



College of
Policing

Bail report

Pre-charge bail – an exploratory study

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Contents

Summary	4
Executive summary	5
Findings	7
Introduction – pre-charge bail	8
Method	12
Results of analysis	17
Investigating patterns of pre-charge bail	23
Case studies	31
Potential implications	33
Bibliography	35
Appendix A	36
- Data collection sheet and definitions	
Appendix B	48
- Appendix B – data tables	
Appendix C	61
- Practitioner focus group – proposals for forthcoming changes to pre-charge bail discussed 25 January 2016	

Summary

- The data collected from forces for the period 1 June – 30 Nov 2015 produced 17,281 entries in total from nine forces: sixty seven percent (n=11,537) from the six forces using a formal bail authorisation test and thirty three percent (n=5,744) from three forces continuing their existing practices. One force introduced the formal test two weeks later and ran two weeks into December to compensate.
- Sixty per cent of cases in the total sample were bailed initially for over 28 days (seventy percent in the formal test forces and forty percent in forces using existing practices).
- Forensic analysis is one of the key drivers of long periods of pre-charge bail as sixty percent of cases over 90 days required some form of forensic analysis.
- The proposed legislation to limit bail authorised by inspectors to 28 days is likely to have significant implications on those cases where pre-charge bail is still required.
- The types of cases most likely to be affected are sexual offences as practitioners suggest that these are likely to require bail conditions to be set and a high proportion of these cases require forensic analysis.
- The mean estimated time taken to authorise pre-charge bail from this research was 13 minutes for a sergeant and 17 minutes for an inspector.
- The collection of comparable, accurate data on pre-charge bail from forces is currently problematic.

Executive summary

Introduction

This report summarises the findings from an exploratory study into pre-charge bail undertaken in nine police forces between June and November 2015. The report sets out some insights into the drivers for lengthy pre-charge bail and how the Home Office proposed legislation may affect managing investigations.

Pre-charge bail

Pre-charge bail was introduced 30 years ago, in the Police and Criminal Evidence Act 1984 (PACE), to manage individuals while police conducted further investigations. Releasing someone from custody on pre-charge bail allows police to continue their investigation of an alleged offence while allowing the suspect to return to their normal routine. As laid out in the House of Commons Library Briefing Paper 7469, conditions can be attached to bail allowing police to offer protection to complainants or witnesses, to preserve evidence and to mitigate the risk of further criminality.

Under PACE, the police have power to release a person who has not been charged on bail. This is deemed to be a release on bail in accordance with section 3, section 3A, section 5 and section 5A of the Bail Act 1976. No restriction on the amount of time police can hold someone on pre-charge bail was specified. Prior to charging a suspect with a crime, there are broadly two scenarios where the police may grant pre-charge bail. Bail may be granted with or without conditions:

- where there is as yet insufficient evidence to charge a suspect with an offence and it is necessary to continue to investigate without them being held in custody
- where the police consider there is sufficient evidence to charge the suspect but the case has been referred to the Crown Prosecution Service (CPS) for a charging decision.

The College of Policing's authorised professional practice (APP) on detention and custody suggests that a sergeant can authorise bail up to 28 days. Where the period of bail exceeds 28 days, the APP suggests that forces should apply the following approval process:

- beyond 28 days – seek the approval of an additional independent sergeant
- beyond three months – the approval of an inspector is required
- beyond six months – the approval of a superintendent is required.

Home Office proposals

The Home Office proposals were introduced following a public consultation on pre-charge bail that concluded in February 2015. The proposals include:

- the presumption of release from custody without pre-charge bail unless the custody officer is satisfied that releasing the person on bail is necessary and proportionate in all the circumstances
- that an officer of the rank of inspector or above authorises the release on bail
- where bail is deemed to be necessary and proportionate, authorisation may be given by an inspector for up to 28 days and from 28 days up to three months may be authorised by a superintendent in force,
- longer periods of bail would require the authorisation of a magistrate.

Aim of the study

The original purpose of the study was an attempt to understand whether it was possible to improve the management of pre-charge bail – reduce the overall length of bail and reduce the need for bail extensions, without recourse to legislation. To this end, a group of forces were asked to introduce a pre-charge bail authorisation process that involved a formal necessity and proportionality test at the initial point where pre-charge bail could be set and again at any review of bail.

Shortly after the study began, the government announced proposals for legislation on pre-charge bail, overtaking the purpose of the study. A decision was made to continue the data collection as analysing the data gathered might help inform discussions on the possible implications of the proposed legislation and provide lessons for its implementation.

Method

In six forces a formal process for authorising pre-charge bail involving a necessity and proportionality test was introduced. This process required officers to provide a rationale for approving or extending bail based on an agreed set of criteria. Data was collected on all instances of bail in these six force areas. In some forces data were collected for the whole force area and in others, for just one geographic area within the force. For the same period, data was collected from three additional forces where existing practices continued unchanged.

The choice of forces was not random and little is known about:

- how well the test was implemented in those forces where it was introduced
- the authorisation process in the forces not implementing the necessity and proportionality test.

It is likely that just the process of collecting the data meant that an additional scrutiny was provided to pre-charge bail that changed practices in those forces where no formal process was introduced. It is also possible that existing practices in the forces were not representative of the variation found in all forces – for example, the forces in the study could have been those who were already adhering closely to the College of Policing Bail Principle.

Findings

Data collection

- The collection of comparable, accurate data on pre-charge bail from forces is currently problematic. Despite the fact that the forces involved had volunteered, most were not able to provide all the data requested without significant resource input. This suggests that forces may have difficulty monitoring the impact of any changes on performance around pre-charge bail in the future.

Introducing the formal test

- The forces where the formal test was introduced appeared to have increased the length of initial pre-charge bail imposed and had limited impact on reducing the number of bail extensions. The non-random selection of forces, however, means that other factors existing in the forces related to existing policy and practice around bail and investigations and arrangements related to forensic analysis may also have had an impact.

Length of pre-charge bail

- The mean length of initial bail for all cases in the sample was 46 days (52 in formal test forces, 34 in forces using existing practices). In all forces participating, the mean length of initial bail was over 28 days, with sixty per cent of cases in the total sample being bailed initially for over 28 days (seventy per cent in the formal test forces and forty per cent in forces using existing practices).
- For violence and sex offences only, the proportion of these cases bailed for over 28 days was forty one per cent for all cases (sixty two per cent in formal test forces and thirty two per cent in forces using existing practices).
- Of the small minority (nine per cent) of cases bailed initially for over 90 days, fifty five per cent related to rape and sexual offences or drug offences.

Reason for bail

- Forensic analysis is one of the key drivers of long periods of pre-charge bail with sixty per cent of cases over 90 days citing some form of forensic analysis as the reason for bail.
- The most frequent type of forensic analysis given as a reason for bail was 'phone downloads', accounting for thirteen per cent of all cases with a mean number of days bailed of 71, ranging from 44 to 104 days across the forces in the sample:
 - in cases bailed for over 90 days, thirty three per cent gave 'phone downloads' as a reason for bail.
 - although 'computer interrogation' accounted for only three per cent of cases (n=517) it had the longest mean length of bail at 84 days, ranging from 57 to 128 days.

- of the cases where ‘computer interrogation’ was given as a reason, sixty three percent of the cases related to rape or other sexual offences and ten percent related to fraud offences.

- Some forces are able to process forensic analysis within a shorter period than others.
- Other reasons that are often cited for longer periods of bail are that the file is with the CPS for a decision on charging and the need to obtain a professional witness statement, eg, from a medical practitioner.

Implications

- The data collected as part of this exploratory study demonstrated that the proposed legislation to limit bail authorised by inspectors to 28 days is likely to have significant implications on those cases where pre-charge bail is still required – in particular, those cases where forensic analysis is necessary.
- The types of cases most likely to be affected are sexual offences, as practitioners suggest that these are likely to require bail conditions to be set and a high proportion of cases require forensic analysis.
- Imposing a 28-day limit for authorisation by inspectors is likely to have an impact on available resources at superintendent rank. The mean estimated time taken to authorise pre-charge bail from this research was 13 minutes for all cases (13 minutes for a sergeant and 17 minutes for an inspector).
- The majority of all cases in the sample were bailed for 42 days or less initially and 49 days if extensions to bail are included. This suggests that 49 days may be a more practical limit for authorisation by an inspector.

Introduction – pre-charge bail

Pre-charge bail was introduced 30 years ago, in PACE, to manage individuals while police conducted further investigations. Under PACE, the police have power to release a person who has not been charged on bail. This is deemed to be a release on bail in accordance with section 3, section 3A, section 5 and section 5A of the Bail Act 1976. No restriction on the amount of time police can hold someone on pre-charge bail was specified.

Prior to charging a suspect with a crime, there are broadly two scenarios where the police may grant pre-charge bail. Bail may be granted with or without conditions:

- where there is as yet insufficient evidence to charge a suspect with an offence and it is necessary to continue to investigate without them being held in custody (section 37(2) PACE)
- where the police consider there is sufficient evidence to charge the suspect but the case has been referred to the CPS for a charging decision (section 37(7)(a) – section 37(7)(c) PACE).

Background to the study

Pre-charge bail is used by the police as a tool for managing suspects in the community and managing investigations. There have been public concerns, however, about the consistency, transparency and rigour behind its use.

This is particularly true in the case of Mr Paul Gambaccini, raised in evidence to the Home Affairs Select Committee, where he described being on bail for a year and re-bailed six times before his case was dropped with no charge.

It is also important to highlight the case of *Torres, R (on the application of) v The Commission of Police of the Metropolis* [2007] EWHC 3212 (Admin) (17 December 2007). In this case, the court held that if police wish to attach conditions to bail for further enquiries, they may do so if they grant bail under section 37(2) PACE, but that conditions may not be attached if bail is granted under section 34 PACE.

In response to these concerns, the College of Policing was approached by the National Police Co-ordinating Committee for Criminal Justice and the Home Office to develop principles of good practice. This was followed by a public consultation on the principles' impact on the use of pre-charge bail to review and consolidate them for incorporation into national guidance. The College consultation concluded on 21 July 2014, with around 89 responses, and exposed concerns and a need for further action in three key areas:

- more standardised processes across forces
- greater management around the amount of time spent on bail and frequency of the re-bailing of suspects
- better partnership working with others in the criminal justice system to deal with third-party delays.

In October 2014, the home secretary announced that further work was necessary to '...look at statutory time limits on the use of pre-charge bail to prevent people spending months or even years on bail only for no charges to be brought'. As a result, the Home Office launched its own consultation, which concluded on 8 February 2015. The College submitted a response to this consultation on behalf of policing, proposing an alternative model to manage pre charge bail.

In response to the Home Office Consultation, the home secretary initially expressed an intention to legislate and limit pre-charge bail to 28 days. This includes the requirement for a superintendent to authorise bail beyond 28 days and a magistrates' court to consider proposals beyond three months and a presumption to release without bail.

To explore the potential impact on the use of pre-charge bail, the College and NPCC lead introduced, in a sample of forces, a pre-charge bail authorisation process that involved a formal necessity and proportionality test at the initial point where pre-charge bail could be set and again at any review of bail. The aim

was to see if changes could be achieved without recourse to legislation and to understand the reasons behind the use of bail more fully.

Following the start of the study described here, however, the Home Office confirmed their intention to introduce legislative changes to pre-charge bail that include a presumption of release without bail unless it is proportionate and necessary. For those cases where conditions are required, the authorisation process would be as set out in figure 1 below:

Figure 1



Diagram taken from presentation of the Home Office summary of consultation responses (2015)

These proposals, contained in the Policing and Crime Bill 2016, are likely to have significant potential implications on managing suspects in the community and managing investigations. Although the proposals meant that the original intention of the study, to gather evidence to inform pre-charge bail policy, was no longer relevant, the collection and analysis of the data was continued primarily with a view to identifying the potential impact of the legislation on the police.

Previous research

Data on the use of pre-charge bail by police forces in England and Wales is not routinely collected centrally so there is no current national picture on how it is used. The College undertook a one-off exercise to collect bail data for the year 2013/14, to inform the response to a Home Office consultation.

The data is quoted in the College's response to the Home Office consultation on time limits for pre-charge bail. Responses are summarised in the Home Office's March 2015 Pre-Charge Bail Summary of Consultation Responses and Proposals for Legislation.

Twenty-six forces were able to provide data, which showed that thirty one percent of the 970,039 people arrested in the year were released on pre-charge bail. There were large differences across forces – the proportion released on pre-charge bail ranged from sixteen percent to forty percent. The average length of time before a decision was made in the case was 61.5 days across the whole

sample. Again, this ranged from an average of 36 to 88 days across the forces. The quality of the data collected varied, as forces used different methods of capturing and counting the data.

A search of the National Police Library and available databases (Criminal Justice Abstracts, PsychInfo and Psychology and Behaviour Science Collection) identified very limited research material on the use of pre-charge bail. The search used the terms 'pre-charge bail' and 'police bail' for the years 2015 to 2000.

Previous research that had examined the length of time on pre-charge bail (Hucklesby 2015) examined this issue in two forces between 2011 and 2013. This research found that practices were consistent between the two forces and the length of bail was on average six to seven weeks (42-49 days). This finding is within the range of averages found in the in 2014 College of Policing sample. It also suggested that the availability and increasing sophistication of forensic techniques were fuelling the use of pre-charge bail and making officers less likely to make a speedy decision to take no further action.

