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Rt Hon Priti Patel MP
Home Secretary
2 Marsham Street
London
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15th January 2021

Dear *Priti*

Response to the HMICFRS report: “Pre-charge bail and released under investigation: Striking a balance”

Under Section 55(5) of the Police Act 1996, as Acting Police and Crime Commissioner I am pleased to provide my formal response to HMICFRS’s report entitled “Pre-charge bail and released under investigation: Striking a balance.”

The Acting Police and Crime Commissioner and Chief Constable endorses these responses to the recommendations. I note that the majority of the recommendations are for NPCC, the College of Policing, CPS and the Home Office.

I will then take further reassurance from the Chief Constable via my Board meeting in due course once the recommendations are in place given that it is for police forces themselves to implement the changes.

The HMICFRS recommendations and constabulary response are attached in Appendix 1

Yours sincerely

Ray Bisby
Acting Police and Crime Commissioner for Cambridgeshire and Peterborough
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HMICFRS recommendations and constabulary response:

- 1. The Home Office should work with police and the College of Policing to review the legislation for bail and RUI. The bail consultation completed in 2020 should provide evidence for reviewing who must authorise bail and time frames for bail extensions. The learning from this report should inform this work.**

Force response: This recommendation is addressed to the Home Office. The Constabulary will await further information.

- 2. The Home Office should work with police and the College of Policing to make sure forces have enough time and adequate resources to prepare for any future changes to the legislation which arise from the bail consultation. They should also provide police forces with comprehensive guidance and protocols on the changes.**

Force response: This recommendation is addressed to the Home Office. The Constabulary will await further information.

- 3. The Home Office and the National Police Chiefs' Council (NPCC) should work together to develop and put in place data collection processes to give an accurate national picture of RUI and pre-charge bail.**

Force response: This recommendation is addressed to the Home Office and the NPCC. The Constabulary will await further information.

- 4. The Home Office should work with police forces and the College of Policing to develop and implement monitoring arrangements to make sure that changes resulting from the bail consultation are effective.**

Force response: This recommendation is addressed to the Home Office. The Constabulary will await further information.

- 5. The Home Office should work with the NPCC, the CPS and the College of Policing to make sure that any changes to the legislation secure improvements for victims of crime.**

Force response: This recommendation is addressed to the Home Office. The Constabulary will await further information.

- 6. The College of Policing should work with the NPCC to ensure that clear guidance is developed for officers in relation to updating suspects who are RUI on the progression of their cases.**

Force response: This recommendation is addressed to the College of Policing. The Constabulary will await further information.

- 7. The College of Policing and NPCC should work together to develop clear guidance for police forces so that all cases involving serious harm and risk, such as domestic abuse and stalking, are subject to bail with conditions to protect victims and require a new risk assessment before a suspect's bail status changes.**

Force response: This recommendation is addressed to the College of Policing and the NPCC. The Constabulary will await further information.

- 8. Forces should develop processes and systems to clearly show whether suspects are on bail or RUI. This will help them to better understand the risk a suspect poses to victims and the wider community and will help to increase safeguarding.**

Force response: The Constabulary uses the Athena system for recording whether suspects are on bail or released under investigation (RUI). There is an established process for recording bail, however Athena does not currently cater in full for the changes introduced by the Policing and Crime Act 2017, including recording RUI. Whilst an interim solution has been developed for forces in the Athena consortium to enable the recording of RUI, there are some flaws in the data because of the way RUI is dealt with in the system. Data relating to the use of bail and RUI is included in the monthly Force Performance Board Review for scrutiny and oversight. This will continue to be reviewed whilst the Constabulary awaits enhancements to the Athena system to better measure and report on bail and RUI.

- 9. Forces should record whether a suspect is on bail or RUI on the MG3 form when it is submitted to the CPS. This should be regularly checked and any changes in bail or RUI provided to the CPS. The CPS should work with the police to ensure this information is provided.**

Force response: This recommendation has been reviewed with forces in the East of England and work is in progress to ensure information on whether a suspect is on bail or RUI is routinely provided to the CPS via the MG3 checklist.

- 10. The CPS and NPCC should work together to review their service level agreements and make sure that cases can be charged at the earliest opportunity.**

Force response: This recommendation is addressed to the CPS and NPCC. The Constabulary will await further information.