International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

Contemporary Criminal Policy FromThe Social Exclusion Perspective: A Comparative Overview

Anabel Cerezo[1]
University of Malaga

Pablo Rando-Casermeiro
University of Seville

https://doi.org/10.1387/inecs.29259

Abstract: This paper presents the results of the APRIMES+ research project, which seeks to operationalize and measure the social exclusion generated by criminal justice systems in 13 Western jurisdictions (Germany, California, Spain, Finland, Florida, France, England and Wales, Italy, New York, Poland, Portugal, Romania, and Texas). Using the RIMES instrument—comprising 39 items that assess both norms and practices—the study places each jurisdiction on a continuum ranging from lower to higher levels of exclusion.

The results reveal a marked divide among the systems analyzed: Anglo-Saxon jurisdictions, particularly U.S. states such as Florida and Texas, exhibit the highest levels of social exclusion, with over 60% of items receiving affirmative responses. In contrast, countries in Continental Europe show significantly lower levels, with Spain and Finland standing out as the least exclusionary jurisdictions. A detailed analysis by thematic areas (pools) identifies criminal and police records (Pool 8) and juvenile justice (Pool 9) as the areas that generally generate the highest levels of exclusion.

The study concludes that the RIMES instrument possesses a robust discriminatory capacity for comparing international criminal policies, enabling an evaluation of criminal justice systems that goes beyond traditional metrics of punitiveness and provides key data for the design of less exclusionary policies.

Keywords: *Comparative Criminal Policy, Social Exclusion, RIMES.*

This article is part of the results of a research project funded by the Spanish Ministry of Science, Education, and Innovation, entitled "Toward a Criminal Policy Model of Social Inclusion: Transformation of Criminal Agencies to Reduce Exclusion and Promote Inclusion (CRISOL)," reference PID2024-158413NB-I00, led by Principal Researchers Elisa García-España and Pablo Rando-Casermeiro.

1. Introduction

The overall objective of AP-RIMES+ project is to continue operationalizing the theoretical model proposed by Díez-Ripollés (2011, 2013) through the development and application of an instrument capable of measuring, in comparative terms, the social exclusion generated for suspects, defendants, convicted individuals, and ex-offenders by the current penal control systems of western countries. We already have a validated instrument for measuring social

[1] Correspondence to: aicerezo@uma.es

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

exclusion composed of 39 items, of which 28 are rules and 11 are practices. In addition, this instrument has already been applied in thirteen jurisdictions: Germany, California, Spain, Finland, Florida, France, England and Wales, Italy, New York, Poland, Portugal, Romania, and Texas.

In this paper, we present the results of the AP-RIMES+ research project, following results of previous RIMES project. To do so, we show the position of each jurisdiction on a continuum ranging from lower to higher levels of social exclusion. Before this, we analyze the types of items (rules or practices) and the thematic pools that, in each jurisdiction, sustain its level of exclusion. Specifically, this chapter aims to achieve the following objectives:

A. Distribution of items expressing social exclusion across jurisdictions.
B. Distribution of items in each jurisdiction by thematic pools.
C. Measurement of criminal social exclusion:
i. Comparison of jurisdictions according to thematic pools
ii. Jurisdiction-by- jurisdiction pool analysis
iii. Overall social exclusion score for all jurisdictions analyzed.

2. Methodology

The methodology of the RIMES instrument has been described in previous phases of the project. The 39 indicators of the RIMES instrument were selected by a panel of approximately 90 experts from 18 countries because they scored highest on social exclusion, according to Aiken's V-criterion. The selected items were distributed across nine diferent pools. Each of them represents one field of social exclusion generated by criminal justice policies against suspects, offenders or ex-offenders.

Subsequently, the project team applied the instrument to each of the selected jurisdictions, answering "yes" or "no" to each item. Finally, the responses were reviewed by experts from each jurisdiction—different from those who had been consulted initially to assess the indicators (Díez-Ripollés & García-España 2019; Díez-Ripollés 2024, Arenas-García 2024; García-España 2024). In this new wave of the RIMES project, six new jurisdictions (Finland, Florida, France, Portugal, Romania, and Texas) have been added to the analysis, making the comparison more representative than in previous results presentations.

The final instrument may be consulted in the website of RIMESproject (RIMES 2024).

3. Results.

3.1. Distribution of Items Expressing Social Exclusion Across Jurisdictions

Table 1 shows the number of items that have been answered affirmatively in each jurisdiction. As can be observed, Anglo-Saxon jurisdictions show the highest number of affirmative responses, meaning that they are the jurisdictions that display the greatest levels of social exclusion. In these cases, the percentage of affirmative responses exceeds 60% of all items included in the instrument. In contrast, in central European jurisdictions this percentage of exclusion-generating items is around 40%. Furthermore, in southern European countries and in Finland, we find values below 40%. We can therefore state, in general terms,

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

that the United States is the country that generates the highest level of social exclusion, whereas Spain and Finland exhibit the lowest levels of social exclusion among all jurisdictions analyzed, closely followed by Portugal.

Table 1

Number (N) and Percentage (%) of Affirmative Items by Jurisdiction.

Jurisdiction	N	%
Spain	8	20,5%
Finland	9	23,1%
Portugal	10	25,6%
Romania	14	35,8%
Italy	14	35,8%
Poland	16	41,0%
Germany	17	43,6%
France	17	43,6%
England y Wales	24	61,5%
New York	27	69,2%
California	28	71,7%
Texas	29	74,4%
Florida	31	79,4%

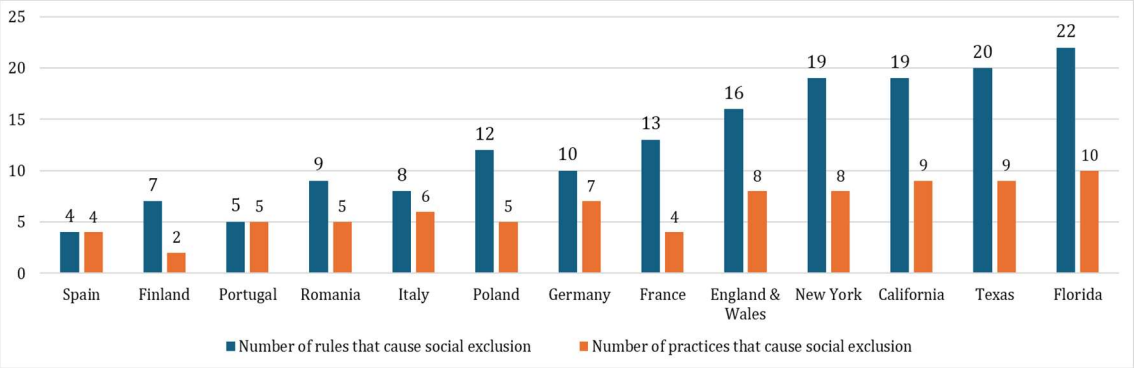
It is interesting to analyze which of the items answered affirmatively correspond to rules and which to practices in the thirteen jurisdictions studied. As shown in Figure 1, in most jurisdictions it is the rules that generate greater social exclusion, which is consistent with the fact that the instrument contains a larger number of rules than practices (28 rules versus 11 practices). Spain and Portugal stand out as the only two countries in which the number of practices and the number of rules answered affirmatively are the same. It is also worth noting that Spain is the country with the fewest rules answered affirmatively (only four rules), in contrast to Florida, which has twenty-two rules. Similarly, it is noteworthy that Finland is the country with the fewest practices answered affirmatively.

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

Figure 1

Number of Rules and Practices that Cause Social Exclusion by Jurisdictions



In light of the data presented, we reaffirm the idea that Anglo-Saxon jurisdictions are those that generate the highest levels of social exclusion, whereas the countries of continental Europe appear significantly less exclusionary, although notable differences exist between them. However, beyond this main contrast, the analysis also reveals other noteworthy findings.

First, the United States is the most exclusionary country among those examined. Yet, when focusing on the comparison between its states, we find that the two southern states—Texas and Florida—are more exclusionary than California and New York. Although the differences among the four states are not pronounced, one might suggest, as a working hypothesis, that this pattern may be explained by the traditionally more punitive character of the penal systems in southern states, which are marked by a conservative and strict moral outlook than that of the other two states analyzed (Kutateladze 2009, 252).

At the opposite end of the social exclusion spectrum, Spain, Portugal, and Finland also warrant closer attention. As noted earlier, the Iberian countries are the only two in the analysis that exhibit an equal number of rules and practices generating social exclusion. Viewed in absolute terms, it could be suggested that these are countries in which exclusionary rules arise in relatively few situations (that is, on paper, social exclusion would appear to be lower), but where exclusionary practices are more frequent. These results initially raised questions about whether, if our instrument contained a greater number of practices, the Iberian countries would rank somewhat higher in social exclusion—particularly considering that Finland, a country similar to the Iberian cases in this respect, presents only two exclusionary practices.

However, in our view, this possible limitation of the instrument is considerably tempered by two key considerations. First, Spain and Portugal are not countries that exhibit more exclusionary practices than the rest of the jurisdictions (with the clear exception of Finland). Indeed, each one of both countries presents four or five exclusionary practices, respectively. No other jurisdiction studied answers affirmatively to fewer than five practices, aside from the aforementioned case of Finland. Second, the general trend reflected in the data shows that the countries that answer affirmatively to a larger number of rules are also those that answer affirmatively to a larger number of practices. Thus, all Anglo-Saxon jurisdictions lead

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

in social exclusion not only in rules but also in practices, displaying, depending on the case, eight or nine practices answered affirmatively. These results suggest that, if more practices were added to the instrument, it is likely that the Anglo-Saxon countries would continue to rank similarly in terms of social exclusion.

In line with the above, it must be remembered that the data presented in Figure 1 represent absolute values—that is, they simply refer to the number of rules and practices answered affirmatively, without considering the differing totals of rules and practices contained in the instrument. To provide greater clarity, Table 2 presents the percentage distribution of rules answered affirmatively out of the total number of rules, and practices answered affirmatively out of the total number of practices, broken down by jurisdiction, as well as the difference between these two values.

Table 2

Percentage Distribution of Rules and Practices Answered Affirmatively

Jurisdiction	Rules (n=28)	Practices (n=11)	Difference R/P
Spain	14,3 %	36,4%	-22,1
Finland	25%	18,2%	6,8
Portugal	17,9%	45,5%	-27,6
Romania	32,1%	45,5%	-13,4
Italy	28,6%	54,5%	-25,9
Poland	42,9%	45,5%	-2,6
Germany	35,7%	63,6%	-27,9
France	46,4%	36,4%	10
England & Wales	57,1%	72,7%	-15,6
New York	67.9%	72,7%	-4,8
California	67,9%	81,8%	-13.9
Texas	71,4%	81,8%	-10,4
Florida	78,6%	90,9%	-12,3

It is clear that exclusionary practices are more common than exclusionary rules when examined in relative terms, insofar as all countries—except France and Finland—display a higher percentage of practices answered affirmatively out of the total number of practices (n = 11) than of rules answered affirmatively out of the total number of rules (n = 28). This explains the negative figures observed in most countries when presenting the difference between the percentages of rules and practices answered affirmatively. The data also show that Germany is the country with the largest difference between rules answered affirmatively out of the total rules and practices answered affirmatively out of the total practices, reaching a difference of –27.9 between rules and practices, followed closely by Portugal. In this way, we observe that Portugal and Spain, together with Italy and Germany, fall into a group of countries where exclusionary practices are considerably more common than exclusionary rules.

