

<b>Audit</b>	<b>Released Under Investigation</b>
<b>Assurance Opinion</b>	<b>Limited Assurance</b>
<b>Overall Risk</b>	<b>Medium Risk</b>

### Introduction

Section 47 of the Police and Criminal Evidence Act 1984 makes provision for Police Bail after arrest and provides that a Custody Officer can grant pre-charge bail with or without conditions. This has since been amended to the Policing and Crime Act 2017. Under amendments to the Act, the presumption will be for a person to be released without bail. The Custody Sergeant must be satisfied that where bail is required that it is both necessary and proportionate in all circumstances.

A new disposal under the Act, is the option to release without bail but still under investigation, i.e. Released Under Investigation (RUI). This is used where a suspect is released under investigation without any bail conditions and without any requirement on the part of the suspect, to report to the police once they have been released.

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) most recent Effectiveness Report identified that Humberside Police dip sample cases in order to monitor the correct usage of RUI. The force has also developed a new policy which sets out investigators' and supervisors' responsibilities when using RUI, this includes consideration of its suitability to use in domestic abuse, child abuse, and sexual offences, stipulating that pre-charge bail must always be considered first in these cases. However the HMICFRS report did identify that management oversight is inconsistent, despite data being available to facilitate this.

### Main Findings

#### RUI Management

From the outset of the review, it was identified that current Connect functionality means that data regarding outstanding RUI investigations is not of the required quality. This is due to a disconnect between the Case and Custody aspects of the Connect system, which often results in an investigation being concluded and the subsequent RUI remaining open on the Custody Record. This had been identified as an issue and subject to review by the Audit and Inspection Team within the force, in order to ensure that outstanding RUI's can now be closed down, where necessary. This review has resulted in a significant reduction in the number of incorrectly recorded RUI's.

Oversight of RUI disposals is also in place from the Bail/RUI Gold, Silver, and Bronze Groups, as well as through a Bail Manager role which has been put in place on a temporary basis to provide oversight of the newest Bail/RUI disposals. Prompting OICs/Supervisors when reviews are required and updates are needed, as well as ensuring that cases are closed appropriately. Internal Audit did however recommend that a more permanent solution is sought for effective Bail/RUI management and to prevent the recurrence of such data quality issues. In addition, once data quality is more effectively managed, Internal Audit recommended that assessments can then be undertaken of those offences for which RUI is being used. An assessment during the course of the review identified that RUI is being utilised for high-risk offences such as Sexual, Child, and Murder offences, which policy states should not be the case without adequate rationale.

#### Authorisation for RUI Disposals

Consideration was given to the levels of authority required for a suspect to be released via the RUI disposal, and IA identified that in the majority of cases this authority came from the Custody Sergeant despite policy stating that the Evidence Review Officer should be the one to provide this. The key concern raised was that should additional, and potentially more serious offences occur whilst the suspect is RUI, that questions could be raised of the Custody Sergeant who appears (albeit incorrectly) to have authorised the release. This is in addition to RUI Disposals not being supported by an effective rationale to support its use, in the majority of cases this rationale constituted one line and gave limited consideration of the threat, risk and harm associated with the release. Examples of rationales included: witness statement required, victim statement required, CCTV/digital evidence required, all of which would constitute areas which fall under 'Golden Hour' principles and should as far as possible be conducted whilst the suspect is in custody. As such, it cannot be effectively demonstrated why RUI was considered to be the most appropriate disposal and whether any assessment was undertaken of the threat, risk, harm, and the potential vulnerabilities of the victim.

