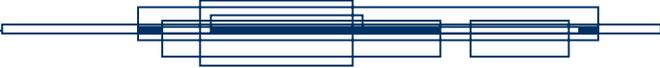


# Handling Volume Crime and the Use of Police Bail

**A review of how the PSNI deal with incidents  
of volume crime and uses of police bail**

December 2006





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incidents of volume crime and uses  
of police bail**

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Presented to the Houses of Parliament by the Secretary  
of State for Northern Ireland under Section 49(2) of the  
Justice (Northern Ireland) Act 2002

**Criminal Justice Inspection  
Northern Ireland**  
*a better justice system for all*







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## List of abbreviations

<b>ACC</b>	Assistant Chief Constable
<b>ACPO</b>	Association of Chief Police Officers of England, Wales and Northern Ireland
<b>APR</b>	Annual Performance Review
<b>BRC</b>	Belfast Regional Control
<b>CID</b>	Criminal Investigation Department
<b>CJI</b>	Criminal Justice Inspection Northern Ireland
<b>CJO</b>	Criminal Justice Organisation
<b>CJS</b>	Criminal Justice System
<b>CJU</b>	Criminal Justice Unit
<b>CPS</b>	Crown Prosecution Service
<b>CSI</b>	Crime Scene Investigator
<b>DCU</b>	District Command Unit
<b>DPP</b>	District Policing Partnership
<b>FPN</b>	Fixed Penalty Notice
<b>FPT</b>	File Preparation Team
<b>GMP</b>	Greater Manchester Police
<b>HO</b>	Home Office
<b>ICIS</b>	Integrated Crime Information System
<b>MIT</b>	Major Investigation Team
<b>MSF</b>	Most Similar Forces
<b>NCHS</b>	National Call Handling Standards
<b>NCRS</b>	National Crime Recording Standards
<b>NIM</b>	National Intelligence Model
<b>NIPB</b>	Northern Ireland Policing Board
<b>PIP</b>	Professionalising Investigation Programme
<b>PND</b>	Penalty Notice for Disorder
<b>PPS</b>	Public Prosecution Service
<b>PSA</b>	Public Service Agreement
<b>PSNI</b>	Police Service of Northern Ireland
<b>SLA</b>	Service Level Agreement
<b>SWIM</b>	Scientific Support Work Improvement Methodology
<b>TIC</b>	Taken Into Consideration
<b>VCMM</b>	Volume Crime Management Model
<b>VCU</b>	Volume Crime Unit



## Chief Inspector's Foreword

These two short reports are the result of an organisational inspection of the PSNI dealing with two categories of their work; the investigation of volume crime and the use of police bail.

The inspection focused on the work of a range of five busy police District Command Units: South Belfast, East Belfast, North Belfast, Foyle, and Castlereagh.

The work involved Inspectors looking at how police bail was being used to assist the investigation process and the numbers of people currently on police bail as well as how volume crime was being dealt with by each DCU. Inspectors examined issues such as resources and methods deployed to record, investigate and prevent volume crime.

The work was completed concurrently with the baseline inspection of the PSNI carried out by HMIC and I am grateful to Chief Superintendent Dave Jones for facilitating joint interviews during the fieldwork phase of our inspection. This meant that disruption to officers and staff of the PSNI was kept to a minimum.

As part of the fieldwork CJI Inspectors met with a wide range of PSNI officers and staff, including relevant DCU personnel and senior managers from PSNI Headquarters in Belfast. They have also examined statistical information relevant to both police bail and volume crime that was readily made available to them. I am grateful to all those involved for their participation and co-operation.



**Kit Chivers**

Chief Inspector of Criminal Justice in Northern Ireland.





Section



# HANDLING VOLUME CRIME





## Executive Summary

This report examines how the PSNI manages volume crime. It studies reporting, recording, investigation, and eventual disposal or clearance. Outcomes for victims and issues of underreporting have not specifically formed part of this report as they have been reported on in a previous CJI publication.<sup>1</sup>

People living in communities that experience high levels of volume crime often display an increased fear of crime.<sup>2</sup> Fear of crime affects a much wider range of people than the victim. Fear can have a detrimental affect on the quality of life of people who are not themselves victims of crime but who may learn about crimes committed in their community. The effect of volume crime on community cohesion should not be underestimated.

Summarising the main findings on volume crime Inspectors found that:

Clearance rates for volume crime are widely variable dependent on category of crime and DCU area. Whilst the PSNI performance in clearing volume crime has been comparable to some other police forces in England and Wales the effect of using Home Office (HO) counting rules is only just beginning to take effect. Performance figures for the first quarter of the 2006-07 recording period show a marked reduction in detections. The National Policing Plan 2005-08 for England and Wales recognises that responsibility for sanction detections<sup>3</sup> does not rest with the police alone. Government has encouraged the police and the prosecution service in England and Wales to work collaboratively and in some cases prosecutors have been located in police stations. This has developed a 'prosecution team' approach to achieving targets and reducing volume crime. If sanction detections are to continue as the preferred method of measuring performance in Northern Ireland, a similar partnership approach could help organisations achieve targets and reduce crime.

Initial response to reported volume crime incidents is often in the hands of communications officers either locally or at a regional control centre such as Belfast Regional Control (BRC). National Call Handling Standards (NCHS) have not as yet been adopted and the PSNI Call Management Strategy is aspirational.

The approach to volume crime is inconsistent across DCUs. The attendance of Crime Scene Investigators (CSI) at volume crime scenes depends on whether local criteria or the Service Level Agreement for attendance are applied. The lack of a structured call management system also affects CSI attendance at incidents as does the location of CSI offices, especially when there are long travelling distances to the scene. A project aimed at improving detections by the use of scientific support has been reported on to a volume crime user group and recommendations have been made.

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1 Improving the Provision of Care for Victims and Witnesses within the Criminal Justice System in Northern Ireland: July 2005

2 Home Office Fear of Crime Team; Tackling Fear of Crime and Disorder in the Community; January 2005

3 Sanction detections are explained in chapter 4 of this report



There are inconsistencies in the quality of investigations into volume crime. Inexperienced investigating officers often lack the skills or knowledge to conduct basic investigations. There are plans to introduce the national Professionalising Investigation Programme (PIP) across the Service to raise investigative standards to a common minimum standard but initial training for Student Officers at the Police College is not equipping probationer<sup>4</sup> officers with the basic investigation skills they require when they first arrive at their allocated DCU. Use of the Volume Crime Management Model (VCMM) is scheduled to be piloted in some DCUs during 2007. The use of the VCMM has the potential to standardise volume crime investigation across all relevant police functions.

Supervisors find it difficult to monitor the quality of investigations being conducted by their junior officers. Often, supervisor intervention is at the case building stage which can be some considerable time after the incident was reported. Some supervisors themselves lack the necessary skills to monitor investigations effectively whilst many in busy DCUs regard such monitoring as low on their list of priorities.

The volume of low level incidents and limited resources at DCU level means that officers do not have a lot of time to devote to volume crime investigations. The introduction of Penalty Notices for Disorder (PND) in England and Wales, that include some volume crime offences, has been successful and has resulted in efficiency savings for some forces. Introduction of a similar system in Northern Ireland could increase the number of available officers at any one time to deal with reported incidents.

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<sup>4</sup> Officers in their first two years of police service



## Recommendations

- It is recommended that the PSNI implements National Call Handling Standards (NCHS) across all its call management functions to enhance any subsequent investigation process (paragraph 2.2).
- It is recommended that the SWIM project report recommendations are implemented as soon as practicable to improve the investigation process for volume crime (paragraph 2.8).
- It is recommended that a fully inclusive consultation process is implemented to identify the skills and knowledge required by officers carrying out investigations at DCUs, and that training at the Police College should deliver to specifications identified from this process (paragraph 2.10).
- It is recommended that the Professionalising Investigation Programme to train officers to an agreed common standard of investigation is implemented as soon as practicable and delivered first to areas experiencing the highest rates of volume crime (paragraph 2.11).
- It is recommended that legislation be brought forward to introduce Penalty Notices for Disorder in Northern Ireland similar to the already existing system in England and Wales (paragraph 3.7).
- It is recommended that to meet targets and increase sanction detections for volume crime the PSNI and the PPS should work more closely together to build a 'prosecution team' approach and that in the longer term, consideration should be given to locating prosecutors in police stations to enhance police access to early advice and guidance (paragraph 4.9).



