



## Prolific Offenders<sup>1</sup>

### Criminal Pathway: Custodial Sentences & Offender Needs

#### Main points

- Over a quarter (28%) of prolific offenders received their first custodial sentence before the age of 18. A further 48% received a first custodial sentence at the age of 18 or above and 24% have never received an immediate custodial sentence.
- Over three-fifths (62%) of prolific offenders who have never received an immediate custodial sentence were aged between 16 and 26 on their last sentencing occasion.
- Just over half (53%) of prolific offenders who received a short custodial sentence as their first immediate custodial sentence received only sentences of 12 months or less for all further custodial sentences in their criminal pathway.
- 94% of prolific offenders in the analysis had at least one spell claiming out-of-work benefits, compared to 73% of non-prolific offenders. While 72% of prolific offenders had at least one P45 employment spell, the corresponding figure for non-prolific offenders is higher, at 85%.

As reported in a previous prolific offender analytical paper, there were around 492,000 offenders that meet the relevant criteria of a prolific offender during 2000 to 2016. These offenders were responsible for around 9.5 million crimes during their criminal pathway, an average of 19 offences per prolific offender.

This is the third in a series of analytical papers looking at prolific offenders, which will focus on their custodial sentences and socio-economic backgrounds. 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 their needs as offenders.

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

## **1. Prolific Offenders who have never had a custodial sentence**

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As reported in the last prolific offender analytical paper, almost a quarter (24%) of prolific offenders have never been sentenced to prison during their criminal pathway. These offenders accounted for 1.2 million cautions and non-custodial convictions.

Over three-fifths (62%) of prolific offenders who have never received a custodial sentence were aged between 16 and 26 at their last sentencing occasion. By contrast, those who have received at least one custodial sentence are more broadly distributed in age, with 70% aged between 22 and 45 at their last sentencing occasion.

Prolific offenders who have never received a custodial sentence have typically received fewer convictions and cautions than those who have had a custodial sentence. Just over three quarters (77%) of prolific offenders who have never received a custodial sentence had between 4 and 11 previous convictions and cautions, whereas two thirds (67%) of those who had a custodial sentence had 15 or more previous convictions and cautions. This is partly due to the younger age distribution of those with no custodial sentence, but may also indicate that custodial sentences are more likely to be given to offenders who have a higher number of previous cautions and convictions.

Figure 1 illustrates the offence types for prolific offenders who have never received an immediate custodial sentence and for those who have received at least one. It shows that theft and summary non-motoring offences are the most common offence types for both groups of prolific offenders, with a greater proportion of theft offences amongst those who received at least one custodial sentence, and conversely a greater proportion of summary non-motoring offences by those who never received a custodial sentence.

**Figure 1: Offence type<sup>2</sup> breakdown for prolific offenders who have never received an immediate custodial sentence and those who received at least one (Source: Table 1.1)**

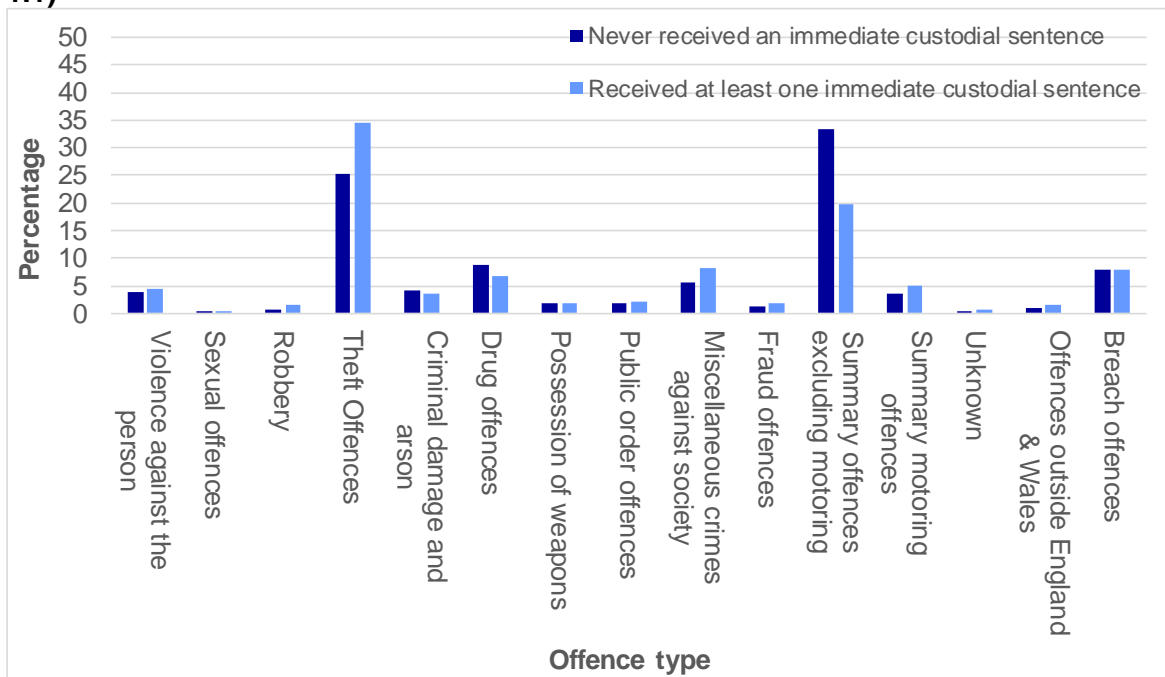
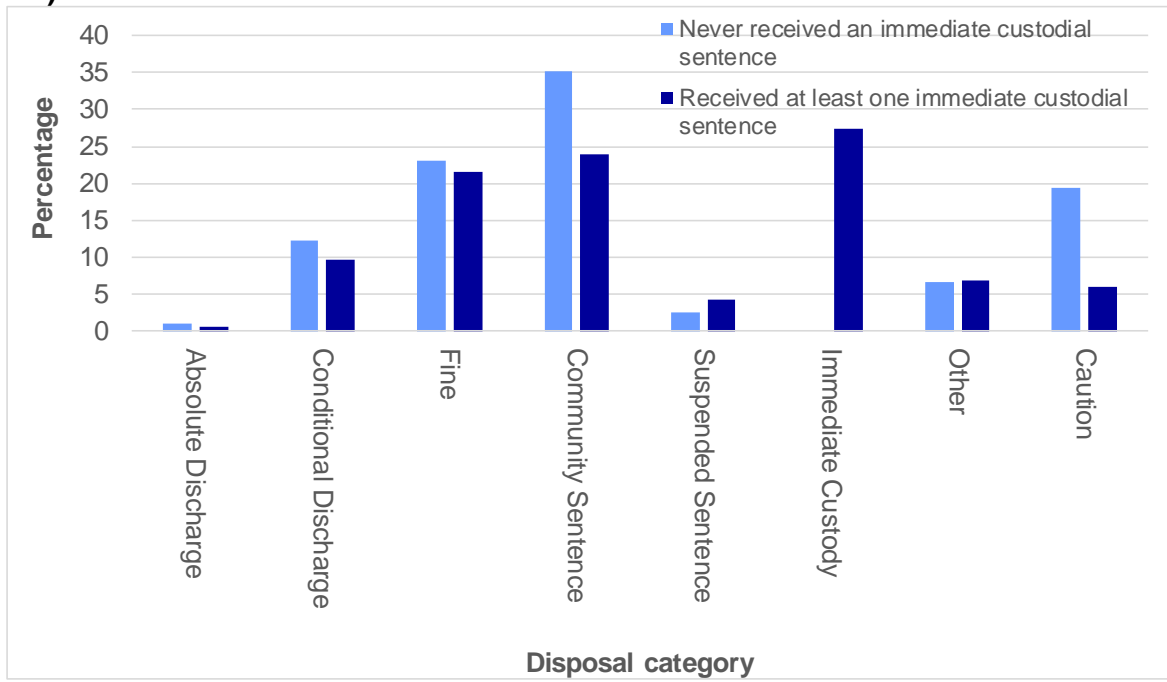


