

Canolfan Llywodraethiant Cymru

Wales Governance Centre

COVID-19 AND IMPRISONMENT IN WALES

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PREFACE

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 generated 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.

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EXECUTIVE SUMMARY

Just as the Covid-19 pandemic is uprooting conventional practice in every area of life, it is presenting a challenge of unprecedented scale and complexity for prison staff and health officials in Wales. This short report presents the latest Welsh prison population data to clarify the current state of the prison estate in Wales, and the likely challenges resulting from this data to those working in this sector during this critical period.

The main findings of this report are as follows:

- The number people held in Welsh prisons climbed to its highest ever level by 27 March 2020, 17 days after the World Health Organisation declared the outbreak of Covid-19 a global pandemic.
- The in-country imprisonment rate in Wales was 163 per 100,000 at the end of March 2020, significantly higher than the comparable rate of 139 per 100,000 in England.
- HMP Berwyn's population increased by 5% between February and March 2020.
- HMP Swansea was *the* most overcrowded prison in England and Wales at the end of March 2020.
- An equal share of the UK Government's plans to release 4,000 prisoners over the coming weeks will mean that around 228 Welsh prisoners are temporarily released from prison.
- It is unclear what arrangements are in place in Wales, if any, to support those prisoners
 released back into their local communities, and it is unclear what role, if any, the Welsh
 Government and Public Health Wales are playing in shaping Ministry of Justice policy.
 Early releases are likely to increase demand for housing services and temporary
 accommodation in Wales, yet it is not clear whether additional funding been made
 available to meet this additional demand.

COVID-19 AND IMPRISONMENT IN WALES

INTRODUCTION

The England and Wales prison system is certainly no stranger to public and political concerns over the safety and wellbeing of prisoners. The reported rapid deterioration in prison safety in recent years has only added to a longstanding set of concerns over the treatment and welfare of prisoners in England¹ and Wales (House of Commons Health and Social Care Committee, 2018). With the outbreak of Covid-19, however, the prison estate faces an unprecedented set of circumstances. As argued by Professor Richard Coker² (2020: 20) when asked by the Howard League for Penal Reform to share his expert opinion on the outbreak, Covid-19 represents "the most serious public health crisis the world has faced in more than a generation".

It is in this context that **Covid-19 and Imprisonment in Wales** has been prepared. While the author remains mindful of the enormous challenges currently facing prison officials and health services, this report aims to contribute to a more critically informed discussion on the outbreak within prisons in Wales. Up to this point, information about the pandemic within the prison estate has primarily come from the Ministry of Justice and has largely overlooked the distinct governance arrangements that exist in Wales (see 1.1 and 1.2).³ By analysing the most recent prison population data available, as well as Welsh-only data from December 2019, this short report underscores the need for greater public awareness of the specific threats faced by prisoners, prison staff and health care workers during the Covid-19 pandemic.

¹ The House of Commons Health and Social Care Committee's report into prison healthcare only covers prisons in England.

² Professor Richard Coker is Emeritus Professor of Public Health at The London School of Hygiene and Tropical Medicine.

³ There have been no formal statements from HMPPS in Wales, Public Health Wales or the Welsh Government's Minister for Health and Social Service about its response to the pandemic in Welsh prisons

1. COVID-19 AND THE PRISON ESTATE IN WALES

1.1 On 12 March the UK Minister of State, Lucy Frazer QC MP, announced that the UK Government was "doing everything it can" to combat the outbreak of COVID-19, including within prisons in England and Wales (Frazer, 2020). The statement came after the World Health Organisation's Director-General had declared Covid-19 a pandemic on 11 March. The minister also reported that the Ministry of Justice were working closely with a number of agencies including "Public Health England, the NHS and the Department of Health and Social Care" to help overcome the challenges posed by Covid-19 (Frazer, 2020). Yet all primary and secondary healthcare related to public sector prisons in Wales is devolved.⁴ The minister's announcement, and indeed all others since, have failed to refer to the roles played in Wales by Public Health Wales or the Welsh Government's Minister for Health and Social Services.

1.2 The first case of Covid-19 in prisons in England and Wales was reported on 18 March at HMP Manchester (Bulman, 2020). As of 10 April, 149 prisoners across 47 prisons had tested positive for the virus. The first prisoner to die from Covid-19 was reported at HMP Littlehey in Cambridgeshire on 26 March 2020. In total, 10 prisoners in England and Wales have died having tested positive for the virus as of 7 April (Shaw, 2020a).

