

Pre-charge bail data

September 2017

Overview

This document contains an initial collection of data from forces on disposals post arrest, since the changes to legislation regarding pre-charge bail in April 2017. Forces will submit 12 months of data on pre-charge bail as part of the Annual Data Requirement (ADR) to the Home Office, one year after the introduction of the legislation.

Please note caution about the data

Caution should be applied when drawing conclusions from the data as it has been taken from a variety of force IT systems used to manage bail operationally, which are continuously updated by forces, and not subject to data quality assurance checks. As a result there is a lack of consistency in how the data are recorded and summarised.

In addition, some forces have provided a snapshot of arrests and disposals on the system in the specified months, which means some of the disposals provided in the data may have been for arrests that occurred in the previous month.

The data were collated by the National Police Chiefs' Council and analysed by the College of Policing.

Data collected by the National Police Chiefs' Council from 30 forces are presented in this paper. There are a number of disposals that may not be included in the data as they are administered after the initial disposal e.g. postal requisitions, which inform a suspect of when they need to attend court for a criminal charge.

It is only possible to present the change in percentage points, rather than numbers, as it would be comparing a sample of one month's pre-legislation change to that of three months' post-legislation change.

Background

Significant changes to the law around police bail came into force across England and Wales on Monday, 3 April 2017.

Under the new legislation, part of the Police and Crime Act, police are required to release suspects under investigation (RUI) without using bail in the majority of cases, unless it is necessary and proportionate. The use of bail is likely to be in cases where conditions are required to protect vulnerable people, prevent interference with evidence or prevent a flight from justice.

There are now three main bail periods that the police can authorise. These are:

1. Initial bail for 28 days authorised by an inspector.

2. An extension to the initial bail period, to three calendar months from the bail start date, authorised by a superintendent.
3. A further three calendar months' extension, authorised by an assistant chief constable or commander, for exceptionally complex cases.

All other extensions to the bail period beyond three months must be authorised by a magistrate's court.

The National Police Chiefs' Council and the College of Policing have been requesting information from forces following the changes, to identify any emerging issues or areas of learning.

Summary of the data on pre-charge bail (April – June 2017)

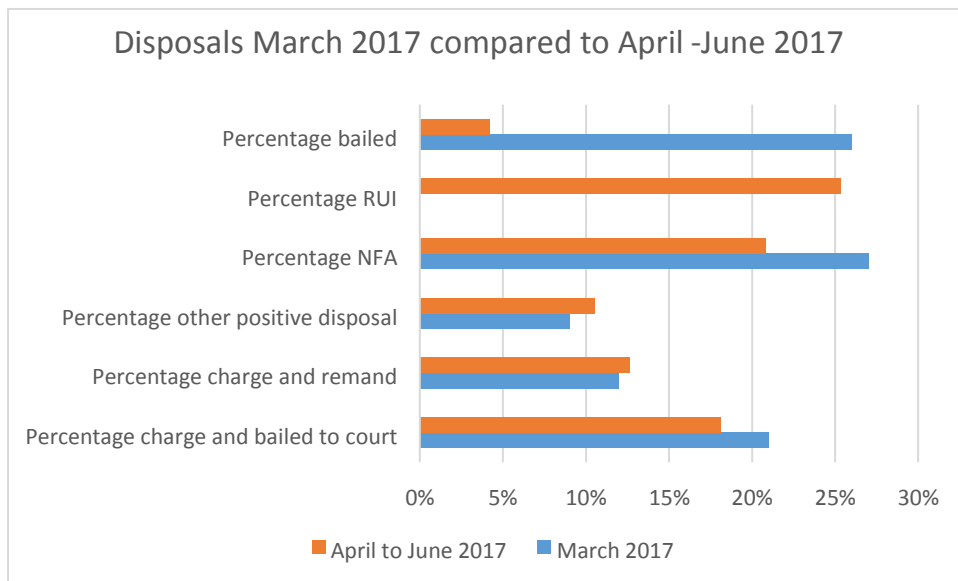
- In a sample of 30 forces, the proportion of disposals listed as pre-charge bail in March 2017 was 26 per cent. In the three months up to June 2017 it was four per cent.
- The majority of cases in the sample of data from April to June 2017 are listed as 'released under investigation.'
- Between April and June 2017, in the 28 out of 30 forces that supplied data on extensions to bail there were 542 extensions to bail authorised by superintendents and three authorised by the courts.

Table 1 – Arrests and disposals in March 2017 and April to June 2017

Management information from 30 forces	March 2017	April to June 2017	Difference Percentage points
Number of arrests	51738	148348	
Percentage charged and bailed to court	21%	18%	-3%
Percentage charged and remanded	12%	13%	1%
Percentage other positive disposal	9%	11%	2%
Percentage No Further Actioned	27%	21%	-6%
Percentage Released Under Investigation	0%	25%	25%
Percentage bailed	26%	4%	-22%
All disposals	96%	91%	

**Data supplied by forces include some unaccounted disposals.*

Chart 1 – Disposals March 2017 and April to June 2017 (30 forces)



Explanation of the terms used in the table and chart

Charged and bailed to court: Suspect is charged and can return home until the court hearing - but will be on bail and may have to follow certain rules as part of their bail, known as 'bail' conditions.

Charged and remanded: Suspect is charged and held in custody until they are taken to the court hearing.

Other positive disposal: Cautions, Penalty Notice, Community Resolution etc

NFA: Suspect is released, no further action (NFA) is to be taken by the police (unless new evidence were to come to light).

Released under investigation: Suspect is released without bail but further investigation is required.

Superintendent authorised extensions

Twenty eight of the thirty forces** that supplied data for the period April to June 2017 were also able to provide data on superintendent authorised extensions to bail. The total authorised by superintendents in the sample of forces over that period was 542, ranging from zero in some forces to 108. A total of three cases from the sample were authorised by the courts in this period.

**Two forces were unable to supply the extensions to bail data.

Explanatory notes

- The National Police Chiefs' Council provided these data to chief constables to raise awareness of the indications in the reduction of bail use and emphasise the need for close monitoring of risk assessment in selection of disposal methods post arrest.
- Sexual and violent offences are those which are most likely to satisfy the 'necessity and proportionality' requirements under the new legislation.
- In 2016 the College carried out a study, prior to the introduction of the new legislation, which found that cases involving violence and sexual offences and those

complex offences, such as fraud, which required forensic analysis or examination of information from mobile phones, were often the subject of lengthy pre-charge bail periods and bail conditions.

Next steps

Forces will continue to:

1. Closely monitor the use of pre-charge bail ensuring appropriate risk assessments are carried out prior to decision making.
2. Track cases where suspects are released under investigation so that effective and efficient case management and, where appropriate statutory time limitations, are met.
3. Maintain close working relationships with others across the criminal justice system.

The impact on the criminal justice system and, in particular, victims and witnesses, is unlikely to be fully understood for some time. It is also not yet possible to establish the full, and ongoing, costs associated with the change in legislation. Police forces have changed their IT systems and deployed personnel to carry out the newly required functions and monitor implementation.