



Creating a safer
Cambridgeshire

To: Business Coordination Board

From: Chief Constable

Date: 20 January 2021

THE CONSTABULARY'S RESPONSE TO THE HMICFRS REPORT "PRE-CHARGE BAIL AND RELEASED UNDER INVESTIGATION: STRIKING A BALANCE"

1. Purpose

1.1 The purpose of this report is to seek endorsement for the proposed response to the Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) "Pre-Charge Bail and Released Under Investigation: Striking a Balance Report to the Business Coordination Board (the "Board") from Cambridgeshire Constabulary (the "Constabulary").

2. Recommendation

2.1 It is recommended that the Chief Constable endorse the proposed response to the HMICFRS recommendations to enable the Acting Police and Crime Commissioner (the "Acting Commissioner") to discharge his duties under Section 55(1) of the Police Act 1996 to respond to the report within 56 days of publication.

3. Background

3.1 On 8th December 2020, HMICFRS published a thematic inspection report "[Pre-charge bail and released under investigation: Striking a balance](#)".

3.2 This was a joint thematic inspection led by HMICFRS and supported by Her Majesty's Crown Prosecution Service Inspectorate (HMCPPI) which assessed: the effectiveness of leadership and governance in supporting the implementation of the legislation on pre-charge bail/released under investigation (RUI); the effectiveness of police forces in identifying and managing the vulnerability and risk associated with victims of crime where the suspect has been RUI; the effectiveness of police forces and the Crown Prosecution Service (CPS) in prosecuting cases where pre-charge bail/RUI is used; the impact of pre-charge bail/RUI on the timescales of the justice process from investigation to conclusion; the effectiveness of understanding at a strategic level of the use of pre-charge bail/RUI; and good practice and areas for improvement. They inspected how six forces and CPS areas used bail and RUI in 2019. Fieldwork was due to continue in 2020, however was curtailed due to Covid-19 restrictions. The report sets out the findings and makes 10 national recommendations aimed at improving police and CPS practice.

3.3 In summary HMICFRS and HMCPPI found that:

- Too little consideration has been given to how bail legislation changes would affect victims;
- RUI leaves too many victims without the reassurance and protection that bail conditions can provide;
- All too often, the police don't seek the views of the victim when deciding whether to bail a suspect and impose conditions;
- The police don't always inform the CPS that a suspect has been RUI;
- Suspects who are RUI are rarely told about progress in the investigation;
- The police often give RUI cases less priority than bail cases, meaning investigations take much longer than they should;
- In too many cases, the decision to release a suspect under investigation rather than bail happens because of delays in digital forensic analysis;
- Suspects often move from bail conditions to RUI after 28 days;
- Not all cases are charged as early as they could be, when the investigation has been completed by police and while the suspect is in custody;
- There is no accurate local or national picture of bail and RUI;
- Few forces comply with national guidance in relation to RUI.

3.4 Within 56 days of publication, the "local policing body" (the Acting Commissioner) must provide a response to the report. The response must be published, sent to the Secretary of State and sent to the Inspectors of Constabulary. The response must include comments from the Chief Constable. If the report includes recommendations, the comments should include an explanation of what action is being, or will be taken, or why no action is proposed.

4. Proposed Response to the HMICFRS recommendations:

4.1 **The Home Office should work with police and the College of Policing to review the legislation for bail and RUI. The bail consultation completed in 2020 should provide evidence for reviewing who must authorise bail and time frames for bail extensions. The learning from this report should inform this work.**

Force response: This recommendation is addressed to the Home Office. The Constabulary will await further information.

- 4.2 **The Home Office should work with police and the College of Policing to make sure forces have enough time and adequate resources to prepare for any future changes to the legislation which arise from the bail consultation. They should also provide police forces with comprehensive guidance and protocols on the changes.**

Force response: This recommendation is addressed to the Home Office. The Constabulary will await further information.

- 4.3 **The Home Office and the National Police Chiefs' Council (NPCC) should work together to develop and put in place data collection processes to give an accurate national picture of RUI and pre-charge bail.**

Force response: This recommendation is addressed to the Home Office and the NPCC. The Constabulary will await further information.

- 4.4 **The Home Office should work with police forces and the College of Policing to develop and implement monitoring arrangements to make sure that changes resulting from the bail consultation are effective.**

Force response: This recommendation is addressed to the Home Office. The Constabulary will await further information.

- 4.5 **The Home Office should work with the NPCC, the CPS and the College of Policing to make sure that any changes to the legislation secure improvements for victims of crime.**

Force response: This recommendation is addressed to the Home Office. The Constabulary will await further information.

- 4.6 **The College of Policing should work with the NPCC to ensure that clear guidance is developed for officers in relation to updating suspects who are RUI on the progression of their cases.**

Force response: This recommendation is addressed to the College of Policing. The Constabulary will await further information.

- 4.7 **The College of Policing and NPCC should work together to develop clear guidance for police forces so that all cases involving serious harm and risk, such as domestic abuse and stalking, are subject to bail with conditions to protect victims and require a new risk assessment before a suspect's bail status changes.**

Force response: This recommendation is addressed to the College of Policing and the NPCC. The Constabulary will await further information.

- 4.8 **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.**

Force response: The Constabulary uses the Athena system for recording whether suspects are on bail or released under investigation (RUI). There is an established process for recording bail, however Athena does not currently cater in full for the changes introduced by the Policing and Crime Act 2017, including recording RUI. Whilst an interim solution has been developed for forces in the Athena consortium to

enable the recording of RUI, there are some flaws in the data because of the way RUI is dealt with in the system. Data relating to the use of bail and RUI is included in the monthly Force Performance Board Review for scrutiny and oversight. This will continue to be reviewed whilst the Constabulary awaits enhancements to the Athena system to better measure and report on bail and RUI.

- 4.9 **Forces should record whether a suspect is on bail or RUI on the MG3 form when it is submitted to the 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.**

Force response: This recommendation has been reviewed with forces in the East of England and work is in progress to ensure information on whether a suspect is on bail or RUI is routinely provided to the CPS via the MG3 checklist.

- 4.10 **The CPS and NPCC should work together to review their service level agreements and make sure that cases can be charged at the earliest opportunity.**

Force response: This recommendation is addressed to the CPS and NPCC. The Constabulary will await further information.

5. Recommendation

- 5.1 It is recommended that the Chief Constable endorse the proposed response to the HMICFRS recommendations to enable the Acting Commissioner to discharge his duties under Section 55(1) of the Police Act 1996 to respond to the report within 56 days of publication.

BIBLIOGRAPHY

Source Document(s)	https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/pre-charge-bail-and-released-under-investigation-striking-a-balance-1.pdf
Contact Officer(s)	Supt Adam Gallop, Head of Organisational Improvement Centre, Cambridgeshire Constabulary Alice Thompson, Governance & Inspection Officer, Organisational Improvement Centre, Cambridgeshire Constabulary