EXPLAINING RECONVICTION RATES: A CRITICAL ANALYSIS

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This report describes the first major comparative study of reconviction rates in this country for 15 years. The research examines two-year reconviction rates for community service orders (CSOs), probation orders with 4A or 4B requirements, probation orders without requirements, and imprisonment.

KEY POINTS

- There were marked differences in the average age and criminal histories of the groups serving the four different types of sentence.
- Past offending was one of the best predictors of reconviction.
- Younger and male offenders were more likely to be reconvicted than older and female offenders.
- While females had much lower rates of reconviction than males, this can be explained largely in terms of differences in age and criminal history.
- Reconviction rates for the four sentences were all very close to the rates that one might expect for each group simply on the basis of offenders’ age, criminal history and pattern of offending.
- There was no firm indication that community penalties outperformed custody or vice versa in preventing re-offending.
- Those serving probation orders with 4A or 4B requirements had the highest predicted reconviction rates on the basis of their age and criminal history; their actual rates were marginally higher.
- Those serving straight probation orders had the lowest predicted reconviction rates (on the basis of their age and criminal history); their actual rates were marginally lower.
- Those committing serious crimes were no more likely to be reconvicted than others – many of the most serious categories of crime had low reconviction rates.
Reconviction rates provide the only viable means of assessing the national impact of community and custodial penalties in preventing reoffending. They are important indicators of the effectiveness of the work of the prison and probation services.

Comparing the reconviction rates of different court sentences is complex, for several reasons:
- reconviction rates are only a proxy measure of reoffending
- they are the product of many factors besides the sentence - including police and prosecution practice, which varies over place and time
- different lengths of follow-up period for reconvictions yield different results
- it is technically difficult to construct the necessary data-bases
- sentencing has other aims besides preventing reoffending.

This analysis compares reconviction rates for probation orders, probation orders with 4A or 4B conditions (eg attendance at a probation centre), community service orders and imprisonment. It builds on the statistical analyses published by the Home Office on offenders' reconvictions and criminal careers. The sample of 18,000 offenders sentenced to community penalties or released from prison in 1987 was derived from the Home Office Probation Index, Prison Index and Offenders Index. Information was collected on: age; gender; criminal history; the 'index' offence (which resulted in the offender's inclusion in the sample); and reconvictions occurring within two years of sentence (for community penalties) or release (for custodial sentences). While probation was not formally a sentence of the court in 1987, it will be referred to as such in this report for the sake of simplicity. The offences recorded on the Offenders Index are 'standard list' offences (this list excludes less serious summary offences). The reconviction rates quoted here differ slightly from those published in Statistical Bulletin 18/93 as we adopted a tighter matching criterion which excluded offenders who were originally sentenced for offences not on this 'standard list'.

**FACTORS ASSOCIATED WITH RECONVICTION**

The two factors most closely associated with reconviction were age and criminal history: younger offenders and those with long criminal histories tended to have high rates. Thus 89% of offenders aged 17 to 20 with 11 or more previous court appearances were reconvicted within two years, compared with 12% of those aged 25 or over with no previous appearances (See Figure 1).

![Figure 1: Age, previous appearances and reconviction](image-url)
Other variables associated with reconviction were
gender, previous youth imprisonment, rate of
previous court appearances and offence. These
variables were also themselves intercorrelated. The
multivariate statistical technique of logistic
regression was used to disentangle these statistical
effects. When account was taken of all the other
correlated factors, gender was quite weakly
associated with reconviction. Indeed, further
analysis showed that at any given number of
previous appearances, females aged 30 and over
were associated with a slightly higher rate of
reconviction than comparable males.

The statistical analysis revealed that burglary and
criminal damage were the types of crime with the
highest reconviction rates. Sex offenders had the
lowest risk of reconviction, and drug offenders were
also associated with a low risk.

The low risk of reconviction associated with sexual
offending appeared to be due to the exceptionally
low rate of reconviction for those sex offenders
aged 30 or over with no or one previous
appearance. Less than 1% of this group of 107
offenders were reconvicted for any offence; we
cannot say whether this reflects their success in
avoiding offending, or simply in avoiding detection.
Younger sex offenders with two or more previous
appearances had a reconviction rate of 51%
(mainly for non-sexual offences).