**PART**



# **Inspection Report**



## CHAPTER 1:

# Volume crime: Definition and consequences

1.1 The Association of Chief Police Officers of England, Wales and Northern Ireland (ACPO), Investigation of Volume Crime Manual<sup>5</sup> states, “On average, 20% of a patrol officer’s daily duty time is spent dealing with volume crime and it is essential that the time is used productively and is concentrated on the outcomes, not outputs.” It identifies volume crime as;

- Street Robbery
- Burglary - Dwelling
- Burglary Non-Dwelling
- Theft (including shoplifting)
- Vehicle Crime - Theft of
- Vehicle Crime - Theft from
- Criminal Damage
- Drugs (link with acquisitive crime)

1.2 The PSNI defines volume crime<sup>6</sup> as: ‘those crime categories of a statistically high importance and for which:

- (a) targets for reduction have been set within the organisational policing plan; or
- (b) through assessment, are determined to be of local community safety importance.’

The types of crime included in the PSNI volume crime policy document include assaults, domestic burglaries, thefts and criminal damage.

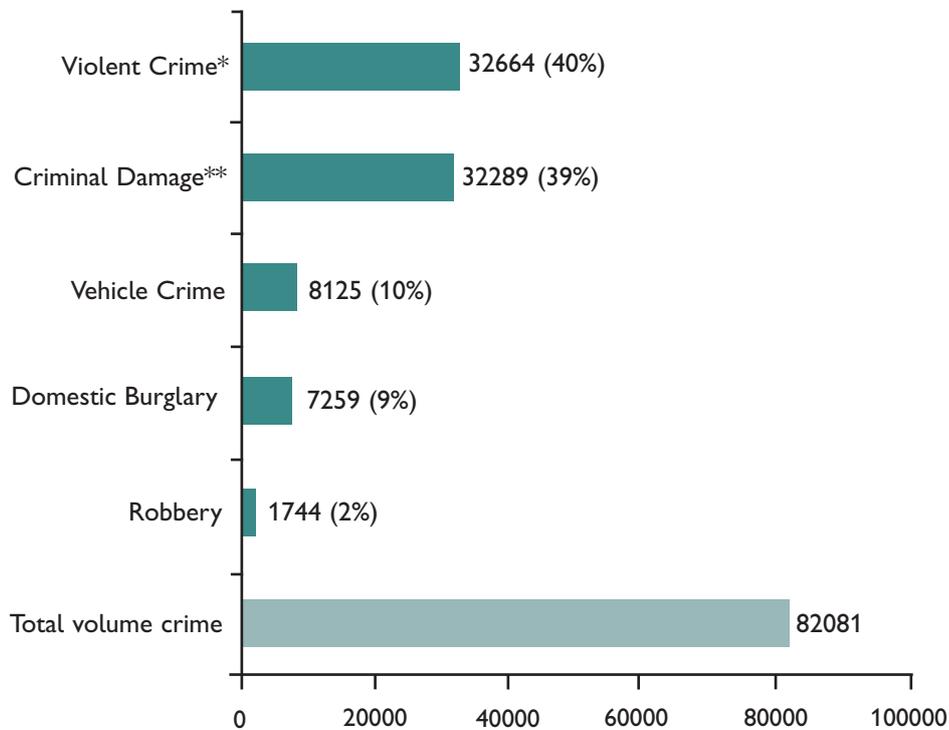
1.3 Given the large numbers recorded, ‘volume crime’ is an appropriate description. During the period 2005/06, the total recorded numbers of volume crime including criminal damage was 82,081 out of a total crime figure of 123,194, which is two thirds of the total recorded crime for that period.

<sup>5</sup> ACPO Investigation of Volume Crime manual 2001

<sup>6</sup> PSNI Volume Crime Policy Directive 03/05



**Figure 1: Volume Crime recorded by the PSNI 2005/06**



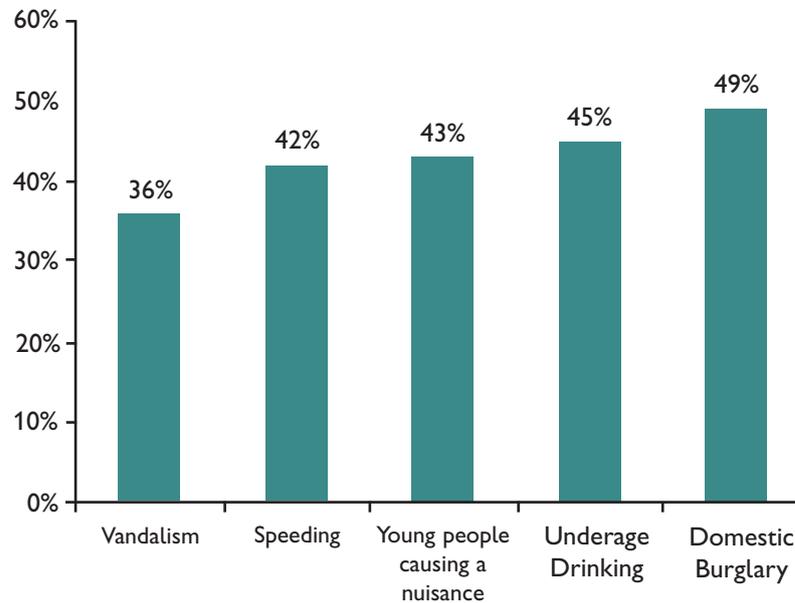
\*Not including robbery \*\*Excluding arson, petrol bombing and explosives offences

1.4 Figures supplied by the PSNI for the first quarter 2006/07 show that there were a total of 12,618 volume crimes (excluding criminal damage). A detailed breakdown of the volume crime statistics by police District Command Unit (DCU) is contained in Appendix 2. Clearance rates are widely variable dependent on the category of crime and DCU area.

1.5 The Northern Ireland Policing Board (NIPB) has carried out public consultation surveys<sup>7</sup> across Northern Ireland to establish what people saw as the most important policing issues in their area. Results from the October 2004 publication show that the public felt the highest priority issues locally were those shown in Figure 2.

7 District Policing Partnership (DPP) Public Consultation Survey 13 October 2004

**Figure 2: Public level of importance of policing issues 2004**



Whilst these categories do not always relate specifically to volume crime as defined in Figure 1, the responses show that local priorities as perceived by the public revolve around volume crime issues. As part of the same surveys the public were also asked which activities they felt their local police should concentrate most resources on in their council area.

1.6 It is clear that the public rank volume crime issues including low-level criminal damage (vandalism), as amongst the higher priorities that the PSNI should address. Proper resourcing and investigation activities are identified by the public as the

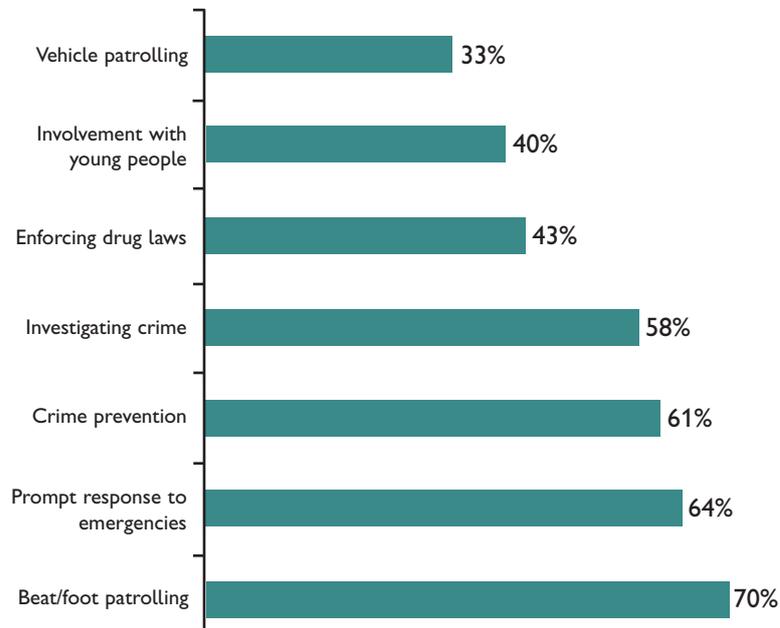
most important ways of tackling the policing issues in their local area.