This contrast can be seen in Figure 2, which displays the relative distribution. The red line represents a hypothetical scenario in which the same percentage of rules and practices are answered affirmatively (a situation that only Poland, and to a lesser extent New York, come close to), while the blue line reflects the general tendency toward a higher percentage of

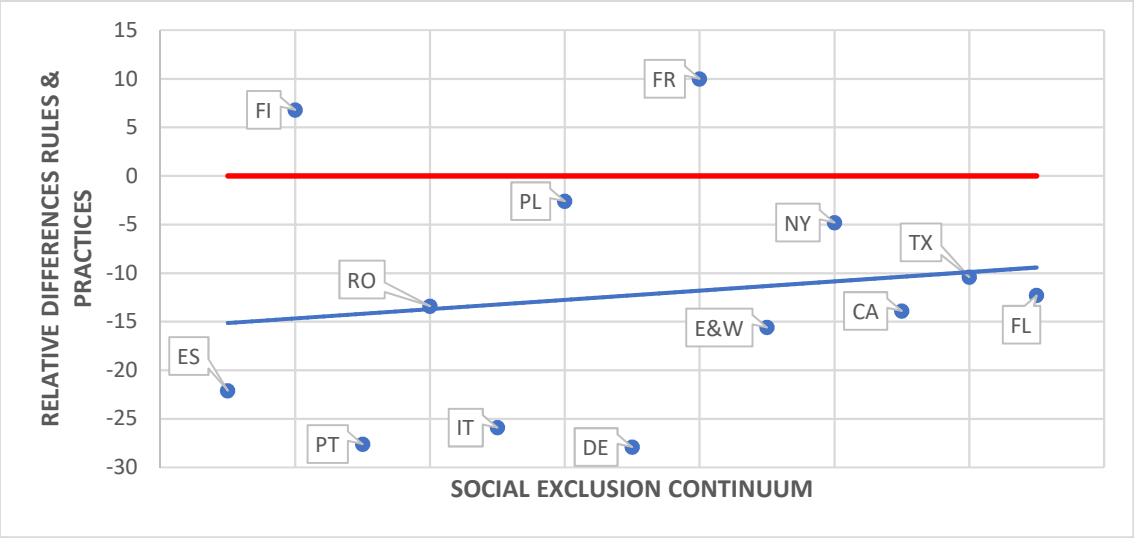
International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

exclusionary practices than exclusionary rules. The jurisdictions in the figure are arranged according to their position on the social exclusion continuum (from lower to higher levels of social exclusion).

Figure 2

Relative Differences Between Rules and Practices by Jurisdictions



Finally, it should be noted that this figure is not intended to measure the goodness of fit of the model, since this has nothing to do with the greater or lesser relative difference between rules and practices. Rather, the figure is included solely for descriptive purposes. In our view, the figure is indeed useful in showing that Spain and Portugal do not constitute an anomaly in relation to what might have appeared when considering the absolute numbers of rules and practices answered affirmatively.

3.2. Distribution of Items in Each Jurisdiction by Pools

In this section, we have examined whether the responses to the items within the same area of intervention of the criminal justice system, as defined in RIMES, tend to cluster in an affirmative direction, as shown in Table 3.

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

Table 3

Number and Percentage of Affirmative Items by Pool & Jurisdiction

	Pool 1		Pool 2		Pool 3		Pool 4		Pool 5		Pool 6		Pool 7		Pool 8		Pool 9	
Germany	2	50%	3	75%	1	20%	0	0%	1	25%	3	75%	2	40%	2	50%	3	60%
Spain	1	25%	0	0%	1	20%	1	25%	0	0%	1	25%	1	20%	2	50%	1	20%
Italy	3	75%	1	25%	1	20%	3	75%	1	25%	1	25%	0	0%	1	25%	3	60%
Poland	0	0%	1	25%	3	60%	2	50%	1	25%	3	75%	3	60%	3	75%	1	20%
Finland	1	25%	1	25%	0	0%	0	0%	1	25%	1	25%	1	20%	2	50%	2	40%
France	1	25%	3	75%	0	0%	1	25%	2	50%	2	50%	3	60%	2	50%	3	60%
Rumania	0	0%	1	25%	1	20%	1	25%	2	50%	2	50%	3	60%	2	50%	2	40%
Portugal	1	25%	2	50%	1	20%	0	0%	2	50%	2	50%	0	0%	2	50%	1	20%
California	3	75%	1	25%	4	80%	3	75%	3	75%	3	75%	2	40%	4	100%	5	100%
England & Wales	4	100%	2	50%	3	60%	2	50%	2	50%	2	50%	3	60%	2	50%	4	80%
New York	4	100%	1	25%	2	40%	2	50%	4	100%	2	50%	3	60%	4	100%	5	100%
Texas	3	75%	2	50%	3	60%	4	100%	3	75%	3	75%	3	60%	4	100%	4	80%
Florida	4	100%	4	100%	2	40%	4	100%	3	75%	3	75%	3	60%	4	100%	5	100%

We observe that there are three pools in which all countries have answered at least one item affirmatively. These are, therefore, pools that reflect a significant level of social exclusion: Pool 6 on preventive interventions, Pool 8 on police and criminal records, and Pool 9 on the youth criminal justice.

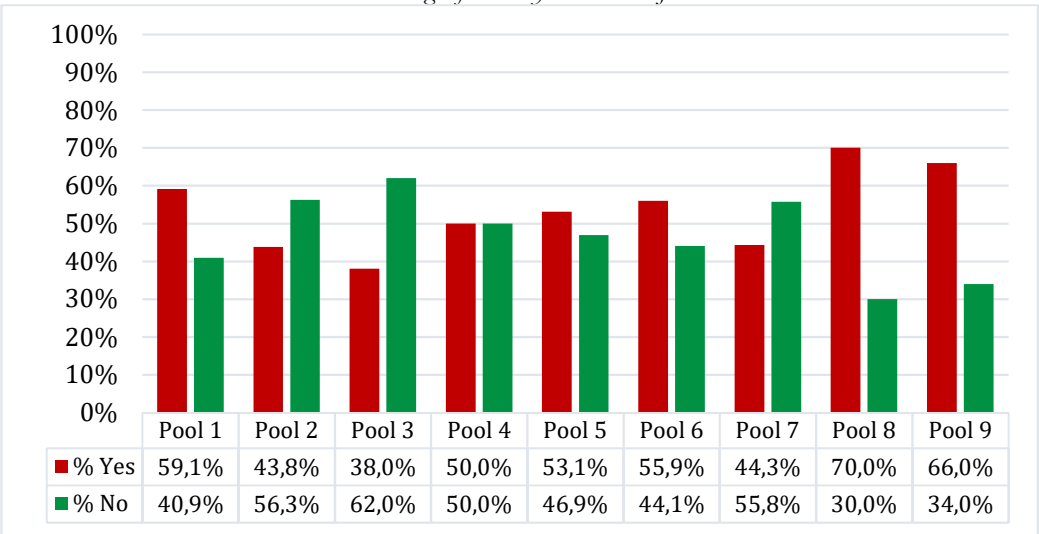
In the following figure, we can see more clearly that there are two pools in which the concentration of affirmative responses exceeds 60%: Pool 8, on police and criminal records—which is the most exclusionary—and Pool 9, on youth criminal justice. In addition, Pools 1, on control of public space; 5, on prison rules; and 6, on preventive interventions, show percentages of affirmative responses above 50%. In contrast, Pool 3, on the sentencing and sanctions system, contains the lowest percentage of affirmative responses and is the only pool in RIMES that does not reach 40% affirmative responses.

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

Figure 3

Percentage of Items by Pools in all Jurisdictions



	Pool 1	Pool 2	Pool 3	Pool 4	Pool 5	Pool 6	Pool 7	Pool 8	Pool 9
% Yes	59,1%	43,8%	38,0%	50,0%	53,1%	55,9%	44,3%	70,0%	66,0%
% No	40,9%	56,3%	62,0%	50,0%	46,9%	44,1%	55,8%	30,0%	34,0%

If we distinguish between continental European jurisdictions and Anglo-Saxon jurisdictions, we can observe interesting similarities and differences. In Anglo-Saxon jurisdictions, Pool 1 (control of public space), Pool 8 (police and criminal records), and Pool 9 (youth criminal justice) account for around 90% of affirmative responses. In European jurisdictions, we observe that, similarly—although with a much lower incidence of social exclusion—pools 8 and 9 also rank among the three most exclusionary ones. This explains why, in the overall data that combine all the jurisdictions studied, these pools score the highest in social exclusion. However, unlike what happens in Anglo-Saxon jurisdictions, in continental Europe Pool 6 turns out to be much more exclusionary than Pool 1, becoming the second most exclusionary.

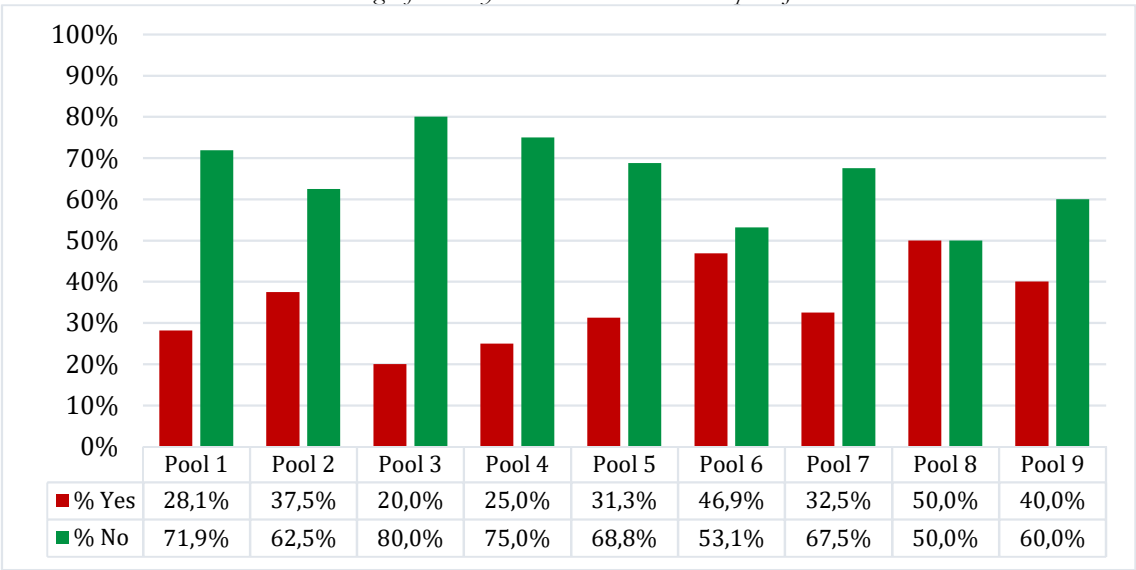
If we look at the pools that generate the least social exclusion, we observe that in continental Europe these are pools 3 (sentencing and sanctions system) and 4 (harshest penalties), which do not exceed 25% of affirmative responses (closely followed by Pool 1, on public space control). In Anglo-Saxon jurisdictions, there are only three pools that hover around 50% affirmative responses: Pool 2, Pool 3, and Pool 7. The rest score higher in social exclusion. All this can be seen more clearly in figures 4 and 5 below.

