

Criminology in Wales: Uncovering Western Europe's Highest Imprisonment Rate

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Canolfan
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Wales

- Population: 3,138,600 (mid-2018)
- Governance: The National Assembly for Wales (legislature) was established in 1998 and was later joined by the Welsh Government (executive)
- National Assembly for Wales has 60 members
- The Assembly currently has powers over health, education, housing, local government, social care, transport, the Welsh language. Crucially, formal powers over policing and criminal justice are reserved to the UK Government.
- 40 Welsh MPs sit in Westminster.
- Wales' social, political and cultural history: industrial revolution, disinvestment, poverty, post-colonialism ('yr iaith').

This Research

- The Wales Governance Centre at Cardiff University is based within the School of Law and Politics.
- Interested in the intersection between law, society, the constitution, politics, and the economy.
- The *Justice and Jurisdiction* project was launched in September 2018 to shadow the work of the Commission on Justice in Wales.
- The project submitted five separate reports to the Commission as part of their call for written evidence.
- The Commission reported in October 2019.

Criminal Justice in 'England and Wales': No Difference to Speak Of

- A background to criminal justice in Wales and the 'single' jurisdiction.
- England and Wales system – centred upon uniformity.
- Acts of Union 1535 & 1542
- Abolition of difference.
- 'For Wales see England'
- Removal of distinct Welsh customs.
- Wales rendered invisible.
- This has been maintained and reproduced by the way in which criminology has dealt with Wales (and continues to).
- Titles, contents and analysis.

Contents

- “Significant features of the English prison service” (Jepson, 1975: 17).
- The longstanding principles “at the heart of English penal practice” (Hawkins, 1975: 67).
- Zelic (1975: 1) focused upon the “English penal system”.
- Scraton et al (1991) riots within “English penal establishments” when these events had also taken place in Wales (e.g. HMP Cardiff).
- Chartist movement – Radzinowicz and Hood (1986: 405) described the threats being posed to “English society” by members of a movement both “dreaming and striving for a better England”.

Analysis

- Radzinowicz and Hood (1986: 13) explain how a series of “English reactions” led to the rejection of positivist criminological ideas in England and Wales at the start of the twentieth century.
- Proposals to introduce ‘convict supervision’ in 1856 widely rejected on the basis that police supervision was not regarded as an “English forte”.
- 1850 – plans for indeterminate sentencing yet again not seen as an ‘English’ way of doing things.
- All of these examples maintain and reinforce the notion that there is something intrinsically English about policing and criminal justice in ‘England and Wales’.

Devolution



The Emergence of Wales

- Welsh devolution in 1999 (Government of Wales Act 1998).
- This combined with formal changes to the UK Government's approach to tackling crime and offending.
- 'The limits of the sovereign state' (Garland, 1996).
- Cross-departmental approaches – social policy.
- From 1999 onwards, Wales recognised because of its *difference*.
- The “different Welsh perspective” and “unique status” of Wales (National Offender Management Service and Welsh Government, 2006: 8).
- A unitary jurisdiction?

Post-devolution: De Facto Welsh Criminal Justice System

- Home Office Team in Wales
- HM Prison and Probation Service in Wales
- Youth Justice Board Cymru
- Crown Prosecution Service Cymru
- HM Courts and Tribunals Service Wales
- All Wales Criminal Justice Board
- Integrated Offender Management Cymru Board
- Wales Reducing Re-offending Pathways Group
- Wales Home Office Advisory Group

The Consequences?

- On the one hand, the UK Government recognises that Wales has a distinctive set of arrangements.
- On the other hand, the UK Government insists that we have an England and Wales system and the debate continues to be played out on an England and Wales level.
- Huge challenges for those operating in this system.
- Inter-government relations, policy making, funding, scrutiny.
- Data!!

Studying Criminal Justice in Wales

- But for a few notable exceptions Wales remains largely invisible within the discipline of criminology.
- Lack of data – Disaggregated Welsh-only prisoner data can only be accessed through the Freedom of Information Act 2000.
- Lack of research – Even where Welsh-only data are available there has been little effort to engage on any serious level with the Welsh context.

But what happens when we do take Wales seriously?