1.7 Volume crime has a significant impact on communities and the fear of crime. It is often a barometer for other social problems and can highlight issues around community cohesion and indicators such as drug and alcohol problems. Fear of crime increases amongst people who live in areas that have a high incidence of volume crime and this fear has a detrimental effect on community cohesion. A sense of community safety is closely linked with lower levels of violent crime, domestic burglary and vehicle crime.<sup>8</sup>

<sup>8</sup> Crime and cohesive communities Dr Elaine Wedlock, Research, Development and Statistics – Communities Group Home Office, online report 19/06



**Figure 3: Public level of importance of policing issues 2004**



1.8 Methods of dealing with volume crime issues vary across police services. Most centre on the use of the National Intelligence Model (NIM) to help direct resources more effectively. NIM uses recognised good practice in policing and the use of intelligence along with standardised processes to aid the development of strategies and tactics and to direct police resources where they are most required. The PSNI have adopted the NIM and it was well established in all the District Command Units visited during this inspection.

1.9 PSNI statistics for 2005/06 indicated that overall crime is increasing. Violent crime increased by 5.8% whilst reported occurrences of criminal damage rose by 10.7%. On the other hand vehicle crime decreased by 17% and domestic burglary fell by 0.6%. More recently, between April and August 2006 there was a reduction in the number of domestic burglaries by 11% compared with the same period in 2005. It is too early to determine whether the reductions in vehicle crime and domestic burglary are sufficient to offset the effect on communities of the rise in violent crime. At the time of fieldwork Inspectors were not made aware of any work being undertaken in this area.

## Investigation processes

2.1 When a report of an incident is made it is recorded on the Command and Control system and an initial decision is made as to the category of incident, which may be a crime or non-crime matter. The classification can be subsequently amended on the Integrated Crime Information System (ICIS) following police attendance at the scene based on further details gathered as part of any investigation.

2.2 Initial classification of a crime and the first response to reported incidents are often in the hands of communications officers either locally or at a regional control centre such as Belfast Regional Control (BRC). Inspectors were told that these centres operated more along the lines of call handling rather than the call management centres they should be. The PSNI has a Call Management Strategy that envisages moving to a more effective and customer focused call management system, but this is aspirational and will not be in place for some time yet. Presently, classification of incidents relies heavily on the person receiving the initial report, usually by telephone. Inspectors were given many examples where information given to the call handler by a member of the public

was not subsequently passed on to the officers attending the incidents nor formally recorded on the electronic system for future use. In the interim period before the implementation of the call management strategy it would be useful to apply National Call Handling Standards (NCHS)<sup>9</sup> and move to a service-wide call grading system. Applying standards and enhancing the skills of staff involved at the initial call stage would improve effectiveness in dealing with volume crime. For example, a skilled call handler could give advice to victims on simple scene preservation whilst awaiting the attendance of officers. **It is recommended that the PSNI implements NCHS across all its call management functions to enhance any subsequent investigation process.**

2.3 The level of attendance at reported incidents varied across and within all the DCUs visited during this inspection. In many cases officers attending volume crime scenes are probationer Constables in the first two years of their service. It is recognised that much front-line policing is delivered by officers with limited policing experience

9 ACPO: National Call Handling Standards, 2005



and even the most serious of crimes are usually attended first by less experienced officers. However, in serious cases responsibility for investigation passes to more experienced and suitably qualified officers such as Detectives or Senior Investigating Officers. With volume crime the whole investigation is often conducted by less experienced officers.

- 2.4 There were also variations in the seriousness of volume crime cases investigated by less experienced officers. Inspectors found that in some DCU areas serious assaults such as Grievous Bodily Harm with intent, are investigated by the local Criminal Investigation Department (CID). However, in other DCUs uniform personnel including probationers conduct such investigations.
- 2.5 Additionally, the attendance at scenes of Crime Scene Investigators (CSIs) varied from area to area and incident to incident. Attendance of CSIs at scenes, (1.69 per day) is below the average, (2.35 per day) of other UK police forces.<sup>10</sup> Inspectors found that this was due to many factors such as the location of the Crime Scene Investigator's office and whether the crime was committed in a rural area or not. But it was also due to the lack of a structured call management system and the setting of crime scene attendance criteria by each local DCU.
- 2.6 The Service Level Agreement (SLA) on scene attendance states that the

investigating officer should make an assessment of each scene and determine whether or not a CSI is required. In practice these decisions are taken out of the hands of officers by the implementation of local rules as to CSI attendance. Whilst DCU criteria on scene attendance may reflect local needs it also affects the consistency of service delivery across the whole of Northern Ireland.

- 2.7 Inspectors understand the rationale for applying local criteria in the context of DCUs deploying a high percentage of less experienced officers to attend crime scenes. However, where possible, initial responsibility for determining whether a CSI is required at a scene should rest with a competent attending officer. This approach, set out by the SLA, pre-supposes that the officer at the scene is suitably qualified to make this judgement. The introduction of local criteria by DCUs is an indication of the reality of the situation regarding the lack of experience and skills of many officers attending scenes. DCUs are playing it safe. These issues raise questions about the effectiveness of basic investigative skills training that are commented on in paragraphs 2.9 to 2.11.
- 2.8 A volume crime user group chaired by the Assistant Chief Constable (ACC) Criminal Justice has been constituted to take forward issues such as the level of involvement of CSIs at local level to aid the investigation process. A Scientific Support Work Improvement

<sup>10</sup> Final Report on Opportunities to Improve the Effectiveness and Efficiency of The Police Service of Northern Ireland's Scientific Detection Process; Lanner; June 2006



Methodology (SWIM) project aimed at improving detections by the use of scientific support has been reported on to this group. The report made several recommendations for improvement and Inspectors believe that implementation of these recommendations would improve the investigation of volume crime. **It is recommended that the recommendations of the SWIM project report are implemented as soon as practicable to improve the investigation process for volume crime.**

- 2.9 Variations in how investigations are conducted are inevitable given the diversity of crimes, type of area, scenes and officers. However, Inspectors were told that when probationer officers arrive at their allocated DCU from the Police College they are poorly equipped to deal with the range of investigations that they are expected to undertake. Inspectors found that local DCUs had attempted to fill the perceived gap in probationer officers' knowledge through their own District Training arrangements. However, it was suggested to Inspectors that the gap in officers' knowledge could be addressed at the Police College by conducting mock investigations that cover the basic skills an officer needs to conduct a proper investigation. Given that the officers most likely to deal with volume crime are those who are still probationers this lack of basic investigation skill has a detrimental effect on the quality of service delivered.

- 2.10 Whilst there has been consultation with DCUs as to their needs in respect of the level and type of training given to officers at the Police College, Inspectors found that some senior DCU personnel felt that there had been little improvement as a result. Previous attempts at consultation with DCUs as to their training requirements in general have also had a poor response<sup>11</sup> and this may be indicative of the frustration with the Police College felt at DCU level. Before embarking on any changes to Student and other officers' training to investigate crime, it is necessary to establish exactly what skills are required by officers whilst working at DCUs. This should, as far as is possible, include identifying the skills and knowledge required now, and those reasonably expected to be required in the future. **It is recommended that a fully inclusive consultation process is implemented to identify the skills and knowledge required by officers carrying out investigations at DCU, and that training at the Police College should deliver to specifications identified from this process.**

- 2.11 Inspectors were told that there is a lack of experience of conducting investigations amongst Detective officers and also some supervisors. This has created a skills gap and affects the quality of investigations into volume crime across the service. In addition to any training delivered to Student Officers, Inspectors were told that there are plans to train all

<sup>11</sup> Best Value Review of Police Training; PSNI: Her Majesty's Inspectorate of Constabulary, April 2005



officers, including supervisors and Detectives, to a common standard of investigation using the PIP. Senior Investigating Officers (SIOs) are undertaking the programme at present and it is planned to extend the programme to other officers from March 2007. To do so would be an important step in providing a consistent level of service across Northern Ireland and Inspectors recommend that such development is implemented as soon as possible and is targeted first at areas experiencing high rates of volume crime.

