

Prisons in Wales

2022 Factfile

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Canolfan
Llywodraethiant Cymru

Wales Governance
Centre

Preface

About Us

The Wales Governance Centre is a research centre that forms part of Cardiff University's School of Law and Politics. The Centre undertakes 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. The Centre's work on criminal justice began in 2018 with the launch of the **Justice and Jurisdiction** project. The project was funded by a combination of the Economic and Social Research Council, the Welsh Government and Cardiff University and concluded in 2020. A total of 11 reports were produced throughout the project and the information gathered heavily informed **The Welsh Criminal Justice System: On the Jagged Edge**, which was published by University of Wales Press in October 2022.

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Contents

Executive Summary	4
Notes on Text	8
Introduction	11
1. Prison Population	14
Women	16
Ethnicity	22
Imprisonment Rates	27
Sentencing and Immediate Custody	34
2. Prisons in Wales	39
Population	40
Release and Homelessness	44
Safety in Custody	50
Conclusion	55
References	57

Executive Summary

This report provides an up-to-date account of prisons and imprisonment in Wales. The latest in a series of prison Factfiles which began in 2018, the report draws together information published by the Ministry of Justice as well as previously unseen data obtained via the Freedom of Information Act 2000. In seeking to contribute to a more detailed and informed discussion on imprisonment and criminal justice in Wales, this Factfile identifies a number of important issues and themes and once again underlines the need for Wales-only data to be made more freely available by the Ministry of Justice. Some of the key findings in this report are outlined below.

The Prison Population

- Having fallen in the years immediately following the Covid-19 pandemic, the Welsh prisoner population increased to 4,682 in 2022.
- Over a quarter (27 per cent) of Welsh prisoners were being held in English prisons in 2022.
- All Welsh female prisoners continue to be imprisoned in England with Welsh women held in 11 of the 12 women's prisons in England in December 2022.
- One in five (21 per cent) of all women sentenced to immediate custody at courts in Wales in 2022 were handed sentences of one month or less.
- A total of 1,533 immediate custodial sentences of one month or less have been handed to women sentenced at courts in Wales since 2010.

- Those belonging to a Black ethnic group in Wales were the most over-represented ethnic group in prison in 2022. Welsh individuals from a White ethnic background were the only group to be under-represented in prison.
- There were 53 Black people from Wales in prison for every 10,000 of the population in 2022. This rate compared to just 14 White people per 10,000 of the population.
- For every 10,000 Black people living in Wales, 90 were under probation supervision in 2022. This compared to a rate of 56 per 10,000 for individuals from a Mixed background, 44 for White and 35 for those from an Asian ethnic group.
- The Average Custodial Sentence Length (ACSL) in Wales between 2010 and 2022 was 8.5 months higher for Black defendants (25.4 months) than defendants from a White ethnic group (16.9 months).
- Wales has recorded a higher 'in-country' imprisonment rate than England in every year since 2019.
- As prisoner numbers continue to rise, the 'in-country' rate of imprisonment in Wales increased to 177 per 100,00 in September 2023. This compared to a rate of 146 per 100,000 in England.
- The 'in-country' imprisonment rate in Wales now far exceeds the level recorded in any other country in western Europe.
- Although prisoner numbers are currently rising across all parts of the UK, Wales comfortably boasts the highest UK imprisonment rate.

- Disaggregated data also show that Wales has recorded a higher ‘home address’ imprisonment rate than England in each year since 2013.
- Based on home address, there were 151 Welsh people per 100,000 of the Welsh population in prison in 2022. This compared to a rate of 134 English prisoners per 100,000 of the population.
- A significant challenge to emerge out of the Covid-19 pandemic has been the creation of a major backlog in criminal cases at the Crown Court. The court backlog led to a significant reduction in the number of individuals being sentenced at the Crown Court in Wales in 2022.
- While the number of immediate custodial sentences handed out in Wales fell by 24 per cent in 2022, the number handed out in England actually increased by four per cent.
- At HMP Cardiff, over half (52 per cent) of all prisoners were being held there on remand in 2022, compared with just under a third (31 per cent) of prisoners in 2019.
- While those held on remand comprised ten per cent of the Welsh prison population in 2019, the proportion of the Welsh prison population on remand had increased to 14 per cent in 2022.

Prisons in Wales

- The average number of people held in the Welsh prison estate surpassed 5,000 for the first time in 2022.

- The number of English prisoners held in Wales has increased by 155 per cent since HMP Berwyn opened in 2017.
- On average, 1,617 prisoners from England were being held in Wales in 2022. That is the equivalent population of HMP Parc (1,640)
- Six out of ten (62 per cent) prisoners held at HMP Berwyn at the end of December 2022 were from outside of Wales.
- Almost a third (31 per cent) of all prisoners who arrived at HMP Swansea in 2022 were homeless.
- The number of those managed by Welsh probation services who were rough sleeping following release from prison more than trebled in 2022/23.
- On average, four people a week were released from HMP Cardiff as homeless in 2022/23.
- There were 13 self-inflicted deaths in Welsh prisons between 2020 and 2022. The majority of these deaths took place at HMP Cardiff (8).
- Despite a reduction in the number of safety in custody incidents recorded since 2019, rising prisoner numbers in 2023 have prompted major concerns about the impact this will have on safety across the prison estate.
- The number of prisoner-on-prisoner assaults (80 per cent), assaults on staff (43 per cent), and self-harm incidents (23 per cent) in the Welsh prison estate were higher in the first six months of 2023 than in the first six months of 2022.

Notes on Text

Welsh and English prison population data were obtained from the Ministry of Justice using the Freedom of Information Act 2000. 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 states that around 97 per cent 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 three per cent of all offenders; these figures are excluded from the tables included in this report.

In response to requests for Welsh or English only data (based on home address), the Ministry of Justice stress 'that it is not possible to infer from an address in Wales that an individual considers themselves Welsh/English. HM Prison and Probation Service (HMPPS) cannot identify English and Welsh prisoners. Someone with an address, for example in London, may consider themselves to be Welsh, while someone with an address in Wales may not. UK nationals have a nationality of British. Therefore the data shown are not necessarily representative of those who identify as English or Welsh. The results are sorted by origin address (home address on reception into custody) and not nationality. English, Welsh, Scottish and Northern Irish are not captured on our database as separate nationalities'. The Ministry of Justice (2022a: 13) has previously used 'home address' data, however, as part of its case to support the construction of a new prison in the North West of England.

Prosecution, conviction, and sentencing data broken down by police force area are used in this report to analyse trends and outcomes at courts in Wales and England.

These data were gathered from the Ministry of Justice's Outcomes by Offence data tool (Pivot Table): December 2022. Although it is understood that not all people prosecuted, convicted, and sentenced at Welsh courts will be domiciled in Wales, there is an expectation that many people dealt with at courts in Wales will be domiciled in Wales (the same rule-of-thumb applies to England). Section 30 of the Courts Act 2003 directs that when individuals are 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 court's location for parties and witnesses involved in the case.²

The report presents data relating to the accommodation status of those managed by Welsh probation services upon their release from custody. Settled accommodation is defined here as 'accommodation that provides a permanent independent housing solution, supported Housing and long term residential healthcare'. According to the Ministry of Justice, rough sleeping refers to a situation where an individual 'does not have any accommodation they are entitled to occupy, or they have accommodation they are entitled to occupy but they cannot be reasonably expected to occupy it for any reason. The individual sleeps in open air (such as on the streets, in tents, doorways, parks, bus shelters or encampments) or in other places not designed for habitation

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>

(such as stairwells, barns, sheds, car parks, cars, derelict boats or stations)'. Full definitions for each of the categories included are available via the references provided at paragraph 2.24.

Introduction

The report of the Commission on Justice in Wales was a significant milestone for debates on Welsh criminal justice. The first review of its kind for over two hundred years, the Commission (2019: 10) produced a detailed and critical examination of the 'complex' constitutional arrangements governing the criminal justice system in Wales. Among its many findings and recommendations, the Commission 'unanimously' reached the rather sobering (yet unsurprising) conclusion that the people of Wales are being 'let down' by the Welsh justice system in its current form.

The Welsh Criminal Justice System: On the Jagged Edge, published by University of Wales Press in 2022, underlined and reiterated many of the Commission's findings. In seeking to chart the emergence of a distinct Welsh criminal justice system, Jones and Wyn Jones (2022) characterise a complex system best understood as constituted across a 'jagged edge' of intersecting responsibilities. Drawing upon in-depth interviews with those responsible for working across reserved and devolved competences, *The Welsh Criminal Justice System* uncovered a series of 'in principle' problems rooted in the highly anomalous constitutional underpinnings of the Welsh justice system (Jones and Wyn Jones, 2022).

While the deeply problematic nature of the constitutional arrangements governing the Welsh system remain key takeaways, a recurrent theme throughout the Commission on Justice in Wales' report and *The Welsh Criminal Justice System* is that the system in Wales is marred by poor outcomes. From drastic court closures, cuts to legal aid, the continuing use of short-term custodial sentences, clear evidence of racial disproportionality throughout all stages of the system, to table topping rates of imprisonment, the system in Wales one that boasts 'undeniably poor outcomes' (Jones and Wyn Jones, 2022: 171). The evidence pointing to these poor outcomes, however,

directs us towards another significant problem: the paucity of Wales-only criminal justice data.

For the best part of a decade, there have been growing calls to make disaggregated Wales-only criminal justice data more freely available (House of Commons, 2015; 2019a). While the Welsh Government (2022: 29) has claimed that improved access to data is 'crucial to assessing the performance' of the Welsh justice system, others have argued that poor access to data will continue to make 'meaningful scrutiny and accountability' of the Welsh system increasingly 'difficult' (Jones and Wyn Jones, 2022: 156). For its part, the Commission on Justice in Wales (2019: 427) was clear in its conclusion that the lack of available Wales-only data had 'inevitably contributed' to a 'major deficiency in Wales specific research' and our understanding of the Welsh system.

Despite the UK Government's numerous pledges to work towards making Wales-only data more freely available (e.g. Ministry of Justice, 2017; Welsh Affairs Committee, 2019b) – including the Parliamentary Under-Secretary of State for Justice's claim that the demand for Wales-only data 'is not an unreasonable request' (House of Commons Westminster Hall Debate, 29 November 2022) – many sources of data remain publicly inaccessible. At a time when there are growing calls for policing and criminal justice powers to be devolved to Wales (Commission on Justice in Wales, 2019; Welsh Government, 2022), the UK Government remain deeply reluctant to cede to the growing demands for Wales-only data.

This report is designed to help fill the void created by the UK Government. Adding to the series of *Factfile* reports which began in 2018, this latest report for 2022 provides up-to-date information on Welsh imprisonment rates, sentencing, safety in prison custody, prisoner homelessness, ethnicity, and women in prison. Drawing on data gathered through multiple requests via the Freedom of Information Act 2000, the

report makes key sources of previously unavailable data on prisons and imprisonment in Wales accessible to a wider audience, including service providers, politicians, civil society groups, academics, and officials in the Welsh Government and Senedd. By once again uncovering a series of deeply troubling outcomes, it is hoped that this latest report will further underline the need for politicians, policy makers, academics and government officials to engage on a more serious level with the current state of the Welsh criminal justice system and the complex constitutional arrangements that underpin it.

