

Who goes to prison? An overview of the prison population of England and Wales

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Summary

What sort of offence, and what sort of criminal history, persuades the courts to impose a custodial sentence?

Much of the debate around sentencing, and the appropriate size of the prison population, rests on this question.

It is widely suggested on one side of the debate that the courts persistently refuse to incarcerate large numbers of hardened criminals, instead imposing non-custodial sentences like confetti.

Some campaigners on the other side argue that prison should be reserved for serious, repeat offenders. In so doing, they imply that a large number of prisoners are in fact first-time or minor offenders who are essentially harmless when they enter the prison gates (but often emerge schooled in crime).

A criminal justice system which passes more than 1.2 million sentences a year lends itself well to many striking individual anecdotes which can be used to imply that sentencing is too soft, too harsh, or just right. But any anecdote can be a misleading, exceptional case.

This briefing therefore avoids the anecdotal and explores the broad picture of those who are incarcerated. It takes a full year of sentencing data – 2016, in which 98,527 custodial sentences were imposed on 89,812 individuals in England and Wales – and investigates those individuals' criminal history and the crimes for which they were incarcerated.

The sentencing data reveal:

Prolific criminals dominate the prison population

70% of custodial sentences are imposed on those with at least seven previous convictions or cautions, and 50% are imposed on those with at least 15 previous convictions or cautions.

Any large reductions in the prison population would therefore mean far fewer prolific criminals going to prison.

Non-violent prisoners tend to be the most prolific criminals

There are substantial numbers in prison for non-violent offences. But they tend to be the most prolific criminals. Non-violent crimes such as theft have relatively low custody rates, with 77% of theft offences (and 95% of first-time theft offences) resulting in a non-custodial sentence. But nonetheless there are a substantial number in prison for theft offences simply because of the large number of prolific criminals who commit these offences.

Non-prolific criminals tend to have committed the most serious offences

The corollary of the above point is that prisoners without a substantial criminal history have usually gone to prison for committing the most serious crimes. The less prolific 50% of prisoners – those with fewer than 15 previous convictions or cautions – account for the vast majority of custodial sentences for violent and sexual offences.¹

Reducing prisoner numbers by targeting reductions on less prolific criminals would therefore mean ensuring that the most serious crimes, such as violence against the person and sexual offences, are less likely to lead to a custodial sentence.

Halving the number of people sent to prison, as some politicians suggest, means either leniency towards the most prolific 50% of prisoners or leniency towards the less prolific 50% who commit most of the most serious offences – or some mixture of both.

First time offenders account for less than 8% of prison sentences

Fewer than one in twelve prisoners are there for a first offence. A prisoner is much more likely to have at least 46 previous convictions or cautions than to be a first time offender.

As above, with the overwhelming majority of prisoners serious or repeat offenders – or both – there are very few who are neither. Non-custodial sentences are far more likely to be imposed than prison unless the offence is serious or the defendant has already committed a substantial number of previous offences.

It is especially rare for the Magistrates' Courts to impose a custodial sentence on first-time offenders. Of the 249,000 individuals convicted or cautioned for a summary offence, only 521 (0.2%) were first-time offenders who received a custodial sentence.

Those incarcerated for drug offences are overwhelmingly supplying drugs

In 2016, 102,000 were sentenced, cautioned or given a penalty notice or a cannabis/khat warning for drug offences. Of these, fewer than 9,000 went to prison.²

88% of those who were sent to prison were guilty of 'Production, supply and possession with intent to supply' or importing/exporting drugs. 71% of prison sentences involved class A drugs, 28% class B and 1% class C.

Fewer than one in eight incarcerated for drug offences had no previous convictions or cautions.

Almost nobody goes to prison for minor driving offences or television licence evasion

There were 517,000 summary motoring offences in 2016, resulting in a custodial sentence for only 3,000 offenders. 1,000 were imprisoned for driving under the influence of drink or drugs, or other offences relating to drink- or drug-driving. 2,000 were imprisoned for driving licence related offences – i.e. driving without a licence.