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

Figure 4

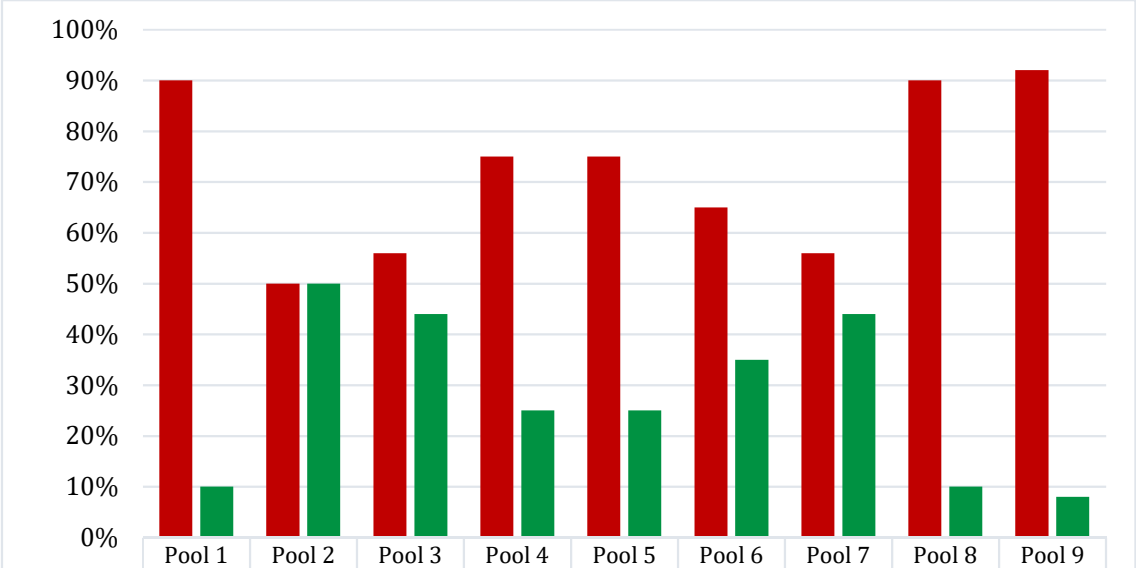
Percentage of Items by Pools in Continental European Jurisdictions



	Pool 1	Pool 2	Pool 3	Pool 4	Pool 5	Pool 6	Pool 7	Pool 8	Pool 9
% Yes	28,1%	37,5%	20,0%	25,0%	31,3%	46,9%	32,5%	50,0%	40,0%
% No	71,9%	62,5%	80,0%	75,0%	68,8%	53,1%	67,5%	50,0%	60,0%

Figure 5

Percentage of Items by Pools in Anglo-Saxon Jurisdictions



	Pool 1	Pool 2	Pool 3	Pool 4	Pool 5	Pool 6	Pool 7	Pool 8	Pool 9
% Yes	90,0%	50,0%	56,0%	75,0%	75,0%	65,0%	56,0%	90,0%	92,0%
% No	10,0%	50,0%	44,0%	25,0%	25,0%	35,0%	44,0%	10,0%	8,0%

When we move into a detailed analysis of the results for each pool, we observe that, once again, Anglo-Saxon jurisdictions are, in all cases, more exclusionary than continental European jurisdictions. There is no pool in continental Europe that has generated more social exclusion than any of those belonging to Anglo-Saxon jurisdictions. The most notable contrast between the two groups of jurisdictions appears in Pool 1, where we find a

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

difference of 61.9 percentage points between the affirmative responses from the Anglo-Saxon context (90%) and those from continental Europe (28.1%). Pool 1 is therefore the one that shows the most significant contrast in this comparison.

By contrast, Pool 2, which concerns legal safeguards, is the one in which Anglo-Saxon jurisdictions (50% affirmative responses) are closest to continental European countries (37.5% affirmative responses), with a difference of 12.5 points. This striking disparity between the two pools is noteworthy and encourages potential future studies that might explain why, in Anglo-Saxon countries, control of public space results in much greater social exclusion than in continental Europe, and why, conversely, there is greater homogeneity between the two geopolitical blocks when it comes to legal safeguards.

3.3. Measurement of Criminal Social Exclusion

We will now proceed to present the results according to the social exclusion scores obtained in each jurisdiction analyzed. We begin by showing the score obtained in each jurisdiction, disaggregating the data by thematic pools. We then examine the score achieved by each pool within the jurisdictions under study. Finally, we conclude with a visualization of all countries and their overall score along the social exclusion continuum.

A. Comparison of Jurisdictions according to Thematic Pools

We first undertook the task of compiling an analysis of the position of the thirteen jurisdictions across each of the nine pools that make up RIMES instrument.

A.1. Pool 1: Control of Public Space

Pool 1 concerns the control of public spaces and is composed of items 1, regarding arrest for repeated begging on the street; 2, concerning arrest for loitering; 3, relating to discriminatory police restrictions on certain people accessing certain public spaces; and item 11, the only practice in the pool, concerning discriminatory police stops.

This is a pool in which, as previously noted, high values predominate. The responses to the items that comprise this pool have therefore made it possible to identify various socially exclusionary penal manifestations connected to rules and practices aimed at exercising heightened control over public spaces and over individuals deemed potentially dangerous or undesirable (Rando-Casermeiro, 2024).

The scores obtained by the thirteen jurisdictions analyzed are distributed across the entire scale of penal social exclusion, as illustrated in Figure 6. The criminal justice systems of England and Wales, New York, and Florida stand out with the highest scores, being the only jurisdictions in which all four items in this pool were affirmed, resulting in a score of 10. California, Texas, and Italy appear close behind, with three of the four items affirmed, obtaining scores of 7.45 and 7.59, respectively. At the opposite end of the continuum are Poland and Romania, where all items were answered negatively (score 0).

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

Figure 6

Score of Pool 1 in all Jurisdictions

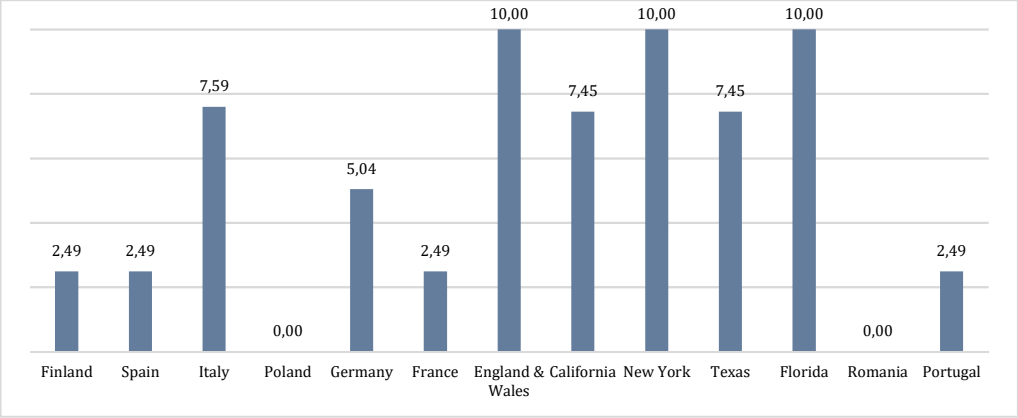


Table 4 shows that police powers of arrest for both begging-related conduct and loitering appear with greater frequency in Anglo-Saxon countries. By contrast, it is not easy to classify the responses to item 3—concerning discriminatory police restrictions imposed on certain individuals in specific public spaces—according to this pattern, given that such measures are not present in California but are found in European countries such as Germany and Italy.

The practice examined in item 11, which seeks to determine whether racial bias exists in police identification practices, was answered affirmatively in eleven of the thirteen jurisdictions. In the cases of Poland and Romania, the response was negative because it was not possible to empirically verify the existence of this type of police practice.

Table 4

Pool 1 by Jurisdictions & Items

Jurisdictions	Item 1	Item 2	Item 3	Item 11
Spain				YES
Finland				YES
Portugal				YES
Romania				
Italy	YES		YES	YES
Poland				
Germany			YES	YES
France				YES
England & Wales	YES	YES	YES	YES
California	YES	YES		YES
New York	YES	YES	YES	YES
Texas	YES	YES		YES
Florida	YES	YES	YES	YES

A.2. Pool 2: Legal Safeguards

Pool 2 addresses items related to legal safeguards and is composed of item 21, concerning the absence of legal aid for indigent people; item 22, relating to the requirement to pay court

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

fees for the review of sentences; item 24, regarding police detention exceeding five days; and the pool's sole practice, item 25, which assesses the percentage of people with mental illness who are serving sentences in ordinary prisons.

In contrast with the previous pool, the countries analyzed generate low to moderate levels of criminal social exclusion in this domain. Florida emerges as the jurisdiction with the most exclusionary criminal justice system, whereas Spain registers no exclusion in this pool. Approximately half of the jurisdictions present only one affirmative item (see Figure 7). However, in this case, no clear differential pattern can be observed between the Anglo-Saxon and continental European contexts. For example, California and New York exhibit lower levels of social exclusion than Portugal, Germany, or France. Portugal, moreover, presents levels of exclusion comparable to those of Texas or England and Wales. There is, therefore, no discernible trend when comparing the two geopolitical spheres.

Figure 7

Score of Pool 2 in all Jurisdictions

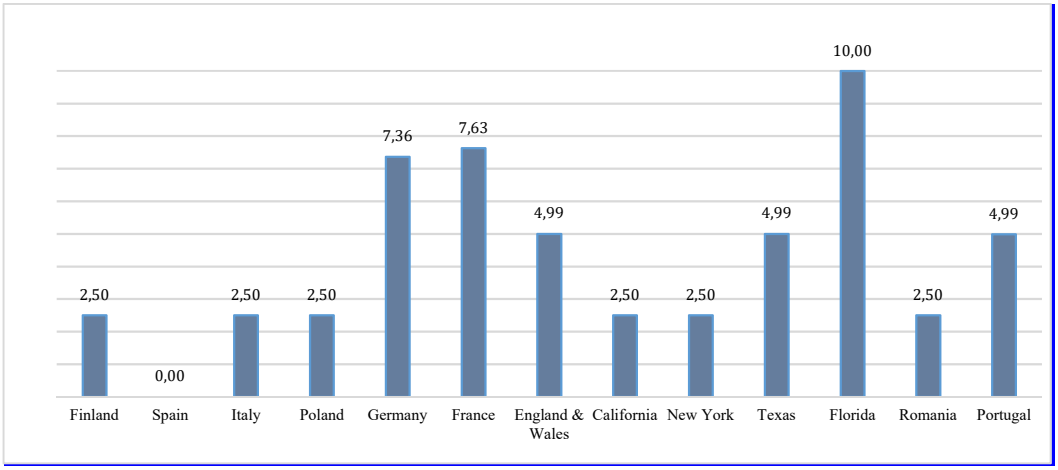


Table 5 shows that the vast majority of countries recognize the right to free legal aid for those who cannot afford it (item 21). Only Florida and France do not include this legal safeguard. Conversely, most of the countries analyzed acknowledged having a significant number of people with mental illness serving sentences in ordinary prisons (item 25). This item is present in all jurisdictions except Spain, Finland, and Poland, thus standing out as a widespread socially exclusionary penal manifestation within the systems examined (Prado-Manrique, 2024).