1 The Prison Population

- 1.1** The Covid-19 pandemic had a significant impact on the size and profile of the prison population in England and Wales. In the year ending December 2020, the number of prison receptions fell by 21 per cent (Ministry of Justice, 2021a), and the total prison population of England and Wales was six per cent lower in December 2020 than the level recorded the previous year (Ministry of Justice, 2021b).³
- 1.2** The Welsh prison population mirrored many of the trends observed at the England and Wales level throughout the Covid-19 pandemic. In 2020, the number of Welsh prisoners fell by three per cent (4,547) on the previous year, and the population fell further in 2021 (Ministry of Justice, 2023a).
- 1.3** In 2021, the Welsh prison population reached its lowest ever level (4,483) since the Wales Governance Centre began systematically gathering Welsh prison population data from the Ministry of Justice in 2013.
- 1.4** The easing of Covid-19 restrictions, however, has seen the prison population steadily rise in England and Wales. In the 12 months to December 2022, the total number of prisoners in England and Wales had increased by three per cent to 81,840 (Ministry of Justice, 2023b).
- 1.5** In 2022, the average Welsh prisoner population was 4,682. This represented a four per cent increase on the number recorded in 2021.

³ Prison receptions: From 18,043 in 2021 to 14,894 in 2022.

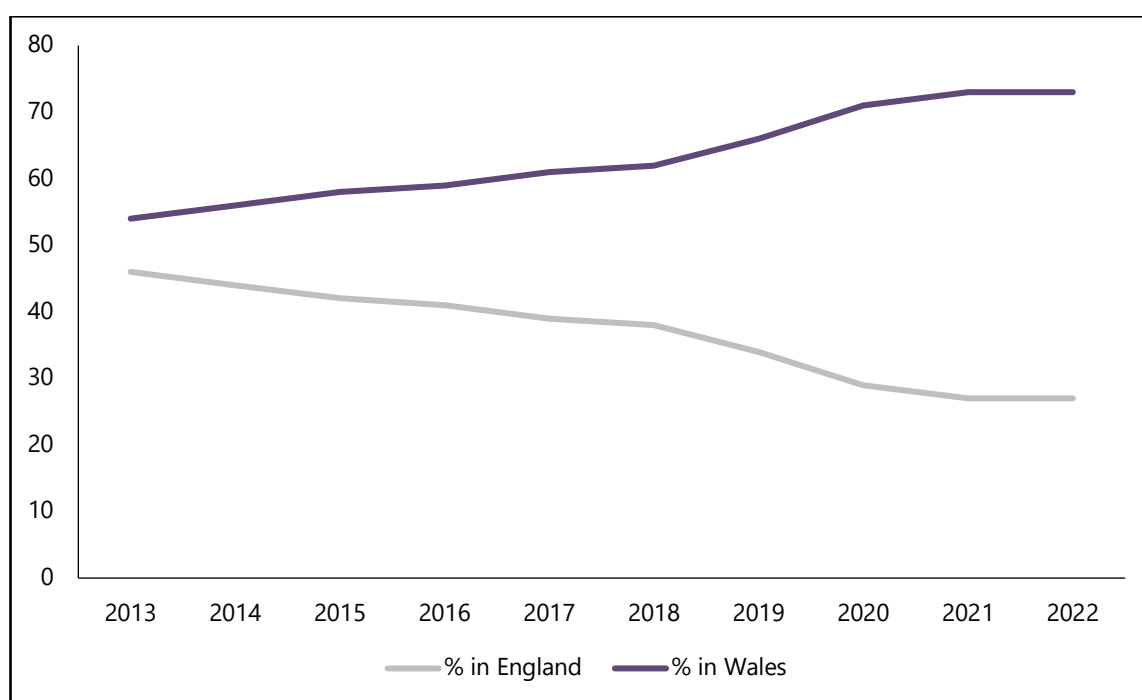
Prison population: From 82,868 in December 2019 to 80,366 in December 2020.

1.6 The number of English prisoners also increased in 2022, albeit at a slightly lower rate (three per cent) than the level recorded for Welsh prisoners (Ministry of Justice, 2023c).⁴

1.7 Although distances and dispersal continue to present a problem for thousands of Welsh prisoners (and their outside contacts) every year, the expansion of HMP Parc in 2015 and the opening of HMP Berwyn in 2017 has led to a significant increase in the number of Welsh prisoners being held in the Welsh prison estate over the last decade (see Figure 1.1).⁵

Figure 1.1

The percentage of Welsh prisoners being held in prisons in Wales and England



⁴ Welsh prisoners: From 4,483 in 2021 to 4,682 in 2022.

English prisoners: From 73,501 in 2021 to 75,664 in 2022.

⁵ The expansion of HMP Parc was announced in September 2013 (BBC News, 2013). The extension added 387 new prison places and was opened in January 2015.

- 1.8** The majority of Welsh people in the Welsh prison estate in 2022 were held at HMP Parc (38 per cent), followed by HMP Berwyn (20 per cent), HMP Cardiff (20 per cent), HMP Swansea (ten per cent), HMP Usk (seven per cent) and HMP Prescoed (five per cent).
- 1.9** Despite an expansion in prison capacity in recent years, a significant number of prisoners from Wales continue to be held in prison accommodation in England. In 2022, over a quarter (27 per cent) of Welsh prisoners were being held in English prisons.
- 1.10** Welsh people were being held in 100 prisons in England at the end of December 2022 (Ministry of Justice, 2023a).
- 1.11** Because there are no high security prisons in Wales, all Welsh category A prisoners are held in high security prisons in England. In 2022, there were 35 prisoners from Wales held as category A (Ministry of Justice, 2023d).

Women

- 1.12** A particular problem faced by Welsh female prisoners and their families arises from the nature of the prison estate on which they are held. As there are no women's prisons in Wales, all Welsh female prisoners are imprisoned in England.
- 1.13** The 'distinct set of issues' facing Welsh women, including distances from home, problems maintaining family contact, and links with community-based services (Rees et al, 2017; House of Commons Welsh Affairs Committee, 2007:19) has prompted the development of several initiatives and policies over the last decade. In May 2019, the Welsh Government and Ministry of Justice (2019: 1)

published a **Women's Justice Blueprint** to help deliver services that are 'distinct to Wales' and included a commitment to help reduce the number of Welsh women in the criminal justice system (Welsh Government and Ministry of Justice, 2019).⁶

1.14 The Welsh Government's (2022) **Delivering Justice for Wales** strategy reiterated its commitment to improving services for Welsh women and to diverting women away from the criminal justice system. This included recognition of the need to further develop the Women's Pathfinder Diversion Scheme and to 'embed good practice' and embolden 'radical change' across Wales (Welsh Government, 2022: 11, 105) .

1.15 However, despite repeated commitments to reduce the number of Welsh women in prison, legislation and policy initiatives introduced by the UK Government since 2019 look set to increase the number of people held in prison across England and Wales. In its **Prison Population Projections 2021 to 2026**, the Ministry of Justice predicted that prisoner numbers in England and Wales will rise to 98,500 by March 2026.⁷

1.16 As part of the projected increase, the UK Government anticipate that the number of adult female prisoners in England and Wales will rise by 36 per cent from 3,170 in July 2021 to 4,300 in March 2026. Based on disaggregated data from June 2021, this will see the number of Welsh women in prison increase from 227 to 308 (Ministry of Justice, 2023e).

⁶ The strategy was initially unveiled as the **Female Offending Blueprint for Wales**.

⁷ This represents an increase of more than 18,000 prisoners based on the level recorded in November 2021.

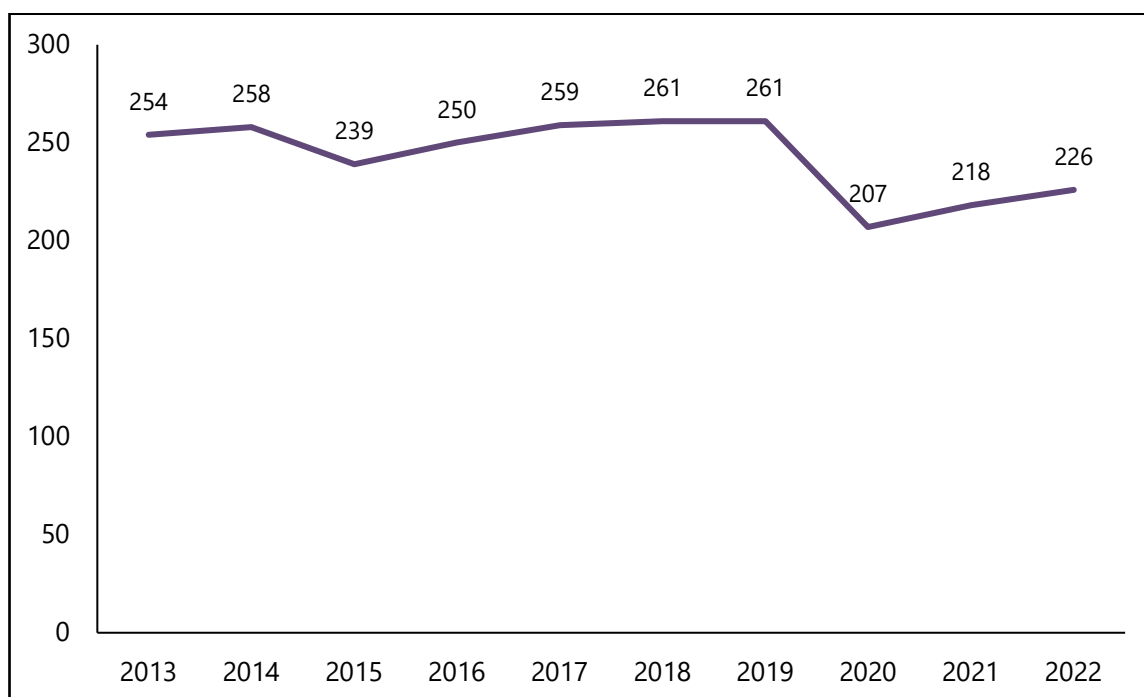
1.17 Although the number of Welsh women in prison has yet to return to its pre-pandemic level, the Welsh female prison population has steadily increased since declining by 21 per cent in 2020 (see Figure 1.2).

1.18 In 2022, there were 226 Welsh women in prison, compared with 218 Welsh female prisoners in 2021 (Ministry of Justice, 2023e).

1.19 In December 2022, Welsh female prisoners were being held in 11 of the 12 women’s prisons in England with over three-quarters (77 per cent) of Welsh women placed at HMP Eastwood Park in Gloucestershire (148) and HMP Styal in Cheshire (31).

Figure 1.2

The number of Welsh women in prison, 2013 to 2022



- 1.20** Analyses of sentencing data in Wales show that the number of Welsh women handed immediate custodial sentences in Wales fell in 2022. However, although the number of women sentenced to custody decreased by 20 per cent, the decline was lower than the rate recorded for men (25 per cent) in 2022.⁸
- 1.21** Previous research by the Wales Governance Centre has shown that women in Wales are more likely to be given shorter custodial sentences than men (Jones, 2019a; 2020). The frequent use of short-term sentences often brings considerable ‘chaos and disruption’ to the lives of women and their families (Corston, 2007: i), with women sentenced to short-term custodial sentences more likely to re-offend than those sentenced to a court order (Hillier and Mews, 2018).
- 1.22** Almost three-quarters (74 per cent) of all women sentenced to immediate custody in Wales were handed sentences of 12 months or less in 2022. This compared to 69 per cent of men sentenced to custody in Wales in 2022.⁹
- 1.23** Between 2010 and 2022, almost a quarter (23 per cent) of all women sentenced to immediate custody in Wales were handed sentences of one month or less (Ministry of Justice, 2023g).
- 1.24** In 2022, one in five (21 per cent) of all women sentenced to immediate custody in Wales were handed sentences of one month or less. This compared to 12 per cent of men sentenced to immediate custody for similarly short periods in 2022.¹⁰

⁸ Women: From 361 in 2021 to 289 in 2022.

