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# Pre-charge bail and Release Under Investigation in three police forces

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# The research project

- Aimed to investigate PCB/RUI after the Police, Crime, Sentencing and Courts (PCSC) Act 2022 and if, and how, it has changed police practices
- The data were collected in three police forces
- Mixed method design
  - Observations of custody suites (18 days)
  - Administrative data – all suspects released from custody without charge in two-month periods pre- and post- 2022 (16,093 cases)
  - Survey of police officers (271 responses)
  - 97 interviews with police officers (custody and investigations officers and senior officers)
  - 4 interviews with victims' organisations
- The data matches that collected in a previous project in early 2010s which allows for a comparison between three periods of time when different legal frameworks were in place - Pre-2017, Pre-2022 and Post-2022
- Data on suspects' demographics and offence patterns were very similar across the three forces

# Attitudes to PCSC Act 2022

- The 2022 changes were overwhelming endorsed and welcomed by the majority of police participants
  - Protections for victims
  - Time periods for bail were more realistic
  - Less work and bureaucracy because fewer extensions were necessary
  - Better suspect management
  - Tighter scrutiny of investigations
- It was acknowledged to provide a better balance between suspects' and victims' rights
- Relatively few participants suggested changes they would like to see
  - Breaches of conditions
  - Internal policies and procedures
  - IT systems

# RUI

- Only a small minority of participants did not welcome the PCSC Act 2022 because
  - it increased complexity and resulted in additional workload and pressure on investigation teams
  - Timescales were too short
- Significant minority of participants preferred RUI to bail
  - ‘RUI is less faff’
  - RUI was more efficient, less work and less pressure
    - releasing suspects from custody was simpler and quicker
    - facilitated postal charging
    - less custody visits
    - no extensions
  - Investigations could take longer and progress at officers’ own pace and with less urgency
  - Useful for complex investigations

# Purposes of bail

‘Protecting victims, keeping a tag on the offender and expediting investigations’

- Bail was primarily a measure to safeguard and protect victims
- Protection for suspects and witnesses
- Ability to impose conditions
- Control and manage suspects, manage risk and prevent ‘further’ offending
- Deterrent
- Requirement for suspects to return to the police station
- Reassurance for victims
- Provides structure and deadlines to work to – focusses everyone’s minds
- Bail cases were prioritised over RUI by the police (and CPS)

# Preferences: bail and/or RUI

- Most participants stated that they would use both bail and RUI, even when some preferred using bail or RUI
- No one suggested that RUI should not be used at all
- Signals a significant shift in police attitudes
  - Pre-2017 – bail was a vital tool that was necessary to enable them to do their job, it was the only viable option, and alternatives were unworkable
  - 2024 – RUI is a viable and, sometimes the preferred, alternative to bail

# Unconditional bail

- Unconditional bail
  - Bail was synonymous with conditional bail
  - Unnecessary and rarely used
  - RUI had largely replaced unconditional bail when conditions were deemed to be unnecessary
  - The only routine use of unconditional bail was when suspects had no stable address
  - Force C operated a presumption in favour of bail and interviewees expressed more of a role of unconditional bail
- Recommendation 1
  - Consideration is given to whether the Statutory Guidance should be amended to state that unconditional bail should be used in preference to RUI.

