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Centre

A photograph of a prison cell with metal bars, overlaid with a red tint, serving as a background for the title text.

Sentencing and Imprisonment in Wales 2018 Factfile

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Wales Governance Centre at Cardiff University

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ABOUT US

The Wales Governance Centre is a research centre that forms part of Cardiff University's School of Law and Politics undertaking innovative research into all aspects of the law, politics, government and political economy of Wales, as well the wider UK and European contexts of territorial governance. A key objective of the Centre is to facilitate and encourage informed public debate of key developments in Welsh governance not only through its research, but also through events and postgraduate teaching.

ABOUT THIS PROJECT

Cardiff University's Wales Governance Centre launched the Justice and Jurisdiction project in July 2018. It brings together an interdisciplinary group of academic researchers consisting of political scientists, criminologists, constitutional law experts and political economists to investigate the operation of the legal and justice system in Wales. The project is funded by a combination of the Economic and Social Research Council, the Welsh Government and Cardiff University.

As well as producing high quality academic outputs, the project will generate a series of reports intended to inform the work of Commission on Justice in Wales as well as encourage an informed public debate on the organisation and operation of the legal and justice system in Wales. Whilst the research team continues to benefit from comments and suggestions from our external partners, the programme itself has been conceived of and is being delivered wholly independently of them.

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EXECUTIVE SUMMARY

Following the publication of *Imprisonment in Wales* and *Sentencing and Immediate Custody in Wales*, this report provides an up-to-date account of imprisonment and sentencing in Wales. Using data published by the Ministry of Justice as well as information obtained via the Freedom of Information Act 2000, this factfile identifies a number of important issues and themes. Some of the key findings are outlined below.

- The number of Welsh prisoners fell by 2.2% in 2018. In total, there were 106 fewer Welsh people in prison in 2018 than the previous year.
- Wales continued to record a higher rate of imprisonment than England in 2018. There were 150 Welsh prisoners per 100,000 people in 2018 compared to a rate of 137 English prisoners per 100,000 of the population.
- The number of people held in the Welsh prison estate increased in 2018. This rise is due to a 116% increase in the number of prisoners at HMP Berwyn.
- In 2018, the average number of Welsh women in prison reached its highest level since the Wales Governance Centre began collecting Welsh-only data in 2013.
- The percentage of those arriving into Welsh prisons as homeless increased in 2018.
- The use of community sentences in Wales has fallen by 18% since 2015.
- The rate of people under probation supervision has been higher in Wales than England since 2013.
- There were two self-inflicted deaths recorded at Welsh prisons in 2018.
- The Wales Governance Centre's *Imprisonment in Wales* reported that incidents of self-harm in Welsh prisons had reached a record level in 2017. The number of self-harm incidents in Wales (excluding HMP Berwyn) rose by a further 16% in 2018.
- The number of prisoner-on-prisoner assaults and assaults on prison staff in Wales decreased in 2018.
- Despite holding just 2% of the total prison population in England and Wales, 9.3% of all prison disturbances were recorded at HMP Parc in 2018.
- A record number of weapon, drug, and alcohol finds were made in Welsh prisons in the year ending March 2019.
- Drug finds in Wales (excluding HMP Berwyn) increased by 61% in the year ending March 2019.
- The proportion of cases resulting in a conviction has been higher in Wales than in England in five of the last six years.

- The custody rate at the Magistrates' Court in Wales was lower in 2018 than the previous year. The rate at the Crown Court increased in 2018.
- The custody rate was higher in Wales than England at both the Magistrates' and Crown Court in 2018.
- There were 76 Black people from Wales in prison for every 10,000 in the population in 2018. This rate compared to just 15 White people per 10,000 of the population. There were 26 Asian people in prison per 10,000 and 40 people from a Mixed background per 10,000 in prison in 2018.
- One in five (22%) of all women sentenced to immediate custody in Wales were handed sentences of one month or less in 2018.
- A higher proportion of longer-term sentences (4 years or more) were handed out at courts in England (10.4%) than Wales (8.2%) in 2018.
- The average custodial sentence length in Wales has increased from 13.3 months in 2013 to 14.5 months in 2018.

NOTES ON TEXT

Welsh and English adult prison population data were obtained from the Ministry of Justice using the Freedom of Information Act 2000. The Freedom of Information Act provides a “powerful tool” for social researchers carrying out research in areas where data are not made publicly available (Savage and Hyde, 2014: 315). The Ministry of Justice do not publish Welsh-only or English-only prison population data. Information on probation caseloads in Wales and England are, however, published by the Ministry of Justice every quarter.

All data relating to the ‘home address’ of prisoners is based on a prisoner’s origin address (home address on reception into custody). The Ministry of Justice state that around 97% of prisoners have an origin location; i.e. addresses that are recorded on its central IT system. If no address is given, an offender’s committal court address is used as a proxy for the area in which they are resident. Those with no recorded origin are typically foreign nationals or those recently received into custody. No address has been recorded and no court information is available for around 3% of all offenders; these figures are excluded from the tables included in this report.

Statistics on prison safety are routinely published by the Ministry of Justice. The latest data on drug, alcohol, weapon and tobacco finds were made available by the Ministry of Justice in the Annual HM Prison and Probation Service digest: 2018 to 2019.

Some of the data presented in chapter three were gathered from the Home Office offence code data tool. The notes accompanying the data tool provide further information on the source of the data. According to the Ministry of Justice, the more detailed offence groups shown in the data broadly align with the groups presented by the Home Office counting rules, but these categorisations will not match completely in terms of group names or the codes included. These differences result from a range of factors, including differences in the offences included (e.g. the Home Office only include recorded crime) and the focus of each classification.

Figures for ethnicity are categorised using the 5+1 self-identified classification based on the 16+1 classification used in the 2001 Census. The not applicable category for self-identified ethnicity includes all individuals tried for summary offences or tried prior to 2009 for indictable offences, for whom the quality of the data available is insufficient to justify inclusion, and all companies. (Ethnicity is only able to be shown for indictable offences from 2009 onwards due to improvements in data quality, in magistrates’ courts associated with the introduction of the LIBRA case management system at that time.) The not stated category includes all others for whom ethnicity information is not available, either because they have chosen not to state their ethnicity or because no information has been recorded.

The Ministry of Justice has acknowledged that the recording of ethnicity data for defendants at Magistrates’ Courts has been insufficient, with high proportions of unknown ethnicity. The recording of ethnicity data for indictable offences has been more complete than summary

offences because in charged cases the defendant will have been seen by the police and asked about their ethnicity. In cases where the defendant received a summons, they will not have been seen by the prosecutor, and may not have appeared in court. High levels of missing data limit what conclusions can be drawn from immediate custody data by ethnic group at Magistrates' Courts in England and Wales.

Sentencing data broken down by police force area is used in this report to compare sentencing outcomes at courts in Wales and England. Although it is understood that not *all* people sentenced at Welsh courts will be domiciled in Wales, there is an expectation that many people sentenced at courts in Wales will be domiciled in Wales (the same rule applies to England). Section 30 of the Courts Act 2003 provides directions to ensure that where a person is required to appear before a magistrates' court they are required to appear in a place 'in the local justice area'. This includes a location in the local justice area in which the offence is alleged to have been committed, a place in which the person charged resides, a place in which witnesses (or the majority of witnesses) reside, or a place where other cases raising similar issues are being dealt with. There are 10 local justice areas in Wales following the introduction of the Local Justice Areas Order 2016.¹ At the Crown Court, Criminal Procedure Rule 9.3 states that in deciding the Crown Court centre at which trial will take place, one of the considerations should be the convenience of the courts location for parties and witnesses involved in the case.²

The data used to calculate the custody rates in Wales and England were gathered from the Ministry of Justice's Court Outcomes by Police Force Area data tool (Pivot Table): December 2017. According to the notes accompanying the data tool, all statistics on sentencing included in the pivot table are either derived from the LIBRA case management system, which holds the magistrates' courts records, or the Crown Court's CREST system which holds the trial and sentencing data. The data includes offences where there has been no police involvement, such as those prosecutions instigated by government departments, private organisations and individuals. Ministry of Justice updates may lead to some variation between the data published in the Court Outcomes by Police Force Area in 2017 and 2018. In the update for December 2018, for example, the total number of immediate custodial sentences in Wales increased to 6,292 from the number (6,285) reported in the Court Outcomes by Police Force Area: December 2017.

The figures given in the pivot table relate to defendants for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

1 North West Wales; North Central Wales; North East Wales; Montgomeryshire; Cardiff; Mid Wales; Gwent; Carmarthenshire; Ceredigion; West Glamorgan. https://www.legislation.gov.uk/ukxi/2016/941/pdfs/ukxiem_20160941_en.pdf

2 Other considerations include how soon a suitable courtroom will become available; and the directions on the allocation of Crown Court business. <https://www.justice.gov.uk/courts/procedure-rules/criminal/docs/crim-proc-rules-2014-part-09.pdf>

The calculation of custody rates reveal the proportion of sentences resulting in immediate custody in England and Wales. There are eight possible sentencing outcomes included in the data tool: absolute discharge, conditional discharge, fine, community sentence, suspended sentence, immediate custody, otherwise dealt with, and compensation. The calculation of average custody rates and average custodial sentence lengths are used in this report to compare trends between Wales and England. These measurements are frequently calculated and included within the Ministry of Justice's quarterly *Criminal Justice Statistics* bulletins. However, while such "headline statistics" are described by the Sentencing Council (2018: 2) as "broad brush" measures that do not take account of the full range of legal factors that determine sentencing outcomes, the unavailability of detailed Welsh-only sentencing data limits what analysis can be undertaken on a disaggregated level.

INTRODUCTION

This factfile provides Welsh politicians, policy makers and service providers with up-to-date information on sentencing and imprisonment in Wales. It follows the publication of the Wales Governance Centre's *Imprisonment in Wales* (2018) and *Sentencing and Immediate Custody in Wales* (2019) which uncovered rising levels of prison violence in Wales as well as the startling finding that Wales has the highest imprisonment rate in Western Europe.³ This latest report also comes after renewed calls were made by the House of Commons Welsh Affairs Committee (2019) for the UK Government to make Welsh-only imprisonment data more freely available. At the time of writing, the Ministry of Justice has yet to come up with a mechanism for making Welsh-only data publicly available.

In its three chapters on the prison population; prison safety in Wales; and the use of immediate custody, this report covers a range of areas including prison population rates, prisoner homelessness, prison disturbances, drug and alcohol finds, custody rates and custodial sentence length. By returning to these issues, this latest factfile further outlines the need for UK Government officials to engage on a more serious level with the current state of the criminal justice system in Wales.⁴ Only months before the Commission on Justice in Wales is expected to publish its conclusions and recommendations, it is hoped that this report will further contribute to political and academic debates on criminal justice in post-devolution Wales.