In 2016 there were:

- 168,000 convictions for speeding,
- 133,000 convictions for vehicle insurance offences,
- 78,000 convictions for drivers refusing to identify themselves when required; and

¹ 'Offending History Tool: Sanction statistics', 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

² Table Q1.3, Overview tables, 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

- 24,000 convictions for careless driving offences such as use of a mobile phone while driving.

These offences combined resulted in only 10 custodial sentences.

153,000 were convicted of television licence evasion – and none of them received a custodial sentence. There are 20 to 50 cases a year of television licence evaders going to prison, for two to four weeks on average, for the non-payment of a fine.³ This extreme situation occurs if the court believes the individual is wilfully refusing to pay and the court has already exhausted all other enforcement actions.

What is the criminal history of those who go to prison?

Graph 1 below undermines the notion that a large number of people are sent to prison early in their criminal career. In fact, fewer than 8% of prison sentences were imposed on first-time offenders.

A person sent to prison is significantly more likely to have at least 46 previous convictions or cautions (10%) than to have none.



³ 'Television: Licensing: Written question – HL4745', House of Lords, Parliament.uk, 6 February 2015, at <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2015-02-06/HL4745/>

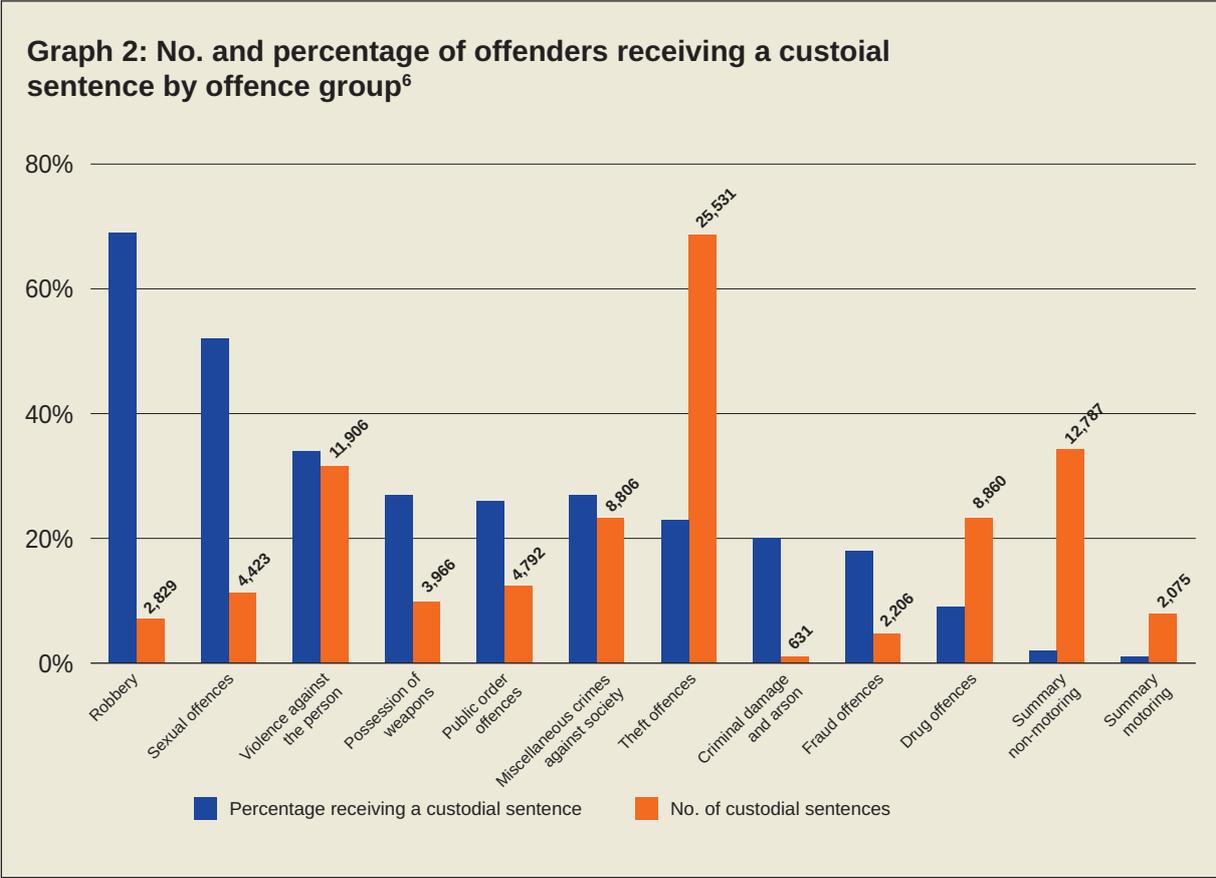
⁴ Table Q6.1, Offending history tables, 'Criminal Justice System statistics quarterly: December 2016', Ministry of Justice, 18 May 2017 at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/614416/offending-history-tables-dec-2016.xls

