

Commission on Justice in Wales
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

29th June 2018

By email only

Dear Sirs,

Re: Commission on Justice in Wales – Call for Evidence

I welcome the opportunity to make a written submission to the Commission and follow up on the oral evidence I gave to the Commission on 16th April 2018.

I am aware that the four Chief Constables in Wales have made a separate submission in which they highlight in some detail the tremendous challenges and complexities facing operational policing in Wales. I don't wish to repeat those points but suffice to say I fully support the submission of the Chief Constables and the concerns that they raise. Here I will focus upon the challenges I face as the elected Police and Crime Commissioner for North Wales, some of which I addressed during my oral evidence.

Welsh Government and Westminster

It would be fair to surmise a level of frustration on my part of having to work with two separate legislative bodies. Time and time again it is clear to me that Wales and the Welsh Government simply do not appear on the radar of Westminster. This is despite the excellent work of a small yet effective Home Office team based in Cardiff that work closely with the Welsh Government. Westminster continue to set policies and develop initiatives that are based on the English partnership landscape and which do not fully take Wales into account.

I illustrate my point with a very recent example. I was recently nominated as a representative for Wales to sit on the National Criminal Justice Board. The Lord Chancellor and Secretary of State for Justice accepted my nomination, however in his response stated "there will be instances when it is important for the Wales specific dimension of criminal justice to be heard at the CJB" and that my attendance would only be required at such meetings. I am of the view that as criminal justice is yet to be devolved, everything discussed at the National Criminal Justice Board is as relevant to Wales as it is to England. Once again it appears to be a case of for Wales, read England. As an elected representative of the communities of North Wales I find that situation unacceptable.

The majority of my work is with the government in Westminster and specifically the Home Office and the Ministry of Justice but of course I also work with the Welsh Government on a regular basis, particularly in relation to substance misuse and domestic violence. In relation to domestic violence, I believe Wales are much further advanced in our approach to tackling this heinous crime and the support given to the victims and survivors. The recent domestic violence Bill introduced by Westminster illustrates the point. Whilst the Bill is applicable to both England and Wales, much of its requirements are already in place in Wales and it is a case of England catching up with Wales.

The Adverse Childhood Experiences (ACE) project is another example of excellent, truly effective partnership and collaborative working across Wales that has an opportunity to make real, tangible differences to the people of Wales for generations to come. The programme will address the lack of early intervention and preventative activity when adverse childhood experiences are evident and families are at risk of poor outcomes, as well as the associated impacts on policing and partners in terms of vulnerability and crime. In the long term it is anticipated that the benefits arising from this work will extend to the wider partnership landscape as well as to the communities we serve.

Deferred prosecutions and diversionary schemes

The principles of early intervention and identifying the underlying causes of harm so prevalent in the ACE project also reflect my vision in relation to reducing the harm caused by substance misuse. There is a significant difference between substance use and substance misuse. 90% of drugs users use it recreationally on weekend and cause no harm to anyone. I firmly believe the focus of policing and the criminal justice system should be on those who cause the greatest harm to others.

As I am sure you will be aware, it costs the public purse around £65,000 to send somebody to prison in this country once police, court costs and all the other steps are taken into account. In addition, it costs in excess of a further £30,000 each year they spend in prison. I believe that is not an effective use of public money.

My views on enforcement of drug laws are well documented. A new approach to dealing with problematic drug use is needed and I have felt for some time that the current prohibitive stance is extremely damaging to individuals and their communities.

Whilst the police will most certainly continue to crack down on major drug suppliers and organised crime lords, we must take a completely different approach to the people who are addicted to drugs. I believe we should be treating addiction as a medical issue and not as a crime. These people are victims and we should show some common sense and compassion.

Since being elected in May 2016 I have been researching the different methods of reducing harm, not only to those suffering with addiction, but also the impact that substance abuse can have on local communities. In 2001, Portugal decriminalised drugs following the worst drug epidemic that the world has ever seen, with 1% of the population being addicted to heroin in the 1990s. It was rightly determined that drug addiction was a public health issue and not a criminal justice issue. This is something that needs to be addressed in the UK to ensure that those suffering with addiction are given the opportunity to turn their lives around.

With that ethos firmly in mind, I currently fund (in collaboration with National Probation Service) a Drug Intervention Programme. This programme has been in place for many years without review. I am currently in the process of re-designing this programme to focus on greater use of diversionary pathways. The Bristol Drug Education Project and Checkpoint in Durham are examples where low level offenders are given the opportunity to engage in education programmes as an alternative to prosecution and entering the criminal justice system.