³ Both reports can be accessed here <https://www.cardiff.ac.uk/wales-governance-centre/publications/justice>

⁴ The UK Government's response to the findings in *Sentencing and Immediate Custody in Wales* can be found here – <https://gov.wales/sites/default/files/publications/2019-03/Oral%20evidence%20to%20the%20Justice%20Commission%20from%20HMCTS%2C%20LAA%20and%20HMPPS.pdf>

1. THE PRISON POPULATION

- 1.1 There were 4,704 Welsh people in prison in 2018.⁵
- 1.2 The number of Welsh prisoners fell by 2.2% in 2018. In total, there were 106 fewer Welsh people in prison in 2018 than 2017.⁶
- 1.3 At the end of December 2018, 37% of all Welsh prisoners were being held in English prisons.⁷
- 1.4 Welsh female prisoners were being held in every one of the twelve women's prisons in England in 2018. Three-quarters (74%) of Welsh women were being held at HMP Eastwood Park and HMP Styal.
- 1.5 On average, there were 32 prisoners from Wales held as category A in 2018.
- 1.6 Six out of ten (60%) Welsh prisoners were categorised as category C in 2018.

Figure 1.1 – The average prison population in Wales by establishment, 2017 and 2018⁸

	2017	2018
Berwyn	521	1,123
Cardiff	745	707
Parc	1,726	1,650
Swansea	442	395
Usk/ Prescoed	528	523
Total	3,962	4,398

Source: Ministry of Justice

- 1.7 The number of people held in the Welsh prison estate increased in 2018. This rise is due to a 116% increase in the number of prisoners held at HMP Berwyn.
- 1.8 The number of English prisoners held in Wales has increased significantly since HMP Berwyn opened in February 2017. Since December 2016, the number of English prisoners held in Wales has risen by 140%.⁹
- 1.9 On average, 1,379 prisoners from England were being held in Wales in 2018.¹⁰

5 This is based on home address prior to entering custody.

6 There were 4,810 Welsh people in prison in 2017.

7 1,718 Welsh prisoners were being held in England.

8 All prison population figures presented here are taken from the Ministry of Justice's Prison Population Statistics – 2018. <https://www.gov.uk/government/statistics/prison-population-figures-2018>

9 From 622 in December 2016 to 1,495 in December 2018.

10 Data obtained from the Ministry of Justice via the Freedom of Information Act 2000.

- 1.10 4,397 men arrived into Welsh prisons in 2018 having been remanded or sentenced by the courts.¹¹
- 1.11 The number of prison receptions in 2018 fell by 12%. In total, 655 fewer prisoners were received into Welsh prisons in 2018 than during the previous year.
- 1.12 The majority of prisoners were received at HMP Cardiff (2,711) followed by HMP Swansea (1,330), HMP Parc (355) and HMP Usk (1). There were no first prison receptions at HMP Berwyn or HMP Prescoed in 2018.
- 1.13 The percentage of those arriving at prison as homeless in Wales increased in 2018, from 24.3% in 2017 to 27.6% in 2018.¹²

Figure 1.2 – Homelessness upon reception at prisons in Wales, 2017 and 2018¹³

	2017			2018		
	Homeless	Receptions	% as Homeless	Homeless	Receptions	% as Homeless
Cardiff	844	3,002	28.1	838	2,711	30.9
Parc	20	353	5.7	30	355	8.5
Swansea	364	1,697	21.4	346	1,330	26
Total	1,228	5,052	24.3	1,214	4,396	27.6
Total	1,228	5,052	24.3	1,214	4,396	27.6

Source: Ministry of Justice

- 1.14 At HMP Cardiff, almost a third (30.9%) of all prisoners arrived at the prison without a fixed abode in 2018.
- 1.15 The Housing (Wales) Act 2014 removed prisoners from the list of people given automatic 'priority need' status for temporary accommodation in Wales. Since its introduction there have been numerous calls to re-introduce priority need for prisoners amidst growing concerns over rising levels of rough sleeping in Wales (Mackie, 2017; National Assembly for Wales Equality, Local Government and Communities Committee, 2018; Shelter Cymru, 2017).
- 1.16 A total of 4,334 people were released from Welsh prisons in 2018.¹⁴
- 1.17 On average, 83 prisoners a week were released from Welsh prisons into the community in 2018.

11 A first reception is a measure which counts a prisoner's first movement into custody following a court hearing for a particular set of offences committed, and therefore gives the best indication of the number of new prisoners in the reporting period. Table 2.3 – Offender management statistics quarterly: October to December 2018. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/796908/receptions-q4-2018.ods

12 According to the Ministry of Justice, the total number of prisoners shown is the number of fully completed BCS Part 1s in 2018 where the answers in the BCS showed that the prisoner had no fixed abode prior to entering custody based on the Reception Date for each prisoner. The BCS does not mention the specific word 'homeless', however there are a couple of questions which ask about accommodation status prior to entering custody where NFA is an option – it is not possible for NFA to be entered twice in a single BCS Part 1 so there is no risk of double counting.

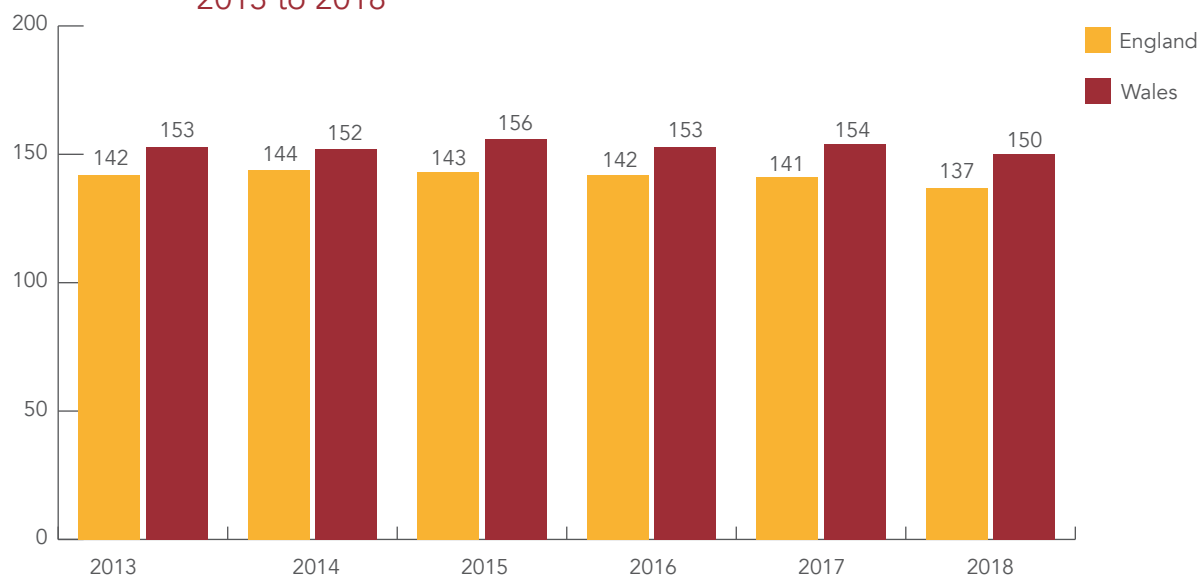
13 Data obtained from the Ministry of Justice via the Freedom of Information Act 2000.

14 HMP Berwyn: 253; HMP Cardiff: 1,678; HMP Parc: 1,165; HMP Prescoed: 224; HMP Swansea: 976; HMP Usk: 38.

Table 3.3 - Offender Management Statistics quarterly: October to December 2018. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/805265/releases-q42018.ods

- 1.18 Six people a day were released from HMP Cardiff in 2018.¹⁵
- 1.19 On average, there were 83,510 people in prison in England and Wales in 2018.
- 1.20 Since it was first published in 1999, England and Wales has recorded the highest rate of imprisonment in Western Europe in half of the twelve *World Prison Population Lists*.
- 1.21 Taking all twelve published World Prison Population Lists, England and Wales has recorded the highest prison population rate in Western Europe since 1999.
- 1.22 With a combined population of 59,115,809, the England and Wales prison rate was 141 prisoners per 100,000 population in 2018.¹⁶
- 1.23 There were 79,112 people held in 114 English prisons in 2018. Based on the ‘in country’ method used in the *World Prison Population List*, England’s rate of imprisonment was 141 per 100,000 in 2018.
- 1.24 4,398 people were held in Welsh prisons in 2018. Based upon the number of prisoners held in Welsh prisons, Wales had an imprisonment rate of 140 prisoners per 100,000 in 2018.
- 1.25 The ‘in country’ rate of imprisonment in Wales is likely to continue rising as HMP Berwyn’s population steadily increases. In June 2019, the ‘in country’ rate of imprisonment in Wales had increased to 148 per 100,000 compared to a rate of 139 per 100,000 in England.

Figure 1.3 – Prison population rates per 100,000 in England and Wales using home address, 2013 to 2018¹⁷



Source: Ministry of Justice & Office for National Statistics

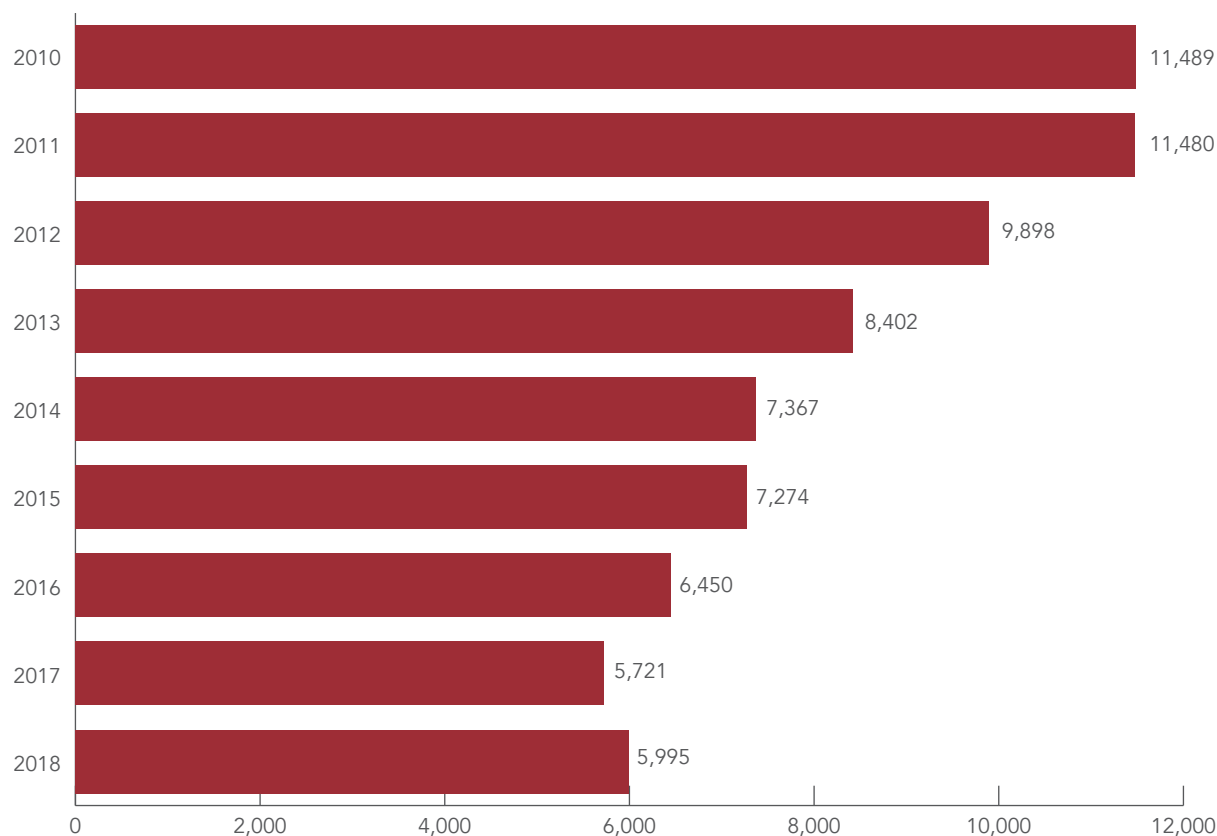
15 This figure is based on 260 working days in a year. HMP Cardiff only releases prisoners between Monday and Friday.
 16 Population data for England and Wales were obtained from Office for National Statistics – mid-2018 population estimates. <https://www.ons.gov.uk/file?uri=/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland/mid20182019laboundaries/ukmidyearestimates20182019ladcodes.xls>
 England: 55,977,178 Wales: 3,138,631
 17 Population data for England and Wales were obtained from Office for National Statistics – mid-2018 population estimates. <https://www.ons.gov.uk/file?uri=/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland/mid20182019laboundaries/ukmidyearestimates20182019ladcodes.xls>
 Prison population data were obtained from the Ministry of Justice via the Freedom of Information Act 2000. England: 76,497 Wales: 4,704