70% of prison sentences are imposed on those with at least seven prior convictions or cautions, and 59% had at least 11 previous convictions or cautions.

Half of custodial sentences are imposed on those with at least 15 previous convictions or cautions.

Certain politicians of all parties – the Conservatives’ Kenneth Clarke, Labour’s Shami Chakrabarti and Jacqui Smith and the Liberal Democrats’ Nick Clegg – have argued that the prison population should be halved.⁵ If previous criminal history were to be used as the basis for halving the prison population, this would mean no one found guilty of fewer than 15 previous offences would go to prison.

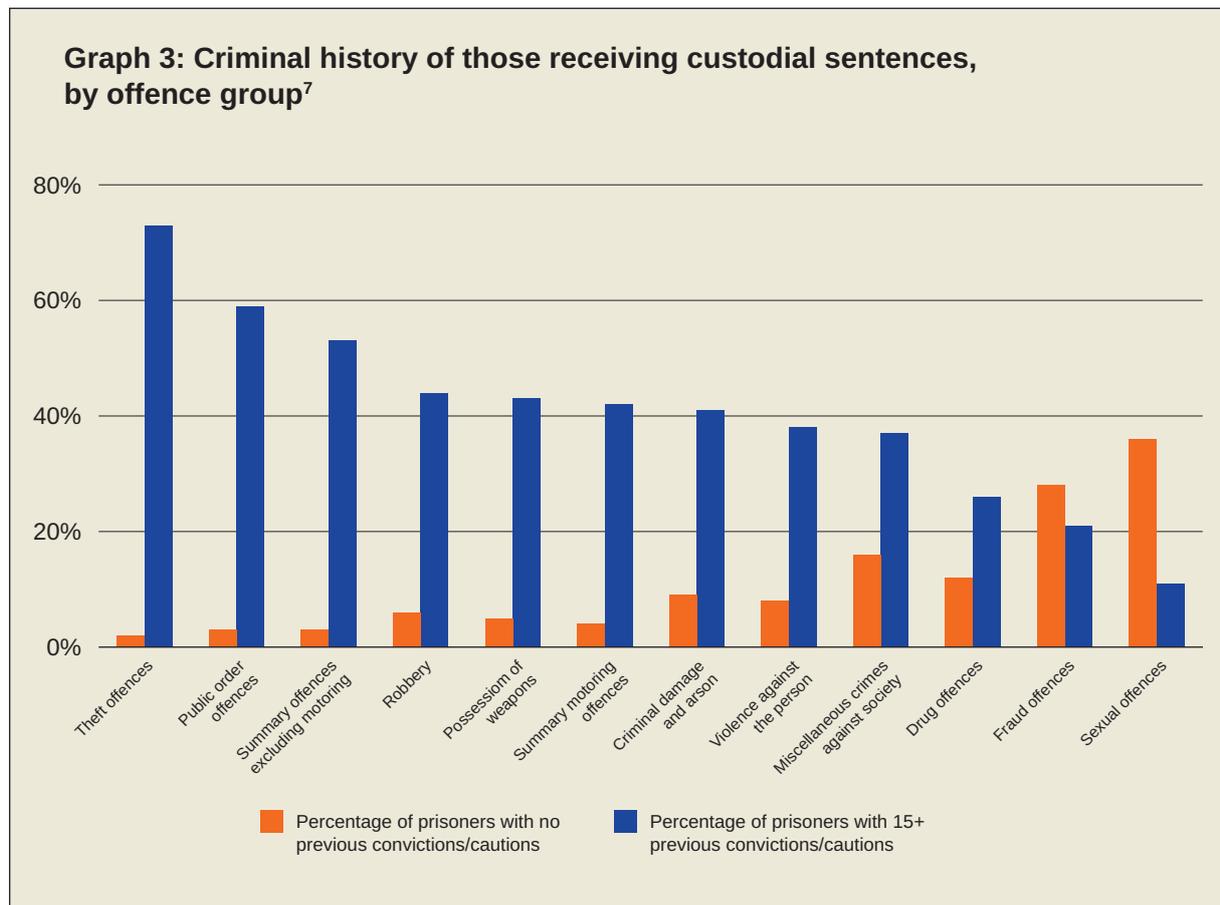
Graph 2 shows the offence groups of prisoners – and the likelihood of a custodial sentence for each offence group.



