

Story of the Prison Population: 1993 – 2012 England and Wales

January 2013

Summary: This document aims to address two questions regarding the prison population of England and Wales

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What has happened to the prison population since 1993?

Between June 1993 and June 2012 the prison population in England and Wales increased by 41,800 prisoners to over 86,000. Almost all of this increase (98%) took place within two segments of the population - those sentenced to immediate custody* (85% of the increase) and those recalled to prison for breaking the conditions of their release (13% of the increase).

The sentenced population increased after 1993 because the courts sentenced more offenders to prison each year between 1993 and 2002, and because offenders have been staying in prison for longer.

- The annual volume sentenced to immediate custody for indictable offences** increased by around 36,000 between 1993 and 2002. This was due to increases in both the number of cases sentenced by the courts and the proportion of sentences which resulted in custody (the 'custody rate').
- From 1999 to 2011, the average time served in prison increased from 8.1 to 9.5 months for those released from determinate sentences***. This was due to an increase in the average custodial determinate sentence length handed down by the courts between 2000 and 2005, and a decline in the parole release rate from 2006/07 (which meant that offenders had served longer by the time they were released).
- The decline in parole rate, and impact of a growing proportion of longer sentences in the prison population, caused a slight increase in the average proportion of determinate sentence served in custody from around 56-57% in 1999-2005 to around 60-61% in 2006-2009, but has since fallen again to 57% in 2010 and 54% in 2011.

The second largest increase was within the recall population. This reflected a higher recall rate caused by changes to the law making it easier to recall prisoners, and changes introduced in the Criminal Justice Act 2003 which lengthened the licence period for most offenders. Recall prisoners have also stayed in custody for longer because, prior to the introduction of Fixed Term Recalls (FTRs), under which some offenders are recalled for a fixed 28 day period, the Parole Board were required to review all recall cases. Since 2008, use of FTRs has increased and the recall population stabilised.

Other elements of the prison population account for only 2% of the total increase since 1993. The remand and non-criminal**** populations both increased, with the remand population large and relatively stable at around 12-13,000 for most of the period, and non-criminals doubling but remaining small in total, while the fine defaulter population declined sharply from 1993 to 2001 and thereafter remained at very low levels.

^{*} Includes breaches which accounted for 3% of the total prison population increase between 1995 and 2009 (after June 2009 the breach population can no longer be separately identified)

^{**} These cases include Indictable only offences which are more serious in nature and tried at the Crown Court, or Triable-Either-Way which can be tried at the Crown Court or at magistrates' courts

^{***} Excluding those on life or other sentences with unspecified end points – i.e. 'indeterminate' sentences

^{****} Persons held under the Immigration Act plus those held for civil offences such as contempt of court and non-payment of child maintenance

Summary: This document aims to address two questions regarding the prison population of England and Wales

2 What has caused the changes?

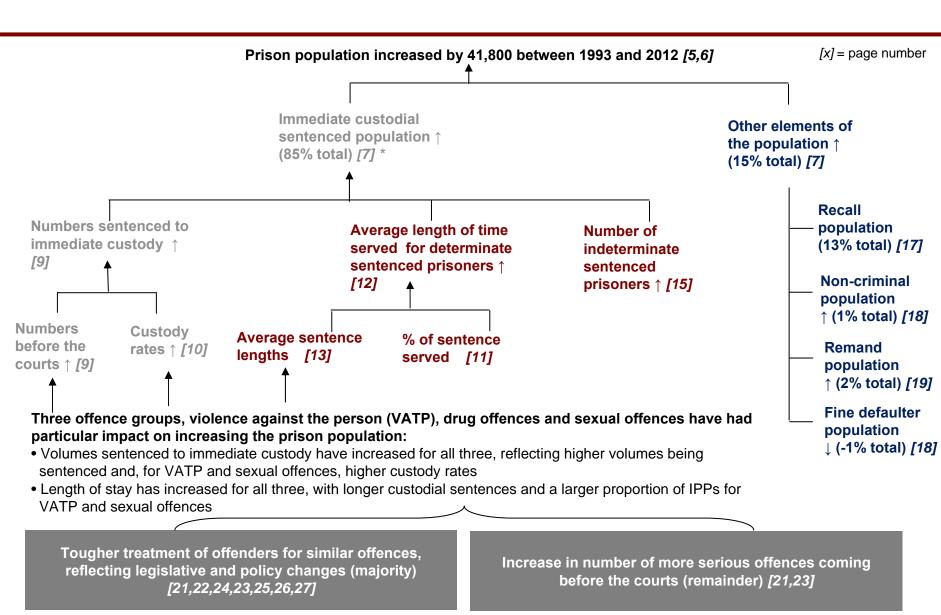
Two factors caused the increase in the prison population of England and Wales from 1993 to 2012: tougher sentencing and enforcement outcomes, and a more serious mix of offence groups coming before the courts.

Legislative and policy changes have made sentence lengths longer for certain offences (e.g. through the introduction of indeterminate sentences for public protection, mandatory minimum sentences and increased maximum sentences) and increased the likelihood of offenders being imprisoned for breach of non-custodial sentences or recalled to custody for failure to comply with licence conditions (as imposed on release from prison).