- 1.26 *Sentencing and Immediate Custody in Wales* used disaggregated data to provide an alternative calculation of prison rates in England and Wales. According to the Ministry of Justice, there were a total of 81,201 people in prison with a home address in either England or Wales in 2018.¹⁸
- 1.27 'Home address' data shows that Wales has recorded a higher rate of imprisonment than England in each year since 2013 (see Figure 1.3).
- 1.28 This trend exists despite the fact that police recorded crime in Wales was lower than England in every year between 2013 and 2018. The average rate of offences in Wales was 65.4 compared to 71.7 offences in England (Home Office, 2019).
- 1.29 In 2018, there were 150 Welsh prisoners per 100,000 of the Welsh population. This compared to a rate of 137 English prisoners per 100,000 of the population of England.
- 1.30 The English prisoner total recorded in 2018 would need to rise by 7,500 (9.8%) to achieve an imprisonment rate equal to Wales. Alternatively, the Welsh population would need to increase by 280,000 to bring the Welsh imprisonment rate in line with England's in 2018.
- 1.31 In 2018, 1 in every 667 Welsh people were in prison. This figure compares to 1 in every 732 people in England.
- 1.32 One suggested explanation for the high rate of imprisonment in Wales is the declining use of community sentences (NAW Debate, 22 January 2019). According to HM Inspectorate of Probation (2019: 5), the declining use of community sentences reflects the "lack of judicial confidence" that magistrates and judges have in the probation service since the Offender Rehabilitation Act 2014 was introduced.
- 1.33 Since 2015, when the introduction of Community Rehabilitation Companies took full effect in Wales and England, the use of community sentences has fallen by 18% in Wales.¹⁹

18 Those excluded from the total number include individuals with a recorded home addresses outside of England and Wales or with no recorded home address.

19 From 7,274 in 2015 to 5,995 in 2018.

Figure 1.4 – The use of community sentences in Wales, 2010 to 2018²⁰



Source: Ministry of Justice

1.34 The declining use of community sentences in Wales does not fully explain why Wales has a higher imprisonment rate than England. Since 2015, the number of community sentences handed out at courts in England has fallen more quickly (20%) than it has in Wales (18%).²¹

1.35 Since 2013, there have been proportionately fewer English people in prison and fewer people in England under probation supervision (See Figure 1.3 and Figure 1.5).

²⁰ Criminal Justice System statistics quarterly: December 2018. Principal offence proceedings and outcomes by Home Office offence code data tool. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/804510/HO-code-tool-principal-offence-2018.xlsx

²¹ England: From 107,007 in 2015 to 85,416 in 2018. Wales: From 7,274 in 2015 to 5,995 in 2018.

Figure 1.5 – Probation supervision rates per 100,000 in England and Wales, 2014 to 2018²²

	All court orders	Rate	All pre- and post-release supervision	Rate	All Probation Service supervision	Rate
2014						
England	102,549	189	103,640	191	204,839	377
Wales	7,615	246	6,257	202	13,764	445
2015						
England	102,869	188	116,467	213	216,684	396
Wales	7,666	247	7,379	238	14,805	478
2016						
England	112,300	203	136,671	247	243,152	440
Wales	8,162	262	9,017	290	16,711	537
2017						
England	114,507	206	140,076	252	248,546	447
Wales	7,548	242	9,424	302	16,481	527
2018						
England	107,535	192	141,705	253	243,677	435
Wales	6,987	223	9,262	295	15,853	505

Source: Ministry of Justice & Office for National Statistics

- 1.36 On average, 6,987 people were subject to a court order in Wales in 2018.²³
- 1.37 In Wales, there were 223 people serving a court order per 100,000 of the population in 2018. The rate in England was 192 per 100,000 inhabitants in 2018.²⁴
- 1.38 1 in 449 people in Wales were subject to a court order in 2018. This compares to 1 in 521 in England.²⁵
- 1.39 When the imprisonment rate and the court order rates are combined, the correctional population in Wales (373 per 100,000) was larger than in England (329 per 100,000) in 2018.
- 1.40 9,262 people were subject to pre- or post-release supervision by the probation service in Wales in 2018.
- 1.41 There were 295 people per 100,000 population under pre- or post-release supervision in Wales in 2018. This compares to a rate of 253 per 100,000 in England.

22 Rates are calculated using average probation caseload information from March, June, September and December of each year. According to the Ministry of Justice, (1) Each person is counted only once for each type of supervision started by the end of each quarter. Each person is counted only once in each total or sub-total even if they started several types of supervision by the end of each quarter.

23 Those serving Youth Rehabilitation Orders, Community Orders and Suspended Sentence Orders. Supervision numbers have been calculated using average probation caseload information from March, June, September and December 2018.

24 All data on probation caseloads were taken from the Offender Management Statistics quarterly. <https://www.gov.uk/government/collections/offender-management-statistics-quarterly> Population data for England and Wales were obtained from Office for National Statistics. <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland>

25 107,535 people were subject to a court order in England in 2018.

- 1.42 1 in 339 were under pre- or post-release supervision in Wales at the end of December 2018. In England, 1 in 395 people were subject to pre- or post-release supervision by the probation service.²⁶
- 1.43 On average, 15,853 people were under probation supervision in 2018. This equates to 1 in every 198 people in Wales being subject to some form of probation supervision.²⁷ In England, 1 in 230 people were under probation supervision in 2018.
- 1.44 In total, 505 people per 100,000 of the population in Wales were under probation supervision in 2018. This compares to a rate of 435 per 100,000 inhabitants in England.

²⁶ 141,705 people were subject to pre- or post-release supervision in England in 2018.

²⁷ 243,677 people were subject to some form of probation supervision in England in 2018.

2. PRISON SAFETY

- 2.1 HM Chief Inspector of Prison's Annual Report for 2018-19 raised further concerns over the continuing deterioration of prison safety in England and Wales. Of those prisons inspected during 2018-19, only 41% of HMIP's (2019a) previous recommendations on safety had been achieved, 10% partially achieved and 49% not achieved.
- 2.2 There were no inspections carried out by HM Inspectorate of Prisons into the adult prison estate in Wales in 2018.²⁸
- 2.3 In the last round of prison inspections in Wales, HMIP found that only 36% of its previous recommendations on safety in Welsh prisons had been achieved in full, 24% were partially achieved and 40% had not been achieved.
- 2.4 HMIP (2019b: 5) carried out its first unannounced inspection of HMP Berwyn in March 2019. Its report identified "impressive" support procedures in place for new arrivals but found that use of force was considerably higher than at similar prisons. One in four prisoners (23%) told HMIP that they felt unsafe at HMP Berwyn.
- 2.5 HM Chief Inspector's Annual Report for 2018-19 reported further increases in the number of self-inflicted deaths as well as a "disturbingly high" level of self-harm in England and Wales (HMIP, 2019a:7).
- 2.6 The number of self-inflicted deaths recorded in England and Wales increased by 28% in 2018.²⁹
- 2.7 There were two self-inflicted deaths recorded at Welsh prisons in 2018. This compares to one self-inflicted death recorded in the previous year.³⁰
- 2.8 Between 2010 and 2018, there were 26 self-inflicted deaths in Welsh prisons. The recorded figures show that, on average, a prisoner in Wales takes their own life every four months.
- 2.9 A report published by the House of Commons Health and Social Care Committee (2018: 14) in 2018 identified 'natural cause' deaths as the "leading cause of mortality" in prisons in England and Wales.³¹

28 Inspection reports for HMP Swansea and HMP Usk were published in 2018. HMIP carried out these inspections in August 2017 and October 2017 respectively.

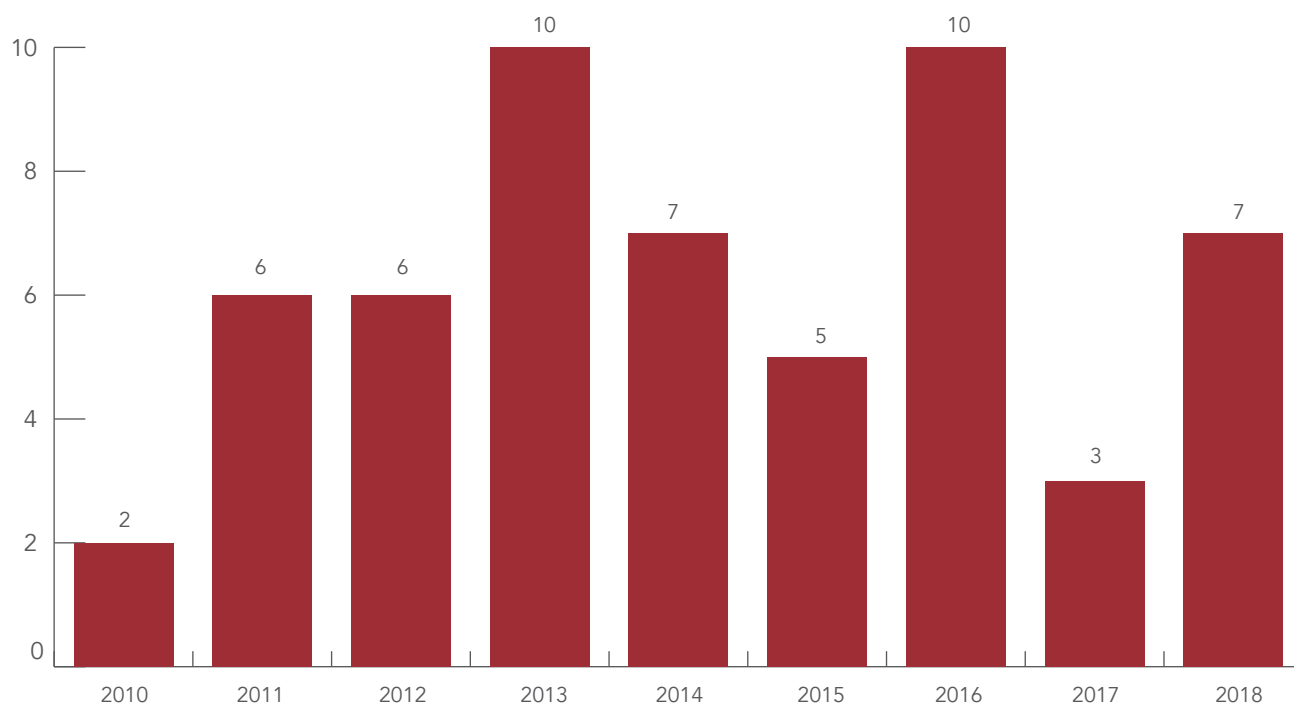
29 From 72 in 2017 to 92 in 2018. Table 2.13 – Safety Statistics in Custody update to December 2018. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/797076/safety-in-custody-self-harm-dec-18.ods

