Bail Information for the Crown Prosecution Service

Volume One
of the Final Report on the Probation Initiative
"Diversion from Custody and Prosecution"

Christopher Stone

Vera
Institute
of
Justice

Additional copies of this report are available, in the United Kingdom, from the Association of Chief Officers of Probation, 20/30 Lawefield Lane, Wakefield, West Yorkshire, WF2 8SP; and, in the United States, from the Vera Institute of Justice, 377 Broadway, New York, NY 10013.

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Acknowledgements

The publication of this report brings to an end an unusual collaboration between the American Vera Institute of Justice and the British Probation Services. Under the terms of this transatlantic venture, the Vera Institute has assisted the Association of Chief Officers of Probation (ACOP) over a two-year period in the design, implementation, and monitoring of a series of small pilot schemes which were organized to develop the work of the Probation Services with the newly formed Crown Prosecution Service.

Planning for this project began in 1985, with the drafting of a discussion paper, "Diversion from Custody and Prosecution: A Probation Initiative," by Cedric Fullwood, David Hancock, Mike Hindson, Graham Smith, and David Walton—all members of ACOP—and Pat Loughlin, my predecessor as director of the Vera Institute's London office. The essential shape of this initiative remains today as this group first conceived it.

The proposals made in that paper could not have been brought so far forward since then without the interest shown by David Faulkner and his colleagues in the Criminal Department of the Home Office, who saw promise in the project and consistently encouraged the collaboration between Vera and the Probation Services. The Home Office Research and Planning Unit provided the principal financial support for the Vera Institute's involvement, with additional funding provided by the Ford Foundation.

For myself—an American-trained lawyer—these two years immersed in a foreign criminal justice system have been thoroughly fascinating, but they could not have been nearly as productive without the support and guidance that I received at every turn. My deepest thanks go to Graham Smith and Peter McNeil of the Inner London Probation Service, who welcomed me, as they have welcomed many of my predecessors in this post, with great warmth and generosity. They both found surprising amounts of time to listen to my accounts

of their country's judicial machinery, encouraging and correcting me with occasional, ill-concealed amusement. I will be ever in their debt.

Those involved in the pilot schemes themselves—probation officers, lawyers, police officers, and others—must have been perplexed by the arrival of an American lawyer into their midst, especially one questioning so much of their practice. Nevertheless, they responded with interest and enthusiasm far greater than I could have hoped for. Their names, too many to list here, are set out in an appendix to this report. With the hospitality, commitment, and candour that they showed me, my role became an easy one.

Ken Ashken at the Crown Prosecution Service coordinated his agency's involvement in this initiative from its earliest days. Whatever success these pilot schemes may have had within the CPS is due, in large part, to his unfailing advice. Others in the CPS, including Robert Gwilliam, Robert Chronnell, Stephen Wooler, and Michael Chance (now with the Serious Fraud Office), tutored me in the ways of their young organization and helped me to appreciate the size of the project that the CPS have undertaken.

My tutors on the subject of probation were more numerous. I am particularly grateful to Bill Beaumont, John Crawforth, Harry Fletcher, Cedric Fullwood, David Hancock, John Hedge, the late John Longhurst, Colin McCulloch, John North, Fred Pickstone, Martin Seddon, and Mary Widdess. These dozen individuals came to exemplify for me the wealth of insight, ingenuity, and compassion that I found in each of the Probation Services I visited.

I benefited, as well, from the kind colleagueship of many outside the statutory agencies responsible for criminal justice. John Baldwin, Anthony Edwards, Roger Howard, Andrew Rutherford, Andrew Sanders, Stephen Shaw, and Vivien Stern all, on several occasions, generously shared with me their varying perspectives on the criminal justice process, and each has contributed to my own.

Within the Vera Institute itself, my deep thanks go to my assistant on this project, Rebecca Williams, who spent many days observing each of these pilot schemes in operation, and many more in front of a computer screen recording their daily output. I was greatly assisted also by two summer interns: Trebby McLaughlin, from New York University Law School, who produced a superb legislative history of the Prosecution of Offences Act 1985; and Barry Fisher, from Harvard Law School, who conducted much of the preliminary field work required to design the experiment described in volume two of this report. My sincere thanks go as well to my personal assistants: Joan Bowring, without whom I could not have begun this work, and Anne Goldsmith, without whom I could not have completed it. Fi-

nally, from Vera's New York office and in brief visits here, Michael Smith, Judy Greene, and Sally Hillsman contributed skills in programme design and evaluation on which I came to depend and for which I am most grateful.

C.E.S.
London, May 1988

Introduction

The New Prosecution Service

The Prosecution of Offences Act 1985 worked a fundamental change on criminal justice in England and Wales. The Act created a new, national agency of prosecuting lawyers, the Crown Prosecution Service (CPS), and placed it at the very centre of the criminal justice system. Criticism of its performance, staffing levels, pay structure, and administrative machinery have dominated recent discussion of the CPS, obscuring the potential for change that the new agency has brought to the criminal justice process. In time, however, the creation of the CPS may come to seen as an event equal in significance to the creation of the police some one-hundred fifty years ago.

Prior to the Prosecution of Offences Act, the police had conducted most prosecutions themselves or had employed prosecuting solicitors to do so for them. Where the police used solicitors, these lawyers acted simply as agents and technical advisers to the police—their clients. The frequency with which lawyers were involved in prosecutions and the extent of the advice they offered varied from one police force to another; but, whatever the individual arrangements, the law gave the police full control over the prosecution of those whom they had charged.

In 1981, the Royal Commission on Criminal Procedure found this state of affairs unsatisfactory. The Commission's report in that year described the pre-trial process as divided into two distinct phases: the investigatory and the prosecutorial. The Commission suggested that the police should have primary responsibility in the first phase, but that the conduct of the prosecution should be the responsibility of lawyers "not identified with the investigative process." On the one hand, it recommended that Parliament strengthen police investigatory powers along the lines followed two years later in the Police and Criminal Evidence Act. On the other hand, the Commission recommended that Parliament end police control over the conduct of prosecutions by establishing an independent prosecution service to cover all

of England and Wales, and it further recommended that the independent responsibility of those holding the new office be recognized in name by calling them "Crown prosecutors."

The Commission's proposal for an independent prosecution service was greeted enthusiastically in both houses of Parliament by all political parties. On the subject of accountability, however, many of those who spoke during the Parliamentary debates on the report disagreed with the Commission's view that the prosecutors should be accountable to newly formed "police and prosecution authorities." Speakers from every party expressed concern that supervision by the local police authority might undermine the independence of the new service, and they urged instead that a national prosecution service be formed. In the following year, the Government established an interdepartmental Working Party on Prosecution Arrangements to consider what would be the best model for the new service, and their report, published as part of a White Paper in 1983, recommended that the new service be accountable nationally, not locally. The government adopted this recommendation, and soon brought forward legislation to transfer responsibility for both the conduct and control of most criminal prosecutions from the 42 separate police forces to the Director of Public Prosecutions (DPP) and to the new Crown Prosecutors over whom the DPP would preside.

Throughout this process, hopes for the CPS ran very high. The Royal Commission had intended the independence of the Crown Prosecutors to answer concerns over the fairness of then existing arrangements and also to increase public confidence in the police. The government's White Paper was more ambitious for its proposed national service, intending that it would attain consistency of policy and practice across the country and control costs, as well as reducing the proportion of cases pursued despite lack of evidence and reducing the number of cases improperly brought in terms of public interest. With the legislation in place, however, attention shifted from theory to practice, and from Parliament to the courts and offices where the new prosecutors would work.

The Probation Initiative

The Probation Services were not an obvious place for prosecutors to look for assistance in the early days of the CPS. The most urgent tasks facing the new service in 1986 were staffing the new offices and establishing procedures by which the sufficiency of evidence in each individual case could be reviewed. The Probation Services had nothing to contribute here.

Nevertheless, the Probation Services did have something that the CPS needed in order to establish its independence: information.

Specifically, the CPS needed to develop sources of information, in addition to the police, that would assist them in forming independent judgements about the proper conduct of the prosecution in individual cases.

The Probation Services possess little information that bears on the strength of any particular case; but the CPS holds responsibility for more than a simple review of the strength of the evidence. In cases where the evidence presents a realistic prospect of conviction, prosecutors must also assess whether prosecution is "in the public interest," taking into account factors such as the age, health, and personal circumstances of the defendants, especially in less serious cases. Similarly, where prosecutors decide to go forward with a case, it is for them, rather than the police, to decide what objections to bail—if any—should be put to the bench, again based on factors including the character and personal circumstances of the defendants. This is precisely the sort of information that some within the Probation Services thought they could provide.

In their view, the Probation Services were in a unique position from which to provide the CPS with this information. Some basic biographical information about defendants is supplied to the CPS by the police; but the police have other, higher priorities, and defendants are not always willing to discuss these details with police officers in any event. Defence solicitors, too, may present the prosecution with some of this information; but solicitors are often unable to verify the information until several days or weeks after a case has reached court. In contrast, the Probation Services should be able to concentrate their efforts on the provision of just this information and to do so early in the life of a case.

With an interest in testing this hypothesis, the Association of Chief Officers of Probation (ACOP), early in 1986, distributed a paper titled "Diversion from Custody and Prosecution: A Probation Initiative." It proposed that five or six interested probation services establish pilot schemes to explore ways in which the Probation Services might provide the CPS with information about defendants relevant to the bail decision or to the public interest decision. That paper led to a seminar at which the proposal was welcomed by representatives of the CPS, the Home Office, the Lord Chancellor's Department, the Metropolitan Police, the magistracy, and others.

As the title of the ACOP paper suggests, the interest of the Probation Services in such pilot work was based on more than a desire to assist the CPS in its mission. At the same time that the CPS was being established, the Probation Services were looking for ways to improve their work on bail and diversion. Many of their bail hostels appeared to be under-utilized despite unprecedented over-crowding within

prison establishments, and the increasing number of defendants remanded in custody itself demanded attention from probation staff, especially those officers based in courts and prisons. In a separate development, a few probation services were already developing reparation, mediation, and other schemes designed to divert less serious cases from increasingly cumbersome and costly court proceedings; but these schemes faced difficulties fitting into the existing criminal justice machinery.

For reasons explained in the chapters that follow, the creation of the CPS provided a new focal point at which the Probation Services could direct their efforts on bail and diversion. The Probation Services had no desire to involve their staff in the actual decisions that the CPS was required to make on these subjects; but the Probation Services did hope that they could work more efficiently and effectively on these issues by providing relevant information about defendants and about available resources to the CPS, rather than directly to the courts.

By August 1986, a half-dozen probation services had expressed their desire to undertake the pilot work proposed in the ACOP paper, providing information relevant either to the bail decision or to the public interest decision. Representatives from each of these probation services constituted themselves as a steering committee for the initiative, again under the sponsorship of ACOP. This committee asked the Vera Institute of Justice to assist with the design and coordination of the individual schemes, and to monitor their performance.

All but one of the participating Probation Services chose to begin with bail information. There were many reasons for this choice, including the opportunity to build on existing work on bail, the urgent concern throughout the criminal justice community over the growing proportion of the prison population on remand, and the views expressed by many in the CPS that the service was not yet in a position to refer cases to the Probation Services as part its public interest assessment. In short, bail was already a priority, and the provision of bail information *to* the CPS would not require anything *from* the CPS.

By early 1987, the Probation Services had established bail information schemes with the CPS on a pilot basis in four courts: Leicester City, Manchester, Newcastle-upon-Tyne, and Stoke-on-Trent. These schemes attracted a great deal of attention, and in the spring of 1987 a decision was taken to double their number. As a result, additional schemes were begun in East Dorset, Ipswich, Peterborough, and Southampton, the last in November 1987. These eight schemes were monitored by staff of the Vera Institute of Justice through the end of 1987, and the results are presented in volume one of this report.

Only the Inner London Probation Service sought to begin its work with the CPS by providing information regarding the public interest decision. As expected, this experiment proved much more difficult to organize, and did not commence until February 1988. The results of this experiment are presented in volume two of this report.*

Although formally this has been a Probation Services initiative, other agencies and professional groups, both nationally and at the sites of the pilot schemes, were consulted throughout the project. The interagency seminar of April 1986, at which the initial proposal was discussed, was followed one year later by a second seminar for representatives of a wide variety of agencies and organizations interested in the pilot work. At a local level, most of the pilot schemes have organized their own, local advisory groups to assist the development of the schemes. These local groups have generally included the Branch Crown Prosecutor, the Clerk to the Justices, and representatives of the local police and defence solicitors.

The Evaluation of the Bail Schemes

The evaluation of the bail schemes presented in this volume is based on several sources. These include statistical monitoring of the pilot schemes conducted by the staff of each scheme and compiled by the Vera Institute; personal observations of the operation of each pilot scheme made by staff of the Institute over the course of the pilot period; interviews conducted after the end of the pilot period with many of the prosecutors who received information from the schemes; and discussions with probation staff, court clerks, police officials, and defence solicitors, and others concerned with the practical operation of the schemes.

The report is divided into four sections. The first describes the operation of the schemes in their fully developed form. It provides some examples of the information supplied to the CPS and includes a discussion of the demands that the work places on the officers responsible for it.

The second section describes the combined results of the eight schemes at the end of the pilot year, including an estimate of the number of persons bailed who would have been remanded in custody in the absence of these schemes. It also includes a comparison of the objections to bail made by the CPS before and after the introduction of these schemes. Finally, in addition to the statistical results, this section contains the personal reactions of some of the prosecutors, police, court clerks, and defence solicitors who participated in the project.

The third section describes the local experiences of the eight individual schemes. The variations in design are described in some

* To be published early in 1989.

detail, as are the problems that each scheme encountered. None of the schemes was implemented without difficulty, and the lessons learned locally may be of some assistance to those who wish to build on this work.

The final section concerns the future development of these bail information schemes. Extension of the schemes to many more courts, if desired, would raise new issues for the Probation Services, the Home Office, the CPS, and others, particularly with regard to coordination and consistency. These issues are discussed and some recommendations made.

A list of those participating in the schemes appears as the first appendix to this volume. A second appendix provides a statistical profile of the cases in which bail was denied during the pilot period in five of the courts where schemes were established.

Completion of the pilot period does not imply that extension of these schemes to other courts—if desired—will be simple. The project began with no national model, nor was any complete, single model developed for national implementation. Each of the pilot schemes was organized, staffed, and managed by the local Probation Service, and each was designed separately to take account of local circumstances and to build on existing work.

Nonetheless, the eight schemes were tightly coordinated. Each new scheme incorporated features developed in the schemes preceding it, newly appointed staff visited schemes in other areas, staff throughout the country were brought together for regular seminars to exchange experiences, and a single set of guidelines was produced and updated to retain some consistency in the information being passed to the CPS. While the particular methods of information-gathering varied from one scheme to the next, the presentation of the information to the CPS and the principles underlying that presentation remained the same in each. What the pilot schemes have to offer is—in essence—a method of work on bail; but the implementation of that method in any specific court will require care and skill if its essential components are to be preserved.

1. A New Method of Bail Work

The Probation Service Role in the Bail Process

The bail decision itself is one of enormous consequence. For the defendant, it means the difference between liberty and incarceration, often under the most horrendous conditions. For those who fear that a particular defendant is on a rampage, however, the decision makes the difference between fear and peace of mind. The courts are placed in the middle, weighing the risks in each case. For society as a whole, every decision tests the commitment to fundamental principles such as the presumption of innocence.

Yet the bail decision is usually made in a matter of only a few moments; and it is made so early in the life of a criminal case that often very little is known either about the defendant or about the offence charged. It is, as a consequence, one of the most difficult decisions to be made in any criminal court.

The Bail Act 1976 provides the framework within which courts are directed to make the decision. The Act establishes a general right to bail for virtually all persons charged with criminal offences, but then enumerates certain exceptions to this right. The exceptions do not refer to defendants charged with specific offences nor to those with particular previous convictions. Instead, the Act provides generally that a court may detain in custody any defendant charged with an imprisonable offence if it finds "substantial grounds for believing" that the defendant would, if released, (a) fail to appear for future hearings, (b) commit an offence while on bail, or (c) obstruct the course of justice. There are some other exceptions as well, but these are the principal concerns.

The Bail Act specifically directs the courts to consider certain categories of information in reaching their bail decisions. These include "the nature and seriousness of the offence," "the strength of the evidence," "the character, antecedents, associations and community ties of the defendant," "the defendant's record...under previous

grants of bail," and "any other matters which appear to be relevant."

Yet nothing is said in the Act about where this information is to come from. There is no provision for a Pretrial Services Agency, as is found in many American courts, to supply biographical information and records of previous convictions on a regular basis, nor is there any requirement that existing agencies supply such information. The matter is left, by default, to the prosecution, to the defence, and occasionally to the Probation Services.

In the dozen years since the adoption of the Bail Act, the Probation Services of England and Wales have undertaken a variety of bail work in the Magistrates' Courts, ranging from the basic verification of addresses to the creation of hostel networks that match defendants with appropriate accommodation. The object has always been the same: to provide useful information to those who must make the decision whether to release a defendant on bail or to hold that person in prison until trial. The Probation Services have never made recommendations concerning bail, nor have they sought to monitor performance on bail outside their own establishments. In one form or another, all their work has been limited to the provision of information about defendants and about resources available to them.

The objective of the pilot bail schemes launched by the Probation Services in 1987 was the same: to provide relevant information to those who must make decisions regarding bail. The method they employed, however, was new. Most previous probation work on bail had provided information directly to courts or occasionally, as with hostel places, to defence solicitors. These schemes provided the information to the new CPS.

The CPS Role in the Bail Process

Before the arrival of the CPS, it had fallen to the police—as prosecutors—to put any objections to bail before the magistrates at the time of a defendant's first appearance. In practice, this had meant that every year in every court hundreds of police officers were formulating objections to bail and then relaying these—directly or through their solicitors—to scores of magistrates.

This process lacked a focal point. Even a moderately busy court might have had more than a hundred magistrates in a year dealing with its custody cases. The individual magistrates, understandably, often deferred to the professional judgement of the police on matters of bail. Yet, in practice, this often meant deference to requests fashioned hastily by officers in the hours between charge and first appearance. A court's bail practice—whether strict or liberal—was the product of countless independent decisions taken by the almost limit-

less permutations of police officers and magistrates passing through the courtrooms.

Where individual police forces had employed full-time prosecuting solicitors, bail objections had been subjected to a certain amount of screening in some cases, but it is easy to exaggerate the extent of this screening. Prosecuting solicitors seem to have been more or less careful to ensure that the bail objections proposed by the police were presented to courts in terms acceptable under the Bail Act; but if the objections were legally proper on their face, few prosecuting solicitors had the time or responsibility to question the necessity for custodial remands in individual cases.

The Prosecution of Offences Act significantly altered this process. Sections 3(2)(a) and 15(3) of the Act took from the police all responsibility for making objections to bail and gave it instead to the new CPS. Today, the police continue to propose objections to bail to the CPS, but the CPS alone decides whether or not to put these or other objections to the court.

The significance of this shift of responsibility to the prosecutor has been enhanced by the manner in which the CPS has deployed its staff. Although many offices continue to face staff shortages requiring them to hire temporary agents to appear for the Crown in several courts, most CPS offices have assigned a small group of their own professional staff, rather than agents, to the courts dealing with custody cases at first appearance. As a result, a small handful of professional prosecutors now receive almost all bail objections proposed by the police and must decide what objections, if any, they will put to the court.

In short, the CPS has become the focal point for bail decisions. The judgement of a half dozen prosecutors in these courts will now have a broader impact on custodial remands than the views of the same number of magistrates or constables. The prosecutor, of course, only makes suggestions to the court; the decision to grant or withhold bail remains with the magistrates. Yet the views of the prosecution on that subject are frequently decisive.