Previous research by the NPIA in 2011 looked at pre-charge bail as a driver of bureaucracy. This report found that the issues driving the use of pre-charge bail were force policies and processes, a culture of risk aversion, performance pressures and resources. It suggested, however, that an impact could be made on the unnecessary use of pre-charge bail by tackling:

- unplanned arrests
- insufficient quality in initial investigations
- demands on limited custody space
- differing perceptions on levels of evidence required for charge, leading to delays in the process.

Previous research suggested the use of pre-charge bail is influenced by policy and practice at force and local level. For example, Hucklesby (ibid) found that in the two forces studied, one imposed bail conditions in around sixty percent of cases and the other did not use conditions at all. Re-bailing rates also varied between custody suites in the same force.

Aim of the study

The aim of this study was to understand whether pre-charge bail management could be improved without recourse to legislation. In addition, the study explored the reasons behind lengthy pre-charge bail periods and how these differ across forces.

Method

The intended method to examine the impact of the more formal necessity and proportionality test was to implement the proposed College of Policing model suggested in the response to the Home Office consultation (see table 1 below) in a number of forces. The study collected data on pre-charge bail from these forces and simultaneously from a number of forces where existing practices were continued unchanged over a six-month period.

Table 1 - College of Policing proposals

Period	Authoriser/reviewer
First period of bail of 28 days	Sergeant
Extension up to 3 months	Sergeant
Extension up to 6 months	Inspector
Extension up to 12 months (3 months per extension)	(For indictable offences only) magistrates' court
Beyond 12 months (3 months per extension)	Magistrates' court
Extension beyond 18 months (3/6 months per extension)	Magistrates' court

The group of forces not introducing the formal authorisation process continued to authorise bail according to their current practice but collected the same data. It is likely that current practice varies across forces. Providing the data may also have necessitated some changes in the process – this may also have had an effect on the authorisation process.

Until the development of the Bail Principles by the College of Policing in October 2013 and their incorporation in APP, there was no national guidance for forces on authorising pre-charge bail. Anecdotal evidence suggested that practice in forces had little consistency but, in general, authorising bail was the custody sergeant's duty and there was no limit in terms of the number of days for which a sergeant could authorise bail. Extensions to bail were often authorised by an inspector or higher rank but again there was no consistent process followed.

At the start of the study, the Bail Principles had been included in the detention and custody APP but they had had limited time to become an established practice. The Bail Principles proposed that a sergeant should authorise bail for up to three months, an inspector beyond three months and a superintendent beyond six months.

Table 2 – Bail Principles authorisation process

Period	Existing practices group authoriser/reviewer
First period of bail of 28 days	Sergeant
Extension up to 3 months	Sergeant but should seek the independent advice of another sergeant
Extension up to 6 months	Inspector
Extension over 6 months	Superintendent

The difference between the forces introducing the formal test and the other group of forces continuing existing practices is that, in the forces continuing existing practices, there is no structured process for a review of bail by the sergeant or inspector prior to authorising bail. In addition, although the existing Bail Principles provide some guidance to all forces, they are not mandatory and the extent to which they were being adhered to likely differed across forces.

In contrast, the forces introducing the formal test for authorising pre-charge bail were issued with instructions on what form a review should take. They also received instructions on what should be considered when reviewing a case prior to making a decision to authorise a period of pre-charge bail or a bail extension – see box below.

Instructions given to forces introducing the formal test

On initially authorising pre-charge bail, the sergeant will consider the primary reason for bail and bail for a period which will cover the time for the longest reason to be resolved.

On authorising re-bail for a further period up to 90 days, a sergeant will conduct a review of the case file. When conducting a case file review, sergeants will be asked to consider the necessity and proportionality of continuing bail beyond the 28 day period. The sergeant should consider:

- Does the interference correspond to a pressing need?
- Is it proportionate to the legitimate aim pursued?

These questions are based on human rights legislation, and sergeants are referred to article 8(2) of the European Convention on Human Rights for a full definition. Sergeants are asked to record their rationale in the custody record for a later dip sample.

The inspector's review for authorising bail over 90 days up to 180 days will take the same form as the current superintendent's review for authorising for extending detention beyond 24 hours and will examine:

- Has the investigation been conducted diligently and expeditiously?
- What has the officer in the case (OIC) done?
- What does the OIC need to do?
- Is the period reasonable?

The time that these reviews will take will vary depending on the complexity of the case and will also be recorded.

It was hypothesised that the formal necessity and proportionality test for authorisation of pre-charge bail implemented in a group of forces would have an impact on the numbers of individuals subject to pre-charge bail and the duration of bail. The test increases scrutiny at bail authorisation and review by:

- expecting sergeants to undertake a more structured authorisation process and acknowledge that they had undertaken a proportionality and necessity check
- involving an inspector at an earlier stage.

The study was only intended to run for six months so that the findings would be available to inform the development of the Home Office's proposed legislation. For this reason it was not possible to explore an authorisation process involving magistrates' courts.

Sample forces

The forces involved in the study were all chosen from a group identified in the previous data collection exercise that had the ability and were willing to provide the required data from their force IT systems. From this group, the participating forces were chosen to represent the range of forces in terms of:

- current performance on bail management based on the average number of days on pre-charge bail before a final disposal given in the College of Policing 2014 data collection exercise
- size of force (based on population figures)
- the geographic location (eg, North, South).

Using these criteria, seven forces were identified to introduce the more formal test and six forces were identified to provide data but continue their existing practices. During the six month period, however, a number of forces dropped out of the study. This left only three forces providing data on existing practices and six forces providing data on introducing a formal authorisation process for the full six months (see table 3). Two of these forces provided data for just one area within the force.

The choice of forces was not random but they provide a reasonable spread, both geographically and in terms of force size and nature. The fact that they were chosen from the twenty-six forces that were able or willing to produce data for the College in the 2014 data collection exercise, however, means that they may be biased in favour of forces with particular features, for example, a more robust process for managing bail.

Little is known about the bail authorisation process in the existing practices group and the extent to which they were effectively managing bail through adhering to the College of Police Bail Principles or having policies and practices aimed at reducing use and length of bail or effectively managing forensic analysis. There is some anecdotal evidence that the process of collecting the data required more tracking of cases. The introduction of computer fields designed to make the data collection simpler may have inadvertently added additional scrutiny of pre-charge bail into the system.

Measuring impact

The Home Office stated that the objective of implementing changes to pre-charge bail authorisations was to increase the accountability and transparency associated with the pre-charge bail process and to limit the duration of pre-charge bail in all but exceptional cases. The consultation responses identified a wide range of potential impacts of the introduction of statutory limits for pre-charge bail. These included reducing negative effects for individuals on bail and their families, including emotional or mental trauma, and financial implications such as increased costs to Legal Aid for representation at bail hearings.

This study focussed on the potential impacts that are most relevant to and affected by police involvement in authorising and managing pre-charge bail. These include;

- reducing the number of individuals subject to bail
- reducing the average duration of pre-charge bail
- understanding the reasons why cases may require prolonged bail
- increase in the number of cases being finalised ‘no further action’ due to an inability to keep people on bail for further investigation without recourse to a higher authority
- increasing the number of cases being considered for bail extension by the magistrates’ courts
- increasing resources required/cost of bail extension consideration hearings by courts
- increasing superintendent time authorising bail extensions
- increasing officer time spent at court attending pre-charge bail hearings.

The Home Office model proposes that the bail clock stops when the file is with the CPS for a referral under section 37(7)(a) PACE, which is a request for a decision on whether there is sufficient evidence to charge. In order to examine the impact of this proposal, additional data was collected from the CPS for the cases where the reason for bail was given as CPS advice file.

Data from the CPS management information system does not, however, provide details on how many times the file has been returned to force for further actions. This can only be obtained from the full case details, so case studies were developed where possible from the available data.

Data collection

Data on pre-charge bail is not currently collected centrally, so it is difficult to understand the scale of the problem of long periods of pre-charge bail and frequent extensions of pre-charge bail. The number of different computer systems used to manage the custody process means that the way in which the data are held is not consistent across the country. Some systems are more flexible than others in terms of what it is possible to extract. Consequently, a separate data collection template was developed to be completed by forces, in addition to the normal computer entries for the purposes of this study.

The details of the data collection, including any definitions, counting rules and coding frames (eg, for reasons for bail extensions and crime types), were determined in consultation with participating forces (See appendix A for the data collection sheet and definitions). The consultation was conducted to ensure that the data requested was proportionate and aligned to force systems as far as possible, to minimise any administrative burdens.

Bail single points of contact (SPoCs) were appointed for all forces involved to ensure effective communication between the College and forces during the formal test group. A briefing pack was provided to each bail SPoC to brief those involved. It included:

- an explanation of the formal test and its background, including the drivers
- instructions for those participating in the formal test group, setting out what they were required to do and how it differed from current practice – the instructions were aimed at custody sergeants and those inspectors and superintendents involved in authorising pre-charge bail
- the data collection sheet and instructions for entering the data.

The forces continuing their existing practices received just the background briefing and the data collection information.

The data was collected from all forces participating on a monthly basis for the months June – November 2015 using an Excel spreadsheet.

Missing data

Where data collected from the participating forces was missing or clearly inaccurate, an initial enquiry was made via the bail SPoCs to try and complete the entry. At the end of the data collection period, a cut-off date was agreed and entries which still had key data missing (such as the date, number of days bailed, custody number or offence) were excluded from the analysis. Some cases with the field 'reason for bail' missing were included in the summary analysis but were subsequently excluded from the analysis of the reasons for bail.

Rape cases

Some data fields were less complete than others. In particular, there was limited information on the final disposal of cases. An additional request was sent to the bail SPoCs for detailed disposal data for all cases of rape that occurred in the study period so that more detailed analysis would be possible for these cases. The additional burden of this request for all crime types was felt to be too great, so it was decided to focus on rape, as these cases often result in long periods of pre-charge bail (see section on rape for a fuller explanation).

Practitioner workshop on the Home Office proposed changes

On 25 January 2016, a focus group of practitioners met to discuss the potential effects of the Home Office proposed legislation. The practitioners were representatives from forces involved in the formal test group and control forces. They were sergeants, inspectors and superintendents working in custody and criminal justice. The findings from the focus group are described in appendix C.

Results of analysis

Description of the sample

The data collected from the forces for the period 1 June – 30 Nov 2015 produced 17,281 entries in total – sixty seven percent (n=11,537) from the six forces using the formal test and thirty three percent (n=5,744) from three forces continuing their existing practices. One force introduced the formal test two weeks late and ran two weeks into December to compensate. Of the forces that did provide data, some were only able to provide data for one area within the force and some could not provide all the details requested.

The data provided was of varying quality and required significant cleaning to enable analysis. The difficulty obtaining a comparable sample of data from forces suggests that it is difficult for some forces to analyse and fully understand their performance around pre-charge bail. Table 3 below describes the sample as a whole. A full table is provided in appendix B. It is possible for bail to be extended many times – in the sample, bail was extended up to five times in certain cases.

Table 3 – Summary of sample

	Formal test forces	Existing practices forces*	Total sample
Total cases in analysis	11,537	5,744	17,281
Mean length of 1st bails	52 days	34 days	46 days
% of cases where bail extended at least once	13.6% (n=1,565)	15.4% (n=882)	14.2% (n=2,447)
% of cases where bail extended (incl. 2nd,3rd,4th period of pre-charge bail)	16.4% (n=1,066)	18.6% (n=1,888)	17.1% (n=2,954)
Mean length of bail (including extensions)	59 days	41 days	53 days
% of initial bails over 28 days	70% (n = 8,110)	40% (n = 2,278)	60% (n = 10,388)
% of initial bails over 90 days	11.9% (n=1,369)	2.4% (n=137)	8.7% (n=1,506)
% all bail periods over 28 days including extensions	75% (n=8,622)	49% (n=2,805)	66% (n = 11,427)
% all bail periods over 90 days including extensions	18% (n=2,013)	6% (n=321)	14% (n=2,352)

Length of pre-charge bail

The instructions given to the formal test forces were to consider the request for bail in terms of the necessity and proportionality of imposing pre-charge bail, but also to bail for the number of days that would be appropriate given the reasons for imposing bail. It was thought that these considerations would streamline the process by reducing the need for bail extensions. If the forces introducing the formal test acted on the instruction, it might be expected that:

- the mean length of initial pre-charge bail period might change
- there would be fewer bail extensions.

Table 3 shows that the formal test forces were recording longer pre-charge bail periods in the first instance with a difference of 18 days. This finding may be because formal test sites were instructed to bail initially for a period that is reasonable, given required further investigation processes, for example, taking account of expected time required to obtain forensic analyses.

If this were the case, the rate of bail extensions would be higher in the forces continuing existing practices than in the formal test forces. Table 3 shows that the proportion of extensions is two percentage points higher for existing practices forces. The range of bail extension rates ran from two percent to twenty nine percent, however, across all forces involved. There also appears to be as much variation within each group of forces as between the formal test group and the others.

The difference between the formal test group and the existing practices group in percentage of re-bails is, in real terms, small, especially when compared to the pronounced difference in the mean length of bails seen. This suggests that the bail process used in the formal test group may have had a limited impact on bail extensions. It is very likely, however, that there are other factors influencing bail extension rates.

The sample of forces involved in the study was limited (three forces in the existing practices group only) and was not random. For these reasons, it is possible that those forces allocated as existing practices groups or as formal test groups had some particular characteristics in common that influenced the length of bail and percentage of re-bails or that a particular force is exerting undue influence on the overall total.

Prior research suggests the rate of re-bailing may be strongly influenced by local practice. Hucklesby (2014, *ibid*) found that in one force, twenty one percent of cases were bailed twice (within the range of the figures from the forces in this research) and that there was considerable variation between custody suites within and between forces. The NPIA (2012) study found that re-bailing was more heavily scrutinised by higher ranks and there was a possibility of officers trying to avoid the scrutiny given to re-bails by giving inappropriately long first bail periods.

