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## When do sex offenders stop offending?

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### Introduction

Recent and forthcoming legislation is designed to provide the public with better protection from sex offenders. The recently implemented Sex Offenders Act 1997 requires those convicted or cautioned for specific sex offences to register with the police. The Crime and Disorder Bill proposes that courts be able to pass an 'extended sentence' on an offender convicted of a sexual or violent offence. The extended sentence would consist of a custodial term followed by an 'extension period' for which the offender would be subject to a licence, effectively being a period of 'post-release supervision'. This type of sentence would be used where the court considers that the usual period during which the offender would be subject to a licence after release from custody:

'would not be adequate for the purpose of preventing the commission by him of further offences and securing his rehabilitation' (Crime and Disorder Bill, 55 (1)).

In the case of a sexual offence, a maximum of 10 years for the extension

period is proposed. This paper considers what proportion of sex offenders who reoffend do so within this ten-year limit.<sup>1</sup>

### The present study

A recent project on criminal careers and sex offending required the extraction of the criminal record information held on the Offenders Index<sup>2</sup> of all those convicted of any indictable sexual offence (with the exception of 'Obscene publications') or of the summary offence of 'Gross indecency with children' in 1973. This resulted in a sample of 7,401 males (the 41 females are not discussed here), for whom there are details of convictions for standard list offences for at least 10 years before, and at least 21 years after the 1973 conviction. The large sample provides a long term follow-up for a wide variety of sex offending behaviour.

Part of the project required the estimation of 'periods at risk' of reconviction; that is, taking account of any periods spent in prison or otherwise removed from the general public (e.g., hospital orders). An estimation of the earliest date of release

1 This paper is derived from the work for the ESRC project, *Criminal Careers and Sex Offending* (ESRC grant no. R000 23 6237). The support of the late Dr Barry Sanderson is remembered.

2 See Kershaw's article 'Reconviction research – a 50-year review' p 61 of this volume for a description of the Offenders Index.

from a custodial sentence was made by assuming that full remission would be achieved, and that, if applicable, parole would be granted on the first application.<sup>3</sup>

With such a wide variety of sex offenders in the sample, one may consider whether there are any differences in reconvictions between different types of offenders. Therefore, the sample was separated into eight categories, according to their principal sex offence in 1973. Essentially, the first seven categories contain the 'serious' sex offences (52% of the sample), while the remaining 'less serious' (comparatively speaking) offences form the 'other' category:

- **buggery** – males convicted of buggery/attempted buggery where the victim was a male under 16, a female, an animal, or a male over 16 where no consent was given, or of 'assault with intent to commit buggery'
- **indecent assault on a boy** – males convicted of indecent assault with a male victim under 16
- **rape** – any type of rape or attempted rape of a female
- **indecent assault on a girl** – males convicted of indecent assault on a female under 16

- **USI under 13** – unlawful sexual intercourse with a girl under 13
- **incest** – all types of this offence
- **gross indecency** – contains all males convicted of gross indecency with children of either sex (both indictable and summary offences)
- **other** – those convicted of the 'less serious' offences i.e. indecency between males, USI with a girl under 16, procurement, abduction, bigamy, solicitation by men, and the remaining types of buggery, attempted buggery or indecent assault on either sex not already included in another category.

In the years following the conviction for a sex offence in 1973, 3,596 males (about half the sample) were convicted of a standard list offence. However, this figure conceals the fact that some groups were at large for longer periods than others. The 'life tables' method was used (see Soothill and Gibbens, 1978), to calculate the reconviction rates of those actually at risk during each time period.

The Crime and Disorder Bill proposes that 'extension periods' attached to custodial sentences for sexual offences should have a limit of 10 years. With this in mind, convictions within 10 and 20 years of being at risk of reconviction following the 1973 sex offence conviction were examined.<sup>4</sup>

3 Estimation was necessary as the Offenders Index does not contain details of release dates from custodial sentences. Other assumptions about the actual length of time spent in custody for indeterminate sentences, such as Borstal, were also made.