Figure 1

	Non-Operational		
	Operational Total	Total	Total
Berwyn	504	137	641
Cardiff	283	97	380
Swansea	211	62	273
Usk/Prescoed	138	65	203
Total	1,136	361	1,497

HMPPS staff in post by establishment in Wales, December 2019

Source: HMPPS (2020)

⁴ The responsibility for prisoner healthcare within public sector prisons in Wales was transferred from the Home Office to the Welsh Government in 2003 and then onto Welsh Local Health Boards in February 2006. At HMP Parc in Bridgend, the Cym Taf Morgannwg University Health Board are only responsible for providing secondary health services to prisoners as primary healthcare services fall under the direct responsibility of the prison's private operator G4S Care and Justice Ltd (G4S).

1.3 A total of 28 prison staff and 5 prisoner escort staff had contracted Covid-19 as of 9 April (Shaw, 2020b). On 10 April the Prison Officers Association (2020) confirmed that three members of staff had died having shown symptoms of Covid-19; two Operational Support Graded staff at HMP Pentonville and one Caterer at HMP Wymott in Lancashire. With an estimated 8,000 prison staff absent from work because of issues relating to Covid-19 (BBC News, 2020), HM Prison and Probation Service (HMPPS) are writing to 9,000 former prison officers to offer them temporary contracts to increase capacity during the outbreak (POA, 2020). It is unknown how many prison staff working in Wales have been forced to take leave. At the end of December 2019, there were a total of 1,497 operational and non-operational staff working in public sector prisons in Wales (see Figure 1).

1.4 It was reported on 1 April that three prisoners at HMP Swansea had tested positive for Covid-19 (Youle, 2020). This followed reports on 19 March that prisoners and staff at HMP Berwyn had shown signs of the virus. A total of 22 prisoners were displaying symptoms and 75 staff were off work sick or self-isolating at HMP Berwyn (Rees, 2020).

2. OVERCROWDING AND AGE

2.1 NHS guidance on the outbreak of Covid-19 is that anyone experiencing symptoms of the virus, or those living with someone who is, should self-isolate. Strict lockdown measures issued by the UK Prime Minister on 23 March are in place to support social distancing and to minimise the spread of the virus. Understandably, the advice on self-isolation and social distancing has raised a number of concerns over the welfare of prisoners and those working within the prison estate. The Chair of the House of Commons Justice Committee has described the prison estate as "a potential hotbed for viral transmission" amidst growing concerns over poor conditions and overcrowding (Neil, 2020). Coker (2020: 2) has argued that due to the nature of prison environments, social distancing and personal infection control measures are "almost impossible in overcrowded settings with sanitation limitations". Overcrowding, poor ventilation and unsanitary conditions are also likely to increase the speed at which the virus will spread (Coker, 2020).

Prison	Certified Normal Accommodation	March 2020 Population	Rate
Berwyn	1,865	1,820	98%
Cardiff	522	691	132%
Parc	1,559	1,667	107%
Swansea	250	415	166%
Usk/Prescoed	363	511	141%
Total	4,459	5,104	114%

Rate of Prison Overcrowding in Wales, March 2020

Source: Ministry of Justice (2020a)

2.2 HMP Swansea was the most overcrowded prison in England and Wales at the end of March 2020 (see Data – Figure 8). Along with Swansea, two other Welsh prisons – Cardiff, and Usk/Prescoed – are currently within the top twenty most overcrowded prisons in England and Wales. Only HMP Berwyn, which as a new prison is slowly increasing capacity, is operating within its Certified Normal Accommodation⁵. Despite operating within its CNA, "most prisoners shared double cells" when HM Chief Inspector of Prisons (2019:13) visited HMP Berwyn in 2019.

2.3 The latest figures reveal that just 17 days after the World Health Organisation declared the outbreak of Covid-19 a global pandemic, the number people held in Welsh prisons climbed to its highest ever level (see Figure 3). The in-country imprisonment rate in Wales is comfortably the highest in Western Europe at 163 per 100,000 of the population, significantly higher than the comparative rate of 139 per 100,000 in England (Jones, 2019).⁶ The number of people in English prisons fell by 615 from 78,563 in February to 77,948 in March (Ministry of Justice, 2020a).

⁵ Certified Normal Accommodation (CNA) is defined within Prison Service Instruction 17/2012 as "the good, decent standard of accommodation that the Service aspires to provide all prisoners".