By providing bail information to the CPS on a regular basis, the Probation Services sought to assist the CPS to develop its independent role, but working with the CPS has had practical benefits for the probation schemes as well. Previously, probation officers providing bail information had been required to be in court so they could respond to requests form the bench and report what they had learned. In these schemes, however, the probation staff selected their own cases and provided the information to the lawyers before the cases were reached. This, in turn, allowed the schemes to explore new ways of gathering and presenting the information itself. In essence, the

schemes have aimed to provide a wider range of information than had previously been attempted, and to target their work on a narrower range of cases, where the information they provide is most likely to be useful.

Targeting the New Bail Schemes

These schemes do not have nearly the capacity that would be needed to provide bail information on every defendant charged with an offence. Instead, the decision was made in every scheme to target resources on those cases where a custodial remand might be avoided by the provision of information readily available to the Probation Services. This, in turn, required the schemes to design their routines to fit into the working practices of the CPS.

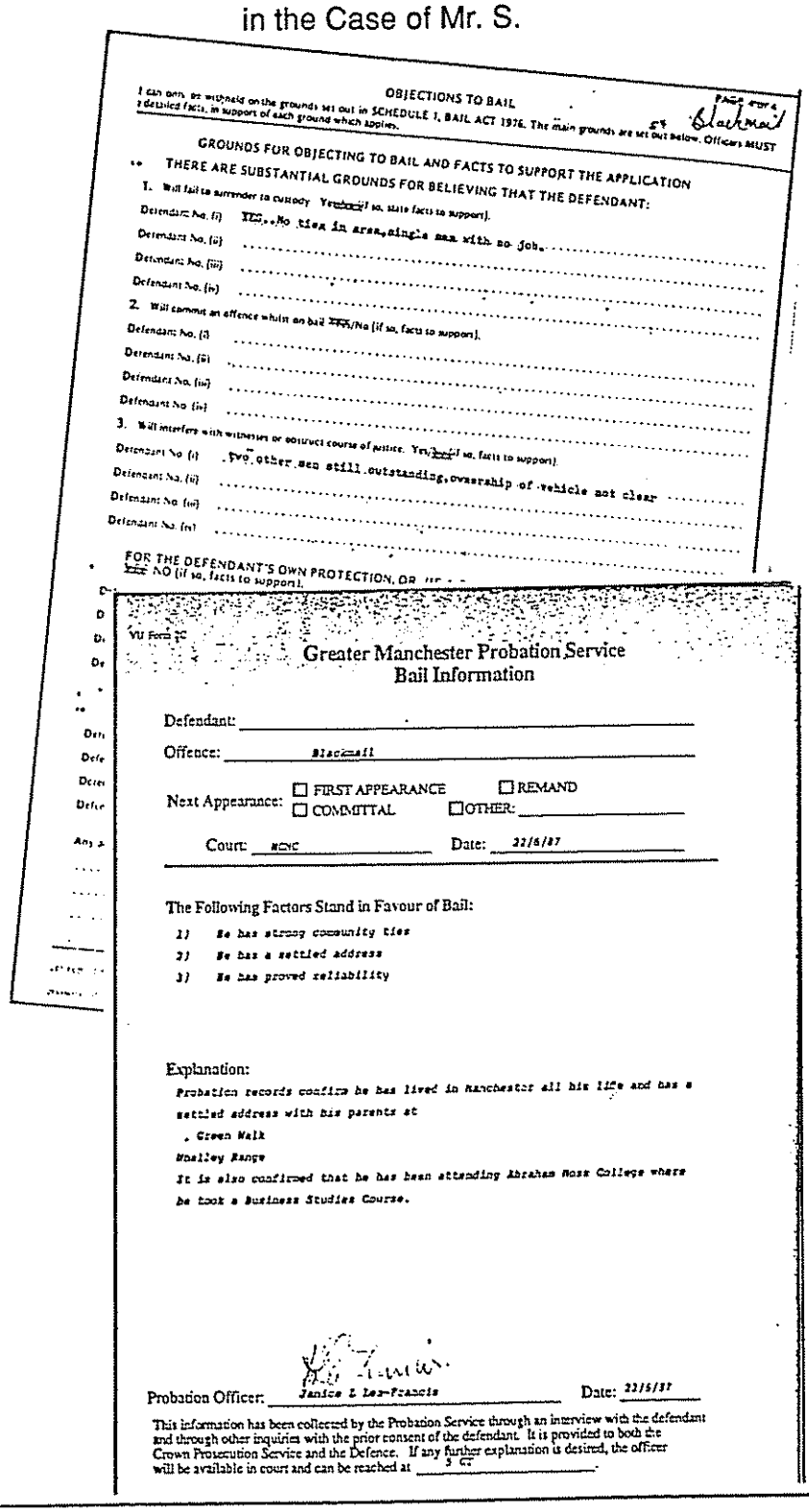
The CPS begin their consideration of bail in each case with the file presented by the police. The specific papers in this file vary from one police force to the next, but each contains some form on which the police note their own view on bail. A police objection to bail is usually indicated by means of tick-boxes and a few lines to specify the grounds of objection under the Bail Act.

The probation pilot schemes are specifically targeted on these cases; that is, on cases in which the police have recommended to the CPS that the defendant be remanded in custody. The schemes are designed to make enquiries in those cases and to produce a form indicating any verified information that stands in favour of bail. The completed form—the Probation Service Bail Information Sheet—is given to the prosecution and a duplicate copy is given to the defence. It is then for the CPS to balance all the information, using the parallel forms supplied by the police and the probation pilot scheme, to arrive at a suggestion for the court. (For an example, see Figure 1.)

To permit the pilot schemes to target their work in this way, the police forces in seven of the pilot areas were asked to share their objections to bail with the probation officers operating the schemes. They agreed to do so, and all have honoured their commitments. This cooperation has been crucial to the ability of these schemes to target their work appropriately.

The schemes make enquiries and provide information only until the defendant makes his or her second appearance in court, although the written form continues to be available to the prosecution (and the defence) for use at subsequent appearances. The result of this targeting is that the schemes only concern themselves with a small proportion of the defendants appearing on any particular day. (See Figure 2.)

Figure 1.
Information from the Police and Probation Service in the Case of Mr. S.



OBJECTIONS TO BAIL

I can only be objected on the grounds set out in SCHEDULE 1, BAIL ACT 1976. The main grounds are set out below. Officers MUST detailed facts, in support of each ground which applies.

GROUNDS FOR OBJECTING TO BAIL AND FACTS TO SUPPORT THE APPLICATION

THERE ARE SUBSTANTIAL GROUNDS FOR BELIEVING THAT THE DEFENDANT:

1. Will fail to surrender to custody Yes/No if so, state facts to support).

Defendant No. (i) Yes..No tied in area,single man with no job.

Defendant No. (ii)

Defendant No. (iii)

Defendant No. (iv)

2. Will commit an offence whilst on bail Yes/No (if so, facts to support).

Defendant No. (i)

Defendant No. (ii)

Defendant No. (iii)

Defendant No. (iv)

3. Will interfere with witnesses or obstruct course of justice. Yes/No if so, facts to support).

Defendant No. (i) two other men still outstanding,ownership of vehicle not clear

Defendant No. (ii)

Defendant No. (iii)

Defendant No. (iv)

FOR THE DEFENDANT'S OWN PROTECTION, OR ... Yes/No (if so, facts to support).

Greater Manchester Probation Service
Bail Information

Defendant: _____

Offence: Blackmail

Next Appearance: ☐ FIRST APPEARANCE ☐ REMAND ☐ COMMITTAL ☐ OTHER: _____

Court: MCMC Date: 22/6/87

The Following Factors Stand in Favour of Bail:

1) He has strong community ties
2) He has a settled address
3) He has proved reliability

Explanation:

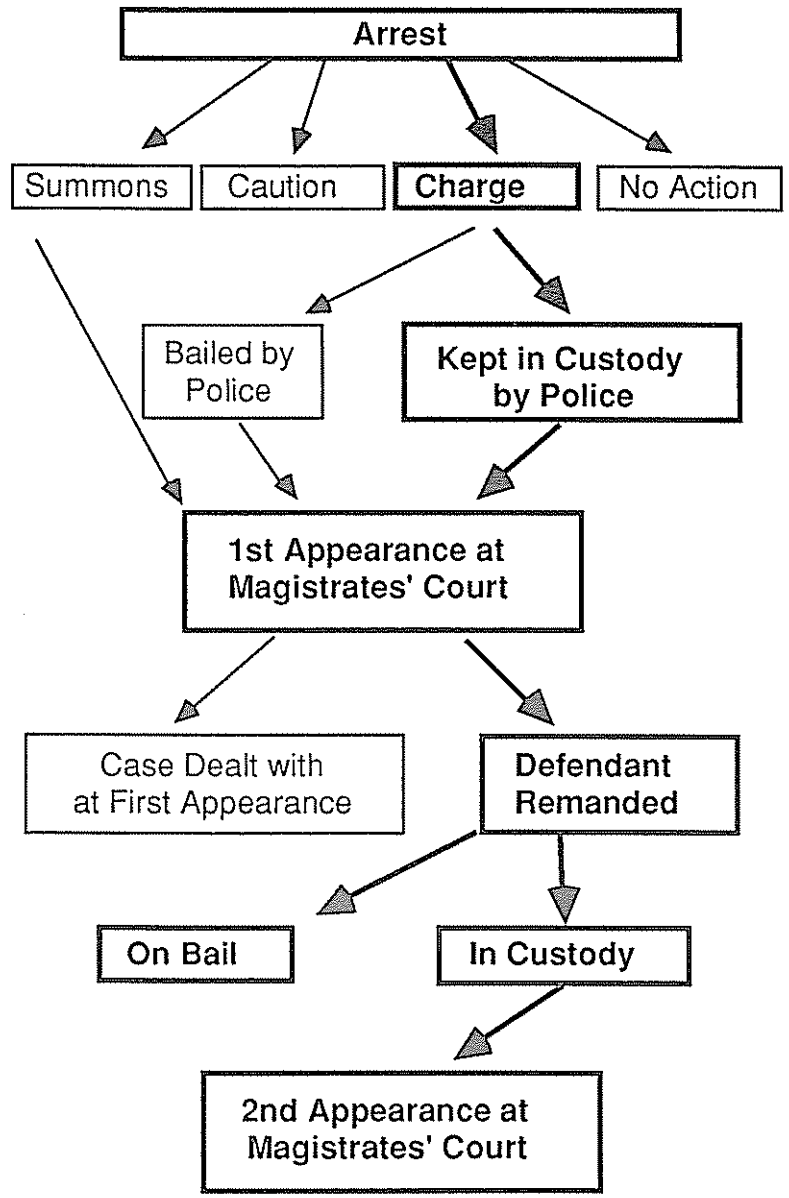
Probation records confirm he has lived in Manchester all his life and has a settled address with his parents at
, Green Walk
Whalley Range
It is also confirmed that he has been attending Abraham Moss College where he took a Business Studies Course.

Probation Officer: Janice E Lee-Francis Date: 22/6/87

This information has been collected by the Probation Service through an interview with the defendant and through other inquiries with the prior consent of the defendant. It is provided to both the Crown Prosecution Service and the Defence. If any further explanation is desired, the officer will be available in court and can be reached at 5 CC.

Note:
Mr. S. was before the court at first appearance charged with blackmail. He had three previous convictions, most recently for allowing himself to be carried in a stolen vehicle. The police originally recommended that the CPS seek a custodial remand, but the CPS did not oppose bail after reviewing these forms and the rest of the file. The court released Mr. S. on conditional bail, as suggested by the CPS. At Mr. S.'s third court appearance, the blackmail charge was withdrawn and an offence under the Public Order Act 1986 substituted. At his fifth appearance, Mr. S. pleaded guilty to the new charge. At his sixth appearance, he was sentenced to a period of community service. During his four months on bail in this case, Mr. S. never failed to appear, was not charged with any new offence, and was never alleged to be in breach of his bail conditions.

Figure 2
Possible Paths from Arrest through Second Appearance
(Pilot Schemes Focused only on Path Shown in Bold)



Note:
Bail decisions are made throughout the criminal justice process: first by the police when they charge a defendant, and then by the courts at each of the defendant's court appearances. These schemes focused exclusively on the bail decisions made by courts at defendants' first and second appearances, and then only on defendants who were already in custody at the time of the decision.

The Bail Information Sheet is not submitted to the Court. This is because it is meant to be considered only in conjunction with the information supplied to the CPS by the police. It does not form a recommendation for bail nor does it give a complete picture of the defendant. Neither would be possible without considering the details of the charge and other facts known to the police, but not necessarily known by the officers operating these schemes. If a court were to receive a copy of the form from the scheme, it could leave the false impression that the Probation Service had taken an overall view on bail in that case.

Still, the court does receive the benefit of the information. The advocates on each side are presented with the Bail Information Sheet. As always, each is bound to put any relevant facts to the court. In practice, if one of the advocates neglects to mention something of importance, the other is likely to do so.

Widening the Range of Information Provided

In order to provide as much useful information as possible in the short time available, these schemes have tried, during the pilot period, to find ways to tailor their work to the individual concerns presented in each case. The schemes did verify many addresses, but rather than check the address in every case, the schemes may have checked a defendant's medical condition in one case, employment in another, and probation supervision history in a third. They did locate hostel accommodation where it appeared necessary, but they also made voluntary referrals to centres that offered drink or drug abuse counselling, and to employment schemes. (See Figures 3 and 4.)

This breadth of information has not been achieved in all of the pilot schemes; but where it has, it has been through the mobilization of local resources and efficient organization of the scheme's routine. That routine has varied from one court to another, but typically the officer responsible for the scheme will arrive at the police cells between 7.30 and 8.30 each morning, before the police are burdened with the arrival of remand prisoners or defence solicitors. The probation officers review the police objections to bail and then interview defendants in the cells. Following the interviews, the officers begin their enquiries. These will typically consist of a check with the Probation Service itself to determine if the defendant is a current or recent client, and one or more telephone calls to the defendant's family. It may also involve checks with social service departments, hospitals, hostels, and other establishments.

The check with the Probation Service itself has proved to be the most helpful in expanding the scope of these schemes. Experience during the first two months of the pilot period suggested that many of the defendants for whom the police were recommending custodial remands were known to the local Probation Service. Yet no mechanism existed in any of these services to mobilize information about these defendants for the benefit of the courts making the bail decision. Most services employed procedures to alert supervising officers to their client's arrest after the bail decision was made, but this was not organized to provide information back to the courts.

By alerting probation field teams that certain types of information would be needed quickly, officers operating these pilot schemes were able to obtain much detailed information from their services.

Figure 3.
Examples of Actual Bail Information Sheets

U Form 2C

Probation Service Bail Information

Defendant: Mr. D.S.J.B

Offence: 3 Sec.51 Assaults : Sec.47 Assault : Sec.20 Assault

Next Appearance: ☒ FIRST APPEARANCE ☐ REMAND ☐ COMMITTAL ☐ OTHER: _____

Court: _____ Date: _____

The Following Factors Stand in Favour of Bail:

i) Stable Address Available

ii) Strong Local Ties

iii) Employment Available

Explanation:

I have telephoned Mr. D.S.J.B's home and can confirm that he lives with his girlfriend Ms. D.H and their 8 month old son at Edgeware.

He is a local man and Ms. D.H confirms that he has been in employment at a local dairy for the last year working a permanent part-time shift and that he is due to start at 11:30 a.m this morning.

The Following Factors Stand in Favour of Bail:

1. He is receiving appropriate help and support.

Explanation:

1. I have today spoken to Mrs. Boulter who is responsible for the supervision of Mr. L at Oldham Probation Office. She confirms that despite moving accommodation fairly regularly, he maintains very regular contact with the Probation Service and in fact reported to Minshull St. yesterday.

The Following Factors Stand in Favour of Bail:

i) Demonstrated reliability

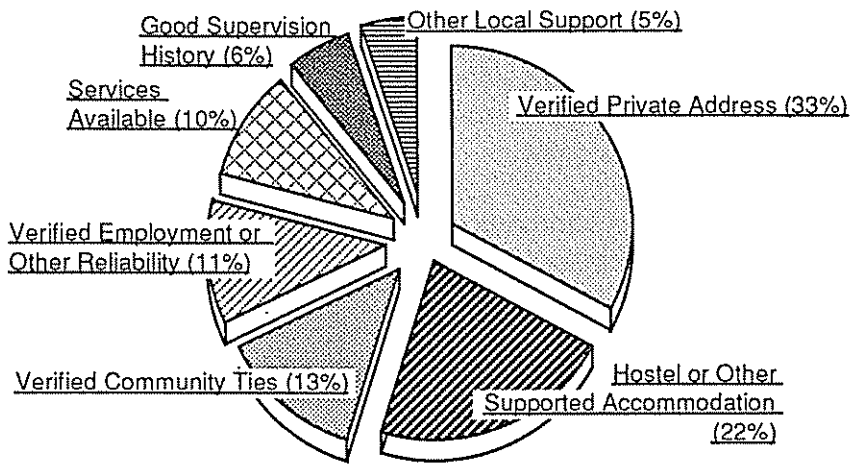
Explanation:

Mr. J.O. is currently employed on a community programme at Walker Wheels. I have spoken to his supervisor who confirms that Mr. J.O is one of the most reliable workers on site, that he presents himself regularly for work and is very dependable.

If bailed today, his job is still open to him.

Note:
Probation staff were encouraged to use standard two- or three-word phrases to identify relevant factors in each case, and to include the source of the information in the detailed explanation.

Figure 4.
Factors in Favour of Bail Submitted to CPS
for All Schemes Combined
(N=1,949)



Note:
Many Bail Information Sheets included more than one factor, so the total number of factors shown here exceeds the total number of sheets submitted.

This proved to be a relatively easy way to verify addresses and was also a useful method for verifying employment, medical problems, and a variety of miscellaneous facts.

This ability to collect information already known to the Probation Services was particularly useful because the Probation Services knew the great majority of defendants in the target group. In the six schemes for which these figures are available, the bail officers checked probation contact for a total of 2,531 defendants in the course of the pilot period, finding 73% to be current or former clients of the service. The speed with which information about these defendants could be gathered provided crucial time for the officers to make more cumbersome enquiries about other defendants, as well as to gather additional information about those known to the Probation Services.

Safeguards for Defendants

Because the defendants involved in these schemes had not yet entered pleas at the time of their interviews and were often unrepresented, various safeguards were incorporated into the design of each of the schemes to protect the legal and procedural rights of the defendants.

First, the officers interviewing defendants were not permitted to discuss the offence with them, nor were they permitted to discuss the offence in the written information supplied to the CPS. This rule protects defendants and probation staff from the host of dangers that

would flow from any informal interrogation by the probation staff about the offence prior to plea. The rule also helps the probation officers to focus the interview on the biographical information that they need to elicit in the course of a very short interview.

Second, the officers operating the schemes were directed to provide the information in writing. This assured that the schemes remained accountable for the information conveyed. It was also meant to protect the schemes against possible allegations that inappropriate information had been supplied.

Third, the Bail Information Sheets were produced in self-carbonating sets, so that the defence could be provided with an exact duplicate in every case.

Fourth, participation in the scheme required the consent of the defendant. In each case, before any inquiries were made and before the interview was commenced, probation staff explained the scheme to the defendant, including the fact that any information collected could be provided to the prosecution as well as to the defence. Defendants were also to be told that there was no requirement that they talk to the bail officer, and that no enquiries would be made by probation if they chose not to participate.