Men: From 4,345 in 2021 to 3,265 in 2022.

⁹ 214 sentences of 12 months or less were handed to women in 2022.

¹⁰ There were 396 sentences of one month or less handed to men in 2022.

- 1.25** A total of 1,533 immediate custodial sentences of one month or less have been handed out to women sentenced at courts in Wales since 2010 (Ministry of Justice, 2023g).
- 1.26** In its 2018 *Female Offender Strategy*, the Ministry of Justice (2018: 15) underlined the need for ‘an entirely different approach’ to the treatment of women in the criminal justice system. The strategy included a commitment to establishing five Residential Women’s Centres across England and Wales to help ‘see fewer women in custody’ and to enhance support services in the community (Ministry of Justice, 2018: 8).
- 1.27** In May 2020, the UK Justice Minister, Lucy Frazer QC, announced that the very first Residential Women’s Centre would be sited in Wales. The Ministry of Justice confirmed in August 2023 that the Residential Women’s Centre will be located at a site in Swansea after it successfully appealed Swansea Council’s decision to reject its planning application for the Centre in September 2022.
- 1.28** Unveiled as an ‘alternative’ to imprisonment for women convicted of ‘low-level offences’ (Ministry of Justice, 2020), according to HM Prison and Probation Service (HMPPS) (2022) the centre will have capacity for 12 women who are from the ‘local community or surrounding areas’ and ‘have been given a community sentence which includes a requirement to reside at the Residential Women’s Centre’.
- 1.29** However, despite the UK Government’s claims that the Residential Women’s Centre will provide vital services to women and offer an ‘alternative’ to imprisonment, widespread concerns have already been raised about what the Howard League for Penal Reform (2022: 2) have described as an ‘unevidenced experiment in wholly new residential provision’.

- 1.30** In response to the Senedd Cymru's Equality and Social Justice Committee's inquiry, *Women's experiences in the criminal justice system*, the Nelson Trust expressed deep concern over the requirement placed upon women to be resident at the Residential Women's Centre. Unlike other women's centres across England and Wales, fears have been raised that the residential aspect of the centre will simply 'replicate the harms of short-term prison sentences' (Nelson Trust, 2022:3). The Prison Reform Trust (2022: 2) have shared similar concerns about the Residential Women's Centre becoming a prison 'in all but name'.
- 1.31** One of the principal objections to the Residential Women's Centre is that, unlike other residential centres across England and Wales, the facility will be managed and run by the probation service. Under the auspices of HMPPS in Wales, there are credible and justifiable concerns that the Residential Women's Centre will simply act as a route into custody, rather than a route away from prison (see Carlen, 2002; Moore et al, 2018).
- 1.32** At the heart of these concerns is that the use of recall by probation services across England and Wales has increasingly become a route (back) into custody in recent years (Ministry of Justice, 2023b). To compound these fears, disaggregated data show that the use of recall is disproportionately higher in Wales.
- 1.33** Between 2017 and 2021, a total of 534 women were recalled to custody in Wales for breach of post-release licence, excluding those returned to custody in connection with having been charged with a further offence (Ministry of Justice, 2022b). This figure amounts to eight per cent of all women recalled to prison across the whole of England and Wales, even though those managed by the

Welsh probation services comprise just six per cent of the total probation caseload in England and Wales (Ministry of Justice, 2023f).

- 1.34** One of the main arguments offered in support of the Residential Women's Centre is that it will divert women who might ordinarily receive short-term custodial sentences away from prison. These plans, however, are likely to do little for the increasing number of women in Wales who are being handed longer-term prison sentences.
- 1.35** Since 2010, the average custodial sentence length for women sentenced in Wales has increased from 7.4 months (2010) to 13.5 months (2022). While just 1.8 per cent of women sentenced to immediate custody in 2010 received a sentence of four years or more, 8.3 per cent of women were handed sentences of four years or more in 2022 (Ministry of Justice, 2023g).
- 1.36** With more women being sentenced to prison for longer in Wales, questions remain over what benefits, if any, the Residential Women's Centre will bring to women in Wales.

Ethnicity

- 1.37** The Ministry of Justice's 2021 report, *Ethnicity and the Criminal Justice System 2020*, identified that minority ethnic groups are 'over-represented' within most stages of the criminal justice system in England and Wales (Ministry of Justice, 2021: 3). The findings showed that minority ethnic groups are more likely to be stopped and searched by police, arrested, and that a larger proportion of Black, Asian, and Mixed defendants are remanded in custody for indictable offences when compared to White defendants at the Crown Court (Ministry of Justice, 2021).

- 1.38** 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 per cent of the population of England and Wales, Black, Asian, and Minority Ethnic (BAME) men and women make up 25 per cent of its prison population (Lammy, 2017).
- 1.39** While criminal justice is reserved to the UK Government, the Welsh Government has a clear set of responsibilities for promoting fairness and tackling all forms of discrimination in Wales. In July 2022, the Welsh Government published its Anti-Racist Wales Action Plan which includes a chapter dedicated to crime and justice. The plan sets out the Welsh Government's (2022: 14) commitment to tackling inequality and racial disproportionality in Wales by creating 'an anti-racist criminal justice system'.
- 1.40** Previous research by the Wales Governance Centre has evidenced the prevalence and extent of racial disproportionality within the Welsh criminal justice system. *Sentencing and Imprisonment in Wales* (Jones, 2019a), *Sentencing and Immediate Custody in Wales* (Jones, 2019b) and the *Welsh Criminal Justice System: On the Jagged Edge* (Jones and Wyn Jones, 2022) found that individuals from non-White backgrounds in Wales were over-represented in almost all stages of the criminal justice system. The latest data show that these trends have continued in 2022.
- 1.41** When analysed alongside Welsh population data drawn from the 2021 Census, Black individuals in Wales were the most over-represented ethnic group in prison in 2022, followed by those from a Mixed background and individuals belonging to an Asian ethnic group (see Figure 1.3) (Ministry of Justice, 2023h; Office for National Statistics, 2022a).

1.42 Welsh individuals from a White ethnic background were the only group to be (marginally) under-represented in prison in 2022.¹¹

Figure 1.3

The percentage of English and Welsh people in the general population and in prison by ethnic group in 2022¹²

Ethnic Group	Prisoners	% of Prison population	% of General population	Rate of Representation in Prison
England				
White	53,667	70.9	81.1	0.9
Black	9,914	13.1	4.2	3.1
Asian	6,181	8.2	8.8	0.9
Mixed	3,800	5	3	1.7
Wales				
White	4,163	88.9	93.8	1
Black	146	3.1	0.9	3.4
Asian	149	3.2	2.4	1.3
Mixed	141	3	1.5	2

1.43 English prisoners from a Black and Mixed ethnic group were also over-represented in prison in 2022. The level of over-representation for each of these groups, however, was higher in Wales than it was in England in 2022 (see Figure 1.3) (Ministry of Justice, 2023j; Office for National Statistics, 2022a).

¹¹ The rate of representation was 0.95 before being rounded to one decimal place.

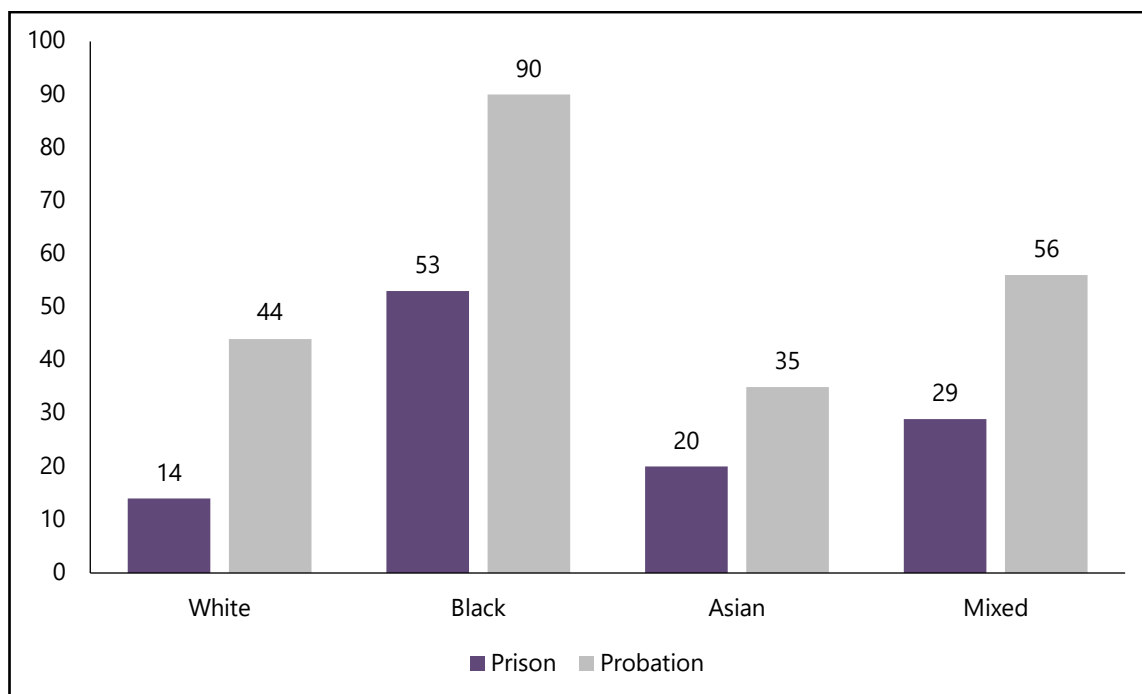
¹² The 'Asian' category included here does not include those identified as 'Chinese' in the 2021 census or within the Ministry of Justice's prison population statistics. Population by ethnicity (2021 census): White (2,915,849); Black (27,554); Asian (74,574); Mixed (45,598).

1.44 There were 53 Black people from Wales in prison for every 10,000 of the population in 2022. This rate compared to just 14 White people per 10,000 of the population. There were 20 Asian people in prison per 10,000 and 29 people from a Mixed background per 10,000 in prison in 2022 (see Figure 1.4).

1.45 Data obtained from the Ministry of Justice also show that people from Black and Mixed ethnic groups were over-represented among the probation population in Wales. While White and Asian individuals were under-represented, people from a Black and Mixed ethnic group were over-represented in 2022 (Ministry of Justice, 2023j).

Figure 1.4

Rates of imprisonment and probation supervision per 10,000 people by ethnic group in Wales in 2022



1.46 For every 10,000 Black people living in Wales, 90 were under probation supervision in 2022. This compared to a rate of 56 per 10,000 for individuals

from a Mixed background, 44 for White and 35 for those from an Asian ethnic group.

- 1.47** Research has also shown that individuals from minority ethnic groups are more likely to receive longer custodial sentences. The Ministry of Justice's (2021) *Ethnicity and the Criminal Justice System 2020* showed that Asian, Black, and Mixed defendants in England and Wales receive longer custodial sentences than White defendants sentenced for indictable offences.
- 1.48** In Wales, the Average Custodial Sentence Length (ACSL) between 2010 and 2022 was 8.5 months higher for Black defendants (25.4 months) than defendants from a White ethnic group (16.9 months) (Ministry of Justice, 2023g).
- 1.49** While the ACSL has been higher in Wales for Black, Asian, and Mixed defendants in every year since 2010, 2020 was the very first time that the ACSL for White defendants surpassed the level for all other groups in Wales. One possible explanation for this lies in the significant reduction in the number of those sentenced at the Crown Court in Wales in 2022 (see 1.79).
- 1.50** Individuals from a minority ethnic background are also more likely to serve a higher proportion of their determinate sentences in prison than White prisoners. *Prison, Probation and Sentencing in Wales* showed that between 2015 and 2018, Mixed prisoners from Wales (63 per cent) served a higher proportion of their determinate sentences in prison, followed by Black (61 per cent), White (57 per cent) and Asian (57 per cent) prisoners (Jones, 2020).¹³

¹³ We are currently awaiting a response from the Ministry of Justice for Freedom of Information request for data from 2020 to 2022.

