



THE CHIEF CONSTABLE OF NORTH YORKSHIRE

Bail Management

Final

Internal audit report: 6.20/21

7 December 2020





CONTENTS

1 Executive summary	2
2 Detailed findings	6
Appendix A: Scope	15
Appendix B: Further information.....	17
For further information contact	18

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1 EXECUTIVE SUMMARY

1.1 Background

In late 2014, the then Home Secretary consulted on measures to limit the use of pre-charge bail, as well as supporting changes such as allowing the police to release low-risk suspects without bail while an investigation is ongoing. These measures were enacted by the Policing and Crime Act, which came into effect in April 2017.

Up until April 2017, all suspects arrested were under the expectation that they will be entitled to be bailed after a period of 24 hours detention. From April 2017, there is a presumption in law that the expectation is they will be released from detention without bail. For the police, this will formalise a category of suspect where an investigation remains live and the person remains a suspect, but no longer under any specified restrictions – ‘under investigation not on bail’. Applying bail is the exception and must be clearly justified.

The Force implemented the Suspect Management Policy and Procedure in October 2019. It states that after the initial arrest; for a suspect to be released on police pre-charge bail, the Investigating Officer must consider it proportionate and necessary, and an applicable bail period of 28 days is authorised at Inspector level (or above). Reason and grounds, including safeguarding considerations, for pre-charge bail are documented on a bail application form and uploaded into the Niche system. It is possible to secure an extension to the applicable bail period to three months; such extensions must be approved by a Superintendent or above. Where an extension beyond these dates are considered necessary, police pre-charge bail is subject to judicial oversight and a Magistrate will make a determination whether to extend the applicable bail period for a further three or six months until the investigation into the suspect is resolved.

In January 2020, Inspector reviews were introduced for all investigations classified as RUI, meaning that all investigations that were three months old were subject to a full review for the expeditious investigation of the offence, and that the status of RUI remained proportionate, legal, and necessary. In April 2020, the further safeguards of a Superintendent's six-month review was introduced.

The following data shows the total number of suspects released under investigation (RUI) by the Force since the amendments to the Police and Crime Act came into effect in April 2017:

Year	Total suspects released under investigation
2017	1,143
2018	3,351
2019	6,574
2020 (up to 9 November 2020)	7,337

The following data shows the current figures for RUI and bail at each custody suite and Force-wide (as per 9 November 2020):

Area	Total suspects released under investigation	Total suspects on pre-charge bail
York	829	212
Harrogate	856	221
Scarborough	622	145
Force-wide	2,307	578

The following data shows the length of time suspects have remained on RUI within each custody suite and Force-wide (as per 9 November 2020):

Time on RUI	York	Harrogate	Scarborough	Force-wide*
3 years +	4	6	0	10
2 years +	22	34	42	98
1 year +	138	112	100	350
6 months – 1 year	127	181	90	398
Under 6 months	520	482	374	1376

* The above data does not account for 75 suspects on back record conversion custody records (arrested outside of North Yorkshire Police), which accounts for the difference in totals between the above two tables. Details for when these suspects were released under investigation is not immediately apparent and has been excluded from totals; however, Niche records and the applied expected finish date will ensure that records are reviewed.

1.2 Conclusion

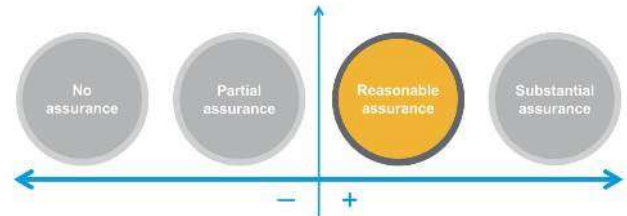
Our review has concluded that the Force still have a number of outstanding legacy cases where suspects remain released under investigation. We have concluded through sample testing of custody records (24 RUI and 24 bail) that there are areas of non-compliance with the Suspect Management Policy and Procedure on Niche records, which include supervising officer reviews for RUI cases and rationale for RUI or bail decisions.

