

**CHIEF CONSTABLE'S REPORT TO THE POLICE AND CRIME COMMISSIONER
FOR INFORMATION**

Management of pre-charge Police Bail

SUMMARY

This paper updates the Commissioner on the current position regarding the use of pre-charge Police Bail across the Force.

Management of Pre-Charge Police Bail

1. MATTER FOR CONSIDERATION

The current position regarding the use of pre-charge Police Bail.

2. BACKGROUND

Context

In April 2013 along with all Forces in England and Wales, West Yorkshire Police was subject to a Freedom of Information (FOI) request regarding the use of pre-charge Police Bail, with a particular focus on those who had been on Bail for over 180 days.

On 28th May 2013, the BBC published a report on the use of Police bail involving 34 forces who had responded to their Freedom of Information (FOI) request, which included West Yorkshire Police.

The response to this FOI was based on data for the year leading up to 17th April 2013. The data showed West Yorkshire Police as having 3,979 live bail records. The response indicated that West Yorkshire Police had a high volume of persons on pre-charge Police bail compared to similar Forces. The key focus of the request was on those who had been on bail for over 180 days, of which WYP had 859 cases. As context, the Metropolitan Police had 901 and West Midlands had 85.

The PCC asked the Chief Constable for a report regarding Force's the bail situation. On 31st May 2013, coordinated by Custody Services, each division was tasked to conduct an audit. The results were provided in June 2013, (Appendix A).

The timing of the FOI request coincided with the launch of the Force Bail Policy. The policy was introduced to effectively manage bail across West Yorkshire Police and mitigate the potential risk to the public and the Force. Specifically, its aim was to ensure the correct application of bail to safeguard victims, witnesses and to manage suspects.

Use of Pre-Charge Bail

Custody detention time should be maximised and reasonable lines of enquiries conducted in line with investigation plans whilst detainees remain in custody. However, if there are known outstanding lines of enquiry that cannot be completed whilst the detainee is in custody, it is appropriate to use pre-charge bail.

The alternative to the granting of police bail is to release detainees without charge and subsequently re-arresting them if additional evidence is gained. Following the R v Hookway ruling (2011), some Forces have robustly adopted this approach; the rationale for their departure from the use of Police Bail is that it reduces volumes of suspects on bail lists and provides a new PACE detention clock of an additional 24 hours when the suspect is re-arrested. However, locally, the practice is perceived to lack integrity, can be detrimental to victim confidence and open to legal challenge. West Yorkshire Police do not adopt this practice and use available bail legislation to ensure the investigation of offenders and offences is conducted with due diligence in a prompt and timely manner.

A key component of the force's Bail Policy is the approval to use provisions of section 37(2) Police and Criminal Evidence Act 1984 (PACE). This provides officers the ability to grant pre-

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charge bail with conditions; it is being widely utilised to positive effect in safeguarding cases to protect vulnerable victims and witnesses. It is important to note that this facility is not available if suspects are released without charge in a manner in keeping with the Hookway ruling.

Bail needs to be set for a realistic timescale in line with the needs of the investigation. Bailing for an unrealistically short period can lead to repeated re-bailing; this results in inefficient re-admittance into custody and can have a negative impact upon victim confidence. It is appropriate and effective to bail a suspect for a period appropriate to the needs of the specific investigation. As an example, in some substantial fraud cases, bail may be set for a year or more. Any and all bail needs to be proportionate and necessary and in accordance with Human Rights legislation.

The Current Situation

West Yorkshire Police currently detains approximately 115,000 persons per annum. Of that number, around 80,000 are initial (first) arrests; the remaining 25,000 detainees are persons answering police bail.

Of the annual throughput figure of 25,000 detainees answering bail, they account for around 36,000 bail events; this figure comprises around 15,000 suspects being subject to bail on a single occasion; the remaining 21,000 bail events comprise suspects receiving 2 or more bail events during the course of an investigation. It should be noted that some suspects who answer bail are not received in to custody and are simply re-bailed. In the past year, 4,915 suspects were bailed on two occasions during the course of an investigation; a small number of suspects, (452), were bailed for 5 times.

There are currently (as at 27th February 2014):

- 3,814 live bail records
- 669 suspects on bail that has exceeded 180 days
- 321 suspects bail is shown as overdue

At any one time there will be a substantial number of suspects on pre-charge police bail, either with or without conditions. West Yorkshire detains more than 300 suspects per day; around 100 suspects are bailed from police detention each day.

In examining the data, it is important to bear in mind that that as bail records are removed, so new records are created. It should also be noted that a number of genuine overdue records will continually to be live, given that these relate to suspects who have failed to answer their bail and who are still wanted by police. These include persons who continue to evade arrest or who may have left the country.

Other issues impact upon the length of time some suspects remain on pre-charge bail. These include:

- The requirement for extraction of evidence from mobile phones and laptops. Hi-tech evidence gathering impacts on the duration of Bail. The current guide time for obtaining a download from a laptop for urgent cases is 3-months; for non-urgent cases the guide time is 12 months.
- The Force currently has two major CSE investigations; more than 10% of bails exceeding 180 days are from these investigations.

Areas for Future Activity

It is true to say that bail management is time consuming; its accurate administration can and does cause problems. However, a number of steps have and are being taken to ensure that the use of bail is appropriate and that the number of suspects on police bail accurately reflects the true position. These include:

- A new bail management system, integrated within Corvus 'Bluestar' is due imminently; this module will make outstanding Bail disposals visible and transparent, simplifying the method of identifying and monitoring suspects on bail.
- Additional training will be delivered by Force Custody Services and Performance Review to Districts to ensure the capabilities of the new Module is understood.
- Strict compliance with the Force Bail Policy and improved management of Bail records will add to improving this situation and continues to be a focus for training within Custody Services
- Local districts are undertaking a housekeeping exercise and in anticipation of the new software
- A Force Action Plan, (managed by Custody Services), is in place to address a small number of specific issues to improve the management of Police bail.

3. SUPPORTING DOCUMENTATION

- Appendix A - Bail report from June 2013
- Appendix B - Force Action Plan