# Is bail or RUI always necessary?

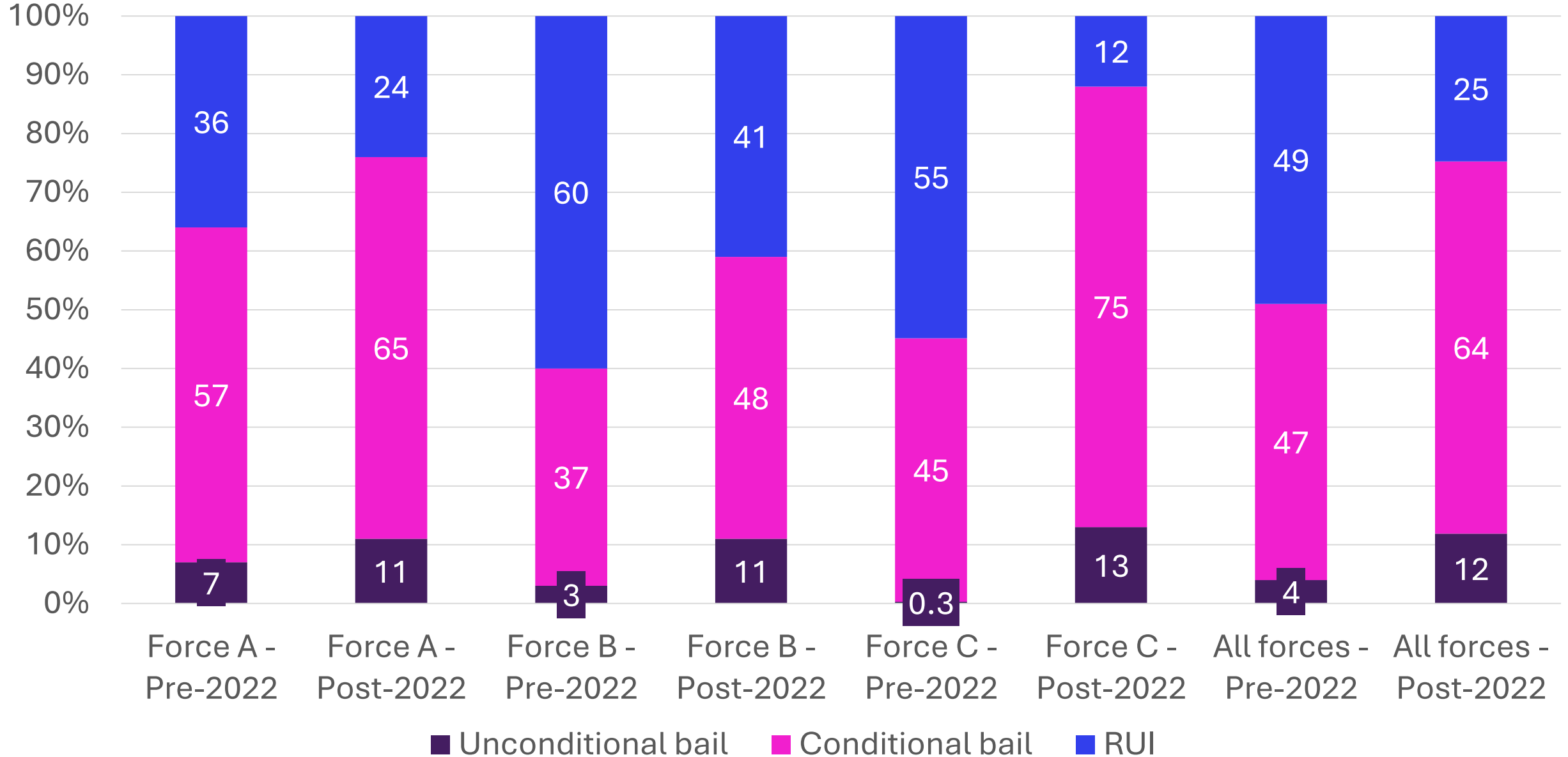
- Pre-2017 research found a ‘just in case’ culture
- Less evidence of this now, however, interviewees still stressed the need to complete ‘all reasonable lines of enquiry’
- Downloading contents from mobile telephones was a routine part of investigations and often seen as necessary for completing all enquiries
- Phones might provide the evidence required but interviews raised questions about officers’ knowledge of what may be found, its admissibility and so on (see Griffiths et al., 2024)
- Interviewees were often vague about what they were looking for and suggested that they had asked for all contents to be downloaded
- Checking the necessity of investigating phone data (and other enquiries) is important because they were a major cause of delays, switching from bail to RUI and extensions



# Initial bail/RUI decisions pre- and post- 2022

Force	A		A		B		B		C		C		All		All	
	Pre-22	Pre-22	Post-22	Post-22	Pre-2022	Pre-22	Post-2022	Post-22	Pre-22	Pre-22	Post-22	Post-22	Pre-22	Pre-22	Post-22	Post-22
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Bail	1950	64	2313	76	851	40	1411	59	1218	45	2437	88	4019	51	6161	75
RUI	1106	36	715	24	1302	60	968	41	1490	55	332	12	3898	49	2015	25
Total	3056		3028		2153		2379		2708		2769		7917		8176	

# Percentage of suspects released on bail and RUI from custody



# Alleged offences and bail/RUI

- Individuals suspected of all types of offences were more likely to be bailed post-2022
- The switch to bail was greatest for acquisitive crime which were likely to have an identified victim, but which would not raise specific safeguarding concerns
  - Burglary – 50%
  - Vehicle crime – 49%
  - Theft and fraud – 42%
- High proportion of those suspected of sexual offences and offences against the person, which would be expected to raise safeguarding concerns, were bailed pre-2022 (81% and 71% respectively)
- The use of bail for these offences increased post-2022 but at a lower rate than for acquisitive offences
  - Offences against the person – 17% to 92%
  - Sexual offences – 15% to 96%
- Post-2022, over 90% of individuals suspects of sexual offences, offences against the person, robbery and burglary were bailed

# Domestic violence offences

- Concerns about safeguarding victims of domestic violence (DV) was a significant factor in the changes to bail law in the PCSC 2022
- 27% of cases were flagged by the police as DV related
- Post-2022, the proportion of DV related cases in which suspects were bailed increased to 90% from 71% pre-2022
- A higher number of DV related suspects were bailed in Forces A and B (96% and 95%) than in Force C (78%) post-2022
- One of the exceptions to using conditional bail in these cases was when other measures were in place such as non-molestation orders, DVPOs etc.

# Conditional bail

- The purpose of conditions was to safeguard victims, manage suspects, particularly the risk of offending, and to ensure that suspects would answer bail
- The findings suggest the formulaic use of conditional bail
  - Decisions to impose conditions were based on whether there was an identifiable victim
  - Based on the type of offence - if alleged offences raised safeguarding concerns, or had or would be expected to have a victim, conditional bail would be used
- Post-2022, a significant proportion of the increase in the use of bail was accounted for by the definition of offences involving victims expanding to include acquisitive and property offences as well as offences raising safeguarding concerns
- Pre- and Post-2022, RUI was used for 'victimless' offences or offences against the Crown i.e. Rex offences e.g. driving and drugs offences, although the number of suspects bailed for these types of offences increased post-2022
- Two other concerns: i) conditions used to tackle spikes in specific types of offending; and, ii) using blanket exclusion zones for specific types of offences