30 One death was recorded at HMP Parc and HMP Swansea in 2018. One self-inflicted death was recorded at HMP Cardiff in 2017. Table 1.16 - Safety Statistics in Custody update to September 2018. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/787136/safety-in-custody-Deaths-dec-18.ods

31 The House of Common Health and Social Care Committee's inquiry predominately focused upon prison healthcare services in England. The National Assembly's Health, Social Care and Sport Committee launched its own inquiry into prison healthcare in Wales in February 2019. <http://senedd.assembly.wales/mgIssueHistoryHome.aspx?IId=24408>

- 2.10 The number of prisoners who died by ‘natural causes’ in England and Wales was 29% higher in 2018 than the level recorded in 2010.³²
- 2.11 In Wales, the number of ‘natural cause’ deaths has increased from two to seven between 2010 and 2018.
- 2.12 Four more ‘natural deaths’ were recorded in Welsh prisons in 2018 than the previous year.
- 2.13 On average, a ‘natural death’ is recorded every two months at prisons in Wales.

Figure 2.1 – The number of ‘natural cause’ deaths recorded at prisons in Wales, 2010 to 2018



Source: Ministry of Justice

- 2.14 A report by the Prison and Probation Ombudsman (2017) has determined that a large number of ‘natural cause’ deaths can be explained by inadequate prison healthcare as well as an increase in the older prisoner population.
- 2.15 There have been as many ‘natural cause’ deaths recorded at HMP Usk/Prescoed (11) since 2013 as there had been during the previous 35 years.³³ Data obtained from the Ministry of Justice show that 40% of prisoners held at HMP Usk are aged 50 or above.
- 2.16 All deaths in custody in Wales are subject to a clinical review by Health Inspectorate Wales. This review is completed on behalf of the Prisons and Probation Ombudsman (PPO) as part of their investigations into deaths in Welsh prisons.
- 2.17 Self-harm incidents across England and Wales increased by 25% in 2018.³⁴

32 From 126 ‘natural cause’ deaths in 2010 to 162 in 2018. Table 1.17 - Safety Statistics in Custody update to September 2018. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/787136/safety-in-custody-Deaths-dec-18.ods

33 There were 11 ‘natural cause’ deaths recorded at HMP Usk/ Prescoed from 1978 to 2011. There have been 11 ‘natural cause’ deaths since 2012.

34 From 44,651 in 2017 to 55,598 in 2018. Table 2.13 - Safety Statistics in Custody update to December 2018. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/797076/safety-in-custody-self-harm-dec-18.ods

- 2.18 In Wales, there were 3,024 self-harm incidents recorded in 2018.
- 2.19 The Wales Governance Centre's *Imprisonment in Wales* reported that self-harm incidents had reached record levels in Welsh prisons in 2017. The number of self-harm incidents in Wales (excluding HMP Berwyn) rose by a further 16% in 2018.

Figure 2.2 – The number of self-harm incidents in Welsh prisons between 2010 and 2018

	2010	2011	2012	2013	2014	2015	2016	2017	2018
Berwyn	-	-	-	-	-	-	-	231	542
Cardiff	24	30	34	43	41	116	201	243	459
Parc ³⁵	387	546	550	440	534	890	1,452	1,576	1,517
Swansea	53	42	15	34	42	92	149	300	467
Usk/Prescoed	0	0	0	0	0	0	29	13	39
Total	464	618	599	517	617	1,098	1,831	2,363	3,024

Source: Ministry of Justice

- 2.20 Self-harm incidents increased at HMP Cardiff (89%), HMP Swansea (56%) and at HMP Usk (200%) in 2018.
- 2.21 The number of incidents recorded at HMP Parc declined by 4% in 2018. Despite this fall, an average of 4 self-harm incidents a day were recorded at HMP Parc.³⁶
- 2.22 Self-harm incidents rose by 135% at HMP Berwyn in 2018.
- 2.23 The rate of self-harm in 2018 was highest at HMP Swansea with 116 incidents per 100 prisoners. The second highest level was recorded at HMP Parc (92 per 100) followed by HMP Cardiff (65 per 100), HMP Berwyn (48 per 100) and HMP Usk and Prescoed (7 per 100).³⁷
- 2.24 Out of the 35 adult male prisons inspected by during 2018-19, HMIP (2019a) found that violence had increased in more than half of the prisons visited by inspectors.
- 2.25 The total number of prisoner-on-prisoner assaults in England and Wales increased by 15% in 2018.³⁸
- 2.26 In Wales (excluding HMP Berwyn), however, the number fell by 8% from 992 in 2017 to 916 in 2018.³⁹

35 All data relating to 'Safety Statistics in Custody' at HMP Parc include incidents within the adult facility and the Young Persons' Unit. The Ministry of Justice has confirmed that they do not currently have a mechanism for "separating incidents involving under-18s from those involving adults" at the prison.

36 All data relating to 'Safety Statistics in Custody' at HMP Parc include incidents within the adult facility and the Young Persons' Unit. The Ministry of Justice has confirmed that they do not currently have a mechanism for "separating incidents involving under-18s from those involving adults" at the prison.

37 HMP Berwyn: 1,223; HMP Cardiff: 707; HMP Parc: 1,650; HMP Swansea: 395; HMP Usk/Prescoed: 523. Rates are calculated using average prison populations in the year ending December 2018.

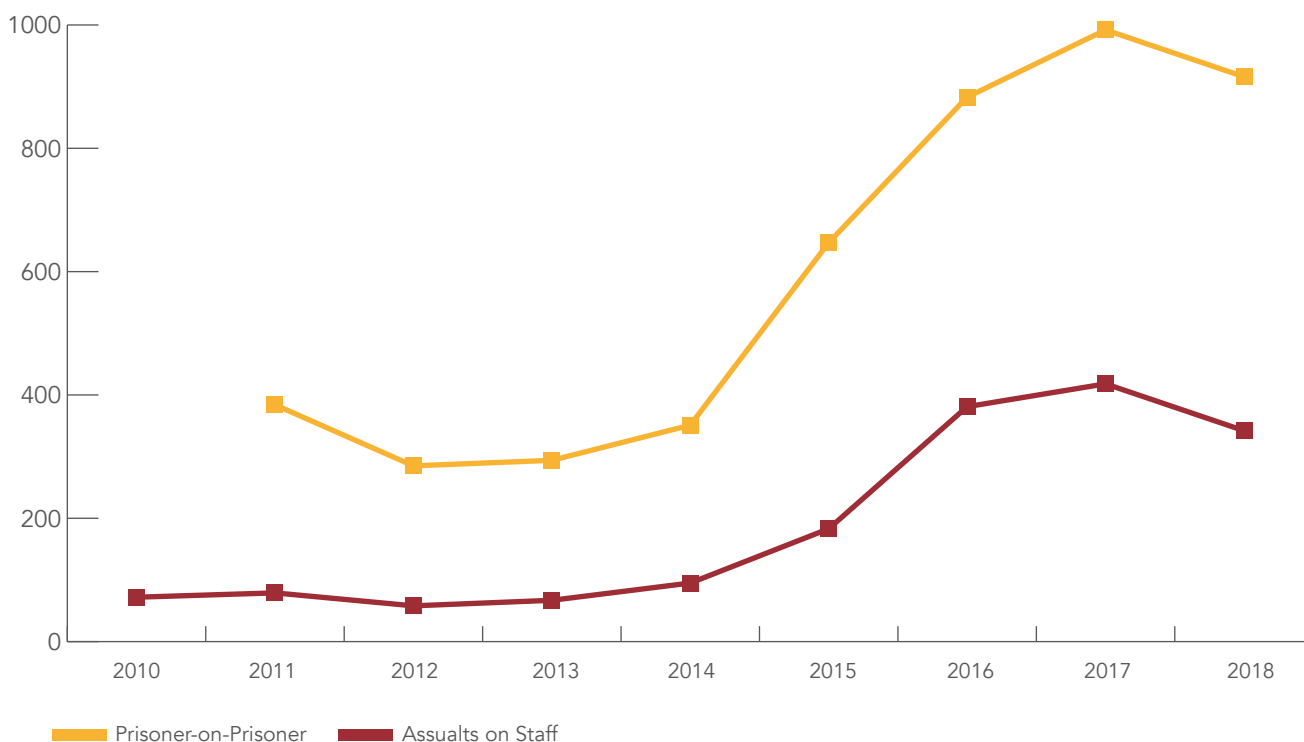
38 From 21,269 in 2017 to 24,424 in 2018.

39 England: From 20,227 in 2017 to 23,289 in 2018. Wales (excluding HMP Berwyn): From 992 in 2017 to 916 in 2018. Table 3.16 – Safety Statistics in Custody update to December 2018. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/797077/safety-in-custody-assaults-dec-18.ods

2.27 At HMP Berwyn, where the population has increased by 116% since 2017, the number of prisoner-on-prisoner assaults rose by 338% in 2018.⁴⁰

2.28 The rate of prisoner-on-prisoner assaults was highest at HMP Swansea in 2018 with 41 incidents per 100 prisoners. The second highest level was recorded at HMP Parc (32 per 100) followed by HMP Cardiff (30 per 100), HMP Berwyn (20 per 100) and HMP Usk and Prescoed (3 per 100).⁴¹

Figure 2.3 – The number of assaults at prisons in Wales, 2010 to 2018



Source: Ministry of Justice

2.29 The total number of assaults on prison staff in England and Wales increased in 2018 by 21%.⁴²

2.30 In Wales, however, assaults on prison staff (excluding HMP Berwyn) declined by 18% in 2018.⁴³

2.31 Despite this fall, the number of assaults recorded on prison staff in Wales (excluding HMP Berwyn) was 375% higher in 2018 than the level recorded in 2010.⁴⁴

2.32 The number of assaults on staff at HMP Berwyn increased by 405% in 2018.⁴⁵

40 From 50 in 2017 to 219 in 2018.

41 HMP Berwyn: 1,223; HMP Cardiff: 707; HMP Parc: 1,650; HMP Swansea: 395; HMP Usk/Prescoed: 523. Rates are calculated using average prison populations in the year ending December 2018.

