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## **NPCC Criminal Justice Coordination Committee: Pre – Charge Bail Portfolio**

### **Response to the Police powers: pre-charge bail government consultation.**

**Q1. To what extent do you agree/disagree that the general presumption against pre- charge bail should be removed?**

Strongly agree

**Q2. To what extent do you agree/disagree that the application of pre-charge bail should have due regard to specific risk-factors?**

Strongly agree

**Q3. To what extent do you agree/disagree that the application of pre-charge bail should consider the following risk factors?**

**a. The severity of the actual, potential or intended impact of the offence;**

Strongly agree

**b. The need to safeguard victims and witnesses, taking into account their vulnerability;**

Strongly agree

**c. The need to prevent further offending;**

Strongly agree

**d. The need to manage risks of a suspect absconding; or**

Strongly agree

**e. The need to manage risks to the public.**

Strongly agree

**Q4. Do you have any other comments?**

1. The NPCC would welcome changes to the pre-charge bail legislation, which removes the presumption of release without bail that was introduced in the Police & Crime Bill 2017.
2. Introduction of a criminal offence of breaching pre-charge bail in order to offer a greater deterrent, in addition to affording greater protection to victims and witnesses.
3. We must ensure the changes to the legislation are understood by police officers and partner agencies. Clear operational guidance and training materials must be available, prior to the introduction of new legislation, which explains the changes, and how they should be applied.

**Q5: Please rank the options below in order of preference (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup>).**

Current model	<u>4th</u>
Model A	<u>3rd</u>
Model B	<u>2nd</u>
Model C	<u>1st</u>

	Current	Model A	Model B	Model C
Initial Bail period	To <b>28</b> days, <b>Inspector</b>	To <b>two</b> months, <b>Custody Officer</b>	To <b>three</b> months, <b>Custody Officer</b>	To <b>three</b> months, <b>Custody Officer</b>
First extension	To <b>three</b> months, <b>Superintendent</b>	To <b>four</b> months, <b>Inspector</b>	To <b>six</b> months, <b>Inspector</b>	To <b>six</b> months, <b>Inspector</b>
Second extension	Beyond <b>three</b> months, <b>Magistrate</b> (at three-month extension intervals)	To <b>six</b> months, <b>Superintendent</b>	To <b>nine</b> months, <b>Superintendent</b>	To <b>nine</b> months, <b>Superintendent</b>
Third extension	As above.	Beyond <b>six</b> months, <b>Magistrate</b> (at three-month extension intervals)	Beyond <b>nine</b> months, <b>Magistrate</b> (at three-month extension intervals)	To <b>12</b> months, <b>Superintendent</b>
Fourth extension	As above.	As above.	As above.	Beyond <b>12</b> months, <b>Magistrate</b> (at three-month extension intervals)

**Q6. Do you have any other comments? For example, do you have a different proposal or are there circumstances in which the proposed timescales would not be appropriate? (250 words)**

1. Model C provides stringent supervisory oversight whilst reducing the volume of cases that progress as far as requiring a Magistrates extension.
2. The introduction of a new pre-charge bail regime will require local and national changes to I.T. systems and operational processes. Sufficient implementation time (approximately 6 months) should be built in to the legislative implementation process to ensure Police Forces, Law Enforcement Agencies, CPS & Defence and HMCTS can amend and embed the necessary systems and processes.
3. Prior to the implementation of the legislative changes operational guidance should be developed and released to forces, the CPS and HMCTS.
4. A governance structure and appropriate Annual Data Return (ADR) should be developed and agreed, in order to provide meaningful performance information.

**Q7. To what extent do you agree/ disagree that there should be timescales in codes of practice around the supervision of 'released under investigation' and voluntary attendance cases?**

Strongly agree

**Q8. Do you have any other comments? For example, if you disagree, do you have alternative proposals for the supervision of 'released under investigation' and voluntary attendance cases?**

1. The implementation of governance structures and guidance/C of P (including review periods consistent with those attached to pre-charge bail) for investigations in which suspects are investigated using VA (Voluntary Attendance Interview) or with RUI status will ensure :
  - a) Consistent practices across the country.
  - b) Investigations are completed within Statutory Time limits.
  - c) Investigations are completed expeditiously, providing timely justice to victims and offenders, increasing the confidence of communities in Policing to bring people to justice.
  - d) Biometrics are taken from convicted people in a timely manner.
  - e) Victims, witnesses and suspects are kept up-to-date with the progress of investigations.
  - f) The the safeguarding needs of suspects who are children or vulnerable.
2. Operational guidance should be released prior to the implementation of the legislative changes to ensure forces have sufficient time to implement the new process and governance structures. The guidance should include best practice learning from the HMICFRS/HMCPSI reviews of pre-charge bail.
3. In addition, appropriate consideration should be given to the:
  - a) Victims Code.
  - b) Postal Charge Requisitions procedures.
  - c) Case Progress (Director Generals Guidance).
  - d) National Disclosure Improvement Plan.
  - e) National Charging Standards and CPS charging timeliness SLA's.
4. Separate consideration should be given to recording VA investigations on PNC as Impending

Prosecutions (IP's) similar to the process for recording Bail and RUI, which would provide protection to victims/witnesses and provide valuable information and intelligence to operational officers when conducting 'Stop and Search' and pro-active patrols.

5. A framework should be implemented placing timescale requirements and governance on all elements of the Criminal Justice System.

**Q9. To what extent do you agree/disagree that pre-charge bail conditions could be made more effective?**

- a. to prevent someone interfering with victims and witnesses?

Strongly agree

- b. to prevent someone committing an offence while on bail?

Strongly agree

- c. to prevent someone failing to surrender to custody?

Strongly agree

**Q10. What could be done to make bail conditions more effective?**

1. Breaching pre-charge bail conditions should be a criminal offence, in order to provide a deterrent and protection for victims and witnesses, with separate penalties on conviction.
2. The necessity to implement pre-charge bail conditions should always be proportionate to:
  - a) The severity of the actual, potential or intended impact of the offence.
  - b) The need to safeguard victims and witnesses, taking into account their vulnerability.
  - c) The need to prevent further offending.
  - d) The need to manage risks of a suspect absconding.
  - e) The need to manage risks to the public.
  - f) The age or vulnerability of the suspect.
3. Clear guidance must be provided to ensure careful consideration is given to pre-charge bail decisions in cases involving suspects who are children or vulnerable to ensure it is proportionate and necessary. The impact of breaching pre-charge bail should be clearly explained and appropriate safeguarding measures put in place.

**Q11. Are there any other issues or proposals you would like to raise with us in relation to the use of pre-charge bail or released under investigation?**

The implementation of changes to the pre-charge bail legislation provides policing with the opportunity to improve the protection for victims and witness from harm whilst deterring further offending.

The legislation should introduce clear timescales and review periods in cases where suspects are not subject to pre-charge bail i.e. Released Under Investigation (RUI) or VA status.

The timescales from Royal Assent to operational implementation of the changes should allow all forces to complete the necessary changes to :

1. I.T. systems (locally and nationally).
2. Officer training and changes to operational processes.
3. Governance and scrutiny regimes (all agencies).
4. Performance Reporting systems to ensure the full compliance with an improved ADR which enables forces to report accurately in relation to effectiveness of pre-charge bail conditions.

### Guidance

The introduction of legislative changes must be accompanied by national operational guidance.

### Governance and Scrutiny

Legislative changes and guidance should include processes to ensure regular scrutiny of the use and effectiveness of pre-charge bail conditions.

- a) Force leads for pre-charge bail should be at a senior level.
- b) Strategic partner oversight from the CPS and HMCTS should also be encouraged.