⁵ ‘Prison population should be halved, say former home secretaries’, Andrew Sparrow, The Guardian, 22 December 2016, at <https://www.theguardian.com/society/2016/dec/22/prison-population-should-be-halved-say-former-home-secretaries> and ‘Shami Chakrabarti sparks fury by ditching Labour’s ‘tough’ approach to crime as she backs calls for prison population to be HALVED’, James Tapsfield, Daily Mail, 23 December 2016, at <http://www.dailymail.co.uk/news/article-4061202/So-tough-crime-Labour-s-Shami-Chakrabarti-complains-sentences-harsh-backs-calls-HALVING-prison-population.html>

⁶ Tables Q1.3 and Q5.3, Overview tables, 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

Graph 3 shows, within each offence group, what percentage of prisoners have no previous convictions or cautions and what percentage have 15 or more previous convictions or cautions.



For the majority of offence groups, the number of first-time offenders is dwarfed by the number of prolific offenders. There are 73 offenders sent to prison for theft offences with at least 15 previous convictions for every 2 with no previous convictions or cautions.

The table below shows that the most likely first-time offenders to go to prison are those who commit the most serious crimes, such as sexual offences and robbery.

Offence group ⁸	No. custodial sentences for first-time offenders	% of first-time offenders going to prison
Sexual offences	1,640	44%
Robbery	185	28%
Misc. crimes against society	1,550	21%
Fraud offences	542	16%

⁷ 'Offending History Tool: Sanction statistics', 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

⁸ 'Offending History Tool: Sanction statistics', 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

Offence group (continued)	No. custodial sentences for first-time offenders	% of first-time offenders going to prison
Violence against the person	956	11%
Drug offences	1,147	9%*
Criminal damage and arson	70	7%
Public order offences	148	6%
Theft offences	696	5%
Possession of weapons	199	5%
Summary offences exc. motoring	399	1%
Summary motoring offences	122	1%
Total	7,654	

*This data excludes the 34,000 who were given Cannabis/khat warnings⁹, and therefore inflates the percentage of first-time offenders going to prison substantially.

Offences committed by those sent to prison

Violence against the person

Offence ¹⁰	No. custodial sentences (2016)	% of all custodial sentences for violence against the person
Breach of a restraining order	3,322	28%
Causing or wounding with intent to cause grievous bodily harm	2,958	25%
Assault occasioning actual bodily harm	2,894	24%
Murder/Attempted Murder/Manslaughter/hreats to Kill/Endangering Life	823	7%
Causing death or serious injury by dangerous driving	365	3%
	10,362	87%

Violence against the person accounts for 13% of those sent to prison. In 2016, just under 12,000 received a custodial sentence for offences in this category. (Over 17,000 non-custodial sentences were imposed on those convicted of violence against the person – 59% of the total.)

