

RECENT PRISON POPULATION TRENDS

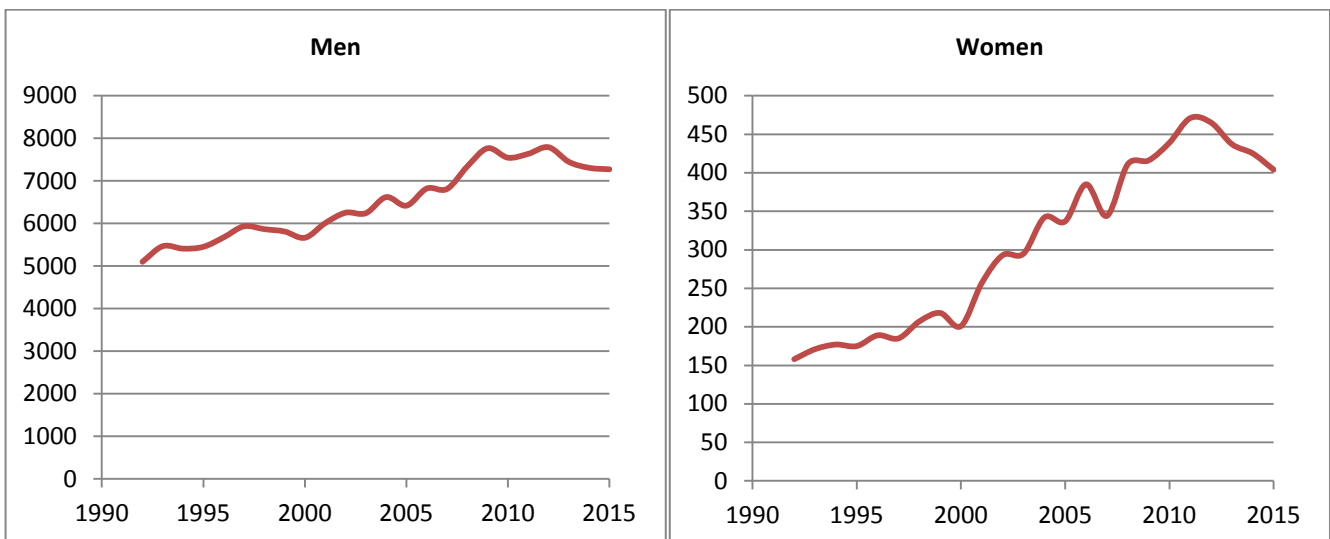
Following a long period of sustained upward growth, the annual average prison population peaked at 8,179¹ in 2011-12. Since then, it has dropped to an average population of around 7,500 during 2016-17.

This paper analyses the key drivers of both the increase and the more recent decrease in the prison population by examining data on recorded crime, clear-up rates, conviction rates, and sentencing. The analysis was undertaken separately for men and for women.

1. High level trends

In terms of the timing of the rise and fall in the population, the pattern was similar for both men and for women. However, as can be seen from the charts below for women both the rise and the fall pre/post 2011-12 was steeper:

Figures 1 and 2: Total prison population



The prison population in England and Wales also started to drop from 2012 onwards. The percentage drop in the prison population since 2012 has not been quite as large in England and Wales as in Scotland, though this needs to be set in the context of the rise in the general population of England and Wales. Overall, the trends are quite similar, as is the total incarceration rate – although not necessarily for exactly the same reasons.

2. Drivers of the rise in the prison population prior to 2011-12

The reasons for the rise in the prison population prior to 2011-12 have been analysed in detail in an earlier paper by Justice Analytical Services². Although most crime types fell significantly over this period³ - and hence it might have been expected that the prison population would also have dropped - there was a significant increase in clear-up rates and conviction rates, particularly for serious violent crime. In addition, sentence lengths for certain crime types rose,

¹ Annual daily average – Source: Prison statistics and population projections Scotland: 2013-14 (Scottish Govt, 2015)

² “Crime and Imprisonment: If crime is falling, why is the prison population still rising?” (JAS internal paper, 2013)

³ With the exception of drug supply offences, sexual offences, and common assault

particularly for handling an offensive weapon. There was also a significant increase in the number of people remanded in custody, and those recalled to prison.

