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Comisiynydd Heddlu a Throseddu Gwent | Police and Crime Commissioner for Gwent: Jane Mudd

The Right Honourable Yvette Cooper
Home Secretary
Home Office
2 Marsham Street
LONDON
SW1P 4DF

19th May 2025

Dear Home Secretary,

Report on an inspection visit to police custody suites in Gwent Police – 27 August to 13 September 2024

As required by statute, I am writing to you to respond to the inspection report from His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and Health Inspectorate Wales (HIW) entitled, 'Inspection visit to police custody suites in Gwent Police – 27 August to 13 September 2024'.

I welcome the findings in the report as an opportunity to build on the areas of good practice identified. These will allow us to enhance and improve the provision of police custody in Gwent. This is reflected by the Chief Constable in his comments:

I welcome the findings of the inspection of our custody facilities by HMICFRS and HIW, which took place in August and September 2024. Whilst the report highlights some areas of positive practice, for example, the priority to divert children away from custody and the quarterly external scrutiny panel, the report outlines some significant concerns in the provision of our custody services.

Gwent Police is committed to providing a safe environment for detainees and will work to implement all of the recommendations and areas for improvement identified by HMICFRS and HIW. Since the inspection, the force has invested in two additional custody Inspectors and completed the renovations of the Ystrad Mynach custody unit, as referenced in the report. In response to the recommendations, the force has produced an action plan led by a Superintendent to address the recommendations and areas for improvement.

Rydym yn croesawu gohebiaeth yn y Gymraeg, a phan ddaw i law, byddwn yn ateb yn y Gymraeg – ni fydd hyn yn gohirio ein hymateb. Os hoffech dderbyn gohebiaeth yn y Gymraeg o hyn ymlaen, neu os ydych wedi cael eich gwahoddi gyfweliad neu gyfarfod ac yr hoffech ddefnyddio'r Gymraeg, anfonwch e-bost at: Commissioner@gwent.police.uk. Darperir gwasanaethau cyfieithu.

We welcome correspondence in Welsh and where received, we will reply in Welsh - this will not delay our response. If you wish to receive correspondence in Welsh hereafter or if you have been invited to an interview or meeting and you wish to use Welsh, send email to: Commissioner@gwent.police.uk. Translation services will be provided.

Please find the full response from the Chief Constable on the recommendations in the report attached at Annex A.

While the report highlights some areas of concern in the first instance, I am pleased to see the actions already being taken by Gwent Police in response to these matters.

In May 2024, in anticipation of the HMICFRS inspection, I conducted a scrutiny assurance exercise focused on custody in Gwent Police. A range of questions were asked, with answers provided by the relevant force leads. This activity was valuable in identifying any potential areas for improvement or opportunities for development, including any further scrutiny requirements.

As referenced in the report, my office maintains the Independent Custody Visiting (ICV) Scheme for Gwent. In January 2025, the Scheme Manager provided the ICVs with a briefing on the findings in the report, enabling them to focus on the areas within their remit as soon as possible. The ICV Checklist has subsequently been updated to incorporate scrutiny linked to the relevant inspection findings.

ICV training, due within the next two months, will also be refreshed to reflect these considerations, supported by other timely reminders at ICV Scheme Panel meetings. The ICV Scheme Manager will monitor the outcomes from visits to ensure any identified issues are tracked and escalated as appropriate.

My office also facilitates the quarterly Legitimacy Scrutiny Panel (LSP) which provides independent scrutiny of use of force through the review of body worn video and police data. Data provided to the Panel was recently updated to include information relating to the volume of subjects in custody by age and ethnicity, under 18 subjects in custody, and all tactics used in custody. Information on police training, improvements in process and practice, and changes in legislation is provided to the Panel, and members also have opportunity to observe the delivery of training on use of force and Taser to officers which supports their understanding of what is required of officers and helps to inform their feedback during Panel sessions.

