



WEST YORKSHIRE POLICE AND CRIME PANEL

22 APRIL 2016

LONG TERM USE OF BAIL UPDATE

Current Position

In May 2013, the BBC published results from their Freedom of Information request which focussed on the number of people on bail and those who had been on bail over 180 days. 34 of the 44 police forces responded which included West Yorkshire.

Since this time West Yorkshire Police have continued to actively monitor bail and have seen a fall in the number of people on bail over 180 days from 859 to 581, a reduction of 32%.

Overall bails are down from 3734 to 3073, a reduction of 18%.

The table below shows in more detail the current bail position and progress since June 2014.

	16th June 2014	1st Oct 2014	1st April 2015	28th August 2015	29th March 2016
Live Bail Records	3734	3693	3551	3132	3037
Bail Twice	866	784	711	746	701
Bail 6+ times	91	85	97	67	55
Bail in excess of 180days	716	N/A	614	436	581
Overdue Bails	454	465	305	342	*445

* The 445 cases that are overdue are made up of a combination of those which have a BOLO attached (be on the lookout for), suspects who have failed to answer bail but the police are not yet ready to deal with them and admin errors.

Moving Forward

The National Picture

The Home Office intend to make significant changes to the Bail Act and it is anticipated that they will receive Royal Assent by November 2016 with implementation by April 2017 at the latest.

The exact details of the changes remain unknown at this time but the key changes expected are;

- The removal of the assumption that a person will be released on bail and instead, this will only occur if conditional bail is required to protect victims or witnesses (this requires a legislative change which prevents us from adopting the practice at this time). This will

Not protectively marked

result in a significantly reduced number of people on bail whilst the number of live investigations will remain the same.

- Breach of pre-charge bail to become a separate offence similar to the current arrangement for breach of court bail.
- The definition of new evidence to be amended to specifically include electronic data that was seized at the time of arrest but not in a useable format during the period in custody. An example is data downloaded from a laptop or mobile phone. This would allow a suspect to be re-arrested.
- **The authorisation of Bail timelines are anticipated to be similar to:**
 - All persons released on pre charge bail up to 28 days will require Inspector's authority. This will mean that **all persons** prior to release will require discussion with the Inspector on duty. The period of 28days will be considered the normal maximum bail period.
 - One extension to bail will be allowed from 28 days to 3 months with the authority of a Superintendent.
 - One extension of bail will be allowed from 3 months to 6 months by an officer of the rank of ACC after consultation with the CPS in complex cases.
 - Bail extensions from 6 to 9 months will be heard by the Magistrates court (ex-parte).
 - Further extensions at 3 month intervals will be subject to full hearings that may extend to the Crown courts from 1 year.

(Note; all cases that sit with CPS FOR ADVICE the time will cease and restart when returned to Police).

As an interim measure, the College of Policing introduced 8 National Bail Standards as guiding principles to forces. West Yorkshire Police already adhere to 7 of those standards. We do not currently comply with the recommendation that an officer of incremental rank authorises bail in line with the length of the bail granted. Instead, West Yorkshire Police's Bail Policy requires officers of incremental rank to authorise repeat bails up to the rank of Chief Inspector so the focus is on the number of bails and re-bails rather than the length of the bail period.

The Local Picture

Niche

Niche is the custody IT system used by West Yorkshire Police. We are in the process of making some changes to the disposal element which requires a reason for bail to be added at the point a person is released on bail from custody.

This will allow the abstraction of data rather than a manual trawl of records which in turn will allow close monitoring and scrutiny of the reasons that bail is granted.

Niche Training

A common theme when analysing bail data is the significant number showing overdue as a result of admin errors. The force periodically conduct housekeeping exercises to manage the volume but as the errors continue to be made on a daily basis, the numbers steadily increase again.

The finalisation process is complex and in particular where a number of offences are involved which have resulted in different outcomes. All permanent and back fill staff will undergo refresher training during 2016 which will reduce the numbers of overdue bails and enable more accurate data to be readily provided.