Figure 2 shows a breakdown of the disposals received by prolific offenders who have never received an immediate custodial sentence and for those who have received at least one. The distributions are mostly similar, except for the inevitable absence of immediate custody in the first group. However, it can be seen that those who have never received a custodial sentence have received a higher proportion of cautions and community sentences.

<sup>2</sup> Full details of the offence type groupings can be found in the 'Offence Group Classifications' at this link <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2017>

**Figure 2: Disposal type breakdown by prolific offenders who have never received an immediate custodial sentence and those who received at least one (Source: Table 1.1)**



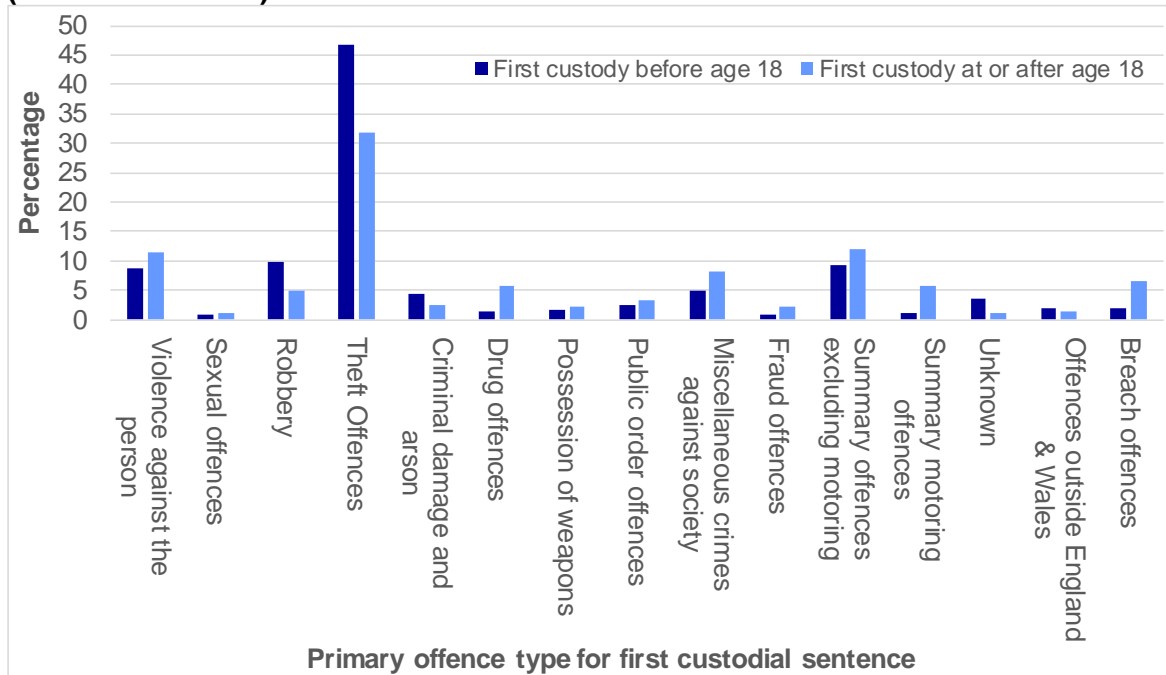
## 2. Prolific Offenders whose first custodial sentence began before they were 18

Over a quarter (28%) of prolific offenders received a custodial sentence before the age of 18. A further 48% received a first custodial sentence at 18 or above, while 24% have never yet received one (as mentioned in the previous section).