⁶ Based on prison population data for March 2020 and mid-year population estimates for 2018. https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates

Prison	February 2020	March 2020	Change
Berwyn	1,732	1,820	+88
Cardiff	749	691	-58
Parc	1,650	1,667	+17
Swansea	436	415	-21
Usk/Prescoed	524	511	-13
Total	5,091	5,104	+13

Prison Population in Wales, February and March 2020

Source: Ministry of Justice (2020a)

2.4 On 1 April it was reported that three prisoners at HMP Swansea had tested positive for Covid-19 (Youle, 2020). The most recent inspection at HMP Swansea found that "most cells" housed more prisoners that they had been designed to accommodate (HMCIP 2018: 29). In most cases, inspectors found that cells were occupied by two prisoners while some double cells held three. Although many cells were found to be in reasonable condition, HMCIP (2018: 29) reported that most cells were "poorly ventilated" and that prisoners often had to eat meals in cells next to a toilet without a seat or lid.

Figure 4

Prisoners in Wales broken down by age group, December 2019

Age	Number
15-17	14
18-20	198
21-24	516
25-29	860
30-39	1,504
40-49	844
50-59	493
6o and over	308
	4,737

Source: Ministry of Justice (FOI)

2.4 Initial research into Covid-19 has shown that those aged 50 and over, particularly men, are more likely to be hospitalised and are at greater risk of dying from the virus (Sample, 2020). **Yet older prisoners represent the fastest growing demographic group in prison in England and Wales**. A study published by Public Health England in 2017 found that the number of prisoners aged 50 or older had increased by 150% in England and Wales since 2002 (Public Health England, 2017). At the end of December 2019, 1 in 6 (17%) Welsh people in prison were aged 50 and above (see Figure 4). 1 in 10 prisoners held in Wales were aged 50 and above. **At HMP Usk, 40% of the population are aged 50 and above** (see Data - Figure 9).

3. THE UK GOVERNMENT'S RESPONSE

3.1 On 24 March 2020, the Ministry of Justice announced that all prison visits in England and Wales were to be cancelled to help curb the spread of Covid-19. The following week, the Lord Chancellor and Justice Secretary, Robert Buckland QC, revealed that pregnant prisoners deemed to be low risk were to be temporarily released to protect them and their unborn baby from the spread of the virus. By 7 April 2020, 6 pregnant women had been released from prisons in England (Beard, 2020).

3.2 On 4 April, the UK Government further intensified its response to the outbreak in announcing that risk-assessed prisoners within two months of their release date would be temporarily released. The Ministry of Justice estimates that approximately 4,000 prisoners will be released early as part of the plans with prisoners subjected to electronic tagging and immediate recall, if required. These plans do not extend to those convicted of violent or sexual offences or to those deemed to be a "security concern" (Ministry of Justice, 2020). 43% of Welsh prisoners had either been convicted of a violent or sexual offence at the end of December 2019 (Figure 5).

Welsh prisoners broken down by offence group, December 2019

Offence Type	Number
Violence against the person	1,150
Sexual offences	876
Robbery	316
Theft Offences	555
Criminal damage and arson	98
Drug offences	917
Possession of weapons	155
Public order offences	75
Miscellaneous crimes against society	202
Fraud Offences	55
Summary Non-Motoring	284
Summary motoring	44
Offence not recorded	10
Total	4,737

Source: Ministry of Justice (FOI)

3.3 The UK Government's proposals have been met with criticism. The Prison Governors Association (PGA) claim that plans to release 4,000 prisoners will do little to ease overcrowding (Beard, 2020). The Association estimates that approximately 15,000 prisoners would need to be released to counterbalance Covid-19 pressures faced by prison staff. Indeed, the Chief Executive of HMPPS, Jo Farrar, agreed that around 10,000 and 15,000 prisoners would have to be released to achieve single cell occupancy (Beard, 2020). However, on 9 April the UK Government instead announced plans to install 500 temporary single occupancy cells in seven prisons in England (Ministry of Justice, 2020c).⁷ According to the Chief Executive of HMPPS, this forms part of the UK Government's mixed response to the outbreak which involves early release, expanded capacity and more staffing to ease pressures on the prison estate (Beard, 2020).

⁷ HMP North Sea Camp, HMP Littlehey, HMP Hollesley Bay, HMP Highpoint, HMP Moorland, HMP Lindholme and HMP Humber.