4 A very small number (less than a quarter of one per cent of the sample) was first reconvicted after 20 years or more of being at risk. The estimated time spent in custody was taken into account in calculating the 'at risk period'.

**Table 1 Reconvictions for any standard list offence**

Offender group	Overall percentage reconvicted within 20 years	Proportion of which reconvicted within 10 years	Total cases in sample
	%	%	No.
Buggery	52.3	87.8	172
Indecent Assault on a boy	51.1	86.7	668
Rape	61.3	92.0	346
Indecent Assault on a girl	51.9	91.3	2,158
USI under 13	50.9	83.7	108
Incest	38.0	81.6	129
Gross Indecency	50.7	90.1	278
All 'serious'	52.1	89.8	3,859
Other sexual offences	44.4	90.5	3,542
Total in 1973 sample			7,401

**Reconvictions for any standard list offence**

Table 1 shows the rates of reconviction for any standard list offence; the eight groups are shown separately, and the seven 'serious' categories have also been analysed as a single group.

Those convicted of 'serious' sexual offences have a higher reconviction rate than the 'other' group *after* 10 years at risk, although the difference is not dramatic. When the seven categories of 'serious' sexual offences are considered separately, there is a range of reoffending behaviour.

For example, those convicted of rape in 1973 have by far the highest overall reconviction rate. However, as can be seen from Table 1, of the 61 per cent of rapists reconvicted within 20 years of being at risk, the vast majority (92%) are reconvicted within 10 years. In contrast, those convicted of incest, have the lowest overall reconviction rate (38%) but a higher proportion of those convicted within 20 years of being at risk were first reconvicted *after* 10 years. It must be noted, however that these figures are based on comparatively small numbers (129).

**Table 2 Reconversions for any sexual offence**

Offender group	Overall percentage reconvicted within 20 years	Proportion of which reconvicted within 10 years	Total cases in sample
	%	%	No.
Buggery	31.8	82.4	172
Indecent Assault on a boy	33.9	82.0	668
Rape	16.5	84.2	346
Indecent Assault on a girl	20.2	88.6	2,158
USI under 13	15.7	82.8	108
Incest	14.0	66.4	129
Gross Indecency	26.6	85.3	278
All 'serious'	22.8	86.0	3,859
Other sexual offences	17.9	83.2	3,542
Total in 1973 sample			7,401

**Reconversions for any sexual offence**

In the following, the term 'any sexual offence' is used to mean all those offences by which the original sample was selected, plus those offences connected with 'obscene publications' and 'indecent exposure'. As Table 2 shows, the reconviction rates are now much lower than if convictions for *any* offence were considered.

Again, those convicted of 'other' sexual offending in 1973 have lower reconviction rates than the 'serious' offenders. And again, the incest group's pattern of

reconviction is unusual – having the lowest reconviction rate and also taking the longest to be reconvicted. Comparing Tables 1 and 2 shows that the category of rape produces the surprises. This has the highest reconviction rate for *any* offence but one of the lowest when only offences of a sexual nature are considered. The interpretation is clear – whatever offences the rapists are being reconvicted for, they are not, in general, of a sexual nature.

**Reconversions for serious sexual offences**

Table 3 considers reconversions for serious sexual offences only – those making up

**Table 3 Reconversions for serious sexual offences**

Offender group	Overall percentage reconvicted within 20 years	Proportion of which reconvicted within 10 years	Total cases in sample
	%	%	No.
Buggery	25.0	86.0	172
Indecent Assault on a boy	25.5	81.6	668
Rape	10.2	85.3	346
Indecent Assault on a girl	14.7	86.4	2,158
USI under 13	11.1	74.8	108
Incest	11.6	73.3	129
Gross Indecency	20.1	84.1	278
All 'serious'	16.8	84.5	3,859
Other sexual offences	5.3	75.5	3,542
Total in 1973 sample			7,401

the seven 'serious' categories. One immediately notices the tiny proportion (only 5%) of those in the 'other' group who were reconvicted within 20 years of more serious sexual offending, compared with nearly 17 per cent of those already convicted of a serious sexual offence in 1973. However, it is also worth noting that only 2.6 per cent of all serious sex offenders were reconvicted after 10 years and only 1.3 per cent of other sex offenders were similarly reconvicted.