How current practice would be affected by the proposed legislation

According to the Home Office's 2015 consultation on pre-charge bail, the number of days of pre-charge bail imposed on detainees is of concern and one of the drivers behind the proposals currently in the Police and Crime Bill 2016. Forthcoming changes to the legislation on pre-charge bail are likely to limit the numbers of days for which the police are able to authorise bail, given its necessity and proportionality.

It is useful, therefore, to understand the number of cases that would be affected by the potential changes. The current suggestion for the limit of authorisation by the police is 28 days for authorisation by an inspector and three months by a superintendent. The mean length of bail, while a useful measure, is distorted by a small number of very long bails. It is more useful to look at the proportion of cases within time bands.

Table 5 (for full table, see table 2 in appendix B) shows that the proportion of cases bailed initially for up to 28 days differs between the formal test group and existing practices group. Across all forces, the mean proportion of cases bailed for 28 days or less varies from 12.5% to 75.4% with existing practices group averaging 60% of cases bailed for 28 days or less and formal test group averaging 30%.

When a period of 42 days or less is examined, however, over fifty percent of the cases in each group would be accounted for, varying from fifty two percent for formal test group and seventy seven percent for existing practices group.

Table 4 – Proportion of cases bailed by number of days (cumulative)

Initial bail cases only	Formal test group	Existing practices group	All cases
28 days or less	30% (n=3,418)	60% (n = 3,466)	40% (n=6,884)
42 days or less	52% (n=5,996)	77% (n=4,407)	60% (n=10,403)
49 days or less	58% (n=6,725)	80% (n=4,618)	66% (n=11,343)
56 days or less	65% (n=7,454)	84% (n=4,842)	71% (n=12,296)
90 days or less	88% (10,157)	98% (n=5,606)	91% (n=15,762)
Over 90 days	12% (n=1,371)	2% (n=139)	9% (n=1,510)

In both the formal test group and the existing practices group, the proportion that are bailed initially for longer than 90 days is small – nine percent of all cases (two percent existing practices group and twelve percent formal test group). Although the proportion is small, it still represents a sizable number of cases (n=1,510). If the proportion of cases bailed for over 28 days including extensions is examined, the proportion of all cases bailed for 28 days or less decreases to thirty three percent and the proportion bailed for 90 days or over increases to fourteen percent for all forces. See table 3 in appendix B for a complete table of number of days bailed.

Although there is a difference between the formal test group and existing practices group in terms of overall length of pre-charge bail, the pattern of bail length is similar in both groups. Chart 1 shows that the peak number of

days bailed is between 19 and 28. As the number of days bailed increases, the proportion of cases gradually decreases – with the exception of a small peak at between 79 and 88 days for formal test group.

Chart 1

The number of days bailed - percentage of total

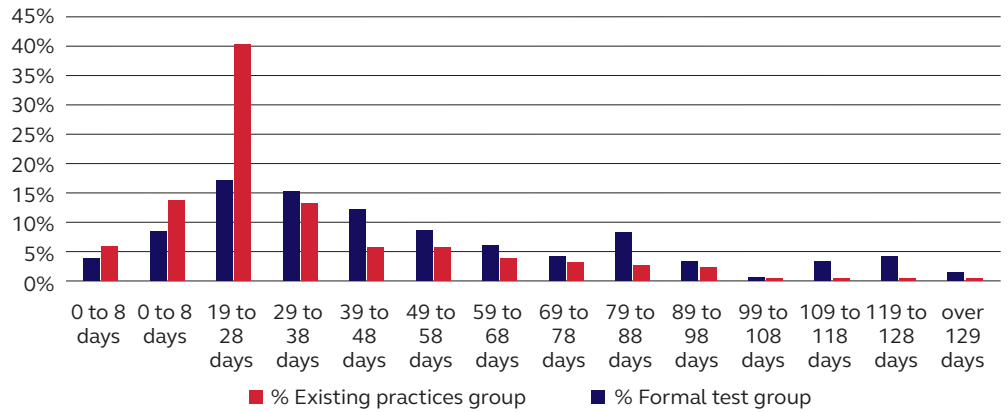
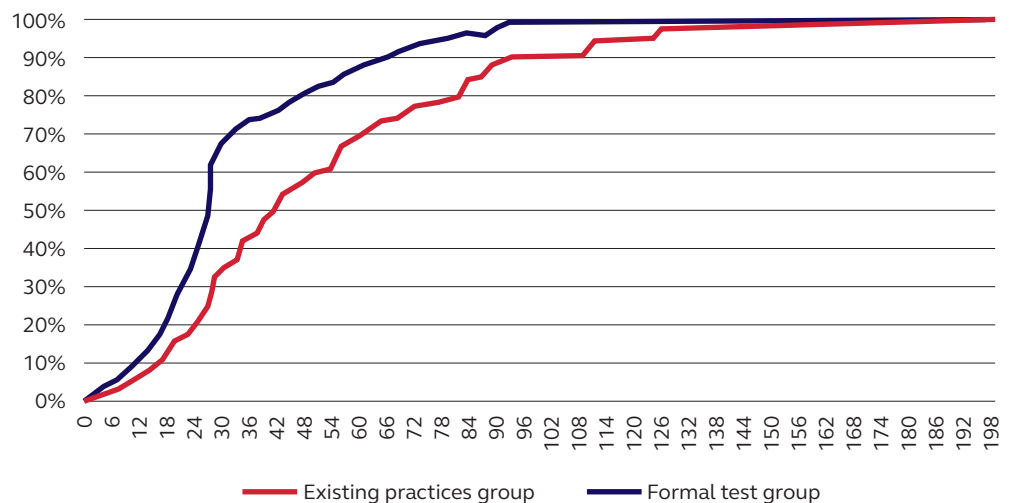


Chart 2 shows the cumulative percentage of cases by the numbers of days bailed. The proportion of cases rises as the numbers of days bailed rises, peaking at 19 - 28 days, then gradually decreases. The initial rise and peak is sharper for the existing practices group.

Chart 2

Number of days bailed - Cumulative percentage



When the extensions to bail are included in the bail length, the pattern remains the same but with small increases in the means for the proportions bailed for over 28 days and 90 days. When extensions are included, the majority of cases are accounted for across all forces by 49 days (see table 3 in appendix A for a complete table of numbers of days bailed).

Table 5 – Number of days bailed including extensions (cumulative)

	Existing practices group	Formal test group	All
28 days or less	51% (n=2,939)	25% (n=2,915)	34% (n=5,854)
42 days or less	67% (n=3,822)	46% (n=5,281)	53% (n=10,145)
49 days or less	71% (n=4,080)	52% (n=5,947)	58% (n=13,101)
56 days or less	76% (n=4,385)	58% (n=6,679)	64% (n=11,064)
90 days or less	94% (n=5,423)	82% (n=9,506)	86% (n=14,292)
Over 90 days	6% (n=321)	18% (n=2,013)	14% (n=2,352)

When pre-charge bail is given while awaiting a charging decision from the CPS

Under section 37(2) or section 37(7) PACE, pre-charge bail can be granted for either further investigation purposes or when the police believe there is sufficient evidence to charge but an advice file is being sent to the CPS – this could be either for a decision on whether to charge or on the type of disposal to be used. The length of bail under these two situations is likely to vary and the police have less control over the latter.

Although data on the section of PACE used to impose pre-charge bail was not collected in this study, a proxy measure can use the reasons for pre-charge bail ‘CPS advice file’ and ‘CPS digital charging’. This should give an estimate of cases where section 37(7) has been used.

Table 6 (based on initial bail data only) shows that the numbers of cases where pre-charge bail is imposed pending CPS advice were small. They were, on average, bailed for fewer days than cases where further investigation is required before charging.

Table 6 – Further investigation compared to CPS advice

Reason for pre-charge bail	Formal test group		Existing practices group		Total cases	
	No. of cases	Mean number of days bailed	No. of cases	Mean number of days bailed	No. of cases	Mean number of days bailed
CPS advice file or CPS – digital charging (bail under section 37 (7) PACE)	409	43	294	31	703	38
Further investigation (all other reasons given) (bail under section 37 (2) PACE)	11,072	52	5450	34	16,522	46
No reason given	56				56	
Total	11,537		5,744		17,281	

Violent offences and sexual offences account for nearly half of the cases where ‘CPS advice file’ or ‘CPS digital charging’ was given as the reason for bail (forty nine percent, n=342) – see table 5 in appendix B. Although some data were obtained from the CPS, it was too limited to allow analysis of the mean length of time the files were with the CPS and the impact that had on the length of the pre-charge bail period. Some case studies of rape offences have, however, been produced to illustrate the process – see section on rape below.

Investigating patterns of pre-charge bail

Reasons for pre-charge bail

Reasons for pre-charge bail were selected by those recording the data from a list of options developed through practitioner consultation. There may be multiple reasons for giving pre-charge bail – in this situation the reason requiring the longest period of pre-charge bail period should have been recorded.

For example, if both the mobile phone and a computer hard drive were to be analysed by forensics and the estimated waiting period for the return of results from an analysed phone was 60 days and the hard drive is likely to take 100 days, the reason given should be ‘interrogation of the computer’. Information on the reason for bail extension was missing in a number of cases, so analysis on the reasons for initial bail only has been undertaken.

The table below provides the proportion of cases where reasons were given and the mean number of days bailed. Summary tables are provided here for all cases but full data tables giving the breakdown for the formal test and existing practices groups are provided in appendix B, table 4.

Table 7 – Reasons for bail summary (initial bail only)

	Grand total	Percentage of total	Mean days bailed
Witnesses – all reasons	6,299	36%	50 days
Forensics – all reasons	4,966	29%	63 days
Other	2,181	13%	43 days
Other evidence – all reasons	1,797	10%	40 days
Suspects – all reasons	994	6%	39 days
CPS – all reasons	703	4%	33 days
No reason provided	284	2%	80 days
Investigation issues – all reasons	57	0%	37 days
Grand total	17,281	100%	

Table 8 shows that two-thirds of cases (sixty five percent) are given pre-charge bail for reasons relating to forensic analysis or witnesses. When the more detailed reasons for bail are analysed, the reasons that are most frequently cited are as follows in table 10.

Table 8 – Reasons for bail – mean number of days bailed (initial bail only)

Reason*	Percentage of total cases	Mean number of days bailed – formal test group	Mean number of days bailed – existing practices group	Mean days bailed – all cases
Forensics – phone downloads	13%	79	49	71
Witnesses – outstanding witnesses	12%	39	26	36
Witnesses – statements from witnesses	12%	38	26	33
Other evidence – CCTV	7%	35	23	31
Witnesses – statements from victim(s)	5%	35	24	32
Forensics – blood analysis	5%	68	38	54
Witnesses – identification procedures	4%	37	25	32
CPS – advice file	4%	44	32	39
Forensics – fingerprints	3%	65	31	60
Forensics – computer interrogation	3%	90	69	84
Suspects – outstanding suspects	3%	44	29	38
Other evidence – medical statements	2%	54	36	48
Forensics – waiting for the return of DNA analysis	2%	79	43	65
Witnesses – professional witnesses (doctors etc.)	2%	55	40	53
Forensics – clothing	1%	73	53	68

Reason*	Percentage of total cases	Mean number of days bailed – formal test group	Mean number of days bailed – existing practices group	Mean days bailed – all cases
Remaining categories	9%			
Other reasons – not specified	13%	47	36	43
Total	100%			

*where no reason was given, the case was excluded from the analysis

The most frequently cited reason for bail was ‘phone downloads’, which was the most frequent reason in four of the nine forces. The mean number of days bailed for ‘phone downloads’ was 71 for all forces (79 days in formal test group and 49 in existing practices group), ranging from 44 to 104 days between all participating forces.

Of the reasons categorised, the next most frequent were ‘outstanding witnesses’ and ‘statements from witnesses’ which together accounted for twenty four percent of the cases and averaged 36 days, ranging from 22 to 47 days – one or the other of these categories was the most frequently cited reason in five of the forces.

‘Computer interrogation’, which accounted for only three percent of cases (n=517), had the longest mean length of bail at 84 days, ranging from 57 to 128 days. One force had a particularly high mean number of days (n=128) but even excluding this force from the analysis, the mean number of days of pre-charge bail imposed was 74 days. Of the cases where computer interrogation was cited, sixty one percent of the cases related to crimes classified as ‘other sexual offences’, a further two percent related to rape cases and ten percent related to fraud cases. In the cases where phone downloads were recorded as the reason, a high proportion of the cases (forty five percent) related to drug offences.

It is clear from this that forensics analysis is a major driver of the length of pre-charge bail – something previously identified by Hucklesby (ibid) who found that developments in forensic analysis had encouraged officers’ views that it was worth waiting for all outstanding evidence and that ‘the practice was to release suspects on bail even in cases where the evidence was very slim and a conviction was unlikely because “there is always a chance” of a conviction even when it appeared to be unlikely during the initial stages of the investigation’.

Cases over 90 days

Cases initially bailed for over 90 days comprise 8.5% (n=1,506) of all cases in the sample. This proportion rises to 13.6% of cases (n=2,352) if extensions are included. The types of crime most frequently associated with over 90 day bail periods in both initial and extended bail cases are drug offences, and ‘rape and other sexual offences’ (both account for about fifty five percent of these cases).