In the course of the pilot period, no complaints were received from defendants or defence solicitors regarding lapses in these safeguards, nor was any suggestion heard that these were proving inadequate. Nonetheless, not every scheme adhered to these procedures as closely as had been expected. The local difficulties that were encountered in implementing these safeguards are discussed in section 3 of this report.

The Professional Bail Officer

The officers assigned to these schemes were required to exercise their professional judgement throughout their work in each case, but to do so in an unfamiliar context.

Judgement was required, first, in the selection of defendants to interview, based on the bail objections proposed by the police. In most courts, this process also included conversations with police officers, prosecutors, and defence solicitors, but it was for the probation staff to initiate these conversations and, where necessary, to choose which defendants to see.

Next, the officers had to control the interviews with defendants, keeping the conversation focused on the relevant facts, while

remaining sufficiently flexible to identify the specific areas of inquiry appropriate to each individual. The officers faced a difficult task here, for the defendants were often very nervous about their impending appearances in court, and this anxiety was only exacerbated by the imposing atmosphere of the police cells in which the interviews had to be conducted. Each officer had to develop techniques that would calm the more nervous defendants and direct the conversation all within the space of a five or ten minute interview. A worksheet was developed for use by the officers, but this did not set a standard series of questions to be asked. Certain topics were always included, such as the availability of a local address, but the short interviews were of value only because they could be adapted to suit each defendant.

Following each interview, the officers had to choose which cases to explore and what to explore. Because time was always short, priorities had to be set quickly. Some of these decisions were often taken during the interviews themselves, as officers chose when to ask for the names of people who could verify specific pieces of information; but upon completing the interviews for a morning, the officers were generally left with more enquiries to make than time would allow. The enquiries themselves also required professional skill, both to keep them brief and to elicit the needed information. Persuading people on the other end of a telephone to share personal information about defendants was often difficult, whether the source was a relative of the defendant, an employer, a doctor, or a colleague in the Probation Service.

Finally, the preparation of the Bail Information Sheets required careful judgement. The interviews and enquiries produced a large amount of information that had to be culled for the relevant bits, and these then presented concisely. The Information Sheets had to contain sufficient details to allow the hurried prosecutors to assess the information, but they had to avoid the expression of the officers' personal opinions or any discussion of the offence alleged.

In meeting these varied demands, the professional training and practical experience of the probation officers operating the schemes proved both a help and a hindrance.

The officers' professional background was most useful in establishing appropriate relationships with police officers, prosecutors, and defence solicitors; it was crucial to the officers' ability to cope effectively with nervous, distraught, and angry defendants so soon after their arrests; and it greatly enhanced the ability of the officers to collect sensitive information quickly from colleagues, other agencies, and private individuals. The officers' training and experience also gave them greater understanding of the dangers inherent in the work and the importance of the established safeguards.

In two specific areas of the work, however, the officers generally found that the role demanded new skills. These were the defendant interview itself and the writing of the Bail Information Sheet.

At first, many of the officers found it difficult to avoid discussion of the offence with defendants. This was not only because the defendants were so concerned about it, but also because, as probation officers, they were trained to organize their conversations around the offence and the circumstances that might explain it.

The officers also found it difficult to avoid expressing opinions as part of the Bail Information Sheets. The prosecutors receiving the Bail Information Sheets were interested in the facts that they contained, but the style of writing in which the probation officers had been trained seemed, in this context, deliberately to blur the lawyers' distinction between fact and opinion, and to obscure the sources of information.

Much work during the pilot period was devoted to developing appropriate, alternative strategies for use by the officers in both directing the interviews and presenting the information. According to most of the officers and prosecutors concerned, that effort was successful. As a result, the officers responsible for these schemes now possess a range of professional skills that may be valuable to the Probation Services nationally, not only in developing further the work on bail, but in applying the lessons learned to other areas of work as well.

In addition to learning new skills, the officers faced a variety of difficulties in defining and defending their role within their own services. At the end of the pilot period, they reported substantial success in establishing the validity of their professional work with colleagues and with other court professionals, but this had not been a simple task. Many defence solicitors had expected that the schemes would operate as resources for their use and had been slow to recognize the independent position of the new bail officers. Magistrates, when they caught sight of the bail officers, had similar expectations that these officers ought to provide a service directly to the court. The clarity of the role in court was further eroded when colleagues on court duties expected the bail officers to play a more traditional role than that for which they had been appointed. In all of the schemes, therefore, the officers spent considerable time and effort setting and enforcing limits on their own responsibilities.

Finally, the officers faced a variety of questions from their own colleagues about the professional status of their role. Some questioned the propriety of probation officers playing any role in the criminal justice process other than social work with convicted offenders. Others suspected that these schemes were harbingers of more intrusive

bail programmes to follow. Against these and other objections, the officers operating the schemes repeatedly defended their work, but the debate continues within the Probation Services.

2. Aggregate Results

Objectives and Limitations

The Probation Services operating these schemes hoped that the provision of bail information to the CPS would have two distinct but related results. First, they hoped that the availability of greater information about defendants at risk of custody would result in some being granted bail who would otherwise have been remanded in custody. Second, and of equal importance, they hoped that the provision of information to the CPS would allow individual prosecutors to exercise a more independent discretion in deciding whether or not to seek custodial remands. On both criteria, the success of the schemes depended on the willingness of prosecutors and magistrates, receiving information from the scheme, to act on it.

The introduction of many of the local schemes coincided with a wave of publicity given to the increasing overcrowding within the prison system, largely due to the growth of the remand population. As a result, many local court professionals—clerks, prosecutors, defence solicitors, and police officers—were initially concerned that these information schemes concealed some more radical plan to reduce drastically the numbers remanded in custody.

Once the limited nature of the pilot schemes was understood, however, the schemes received widespread local support for both their objectives and their method of operation. While none of the local officials approached about these schemes ever expressed the view that the numbers locally remanded in custody were higher than necessary, most of them accepted that more information about defendants facing custodial remands could be useful. Indeed, some of the scheme staff were surprised at the level of support shown from the beginning by some police officials and some prosecutors. These police officers saw scope for relieving burdens on their own court officers without affecting what they considered to be the "necessary" custodial remands. The prosecutors, while doubting that many decisions would be made

differently, saw the potential for enhancing the independence of their new service in a visible way.

This link between the scheme's limited objectives and the support received locally was a feature of implementation in each of the pilot areas. Had the suggestion been made that these sorts of schemes would—on their own—end the overcrowding in remand prisons, it is doubtful that they would have been welcomed as they were.

Measured against these limited objectives, the pilot schemes were a success. They demonstrated the willingness of the CPS and the courts, respectively, to oppose and to deny bail less frequently when provided with more information about defendants. Furthermore, they demonstrated the ability of the Probation Services to provide that information quickly and in a useful form.

Monitoring

The statistical monitoring of these schemes had three components, each organized for a separate purpose.

First, pre-pilot surveys were carried-out by probation staff in most of the courts in order to assist with the design of each scheme. These surveys provided a rough sketch of the circumstances in which defendants were receiving custodial remands at their first appearances. They included information about offences alleged, allegations of bail breach, and the addresses given by defendants. They also included the reasons for custodial remands as stated by both the prosecution and the court. The surveys were brief, lasting only between one and two months in each court.

Second, during the pilot period itself, all probation staff operating the schemes used a standard Bail Scheme Worksheet in each case to make notes of the interview with the defendant, to record the results of any enquiries made, and to indicate what they did with the information collected. These worksheets were all sent to the Vera Institute, where staff entered much of the information on a computer. This database was then used by Vera staff to monitor the work of the bail officers. The results of this monitoring were shared periodically with the staff and their supervisors, so that new routines could be assessed and problems identified as early as possible.

Third, the probation staff used the front page of the Worksheet to record the objections to bail made by the CPS, any applications for bail made by the defence, and the bail decision itself at both the first and second appearance in each case. This front page was completed

regardless of whether or not the scheme had provided information to the CPS.* This information, too, was recorded on computer and used by the Vera Institute to assess the effectiveness of the schemes.

Impact on Bail Decisions

Using the database created in this way, a straightforward count can be made of the number of cases in which the schemes supplied information to the CPS and the number of these in which the courts granted the defendants bail at either their first or second appearances. For all schemes combined, these figures work out to 1367 cases in which information was supplied, and 874 defendants granted bail.

By itself, however, the raw number of defendants bailed overstates the impact of the schemes. Common sense suggests that many of the defendants who were granted bail following the provision of information by the scheme probably would have been granted bail in any event. An accurate assessment of impact requires an answer to the more difficult question: "How many of the defendants bailed would have been remanded in custody in the absence of the scheme?"

There is no perfect answer to this question, but there are better and worse ways to approach it. Comparing the results during the short pilot period with the preceding period is unsatisfactory principally because the proportion of defendants granted bail appears to fluctuate greatly from month to month during any period. Nor is it useful to compare directly the proportion of defendants granted bail following the provision of information with the proportion granted bail about whom no information was supplied, as the decision to supply information was not made at random.

The technique adopted here has been to develop and apply statistical models that attempt to predict how the bail decisions would have been made in the absence of information supplied by the Probation Service. These models were computed individually for each of the eight courts where pilot schemes were operating, each model constructed using data collected from cases during the pilot period in which no information had been submitted to the CPS.

The data used to construct the models generally included the offence charged, any breach of bail alleged, any offence for which the defendant was already on bail, the number of the defendant's previous convictions as well as the offence and year of most recent conviction, the defendant's age, the nature of the defendant's address recorded by the police, the details of the police objections to bail, and finally the bail decision itself. None of the models relied on all of this data, but

* The schemes varied in their ability to record all of the details desired in cases where no information was supplied to the CPS. (See explanation in Appendix B).

each was constructed using the five or six items that produced the most accurate predictions for that court over that specific period of time. Where possible, the models were tested against cases considered in these same courts immediately prior to the introduction of the pilot schemes.

These statistical models were designed deliberately to produce conservative estimates of the impact of the schemes. The models are not perfect predictors—no models are—so there is inevitably a proportion of cases in which each model predicts that a defendant would be bailed who is actually remanded in custody, and the other way round. By adjusting the model, the two types of error can be balanced so that errors occur more often in one direction than in the other. The models used here were all adjusted so that they erred on the side of over-predicting bail. As a result, when the models were applied to those defendants bailed during the pilot period following the provision of information to the CPS, they were likely to over-estimate the proportion who would have been bailed in the absence of the scheme, thus producing the conservative estimates of impact.

The results of this estimation technique are presented in Table 1. These are not annual figures, as the schemes were in operation for various lengths of time during the pilot year. Nor do they represent results in a cross-section of the cases dealt with in the pilot courts. Defendants summonsed or bailed by the police were never considered by the schemes, nor were most defendants for whom the police were suggesting conditional bail. As a result these are defendants with a higher-than-average risk of custody at first appearance.

Table 1.
Information Provided, Defendants Bailed,
and Impact of Pilot Schemes, for All Schemes Combined

	A. Cases in which Information was Supplied	B. Defendants in Col. A Granted Bail	C. Estimate of Number in Col. B Bailed as a Result of the Scheme
At 1st Appearance	1106	683	278
By 2d Appearance	1367	874	391

Note: The estimates in Column C are based on models that were designed to produce conservative estimates of impact. These are not annual figures, as most of the schemes operated for only a part of the pilot year. The figures for second appearance are cumulative.

To summarize these results, the pilot schemes made some contribution to 874 court decisions to grant bail at either first or second appearance. In many cases, the contribution was small, probably making no difference in the ultimate choice between bail or custody.

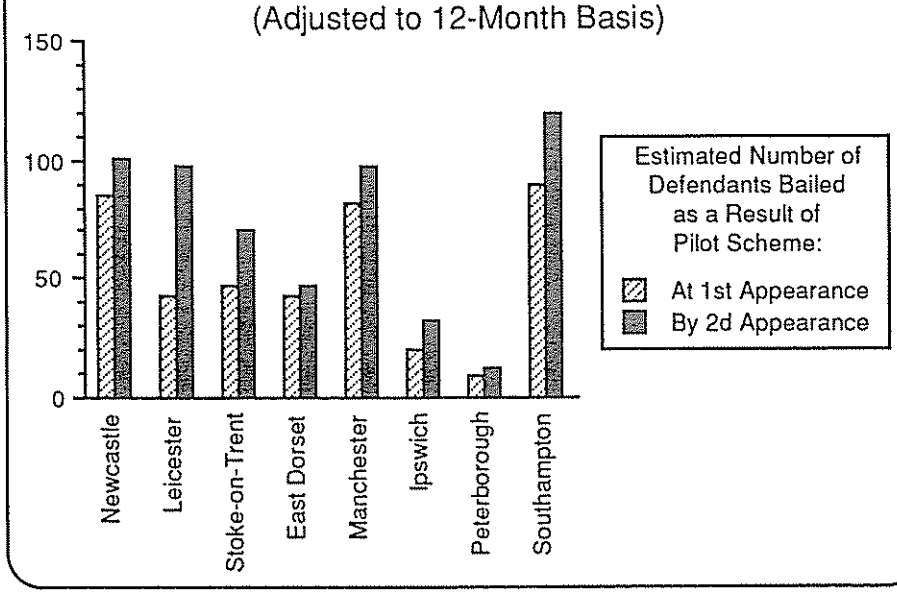
In these cases, the information may have simply made the decision easier, or it may have prompted the court to attach or not a particular condition of bail. In approximately 400 of the decisions to grant bail, however, the information provided by the scheme was probably crucial, allowing defendants to be bailed who would otherwise have been remanded in custody.

Local Variations

The aggregate numbers in Table 1 mask wide variations in the results from some schemes to others. Not all of the pilot schemes were implemented with equal success, nor were they equally effective. It is therefore necessary to distinguish between the results for the individual schemes.

Figure 5 shows the estimated impact on bail decisions that each of the eight schemes made during the pilot period. The schemes are listed in the order in which they commenced operation, and the figures for those schemes that operated less than twelve months have been adjusted to an annual basis to permit a meaningful comparison.

Figure 5.
Impact of Individual Pilot Schemes
(Adjusted to 12-Month Basis)



Note:
The estimated annual impact of the schemes varied considerably from court to court. The figures here correspond to the aggregate figures in Column C of Table 1. For purposes of comparison, however, these figures have been adjusted to an annual basis for the schemes that operated for less than 12 months during 1987.

The figures for Leicester, Manchester, and Newcastle provide the most reliable picture of what such schemes can expect to accomplish. In each, approximately 100 defendants (on an annual basis) were granted bail who would otherwise have been remanded in custody.

None of these can be described as a perfect scheme. They all encountered serious obstacles in their work, although these were different at each site. In addition, they all experienced some difficulties getting started. The figures presented here, therefore, do not represent peak performance. No scheme, however, will operate at peak efficiency at all times, and all will encounter some obstacles to the work. These figures, therefore, provide the most realistic measure available of what can be achieved.

The figures for Southampton are the most hopeful. This was the last scheme to be launched during the pilot period, commencing operations only in November 1987. As a result, these annual projections are based on only two months of real results. Nonetheless, all of the other schemes operated at their lowest level during their first two months, suggesting that the impact in Southampton over a full year may prove to be greater than shown here.

The results in Peterborough and Southampton provide an instructive contrast. These were the last two schemes to be organized, with officers assigned to the task from September 1987; so both had the advantage of the lessons learned in the original pilot areas. Yet Peterborough showed the lowest impact, while Southampton showed the strongest. There are many differences between the schemes and between the courts that may help to explain the results, but the most significant difference may have been the manner in which these two schemes were organized by the separate Probation Services. These themes are developed further in section 3 of this report.

Direct comparisons between the separate schemes are difficult and, in some respects, inappropriate to make because of their different durations, starting dates, and individual designs. Further discussion of the detailed results for each individual scheme, as well as the strengths and weaknesses of each, is therefore left until section 3.

Failures on Bail Following Intervention by the Scheme

It was not possible for the staff of these schemes to monitor the complete progress through the criminal justice system of each case in the target group. Such an exercise would have required more time and money than was available. Instead, cases were monitored only through first appearances, although the bail decisions at second appearances were also monitored for defendants remanded in custody at their first appearance. There is, therefore, no precise count of how many defendants in the target group were later arrested for breach of their bail conditions or for offences while on bail.

In three of the schemes, however, it was possible to produce an approximate measure of breaches sufficiently accurate to compare

those defendants bailed after the schemes had provided information with those defendants bailed without information being provided by the schemes. This measure was based on the rate at which defendants in the target group were granted bail and later re-entered the database as a result of a subsequent arrest.

For example, imagine that Defendant Green had been arrested on a charge of theft and that the police had originally recommended that he be remanded in custody. This would bring Green within the scheme's monitoring. Imagine further that the pilot scheme supplied a Bail Information Sheet in his case and that Green was then granted conditional bail at his first or second court appearance. Green's case would not be monitored by the scheme beyond this point; but if Green were subsequently arrested on a new charge, or for failing to answer his bail, or for breach of bail conditions, and if the police held him in custody to appear in court the next day on the new allegations, this appearance would be regarded by the schemes as a first appearance in a new case. The computer-based system used to analyse the data would then be able to match-up the two cases and note that Green had violated his bail in the original case.

Yet defining "bail failures" is more complicated than this. If, in the example above, Defendant Green had been re-arrested for breach of his curfew but had then offered a reasonable excuse to the magistrates, he could have been re-bailed by the court without further incident. Because of the difficulties in defining this as a bail failure, the measure used here distinguishes between those re-entering the database who were remanded in custody and those who were immediately bailed again. Only those remanded in custody upon their re-arrest were counted as bail failures. Inevitably, there were several defendants who re-entered the database and were then remanded in custody, only to be granted bail a few days later. In these cases, the first grant of bail was counted as a failure and the subsequent grant of bail was categorized separately, depending on whether or not the defendant entered the database on a third occasion.

The measure created in this way has several shortcomings. Most importantly, it is not comparable with breach rates identified in more specific research, principally because it excludes from the outset all defendants granted bail by the police. In addition, it is likely to exaggerate the failure rates for a number of technical reasons. For example, when defendants on bail did re-appear in the database, the monitoring system could not always be certain that the bail breached was the same grant of bail that had been monitored earlier. To be safe and consistent, the system always assumed in such ambiguous cases that the original bail had been breached.

All of these shortcomings, however, apply equally when the measure is applied to defendants bailed with information from the

schemes and to defendants bailed without any information provided by the schemes. As a result, while the numbers themselves have only limited significance, they do provide a fair standard of comparison between cases in which these schemes intervened and those in which they did not.

Figures 6, 7, and 8 show the rates at which defendants "failed on bail" in the course of the operation of the pilot schemes in Ipswich, Leicester, and Newcastle. Corresponding figures for the other pilot schemes are not available because these schemes either did not operate long enough for significant numbers of defendants to re-enter the database or because they did not monitor new arrests in a way that was likely to capture the failures.

In two of these three schemes, bail failures due to arrests for new offences were slightly less frequent for defendants bailed with the intervention of the schemes than for defendants bailed without the intervention of the schemes. In one of the schemes, such failures were slightly more frequent. In no scheme, however, was the difference more than three percent in either direction.

Bail failures due to defendants not answering their bail when required were slightly less frequent in all three schemes for defendants bailed with the intervention of the schemes. The only substantial difference appears in the rates for Ipswich, but the low number of cases in this court makes the size of this difference less significant than it might otherwise appear.

In two of the schemes, bail failures due to breaches of bail conditions alone were more frequent for defendants bailed following the intervention of the schemes. The differences are again very slight, except in Ipswich where the large percentage difference reflects only a few cases. The figures for this group may cause concern; but it must be noted that these defendants have neither been charged with new offences nor failed to answer their bail.