Overall, the analysis concluded that the prison population had increased as a result of changes in criminal justice policies, legislation, practice and procedures – and not because of changes in the underlying prevalence or seriousness of offending behaviour. Indeed, had there not been such a significant fall in crime, modelling suggests that the total prison population would have more than doubled between 1992 and 2012.

Looking at the issue the other way around, the analysis acknowledged that it could potentially be argued that the rise in the prison population might have *caused* the drop in crime, particularly through incapacitation and deterrence effects. Whilst this cannot be completely ruled out, the scale of the drop in crime cannot be explained by incapacitation effects alone⁴. Also, the international evidence base tends to suggest that whilst increases in the likelihood of punishment may affect crime rates, increases in the severity of punishment do not have a significant impact. This tends to suggest that increases in clear-up rates and conviction rates might have had an influence on certain crime types, rather than the use of prison per se.

3. Drivers of the fall in the prison population since 2011-12

This earlier analysis has now been extended to examine trends in crime and sentencing since 2011-12. As before, changes in **recorded crime**, **clear-up rates**, **conviction rates**, and **sentencing** were examined separately. Key findings have been set out below.

3.1 Changes in recorded crime

Since 2011-12, nearly all recorded crime types have fallen, with the exception of sexual offences⁵. However, some crimes are more likely to result in a prison sentence than others, and custodial sentence lengths vary by crime type. As a result, not all changes in crime affect the prison population equally.

A model was constructed which produces estimates of the long-run impact of changes in recorded crime on the prison population, assuming no changes to clear-up rates, conviction rates or sentence lengths. The model suggests that from a prison population perspective, the most significant changes in crime since 2011-12 were somewhat different for men and for women.

For both groups, the fall in violent crime was a highly significant factor. For men, however, this was offset to some extent by the continued rise in sexual crimes. The estimated impact (in prison population terms) of the most significant changes in recorded crime are set out in figures 3 and 4.

⁴ It is also worth noting that in those areas where recorded crime was falling (e.g. non-sexual crimes of violence and crimes of dishonesty), the prison population also fell. Conversely, where crime rose (e.g. crimes of indecency, miscellaneous offences, and other crimes), the prison population also rose. This tends to suggest that crime influences the prison population, rather than vice-versa.

⁵ The Scottish Crime and Justice Survey, which seeks to measure the level of crime victimisation in Scotland, suggests that the actual prevalence of sexual crimes has not in fact risen significantly in recent years. However, clearly increases in the reporting of such crimes (and historical crimes) may affect the prison population, even if crime itself has not risen.

Figure 3: Estimated prison population impact of changes in recorded crime (men)