# Number of different types of conditions

		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5+</b>	<b>Total</b>
<b>Pre-2022</b>	N	1034	2116	452	110	17	3729
<b>Pre-2022</b>	%	28	56	12	3	>1	100
<b>Post-2022</b>	N	1649	2785	613	165	39	5251
<b>Post-2022</b>	%	31	53	12	3	1	100
<b>Total</b>	N	2629	4911	1065	275	55	8935
<b>Total</b>	%	29	55	12	3	1	100

# Type of conditions

	<b>Force A</b>	<b>Force A</b>	<b>Force B</b>	<b>Force B</b>	<b>Force C</b>	<b>Force C</b>	<b>Total</b>	<b>Total</b>
	N	%	N	%	N	%	N	%
No contact with victims/witnesses	3181	86			2289	70	5470	61
No contact with co-suspects	107	3			520	16	627	7
No contact (not specified)			1626	84			1626	18
Not to enter	2397	64	1347	70	2303	68	6047	68
Residence	490	13	167	9	546	17	1203	13
Curfew	362	10	55	3	334	19	751	8
No unsupervised contact with U18	257	7	65	3	0	0	322	4
Sign on at police station	31	1	110	6	0	0	141	2
Other	2	>1	0	0	519	16	521	6
<b>Total</b>	<b>3720</b>		<b>1930</b>		<b>3287</b>		<b>8937</b>	

# Reviewing conditions

- Little evidence that conditions were routinely reviewed during the investigation
- Conditions were rarely changed
- Most changes were suspect-led so conditions were varied to accommodate house or job moves, special events etc.
- A disincentive to removing conditions was concerns about the consequences if something untoward happened
- A disincentive to adding conditions was that it can only be done by bringing suspects into custody, so it had workload implications
- This legal requirement was not always followed in practice,
  - Force B, only for police-led changes
  - Force A, used 'doorstop' bail
- Recommendation 2
  - the Statutory guidance is strengthened to ensure that all changes of conditions are authorised by custody sergeants and amendments are communicated to suspects orally and in writing by custody sergeants.



# S.37(7) bail for CPS charging decision

- Most suspects were released on bail for further enquiries (s.37(2))
- 11% were released on s.37(7) bail from police detention
- S.37(7) bail requires all enquiries to be completed, but the research raised questions about whether this was always the case
  - File building
  - Cases in which investigations were still outstanding
- Recommendation 3
  - Consideration is given to whether it is appropriate to release suspects on CPS bail from custody in recognition that cases are unlikely to be ready to send to the CPS immediately.

# Decision-makers

- A key principle of PACE is the separation of custody and investigation functions to safeguard suspects' rights
- Bail/RUI decisions have become primarily the responsibility of investigation teams
- Although custody sergeants were the final arbiters of initial decisions and influenced investigators' recommendations, they infrequently had a direct impact on initial bail/RUI decisions and only at the margins
- Investigation teams were responsible for all decisions after suspects had been bailed or RUI from custody

# Decision-makers II

- Investigators initiated bail applications by completing a bail plan electronically
- Investigators and custody sergeants reported that investigators' recommendations were rarely questioned
- Custody sergeants' interventions and influence were limited
  - they occasionally asked questions about why enquiries could not be completed whilst suspects were in custody. In these circumstances, investigators usually clarified and justified why it was not possible.
  - they provided an opportunity for suspects to make representations about the conditions
  - they amended conditions, and usually limiting their scope, and questioned their workability and enforceability

# Decision-makers III

- The de facto decision-makers were investigators
  - ‘... officers and team sergeants would fill out what they want the bail conditions to be ... then you put that before a custody sergeant and they *have* to agree it and I’d say in most cases, what the officer put forward is what would end up being the conditions. But yes, it has to go through that process before the custody sergeant approves it’ (C18: 7).
- Investigators’ decisions were influenced and tempered by their knowledge and experience of what custody sergeants would allow
- All investigators knew that custody sergeants could challenge them, even if they rarely did
- Recommendation 4
  - The Statutory guidance is amended to underline that the primary responsibility for bail/RUI decisions and for managing bail/RUI lies with custody departments rather than investigation teams

# Detention officers

- All forces had detention officers working in custody blocks
- Their role in the bail process varied
- Practices in Force A raised questions about whether they were doing what were legally custody officers' tasks
- We observed them doing the whole spectrum of tasks from handling back property to completing the whole bail process including adding custody officers' signatures and releasing suspects
- More commonly, they would complete all the administrative tasks, ask the custody sergeants to look over the application, they would sign it and then the detention officer would release suspects
- They were also largely responsible for managing suspects answering bail
- Recommendation 4
  - Further guidance is provided on the tasks which should and should not be undertaken by detention officers in relation to bail and RUI

# Bail Management Teams (BMT)

- Once suspects were released custody officers' role was limited
- Custody sergeants in custody blocks had no responsibility for bail/RUI except if suspects answered bail, were brought in for charge or arrested for alleged breaches
- Forces B and C had BMTs
- BMTs were widely welcomed because they were a source of advice and handled all bail related matters after the initial release
- Tasks included sending reminders about suspects answering bail, actioning tasks sent to them by investigators and following up lapsed bails and suspects who failed to answer bail
- BMTs contributed to bail and RUI being viewed as administrative processes rather than decisions with implications for the lives of suspects and victims
- BMTs arguably deskilled investigators and allowed them to view bail as someone else's role to manage. Similarly, custody sergeants working in custody blocks in Forces B and C had little awareness of bail/RUI matters after initial release