Table 11 – Pre-charge bail over 90 days by offence type

Cases over 90 days (initial bail only)	Initial pre-charge bail only		Pre-charge bail including extensions*	
	Number of cases	Percentage of cases	Number of cases	Percentage of cases
Drug offences	591	39%	743	32%
Rape and other sexual offences	261	17%	549	10%
Miscellaneous crime against society	186	12%	245	10%
Violence with injury including homicide	111	7%	239	10%
Fraud offences	68	5%	119	5%
Domestic burglary	63	4%	86	4%
Theft of a motor vehicle	45	3%	67	3%
Non-domestic burglary	32	2%	49	2%
All other offences	129	10%	254	11%
Total	1,506	100%	2,351	100%

*Cases including extensions include all those cases where initial bail is 90 days or over and all those cases where bail has been extended to over 90 days

When the reasons for bail of the cases over 90 days are examined, sixty percent cite forensics, with over half of those forensic cases citing ‘phone downloads’ (54% n=770) and a further sixteen percent ‘computer interrogation’. When all cases are examined, witnesses are given as the most frequent reason for bail (thirty nine percent of cases), whereas in those cases over 90 days, only eighteen percent give witnesses as the reason. This proportion varies, however, according to the offence type, with a higher proportion of cases of violence with injury listing witnesses as the reason for bail compared to offences of rape and sexual offence, where forensic reasons are more frequent.

Violence and sex offences

The Home Office proposals suggest that, although there will be a presumption of release without bail, bail may still be given if there is a requirement to impose conditions. The formal test group did not collect data on whether conditions were imposed as a part of pre-charge bail so there is no primary data available to understand what cases these are likely to include. Previous research by Hucklesby (ibid) found that the use of conditions varied significantly between and within forces.

A practitioner workshop (see appendix C) held by the College identified cases of violence (particularly domestic abuse and hate crime) and sex offences as those most likely to attract pre-charge bail with conditions. Although further research into

the use of conditions is required, the views of practitioners were used as the basis for focusing the analysis of pre-charge bail onto violent and sex offence cases.

Across all forces participating in the research, the proportion of pre-charge bail cases related to violent crimes ranged from twenty two percent to thirty percent of all cases. Rape and sexual offences accounted for between eight percent and fifteen percent of cases. Previous research (Hucklesby, *ibid*) found thirty two and thirty three percent of cases bailed related to violent crime, and four and six percent for sex offences.

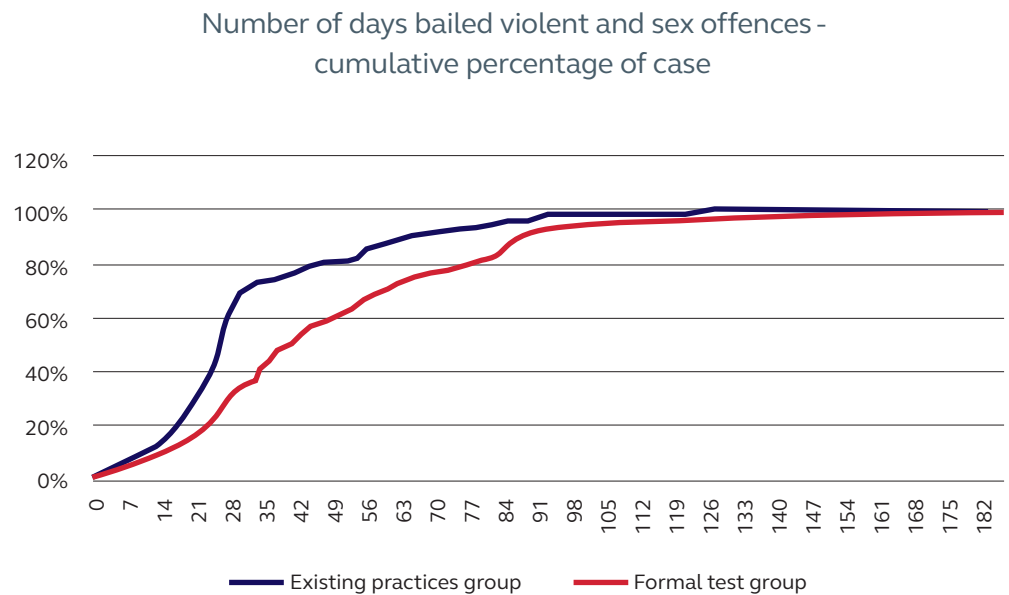
The differences seen may reflect recent changes in patterns of recorded crime – particularly the increases of recorded sex offences seen in the past few years. Police recorded crime figures showed an increase of thirty six percent in all sexual offences for the year ending September 2015 compared with the previous year. For more detail on this, see Crime in England and Wales 2015.

Examining the length of bail given to cases of violence and sex offences, it can be seen from table 12 and chart 3 below that, for the existing practices group, sixty two percent of cases were bailed for 28 days or less. For the formal test group, the figure is thirty two percent. This gives an overall figure of forty one percent of cases of violent and sex crimes bailed for 28 days or less, meaning that a large proportion of these types of crimes are currently bailed for over 28 days.

The proportion of cases that are bailed for 42 days or less is sixty one percent for all cases in the sample (fifty five percent for the formal test group and seventy seven percent for the existing practices group).

Table 12 – Percentage of cases of violence and sex offences by number of days bailed (initial bail only)

	Existing practices group	Formal test group	All
28 days or less	62% (n=1,222)	32% (n=1,386)	41% (n=2,608)
42 days or less	77% (n=1,511)	55% (n=2,401)	61% (n=3,912)
49 days or less	80% (n=1,572)	61% (n=2,680)	67% (n=4,252)
56 days or less	84% (n=1,653)	68% (n=2,974)	73% (n=4,627)
90 days or less	97% (n=1,913)	92% (n=4,051)	94% (n=5,964)

Chart 3

Looking at the reasons given for bail for cases of violent and sexual crimes, the majority of cases (fifty one percent) had reasons relating to witnesses.

Rape cases

A more detailed look at rape cases was undertaken. The offence of rape was chosen for a number of reasons:

- it has been identified from the data that rape cases tend to be bailed for a longer period (see table 12) – a finding similar to that of Hucklesby (2015)
- the Home Office response to the consultation on pre-charge bail identified that cases where bail may still be required so conditions can be imposed are likely to be more serious or complex cases
- a practitioner workshop run by the College of Policing (see appendix C for details) identified a number of crimes, in particular rape and sexual offences, domestic violence and hate crime, as being the sorts of crimes that often require conditions to be set on the detainee when releasing them on pre-charge bail
- as the numbers of rape are small, it was less burdensome on participating forces to ask for fuller details for a small set of cases.

The summary description of the rape cases in the study is shown in table 13.

Table 13 – Summary of rape cases

Rape cases in sample	Formal test group	Existing practices group	All cases
Total cases in sample	503	235	738
Mean length of initial bail	68	55	64
Range (of the mean of forces in group)	52–77 days	43–59 days	43–77 days
% bailed for 28 days or less (initial bail)	7.4% (n=37)	28.5% (n=67)	14% (n=104)
% bailed for 42 days or less (initial bail)	20% (n=102)	40% (n=94)	27% (n=196)
% bailed for 56 days or less (initial bail)	36% (n=179)	51% (n=119)	40% (n=298)
% bailed for 90 days or less (initial bail)	88.3% (n=444)	93.2% (n=219)	89.8% (n=663)
% bailed for over 90 days (initial bail)	11.7% (n=59)	6.8% (n=16)	10% (n=75)
% where bail is extended	16%	25%	22%
Mean length of bail including extensions	92 days	66 days	84 days
Range including extensions (of mean of forces in group)	68–107 days	62–72 days	62–107 days
% bailed for over 90 days including extensions	36% (n = 179)	15% (n = 36)	29% (n = 215)
% disposed within trial period (June to November)			13%

It can be seen that, in general, the mean length of initial bail at (64 days) is well over the mean for all crimes – 46 days (shown in table 4). In addition, the proportion of rape cases bailed for 28 days or less is very low at fourteen percent. In other research, Hucklesby (ibid) also found that suspects of sexual offences and drug offences spent longer on bail and that waiting for the results of forensic analysis was one of the main causes of lengthy pre-charge bail

The reasons given for imposing pre-charge bail on suspects in the rape cases in the sample are described below in table 15. The most frequently cited reasons were ‘statements from witnesses’, ‘phone downloads’ and ‘CPS advice file’, accounting together for thirty seven percent of cases.

Table 14- Reasons for initial bail (rape cases only)

Row labels	Number of cases	Mean days bailed (initial bail only)*	Percentage of cases
Witnesses – statements from witnesses	106	59	14%
Forensics – phone downloads	98	70	13%
CPS – advice file	76	66	10%
Forensics – waiting for the return of DNA analysis	64	67	9%
Witnesses – ABE	64	66	9%
Witnesses – outstanding witnesses	63	57	9%
Witnesses – statements from victim(s)	52	59	7%
Other	51	64	7%
Forensics – clothing	37	66	5%
Witnesses – professional witnesses (doctors etc.)	36	68	5%
Other evidence – medical statements	26	62	4%
Forensics – blood analysis	14	64	2%
All other reasons	51		7%
Total	738	64	100%

*Means given for reasons in this table relate to just those for cases of rape

The data suggests that the proposed 28 day limit for authorisation by an inspector would have a significant impact on investigating cases of rape, with most cases requiring authorisation of bail by a superintendent. Many of the reasons given for initial bail for rape cases include forensic analysis with long waiting times and other reasons outside police influence. For example, the mean number of days bailed when the reason was ‘CPS advice file’ is 39 days for all cases and 66 days for rape cases.

CPS delays in rape cases

The number of days that cases are with the CPS is an issue that is often cited in the Home Office’s consultation response as a reason why pre-charge bail can be prolonged. As part of the formal test group, an attempt was made to obtain the matching data from the CPS in order to examine this issue by tracking cases from arrest to charge. Although some data was obtained from the CPS, it was patchy, with many police URNs not being found on the CPS central management system (CMS).

On analysis, this data was found to be too incomplete to make any statements about the length of time cases were with the CPS generally. Instead, a number of examples of rape cases are shown here as illustrative of the process. These cases were chosen from rape cases where the case was matched on the CPS system and where the case was both initiated and disposed of within the formal test group period.

Case study 1 – ref: 20GA/4585/15

Date	Police	CPS
17/7/2015	Arrested for rape and bailed for 84 days the reason given was 'Witnesses – professional witnesses, eg, medical'	
30/09/2015		File sent to area CPS for advice after 75 days with the police
12/10/2016	Suspect returned to the station and was re-bailed for a further 70 days with the reason 'CPS advice file'	
30/10/2015		File returned to the police for further evidence and action plan after 30 days with the CPS– reason given 'requesting statement – why does IP not made an ABE and forensic evidence' (sic)
20/11/2015	Further evidence supplied by the police after 21 days	Further evidence supplied by the police after 21 days
8/12/2015	Suspect informed NFA	Decision made to NFA after 18 days with CPS
In this example the suspect was on pre-charge bail for a total of 144 days before being NFA'd. The case was with the police for 96 days and the CPS for 48.		

Case study 2 – ref: 62AA0534515

Date	Police	CPS
2/9//2015	Arrested for rape and bailed for 56 days the reason given was 'CPS Advice file'	
05/10/2015	Re-bailed for 51 days reason given 'Witnesses - professional witnesses, eg, medical'	File sent to area CPS for advice after 33 days with the police
2/11/2015		File returned to the police for further evidence and action plan after 28 days with the CPS– reason given 'forensic statement and character evidence'
17/11/2015	Further evidence supplied by the police after 15 days	Further evidence supplied by the police after 15 days
18/11/2015	Suspect informed NFA	Decision made to NFA after 1 day with CPS
8/12/2015	Suspect informed NFA	Decision made to NFA after 18 days with CPS
In this case the suspect was on pre-charge bail for 77 days before the case was NFA'd. The case was with the police for 48 and with the CPS for 29 days		

Case study 3 – ref: 62EA0136815

Date	Police	CPS
17/07/2015	Arrested by the police for rape and bailed for 47 days the reason given being 'Witnesses – statements from victim'	
25/08/2015		File received by CPS after 39 days with the police
03/09/2015	Re-bailed for 61 days reason given 'CPS advice file'	
04/11/2015		File returned to the police for further evidence and action plan after 71 days with the CPS– reason given 'requires medical records and forensic evidence statements'
25/11/2015	Further evidence supplied by the police after 21 days	Further evidence supplied by the police after 21 days
25/11/2015	Suspect charged	Decision made to charge on same day as receipt of further evidence
In this case the suspect was on pre-charge bail for a total of 137 days, with 66 days with the police and 71 days with the CPS, then charged.		

The Home Office proposals on period for pre-charge bail exclude the period while the case is with the CPS awaiting a prosecution decision. The reason given for this is that it 'will normally be only a small proportion of the total time spent on pre-charge bail'. The case studies above suggest that this is not always the case and further data would be required to investigate this issue more fully.

Time taken to authorise bail

Those participating in the formal test group estimated the time taken to authorise bail and bail extensions and entered the time in the spreadsheet. Not all officers provided this data but estimates were given for 7,040 cases. It is possible that the timings are not representative of all bail reviews, as it is not clear what the factors were involved in non-recording. Those not recorded may be different in some way, for example, they could be related to a higher proportion of difficult cases. Estimates were not provided for extensions to bail.

The mean estimated time taken for authorising pre-charge bail was 13.4 minutes with the majority (fifty eight percent) of the estimates giving an estimate of between 10 and 20 minutes and eighty three percent of the estimates being 30 minutes or less. A small minority (six percent) of estimates were over 60 minutes.

