

# Prolific Offenders

## Criminal Pathway: Prison Events

### Introduction

As reported in the last prolific offender analytical paper, there were around 492,000 offenders that meet the relevant criteria of a prolific offender during 2000 to 2016<sup>1</sup>. These offenders were responsible for around 9.5 million crimes during their criminal pathway, an average of 19 offences per prolific offender. This compares with the non-prolific population during the same period (around 4.9 million offenders) who were responsible for about 12 million crimes during their criminal pathway, an average of 2 offences per non-prolific offender.

This is the second in a series of analytical papers which will focus on looking at the prison events of prolific offenders. In this paper we are also seeking views on a proposal for the definition of the severity of offences committed and a proposed methodology to look at how offending behaviour has changed over time.

A series of future analyses are planned which will provide greater insight into prolific offenders, with the potential to explore amongst other things, the effectiveness of different sentence types and socio-economic backgrounds.

### Key Findings

- Offenders considered prolific between 2000 and 2016 accounted for only 9% of the offending population but received just over half (52%) of all convictions and under a fifth (16%) of all cautions during their criminal pathway.
- The most prolific offenders (those with 50 or more previous cautions or convictions) accounted for 2% of the prolific offender population and 9% of all offences committed by prolific offenders which resulted in a caution or conviction.
- Over three quarters (76%) of prolific offenders received their first prison sentence by the age of 21.
- The mean custodial sentence length for a prolific offender was 10 months and a median of 4 months.

### Overview

Between 2000 and 2016 the Police National Computer (PNC) recorded around 21.5 million offences that were committed and resulted in a caution or conviction, of which 9.5 million (44%) were committed by prolific offenders.

---

<sup>1</sup> The full definition of prolific offenders can be found at the link [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/659655/prolific-offenders-2017.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/659655/prolific-offenders-2017.pdf)

Offenders considered prolific over this period accounted for only 9% of the offending population, however this group received just over half (52%) of all convictions and under a fifth (16%) of all cautions during their criminal pathway.

In each year between 2000 and 2016 prolific offenders accounted for around 49% of all convictions, however in the last 3 years this has declined; falling from 48% in 2014 to 43% in 2016. By comparison prolific offenders accounted for around 12% of all cautions over the same period, but this has declined from 10% in 2014 to 8% in 2016.

**Figure 1: Proportion of cautions and convictions received by prolific and non-prolific offenders annually, 2000 – 2016**



The most prolific offenders (those with 50 or more previous cautions or convictions) accounted for 2% of the prolific offender population and 9% of all offences committed by prolific offenders which resulted in a caution or conviction. Almost all (99%) of these offenders were aged 21 or older and were defined as an adult prolific offender; which is to be expected since most offenders will be over the age of 21 before they have received 50 or more cautions or convictions. On average, this group committed 69 offences and had 23 prison events during their criminal pathway.

## Prison Events

The PNC includes offences that are recordable<sup>2</sup> and around 88% of the offences committed by prolific offenders are deemed to be able to attract a custodial sentence.

On average a prolific offender received 5 cautions and non-custodial convictions before their first prison event, and the most common offences for which these were received were theft (36%) and summary non-motoring offences (22%). The most likely non-custodial disposal received prior to the first prison event was a community sentence (40%).

Just over three quarters (76%) of prolific offenders received their first prison event by the age of 21, and as a prolific offender's pathway progresses the number of prison events increases. The average number of prison events for a prolific offender was 5, with an average custodial sentence length of 10 months. Just under two-fifths (37%) of prolific offenders received their first custodial sentence for a theft offence.

Following the first prison event, a prolific offender was most likely to receive an immediate custodial sentence at conviction for further offences (34%), with an average of 12 further cautions or convictions and 6 further prison events per offender. For prolific offenders the most common offences attracting custodial sentences following their first prison event continued to be theft and summary non-motoring offences (41% and 12% respectively.)