In summary, defendants bailed following the work of these schemes did not re-appear in the database for these three courts with substantially greater or lesser frequency than defendants bailed without the intervention of the schemes.

Impact on the CPS

The information provided by the pilot schemes can influence the bail decision by shaping either the CPS applications, the applications made by the defence, or both. The results discussed above, therefore, do not necessarily imply that these schemes made an impact on the prosecutors in particular.

Figure 6.
Rate of Bail Failure Due to Arrest for New Offence

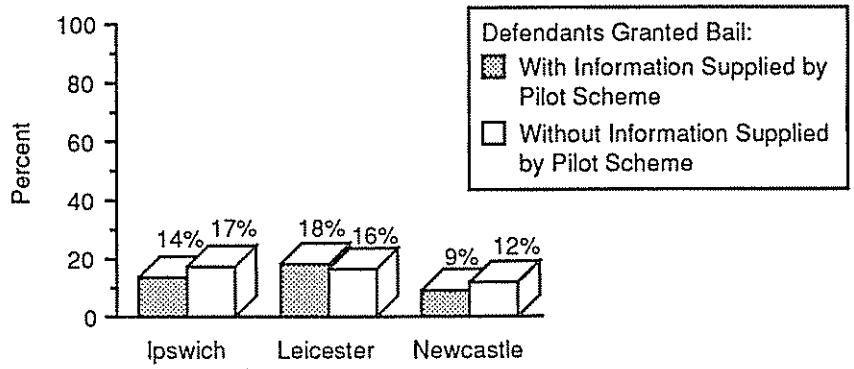


Figure 7.
Rate of Bail Failure Due to Arrest for Failing to Answer Bail

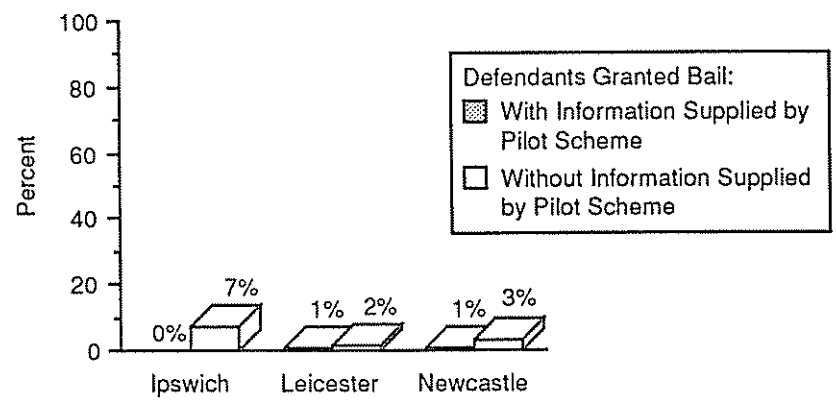
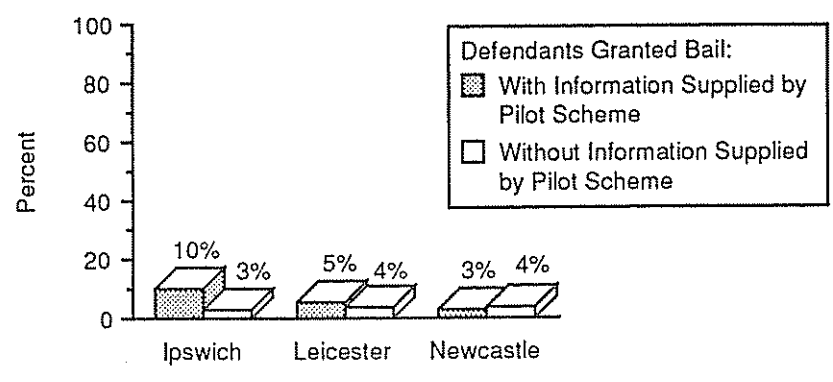


Figure 8.
Rate of Bail Failure Due to Arrest Solely for Breach of Bail Conditions



Note:
There was no significant difference in the rates of "bail failure" between those bailed following intervention by the schemes and those bailed without intervention. The percentages shown are based on the following numbers of defendants bailed in each court with and without intervention, respectively: Ipswich (29, 31); Leicester (159, 197); Newcastle (311, 354).

Impact on the CPS itself would be significant in at least two respects. First, it would demonstrate the willingness and ability of the CPS to respond to information from sources other than the police, thus demonstrating its independence in a most tangible way. The demonstration of this independence will be crucial if the CPS is to occupy the position of responsibility that has been carved out for it by statute. Second, some measurable impact on the CPS would demonstrate the ability of the Probation Service to establish a mutually useful relationship with the new prosecution service. This, too, might pay dividends in the future for both services as the CPS assumes a greater role in the criminal justice process as a whole.

In all three courts where police bail recommendations were monitored before and after introduction of the pilot schemes (Ipswich, Southampton, and Stoke-on-Trent), police recommendations for custody resulted in prosecution requests for custody less frequently during the pilot period than had been the case previously. The individual figures are presented in Table 2, showing the rates for all cases within the target group, as well as the rate in each court for cases in which information was supplied by the scheme. In general, these results suggest that the CPS was exercising independent judgement on the matter of bail, and that the information provided by the schemes assisted in that process.

Table 2.
Proportion of Cases in which CPS Sought Custodial Remands at First Appearance, Following Police Recommendation for Custodial Remand

	A. Pre-Pilot Survey Period	B. All Cases During Pilot Period	C. Cases in which Pilot Schemes Supplied Information
Ipswich	91%	84%	61%
Southampton	92%	75%	75%
Stoke-on Trent	97%	75%	57%

Note: The pre-pilot survey period consisted of 4-8 weeks immediately prior to the commencement of the pilot scheme. Percentages shown are based on the following numbers of cases in which the police originally recommended that the CPS seek a custodial remand (numbers are for columns A, B, & C, respectively): Ipswich (35, 95, 27); Southampton (40, 60, 44); Stoke-on-Trent (38, 220, 77).

The percentages in Table 2, however, can be misleading. The absolute numbers of cases in these schemes was relatively small, so large differences in the percentages before and after introduction of the schemes may reflect differences of only a few actual cases. Also, the fact that the CPS did not apply for a custodial remand where the police had originally suggested one does not mean that the police view was

overruled. The information provided by the Probation Service very often persuaded the police as well as the CPS that a recommendation for custody was no longer appropriate. None of the police representatives on the local advisory groups has reported complaints from within their forces about CPS decisions not to seek custody as a result of the information provided by the schemes, nor have prosecutors reported receiving such complaints. As one prosecutor commented, "We do receive complaints from the police about our bail recommendations, but never in these cases."

Conversations with the individual prosecutors involved with the schemes have, in general, confirmed these statistical results. They note, however, that the level of impact only represents a change of only a few cases each month.

Views of the Prosecutors on the Operation of the Schemes

At the end of the pilot period, 30 prosecutors were interviewed about their experiences with the pilot schemes in their courts. Some were enthusiastic, the great majority were pleased with the scheme, and a few reported that it had made no difference to them whatsoever. Each of the prosecutors was asked to comment on five statements regarding the daily operation of the schemes that had been made by the first prosecutors interviewed. The five statements are listed below, as are the proportion agreeing with each and some of the comments made in response.

1. ***"There are undoubtedly cases in which I have altered my position as a direct result of the information provided."***

Exactly half of the prosecutors agreed. Some immediately described one or two particular cases, while others spoke generally of "many cases" in which their position had been changed.

Those who disagreed usually took exception to the word "altered" in the quoted statement, adding comments such as these:

"No, but it often confirms a view that I have previously formed."

"No, but it has been a factor that helps to form my view. It helps to germinate a seed that is there."

"It's much more fluid than depending on any one piece of information."

A few, however, said that the scheme had been useless, in comments such as this:

"The forms that I have seen have told me nothing that I did not know already, and it has not made one iota of difference to me."

When questioned further, some prosecutors stated that the scheme had only changed their mind about bail when it had provided a hostel place, but the great majority of prosecutors felt that the schemes were helpful with other information as well.

2. *"This scheme will never help with offences committed while on bail."*

Only one-sixth of the prosecutors agreed. Those few who endorsed this view explained that they felt that they had no choice in such cases but to seek a remand in custody. The majority, however, took a more flexible approach and therefore welcomed the information even in these cases. As one prosecutor said in response: "I see the point, but I don't accept it."

3. *"The information we get from the bail officer usually goes further than police information about employment and domestic situation."*

Two-thirds of the prosecutors agreed, but here the different responses seemed to reflect experiences of different schemes. Some of those agreeing with the statement made the following comments:

"Undoubtedly. There's very little of this information that's supplied to us by the police."

"Yes, and the information is often more reliable than police information."

"In fact, in many ways it's more independent than information you get from the police, because the police have a certain course they want you to follow."

"Especially about employment. It's made me think. Such information isn't available from the police usually. It's much better coming from a probation officer."

"The Probation Service is more likely to know the wider family than the police are. They have a better knowledge of the family than the officer in the case."

"Always."

Yet those disagreeing had strikingly different impressions, of which the following were typical:

"No. It does not go as far as police information."

"I've never had information [from the scheme] about those. It's only been about NACRO schemes and hostels."

4. *"It is one thing for defence solicitors to tell me something, but when I have a piece of paper from the bail officer, that makes a hell of a difference in my opinion."*

Slightly more than half of the prosecutors agreed. Some of these stressed the independence of the Probation Service, making comments including the following:

"You have independent information from probation. I have more faith in probation officers having made the necessary telephone calls than defence lawyers."

Others who agreed spoke of the particular manner in which the Bail Information Sheets were written:

"The source is almost always quoted. If it wasn't phrased like that, you would think it was the defendant who said it."

"I like the way that the information is given. It's one of the best things about the scheme, really. It just gives you facts, and it let's me judge how much weight to give them because I can see where they got them."

Those who disagreed said, without exception, that their view about the trustworthiness of any information would depend on the sort of information and how it had been checked, regardless of who provided it.

5. *"I only use it to see what the defence will be saying, so I can be prepared to counter it.... It's a good scheme, but only because it has allowed me to get more into custody."*

No one, apart from the prosecutor who made the statement, agreed. Typical reactions included:

"Nonsense. I'm appalled."

"I'm afraid if we adopted that approach, the cooperation we have [with the defence] would go out the window."

Yet the prosecutor who made the statement had a serious point to make. This prosecutor explained that, before the scheme, he would make objections to bail in cases where he felt strongly that custody was necessary, only to find that the defence then made representations on subjects that he had not anticipated, distracting the court from the objections that the prosecutor had made and resulting occasionally in bail being granted. Since the introduction of the scheme, he explained,

when defence solicitors receive their copies of the Bail Information Sheets, they invariably rely upon them as the centrepiece of their applications. This allows him to anticipate defence arguments more reliably and to prepare counter-arguments in advance. The result, he claimed, is that he is more successful at winning custodial remands. In his view, this was the scheme's only virtue.

Most of the Crown Prosecutors understood his point. Nevertheless, as a matter of principle, all disavowed such strategic use of the scheme. As one Branch Crown Prosecutor commented:

"I can see the logic, but I think it is perverted logic. We're not there to 'win,' especially on a bail application. You never 'win' on a bail application."

Views of the Prosecutors on the Design of the Schemes

The great majority of prosecutors interviewed would recommend to colleagues in other CPS offices that they become involved in such schemes. This view prevailed both among prosecutors who claimed to have been directly influenced by the schemes and among those who had felt no such direct influence in their cases.

This support for the scheme appeared to be related to the view that the schemes bolstered these prosecutors' own independence, as the following comments from prosecutors in three different offices illustrate. These comments were all made by prosecutors asked to explain how these schemes provided practical help:

"You get your remand file from the police saying bail is opposed for whatever reason; but this gives you the full side of the picture, so you have the information you need."

"When you get the report from the police you are getting a very one-sided view. While we do represent the police, we are also an independent agency and we should have a balanced picture."

"I really believe that the function here is to provide objective, factual information which is up-to-date. There is really no other source. If the custody sergeant has already decided that the person should be in custody, he isn't going to give you objective facts, and neither is the defence."

Several prosecutors also commented that the schemes had saved time in the busy remand courts. Some mentioned time saved through the early verification of accommodation, while others suggested that the scheme had helped to shorten bail applications themselves. As one prosecutor described this process:

"You just don't get involved in lengthy arguments with defence solicitors anymore. It has narrowed down the area of dispute, which must be a good thing."

Two particular concerns had been voiced by senior management of the CPS when the schemes were initially proposed. The first was that the schemes would be an additional burden on the courtroom prosecutors precisely at the busiest time of the day, with probation staff seeking their attention in the few minutes immediately before the court was to begin. The second concern was that the independence of the CPS would be undermined, rather than enhanced, through close association with the Probation Services.

In practice, the schemes did not present a burden. When asked directly about the potential difficulties of dealing with the bail officers each morning, none of the prosecutors interviewed reported that this had presented any problem. Instead, several prosecutors expressed appreciation for the way in which the scheme had been implemented. Some noted that the bail officers had spent one or more days with the CPS during their induction periods which had allowed them to arrange their routines to minimize any burden. Others said simply that they found the information very easy to digest. *"Short and snappy"* was the way one described it. By the end of the pilot period, the CPS managers appeared convinced that this concern had been met. As one Branch Crown Prosecutor reported:

"The only reservation that I expressed in the early days was the imposition that the scheme would have on the CPS at the busiest time of the morning. But I do not think that that fear has been realized. They [the courtroom prosecutors] do not find the scheme burdensome at all, and that is a credit to the scheme."

As for the possibility that the independence of the CPS might be compromised through association with the Probation Service, none of the prosecutors interviewed at the conclusion of the pilot period expressed such a concern. When asked about this possibility, prosecutors responded in a wide variety of ways, including the following:

"I don't think that my independence is going to be threatened by someone giving me information. I'm not going to be pressurized by it."

"I'm all for contacts with the Probation Service, and it's all the more important now that we are an independent service trying to take an independent view."

"It's been pretty much arm's length. You're just handed a piece of paper, and that doesn't compromise my independence."

"We're all professionals.... We're all working in the same place. Rightly or wrongly, we have different goals; we are pulling in different directions. But we are professionals and we have good professional relations."

"I have never regarded the Probation Service as a bunch of trendy lefties. In fact, they are sometimes more draconian than I am."

Some prosecutors did report that relations had improved between the services as a result of these pilot schemes, while others said that it had made little difference. Among the comments made by those who felt that the scheme had helped relations were the following:

"The relationship has improved. I have certainly got a better insight about what they're about. It has certainly improved."

"Well, I can say that before the scheme I didn't have time for probation; but I think the relationship now is very good."

"The difficulties came from lack of trust in the hostel system. While the scheme is opening a door for the Probation Service to have an input into what we do—and I think the concept is good—equally it may open a door in the other direction so that our concerns about hostels can be fed back."

In summary, most of the prosecutors approved of the scheme, liked its design, and would welcome its extension to other courts. Where differences between the prosecutors emerged, they appeared related to the different ways that the separate Probation Services had implemented the scheme locally. These underlying differences are discussed in section 3 of this report.

Views from Other Participants

In five of the eight pilot areas, the Probation Services convened local advisory groups to assist in the development of the pilot schemes. These groups typically consisted of an Assistant Chief Probation Officer, a Branch Crown Prosecutor, an Assistant Chief Constable or a Chief Superintendent, a Clerk or Deputy Clerk to the Justices, and a representative of the local defence solicitors. They were organized in Ipswich, Manchester, Peterborough, Southampton, and Stoke-on-Trent.

Although several of the police representatives on these advisory groups had come initially with many reservations, by the end of the pilot period all supported the schemes. The following comments from three different forces were typical of those expressed at the end of the pilot period:

"We don't have any complaints. If anyone can get their liberty when they should, then that is a good thing and we support it."

"We would like to see it continue. It is supported by the police and we see it as beneficial."

"Of course there has been a small burden added to the police, but this certainly has been no problem. On behalf of my force, we would support this."

This unanimous approval is particularly noteworthy as it is the police in these same areas who have been most inconvenienced by the schemes. They have arranged for their officers to share their bail objections with the probation staff operating the schemes, and they have made arrangements for the probation staff to have access to their prisoners early each morning. As was done with the prosecution, however, care was taken in each scheme to fit the work into existing routines whenever possible. As a result, none of the police representatives reported any problems in making facilities available to the bail officers.

The Justices' Clerks were similarly approving in each of these advisory groups. Their only concern at the start of the pilot period had been that the process of interviewing defendants and verifying information would slow the work of the busy remand courts. By the end of the pilot period, all reported that the schemes had not slowed their courts at all. In two of the pilot areas, the Clerks went further, reporting that the scheme appeared to speed the work of the remand courts. These clerks confirmed what several prosecutors had said regarding the ability of the schemes to narrow the scope of argument between prosecution and defence and to arrange hostel or other verified accommodation before the cases were heard, thereby avoiding the need to put cases back.

In one area, the Deputy Clerk also reported that the scheme had reduced the number of custodial remands required by lack of information. There was no statistical confirmation of this change, but in his report to the advisory group this clerk emphasized the impression that had been made on the magistrates and clerks like himself who regularly sat in the remand court:

"The information coming to magistrates is more accurate, better verified information.... I would be devastated if the scheme were to end and I know the magistrates would be disappointed as well."

In most of the pilot areas, however, the magistrates were, at most, only marginally aware of the scheme's existence. Because the schemes did not provide them any document directly, nor change the

manner in which they were to consider bail applications, there had been no need to call their attention to the pilot work. Indeed, to do so could have been viewed as inappropriate and might have itself produced an effect on the decision-making process. As another Clerk more typically reported:

"We have tried to organize it so it is unobtrusive; and so for the magistrates it has not been felt to make any change at all."

Among the defence solicitors on the local advisory groups, all of the designated representatives reported that they had received no complaints about the schemes from their colleagues. Most supported the schemes; but in one area there was one defence solicitor who voiced strong opposition to the scheme from its start. This solicitor was invited to participate as an additional member of the local advisory group, where he continued to express his doubts. His view was that the bail process had operated satisfactorily before the introduction of the scheme. By the end of the pilot period, he did not believe that the scheme had made any significant difference; but he did believe that it had delayed defence solicitors who arrived at the cells to interview their clients, only to find that their clients were occupied with the bail officer. Although procedures had been implemented to terminate the bail officer's interview upon the arrival of a defence solicitor, this solicitor did not believe that the problem had been eliminated. As a result, in his view, the scheme had done more harm than good.

No similar view was expressed elsewhere, nor indeed by other solicitors in that particular area. Typical of the response from defence solicitors in the other advisory groups was this comment:

"The defence solicitors have been supportive of the idea right from the beginning. Whether they've used it as much as they might have done, I don't know; I suspect that they may have not. But there has never been anything but praise for it. I've never had a complaint about it."

Summary

By the end of the pilot year, these eight bail schemes had produced information for the CPS in more than a thousand cases and had probably led to the release on bail of more than 350 defendants. This appears to have been accomplished without producing any significant increase in the rate at which defendants were failing to abide by the terms of their bail.

The schemes had also demonstrated an ability to enhance the independence of the bail recommendations made by the CPS, without provoking complaint from the police. In general, prosecutors seemed

pleased with the principle of the schemes and approved their design. Although many prosecutors could not say that they had ever changed their recommendation as a direct result of the information provided by the scheme, most believed that the information had assisted them to some extent.

Finally, apart from the serious doubts expressed by a solicitor in one area, the police, court officials, and defence solicitors involved in the schemes were satisfied with the schemes, and in some cases even enthusiastic.