**It is recommended that the Professionalising Investigation Programme to train officers to an agreed common standard of investigation is implemented as soon as practicable and delivered first to areas experiencing the highest rates of volume crime.**

- 2.12 Inspectors found that monitoring of the quality of investigations into volume crimes also varied across the DCUs visited. Supervisors told Inspectors that monitoring was often ad-hoc, based on examination of case files after they had been prepared, and rarely linked to the annual performance review (APR). Inspectors were given examples of investigations that had been concluded with no intervention or monitoring by supervisors, especially with regard to motor vehicle crime. The fact that investigations are getting to their final stages before any monitoring or intervention by supervisors is of concern given that the majority of officers conducting investigations are not experienced. While Inspectors recognise that

supervisors may themselves lack the necessary skills or experience in conducting investigations and may regard monitoring of investigations by their officers as low on their list of priorities, this is an important area to address.

## Management of resources

- 3.1 It was obvious to Inspectors that DCUs are working very hard to try to address volume crime issues. The level of service experienced by the public in each of the DCUs is variable according to the local arrangements for tackling volume crime. All of the DCUs have a Crime Manager whose function is to co-ordinate the response to volume crime. However, only some of the areas have a dedicated Volume Crime Unit consisting of a small number of Detectives and uniform personnel whose role is purely investigative.
- 3.2 In all DCUs visited there was a recognition that dealing with volume crime was the 'bread and butter' for many officers and that it had a detrimental effect on individuals and local communities. Inspectors found that there was a sense of frustration amongst many officers in the DCUs who perceived that they did not have the necessary resources in terms of numbers or experience to deliver an effective service. Inspectors found that 15 out of 28 operational DCUs are below their establishment figure for Detective officers. Rural region is operating at eight Detectives below establishment whilst Urban region is 17 below strength.
- 3.3 Volume crime is dealt with by local resources at local level. This means that DCU Commanders have responsibility for volume crime in their area and they are held to account for their performance by their regional ACC at regular 'Patten 78'<sup>12</sup> meetings. DCU Commanders are also held to account publicly through the District Policing Partnerships (DPPs). Serious crime is dealt with by Crime Operations whose resources are separate from those available locally. Inspectors found that local DCUs had lost many of their experienced Detective officers to Crime Operations when Major Investigation Teams (MITs) were formed. There are a total of 10 MITs across Northern Ireland with an establishment of 230 officers but operating at six officers under strength.
- 3.4 It was suggested to Inspectors that MIT personnel could be utilised at local DCU level when there were less murders or other serious crime to investigate. However, the logistics

<sup>12</sup> Recommendation 78 of The Report of the Independent Commission on Policing for Northern Ireland (The Patten Report) stated that, 'District commanders should be required regularly to account to their senior officers for the patterns of crime and police activity in their district and to explain how they propose to address their districts' problems.'



of this would be difficult as the workload for MITs is unpredictable and at times is very resource intensive. MITs do already provide assistance to DCUs in the initial investigation stages of serious crimes that have the potential to become murder enquiries. Nevertheless, resources are strained within DCUs and this has a detrimental effect on the investigation of volume crime.

- 3.5 In general, officers that are engaged in investigating volume crime are the same officers that are delivering everyday policing, attending calls and dealing with anti-social behaviour and other low-level crime affecting community cohesion. If these officers are already working very hard and further resources are unavailable, which Inspectors believe to be the case, then extending the range of options that are available to deal with volume crime may improve police effectiveness in this area. Low level crime in England and Wales has been subject to Penalty Notices for Disorder (PND) since being introduced by the Criminal Justice and Police Act 2001. Following pilot schemes during 2002, all police forces in England and Wales adopted the notices during 2003/04.
- 3.6 PNDs operate in a similar way to the existing Fixed Penalty Notice (FPN) scheme for motoring offences already in operation in Northern Ireland. The system does not interfere with any existing remedy in law. Officers' powers of arrest, where applicable, are unchanged. Use of the PND system is at the officer's discretion

but only in circumstances where the offence committed is minor, straightforward and not part of a wider pattern of behaviour. PNDs are not 'on the spot fines', recipients have the opportunity to have the matter heard before a court if they elect to do so within 21 days of issue of the notice. Tariffs are set at £50 for less serious offences and £80 for more serious offences such as damage to property. The system has been operating in England and Wales since 2003/04 and there is evidence that it resulted in efficiency gains for some police forces. Lancashire Constabulary estimated a potential efficiency saving of £384k for the first six months of the financial year (2005/06) and Northumbria Police estimated that it costs on average £2 to administer a PND as opposed to £54 for an average court file.<sup>13</sup>

- 3.7 A substantial portion of police officers' time on duty is spent on investigating low level offences, reducing the time an officer has for patrolling and for other investigations. PSNI figures for the year 2005/06 show that the number of recorded crimes of criminal damage at Figure 1 (32,289) represents 26.2% of all recorded crime. Whilst Inspectors recognise that detections for offences of damage are low the investigative process involved still represents a substantial amount of work for local DCU officers. The PNB system as introduced in England and Wales includes offences such as destroying/damaging property (under £500) and retail theft (under £200). Introducing a similar system in

<sup>13</sup> Penalty Notices for Disorder: Review of practice across police forces; Office for Criminal Justice Reform, February 2006



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Northern Ireland could reduce the amount of time spent by officers in preparing files for prosecution and thereby increase the available pool of officers at any one time, to deal with other matters.

**It is recommended that legislation be brought forward to introduce Penalty Notices for Disorder in Northern Ireland similar to the already existing system in England and Wales.**



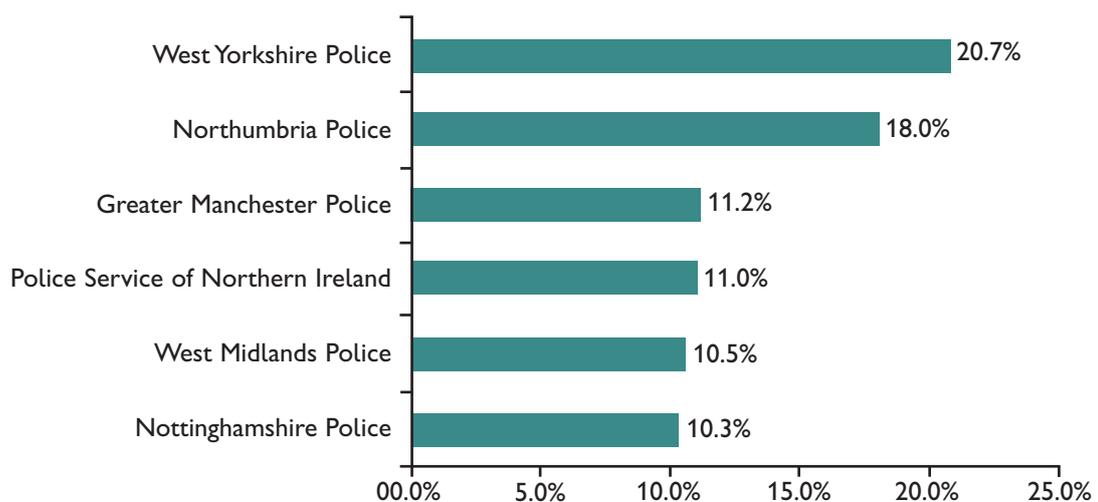
# Results

4.1 Direct comparisons of results for volume crime between the PSNI and other UK forces are difficult. Even with the group of most similar forces (MSF) the strategies for dealing with volume crime are so different as to make comparisons between the level of resources deployed unfair. However, it is possible to examine the headline figures with regard to violent crime, domestic burglary, robbery and vehicle crime in Greater Manchester Police (GMP),

Northumbria, Nottinghamshire, West Midlands and West Yorkshire, to give some context to PSNI performance in this area (Appendix 1).

4.2 On the face of it PSNI performance as regards the main volume crime offences is comparable with some of the other MSFs. A sample of comparative results for 2005/06 is reproduced in Figure 4 and the full statistical information is contained in Appendix 2.

**Figure 4: Recorded Domestic Burglaries with percentage detection rates for PSNI and MSF**



Source: Central Statistics Unit PSNI, and HMIC



4.3 Inspectors found that the use of Home Office (HO) counting rules for sanction detections using the PPS evidential requirement had been clarified in formal guidance and quality assurance mechanisms implemented in the PSNI at the beginning of April 2006. HO counting rules enable offences to be classified as sanction detections only if there is a:

- Charge or summons,
- Issue of a fixed penalty notice or PND,
- Caution, including reprimands,
- Formal warning for the possession of cannabis, or
- Taken into consideration outcome (TIC)<sup>14</sup>.

