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Office of the
**Police & Crime
Commissioner**
West Yorkshire

My Reference: OPCC/MBW/NF

Your Reference:

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Dear Home Secretary,

HMICFRS report: Pre-charge bail and released under investigation

I am writing to you in response to December's HMICFRS report on bail, and suspects' release under investigation (RUI).

Changes to the use of bail in 2017 reflected the desire to treat suspects appropriately, and address the practice of some suspects being held under bail conditions for a prolonged period. As the report highlights, the unintended consequence of this policy has (in some cases) reduced the real and perceived sense of safety amongst victims, notably vulnerable victims of domestic abuse.

A policy which could undermine the sense of safety of victims of crime must be reviewed, and in West Yorkshire, we have evaluated the reform of bail/RUI from the outset to understand the repercussions of this change in procedures. In the summer of 2019, my office presented a paper to the West Yorkshire Police & Crime Panel on the use of pre-charge bail and RUI, highlighting some of the issues encountered in adopting the policy. This paper stated:

'Concerns have been raised nationally that the new legislation presents a greater risk for vulnerable victims due to the unrestricted nature of being RUI. There is currently insufficient evidence to support or refute this fear, but irrespective of that, the consideration of whether or not to apply bail must take into account all the circumstances of the case, including the necessity to support and protect victims and witnesses (especially those who are identified as vulnerable and at risk of high harm), and ensure public safety.'

Our paper went on to clarify WYP's actions in the light of these concerns:

'A new force policy on the use of pre-charge bail and RUI based on the NPCC guidance has been drafted. The policy aims to increase the management and scrutiny attached to the pre-charge bail and more specifically the RUI process, taking into account safeguarding and vulnerability of victims and witnesses.'

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[West Yorkshire Police] HQ Criminal Justice are now reviewing and dip-sampling Crime Occurrences (crime reports) and Custody Records to ensure the correct use of pre-charge bail and RUI. This information has already formed part of the Local Accountability Meetings with Districts and will be a regular feature of the Custody & Criminal Justice Board.'

Further to this, West Yorkshire Police carried out a Post-Implementation Review (PIR) to assess whether the changes to pre charge bail had been effectively managed. Bail/RUI procedures in West Yorkshire Police were further assessed by my office's Audit Team later that year.

One outcome of the PIR was to explore how WYP's information management system (NICHE) could help in the management of RUI. A detailed description of this work is included below.

The following feedback from West Yorkshire Police's Criminal Justice Team illustrates how our police service is addressing two of HMICFRS's recommendations in their report. Firstly, can I outline WYP's established policies regarding Pre-Charge Bail and Released Under Investigation (RUI):

RUI Review

- Once a suspect has been released, investigations must have a documented supervisory review every 30 days until the investigation has been completed and a disposal actioned.
- The Supervisor will be responsible for reviewing and setting the post custody investigation plan
- At each review the Investigating Officer must ensure the victim, suspect and their legal advisor where applicable is provided with an update on the progress of the investigation.

Subsequent Reviews by Inspectors and Superintendents

- Inspectors will review all investigations where the suspect has been RUI for 3 months. The Inspector must complete the review template on the Occurrence Entry Log (OEL).
- Chief Inspectors will review all investigations where the suspect has been RUI for 6 months. The Chief Inspector must complete the review template on the Occurrence OEL.
- Superintendents will review all investigations where the suspect has been RUI for 12 months. The Superintendent must complete the review template on the Occurrence OEL.
- This will ensure RUI suspects will be subject to appropriate review and management supervision. Inspectors, Chief Inspectors and Superintendents will need to satisfy themselves that RUI cases are being managed expeditiously and further investigation is appropriate.

Bail has set Authorised Bail Periods set out in law for review stages.

HMICFRS Report Recommendations

- **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.**

WYP has a good process in place for making this information accessible to both Officers in Charge and their Supervisors through our NICHE system. Information from NICHE links to the Police National Computer (PNC) records to update impending prosecutions. This is fully automated, and includes updates from custody or voluntary attendance records, so this information is never overlooked.

On the NICHE system, this information is also clearly visible under the 'events/reports' tab of a nominal's record, which is also there to aid decision making. Furthermore, where there are specific risk factors (for example in domestic abuse cases) they are shown as warning markers.

As the risk a suspect could pose goes beyond RUI or bail decisions, and the occurrence section of NICHE shows further information of relevance to aid risk-assessing and sound decision making, such as use of drugs and/or mental health factors. All of this information is listed in date order and available to officers who will go into this system to update any crimes they are working on.

- **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.**

The recent adoption in West Yorkshire of the Two-Way Interface (TWIF) with the CPS has meant that the MG3 form is no longer in use, and has been replaced by a CM01 template.

This is a national format so all forces that have, or will migrate to TWIF in the future, will encounter the same difficulties in responding to this recommendation. In the meantime, WYP can add details of RUI and Bail into the MG6 form that is still in use, and develop a process to support the recommendation in that way.

WYP's Criminal Justice team is working on amending the MG6 form to include details of a suspect's current RUI and Bail status so the CPS will have access to the information in that format. They are also provided with a prosecutor's print from the PNC at this stage, and a refreshed copy at the point of charge if that is a different date. This also includes details of impending investigations.

Concluding Comments

As I have described above, the consequences of implementing the new bail and RUI legislation of 2017 has been thoroughly reviewed by WYP and my office, and new procedures introduced to ensure appropriate management of bail/RIU cases – strengthening our commitment to safeguard victims and protect the wider public.

This work will continue in response to the further recommendations made in the HMICFRS report, and will be scrutinised in due course through my usual bilateral arrangements with the Chief Constable, and my public accountability forums – Community Outcome Meetings and Delivery Quarterly.

Yours sincerely



Mark Burns-Williamson
Police and Crime Commissioner for West Yorkshire