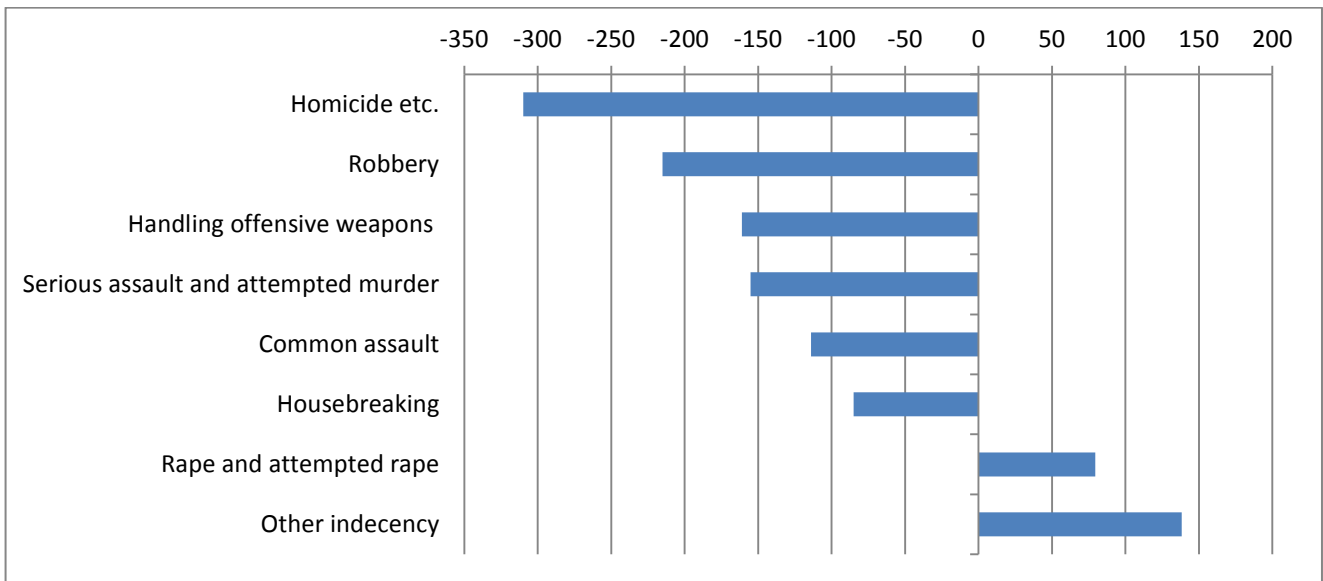
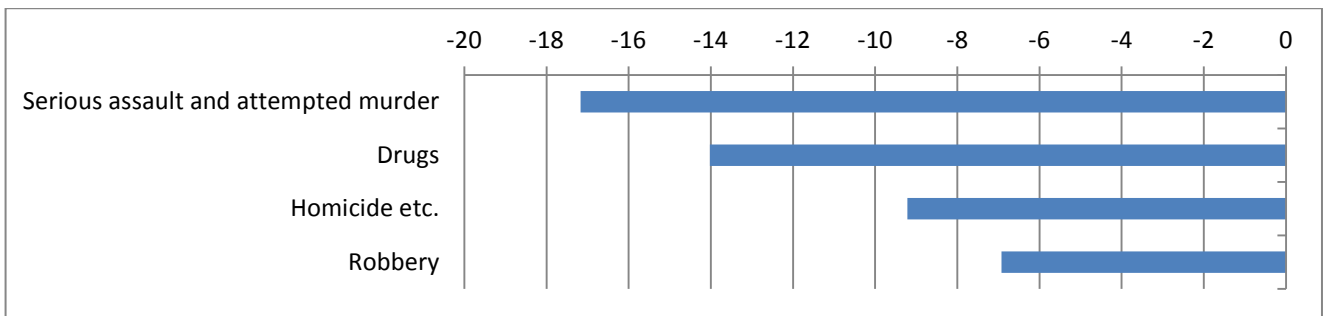


Figure 4: Estimated prison population impact of changes in recorded crime (women)



As can be seen in figure 4, for women the fall in drug-related crimes - previously a key driver of the increase in the prison population - was also a particularly important factor explaining the fall in the prison population.

Overall, if crime was the only influence on the prison population, the model suggests that population would have fallen by over 1,200 between 2011-12 and 2015-16, i.e. significantly more than the actual drop in the population⁶. This suggests, as with the earlier analysis, that wider changes in the criminal justice system are continuing to offset the falls in crime.

3.2 Clear-up rates and conviction rates

As in the earlier period, there were some improvements in police clear-up rates, particularly for serious violent crimes such as robbery and for sexual offences such as rape and attempted rape. However, conviction rates in court have now levelled off and in some cases

⁶ It should be noted that the model does not explicitly take account of the fact that changes to the number of long-term sentences will take a number of years to feed through into the prison population, so the crime drop experienced up to 2015-16 may continue to feed into a lower population in future years. Life sentences have however been analysed separately in section 3.4 below.

have started to fall. Whilst the significant rise in convictions in the earlier period could be partly attributed to improvements in forensics and the use of CCTV, such influences are now well-embedded and perhaps cannot be expected to increase conviction rates further. Overall, **the influence of changes in clear-up rates and conviction rates is estimated to have added around 400 to the total prison population**⁷.

3.3 Use of custodial sentences

Over the period under analysis, the total number of custodial sentences fell by 14%. At least in part, this drop is likely to have been driven by an increase in the use of community sentences (up by 12%) as an alternative to short sentences.

However, it is important to note that short sentences only account for a small proportion of the total prison population – e.g. sentences of 6 months or less only account for around 5% of the total prison population. So, the observed reduction in the use of short sentences could not have had a significant *direct* impact on the prison population - though it could still have a longer-run indirect impact through reductions in reoffending, given that the evidence shows that community sentences are more effective at reducing reoffending than short prison sentences.

The model suggests that from a prison population perspective, the most significant reductions in the use of custodial sentences related to drugs offences and serious violent crime, though this was offset to some extent by an increase in the use of custody for housebreaking. Given the nature of these crimes, it seems likely that this reflects changes in the typical seriousness of cases coming before the courts, rather than changes in the willingness of the judiciary to use community sentences. Overall, it is estimated that **changes in the use of custodial sentences reduced the prison population by around 400**.