# Extensions

- The purpose of the extension process is to ensure that bail and any conditions remain necessary and proportionate and that investigations are being pursued expeditiously
- If extensions are not approved suspects are moved to RUI or no further action taken
- The PCSC Act 2022 did not stipulate the portfolio role of the Inspectors who are responsible for extensions at three months (or six months)
- Inspectors from investigation teams were responsible for these decisions in all three forces with consequences for the independence of decisions

# Extensions II

- Inspectors' extensions were straightforward and unproblematic, partly because they were from investigators' own teams
  - ‘... the good thing about the bail post 2022 is when you go for an extension you will go to your *own* Detective Inspector for authorisation ... so there is someone who works within the department ... who is watching us and supervising up, managing us, and knows what's happening [with the investigation] ... will probably have a good idea of what the case is anyway, would know where you are up to and would know that yes this extension is justified [emphasis added]’ (B27: 13).
- A custody Inspector voiced their concerns
  - ‘... I just think there is a risk of just, you know, not being neutral from the actual investigation itself because they have first-hand knowledge of the officer investigating. You obviously have, you work with them, you see them daily. So, you're not necessarily neutral and separate from the investigation ... the Detective Inspector who does the extension of the bail period is not neutral from the investigation’ (C12: 8).



# Extensions III

- Most extensions were straightforward and authorised
- Investigators recognised the need to justify extensions
- They talked about the ‘art’ of successful applications
- Requests were usually based on enquiries that were outside of officers’ control, which were viewed as safe ground to apply for extensions
- Some investigators mentioned avoiding extensions when the lack of progress was their responsibility. In these cases, suspects were often moved to RUI
- Inspectors were reported to suggest or condone this practice, especially when Superintendents’ reviews were due
- Inspectors took applications on trust and rarely asked questions
- Short notice requests were reported to be regularly required

# Extensions IV

- Some investigators mentioned that extensions were significant events which motivated them to complete their investigations
- This became more prominent the longer the investigation went on
- Interviewees had far less experience of Superintendent's extensions
  - Many cases were completed by this point
  - They avoided these extensions because they were more challenging
  - These extensions required more thorough justifications because Superintendents had no prior knowledge of the case
  - None were reported to have been refused
- Some evidence that extensions were a deterrent and speeded up investigations but also that they were a routine part of investigations which involved certain types of cases or evidence
- Extensions were rarely questioned and invariably authorised
- Recommendation 6
  - PACE and the Statutory guidance are amended to ensure that extensions must be authorised by PACE/Custody Inspectors

# Moving from bail to RUI during the investigation

- This practice is concerning because any bail conditions are removed, and therefore victim protections
- Two ways in which it happened
  - Bail could lapse because the ABP runs out
  - Suspects were actively moved to RUI
- Lapsed bail
  - Relatively frequent but happening less often recently
  - Appeared to happen more in Forces B and C with BMTs
  - Reminders were sent by a variety of methods to try and prevent them
  - How bail return dates were set mattered e.g. whether they took account of shift patterns