Whilst we have noted some areas for improvement, our testing confirms that the Force have made progress in the implementation of the Suspect Management Policy and Procedure. This can be evidenced through the completion of Superintendent six-month reviews, approval of bail application extensions and updated records in the Niche system where outcomes, including 'No Further Action' (NFA) have been determined.

We have agreed **one high** and **four medium** priority management actions as a result of our findings.

Internal audit opinion:

Taking account of the issues identified, The Chief Constable of North Yorkshire can take **reasonable assurance** that the controls in place to manage this area are suitably designed and consistently applied. However, we have identified issues that need to be addressed in order to ensure that the control framework is effective in managing the identified area.



1.2 Key findings

We noted the following areas for improvement, resulting in **one high** and **four medium** priority management actions:

Bail:

- For a sample of 24 custody records across the three custody suites (York, Harrogate and Scarborough) where pre-charge bail was determined appropriate, we noted two cases where Inspector approval could not be evidenced on the Niche system to support the 28-day bail application. There is therefore a risk that the bail application is not necessary or proportionate. In both cases, there is nothing to suggest that the authority was not awful. Custody sergeants will not bail without Inspector authority and it appears to have been an admin error in these cases with uploading the form as opposed to bail being authorised unlawfully.

However, we noted the bail application form developed by the Bail / RUI Coordinator has improved the bail process to ensure that reasons / grounds and safeguarding considerations in support of the bail application are recorded as a whole. The same level of rationale was not evident in Niche Occurrence Enquiry Log (OEL) records for bail applications. **(Medium)**

Released Under Investigation:

- For a sample of 24 custody records (including four legacy cases) across the three custody suites (York, Harrogate and Scarborough) where the suspect was released under investigation, we identified 11 discrepancies in the consistency of supervising officer reviews on the Niche system. In two of these cases, the expected finish date for RUI had surpassed at the time of testing. Where supervising officer reviews are not conducted every 28 days, there is a risk that investigations are not conducted diligently and expeditiously. **(High)**
- For the same sample of 24 custody records (including four legacy cases), we identified three cases where the rationale and justification to support the RUI decision was not documented on the OEL records. Whilst there were no victims allocated to the investigations, there is a risk that consideration has not been given to victims, witnesses or public safety. **(Medium)**
- The Executive Summary outlines the current RUI figures for the Force, which includes a high level of historic RUI cases. Our sample was taken from updated RUI disposals in the Niche system from the previous six months and four of these cases derived from historic arrests with the oldest being from 8 July 2018. Where legacy RUI cases are still outstanding and reviews not sufficiently conducted, there is a risk that investigations are not carried out diligently and expeditiously. **(Medium)**
- From the sample of 24 custody records (including four legacy cases) resulting in RUI status, there were victims recorded on the Niche system in nine cases. In only one of these cases, there was a Victim Contact Agreement (VCA) on file. Whilst this is not directly a criminal justice or bail management issue, we were unable to confirm the victim was contacted in line with their requested contact frequency. Although, given a reasonable approach, we confirmed that OEL records for eight of these cases supported adequate communications. Where VCAs are not documented on file, there is a risk that victims are not updated on a regular basis as per the requested contact frequency, which could result in unnecessary distress or uncertainty. **(Medium)**

We also identified the following controls that were well-designed and consistently applied:

- The Force operate a Suspect Management Policy and Procedure, which is available on the Force intranet, The Source. The policy was approved by the Head of Criminal Justice, the Head of Crime and the Assistant Chief Constable, and consultation was completed with the appropriate authorities.
- The Bail / RUI Coordinator explained that field coaching for the Suspect Management Policy and Procedure was delivered by Nexus to all Inspectors and Superintendents (for dissemination amongst their teams). The field coaching took place in September and October 2019 for Inspectors and in February 2020 for Superintendents. Due to budget and resource constraints, the Force have not delivered any additional training on the Suspect Management Policy and Procedure.
- We reviewed the Niche system for 24 custody records resulting in pre-charge bail. We reviewed each disposal record (where occurrence statuses are applied) on the Niche system and confirmed that in all cases, there was appropriate audit trail to support the OEL records. In five cases, the custody records resulted in the suspect being released under investigation and we were satisfied that the reduction to RUI status was proportionate in each case and action was taken in line with the ABP (as per regulatory requirements).
- From a sample of 24 custody records where the suspect was released under investigation, for the 19 custody records with arrest dates from December 2019 onwards, we verified that each case was reviewed by an Inspector at three months and a Superintendent at six months (where applicable).
- For the 24 custody records resulting in pre-charge bail, where cases had exceeded the 28-day applicable bail period, we verified in all cases that approval from a Superintendent was recorded on the Niche system.
- For the 24 custody records resulting in pre-charge bail, where cases had exceeded the three-month applicable bail period, we verified that Magistrates' applications had been submitted in a timely manner and Niche records were clearly documented to support decisions. There was one case of the 24 records reviewed where the applicable bail period had surpassed at the time of testing; however, we confirmed that the application had been submitted to Cardiff Central Administration Unit and was awaiting a hearing. Due to the Covid-19 pandemic, the courts are running substantially behind.
- There were 13 cases where the investigation had concluded, and an outcome had been determined. 10 of these cases included at least one occurrence which resulted in NFA. We verified in all 13 cases that where the investigation had concluded and outcomes recorded, the suspect was informed in a timely manner and there were Niche records to support this.
- In all 24 RUI cases, we verified that the Niche custody records were all up to date and in line with the OEL records.

1.3 Additional information to support our conclusion

The following table highlights the number and categories of management actions made. The detailed findings section lists the specific actions agreed with management to implement.

Area	Control design not effective*		Non Compliance with controls*		Agreed actions		
	Low	Medium	High	Low	Medium	High	
Bail Management	0	(11)	5	(11)	0	4	1
Total	0				0	4	1

* Shows the number of controls not adequately designed or not complied with. The number in brackets represents the total number of controls reviewed in this area.

2 DETAILED FINDINGS

Categorisation of internal audit findings

Priority	Definition
Low	There is scope for enhancing control or improving efficiency and quality.
Medium	Timely management attention is necessary. This is an internal control risk management issue that could lead to: Financial losses which could affect the effective function of a department, loss of controls or process being audited or possible regulatory scrutiny/reputational damage, negative publicity in local or regional media.
High	Immediate management attention is necessary. This is a serious internal control or risk management issue that may lead to: Substantial losses, violation of corporate strategies, policies or values, regulatory scrutiny, reputational damage, negative publicity in national or international media or adverse regulatory impact, such as loss of operating licences or material fines.

Please find our detailed observations below:

Ref	Control	Adequate control design (yes/no)	Controls complied with (yes/no)	Findings and implications	Priority	Action for Management
1	<p>Bail</p> <p>The Officer in Charge completes a bail application form, which is approved at Inspector level for a 28-day applicable bail period (ABP).</p> <p>Niche records are updated as per the bail application with a suspect appointment date assigned. This ensures that suspects attend</p>	Yes	No	<p>For a sample of 24 custody records (comprising from each custody suite: York, Scarborough and Harrogate) which resulted in a bail decision, the following was noted:</p> <ul style="list-style-type: none"> three cases went straight to the Crown Prosecution Service (CPS) for a charging decision, and therefore bail is mandated by law. A bail application would therefore not be required; in two additional cases, we noted that there was no Inspector approval recorded on the Niche system to support the bail application: <ul style="list-style-type: none"> one case was for domestic violence and assault, and from discussions with the Bail / RUI Coordinator, we confirmed that there was no evidence on the Niche system to confirm Inspector approval; and in the second case, there were a total of three offences recorded against the custody record: criminal damage, common assault and racially / religiously aggravated harassment. We queried the record with the Bail / RUI Coordinator and confirmed there was 	Medium	<p>The use of bail application forms will be made mandatory as part of the bail application process.</p> <p>A communication will be issued to this effect to confirm the mandatory requirement of bail application forms.</p> <p>Implementation date:</p> <p>31 January 2021</p> <p>Responsible owner:</p> <p>Head of Criminal Justice</p>