Three offence groups, violence against the person (VATP), drug offences and sexual offences have had a particular impact on the prison population:

- > The numbers in prison serving sentences for VATP offences grew steadily throughout the period. This reflected higher volumes being sentenced at court, a larger proportion of them receiving custodial sentences, an increase in the average custodial sentence length (ACSL) and a growing number receiving indeterminate sentences.
- ➤ The numbers in prison serving sentences for drug offences grew rapidly between 1993 and 2001, reflecting a large increase in volumes sentenced by the courts, a slight increase in the proportion receiving custodial sentences, and an increase in the average custodial sentence length. Since 2001 the sentenced population for drug offences has remained fairly stable.
- ➤ The numbers in prison serving sentences for sexual offences grew steadily over the period. While numbers sentenced for sexual offences remained fairly stable between 1993 and 2004, they increased following the introduction of the Sexual Offences Act 2003. At the same time, between 2004 and 2011 the average custodial sentence length rose by over 13 months. The effect of this was a continued rise in the sentenced population for sexual offences.

Factors responsible for the 41,800 increase in the England and Wales prison population between 1993 and 2012



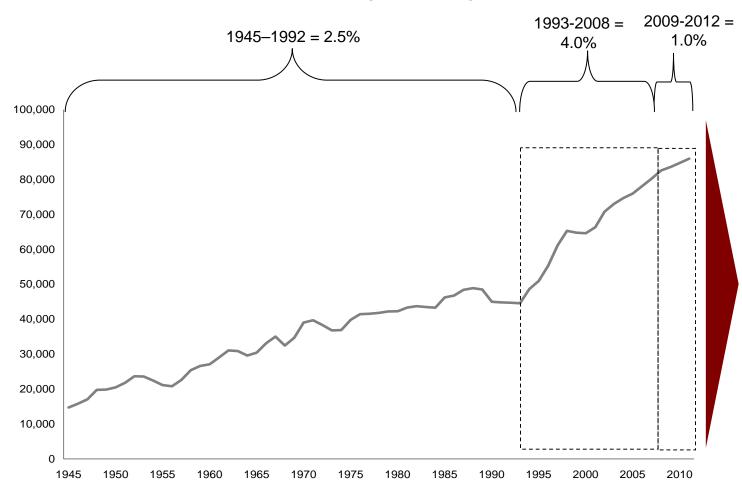
^{*} Immediate custody includes breaches, which accounted for about 3% of the growth in prison population between 1995 and 2009.

What has happened to the prison population since 1993?

While the prison population has grown during most years since World War II, between 1993 and 2008 the growth rate increased from an average of 2.5% to 4% per year. Since 2009 the growth rate has slowed to 1.0%



Average annual growth rates



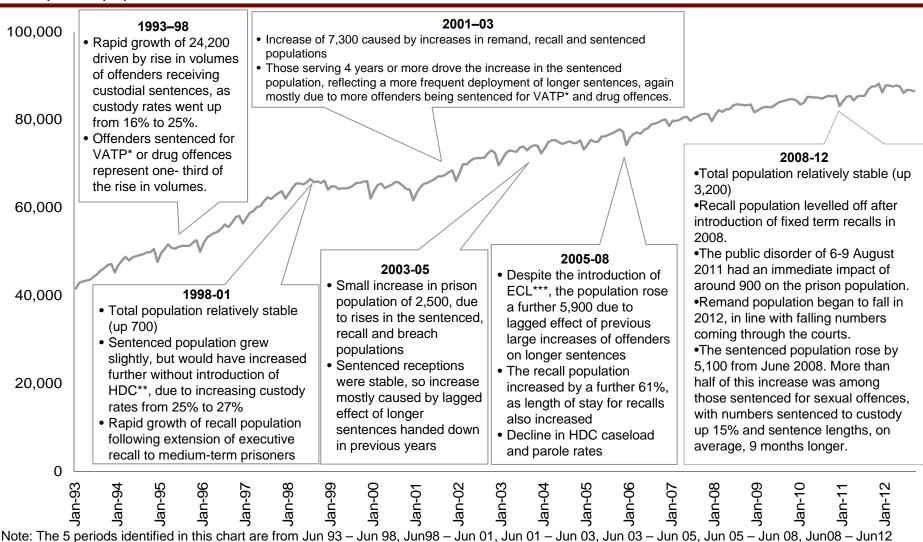
The increase in the rate of growth has resulted in the prison population almost doubling since 1993:

- 30th June 1993
 population** =
 44.246
- 30th June 2012 population** = 86,048

^{*} Annual average population (including police cells) ** Including police cells

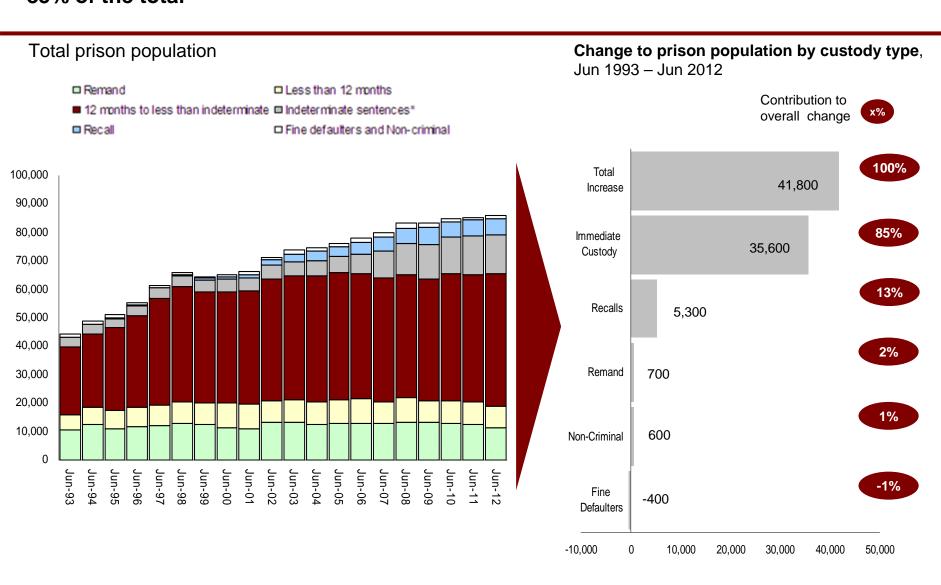
Between 1993 and 2012, there have been periods of both rapid growth and relative stability

