Cumbria Office of Police and Crime Commissioner

**Cumbria Police and Crime Commissioner (PCC) response to inspections of Cumbria Constabulary published by Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS)**

*Section 33 of the Police Act 1996 (as amended by section 37 of the Policing and Crime Act 2017) requires local policing bodies to respond to recommendations in inspectors reports within 56 days.*

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| **Inspection Title:**  | Pre-charge bail and released under investigation: striking a balance  |
| **Date Published:** | 8th December 2020 |
| **Type of Inspection:** | National Inspection  |
| **Key Findings**  |
| The Policing and Crime Act 2017 introduced several changes to policing. One of the main elements of legislation made changes to bail.Between October 2019 and February 2020, a joint thematic inspection led by HMICFRS and support by Her Majesty’s Crown Prosecution Service Inspectorate, examined the Police and Crown’s Prosecution Service’s (CPS) responses to pre-charge bail changes and the use of released under investigation (RUI). The inspection found that the police have worked hard to implement the new legislation but as the legislation was introduced quickly, police forces were unable to implement the changes effectively in the time they had. In addition, not enough thought was given by the Home Office to how the changes would affect victims. Both of these problems were heightened by a lack of clear guidance to police forces on how to implement the new legislation. Investigations involving suspects released under investigation (RUI) tend to take longer and are subject to less scrutiny than ones involving bail. Some victims of domestic abuse do not receive any of the protections which can be provided by bail conditions when their abusers are RUI. And for suspects who are RUI, the justice process can take months or years. The scrutiny that is applied to bail cases is lacking in RUI cases, leaving suspects in limbo for months and in some cases over a year. HMICFRS found a lack of accurate data because some police forces do not accurately record rates of suspects RUI, meaning that in RUI cases they cannot properly measure what is happening in their own force, nor can they adequately compare their own data with other similar forces. Since the publication of the National Police Chiefs’ Council guidance in 2019, the report recognised that the police have made renewed efforts to redress the balance between protecting victims and the rights of suspects, resulting in some notable improvements. HMICFRS highlighted several areas were further progress is needed to address this situation. In summary, the Home Office, College of Policing and police forces should: * Put in place effective data monitoring and reporting for bail and RUI
* Develop clear and detailed guidance for officers so that vulnerable victims of domestic abuse and other serious crimes are protected.
* Make sure that any changes to the legislation lead to improvements for victims of crime as well as suspects.
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| **Recommendations:**  |
| The recommendations directed towards the police are as follows:* The Home Office should work with police and the College of Policing to review the legislation for bail and RUI. The bail consultation completed in 2020 should provide evidence for reviewing who must authorise bail and time frames for bail extensions. The learning from this report should inform this work.
* The Home Office should work with police and the College of Policing to make sure forces have enough time and adequate resources to prepare for any future changes to the legislation which arise from the bail consultation. They should also provide police forces with comprehensive guidance and protocols on the changes.
* The Home Office should work with police forces and the College of Policing to develop and implement monitoring arrangements to make sure that changes resulting from the bail consultation are effective.
* Forces should develop processes and systems to clearly show whether suspects are on bail or RUI. This will help them to better understand the risk a suspect pose to victims and the wider community, and will help to increase safeguarding.

 * Forces should record whether a suspect is on bail or RUI on the MG3 form when it is submitted to the CPS. This should be regularly checked and any changes in bail or RUI provided to the CPS. The CPS should work with the police to ensure this information is provided.
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| **PCC & Chief Constable Response to Report and Recommendation:** |
| Responding to the latest HMICFRS joint thematic report, the Police & Crime Commissioner for Cumbria, Peter McCall, said “I am concerned with the findings highlighted in this report, I therefore fully support the call to review the legislation to ensure victims are better protected and that suspects released under investigation do not face long delays before their case is dealt with. It is so important the revised legislation presents a model that all police forces can follow rather than leading to another scenario whereby a range of interpretations have been implemented, which has resulted in a lack of data and inconsistent recording of the volume of individuals who are released under investigation or bail. “The report makes a number of recommendations to help bring about improvements of which two are specific to the police. Chief Constables are required to develop processes and systems and record keeping to clearly show whether suspects are on bail or released under investigation.“The Constabulary will continue to report on released under investigation through its quality counts initiative, an initiative that focuses attention across aspects of business highlighted by HMICFRS and is overseen by the Chief Officer Team. I will also continue to receive updates against the national recommendations through my Public Accountability Conferences (PAC).” |