4.4 Because of slight differences in legislation and processes in Northern Ireland the clearance types for the PSNI differ from those applicable in England and Wales. PSNI sanction detections clearance types are:

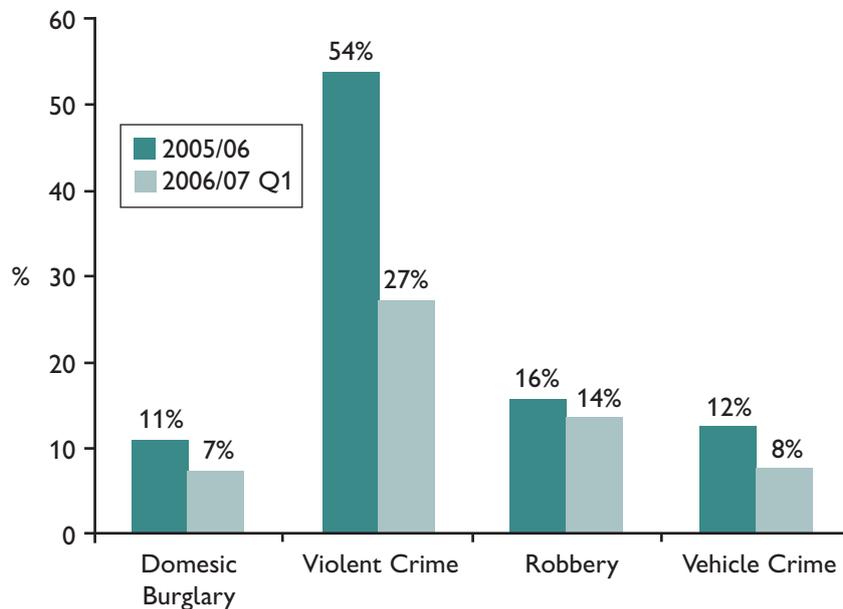
- Charge or summons,
- Adult caution or informed warning,
- Juvenile restorative caution, informed warning or prosecutorial diversion, or
- TIC outcome.

4.5 Inspectors were told that the rates of detections in the PSNI since April 2006 had been affected by the strict application of the Home Office counting rules. Prior to this date there were no clear guidelines for the use of the counting rules in the Northern Ireland context. Therefore the figures for detected crimes for 2005/06 are likely to be high in some offence categories in comparison to other forces in England and Wales who were already using the CPS evidential requirement. The situation in Northern Ireland was further complicated by the staged roll out of the PPS which meant that some DCUs submitted cases under PPS rules whilst others submitted cases through a Central Process Office.

4.6 Figure 5 sets out figures for the PSNI for the first quarter of 2006/07. In all four categories described there has been a reduction in the percentage of cleared crimes, but in particular the rate of clearance for violent crime has dropped by just over 50%. Whilst these figures are provisional and only represent the first quarter of this counting period they are concerning.

<sup>14</sup> A defendant may ask a court passing sentence to take into consideration other offences of a similar nature

**Figure 5: Rate of clearance for volume crime 2005/06 and 2006/07 Quarter 1**



4.7 Police forces in England and Wales experienced similar falls in detection rates after 1999 due to changes in the National Crime Recording Standards (NCRS) and more stringent HO counting rules. The Government made clear their desire to raise detection rates by ensuring that forces prioritise and maximise investigative outcomes and that officers and other police staff have the best training and the right skills to improve the proportion of offences brought to justice.<sup>15</sup> The detection rates are now increasing again as forces adapt their practices. To achieve Public Service Agreement (PSA) targets it is estimated that forces in England and Wales will have to increase their sanction detections from 18.7% to 25% by 2008.<sup>16</sup>

4.8 By moving to sanction detections as a measure of performance there is a recognition that responsibility for achieving performance targets does not rest with the police alone. A sanction detection occurs when, a notifiable<sup>17</sup> offence (crime) has been committed and recorded;

- a suspect has been identified and is aware of the detection;
- the prosecution service evidential test is satisfied;
- the victim has been informed that the offence has been detected, and;
- the suspect has been dealt with by the means listed in paragraph 4.3 for England and Wales and paragraph 4.4 for Northern Ireland.

• To help achieve performance targets in England and Wales there has been closer co-operation

<sup>15</sup> House of Commons Hansard Written Answers for 5 Apr 2005

<sup>16</sup> National Policing Plan 2005 – 08 Safer, Stronger Communities

<sup>17</sup> Offences that are notified to the Northern Ireland Office or in England and Wales to the Home Office



between the police and the Crown Prosecution Service (CPS).

In some areas prosecutors have been located in police stations to provide early advice and guidance which has helped the development of a 'prosecution team' approach.<sup>18</sup>

- 4.9 Inspectors understand that such developments are still some way off for Northern Ireland; however it must be recognised that if sanction detections are the preferred performance measurement for the PSNI then responsibility for achieving targets is shared with other partners, such as the PPS, as it is with their equivalent, the CPS, in England and Wales. Inspectors would therefore encourage even closer working relationships between the PSNI and the PPS with a view to building a 'prosecution team' approach similar to that already being developed in England and Wales.

**It is recommended that to meet targets and increase sanction detections for volume crime the PSNI and the PPS should work more closely together to build a 'prosecution team' approach and that in the longer term, consideration should be given to locating prosecutors in police stations to enhance police access to early advice and guidance.**

PART



# Appendices



## Appendix 1 Crime Figures MSF group

OFFENCES		DETECTIONS		% Cleared
<b>Total Crime</b>	<b>2005/06</b>	<b>Total Crime</b>	<b>2005/06</b>	
Greater Manchester	328237	Greater Manchester	83357	25.4
Northumbria	131968	Northumbria	45777	34.7
Nottinghamshire	138289	Nottinghamshire	30981	22.4
West Midlands	288055	West Midlands	75054	26.0
West Yorkshire	258887	West Yorkshire	72348	27.9
PSNI	123194	PSNI	37664	30.6
<b>Domestic Burglary</b>	<b>2005/06</b>	<b>Domestic Burglary</b>	<b>2005/06</b>	
Greater Manchester	24536	Greater Manchester	2746	11.2
Northumbria	6560	Northumbria	1184	18.0
Nottinghamshire	10477	Nottinghamshire	1081	10.3
West Midlands	18593	West Midlands	1953	10.5
West Yorkshire	16628	West Yorkshire	3445	20.7
PSNI	7259	PSNI	796	11.0
<b>Robbery</b>	<b>2005/06</b>	<b>Robbery</b>	<b>2005/06</b>	
Greater Manchester	7719	Greater Manchester	1468	19.0
Northumbria	1070	Northumbria	263	24.6
Nottinghamshire	2112	Nottinghamshire	387	18.3
West Midlands	8867	West Midlands	1770	20.0
West Yorkshire	2531	West Yorkshire	698	27.6
PSNI	1744	PSNI	270	15.5
<b>Vehicle Crime</b>	<b>2005/06</b>	<b>Vehicle Crime</b>	<b>2005/06</b>	
Greater Manchester	52803	Greater Manchester	3615	6.8
Northumbria	15594	Northumbria	2697	17.3
Nottinghamshire	22539	Nottinghamshire	1221	5.4
West Midlands	39392	West Midlands	3018	7.7
West Yorkshire	33012	West Yorkshire	7032	21.3
PSNI	8125	PSNI	999	12.3
<b>Violent Crime</b>	<b>2005/06</b>	<b>Violent Crime</b>	<b>2005/06</b>	
Greater Manchester	63986	Greater Manchester	33199	51.9
Northumbria	24496	Northumbria	15179	62.0
Nottinghamshire	24771	Nottinghamshire	12319	49.7
West Midlands	69338	West Midlands	31272	45.1
West Yorkshire	53932	West Yorkshire	25542	47.4
PSNI	34408	PSNI	18542	53.9