Figure 3 provides a breakdown of the types of offences for which offenders received their first custodial sentence, dividing those who received the sentence before the age of 18 from those who received it at the age of 18 or older. This uses the primary, or most serious, offence for which the custodial sentence was received.

The chart shows similar profiles of offence types for both groups, which are dominated by theft offences, but more strongly so for those who received their first custodial sentence as a juvenile (i.e. before the age of 18).

**Figure 3: Offence type breakdown by prolific offenders who received the first custodial sentence before the age of 18 and those who received it aged 18 or older (Source: Table 2.1)**



### 3. Short Custodial Sentences given to Prolific Offenders

Just over half (53%) of prolific offenders who received a short custodial sentence as their first immediate custodial sentence received only sentences of 12 months or less for all further custodial sentences in their criminal pathway.

**Table 1: Number and percentage of further prison sentences by prolific offenders with further short sentences only and those with further sentences of more than 12 months by the length of the first prison sentence**

	1-3 months	4-6 months	7-9 months	10-12 months	Total
First prison sentence	164,754	91,311	21,193	22,903	300,161
Number					
Further short sentences only	90,917	46,158	11,367	11,728	160,170
Further short sentences and sentences of more than 12 months	73,837	45,153	9,826	11,175	139,991
Total further prison sentence	164,754	91,311	21,193	22,903	300,161
Percentage					
Further short sentences only	55%	51%	54%	51%	53%
Further short sentences and sentences of more than 12 months	45%	49%	46%	49%	47%

The chart below demonstrates similar offence type profiles for both groups of offenders. Theft offences dominated the offending profiles for both prolific offenders who only received short custodial sentences and those who received a mixture of short sentences and sentences over 12 months.

**Figure 4: Offence types for prolific offences who only received short custodial sentences and those who received a mixture of short sentences and sentences over 12 months (Source: Table 3.1)**

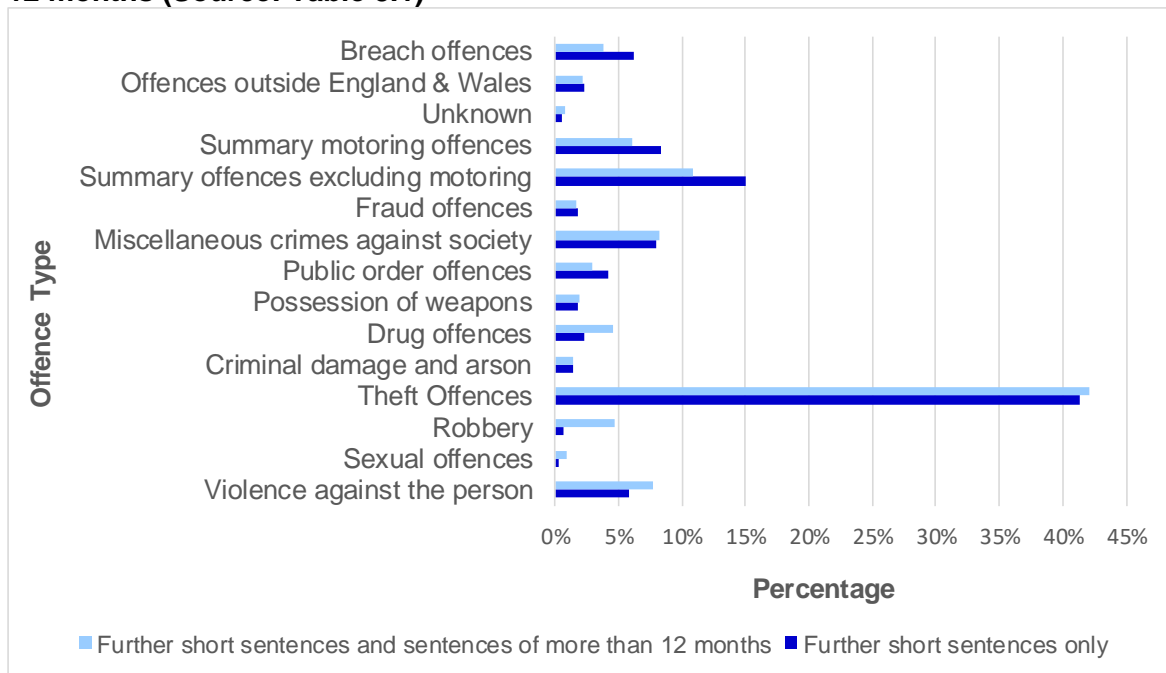
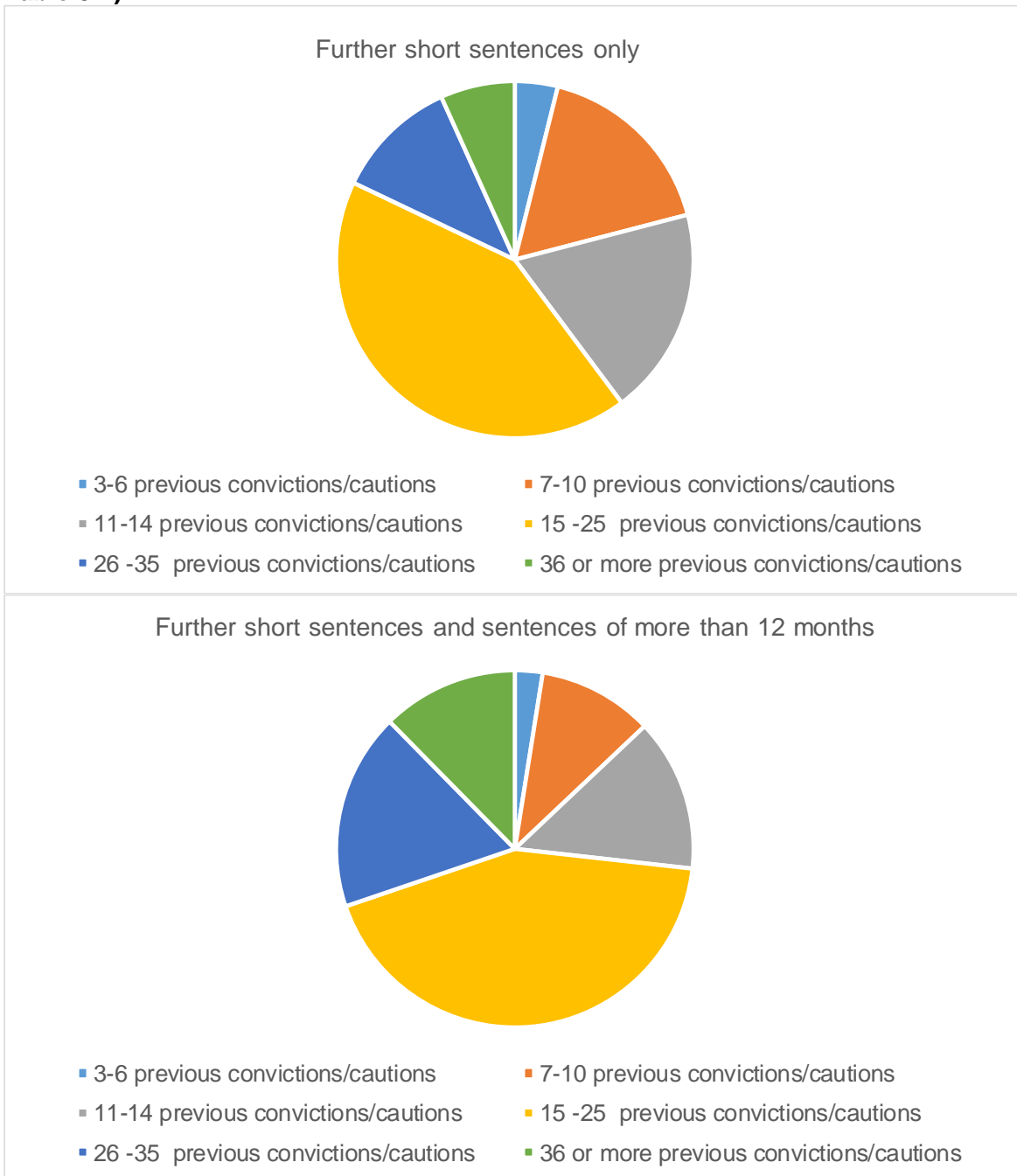


