



WEST YORKSHIRE POLICE AND CRIME PANEL

9 March 2018

Use of Pre-charge Bail Update

1. Purpose

- 1.1 To provide members of the Police and Crime Panel with an update on the use of pre-charge bail.

2. Background

- 2.1 Changes to the manner in which the police manage pre-charge bail were implemented in April 2017. These changes were brought about by the Policing and Crime Act (2016) and amended the Police and Criminal Evidence Act (PACE) to place specific time limits on bail. These changes placed a duty upon inspectors to authorise periods of 28 day bail and a Superintendent three months bail. They also specified further applications for bail can be managed through a magistrates court application.
- 2.2 In addition these changes allow for persons to be released 'not on bail still under investigation' which is referred to as Released Under Investigation (RUI).
- 2.3 This paper details the amendments to PACE and also the current usage of bail and RUI within West Yorkshire.

3. Change in legislation during 2016

- 3.1 The Policing and Crime Act (2016) brought about significant changes to the manner in which pre-charge bail is managed. Prior to the changes in legislation the CJ department and investigations review team developed a detailed understanding of the changes, then assisted in the implementation. This included the development of new processes and the training of a number of key departments within the organisation.
- 3.2 The key changes provided by the Policing & Crime Act 2017 are:
 - The Custody Sergeant must be satisfied that where bail is required it is both necessary and proportionate in all the circumstances.

- A new disposal is available of “release not on bail still under investigation (RUI)”. This allows the retention of Biometrics.
- Cases where a person is released on bail require an Inspector’s Authority for the first 28 days Authorised Bail Period (ABP).
- One extension from 28 days to 3 months is allowed subject to a Superintendent’s authority.
- Further extensions can be approved by the Magistrates’ Court. The District Judge can extend the ABP for 3 or 6 months from the expiry of the original ABP depending on the circumstances.
- Bail for Director of Public Prosecutions (DPP) charging authority will not require ABP authority subject to any further work/action plan being required by the Crown Prosecution Service (CPS). In those cases ABP authority will be needed for the period required to achieve the action plan.

4. Current Position within West Yorkshire

4.1 There are presently 237 people on pre-charge bail within West Yorkshire with 850 bail records relating to them. This is significantly lower than prior to the act. The current bail levels are at approximately 3.3% of the custody throughput with 25% being released ‘not on bail still under investigation (RUI)’. The data also shows a consistently low usage of 37/7 bail (**bail to seek CPS advice or police charging decision in full code cases**). This currently stands at 0.2% of custody throughput, it is however likely that this will increase with the implementation of CPS digital which is went live in West Yorkshire on the 15th January 2018. See Appendix A for a breakdown of which disposals apply to the below five categories.

4.2 A graph showing the current status of pre-charge bail in West Yorkshire is attached as Appendix B.

4.3 The below chart details a breakdown of bail in West Yorkshire (Updated 09/01/2018).

| Pre 03/04/2017 | | From 03/04/2017 – New Bail Act | | | | | | |
|----------------|--|--------------------------------|----|---|----|----|----|-------|
| | | Number of bails to date: | | | | | | Total |
| | | 1 | 2 | 3 | 4 | 5 | 6+ | Total |
| Force | | 2 | 3 | 7 | 36 | 33 | 46 | 127 |
| | | 80 | 20 | 6 | 1 | 0 | 0 | 107 |

Figure 1 - Number of bails

4.4 The following chart shows the reduction in bail since January 2017.

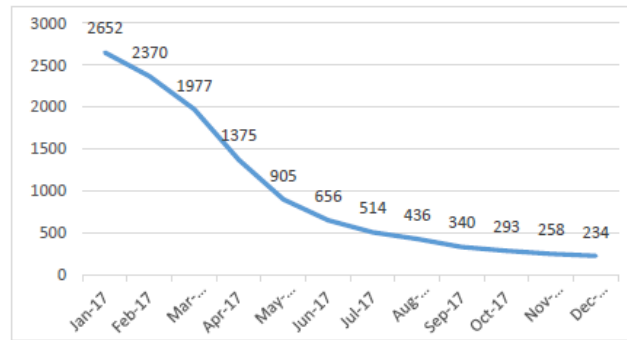


Figure 2 - Reduction in bail

4.5 Release Under Investigation - The category of Release under Investigation (RUI) was created due to the implementation of the Policing and Crime Act (2016), the use of RUI within West Yorkshire since its creation can be seen in the Figure 3. This data was indicating an increase (gradually) in the number of persons released RUI up to November 2017.