More than a quarter of prisoners in this category – 3,300 – were there for breach of a restraining order. 5,600 received a non-custodial sentence for this offence.

Another quarter were guilty of either causing grievous bodily harm or of wounding with intent to cause GBH. A third quarter were guilty of assault occasioning actual bodily harm.

⁹ Table Q1.3, Overview tables, 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

¹⁰ 'Criminal justice statistics outcomes by offence 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/614418/cjs-outcomes-by-offence-tool-2016.xlsx

Murder, attempted murder, manslaughter, threats to kill and endangering life accounted for another 7% of cases. Causing death or serious injury by dangerous driving accounted for 3%.

Sexual offences

Offence ¹¹	No. custodial sentences (2016)	% of all custodial sentences for sexual offences
Sexual/indecent assault (victim aged under 16)	878	20%
Sexual/indecent assault (victim aged 16 or over)	825	19%
Sexual activity involving a child under 16/Incest with a child 13-17	709	16%
Rape (victim aged 16 or over)	620	14%
Rape (victim aged under 16)	571	13%
Sexual activity involving a child under 13/Gross indecency with children	285	6%
Exposure and voyeurism	209	5%
Sexual grooming/abuse of children through prostitution and pornography	164	4%
	4,261	96%

4,400 custodial sentences were imposed for a sexual offence.

59% of those convicted of sex offences received a custodial sentence, the second highest incarceration of any category of crime. This figure reflects the seriousness of the offences these criminals committed.

96% of those sent to prison for sex offences had committed one of the following:

- rape
- sexual/indecent assault
- sexual activity involving a child
- exposure and voyeurism
- sexual grooming/abuse of children through prostitution and pornography.

Of those sent to prison for sex offences, more than a quarter had been convicted of rape. Of those jailed for rape, about half had raped a child and the other half had raped someone aged 16 or over. (172 sex offenders actually received a non-custodial sentence or a caution for rape – with 129 of them having raped someone under 16.)

39% of those sent to prison for sex offences were convicted of sexual or indecent assault. Again, half their victims were under 16.

One in six (16%) of those sent to prison for sex offences were guilty of sexual activity with a child between 13 and 15 years old or incest with a child between 13 and 17. Another 6% were guilty of sexual activity with a child under 13 or gross indecency with children.

One in eleven were guilty of either exposure and voyeurism (5%) or the sexual grooming/abuse of children through prostitution and pornography (4%).

¹¹ 'Criminal justice statistics outcomes by offence 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/614418/cjs-outcomes-by-offence-tool-2016.xlsx

Robbery

Robbery is both a single offence and an offence group of its own, accounting for 2,800 custodial sentences in 2016. 69% of those convicted of robbery received a custodial sentence. This is the highest custody rate – reflecting the seriousness of this violent offence, and the criminal history of the typical perpetrator.

Only 6% of those in prison for robbery were first-time offenders – with almost twice as many first-time offenders convicted of robbery receiving a community sentence as a custodial sentence.

68% of those sent to prison for robbery had at least seven previous convictions or cautions and 44% had at least 15 previous convictions or cautions.¹²

Theft offences

Offence ¹³	No. custodial sentences (2016)	% of all custodial sentences for theft offences
Theft from Shops	12,802	50%
Burglary in a Dwelling	4,555	18%
Burglary in a Building Other than a Dwelling	2,967	12%
Other Theft or Unauthorised Taking	1,182	5%
Theft from the Person of Another	1,092	4%
Theft from Vehicle	686	3%
Theft in Dwelling not Automatic M/c or Meter	385	2%
	23,669	93%

The largest number of prisoners received a custodial sentence for theft offences – more than 25,000 individuals and 29% of prisoners.