Of the estimates, 815 (twelve percent) of cases were authorised by an inspector – these were estimated to average 17 minutes, compared to 13 minutes for those authorised by sergeants. Of the cases of initial pre-charge bail authorised by an Inspector, forty four percent (359 cases) were related to drug offences.

Potential implications

Implications for monitoring use of pre-charge bail

There were significant problems found in the collection of pre-charge bail in a comparable way across the participating forces. These forces were additionally ones which had indicated they would be able to supply this data. The police system in which pre-charge bail is recorded is set up as a case management system rather than one for performance management and a number of different systems are used around the country some being more flexible than others. This issue should be considered if future monitoring of pre-charge bail is to be proposed.

Implications for the proposed limit of 28 days

It is likely that the change in presumption against the imposition of pre-charge bail, limiting it to those cases where it is 'necessary and proportionate', will result in fewer pre-charge bail cases. It is not possible, however, to estimate with any degree of confidence how great the reduction will be. Information from a practitioners' workshop (see appendix C) run by the College of Policing suggested that the types of crimes more likely to be given bail in these circumstances were those where conditions would be imposed. These would most likely be cases of violent crime, particularly domestic violence, hate crime and sex offences.

From the Home Office consultation on pre-charge bail, there was almost universal support among respondents to placing some sort of statutory limit on pre-charge bail. A total of forty four percent of respondents favoured an absolute limit, though there was no clear consensus as to what that limit should be.

The current suggested limit of 28 days for pre-charge bail that can be authorised by an inspector could create some practical difficulties in forces, as a significant proportion of the cases thought likely to require conditions (violent and sex offences) are currently bailed for over 28 days. Of the violent and sex offences in the sample, fifty nine percent (thirty eight percent existing practices group and sixty eight percent formal test group) were bailed for over 28 days and would have required authorisation by a superintendent or higher authority under the proposals.

Hucklesby, in her response to the select committee on pre-charge bail, suggested that if the limit for pre-charge bail was 28, this would 'result in between two thirds and a half of cases exceeding it if current practices do not change.'

In particular, cases of sexual offences and drug offences are likely to be affected by a limit of 28 days for authorisation by an inspector. This is suggested by the findings that:

- the majority of rape cases are currently bailed for well over 28 days
- 'computer interrogation' is cited as the reason for bail in a high proportion of sexual offences in this sample and this reason had a mean of 84 days bailed, which may be difficult to reduce

- a high proportion of drug offences cite ‘phone downloads’ as the reason for bail, for which the mean number of days bailed was 71 days (ranging across the participating forces from 44 to 104 days).

These cases are likely to require a bail review by an officer of inspector rank and above. From the data collected in this study, the mean estimated time for a sergeant’s bail review was 13 minutes and an inspector’s 17 minutes. The numbers of cases still requiring pre-charge bail may have a significant impact on the resources in forces at inspector and superintendent level.

Imposing impractical time limits for bail authorisation may have adverse effects elsewhere in the system. For example, the CPS response to the Home Office consultation said 28 days would be ‘wholly inappropriate and unworkable’ and that it was concerned the police would send files prematurely to meet the time deadline, resulting in the CPS having to send the files back asking for further investigative work.

Reasons for long pre-charge bail

Forensic analysis is clearly a key driver of longer periods of pre-charge bail, with sixty percent of cases over 90 days having some form of forensic analysis given as the reason for bail. Some forces seem able to process forensic samples quicker than others, however, and further research into practical ways to reduce the lead times for forensic analysis could provide a way of reducing pre-charge bail lengths.

Other reasons that were frequently cited in cases over 90 days are reasons that are outside of the existing practices group of the police. These include the time required to get a decision from the CPS on submission of an advice file and the requirement for statements from professional witnesses such as medical practitioners.

Alternative proposal

If an alternative time limit was to be considered, it should take into account the reasons for bail. The factors determining the length of pre-charge bail are often the time required to obtain forensic analysis of some form. Imposing a shorter bail limit would be unlikely to affect these timescales.

At 42 days, the majority of cases of violence and sex offences are accounted for (sixty one percent for all cases in the sample – fifty five percent formal test group and seventy seven percent existing practices group). At 49 days, the majority of all cases including violent and sexual offences are accounted for, including extensions to bail. The mean number of days bailed for ‘phone downloads’, the most frequent of the forensic analysis reasons for bail, ranged from 44 days to 104 days, but the mean for existing practices group was 49 days.

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Appendix A – Data collection sheet and definitions

Pre-charge bail data collection form [for arrests and rebails after 1 June 2015](#) – pilot forces

FORCE		MONTH									
Rank	Date: arrest or review (enter as xx/xx/xx)	Custody case number (use consistent format throughout)	Primary offence type (use drop-down box options)	Disposal decision (use drop-down box options)	Period of bail (1st, 2nd, 3rd etc.)	How many days bailed in this period	If bail - reason for bail (use drop-down box options)	File to CPS yes/no	Case file URN (in format XX XX XXXXX XX)	Sgts necessity and proportionality test or insp extension test applied (Y/N)	Time taken for necessity and proportionality test/extension test (mins)

Filling in the spreadsheet

- An entry in the spreadsheet should only be made if there is an arrest on or after 1 June 2015
- Each review of bail of a person arrested on or after 1 June 2015 should be recorded separately
- The date recorded in the 'date' column should be the date of the arrest or, in cases of review of bail, the date of the review
- The 'primary offence type' should be the most serious offence of those the person is arrested for
- There is a list of how the Home Office offence codes relate to the ONS sub-groups of offences used in the drop-down list for the primary offence code in the definitions worksheet
- The 'numbers of days bailed for in this period' column requires the number of days in the particular bail or rebail period and not the total number of days bailed for overall
- Please include in the 'time taken for necessity and proportionality test' column all time directly related to undertaking a review of bail, including any enquiries that need to be made to support the review and the completing of any paperwork or computer records
- At the end of each month please return the spreadsheet to:
Fiona.mclean@college.pnn.police.uk
- Please start a new empty spreadsheet at the start of each month, saved with a different name to reflect the month

If you have any queries about filling in the spreadsheet, please contact:

Fiona.mclean@college.pnn.police.uk

Definitions

Offence

This table describes how the Home Office offence codes fit into the new ONS sub-offence groups that have been used for the drop-down box.

Offence Code	Offence description	New ONS sub-offence group
1	Murder	Homicide
1/4.1/4.2	§ide	Homicide
1/4.1/4.2/4.10	Homicide	Homicide
104	Assault without injury on a constable	Violence without injury
105A	Assault without injury	Violence without injury
105B	Racially or religiously aggravated assault without injury	Violence without injury
10A	Possession of firearms with intent	Possession of weapons offences
10B	Possession of firearms offences	Possession of weapons offences
10C	Possession of other weapons	Possession of weapons offences
10D	Possession of article with blade or point	Possession of weapons offences

Offence Code	Offence description	New ONS sub-offence group
11	Cruelty to and neglect of children	Violence without injury
11A	Cruelty to children/young persons	Violence without injury
12	Abandoning child under the age of two years	Violence without injury
126	Interfering with a motor vehicle	Vehicle offences
13	Child abduction	Violence without injury
139	Indecent exposure	Other sexual offences
14	Procuring illegal abortion	Violence without injury
15	Concealing an infant death close to birth	Miscellaneous crimes against society
16	Buggery	Other sexual offences
17	Indecent assault on a male	Other sexual offences
17A	Sexual assault on a male aged 13 and over	Other sexual offences
17B	Sexual assault on a male child under 13	Other sexual offences
18	Gross indecency between males	Other sexual offences
19A	Rape of a female	Rape
19B	Rape of a male	Rape
19C	Rape of a female aged 16 and over	Rape
19D	Rape of a female child under 16	Rape
19E	Rape of a female child under 13	Rape
19F	Rape of a male aged 16 and over	Rape
19G	Rape of a male child under 16	Rape
19H	Rape of a male child under 13	Rape
2	Attempted murder	Violence with injury
20	Indecent assault on a female	Other sexual offences
20A	Sexual assault on a female aged 13 and over	Other sexual offences
20B	Sexual assault on a female child under 13	Other sexual offences
21	Sexual activity involving a child under 13	Other sexual offences
22	Unlawful sexual intercourse with a girl under 16	Other sexual offences
22A	Causing sexual activity without consent	Other sexual offences
22B	Sexual activity involving child under 16	Other sexual offences
23	Incest or familial sexual offences	Other sexual offences
24	Exploitation of prostitution	Miscellaneous crimes against society
25	Abduction of female	Other sexual offences
26	Bigamy	Miscellaneous crimes against society
27	Soliciting for the purposes of prostitution	Miscellaneous crimes against society
28	Burglary in a dwelling	Domestic burglary
28A	Burglary in a dwelling	Domestic burglary
28B	Attempted burglary in a dwelling	Domestic burglary
28C	Distraction burglary in a dwelling	Domestic burglary
28D	Attempted distraction burglary in a dwelling	Domestic burglary

Offence Code	Offence description	New ONS sub-offence group
29	Aggravated burglary in a dwelling	Domestic burglary
3	Threat or conspiracy to murder	Violence without injury
30	Burglary in a building other than a dwelling	Non-domestic burglary
30A	Burglary in a building other than a dwelling	Non-domestic burglary
30B	Attempted burglary in a building other than a dwelling	Non-domestic burglary
31	Aggravated burglary in a building other than a dwelling	Non-domestic burglary
33	Going equipped for stealing, etc.	Miscellaneous crimes against society
33A*	Making, supplying or possessing articles for use in fraud	Miscellaneous crimes against society
34A	Robbery of business property	Robbery
34B	Robbery of personal property	Robbery
35	Blackmail	All other theft offences
36	Kidnapping	Violence without injury
37.1	Causing death by aggravated vehicle taking	Violence with injury
37.2	Aggravated vehicle taking	Vehicle offences
38	Profiting from or concealing knowledge of the proceeds of crime	Miscellaneous crimes against society
39	Theft from the person	Theft from the person
3A	Conspiracy to murder	Violence without injury
3B	Threats to kill	Violence without injury
4.1	Manslaughter	Homicide
4.10	Corporate manslaughter	Homicide
4.2	Infanticide	Homicide
4.3	Intentional destruction of a viable unborn child	Violence with injury
4.4	Causing death by dangerous driving	Violence with injury
4.4/6/8	Causing death by dangerous or careless driving when under the influence of drink or drugs	Violence with injury
4.6	Causing death by careless driving when under influence of drink or drugs	Violence with injury
4.7	Causing or allowing death of child or vulnerable person	Violence with injury
4.8	Causing death by careless or inconsiderate driving	Violence with injury
4.9	Causing death by driving: unlicensed drivers etc.	Violence with injury
40	Theft in a dwelling other than from an automatic machine or meter	All other theft offences
41	Theft by an employee	All other theft offences
42	Theft of mail	All other theft offences
43	Dishonest use of electricity	All other theft offences
44	Theft or unauthorised taking of a pedal cycle	Bicycle theft

Offence Code	Offence description	New ONS sub-offence group
45	Theft from vehicle	Vehicle offences
46	Shoplifting	Shoplifting
47	Theft from automatic machine or meter	All other theft offences
48	Theft or unauthorised taking of motor vehicle	Vehicle offences
49	Other theft	All other theft offences
49A*	Making off without payment	All other theft offences
5	Wounding or other act endangering life	Violence with injury
51	Fraud by company director	Fraud offences to 2012/13
52	False accounting	Fraud offences to 2012/13
53A	Cheque and credit card fraud (pre-Fraud Act 2006)	Fraud offences to 2012/13
53B	Preserved other fraud and repealed fraud offences (pre Fraud Act 2006)	Fraud offences to 2012/13
53C	Fraud by false representation: cheque, plastic card and online bank accounts (not PSP)	Fraud offences to 2012/13
53D	Fraud by false representation: other frauds	Fraud offences to 2012/13
53E	Fraud by failing to disclose information	Fraud offences to 2012/13
53F	Fraud by abuse of position	Fraud offences to 2012/13
53G	Obtaining services dishonestly	Fraud offences to 2012/13
53H	Making or supplying articles for use in fraud	Miscellaneous crimes against society
53J	Possession of articles for use in fraud	Miscellaneous crimes against society
54	Handling stolen goods	Miscellaneous crimes against society
55	Bankruptcy and insolvency	Fraud offences to 2012/13
56	Arson	Arson
56A	Arson endangering life	Arson
56B	Arson not endangering life	Arson
58A	Criminal damage to a dwelling	Criminal damage
58B	Criminal damage to a building other than a dwelling	Criminal damage
58C	Criminal damage to a vehicle	Criminal damage
58D	Other criminal damage	Criminal damage
58E	Racially or religiously aggravated criminal damage to a dwelling	Criminal damage
58F	Racially or religiously aggravated criminal damage to a building other than a dwelling	Criminal damage
58G	Racially or religiously aggravated criminal damage to a vehicle	Criminal damage
58H	Racially or religiously aggravated other criminal damage	Criminal damage
58J	Racially or religiously aggravated Criminal damage	Criminal damage
59	Threat or possession with intent to commit criminal damage	Miscellaneous crimes against society