Total prison population



* VATP = Violence against the person ** HDC = Home Detention Curfew (the scheme electronically tags some offenders, permitting them to be released up to 135 days early) *** ECL = End of Custody Licence (under which some offenders may be released up to 18 days early)

The growth of the numbers in prison having been sentenced to immediate custody has been the single most important contributor to the overall growth, representing 85% of the total



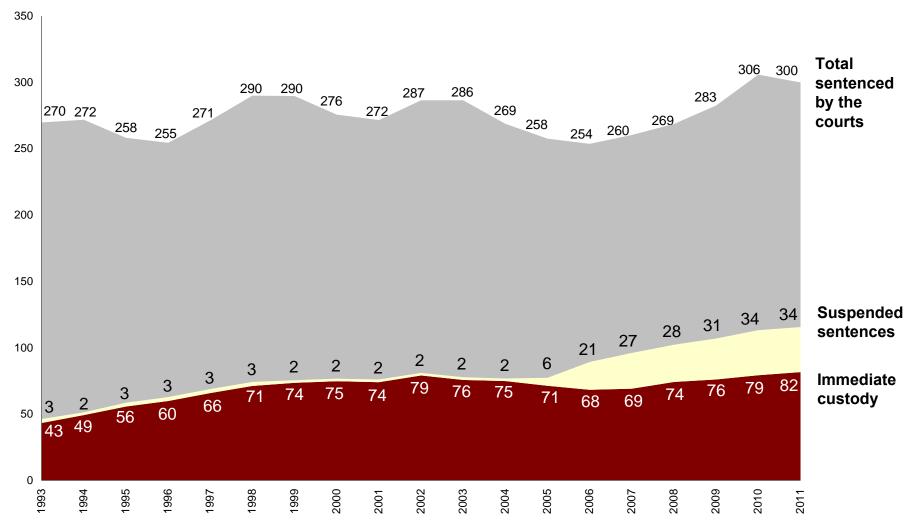
Impact of numbers sentenced to immediate custody on the prison population

- From 1993 to 2002, increasing numbers of adult offenders were sentenced to immediate custody for indictable offences, partly due to an increase in total numbers being sentenced. Thereafter, both generally decreased until 2006 when they began to rise again.
 - The volume sentenced to immediate custody annually by the courts rose around 36,000 by 2002, but then fell by 11,000 to 2006 before rising by 13,000 by 2011
 - The total number of adults (aged 18 and over) sentenced by the courts for indictable offences fluctuated between 255-300,000 annually, peaking in 2010 and 2011 (coinciding with a fall in the number of out of court disposals).
- There was also an increase in immediate custody rates of over two thirds
 - Immediate custody rates for indictable offences increased from 16% in 1993 to 28% in 2002
 - Since 2002, immediate custody rates have stabilised between 26% and 28%
 - Suspended sentence orders (SSOs) were introduced in 2005; they are custodial sentences, and breach of an SSO is likely to result in custody. The SSO rate* increased from 2 per cent in 2005 to 11 per cent in 2011.

^{*} Offenders aged 18+ sentenced for indictable offences; includes any suspended sentences given for offences committed prior to April 2005

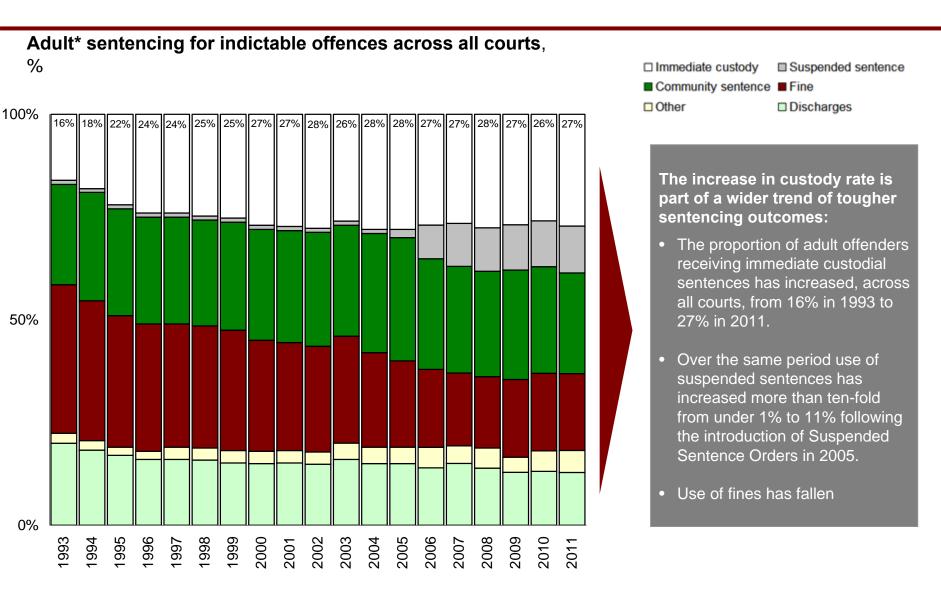
From 1993 to 2002, increasing numbers of offenders were sentenced to immediate custody, partly due to an increase in the total numbers being sentenced. Between 2002 and 2007 both decreased while use of suspended sentences grew rapidly after 2005. From 2008 the numbers sentenced to immediate custody began to grow again.