This high number is a result of the very high number of convictions for theft offences (more than 89,000), rather than harsh sentencing for these offences. Theft offences were on average less likely to result in a custodial sentence than robbery, sexual offences, violence against the person, possession of weapons, public order offences or miscellaneous crimes against society.

Custodial sentences for theft offences tend to be imposed on prolific criminals. As shown in Graph 3 above, only 2% of all those in prison for theft or burglary were there for a first offence – fewer than 700 cases. 73% of them had at least 15 previous convictions or cautions.

- Only 22% of the 57,000 theft from shops convictions received a custodial sentence in 2016.¹⁴ This means theft from shops accounted for 12,800 prison sentences – half of all those sent to prison for theft offences.
- Burglary accounts for 30% of those sent to prison for theft offences. Sentencing for burglary is more stringent than for theft from shops, with a 57% overall custody rate.

¹² 'Offending History Tool: Sanction statistics', 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

¹³ 'Criminal justice statistics outcomes by offence 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/614418/cjs-outcomes-by-offence-tool-2016.xlsx

¹⁴ 'Criminal justice statistics outcomes by offence 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/614418/cjs-outcomes-by-offence-tool-2016.xlsx

Possession of weapons

Offence ¹⁵	No. custodial sentences (2016)	% of all custodial sentences for possession of weapons
Possession of article with blade or point	2,267	57%
Possession of other weapons	884	22%
Possession of firearms	791	20%
	3,942	99%

4,000 received a custodial sentence for possession of knives, firearms and other weapons. 5% of them were there for their first offence, while 43% had at least 15 previous convictions.

Drug offences

Offence ¹⁶	Class A	Class B	Class C	Unknown Class	No. custodial sentences (2016)	% of all custodial sentences for drug offences
Production, supply and possession with intent to supply	5,435	1,992	32	–	7,459	84%
Possession of a controlled drug	557	421	31	–	1,009	11%
Unlawful importation/exportation	225	62	22	9	318	4%
Permitting premises to be used for unlawful purposes	28	20	–	–	48	0.5%
Other	–	–	–	26	26	0.3%
	6,245	2,495	85	35	8,860	
% of all custodial sentences for drug offences	71%	28%	1%	0.4%		

One in ten of those sent to prison were convicted of drug offences – just under 9,000 people out of 102,000 who were sentenced for drug offences or given a penalty notice, caution or cannabis/khat warning.¹⁷ Only 12% of this total had no previous convictions or cautions.

Almost nine out of ten (88%) were guilty of 'Production, supply and possession with intent to supply' or importing/exporting drugs.

¹⁵ 'Criminal justice statistics outcomes by offence 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/614418/cjs-outcomes-by-offence-tool-2016.xlsx

¹⁶ 'Criminal justice statistics outcomes by offence 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/614418/cjs-outcomes-by-offence-tool-2016.xlsx

¹⁷ Table Q1.3, Overview tables, 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

Only 11% of drug offenders sent to prison were convicted of possession. Of these 1,009 cases, 557 went to prison for possession of class A drugs, 421 for class B drugs and 31 for class C drugs.

In total, 71% of drug offenders sent to prison were guilty of offences involving class A drugs, with 28% going to prison for class B drugs. Class C drugs accounted for only 1% of cases resulting in a prison sentence, with only 85 going prison out of a total 1,163 convicted or cautioned.

Criminal damage and arson

Offence ¹⁸	No. custodial sentences (2016)	% of all custodial sentences for criminal damage and arson
Arson endangering life	219	35%
Arson not endangering life	204	32%
Other Criminal Damage	104	16%
Criminal Damage Endangering Life	91	14%
Racially or religiously aggravated criminal damage	13	2%
	631	100%

Criminal damage and arson accounts for 1% of custodial sentences. Only 7% of first-time offenders in this category went to prison. Of those who went to prison 9% were first-time offenders and 41% had committed at least 15 previous offences.

Half of the prison sentences in this category were for criminal damage or arson that endangered life.