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

Table 5
Pool 2 by Jurisdictions & Items

Jurisdictions	Item 21	Item 22	Item 24	Item 25
Spain				
Finland		YES		
Portugal		YES		YES
Romania				YES
Italy				YES
Poland		YES		
Germany		YES	YES	YES
France	YES	YES		YES
England & Wales		YES		YES
California				YES
New York				YES
Texas		YES		YES
Florida	YES	YES	YES	YES

A.3. Pool 3: Sentencing and Sanctions System

Pool 3 consists of five items linked to the sentencing and sanctions system. The rules include item 33, concerning the absence of alternatives to imprisonment or for suspension of imprisonment; item 35, relating to the lack of alternative sanctions to imprisonment for less serious offences; and item 36, regarding the use of imprisonment as the only alternative to non-payment of fines. The practices are captured in item 37, which concerns an imprisonment rate above 120 per 100,000 inhabitants, and item 38, which measures whether three-quarters of the prison population serve their sentences in closed institutions.

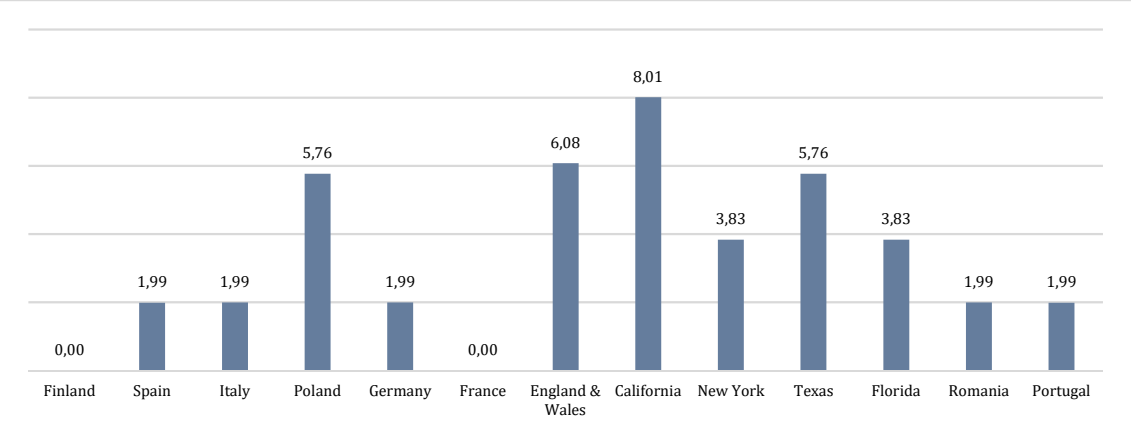
As shown in Figure 8, the scores in this pool span a wide range along the social exclusion scale. California stands out in particular as being more exclusionary than the other jurisdictions, with four of the five items being met. In contrast, Germany, Italy, Portugal, and Romania each report only one affirmative item, while Finland and France are the only countries that do not register any affirmative responses.

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

Figure 8

Score of Pool 3 in all Jurisdictions



These results, as shown in Table 6, indicate that none of the criminal justice systems analyzed exhibit the socially exclusionary feature of lacking alternatives for probation or suspension of imprisonment (item 33). Items 35 and 36—concerning the absence of alternatives to imprisonment for less serious offences and the use of imprisonment as the sole alternative to non-payment of fines, respectively—occur jointly only in California.

With regard to practices, item 37, which assesses whether the incarceration rate exceeds 120 prisoners per 100,000 inhabitants, is present in all Anglo-Saxon jurisdictions. In contrast, among the European countries, this item appears only in Poland. This striking divergence is not easily explained and certainly cannot be attributed simply to differences in crime rates across the jurisdictions under comparison. As noted by Lappi-Seppälä (2008, pp. 314–315), penal severity is better understood as the result of a complex constellation of factors, including various social attitudes and emotions (fear of crime, punitive attitudes, and trust in criminal justice institutions), disparities in income and social inequality, the scope of the welfare state, or even differing legal cultures—particularly when comparing continental jurisdictions with those belonging to the common-law tradition.

Conversely, item 38—which examines whether more than 75% of the prison population is held in closed institutions—appears in all jurisdictions analyzed except Finland and France. This indicates that the practice constitutes a widespread socially exclusionary response across both continental European and Anglo-Saxon criminal justice systems (Izco-Rincón, 2024).

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

Table 6
Pool 3 by Jurisdictions and Items

Jurisdictions	Item 33	Item 35	Item 36	Item 37	Item 38
Spain					YES
Finland					
Portugal					YES
Romania					YES
Italy					YES
Poland		YES		YES	YES
Germany					YES
France					
England & Wales			YES	YES	YES
California		YES	YES	YES	YES
New York				YES	YES
Texas		YES		YES	YES
Florida				YES	YES

A.4. Pool 4. Harshest Penalties

Pool 4 addresses the dimension of maximum penalties. It consists of four items: three rules—item 42, concerning the existence of death penalty; item 43, regarding the availability of life imprisonment; and item 46, which assesses whether more than twenty years must elapse before life imprisonment becomes eligible for review—and one practice, item 50, which examines whether more than twenty-five years of a life sentence are typically served.

As shown in Figure 9, Texas and Florida are clearly the most exclusionary jurisdictions, as they retain the death penalty, impose irreducible life sentences, and allow for reviewable life imprisonment but with minimum terms often exceeding twenty years. A clear distinction emerges between Anglo-Saxon and continental European jurisdictions, which is consistent with the finding that countries retaining the death penalty (in our sample, three U.S. states) are likewise those that make greater use of incarceration (Lappi-Seppälä, 2008, p. 332).

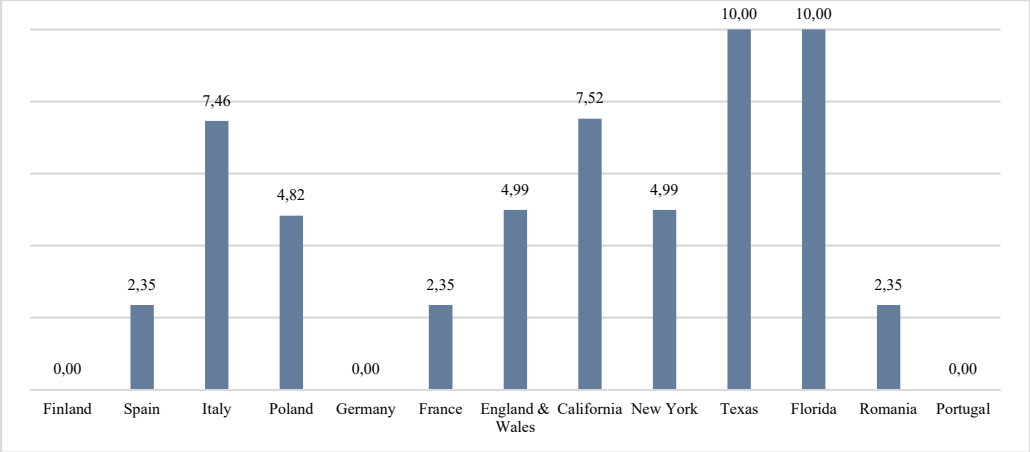
Within the continental legal tradition, however, Italy stands out for scoring as highly as California in terms of social exclusion, despite not having the death penalty. It is followed by New York, England and Wales, and Poland, even though these last two jurisdictions also do not retain capital punishment. Germany, Portugal, and Finland do not respond affirmatively to any of the items, and Spain and Romania exhibit low levels of exclusion (Corral-Maraver, 2024).

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

Figure 9

Score of Pool 4 in all Jurisdictions



As shown in the Table 7, death penalty is provided for only in California, Texas, and Florida. Life imprisonment is more common. When life imprisonment is irreducible (item 43), it is found in all Anglo-Saxon jurisdictions. Italy is the only country in continental Europe where this sanction is available. However, when life imprisonment is reviewable but requires serving more than twenty years before eligibility for review (item 46), this feature appears in all countries except Germany, Portugal, and Finland. In Italy and Poland, by contrast, people sentenced to life imprisonment do in practice serve more than twenty years, whereas this doesn´t occur in the remaining European jurisdictions analyzed.

Table 7

Pool 4 by Jurisdictions & Items

Jurisdictions	Item 42	Item 43	Item 46	Item 50
Spain			YES	
Finland				
Portugal				
Romania			YES	
Italy		YES	YES	YES
Poland			YES	YES
Germany				
France			YES	
England & Wales		YES	YES	
California	YES	YES	YES	
New York		YES	YES	
Texas	YES	YES	YES	YES
Florida	YES	YES	YES	YES

We have observed that Germany, Portugal, and Finland are positioned at the end of the spectrum corresponding to less criminal social exclusion, as none of the items in this pool are present in their criminal justice systems. By contrast, the Anglo-Saxon jurisdictions fall

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

within a medium-to-high range of criminal social exclusion, with Texas and Florida emerging as the most socially exclusionary jurisdictions.

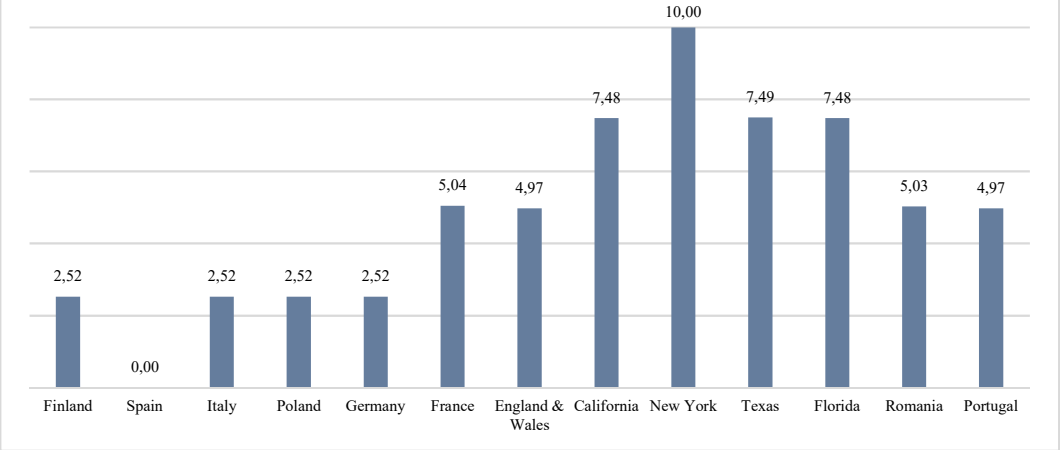
A.5. Pool 5: Prison Rules

This pool contains three rules and one practice: item 55, concerning the absence of a specific prison regime for young adults; item 62, relating to the lack of legal provision regarding prison legal aid; item 64, which addresses the requirement for inmates to pay fees for the review of judicial decisions; and item 68, which examines whether intimate or family visits take place at intervals longer than one month.

According to the results obtained (see Figure 10), there is a clear trend toward exclusionary penitentiary practices in the Anglo-Saxon countries, with New York standing out as the most exclusionary jurisdiction, having responded affirmatively to all items in this pool. At the opposite end of the spectrum are the continental European countries, among which Spain is notable as the only one in which none of the items received an affirmative response.

Figure 10

Score of Pool 5 in all Jurisdictions



It is worth noting that the affirmative response to practice 68 is what places European countries such as Germany, Poland, and Italy in a different position from Spain, as it is the only item answered affirmatively in these jurisdictions, as shown in Table 8. This item thus emerges as the most exclusionary indicator in the pool, largely due to the restrictions and prohibitions affecting intimate or conjugal visits in all jurisdictions except Spain and Finland. In the case of Finland, the only affirmative response corresponds to the lack of a specific prison regime for young adults.