**Table 1: Prison events of prolific offenders group**

Prolific Offender Group		Average age of first prison event	Average number of cautions/convictions prior to first prison	Average number of cautions / convictions post first prison event	Average number of prison events per offenders	Number of indeterminate, IPP and greater than 30 years prison sentences	Custodial sentence length <sup>(1)</sup>			
							Average (month)	Median (month)	Maximum (month)	Minimum (day)
Juvenile Prolific	Aged 10-17	15	1	0.8	0.6	95	10	4	195	1
	Aged 18-20	17	2	1	1	444	13	4	304	1
	Aged 21 or over	19	3	4	2	1,448	15	6	365	1
Young Adult Prolific	Aged 18-20	18	6	5	3	134	8	4	365	1
	Aged 21 or over	19	5	6	3	1,725	11	4	365	1
Adult Prolific	Aged 21 or over	21	6	21	8	2,374	9	6	365	1
All Prolifics		20	5	12	5	6,220	10	4	365	1

<sup>1</sup> Figures exclude indeterminate imprisonment (Lifers), Imprisonment for Public Protection (IPP) and custodial sentence lengths greater than 30 years.

<sup>2</sup> Definition: **Recordable offence** - a recordable offence is one for which the police are required to keep a record. Generally speaking, these are crimes for which an individual could be sentenced to a term of imprisonment. However, it also includes a number of non-imprisonable offences for example begging and illegal taxi touting. The police are not able to take or retain the DNA or fingerprints of an individual who is arrested for an offence which is not recordable. (From ACRO criminal record offence). The definition can be found at the link [www.acro.police.uk/Early\\_Deletion\\_of\\_Biometric\\_Information\\_Definitions.aspx](http://www.acro.police.uk/Early_Deletion_of_Biometric_Information_Definitions.aspx)

Over three quarters of prolific offenders (around 376,000) have received at least one prison sentence during their criminal pathway. With further offending, the length of custodial sentences given to prolific offenders increases; the average custodial sentence length for a prolific offender's first custodial sentence was 9 months, this increased to 15 months at the last custodial sentence given.

116,000 prolific offenders (around a quarter of the prolific offender population) have never been sentenced to prison during their criminal pathway. These offenders accounted for 1.2 million cautions and non-custodial convictions, and 70% were juvenile prolific offenders. Theft and summary non-motoring offences were the most common offences committed by these offenders. Over two thirds of the sentencing occasions (69%) were heard at a Magistrate's court, and these offenders were likely to receive a community sentence (39%) or caution (22%).

## **Consultation**

### Consultation 1: Defining Severity of Offending

One of the ways to measure the severity of offending is to look at the maximum sentence length that is available to the court at which the sentencing takes place.

It is proposed that this information is used to group offending into the following 9 severity levels:

- Severity Level 1 – Includes all offences with a Fine as the maximum sentence available
- Severity Level 2 – includes all offences with a custodial sentence of 3 months or less as the maximum sentence available
- Severity Level 3 – includes all offences with a custodial sentence of more than 3 months but 6 months or less as the maximum sentence available
- Severity Level 4 – includes all offences with a custodial sentence of more than 6 months but 1 year or less as the maximum sentence available
- Severity Level 5 – includes all offences with a custodial sentence of more than 1 year but 2 years or less as the maximum sentence available
- Severity Level 6 – includes all offences with a custodial sentence of more than 2 years but 5 years or less as the maximum sentence available
- Severity Level 7 – includes all offences with a custodial sentence of more than 5 years but 10 years or less as the maximum sentence available
- Severity Level 8 – includes all offences with a custodial sentence of more than 10 years as the maximum sentence available
- Severity Level 9 – includes all offences with an Indeterminate custodial sentence as the maximum sentence available

In addition, the type of court, Magistrate's or Crown court, will be taken into account when assigning a level of severity. For example, a shoplifting offence sentenced in the Magistrate's court could attract a maximum sentence of 6 months in prison and so would be assigned severity level 3. However, the same offence sentenced in the Crown Court could attract a maximum sentence of 7 years and so would be assigned severity level 7.

There are a number of ways to measure severity of offending which have been published, one of which includes the Office for National Statistics Crime Severity Score data tool [www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/crimeseverityscoredataatool](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/crimeseverityscoredataatool). However, the method proposed above (the 9 severity levels) looks at the severity of all offences based on the maximum sentence available at the court at which sentencing takes place and

does not make any changes to reflect mitigating circumstances that could be considered by the courts at sentencing such as plea, criminal history etc.

