

The Nottinghamshire Police and Crime Commissioner's response to the publication of Her Majesty's Inspectorate of Constabulary's (HMICFRS) - Pre-charge bail and released under investigation Striking a balance (Dec 2020).

[The report can be found here](#)

During 2019 HMICFRS inspected six forces on how they used bail and released under investigation (RUI) in 2019. Nottinghamshire Police was not inspected.

The background to this inspection was the enactment of The Policing and Crime Act 2017 which introduced a number of changes to policing. One of the main elements of the legislation made changes to police bail. In particular, it introduced the presumption of release without bail (although bail can still be applied if the police consider it "necessary and proportionate in all the circumstances"). This change allowed for the principle of releasing suspects under investigation, although the legislation does not cover how this should operate.

The changes were intended to remedy the problem of suspects being on bail for long periods of time, which caused concerns and uncertainty for both victims and suspects.

HMICFRS found that investigations involving suspects released under investigation (RUI) tend to take longer and are subject to less scrutiny than ones involving bail. Some victims of domestic abuse do not receive any of the protections which can be provided by bail conditions when their abusers are RUI. And for suspects who are RUI, the justice process can take months or years. The scrutiny that is applied to bail cases is lacking in RUI cases, leaving suspects in limbo for months and in some cases over a year.

Like HMICFRS I think this is unacceptable.

I am aware that officers in Nottinghamshire also struggled with the legislation and that on occasions some offenders which were released under investigation probably should have been released on bail. It is therefore unsurprising, that HMICFRS concluded that too little consideration has been given to how the bail legislation changes would affect victims and that RUI leaves too many of them without the reassurance and protection that bail conditions can provide.

I am pleased these problems are now widely recognised, and that the Home Office has recently completed a public consultation on changes to the legislation and I hope that the lessons learned, and this inspection report will contribute to amendments to the legislation to ensure that victims are better protected.

The report makes 10 recommendations to help bring about improvements, 2 of which are specific to all Chief Constables to develop processes and systems and record keeping to clearly show whether suspects are on bail or RUI.

The Force will continue to use its dedicated 4ACTION database for tracking and responding to all HMICFRS recommendations and areas for improvement overseen by the Deputy Chief Constable. The Force also provides regular HMICFRS update reports to my Joint Audit and Scrutiny Panel (JASP) who provide additional scrutiny in these important areas.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paddy Tipping'.

Paddy Tipping
Police and Crime Commissioner