	7,793	7%
6-10	21,940	20%
11-15	5,999	6%
16-20	1,377	1%
Over 20	407	0.4%
Total	107,688	

Table 5: Number of previous community sentences for all offenders with a conviction, 12 months ending June 2012, England and Wales¹³

Number of previous community sentences	Number of cases	Percentage of total
0	186,433	46%
1	60,755	15%
2	40,104	10%
3	29,225	7%
4	22,315	5%
5	17,176	4%
6+	51,830	13%
Total	407,838	

¹² Data taken from Freedom of Information request 79657 to the Ministry of Justice, 14 January 2013

¹³ Ibid