4.6 In order to mitigate this threat a CORVUS¹ module was developed by the Investigations Review to ensure robust management of persons released RUI in line with the timeframes of bail, e.g. 28 days and then 3 months thereafter. Since the implementation of this system the data shows a gradual reduction overall in the number of persons released RUI. The spike for the data week commencing 02/01/2018 to 09/01/2018 is due to an upgrade to the CORVUS module to ensure that it encompassed the recent disposal changes to Niche. It is anticipated that this 'spike' will level and that there will continue to be a gradual reduction in the number of persons released RUI through continued use of the module. The current (09/01/2018) number of persons RUI is **4421**.

Number of custody records with one or more outstanding 'RUI' disposals:

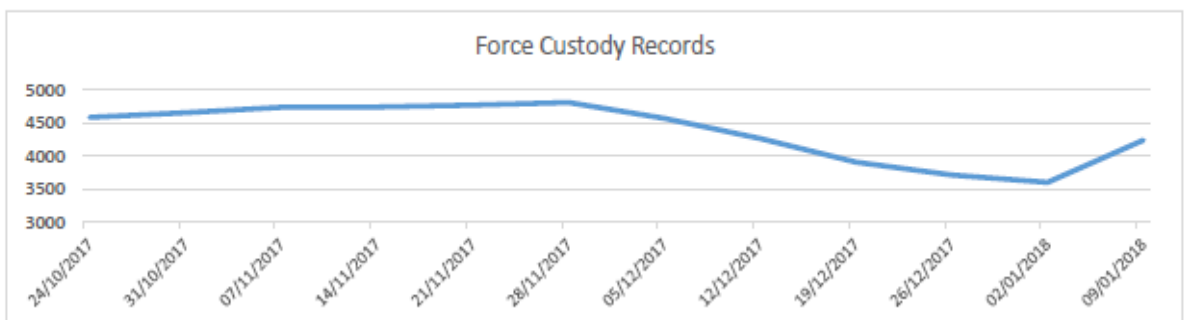


Figure 3 - Released Under Investigation (Custody Records)

¹ CORVUS is a computer system developed by Bluestar which is utilised in West Yorkshire Police to provide a user friendly platform which provides links and access to data from a range of other police systems. It allows for the development of specific modules which provide bespoke data for forces dependant on their needs.

N.B. The module has also been amended to allow for the identification of cases where the investigations have concluded but the custody record remains open. This accounts for **537** of the overall figure of persons RUI and activity is being undertaken to ensure the closure of these records forthwith. In order to prevent this from occurring in the future the CORVUS module is used to provide management information for the respective custody suites and this is utilised in the local accountability meetings to drive performance.

- 4.7 Voluntary Attendees - The continued effective and proportionate use of police powers shows that West Yorkshire Police consistently arrested more people as part of the investigative process but that they also effectively utilise the Voluntary Attendee (VA) process where appropriate. Figure 4 below indicates this and also shows that there has been an overall **3.8%** reduction in the number of VA's and a slight increase in the number of primary arrests. The recent reduction in the use of VA's may be a seasonal trend however this will be explored further by the Criminal Justice Team.

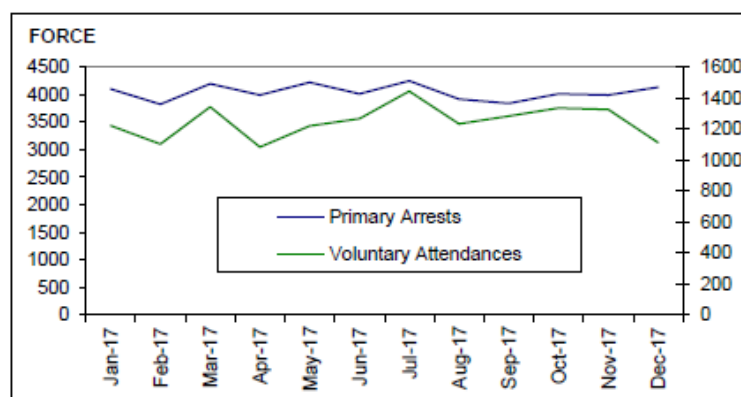


Figure 4 - Arrests Vs Voluntary Attendees

- 4.8 Timeliness of Investigations – within West Yorkshire the average time for crime recording to crime outcome (basic measure of the length of an investigation) increased from 35 days on average to 37 days.
- 4.9 The below table details the average times however it should be noted that at this stage the increase in length of an investigation cannot be directly linked to the changes to bail but may be indicative of the impact of the changes. Further exploration of this will be undertaken by the Investigations Review to determine the root cause and respond accordingly.