Whilst the specification for that programme is still in development, without question there will be support for female offenders. A greater proportion of short term sentences are given to women in North Wales than any other region in England and Wales. This is an extremely worrying trend which has serious consequences.

Being sent to prison, even if it's only for a short period of time, has a major impact on the lives of the women affected and also on their families. It also makes their rehabilitation, which I believe is of paramount importance, more difficult.

I welcome the recent news that the Government will not be progressing with more community prisons and instead are focusing on residential centres, diverting women from custody. This type of earlier intervention has shown to be effective in reducing reoffending rates. Female offenders are some of the most vulnerable members of our society. They often have complex needs and may live with mental health issues, domestic abuse and substance abuse.

I will watch with great interest to see the £50m earmarked for new prisons, recently returned to the Treasury by the Government, will be invested in this new strategy by the Ministry of Justice.

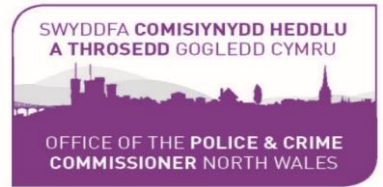
What works well in the justice system in Wales? What challenges are presented?

I have already referred to the areas of Domestic Violence and Adverse Childhood Experiences as areas of good practice and there are others worthy of note.

Modern Slavery is still a relatively new type of crime yet the collaborative work that has taken place across Wales to bring offenders to justice and to protect the most vulnerable victims imaginable has been truly impressive.

There are many well established examples of partnership working within the criminal justice system. The four Welsh police forces and four Police and Crime Commissioners already participate in the All Wales Criminal Justice Board at which the relevant agencies in the criminal justice sector in Wales are represented and which promotes collaborative working. I also Chair the North Wales Local Criminal Justice Board (LCJB). Whilst progress is slower than I would have hoped, the engagement of partners around the table has been excellent. The only exception to that statement is the judiciary.

There are also challenges of course. The Commission will be aware of recent changes to bail provisions, indeed the Chief Constables have highlighted the issue within their submission. Whilst I will not repeat the argument, its impact is so significant that it does merit highlighting again. The impact on the court service in Wales has been significant, with an increase in the number of defendants who fail to attend the first hearing in the Magistrates Courts. The Court Service have raised concerns that the changes made to bail provisions has resulted in longer delays for defendants, and for vulnerable witnesses and victims – currently estimated as adding between 3 and 6 months in the pre-charge process and, in the event of a not guilty plea in the Crown Court, trials not being listed until at least



12 months after the incident (which can impact upon the willingness of witnesses to give evidence).

The closure of courts is an issue for rural forces such as North Wales. The impact of these closures (Dolgellau being an example) makes access to the criminal justice system more challenging for victims, witnesses and defendants. Following the closure of court in Dolgellau, victims, witnesses and defendants are now required to travel over an hour to Caernarfon. More effective use of technology will improve this situation however there is much still to be done in this regard.

Devolution

I support more responsibilities being devolved to Wales. I welcome the fact that the Ministry of Justice are moving towards devolving more responsibilities to Commissioners around victims and witnesses. This is a step in the right direction but more can be done. As matters are devolved to the Mayor of Greater Manchester, I see no reason why the same cannot happen in Wales.

I would welcome the devolution of policing to Wales but believe in order to be truly effective the whole Criminal Justice System should be devolved. Policing and the Criminal Justice System are intrinsically linked, and one should not be devolved without the other. Police are at the heart of the Criminal Justice System, and changes affecting other bodies involved in the criminal justice system would directly impact upon the delivery of policing. This in turn effects the outcomes for the victims and communities that we serve

Clearly there are risks which I acknowledge, including fiscal. There would be cost implications to any proposed changes at a time of fiscal challenge and this would be of concern as the police service continues to face funding pressures that could adversely impact upon our front line and the delivery of our core policing service.

Conclusion

If I were to summarise my views succinctly it would be the need for greater focus on diverting people away from the Criminal Justice System through early intervention, and once in the CJS, a greater focus on diversionary schemes and deferred prosecutions as opposed to custodial sentences.

I trust that this submission, in addition to my oral submission, is of assistance to the Commission in your deliberations.

Yours sincerely

Arfon Jones

Police and Crime Commissioner for North Wales