3.4 Sentence lengths & life sentences

For the majority of crime types, sentence lengths did not change significantly over the period. The most significant factors were a reduction in sentence lengths for serious violent crime and drugs offences, again possibly reflecting a reduction in the seriousness of cases coming to the courts. By contrast, there was a very significant (58%) increase in average sentence lengths for housebreaking, which particularly affects the male prison population. Overall the model suggests that **changes in sentence lengths increased the prison population by around 200**.

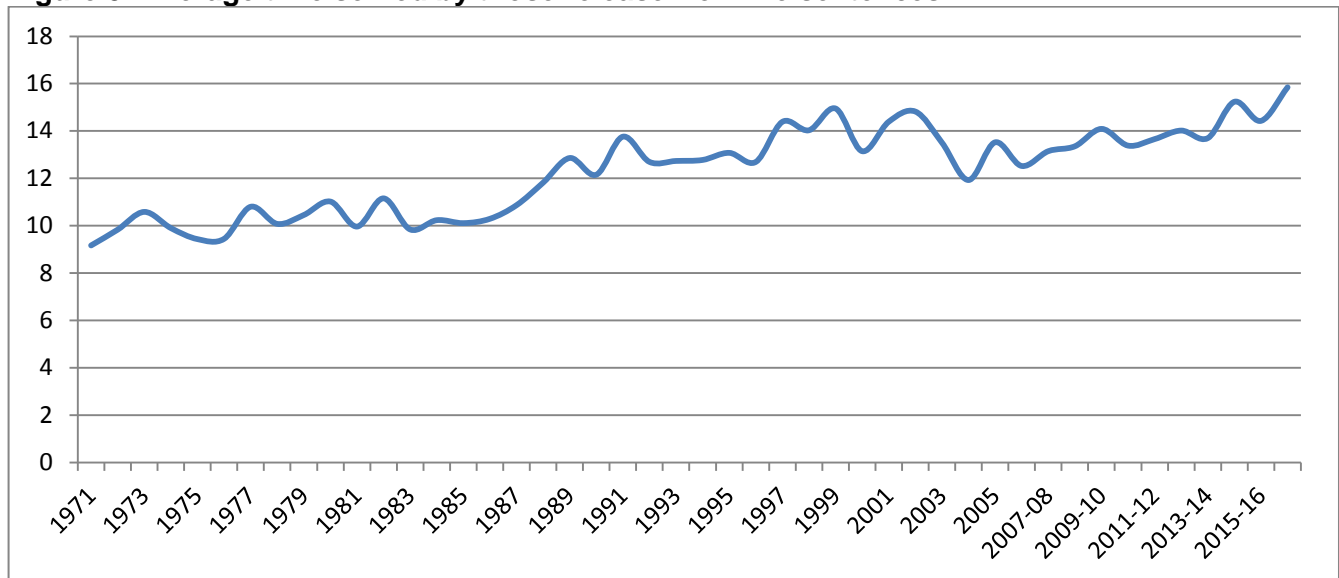
However, it is important to note that this analysis does not take into account changes in the average time served by those serving indeterminate sentences – primarily life sentences for murder. As those serving such sentences typically spend between 10 and 35 years in prison, they can have a very significant influence on overall trends.

Over the longer-term, figure 5 (based on Parole Board data) shows that there has been a fairly steady increase in the average time served by those released from life sentences – from around 9 years in 1971 to around 15-16 years more recently.

⁷ See also Annex A for more detail on domestic abuse. The Scottish Crime and Justice Survey and police recorded crime data suggest that the prevalence of domestic abuse has not risen, but due to a more proactive prosecution policy there has been a significant increase in the number of convictions for domestic abuse.

We also know that the average tariff (i.e. minimum time to be served) by those receiving life sentences rose from 10 years for those sentenced in 2000 to over 18 years in 2012. This suggests that the upward drift in average time served will continue for at least the next couple of decades, regardless of any possible changes to the Parole Board's propensity to release life prisoners following the punishment part of the sentence⁸.