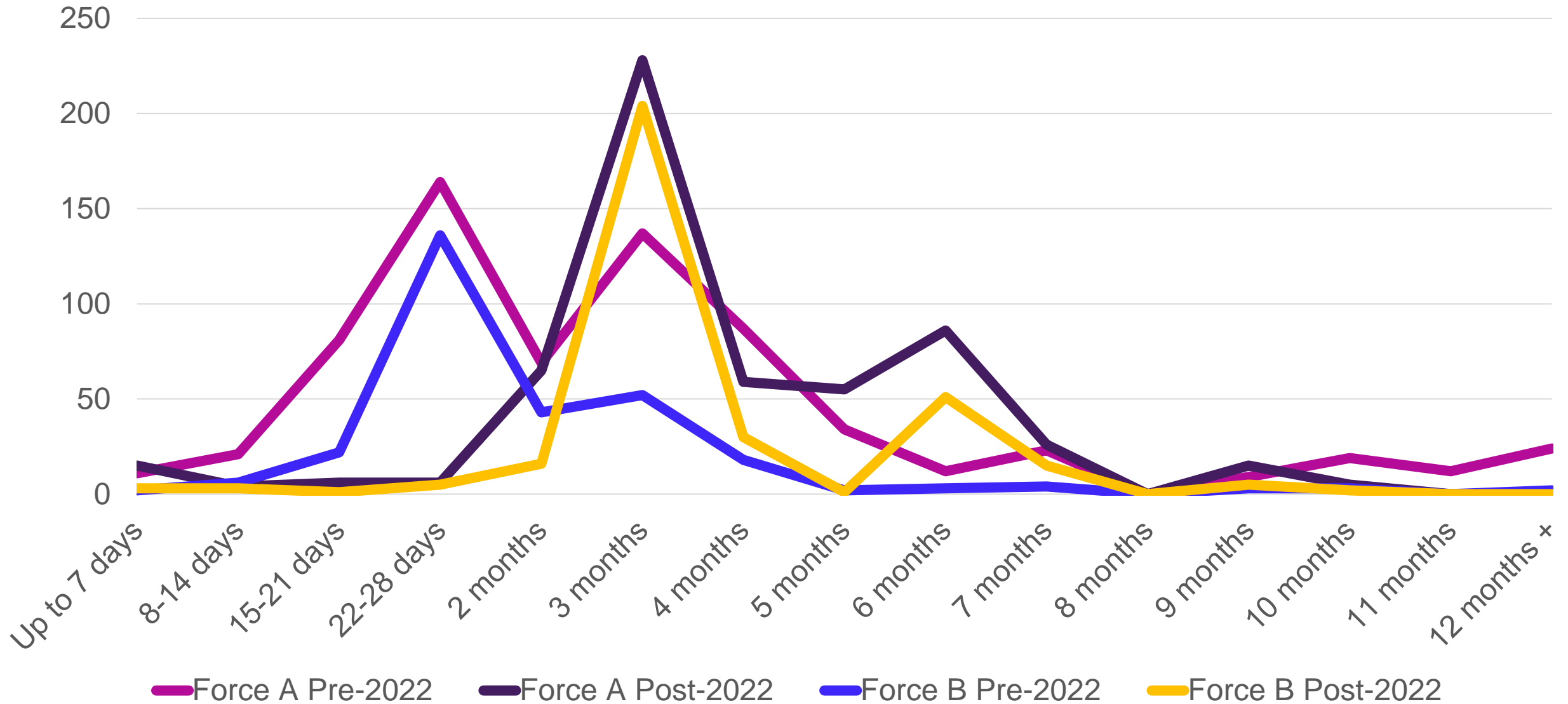
# Switching from bail to RUI

- Reasons: expected length of the investigation, changes in the circumstances of victims/suspects, avoiding extensions, 'cooling off' period, passage of time and suspects' compliance
- Simple and easy process with little independent scrutiny outside investigators' own teams
- In Force A, some evidence that questions were sometimes asked by custody sergeants
- Role of BMT was purely administrative
- The prevalence of this practice underlines how the value of bail had reduced in the eyes of the police

# Switching from bail to RUI

- A fifth of suspects (28%, n=1724) who were initially bailed were moved onto RUI post-2022, a drop of 15% compared with pre-2022
- The practice was more common in Force C (34%) than in Forces A and B (24%) post-2022
- Most suspects who were moved onto RUI were on conditional bail
- 57% of suspects were on bail at the end of investigations post-2022 compared with 75% at the beginning
  - Force A, 63%, Force C, 58% and Force B, 49%
- Switching dropped for all types of offences post-2022
  - 77% of individuals suspects of sexual offences and/or offences against the person were on bail post-2022
  - Largest increases in the use of bail throughout the investigation were for acquisitive offences – 68% suspects investigated for burglary, 67% investigated for robbery and 51% investigated for theft were on bail when their cases concluded

# Time spent on bail before suspects were moved to RUI in Forces A and B



# Switching from bail to RUI II

## Recommendations

7. Statutory guidance is amended to ensure that cases are only switched from bail to RUI during the investigation in exceptional circumstances, and with the authority of senior officers
8. Police forces should put review procedures in place to ensure that bail is no longer necessary and proportionate before it is removed
9. Police forces should monitor the use of RUI throughout investigations and not just at the point suspects are released from custody

# S.37(7) bail during investigations

- Data were not available, or were not reliable, to identify the cases in which cases were moved onto s.37(7) bail during the investigation
- Cases were not always moved to 37(7) bail when they should have been because
  - the requirement to move suspects to CPS bail was not understood
  - Interviewees' could not understand why it was necessary
  - Administration involved
  - Cases going backwards and forwards to the CPS
- The process was described as complex and confusing
- Not viewed as a significant point in investigation which required a review of the bai/RUI status of suspects
- Gatekeeping Teams which triage cases before they are sent to the CPS produced two legal 'grey' areas
  - File building by officers in the case
  - Time when the files were with the gatekeeping teams and when they went backwards and forwards to investigators



# 37(7) bail during investigations II

- The bail clock is suspended whilst cases are at the CPS, restarting when action plans are returned to officers
  - Consequences for the ABP and potential for miscalculations
  - One reason why bail lapsed
  - Officers could move cases to s.37(7) bail to avoid scrutiny of investigations and the need to apply for extensions
  - No evidence of abuse but some evidence of inappropriate use
- IT did not automatically calculate remaining bail periods
  - Manual calculations which were subject to error
- Recommendations
  10. The law is amended to abolish the distinction between pre-charge police bail (s. 37(2)) and CPS bail (s.37(7)) which creates unnecessary complications and legally questionable practices.
  11. Consideration is given to the legal status of suspects on bail during the time that files are being built by investigators and reviewed by police decision-makers.

# Outcomes

Force	A	A	A	A	B	B	B	B	C	C	C	C	All	All
	Pre-22	Pre-22	Post-22	Post-22	Pre-22	Pre-22	Post-22	Post-22	Pre-22	Pre-22	Post-22	Post-22		
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Charge	809	30	613	27	805	41	754	38	530	24	594	26	4105	31
Com Res/ Caution	82	3	60	3	52	3	53	26	121	6	97	4	465	3
Other	22	1	29	1	2	>1	0	0	11	>1	10	>1	74	1
NFA	1791	66	1556	69	1125	58	1164	59	1518	70	1556	69	8710	65
Total	2704		2258		1984		1971		2180		2257		13354	

# In person/postal charging

- PACE requires suspects to be charged in person if post-charge bail is necessary and proportionate
- Statutory guidance is clear that postal charges should not be used when suspects are on conditional bail because bail lapses and conditions no longer apply
- Postal charging was frequently used – 80% in Force B and 73% in Force A. In Force C, only 16% of cases were recorded as in-person charges
- The low use of in-person charging was supported by observations and interview data
- All suspects on RUI were postal charged which was seen as one of its advantages
- Postal charging suspects on bail was frequently reported
  - Workloads
  - Lack of knowledge and understanding
  - Fudges – doorstep bail
  - Pressures on custody blocks

