

The growing number of prolific criminals and the increased concentration of crime: A case for more prison places

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Summary

In recent years, some leading politicians in all parties have argued for reducing the prison population. In August 2017, the then justice secretary David Lidington argued that this should be done 'in a way that protects public safety'.¹

This briefing examines recent sentencing data and shows that public safety would in fact be best served by increases in the prison population – as the Conservatives originally promised in their 2010 election manifesto. This is particularly true given recent crime trends.

The more offences that a criminal commits outside prison, the more crimes are prevented by incarcerating that person. This is especially the case if prolific criminals serve longer sentences. But there are far more prolific criminals receiving non-custodial sentences each year than ten years ago. This means a relatively small number of highly prolific offenders are responsible for a growing share of all crime.

This growing concentration of crime is a matter of deep concern because it represents a large increase in the number of prolific criminals. But it also creates a major opportunity for policy makers to secure large reductions in crime rates by increasing prison capacity. When large numbers of prolific criminals are avoiding prison, each additional prison place, properly targeted, can make an especially important difference to public safety.

The increase in prolific criminals

Over the last decade, the number of prolific criminals has grown dramatically, and the proportion of all crime for which they are responsible has grown even faster:

- One in ten of the most serious crimes in 2016 – 29,400 indictable offences – were committed by criminals with at least 36 previous convictions or cautions. This 10% is more than four times the 2006 figure of 2%.²
- Three in ten of the most serious offences (30%) are now committed by criminals with at least 15 previous convictions or cautions – almost double the 2006 figure of 16%.

¹ 'Justice Secretary says prison population should come down', BBC, 17 August 2017, at <http://www.bbc.co.uk/news/av/uk-40964809/justice-secretary-says-prison-population-should-come-down>

² All the data for this report is taken from the 'Offending History Tool', Criminal Justice System statistics quarterly: December 2016, Ministry of Justice, 18 May 2017 at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/615135/criminal-history-pivot-table-2016-q4.xls

For offences like violence against the person, theft and robbery, the numbers are even more stark:

- 21% of violence against the person cases were committed by criminals with at least 15 previous convictions or cautions – compared to 7% in 2006.
- Almost half (47%) of thefts and robberies were committed by criminals with at least 15 previous convictions or cautions – compared to 21% in 2006.

24% of convictions and cautions were of criminals with at least 15 previous convictions or cautions – almost double the 2006 figure of 13%.

13% of convictions and cautions were of criminals with at least 36 previous convictions or cautions (compared to 4% in 2006).

The increase in prolific criminals avoiding prison

The number of prolific criminals avoiding prison has also rocketed. There were 39,500 non-custodial sentences in 2016 for criminals with at least 26 convictions.

This includes 20,900 non-custodial sentences for criminals with at least 36 previous convictions or cautions – double the 10,500 figure in 2006.

PROLIFIC CRIMINALS BY OFFENDING HISTORY	Total		Number avoiding prison		% increase (avoiding prison)
	2006	2016	2006	2016	
Number of previous convictions/cautions					
26+	42,829	68,343	27,061	39,466	+46%
36+	16,817	37,904	10,504	20,941	+99%
46+	7,490	21,182	4,706	11,359	+141%
61+	3,223	9,287	2,146	4,827	+125%
75+	1,850	4,566	1,266	2,338	+85%

The chance of a prolific criminal receiving a custodial sentence has actually grown marginally, and prolific offenders make up much a larger share of prisoners than previously.

But the number of prolific criminals has grown far faster than the number of prison places for them – meaning far more avoiding prison than a decade ago.

An increased concentration of crime

While the number of more prolific criminals has increased, the number of less prolific criminals has fallen.

First time offenders accounted for fewer than one in four offences in 2016, compared to more than one in three in 2006. The number of convictions or cautions for a second or third offence has more than halved.

These dramatic falls reflect the fact that overall, crime has fallen. The Police National Computer recorded 956,000 convictions or cautions in 2006 compared to 545,000 in 2016. The Crime Survey of England and Wales shows similar progress.

This combination of (a) falling crime, (b) far more prolific offenders and (c) far fewer first time offenders means that crime is far more concentrated than previously. A comparatively small proportion of criminals are responsible for an increasing share of all crime.

The case for more prison places

The growing concentration of crime presents policy makers with a comparatively simple way to make major reductions in the crime rate.