Figure 5: Average time served by those release from life sentences



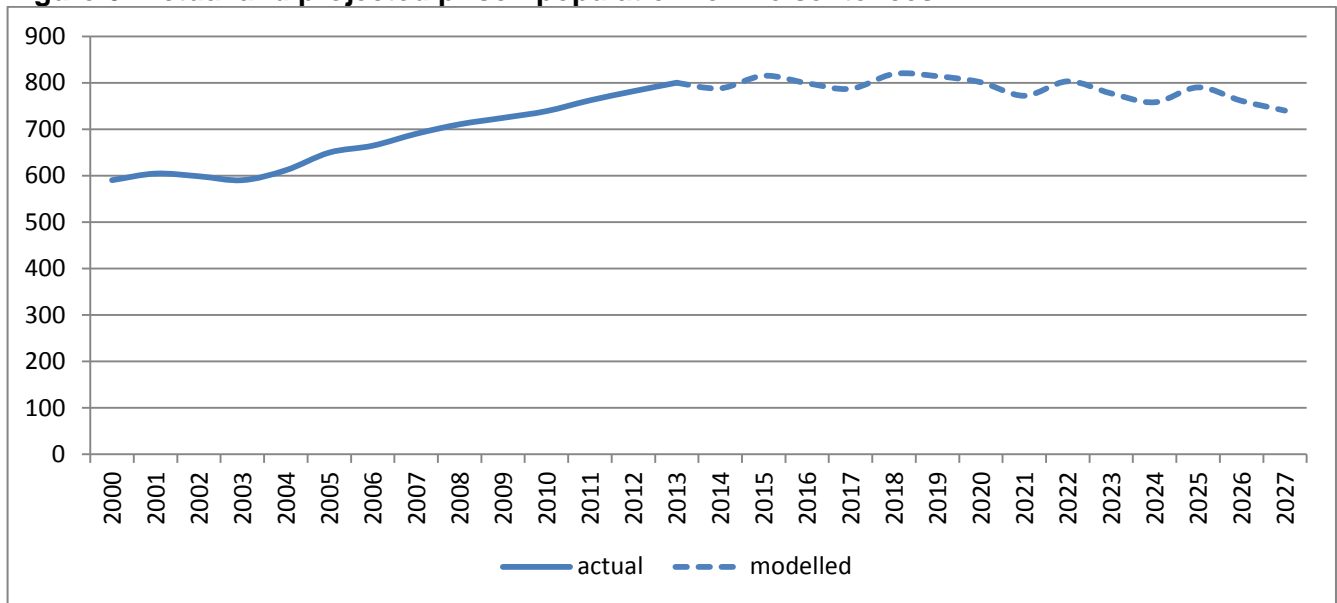
A separate model was created to examine this issue in more detail, and to take account of the significant time gap between sentencing and release for life prisoners. This analysis suggests if there were no further changes to average time served, and if the number of life sentences were to remain at 2015-16 levels⁹, the life sentence population (excluding recalls) would eventually fall by around 350, from 800 to 450.

However, if (as seems likely) average time served continues to rise, this could almost completely offset the fall in the number of life sentences. In addition, recent police data suggests that the number of murders in 2015-16 was unusually low. Taking into account the lag between sentencing and release, modelling suggests that a more realistic projection of the number of life sentence prisoners would be as set out in figure 6 – i.e. a largely flat trend for the foreseeable future, assuming no dramatic change in the number of murders:

⁸ Given the rise in average tariffs, in future prisoners are (on average) likely to be significantly older when facing their first review. It seems reasonable to assume that older prisoners might be judged to pose less of a risk than younger prisoners, and hence the Parole Board may be more likely to release these prisoners on parole.

⁹ This would be quite an optimistic assumption, as the number of life sentences in 2015-16 was at a historic low – down from 65 in 2003-04 to 27 in 2015-16. Police management information suggests that there has in fact been a significant increase in the number of detected murders in 2016-17.

Figure 6: Actual and projected prison population for life sentences



Overall, then, rises in the length of time served by those given life sentences could increase the prison population by around 350, which would essentially completely offset the gains identified earlier in the paper in terms of the likely reduction in the prison population convicted of homicide.

4. Summary

Nearly all crime types have fallen significantly since the early 1990s, particularly serious violent crime. All else being equal, this should have led to a substantial reduction in the prison population.

However, improvements in clear-up rates and conviction rates have meant that, for a given level of crime, more and more people have been convicted in court and sentenced to prison. Similarly, previously 'hidden' crime types such as domestic abuse and sexual offences have increasingly come to the attention of the courts. There has also been an upward drift in average sentence lengths, particularly for crimes such as housebreaking, handling an offensive weapon, domestic abuse, and murder.