| | Apr 17- Dec 17 | Mar 16 – Apr 17 |
|---------------|-------------------|--------------------|
| Average | 37 days | 35 days |
| Average (95%) | 22 days | 20 days |
| Average (90%) | 16 days | 15 days |
| Median | 4 days | 6 days |
| 80% | 51 days | 47 days |
| 90% | 99 days | 91 days |

Figure 5 - Average time taken from Crime to Outcome

4.10 Fail to appear warrants – A previous NPCC paper reports that some forces have seen an increase in the number of Fail to appear (FTA) warrants, potentially as a consequence of the increased usage of postal requisitions. Within West Yorkshire (as can be seen below – Figure 6 & 7) from April '17 there was an increase in the number of live warrants, however this plateaued in August 2017 and until November 2017 the number were gradually reducing. At this stage it is not possible to directly link the changes in pre charge bail as the number of outstanding warrants was gradually increasing prior to the act and any minimal changes may be as a result of seasonal trends.

| Live Warrants | | | | | | | | | | | | | |
|---------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| Month | Nov-2016 | Dec-2016 | Jan-2017 | Feb-2017 | Mar-2017 | Apr-2017 | May-2017 | Jun-2017 | Jul-2017 | Aug-2017 | Sep-2017 | Oct-2017 | Nov-2017 |
| End of period | 1682 | 1704 | 1741 | 1737 | 1750 | 1729 | 1799 | 1825 | 1831 | 1894 | 1870 | 1846 | 1859 |

Figure 6 - Live FTA Warrants

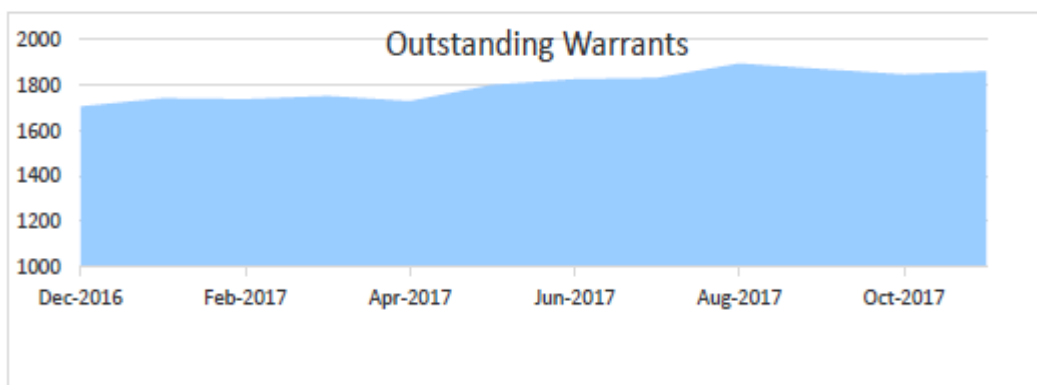


Figure 7 - Outstanding FTA Warrants

5. Ongoing Work and Developments

- 5.1 The continued use and development of the CORVUS module will assist districts in managing those persons RUI. The management of those persons and the timeliness of investigations is to be driven through the Local Accountability Meetings. A post implementation review will take place in April '18 to review the use of police bail over the period of a year, this review will be led by Chief Inspector Bates within the Criminal Justice Projects Team.
- 5.2 The use of VA will continue to be reviewed and managed.
- 5.3 The application of bail, particularly 37/7 (**bail to seek CPS advice or police charging decision in full code cases**) will continue to be monitored by the Criminal Justice Department to understand and provide reassurance that bail is effectively used. This is particularly relevant now that the force has moved to obtaining pre-charge advice via the CPS Digital process.

6. Strategic Risk Implications

- 6.1 The use of pre-charge bail is now heavily regulated and the levels of authority required provide robust management of those persons subject to pre-charge bail. The greatest risk surrounding the implementation of the Policing and Crime Act with respect of bail is the management of the persons whom are released RUI. This is, as earlier indicated, mitigated by the use of the CORVUS module however this process is still in its infancy so its full affect has not yet been realised. Levels of RUI will continue to reduce as the CORVUS module embeds and supervisors are able to update the investigations with a review of each case.