Imprisonment Rates

- 1.51** In December 2021, The Institute for Criminal Policy Research published the thirteenth edition of the World Prison Population List. First produced by the Home Office in 1999, the most recent report provides a breakdown of imprisonment rates for 223 prison systems worldwide using a calculation based on the number of people held in prison in national borders. Since it was first published in 1999, England and Wales has recorded the highest rate of imprisonment in Western Europe in seven of the thirteen World Prison Population Lists.
- 1.52** On average, there were 80,798 people in prison on any given day in England and Wales in 2022 (Ministry of Justice, 2023b). Taking all thirteen published World Prison Population Lists together, England and Wales has recorded the highest average prison population rate (140 per 100,000) in western Europe since 1999.
- 1.53** With a combined population of 59,597,300, the England and Wales imprisonment rate was 136 prisoners per 100,000 population in 2022 (Office for National Statistics, 2022b).¹⁴
- 1.54** There were 75,858 people held in 113 English prisons in 2022 (Ministry of Justice, 2023m). Based on the 'in-country' method used in the World Prison Population List, England's rate of imprisonment was 134 per 100,000 in 2022.
- 1.55** On average, 5,069 people were held in Welsh prisons in 2022 (Ministry of Justice, 2023m). Based upon the number of prisoners held in the Welsh prison

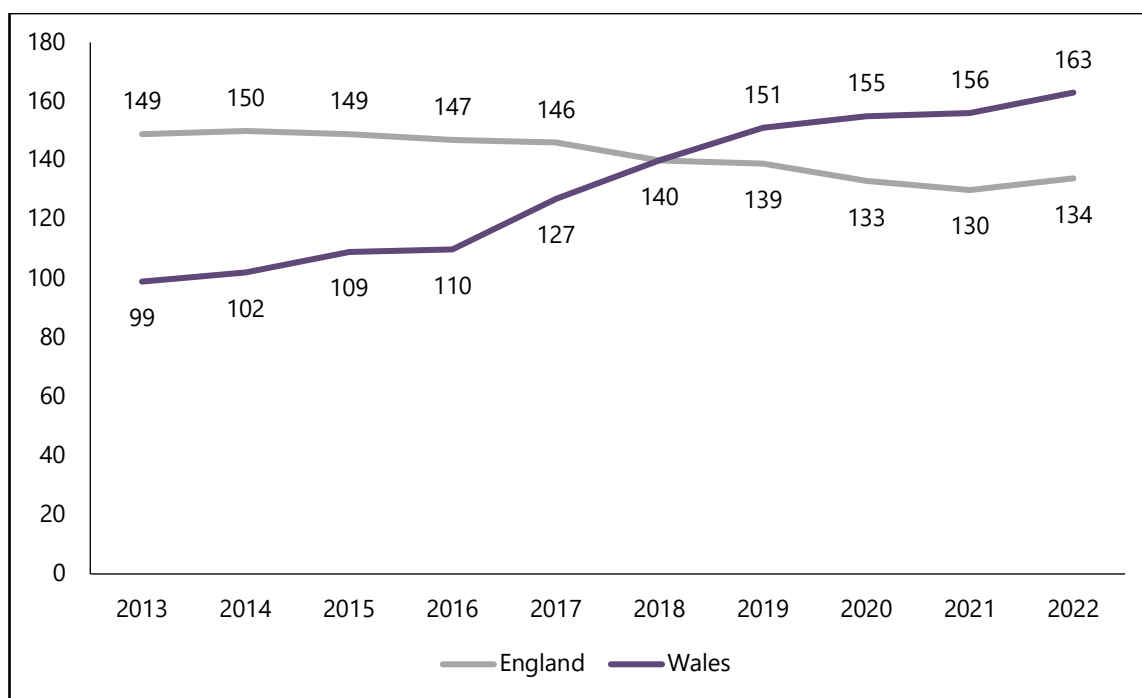
¹⁴ England: 56,489,800
Wales: 3,107,500

estate, Wales had an 'in-country' imprisonment rate of 163 prisoners per 100,000 in 2022.

1.56 Wales has now recorded a higher 'in-country' imprisonment rate than England every year since 2019 (see Figure 1.5).

Figure 1.5

Prison population rates per 100,000 in England and Wales using 'in-country' method, 2013 to 2022¹⁵



1.57 The Ministry of Justice's (2021d) Prisons Strategy White Paper re-outlined the UK Government's commitment to expanding prison capacity in England and Wales. Through its Four New Prisons Programme, the Ministry of Justice (2022c: 2) plans to create 'at least' 6,240 additional prison places across four sites in England, with sites already identified at Full Sutton (East Riding of Yorkshire)

¹⁵ The population data used here are from multiple years (Office for National Statistics, 2022d).

and Chorley (Lancashire) (Jones et al. 2022). While this policy will undoubtedly result in an increase in England's 'in-country' prison population, the country's imprisonment rate will remain below that of Wales now that HMP Berwyn is reaching its full operational capacity.

1.58 In September 2023, the number of prisoners held at HMP Berwyn (1,998) had almost surpassed 2,000 for the very first time (Ministry of Justice, 2023I).

1.59 The 'in-country' rate of imprisonment in Wales had increased to 177 per 100,00 in September 2023. This compared to a rate of 146 per 100,000 in England.¹⁶

1.60 While Scotland recorded the highest imprisonment rate (137 per 100,000) in western Europe in the most recent World Prison Population List (Fair and Walmsley, 2021), the imprisonment rate in Wales now far exceeds the level recorded in any other country in western Europe.

1.61 Although prisoner numbers are rising across all parts of the UK, data from September 2023 show that Wales comfortably boasts the highest UK imprisonment rate (177 per 100,000), followed by England (146), Scotland (146) and Northern Ireland (100) (Northern Ireland Prison Service, 2023; Northern Ireland Statistics and Research Agency, 2023; Scotland's Census, 2023; Scottish Prison Service, 2023).¹⁷

¹⁶ England: Population - 56,489,800; Prisoner population – 82,282.

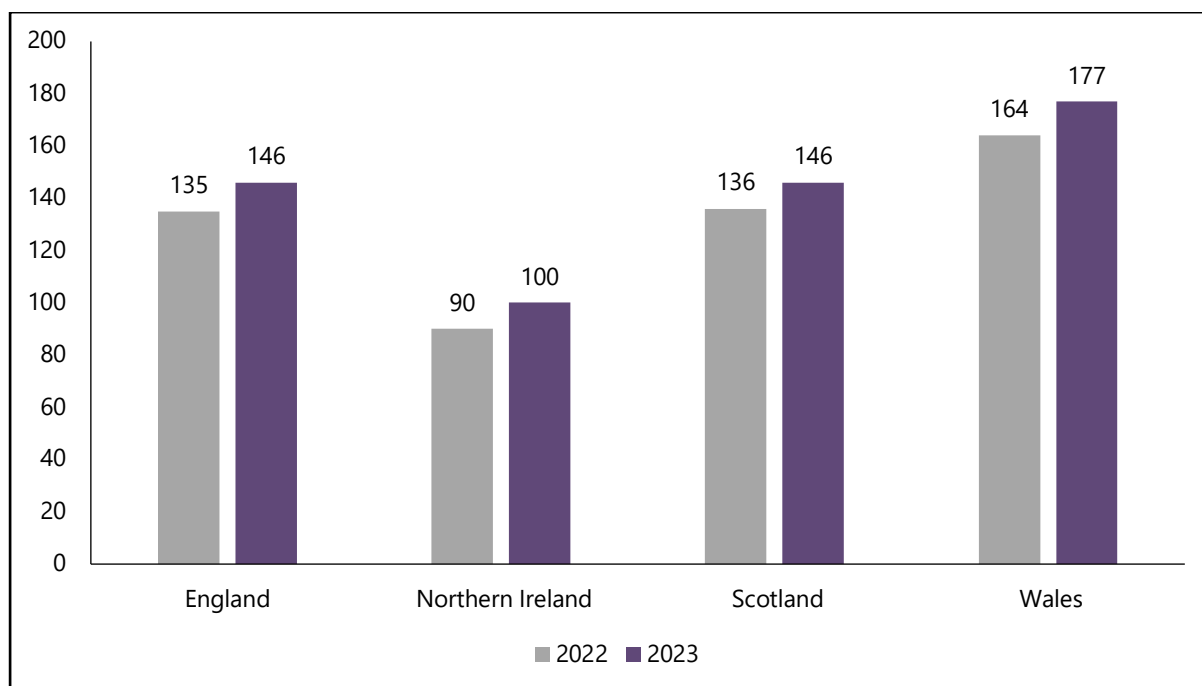
Wales: Population – 3,107,500 ; Prisoner population – 5,511.

¹⁷ Scotland: Population – 5,436,600; Prisoner population – 7,938.

Northern Ireland: Population – 1,903,175; Prisoner population – 1,909.

Figure 1.6

Prison population rates per 100,000 in the United Kingdom (UK) using 'in-country' method, September 2022 and September 2023¹⁸



1.62 The Wales Governance Centre’s *Sentencing and Immediate Custody in Wales* (2019) 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 80,346 people in prison with a home address in either England or Wales in 2022 (Ministry of Justice, 2023a; 2023c).¹⁹

1.63 ‘Home address’ data show that Wales has recorded a higher rate of imprisonment than England in every year since 2013 (see Figure 1.7).

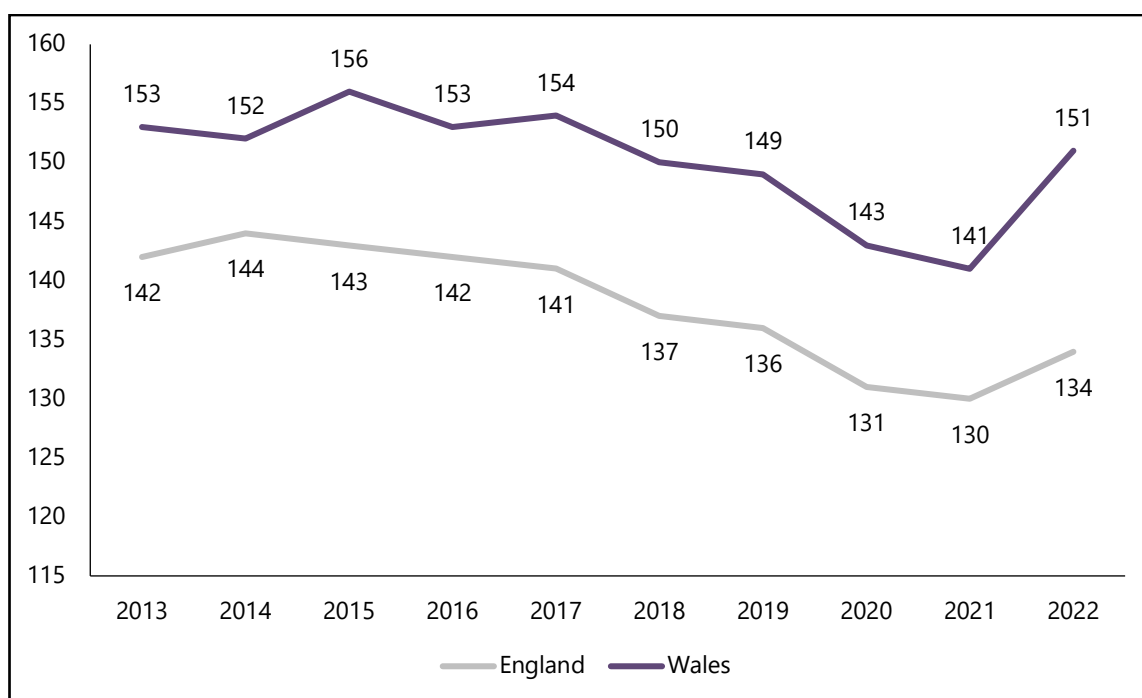
¹⁸ Prison population data for September 2022: England – 76,215; Northern Ireland: 1,709; Scotland: 7,390; Wales: 5,094.