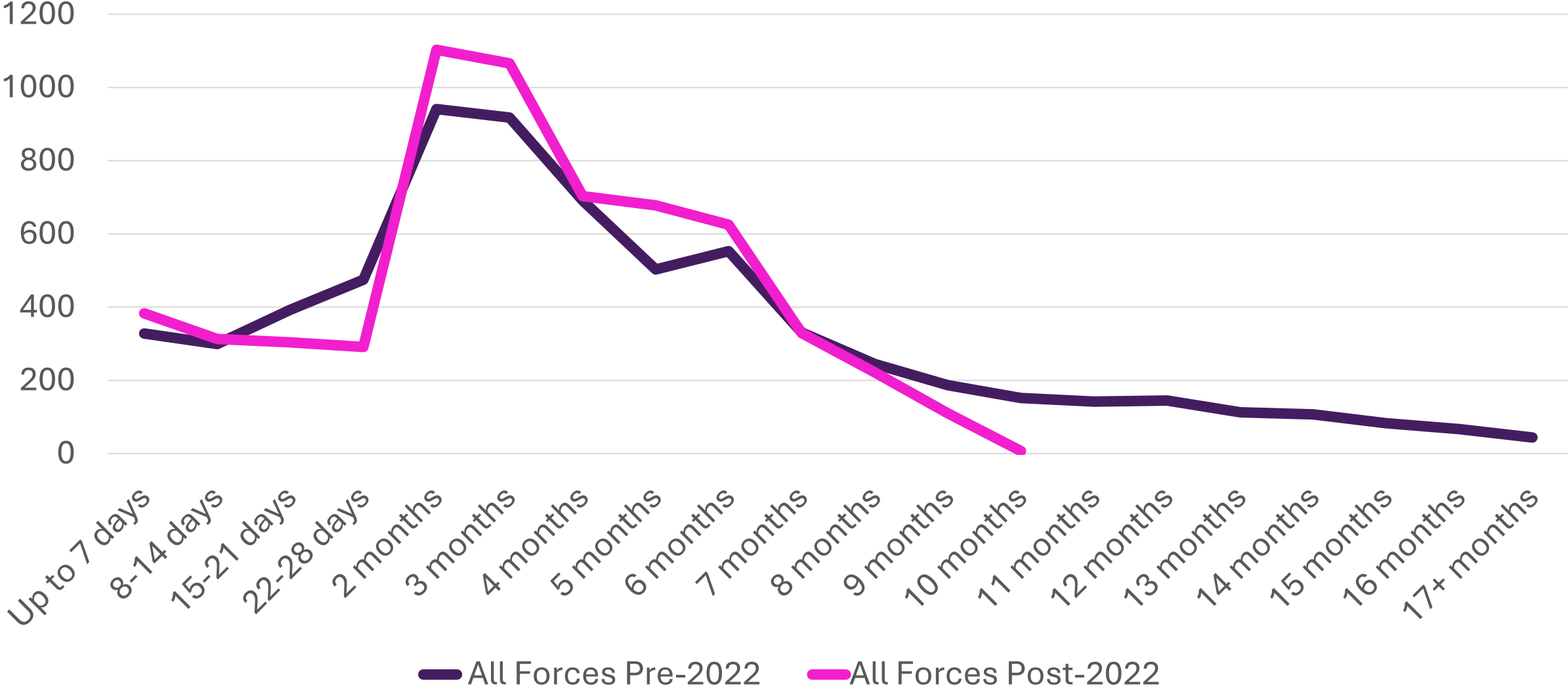
# In person/postal charging II

- Switching to RUI to enable postal charging was reported to occur regularly
- Postal charging by-passes custody officers
- Recommendations
  12. Police forces put processes in place to monitor the use of postal charging when suspects are on bail.
  13. The Statutory guidance is strengthened to make it clear all suspects initially released from custody on bail should be charged in person with the expectation that post-charge bail should be imposed with appropriate conditions.
  14. The Statutory guidance is amended to make it clear that switching suspects from bail to RUI for the purpose of issuing postal charges should only be done in exceptional circumstances.

# Applicable bail period (ABP)

- PCSC Act 2022 increased the initial ABP from 28 days to three months
- Forces used all, or nearly all, of this period
- The ABP was automatically calculated
- Using the whole period was driven by administrative efficiency – neater, reduced the need for extensions and reduced workloads of investigators and bail managers
- Practice seemed to follow the Statutory guidance
- But mistaken interpretation of the law which conflates the ABP, which is legally regulated with bail return dates which are not, and which may be shorter
- It is important because the review period drives police practice
- Recommendation
  - The Statutory guidance is amended to make it clear that bail return dates may be shorter than the Applicable Bail Period and should be set with reference to the expected time required to undertake outstanding investigations.