Welsh prisoners broken down by sentence type, December 2019

Sentence Type	Number
Remand	450
Less than 12 months	367
12 months to less than 4 years	1,134
4 years or more	1,917
IPP	92
Life	285
Recall	451
Non-Criminal	8
Unknown	33
Total	4,737

Source: Ministry of Justice (FOI)

3.4 The UK Government's intention to release approximately 4,000 prisoners means that, based on equal share of the prison population, 228 Welsh prisoners could be released as part of the plans. If the Prison Governors Association's recommendation were to be adopted, approximately 855 Welsh prisoners would be released as an equal share of 15,000 prisoners. Under either approach, however, the imminent release of Welsh prisoners raises a number of wide-ranging questions at a time when it remains unclear what role, if any, the Welsh Government and Public Health Wales are playing in shaping the Ministry of Justice's policy. For example: What impact will the releases have on housing services in Wales? What steps are being taken to prepare for the imminent arrival of tens of prisoners, many of whom are likely to need temporary accommodation (Jones, 2019). Has additional funding been made available to housing services in Wales to meet the additional demand?

3.5 UK Government's release strategy also raises questions about what support services need to be in place to ensure that prisoners return safely to their communities. The government's advice against non-essential travel has led to the widespread cancellation of many travel services. On 20 March, Transport for Wales announced that Sunday service times are being applied seven days a week with many train services no longer running. For those released from prisons many miles away from home, the disruption is likely to present a number of formidable challenges on the day of their release. These difficulties will only serve to compound the problems facing prisoners trying to navigate what can be a very stressful and isolating experience (Jones, 2017).

Figure 7

Prison	Number
Berwyn	1,123
Cardiff	151
Parc	330
Prescoed	81
Swansea	40
Usk	49
Total	1,774

English Prisoners in Wales, December 2019

Source: Ministry of Justice (FOI)

3.6 At the end of 2019, one-third (34%) of Welsh prisoners were being held in prisons in England.⁸ Prisoners from Wales are also dispersed across the Welsh prison estate. In December 2019, 40% of Welsh prisoners at HMP Berwyn were from local authority areas outside of north Wales. This includes Blaenau Gwent (11); Cardiff (57), Carmarthenshire (8); Merthyr Tydfil (8); Neath Port Talbot (25); Newport (10); Powys (16); Rhondda Cynon Taf (10); and Swansea (37). It remains to be seen what steps, if any, will be taken to ensure that those released from prisons many miles away from home return to their home areas as quickly and as safety as possible. The same argument applies to English prisoners being released from prisons in Wales. At the end of December 2019, a total of 1,774 prisoners from England were held in Welsh prisons (see Figure 7).

⁸ Welsh prisoners were being held in 106 prisons in England at the end of December 2019.

4. CONCLUSION

The Covid-19 pandemic is the most urgent challenge that prison staff and health officials in Wales have ever faced, and the situation is fast moving and changing by the day. By presenting the most recent data on imprisonment in Wales, this short report aims to contribute to a more critically informed discussion on the outbreak in Wales. **The data presented here reveal that prisoner numbers have increased in Wales since February, and that HMP Swansea currently has the highest rate of overcrowding in England and Wales.** These two points alone underline the need for better scrutiny and more information about the developing situation in Wales. While the Ministry of Justice continue to refer solely to Public Health England, it remains unclear what is being done within Wales, a country that now comfortably boats the highest in-country imprisonment rate in Western Europe.

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Rate of Prison Overcrowding in England and Wales

	Certified Normal		
	Population	Population	Rate (%)
Swansea	250	415	166
Lincoln	403	644	160
Preston	433	679	157
Durham	578	903	156
Leicester	208	325	156
Wandsworth	957	1,486	155
Leeds	667	1,012	152
Doncaster	738	1,098	149
Pentonville	694	1,035	149
Brixton	529	771	146
Exeter	318	465	146
Usk / Prescoed	363	511	141
Altcourse	794	1,101	139
Hull	723	987	137
Bristol	345	469	136
Nottingham	596	798	134
Bedford	271	359	132
Cardiff	522	691	132
Forest Bank	1,063	1,403	132
lsis	478	627	131
Chelmsford	516	673	130
Huntercombe	369	478	130
Oakwood	1,600	2,087	130
Winchester	365	471	129
Thameside	926	1,188	128
Bullingdon	869	1,072	123
Ranby	850	1,020	120
Norwich	616	736	119
Birmingham	789	933	118
High Down	999	1,164	117
Holme House	1,036	1,197	116
Stoke Heath	662	767	116
Guys Marsh	379	435	115
, Hewell	758	865	114
Portland	458	518	113
Elmley (Sheppey)	1,007	1,127	112
Lancaster Farms	495	554	112
Buckley Hall	409	456	111
,		.5	