Ref	Control	Adequate control design (yes/no)	Controls complied with (yes/no)	Findings and implications	Priority	Action for Management
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custody and cases are reviewed prior to the 28-day ABP to ensure all cases which remain on bail are proportionate and necessary.

no evidence to support the Inspector bail authorisation on the Niche system.

However, the Bail / RUI Coordinator noted that the audit trail on the documents tab where the bail application was uploaded confirmed the action to upload the file was completed by an Inspector. The bail application did not document the Inspector approval, this might be due to a computer input error.

- In the remaining 19 cases, we verified that each bail application had been approved by an Inspector to authorise the 28-day bail period.

We noted a total of 11 cases from the 24 cases reviewed, which required Superintendent approval at the 28-day stage to extend the bail period to three months. In all 11 cases, the bail application was reviewed prior to the 28-day ABP and authorised by a Superintendent. The continuation of bail was deemed proportionate and necessary in all cases.

Risk exposure	Root cause
Bail applications may not be reasonable or proportionate where applications have not been approved at Inspector level.	Missing Niche records to confirm Inspector approval for a 28-day bail period.

2	Bail	Yes	No	<p>We reviewed a sample of 24 custody records which resulted in a bail decision. The sample consisted of eight records from each custody suite: York, Scarborough and Harrogate.</p> <p>Excluding the two cases highlighted in the previous control that were missing Inspector approval, the following was noted:</p> <ul style="list-style-type: none"> • three cases were referred immediately to the CPS for a charging decision and therefore rationale was not required to support the bail application. Bail is mandatory by law where the case is referred for a charging decision; • for 15 of the 19 cases, the bail decisions were documented on a bail application form. The bail application form requires the Officer in Charge 	-	<i>Please see management action one</i>
	There is sufficient reasons / grounds and safeguarding considerations documented to support the bail application to justify the requirement for conditional or unconditional bail.					

Ref	Control	Adequate control design (yes/no)	Controls complied with (yes/no)	Findings and implications	Priority	Action for Management
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Where crimes are issued immediately to the CPS, bail is mandated by law and no justification is required.

and authoriser to document the reasons and grounds for the bail decision, including any applicable safeguarding considerations. In all cases where a bail application form was completed, we were satisfied that there were appropriate reasons / grounds documented to support the bail decision; however,

- in the remaining four cases, the bail decision was documented on the Occurrence Enquiry Log (OEL) in the Niche system. We noted through testing that where bail decisions were documented on the OEL, the rationale to support the bail decision was not as detailed or consistently recorded as with the bail application forms reviewed.

Our testing confirmed that the bail application form ensures a consistent approach to the recording of bail decisions, including reasons / grounds and safeguarding considerations. Whilst we had no reason to disregard or query the bail decisions based on the case details and crime type, where the bail decision is not recorded on the bail application, there is a risk that bail decisions are not appropriately supported.

Risk exposure	Root cause
Bail applications may not be reasonable or proportionate where applications have not been approved at Inspector level.	Bail application decisions recorded in the OEL do not include sufficient detail to evidence the reasons / grounds and safeguarding considerations behind bail decisions.