Yet there were several warnings that the success of these schemes may depend heavily on the manner in which they are implemented in each court. The recorded impact of the schemes varied from one court to another, as did the responses of the prosecutors. Although none of the individual schemes failed, they were not equally successful and none was perfect. We turn, therefore, to the lessons that might be learned from each.

3. Local Lessons

Local Issues

The individual probation services that undertook the pilot work for this initiative each faced similar questions of detail. Staff had to be found to operate the schemes from within existing resources, so decisions had to be taken about whether to incorporate the schemes within existing court teams or to make use of resources elsewhere in the service. Arrangements had to be made with local police, prosecution, and court officials, so decisions had to be taken about how to conduct liaison with other agencies. The resources available to the bail officers—information about clients, bail accommodation, and other services—had to be identified and organized within the probation services themselves, so decisions had to be taken about the place of these schemes within existing lines of management.

The decisions taken in each probation service reflected particular features and practices in each local area. These decisions, in turn, set the parameters within which each separate scheme operated and within which the separate results of each must be judged. In addition, the particular decisions may be of interest in their own right to other probation services contemplating similar work.

Newcastle

The scheme in Newcastle was the first to be organized. It was operated by a full-time probation officer with no other duties, assisted by a part-time secretary. The officer was based in the Newcastle Magistrates' Court building, working under the supervision of the Senior Probation Officer for the court. Back-up for the bail officer was provided by the probation officers at the Homeless Offenders Unit, located elsewhere in the city under the supervision of a different Senior Probation Officer. Because it was the first scheme, the daily routine here became the basis of work in many of the schemes begun later.

The bail officer arrived for work each weekday morning shortly after eight o'clock. By telephoning the police in the cells, the officer obtained a list of the prisoners who had been arrested in the previous twenty-four hours and were now waiting in the cells for their first court appearance. The officer left this list for her secretary and then went down to the cells, arriving no later than 8.30. The officer reviewed the reasons that the police had denied each prisoner bail as stated on the "custody record." The officer then interviewed the prisoners and returned to her office.

By the time the officer returned to the office, her secretary would have arrived and checked the list of defendants against the Probation Service index in order to determine who—if anyone—in the service would know each defendant. Although this index was not on computer it was conveniently located in the court office, allowing the secretary to search the card index herself.

The bail officer then made the necessary inquiries by telephone and prepared Bail Information Sheets for as many defendants as possible before the start of court at ten o'clock. The remainder of the morning was taken up with recording bail decisions. The afternoons were spent on follow-up work preparing information in advance of the second appearance of defendants who had been remanded in custody in order to provide information in advance of the defendant's second appearance. This time was also spent in liaison both with colleagues in the various probation field offices and with facilities that could provide services to clients on bail, such as hostels and counselling centres.

The Newcastle scheme was among the more successful in terms of diverting defendants from custody, and the prosecutors here generally were strong supporters of the scheme. They responded favourably to the Bail Information Sheets providing verified alternative addresses, noting that this had been useful in a wide range of cases beyond those where the defendant had no fixed address, especially cases of serious domestic violence and sexual assaults on children.

The safeguards in the scheme also appeared to work well here. The bail officer developed a clear, concise explanation of the scheme which left defendants able to choose whether or not to become involved. Ten percent of the defendants in the target group declined to participate in the scheme, which itself suggests that the consent procedure was well implemented. In addition, virtually all of the information provided was in writing, the exceptions generally being cases where the advocates were advised orally that a hostel place was available.

The scheme appeared to be well managed. The officer was given several weeks prior to the start of the scheme to develop proce-

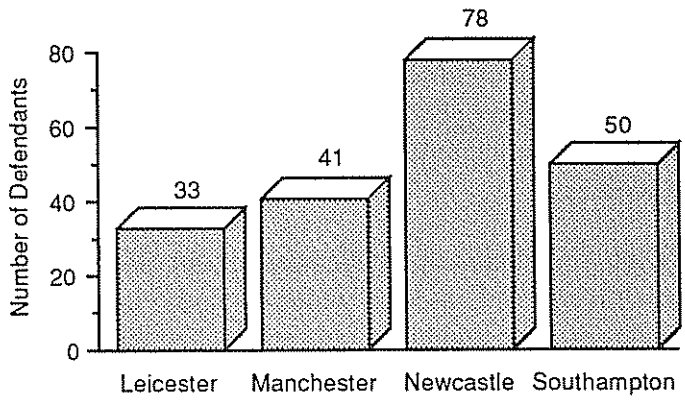
dures, including time to sit alongside the police in the cells and to meet with the prosecutors in their offices in order to understand the bail process from their perspective. Relations between the Probation Service and other agencies were well maintained, producing full cooperation from the police, the CPS, and the court. The Probation Service did not organize an advisory group to assist the development of the scheme, but it did convene a group meeting halfway through the pilot year at which representatives from the courts, CPS, and police were briefed on its progress.

The greatest weakness in the Newcastle scheme was the method by which it targeted cases on which to work. Instead of reviewing the police recommendations concerning bail that were sent to the CPS, the bail officer reviewed the police concerns about bail that were written on the police custody record. The distinction is subtle, but it proved crucial in relation to the ability of the officer to make efficient use of her time.

When the police, having charged a person with an offence, decide not to bail that person, but instead keep him or her in custody to appear in court the following day, they note the reasons for refusing police bail on the "custody record." They also complete a separate form for the CPS on which they state their views as to representations that should be made to the court regarding bail at first appearance. Both documents will reflect the concerns of the police about bail; but only the form for the prosecution will indicate the preference of the police for either a custodial remand or conditional bail. For example, in the case of a defendant who is charged with a minor theft while on bail for a similar offence, the custody record may indicate that police bail was denied because of the risk of further offences, but the recommendation to the CPS may be either for a custodial remand or for bail on conditions such as a curfew or an order to keep away from certain shopping precincts. Because the recommendation to the CPS does not accompany the prisoner to court, neither the bail officer nor even the police officers working in the cells may know the recommendation.

As a consequence, the pilot scheme in Newcastle developed a scattershot approach, interviewing every prisoner in the cells. Inevitably, the officer then spent time mobilizing information in cases where—unknown to the officer—there had been no question of custody in the first place. The result is striking when the number of interviews conducted in Newcastle is compared with the numbers in three other schemes that achieved roughly the same level of impact on bail decisions. As Figure 9 illustrates, the scheme in Newcastle conducted many more interviews each month in order to achieve the same degree of impact as the schemes in Leicester, Manchester, and Southampton.

Figure 9.
Average Number of Defendants Interviewed per Month, for Selected Pilot Schemes



Note: These four schemes were estimated to have achieved similar levels of impact on bail decisions, but they did so by interviewing very different numbers of defendants.

This weakness in the design of the scheme became apparent early in the pilot period, allowing more effective targeting methods to be implemented in the other pilot schemes. Although the design of the scheme in Newcastle remained unchanged through the end of 1987, the police and Probation Service have since agreed to provide the bail officer in Newcastle with full police bail recommendations where practical.

Leicester

The design of the pilot scheme in Leicester stands in sharpest contrast to that in Newcastle. As in Newcastle, the scheme in Leicester did not have access to the police recommendation as to bail. Instead of interviewing all prisoners awaiting their first appearances each morning, however, the scheme here interviewed almost none of them. The officer interviewed only those who literally had nowhere to live. By design, all of the other interviews were left until after the defendants' first appearances and were conducted at the remand prison or the youth custody centre. Information about these defendants was then provided to the CPS in advance of the defendants' second appearances. As a result, a much higher proportion of the information provided by this scheme was available only after a defendant's first remand in custody, as shown in Figure 10.

The scheme was designed in this way because in Leicester, unlike Newcastle, prisoners awaiting their first appearances in court were not available for interview at the court building or at any other single location prior to the start of court each day.

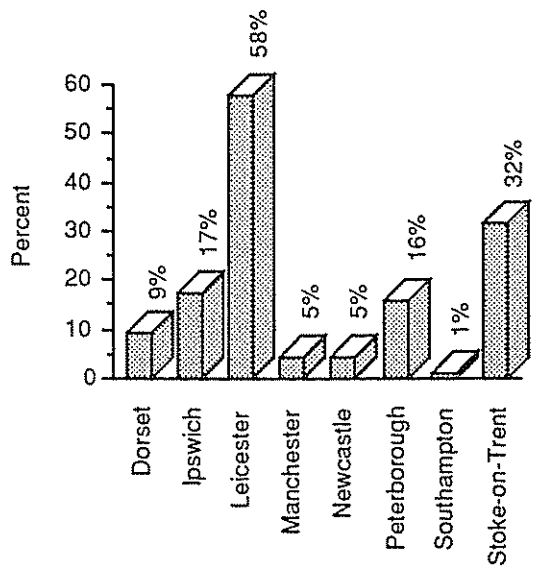
The scheme in Leicester was staffed by a probation officer in the court team who had several other responsibilities as well, including preparation of a certain quota of social inquiry reports each month.

This officer was assisted by a full-time probation assistant, while back-up for the officer was provided by a designated member of the same court team. Interviews in court were conducted by the officer, while interviews at the prisons were conducted by members of the respective prison teams. The assistant was fully occupied with monitoring court hearings and handling the flow of paperwork that had to pass between the court-based staff and the prisons.

Although none of the other pilot schemes described in this report relied so heavily on prison-based interviews, this scheme was not a fully prison-based scheme. Even in cases where no interview was conducted at court, the court-based staff monitored the first bail hearings, recording the details of the offences charged, any allegations that a defendant was in breach of bail, the specific grounds of objections to bail put forward by the CPS, any applications made by the defence, and the reasons stated by the court for any remands in custody. This information was retained by the court-based staff. The prison teams could then interview the defendants remanded in custody, focusing exclusively on biographical information, rather than having to extract from defendants the details of their court hearings. The information gleaned from the interviews was then sent to the court-based staff, who checked each defendant's probation history and made the necessary enquiries. Bail Information Sheets were then prepared in appropriate cases and delivered to the CPS in advance of the defendants' second appearances.

The decision to target defendants who had already been remanded in custody offered several advantages. First, it meant that the

Figure 10.
Proportion of Cases in which
Information Supplied was Not Available until 2d Appearance



Note:
The scheme in Leicester was designed to provide most of its information at the second appearances of defendants who had been remanded into custody at their first appearances. Percentages were computed from the total number of defendants about whom information was provided in each court. The total numbers were: Dorset (96), Ipswich (52), Leicester (279), Manchester (198), Newcastle (474), Peterborough (25), Southampton (98), Stoke-on-Trent (145).

risk of custody for these defendants was high, although some defendants were bailed at second appearances without the intervention of the scheme. Second, it allowed a precise determination of the concerns of the CPS and the court regarding bail, at least as these were stated in court. Third, it provided the scheme staff more time to make enquiries and prepare the Information Sheets.

Some of the disadvantages included the difficulty of reversing a decision that has already been made and the time-consuming process of moving papers between staff based in different locations. Perhaps the greatest difficulty was ensuring that the work was done on a consistent basis, as it involved so many individuals in separate lines of management.

In many Magistrates' Courts, as in Leicester, there is little choice but to design a scheme that incorporates staff at prisons. The design of the Leicester scheme offers such courts one crucial advantage over fully "prison-based" schemes in which the process begins with the prison interview: accurate knowledge of the bail applications, objections, and decisions made in court. Recent experiences with prison-based bail schemes run by Probation Services in Wormwood Scrubs Prison, Risley Remand Centre, and Brockhill Remand Centre all suggest that defendants are a poor source of information about the bail decisions taken in their cases.

For example, in the first ten weeks of 1988, a scheme at Risley Remand Centre interviewed 183 prisoners newly remanded in custody from courts in Merseyside and sent the results of the interviews to the Merseyside Probation Service, hoping that the court-teams might then verify information and provide it in some way to the courts. In 64% of the cases, however, the defendants could not provide any reason for the denial of bail in their case. Indeed, 3% did not even know if they had applied for bail.

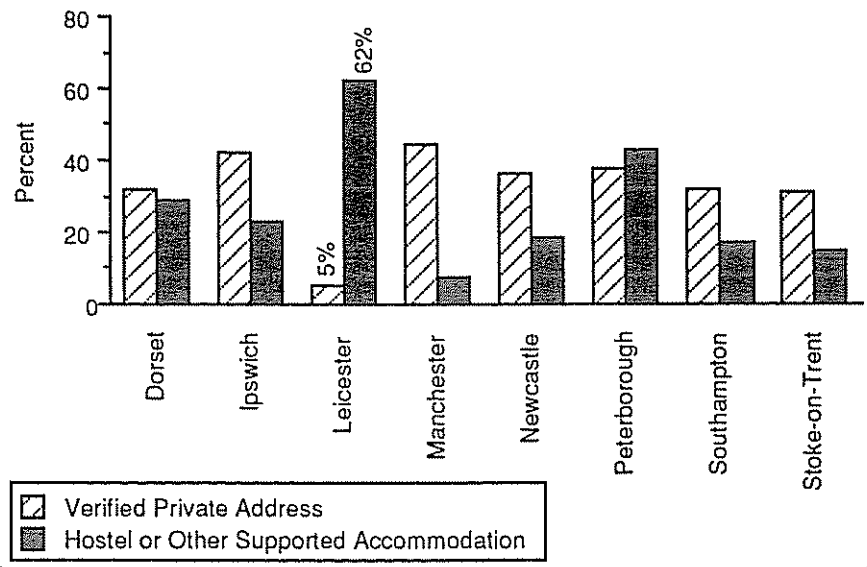
Because all of the pilot schemes operating within the ACOP initiative monitor bail applications, objections, and decisions, they are fully informed from the start of the range of concerns that lead to each custodial remand.

Like the scheme in Newcastle, the pilot scheme in Leicester was among the more successful in diverting defendants from custodial remands. Here, however, this was accomplished through very heavy reliance on hostels and very little verification of private addresses, as shown in Figure 11. The heavy use of hostels concerned the staff of the scheme, who believed that they were often providing hostel accommodation where a private address might have been found with more effort. Yet efforts to diversify the information provided during the last months of the pilot year did not produce any measurable change.

Many of the difficulties encountered in the Leicester scheme, as well as many of its strengths, were the result of the scheme having developed from an earlier project providing the court with more information about the availability of hostels. Not only did this contribute to the bias toward hostels during the pilot year, but it also allowed the Probation Service to manage the pilot scheme as a modification to existing practice rather than as an entirely new initiative. With hindsight, it is easy to see how this perspective limited the development of the scheme in several ways. First, no advisory group was established nor was formal liaison established between the scheme and the Clerk to the Justices or the police. Not only might such a group have helped to ease some of the constraints experienced at court, but it might also have produced a greater sense of responsibility within the Probation Service for the consistent operation of the scheme. Second, although the staff responsible for the individual pieces of the operation were fully briefed about the scheme and met separately from time to time with the court-based officer, they were never all brought together to discuss the scheme or its possible improvement. Finally, the officer who had been providing the hostel service during 1986 was asked to expand his work to encompass the demands of the pilot scheme, but he remained responsible for other tasks that appeared to make incompatible demands on his time.

As a consequence of all of this, there were periods at the beginning of the year when the prison-based interviews simply stopped owing to decisions taken within the prison teams. More worrying, there were other periods throughout the year when, owing to the pressure of other work, the court-based interviews and the provision of

Figure 11.
Verified Private Addresses and Hostel Places as Proportion of All Information Supplied



Note:
In providing bail accommodation, the scheme in Leicester relied almost exclusively on hostels. The percentages shown are computed from the total number of factors in favour of bail presented during the pilot period by each scheme. The figures for hostel accommodation include the places in bed and breakfast accommodation supervised by the Probation Service.

information stopped while the monitoring and the prison-based interviews continued. In many cases, this resulted in defendants providing much useful information to officers in the prisons, only to have that information sit unattended at court. For the defendants, at least, this process may have raised certain expectations in advance of court appearances at which there was then little if any discussion of bail. It also may explain the fact that a large proportion of the information provided (47%) was provided orally rather than on the Bail Information Sheets. This uneven performance also produced an unsettled reaction among the prosecutors, some of whom were unsure from month to month if the scheme remained in operation.

Among the positive achievements in Leicester, however, was the development of a network of hostels spanning several counties that allowed the scheme to match individual defendants with accommodation particularly suited to their situation. Some of the more effective Bail Information Sheets provided information about available hostels in a form that emphasized the specific services that would be available and the special skills of the staff at the hostels. Although the development and use of this network had already begun before the introduction of the pilot scheme, the staff found that the number of defendants whom they were able to place rose sharply with the introduction of the new routines.

Manchester

The Manchester Magistrates' Court was the largest of the courts playing host to these pilot schemes, dealing with roughly twice the number of prisoners awaiting first appearance as the Newcastle court; yet the resources available for the scheme were the same as those in Newcastle. One full-time probation officer operated the scheme, with secretarial help available within the probation court team. Targeting the scheme in Manchester therefore became crucial.

Although the scheme had been meant to begin in January 1987, there were several false starts before a proper scheme was launched in May. Those first four months of the year were consumed in designing and implementing a procedure that would allow the bail officer to select, from the dozens of prisoners in the court cells each morning awaiting first appearances, the half-dozen who would be targeted for interview and the possible provision of information. In the meantime, a variety of temporary strategies were attempted and some valuable mistakes made while information was provided on an ad hoc basis.

The device that finally allowed appropriate targeting was the provision to the scheme, in every case where bail was opposed, of the form on which the police pass their objections to bail to the CPS. The police in Manchester agreed to attach a photocopy of this form to the

custody record, allowing the bail officer to collect the forms upon arrival at the court cells each morning. With these forms, the bail officer could then identify and target those cases where concerns about accommodation, reliability, community ties, or other personal factors formed a part of the police objection to bail.

Not all of these cases, however, were included within the scheme's target group. A pre-existing scheme in Manchester operated by the Probation Service Homeless Offenders Unit provided assistance on bail and other matters to defendants who were truly homeless, as opposed to those whose home address was unacceptable as a bail address in light of the alleged offence. When the bail officer encountered such homeless defendants, the officer referred them to the Homeless Offenders Unit for assistance with accommodation, not including them in the scheme's statistics.

Each morning, after identifying the defendants within the target group, the bail officer would interview as many as possible in the cells atop the court building. Because of the size of the court, these cells were particularly congested, and the pressure on the police staff there increased during the pilot year as many of these cells were requisitioned as a makeshift prison. The police, therefore, were initially concerned that the staff in the cells would be unable to cope with any work entailed by the bail scheme. In practice, however, the fact that the bail officer became known and trusted as a regular visitor to the cells eased these concerns, and the police were able to accommodate the scheme even under very crowded conditions.

In other respects, the daily routine in the Manchester scheme closely resembled that in Newcastle. The scheme was among the more successful in terms of the impact on bail decisions, and it was generally well regarded by the prosecutors involved. The safeguards, too, appeared to work well here, with 17% of the defendants in the target group declining to participate and with 97% of the information provided in writing.

The one weakness in the scheme that persisted until the summer was the arrangement for cover. Coverage of the scheme during the bail officer's absences was first provided from within the court team. Unfortunately, the officer in the team most suited to the job was placed in the position early in the year of covering for the bail officer without having been properly trained in the unique requirements of this work. As a result, several Bail Information Sheets were submitted that made overall recommendations about the bail decision, discussed the defendant's culpability, and otherwise violated the guidelines that had been agreed among the agencies involved.

The problem was identified quickly, and the proper performance of the scheme restored, yet the incident left an indelible mark on

the minds of the Crown Prosecutors. One year later, in reviewing the work of the pilot scheme, some prosecutors were more concerned with this incident than with anything else that had been achieved. The majority of prosecutors here were pleased with the scheme, recognized that it had sometimes changed their recommendations on bail, and said they would encourage its extension to other courts; but most felt compelled to add that they would not support it if its scope was expanded as had been done inadvertently during that period of cover.