Offence Code	Offence description	New ONS sub-offence group
5A	Wounding or carrying out an act endangering life	Violence with injury
5B	Use of substance or object to endanger life	Violence with injury
5C	Possession of items to endanger life	Violence with injury
5D	Assault with intent to cause serious harm	Violence with injury
5E	Endangering life	Violence with injury
6	Endangering railway passengers	Violence with injury
60	Forgery or use of false drug prescription	Miscellaneous crimes against society
61	Other forgery	Miscellaneous crimes against society
61A	Possession of false documents	Miscellaneous crimes against society
62	Treason	Public order offences
62A	Violent disorder	Public order offences
63	Treason felony	Public order offences
64	Riot	Public order offences
65	Violent disorder	Public order offences
66	Other offences against the state or public order	Public order offences
67	Perjury	Miscellaneous crimes against society
68	Libel	Miscellaneous crimes against society
69	Offender Management Act offences	Miscellaneous crimes against society
7	Endangering life at sea	Violence with injury
70	Sexual activity etc with a person with a mental disorder	Other sexual offences
71	Abuse of children through prostitution and pornography	Other sexual offences
72	Trafficking for sexual exploitation	Other sexual offences
73	Abuse of position of trust of a sexual nature	Other sexual offences
74	Gross indecency with a child	Other sexual offences
75	Betting, gaming and lotteries	Miscellaneous crimes against society
76	Aiding suicide	Miscellaneous crimes against society
78	Immigration Acts	Miscellaneous crimes against society
79	Perverting the course of justice	Miscellaneous crimes against society
80	Absconding from lawful custody	Miscellaneous crimes against society
802	Dangerous driving	Miscellaneous crimes against society
81	Other firearms offences	Possession of weapons offences
814	Fraud, forgery etc. associated with vehicle or driver records	Miscellaneous crimes against society
82	Customs and revenue offences	Miscellaneous crimes against society
83	Bail offences	Miscellaneous crimes against society
84	Trade descriptions etc	Miscellaneous crimes against society
85	Health and safety offences	Miscellaneous crimes against society

Offence Code	Offence description	New ONS sub-offence group
86	Obscene publications etc	Miscellaneous crimes against society
87	Protection from eviction	Miscellaneous crimes against society
88A	Sexual grooming	Other sexual offences
88A	Sexual grooming	Other sexual offences
88B	Other miscellaneous sexual offences	Other sexual offences
88B	Other miscellaneous sexual offences	Other sexual offences
88C	Other miscellaneous sexual offences	Other sexual offences
88C	Other miscellaneous sexual offences	Other sexual offences
88D	Unnatural sexual offences	Other sexual offences
88D	Unnatural sexual offences	Other sexual offences
88E	Exposure and voyeurism	Other sexual offences
89	Adulteration of food	Miscellaneous crimes against society
8A	Less serious wounding	Violence with injury
8B	Possession of weapons	Possession of weapons offences
8D	Racially or religiously aggravated less serious wounding	Violence with injury
8F	Inflicting grievous bodily harm without intent	Violence with injury
8G	Actually bodily harm and other injury	Violence with injury
8H	Racially or religiously aggravated inflicting grievous bodily harm without intent	Violence with injury
8H	Racially or religiously aggravated inflicting grievous bodily harm without intent	Violence with injury
8J	Racially or religiously aggravated actual bodily harm and other injury	Violence with injury
8J	Racially or religiously aggravated actual bodily harm and other injury	Violence with injury
8K	Poisoning or female genital mutilation	Violence with injury
8K	Poisoning or female genital mutilation	Violence with injury
8L	Harassment	Violence without injury
8L	Harassment	Violence without injury
8M	Racially or religiously aggravated harassment	Violence without injury
8M	Racially or religiously aggravated harassment	Violence without injury
8N	Assault with injury	Violence with injury
8N	Assault with injury	Violence with injury
8P	Racially or religiously aggravated assault with injury	Violence with injury
8Q*	Stalking	Violence without injury
90	Other knives offences	Possession of weapons offences
91	Public health offences	Miscellaneous crimes against society
92A	Trafficking in controlled drugs	Trafficking of drugs
92B	Possession of controlled drugs	Possession of drugs
92C	Other drug offences	Possession of drugs

Offence Code	Offence description	New ONS sub-offence group
92D	Possession of controlled drugs (excl. cannabis)	Possession of drugs
92E	Possession of controlled drugs (cannabis)	Possession of drugs
94	Planning laws	Miscellaneous crimes against society
95	Disclosure, obstruction, false or misleading statements etc	Miscellaneous crimes against society
96*	Wildlife offences	Miscellaneous crimes against society
99	Other notifiable offences	Miscellaneous crimes against society
9A	Public fear, alarm or distress	Public order offences
9B	Racially or religiously aggravated public fear, alarm or distress	Public order offences

* These offences were introduced after 31 March 2013, so do not have an old PRC offence group or sub-group

Definitions

Reasons for bail	Description
Forensics - clothing	Forensic investigation for DNA and fibres
Forensics - phone downloads	For evidential material
Forensics - fingerprints	Comparison to crime-scene marks
Forensics - DNA analysis	Awaiting the return of DNA analysis - comparison to crime-scene
Forensics - computer interrogation	
Forensics - shoe prints	For comparison to crime scene footwear marks
Forensics - PM	Postmortem examination results
Forensics - blood analysis	For comparison from crime scene. Drink/drug driving for analysis for drug or alcohol use
Forensics - vehicle examination	For evidential purposes
Witnesses - ABE	Achieving best evidence interviews of Intimidated young/vulnerable adult witnesses
Witnesses - outstanding witnesses	Search for further witnesses
Witnesses - statements from victim(s)	
Witnesses - statements from witnesses	
Witnesses - identification procedures	Capture of video images of suspects for identification procedures
Witnesses - professional witnesses	For example, statement required from paramedics, social workers
Witnesses - police statements	
Witnesses - press release	Appeal for further information/witnesses
Other evidence - property identification	Of items seized from suspect and believed stolen or of evidential value
Other evidence - medical statements	From doctors or expert witnesses
Other evidence - CCTV collection	
Other evidence - CCTV review	For evidence

Reasons for bail	Description
Other evidence - photo album	Preparation of witness albums for viewing by witnesses/ victims in Identification procedures
Other evidence - social media enquiries	Twitter/Facebook link to offence
Other evidence - 999 tape downloads	For evidence/unused material purposes
Other evidence - crash investigation reports	To prove/disprove criminal actions by suspect
Other evidence - trading standards	To implicate detainee or otherwise. Fraud/proceeds of crime offences
CPS - advice file	For result from CPS
CPS - digital charging	For result from CPS Direct
Investigation issues - OIC not present	Officer in the case not present and has not made alternative arrangement
Investigation issues - previous bail reasons not completed	As per CPS action plan
Investigation issues - CPS not returned advice file	
Investigation issues - previous evidence gained or lost or needs revising	Due to further evidence arising
Suspects - further interviews	Due to new emerging evidence or lines of enquiry - of this and other suspects
Suspects - outstanding suspects	To be traced and arrested
Suspects - mentally disordered panel	This multi-agency panel considers mental health of suspect and recommends to CPS diversion from CJ process or endorses need to appear before court.
Suspects - children and young people	Consideration – considers diversion and out-of-court disposals
Suspects - financial antecedents	For purposes of fraud, proceeds of crime offence
Suspects - bad character	That may support similar offending behaviour
Other	Any other reason not listed

Drop down box lists

Reasons for bail	Rank	Disposal	Period of bail
Forensics - clothing	PS	Charge and bail	1
Forensics - phone downloads	Insp	Charge and remanded	2
Forensics - fingerprints		Out of court disposal	3
Forensics - waiting for the return of DNA analysis		NFA	4
Forensics - computer interrogation		Youth disposal	5
Forensics - shoe prints		Pre-charge bail authorised	6
Forensics - PM		Pre-charge bail extension authorised	7
Forensics - blood analysis			8
Forensics - vehicle examination			9

Reasons for bail	Rank	Disposal	Period of bail
Witnesses - ABE			10
Witnesses - outstanding witnesses			
Witnesses - statements from victim(s)			
Witnesses - statements from witnesses			
Witnesses - identification procedures			
Witnesses - professional witnesses (doctors etc.)			
Witnesses - police statements			
Witnesses - press release			
Other evidence - property identification			
Other evidence - medical statements			
Other evidence - CCTV collection			
Other evidence - CCTV review			
Other evidence - photo album			
Other evidence - social media enquiries			
Other evidence - 999 tape downloads			
Other evidence - crash investigation reports			
Other evidence - trading standards			
CPS - advice file			
CPS - digital charging			
Investigation issues - OIC not present			
Investigation issues - previous bail reasons not completed			
Investigation issues - CPS not returned advice file			
Investigation issues - previous evidence gained or lost or needs revising			
Suspects - further interviews			
Suspects - outstanding suspects			
Suspects - mentally disordered panel			
Suspects - children and young people			
Suspects - Financial antecedents			
Suspects - bad character			
Other			

Offence type	Test	Month	Force
Homicide	Yes	May	Avon and Somerset
Violence with injury ⁵	No	June	Cheshire
Violence without injury ⁶		July	Dyfed-Powys
Rape		August	Lancashire
Other sexual offences		September	Mersyside
Possession of weapons offences		October	The Metropolitan Police
Robbery of business property		November	Northumbria
Robbery of personal property		December	North Yorkshire
Domestic burglary		January	Nottinghamshire
Non-domestic burglary		February	South Yorkshire
Theft of a motor vehicle		March	South Wales
Theft from a vehicle		April	West Yorkshire
Interfering with a motor vehicle			West Midlands
Theft from the person			
Bicycle theft			
Shoplifting			
All other theft offences ⁷			
Drug trafficking			
Possession of drugs			
Fraud offences			
Criminal damage and arson			
Public order offences			
Miscellaneous crime against society			

	2. Witnesses	3. Other evidence	4. CPS	5. Investigation issues	6. Suspects
	ABE	Property identification	Advice file	OIC not present	Further interviews
Phone downloads	Outstanding witnesses	Medical statements	Digital charging	Previous bail reasons not completed	Outstanding suspects
Clothing	Statements from victim(s)	CCTV collection		CPS not returned advice file	Mentally Disordered Panel
Fingerprints	Statement from witnesses	CCTV review		Previous evidence gained lost or needs revising	Children and young persons consideration
DNA	Viper	Photo album			Financial antecedents
Shoe prints	Press release	Social media enquiries			Bad character evidence
PM results	Professional witnesses (eg, paramedics, social workers)	999 tape downloads			
Blood analysis (drink drive)	Police officer statements	Crash investigation reports			
Vehicle examination		Trading standards enquiries			

Appendix B – Data tables

Table 2: Numbers of cases bailed by numbers of days – all forces involved (initial bail only)

Number of days bailed	Control			Control total	Pilot						Pilot total	Total
	C1	C2	C3		P1	P2	P3	P4	P5	P6		
0	6	2		8								8
1	19	25	10	54	16	8	13	14	23	4	78	132
2	13	10	4	27	13	2	1	7	20	7	50	77
3	9	15	4	28	6	6	9	9	7	1	38	66
4	13	21	8	42	2	3	8	6	6	3	28	70
5	16	21	6	43	7	2	5	9	8	1	32	75
6	12	4	17	33	12	4	5	10	7	4	42	75
7	27	23	18	68	12	11	25	36	14	8	106	174
8	17	23	9	49	9	16	7	28	12	8	80	129
9	10	16	11	37	15	14	6	20	25	10	90	127
10	18	26	22	66	20	14	6	37	29	4	110	176
11	25	9	25	59	9	14	5	24	18	7	77	136
12	31	16	21	68	12	15	5	13	14	7	66	134
13	22	21	35	78	8	11	8	19	8	9	63	141
14	28	21	32	81	13	11	48	20	16	13	121	202
15	31	20	29	80	9	24	8	24	13	10	88	168
16	36	23	32	91	9	33	7	13	20	14	96	187
17	35	31	41	107	13	32	4	24	25	14	112	219
18	43	34	65	142	18	37	10	30	33	25	153	295
19	30	34	52	116	14	16	6	27	27	17	107	223
20	29	52	52	133	29	39	12	39	45	19	183	316
21	50	43	60	153	23	34	41	31	49	23	201	354
22	52	32	60	144	9	22	16	18	21	17	103	247
23	64	35	108	207	10	23	12	18	18	22	103	310
24	73	30	81	184	11	28	22	18	22	11	112	296
25	67	36	77	180	7	39	25	17	24	25	137	317
26	91	54	90	235	16	43	26	24	35	39	183	418
27	126	103	112	341	16	54	38	26	67	58	259	600
28	277	172	163	612	65	109	161	54	131	80	600	1212
29	174	19	41	234	15	45	37	54	37	13	201	435
30	82	21	53	156	23	51	70	56	67	6	273	429
31	45	4	7	56	9	22	22	27	39	12	131	187
32	26	10	26	62	12	18	21	18	18	8	95	157
33	20	5	11	36	1	15	17	30	23	8	94	130
34	31	1	27	59	4	16	35	20	19	10	104	163
35	38	7	41	86	5	21	381	15	39	10	471	557
36	24	6	10	40	3	12	72	4	25	6	122	162
37	20	2	13	35	10	25	71	15	39	4	164	199
38	13	6	5	24	7	20	47	20	30	7	131	155
39	14	2	9	25	2	14	37	25	29	4	111	136
40	14	7	9	30	9	27	52	22	21	3	134	164
41	17	4	14	35	6	26	39	20	23	14	128	163
42	41	9	13	63	30	28	242	43	52	24	419	482