The approach proposed above to define the severity of offending is consistent with the rest of the publication that this paper is attached to (Criminal Justice System Statistics) and has been discussed with sentencing experts at the MoJ.

### Consultation 2: Methodology to look at offending over time

The approach we are proposing to look at offending over time is to consider the offending progression of prolific offenders by tenths of the period from their first caution or conviction to their last caution or conviction irrespective of how long an individual has been criminally active for. So, for example, an offender committing offences over a 20 month period will have a decile time period of every 2 months, whereas another offender committing offences over a 20 year period will have a decile time period of every 2 years. Using this approach it will then be possible to aggregate results to compare offending behaviour as offenders become more and more prolific, irrespective of the time taken to become prolific. The deciles method will then be applied to each prolific group to understand the variation between groups.

To compare changes in differing individuals offending behaviour we propose to introduce a weight of the individual offenders within each decile. There are two weighting approaches to be considered, the first applies an equal weight to each individual offender and the second applies a higher weight to the offenders with more offences.

The first weighting approach can be achieved by working out the percentage of offences within each decile for each offender and then working out the average of these. The second weighting approach can be achieved by summing up the offences for each decile and then presenting this as a percentage or as an average of the number of offences.

#### Worked example of how to calculate the weighting factor with a dummy dataset:

	Number of offences in Deciles										Total	
	1	2	3	4	5	6	7	8	9	10		
Offender 1	4										1	5
Offender 2	1			3				6			1	11
% of offender 1	80%	0%	0%	0%	0%	0%	0%	0%	0%	0%	20%	
% of offender 2	9%	0%	0%	27%	0%	0%	0%	55%	0%	0%	9%	
Average (Weighing the offenders equally) <sup>1</sup>	45%	0%	0%	14%	0%	0%	0%	27%	0%	0%	15%	
Average (Weighing the offenders by no. of offences) <sup>2</sup>	31%	0%	0%	19%	0%	0%	0%	38%	0%	0%	13%	

<sup>1</sup> 'Average (Weighing the offenders equally)' is the average offender profile across the 10 deciles.

<sup>2</sup> 'Average (Weighing the offenders by no. of offences)' is the overall profile of offences (for all offenders) across the 10 deciles.

The criminal pathway of two offenders would be equally divided into 10 deciles regardless of the total length of the pathway.

Offender 1 had 4 offences committed in the decile 1 period and 1 offence in the decile 10 period. Offender 2 had committed offences over 4 different periods; 1 in decile 1, 3 in decile 4, 6 in decile 8 and 1 in decile 10.

An offender with a larger than average number of offences will influence the latter measure (weighting the offenders by number of offences) more than the former (weighting the offenders equally) and an offender with a lower than average number of offences will influence the former measure more than the latter.

It can be clearly seen in the example above that the two weighting approaches are similar but provide 2 different outcomes. For example, using the approach to weight offenders equally decile 1 is given a weight of 45% where weighting offenders by the number of offences committed results in a weight of 31% being given.

## **Consultation Feedback and Questions**

We would welcome any feedback from users on the consultations included.

Questions for Consultation 1: 'Defining Severity of Offending':

1. Do you agree with the severity measure proposed above?
2. Would you find more in-depth analysis of prolific offenders based on this definition useful?
3. If you disagree with the proposed definition, please provide detail as to why and if possible suggest an alternative approach.

Questions for Consultation 2: 'Methodology to look at offending over time':

1. Do you consider the decile method to be a robust and statistically sound method for looking at prolific offending behaviour over the criminal pathway?
2. Would you find more in-depth analysis of prolific offenders based on this method useful?
3. Which weighting approach do you consider to provide the best approach?
4. If you disagree with the proposed measure, please provide detail as to why and if possible suggest an alternative approach.

Please send your feedback to [statistics.enquiries@justice.gsi.gov.uk](mailto:statistics.enquiries@justice.gsi.gov.uk) by Friday 14<sup>th</sup> December.

Subject to any feedback received with regards to the proposed measure of severity and offending over time we will be publishing further information using these measures in the February 2019 publication.