While custody is not a primary focus for the LSP, there are opportunities to track a detainee from initial police engagement to custody, where circumstances suggest this would be appropriate; for example, in cases of extremely violent or dangerous behaviour by the detainee placing all involved at risk of injury. This helps to provide assurance of the treatment of the detainee and appropriateness of police action. However, this is by exception.

In addition, I am represented at Gwent Police's Disproportionality in Custody Meeting which provides specific scrutiny of detention in custody by age, gender, and ethnicity, and includes use of force and incidents of more thorough searches and those involving the exposure of intimate parts. Membership of this meeting includes ICVs, who are able to provide feedback on their experiences and the outcomes of custody visits.

Aligned to the development of my new Police, Crime and Justice Plan for 2025-29, I have committed to a review and refresh of the scrutiny arrangements currently in place for my office. This will help to identify any opportunities to strengthen existing processes, and/or work with the Chief Constable to agree new arrangements where appropriate.

I will continue to hold the Chief Constable to account for Gwent Police's provision of custody services and the force's progress against the action plan now in place to meet the recommendations within the report. This will include working with my office to ensure the effective scrutiny of custody processes and practices, such as through 'deep dive' activity and/or enhanced reporting under the new governance and accountability structure.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Mudd', written in a cursive style.

Jane Mudd
Police and Crime Commissioner for Gwent

Annex A – Chief Constable responses to inspection recommendations

The Chief Constable has provided the following responses to the recommendations set out within the report.

Cause of concern 01

The force doesn't clearly govern and oversee how it provides custody services.

We found limitations in the way the force oversees its custody services. There isn't a performance framework for custody, underpinned by the range of data needed to help the force effectively scrutinise its custody provision. This scrutiny should include how well it complies with legal requirements, address any concerns, and show where it needs to make improvements. Senior managers don't regularly oversee important areas of custody performance.

There is poor recording of incidents and little quality assurance of the use of force, including viewing CCTV footage of incidents, making it difficult for Gwent Police to show that when it uses force in custody, it is necessary, justified and proportionate.

There is poor, and sometimes inaccurate, recording on custody records. The recording doesn't clearly show what has happened to the detainee while in custody, including any force that has been used.

Recommendations

With immediate effect, Gwent Police should put processes in place to make sure it has effective oversight of its custody services so it robustly monitors outcomes for detainees and improves outcomes when necessary.

Chief Constable's Response

In response to the recommendation, the force has developed an action plan to address to each element of the cause of concern and the latest position is outlined below:

The force doesn't clearly govern and oversee how it provides custody services.

We found limitations in the way the force oversees its custody services. There isn't a performance framework for custody, underpinned by the range of data needed to help the force effectively scrutinise its custody provision. This scrutiny should include how well it complies with legal requirements, address any concerns, and show where it needs to make improvements. Senior managers don't regularly oversee important areas of custody performance.

- A new governance structure for custody has been implemented, which includes a Custody Performance Meeting. A new custody performance framework has been developed and performance against the measures is scrutinised in the Custody Performance Meeting. An agenda has been created for the Custody Daily Management Meeting (DMM) which has provided more structure and scrutiny at an operational level around key elements of performance for the department. Individual performance for staff in custody is measured by monthly one to one meetings with line managers. These meetings identify areas for improvement, learning that can be shared with colleagues and Continued Professional Development opportunities. These one-to-one meetings are recorded on Microsoft Forms to provide data to ensure compliance and identify and patterns or trends across all four custody teams. The force is also seeking to introduce a quarterly Custody Scrutiny Meeting with the Office of the Police and Crime Commissioner.

There is poor recording of incidents and little quality assurance of the use of force, including viewing CCTV footage of incidents, making it difficult for Gwent Police to show that when it uses force in custody, it is necessary, justified and proportionate.