Although no further problems occurred in the presentation of information, this incident required the Probation Service to reorganize the arrangements for cover, a process that took several months. Eventually, an arrangement was made between the pilot scheme and the project that assisted homeless defendants in the court. The officers in each of the two schemes underwent specific training in the tasks done by the other scheme and thereafter were able to provide limited cover for each other. Nevertheless, the bail information scheme lay dormant for a total of 46 days during the pilot period owing to illness.

In coping with these difficulties, the scheme in Manchester was well managed by the Probation Service. As in Newcastle, the staff of the scheme were given ample time to lay foundations within the Probation Service and with other agencies. In addition, this was the first service to organize a local advisory group, which proved essential both in arranging for the police bail objections to be supplied to the scheme, and in addressing the problems of cover.

Stoke-on-Trent

The pilot scheme in the Stoke-on-Trent Magistrates' Court was modeled on the schemes in Manchester and Newcastle. Each morning the staff member operating the scheme went to the court cells to review police bail objections and to interview prisoners awaiting their first court appearances. She then returned to the office in the court building, made additional enquiries by telephone, and prepared Bail Information Sheets in advance of court.

As they had in Manchester, the police in Stoke-on-Trent agreed to supply the bail officer with their bail recommendations and the reasons behind them. The form used by the Staffordshire police to relay their bail objections to the CPS, however, was not easily photocopied without disclosing other portions of file; so the police devised their own, half-page form on which they indicated, for every prisoner denied police bail, whether they sought conditional bail or a remand in custody, and, if the latter, on what grounds they opposed bail. This allowed the scheme to target those defendants whose release was

initially opposed altogether.

Despite the similarities in their designs, the scheme in Stoke laboured under two burdens not present in the Newcastle and Manchester schemes. First, the Staffordshire Probation Service could not find the resources necessary to assign a full-time probation officer to the scheme during 1987. Instead, the service asked the court liaison officer to take on responsibility for the scheme as an additional duty and appointed a part-time ancillary officer to assist him. In theory, the ancillary officer was to conduct the interviews, make the enquiries, and then consult the probation officer who would submit the Bail Information Sheets. There was little surprise when, in practice, the ancillary officer assumed all the duties associated with the scheme except for signing the information sheets. Even then, the requirement that the ancillary officer find the busy court liaison officer in order for him to sign the completed forms added delays at precisely the moment when the scheme needed to move most quickly.

Second, the prisoners whom the scheme needed to interview did not arrive at the court building before nine o'clock each morning. This left very little time for the scheme to interview defendants before the arrival of defence solicitors.

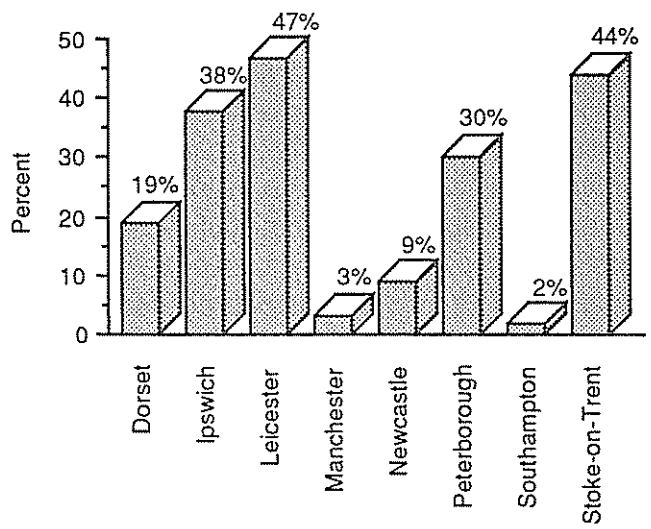
The combination of the short time available for interviews, the need to find the court liaison officer to sign the forms, and the departure of the part-time ancillary officer half-way through each day certainly reduced the impact of this scheme. It also put tremendous strain on one of the safeguards that had been built into the scheme's design: that information would be provided in writing.

In every scheme, information simply about the availability of a hostel place was sometimes passed to the CPS and to the defence orally rather than on paper. This had been the customary practice prior to the introduction of these schemes, and it continued. Because of the heavy use of hostels in Leicester, this meant that almost half the information there was passed orally; but in Manchester, Newcastle, and Southampton, this oral information remained a very low proportion of the total information supplied to the CPS.

In Stoke, however, more information was supplied to the CPS and defence orally than in any other scheme besides Leicester, and the information here was not confined to the availability of hostel places. The proportion of information supplied orally in each of the scheme is shown in Figure 12.

This problem was almost inevitable, given the design of the scheme and the division of responsibility between the scheme staff. The heavy reliance on oral communication was identified through the monitoring of the scheme, and the underlying difficulties were recog-

Figure 12.
Information Presented Orally
as Percentage of All Information Provided by Each Scheme



Note: The percentages shown were computed from the total number of occasions on which each scheme provided information. The total numbers, as follows, were in some cases greater than the number of cases in which information was supplied because information was occasionally supplied at both first and second appearances: Dorset (96), Ipswich (58), Leicester (296), Manchester (201), Newcastle (497), Peterborough (27), Southampton (106), Stoke-on-Trent (157).

nized by the Probation Service by the end of September, 1987. From October through December, the scheme staff were gradually able to reduce their use of oral communications, as shown in Figure 13. After the pilot period ended, a full-time probation officer was appointed to the scheme, thereby eliminating the underlying difficulty.

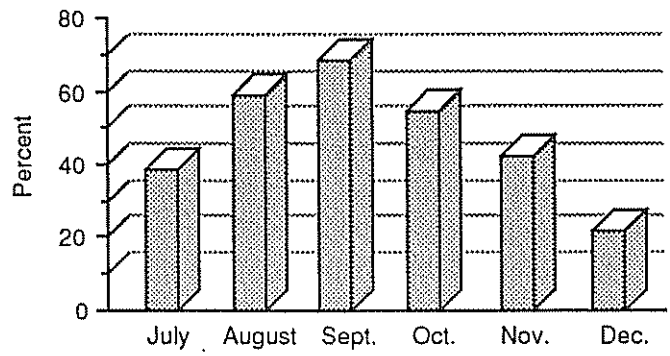
Despite these limitations during the pilot period, the scheme in Stoke-on-Trent enjoyed modest success in terms of impact on bail decisions. Prosecutors here were less enthusiastic than some of their colleagues elsewhere, emphasizing that the scheme had made a crucial difference in only a very few cases. This may have been a result of the low percentage of written information, or it may reflect the short amount of time that was available to the scheme. Still, the prosecutors generally supported it and said they would encourage its extension to other courts.

East Dorset

The Probation Service in Dorset was the first to join the project after work had begun in the original four pilot areas. The experience in Dorset, together with that in Ipswich, Peterborough, and Southampton, therefore provides some useful examples of the difficulties that must be faced by Probation Services taking the work further forward.

The Dorset Probation Service chose to build the work of the pilot scheme into a new post that was already being developed: that of an ancillary officer responsible for finding and supervising bail accommodation with "landladies." Thus, when the scheme began in April

Figure 13.
Percentage of Information Supplied Orally in Stoke-on-Trent, by Month (July-December 1987)



1987, the bail officer was meant to operate both the information and the accommodation schemes at several courts in the east of the county. When this proved impractical, the bail officer restricted his work to the court in Bournemouth, while a second, court-based ancillary officer operated the information scheme at the court in Poole. Still, the scheme interviewed less than one prisoner for each day of operation at all courts combined.

Following the examples in Manchester and Stoke-on-Trent, the police in Dorset agreed to supply the scheme with a copy of the form on which they conveyed their objections to bail to the CPS. The two bail officers would collect these forms from the police stations and interview any prisoners deemed appropriate. Enquiries would then be made by telephone and Bail Information Sheets submitted to the advocates at court.

The scheme appeared to begin well in Bournemouth. The prosecutors reported that they were finding the information useful and that it had, in some cases, caused them not to oppose bail when they had previously been inclined to do so. The information provided to the CPS covered an appropriate range of topics within the guidelines for the scheme, and the police made no complaints about the operation of the scheme.

Within a few months, however, several weaknesses became apparent. First, the court hearings were not being monitored, depriving the scheme of any accurate basis for evaluation. Second, the provision of forms from the police became erratic. Third, increasing demands on the scheme staff, unrelated to the pilot scheme, prevented them from operating the scheme in its full form. Fourth, the ancillary workers, both of whom were new to the Probation Service when they entered their posts, continued to feel outside the mainstream of the service and therefore unable to mobilize their colleagues in support of

the scheme. These difficulties were identified in a series of meetings and reports, but they were never solved by the Probation Service during the pilot period. This was due, in part, to the retirement of the Assistant Chief Probation Officer in charge of the scheme only a few months after its start.

By the end of nine months of pilot work, neither the probation staff nor the prosecutors felt fully satisfied with what had been accomplished. An estimated thirty-five defendants were granted bail who would otherwise have been remanded in custody, and some of the prosecutors did report that they found the scheme useful and influential, especially in settling concerns about residence. Other prosecutors, however, reported that the information had been of no assistance to them, and the scheme staff felt that their other duties had proved less compatible with the work of the information scheme than had been anticipated. In Poole, in particular, prosecutors complained that probation staff seemed not to understand the purpose of the scheme. They reported, for example, that Bail Information Sheets were sometimes lying on the probaiton file in court, but not provided to them until they asked for it.

In response to these difficulties, and in light of plans to add a bail hostel to the county's resources, the Dorset Probation Service is now exploring alternative methods of organizing its bail information scheme.

Ipswich

The scheme in Ipswich Magistrates' Court produced less impact than the scheme in Dorset, but this does not appear to have been due to any failing in the scheme. The implementation of the scheme went smoothly, commencing operations in July 1987 and producing an enthusiastic response from every quarter.

The design of the scheme itself followed the now-familiar pattern in which the police agreed to share their objections to bail with the scheme staff early each morning. The scheme was staffed by a full-time probation officer from the information and research unit rather than from the court team, with cover provided by both his Senior Probation Officer and another probation officer. The bail officer would review the police objections to bail early each morning with the custody sergeant in the police station, then interview any prisoners within the target group. The officer would then return to his office to make enquiries and prepare the Bail Information Sheets. Finally, the officer would bring the sheets to court and attend the hearings in order to note results the results.

Relations between the bail officer and the police were noticeably less formal than in the schemes considered already. This was due to several factors, including the small size of the court and the fact that the police recommendations to the CPS were often not decided until just before court. As a result, the officer tended to rely on conversations with the police officers in the cells, rather than on copies of forms, to assess the nature of the bail objections in each case. The informality extended to the way in which information gained by the scheme, for example about an available address, was subsequently shared by the officer both with the police and the prosecution, and may help to explain the high proportion of information that was provided orally in Ipswich (38%). As in Stoke-on-Trent, the heavy reliance on oral communication was identified as a problem in September of the pilot year, and was greatly reduced thereafter.

In every other respect, this scheme was carried out with great dedication on the part of the service and painstaking attention to detail by the officer. The scheme provided a broad spectrum of information from a wide variety of sources. The officer was able to make use of probation knowledge of individual defendants in a majority of cases, with hostel provision playing a large but not dominant role in the scheme. Because the officer was less pressed by the workload than colleagues in other pilot schemes, he was able to conduct a few home visits to the families of defendants, including at least one on the morning of the defendant's first appearance, prior to the actual court hearing. Indeed, prosecutors and police here, as in some of the other pilot schemes, were so impressed with the work of the individual officer and had come to place such trust in his judgements that they now express some worry about the ability of the schemes to attract officers of similar calibre if they are extended.

Despite its operational success, the low number of defendants appearing in custody at first appearance in Ipswich limited the potential of this scheme from the outset. One purpose of this scheme had been to test the potential for applying this method of bail work in counties with no large cities. The results suggest that a court the size of that in Ipswich does not deal with sufficient numbers of defendants in custody for their first appearances to support a full-time officer solely on a bail information scheme. The Suffolk Probation Service had hoped originally to extend the scheme during the pilot period to many of the other courts in the county through this single officer, but it soon became apparent that this would be impractical without reducing the scope of the monitoring of the pilot.

As it became apparent that special arrangements would have to be made to operate this sort of bail information scheme in relatively small courts, the Suffolk Probation Service began to consider building this work into the duties of the existing teams of officers serving the

individual courts in the county. In light of the results of the pilot, however, the Probation Service is now exploring the possibility of using two specialist officers to cover the work in several courts: providing information at first appearances in a few courts, and in advance of second appearances at the remainder. The advantages of such a strategy are considered in greater detail in section 4 of this report.

Peterborough

The scheme in Peterborough commenced operation in September 1987. It achieved the least impact of any of the eight pilot schemes and illustrates some of the difficulties of attempting to build this sort of bail work into the routine of existing court teams.

No new staff were assigned to operate the scheme. Instead, the court liaison officer—whose duties already included informal efforts to assist defendants with bail addresses when required—was asked to take on responsibility for the pilot scheme with the CPS. This officer checked with the police each morning to determine if any prisoners fell within the target group and interviewed the defendants. Enquiries were then made by one of three probation ancillary workers already responsible for accommodation, community-based services, and the court, respectively.

The decision to launch a bail scheme within the ACOP initiative was taken at a meeting convened by the Chief Probation Officer and attended by representatives from the court, the police, the CPS, and the Vera Institute, as well as others from within the Probation Service. Indeed, throughout the planning and operation of the scheme, those responsible for its management appeared to have a clear understanding of its design and to believe in its potential usefulness.

Unfortunately, however, neither this understanding of the scheme nor the belief in its potential appeared to be shared by the team responsible for its operation. The court liaison officer and the ancillary staff were provided with the forms, handbook, and other written material about the scheme, and they participated in a ninety-minute induction session before the scheme began; but no additional training or induction was organized in advance, nor did the officer or ancillaries attend the national seminars held for staff from all the pilot schemes.

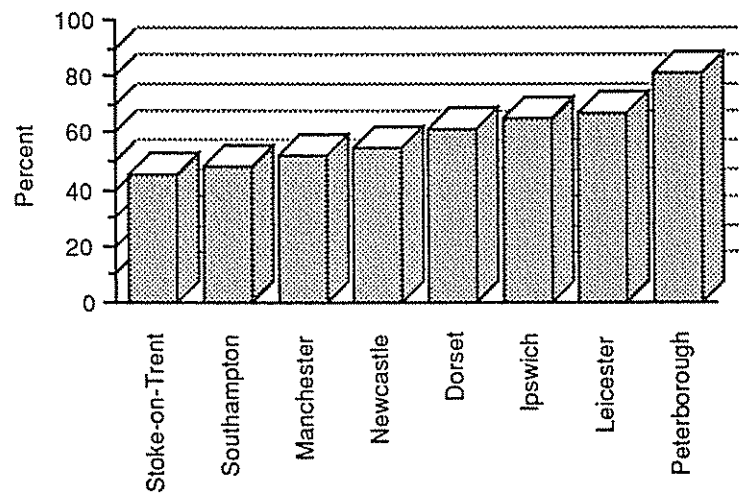
In practice, the team used the new forms to provide much the same sort of information that they had previously provided upon request, but in somewhat greater quantity. Both prosecutors and defence solicitors commented that the scheme here provided "more of the same," rather than something new. This was evident in the monitoring of the information submitted to the CPS, which showed the Peterborough scheme restricting itself almost exclusively to the provi-

sion of information about accommodation. (See Figure 14.) It was also evident in the fact that roughly a third of the information provided to the CPS was conveyed orally, rather than on the Bail Information Sheets. (See Figure 12, above.)

This was the only pilot scheme in which the prosecutors interviewed by the Vera Institute could not recall any cases in which the information had directly changed their recommendations as to bail. These prosecutors did say, however, that they had found some of the information useful in forming their recommendations, as it often confirmed them in their view of a case.

By the end of the brief pilot period in Peterborough, it was apparent that the staff were not operating the scheme to its full potential, and the Probation Service was taking steps to improve the performance of the scheme. The advisory group that met regularly to assist the development of the scheme reported no operational difficulties, and indeed were pleased with the scheme. At the end of the pilot period, there was a shared desire expressed by the participants on the advisory group for the scheme to continue, with whatever adjustments were necessary.

Figure 14.
Information about Accommodation
as Proportion of All Information Supplied to the CPS
by Each Pilot Scheme



Note:
Accommodation here includes verification of private residences, bed and breakfast accommodation supplied by the Probation Services, and hostels. The percentages shown are simply the sums of the two numbers shown for each scheme in Figure 11.

Southampton

The last of the schemes to commence operation was in Southampton in November 1987. During the two months of operation within the pilot period, this scheme recorded the highest level of impact on bail decisions and produced the most favourable response from the prosecutors with whom it worked. It was also the only scheme in which one full-time post for a probation officer was specifically funded by the Home Office. It therefore represents a useful example of how these schemes might be extended successfully to some other courts.

The scheme here was staffed by a full-time officer with no other responsibilities. The bail officer was assisted by a part-time ancillary worker also assigned exclusively to the scheme. A second probation officer was also trained in the operation of the scheme and served as a regular "back-up bail officer" during periods of the bail officer's absence.

As in Peterborough, implementation of a pilot scheme within the ACOP initiative was first agreed at a meeting between the Chief Probation Officer, the Chief Crown Prosecutor, the Clerk to the Justices, and representatives from the police and local defence solicitors. This was followed by further discussions with the police and by circulation of information about the scheme to all local solicitors.

Before inaugurating the scheme itself, the bail officer reviewed the reports available on developments in the other pilot schemes and joined in the national seminars with those operating the schemes elsewhere. The officer also visited the scheme in Newcastle to observe both the method of interview and the organization of the morning routine. As had been done in some of the earlier schemes, the officer organized a very brief placement with the CPS branch office responsible for the Southampton court and arranged a similar opportunity to observe the routine in the police cells during a 24-hour cycle.

In preparation for the scheme, the bail officer also conducted the pre-pilot survey of bail applications, objections, and decisions in the Southampton Magistrates' Court. This, too, had been done in many of the other schemes, giving the officer in each scheme an opportunity to become familiar with the language and procedures through which the bail process is conducted, and providing each officer a chance to reflect on local practices and areas of difficulty. Finally, the officer in Southampton compiled a directory of statutory and voluntary services that might be available to defendants during a period of remand and made personal contact with staff in several of these.

As a result of this thorough preparation, the strong cooperation of the police, and the tenacity of the officer assigned to the post, the scheme in Southampton was able to provide information concerning 83% of the defendants within the target group, in contrast to rates of 10% to 50% in other courts. Moreover, this information was virtually all supplied in writing. (See Figure 12, above.)

The large amount of information supplied in Southampton, combined with its reputation for accuracy, won the respect and confidence of the police, prosecution, and defence solicitors. In March 1988, representatives from each of these groups on the local advisory committee spoke most favourably about the scheme, after four months of its operation. The police reported that they were themselves prepared to withdraw objections on the basis of information provided by the scheme, and the prosecutors conveyed similar satisfaction. As one prosecutor explained:

"It is already very apparent that we miss it when it is absent. There was a day when I was prosecuting and [the bail officer] was on leave and her colleague was sick. I missed the scheme, and felt that its absence made the judgements I had to make more difficult."

Summary

Between them, these schemes displayed a wide variety of responses to the original probation initiative. Some of the differences between them reflect different levels of staffing that were inevitable under the original decision that the pilot work would have to be conducted within existing resources. Other differences were produced deliberately, in order to tailor the schemes, for example, to the availability of prisoners awaiting their first court appearances. Still others were the product of inexperience.