Fraud offences

Offence ¹⁹	No. custodial sentences (2016)	% of all custodial sentences for fraud
Fraud by false representation: cheque, plastic card and online bank accounts	1,374	62%
Other Fraud	215	10%
Fraud by abuse of position	210	10%
Conspiracy to defraud	184	8%
Benefit fraud offences	84	4%
	2,067	94%

There were 11,000 fraud convictions in 2016, with 2,200 receiving a prison sentence. Only 16% of first-time offenders guilty of fraud went to prison.

¹⁸ 'Criminal justice statistics outcomes by offence 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/614418/cjs-outcomes-by-offence-tool-2016.xlsx

¹⁹ 'Criminal justice statistics outcomes by offence 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/614418/cjs-outcomes-by-offence-tool-2016.xlsx

Approaching two thirds of fraud cases resulting in prison were for plastic card, cheque or bank fraud – although only a quarter of convictions resulted in a custodial sentence. 84 of the 3,122 benefit fraud cases resulted in a custodial sentence (4%). By contrast, 16 of the 34 convictions for fraud by a company director resulted in a custodial sentence.

Public order offences

Offence ²⁰	No. custodial sentences (2016)	% of all custodial sentences for public order offences
Affray	1,051	22%
Breach of a criminal behaviour order	675	14%
Breach of a non-molestation order	537	11%
Breach of an Anti-Social Behaviour Order	452	9%
Racially or religiously aggravated causing intentional harassment, alarm or distress – words or writing	399	8%
Violent Disorder	250	5%
Breach of Sexual Offences Prevention Order (SOPO) or Interim SOPO	235	5%
Racially or religiously aggravated fear or provocation of violence	142	3%
	3,741	78%

4,800 prisoners were convicted of a public order offence. This includes some of the most prolific criminals. Only 3% of those incarcerated were there for a first offence. 59% had committed 15 or more previous offences.

The great majority of prison sentences for public order offences were for affray, breach of various orders or violent disorder.

²⁰ 'Criminal justice statistics outcomes by offence 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/614418/cjs-outcomes-by-offence-tool-2016.xlsx

Miscellaneous crimes against society

Offence ²¹	No. custodial sentences (2016)	% of all custodial sentences for miscellaneous crimes against society
Dangerous driving	1,707	19%
Failing to Surrender to Bail/Absconding from Lawful Custody/Remaining unlawfully at large after recall to prison	1,255	14%
Handling Stolen Goods	1,059	12%
Offences involving indecent photographs of children	764	9%
Perverting the Course of Justice/Perjury	702	8%
Possession of false documents – indictable only	544	6%
Money laundering	511	6%
Going Equipped for Stealing	358	4%
Human trafficking/assisting the entry of illegal immigrants	273	3%
	7,173	81%

The category ‘miscellaneous crimes against society’ covers almost fifty offences – and explains one in ten custodial sentences. Only 16% of those receiving a custodial sentence had no previous convictions or cautions. 37% had at least 15 previous convictions or cautions.

As with the other categories, a comparatively small number of these offences account for the vast majority of custodial sentences.

The most common miscellaneous crime leading to prison is dangerous driving, accounting for 19% of the total. Failing to Surrender to Bail, Absconding from Lawful Custody or Remaining unlawfully at large after recall to prison explains another 14%. 12% were guilty of handling stolen goods.

There were about 3,500 convictions for “Taking, permitting to be taken or making, distributing or publishing indecent photographs or pseudo photographs of children” or for possessing prohibited or indecent images of children in 2016. 764, or 22% of them, went to prison – another 9% of the total incarcerated for miscellaneous crimes.

Summary offences

Summary offences, handled in the Magistrates’ Courts, are overwhelmingly punished with a non-custodial sentence.