- In 2018, Wales recorded the highest imprisonment rate in Western Europe.
- Probation rate.
- Self-harm and violence.
- Women in prison.
- Prison disturbances.
- Prisoner homelessness.
- These relate to Welsh Government *and* UK Government policy.

Prisoner Population

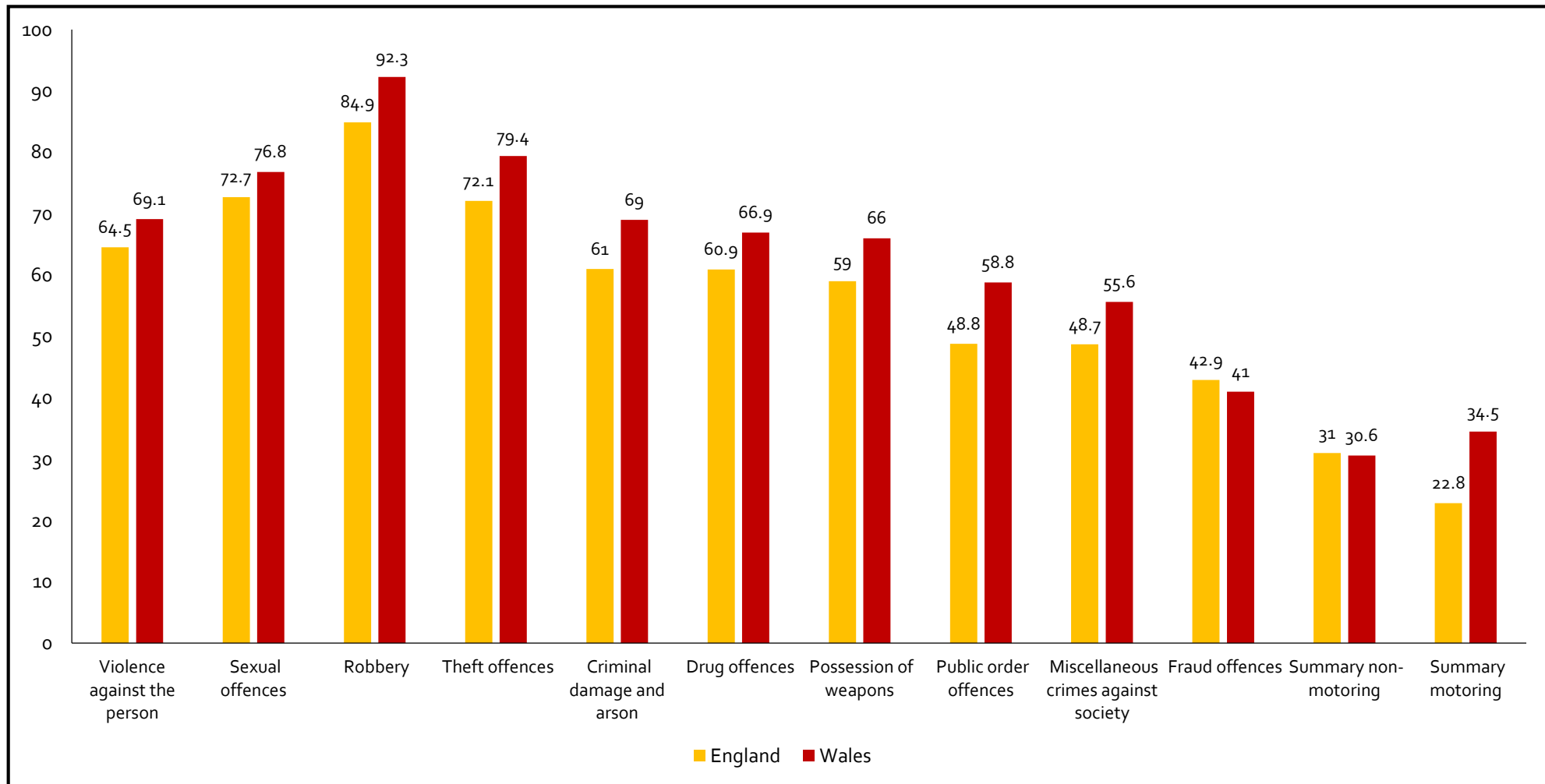
Based on 'home address'