* Aged 18+

There was also an increase in immediate custody rates of over two thirds from 1993-2002, they have since stabilised



* Aged 18+

Impact of time served on the prison population

- Since 1999, sentenced offenders have been spending longer in prison, which has also contributed to the increase in the prison population. There has been an increase of 1.4 months in the average time served in custody since 1999 for offenders serving determinate sentences.
- This reflects longer determinate sentences handed down by the courts, which increased by 2.1 months between 2000 and 2004, and by 2 months between 2007 and 2011
 - Between 1993 and 2000, the average custodial sentence length handed down for indictable offences across all courts decreased, but from 2000 to 2004, increased from 14.3 to 16.4 months
 - Between 2004 and 2007, average sentence lengths decreased, which may have been a result of a switch from longer determinate sentences to IPPs introduced in 2005. The majority of those getting IPPs would previously have received a long determinate sentence, and IPPs are excluded from the calculation of average custodial sentence length. From 2008 average sentence lengths increased again, reaching 17.4 months in 2011.
- The average proportion of time served in custody for those with determinate sentences increased from around 56-57% in 1999-2005 to around 60-61% in 2006-2009, before falling to 54% in 2011
 - The falling HDC caseload and lower rate of release on parole from 2005-06 both contributed to the increase in proportion of time served between 2006 and 2009.
 - Changes to legislation introduced in 2008 mean almost all determinate sentenced prisoners are now released automatically at the halfway point of their sentence (rather than by the Parole Board as previously). This, combined with an increase in the use of HDC, contributed to the decrease in proportion of time served in 2010 and 2011.
- There has been a steady increase in the number of lifers, while the overall indeterminate population increased rapidly after IPPs were introduced in 2005. However, the rate of year-on-year growth in indeterminate sentences has slowed considerably following the changes introduced in the CJIA 2008 which restricted the use of IPPs.

Since 1999, sentenced offenders have been spending longer in prison, which has also contributed to the increase in the prison population

Average time served for those discharged from prison*, months

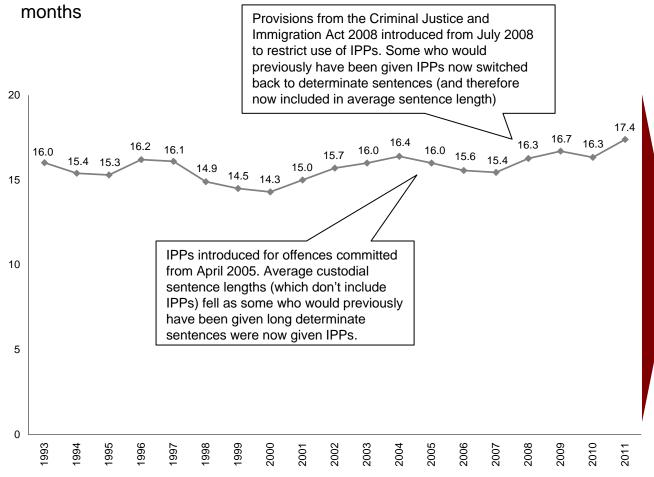


- Since 1999 the average time served has increased by 1.4 months
- The relatively high figure in 2007 was caused by an increase in the average time served of those discharged from long sentences (4 years +), following the fall in Parole Board releases of long sentenced prisoners in 2006/07
- A number of measures affecting the length of time served in prison were introduced in 2007 and 2008 (see page 23 for details)
- The relatively higher figure in 2010 was due to an increase in the number discharged from longer sentences (12 months or more), in line with the general population where from 2009 onwards an increasing proportion were serving longer sentences.

^{*} Includes remand time for all offenders aged 18+, excluding those on indeterminate sentences

This reflects longer determinate sentences handed down by the courts, which increased by 15% between 2000 and 2004 and by 13% between 2007 and 2011

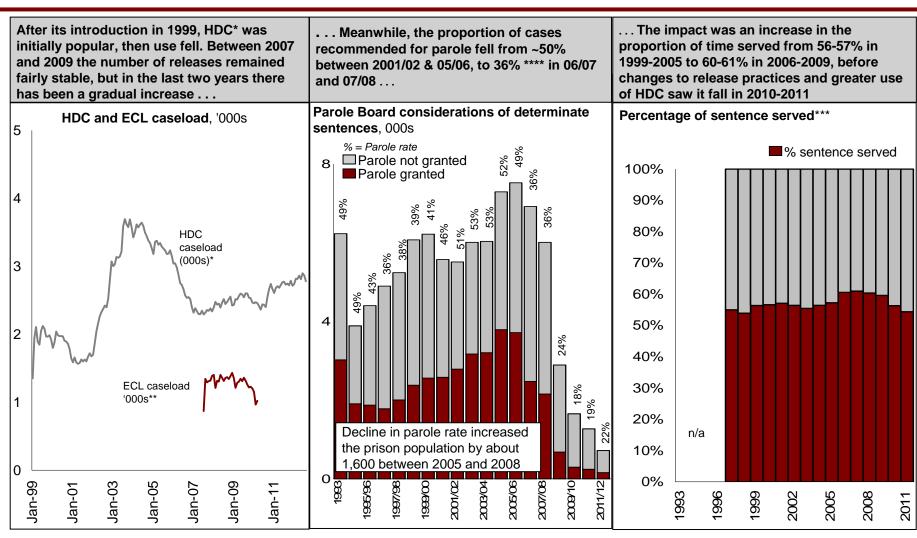




- The average custodial sentence length increased from 14.3 months in 2000 to 16.4 months in 2004
- When IPPs were introduced in 2005, which are not included in the calculation of average sentence lengths, average sentences began to fall and reached 15.4 months in 2007
- However, since 2007
 average custodial sentence
 lengths have increased
 again, due to a rise in the
 volume of longer sentences
 been given. This coincides
 with changes to legislation
 restricting the use of IPPs
 in 2008.