	Certified Normal		
	Population	Population	Rate (%)
Hindley	512	570	111
Humber	951	1,044	110
Liverpool	607	668	110
Rye Hill	600	661	110
Lindholme	859	939	109
Wormwood Scrubs	993	1,079	109
Dovegate	1,060	1,150	108
Parc	1,559	1,667	107
Stocken	974	1,039	107
Isle of Wight	976	1,027	105
Littlehey	1,154	1,214	105
Maidstone	565	595	105
Risley	1,050	1,100	105
Whatton	769	808	105
Moorland	943	985	104
Wymott	1,099	1,142	104
Ashfield	400	411	103
Peterborough (Male	1,104	1,138	103
& Female)	_	_	
Bure	604	619	102
Channings Wood	698	711	102
The Mount	1,008	1,027	102
Wayland	965	981	102
Coldingley	418	422	101
Erlestoke	494	497	101
Foston Hall	307	309	101
Highpoint (North & South)	1,291	1,309	101
New Hall	371	376	101
Stafford	741	750	101
The Verne	570	578	101
Belmarsh	760	763	100
Dartmoor	633	632	100
Featherstone	636	636	100
Garth	812	812	100
Leyhill	515	514	100
Lowdham Grange	888	886	100
Northumberland	1,348	1,349	100
Sudbury	581	580	100
Thorn Cross	385	385	100
Wealstun	809	813	100
Ford	544	536	99
Gartree	708	703	99
Hollesley Bay	480	474	99
Onley	742	736	99
Rochester	685	676	99

	Certified Normal		
	Population	Population	Rate (%)
Standford Hill	464	458	99
(Sheppey)			
Whitemoor	458	452	99
Berwyn	1,865	1,820	98
Brinsford	539	526	98
Downview	303	298	98
Frankland	852	839	98
North Sea Camp	420	410	98
Swinfen Hall	572	563	98
Wakefield	750	733	98
Aylesbury	209	203	97
Deerbolt	337	328	97
Kirkham	651	634	97
Lewes	613	593	97
Send	282	274	97
Hatfield	378	364	96
Kirklevington	283	272	96
Grange			
Long Lartin	607	583	96
Swaleside (Sheppey)	1,112	1,072	96
Warren Hill	258	247	96
Full Sutton	594	565	95
Drake Hall	340	319	94
Bronzefield	537	500	93
Eastwood Park	387	361	93
Grendon / Springhill	568	527	93
East Sutton Park	101	93	92
Low Newton	314	290	92
Woodhill	539	494	92
Feltham	480	436	91
Werrington	118	105	89
Styal	446	393	88
Askham Grange	128	110	86
Manchester	958	786	82
Cookham Wood	188	153	81
Wetherby	336	242	72
Haverigg	252	178	71

Source: Ministry of Justice (2020)

Prisons in Wales broken down by age group, December 2019

	Age	Number
Berwyn	18-20	≤5
	21-24	201
	25-29	360
	30-39	573
	40-49	356
	50-59	113
	6o and over	35
	-	1,639
Cardiff	18-20	27
	21-24	101
	25-29	137
	30-39	303
	40-49	127
	50-59	45
	6o and over	9
Done		749
Parc	15-17 18-20	31
		125
	21-24	212
	25-29	328
	30-39	477
	40-49	236
	50-59 60 and over	131
	oo and over	97 1,637
Prescoed	18-20	<u>≤</u> 5
, rescoca	21-24	-3 27
	25-29	_, 42
	30-39	76
	40-49	51
	50-59	35
	60 and over	17
		249
Swansea	18-20	24
	21-24	53
	25-29	90
	30-39	156
	40-49	76
	50-59	27
	6o and over	8
		434

21 Wales Governance Centre | Covid-19 and Imprisonment in Wales

	Age	Number
Usk	21-24	15
	25-29	32
	30-39	61
	40-49	48
	50-59	53
	60 and over	57
		266
Total		4,974

Source: Ministry of Justice (FOI)

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Canolfan Llywodraethiant Cymru

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