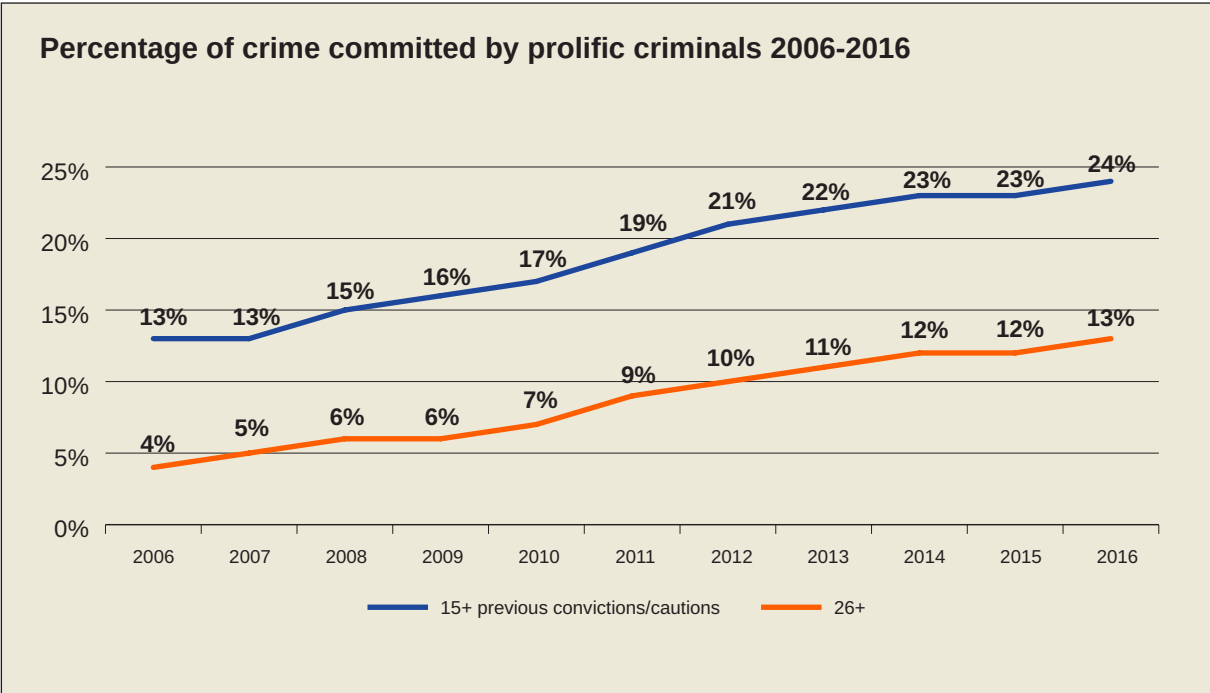
The more that offending is dispersed among a large number of people, the less effective each additional prison place is likely to be in cutting crime. Conversely, the more that offending behaviour is committed by a relatively small number of prolific criminals, the more crime that each additional prison place can prevent.

Crime in England and Wales is now far more the responsibility of a certain number of prolific criminals than it was a decade ago – meaning the case for more prison places targeted at these highly prolific criminals is especially strong. It would punish with sufficient severity criminals who have committed crimes time and again. It would cut reoffending: the longer the prison sentence a criminal serves, the lower the reoffending rate. Perhaps most importantly, prolific criminals who commit a large number of crimes when outside prison are no threat to the general public while they are inside prison.

Instead of looking for ways to reduce prison capacity, the government should make a priority of reversing the rising number of prolific criminals avoiding prison, thereby protecting those who would otherwise be their victims.