¹⁹ Those excluded from the total number include individuals with a recorded home addresses outside of England and Wales or with no recorded home address.

1.64 In 2022, there were 151 Welsh prisoners per 100,000 of the Welsh population. This compared to a rate of 134 English prisoners per 100,000 of the population of England.²⁰

Figure 1.7

Prison population rates per 100,000 in England and Wales using 'home address', 2013 to 2022²¹



1.65 The general Welsh population would need to increase by 400,000 to bring the Welsh imprisonment rate in line with England's in 2022. Alternatively, the English prisoner total recorded in 2022 would need to rise by 9,500 (13 per cent) to achieve an imprisonment rate equal to Wales.

²⁰ English prisoners (based on home address): 75,664.

Welsh prisoners (based on home address): 4,682.

²¹ The population data used here are from multiple years (Office for National Statistics, 2022d).

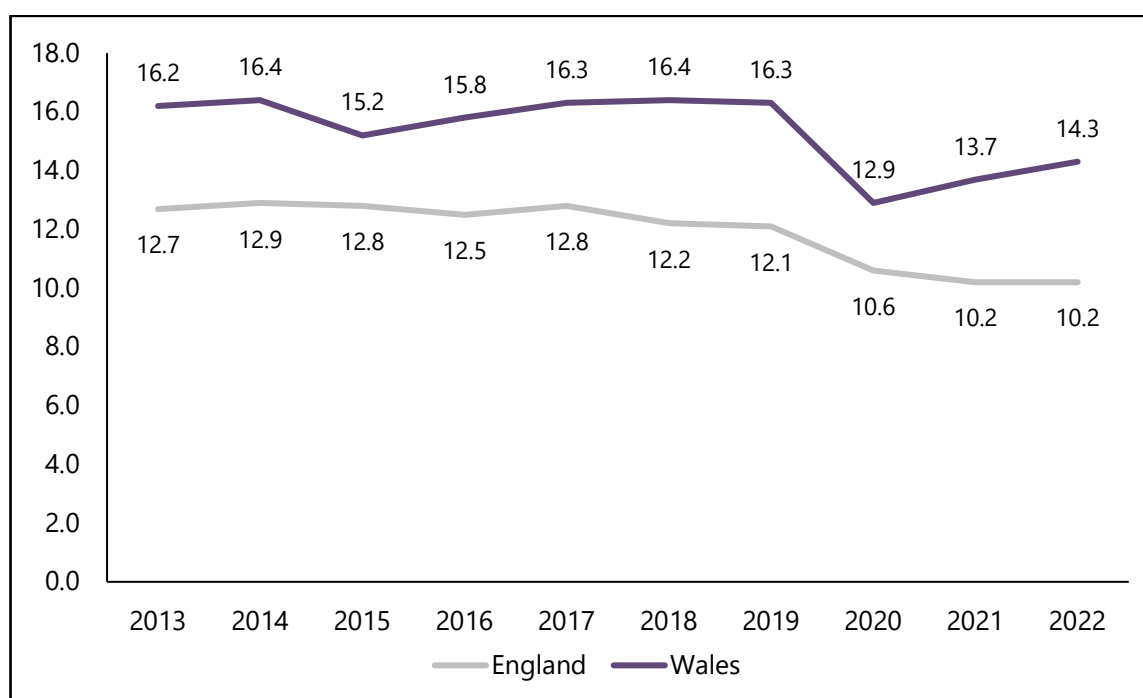
The spike in the Welsh imprisonment rate recorded between 2021 and 2022 can be explained by the combined effects of an increase in the prisoner population and the use of 2021 Census data which saw the general population decrease in Wales.

1.66 1 in every 664 people from Wales were in prison in 2022. This figure compares to 1 in every 747 people from England.

1.67 The Welsh Criminal Justice System: On the Jagged Edge uncovered for the very first time that Wales has consistently recorded a higher female prison population rate (per 100,000 women) than England (Jones and Wyn Jones, 2022; Ministry of Justice, 2023e; Office for National Statistics, 2022c).

Figure 1.8

The female imprisonment rate (per 100,000 women) in England and Wales, 2013 to 2022²²



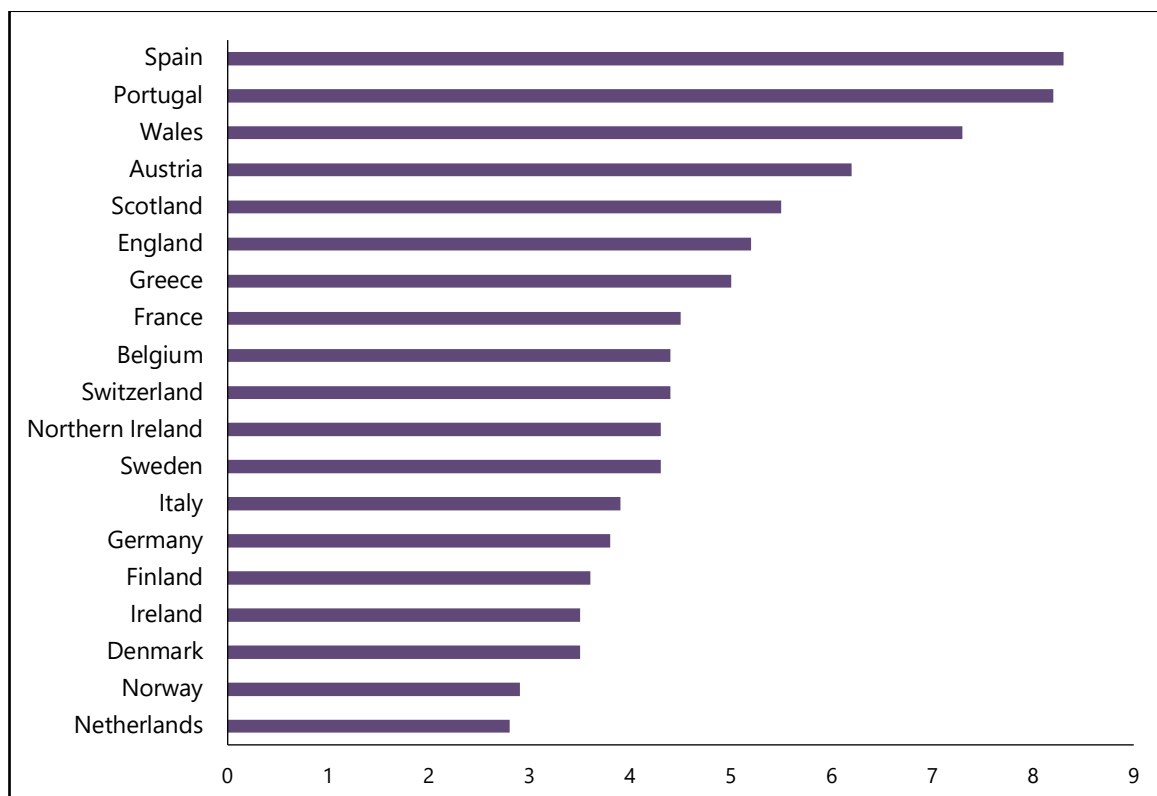
1.68 When measured as a rate per 100,000 of the total population (all sexes), the Welsh female imprisonment rate in 2022 (7.3 per 100,000) would have ranked third highest in western Europe (Fair and Walmsley 2022). Only the rate

²² The population data used here are from multiple years (Office for National Statistics, 2022d).

recorded in Spain (8.3 per 100,000) and Portugal (8.2 per 100,000) exceeded the female imprisonment rate in Wales (7.3 per 100,000) in 2022.²³

Figure 1.9

The female imprisonment rate (per 100,000) in western Europe, 2022



1.69 Despite sparking some initial interest and concern (House of Commons Westminster Hall Debate, 22 January 2020; Morris, 2019; Rees, 2019), little has been done to understand or explain Wales' high imprisonment rate (Jones and Wyn Jones, 2022). Despite several opportunities to do so, UK-level officials have repeatedly failed to account for the fact that Wales has consistently recorded a

²³ The World Female Imprisonment List calculate the female imprisonment rate using the total population (all sexes) in each country. The same approach has been taken here to allow for international comparisons to be made.

higher rate of imprisonment than England, not to mention any other country in western Europe.

- 1.70** One suggested explanation for the high rate of imprisonment in Wales is that the use of community sentences has declined in recent years (National Assembly for Wales Debate, 22 January 2019). According to HM Inspectorate of Probation (2019: 5), this decline has reflected the ‘lack of judicial confidence’ that magistrates and judges have had in the probation service since the Offender Rehabilitation Act 2014 was introduced almost a decade ago. These changes, however, do not explain why the rate in Wales is higher than it is in England, where identical changes have been made to probation services in recent years.

Sentencing and Immediate Custody

- 1.71** Changing sentencing practices and the increasing use of immediate custodial sentences has played a majorly significant role in driving up prisoner numbers in England and Wales since the 1990s (Roberts and Ashworth, 2016; Millie et al, 2003; Sentencing Council, 2018a). According to the Ministry of Justice (2016a: 7), ‘virtually all of the increase in the prison population’ since 1993 is due to the activity of the courts and a rise in the number of offenders sentenced to immediate custody in England and Wales.
- 1.72** The Covid-19 restrictions put in place by the UK Government, particularly in relation to court proceedings, caused major disruption to the ‘normal system flow of individuals’ through the criminal justice system in England and Wales (Ministry of Justice, 2021c: 2). In 2020, the number of prosecutions in Wales fell

by more than a quarter (26 per cent),²⁴ and prosecutions fell at a similar rate (27 per cent) in England (Ministry of Justice, 2023g).

- 1.73** Although the number of prosecutions in Wales has steadily increased since 2020, the level recorded in 2022 remains considerably lower than the number recorded before the outbreak of Covid-19.²⁵
- 1.74** A decline in the number of prosecutions saw the total number of convictions in England and Wales fall by 28 per cent in 2020. In total, there were 318,519 fewer convictions in 2020 compared to the level recorded in 2019.²⁶
- 1.75** In Wales, convictions fell by more than a quarter (27 per cent) in 2020 with 23,310 fewer convictions recorded at Welsh courts (Ministry of Justice, 2023g).
- 1.76** On average, the proportion of cases resulting in a conviction has been higher in Wales (85.3 per cent) than in England (84.5 per cent) since 2010 (see Figure 1.9).²⁷
- 1.77** In 2022, however, the conviction rate in England (87.6 per cent) was fractionally higher than the rate recorded in Wales (87.5 per cent). 2022 is the only year since 2010 where the conviction rate in England has surpassed the level reached in Wales.

