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

The Rt Hon Suella Braverman KC MP
Home Secretary
Home Office
2 Marsham Street
LONDON
SW1P 4DF

3rd October 2023

Dear Home Secretary,

Race and Policing: An inspection of race disparity in police criminal justice decision-making.

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) entitled, 'Race and policing: An inspection of race disparity in police criminal justice decision-making'.

We continue to recognise the significance of race disparity across policing and the wider criminal justice system. This is re-iterated by the Chief Constable in her comment below:

I welcome this inspection report from His Majesty's Inspectorate of Constabulary and Fire & Rescue Services which examines how decisions made throughout criminal justice process affect individuals who are the subject of criminal investigations. As a fieldwork force for this inspection, I am pleased the report refers to "some green shoots of encouraging activity". Together with our partners we will seek to implement the recommendations it contains to achieve a more significant improvement across the entire system and build public confidence in the justice system.

As indicated in her comments, the Chief Constable and I remain committed to improving the foundational elements of criminal justice in Gwent and public trust and confidence in our systems and processes.

I have included an update from the Chief Constable on the relevant recommendations requiring a response:

- **Recommendation 6:**

By 30 September 2024, chief constables should make sure that forces carry out comprehensive analysis of race disparity in police criminal justice decision-making. Where this analysis indicates that people from ethnic minority backgrounds are disproportionately affected, police forces should explain, or revise, their ways of working.

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 gyfweiliad 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.

Chief Constable Response: Gwent Police currently monitors race disparity for authorised detentions and average detention times. These are scrutinised in the Operational Performance Board chaired by the Assistant Chief Constable. Gwent Police does not currently monitor race disparity in relation to out-of-court disposals, police decisions to charge or decisions to bail after charge however the custody lead is in consultation with the Analysis and Research team to obtain this data. The development of the custody framework will be completed by September 2024.

- **Recommendation 8:**

By 30 September 2024, chief constables should make sure that information from the Youth Justice Board summary disproportionality toolkit relevant to the force area is included in their force's analysis of police criminal justice disparity.

Chief Constable Response: The Analysis and Research team currently do not utilise the Youth Justice Board summary disproportionality tool for analysis of criminal justice disparity. Recommendation 7 states that the NPCC Criminal Justice lead should issue guidance to Chief Constables about using the Youth Justice Board summary disproportionality tool and that this should include if data-sharing agreements are required. Until we are sighted on this guidance, we will liaise with the Youth Justice board for England and Wales regarding utilisation of the disproportionality tool for the Force's analysis of police criminal justice disparity.

- **Recommendation 10:**

By 30 September 2024, chief constables should make sure that work takes place with communities, police and crime commissioners, and other agencies to establish or build on arrangements for the scrutiny of police criminal justice disparity.

Chief Constable Response: The Custody Disparity Scrutiny Panel was set up in 2022 as part of the recommendations from NPCC to address disparity in criminal justice processes and the Lammy report which identified racial disparity in criminal justice system. The panel meet on a quarterly basis and has representation from the Independent Custody Visiting Association and Independent Advisory Group. The panel looks at age, gender, and ethnicity across various processes within custody- footfall, offence type, time in custody, strip searches, use of force, remands and identifies where disparity lies and then look to address it. The panel also conducts dip sampling of use of force and strip search records to ensure they are proportionate and fair. The panel and the performance report which informs the meeting is still in its infancy and work is on-going to maximise its effectiveness and share the outcomes externally (as part of the final recommendation).

Gwent's Out of Court Disposals Scrutiny Panel was established by Gwent Police to enable partners from a range of agencies to independently review a selection of anonymised cases that have been resolved by the police with an Out of Court Disposal. The functions of the panel are currently under review by the custody lead together with the Office of the Police and Crime Commissioner (OPCC) which will include scrutiny of race disparity in Out of Court Disposals. Initial scoping has identified data quality concerns in the recording of ethnicity which need to be addressed before any meaningful analysis can be made.

- **Recommendation 11:**

By 30 September 2024, chief constables should make sure that information about criminal justice disparity is published on force websites, or that force websites clearly link to other websites where this information can be found. Published information should include any explanations for identified disparity and actions forces will take to address it.

Chief Constable Response: Gwent Police is currently reviewing and developing its performance framework which by September 2024 will be designed to analyse data in relation to Out of Court Disposals, police decisions to charge and decisions to bail after charge for race disparity analysis and appropriate scrutiny meetings will be in place. As this development is currently underway Gwent Police does not currently publish any statistical information about race disparity in criminal justice decision making.

I appreciate the efforts from the Chief Constable reflected in the responses above. I will, of course, continue to scrutinise the progress of Gwent Police in these areas through my Strategy and Performance Board.

As noted in the report, in September 2022, the Criminal Justice Board for Wales (CJBfW) launched its Anti-Racism Action Plan. Aligned to the Welsh Government's Anti-Racist Wales Plan, the CJBfW Anti-Racism Action Plan sets out a collective commitment by criminal justice agencies to eradicate racism from every element of criminal justice in Wales. Both my office and Gwent Police were instrumental in the development and production of the CJBfW Anti-Racism Action Plan, which now sits at the core of our ways of working.

The CJ Anti-Racism Action Plan has made improvements in race data quality a priority workstream. A Race Data Dashboard is being developed through the Wales Data Leads Group which will provide a range of information across the criminal justice process. Taking a data informed approach to decision-making requires confidence in the quality of information being collected, and part of the development work has involved reviewing and improving the quality of data being collected by agencies. The Race Data Dashboard will be used by each agency to inform their processes and decision-making, by Local Criminal Justice Boards to enable better oversight and challenge of local criminal justice performance, and by the CJBfW to support any challenges or needs on a pan-Wales basis.

We recognise that effective scrutiny and oversight are also critical in tackling race disparity. My office coordinates and maintains long-standing arrangements for the independent scrutiny of police coercive powers, which has a focus on race disproportionality. Via the Legitimacy Scrutiny Panel, representatives from communities and agencies review a range of police data, the quality of engagement and recording of grounds. Observations and feedback (including actions and recommendations) are fed into Gwent Police's internal Coercive Powers Scrutiny Meeting and quality improvement processes and published on my website. The revised Home Office Community Scrutiny Framework: National Guidance for Community Scrutiny Panels will be used by my office to benchmark and identify opportunities to enhance existing scrutiny processes.

My office also participates in Gwent Police's Custody Disparity Scrutiny Panel and has made several recommendations in respect of the dip sampling process and improved data monitoring by the group.

I will now continue to work with the Chief Constable and partners to ensure that the governance arrangements in place support the required improvements across the entire system and build public confidence in the justice system.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Eleri Thomas', with a horizontal line underneath.

Eleri Thomas
Deputy Police and Crime Commissioner for Gwent