Figure 5 below shows that three fifths (60%) of prolific offenders who only received short custodial sentences in their criminal pathway had 15 or more previous convictions and cautions at their last sentencing occasion. Whereas just under three quarters (73%) of offenders who received further short custodial sentences and sentences of more than 12 months had 15 or more previous convictions and cautions at their last sentencing occasion.

**Figure 5: Proportion of offenders with further short sentences only and those with further sentences of more than 12 months by previous offending history (Source: Table 3.2)**



## 4. Prolific Offenders Needs – P45 employment and Out-of-Work Benefits

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Based on analysis of MoJ/DWP/HMRC linked data<sup>3</sup>, prolific offenders have spent on average almost half (46%) of their working age period<sup>4</sup> claiming out-of-work benefits<sup>5</sup>, compared with a much lower proportion (23%) for non-prolific offenders. When considering P45 employment<sup>6</sup>, the converse is true, with prolific offenders averaging approximately one-fifth (21%) of their time in P45 employment, compared with 44% for non-prolific offenders. Prolific offenders also spent considerably more of their working lives in prison (6% vs 1%) and on probation (12% vs 2%), on average, than non-prolific offenders (Source: Table 4.2<sup>7</sup>).

94% of prolific offenders in the analysis had at least one spell claiming out-of-work benefits, compared to 73% of non-prolific offenders. Conversely, while 72% of prolific offenders had at least one P45 employment spell, the corresponding figure for non-prolific offenders is higher, at 85% (Source: Table 4.1).

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<sup>3</sup> The 4.2 million offenders considered in this analysis comprise all those who received at least one caution or conviction for an offence recorded in England or Wales on the Police National Computer (PNC) between 2000 and mid-2015, and who were successfully matched to at least one (National Benefits Database) benefit and/or P45 employment record, as part of the 2014/15 MoJ/DWP/HMRC data share. They must also have been of working age at some point during the period analysed (see 4 below). Further details of the data share and methodology can be found in the accompanying annex.

<sup>4</sup> Data for offenders in relation to prison, probation, out-of-work benefits, and P45 employment spells over the period 01/01/2000-30/11/2014, was used for this analysis. Within this period, any time in which an offender was of working age (assumed between their 16<sup>th</sup> and 65<sup>th</sup> birthdays) was considered, and is referred to as their 'working age period' in this paper. Only that portion of an offender's working age which falls within this coverage period is considered.