Number of days bailed	Control			Control total	Pilot						Pilot total	Total
	C1	C2	C3		P1	P2	P3	P4	P5	P6		
43	33	3	7	43	3	16	42	24	18	15	118	161
44	9	5	3	17	4	11	31	18	15	17	96	113
45	11	13	5	29	5	24	47	12	29	18	135	164
46	19	9	8	36	1	23	22	11	28	8	93	129
47	22	5	8	35	6	14	13	19	37	2	91	126
48	5	5	16	26	3	25	21	9	33	1	92	118
49	12	10	3	25	4	25	26	16	24	9	104	129
50	16	3	12	31	6	17	23	16	9	2	73	104
51	7		14	21	8	14	12	7	10	5	56	77
52	6		11	17	6	7	13	12	15	7	60	77
53	13	1	11	25	4	5	9	4	18	7	47	72
54	9	4	4	17	5	9	12	6	31	9	72	89
55	12	9	15	36	7	7	18	11	43	3	89	125
56	33	16	28	77	12	18	180	29	87	6	332	409
57	29	6	13	48	3	16	22	12	39	8	100	148
58	18	9	10	37	6	15	25	9	31		86	123
59	23	10	3	36	2	11	12	10	24	2	61	97
60	10	3	17	30	9	24	53	11	24	5	126	156
61	12	1	5	18	4	4	15	17	31	5	76	94
62	11	2	7	20	1	20	13	15	26	6	81	101
63	24	4	7	35	4	14	26	15	30	12	101	136
64	13	1	9	23	3	8	12	7	25	6	61	84
65	13	5	7	25		5	8	14	42	1	70	95
66	13	3	5	21	9	7	10	6	24		56	77
67	11	4	7	22	1	6	6	8	14	1	36	58
68	19		6	25	1	12	7	8	19		47	72
69	14	1	17	32		9	11	6	15	2	43	75
70	25	8	12	45	1	14	105	23	21	1	165	210
71	11	2	6	19	4	12	24	4	8	3	55	74
72	13	1	7	21	1	7	26		7	3	44	65
73	12	1	8	21	2	4	6	1	15	1	29	50
74	3	2	9	14	3	8	6	6	14	1	38	52
75	2	3	7	12	1	6	12	3	15		37	49
76	2		9	11	1	14	10	7	11		43	54
77	10	2	9	21		8	25	8	16	2	59	80
78	4		1	5		11	9	5	17		42	47
79	3	1	4	8	1	15	8	4	12		40	48
80	5	3	4	12	3	9	16	3	8	3	42	54
81	6		9	15	1	9	10	1	6	1	28	43
82	1	1	11	13	1	9	12	2	9	3	36	49
83	6	2	8	16	1	26	29	1	19	3	79	95
84	13	7	9	29	5	22	367	13	44	1	452	481
85	8	2	10	20	2	14	75	6	16	1	114	134
86	3	3	10	16	3	9	36	5	12		65	81
87	6	2	4	12	9	15	26	4	22	5	81	93
88	1		17	18	5	26	25	6	12	2	76	94
89	5	6	6	17	10	19	21	8	17	3	78	95

Number of days bailed	Control			Control total	Pilot						Pilot total	Total
	C1	C2	C3		P1	P2	P3	P4	P5	P6		
90	17	12	17	46	14	48	49	21	21	3	156	202
91	15	3	4	22	3	2	8	15	8		36	58
92	14	1	2	17	1		11	14	7	2	35	52
93	6	3		9		3	7	9	4		23	32
94	3			3			6	4	6		16	19
95	1		6	7			6	1	1	2	10	17
96	3		2	5	4		7	5	4	1	21	26
97	2	5		7	2	2	3	4	4		15	22
98	1		1	2			7	1	3		11	13
99			1	1			3	3		1	7	8
100		1	1	2		1	5	3			9	11
101							1	2	1	1	5	5
102	1		1	2		1	7		2		10	12
103			1	1		2	6		4		12	13
104	1		3	4			3		2		5	9
105			7	7		1	23	3	1		28	35
106						2	4	3	2	1	12	12
107	1			1			9	2	1		12	13
108							8	1	1		10	10
109							7	9	1		17	17
110			2	2		2	8	3	1		14	16
111						3	17	3			23	23
112	1	1		2	1		264			2	267	269
113		1	1	2		1	20	2			23	25
114		1		1			13	1			14	15
115			1	1		1	10	7	1	1	20	21
116					1		8	2			11	11
117							10			2	12	12
118			1	1		1	11		2		14	15
119	1			1	1		10	2			13	14
120						3	46	1			50	50
121							13	8			21	21
122	1	1		2		1	8	1	1	1	12	14
123			2	2		1	7	1		1	10	12
124	2		1	3			23	1			24	27
125	1			1			21	1			22	23
126							299	1		1	301	301
127						1	12				13	13
128							18	1			19	19
129							5	1			6	6
130			1	1			10	1			11	12
131							3	2			5	5
132							4	1			5	5
133	2			2			5	1	1		7	9
134			1	1		2	2				4	5
135						1	6				7	7
136			1	1		1	4				5	6

Number of days bailed	Control			Control total	Pilot						Pilot total	Total
	C1	C2	C3		P1	P2	P3	P4	P5	P6		
137							5				5	5
138							1	1			2	2
139							2				2	2
140			2	2	1		5				6	8
141						2	1	2			5	5
142		1		1			2	1			3	4
143							2				2	2
144							3				3	3
145					1		6	1		1	9	9
147			1	1	1	1	3				5	6
148							3				3	3
149						2	4				6	6
150	2			2		3	6				9	11
151								1			1	1
152						2				1	3	3
153	1			1		1					1	2
154							1				1	1
155						1				1	2	2
157								1			1	1
158							1				1	1
160										1	1	1
162						1	2				3	3
163						1					1	1
164										1	1	1
165										1	1	1
166	1			1		1	2				3	4
167							1		1		2	2
168							2				2	2
169			1	1		1					1	2
170			1	1		2		1			3	4
172								1			1	1
173							1				1	1
175						1		1		1	3	3
176	1			1								1
177						1		1		2	4	4
179	2		1	3		1					1	4
180	1		1	2		3	3				6	8
181	1		1	2			2				2	4
182	1			1			8			1	9	10
183	2			2						2	2	4
184	1			1			2			3	5	6
185					1		2				3	3
186										1	1	1
187										2	2	2
190			1	1						3	3	4
194										5	5	5
196	2			2								2

Number of days bailed	Control			Control total	Pilot						Pilot total	Total
	C1	C2	C3		P1	P2	P3	P4	P5	P6		
198								3			3	3
204										1	1	1
220							3				3	3
240							1				1	1
278			1	1								1
(blank)								9			9	9
Grand total	2473	1263	2008	5744	741	1731	4330	1590	2320	825	11537	17281

Number of days bailed	Percentage of cases bailed Existing practices group			Total	"Percentage of cases bailed"						Total	Total
	EP1	EP2	EP3		FT1	FT2	FT3	FT4	FT5	FT6		
28 days or less	51%	75%	62%	60%	54%	38%	12%	39%	32%	56%	30%	40%
42 days or less	74%	84%	76%	77%	73%	58%	39%	62%	52%	71%	52%	60%
49 days or less	78%	87%	78%	80%	76%	66%	44%	69%	60%	80%	58%	66%
56 days or less	82%	90%	83%	84%	83%	70%	50%	74%	69%	85%	65%	71%
90 days or less	97%	99%	98%	98%	98%	97%	75%	91%	97%	95%	88%	91%

Table 3: Numbers of days bailed (initial bail only)

Number of days+A3:D15	Existing Practices group	Formal Test group	Total
0	8		8
1	54	78	132
2	27	50	77
3	28	38	66
4	42	28	70
5	43	32	75
6	33	42	75
7	68	106	174
8	49	80	129
9	37	90	127
10	66	110	176
11	59	77	136
12	68	66	134
13	78	63	141
14	81	121	202

Number of days+A3:D15	Existing Practices group	Formal Test group	Total
15	80	88	168
16	91	96	187
17	107	112	219
18	142	153	295
19	116	107	223
20	133	183	316
21	153	201	354
22	144	103	247
23	207	103	310
24	184	112	296
25	180	137	317
26	235	183	418
27	341	259	600
28	612	600	1212
29	234	201	435
30	156	273	429
31	56	131	187
32	62	95	157
33	36	94	130
34	59	104	163
35	86	471	557
36	40	122	162
37	35	164	199
38	24	131	155
39	25	111	136
40	30	134	164
41	35	128	163
42	63	419	482
43	43	118	161
44	17	96	113
45	29	135	164
46	36	93	129
47	35	91	126
48	26	92	118
49	25	104	129
50	31	73	104
51	21	56	77
52	17	60	77
53	25	47	72

Number of days+A3:D15	Existing Practices group	Formal Test group	Total
54	17	72	89
55	36	89	125
56	77	332	409
57	48	100	148
58	37	86	123
59	36	61	97
60	30	126	156
61	18	76	94
62	20	81	101
63	35	101	136
64	23	61	84
65	25	70	95
66	21	56	77
67	22	36	58
68	25	47	72
69	32	43	75
70	45	165	210
71	19	55	74
72	21	44	65
73	21	29	50
74	14	38	52
75	12	37	49
76	11	43	54
77	21	59	80
78	5	42	47
79	8	40	48
80	12	42	54
81	15	28	43
82	13	36	49
83	16	79	95
84	29	452	481
85	20	114	134
86	16	65	81
87	12	81	93
88	18	76	94
89	17	78	95
90	46	156	202
91	22	36	58
92	17	35	52

Number of days+A3:D15	Existing Practices group	Formal Test group	Total
93	9	23	32
94	3	16	19
95	7	10	17
96	5	21	26
97	7	15	22
98	2	11	13
99	1	7	8
100	2	9	11
101		5	5
102	2	10	12
103	1	12	13
104	4	5	9
105	7	28	35
106		12	12
107	1	12	13
108		10	10
109		17	17
110	2	14	16
111		23	23
112	2	267	269
113	2	23	25
114	1	14	15
115	1	20	21
116		11	11
117		12	12
118	1	14	15
119	1	13	14
120		50	50
121		21	21
122	2	12	14
123	2	10	12
124	3	24	27
125	1	22	23
126		301	301
127		13	13
128		19	19
129		6	6
130	1	11	12
131		5	5

Number of days+A3:D15	Existing Practices group	Formal Test group	Total
132		5	5
133	2	7	9
134	1	4	5
135		7	7
136	1	5	6
137		5	5
138		2	2
139		2	2
140	2	6	8
141		5	5
142	1	3	4
143		2	2
144		3	3
145		9	9
147	1	5	6
148		3	3
149		6	6
150	2	9	11
151		1	1
152		3	3
153	1	1	2
154		1	1
155		2	2
157		1	1
158		1	1
160		1	1
162		3	3
163		1	1
164		1	1
165		1	1
166	1	3	4
167		2	2
168		2	2
169	1	1	2
170	1	3	4
172		1	1
173		1	1
175		3	3
176	1		1

Number of days+A3:D15	Existing Practices group	Formal Test group	Total
177		4	4
179	3	1	4
180	2	6	8
181	2	2	4
182	1	9	10
183	2	2	4
184	1	5	6
185		3	3
186		1	1
187		2	2
190	1	3	4
194		5	5
196	2		2
198		3	3
204		1	1
220		3	3
240		1	1
278	1		1
(blank)		9	9
Grand total	5744	11537	17281

Table 4: Bail extensions

Forces	Number of cases extended	Number of cases not extended	Total cases	Percentage extended
Existing practices force 1	415	2058	2473	17%
Existing practices force 2	315	948	1263	25%
Existing practices force 3	152	1856	2008	8%
Existing practices group mean	882	4862	5744	15.4%
Formal test force 1	108	633	741	15%
Formal test force 2	317	1414	1731	18%
Formal test force 3	67	4263	4330	2%
Formal test force 4	351	1239	1590	22%
Formal test force 5	490	1830	2320	21%
Formal test force 6	237	588	825	29%
Formal test group mean	1570	9967	11537	13.6%
Total	2452	14829	17281	14.2%

Table 4b - Average of how many days bailed (initial bail)

Reason for bail	EP1	EP2	EP3	Existing practices (EP) group total	FT1	FT2	FT3	FT4	FT5	FT6	Formal test (FT) group total	Grand total
CPS - advice file	33	35	31	32	27	67	52	42	41	27	44	39
CPS - digital charging	17	49	23	24		25	49	19	2	16	29	26
Forensics					81		71				77	77
Forensics - blood analysis	32	42	64	38	40	45	81	53	59	48	68	54
Forensics - clothing		41	63	53	57	50	91	61	62	28	73	68
Forensics - computer interrogation	66	57	86	69	75	90	128	73	66	77	90	84
Forensics - drugs							81				81	81
Forensics - fingerprints	37	26	35	31	43	40	93	55	50	40	65	60
Forensics - phone downloads	50	44	54	49	61	57	104	60	57	88	79	71
Forensics - PM			47	47			77		70		75	66
forensics - samples									72		72	72
Forensics - shoe prints	30	27	47	34	41	50	99	21	54	45	49	43
Forensics - vehicle examination	56	29	57	39	17	37	82		40	40	66	58
Forensics - waiting for the return of DNA analysis	36	41	57	43	44	61	100	54	61	54	79	65
Forensics - waiting for the return of drug analysis			25	25								25
Investigation issues - CPS not returned advice file	13		38	32			37				37	35
Investigation issues - OIC not present		28	13	16	28		32		34		32	28
Investigation issues - previous bail reasons not completed	67			67		20					20	51
Investigation issues - previous evidence gained or lost or needs revising	24		48	32	3	65	50		11		39	34
No reason recorded	26		31	30	11	32	52		41	41	41	31
Other	39	27	38	36	26	40	59	39	40	41	47	43
Other evidence - 999 tape downloads		8		8								8
Other evidence - CCTV							45				45	45
Other evidence - CCTV collection	22	16	24	22	13	24	43	32	25	25	35	31
Other evidence - CCTV review	25	19	23	23	22	30	44	34	27	28	35	31
Other evidence - crash investigation reports			68	68		81	124			55	88	84
Other evidence - medical statements	38	28	34	36	44	50	72	44	48	45	54	48
Other evidence - photo album			10	10				19	17		18	16
Other evidence - property identification		27	37	33	19	44	69	34	32	37	51	46