42 From 8,417 in 2017 to 10,213 in 2018.

43 From 418 in 2017 to 342 in 2018. Table 3.15 – Safety Statistics in Custody update to December 2018. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/797077/safety-in-custody-assaults-dec-18.ods

44 From 72 in 2010 to 342 in 2018.

45 From 40 in 2017 to 202 in 2018.

- 2.33 The rate of recorded assaults on staff in Wales was highest at HMP Berwyn (18 incidents per 100 prisoners) in 2018. This is followed by HMP Cardiff (14 per 100), HMP Swansea (12 per 1000) and HMP Parc (12 per 100).⁴⁶
- 2.34 There were no assaults on prison staff recorded at HMP Usk/ Prescoed in 2018.
- 2.35 In 2018, there were a total of 140 prison disturbances in England and Wales. 102 were classified by the Ministry of Justice as 'active' disturbances and 38 as 'passive'.⁴⁷
- 2.36 13 prison disturbances were recorded in Welsh prisons in 2018.⁴⁸
- 2.37 All prison disturbances in Wales were recorded at HMP Parc. There were no disturbances recorded at HMP Berwyn, HMP Cardiff, HMP Swansea, or HMP Usk and Prescoed in 2018.
- 2.38 One in ten (10.8%) of all 'active' prison disturbances in England and Wales were recorded at HMP Parc in 2018.
- 2.39 Despite holding just 2% of the total prison population in England and Wales, 9.3% of all prison disturbances were recorded at HMP Parc in 2018.
- 2.40 The number of weapons discovered in Welsh prisons has increased significantly in recent years. In the year ending March 2019, there were 75 more incidents where weapons were found in Welsh prisons (excluding HMP Berwyn).

Figure 2.4 – The number of incidents where weapons were found in prison, years ending March 2017 to 2019⁴⁹

	2017	2018	2019
Berwyn	1	25	138
Cardiff	17	7	31
Parc ⁵⁰	112	110	171
Swansea	10	20	12
Usk / Prescoed	0	7	5
Total	140	169	357

Source: Ministry of Justice

- 2.41 HMP Berwyn (11) had the highest number of weapon finds in Wales per 100 prisoners in the year ending March 2019. HMP Parc (10 per 100) recorded the second highest rate followed by HMP Cardiff (4 per 100) and HMP Swansea (3 per 100).⁵¹

46 HMP Berwyn: 1,223; HMP Cardiff: 707; HMP Parc: 1,650; HMP Swansea: 395; HMP Usk/Prescoed: 523. Rates are calculated using average prison populations in the year ending December 2018.

47 Data obtained from the Ministry of Justice via the Freedom of Information Act 2000.

48 Disturbances or 'acts of concerted indiscipline' are defined by the Ministry of Justice as incidents "involving two or more prisoners acting against the requirements of the regime of the establishment, or presents a wider threat to the good order or discipline of the establishment."

49 Annual HM Prison and Probation Service digest: 2018 to 2019 (Chapter 9) – https://www.gov.uk/government/statistics/hmpps-annual-digest-2018-to-2019?utm_source=26e01582-6351-49fd-b97f-d50fe53cb541&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate

50 All data relating to 'Safety Statistics in Custody' at HMP Parc include incidents within the adult facility and the Young Persons' Unit. The Ministry of Justice has confirmed that they do not currently have a mechanism for "separating incidents involving under-18s from those involving adults" at the prison.'

51 HMP Berwyn: 1,200; HMP Cardiff: 700; HMP Parc: 1,631; HMP Swansea: 399; HMP Usk/Prescoed: 524. Rates are calculated using average prison populations in the year ending March 2019.

- 2.42 In his most recent annual report, the Chief Inspector of Prisons identified a “clear link” between rising prison violence and an increase in the use of illicit substances in England and Wales (HMIP, 2019a:11).
- 2.43 The number of drug finds in prison increased by 333% in England and Wales between the year ending March 2013 and March 2019.⁵²

Figure 2.5 – The number of incidents where drugs were found in prison, years ending March 2013 to 2019⁵³

	2013	2014	2015	2016	2017	2018	2019
Berwyn	-	-	-	-	1	46	197
Cardiff	21	37	67	137	111	151	360
Parc	92	79	169	275	333	383	475
Swansea	1	21	7	23	55	110	194
Usk / Prescoed	0	0	1	13	11	12	23
Total	114	137	244	448	511	702	1,249

Source: Ministry of Justice

- 2.44 While the number of prisoners held in Wales (excluding HMP Berwyn) has increased by 5% since 2013,⁵⁴ there was an 822% increase in the number of drug finds in Welsh prisons (excluding HMP Berwyn) during this period.⁵⁵
- 2.45 In Wales, there were a record 1,052 drug finds in Welsh prisons (excluding HMP Berwyn) in the year ending March 2019.
- 2.46 The number of drug finds in Wales (excluding HMP Berwyn) increased by 61% in the year ending March 2019.⁵⁶
- 2.47 The number of drug finds at HMP Berwyn increased by 328% in the year ending March 2019. The prison’s population increased by 67% during this period.⁵⁷
- 2.48 In the year ending March 2019, HMP Cardiff (51) had the highest number of drug finds in Wales per 100 prisoners. HMP Swansea (48 per 100) recorded the second highest rate followed by HMP Parc (29 per 100), HMP Berwyn (16 per 100) and HMP Usk/Prescoed (4 per 100).⁵⁸

52 From 4,225 in the year ending March 2013 to 18,435 in the year ending March 2019.

53 Annual HM Prison and Probation Service digest: 2018 to 2019 (Chapter 9) – https://www.gov.uk/government/statistics/hmpps-annual-digest-2018-to-2019?utm_source=26e01582-6351-49fd-b97f-d50fe53cb541&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate

54 From an average population of 3,114 in the year ending March 2013 to 3,254 in the year ending March 2019.

55 From 114 in 2013 to 1,052 in the year ending March 2019.

56 From 656 in the year ending March 2018 to 1,052 in the year ending March 2019.

57 HMP Berwyn’s population increased from an average of 723 prisoners in the year ending March 2018 to 1,210 in the year ending March 2019.

58 A HMP Berwyn: 1,200; HMP Cardiff: 700; HMP Parc: 1,631; HMP Swansea: 399; HMP Usk/Prescoed: 524. All rates are calculated using average prison populations in the year ending March 2019.

Figure 2.6 – The number of incidents where alcohol was found in prisons in Wales, years ending March 2017 to 2019⁵⁹

	2017	2018	2019
Berwyn	0	21	146
Cardiff	21	6	12
Parc	218	165	177
Swansea	16	14	9
Usk / Prescoed	6	1	6
Total	261	207	350

Source: Ministry of Justice

- 2.49 The number of alcohol finds in Welsh prisons (excluding HMP Berwyn) increased by 9% in the year ending March 2019.
- 2.50 Alcohol finds at HMP Berwyn rose by 595% at a time when its population increased by 67%.⁶⁰
- 2.51 HMP Berwyn (12 per 100 prisoners) recorded the highest rate of alcohol finds in Wales in the year ending March 2019. The second highest rate was at HMP Parc (10 per 100) followed by HMP Swansea (2 per 100), HMP Cardiff (1) and HMP Usk/Prescoed (1).⁶¹
- 2.52 In 2015, the UK Government announced that all closed prisons in England and Wales would become smoke free. This process was finally completed in July 2018.
- 2.53 All Welsh prisons have been smoke free since 2016. The Welsh Government's *Tobacco Control Delivery Plan* in 2017 reiterated its commitment to help Welsh prisoners remain smoke free upon their release from prison into the community (Welsh Government, 2017).

Figure 2.7 – The number of incidents where tobacco was found in prisons in Wales, years ending March 2018 to 2019⁶²

	2018	2019
Berwyn	20	61
Cardiff	52	77
Parc	54	63
Swansea	30	53
Usk / Prescoed	2	5
Total	158	259

Source: Ministry of Justice

59 Annual HM Prison and Probation Service digest: 2018 to 2019 (Chapter 9) – https://www.gov.uk/government/statistics/hmpps-annual-digest-2018-to-2019?utm_source=26e01582-6351-49fd-b97f-d50fe53cb541&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate

60 HMP Berwyn's population increased from an average of 723 prisoners in the year ending March 2018 to 1,210 in the year ending March 2019

61 HMP Berwyn: 1,200; HMP Cardiff: 700; HMP Parc: 1,631; HMP Swansea: 399; HMP Usk/Prescoed: 524. Rates are calculated using average prison populations in the year ending March 2019.

62 Annual HM Prison and Probation Service digest: 2018 to 2019 (Chapter 9) – https://www.gov.uk/government/statistics/hmpps-annual-digest-2018-to-2019?utm_source=26e01582-6351-49fd-b97f-d50fe53cb541&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate

- 2.54 The number of tobacco finds in Welsh prisons (excluding HMP Berwyn) increased by 43% in the year ending March 2019.⁶³
- 2.55 HMP Swansea (13 per 100 prisoners) recorded the highest rate of tobacco finds in Wales in the year ending March 2019. The second highest rate was at HMP Cardiff (11 per 100) followed by HMP Berwyn (5 per 100) and HMP Parc (3 per 100).⁶⁴

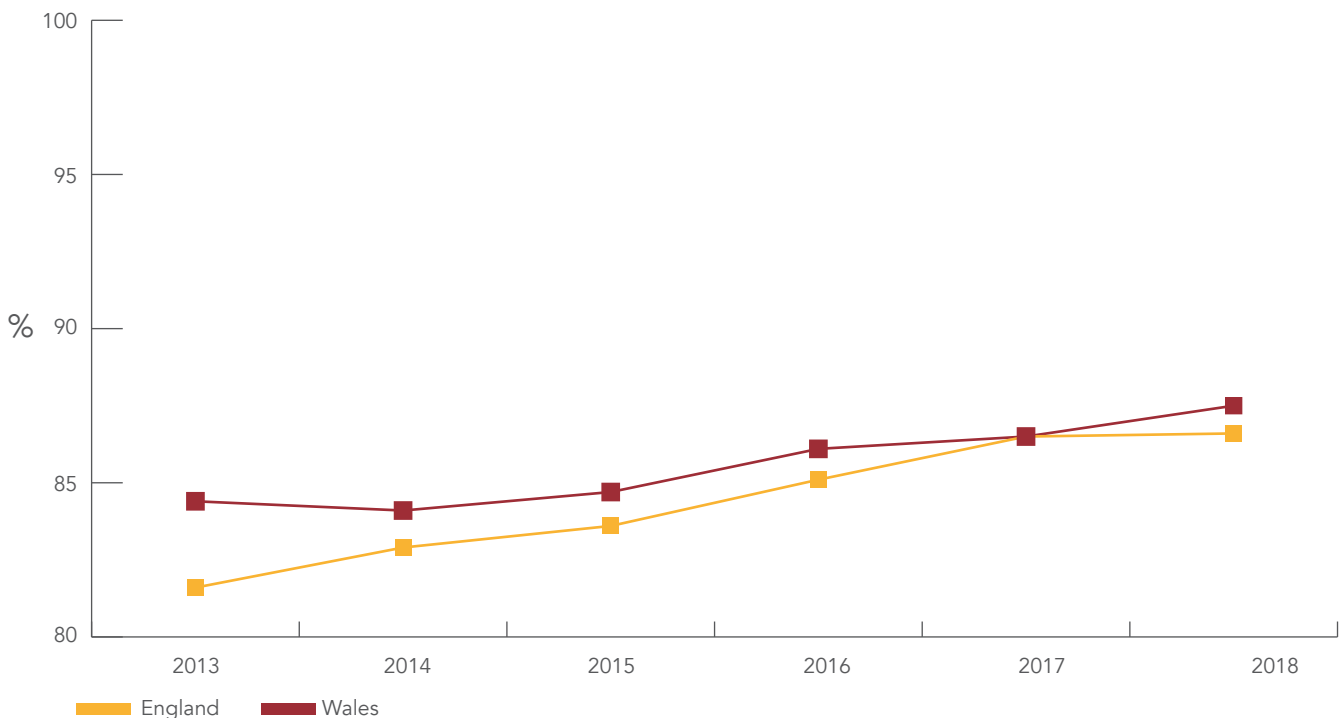
⁶³ From 138 in the year ending March 2018 to 198 in the year ending March 2019.