Up until 2011-12, the fall in crime was more than offset by the changes in the criminal justice system, leading to a rising prison population. However, since then the continuing fall in serious violent crime and the more recent fall in drug-related crimes have outweighed these effects, leading to more significant falls in the prison population - particularly for women and young offenders.

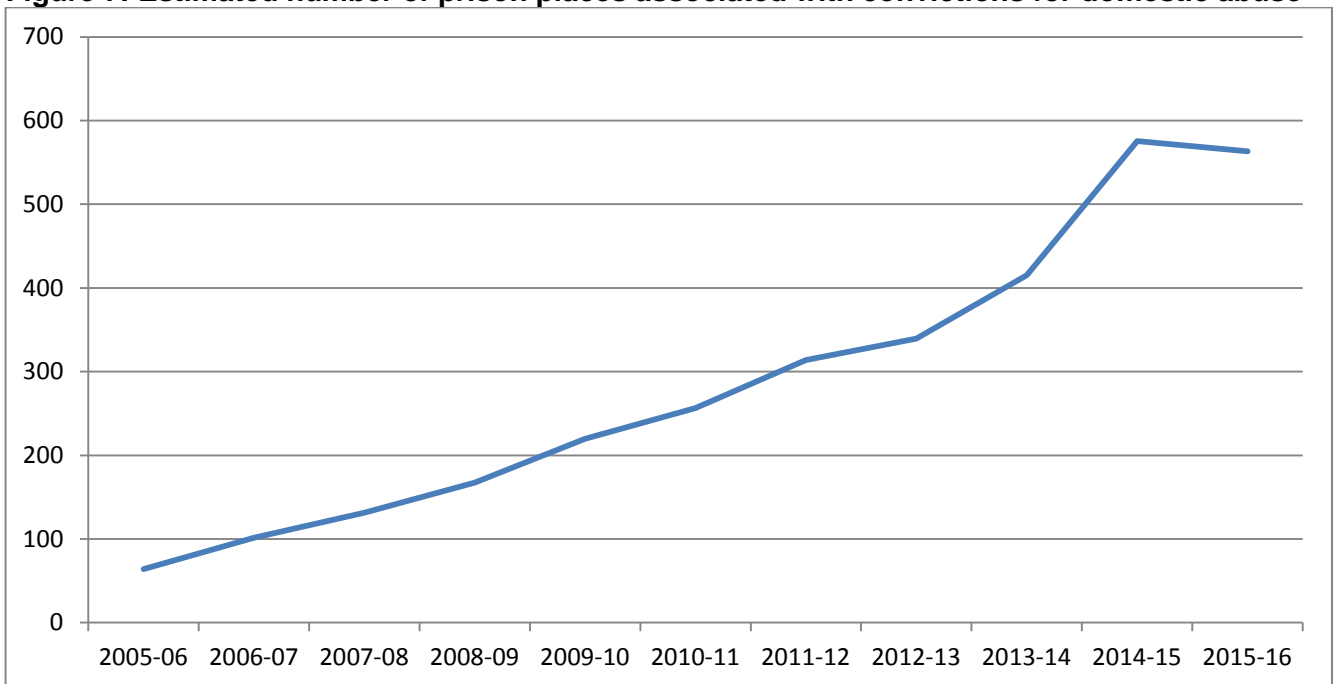
Peter Conlong
Justice Analytical Services
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Annex A: Domestic abuse

At present, domestic abuse is not a specific offence¹⁰ and hence has effectively been subsumed within the crime-based analysis above. However, it is worth separating analysing the impact of domestic abuse on the prison population, as there have been some significant changes in the criminal justice system's response to domestic abuse over the last decade.

Although the number of recorded crimes involving domestic abuse fell by 8% between 2011-12 and 2015-16, the number of convictions rose by 39% and the number of custodial sentences rose by 53%. Combined with rising sentence lengths, it is estimated that **the increase in convictions for domestic abuse has increased the prison population by over 250 since 2011-12** – see figure 7 below:

Figure 7: Estimated number of prison places associated with convictions for domestic abuse



¹⁰ The most common crimes and offences with a domestic abuse aggravator are breach of the peace, common assault, and crimes against public justice (typically bail-related offences)