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

Table 8
Pool 5 by Jurisdictions & Items

Jurisdictions	Item 55	Item 62	Item 64	Item 68
Spain				
Finland	YES			
Portugal			YES	YES
Romania		YES		YES
Italy				YES
Poland				YES
Germany				YES
France	YES			YES
England & Wales			YES	YES
California		YES	YES	YES
New York	YES	YES	YES	YES
Texas	YES		YES	YES
Florida		YES	YES	YES

A.6. Pool 6: Preventive Interventions

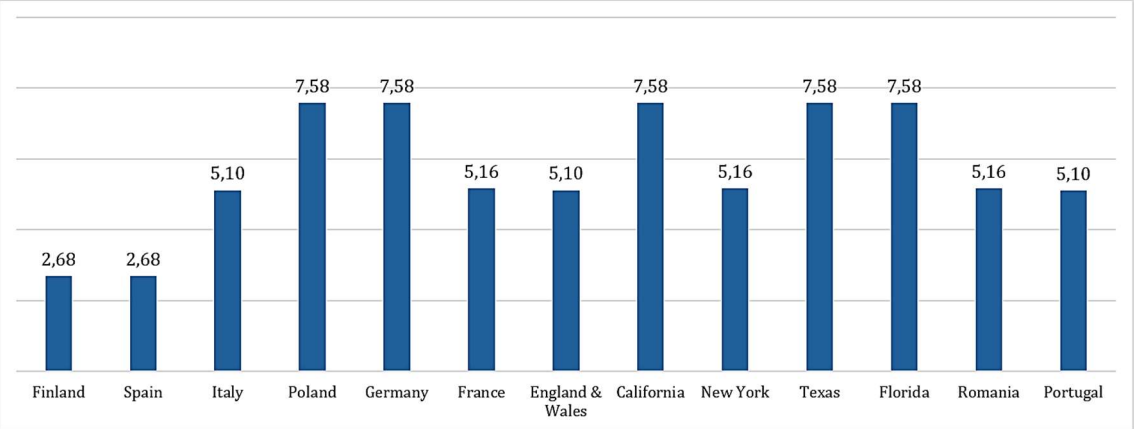
Pool 6 concerns preventive interventions. The indicators included are item 74, which assesses whether former prisoners may be confined for an indeterminate period in a closed facility based on assessments of dangerousness; item 81, a practice seeking to determine whether former prisoners spend, on average, more than five years in these closed facilities; item 79, a rule examining whether pre-trial detention can exceed three years; and item 82, a practice measuring whether individuals in pretrial detention constitute more than 30% of the incarcerated population.

Once again, differences emerge between Anglo-Saxon and continental European jurisdictions in general terms. However, it is noteworthy that the criminal justice systems that register the highest levels of social exclusion include Germany, Poland, California, Florida, and Texas, indicating that several continental European countries also score at the upper end of exclusion in this pool. At the lower end of Figure 11 are Spain and Finland, which display the least exclusionary outcomes.

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

Figure 11
Score of Pool 6 in all Jurisdictions



As shown in the following table, preventive detentions are one of the areas in which the most significant differences across countries can be observed. In all U.S. jurisdictions, former prisoners may, after completing their prison sentence, be held for an indeterminate period in a closed facility based on assessments of dangerousness (item 74). Moreover, in practice, former prisoners subject to this measure spend, on average, more than five years in preventive detention (item 81), except in the state of New York, where the typical duration does not exceed five years.

England and Wales do not allow indefinite post-sentence detention. However, despite abolishing this measure in 2012, the reform was not applied retroactively. As a result, 64% of those placed under such detention prior to that date remain confined indefinitely five years after the expiry of their sentence and are therefore currently serving a post-sentence preventive detention lasting more than five years on average. It should also be noted that item 81 could not be verified in Italy or Portugal.

Finally, four Central European countries permit this kind of interventions to be indefinite: Romania, Germany, Poland, and France. Only in Poland and Germany does the average duration of such detentions exceed five years. It is noteworthy that this form of detention is not present in the three Southern European countries included in the analysis, along with Finland.

The results for this pool also reveal two opposing criminal policy trends regarding pre-trial detention. From a normative standpoint, all thirteen jurisdictions analyzed allow for the possibility that the maximum duration of pre-trial detention exceeds three years (item 79). In contrast, an opposite tendency is observed in practice (item 82), insofar as in all jurisdictions the percentage of former prisoners held on remand does not exceed 30% of the incarcerated population (Casado-Patricio & Güerri, 2024). This leads us to conclude that the two items relating to pre-trial detention are not discriminatory within industrialized Western countries. Yellow cells in both Portugal and Italy for item 81 means that the item could not be responded, as stated above.

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

Table 9
Pool 6 by Jurisdictions & Items

Jurisdictions	Item 74	Item 79	Item 81	Item 82
Spain		YES		
Finland		YES		
Portugal		YES		
Romania	YES	YES		
Italy		YES		
Poland	YES	YES	YES	
Germany	YES	YES	YES	
France	YES	YES		
England & Wales		YES	YES	
California	YES	YES	YES	
New York	YES	YES		
Texas	YES	YES	YES	
Florida	YES	YES	YES	

A.7. Pool 7: Legal and Social Status of Offenders and Ex-Offenders

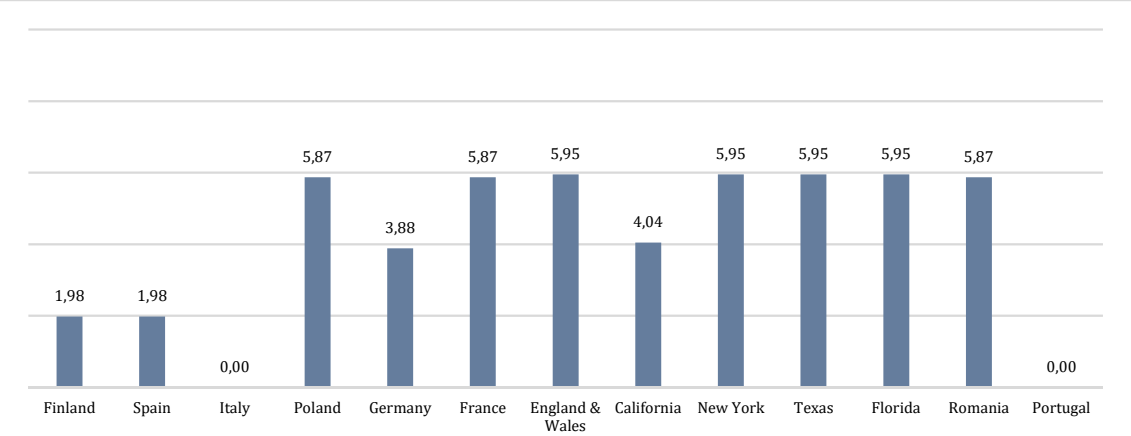
Pool 7 concerns the legal and social status of offenders and ex-offenders. All items in this pool are rules. These include item 86, which assesses whether people sentenced to up to three years of imprisonment are deprived of their right to vote for more than four years after completing their sentence; item 88, concerning the possibility of deporting foreign residents sentenced to up to one year of imprisonment; item 91, which examines whether people sentenced to up to three years of imprisonment are prohibited from exercising certain professions unrelated to their offence for more than five years after serving their sentence; item 92, which evaluates whether the criminal justice system produces socially exclusionary effects regarding access to housing; and item 93, which concerns the deprivation of access to social benefits for ex-offenders.

In this area of intervention, substantial differences again emerge between the two groups of jurisdictions analyzed. As has been consistently observed, the Anglo-Saxon countries display the highest levels of social exclusion. However, Poland, Romania, and France reach comparable levels, allowing us to identify them as the most exclusionary continental European jurisdictions. By contrast, Italy and Portugal are the only jurisdictions with no affirmative responses, followed by Spain and Finland, each with only one affirmative item, as illustrated in the graph below.

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

Figure 12
Score of Pool 7 in all Jurisdictions



First, the rule concerning the deprivation of voting rights for individuals sentenced to up to three years of imprisonment for a period exceeding four years after completing their sentence (item 86) stands out as one of the less socially exclusionary of our sample of Western jurisdictions. Specifically, ten of the thirteen jurisdictions responded negatively, including all Anglo-Saxon jurisdictions. Only Poland, France, and Romania were found to have legal provisions of this nature.

Second, in all jurisdictions analyzed, item 93—aimed at determining whether the legal system prohibits formerly convicted nationals from accessing social benefits after completing their sentences—was answered negatively. This allows us to conclude that this indicator is not discriminatory. Furthermore, access to social housing is restricted for formerly prisoners in only a few countries (item 92), namely the Anglo-Saxon jurisdictions.

In contrast to the above, it is common for nearly all jurisdictions studied to have specific labour regulations governing certain occupations and requiring people sentenced to up to three years of imprisonment to refrain from exercising particular professions unrelated to the offence for more than five years after completing their sentence (item 91). Noteworthy exceptions include California, Spain, Portugal, Italy, and Finland. A similar socially exclusionary pattern is observed regarding the deportation of foreign residents convicted of minor offences (item 88), which is foreseen in all jurisdictions except Italy and Portugal, where it applies only to non-residents. This is consistent with the use of criminal law as a mechanism for managing immigration, as repeatedly noted by various authors (Brandariz, 2023; Menjívar et al., 2018). All of this can be observed in the table below.

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

Table 10
Pool 7 by Jurisdictions & Items

Jurisdictions	Item 86	Item 88	Item 91	Item 92	Item 93
Spain		YES			
Finland		YES			
Portugal					
Romania	YES	YES	YES		
Italy					
Poland	YES	YES	YES		
Germany		YES	YES		
France	YES	YES	YES		
England & Wales		YES	YES	YES	
California		YES		YES	
New York		YES	YES	YES	
Texas		YES	YES	YES	
Florida		YES	YES	YES	

A.8. Pool 8: Police and Criminal Records

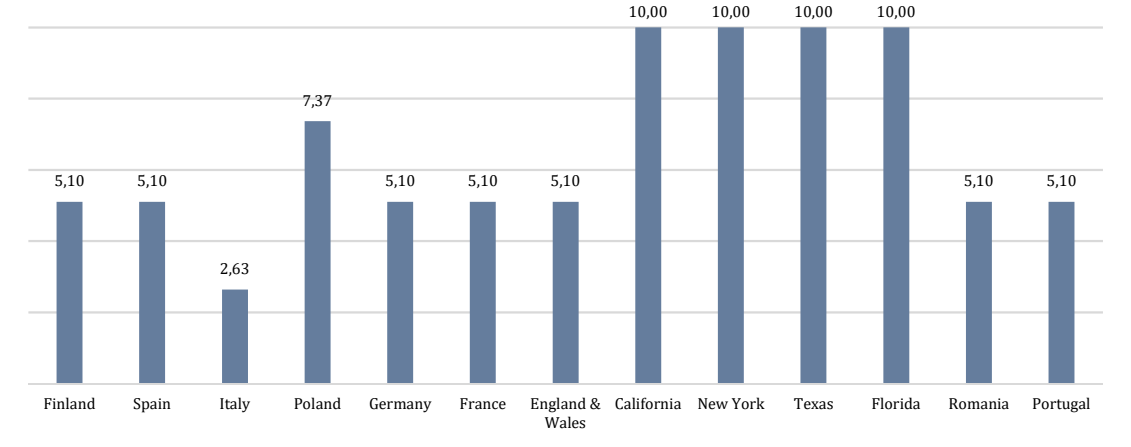
Pool 8 comprises items relating to police and criminal records. Items included are the following: item 99, concerning the ease with which private employers may access the criminal records of job applicants; item 100, assessing whether anyone may freely access the public criminal records of others without needing to provide justification; item 101, evaluating the ease of accessing the criminal records of anyone via Internet; and item 107, the only practice, which concerns the disclosure of data and photographs of former prisoners by the media.