* Offenders aged 18+

The average proportion of time served in custody has increased slightly for those with determinate sentences



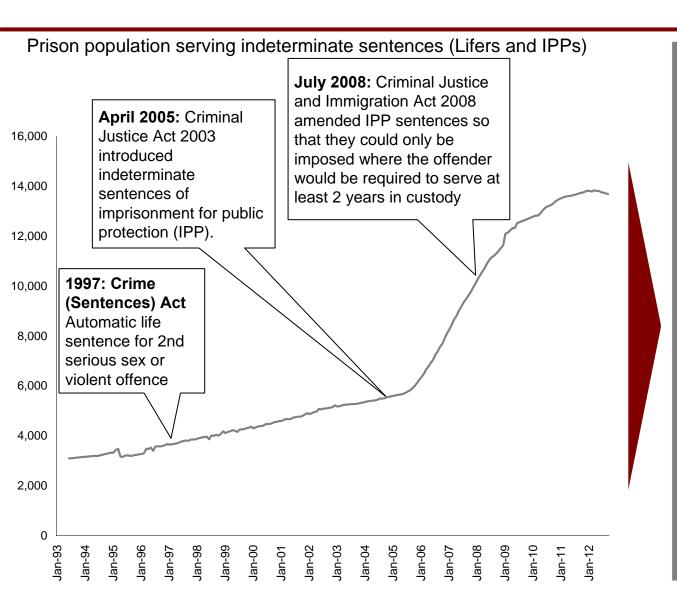
^{*} The Home Detention Curfew scheme (HDC) electronically tags offenders, permitting them to be released up to 135 days early

^{**} The End of Custody Licence scheme (ECL) allowed prisoners to be released 18 days before their release date

^{***} Includes remand time for all offenders aged 18+, excluding those on indeterminate sentences

^{****} The parole rate fell further to 24% in 2008/09, reflecting legislative changes that meant the Parole Board considered fewer, but more serious, cases

There has also been a steady increase in the number of lifers, while the overall indeterminate population increased rapidly after IPPs were introduced in 2005

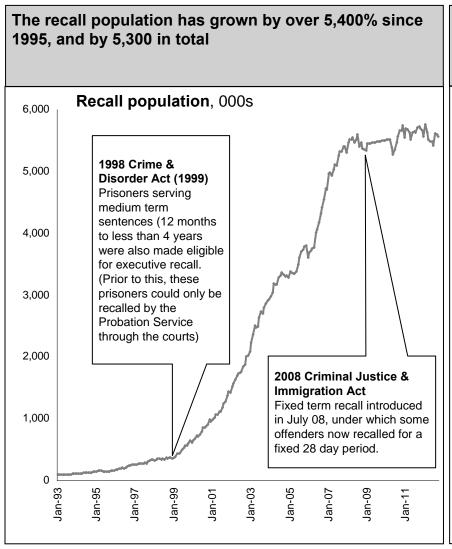


- The proportion of the sentenced prison population serving indeterminate or life sentences increased from 9% in 1993 to 19% in 2012.
- Taking determinate sentences of 4 years or more together with indeterminate sentences, the population serving these long sentences increased by 26,600 between 1993 and 2012, representing 66% of the total population increase over the period.
- Growth slowed considerably following the changes introduced in the CJIA 2008 which restricted the use of IPPs. Additionally the number of IPPs being released from prison has started to rise, although numbers are still relatively small (300 released in 2011).

Impact of other elements on the prison population

- The recall population has grown rapidly since 1993, increasing by over 55 times
 - The recall population increased by 5,300 between 1993 and 2012
 - Growth in the recall population began in 1999, reflecting the change to the law in 1998 which extended executive recall to medium-term sentences (12 months to less than 4 years)
 - Between 2002/03 and 2007/08 the recall rate from parole more than doubled from 13% to 27%
 - Between 2003 and 2008 the average length of time spent in prison on recall increased. However, following the introduction of Fixed Term Recalls in 2008 (under which some offenders are recalled for a fixed 28 day period) average time on recall has fallen and the recall population stabilised.
- The remand and non-criminal populations have both increased, but the contribution to the overall prison population increase remained relatively small, with increases of 700 and 600 places respectively
 - The remand population is large and has remained relatively stable at around 12-13,000 throughout most of the period. However from early 2012 the remand population began to fall, in part reflecting the falling volumes through the courts.
 - The non-criminal population, primarily composed of those being held under the Immigration Act (including those in NOMS operated Immigration Removal Centres), has been generally increasing since 2000 but remains relatively small.
- The fine defaulter population decreased rapidly to very low levels which have been stable since 2001.

The recall population grew rapidly from 1993 to 2008, increasing by over 55 times, but has since stabilised following the introduction of Fixed Term Recall in 2008



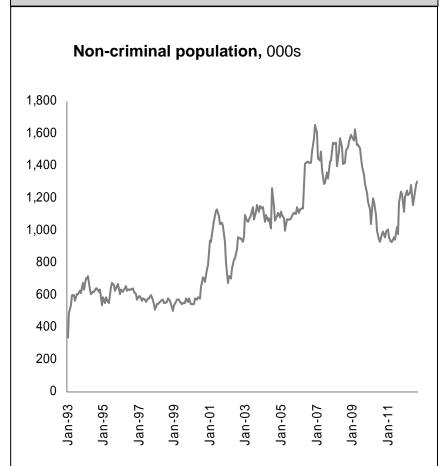
Changes to the law have meant that more offenders are liable to be recalled, and to spend longer in custody having been recalled