Of the 249,000 convictions and cautions for 994,000 summary offences in 2016, only 7% (17,456) resulted in a custodial sentence.²²

²¹ ‘Criminal justice statistics outcomes by offence 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/614418/cjs-outcomes-by-offence-tool-2016.xlsx

²² Table Q5.3, Overview tables, 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/614645/overview-tables-2016.xlsx

Custodial sentences imposed for summary offences tend to reflect a substantial criminal history. 77% of those receiving a custodial sentence had at least 7 previous convictions or cautions. More than half had at least 15 previous convictions and more than a quarter had at least 25 previous convictions.

Only 3% of those who were imprisoned for a summary offence (521) had no prior criminal history – representing 0.2% of the 249,000 charged or cautioned for summary offences.

Summary motoring offences²³

	No. custodial sentences (2016)	% of all custodial sentences for summary motoring offences
Driving licence related offences (excluding fraud and forgery)	2,036	66%
Driving a motor vehicle under the influence of drink or drugs	716	23%
Other offences related to drink- or drug-driving	256	8%
	3,008	98%

The sentencing data strongly undermines the idea that anyone is likely to be in prison for minor driving offences.

There were 517,000 summary motoring offences in 2016, resulting in a custodial sentence for only 3,000 offenders.

Two thirds of these custodial sentences were for driving licence related offences – i.e. driving without a licence. There were 15,000 convicted and of these 2,000 resulted in a custodial sentence.

Another 32% were imprisoned for driving under the influence of drink or drugs, or other offences relating to drink- or drug-driving. Again, the custody rate for these offences was very low – around 2% – with only 1,000 going to prison out of 47,000 convictions for this offence.

- There were 168,000 convictions for speeding – and 0 went to prison for this offence.
- There were 133,000 convictions for vehicle insurance offences – and 9 went to prison.
- There were 78,000 convictions for drivers refusing to identify themselves when required – 1 went to prison.
- There were 24,000 convictions for careless driving offences – half for using a handheld mobile phone when driving, or causing someone else to do so. 0 went to prison.

²³ 'Criminal justice statistics outcomes by offence 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/614418/cjs-outcomes-by-offence-tool-2016.xlsx

Summary non-motoring offences²⁴

	No. custodial sentences (2016)	% of all custodial sentences for summary non-motoring offences
Common assault and battery	6,806	53%
Assaulting, resisting or obstructing a constable or designated officer in execution of duty	1,263	10%
Criminal or Malicious Damage	1,236	10%
Causing fear or provocation of violence	919	7%
Summary offence of harassment	558	4%
Theft of a motor vehicle	492	4%
Causing intentional harassment, alarm or distress	344	3%
	11,618	91%

There were 478,000 summary non-motoring offences in 2016, resulting in just under 13,000 custodial sentences.

The majority of these custodial sentences (53%) were for common assault and battery. 13% of those convicted of this offence went to prison.

10% of custodial sentences were for assaulting, resisting or obstructing a police officer. Of those convicted of this offence, one in nine went to prison.

Only one in 20 cases of criminal or malicious damage dealt with by the Magistrates' Courts resulted in a custodial sentence – another 10% of the total for summary non-motoring offences.

18% of custodial sentences for summary non-motoring offences were for causing fear or provocation of violence, harassment, theft of a motor vehicle or causing intentional harassment, alarm or distress. Of the 19,000 convicted of these offences, fewer than one in eight received a custodial sentence.

140 received a custodial sentence for sending grossly offensive messages by an electronic communications network – one tenth of those convicted of this offence.

83 received a custodial sentence for cruelty to animals out of 837 convicted.

153,000 were convicted of television licence evasion – 0 received a custodial sentence. There are 20 to 50 cases a year of television licence evaders going to prison, for two to four weeks on average, for the non-payment of a fine.²⁵ This extreme situation occurs if the court believes the individual is wilfully refusing to pay and the court has already exhausted all other enforcement actions.

²⁴ 'Criminal justice statistics outcomes by offence 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/614418/cjs-outcomes-by-offence-tool-2016.xlsx

²⁵ 'Television: Licensing: Written question – HL4745', House of Lords, Parliament.uk, 6 February 2015, at <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2015-02-06/HL4745/>

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