⁶⁴ HMP Berwyn: 1,200; HMP Cardiff: 700; HMP Parc: 1,631; HMP Swansea: 399; HMP Usk/Prescoed: 524. Rates are calculated using average prison populations in the year ending March 2019.

3. SENTENCING AND IMMEDIATE CUSTODY

- 3.1 The number of prosecutions in England and Wales has fallen by 6% since 2013.⁶⁵
- 3.2 While a similar reduction was recorded at courts in England (6.2%), the total number of prosecutions has fallen as a slower rate (2.6%) in Wales since 2013.⁶⁶
- 3.3 The number of convictions in England and Wales has also fallen. In total, there were 5,292 fewer convictions in 2018 compared to the level recorded in 2013.⁶⁷
- 3.4 In England, the number of convictions fell by 0.6% between 2013 and 2018. In Wales, however, the number of convictions increased by 1.1% during this period.⁶⁸
- 3.5 In total, there were 942 more convictions in Wales in 2018 than the number recorded in 2013.⁶⁹
- 3.6 The proportion of cases resulting in a conviction has been higher in Wales than in England in five of the last six years.⁷⁰

Figure 3.1 – Conviction rates in Wales and England, 2013 to 2018



Source: Ministry of Justice

65 Criminal Justice System statistics quarterly: December 2018. Principal offence proceedings and outcomes by Home Office offence code data tool. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/804510/HO-code-tool-principal-offence-2018.xlsx From 1,441,308 in 2013 to 1,354,766 in 2018.

66 England: From 1,336,728 in 2013 to 1,252,856 in 2018. Wales: From 104,580 in 2013 to 101,910 in 2018.

67 From 1,179,357 in 2013 to 1,174,065 in 2018.

68 England: From 1,091,103 in 2013 to 1,084,869 in 2018. Wales: From 88,254 in 2013 to 89,196 in 2018.

69 Criminal Justice System statistics quarterly: December 2018. Principal offence proceedings and outcomes by Home Office offence code data tool. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/804510/HO-code-tool-principal-offence-2018.xlsx

70 The conviction rate in Wales and England was 86.5% in 2017.

- 3.7 In 2018, the conviction rate in Wales was 87.5% compared to 86.6% in England.
- 3.8 The total number of immediate custodial sentences handed out in England and Wales has fallen since 2010.⁷¹
- 3.9 While the number of immediate custodial sentences in England has dropped by almost a quarter (23.6%) since 2010, the number has fallen at a much slower rate in Wales (2.7%).⁷²
- 3.10 194 fewer immediate custodial sentences were handed out at courts in Wales in 2018 than the previous year.⁷³
- 3.11 At the Magistrates' Court, the use of immediate custody decreased in Wales by 7.2% in 2018.⁷⁴
- 3.12 The custody rate at the Magistrates' Court in Wales fell from 4.41% in 2017 to 3.79% in 2018.
- 3.13 In England, the number of offenders sentenced to immediate custody at the Magistrates' Court was 10.6% lower in 2018 than the previous year.⁷⁵
- 3.14 The number of immediate custodial sentences handed out at the Crown Court in Wales increased by 1.9% in 2018. In England, immediate custodial sentences at the Crown Court fell by 7.8% in 2018.⁷⁶
- 3.15 The custody rate at the Crown Court in Wales increased to 64.7% in 2018 from 63.1% in 2017.
- 3.16 The custody rate was higher in Wales than in England at both the Magistrates' and Crown Court in 2018.
- 3.17 At the Magistrates' Court, 3.79% of all those convicted in Wales were handed an immediate custodial sentence compared with 3.39% in England.
- 3.18 The custody rate at the Crown Court was 64.7% in Wales and 59% in England in 2018.
- 3.19 In its *Female Offender Strategy*, published in June 2018, the Ministry of Justice outlined the need for "an entirely different approach" to the treatment of women in the criminal justice system (Ministry of Justice, 2018: 5). Drawing upon the findings from Baroness Corston's review in 2007, the Ministry of Justice identified the use of custodial sentences, especially short-term, as a major problem for women.

71 From 101,508 in 2010 to 78,836 in 2018.

72 England: From 95,244 in 2010 to 72,738 in 2018. Wales: From 6,264 in 2010 to 6,098 in 2018.

73 From 6,292 in 2017 to 6,098 in 2018.

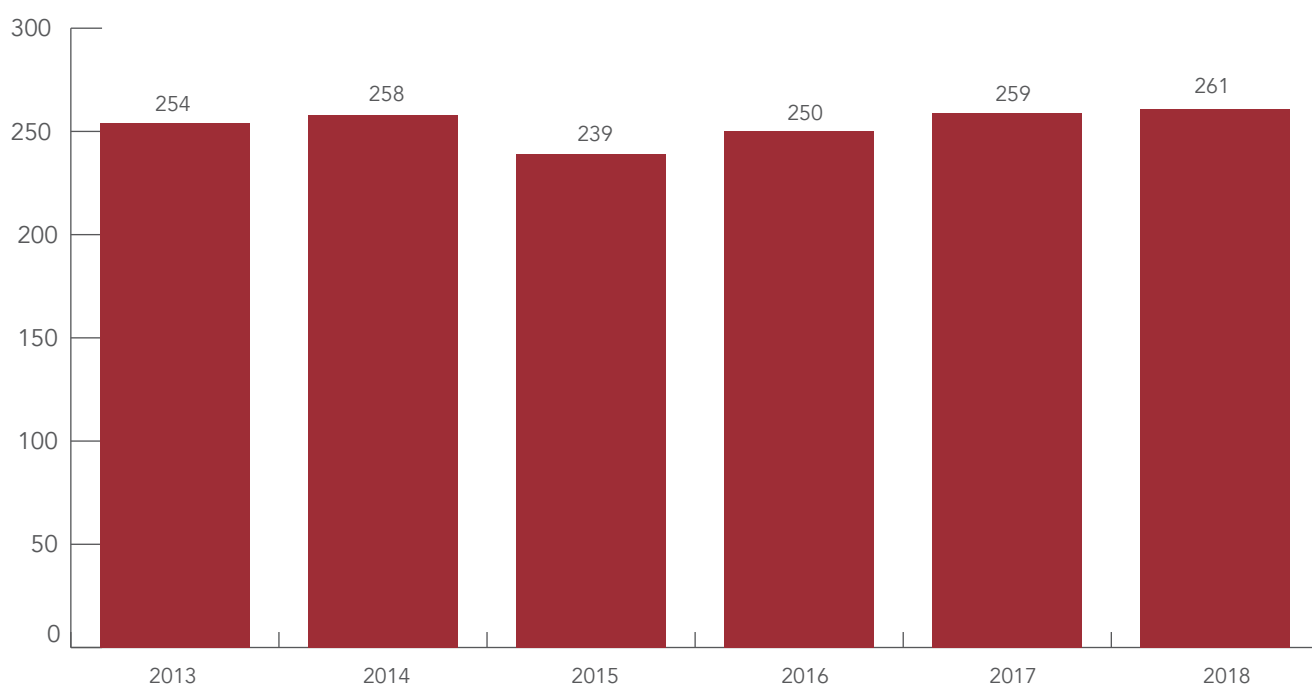
74 From 3,456 in 2017 to 3,208 in 2018.

75 From 38,613 in 2017 to 34,524 in 2018.

76 England: From 41,427 in 2017 to 38,214 in 2018. Wales: From 2,836 in 2017 to 2,890 in 2018.

- 3.20 Due to the fact that there are no women’s prisons in Wales, all Welsh female prisoners are held in prisons in England. This has led to a recognition of the “distinct set of issues” facing female prisoners from Wales including distances from home, family contact and links with community-based services (Rees et al, 2017; House of Commons Welsh Affairs Committee, 2007:19).
- 3.21 604 immediate custodial sentences were handed to female offenders in Wales in 2018. This compares to 619 in 2017.
- 3.22 In 2018, the average number of Welsh women in prison reached its highest level since the Wales Governance Centre began collecting Welsh-only data in 2013.
- 3.23 The number of immediate custodial sentences handed to women in Wales increased by 18% between 2010 and 2018.⁷⁷
- 3.24 Despite an increase in the use of immediate custody for women in Wales, the number of immediate custodial sentences handed to female offenders in England fell by almost a quarter (23.1%) between 2010 and 2018.⁷⁸
- 3.25 705 fewer immediate custodial sentences were handed to women sentenced at courts in England in 2018 than in 2017.⁷⁹

Figure 3.2 – The number of Welsh female prisoners, 2013 to 2018⁸⁰



Source: Ministry of Justice

⁷⁷ From 511 in 2010 to 604 in 2018.

⁷⁸ From 7,685 in 2010 to 5,913 in 2018.

⁷⁹ From 6,618 in 2017 to 5,913 in 2018.

⁸⁰ Data obtained from the Ministry of Justice via the Freedom of Information Act 2000.