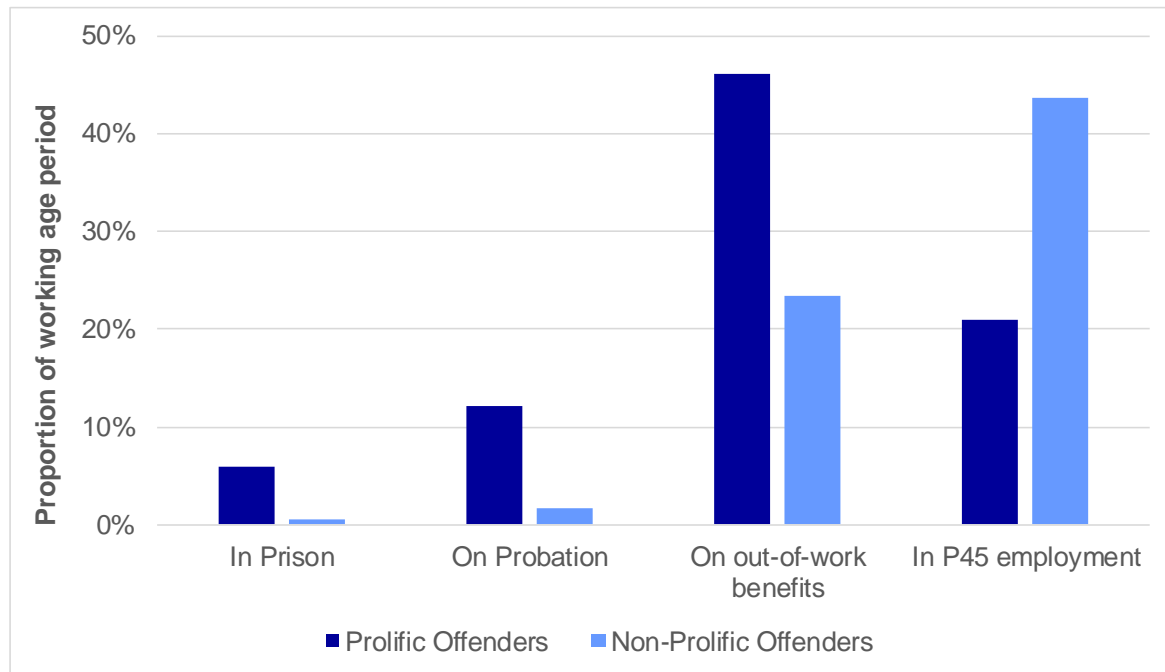
<sup>5</sup> The out-of-work benefits included in this analysis are Jobseeker's Allowance, Employment Support Allowance, Income Support, Incapacity Benefit, Passported Incapacity Benefit and Severe Disablement Allowance.

<sup>6</sup> Where the term 'P45 employment' is used in this paper this relates to the PAYE P45 form that an employee receives from their employer when they stop working for them. More specifically, the HMRC P45 data set used for this analysis includes the start and end date of each employment spell for matched offenders. P45 employment does not include self-employment and some low paid employment may also be excluded. This analysis considers P45 employment spells not recorded as having finished by the end of the coverage period to be continuing. P14 data has not been used to validate whether any of these spells ended sooner.

<sup>7</sup> Source references refer to the tables accompanying this paper



**Figure 6: Mean proportion of working age period spent in prison, on probation, claiming out-of-work benefits, and in P45 employment, for prolific and non-prolific offenders (Source: Table 4.2)**



## Demographics

This pattern of prolific offenders having spent longer claiming out-of-work benefits and less time in P45 employment is true for both males and females, although female offenders (both prolific and non-prolific) generally spent much more time claiming out-of-work benefits and much less time in P45 employment than their male equivalents. For example, an average of almost two-thirds (63%) of a female prolific offender's working age period was spent claiming out-of-work benefits, while the corresponding figure for male prolific offenders is 44% (Source: Table 4.2). It is worth noting, however, that the proportion of prolific offenders included in this analysis that are female is low (10%), whereas one-quarter (25%) of all non-prolific offenders are female.

Prolific offenders also spent more time claiming out-of-work benefits and a lower proportion of time in P45 employment among all ethnicities<sup>8</sup>. White North European prolific offenders spent the highest proportion of time both claiming out-of-work benefits (47%) and in P45 employment (21%), compared with all other ethnicities<sup>9</sup>. However, among non-prolific offenders, Black offenders spent longer claiming out-of-work benefits (26%) than any other ethnicity (Source: Table 4.3).

When considering the age at which offenders were first convicted or cautioned, prolific offenders were typically much younger than non-prolific offenders, with 96% of prolific offenders having offended prior to age 20. In comparison, 42% of non-prolific offenders were convicted or cautioned for their first offence before their 20<sup>th</sup> birthday.

<sup>8</sup> The ethnicity variable used for this analysis is based upon the police officer's visual perception of the ethnic appearance of the offender

<sup>9</sup> The 'Unknown' ethnicity category is not considered in these comparisons (see accompanying table 4.3 for list of all categories).

Non-prolific offenders who first offended before age 16 spent more time claiming out-of-work benefits and less in P45 employment compared with those who first offended aged 20 - 24, but the opposite is true for prolific offenders. For example, among prolific offenders, the proportion of their working age period spent claiming out-of-work benefits increases from 43% for those who first offended prior to age 16, up to an average of 63% for the 20-24 age range. Among non-prolific offenders, it fell from 25% to 21% over the same age bands (Source: Table 4.4).

### **Experience of prison**

Those who have never served custodial sentences have typically spent more time in P45 employment and less time claiming out-of-work benefits than those who have been in prison. This is true for both prolific and non-prolific offenders. However, the differences seen are smaller among prolific offenders. For example, the proportion of time spent in P45 employment among prolific offenders is 19% for those who have been in prison and 26% for those that have not, a gap of 7 percentage points. The corresponding gap is much greater, at 13 percentage points (32% for those that have been in prison, 45% for those that have not), among non-prolific offenders (Source: Table 4.5).