The increase in prolific criminals

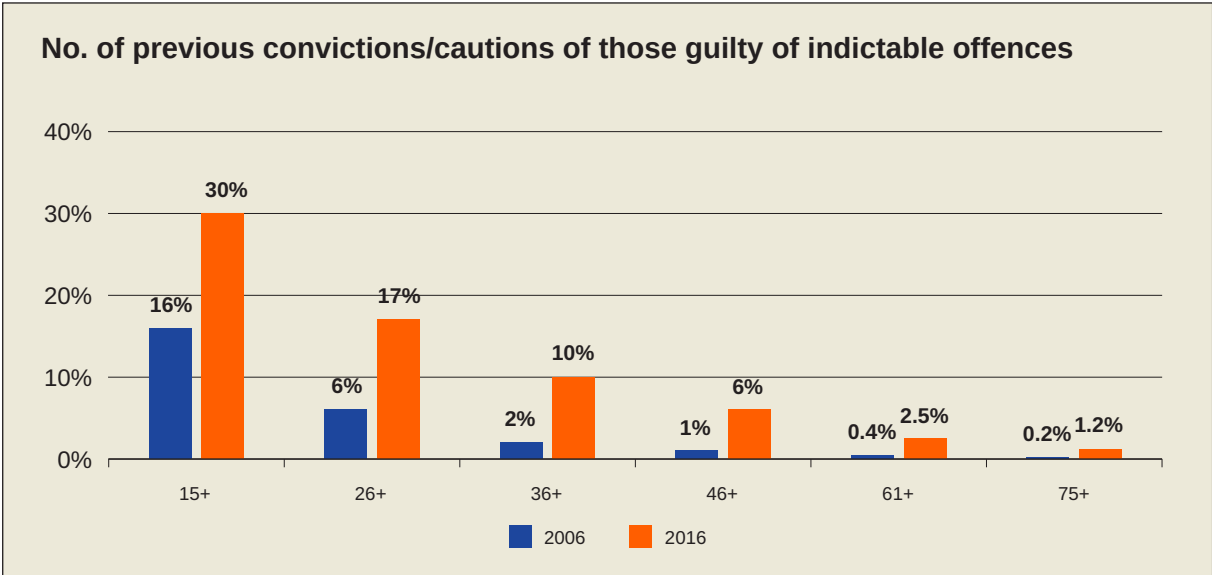
The chart below shows a remarkable year on year increase in the proportion of offences in England and Wales being committed by the most prolific criminals.



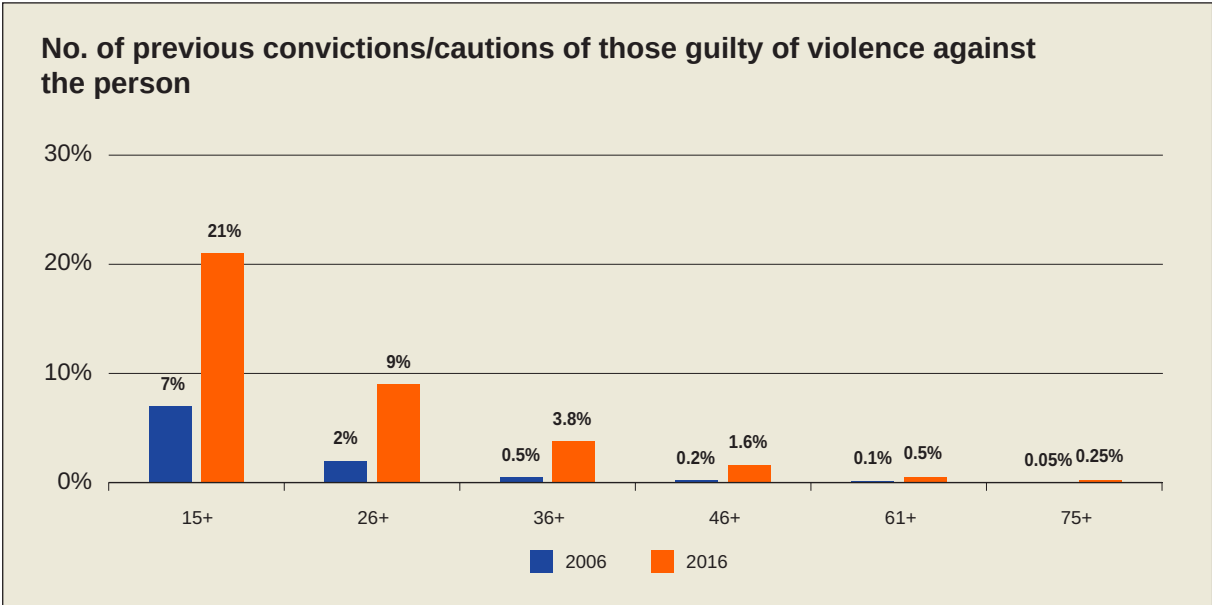
24% of convictions and cautions were of criminals with at least 15 previous convictions or cautions – almost double the 2006 figure of 13%. 13% of convictions and cautions were of criminals with at least 36 previous convictions or cautions (compared to 4% in 2006).

