



# The Effectiveness of Sentencing Options on Reoffending

## Action Vision Zero summary

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### Key points

- A [literature review](#), commissioned by the Sentencing Council, concluded the evidence did not show severe sentences had any significant deterrent effects—neither on the person sentenced or the general population
- Evidence showed that short custodial sentences under twelve months are less effective than other sentencing options at reducing reoffending
- Community sentences and suspended sentences may be more effective at producing positive results, but more evidence is needed
- The review covered crime in general and considered custodial sentences, suspended sentences and community sentences, but not disqualifications
- Further research was deemed needed, including why short custodial sentences were so often used, despite the lack of evidence for their effectiveness.

### Introduction

Established in 2010, the Sentencing Council for England and Wales, serves to promote a clear, fair, and consistent approach to sentencing. Key outputs include sentencing guidelines and explanatory materials. Its statutory duties contain having “*regard to the cost of different sentences and their relative effectiveness*”. Their current strategic objectives include “*consider and collate evidence on the effectiveness of sentencing*”, which led to this [literature review](#) being commissioned.

Published at the end of September 2022, the 80 page literature review spanned the last 20 years and considered crime in general, with no mention made of motoring offences. The evidence on the effectiveness of custodial sentences, suspended sentences and community services on re-offending was evaluated. It was noted that Scotland does not use suspended sentences.

Research has focused on the effectiveness of custodial sentences on re-offending. Despite motoring offences accounting for almost half of all proceedings at Magistrates Court, only 1% of motoring offences convicted at court result in a custodial sentence. So motoring offences are often overlooked in discussions about prison. The literature review did not discuss the use of disqualification (14% of those convicted at court in England and Wales in 2021 were disqualified).

This summary, by Action Vision Zero, aims to help raise awareness of this research amongst road danger reduction and road safety campaigners. We are not legally trained and have shown direct quotes from the literature review in italics.

## Purposes of sentencing

Reducing re-offending is a key aim of sentencing, but it is not the only aim. As stated in the Sentencing Act 2020, the purposes of sentencing are the:

- punishment of offenders
- reduction of crime
- reform and rehabilitation of offenders
- protection of the public
- making of reparation by offenders to persons affected by their offences

These purposes can conflict. A custodial sentence justified for punishment purposes might be less effective at reform and rehabilitation or reducing crime in the future.

## Conclusions

The review organised their findings by key themes, including

- Sentencing as rehabilitation: desistance, reintegration, and reduced reoffending
- The deterrent effectiveness of sentencing
- Cost-effectiveness of sentencing

### Sentencing as rehabilitation: desistance, reintegration, and reduced reoffending

The ideal outcome for a sentence focused on rehabilitation was said to be full reintegration into the community. But this was recognised as to involve more than sentencing and a more practical outcome would be to aim for fewer offences and less serious offences.

The review stated that *"The evidence is most critical of the effectiveness of short sentences of immediate imprisonment. Compared with suspended sentences and community disposals, short sentences may be criminogenic, hinder positive outcomes, and make reoffending more likely. Further work is needed to understand why, in light of the various limitations, there are so many short sentences of immediate imprisonment and what the barriers are to the use of other disposals"*.

### The deterrent effectiveness of sentencing

*The evidence strongly suggests that using short custodial sentences for a (general or specific) deterrent purpose is ineffective – they may even be criminogenic. However, using suspended sentences rather than immediate imprisonment may have some effect in reducing reoffending. The potential specific deterrent effect of suspended sentences merits further research with offenders.*

### Cost-effectiveness of sentencing

*In terms of short-term costs, imprisonment is by far the most expensive disposal. Considering the evidence that imprisonment generally fails to better facilitate reintegration, desistance, or reduce reoffending, its cost effectiveness, in consequentialist terms, is dubious. Where prison may provide something for its cost is in terms of retributivist aims such as punishment. Especially for the most serious cases, which are not high volume crimes, prison serves a unique role. However, while prison can also serve punitive aims for less serious offences, it does not have the same monopoly on this. Notably, other disposals, which are more cost-effective, can be as punitive as short sentences of immediate imprisonment.*

[The Effectiveness of Sentencing Options on Reoffending](#), 30 September 2022.

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