- A quality assurance process will formally commence in February 2025. To underpin this, a new quality assurance dip sampling form has been created in Microsoft Forms for use by the custody Inspectors. This will provide consistency for the Inspectors completing the dip sample and will provide data which will identify any emerging patterns or trends that need to be addressed to improve quality and or content recorded. There are specific elements relating to use of force, including viewing CCTV footage.

There is poor, and sometimes inaccurate, recording on custody records. The recording doesn't clearly show what has happened to the detainee while in custody, including any force that has been used.

- The force has invested in two additional custody Inspectors. This will allow for an Inspector to be allocated to each shift and will provide increased capacity to complete in-depth dip sampling of custody records. This will improve the standard and accuracy of custody records. As already outlined, use of force will form part of the new dip sampling requirements.

Cause of concern 02

The force doesn't consistently manage risk in custody to keep detainees safe.

The force's risk management isn't good enough. It doesn't always follow authorised professional practice (APP) guidance, and it doesn't consistently carry out its risk management practices to the required standard.

It doesn't always prioritise queues for booking-in according to risk, and it doesn't prioritise all children for booking-in.

Custody officers don't always place detainees under the influence of alcohol or drugs on the correct observation level, and they don't always record rationales for changes to observation levels. As far as possible, rousing checks of detainees who are under the influence should be carried out by the same officers or staff to give continuity of care. This doesn't happen.

Level 3 (constant) observations should be carried out in a quiet place, without distraction, to support observations. This doesn't happen, and officers carrying out observations aren't recording them.

The force doesn't have a clear and unified process of completing individualised risk assessments when a detainee's clothing may need to be removed. This leads to inconsistent practices.

Not all custody personnel attend the handover.

Recommendations

With immediate effect, the force should take action to mitigate risk to detainees by making sure it follows APP guidance. It should put processes in place to assure itself that the custody environment is a safe environment for all detainees.

Chief Constable's Response

In response to the recommendation, the force has developed an action plan to address to each element of the cause of concern and the latest position is outlined below:

The force doesn't consistently manage risk in custody to keep detainees safe. The force's risk management isn't good enough. It doesn't always follow authorised professional practice (APP) guidance, and it doesn't consistently carry out its risk management practices to the required standard.

It doesn't always prioritise queues for booking-in according to risk, and it doesn't prioritise all children for booking-in.

- Daily waiting times now form part of the new Custody DMM agenda and are scrutinised at an operational level. This has resulted in reduced waiting times for all detainees. Children are prioritised for booking-in.

Custody officers don't always place detainees under the influence of alcohol or drugs on the correct observation level, and they don't always record rationales for changes to observation levels.

- The correct observation level and rationales for changes in observation levels will be checked and assessed through the new quality assurance process.

As far as possible, rousing checks of detainees who are under the influence should be carried out by the same officers or staff to give continuity of care. This doesn't happen.

- Cell checks are now functional roles for Custody Detention Officers (CDOs) so as far as possible level 2's are being conducted. Compliance will be monitored through dip sampling of custody records.

Level 3 (constant) observations should be carried out in a quiet place, without distraction, to support observations. This doesn't happen, and officers carrying out observations aren't recording them.

- This has been considered as part of the renovation of Ystrad Mynach custody unit. A purpose-built area has been constructed in the unit for the officer/CDO who is conducting the level 3 constant observations. This will ensure they have less distractions so they can maintain focussed observations on the detainee.

The force doesn't have a clear and unified process of completing individualised risk assessments when a detainee's clothing may need to be removed. This leads to inconsistent practices.

- The rationale for removal of clothing will be checked and assessed through the new quality assurance process. Feedback will be provided to Sergeants in 1-2-1 performance meetings with their Inspector and wider learning will be shared across the teams. This will lead to improved scrutiny, detailed rationales and better consistency in this area.

Not all custody personnel attend the handover.

- The force has adopted an alternative handover process to ensure the efficiency and effectiveness of our custody provision is not compromised by a complete 'shutdown' of the unit. We have a Sergeant who is identified as the Risk Manager for the unit for the duration of their shift who leads on the handover.