

### **ABP in Serious or complex cases**

In exceptionally serious or complex cases the ABP will be decided on a case by case basis. Serious and Complex cases are known as 'Designated cases'; these are ones which are classified as exceptionally complex by a qualifying prosecutor (defined in section 47ZE (9) of the Police and Criminal Evidence Act 1984 PACE).

Routine cases that are time consuming and complicated may not be exceptional - it is for a qualifying prosecutor to make the decision, after being consulted by the Police.

The Financial Conduct Authority (FCA) and Serious Fraud Office (SFO) both have their own qualifying prosecutors who will designate the appropriate cases they have responsibility for.

The difference with these cases in relation to pre-charge bail is that they may qualify for an extended ABP to six months, but this would require the appropriate authorisation by an officer of the rank of ACC or above. They can also have a third ABP extension of up to six months before the case has to be presented to a Magistrates' Court for further extension. The ACC is required to authorise this extension, but before doing so it is necessary to consult with a qualifying prosecutor, to ensure the case has been designated and to inform a better understanding of the complexities of the investigation, such as:

- The number of suspects and victims.
- The amount and nature of digital material.
- The number of offences under consideration.
- The volume of potential prosecution evidence.
- The volume of unused material to be considered.
- Investigations abroad.
- Issues relating to the use of sensitive material in evidence (including the use of any undercover officers, immunities from prosecution and witness anonymity).
- Issues relating to highly sensitive, unused material (including RIPA and CHIS).
- The length of any trial (exceeding 40 days).

All ABP extensions should follow the separate stages to achieve a six-month ABP, regardless of when a case becomes designated as being exceptionally complex.

Therefore, for Police cases this follows the three-stage process (i.e. Inspector - initial 28 days, Superintendent – 3 months, then if designated, a further 3 months by an ACC).