²⁴ From 97,458 prosecutions in 2019 to 71,982 in 2020.

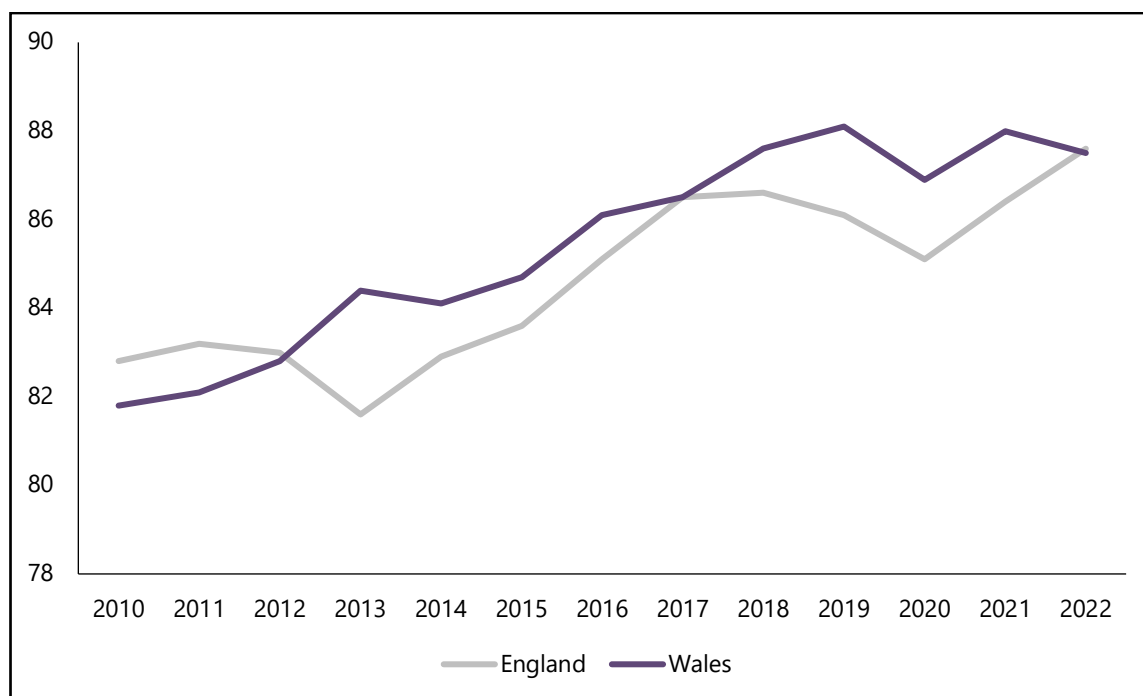
²⁵ From 97,458 in 2019 to 90,536 in 2022.

²⁶ From 1,179,357 in 2013 to 1,135,158 in 2019.

²⁷ The conviction rate in Wales and England was 86.5% in 2017.

Figure 1.10

Conviction rates in Wales and England, 2010 to 2022²⁸



1.78 A further significant challenge to emerge out of the Covid-19 pandemic has been the creation of a major backlog in criminal cases at the Crown Court in England and Wales. Figures published by HM Courts and Tribunals Service in September 2023 revealed that more than 64,000 trials across England and Wales had not yet been resolved (Gregory, 2023).

1.79 In Wales, analysis of Crown Court data in 2022 reveal that the court backlog has had a significant impact on the number of individuals being sentenced.

1.80 While the number of people sentenced at the Magistrates' Court in Wales increased by five per cent in 2022 (Ministry of Justice, 2023n), the total number

²⁸ The population data used here are from multiple years (Office for National Statistics, 2022d).

of sentences handed out at the Crown Court fell by almost half (48 per cent) (Ministry of Justice, 2023p).²⁹

1.81 The decline in the number of sentences handed out, however, has not fallen evenly across police force areas in Wales. While those sentenced at the Crown Court in North Wales increased by eight per cent in 2022, the number of those sentenced at the Crown Court in South Wales decreased by 59 per cent (Ministry of Justice, 2023o).³⁰

1.82 Despite the fact that the severe backlog of cases is widely regarded as an England and Wales-wide issue, the 2022 decline in the number of those sentenced at the Crown Court was far more severe in Wales (48 per cent) than it was in England (one per cent).³¹

1.83 The reduction in the number of those sentenced at Crown Courts in Wales meant that there was a significant reduction in the total number of immediate custodial sentences handed out in 2022. Once again, however, these trends have not been equally replicated across England and Wales.

1.84 In 2022, the number of immediate custodial sentences handed out in Wales fell by 24 per cent, while the number in England actually increased by four per cent (Ministry of Justice, 2023g).³²

²⁹ Magistrates' Court: From 72,440 in 2021 to 76,182 in 2022.

Crown Court: From 4,996 in 2021 to 2,593 in 2022.

³⁰ North Wales: From 830 in 2021 to 893 in 2022.

South Wales: From 4,166 in 2021 to 1,700 in 2022.

³¹ In England, the number of those sentenced at the Crown Court fell from 70,873 in 2021 to 70,264 in 2022.

³² Wales: From 4,738 in 2021 to 3,592 in 2022.

England: From 60,167 in 2021 to 62,617 in 2022.

- 1.85** The court backlog in England and Wales has meant that thousands more people are awaiting trial and sentencing. The number of remand prisoners in England and Wales, therefore, increased by 12 per cent in 2022.³³ This included a 12 per cent rise in the number of prisoners awaiting trial, and an eight per cent increase in those awaiting sentencing (Ministry of Justice, 2023b).³⁴
- 1.86** At HMP Cardiff, over half (52 per cent) of all prisoners were being held there on remand in 2022, compared with just under a third (31 per cent) of prisoners in 2019 (Ministry of Justice, 2023p).
- 1.87** The court backlog has also seen the number of Welsh prisoners (based on home address) on remand significantly increase since 2019. While those held on remand comprised ten per cent of the Welsh prison population in 2019, the proportion of the Welsh prison population on remand had increased to 14 per cent in 2022 (Ministry of Justice, 2023q).
- 1.88** In September 2022, the Welsh remand population reached its highest level (737) since the Wales Governance Centre began collecting these data in 2017.

³³ From 12,780 in December 2021 to 14,143 in December 2022.

³⁴ Untried: From 8,304 in December 2021 to 9,306 in December 2022.

Unsentenced: From 4,476 in December 2021 to 4,837 in December 2022.

2 Prisons in Wales

2.1 The prison estate in Wales is comprised of five different establishments.

- HMP Berwyn in Wrexham will become the largest prison in the United Kingdom when it reaches its full operational capacity. Opened in February 2017, the prison holds sentenced category C adult males and Category B adult males on remand. At the end of September 2023, the prison held a total of 1,998 prisoners (Ministry of Justice, 2023).
- HMP/YOI Cardiff is a category B local resettlement prison that holds adult males served by courts in the local area. The prison holds a mixture of remanded, unsentenced, sentenced and recalled prisoners. At the end of September 2023, the population at HMP Cardiff was 768 (Ministry of Justice, 2023).
- HMP/ YOI Parc in Bridgend is a category B local prison that holds convicted adult men, young adults (18- 20), and young people (16-17) remanded and convicted. Currently operating as Wales' only privately run prison, HMP Parc was the very first prison to be built in England and Wales under the Private Finance Initiative. Following the construction of a new 'house-block' on the existing site in 2015, HMP Parc is one of the largest prisons in England and Wales. In September 2023, there were a total of 1,778 prisoners being held there (Ministry of Justice, 2023).
- HMP Swansea is a category B local resettlement prison for adult males and serves local courts in south Wales. The prison population is a mixture of remanded, unsentenced, sentenced, and recalled prisoners. At the end of

September 2023, the prison held a total of 441 prisoners (Ministry of Justice, 2023).

- HMP Usk and HMP Prescoed in Monmouthshire are two separate prisons located on different sites that are managed as a 'single entity' by HMPPS (HMIP, 2013: 5). HMP Prescoed is an adult male open prison that manages category D prisoners. HMP Usk operates as a small category C training prison which largely deals with offenders convicted under the Sex Offenders Act 1997. At the end of September 2023, HMP Usk and HMP Prescoed had a combined population of 526 prisoners (Ministry of Justice, 2023).

Population

2.2 The average number of people held in the Welsh prison estate surpassed 5,000 for the first time in 2022 (Ministry of Justice, 2023m).

2.3 Since HMP Berwyn became operational in 2017, the average number of prisoners being held in Wales has increased by 28 per cent.³⁵

Figure 2.1

The average prison population in Wales by establishment, 2019 to 2022

Prison	2019	2020	2021	2022
Berwyn	1,448	1,737	1,783	1,826
Cardiff	717	698	679	732
Parc	1,642	1,644	1,625	1,640
Swansea	417	362	319	375
Usk/Prescoed	523	462	454	497
Total	4,747	4,902	4,860	5,069

³⁵ From 3,962 in 2017 to 5,069 in 2022.

2.4 While the population increased in all five prisons in Wales in 2022, HMP Swansea (18 per cent) experienced the biggest rise, followed by HMP Usk/Prescoed (ten per cent), HMP Cardiff (eight per cent), HMP Berwyn (two per cent), and HMP Parc (one per cent) (Ministry of Justice, 2023m).

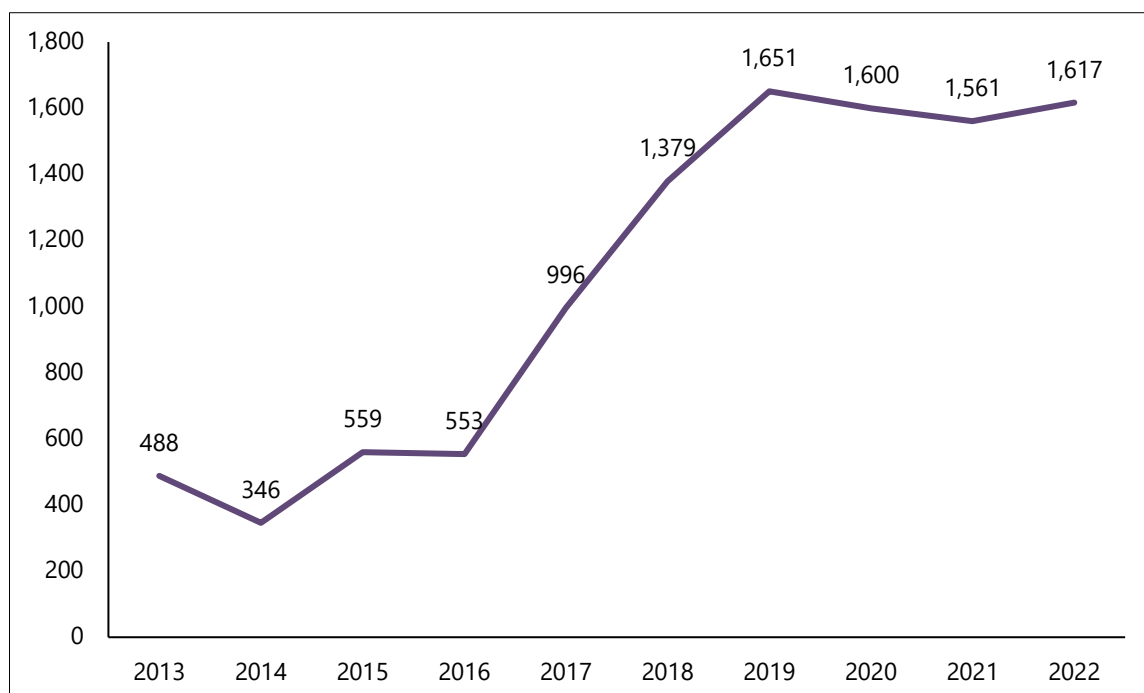
2.5 After a slight decrease in 2020 and 2021, the number of English prisoners held in Wales returned to its pre-pandemic level in 2022 (see Figure 2.2).