The rapists have the lowest reconviction rate of all the 'serious' categories. However, the proportion of those reconvicted within 20 years who fall in the 'after 10 years' period is comparable with

the corresponding figures for those categories with higher reconviction rates. It is important to note that while the proportion of reconvictions which occurred after 10 years for the USI and incest groups seem high, the base numbers are small and their overall reconviction rates are low compared with all the other serious offences bar rape.

For those in the 'buggery' and 'indecent assault on a boy' categories, the reconviction rates are similar. For both 'all sexual offences' (Table 2) and the more 'serious ones' (Table 3), they are the highest of any category. In addition, up to 18 per cent of this sexual reoffending occurs after 10 years or more of being at risk.

**Table 4 Reconstructions for any sexual or violent offence**

Offender group	Overall percentage reconvicted within 20 years	Proportion of which reconvicted after 10 years	Total cases in sample
	%	%	No.
Buggery	36.1	83.7	172
Indecent Assault on a boy	37.7	83.3	668
Rape	37.6	83.8	346
Indecent Assault on a girl	32.1	86.0	2,158
USI under 13	30.6	75.8	108
Incest	23.3	70.0	129
Gross Indecency	32.4	84.3	278
All 'serious'	33.4	84.4	3,859
Other sexual offences	27.8	83.5	3,542
Total in 1973 sample			7,401

**Reconstructions for any sexual or violent offence**

If, in addition to any sexual offence, reconstructions for any offences falling under 'Violence against the person' are considered a new story emerges. As Table 4 indicates, including violent behaviour removes many of the differences in reconstruction rates between the various categories. In fact, the reconstruction rate of the 'USI under 13' category for sexual and violent offences is almost double that when only sexual offences are considered, indicating that around half or more of the offending behaviour is of a violent nature.

However, the big story here is the category of 'rape'. From having one of the lowest reconstruction rates for purely sexual offences, it now has one of the highest, and its profile is almost indistinguishable from that of the 'buggery' and 'indecent assault on a boy' categories. Thus, the 'rapists' high overall reconstruction rate for any offence is partly explained – rape is a crime of violence and rapists tend to be generally violent (Soothill, Jack and Gibbens, 1976).

**Conclusions**

Is it possible, then, to say when a sex offender has stopped offending? In theory, this is unknowable from official statistics as there is always the possibility of undetected

crime; but some clues have been identified. The answer partly depends both on the type of offender and on the type of reconviction. For example, 61 per cent of rapists are reconvicted of a standard list offence (sexual and non-sexual) within 20 years and of these only one in 12 is first reconvicted after 10 years. In contrast, only 38 per cent of those initially convicted of incest are reconvicted of a standard list offence, but one in six of these convictions occur after 10 years. The various patterns are complex.

New interventions may, of course, alter outcomes. Certainly the aim of the 'post-release supervision' proposed by the Crime and Disorder Bill will have a significant effect on the offending behaviour of those subject to it and cannot be taken into account in this analysis. Nevertheless, we believe that this analysis has shown that, since sex offenders of different types exhibit different reoffending behaviour, not all types of sex offender will require the same length, or type, of 'post-release supervision' for it to:

'be adequate for the purpose of preventing the commission by him of further offences and securing his rehabilitation' (Crime and Disorder Bill).

However, as Table 4 shows, it is tempting to suggest that, for most sex offenders, 10 years will be sufficient. On average, only five per cent of first reconvictions for a violent or sexual offence for the entire sample occurred after 10 years.

Sadly, research is rarely straightforward and this study is no exception. Long-term follow-ups always meet the hazard of changing social conditions. Different sexual offences provoke different reactions at different times. Reporting and detection rates change. The apparently declining success of the authorities in converting reported offences into successful convictions in the past decade or so may have an impact on reconviction rates. The possibilities seem endless. Nevertheless, we offer some evidence to suggest that a ten-year maximum for the extension period seems a reasonable proposal.

## References

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