This pool contains the highest number of jurisdictions scoring at the maximum level of penal social exclusion on RIMES scale. Specifically, four of the thirteen jurisdictions analyzed fall at the most exclusionary end of the spectrum—namely, the four U.S. states included in the study. At the opposite end, Italy stands out due to its strong regulatory protections regarding access to criminal records. In an intermediate position, we find Poland (7.37), and finally, with 50% of the items answered affirmatively, England and Wales, Germany, Romania, Portugal, Spain, and Finland (see Figure 13).

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

Figure 13
Score of Pool 8 in all Jurisdictions



The possibility for anyone to request another person's criminal record without providing a justified reason—either through the official registry (item 100) or via Internet (item 101)—is present only in the U.S. jurisdictions and in Poland. By contrast, the possibility for private employers to request criminal records from job applicants (item 99) is common in all countries except Italy. Likewise, the publication of personal data or photographs of formerly convicted individuals by the media (item 107) is a widespread practice in all jurisdictions except Poland (see Table 11).

Table 11
Pool 8 by Jurisdictions & Items

Jurisdictions	Item 99	Item 100	Item 101	Item 107
Spain	YES			YES
Finland	YES			YES
Portugal	YES			YES
Romania	YES			YES
Italy				YES
Poland	YES	YES	YES	
Germany	YES			YES
France	YES			YES
England & Wales	YES			YES
California	YES	YES	YES	YES
New York	YES	YES	YES	YES
Texas	YES	YES	YES	YES
Florida	YES	YES	YES	YES

A.9. Pool 9: Youth Criminal Justice

Finally, Pool 9 concerns the youth criminal justice system. Items included are the following: item 113, which assesses whether the minimum age of criminal responsibility for teenagers is below 12 years; item 117, which examines whether juvenile deprivation of liberty may

International e-Journal of Criminal Sciences

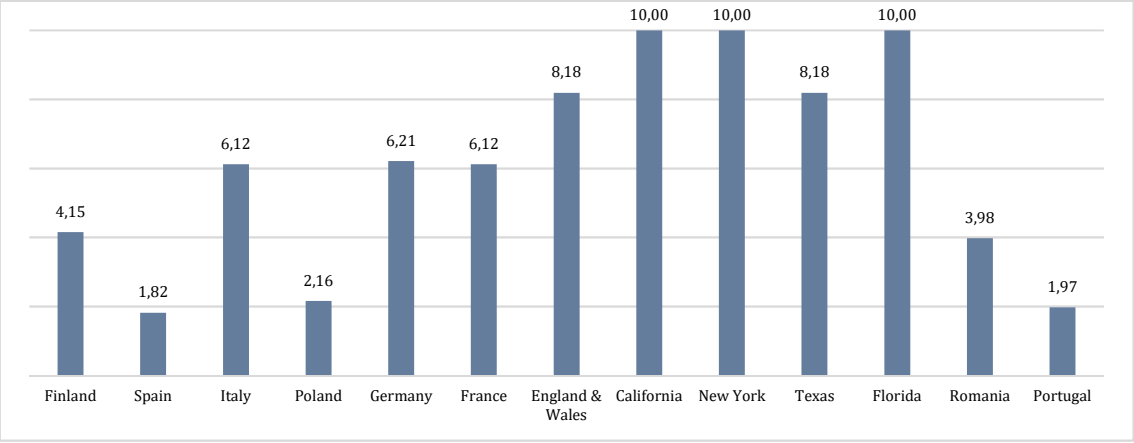
ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

extend beyond 10 years; item 120, which evaluates whether the criminal records of adolescents are taken into account for offences committed later in adulthood; item 121, which determines whether deprivation of liberty is one of the three sanctions most commonly imposed for offences committed by adolescents; and item 126, the only practice, which evaluates whether foreign minors are, in practice, deportated for having committed a criminal offence.

Clear and evident differences once again emerge between Anglo-Saxon jurisdictions and the remaining continental European countries. New York, Florida, and California are the most exclusionary jurisdictions, followed by England and Wales and by Texas. At the opposite end of the spectrum lie Spain, Portugal, and Poland, where only one indicator is confirmed as generating social exclusion. In the intermediate range, Germany and Italy stand out as somewhat more exclusionary than Finland and Romania (see Figure 14).

Figure 14

Score of Pool 9 in all Jurisdictions



Anglo-Saxon jurisdictions stand out for allowing the application of juvenile justice measures to children under the age of 12 (item 113), along with Italy and Portugal, and for permitting the deportation of foreign minors who have committed an offence, with the exception of California (item 126). Germany is the only continental European country that allows such deportation. Moreover, in most of the jurisdictions analyzed, the duration of custodial measures imposed on youth offenders tends to exceed ten years (item 117), except in the Iberian countries. However, deprivation of liberty as one of the three most commonly imposed sanctions (item 121) is found only in Spain, Romania, New York, and Florida. By contrast, in all countries except Spain, Portugal, Romania, and Poland, juvenile criminal records retain their legal effects once youth reach adulthood (item 120).

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

Table 12
Pool 9 by Jurisdictions & Items

Jurisdictions	Item 113	Item 117	Item 120	Item 121	Item 126
Spain				YES	
Finland		YES	YES		
Portugal	YES				
Romania		YES		YES	
Italy	YES	YES	YES		
Poland		YES			
Germany		YES	YES		YES
France	YES	YES	YES		
England & Wales	YES	YES	YES		YES
California	YES	YES	YES		
New York	YES	YES	YES	YES	YES
Texas	YES	YES	YES		YES
Florida	YES	YES	YES	YES	YES

By way of conclusion, and in relation to the tables presented in this section, it is worth analysing the number of items that proved to be non-discriminatory—that is, those rules or practices that were answered either affirmatively or negatively in the same manner across all jurisdictions. Only 4 of the 39 items were found to be non-discriminatory. These correspond to items responded negatively in all cases, namely items 33, 82, and 93, belonging respectively to the pools on the sentencing and sanctions system (Pool 3), preventive interventions (Pool 6), and legal and social status of offenders and former offenders (Pool 7). These items refer to: the absence of legal provisions for probation or sentence suspension (item 33); a high proportion of pre-trial detainees (item 82) and the deprivation of access to social benefits for former prisoners (item 93). This means that, in all countries included in our study, there is a legal provision for sentence suspension; pre-trial detainees never exceed 30% of the prison population and former prisoners are not denied access to social benefits. For its part, only item 79, belonging to the pool on preventive interventions, was answered affirmatively by all the jurisdictions analyzed, thereby revealing the homogenisation of certain criminal-policy trends. This item refers to the duration of pre-trial detention, and the results show that in all countries pre-trial detention has a legal maximum duration exceeding three years.

B. Jurisdiction-by-Jurisdiction Pool Analysis

In this section we will proceed to analyze the pool scores in each jurisdiction. In general terms, as we have mentioned above, the pools of continental European countries tend to fall below the average, whereas this pattern changes markedly in the case of Anglo-Saxon jurisdictions.

In **Spain**, there are two pools that generate no social exclusion whatsoever: the pool on legal safeguards and the pool on the prison rules. In both cases, none of the items expressive of social exclusion were present. However, the pool relating to police and criminal records is the one that generates the highest degree of social exclusion, even though it remains below the average of the other countries analyzed. In this case, it has been observed that in Spain

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

private employers are allowed to request the criminal records of job applicants, and the media publish personal data or photographs of former prisoners. In Pool 3, there is only one practice that generates exclusion—specifically, item 38, which indicates that the majority of inmates serve their sentences in closed institutions. Despite this, the prison regime pool is not negatively affected; on the contrary, in theory Spanish prison rules have traditionally been viewed very positively at the international level for its innovative and progressive character. The remaining pools display low scores, all below 3 points.

Finland is the only country in which none of its pools exceed the average. As in the case of Spain, two pools show no affirmative responses to any of the items. In this instance, these are Pool 3 (sentencing and sanctions system) and Pool 4 (harshest penalties), which clearly aligns with the widely accepted academic understanding that Nordic countries tend to exhibit less severe punitive responses than other Western nations.

At the opposite end, Finland aligns closely with the overall exclusionary trend observed in pools 8 and 9—those with the highest scores across all jurisdictions—since Finland's values in both pools are close to the general average. Nevertheless, in the overall assessment, and as previously noted, Finland ranks as the second jurisdiction generating the lowest level of social exclusion among all those examined.

Portugal falls within the same group of countries as Finland and Spain, each of which has two pools with no affirmative responses to any item. No jurisdiction shows more than two pools entirely without affirmative items. In Portugal's case, these are Pool 4 (harshest penalties, coinciding with Finland) and Pool 7 (legal and social status of offenders and former offenders). This makes Portugal the only country in which offenders and ex-offenders appear to face relatively favorable prospects for community reintegration and the effective enjoyment of their civic and social rights.

Portugal has two pools scoring slightly above the average: Pool 2 (legal safeguards) and Pool 5 (prison rules). It is noteworthy that some of the items answered affirmatively in these two pools pertain to practical aspects of the execution of custodial sentences. In Pool 2, Portugal is among the countries with an excessive number of people with mental illness serving their sentence in ordinary prison facilities (item 25). In Pool 5, it is shown that the country faces difficulties in managing intimate family visits (item 68).

Romania is one of the two countries, along with Poland, in which no item from Pool 1, on the control of public spaces, is present. Overall, Romania falls within the mid-range of social exclusion, with the vast majority of pools scoring below the average. Pool 7 (legal and social status of offenders and ex-offenders) is the only one that clearly exceeds the average across jurisdictions. As such, Romania is positioned among the most exclusionary continental European countries with respect to this thematic axis, alongside Poland and France.

In **Italy**, two pools score above the average: Pool 1 on the control of public spaces and Pool 4 on harshest penalties. Pool 1 stands out as the highest-scoring, as Italian law allows the arrest of people for repeatedly engaging in begging, enables the police to restrict access to public spaces for certain persons, and authorises frequent street stops of specific groups of citizens. The second highest-scoring pool is that relating to maximum penalties, since the Italian penal system includes irreducible life imprisonment, permits review only after twenty

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

years have been served, and—in practice—individuals sentenced to life imprisonment typically serve more than twenty-five years. Lastly, the only pool in which Italy generates no social exclusion is the Pool 8 on the legal and social status of offenders and former offenders.

In **Poland**, Pool 1 on the control of public spaces does not generate any social exclusion; however, the country produces higher levels of social exclusion than the average of the jurisdictions analyzed in relation to five pools: Pool 3 on the sentencing and sanctions system, Pool 4 on harshest penalties, Pool 6 on preventive interventions, Pool 7 on the legal and social status of offenders and ex-offenders, and Pool 8 on police and criminal records. Pools that generate the highest levels of social exclusion in Poland can be grouped into two broad categories that characterize its criminal policy. On the one hand, elements relating to its sentencing system; on the other, preventive interventions rooted in the dangerousness of the offender.

Germany does not score in the pool on harshest penalties, yet it does so markedly in the pools on legal safeguards and preventive interventions. Overall, the country presents a profile of moderate intensity, showing its most favorable non-exclusionary performance in the areas of the sentencing system and the execution of custodial sentences.