- 3.26 The custody rate for women sentenced at the Magistrates' Court was higher in 2018 in Wales (1.59%) than England (1.53%).
- 3.27 Women convicted at the Crown Court were also more likely to be sentenced to immediate custody in Wales (43.4%) than in England (36.1%) in 2018.
- 3.28 The custody rate for women decreased at the Magistrates Court in Wales in 2018.⁸¹ At the Crown Court, however, the custody rate increased from 38.8% in 2017 to 43.3% in 2018.
- 3.29 Children charged with criminal offences are tried in either the Youth Court or Crown Court in England and Wales.
- 3.30 The Sentencing Council for England and Wales state that, subject to a number of exceptions, cases that involve children should be heard in the Youth Court.
- 3.31 On average, there were 26 Welsh children in prison in 2018.⁸²
- 3.32 In total, 51 immediate custodial sentences were handed to children in Wales in 2018.
- 3.33 The custody rate at the Youth Court was higher in England (4.85%) than in Wales (3.51%) in 2018.
- 3.34 At the Crown Court, a higher proportion of children received a custodial sentence in Wales (52.9%) than in England (51.1%) in 2018.
- 3.35 The custody rate for children sentenced at the Youth Court in Wales was lower in 2018 than the previous year.⁸³ The custody rate for children sentenced at the Crown Court increased in Wales from 51% in 2017 to 52.9% in 2018.
- 3.36 The number of children first entering the criminal justice system in Wales fell by 82% between 2010 and 2018.⁸⁴
- 3.37 Despite this reduction, the rate fell unevenly across different ethnic groups in Wales. While the number of White children first entering the criminal justice system in Wales fell by 85%, the number of Asian children declined by 63% and those from Black backgrounds fell by 23%.⁸⁵
- 3.38 The Ministry of Justice's (2017: 7) most recent *Race in the Criminal Justice System* report identified that non-White ethnic groups are "over-represented" in most stages of the criminal justice system in England and Wales. The findings showed that Black and Asian offenders receive longer custodial sentences and that Black and Mixed defendants are more likely to be remanded in custody in Crown Court for indictable offences (Ministry of Justice, 2017).

81 From 1.9% in 2017 to 1.59% in 2018.

82 Children are defined here as those aged under 18.

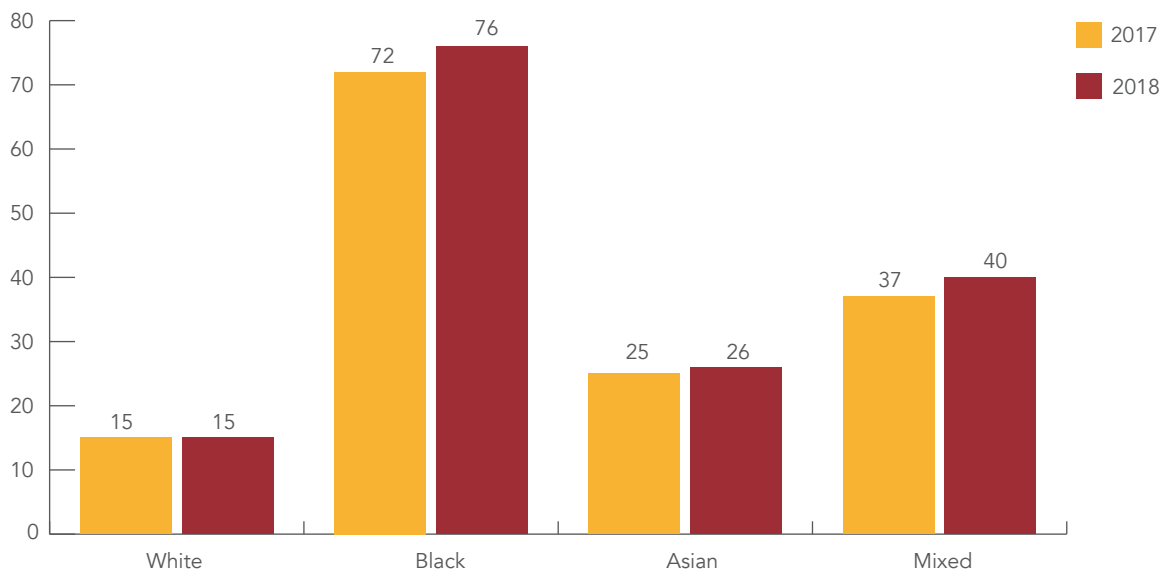
83 From 4.3% in 2017 to 3.51% in 2018.

84 From 2,998 in 2010 to 550 in 2018. Offending History Data Tool: Previous offence statistics. December 2018. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/802046/fte_pivot-tables-dec-2018.xls

85 White: From 2,842 in 2010 to 414 in 2018; Asian: From 32 in 2010 to 12 in 2018; Black: From 43 in 2010 to 33 in 2018.

- 3.39 The Lammy Review in 2017 concluded that people from minority ethnic backgrounds in England and Wales are drawn disproportionately into the criminal justice system. The review found that despite comprising just 12% of the population of England and Wales, BAME men and women make up 25% of its prison population (Lammy, 2017).
- 3.40 *Sentencing and Immediate Custody in Wales* found that individuals from non-White backgrounds in Wales were overrepresented in prison in 2017. Data from 2018 show that this trend has continued.
- 3.41 When analysed alongside Welsh population data drawn from the 2011 Census, Black people in Wales were 5 times over represented in prison in 2018. Asian prisoners were 1.7 times over represented and individuals from a Mixed ethnic group were 2.7 times overrepresented in prison.⁸⁶
- 3.42 The rate of imprisonment per 10,000 for Black, Asian and Mixed people from Wales increased in 2018.

Figure 3.3 – Rates of imprisonment per 10,000 people by ethnic group in Wales, 2017 and 2018⁸⁷



Source: Ministry of Justice & Office for National Statistics⁸⁸

- 3.43 The rate of imprisonment for Black, Asian and Mixed prisoners from Wales increased in 2018.

86 Data obtained from the Ministry of Justice via the Freedom of Information Act 2000. Prison population by ethnicity: White (4,238); Black (139); Asian (146); Mixed (126).

87 Rates per 10,000 were calculated using imprisonment data from 2018 and population data broken down by ethnicity from the 2011 Census. This is the most up-to-date information on ethnicity in England and Wales available. Due to an inconsistency in the recording of 'Chinese and other' by the Ministry of Justice and the 2011 Census, the 'Asian' category included here does not include those identified as 'Chinese' in the 2011 census.

88 Population by ethnicity: White (2,928,253); Black (18,276); Asian (56,490); Mixed (31,521). Prison population by ethnicity: White (4,238); Black (139); Asian (146); Mixed (126).

- 3.44 In 2018, there were 76 Black people from Wales in prison for every 10,000 of the population. This rate compared to just 15 White people per 10,000 of the population. There were 26 Asian people in prison per 10,000 and 40 people from a Mixed background per 10,000 in prison.
- 3.45 Research studies show that offence type is key to determining sentencing outcome. Analysis by Hopkins (2015: 7) showed that, amongst other variables, the type of offence provides a “strong predictor of imprisonment” with offenders convicted of violence against the person, sexual offences and robbery most likely to receive an immediate custodial sentence in England and Wales.
- 3.46 The breakdown of sentencing outcomes by offence type can also help to detect sentencing inconsistency. This approach is upheld by the view that offence type offers researchers a ‘like for like’ comparison when examining the custody rates and average custodial sentence lengths for offenders.
- 3.47 Outcomes by offence type have been compared in research on sentencing and ethnicity (Hood, 1992; Hopkins, 2015) as well as investigations into geographical variation in sentencing outcomes and immediate custody (Hedderman and Moxon, 1992; Mason et al, 2007).
- 3.48 Two-fifths of the Welsh prison population had either been convicted of violence against the person (23.5%) or sexual offences (19%) in 2018.

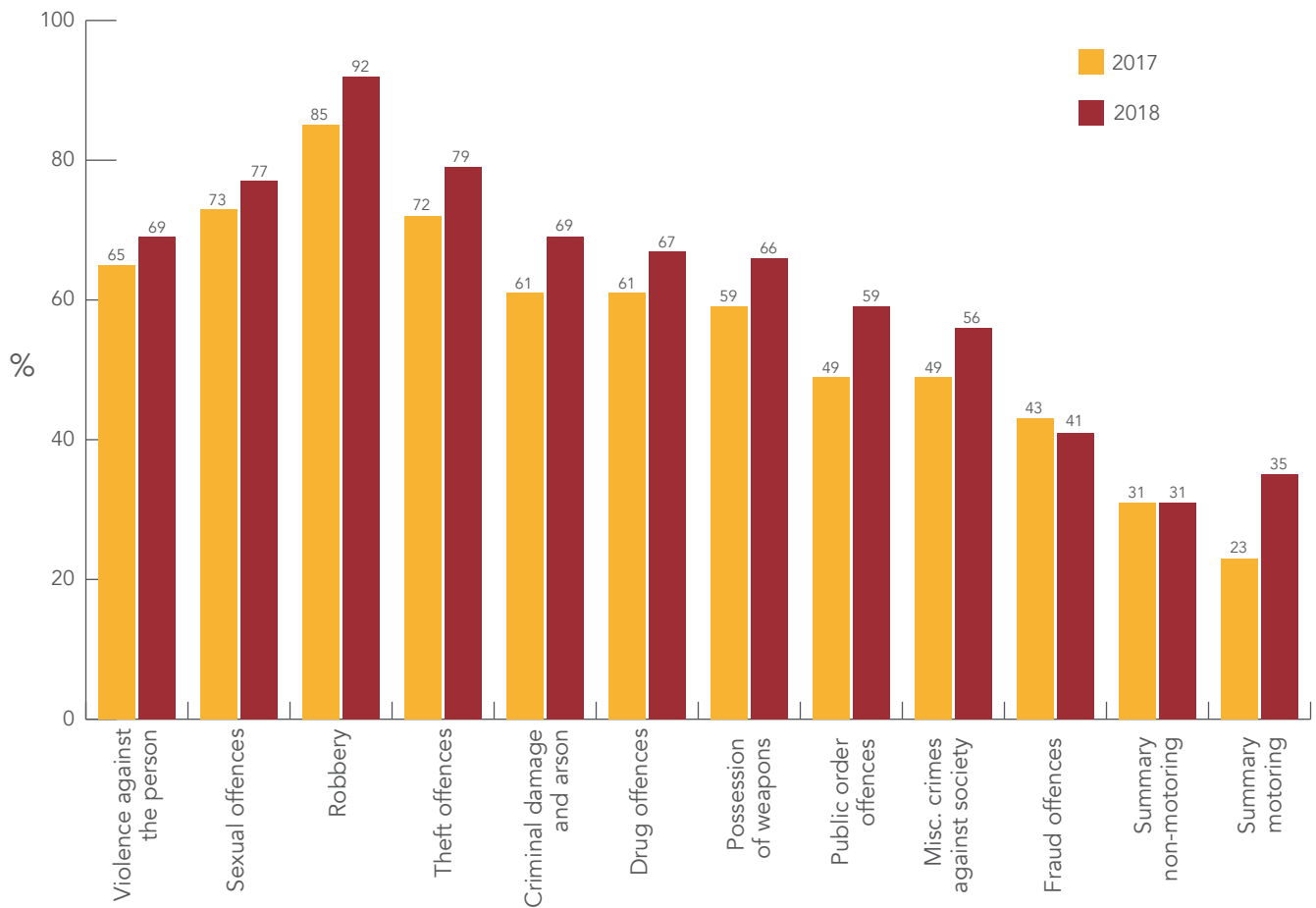
Figure 3.4 – Welsh people in prison by offence type in 2018