Criminal Justice Act 2003:

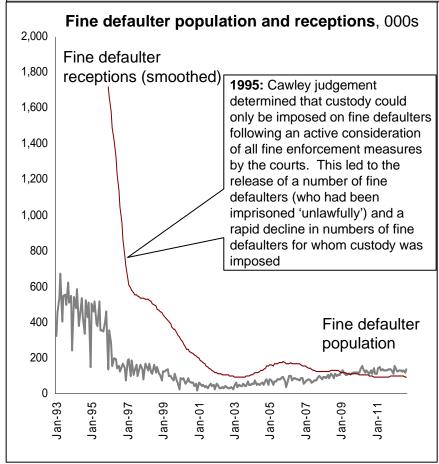
- Extended licence period for determinate sentences of 12 months or more to end of sentence whereas previously ended at three quarters point
- Made recalled offenders liable to serve 100% of their original custodial sentence (previously had been 75%)
- Required the Parole Board to review all recall cases, resulting in low rate of re-release
- These changes contributed to increases in the average length of time spent in prison on recall.
- Criminal Justice and Immigration Act 2008 introduced Fixed Term Recall under which some offenders are recalled for a fixed 28 day period; as a result the recall population has stabilised.

The non-criminal* population has increased by 105% since 1993, but remained relatively small, resulting in an increase of only 600 prison places. The fine defaulter population decreased rapidly to very low levels which have been stable since 2001

The non-criminal population, who are mostly those being held under the Immigration Act, has grown, but numbers are relatively small

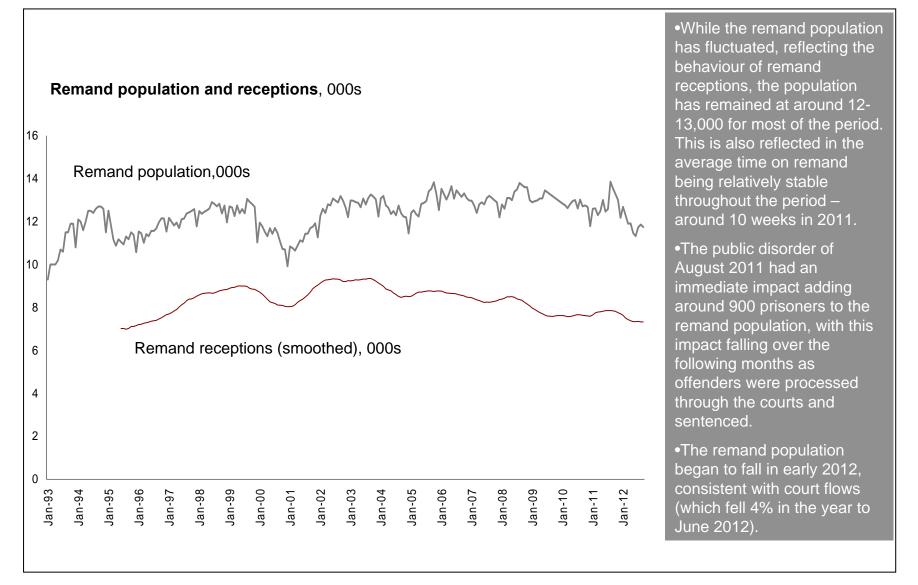


Volumes of offenders imprisoned for defaulting on fines decreased 70% from 1995 to 1997 following the Cawley judgement and, since 2001, the population has remained relatively steady at around 100



Persons being held under the Immigration Act, plus those sentenced for civil offences (such as contempt of court and failure to pay child maintenance) 2

Between 1993 and 2011 the remand population was relatively stable at around 12-13,000. However from early 2012 the remand population began to fall

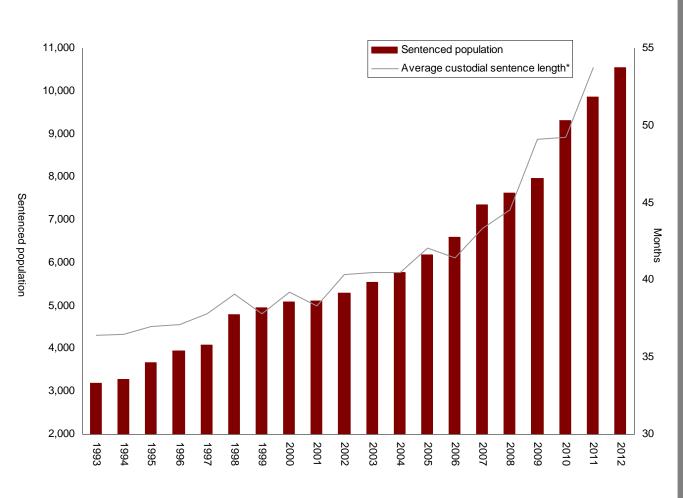


What has caused the changes?

Factors underlying the increase in prison population

- Two factors have caused the increase in the prison population of England and Wales since 1993 tougher sentencing and enforcement outcomes, and a more serious mix of offence groups coming before the courts.
- Legislative and policy changes have contributed to more stringent outcomes, making sentence lengths longer for certain offences and increasing the likelihood of imprisonment for breach of a non-custodial sentence or failure to comply with licence conditions. This includes:
 - Mandatory minimum sentences for a number of offences and introduction of new sentences for public protection (IPPs and EPPs)
 - Changes to requirements for failure to comply with licence conditions or breach of non-custodial sentences, making custody a more likely outcome, and lengthening time spent on recall.
- Cases coming before the courts are becoming more serious, with three offence groups –
 violence against the person, drug offences and sexual offences having the largest impact on
 increasing the prison population
 - The remainder of the population increase reflects larger volumes of more serious offences coming before the courts
 - Moreover, not only are larger volumes of violence against the person, drug offences and sexual
 offences being sentenced, custody rates and average custodial sentence length (ACSL) have also
 increased.