Number of previous convictions/cautions	2006		2016	
15+	119,715	12.5%	128,891	23.6%
26+	42,829	4.5%	68,343	12.5%
36+	16,817	1.8%	37,904	7.0%
46+	7,490	0.8%	21,182	3.9%
61+	3,223	0.3%	9,287	1.7%
75+	1,850	0.2%	4,566	0.8%

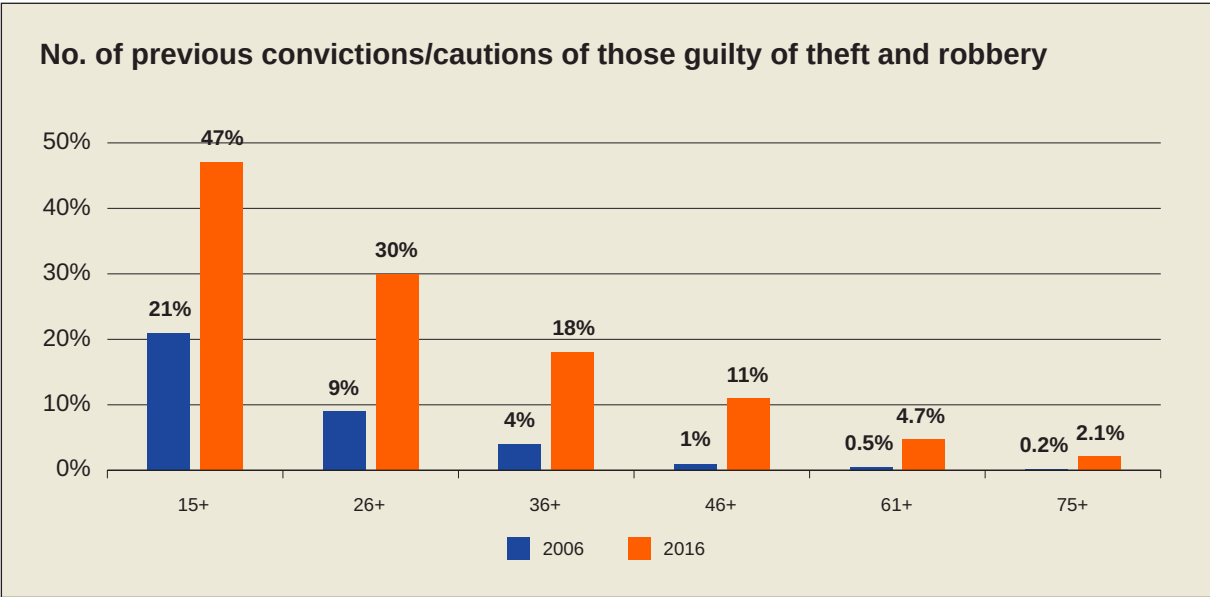
Prolific criminals are responsible for an even greater share of more serious, indictable offences. The share of indictable offences committed by criminals with at least 15 previous convictions or cautions has risen from 16% to 30%. One in ten indictable offences were committed by criminals with at least 36 previous convictions or cautions – more than four times the 2006 figure of 2%.



Certain indictable offences are particular drivers of this increase. Prolific criminals have increased between three- and five-fold their share of violence against the person offences.