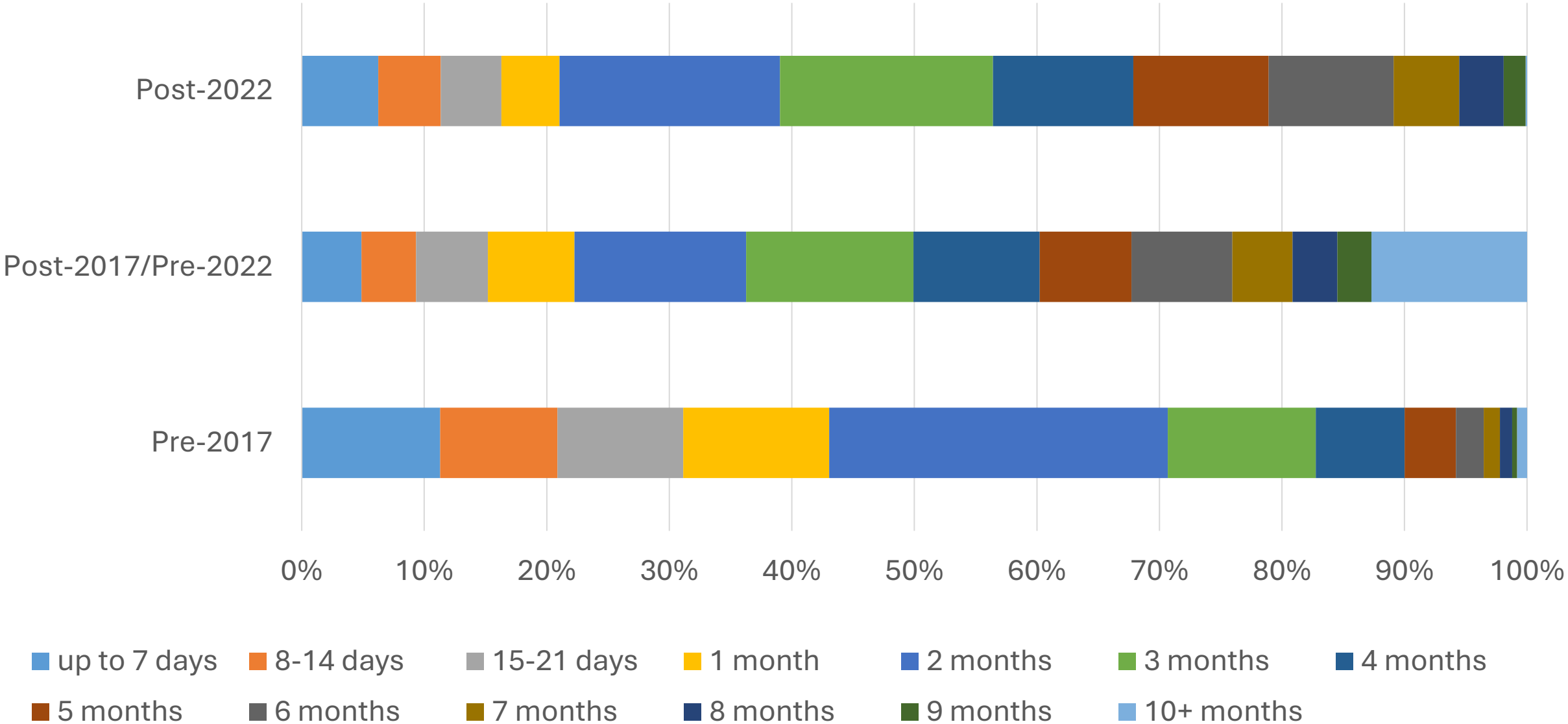
# Time to disposal



# Average times to disposal

- Cases took longer to complete post-2022
- Mean time to completion increased from 94 days to 102 days
- Median increased from 78 days to 94 days
- Double the means from 2015 – 46/47days

# Time to disposal by periods of legislative change







# Mean and median number of days to completion of cases by bail status

<b>Force</b>		<b>A</b>	<b>A</b>	<b>A</b>	<b>B</b>	<b>B</b>	<b>B</b>	<b>C</b>	<b>C</b>	<b>C</b>
		<b>Pre-2022</b>	<b>Post-2022</b>	<b>Change</b>	<b>Pre-2022</b>	<b>Post-2022</b>	<b>Change</b>	<b>Pre-2022</b>	<b>Post-2022</b>	<b>Change</b>
		Days	Days	Days	Days	Days	Days	Days	Days	Days
<b>Bail</b>	Mean	84	77	-7	56	96	+40	64	71	+6
<b>Bail</b>	Median	60	64	+3	32	80	+48	31	53	+22
<b>Bail to RUI</b>	Mean	97	141	+44	128	202	+74	124	148	+24
<b>Bail to RUI</b>	Median	82	143	+61	118	223	+105	109	153	+44
<b>RUI</b>	Mean	141	186	+45	134	104	-30	97	108	+11
<b>RUI</b>	Median	137	224	+87	90	90	0	77	87	+10
<b>All</b>	Mean	99	116	+17	94	127	+33	96	94	-2
<b>All</b>	Median	83	97	+14	78	115	+37	75	70	-5

# Recommendation

17. Consideration is given to amending PACE to include a presumption of bail rather than the current neutral position.

# Bail breaches I

- PACE allows for the arrest of suspects for breaching police bail and for failing to answer (FTA) bail
- If the investigation cannot be progressed suspects must be released with the same conditions
- No administrative data were available relating to breaches
- FTA did not seem to be a priority
- Breaches of conditions was a constant theme of interviews and surveys
- PCSC Act 2022 enables the custody clock to be paused for three hours when suspects are arrested with the aim of encouraging arrests
  - Theoretically useful but in practice of limited use
  - It was only useful when investigations were charge ready and they rarely were
  - Little evidence that it had led to an increase in arrests