3	Released Under Investigation The rationale or national decision making (NDM) process for releasing a suspect under	Yes	No	We selected a sample of 24 custody records which resulted in a released under investigation (RUI) status (eight from each custody suite: York, Scarborough and Harrogate). From review of the Niche system records, the following was noted: • for three custody records, the OEL did not document the rationale for releasing the suspect under investigation. We queried all three entries	Medium	The Criminal Justice Policy and Scrutiny Manager and the Bail / RUI Coordinator will review the Code of Practice and any Bail / RUI national legislative changes when these come into effect (due to be announced in January 2021)
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Ref	Control	Adequate control design (yes/no)	Controls complied with (yes/no)	Findings and implications	Priority	Action for Management
	<p>investigation should be fully documented on the OEL.</p> <p>The decision is ratified by the supervising officer.</p> <p>Key considerations must always be the need to protect victims and witnesses and ensure public safety.</p>			<p>with the Bail / RUI Coordinator and the following was noted:</p> <ul style="list-style-type: none"> ○ one case was for driving a motor vehicle over the specified limit and whilst there was no justification documented on the OEL records, the Bail / RUI Coordinator highlighted this is a victimless crime and therefore no other conditions would be appropriate; ○ the second case was for engaging with sexual communications with a child. Whilst the crime type might indicate there was a victim involved, the case was reported by a 'paedophile hunting group' and there was no victim allocated to the crime. As the case type could be considered high risk, we would expect justification for releasing the suspect under investigation; and ○ the final case related to driving under the influence of drugs and whilst the Bail / RUI Coordinator noted that the lack of justification on the OEL was not ideal, we were advised bail would not normally be appropriate in this type of case. <p>For the remaining 21 custody records reviewed as part of the audit, we were satisfied the OEL records contained sufficient detail to justify the RUI status.</p> <p>Discussions with management confirmed that national changes to RUI and bail legislation are expected imminently following a consultation of the current legislation in early 2020. There has been a delay to these changes due to the Covid-19 pandemic and expected changes will come into effect in early 2021.</p> <p>The Criminal Justice Policy and Scrutiny Manager explained that Minerva (the Niche system developers) were considering implementing a bail and RUI module within the Niche system to ensure a consistent approach in applied across all Forces. However, these developments to the system have never been released. The Criminal Justice Policy and Scrutiny Manager sits on the Criminal Justice Working Group where Niche system requests are raised. Changes to the Niche system would ensure a more consistent approach is taken.</p>		<p>Following review of any national changes to RUI legislation and best practise, the Criminal Justice Policy and Scrutiny Manager will re-raise any Niche system requests with Minerva as part of the Criminal Justice Working Group.</p> <p>In addition, consideration will be given to any internal change requirements to the Suspect Management Policy as a result of national changes.</p> <p>Once the national changes come into effect, the Force will consider whether a similar application form to that of the bail application form would be appropriate to document RUI decisions. We note that this could even be included within national changes in the Code of Practice for RUI and therefore such a practice would be mandatory.</p> <p>Implementation date:</p> <p>30 June 2021</p> <p>Responsible owners:</p> <p>Criminal Justice Policy and Scrutiny Manager</p> <p>Bail / RUI Coordinator</p>

Ref	Control	Adequate control design (yes/no)	Controls complied with (yes/no)	Findings and implications	Priority	Action for Management
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The Force will not implement any revision to the Suspect Management Policy and Procedure prior to the updates to legislation, therefore we have agreed a management action to account for the upcoming legislative changes and retrospective actions for amendments to either the Niche system or internal processes to ensure compliance with the policy.

Risk exposure	Root cause
RUI decisions are taken with appropriate consideration given to victims, witnesses and ensuring public safety.	RUI decisions are not documented on the OEL.

