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Comisiynydd Heddlu a Throseddu Gwent | Police and Crime Commissioner for Gwent:
Jeff Cuthbert B.Sc., MCIPD



The Rt Hon Priti Patel MP
Home Secretary
Home Office
2 Marsham Street
LONDON
SW1P 4DF

2nd February, 2021

Dear Home Secretary,

Pre-charge bail and released under investigation: Striking a balance

As required by statute, I am writing to you to respond to the joint inspection by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and Her Majesty's Crown Prosecution Service Inspectorate (HMCPSP) entitled 'Pre-charge bail and released under investigation: Striking a balance'.

I welcome the report and the important areas that it highlights. As you will be aware, the Policing and Crime Act 2017 introduced changes to try and remedy the problem of suspects being on bail for long periods of time, which had been a concern for both suspects and their victims. Clearly it has not worked in the way intended, despite the work undertaken by the police nationally to implement this legislation to the best of their ability. Chief Constable Pam Kelly makes the point below that echoes the Gwent ethos that victims are at the centre of everything we do here and consideration of their needs is paramount:

"We welcome this joint inspection report from HMICFRS and HMCPSP regarding the use of pre-charge bail and released under investigation. The report highlights some of the unintended consequences for victims as a result of the changes made to bail legislation in 2017. Supporting victims is at the heart of everything we do, and this report provides clear direction for police forces going forward. We will continue to work with colleagues in the Home Office, National Police Chiefs' Council, CPS and College of Policing to implement the Inspectorate's recommendations to improve our practices, protect victims and make our communities safer".

I have confidence that Gwent Police has good governance arrangements in place for the monitoring of bail and Released Under Investigation (RUI). The Office of Police and Crime Commissioner's Head of Strategy attends the Operational Performance Board where this is discussed and also attends the force Vulnerability Meeting which specifically considers domestic abuse victims, who are at a significant amount of risk, to ensure their needs are at the forefront of decision making. Her feedback provides me with reassurance that this work is prioritised. I have also been assured that officers have had and continue to have training relating to bail and RUI and that this is a key element of the training package for officers working in custody.

Some months prior to the publication of this report, Gwent Police had instigated a project with a comprehensive action plan to improve the management of persons released on bail and under investigation. This work included scrutinising processes used by the force to monitor progress of investigations in order to maximise their efficiency, to ensure that cases are dealt with diligently and expeditiously so that they reach a conclusion for the victims and the suspects in a timely manner. There has been work carried out to identify blockers and areas for improvement and increased training and guidance put in place for officers and their supervisors.

The work involved the review of 415 cases involving persons on bail and released under investigation in depth to identify any issues and common themes. The risk was reviewed in each case to ensure there was appropriate use of bail legislation and conditions to protect victims and witnesses. Where extensions of bail had not been sought, ensuring that there was a clear rationale and the safeguarding was reviewed to ensure it was sufficiently robust. This review of cases has been disseminated to supervisors on a monthly basis so that issues could be addressed.

As a result of issues identified in the case reviews, a list of seventeen recommendations to improve the management of persons on bail and released under investigation has been formulated and a force wide working group has been set up in order to implement these recommendations as quickly as possible.

In addition to our local recommendations, I have received the following update from Gwent Police in relation to the recommendations within the report:

Forces should develop processes and systems to clearly show whether suspects are on bail or RUI. This will help them to better understand the risk a suspect poses to victims and the wider community and will help to increase safeguarding.

Gwent Police has systems and processes in place to show whether suspects are on bail or RUI. There is a clear distinction on the Niche system and supervisors are expected to check files for this. The information on Niche is also used to create monthly reports for monitoring purposes.

Forces should record whether a suspect is on bail or RUI on the MG3 form when it is submitted to the Crown Prosecution Service (CPS). This should be regularly checked and any changes in bail or RUI provided to the CPS. The CPS should work with the police to ensure this information is provided.

Gwent Police had used the MG3 form to provide this information to the CPS but have recently started to use the CM01 form. In a recent review of the form it has been determined that it is unclear to the CPS as to whether a person is on bail or RUI. Now that this has been identified it will be rectified without delay.

There is always more that can be done to keep victims who are most at risk safe and I look forward to the results of the Home Office consultation on changes to the legislation around pre-charge bail and RUI. I will work with and support the Chief Constable to ensure that any improvements are implemented as quickly as possible.

Yours sincerely,



Jeff Cuthbert B.Sc., MCIPD
Police and Crime Commissioner for Gwent