Factors underlying the increase in prison population (2): Sexual offences



^{*} Months (excludes indeterminate sentences)

- Since 1993 the sentenced population for sexual offences has risen by over 7,000.
- Between 1993 and 2004 the numbers sentenced at court were fairly flat, so the increase was due to rising average sentence lengths.
- Following the introduction of the Sexual Offences Act 2003, the numbers sentenced rose by 31% from 2004 to 2011. Over the same period the average custodial sentence length rose by over 13 months (particularly driven by increases in sentence lengths for the most serious sexual offences).
- Higher volumes being sentenced, and longer average sentence lengths have combined to drive the increase in the prison population for sexual offences.

Two factors have caused the increase in the prison population of England and Wales since 1993 – tougher sentencing and enforcement outcomes and a more serious mix of offence groups coming before the courts

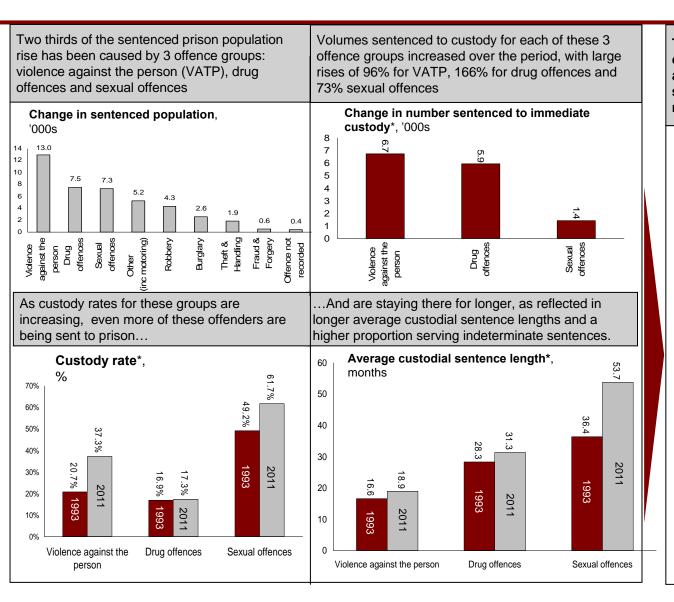
What's happened

- Sentencing and enforcement outcomes became more stringent, as seen by:
 - custody rates increasing for nine of the ten offence groups and for more serious offences in particular
 - custody becoming a more likely prospect for those failing to comply with licence conditions
- 2. The mix of offence groups coming before the courts has become more serious, with larger volumes of violence and drug offences and to a lesser extent sexual offences.

Implications for ...

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Volumes entering prison	Length of stay
 More offenders are entering prison having received an immediate custodial sentence The recall population grew as more offenders could be more easily recalled and spend longer on licence thereby increasing the potential for recall The breach population grew steadily until 2008 after which it stabilised 	 The overall average custodial sentence length has increased The proportion of offenders whose sentences were 4 years or more (including indeterminate sentences), grew to 54% of the sentenced prison population in 2012, compared to 45% in 1993 Recalled offenders staying longer (until introduction of fixed term recalls in 2008) Parole rate decreased from 2006/7

Cases coming before the courts are becoming more serious, with three offence groups, violence against the person (VATP), drug offences and sexual offences, having the largest impact on increasing the prison population



The overall effect of the changes in characteristics relating to violence against the person, drug offences and sexual offences has impacted both receptions and length of stay....

Receptions

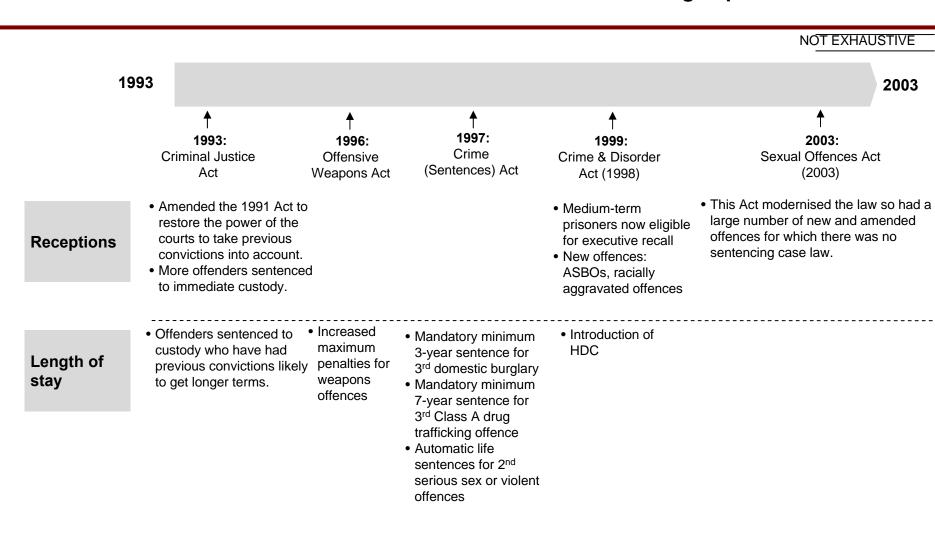
 A more serious mix of offences means that more offenders coming before the courts are likely to require custodial sentences, as reflected by the increase in custody rates