Offence Type	Count
Violence against the person	1,105
Sexual offences	895
Robbery	332
Theft Offences	657
Criminal damage and arson	91
Drug offences	776
Possession of weapons	145
Public order offences	86
Miscellaneous crimes against society	217
Fraud Offences	65
Summary Non-Motoring	296
Summary motoring	32
Offence not recorded	7
Total	4,704

Source: Ministry of Justice

3.49 One in six (16.5%) Welsh prisoners in 2018 had been convicted of drug offences.

Figure 3.5 – The average custody rate at Crown Courts in England and Wales by offence group in 2018

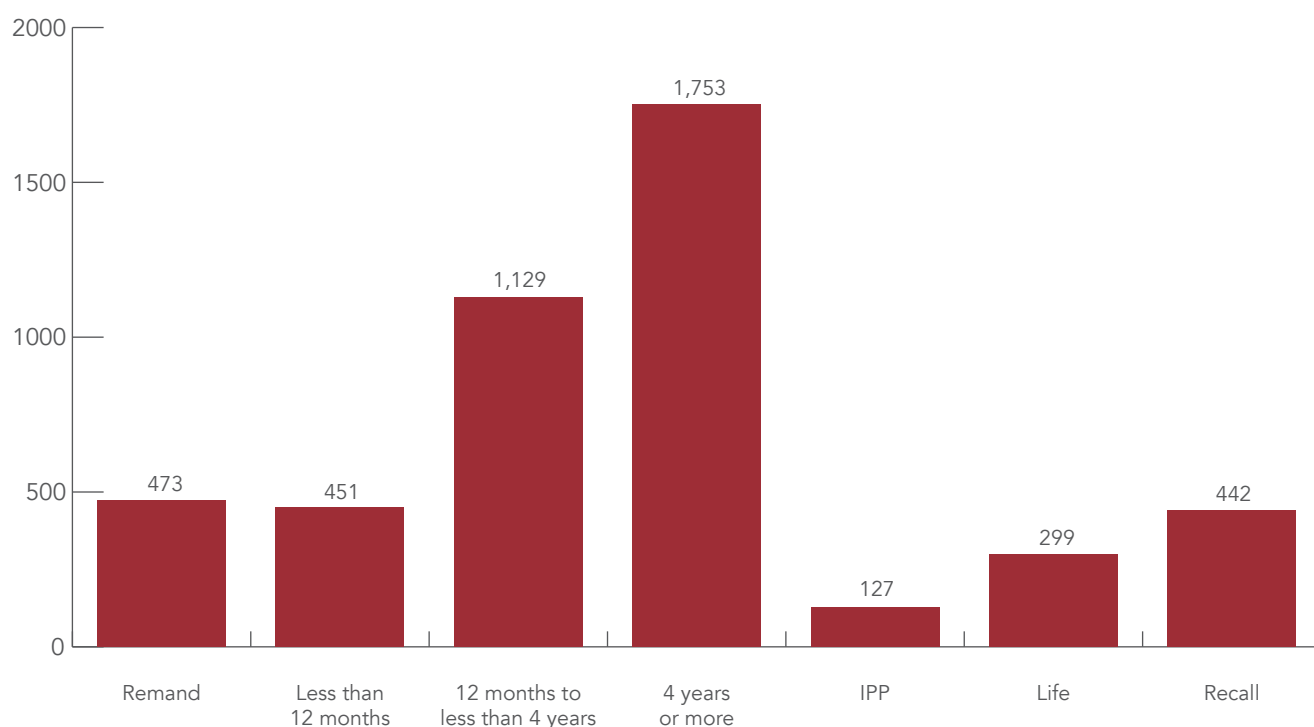


Source: Ministry of Justice

- 3.50 The average custody rate was higher at Magistrates' Courts in Wales in ten offence groups in 2018.
- 3.51 The average custody rates for sexual offences and fraud were higher at the Magistrates' Court in England in 2018.
- 3.52 The average custody rate was higher in Wales for ten offence groups at the Crown Court in 2018 (see Figure 3.5).
- 3.53 The average custody rate for those convicted of fraud offences was higher in English Crown Courts in 2018.
- 3.54 The custody rate for summary non-motoring offences was the same at Crown Courts in Wales and England in 2018.
- 3.55 An increase in the use of long-term sentences has been a major contributing factor in the rise of prisoner numbers in England and Wales. In 1993, 54% of the sentenced prison population were serving sentences of less than 4 years. By 2016, this rate had fallen to 34% of sentenced prisoners in England and Wales (Ministry of Justice, 2016).

- 3.56 The introduction of legislative and policy changes has been responsible for a rise in the number of long-term sentences. These changes include the introduction of indeterminate sentences for public protection and their replacement with extended determinate sentences in 2012. Further developments include changes in the minimum terms for offences such as murder as well as increases in the sentencing severity for offences such as the possession of weapons, sex offences, and motoring offences (Sentencing Council, 2018).
- 3.57 In 2018, 8.2% of all offenders sentenced to immediate custody in Wales were handed sentences of 4 years or more. This figure has increased from 6.5% in 2013.⁸⁹
- 3.58 In June 2019, the National Assembly’s Equality, Local Government and Communities Committee (2019) recommended that prisoners sentenced to less than 4 years in custody should be given the right to participate in Welsh elections.
- 3.59 37.3% of all Welsh prisoners were serving sentences of 4 years or more in 2018.⁹⁰

Figure 3.6 – Welsh people in prison by sentence length in 2018⁹¹



Source: Ministry of Justice

- 3.60 In 2018, 9.6% of all Welsh prisoners were serving sentences of less than 12 months. This figure has decreased from 11.4% in 2017.
- 3.61 9.4% of Welsh people were in prison having been recalled to custody and one in ten (10.1%) Welsh prisoners were being held on remand in 2018.

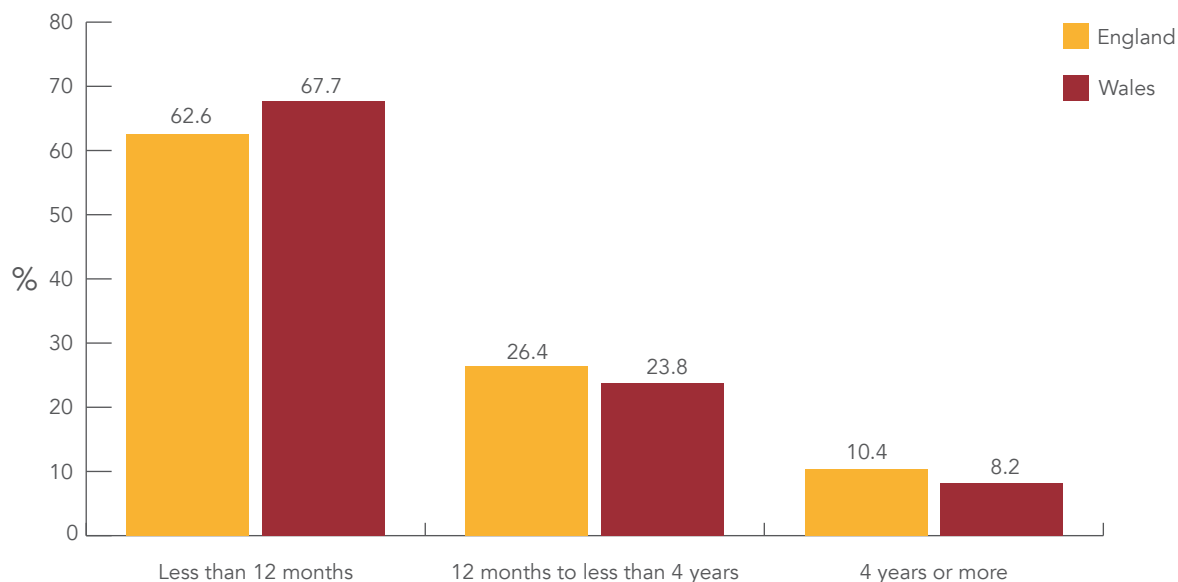
89 This does not include those sentenced to life imprisonment or those serving Imprisonment for Public Protection (IPP) sentences.

90 In 2017, 33.8% were serving sentences of 4 years or more.

91 Prisoners who are unconvicted (remand) are currently eligible to exercise their right to vote. 25 Welsh people in prison were sentenced for ‘non-criminal’ offences and 30 prisoners had an ‘unknown’ sentence length in 2018.

3.62 A higher number of sentences of less than 12 months were given out in Wales (67.7%) than England (62.6%) in 2018.

Figure 3.7 – The proportion of immediate custodial sentences in England and Wales by sentence length in 2018⁹²



Source: Ministry of Justice

3.63 A higher proportion of longer-term sentences (4 years or more) were handed out at courts in England (10.4%) than Wales (8.2%) in 2018.

3.64 The average custodial sentence length for all offences in England was 17.6 months in 2018. This compared to an average custodial sentence length of 14.5 months in Wales.

3.65 The average custodial sentence length in Wales has increased from 13.3 months in 2013 to 14.5 months in 2018.⁹³

3.66 19 people were sentenced to life imprisonment at courts in Wales in 2018.

3.67 One in five (22%) women sentenced to immediate custody in Wales in 2018 were handed sentences of one month or less.⁹⁴

3.68 69% of women handed immediate custodial sentences in Wales were sentenced to less than 6 months in custody in 2018. This compared to 54% of men.⁹⁵

92 The category '4 years or more' does not include those sentenced to life imprisonment or those serving Imprisonment for Public Protection (IPP) sentences.

93 Criminal Justice System statistics quarterly: December 2018. Principal offence proceedings and outcomes by Home Office offence code data tool. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/804510/HO-code-tool-principal-offence-2018.xlsx

94 134 women were sentenced to one month or less in custody in Wales in 2018.

95 414 women and 2,924 men were sentenced to less than six months in custody at courts in Wales in 2018.

CONCLUSION

This report provides an up-to-date account of sentencing and imprisonment in Wales. The data presented here indicate modest improvements in certain areas since 2017. These include a reduction in the number of prison assaults recorded in Wales as well as a decline in the number of Welsh people in prison. Overwhelmingly, however, the findings in this report reveal the persistence of a set of problems that include rising levels of prisoner homelessness, racial disproportionality, increasing custodial sentence lengths and a record number of self-harm incidents, drug finds and weapon discoveries in Welsh prisons. Prison population data also show that Wales continued to record a higher rate of imprisonment than England in 2018. When combined with probation caseload information, this report shows that proportionately more people in Wales than England are in prison or under probation supervision.

The arguments that emerge from this factfile once again underline the need for Welsh-only imprisonment data to be made more freely available by the Ministry of Justice. By returning to these issues, this report can contribute to ongoing and future discussions over the trajectory of penal policy in Wales. While this may include building upon the work that has already been carried out by the Welsh Government in this area (Welsh Government and Ministry of Justice, 2019a; 2019b), future debates may wish to adopt a more comparative approach by drawing upon evidence of international best practice. This is a subject that will be explored further within future Wales Governance Centre publications.

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