

Research into victim and suspect experiences of changes to the Policing and Crime Act 2017

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Majesty's Inspectorate of
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Services

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1. Executive summary

1.1. Background to the research

In 2019, HMICFRS commissioned BritainThinks to conduct qualitative research to explore victim and suspect experiences of changes implemented as a result of the Policing and Crime Act (PCA) 2017.

The PCA 2017 brought several changes to the way police use pre-charge bail. These included introducing the presumption that the police will, unless bail can be justified, release suspects without any obligation to return to police custody whilst investigations continue. This is referred to as 'released under investigation' (RUI).

The research was commissioned to sit alongside a planned thematic inspection to review the application of the recent changes to police use of pre-charge bail as a result of the PCA 2017. It aimed to explore victim and suspect experiences of these changes as well as provide wider insights into victims' experiences of the police and the criminal justice system.

Specifically, the research aimed to explore:

- Knowledge and awareness of the application of pre-charge bail or release under investigation (RUI); and
- The perceived impact of changes to the use of pre-charge bail in the PCA 2017 on victims and suspects.

The findings of this qualitative research reflect the views of 27 victims of crime and 20 professional representatives, including legal suspect representatives and third sector organisations supporting suspects and victims of crime.

1.2. Summary of the research findings

1. Awareness of the application of bail or Release Under Investigation (RUI) was low amongst the victims interviewed. However, the application of bail conditions can increase victims' feelings of safety.

Victims interviewed were largely unaware if bail or RUI were applied in their cases and, even if they were aware that RUI or bail had been applied, they were often uncertain as to what this meant in practice. Many felt that they would have appreciated being given a clearer sense of these outcomes by the police.

For many participants, there was a sense that bail and RUI have a similar outcome – that the suspect is ultimately released. However, in the context where a suspect has

been released, application of bail conditions can be reassuring and increase victims' feelings of safety.

2. Professional audiences suggest that the impacts of changes to the use of pre-charge bail have been far reaching and overwhelmingly negative – for suspects and especially for victims.

A key issue identified by professionals interviewed was the length of time it takes for cases where RUI has been applied to be resolved, especially for certain crime types such as rape and domestic abuse. Increased length of investigations was associated with implications including loss of evidence and charges being dropped. In addition, legal professionals pointed to specific impacts on suspects who are minors at the time a crime is committed, but over 18 by the time the investigation is concluded due to the length of time taken for it to be completed.

Professionals also referenced issues with re-offending, victim safety and additional pressures the increased use of RUI places on the criminal justice system. In particular, professionals highlighted the increased lines of communication victims have with the police in cases where bail is applied, making victims feel safer and better supported as a result, particularly when compared to cases where RUI is applied.

Professional audiences described a sense that RUI is being applied as a 'default' instead of bail, meaning that they see the challenges associated with these changes as being widespread and deeply rooted. While some did point to problems, including length of investigations, existing prior to the introduction of the PCA 2017, they felt that changes to the use of pre-charge bail had caused a negative impact overall.

3. Compared to RUI, the application of pre-charge bail can make victims feel safer and better supported by police. However, this is only one part of their experience.

Some victims interpreted the application of any bail conditions as the police taking them more seriously, making them feel listened to and supported (in comparison to cases where RUI is applied).

However, even in cases where bail conditions were applied, victims acknowledged that this alone was not enough to make them feel safe and supported by the police.

Interviews with victims of crime identified four additional factors that are significant in ensuring victims feel well-supported by the police:

- The frequency, clarity and tone of communication with the police during the investigation (which becomes all the more important in cases where RUI is applied and investigations take longer);
- The initial response received;
- Whether victims are signposted to support services; and
- Their experience of the prosecution process (where applicable).

4. Where victims do not feel well-supported by the police at any one stage of the process, regardless of whether pre-charge bail or RUI is applied, this can have a large and long-lasting impact on them.

In several cases, victims who were dissatisfied with the police response they received felt they would be less likely to report a crime in the future.

Several participants described the crime they had experienced as having a significant impact on their health, wellbeing and confidence, which was often exacerbated where they did not feel supported or taken seriously by the police, including some cases where suspects were released under investigation and participants described feeling particularly unsafe.

5. Our analysis points to victims who experience specific types of crime as requiring a particularly tailored and supportive police response.