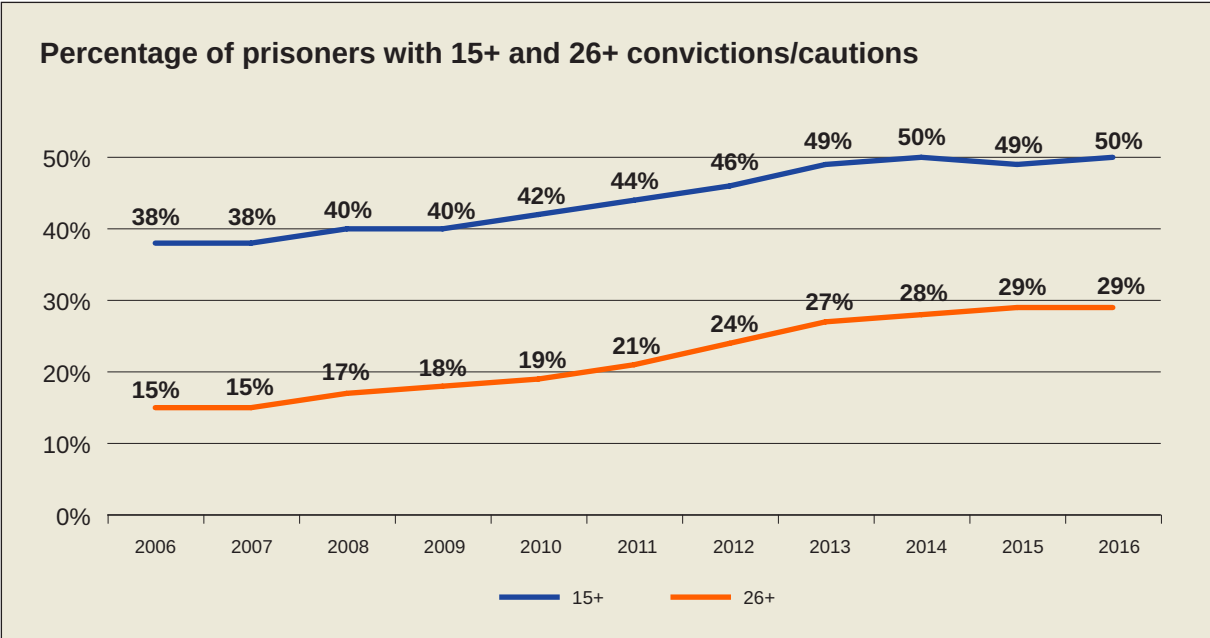


Prolific criminals now commit almost half (47%) of thefts and robberies – compared to one in five in 2006. The share of theft and robbery offenders with 46 or more, 61 or more and 75 or more previous convictions and cautions have increased ten-fold.



The increase in prolific criminals avoiding prison

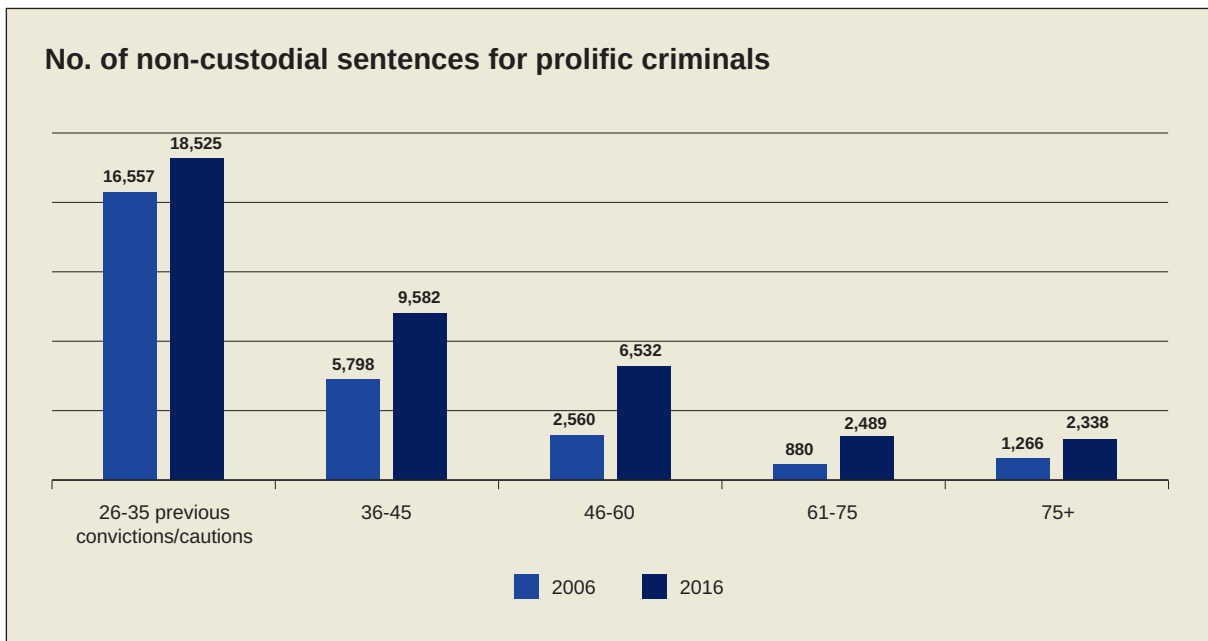
One result of this massive increase in prolific criminals has been more prolific criminals in prison. Half of prisoners now have at least 15 previous convictions or cautions. Prisoners are twice as likely to be guilty of at least 26 previous offences.



But the number of prolific criminals has risen far more than the likelihood of a prolific criminal going to prison. This means that the number of prolific criminals avoiding prison has rocketed.