4	Released Under Investigation Supervising officers review all investigations where the suspect has been released under investigation. This should take place at least every 28 days, and in some cases, every 10 days.	Yes	No	<p>We reviewed 24 custody records which resulted in a RUI across the three custody suites to ensure supervisor reviews were conducted in line with the Suspect Management Policy. We identified a total of 11 discrepancies, which we queried with the Bail / RUI Coordinator. The following was noted:</p> <ul style="list-style-type: none"> there were four cases where we saw no supervisor reviews conducted prior to the three-month Inspector review. <ul style="list-style-type: none"> for one of the four cases, the only review on file was the final review to close the case and no further action was decided by the Inspector on 2 November 2020. However, the custody record had not been updated at the time of testing (12 November 2020); and in the remaining three cases, there were no 28-day supervisor reviews conducted. The first review was conducted at the three-month date by the Inspector. These cases were for driving a motor vehicle over the limit (blood tests were still outstanding), acquiring, using or possessing criminal property, and attempted burglary. in two of the remaining seven cases, there were no supervisor reviews documented on the OEL: 	High	<p>The audit has highlighted a requirement for cultural change across the Force with regards to the compliance with the Suspect Management Policy and Procedure.</p> <p>The Head of Criminal Justice will work to promote and drive this cultural change at ACC level to ensure actions are taken by commanders to disseminate compliance with the policy across the Force.</p> <p>Actions will be taken to culturally push compliance requirements and highlight any gaps in compliance with the Suspect Management Policy and Procedure and to ensure that all areas of the Force are</p>
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Ref	Control	Adequate control design (yes/no)	Controls complied with (yes/no)	Findings and implications	Priority	Action for Management
				<ul style="list-style-type: none"> ○ in both cases, the arrests were for driving a motor vehicle over the specified limit. In one of these cases, there were no supervisor reviews documented; however, the suspect was charged within 1.5 months of the arrest date following blood results. In the final case, the arrest date was 26 July 2020 and the case remains RUI; however, there have been no supervisor reviews conducted to date. ● for three of the remaining cases, we noted that supervisor reviews were not conducted as frequently as required by the Suspect Management Policy and Procedure: <ul style="list-style-type: none"> ○ in one case, there were a total of three offences recorded against the custody record. Two of the offences remain as RUI and the initial arrest date was 8 October 2019. We noted supervisor reviews have not been frequently conducted with the most recent conducted on 14 July 2020. The last update on the OEL from the OiC was dated 24 August 2020; ○ in another case, for a total of nine offences (six of which remain on RUI), there were significant gaps in the supervisor reviews logged on the OEL between 23 September 2019 to 13 September 2020. However, the most recent review was documented 5 November 2020; and ○ in the final case, the arrest date was 13 July 2020, and a supervisor review was conducted on 14 July 2020. However, there have been no further supervisor reviews conducted to date. ● in the final two cases, the current expected finish date (EFD) for the RUI had expired at the point of testing: <ul style="list-style-type: none"> ○ in one of these cases, the last supervisor review was conducted on 29 June 2020. The current expected finish date was recorded as 30 September 2020 and the last comment logged on the OEL stated that the OiC was moving onto a firearms course and the crime needed to be reallocated. Discussions with the Bail / RUI 		<p>monitoring compliance for quality assurance purposes.</p> <p>These actions may include considering how compliance data can be embedded within the Nexus Dashboard and considered within Service Delivery Plans.</p> <p>Implementation date</p> <p>30 June 2021</p> <p>Responsible owner</p> <p>Head of Criminal Justice</p>

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Coordinator confirmed that the reallocation had not occurred; and

- in the final case, the last supervisor review was conducted on 28 September 2020; however, the current expected finish date was set as 16 October 2020. The suspect remains on RUI on suspicion of money laundering.

Risk exposure	Root cause
Investigations are not conducted diligently and expeditiously leading to suspects released under investigation who are a threat to the public, witnesses or victims. This could further lead to reputational damage.	Supervisor reviews have not been conducted frequently in line with the Suspect Management Policy and Procedure.