# Appendix 2 PSNI Volume Crime Statistics

## Volume Crime by DCU 2005/06 – Recorded and % Cleared



	Domestic Burglary		Violent Crime (including Robbery) <sup>1</sup>		Robbery		Vehicle Crime		Volume Crime (Domestic Burglary + Violent Crime inc. robbery + Vehicle Crime)	
	recorded	% cleared	recorded	% cleared	recorded	% cleared	recorded	% cleared	recorded	% cleared
Antrim	160	8.8	842	51.2	29	17.2	225	17.3	1,227	39.4
Ards	238	16.0	1,069	55.9	21	23.8	158	17.1	1,465	45.3
East Belfast	410	9.0	1,355	56.1	84	25.0	332	11.4	2,097	39.8
North Belfast	460	10.7	2,747	39.6	354	10.7	607	6.1	3,814	30.8
South Belfast	583	8.9	3,292	36.2	334	16.5	1,042	6.5	4,917	26.7
West Belfast	309	13.6	1,783	40.8	159	8.8	667	7.5	2,759	29.7
Carrickfergus	87	14.9	556	61.7	27	11.1	56	8.9	699	51.6
Castlereagh	431	6.5	588	47.6	45	8.9	257	4.7	1,276	25.1
Larne	63	15.9	467	68.3	6	66.7	81	19.8	611	56.5
Lisburn	612	10.0	2,280	50.9	115	11.3	773	9.3	3,665	35.3
Newtownabbey	346	10.1	1,443	41.1	126	7.9	346	7.8	2,135	30.7
North Down	351	10.8	1,231	60.9	46	19.6	193	14.5	1,775	46.0
<b>Urban</b>	<b>4,050</b>	<b>10.3</b>	<b>17,653</b>	<b>46.7</b>	<b>1,346</b>	<b>13.4</b>	<b>4,737</b>	<b>8.8</b>	<b>26,440</b>	<b>34.3</b>
Armagh	291	11.0	734	70.8	24	29.2	163	16.0	1,188	48.7
Ballymena	236	6.4	1,252	53.5	43	23.3	185	11.9	1,673	42.3
Ballymoney	46	47.8	315	66.3	4	25.0	29	55.2	390	63.3
Banbridge	200	6.0	762	68.2	12	25.0	101	16.8	1,063	51.6
Coleraine	146	26.0	1,502	61.8	33	42.4	201	38.3	1,849	56.4
Cookstown	80	18.8	589	56.4	6	33.3	69	37.7	738	50.5
Craigavon	467	8.6	1,675	46.5	67	10.4	404	7.2	2,546	33.3
Down	249	14.5	1,231	54.2	20	30.0	341	15.2	1,821	41.5
Dungannon & S'th Tyrone	161	11.2	742	62.4	19	10.5	179	17.9	1,082	47.4
Fermanagh	180	8.9	794	75.9	13	23.1	182	11.0	1,156	55.3
Foyle	362	14.6	2,589	45.7	72	19.4	479	16.3	3,430	38.3
Limavady	100	9.0	731	64.0	3	0.0	136	22.1	967	52.4
Magherafelt	69	5.8	577	59.8	15	26.7	65	32.3	711	52.0
Moyle	26	11.5	244	63.9	3	0.0	29	31.0	299	56.2
Newry & Mourne	433	10.2	1,388	62.5	40	35.0	673	10.3	2,494	39.3
Omagh	103	11.7	889	120.4	4	0.0	93	36.6	1,085	102.9
Strabane	60	16.7	741	69.9	20	10.0	59	37.3	860	64.0
<b>Rural</b>	<b>3,209</b>	<b>11.8</b>	<b>16,755</b>	<b>61.5</b>	<b>398</b>	<b>22.4</b>	<b>3,388</b>	<b>17.1</b>	<b>23,352</b>	<b>48.2</b>
<b>Service</b>	<b>7,259</b>	<b>11.0</b>	<b>34,408</b>	<b>53.9</b>	<b>1,744</b>	<b>15.5</b>	<b>8,125</b>	<b>12.3</b>	<b>49,792</b>	<b>40.8</b>

Source: Central Statistics Unit, PSNI

1. Violent Crime includes offences against the person, sexual offences and robbery.

# Volume Crime by DCU Quarter 1 2006/07 – Recorded and % Cleared

	Domestic Burglary		Violent Crime (including Robbery) <sup>1</sup>		Robbery		Vehicle Crime		Volume Crime (Domestic Burglary + Violent Crime inc. robbery + Vehicle Crime)	
	recorded	% cleared	recorded	% cleared	recorded	% cleared	recorded	% cleared	recorded	% cleared
Antrim	49	6.1	247	28.7	8	0.0	74	9.5	370	21.9
Ards	39	5.1	309	27.8	3	33.3	35	11.4	383	24.0
East Belfast	92	3.3	325	30.2	17	11.8	92	3.3	509	20.4
North Belfast	133	3.8	699	18.9	66	7.6	144	4.9	976	14.8
South Belfast	165	12.7	846	26.6	72	15.3	306	4.9	1,317	19.8
West Belfast	77	5.2	479	18.0	38	7.9	201	4.0	757	12.9
Carrickfergus	21	0.0	149	30.9	4	0.0	10	30.0	180	27.2
Castlereagh	43	20.9	138	42.0	8	12.5	44	11.4	225	32.0
Larne	9	0.0	122	34.4	4	0.0	9	0.0	140	30.0
Lisburn	157	5.1	594	22.2	23	8.7	176	4.5	927	16.0
Newtownabbey	69	4.3	350	9.4	25	12.0	60	6.7	479	8.4
North Down	38	23.7	362	32.3	6	33.3	49	2.0	449	28.3
<b>Urban</b>	<b>892</b>	<b>7.5</b>	<b>4,620</b>	<b>24.4</b>	<b>274</b>	<b>10.9</b>	<b>1,200</b>	<b>5.4</b>	<b>6,712</b>	<b>18.7</b>
Armagh	54	5.6	163	31.9	10	20.0	33	27.3	250	25.6
Ballymena	50	8.0	318	29.6	12	33.3	32	9.4	400	25.3
Ballymoney	10	0.0	92	27.2	0	-	16	0.0	118	21.2
Banbridge	43	2.3	215	14.4	7	0.0	21	0.0	279	11.5
Coleraine	42	14.3	428	21.3	6	16.7	66	4.5	536	18.7
Cookstown	14	0.0	142	59.9	2	0.0	12	50.0	168	54.2
Craigavon	105	0.0	439	22.6	12	25.0	84	3.6	628	16.2
Down	70	7.1	292	37.7	3	0.0	74	5.4	436	27.3
Dungannon & S'th Tyrone	39	5.1	178	52.8	2	50.0	47	21.3	264	40.2
Fermanagh	35	2.9	219	20.5	1	100.0	68	2.9	322	14.9
Foyle	129	14.7	661	22.7	19	10.5	102	16.7	892	20.9
Limavady	32	3.1	197	25.4	1	0.0	33	15.2	262	21.4
Magherafelt	15	13.3	155	38.1	1	0.0	27	11.1	197	32.5
Moyle	13	0.0	57	15.8	0	-	6	0.0	76	11.8
Newry & Mourne	104	4.8	367	44.1	10	40.0	127	3.9	598	28.8
Omagh	18	0.0	210	34.8	2	0.0	21	52.4	249	33.7
Strabane	19	15.8	189	42.3	2	50.0	23	17.4	231	37.7
<b>Rural</b>	<b>792</b>	<b>6.6</b>	<b>4,322</b>	<b>30.3</b>	<b>90</b>	<b>21.1</b>	<b>792</b>	<b>10.7</b>	<b>5,906</b>	<b>24.5</b>
<b>Service</b>	<b>1,684</b>	<b>7.1</b>	<b>8,942</b>	<b>27.2</b>	<b>364</b>	<b>13.5</b>	<b>1,992</b>	<b>7.5</b>	<b>12,618</b>	<b>21.4</b>

Source: Central Statistics Unit, PSNI

1. Violent Crime includes offences against the person, sexual offences and robbery.

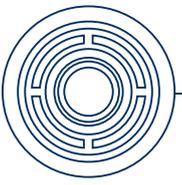
**Please note that the figures for Quarter 1 2006/07 are provisional and may be subject to revision.**



Section



# THE USE OF POLICE BAIL





## Executive Summary

This report examined how the police in Northern Ireland deal with the issue of police bail. Concerns had been expressed to Inspectors about the possibility that the improper use of police bail was contributing to delay in the criminal justice system and was not being monitored properly by the police.

Generally, Inspectors were satisfied that the issue of the proper use of police bail and its potential abuse was now being taken seriously by the police at an institutional level.