France stands out as the continental European country that produces the most exclusionary effects through the functioning of its criminal justice system. For this reason, it is the jurisdiction that most closely resembles the Anglo-Saxon context, albeit with significant nuances. This tendency is particularly pronounced in relation to legal safeguards (Pool 2): the country lacks an adequate system of legal aid for individuals without financial means, and it also requires the payment of fees to access the review of judicial decisions affecting the convicted person. The most exclusionary effects are likewise observed in Pool 6, on preventive interventions, since such measures are permitted on an indefinite basis. In addition, the French legal system allows for prolonged pre-trial detention. Conversely, France minimises its exclusionary effects in relation to Pool 3, concerning the sentencing and sanctions system—the only pool in which none of the items yield an affirmative response.

In **England and Wales**, all pools—unlike what occurs in the continental European countries—contain at least one confirmed item. Moreover, seven pools score above the average, with the pool on the control of public spaces standing out as the highest-scoring. The remaining two pools fall just below the average, although both exceed 5 points. Evidently, England and Wales mark the transition from the considerably low or moderate levels of social exclusion found in continental Europe to the substantially higher levels characteristic of the Anglo-Saxon countries.

California scores highly across nearly all pools, except for those concerning legal safeguards and the legal and social status of offenders and former offenders, both of which fall below the average and relate to the protection of individual rights. Nonetheless, this U.S. state stands out for obtaining the maximum score in the pools on police and criminal records and on the youth justice system. Despite having a highly exclusionary criminal policy, California is the *least* exclusionary of the four U.S. states included in the analysis.

New York reaches the maximum level of social exclusion in four pools: control of public spaces, prison rules, police and criminal records, and youth justice system. In addition, two further pools score above the threshold of 5 points. Only the pool on legal safeguards shows

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

a low score, and together with the pool on preventive detentions, falls below the average. New York's strict response to convicted offenders, combined with the severity of its juvenile justice system and its rigorous policing of public spaces, largely explains its high levels of social exclusion.

Texas is characterized as one of the two jurisdictions, along with Florida, that scores above average in all its categories. It is therefore not surprising that it is one of the most socially exclusionary states among those examined. This exclusion is maximized in areas most closely related to the strict and punitive treatment of offenders and former offenders. Thus, in both the category concerning maximum penalties and the one related to the legal and social status of offender and ex-offenders, all items were answered affirmatively. Only in poll 2, concerning legal safeguards, does Texas come close to the average—although still exceeding it.

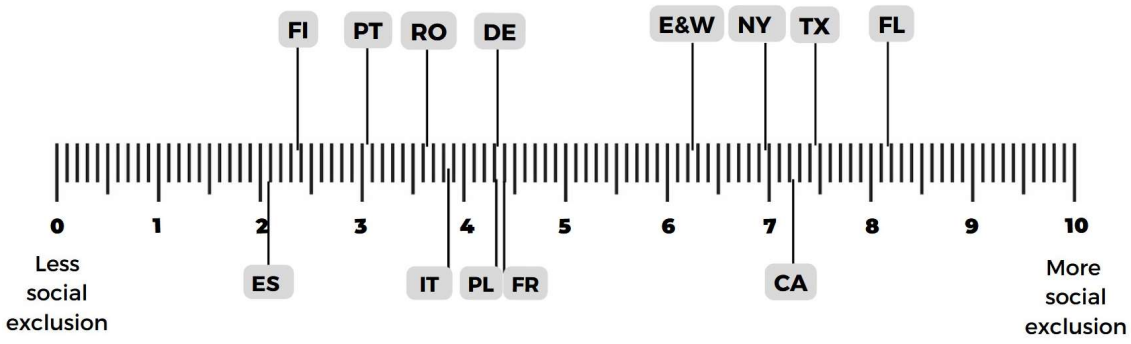
Florida, the most exclusionary jurisdiction among all those selected, scores the maximum in five categories—precisely those related to the control of public space, legal safeguards, harshest penalties, police and criminal records, and youth criminal justice. These categories allow us to grasp the highly socially exclusionary criminal system present in that American state. Only Pool 3, concerning the sentencing and sanctions system, scores below 5 points, while all its other category scores easily exceed the average of the remaining jurisdictions.

C. Overall Social Exclusion Score for all Jurisdictions Analyzed.

As can be seen in the following figure, the continental European jurisdictions are positioned closer to the end of the spectrum associated with lower social exclusion, while the Anglo-Saxon jurisdictions, especially those in U.S., are positioned nearer the pole of greater social exclusion. Florida stands out as the most exclusionary jurisdiction, in contrast to Spain, which appears as the country that generates the least social exclusion. Moreover, based on the results, we can distinguish a group of countries that we could geographically classify as the Southern European countries—Spain, Italy, Romania, and Portugal—which are located on the less exclusionary side of the continuum. Finland, the only Nordic country analyzed thus far, also aligns with this trend.

Figure 15

Position of Jurisdictions on the Continuum from Least to Most Socially Excluded



International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

None of the countries examined is either sufficiently exclusionary or sufficiently non-exclusionary to be positioned at the extreme ends of the scale. Nonetheless, closer scrutiny reveals highly significant contrasts. If the scale is divided into four quartiles, the following points stand out:

– Only Spain and Finland fall within the first quartile of the scale, which extends up to an approximate value of 2.5.

– Only Florida is located in the fourth quartile of the scale, beginning at an approximate value of 7.5.

–The foregoing implies that these three jurisdictions occupy the least representative positions on the scale, even though, as previously noted, no jurisdictions are located at its extreme ends (for instance, there are no jurisdictions scoring 1 or below, or 9 or above).

– The remaining continental European jurisdictions are all situated, without exception, in the second quartile of the scale (approximately between 2.5 and 5), whereas the remaining Anglo-Saxon jurisdictions fall within the third quartile (ranging approximately from 5 to 7.5). This distribution allows us to graphically reinforce the conclusion reiterated throughout the study: namely, that there exists a clear and pronounced difference between the continental European jurisdictions and the Anglo-Saxon countries.

From another perspective, we consider that the distribution of such diverse Western jurisdictions along the scale demonstrates that RIMES instrument constitutes a well-balanced tool for measuring social exclusion. Indeed, by encompassing very different systems, the scale still allows room for the possible extension of the analysis to additional countries, including systems that might be even more socially exclusionary than that of Florida or less socially exclusionary than those of Spain and Finland—both hypotheses that cannot be ruled out. Likewise, the instrument could, in this way, aspire to application in contexts beyond the Western countries of the so-called Global North, which might potentially display even higher degrees of social exclusion.

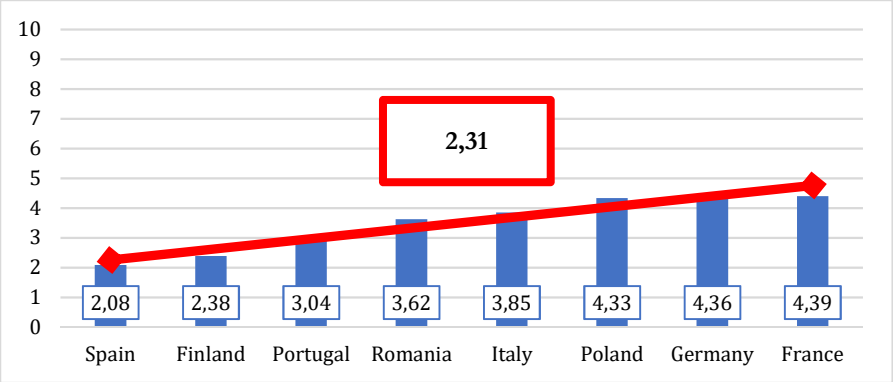
If we consider solely the social exclusion scores obtained by the continental European jurisdictions, it becomes evident that they are distributed across a slightly wider range of values than those observed in the Anglo-Saxon context. The difference between the least socially exclusionary penal system—Spain, with a score of 2.08 out of 10—and the most socially exclusionary—France, with a score of 4.39—amounts to 2.31, as shown in Figure 16.

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

Figure 16

Social Exclusion Scores obtained by the Continental European Jurisdictions

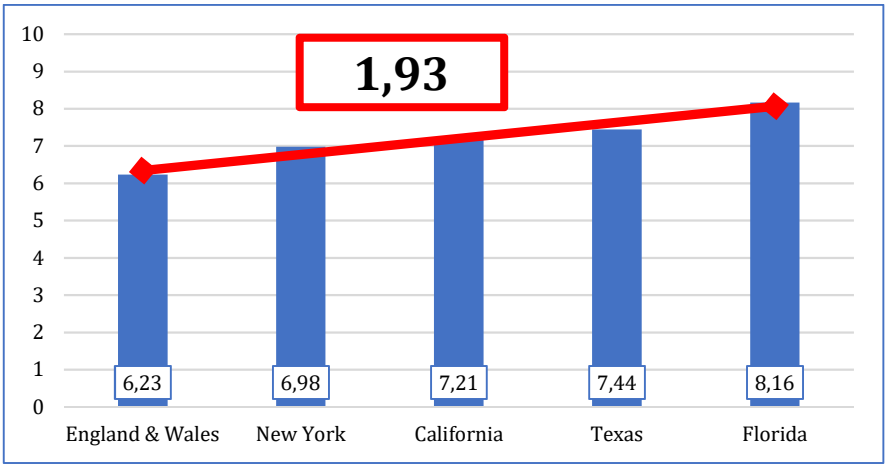


A closer examination of the previous figure reveals that, in general—and as previously noted—the Southern European countries appear less exclusionary than the remaining continental European countries. At present, we do not have a convincing working hypothesis that might account for this contrast. In fact, these results stand in tension with the consolidated general indicators of social exclusion that do not consider penal aspects, such as the AROPE index, according to which Southern European countries display high levels of social exclusion, with the exception of Portugal. It is true that this index incorporates factors such as insufficient income or unemployment—areas in which many Southern European countries have traditionally faced greater challenges—but it is equally true that the index does not assess income levels alone (Eurostat, 2025).

In the case of the Anglo-Saxon jurisdictions, the overall social exclusion scores range from 6.23 in England and Wales—the least socially exclusionary—to 8.16 in Florida, which occupies the top position of all penal systems analysed. However, the difference between the two amounts to ust 1.93, as shown in the following figure.

Figure 17

Social Exclusion Scores obtained by the Anglo-Saxon Jurisdictions



International e-Journal of Criminal Sciences

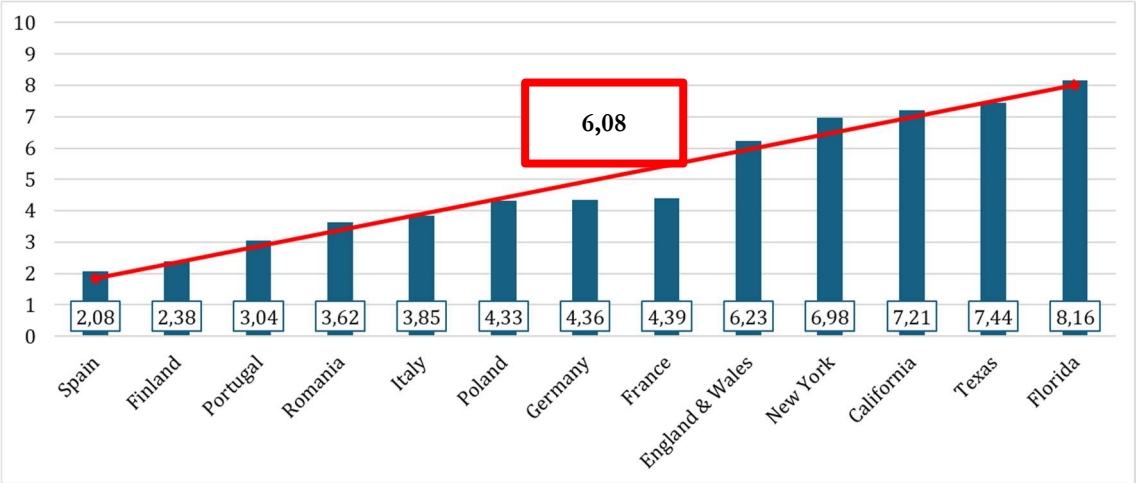
ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

There is no statistically significant difference between 2.31 and 1.93 that would allow us to assert that the disparities are substantially more pronounced among the European countries than among the Anglo-Saxon ones.