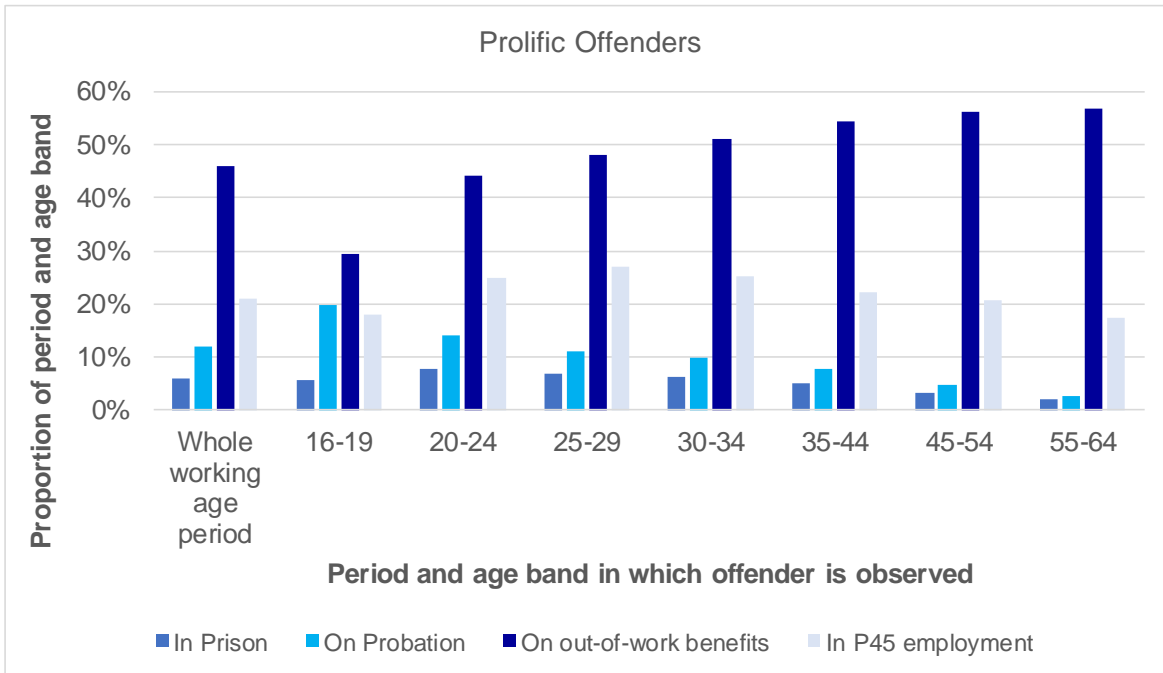
### **P45 Employment and out-of-work benefits during different age bands**

This analysis also observed offenders over different age bands, calculating the proportion of time spent claiming out-of-work benefits and in P45 employment within these bands <sup>10</sup>. In all age bands, prolific offenders spent more time than non-prolific offenders claiming out-of-work benefits and less in P45 employment. The proportion of time spent claiming out-of-work benefits increases as the age band increases, for both prolific and non-prolific offenders. For P45 employment, the proportion of time spent increases up to age 25-29, and then reduces as age increases, again for both prolific and non-prolific offenders.

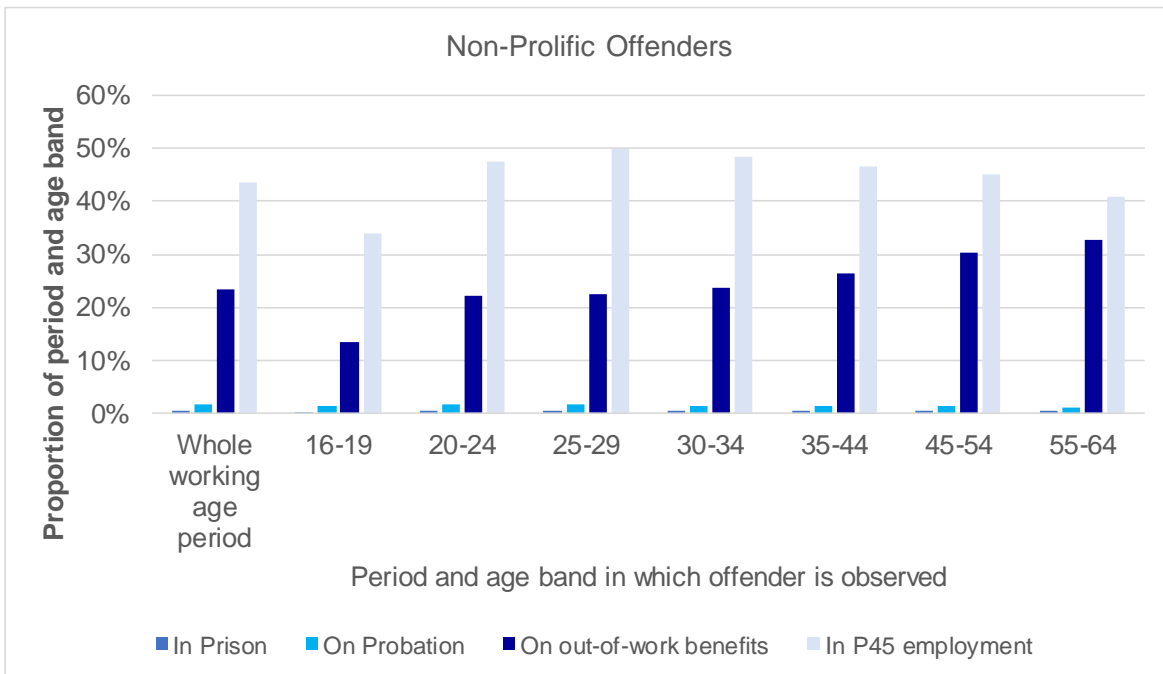
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<sup>10</sup> The working age period is split up into periods spent in different age bands, and the analysis carried out within these sub-periods. As such, an offender can appear in multiple age bands over the whole period of analysis. For example, an offender aged 17 on 01/01/2000 would have been observed in the 16-19, 20-24, 25-29 and 20-34 age bands over the period up to 30/11/2014 (see figures 7a and 7b for age bands included).