5	Released under investigation	Yes	No	<p>From a sample of 24 custody records which resulted in RUI, there were a total of four cases which are categorised as legacy cases as the arrest dates pre-date the implementation of the Suspect Management Policy and Procedure.</p> <p>For all four cases, there was no Inspector review conducted at the three-month period and in only one case, a Superintendent review was conducted at six-months. However, this is to be expected as the arrest dates pre-date the Suspect Management Policy and Procedure.</p> <p>In all four cases, there are offences which remain open under RUI and have not yet been closed. As noted in the Executive Summary, there remains a high level of open legacy RUI cases. We reviewed the Niche records for each case to ensure that frequent supervising officer reviews were conducted to ensure the investigation is being carried out diligently and expeditiously.</p> <p>From review of the Niche system records, we noted discrepancies in all four cases:</p>	Medium	<p>In accordance with management action four, the importance of reviewing legacy cases will be raised at ACC level to ensure that commanders are continuing to drive reviews of historic cases and appropriate action plans developed.</p> <p>Implementation date:</p> <p>30 June 2021</p> <p>Responsible owner:</p> <p>Head of Criminal Justice</p>
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- in a second case, the arrest date is recorded as 11 July 2018. The last supervising officer review on Niche is recorded on 28 September 2020 and the expected finish date was set at 16 October 2020 and therefore had surpassed at the time of the audit;
- in another case, the arrest date is recorded as 25 February 2019 and the last comments recorded on the Niche system were from September 2020 from the OiC to request the case is reassigned due to a transfer of duties. The case had not been reassigned at the point of testing and the expected finish date for RUI was set at 30 September 2020;
- in another case, the arrest date was 25 February 2019 for a total of nine occurrences; two of which resulted in fines, one charge is pending and another six remain on RUI. The suspect was initially released on bail and reduced to RUI in June 2019 as bail no longer seemed proportionate. There were minimal reviews recorded on the OEL; however, the last review date is recorded as 5 November 2020 and the supervising officer was satisfied the investigation was all in order. The expected finish date is currently set at 11 November 2020; and
- in the final case, the arrest date was 8 July 2018. The suspect was initially released on pre-charge bail and reduced to RUI on 24 August 2018. The last supervising officer review on the OEL was recorded on 22 June 2020 and the suspect remains on RUI. The most recent supervising officer review indicated that the Force were awaiting a report from analysts to progress the case further.

The Bail / RUI Coordinator has been conducting reviews of the Niche system to ensure that legacy cases are addressed. However, addressing legacy cases remains the responsibility of the individual areas due to the resources within the Criminal Justice Department. Supervisor, Inspector and Superintendent reviews should be conducted on a regular basis and reviews should satisfy themselves that the investigations are progressing diligently and expeditiously,

Ref	Control	Adequate control design (yes/no)	Controls complied with (yes/no)	Findings and implications	Priority	Action for Management
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Risk exposure	Root cause
Investigations are not conducted diligently and expeditiously leading to suspects released under investigation who are a threat to the public, witnesses or victims. This could further lead to reputational damage.	Legacy cases are not reviewed regularly to ensure appropriate action is taken.

6	Released Under Investigation Victims are provided with sufficient updates in line with the victim's requested contact frequency as noted in the Victim Contact Agreement (VCA). Victims are made aware of outcomes of investigations in a timely manner.	Yes	No	<p>From a total of 24 custody records across the three custody suites where the arrest record resulted in a RUI, there were a total of nine cases with recorded victims on the Niche system. Of the nine victims, there was only one VCA form attached on the Niche system.</p> <p>Whilst we were unable to compare the contact frequency requested by the victim, as eight cases did not have a VCA form on file, we verified in eight of the nine cases that there was an adequate record of regular victim contact logged on the OEL. In the remaining case, there was no record of victim contact logged.</p> <p>There were five cases where an outcome had been determined and in all five cases, we verified the victim had not been notified. However, in the case where no victim contact was recorded on the OEL, the final review on file for the case was 2 November 2020 where a decision to allocate the case as 'no further action' was determined. We noted under a previous control that the outcome of this case has not yet been updated on the Niche system and therefore the victim will not have been informed.</p>	Medium	<p>The Head of Criminal Justice will raise the weaknesses identified in this audit as part of the separate piece of work being conducted around Victim Contact Agreements.</p> <p>Actions will be agreed in that review to address any other weaknesses, these will be communicated to relevant officers and appropriate action will be taken.</p> <p>Implementation date</p> <p>30 April 2021</p> <p>Responsible owner</p> <p>Head of Criminal Justice</p>				
				<table border="1"> <thead> <tr> <th>Risk exposure</th> <th>Root cause</th> </tr> </thead> <tbody> <tr> <td>Victims are not updated as per the requested contact frequency.</td> <td>Victim Contact Agreements are not stored within the Niche system.</td> </tr> </tbody> </table>	Risk exposure	Root cause	Victims are not updated as per the requested contact frequency.	Victim Contact Agreements are not stored within the Niche system.		
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APPENDIX A: SCOPE

The scope below is a copy of the original document issued.