This variety has been perceived, by those involved locally, as a strength during this period of development. In organizing work with the CPS, these schemes were exploring new ground for the Probation Services and testing the widely held belief that probation officers have no role to play in the stages of the criminal justice process before conviction. Indeed, it may have been essential for the schemes to emerge out of local practice in order to satisfy the demands and suspicions which they faced everywhere.

Yet the schemes did maintain a substantial degree of national coherence. This was achieved by the regular exchange of information, mutual discussion, joint training, and adoption of common guidelines

for staff. These devices allowed lessons learned painfully in one Probation Service to benefit others trying to avoid similar mistakes, and also allowed successful techniques to be replicated.

Perhaps most important, the lessons learned with each successive attempt to extend this method of bail work can now provide a firm foundation on which guidelines and requirements for future development can be constructed.

4. Future Development

Providing a Framework

The pilot schemes described in this report have demonstrated, first, that the Probation Services are able to collect and present quickly to the CPS a wide variety of reliable information about defendants facing a first or second custodial remand; second, that the CPS welcome this information and are willing to act on it in formulating their bail recommendations; and third, that the provision of this information can avoid the apparent necessity of a substantial number of custodial remands.

The positive reaction of practitioners has already made some further development of these pilot schemes almost inevitable. Even in the few months between the end of the pilot period and the publication of this report, several Probation Services have begun to plan and implement bail information schemes along the lines described here. The first scheme to begin operation since the pilot period was in Keithley, West Yorkshire, and additional schemes are getting started in courts ranging from the large Magistrates' Court in Birmingham to some relatively small courts in East and West Sussex.

Yet the pilot schemes have shown, too, that care must be taken with each scheme so that it is well designed, well planned, and well implemented. Otherwise, the work can easily go wrong: for the Probation Service, when the scheme produces little effect; for the CPS, when the probation officers operating it act outside their limited scope; and for defendants, if safeguards are ignored or if the scheme itself operates sporadically.

All of this suggests that a formal framework might usefully be provided to assist individual Probation Services in the design, planning, and implementation of bail schemes in conjunction with their local partners in the criminal justice system. Such a framework would also assist the independent Probation Services to coordinate their

efforts with the national CPS. To be effective, such a framework would need to be flexible enough to allow the development of schemes appropriate to very different courts, yet structured enough to permit standardized training for staff. It would also need to contain some provision for funding.

Any plans for future development must distinguish between schemes in courts sufficiently large—singly or in combination—to occupy an officer on a full-time basis ("full-time schemes") and schemes in smaller courts where the officers providing bail information must integrate the work with other duties ("integrated schemes"). Development of full-time schemes may prove more straightforward, but any decision to limit the application of this method of bail work to the very largest courts would only undermine efforts to establish consistency of approach among all magistrates' courts, and might exacerbate tensions that already strain relations between Probation Services based in the metropolitan areas and those in the "shire counties."

Costs and Benefits

The annual cost of a full-time scheme is approximately £34,000, including a full-time officer, a part-time assistant, cover for periods of absence, supervision by a Senior Probation Officer, office accommodation for all of these, and other overhead costs.*

The principal financial benefits that flow from the schemes are derived from savings in the use of prison and police cells, and from savings in the cost to the Legal Aid fund of providing legal representation to defendants in custody. Reductions in the use of court time—reported by some of the clerks and prosecutors involved in the pilot schemes—would bring benefits in terms of increased efficiency, but would probably not be reflected in financial savings. The contribution to the formation of an independent CPS would bring benefits both in quality of justice and in facilitating the further development of that agency's role, but again these would probably not be directly reflected in financial savings.

Of the eight pilot schemes, four can be considered as models for full-time schemes. These are the pilot schemes in Leicester, Manchester, Newcastle, and Southampton. Only the scheme in Southampton was funded at the level described above, where provision for the full-time officer was specifically made by the Home Office. The other three schemes were funded close to this level and would have benefited greatly from the full provision described above.

Precise measurement of the financial savings produced by these full-time schemes is impossible, but it is possible to provide

*This cost is calculated on the method used by the Home Office to make provision for probation staff and overhead in the 1988-89 fiscal year. It assumes that each scheme requires one-third of an officer's annual time to provide cover, and that each scheme will absorb one-fifth of the time of the Senior Probation Officer providing immediate supervision. It does not include the cost of any specialized training.

approximate figures based on the estimates of the impact that each achieved during the pilot period. The estimation technique described in chapter two of this report suggests that each of these schemes allowed approximately 100-120 defendants (on an annual basis) to be granted bail who otherwise would have been remanded in custody.*

This calculation is based on results in schemes that faced various difficulties in establishing their own routines, so there is reason to believe that the numbers would be higher in subsequent years. In Manchester, for example, the number of defendants interviewed each month has grown from an average of 41 during the pilot period to an average of 74 during March and April 1988. In Newcastle, the police have recently agreed to provide the scheme staff with more information about their objections to bail so that the scheme can be better targeted. In Leicester, the duties assigned to the bail officer in addition to the scheme have been reduced. Nevertheless, any new scheme would inevitably face some difficulties of its own. These figures remain, therefore, the most best estimates available of the potential impact that these schemes could have in any courts to which they might be extended.

In order to assess the benefit to the prison and police establishments, however, the number of defendants bailed must be reduced to account for those who are likely to be re-arrested and remanded in custody for new offences, failure to answer bail, or violation of bail conditions. (See the discussion of "bail failure rates" in section two of this report). This leaves approximately 80-95 defendants per year released on bail as a result of these schemes at their first or second appearances without a subsequent custodial remand during the length of their cases.

To translate these numbers into prison places, it is necessary to multiply them by the length of the custodial remands avoided. Because these schemes did not monitor cases to conclusion, this calculation must be based on national averages rather than the particular cases in the pilot courts. The resulting projections for the four model schemes range from 10.7 to 14.2 prison bed/years saved. The current costs of building and operating this number of prison places are shown in Table 3. The cost of operating police cells holding remand prisoners is approximately four times the cost of operating prison cells.

Two significant qualifications should be kept in mind when reviewing the figures in Table 3. The first is that the savings indicated for capital and operating costs of these prison places are not realized as cash savings until sufficient numbers are diverted to eliminate the need to build and staff a prison that would otherwise be built. The total number required, however, need not all be diverted by these schemes. If a combination of measures together could eliminate the need for the requisite number of places, then each measure would achieve a real

*In using these calculations, it should be remembered that they are based on predictive models that have no absolute validity; and, in the case of Southampton, the estimate is based on only two months of performance.

Table 3.
Estimates of Savings from Selected Schemes
(Figures Adjusted to 12-Month Basis
for Schemes that Operated for Less than 12 Months).

Site of Pilot Scheme	A. Estimate of Prison Space Saved (bed/years)	B. Capital Cost of Constructing the Number of Prison Places in Col A.	C. Annual Operating Cost for the Number of Prison Places in Col A.	D. Estimate of Legal Aid Costs Saved
Leicester	10.7	£802,500	£139,100	£4,600
Manchester	11.6	£870,000	£150,800	£4,600
Newcastle	12.0	£900,000	£156,000	£8,000
Southampton	14.2	£1,065,000	£184,600	£9,600

Note: Costs in columns B & C are based on Home Office figures of £75,000 capital cost and £13,000 annual operating costs of a place in a category B prison in the 88-89 fiscal year. Costs in column D assume a saving of one further bail application and one prison visit for each defendant bailed by 2nd appearance as a result of the scheme.

cash savings according to its contribution.

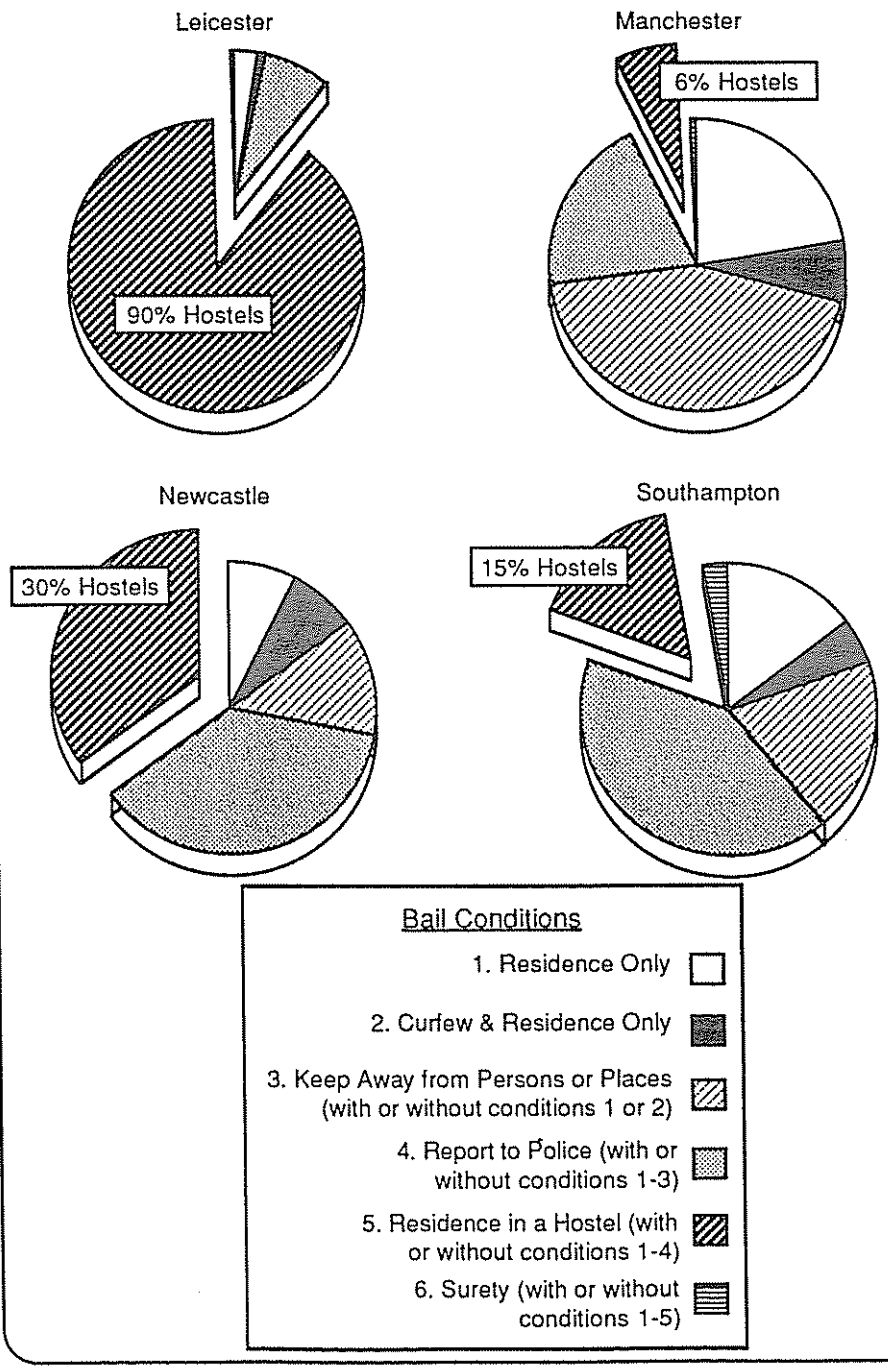
The second qualification relates to the secondary costs associated with bail hostels. In each court, some defendants were bailed by the courts to reside in hostels—accommodation paid for by the Home Office. Other defendants, who would have been bailed to hostels, were bailed to private addresses as a result of the schemes. If the net effect of the schemes was to reduce the reliance on hostels, then there would be additional savings here. If, however, the net effect was to increase the use of hostels, then the costs of building and operating these hostel places must also be weighed with the costs of the schemes.

Unfortunately, the monitoring conducted by the schemes did not permit any measurement of the net effect on the use of hostel places. The only relevant statistics available concern the bail conditions imposed on defendants bailed at first appearance following the provision of information by the schemes. (See Figure 15.)

As Figure 15 illustrates, the use of hostels following intervention by the pilot schemes varied widely from court to court. In Leicester, virtually all defendants bailed following the provision of information by the scheme were placed in bail hostels. It is likely, therefore, that this scheme produced a net increase in hostel use, with its associated costs. The schemes in Newcastle and Southampton produced

more modest use of hostel places, but it is impossible to state with any confidence whether these schemes resulted in a net increase or decrease in the use of hostels. In Manchester, where homeless defendants were assisted by a separate scheme, the bail information scheme produced almost no use of hostels. It is likely, therefore, that the Manchester scheme achieved a net savings in the use of hostel places, in addition to the savings in prison places.

Figure 15.
Bail Conditions Imposed at 1st Appearances in Cases Where Pilot Schemes Supplied Information, for Selected Courts



Note:
The charts are based on the total number of defendants bailed at first appearances following the provision of information by the schemes to the CPS. The total numbers were as follows: Leicester (82), Manchester (117), Newcastle (275), and Southampton (48).

Finally, there are modest savings in Legal Aid costs because a defendant on bail rather than in prison costs less to represent. According to defence solicitors participating on the local advisory groups, there is at least the savings of having to travel to the prison to consult with the defendant and the cost of making one further bail application. Unfortunately, neither the Lord Chancellor's Department nor the Law Society monitors costs separately for defendants in custody and those on bail, nor are separate costs calculated for bail applications. Again, therefore, an estimate must be employed, and this one is very crude indeed, based on the experience reported by individual solicitors. The estimates appear in column D of Table 3.

In summary, these full-time schemes appear to be cost-effective. Especially if they are not overly dependent on hostel accommodation, they appear able to produce financial savings, as well as making a contribution to the quality of the bail process itself.

Recommendations

Funding is not the only issue that must be faced by those desiring to extend these schemes. The pilot period has shown a delicate balance in performance of this work. On the one hand, they must avoid simply re-inventing what already exists. The method and ambition must be understood as new: broader and perhaps more rigorous than what has gone before. On the other hand, they must avoid taking centre-stage in a drama where the principal roles are played by the advocates and the court. In plain terms, they must do more than check an address or find a hostel when requested; but they must not convey opinions or recommendations that purport to take a wider view than their institutional position permits.

The following recommendations are therefore offered to assist in the construction of a framework for future development:

• First, a single set of guidelines should be agreed nationally between the Probation Services and the CPS, governing the manner in which bail information is provided to prosecutors. The chief purpose of these guidelines should be to assure the CPS that its prosecutors are not receiving recommendations or broad opinion from the Probation Services regarding bail. The guidelines should be specific on this point, and might cover the issue of oral versus written information as well; but they should not otherwise limit the range of factual material to be provided or the method of collecting it. These will inevitably depend on local resources and other circumstances that cannot be anticipated. Probation services will want to be free to develop the best sources of information locally. The Probation Services should recognize, however, that the CPS need such a set of guidelines as a practical matter to assure that policy throughout their national service can be

consistent and that prosecutors receiving information from two services (for example, where the court and the remand prison are based in different counties) are reading consistent documents. The guidelines developed for the pilot schemes might serve as a useful starting point, but there should be a mechanism established for amending them.

• Second, every probation officer providing bail information to the CPS as part of a formal scheme should be required, beforehand, to attend a course of in-service training specific to this work. The course should be brief, lasting perhaps two days. It should cover the role of the CPS, the law of bail, the safeguards built into the schemes, the techniques of interviewing defendants and writing information sheets peculiar to these schemes, and methods for making best use of hostels and other existing community-based services. Although the course would benefit from the participation of lawyers from the CPS, it should be organized and run by the Probation Service, making use of probation officers with experience in this work.

• Third, full-time schemes should be preferred as against integrated schemes; and where integrated schemes are necessary, they should be integrated with tasks other than traditional court work. There appear to be only about forty courts of sufficient size to occupy the services of a full-time scheme, and one-quarter of these are within Greater London. Smaller courts can be served in a variety of ways, including (1) full-time schemes working within a cluster of courts (as is currently under discussion in Suffolk and East & West Sussex), (2) integrated schemes in which the full-time officers split their time between this and some other specialism (such as coordination of accommodation or community resources), and (3) integrated schemes in which a team of officers already serving a court add this work to their existing routines (as has been done in Peterborough). Any of these options could be viable, but the experiences of the pilot period suggest that this should be the order of preference. The major advantages of the first two options are, first, that the full-time officers become familiar to both the police and the CPS, allowing mutual trust to develop most quickly; and second,that staff who have not been part of an existing court team find it easier to take a fresh view of the possibility of bail in cases that would hitherto have been thought appropriate for a custodial remand. Certainly, where the third option is adopted, the training of the officers ought to emphasize the need to question assumptions developed in the absence of the scheme about what is a "bailable case."

• Fourth, resources for training, assistance with implementation, and materials for monitoring—all provided by the Vera Institute during the pilot period—should continue to be available to all interested Probation Services. The Vera Institute played an important role as national coordinator and local advisor, participating on ACOP's national steering committee, conducting the regular seminars for probation officers

operating the schemes, and joining in the local discussions between agencies and within the Probation Services that preceded the establishment of each scheme. The Institute also prepared and revised the guidelines and forms used by the schemes. Much of this work will continue to be necessary during any period of expansion, and there will be increased demand for formal training. These various support services could best be provided by probation staff with experience of the pilot period, perhaps by two persons seconded to ACOP for the purpose. The training could then be organized and resourced on a national basis, with programmes conducted in each region of the country and in major metropolitan areas.

• Fifth, the extension of the schemes should be coordinated. Although management of the schemes should remain within the local Probation Services, amendment of the guidelines, review of the training materials, and deployment of seconded staff supplying the training and technical assistance would need to be coordinated by a committee representating at least the Probation Service, Home Office, and CPS. This coordinating body could also review the monitoring conducted by the new schemes and respond to any serious practical difficulties that might arise.

Conclusion

Although the participants in these pilot schemes came to the project with a great deal of sensible scepticism, the work itself has persuaded virtually all of them that it is worth pursuing beyond the pilot stage. The results of the first year cannot support any large claims that might be made for the schemes: they will not, on their own, stop the growth in the numbers of defendants remanded in custody, nor will they establish the independence of the CPS. They can, however, make a contribution to these efforts. Moreover, they have already extended the scope for cooperation between criminal justice agencies, which may itself lead to useful innovations in many others areas as well.

Appendix A.
List of Participants

ACOP National Steering Committee for the Initiative:

Graham Smith, Chief Probation Officer, Inner London
chair

Arnold Barrow, Chief Probation Officer, Suffolk
Cedric Fullwood, Chief Probation Officer, Greater Manchester
David Hancock, Assistant Chief Probation Officer, Inner London
Ralph Harris, Chief Probation Officer, Staffordshire
Mike Hindson, Assistant Chief Probation Officer, Greater Manchester
Cath Hollway, Chief Probation Officer, Cambridgeshire
Pat Hutchinson, Assistant Chief Probation Officer, Leicestershire
Barry Johnson, Assistant Chief Probation Officer, Hereford & Worcester
Peter Kenwood, Assistant Chief Probation Officer, Bedfordshire
Malcolm Lacey, Chief Probation Officer, Dorset
Tom Liddell, Assistant Chief Probation Officer, Northumbria
Anne Mace, Chief Probation Officer, West Yorkshire
Eric Morrell, Chief Probation Officer, Northumbria
Les Moss, Assistant Chief Probation Officer, Greater Manchester
Bernard Mouser, Assistant Chief Probation Officer, West Midlands
Jenny Roberts, Chief Probation Officer, Hereford & Worcester
Martin Seddon, Assistant Chief Probation Officer, Hereford & Worcester
Paul Taylor, Deputy Chief Probation Officer, West Yorkshire
Peter Trusler, Assistant Chief Probation Officer, Staffordshire
Linda Wilson-Croome, Assistant Chief Probation Officer, Suffolk
Bill Weston, General Secretary, ACOP

East Dorset.