#### Supervisory Oversight

Review of RUI disposals also determined that whilst the majority of investigations had some evidence of supervisory review, these updates provided varying levels of detail and did not appear to be making consistent enquires of the Officer in the Case (OIC) in terms of the expediency of the investigation, updates to the victim and suspect, and making the necessary contact to Custody at

the conclusion of the investigation. In addition, Supervisor's should be ensuring that the level of risk associated with an RUI release is subject to regular assessment, particularly where it is used for offences including Murder, Domestic Abuse, Child, and Sexual Offences. However, Internal Audit found that THRIVE assessments are undertaken in the majority of cases at the outset of an investigation, but do not always occur in relation to the suspect and the investigation once they have been RUI. Overall the consistency of the quality and thoroughness of these checks is falling below the required standard, as a result OIC's are not being adequately held to account for ensuring that their responsibilities are being met throughout an investigation.

Furthermore, oversight should also be in place from Inspector and Superintendent level, who should conduct reviews of the continuing necessity of an investigation at 3 months and 6 months, respectively. A small proportion of RUI cases examined had evidence of these reviews taking place. These reviews are considered to be an imperative, in order to provide adequate scrutiny of OIC's and Supervisor's and ensuring that the necessary responsibilities are being met. It was however highlighted through the course of the review that dashboard functionalities on Connect are being developed to assist Inspectors and Chief Inspectors in overseeing outstanding Bail/RUI within their area of responsibility.

#### Custody Sergeant Responsibilities

As per the current Bail/RUI policy, the role of the Custody Sergeant should be to administer the RUI release process and to ensure that the released suspect is made aware of their responsibilities with regards to further interview and changes of address, as well as advising them around committing further offences such as witness intimidation. As a part of this role the Custody Sergeant should generate an RUI notice which provides this information to a suspect, however IA identified in the majority of cases that this notice was not evident via the Connect Custody record and was rarely regenerated when the previous notice had expired.

It was also identified that policy clarity could be improved in regards to the Custody Officer role. Policy states that the Custody Sergeant should undertake roles on both the Custody and the Case aspects of Connect. However, Internal Audit would consider that the Custody Sergeant should be responsible for administration whilst the suspect is in Custody, and that any elements conducted in regards to the investigation and Case should be the responsibility of the OIC.

#### **Recommendations and Management Action**

Six recommendations were raised and agreed with satisfactory management responses. Five of these were deemed significant and one fundamental, including:

- It is considered that once Connect RUI data is of the required quality that assessment is undertaken of where RUI is being used for higher risk offences, with review taking into account whether the supporting information for why RUI was used is appropriate, proportionate and necessary. Issues identified should be raised via Gold Group mechanisms in order to ensure that rectifying actions can be taken as needed.
- It should be incorporated into Custody processes and subject to regular reminder, to check the level of authority prior to completing a disposal via custody. This is in order to ensure that recorded information is accurate and reflects the appropriate level of authority that has been received.
- The gatekeeper role of the Custody officer should be enforced in order to ensure that the rationale for an RUI release is in place taking into account whether necessary actions have been taken to mitigate the risks to the victim. Where this rationale is insufficient, the RUI disposal should not be used and Custody officers should be empowered to reject its use.
- Supervisors should be reminded of their responsibilities to undertake periodic checks of investigations as per their role requirements. These checks should assess necessary details pertinent to the investigation including:
  - Whether the investigation remains appropriate and that necessary enquiries are being conducted in an expedient manner
  - That the victim and suspect have been updated accordingly on the progress of the investigation
  - That relevant risks and vulnerabilities are being managed effectively.

Where supervisory checks are considered to be inadequate, there should be evidence of Inspector level or Superintendent level scrutiny as required, which should be evidenced via the IEL.

- Assessment should be undertaken of the current Bail/RUI Policy to ensure that it provides sufficient clarity as to the roles and responsibilities of Custody Sergeants, OIC's, and Supervisors, and enforcing the necessity of undertaking these roles to the required standard. Compliance with policy requirements should then be subject to sufficient oversight at a senior officer level.
- Custody officers should be reminded to adequately evidence that the RUI notice has been generated, and where necessary reissued where the EFD has been surpassed whilst the investigation is still ongoing, in accordance with policy requirements.