PROLIFIC CRIMINALS BY OFFENDING HISTORY	Total		Number avoiding prison		% increase (avoiding prison)
	2006	2016	2006	2016	
Number of previous convictions/cautions					
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There were 39,500 non-custodial sentences in 2016 for criminals with at least 26 convictions. This means an extra 12,400 extremely prolific criminals receiving a non-custodial sentence compared to 2006. There were 20,900 non-custodial sentences for criminals with at least 36 previous convictions or cautions – double the 10,500 figure in 2006.



An increased concentration of crime

The data above on prolific criminals could be misinterpreted as evidence of rising crime. In fact, it shows crime is more concentrated – with a relatively small number of prolific criminals responsible for a growing share of all crime.

The Police National Computer recorded 956,000 convictions or cautions in 2006 compared to 545,000 in 2016. A combination of falling overall crime and more crimes committed by prolific criminals implies fewer crimes committed by other criminals. This is indeed the case.

First time offenders accounted for fewer than one in four offences in 2016, compared to more than one in three in 2006. The number of convictions or cautions for a second or third offence has more than halved.

Overall, the proportion of all crime committed by those with at least three previous convictions or cautions rose from 44% to 58% – while the proportion committed by first-, second- and third-time offenders fell from 56% to 42%. As above, the most prolific criminals saw the largest increases.

This combination of (a) falling crime, (b) far more prolific offenders and (c) far fewer first-time and less prolific offenders means that crime is far more concentrated than previously. A comparatively small proportion of criminals are responsible for an increasing share of all crime.

The case for more prison places

The growing concentration of crime presents policy makers with a comparatively simple way to make major reductions in the crime rate – more prison places. There are strong arguments for more prison places that do not depend on the data above. But the data above provides one strong reason.

The more that offending is dispersed among a large number of people, the less effective each additional prison place is likely to be in cutting crime. Conversely, the more that offending behaviour is committed by a relatively small number of prolific criminals, the more crime that each additional prison place can prevent.

Crime in England and Wales is now far more the responsibility of a certain number of prolific criminals than it was a decade ago – meaning the case for more prison places targeted at these highly prolific criminals is especially strong. It would punish with sufficient severity criminals who have committed crimes time and again. It would cut reoffending: the longer the prison sentence a criminal serves, the lower the reoffending rate.³ Perhaps most importantly, prolific criminals who commit a large number of crimes when outside prison are no threat to the general public while they are inside prison.

Is there another way to send more prolific criminals to prison?

If the share of crime committed by the least prolific criminals has fallen, could the prison places they are no longer taking up be used by prolific offenders? Could this option make more prison capacity unnecessary?

To an extent, this has already been done. The number of custodial sentences imposed on those with fewer than 25 previous convictions or cautions fell from 2006 to 2016, reflecting lower numbers. Meanwhile, an extra 13,000 custodial sentences were imposed on those with at least 26 previous convictions or cautions.

But there is limited capacity for further reductions in non-prolific criminals in prison for the simple reason that already the vast majority of prisoners have an extensive criminal history – and the remainder tend to have gone to prison for the most serious offences.⁴ Among the half of prisoners with fewer than 15 previous convictions or cautions are:

- 62% of those sent to prison for violence against the person;
- 89% of those sent to prison for sex offences;
- 56% of those sent to prison for robbery; and
- 74% of those sent to prison for dealing drugs and similar drug offences.

³ See, for example, 'Graph 1: One year adult reoffending rates for those sentenced to community penalties and those sentenced to prison', *The failure of revolving door community sentencing*, Peter Cuthbertson, Centre for Crime Prevention, 21 February 2013, at <http://www.centreforcrimeprevention.com/wp-content/uploads/2016/10/The-failure-of-revolving-door-community-sentencing.pdf>, p.6

⁴ For more information on what offences non-prolific criminals committed to end up in prison, see *Who goes to prison? An overview of the prison population of England and Wales*, Peter Cuthbertson, Civitas, December 2017 at <http://www.civitas.org.uk/content/files/whogoesoprison.pdf>

It is right that many prolific criminals receive custodial sentences. But it is also right that people without an extensive criminal history go to prison when they commit the most serious offences.

Instead of looking for ways to reduce prison capacity, the government should make a priority of reversing the rising number of prolific criminals avoiding prison, thereby protecting those who would otherwise be their victims.

Author

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