Reason for bail	EP1	EP2	EP3	Existing practices (EP) group total	FT1	FT2	FT3	FT4	FT5	FT6	Formal test (FT) group total	Grand total
Other evidence - social media enquiries		25	16	19	20	27	55	64	35	74	44	39
Other evidence - trading standards		59		59	50	37			43		42	46
Other evidence - 999 tape downloads			47	47			67			26	53	50
Suspects - bad character		16		16		111	126	35			77	56
Suspects - children and young people	26	22	17	25	19	31	17	39	4	28	25	25
Suspects - financial antecedents	61	32	68	57	80	73	81	63	66		67	62
Suspects - further interviews	35	16	30	26	20	25	42	24	38	27	34	33
Suspects - mentally disordered panel	27			27	40	30	60	1			48	36
Suspects - outstanding suspects	30	24	31	29	30	37	56	37	42	37	44	38
Witness enquiries			23	23	29		67				59	49
Witnesses - ABE	47	29	45	40	23	51	67		30	32	54	51
witnesses - further statements							126				126	126
Witnesses - identification procedures	28	11	28	25	21	37	57	33	31	24	37	32
Witnesses - outstanding witnesses	33	22	29	26	24	35	47	32	37	26	39	36
Witnesses - police statements	20	15	35	20	19	25	39	53	52	18	37	32
Witnesses - press release							70	63			68	68
Witnesses - professional witnesses (doctors etc.)	36	34	46	40	33	51	66	47	56	45	55	53
witnesses - statements							70		49		66	66
Witnesses - statements from victim(s)	24	20	27	24	22	31	43	27	37	23	35	32
Witnesses - statements from witnesses	28	19	25	26	26	33	43	34	40	29	38	33
Witnesses - CCTV							45				45	45
Witnesses - medical							42				42	42
Witnesses - other							42				42	42
(blank)								39			39	39
Grand total	36	28	35	34	35	45	67	42	45	39	52	46

Table 11 – Offences when ‘CPS advice file’ or ‘CPS digital charging’ is given as a reason for pre-charge bail

Offence type	Number of cases	Percentage of cases
Violence with injury	129	18%
Other sexual offences	82	12%
Rape	78	11%
Miscellaneous crime against society	68	10%
Violence without injury	53	8%
Public order offences	50	7%
Domestic burglary	36	5%
Fraud offences	32	5%
Criminal damage and arson	35	5%
All other theft offences	25	4%
Drug trafficking	20	3%
All other cases	95	14%
Total	703	100%

Appendix C – Practitioner focus group – proposals for forthcoming changes to pre-charge bail discussed 25 January 2016

Key points raised by the focus groups on the Home Office proposals

Resources

Concern was expressed that, although the presumption will be for release without bail, there will still be a significant number of cases where bail is set due to the risks identified to the public and the need to impose conditions. Although these cases could relate to almost any crime, depending on the circumstances, there is a range of crimes – including rape and sexual offences, domestic violence, hate crime and other violence – where intimidation of victims is more likely. It is important to get an idea of the numbers that are likely to be involved, so that the impact on the role of inspectors, superintendents and the magistrates' courts can be estimated.

Victim

One of the issues raised by the focus groups was how the change is marketed to the public. Unless marketed positively, those involved were concerned that victims in cases where there is release without bail may feel less satisfied with the process than they do currently. The suspect is released after arrest with no timescales for return, which pre-charge bail imposes. This leaves the victim with no date to hear about progress on their case.

Suspect

The proposals will affect the suspect in a number of ways:

- although they may be released without bail, they will be aware that further investigation is ongoing but will not have a firm date when a decision will be made on their case
- re-arrest on the basis of new evidence could have a negative impact on the suspect – to avoid a new custody clock starting each time, it may be possible to arrest on the basis of a different crime, which may lead to allegations of abuse of process
- re-arresting may result in more time spent in police cells
- voluntary attendance may increase as bail drops, but only if the suspect cooperates and police do not want to make searches
- there will be defence challenges, including around the necessity to arrest and what is new/fresh evidence
- suspect inconvenience – the re-arrest may be made to suit the investigating officer not the suspect, and in high-profile cases, re-arrest may appear more sinister than answering bail.

Technical

Most computer systems in custody are designed to create court files and will need to be re-configured to stop duplicate files. Answering bail continues the initial one, but re-arrest will currently cause a new file to be created.

To manage this, an additional category is required for PNC that describes the situation of being released without pre-charge bail but under investigation. This will be the case for the majority of cases, once the proposals are implemented. This is required so that, if the suspect is arrested by others, they are aware of the situation, and so that the forensic exhibits can be attached to the case. Further, it avoids creating a duplicate PNC record when a re-arrest is required as a result of further investigation.

Retaining forensic material

Biometrics (DNA/fingerprints/photo) are eligible for disposal once a case is NFA. If there is no decision point set by bail dates or other cut-off, then the material may be held indefinitely.

Supervising investigations

Internal processes will need to be created in order to maintain effective supervision of the investigation process for those cases where the suspect is arrested but released without bail. The bail dates act as bring forward dates, which ensures that investigative activity happens to a timetable. Without these statutory timescales, forces will need to create their own systems.

Performance

A set of measures is needed in order to monitor implementing the new legislation. One of these performance measures needs to be the number of cases under investigation and the length of time they have been under investigation. It is important to capture this data in a comparable way across forces.

Proposal – presumption of release without bail

Concerns relating to managing cases released without bail

- The volume of police work will not decrease following new legislation, but it will make it harder to track cases of those released without bail.
- More bureaucracy: another tier of crime investigation to monitor, which will need a process to make sure that investigations don't drift – answering bail dates focuses the mind and all systems are configured to this.
- Should there be periods to work to for those released and still subject to investigation?

Resources

- Availability of inspectors/superintendents to authorise pre-charge bail (out of hours/think on the ground).

Technical

- Stopping the clock for the CPS, particularly if the file is returned a number of times, makes calculating the time on bail complicated. It may appear odd, if the file has been with the CPS for several months to make a charging decision, that the bail period is still within the original limit set.

Public/victim confidence as a result of suspect being released without bail

- What do officers tell the victim or suspect? Officers and staff want to reassure and give the victim confidence, but don't want to underplay the significance of the suspect being released. This can lead to confusion for suspects and victims.
- Is there interplay with the Victims' Code?
- Will there be negative reputational or media impact?
- Publicity needs to be clear as it may be seen as a way of 'getting the police into line' or another blow to the victim of crime who is already disadvantaged in the criminal justice process.

Issues specific to interdependencies between ICT/crime management systems/PNC due to the new type of disposal

- A new type of disposal may need to be created – 'released without bail pending further investigation'.
- Force custody ICT systems may not currently support this new type of disposal.
- Even if the ICT systems can be re-configured in time to support this new disposal, will the PNC interfaces be amended within what are relatively short time scales to accommodate this new suspect status?
- If the arrest and subsequent release without bail is not properly transmitted to PNC, we could have a situation where:
 - offenders could be arrested on multiple occasions across differing force areas and each force would be unaware of the others' on-going investigations (think Ian Huntley)
 - if nothing were to be transmitted to PNC, then there is no record on which to attach any fingerprints or DNA samples taken – this will result in fingerprints and DNA samples languishing in a back office somewhere with no ability to do anything with them, including speculative searches, which may have resulted in identifying previously unknown offenders.
- Ensuring accuracy of PNC. Each time you arrest someone, an Arrest/Summons (A/S) number is generated, usually by the force's ICT system, which is transmitted to PNC. This is the unique reference number for that arrest and things like forensic samples and disposals use this reference number. If, as we predict, there are multiple re-arrests for the same offence on the basis of 'new' evidence, then each of those arrests will generate an A/S number. Which one do you use to update the right records? Should

someone to manually merge all those A/S numbers into one to ensure PNC's accuracy?

Other implications

- Concerns about the interplay with the Protections of Freedoms Act and retaining and destroying forensic samples – it needs expert opinion to see if the proposed legislative changes have any impact.
- Wider implications for other partners/processes, eg, NHS, MARAC, CPS.

Likely cases/circumstances for bail

- Sex offences, RASSO (rape and serious sexual offences) cases, historic, vulnerable and juvenile victims/witnesses, cases that need third-party material such as doctor statements, banks, schools, social care.
- Offences where the offender is a flight risk.
- Cases with multiple offenders.
- High-tech cases, computer-based crime, many child exploitation cases.
- The bail conditions are likely to differ for the same offence, depending on circumstances (eg, police will apply different bail conditions to a driving offence committed by a taxi driver compared to one committed by an individual).

Additional safeguards

- The need to monitor all non-bail cases as the statute of limitations for summary offences is only six months, and there could be lots of slippage as officers' shift patterns have limited scope to carry out enquiries.
- What goes on PNC – at the moment, other police forces can see a person is on bail and what offence it is for. If there is nothing on PNC (as the person is not on bail), possible offences or preparation for offences will be missed.
- What will DBS checks identify?
- Biometrics (DNA/fingerprints/photo) are eligible for disposal once a case is NFA.
- Providing standardised text to inform suspects released without bail that the investigation is continuing and there is liability to re-arrest (provided in the new Code of Practice?)
- Informing the suspect of cessation of investigation/NFA.
- Can anything be done to extend timelines for cases involving notifiable occupations/foreign national offenders, as these take quite some time to get some data/receive checks back?
- Information to victims to explain suspect's release without bail (there is good explanation in Code G regarding what constitutes the necessity and proportionality).

- Review pre-release medical/risk assessment process for both suspects and victims (there have been cases of suicide).
- Ability to extend police bail without physical attendance (at times it is unreasonable to ask a suspect to travel to the police station to accept bail extension).

What can forces do to prepare?

- Provide training to ensure the police understand their obligations, and on what constitutes ‘new evidence’.
- Establish a non-bail diary to keep a track of cases.
- Identify current and future resilience of inspectors and superintendents, ensure their availability.
- Ensure representation is available for re-bails (solicitors, interpreters etc.).

What can the College of Policing do?

- Get agreement on clear file quality standards for CPS support.
- Provide training packages for responsible parties: custody, inspectors, superintendents.

Proposal – re-arrest

Impact of re-arrest

- Possible perverse outcomes of multiple arrests, new custody clocks starting each time, allegations of abuse of process. Possibility of actually resulting in more time spent in police cells. Public perceptions.
- Voluntary attendance may increase as bail drops, but only if suspect cooperates and police do not want to make searches etc.
- Victims’ perceptions about stop/start, longer closure and moving on.
- There will be defence challenges around necessity to arrest, what is new/fresh evidence etc.
- Suspect inconvenience as arrests are made to suit the investigating officer, not the suspect, resulting in missing work, inconvenience etc.
- Suspect does not get closure any quicker as they still have cloud of further arrest hanging over them.
- If the case is high profile, re-arrest appears more sinister than answering bail.
- Most computer systems in custody are designed to create court files and will need to be re-configured to stop duplicate files. Answering bail continues the initial one.

Additional safeguards

- Guidance for officers to make sure they maintain focus on crime investigation without bail deadlines and that they know their Code G powers (necessity to arrest).
- A process to give victims/offenders formal notice that investigation is over.

Forces to prepare

- Guidance and training, helped by the College of Policing.
- Identify a force SPOC for possible further arrest decisions to ensure that Code G is considered.
- Recognise that some non-pilot forces may not be as prepared as others, hold early briefings to raise expectations about forthcoming changes.
- Consider possible impact on detection rates.

What can the College of Policing do?

- Establish a framework to allow monitoring and review.
- Try and negotiate with Home Office possible pilot trial sites and a longer lead-in time.

Time limits for pre-charge bail

What impact on forces?

- Operationally unworkable as currently the important cases of greatest threat, risk and harm take over three months and require a superintendent. It will bring more bureaucracy for offences that are increasing (such as historical sex abuse cases).
- Long bail dates are often dependent on third parties that police have no control over, such as banks, medical profession and phone companies.
- It may give the public confidence, but may also have the opposite effect as suspects have crime allegations hanging over them for longer, due to lack of time limits.
- Does not make the investigation easier and will possibly make it more costly, with legal challenges to bail extension etc.
- Officers' shift patterns and reducing number will possibly lead to less detections, as crime investigations slip and over time become harder to detect.
- May require another tier of investigators to complete investigations once a person is bailed from custody, as very few working days to meet 28 day timeline.

Issues to consider

- General capacity at all levels, custody staff, inspectors, superintendents, ACC, legal aid, medics, transport.
- Forces could consider looking at when they give pre-charge bail conditions and their likely capacity demands when the bail law changes. This scoping may identify shortfalls in capacity.
- Impact on courts and magistrates with all the additional hearings.
- Authorisation by video link
- Not sure what this means. If superintendents need to speak to a person to grant a bail extension, this suggests that the suspect has to answer bail before it is extended. It is far better to extend bail by letter to avoid this unnecessary waste for everyone.
- What is the ACC role? Do they have the ability to delegate this to another person or will they have to attend court in event that bail extension is granted?

About the College

We're the professional body for everyone who works for the police service in England and Wales. Our purpose is to provide those working in policing with the skills and knowledge necessary to prevent crime, protect the public and secure public trust.

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