# Bail breaches II

- Suspects were rarely arrested for breach of conditions because there was no value in doing so
- The usual response was a note on the investigation log
- Little evidence that breaches were risk assessed or risk influenced police responses
- When suspects were arrested, assessing the status of the investigation took time and suspects were often not booked into custody whilst this was done
- Suspects were booked in and out of custody at the same time so they 'passed through the custody block'
- Conditions were viewed as 'toothless tigers'
- Culture of inaction extended to monitoring conditions – it was someone else's (neighbourhood teams, victims) responsibility
- Potential alternative of arresting for a new offences was mentioned as an option, but barriers to using it were described: limited knowledge of investigators' and response teams' and the additional workload involved

# Victims in the pre-charge process

- PACE requires investigators to seek victims' views on whether, and what, conditions should be imposed, notify victims of the conditions which are imposed and any changes to bail/RUI during the investigation
- The Statutory guidance has two expectations in relation to victims
  - the application of conditions when there is a risk to victims
  - Consultation with victims about bail and bail conditions
- Police interviewees stated that safeguarding victims was primary consideration in bail/RUI decisions
- Much stronger theme than in 2017 and likely to mean that victims are more informed about police decisions, however, less evidence that they play an active role in decision-making
- Questions about how authentic the consultations were

# Consultation with victims

- Investigators were required to complete a section on bail application about speaking to victims. This was taken at face value by decision-makers
- Investigators were responsible for consulting victims
  - Most reported that they did speak with victims, if it was convenient e.g. it was not the middle of the night
  - The nature of many interactions was not consultation but letting them know what the police planned to do
  - Police knew best even if this was contrary to victim's views
    - 'If I felt there was an immediate risk, I would trump that' (A29: 5).
    - 'We tend to make the decision around bail conditions on behalf of victims rather than call them and we will put bail conditions in place ... sometimes against victim's wishes because we feel like we need to protect them' (C13: 4).
    - 'Honestly in most situations, it's not really down to the victim to decide'.

# Consultation with victims II

- Conditions would sometimes be altered in response to victims' wishes e.g. to accommodate shared childcare arrangements or put an exclusion zone around work premises
- Most investigators stated that they contacted victims during the investigation as part of a general update rather than to specifically discuss bail.
- There was little evidence that victims were consulted about, or informed of, decisions to move suspects onto RUI
- Victims' organisations suggested that the police imposed standard bail conditions with little thought for victims and consequences for their daily lives, e.g. banning conditions focused only on the victim and their address not other places they habitually inhabit such as workplaces, relatives addresses etc.



# Benefits of bail for victims

- Victims' organisations welcomed PCSC Act 2022 but they were concerned that it did not go far enough
- Bail was important because of protection provided by conditions but this was more in theory than practice
- Symbolic value of bail – signals that the police were taking the investigation seriously which helped with applying for civil orders, family court applications and other services such as housing
- Bail made victims feel safer, reassured them and provided a breathing space
  - 'I think it gives victims a sense of safety, there's a consequence if this person now contacts me ... most victims are scared of reporting. It's often a reason they don't report ... when there's a bail condition to have no contact ... it give[s] the people a little more sense of security that actually, if bail conditions were broken ... potentially [there] would be an arrest'.
- Bail also gave the opportunity for police to work with victims to prevent future offences

# Victims' organisations concerns

- RUI was still being used
- Lack of action after alleged breaches
  - Conditions were not monitored by the police
    - Police relied on victims to report breaches which was confirmed during interviews
    - Places a significant and unfair responsibility on victims
  - No action was taken after breaches were reported
    - No positive outcomes so victims stopped reporting them
    - Arrests could escalate violence
  - Potential impact on conviction rates because victims might withdraw cooperation and stop reporting offences
    - ‘... if they don't feel that they're being protected and they're not feeling safe enough then yes, there's a good possibility that they will just think, actually, it's probably best for me not to go any further with this ... fear of the repercussions ... I think they're definitely more likely to retract’.
- Bail was not always imposed and was removed when civil orders were in place

# Recommendations

17. Additional training is put in place to underline the importance of authentic consultation with victims on relation to the bail/RUI status of suspects.
18. Consideration is given to whether custody officers should have responsibility for consulting and liaising with victims about the bail/RUI status of suspects.
19. Guidance is produced to clarify the relationship between bail/RUI and civil orders and to reinforce the message that they should be used as mutually reinforcing safeguarding measures.

# Concluding comments

- The findings suggest that bail and RUI were treated as administrative processes rather than decisions which impact upon the lives of suspects and victims during a time when the reported offences were allegations, a significant proportion of which did not result in a charge.
- A significant factor in these findings was the pre-eminent position of investigation teams during the whole process. This resulted in many of the checks and balances being removed or reduced to blunt their effectiveness in ensuring that pre-charge bail and RUI were used in ways which adhere to the principles of PACE, especially the separation of custody and investigation functions, and protect the rights of suspects' and victims.
- The current approach is largely endorsed by the Statutory guidance, and it is also expedient for individual officers to manage their workloads and for forces to manage the number of people under investigation and busy custody blocks.
- To ensure a fair, workable and effective bail/RUI process requires changes to PACE, the Statutory guidance and forces' policies and practices.
- The number of individuals on bail and RUI is large and growing adding to pressures on forces. Further scrutiny of initial decisions to investigate alleged offences and particularly what is and is not a reasonable line of enquiry would assist with reducing the number of individuals on bail and RUI.