COMPARING DIFFERENT COURT SENTENCES
Sentencers and other criminal justice practitioners
need to know what sentences have the best chance
of success, and with which offenders. However, comparing average reconviction rates is
simply misleading. Different types of sentence tend
to be given to different sorts of offender, with widely
varying chances of reconviction. For example, the
reconviction rates of middle-aged sex offenders are
likely to be low whether they are imprisoned or
punished in the community; and young burglars
with long criminal histories are very likely to be
reconvicted whether they go to prison or not. Thus
a straightforward comparison between, say, the
reconviction rates of a community penalty targeted
on middle-aged sex offenders and those of a
custodial sentence given to young burglars would
reach the — very possibly erroneous — conclusion
that the former sentence 'worked' much better than
the latter.

EXPECTED RECONVICTON RATES
There are three main research methods for
ensuring that like is compared with like when
assessing the effect of court sentences in
preventing reoffending. The first is to set up an
experiment where offenders are randomly allocated
between different types of sentence; there are
obvious ethical and practical difficulties in doing this
on any scale. The second is the quasi-experimental
approach whereby offenders given one type of
sentence are matched (with greater or lesser
precision) with a comparison group who receive a
different type of sentence; but as there are
systematic differences in the characteristics of
offenders serving different sentences, there are
also limits to this approach. The third method — the
one used here — is to use statistical techniques to
calculate expected rates of reconvictions for any
given group of offenders on the basis of factors
other than sentence (such as age, gender and
criminal history); the group's actual reconviction
rates can then be compared with the predicted or
expected rate. If the actual rate is lower than the
expected, this implies that the sentence is more
effective than others in preventing reoffending.

The validity of this approach depends on its
success in identifying all the key variables apart
from sentence which may prevent or encourage re-
offending.

In this study, we calculated expected
reconviction rates on the basis of:

- offenders' age and gender
- offence type
- number of previous court appearances
- previous appearance rate
- average number of previous convictions per
  appearance
- number of youth custody sentences

A weakness of our approach is that we were unable
to use more demographic variables, notably marital
and employment status, because this information is
not held on the Offenders Index. Both marital and
employment status may be causally important in
shaping criminal careers, and are often taken into
account in sentencers' choice of sentence.
However, previous research has usually found
these variables to be less strongly associated with
reconviction than criminal history variables. There
is certainly some intercorrelation between social
and criminal history variables. For example, it is
likely that employment and marital status will be
associated with previous custodial experience: an
offender with a history of frequent imprisonment is
unlikely to have stable employment or relationships.

PSEUDO-RECONVICTIONS
A central problem for reconviction studies of this
sort stems from the convention of using the date of
reconviction as a proxy for the date of reoffending.
The reason is simply that the former information
tends to be more accessible than the latter.

A proportion of reconvictions in our sample arose
from offences committed before the index
conviction. For example, an offender may elect for
Crown Court trial for one crime, he may then
commit another crime, and be given a probation
order for this offence at a magistrates’ court long before his Crown Court hearing takes place. The Crown Court conviction would then be for an offence committed before the offender started his probation order. We have called these ‘pseudo-reconvictions’. To assess the extent of the problems caused by pseudo-reconvictions, we asked the National Identification Bureau to provide us with offence dates for 7% of the sample. For this sub-sample, the effect of excluding pseudo-reconvictions was to reduce the proportion reconvicted by between 2 and 7%.

<table>
<thead>
<tr>
<th>Sentence group</th>
<th>Raw % reconvicted</th>
<th>Adjusted % reconvicted</th>
<th>Predicted % reconvicted</th>
<th>Total number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prison</td>
<td>56</td>
<td>54</td>
<td>53</td>
<td>8,779</td>
</tr>
<tr>
<td>Community penalties</td>
<td>53</td>
<td>47</td>
<td>49</td>
<td>8,196</td>
</tr>
<tr>
<td>probation</td>
<td>49</td>
<td>43</td>
<td>45</td>
<td>2,449</td>
</tr>
<tr>
<td>CSOs</td>
<td>56</td>
<td>46</td>
<td>52</td>
<td>2,394</td>
</tr>
<tr>
<td>4A/4B</td>
<td>66</td>
<td>63</td>
<td>60</td>
<td>3,354</td>
</tr>
</tbody>
</table>

While Table 1 shows that CSOs and probation did slightly better than expected and prison and 4A/4BS did slightly worse than expected, great care should be taken in drawing firm conclusions from such small differences. The study was unable to include data on social factors and our estimates of the extent to which pseudo-reconvictions amplify reconviction rates may be imprecise. The main conclusion we draw is that there is very little difference between actual and predicted reconviction rates in our sample.