Scope of the review

The internal audit assignment has been scoped to provide assurance on how The Chief Constable of North Yorkshire manages the following area.

Objective of the area under review

To provide assurance that the Force has sufficient accountability and transparency in delivering their police bail approach in accordance with the Policing and Crime Act.

In late 2014, the then Home Secretary consulted on measures to limit the use of pre-charge bail, as well as supporting changes such as allowing the police to release low-risk suspects without bail while an investigation continues. These measures were enacted by the Policing and Crime Act, which came into effect in April 2017. Up until April 2017, all suspects arrested were under the expectation that they will be entitled to be bailed after a period of detention, usually 24 hours but subject to extension by a Superintendent or Magistrate. From April 2017, there was a presumption in law that the expectation is they will be released from detention without bail. For the police, this will formalise a category of suspect where an investigation remains live and the person remains a suspect, but no longer under any specified restrictions. The application of bail was to be by exception and must be clearly justified.

As the full implications of the change in became apparent the NPCC issued operational guidance concerning the use of 'released under investigation' (RUI). As a result of this best practice guidance, NYP developed and implemented a new Suspect Management Policy to ensure compliance.

In January 2020, Inspector reviews were introduced for all investigations classified as RUI, meaning that all investigations that were three months old were subject to a full review for the expeditious investigation of the offence, and that the status of RUI remained proportionate, legal, and necessary. In April 2020, the further safeguards of a Superintendent's six month review was introduced.

As part of this review, we will consider the following areas:

- The Suspect Management Policy is in place, approved and available to staff.
- Training has been provided to staff on bail management and the detail of the Suspect Management Policy.
- A review of why defendants on bail are then transferred to RUI, including the timing of this against the regulatory checks.
- Through substantive testing confirm compliance with the Suspect Management Policy to ensure suspects are effectively managed and victims and communities safeguarded, specifically including:
 - OIC's 1st line manager / Sgt reviews completed on a 28 day cycle;
 - Inspector reviews conducted within three months;
 - Victim updates completed in a timely manner;
 - Suspects notified in a timely manner of when NFA'd; and
 - Custody records updated.
- Review of legacy cases from 6 October 2019 (and earlier) which have not been subject to a review by an Inspector or Superintendent but have currently had an administrative review by custody staff. We will review the outstanding reviews and the action plans in place to ensure these are undertaken.

The following limitations apply to the scope of our work:

- We will not consider compliance with all aspects of the Policing and Crime Act.
- We will not review all aspects of bail but only those areas detailed above.
- We will not validate the decision to release a person under investigation but confirm appropriate checks have been performed.
- We will not confirm adherence with the Victims' Code as part of this review.
- We will not comment or confirm the length of the investigation is appropriate but confirm progress has been reviewed and logged at regular intervals.
- Our work does not provide absolute assurance that material errors, loss or fraud do not exist.

APPENDIX B: FURTHER INFORMATION

Persons interviewed during the audit:

- Head of Criminal Justice
- Head of Custody and Firearms Licensing
- Criminal Justice Policy and Scrutiny Manager
- Bail / RUI Coordinator

Documents reviewed during the audit:

- Suspect Management Policy and Procedure
- Niche system custody records and Occurrence Enquiry Log (OEL)
- Bail application forms
- Magistrates bail applications
- The Source Suspect Management guidance pages

FOR FURTHER INFORMATION CONTACT

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