- Wales: 150 per 100,000 (2018)
- England: 137 per 100,000 (2018)
- 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 rate in 2018

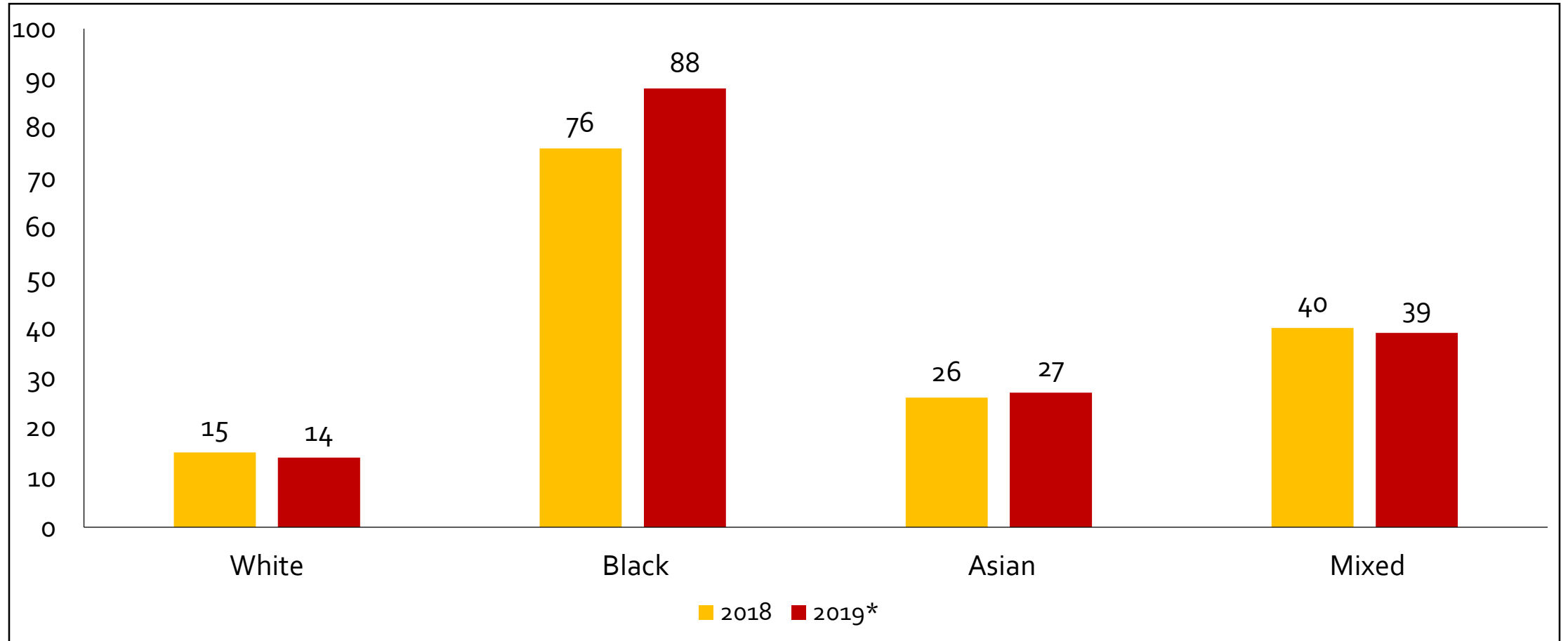
Based on 'in country'

- Wales: 157 per 100,000 (October 2019)
- England: 140 per 100,000 (October 2019)

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



Rates of imprisonment per 10,000 of population



Challenges Ahead

- Wales' emergence as a distinct unit of analysis poses criminology and criminologists a series of challenges.
- The need to uncover and explain these trends and problems.
- How can we continue to make sense of the unique, unprecedented and complex arrangements that exist in post-devolution Wales?
- There is a need to scrutinise the operation and outcomes of the current system (for reasons shown here).
- In future, a completely separate system of criminal justice in Wales will demand major changes within the discipline.
- The development of an 'organic' Welsh criminology? An approach that can potentially enhance Wales' international reputation.