However, if we analyse the difference in scores between the least socially exclusionary criminal justice system and the most socially exclusionary system among all the jurisdictions examined, it amounts to 6.08 points out of 10, as shown in Figure 18. This is a considerable difference, which allows us to affirm that there are substantial disparities across jurisdictions.

Figure 18

Social Exclusion Scores obtained by all Jurisdictions



4. Discussion

With the application of the RIMES instrument to a broad number of developed Western countries, the aim was to make their respective national criminal policies comparable on the basis of a particularly significant dimension of penal control systems: social exclusion. Thanks to the creation, validation, and implementation of this instrument, it has been possible to outline a continuum—on a scale ranging from lower to higher social exclusion—across different national criminal policies, to identify the extent to which exclusionary intervention techniques are expanding throughout the developed Western world, and to group these results into nine relevant pools of penal intervention.

More specifically, the conclusions derived from the results of applying the RIMES instrument are as follows:

1.- We must refer to the discriminatory capacity of the RIMES instrument, an essential element for assessing its applicability in international comparisons across different penal systems. Discriminatory capacity may be understood as the instrument's ability to establish differences among the various jurisdictions analysed according to the extent to which they are more or less socially exclusionary (Díez-Ripollés, 2022; García-España & Cerezo, 2024).

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

In this regard, the discriminatory capacity of RIMES can be assessed on the basis of three elements.

The first element consists of the overall social exclusion score obtained by the jurisdictions in which the instrument has been applied. This score makes it possible to determine where each jurisdiction is located along the scale and whether it tends to cluster at either of the extremes of penal social exclusion—something we have been able to confirm does not occur. On the contrary, the distribution of the overall penal social exclusion scores of the thirteen jurisdictions analysed indicates that the greater the number and the geographic and political-criminal diversity of the penal systems examined, the greater the discriminatory capacity of the instrument.

A second element for assessing the discriminatory capacity of the RIMES instrument is the way in which the distribution of responses within each pool behaves, in order to determine whether these responses tend to cluster in one direction or another. Specifically, the aim is to verify whether the answers to the items corresponding to the same pool included in RIMES are concentrated in a negative or affirmative direction, thereby allowing the discriminatory nature of each pool to be examined in distinguishing between the jurisdictions analysed. In this regard, it can be stated that all pools are discriminatory—that is, in every pool it is possible to identify different results across the various jurisdictions, which demonstrates the instrument's capacity to discriminate within each thematic area.

For this reason, we are in a position to assert unequivocally that the application of the RIMES instrument—broadening the focus of measurement to the different thematic areas of penal systems that have the potential to generate exclusion among individuals who come into contact with them—produces a comparative positioning of countries that differs from the result one would obtain if only Pool 3 were assessed. Indeed, if we looked exclusively at Pool 3 (the sentencing and sanctions system), which has often been used in academic research as a criterion for comparing criminal policies through the notion of punitiveness, the resulting comparison would be different and biased. The aforementioned point again demonstrates the suitability of the RIMES instrument for international comparison, insofar as analysing the discriminatory capacity of the different pools that make up the instrument affirms the usefulness of most of the dimensions included in RIMES for fulfilling its intended purpose of comparing penal systems with respect to the different manifestations of social exclusion present within them across the jurisdictions analysed. In this regard, the analysis of the discriminatory capacity of the pools that compose the instrument allows us to affirm the usefulness of most of the dimensions of the penal system included in RIMES in fulfilling its aim of enabling international comparison, since they capture the different manifestations of criminal social exclusion across the thirteen jurisdictions analysed. Although, in light of these results, it is also possible to identify and reflect upon Pool 8, which refers to police and criminal records, whose results appear to indicate signs of a politically and criminally exclusionary trend in this area.

The third element concerns the number of non-discriminatory items, which indicates the frequency with which certain items are answered in the same manner by all or by most of the penal systems examined, and whose suitability or relevance might therefore need to be reconsidered for the purpose of detecting socially exclusionary penal practices. In this sense,

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

we can state that, in general, the items—taken both collectively and individually—are discriminatory, in that it is uncommon for all countries to answer all of them either affirmatively or negatively. That said, there are three items that do not reflect social exclusion in any of the countries analysed: Items 33, 82, and 93. A similar situation occurs with items that have been answered affirmatively in all countries. In this case, there is only one: Item 79. Although this may suggest that these items are not sufficiently discriminatory, such a conclusion would be premature, as the instrument still needs to be applied to a substantially larger number of countries. Ultimately, more than 90% of the items included in the instrument are capable of distinguishing between the various countries studied. For all these reasons, we consider that the discriminatory capacity of the RIMES instrument is duly demonstrated.

2.- The results show that the application of RIMES in jurisdictions with a similar sociopolitical and sociocultural context makes it possible to distinguish—albeit in a limited way—different levels of criminal social exclusion. It is evident that there are significant differences between the criminal policies of the countries analysed, allowing us to affirm that the four U.S. states included in the study are the most expressive in terms of social exclusion, compared with Spain, which has proven to be the least expressive. France, Poland, and Germany display very similar criminal justica systems in terms of social exclusion, and England and Wales have been identified as the most expressive in social exclusion within Europe, although still below the United States.

This finding corroborates the existence of two blocs in terms of criminal policy strategies: the first, composed of Anglo-Saxon countries, whose systems score above 5 in social exclusion; and the second, made up of continental European countries, which are situated in the lower half of the continuum. Nonetheless, this insight does not rule out the need for further analysis regarding the capacity of RIMES to support international comparisons between penal systems, particularly among those belonging to different sociohistorical contexts.

A useful starting point would be to examine studies that have identified an inverse correlation between welfare-state investment and punitiveness—especially in relation to imprisonment rates—with particular relevance to the United States (Lappi-Seppälä 2008, 351; Downes & Hansen 2006; Rubin 2011; Beckett & Western 2016). These and other factors could help explain the marked difference observed between the United States and continental European countries.

3.- We consider that the results obtained provide highly relevant information for legal and political actors with a view to promoting and designing criminal policies that are socially less exclusionary for the groups most affected by penal intervention.

5. References

Arenas-García 2024. Constructing, Validation and Application of the RIMES Instrument: Methodological Issues. García-España, E. & Cerezo, A. *Social Exclusion and the Criminal Justice System. A Comparative Analysis*. Routledge. London. New York.

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

Brandariz, J. A. 2023. Foiled transnational justice? An exploration of the failures of EU judicial cooperation procedures. Brandariz, J. A., Klaus, W. & Martynowicz, A. *Forced Mobility of EU Citizens Transnational Criminal Justice Instruments and the Management of 'Unwanted' EU Nationals*. Routledge. London. New York.

Beckett, K. & Western, B. 2016. Governing social marginality. Welfare, incarceration, and the transformation of state policy. *Punishment & Society,* vol. 3 (1), 43-59.

Casado-Patricio, E.-Güerri, C. 2024: Pool 6. Preventive Intervention. García-España, E. & Cerezo, A. *Social Exclusion and the Criminal Justice System. A Comparative Analysis*. Routledge. London. New York.

Corral-Maraver, N. 2024. Pool 4. Harshest Penalties. García-España, E. & Cerezo, A. *Social Exclusion and the Criminal Justice System. A Comparative Analysis*. Routledge. London. New York.

Díez-Ripolles, J. L. 2011. La dimensión inclusión/exclusión social como guía de la política criminal comparada. *Revista Electrónica de Ciencia Penal y Criminología,* nº 13, pp. 1-36.

Díez-Ripollés, J. L. 2013. Social Inclusion and Comparative Criminal Justice Policy. *Journal of Scandinavian Studies in Criminology and Crime Prevention,* Vol. 14, No. 1, 62-78.

Díez-Ripollés. J. L. 2024. RIMES: An Instrument to Compare National Criminal Justice Policies from the Social Exclusion Dimension. García-España, E. & Cerezo, A. *Social Exclusion and the Criminal Justice System. A Comparative Analysis*. Routledge. London. New York, 43-65.

Díez-Ripollés, J.L. & García-España, E. 2019. RIMES: An Instrument to Compare National Criminal Justice Policies from the Perspective of Social Exclusion. *International E-Journal of Criminal Sciences,* Article 1, No. 19, 1–27.

Eurostat 2025 Living conditions in Europe – poverty and social exclusion. Highlights. Available at*:*

https://ec.europa.eu/eurostat/en/web/products-key-figures/w/ks-01-25-032

(last retrieved 07/08/2026).

Downes, D. & Hansen, K. 2006. Welfare and punishment. The relationship between welfare spending and imprisonment. *Crime and Society Foundation.*

García-España, E. 2024. Implementation of the RIMES instrument in Spain. García-España, E. & Cerezo, A. *Social Exclusion and the Criminal Justice System. A Comparative Analysis*. Routledge. London-New York, 95–110.

García-España, E & Cerezo, A. 2024. Overview of the RIMES application: insights for comparative criminal policy. García-España, E. & Cerezo, A. *Social Exclusion and the Criminal Justice System. A Comparative Analysis*. Routledge. London-New York,

Izco-Rincón, M. 2024. Pool 3. Sentencing and Sanction Systems. García-España, E. & Cerezo, A. *Social Exclusion and the Criminal Justice System. A Comparative Analysis*. Routledge. London. New York.

Kutatelatze, B. 2009. *Is America really So Punitive? Exploriong a Continuum of U.S. State Criminal Justice Policies*. LFB Scholarly Publishing.

International e-Journal of Criminal Sciences

ISSN: 1988-7949 UPV/EHU Press www.ehu.eus/inecs

Lappi-Seppälä, T. 2008. Trust, Welfare, and Political Culture: Explaining Differences in National Penal Policies. *Crime and Justice,* vol. 37.

Menjívar, C. et al. 2018. The expansion of "crimmigration," mass detention, and deportation. *Sociology Compass,* Volume 12, Issue 4.

Prado-Manrique, B. V. 2024: Pool 2. Legal Safeguards. García-España, E. & Cerezo, A. *Social Exclusion and the Criminal Justice System. A Comparative Analysis*. Routledge. London. New York.

Rando-Casermeiro, P. 2024. Pool 1. Control of Public Spaces. García-España, E. & Cerezo, A. *Social Exclusion and the Criminal Justice System. A Comparative Analysis*. Routledge. London. New York.

RIMES 2024. RIMES instrument. Available at: https://rimesproject.uma.es/rimes-instrument/ (last retrieved 07/08/2026).

Rubin, A. 2011. Punitive Penal Preferences and Support for Welfare: Applying the 'Governance of Social Marginality' Thesis to the Individual Level. *Punishment & Society,* vol. 13 (2), 198-229.