OTHER MEASURES OF CONVICTION
So far, we have discussed reconvictions simply in terms of whether or not they occurred within two years. There are many other important dimensions to reconviction rates, such as the time to reconviction, and the seriousness and frequency of reconvictions.

Time to reconviction
In all sentence groups, the bulk of first reconvictions occurred in the 12-month period following sentence/release. However, there was a tendency for a greater proportion of prisoners to be reconvicted towards the end of the two-year follow-up. This raises the question of whether three- or four-year reconviction rates for custodial sentences would be worse than those for community penalties.

Seriousness of offence at reconviction
A comparison between the seriousness of the offence resulting in the index conviction with that at reconviction showed a tendency for offending behaviour to “regress to the mean”. Thus, prisoners, a large proportion of whom were – necessarily – originally convicted of serious offences, tended to be reconvicted of less serious offences, while probationers, who were originally convicted of less serious offences, tended to be reconvicted of offences of similar gravity. Figure 2 (see next page) shows target and reconviction offences for the prisoners and probationers, divided into three “gravity bands”, marked “low”, “medium” and “high”. While the profile of offences stays roughly the same for probationers, prisoners were reconvicted of far fewer high gravity offences, and considerably more...
low and medium gravity offences - resulting in a reconviction offence profile similar to that for probationers. The most economical explanation of this is that offenders go to prison on occasions when they commit serious crimes, rather than that prison encourages them to commit less serious crimes.

Frequency of reconviction
The problem with looking at the number of reconvictions over a given period is that offenders are resentenced at each reconviction. Thus, if a prisoner is given probation at his/her first reconviction and then is subsequently reconvicted again, is this reconviction to be counted as a failure of imprisonment or a failure of probation? Broadly speaking, variables that were significantly associated with whether or not offenders were reconvicted at all were also significantly associated with the proportion of offenders that were reconvicted more than once.

CONCLUSIONS
The key finding of this report – in common with previous studies – is that there was little difference between actual and predicted reconviction rates, suggesting that sentence on its own did not have a major impact upon whether someone was likely to be reconvicted or not. There was no clear evidence to suggest that custody outperformed community penalties or vice versa in preventing reoffending.

Four important qualifications must be made. First, it should be re-emphasised that this study was unable to include social factors. There may also be other factors which sentencers take into account which are correlated with reconviction and were not included in the study. If such factors were differentially associated with the four sentence groups this could conceivably give a different picture from that presented in Table 1. Second, both probation and prison practice has changed over the last seven years; arguably there have been improvements both in techniques for reducing the risk of reoffending and in targeting and tailoring these techniques for those offenders most likely to respond. Third, there has always been variation in the quality of work with offenders, whether by the prison or probation service. Our results present national averages, and it is quite possible that in some probation areas and in some prison establishments reconviction rates are much lower than predicted. Finally, the study’s findings relate only to the impact of court sentences in preventing reoffending: they can say nothing about the other purposes which sentencing may serve, such as general deterrence, incapacitation and the ‘declaratory’ function of expressing societal reaction to certain sorts of crime.

An issue that proved to be critical to the study is that of pseudo-reconvictions. Taking account of pseudo-reconvictions led to the prison rate dropping by 2%, while the CBO rate fell by 7%, straight probation by 8%, and 4A/4B orders by 9%. Any further comparative reconviction studies which use date of reconviction as a proxy for date of reoffending will have to find ways of taking into account the differential effect which pseudo-reconvictions can have on community and custodial penalties.

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A more detailed report can be found in Explaining Reconviction Rates: A Critical Analysis by Charles Lloyd, George Mair, and Mike Hough, Home Office Research Study No.136 Published by HMSO. Copies available from: HMSO Publications Centre, PO Box 276, London SW8 5DT Telephone orders 071 873 9090 General enquiries 071 873 9011.

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