2.6 On average, 1,617 prisoners from England were being held in Wales in 2022. That is the equivalent population of HMP Parc (1,640) (Ministry of Justice, 2023c).

2.7 Approximately one third (32 per cent) of all prisoners in Wales in 2022 were from England.

Figure 2.2

The average number of English prisoners held in Wales, 2013 to 2022



- 2.8** Since HMP Berwyn opened in February 2017, the number of English prisoners held in Wales has risen by 155 per cent.³⁶
- 2.9** 62 per cent of prisoners held at HMP Berwyn at the end of December 2022 were from outside of Wales (based on home address prior to entering custody).
- 2.10** In total, prisoners from 110 different local authorities in England were being held at HMP Berwyn in December 2022 (Ministry of Justice, 2023c).
- 2.11** Despite the claim in 2015 that HMP Berwyn would play a crucial role in ‘being a regional prison serving the north-west of England’ (House of Commons Welsh Affairs Committee, 2015: 11), prisoners from 75 English local authorities outside of north-west England were also being held at HMP Berwyn in December 2022.
- 2.12** In total, 166 prisoners at HMP Berwyn had origin addresses in English local authorities outside the north-west of England in December 2022 (Ministry of Justice, 2023c).
- 2.13** The number of prison receptions in Wales fell by 14 per cent in 2022.³⁷ While receptions fell across all prisons in Wales, the largest decrease was recorded at HMP Cardiff (20 per cent), followed by HMP Berwyn (14 per cent), HMP Parc (nine per cent), and HMP Swansea (three per cent) (Ministry of Justice, 2023r).
- 2.14** There were 706 fewer receptions were recorded at Welsh prisons in 2022 compared to the previous year.

³⁶ From 622 in December 2016 to 1,585 in December 2022.

³⁷ From 5,078 in 2021 to 4,372 in 2022.

Figure 2.3

The number of first prison receptions in Wales by establishment, 2019 to 2022

Prison	2019	2020	2021	2022
Berwyn	57	826	1,100	943
Cardiff	2,459	2,047	2,457	1,973
Parc	345	275	353	321
Swansea	1,333	1,035	1,168	1,135
Total	4,194	4,183	5,078	4,372

2.15 A study published by the Ministry of Justice in 2012 found that 15 per cent of prisoners reported being homeless prior to entering custody (Williams et al, 2012). Although the 2022 level represents a slight decline on that recorded in Prison, Probation and Sentencing in Wales (Jones, 2020), almost one in five (18 per cent) of all people arriving at prisons in Wales were homeless in 2022 (Ministry of Justice, 2023s).³⁸

2.16 Almost a third (31 per cent) of all prisoners who arrived at HMP Swansea in 2022 were homeless.³⁹

³⁸ These data exclude HMP Berwyn as data for some prisons in England and Wales were still being compiled by the Ministry of Justice when a request for information was submitted in September 2023. Excluding HMP Berwyn, 607 people arrived at prisons in Wales as homeless in 2022.

³⁹ The Basic Custody Screening asks prisoners 'What was your accommodation status before prison?'. The question provides a choice of one of three responses; Permanent, Temporary or NFA. Where a prisoner selects NFA this implies 'No Fixed Abode' and is predetermined as homeless. The second question asks, 'What type of housing did you live in before you came into prison?'. The response options here are Council, Housing Association, Private, Own Home, Hostel, Traveller, B&B-Hotel, NFA. Where a prisoner selects NFA this implies "No Fixed Abode" and is predetermined as homeless.

Release and Homelessness

- 2.17** 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 and homelessness upon release (Jones and Wyn Jones, 2022; Mackie, 2017; Senedd Cymru's Equality, Local Government and Communities Committee, 2018; Shelter Cymru, 2017).
- 2.18** A survey carried out by Shelter Cymru in 2017 discovered that 13 per cent of rough sleepers in Wales first became homeless after being released from prison with no accommodation to return to (Jackson, 2018). The research also found that people were often recalled to prison because they had no fixed address. According to Jackson (2018: 29), this finding 'strongly suggests' that the removal of priority need status for prison leavers has been a 'contributing factor' to this problem.
- 2.19** The most recent round of inspections carried out by HM Inspectorate of Prisons (HMI Prisons) in Wales have raised several concerns about levels of prisoner homelessness upon release. At HMP Swansea, inspectors reported that 'a third of prisoners were either homeless or in transient accommodation' on the first night of their release (HMI Prisons, 2023: 52). An 'extremely high' level of homelessness was also reported at HMP Cardiff (HMI Prisons, 2019: 20), while inspectors at HMP Parc found that release planning arrangements 'were not good enough' and had 'deteriorated' since probation services were unified in Wales (HMI Prisons, 2022a: 53). Only 35 per cent of prisoners at HMP Parc reported that they were receiving support to help find accommodation, and 17 per cent were released without accommodation to go to on their day of release

(HMI Prisons, 2022a). At HMP Usk/Prescoed, inspectors reported that prisoners often 'received good support to find accommodation', but around 25 prisoners had been released in the 12 months prior to their inspection without knowing where they would stay on their first night (HMI Prisons, 2021: 50). At HMP Berwyn, inspectors found that significant improvements had been made since their last inspection with the 'vast majority' of prisoners released into suitable accommodation (HMI Prisons, 2022b: 14). Despite some progress, however, around seven per cent of prisoners were released from HMP Berwyn without a fixed address to return to (HMI Prisons, 2022b).

2.20 Ministry of Justice (2023t) data show that 423 people were released from Welsh prisons without a fixed address to return to in 2022/23. That is the equivalent of 8 people a week released as homeless in 2022/23.

2.21 The majority of those released from prison as homeless in Wales were at HMP Cardiff (228), followed by HMP Swansea (96); HMP Parc (49); HMP Berwyn (46); and HMP Prescoed (4).

2.22 One in seven (16 per cent) prisoners released from HMP Cardiff in the year ending March 2023 had no fixed address to return to. Although the proportion of those leaving HMP Cardiff as homeless marginally fell in 2022/23,⁴⁰ the number of those released without a fixed address to return to increased by five per cent in 2022/23.⁴¹

2.23 On average, four people a week were released from HMP Cardiff as homeless in 2022/23.

⁴⁰ From 16.8 per cent of prisoners in 2021/22 to 16.2 per cent in 2022/23.

⁴¹ From 218 in 2021/22 to 228 2022/23.

- 2.24** Separate official figures also reveal some concerning trends about prisoner homelessness in Wales. When looking at those managed by Welsh probation services, the number of those who were rough sleeping following release from prison more than trebled in 2022/23 (see Figure 2.4) (Ministry of Justice, 2023u).⁴²
- 2.25** At a time when the number of those rough sleeping upon release increased by 159 per cent in England (those managed by English probation services), the level in Wales rose by 210 per cent.⁴³
- 2.26** While rough sleepers accounted for 2.4 per cent of the total outcomes recorded by Welsh probation services in 2021/22, the proportion of people rough sleeping on release from prison had increased to 7.1 per cent in 2022/23.

Figure 2.4

Type of accommodation on release from custody, 2019/20 to 2022/23

	2020	2021	2022	2023
Settled Accommodation	2,278	2,053	2,175	2,451
Other Housed	627	877	967	865
Bail/Probation Accommodation	482	433	574	721
Homeless, Not Rough Sleeping	581	400	314	106
Rough Sleeping	152	61	107	332
Unknown	1,284	911	295	197
Total	5,404	4,735	4,432	4,672

⁴² From 107 in 2021/22 to 332 in 2022/23.

⁴³ England: From 2,201 in 2021/22 to 5,708 in 2022/23.

Wales: From 107 in 2021/22 to 332 in 2022/23.

- 2.27** The number of those who were rough sleeping at 3 months post release from prison also trebled in 2022/23 (Ministry of Justice, 2023v).⁴⁴
- 2.28** While the number of those rough sleeping at 3 months post release increased by 145 per cent in England (those managed by English probation services) in 2022/23, the level in Wales rose by 205 per cent.⁴⁵
- 2.29** Rough sleepers at 3 months post release accounted for 1.3 per cent of the total outcomes recorded by Welsh probation services in 2021/22. This figure had increased to 4.2 per cent in 2022/23.
- 2.30** Despite such a dramatic rise in the number of rough sleepers, over half (53 per cent) of those managed by Welsh probation services went into settled accommodation immediately following release in 2022/23 (Ministry of Justice, 2023u). This compares to just 42 per cent of prison leavers entering settled accommodation in 2020.
- 2.31** A higher proportion (53 per cent) of those managed by Welsh probation services went into settled accommodation upon release in 2022/23, compared to those managed by probation services in England (48 per cent).⁴⁶

⁴⁴ From 41 in 2021/22 to 125 in 2022/23.

⁴⁵ England: From 901 in 2021/22 to 2,206 in 2022/23.

Wales: From 41 in 2021/22 to 125 in 2022/23.

⁴⁶ 27,718 people supervised by probation services in England were in settled accommodation following release in 2022/23 out of a total of 57,673.

Figure 2.5

The number of prison releases in Wales by establishment, 2019 to 2022

Prison	2019	2020	2021	2022
Berwyn	676	910	1,053	1,013
Cardiff	1,560	1,231	1,130	1,096
Parc	921	784	739	647
Prescoed	212	207	186	180
Swansea	845	789	619	717
Usk	59	83	61	64
Total	4,273	4,004	3,788	3,717

2.32 A total of 3,717 people were released from Welsh prisons in 2022 (Ministry of Justice, 2023w).

2.33 72 prisoners a week were released from Welsh prisons into the community last year, an average of 14 releases per day across Welsh prisons in 2022.⁴⁷

2.34 Prisoners given a determinate sentence are released from prison – in most cases automatically at the half-way point of their sentence⁴⁸ – under licensed supervision by the Probation Service. Released prisoners are subject to a set of standard licence conditions that require them to report regularly to the Probation Service. Those who are released under licence are subject to recall to

⁴⁷ This figure is based on 260 working days in a year. If a prisoner has an automatic release date that falls on a weekend or Bank Holiday, they are released on the Friday before. The exception to this is prisoners serving very short sentences – of less than 5 days – where there is specific statutory provision for them to be released on a Saturday if their release date falls on a weekend. <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-02-02/222892/>

⁴⁸ For a detailed description of the differences between sentence lengths see Sentencing Council (2023).

prison immediately if the probation service reports that an individual has breached the conditions of their licence.

- 2.35** On average, there were 2,111 supervised persons on licence in Wales in 2022 (Ministry of Justice, 2022x).
- 2.36** The number of those being recalled to prison has increased in England and Wales in recent years. This is a result of the use of longer determinate sentences and the rise in the number of prisoners serving indeterminate sentences or sentences with an extended licence period (Ministry of Justice, 2023b).
- 2.37** In 2022, 1,314 people were recalled into custody for breach of post-release licence by the probation service in Wales, excluding those returned to custody in connection with having been charged with a further offence (Ministry of Justice, 2023y).
- 2.38** Although six per cent of the total probation caseload in England and Wales were managed by Welsh probation services in 2022, nine per cent of all recalls into custody for breach of post-release licence were recorded in Wales in that year (Ministry of Justice, 2023f; 2023y).⁴⁹
- 2.39** On average, 669 Welsh people were in prison in 2022 after being recalled to custody. This represents a 58 per cent increase on the number of recalled Welsh prisoners that was recorded in 2017 (Ministry of Justice, 2023q).⁵⁰

⁴⁹ There were a total of 15,487 recalls for breach of post-release licence conditions in England and Wales in 2022. England: 14,173; Wales: 1,314.