The compilation and issuing of lists of those on police bail to each DCU was a message to local Commanders that this issue was important and it did appear to Inspectors that this was beginning to have an impact. However, we were concerned that there was a lack of urgency in some DCUs and a lack of uniformity across the four DCUs we examined as to how to address the management of the issue. Some direction from Headquarters might be useful in this context.

Inspectors did not find evidence of extensive abuse of the system but, as indicated above, this may at least partly be due to the inability of the NICHE system to be properly interrogated on this issue. In addition even releasing a suspect twice on police bail, which most custody officers acknowledged they would in all likelihood not object to, would add 56 days to the processing of a criminal case. While this might be appropriate in some cases, there is little doubt that it is not necessary in the majority of cases. A heightened level of scrutiny is therefore necessary both at custody Sergeant and supervising level in the future.

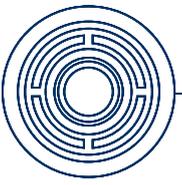
We would hope the recommendations we have made will contribute to that aim.





## Recommendations

- Each DCU should appoint an officer of sufficient standing to validate the accuracy of the list and to manage it in the future. The most appropriate unit to have this responsibility would be the Criminal Justice Unit (paragraph 2.1).
- Custody Sergeants should be reminded that the 28 day period is the maximum permitted period for release on police bail. Any decision to release on bail should involve consideration of how long the relevant further inquiries are likely to take (paragraph 2.4).
- NICHE should be amended to ensure that it can allow effective interrogation as to the number of times suspects have been released on bail. A user should be able to ask NICHE to display the list of bailees in a way which shows immediately how many times each of them has been bailed (paragraph 2.8).
- NICHE should be amended to include a mandatory field detailing the reasons why a suspect is to be released on bail (paragraph 2.9).



## CHAPTER 1:

# Police Bail: When and why is it used?



- 1.1 During the course of CJI's inspection on *Avoidable Delay* in the Criminal Justice System, we indicated that there was a need to have a separate inspection examining the use of police bail.
- 1.2 The idea of a separate inspection arose because there was a suggestion that the use or abuse of police bail was contributing to the delay in the criminal justice system and was potentially being abused. This suggestion arose in two ways.
- 1.3 First, during the *Avoidable Delay* inspection, Inspectors came across a view apparently shared by many that the reason why the processing of cases from first appearance in court through to committal or disposal took considerably longer in Northern Ireland than in England and Wales was because there was an investigative culture in the PSNI which meant that much of the investigative work was carried out during the period after first court appearance as opposed to before a suspect was charged. It was argued that in Britain, where the police had the power to impose conditional bail, investigation work was predominantly carried out in the pre-court phase, thereby allowing much quicker processing of cases once they arrived in the courts.
- 1.4 In Northern Ireland, we were told that the police apparently could not use police bail to the same extent as in Britain. Indeed in one paper prepared by the Delay Action Group, a sub-group of the Northern Ireland Criminal Justice Board, it was stated that “[B]y virtue of PACE (NI) 1989, police bail is limited to 28 days, after which the defendant *must* be brought before a magistrates’ court” (emphasis in original). This is a mistaken interpretation of PACE, which allows the police to bail detained persons to a police station for a period up to 28 days from their release from custody and indeed places no limit on the number of times this process can be repeated. The absolute 28 day limit applies only where the police are bailing to a court. Inspectors were concerned that this mistaken view not only seemed to have been accepted at official level, but was potentially leading to misinformed policy formulation.
- 1.5 During the *Avoidable Delay* inspection, Inspectors received a conflicting view of the operation of police bail from defence solicitors. They claimed that their clients were often bailed to re-



appear at the police station to allow the police to complete further inquiries. They complained that at the end of the 28 day period when the client appeared at the police station to answer bail, they were often re-bailed because the officer in charge was not on duty or for some other reason. They felt that this process was contributing to delay in the system. Inspectors were concerned that this might be the case, both because it would represent an abuse of the bail process, but also because it could be contributing to delay. CJI's concerns in this respect were heightened because statistics on delay were generally only being collected from the point of charge and therefore the impact of any abuse of police bail, which of course would have occurred prior to charge, might well be being missed. In this context one of the points we stressed in the *Avoidable Delay* report ([http://www.cjini.org/News/documents/Delay\\_Report.pdf](http://www.cjini.org/News/documents/Delay_Report.pdf)) was the necessity of the police beginning to gather statistical information from the point of offence or at least notification to the police.

1.6 Police bail is of course a legitimate tool which is appropriate for use in circumstances where further inquiries are necessary before a decision is taken as to whether to charge a suspect or not, but where it would not be appropriate to prolong the detention of the suspect. In those circumstances, a suspect can be released with a date to report back to the police station when it is envisaged that the police will have completed their inquiries and a fully informed decision can then be taken as to whether to charge or not.

1.7 Inspectors were concerned to discover if this was the way in which police bail was being used, whether the police were aware of the numbers of suspects being released on bail, the length of time they were on bail, and whether a situation was being allowed to develop whereby suspects were allowed to remain on police bail for months before a final decision was being taken.

#### **Why release on police bail?**

1.8 When a suspect is arrested by the police and brought to the police station for questioning, there are a number of possible outcomes. The suspect can of course be charged, released and reported to the Public Prosecution Service (PPS) for a decision as to charges; released with no further action to be taken or released on police bail. If a suspect is released on police bail, a date must be fixed for the suspect to return to the police station within 28 days in order to comply with the terms of that bail. No conditions beyond the date of return can be imposed by the police.

1.9 Decisions as to the correct course of action are largely at the discretion of the police, essentially the investigating officers and the custody Sergeants. Inspectors were told that there can be a number of reasons why individuals would be released on police bail as opposed to charged or simply released with no further action taken. When further inquiries are to be made by police officers, police bail is often used. This allows the investigating officer a period of time to perhaps question other

witnesses or obtain material before a decision is made as to charging.

### **How often is police bail used?**

- 1.10 Efforts to ensure proper accountability for the use of police bail have been greatly assisted by the introduction of the NICHE records management system. During the inspection, it was clear to Inspectors that this system had at least the potential to ensure that the police can properly get to grips with the issue of police bail. Due to the NICHE system, Inspectors were able to access details as to the numbers of those who had been released on police bail since the introduction of the system.
- 1.11 In the six month period from 1st January 2006 to the end of June 2006, 18,960 individuals were arrested by the PSNI in Northern Ireland. Of that amount, 13,352 were either charged or released on report. 1,112 were released unconditionally. 3,242 were released on police bail.
- 1.12 The number released on police bail therefore represents just over 17% of all those arrested. If one examines those released on bail as a percentage of those suspects against whom some action was taken, the figure increases to 18%. It should be noted however, as is explained below that when the overall NICHE figure for those on police bail has been translated into individual lists for DCUs, there has been a general consensus that the local list is an exaggeration of the real figure for

those on police bail in the DCU. If this is right, and Inspectors are of the view, having dip sampled the files on the local lists, that it probably is, then the overall figure of 3,242 is in all likelihood somewhat inflated.

- 1.13 There is no question therefore but that the use of police bail affects a large number of people and a significant proportion of those arrested by the police. It is also clear that because of the figures involved, any abuse of police bail could be contributing significantly to further delay in the criminal justice system.
- 1.14 While the NICHE system allows for an informed examination of the numbers released on police bail across the whole of Northern Ireland, it also affords District Commanders the ability to manage this issue locally. Shortly before the inspection began, each District Command Unit in Northern Ireland received a list from Headquarters detailing those individuals who were currently on police bail. Inspectors were told this was done in an effort to get DCUs to ensure the list of individuals on the NICHE system was in itself accurate and also to ensure that DCUs were informed about the numbers of suspects on bail that they had responsibility for.
- 1.15 Inspectors were told in each of the four areas that we visited<sup>19</sup>, that the list was significantly inaccurate and out of date. It was clear to Inspectors that this was not the fault of the NICHE system or those with responsibility for it at HQ level but

<sup>19</sup> While five DCUs were included in this review, only four have custody suites



rather was as a result of the fact that DCUs had not seen it as part of their responsibility to maintain the accuracy of the custody information on the system. For instance, in those DCUs where the list had been “gripped” by individual officers, the numbers on the list had been significantly reduced simply by trawling through the individual entries and updating or deleting them. It was sometimes the case that individuals were still on the list despite the fact that they had now been charged or had been released unconditionally. It was also the case that some people were still on the list despite not turning up to answer police bail. A failure to properly manage the list in those cases could potentially lead to no action being taken in response to this failure.