**Figure 7a: Mean proportion of working age period spent in prison, on probation, claiming out-of-work benefits, and in P45 employment, while in different age bands (Source: Table 4.6)**



**Figure 7b: Mean proportion of working age period spent in prison, on probation, claiming out-of-work benefits, and in P45 employment, while in different age bands (Source: Table 4.6)**



## **5. Consultation 1 Response – Defining Severity of Offending**

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The Ministry of Justice launched a consultation in November 2018 to seek users' views on formally establishing a method to define the severity of offending by prolific offenders. No responses to this consultation were received.

The method proposed was:

- 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, will be taken into account when assigning a level of severity. For example, a shoplifting offence sentenced in the magistrates' 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.

Following an exploration of these severity groupings we have decided to investigate this methodology further to ensure that the groupings selected are representative of the offending population and accurate. We will present our findings in a re-consultation.

## 6. Consultation 2 Response – Methodology to look at offending over time

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The Ministry of Justice launched a consultation in November 2018 to seek users' views on formally establishing a method to look at offending over time. No response to this consultation was received.

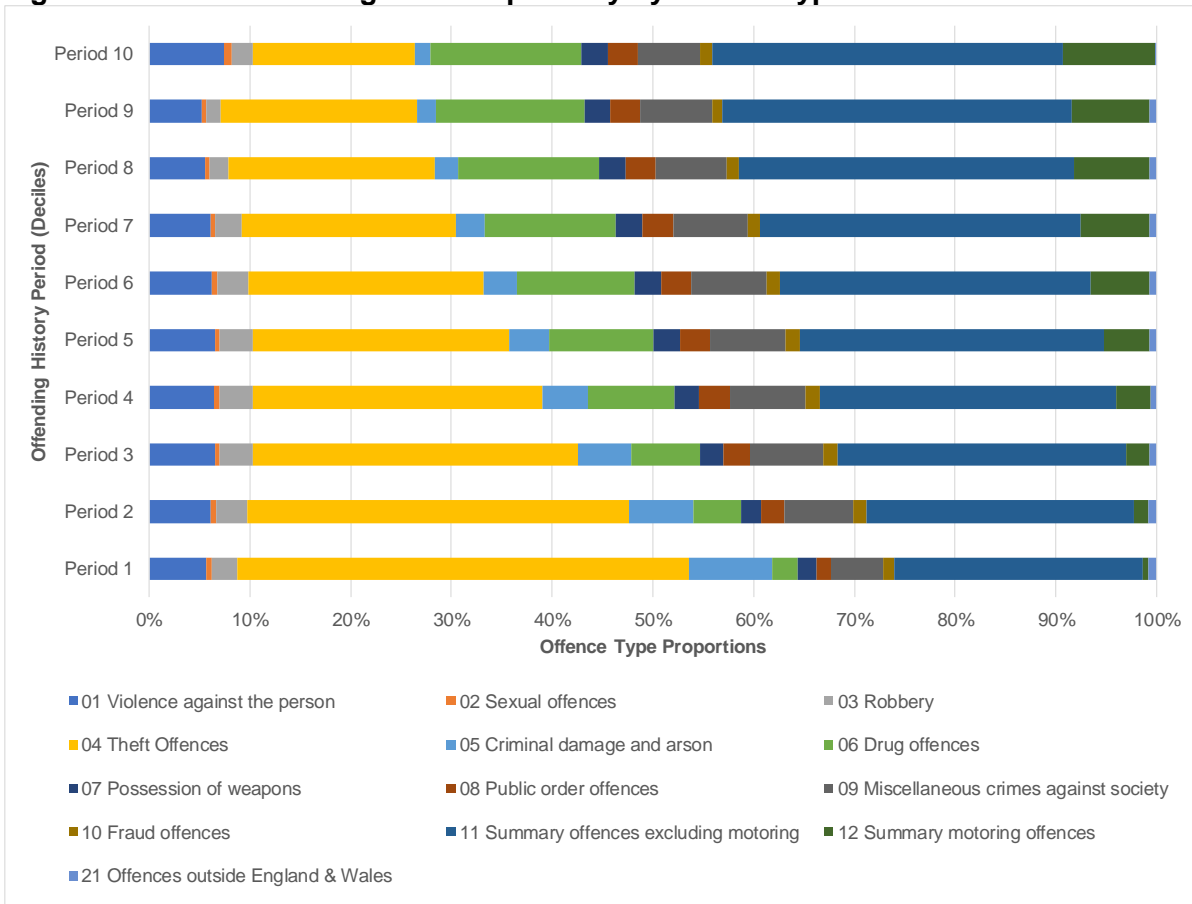
We will therefore use the following method to investigate offending over time by prolific offenders:

- look at 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.
- In addition, the results will be weighted by applying an equal weight to each individual offender.

As reported in previous prolific offender analytical papers, over the course of their criminal pathway three fifths (60%) of the crimes committed by prolific offenders were theft or summary non-motoring offences.