⁵⁰ From 422 in 2017 to 669 in 2022.

2.40 While those recalled to custody comprised approximately nine per cent of the Welsh prison population in 2017, recalled prisoners now account for a higher proportion of the Welsh prison population. In 2022, 14 per cent of Welsh people in prison were there as a result of being recalled to custody (Ministry of Justice, 2023q).

Safety in Custody

2.41 Deaths in prison custody continue to be an area of major concern in England and Wales (HMIP, 2023). Analysis carried out by INQUEST (2020) into files on 61 inquests into deaths in prison custody uncovered a range of failings that have contributed to both self-inflicted and non-self-inflicted deaths since 2013. These include 'inconsistent and insufficient' mental health services; poor communication and information sharing between health officials and prison staff; poor emergency care including delays in calling for emergency services; problems relating to prescription and illicit drugs including delays in accessing medication; and 'wide-ranging failures' in providing basic medical care to prisoner suffering from physical and mental health problems (INQUEST, 2020: 7-8).

2.42 Between 2020 and 2022, there were 13 self-inflicted deaths in Welsh prisons. The majority of these deaths took place at HMP Cardiff (8), followed by HMP Parc (2), HMP Swansea (2) and HMP Berwyn (1) (Ministry of Justice, 2023y).

2.43 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.

- 2.44** 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. Evidence submitted by South Wales against Wrongful Conviction to the Senedd Cymru’s Health, Social Care and Sport Committee’s inquiry into prison healthcare in Wales described the poor treatment of elderly prisoners as a ‘national scandal’ that, in some cases, amounts to ‘inhumane and degrading treatment’ (South Wales against Wrongful Conviction, 2019: 5).
- 2.45** Following two deaths at HMP Cardiff in 2019, the Prison and Probation Ombudsman concluded that the standard of health care provision at the prison ‘was not equivalent’ to what would be found in the community (Senedd Cymru’s Health, Social Care and Sport Committee, 2021: 28).
- 2.46** Due to a lack of Wales-only disaggregated data, it is not known how many prisoners died due to Covid-19 in Wales (Senedd Cymru’s Health, Social Care and Sport Committee, 2021). Between 2020 and 2022, however, there were a total of 27 deaths across the Welsh prison estate with the cause of death attributed to ‘natural causes’ (Ministry of Justice, 2023z).
- 2.47** In the most recent round of adult prison inspections in Wales, HMI Prisons found that 61 per cent of its previous recommendations on safety in Welsh prisons had been achieved in full, seven per cent were partially achieved and around a third (32 per cent) had not been achieved (see Figure 2.6).

Figure 2.6

HMI Prisons recommendations on prison safety achieved by Welsh prisons between 2019 and 2022

	Achieved	Partially Achieved	Not Achieved	Total
Berwyn	5	0	7	12
Cardiff	12	3	4	19
Parc	1	0	1	2
Swansea	12	0	5	17
Usk/Prescoed	4	1	1	6
Total	34	4	18	56

2.48 Concerns over prison safety have dominated discussions over the prison estate throughout the last decade. In the years leading up to the outbreak of Covid-19, there were record numbers of self-harm incidents (2019), prisoner-on-prisoner assaults (2018), and assaults on staff (2018) across England and Wales. These trends were replicated across the prison estate in Wales (Jones, 2020).

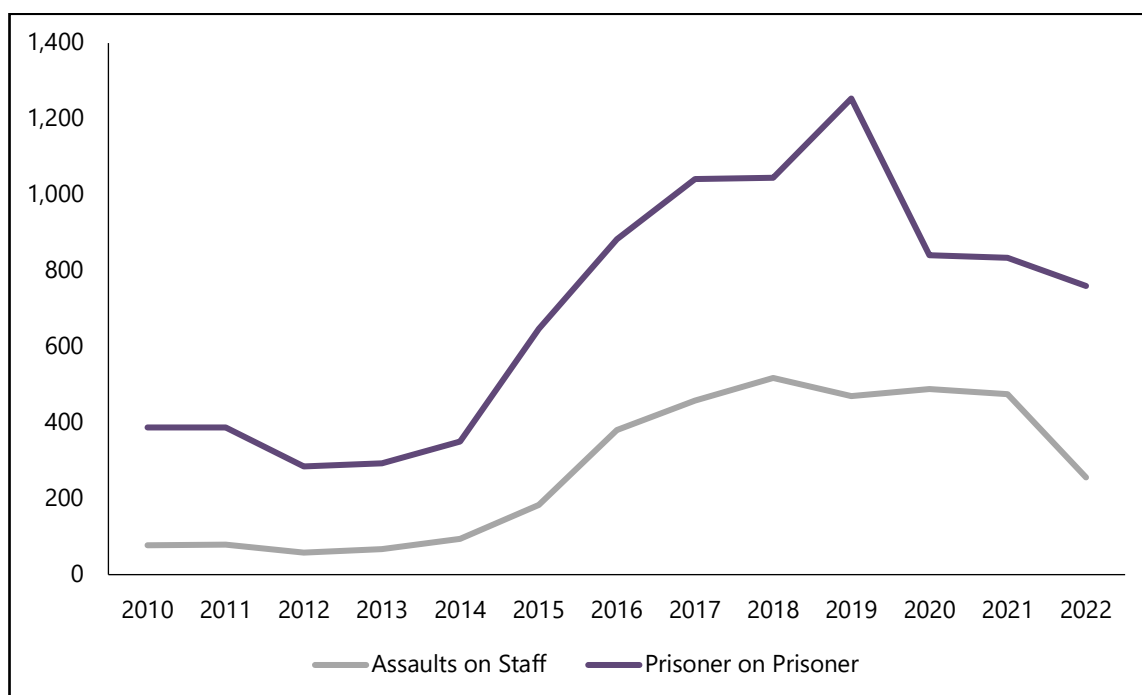
2.49 Since the outbreak of Covid-19 and the introduction of measures to combat the spread of the virus, however, there has been a significant reduction in the number of safety related incidents across England and Wales. Across the male prison estate, this includes a reduction in the number of prisoner-on-prisoner assaults (35 per cent), assaults on staff (23 per cent), and self-harm incidents (23 per cent) (Ministry of Justice, 2023z).

2.50 In Wales, the outcomes recorded across almost all the Ministry of Justice’s own safety in custody measures have improved since the publication of *Prison, Probation and Sentencing in Wales* in 2020. This includes a reduction in prisoner-

on-prisoner assaults (39 per cent), assaults on staff (46 per cent), and a reduction in the incidents of self-harm (24 per cent) (Ministry of Justice, 2023z).⁵¹

Figure 2.7

Assaults on Staff and Prisoner-on-Prisoner assaults in Wales, 2010 to 2022



2.51 Although the safety in custody measures suggest that significant improvements have been made in recent years, the impact of Covid-19 restrictions and the associated regime changes in prisons have ‘muddled the picture’ somewhat (Prison Reform Trust, 2023: 4). Restrictions have meant that prisoners have spent longer periods in their cell and have had less time to interact with (and potentially conflict with) other prisoners and staff. Despite this, HMI Prisons

⁵¹ 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 confirmed in 2018 that they do not have a mechanism for ‘separating incidents involving under-18s from those involving adults’ at the prison.

(2021: 3) found that forms of 'violence, intimidation and bullying had not stopped', but had simply 'taken other forms' (HMI Prisons, 2021: 3).

2.52 The concerns now being raised across England and Wales are that many prisons have yet to return to their pre-pandemic regimes. HM Chief Inspector of Prison's (2023: 5) Annual Report for 2022/23 concluded that 'too many prisons' were continuing to operate with 'greatly reduced regimes', with prisoners often kept in their cells for 'long periods of time'. At HMP Berwyn in May 2022, inspectors found that the regime 'remained limited' and that prisoners were locked up in their cells 'for most of the day' (HMI Prisons, 2022: 23).

2.53 Despite the fact that there has been a reduction in the number of safety in custody incidents recorded since 2019, rising prisoner numbers in 2023 have already prompted major concerns about the impact this will have on safety levels across the prison estate (House of Commons Debate, 16 October 2023). With the prison population in Wales reaching its highest ever level in September 2023, official data show that the number of prisoner-on-prisoner assaults, assaults on staff, and self-harm incidents were higher in the first six months of 2023 than in the first six months of 2022 (Ministry of Justice, 2023zi).⁵² These data further underline the urgent need for greater levels of engagement and scrutiny over prisons and imprisonment in Wales.

⁵² Prisoner on prisoner: From 359 in June 2022 to 646 in June 2023 (80 per cent increase)
Assaults on staff: From 123 in June 2022 to 176 in June 2023 (43 per cent)
Self-harm: From 1,347 in June 2022 to 1,650 in June 2023 (23 per cent)

Conclusion

There has been widespread criticism directed towards the constitutional arrangements governing the criminal justice system in Wales since 2019 (Commission on Justice in Wales, 2019; Jones and Wyn Jones, 2022). But despite such concern, little effort has been made to engage with these arguments in any intellectually serious way. While the UK Government has continued to reiterate its view that the 'devolution settlement is working well' for Wales, others have sought to deflect attention away from such 'constitutional jiggery-pokery' and emphasised the need to focus on outcomes and the problems facing communities across Wales (House of Commons Westminster Hall Debate, 22 January 2020; House of Commons Westminster Hall Debate, 29 November 2022).

But to what extent have these arguments led to any serious intellectual engagement by those formally responsible for criminal justice with the kinds of problems outlined in this report? The answer is a simple one: they have not. Four years on since the Wales Governance Centre first uncovered that Wales has the highest imprisonment rate in western Europe, no attempt has been made to account for this rather startling finding. While the lack of Wales-only data presents a series of major obstacles and impediments to academic researchers and those determined to better understand and improve the Welsh criminal justice system, the agencies formally responsible continue to pass up the chance to take Wales and the Welsh context seriously.

The findings presented in this latest **Factfile** provide a further important contribution to our understanding of the problems facing prisoners and the prison system in Wales. As the system recovers from the Covid-19 pandemic, we see the continuation and return of a persistent set of problems. The Welsh imprisonment rate continues to surpass the rate recorded in any other part of the UK. Women continue to be handed

short sentences despite widespread acknowledgement (particularly in the Welsh context) of their destructive consequences, an increasing number of people are leaving prison as 'rough sleepers', and individuals from minority ethnic backgrounds continue to be over-represented amongst the Welsh prison and probation population. While there were signs of some improvements in safety levels across Wales, the latest data for 2023 indicate a return to the negative outcomes that reached record levels prior to the pandemic.

The data included here present a rather stark and direct challenge to the UK Government's claim that the justice system is currently 'working well' for Wales. Once again, these findings should prompt UK officials to take Wales and the Welsh context seriously. This might include offering encouragement and support to independent academic research in this area and, at the very least, to making Wales-only data more easily available. In Wales, as the Welsh Government moves towards the stage where it is preparing for justice devolution, not simply calling for it, this Factfile should remind government officials of the urgent need for drastic changes in the future direction of sentencing and penal policy in Wales. This process should begin with the development of initiatives to drive down prisoner numbers and end Wales' shameful overreliance on imprisonment.

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