## CHAPTER 2:

# The management of police bail cases



- 2.1 The response to the list in the DCUs which we visited varied considerably. As indicated, in two areas, responsibility for managing the list had been given to a nominated officer who had gone through the names on it and managed to reduce the numbers considerably. In other areas no-one had been given responsibility for the list and it appeared that little action was being taken as a result of it being sent through. **It appeared to Inspectors that at the very least each DCU should appoint an officer of sufficient standing to validate the accuracy of the list and to manage it in the future. Inspectors received differing views as to where this responsibility should lie in the DCU but it seemed to us that the most appropriate unit to have this responsibility would be the Criminal Justice Unit (CJU).**
- 2.2 When a decision is taken to release a suspect on police bail, the custody Sergeant of the relevant custody suite has to approve that decision. Inspectors spoke to custody Sergeants in each of the four areas we visited and also conducted a focus group where custody Sergeants were present. Custody officers interviewed acknowledged that they were not likely to question an investigating officer closely about the initial decision to release someone on police bail. However, most insisted that if there was a request to release on bail a second time that they would then require an explanation from the investigating officer. Inspectors were struck however by the lack of a shared view among custody Sergeants we spoke to about the point at which they would refuse to approve a further release on bail. Discretion is of course an important aspect of the work of an effective custody officer, but it is also important that the safeguards relating to police bail are uniformly applied and understood.
- 2.3 Most custody officers also acknowledged that they rarely suggested to investigating officers that they could or should release a suspect for less than the 28 day maximum permitted by PACE. Inspectors did come across one custody suite where use did seem to be made of periods less than the 28 day maximum. In this instance it was explained to us by the custody Sergeant that when faced with a request to release someone on police bail, he would ask for a clear explanation as to what was required and, depending on what further



inquiries were needed, would allow a period he thought appropriate.

In other words, if the investigating officer indicated that he needed to talk to one further witness, then the custody Sergeant might release on only 14 days bail because that should allow the investigating officer sufficient time to contact that witness and take any statement from him.

**2.4 In our view custody Sergeants should be reminded that the 28 day period is the maximum permitted period for release on police bail. Any decision to release on bail should involve consideration of how long the relevant further inquiries are likely to take.**

2.5 It is also the case that once a suspect is released, the custody Sergeant has no further involvement in that case until the day when the suspect presents him/herself for re-bailing. At that point, or shortly before that, the investigating officer will normally contact the custody Sergeant and either indicate that a final decision has been made in relation to the suspect or that he is requesting a further period on police bail. It is in these circumstances where apparent abuse of the police bail system can creep in. Inspectors were aware of the concerns of defence solicitors that their clients were often re-bailed on numerous occasions without it being clear why this was being done.

2.6 Unsurprisingly, Inspectors were reassured by almost all of those we spoke to that the system of police bail was not abused in this way. However, a number of officers did

admit that the system was at least open to abuse and there was a general consensus amongst custody officers that investigating officers and particularly those from CID tended to rely on the use of police bail when it was inappropriate, for instance when awaiting forensic reports which could take months and might result in some individuals being re-bailed for considerable periods of time.

Custody Sergeants acknowledged that they should (and some claimed they now did) refuse to release on police bail if the reason given was that the investigating officer was seeking forensic evidence. In those circumstances, the suspect should simply be released and if necessary rearrested if forensic evidence is found.

2.7 However, despite these concerns, it is true to say that Inspectors did not discover serious evidence of abuse of the system. There were some cases – often involving financial crime or sometimes sexual abuse – where suspects were re-bailed on numerous occasions. However, generally speaking when Inspectors dip-sampled cases on the NICHE system it appeared that suspects were being re-bailed at most two or three times. It should be stressed however that three decisions to release on bail involve a period of 84 days which is potentially a significant contribution to delay at the pre-court stage. Inspectors were also not convinced that custody Sergeants were being sufficiently rigorous with investigating officers in relation certainly to the first and second decisions to release on bail as stated previously.



2.8 Inspectors were also very concerned that they were not able to interrogate the NICHE system effectively in that it was not able to provide us (or indeed anyone assigned to manage the list of bailees) with a list of those who had been bailed more than once or more than that again. In order to obtain information on the number of times a suspect had been bailed, one had to investigate that particular file.

**Inspectors recommend that NICHE be amended to ensure that it can allow effective interrogation as to the number of times suspects have been released on bail. A user should be able to ask NICHE to display the list of bailees in a way which shows immediately how many times each of them has been bailed.**

2.9 We were also concerned at the relative lack of information contained on the NICHE system about the reasoning for a decision to release on police bail. In three of the four DCUs we visited we conducted a dip sample of files on the NICHE list of bailees. Although we were told by most custody officers we interviewed that the reasons for a granting of police bail were normally included on the system in fact we found it was very rare for there to be any explanation for the granting of bail. In one DCU where we dip sampled more than 20 cases we could not find any cases where the reasons for the granting of bail were included on the system. The negative consequences of this failure are obvious. When the bailee returns to the police station to answer bail, the custody Sergeant on

duty (who may well not be the officer who initially took the decision to release on bail) will often have to make a decision as to whether to release on bail again. If there is nothing on the NICHE system to inform him of the reasons for the first grant of bail he/she will have to rely on the investigating officer for an explanation. This seriously undermines the role of the custody Sergeant as a safeguard against the system being abused. When we raised the apparent failure to adequately complete the detail regarding the decision to release on bail on the system, we were told that custody officers were too busy to do this. We were also told that the NICHE system did not ask this question and therefore it was easy not to include any detail regarding the decision to release on bail.

**Inspectors believe the NICHE system should be amended to include a mandatory field detailing the reasons why a suspect is to be released on bail.**

This should not be overly onerous but it is vital that custody officers complete it with sufficient detail to enable an informed decision to be taken by themselves or their colleagues when a bailee returns to the police station.



## CHAPTER 3:

# The role of non-custody officers and training

- 3.1 In addition to the important role that custody Sergeants have to play in the management of those released on bail, investigating officers and their supervisors also have a significant input to make.
- 3.2 As already indicated, when a suspect is released on police bail, the custody Sergeant will have no more contact with the file until the suspect presents him/herself to answer their bail. The custody Sergeant has no responsibility or role until then in ensuring that the inquiries which the investigating officer was to complete during the bail period, are in fact being completed. Inspectors were told that there is no link between custody officers and supervising officers and therefore the latter may be unaware if their investigating officers are abusing the bail system or not expediting their inquiries. We were told in at least one DCU that supervising Sergeants were making regular checks on their Constables' files to ensure that progress was being made and although this was across all files it was clearly also affecting those released on bail. This level of supervision needs to be encouraged.
- 3.3 In the event that responsibility for the management of the list of those released on police bail is delegated to the Criminal Justice Unit (CJU), it should still be recognised that responsibility for ensuring that the system works effectively and appropriately must be shared between the CJU, custody Sergeants, supervising officers and investigating officers. Above all else this requires good and timely communication between these various players, something which Inspectors found to be absent in most of the DCUs we visited.

### *Training*

- 3.4 A concern which was raised on a number of occasions with Inspectors throughout this inspection and indeed which was self-evident to Inspectors was the lack of proper and effective training.
- 3.5 A number of custody Sergeants complained that they had not been given sufficient training in the NICHE system. Indeed it was abundantly clear that at least some of those we spoke to were uncomfortable with the system in that a number asserted



that when someone returned to answer their bail, a new file had to be opened in NICHE. This is in fact not the case but in at least one of the dip samples which we carried out we came across instances where this had been done.

- 3.6 We also heard concerns that supervising officers and officers attached to CJUs have received little if any training in NICHE and find it difficult therefore to interrogate the system to ensure that police bail is being used appropriately.
- 3.7 A number of custody Sergeants also suggested that many of the problems relating to officers trying to release suspects on bail arose from a lack of understanding of what police bail was for. They found this problem particularly acute in younger officers.
- 3.8 We understand that training in NICHE presents huge logistical challenges for PSNI and that the issues raised in this report are reflective of only one aspect of the NICHE system. Nevertheless, we feel that the concerns expressed to us are sufficiently serious to warrant their inclusion in this report.



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