

Measuring the Effectiveness of Court Penalties Using Reconviction Analysis

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Summary: The most commonly used method to measure the effectiveness of court disposals in the UK is reconviction. In Northern Ireland, the Northern Ireland Office has responsibility for producing this information. It is regarded as an independent and impartial body as it does not directly supervise court disposals, which adds legitimacy to its findings. Reconviction figures for the 2002 cohort for both adults and juveniles have recently been published and report that 18% of adults receiving a non-custodial sentence and 47% of adults released from custody were reconvicted within two years. In addition, they showed that those who received statutory supervision following custody had a lower reconviction rate than those without this element to their sentence.

Keywords: Effectiveness, community sentences, reoffending, reconviction.

Introduction

The purpose of the Probation Board for Northern Ireland (PBNI) is to 'Protect the public by working with the Courts, other Agencies and Partners to reduce reoffending and integrate offenders successfully back into the Community', with the aim of reducing crime and the harm that it does. The PBNI thus prepares approximately 6,200 pre-sentence reports per annum to assist sentencers, and supervises around 3,600 people in the community subject to a range of community-based court disposals. All work conducted by the PBNI is based on the assessment and management of individual risk, and the board continuously seeks to ensure its practices reflect an evidence-based approach.

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Reconviction rates remain the most commonly used method of assessing the effectiveness of court disposals in preventing reoffending. Reoffending and reconviction rates, however, are not the same thing (reconviction is an underestimate of actual reoffending). The results of the Northern Ireland Crime Survey would suggest that during 2005 there were 225,000 reported incidents of crime; however in the same period, Police Service of Northern Ireland (PSNI) statistics show a recorded crime rate of 123,000. This implies that approximately 55% of crimes are reported. In addition, of those crimes that are reported, there are numerous ways by which they can be cleared up, only one of which is a sanction against the offender. Even given these limitations, reconviction remains the most widely accepted measure currently available to assess the effectiveness of court disposals. The Home Office and Northern Ireland Office (NIO) both have public service agreement targets regarding the reduction of actual reconviction rates compared to the predicted rates.

Study findings

Reconviction rates have now been published for 2001 and 2002 offender cohorts. Due to sampling constraints, data from these two years cannot be directly compared, however both years show similar trends in both the rates and aetiology of reconviction. Information from the 2002 cohort was published by the NIO in February 2007 (Ruddy and McMullan 2007) and the following summary is based on these figures.

To generate this information the NIO analyses data supplied by the PSNI from the Integrated Crime Information Service (ICIS) database. In total the 2002 adult cohort consisted of approximately 20,000 adults aged 17 years and over. This cohort comprised approximately 19,000 adults who received a non-custodial disposal during 2002 and 1,000 adults released from custody during 2002. As is standard for reconviction analysis, the criminal careers of the cohort were followed over a two-year period. The reconviction rate is therefore the percentage of offenders who were reconvicted within this two-year period. In summary, the analysis showed:

- 18% of those who received a non-custodial disposal were reconvicted within two years compared to 47% of the custodial group.

- The reconviction interval shows that the pace of reconviction increases more quickly for the custodial group than for the non-custodial group: after six months, 11% of those released from custody had been reconvicted, rising to 27% after one year, compared to 2% and 7% respectively of those who received non-custodial sentences.
- Looking at reconviction rates for community supervision disposals only (probation order, community service order and combination order),¹ the two-year reconviction rate was 36%.
- Those released on a custody probation order² had a lower two-year reconviction rate (36%) compared to those discharged directly from custody (51%).
- When examining the reconviction rates for all disposals, it is noted that those on combination orders have the highest rate of reconviction (55%). However, as only 18 offenders subject to this disposal were included in the analysis, these figures should be treated with caution. The next highest reconviction rate related to those released from custody (51%).
- Overall reconviction rates appear to reduce with age: 29% of those aged 18 to 20 who received non-custodial sentences reoffended, compared to 12% of those aged 35 or over. For those released from custody, the figures were 70% and 30% respectively.
- Overall results showed that reconviction rates for offenders receiving any type of disposal increased with the number of previous convictions. For those with one or two previous convictions, 19% of both custodial and non-custodial groups were reconvicted within two years. This rate rose sharply for those with 11 or more previous convictions to 62% of the custodial group and 37% of the non-custodial group.

¹ A probation order can last between six months and three years. A community service order may be imposed on any individual aged 16 or over and is made on the basis of the number of hours which an offender must work in the community (ranging from 40 to 240 hours) during a period of 12 months. A combination order is a sentence that combines a probation order and a community service order; the period of probation supervision can last from one to three years and the community service part of the order can range from 40 to 100 hours and must be completed as instructed.

² A custody probation order is a sentence of the court requiring an offender to serve a period of imprisonment (the offence must justify 12 months or more) followed by a period of supervision in the community (the period of supervision will be for one to three years commencing on the date of release), and is unique to Northern Ireland.

- As with the 2001 cohort, the highest reconviction rates for both custodial and non-custodial groups were for the offence categories of burglary, criminal damage and theft: 43%, 34% and 28% respectively for the non-custodial group and 67%, 62% and 71% for the custodial discharge group. For both groups, reconviction rates were lowest for sexual offences: 9% for the non-custodial group compared to 14% for the custodial group.

Conclusion

As well as indicating the effectiveness of the interventions applied to particular cohorts of offenders, these figures can also provide useful information when planning the future direction and implementation of interventions. Issues raised by this research include how best resources could be targeted towards young offenders, repeat offenders and those involved in property offences. This information has also been used to inform decisions about the review of Northern Ireland's criminal justice legislation, specifically the expansion of post-release community supervision.

Although not directly comparable, the findings from the 2001 and 2002 cohorts suggest that those given community-based sentences either as a complete sentence or as an addition to custody are less likely to reoffend than those given custodial sentences only. Although some caution should be exercised when comparing across different disposals due to variations in the types and seriousness of crimes involved, these figures still provide support for the effectiveness of community-based supervision.

In addition, as the NIO uses Home Office standards to calculate reconviction rates, comparisons can be drawn with England and Wales and Scotland. Figures show that the PBNI's effective supervision of community-based sentences compares well using the same measures as other probation services (36% reconviction rate in Northern Ireland compared to 52% in England and Wales and 55% in Scotland).

While reconviction information is helpful to inform effectiveness debates, there are nonetheless recognised limitations, not least the amount of time taken to generate and publish information and the treatment of reconviction as an 'all or nothing measure'. The PBNI is of the view that the scope of the effectiveness debate could be widened to

include a broader range of information, for example on the severity and frequency of reconviction, or other more positive outcome measures such as the number of offenders with improved basic skills or the number who have gained employment.

The PBNI recognises that the next 12 to 18 months in the criminal justice system in Northern Ireland will bring about an unparalleled rate and sweep of change with the review of the sentencing framework and devolution to the Northern Ireland Assembly, and looks forward to informing and participating fully in the effectiveness debate.

References

- Ruddy, D. and McMullan, S. (2007), *Adult Reconviction in Northern Ireland 2002*, Research and Statistical Bulletin 1/2007, Belfast: Statistics and Research Branch, Northern Ireland Office: www.nio.gov.uk/adult_reconviction_in_northern_ireland_2002_1_2007.pdf