Probation Service:
Malcolm Lacey, Chief Probation Officer
Elinor Murphy, Assistant Chief Probation Officer
Pat Rance, Assistant Chief Probation Officer
Peter Yeomans, Senior Probation Officer
David Watson, Bail Officer
Simon Dyke, Court Ancillary

Crown Prosecution Service:
Peter Beouf, Chief Crown Prosecutor
Andrew Creswell, Branch Crown Prosecutor

Police:
Superintendent D. Whitton
Superintendent N Shorrocks

Courts:
Gerry Durham, Clerk to the Justices, Bournemouth Law Courts
J. Slow, Clerk to the Justices, Pool Law Courts

Ipswich

Probation Service:
Arnold Barrow, Chief Probation Officer
Linda Wilson-Croome, Assistant Chief Probation Officer
Peter Walker, Senior Probation Officer
Martin Garside, Probation Officer

Crown Prosecution Service:
Michael Harvey, Chief Crown Prosecutor
Chris Yule, Branch Crown Prosecutor

Police:
Superintendent Shipley
Superintendent Elsey

Courts:
Stephenie Thew, Clerk to the Justices
Chris Bowler, Deputy Clerk

Defence Solicitor:
Graham Consitt

Leicester

Probation Service:
John Hicks, Chief Probation Officer
Pat Hutchinson, Assistant Chief Probation Officer
David Straker, Senior Probation Officer
Tim Scotson, Probation Officer
Rys Morris, Probation Officer
Nicki Robertson, Assistant

Crown Prosecution Service:
Gordon Etherington, Chief Crown Prosecutor
David Blundell, Branch Crown Prosecutor

Courts:
Michael Meadows, Clerk to the Justices

Manchester

Probation Service:
Cedric Fullwood, Chief Probation Officer
Mike Hindson, Assistant Chief Probation Officer
Les Moss, Assistant Chief Probation Officer
Reg Leah, Senior Probation Officer
Royce Franklin, Senior Probation Officer
Janice Lee Frances, Probation Officer
Brian Gouldman, Probation Officer

Crown Prosecution Service:
Tony Taylor, Chief Crown Prosecutor
Brian Crebbin, Chief Crown Prosecutor
Charles Britnell, Branch Crown Prosecutor
Alan Hooley, Assistant Branch Crown Prosecutor

Police:
Keith Fletcher, Superintendent

Courts:
Philip Dodd, Clerk to the Justices

Defence Solicitor:
Mike Greene

Newcastle

Probation Service:
Eric Morrell, Chief Probation Officer
Tom Liddell, Assistant Chief Probation Officer
Angus Wilson, Senior Probation Officer
L. Learney, Senior Probation Officer & Warden, St. Christopher's Bail Hostel
Christine Fiddes, Bail Officer

Crown Prosecution Service:
Graham Duff, Chief Crown Prosecutor
Joe Sanders, Branch Crown Prosecutor

Police:

Chief Superintendent J. Anderson
Superintendent Ron Bradley
Superintendent B. Eltringham
Inspector D Williams

Courts:
J.S. Young, Clerk to the Justices
M.S. Herbert, J.P.
A. Irwin, J.P.

Defence Solicitor:
G. McKeag

Peterborough

Probation Service:
Cath Holloway, Chief Probation Officer
Tony Knivett, Assistant Chief Probation Officer
John Proud, Senior Probation Officer
Simon Merrington, Research and Information Officer
Judy Cartright, Probation Officer

Crown Prosecution Service:
David Lewis, Chief Crown Prosecutor
David Miles, Branch Crown Prosecutor
Ray Wildsmith, Senior Crown Prosecutor

Police:
Alan Ratcliffe, Assistant Chief Constable
Chief Inspector J. Ranson

Courts:
Neil McKittrick, Clerk to the Justices

Others:
Anne Brosnan, solicitor
Earnest Woodcock, NACRO Community Programme Manager

Southampton

Probation Service:
John Harding, Chief Probation Officer
Peter Colquohoun, Assistant Chief Probation Officer
Chris Mitchell, Senior Probation Officer
D. Godson, Senior Probation Officer, Research & Information
R.G. Baxter, Senior Probation Officer, HMP Winchester
Linda King, Bail Officer

Crown Prosecution Service:
Peter Beouf, Chief Crown Prosecutor
David Renwick, Branch Crown Prosecutor
Nicola Reasbeck, Senior Crown Prosecutor

Police:
Chief Superintendent Robert West

Courts:
K. C. Clarke, Clerk to the Justices
M. McKean, J.P.

Others:
Martin Axtell, solicitor
Professor John Martin

Stoke-on-Trent

Probation Service:
Ralph Harris, Chief Probation Officer
Peter Trusler, Assistant Chief Probation Officer
Sandra Forrester, Senior Probation Officer
Rod Eckersley, Probation Officer
Moira Downing, Ancillary Officer

Crown Prosecution Service:

D. Dickenson, Chief Crown Prosecutor
Tony O'Malley, Branch Crown Prosecutor

Police:
Chief Inspector Brian Winstanley
Inspector A. Hancock

Courts:
David Tapp, Clerk to the Justices

Defence Solicitors:
Paul Housiaux
Robert Stevens

Appendix B.
Profile of Defendants Remanded in Custody

Monitoring of Bail Decisions

In order to monitor the work of the bail information schemes, the Vera Institute asked probation staff in each court to record the applications and bail decisions at first appearance as well as some basic biographical detail in each case within the target group during the pilot period, regardless of whether or not information was provided to the CPS by the scheme.

In practice, comprehensive monitoring of cases in which no information was provided was not possible in every court. The design of the scheme in Leicester meant that many defendants bailed at their first appearances were not included in the monitoring. In Manchester, the size of the court prevented any information other than the police bail objections and the court bail decisions being recorded for defendants who were not interviewed. In Dorset, the system for recording decisions itself remained unsettled throughout the pilot period.

In the five other pilot courts, however, the probation staff succeeded in monitoring the great majority of cases within the target group. In addition, a similar monitoring exercise was conducted in Birmingham during November and December 1987 in anticipation of starting a bail information scheme there. One consequence of this monitoring is that it is now possible to use the data from these six courts combined to paint a statistical picture of the defendants who were remanded in custody during the pilot period.

Approximately 2,000 individual cases were monitored at first appearances in these courts. The various figures that follow are all based on this sample of cases. In each graph, however, the total number is slightly lower as a result of the failure of the scheme staff to record certain individual details in some cases.

The target group, it must be remembered, consisted only of those cases in which defendants were kept in custody by the police to

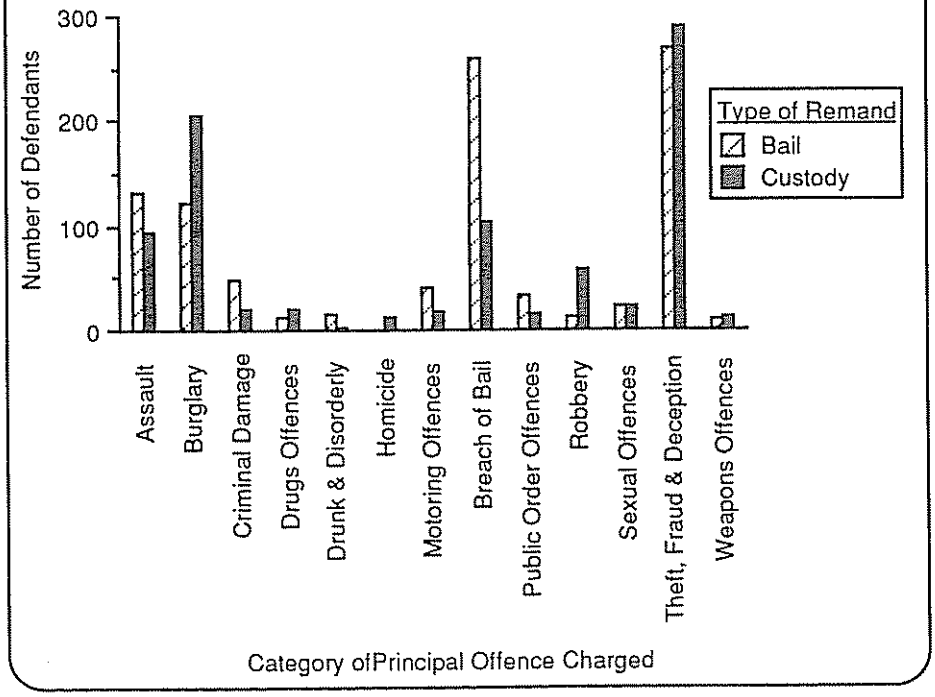
await their first court appearances. As a result, the statistics presented in this appendix are not comparable with other reported statistics on bail decisions. They leave out the many defendants who were granted bail by the police and were not, therefore, in custody at their first appearances. They also leave out defendants first remanded in custody at later appearances. Instead, they provide an opportunity to study one particular subset of the defendants on remand: those who begin their cases in custody.

Offences Charged

The largest number of custodial remands at first appearance were recorded in cases of theft, fraud, and deception, while burglary cases accounted for the second largest number.

The numbers for several offence categories are shown in Figure 16. This graph combines the results in all six courts and, because some schemes operated for longer than others, gives unequal weight to decisions in the separate courts. Nonetheless, the picture is broadly accurate, as theft cases accounted for the largest number of custodial remands, and burglary cases the second largest, in all but one of the individual courts considered here. The exception was Birmingham, where burglary cases accounted for slightly more custodial remands than did theft cases.

Figure 16
Remands on Bail and in Custody for Defendants in Custody at 1st Appearance, Charged with Selected Offences, Several Courts Combined



Note: The largest number of custodial remands were recorded in cases charging theft (excluding burglary and robbery, but including fraud and deception). The graph is based on bail decisions in a total of 1854 cases during 1987. Data were drawn from the following courts: Newcastle (12 months), Stoke-on-Trent (7 months), Ipswich (6 months), Peterborough (3.5 months), Southampton (2 months), & Birmingham (1 month). "Bail" includes both conditional and unconditional bail; "Custody" includes remands in police custody.

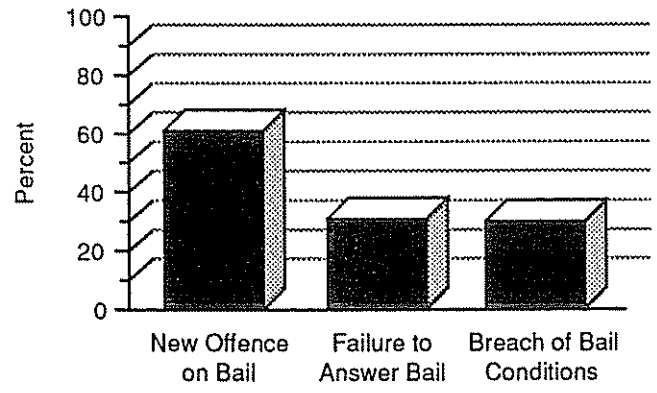
This illustrates a feature of the bail process that was repeated in every court involved in the pilot work. Although defendants charged with the most serious, violent offences were more likely to be remanded in custody than those charged with simple property crime, the absolute numbers of defendants charged with theft were so large that the relatively small proportion remanded in custody outnumbered those charged with violent offences.

Custody Following Breach of Bail

In each of the courts considered here, defendants alleged to be in breach of bail were frequently granted bail again. This reflects the fact that in many of these cases, neither the police nor the CPS sought a custodial remand.

As one would expect, defendants alleged to have offended while on bail were the most likely to be remanded in custody. Of those who failed to appear at court when required, but not charged with a new offence, and those who were alleged only to have breached a condition of their bail, less than one-third were remanded in custody. This reflects the fact that the police are often bound to bring such defendants back before the court, even when the police themselves might accept the explanation made by the defendant.

Figure 17
Proportion of Defendants Remanded in Custody at First Appearance Following Allegation of Bail Breach, by Type of Breach Alleged

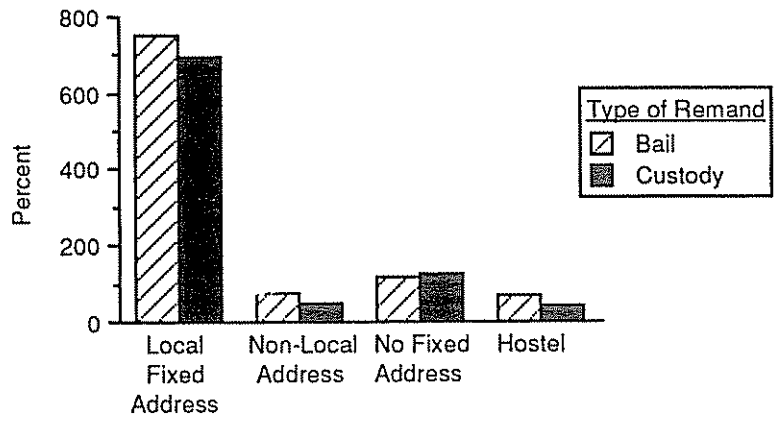


Note:
Total numbers alleged to be in breach of bail were as follows: New offence on bail (N=730), failure to answer bail (N=209), breach of conditions (N=190). Individual cases were placed in only one category; thus those who alleged to have committed a new offence on bail and to haved failed to answer their bail were placed in the first category. Only those before the court solely for breach of bail conditions were placed in the third category.

Homelessness

The great majority of defendants remanded in custody at first appearances in these courts had local, fixed addresses. Although the numbers shown in Figure 18 reflect the decisions made in five courts with bail information schemes in operation, surveys conducted in advance of the pilot schemes revealed a similar pattern. This underscores the limited effect that any scheme will have if it focuses only on issues of accommodation.

Figure 18
Remands on Bail and in Custody at First Appearance by Defendant's Address, Several Courts Combined

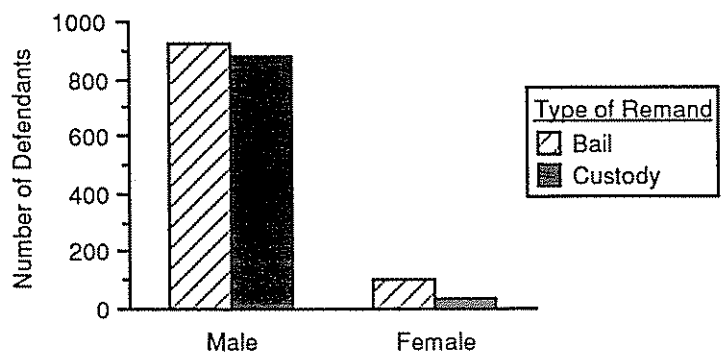


Note:
The graph is based on bail decisions in a total of 1932 cases during 1987.

Gender and Race

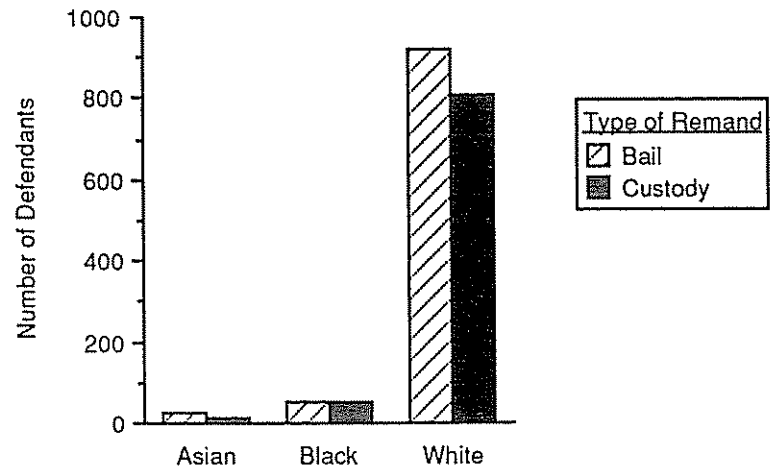
All of the pilot schemes monitored the gender and ethnic group of defendants within the target group, but the numbers of women and of defendants from ethnic minorities were so low that it is impossible to draw any conclusions from these data.

Figure 19
Remands on Bail and in Custody at First Appearance by Defendant's Gender, Several Courts Combined



Note:
The graph is based on bail decisions in a total of 1942 cases during 1987.

Figure 20
Remands on Bail and in Custody at First Appearance by Defendant's Ethnic Group, Several Courts Combined



Note:
The graph is based on bail decisions in a total of 1875 cases during 1987.

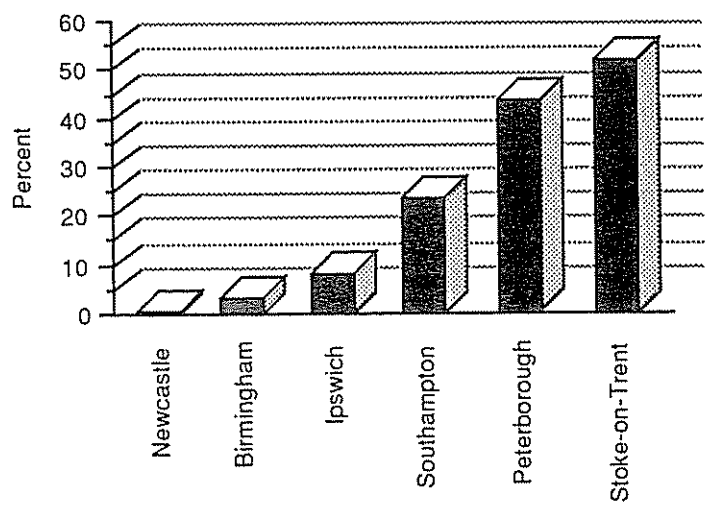
Remands in Police Custody

One of the most striking differences between the decisions recorded in these six courts concerned the proportion of defendants remanded in police detention or, as it is commonly called, police custody. (See Figure 21.)

This is not the same thing as the use of police cells to accommodate ordinary remand prisoners. A court order for a remand in police detention is a special type of custodial remand that allows the defendant to kept in custody at a local police station for further interrogation about offences other than those which the police have already charged. Unlike an ordinary custodial remand, which may last for up to eight days, a remand in police custody cannot exceed three days. Indeed, the prisoner must be returned to court as soon as the need for further interrogation has passed.

In law, a remand in police custody cannot be justified in circumstances that would not support an ordinary remand in custody. In other words, a defendant cannot be remanded in police custody solely to facilitate investigation. There must first be sufficient grounds to remand the defendant in custody in the case charged. Only then can the need for further interrogation on other matters allow the more specialized remand in police custody to be substituted.

Figure 21
Remands in Police Custody
as Proportion of All Custodial Remands at First Appearance, for Selected Courts



Note:
Total numbers of custodial remands in the selected courts during the relevant periods were as follows: Newcastle (492), Birmingham (85), Ipswich (88), Southampton (56), Peterborough (56), Stoke-on-Trent (151).

In practice, however, remands in police custody serve many functions. They keep the defendant close to the court, facilitating family visits as well as police enquiries. Their short duration also makes them convenient when only a brief remand is required. Ordinary remands in custody can, in theory, be equally brief; but in courts that remand defendants to prisons many miles away, these local remands often seem to be a more sensible option.

It was the experience of the pilot schemes that prosecution requests for remands in police custody were almost never opposed by the defence, and such requests were sometimes made with the understanding between the parties that there would be no request for a further custodial remand once the remand in police custody was over.

One consequence of these practices was that defendants remanded in police custody at their first appearances were often granted bail at their second appearances. In Stoke-on-Trent, roughly one-half of those remanded in police custody at their first appearances were granted bail at their second appearances. In Peterborough, the corresponding proportion was roughly three-quarters.