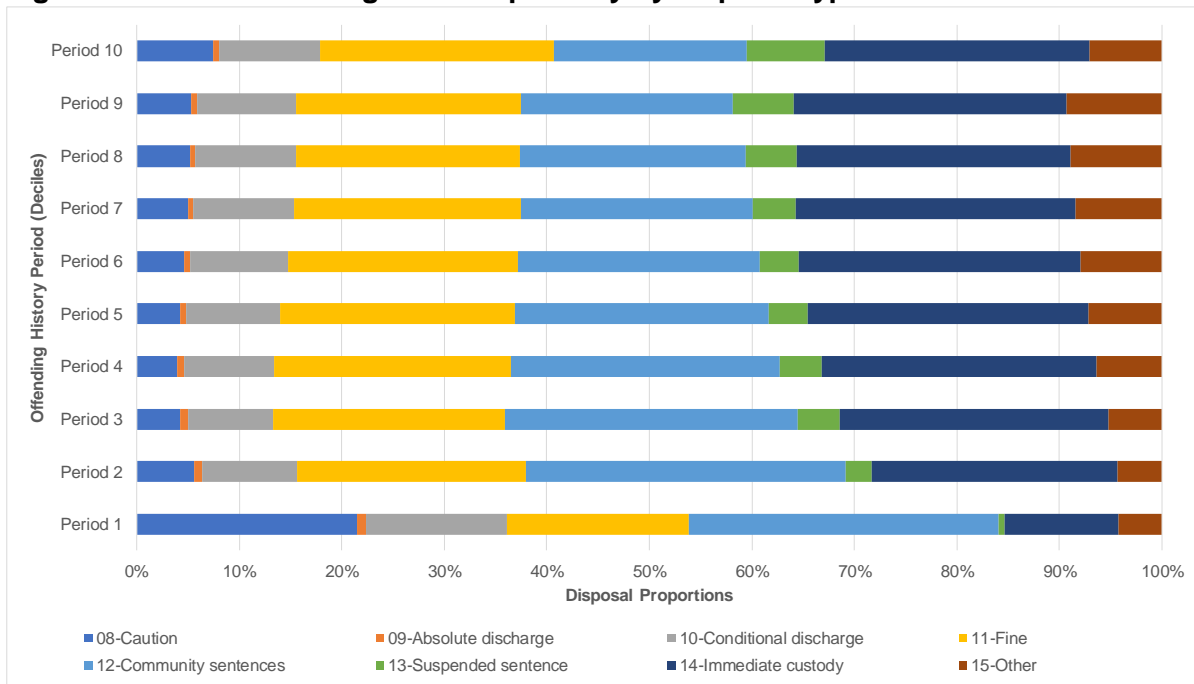
These two offence types continue to dominate as a prolific offender's criminal pathway progresses. However, the proportion of theft offences decreases over time, from 45% in decile 1 to 16% in decile 10, whilst the proportion of summary non-motoring offences increases (from 25% in decile 1 to 35% in decile 10). It can also be seen that over time the proportion of drug offences increases, from 3% in decile 1 to 15% in decile 10 (Figure 8).

**Figure 8: Prolific offending criminal pathway by offence type**



Previous prolific offender analytic papers also highlighted that these offenders were more likely to receive a caution early on in their criminal career (22% in decile 1) whereas only 7% received a caution in decile 10. However, the figure 9 shows that after decile 1, the disposals received by prolific offenders remain fairly consistent in terms of the proportions receiving each of the disposal types.

**Figure 9: Prolific offending criminal pathway by disposal type**



## **Annex – P45 employment and Out-of-Work Benefits**

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The offender, employment and out-of-work benefit data used for this analysis is taken from an administrative data share between the Ministry of Justice (MoJ), the Department for Work and Pensions (DWP) and Her Majesty's Revenue and Customs (HMRC), linking offender data to P45 employment data and benefit data. This data share includes 4.7 million offenders who have received at least one caution or conviction for a recordable offence on the Police National Computer (PNC) between 2000 and mid-2015, and who were successfully matched to at least one benefit and/or P45 employment record.

The coverage period for the National Benefits Database (NBD), in which out-of-work benefits are recorded, goes up to 30/11/2014, while the P45 data set goes up to February 2015. As such, the common coverage period of the PNC, NBD and P45 data sets is from 01/01/2000 up to 30/11/2014. The working age period considered in this analysis of prolific offenders relates to any time over this common coverage period in which the offender was of working age (assumed to be between their 16<sup>th</sup> and 65<sup>th</sup> birthdays).

Of the 4.7 million offenders in the data share, 4.2 million have at least one PNC record for an offence in England and Wales, and were also of working age at some point over the period 01/01/2000 to 30/11/2014. These are the offenders considered in this analysis, with those offenders having neither a NBD benefit spell nor a P45 employment spell recorded over the common coverage period being excluded.

Prolific offenders were identified by reference to the definition in the following link: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/659655/prolific-offenders-2017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/659655/prolific-offenders-2017.pdf). There is a total of 491,525 offenders identified as prolific in the above publication. Of these, 406,325 (83%) were identified in the group considered in this analysis. As part of the checks completed prior to the main analysis, bias testing was carried out to check whether these 406,325 prolific offenders are representative of the wider cohort of prolific offenders, and no substantive differences were identified.

**For more details on data sources or the methodology used to carry out this analysis, please contact [DataLinkingTeam@justice.gov.uk](mailto:DataLinkingTeam@justice.gov.uk).**



## Further information

The data presented in this publication are experimental.

## Experimental Statistics status

Experimental statistics are produced under the remit of the Code of Practice for Official Statistics. They are produced impartially and are free from political influence. More information can be found on the UK Statistics Authority website, accessible via the link below.

<https://www.statisticsauthority.gov.uk/monitoring-and-assessment/code-of-practice/>

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