Length of stay

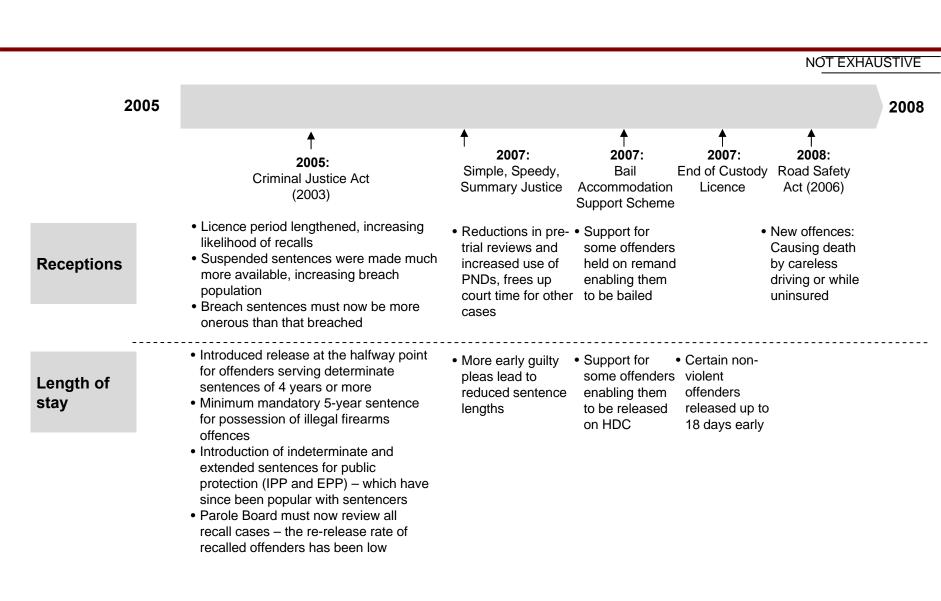
- More serious offences will also warrant longer sentences, as is reflected in the increase in average custodial sentence length (ACSL) and in the rapid increase in volume of offenders receiving life and indeterminate sentences for VATP and sexual offences
- Prisoners who have committed more serious offences are less likely to be eligible to be released early on HDC, ECL (while in place) or on licence.

*Adults, 18 years and over 24

Legislative and policy changes have contributed to more stringent outcomes, making sentence lengths longer for certain offences and increasing the likelihood of a breach of non-custodial sentence or licence conditions resulting in prison



Some recent legislative and policy changes have contributed to more stringent outcomes, while others have been expected to reduce the prison population



2008

2010

Receptions

Length of stay

2008: minal Justic

Criminal Justice & Immigration Act (2008)

2008:

Tackling Knives Action Plan

 Expectation of prosecution and tougher sentencing for possession of knives and offensive weapons

2009:

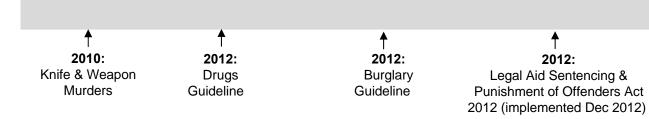
Coroners and Justice Act, 2009

2010:Breaking the Cycle,
Green Paper

- Changes to rules for IPPs reduce the number on short tariffs
- Most prisoners (incl. EPPs) released at 50% point, on licence to 100%
- Fixed-term recalls for certain prisoners

 Tougher sentencing for possession of knives and offensive weapons

Introduces duty on sentencers to follow guidelines. May have resulted in a narrowing of sentencing for some offences Government announces reforms of sentencing including plans to reform IPPs. May account for start of reduction in use of IPP sentences and increase in longer determinate sentences. 2010



Receptions

Length of stay

New starting point of 25 years (increase from 15 years) minimum term for life sentence for murder committed with knife or other weapon taken to the scene.

New guideline includes greater account of role of offender. May lead to reduction in sentence length for "drug mules".

New guidelines reflects court of appeal judgment giving greater to seriousness of home owner being present and impact on victim. Results in increase in sentence for some categories of domestic burglary.

IPPs are to abolished and replaced with new Extended Determinate Sentences (EDS).

More recallees will be eligible for fixed term recalls, decreasing the time they spend in prison.

More offenders to get mandatory life sentences.

Appendix

Period covered

- The prison population changes described in this bulletin generally relate to 30 June 1993 compared to 30 June 2012. The charts generally show end-month figures for the period January 1993 to September 2012, however some of the data for 1993 and 1994 is only available for the 30 June. Additionally, between July 2009 and February 2010, some monthly data was not available due to a change in IT systems. In both cases missing figures have been estimated in order to present the full trend on the charts.
- Some charts relating to prison flows or populations use annual averages and therefore go up to 2011.
- The sentencing data relates to the years 1993-2011 (the latest published annual figures).
- The receptions data shown on slides 18 and 19 have been smoothed using a 12 month retrospective moving average, and hence there are no data at the start of the charts.

Data sources and quality

- The figures in this publication have been drawn from administrative IT systems which, as with any large scale recording system, are subject to possible errors with data entry and processing.
- Unless otherwise stated, numbers in the text have been rounded for ease of reading using the following rules:

Numbers of 100,000 and over are rounded to the nearest 1,000

Numbers from 1,000 – 99,999 are rounded to the nearest 100

Numbers from 10 – 999 are rounded to the nearest 10

Numbers under 10 are unrounded

Appendix

Related publications

Regular statistics about sentencing and about offender management caseloads (describing the population in prison establishments, and the workload of the Probation Service), in England and Wales, are available at the following web-site: http://www.justice.gov.uk/publications/statistics.htm

Enquiries

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- Other enquiries about the statistics in this publication should be directed to <u>statistics.enquiries@justice.gsi.gov.uk</u>
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