In our sample of nine victims of domestic abuse, the majority felt that they had had a negative experience with the police. These participants did not feel they were taken seriously when reporting the crime or during the investigation. This was heightened in cases where RUI was applied, or the suspect attended voluntarily.

The eight victims of stalking and harassment interviewed described feeling a heightened sense of immediate danger, particularly where the suspect was unknown to them. These participants described feeling particularly unsafe in cases where RUI was applied, as they felt there was nothing to disincentivise or prevent the suspect from re-offending. These participants stressed the importance of a supportive response from officers responding to their initial report and investigating officers to ensure they feel their cases are taken seriously.

Interviews with the four victims of knife crime in the sample highlighted a number of factors that have an impact on how safe and supported these participants felt, including the application of bail conditions, a timely and decisive police response and being signposted to support services early on.

1.3. Conclusions

Professional audiences interviewed described the impacts of changes to the use of pre-charge bail as far reaching and overwhelmingly negative – for suspects and especially for victims. Professionals identified particular challenges associated with the introduction of RUI, including the length of time it takes for cases where RUI has been applied to be resolved, issues with re-offending and victim safety and additional pressures the increased use of RUI places on the criminal justice system. This is coupled with a sense that RUI is being applied as a ‘default’ in many cases, meaning these challenges are felt to be widespread and deeply rooted.

Interviews with victims of crime highlighted the fact that the use of bail and RUI can be hard for victims to identify, with many uncertain about what this means for them in practice. The application of bail conditions can be reassuring, as this can be interpreted as the police taking victims seriously, making them feel listened to and supported (in comparison to cases where RUI is applied).

However, even in cases where bail conditions were applied, and where victims described feeling aware of what the implications of this were (both for them and the suspect), victims acknowledged that this alone was not enough to make them feel safe and supported by the police. Rather, they pointed to a number of other factors that emerged as significant in their experiences of the police and the wider criminal justice system. These are:

- **Being taken seriously during the initial reporting process.** This reassured participants that they were right to have made the report and made them feel more supported during the investigation that followed.
- **Clear and frequent communication.** Participants who reported a lack of contact with the police felt vulnerable during lengthy investigations. Those who felt that they had to 'chase' the police for updates described feeling frustrated at what they felt was a lack of proactivity on the part of the police.
- **Having a single designated point of contact.** Participants who had a named point of contact to provide updates and answer questions reported a more positive experience of the investigation overall.
- **Signposting to support services.** Whether or not they chose to engage with support services, participants who were signposted to these services by police saw this as an example of police taking their case seriously and offering them support.
- **Experience of the prosecution process.** Participants who received detailed information in advance of the court date reported feeling better prepared going into this process, and were more satisfied with the CPS and police investigation as a whole.
- **The type of crime experienced.** Victims of domestic abuse, stalking and harassment and knife crime identified additional challenges they faced either reporting the crime to the police or during the investigation. This highlights the need for a more tailored and supportive police response in these cases.

2. Introduction

2.1. Background to the research

In 2019, HMICFRS commissioned BritainThinks to conduct research to explore victim and suspect experiences of changes implemented as a result of the Policing and Crime Act (PCA) 2017.

The research was commissioned to sit alongside a planned thematic inspection to review the application of the recent changes to police use of pre-charge bail as a result of the PCA 2017.

It aims to explore victim and suspect experiences of these changes as well as provide wider insights into victims' experiences of the police and the wider criminal justice system.

2.2. Research objectives

The research aimed to understand the experience victims and suspects of crime have of the police response they receive, as well as their experiences with the wider criminal justice system, following the introduction of the PCA 2017.

Specifically, the research aimed to explore:

- Knowledge and awareness of the application of pre-charge bail or release under investigation (RUI); and
- The perceived impact of changes to the use of pre-charge bail in the PCA 2017 on victims and suspects.

In addition, the research aimed to inform HMICFRS's wider work on vulnerability and provide insight into the experiences of victims of crime, including the extent to which they feel listened to and supported by the police.

This research is qualitative. It is based on the responses of the 27 victims of crime and 20 professionals included in this piece of research. As such, the research findings reflect their perceptions, feelings and attitudes, rather than reflecting the views of all victims of crime and professional audiences representing suspects and victims.

2.3. Report structure

This report summarises the research findings. The report has three key sections, summarised below:

Chapter 3: Awareness of changes to the application of pre-charge bail

This chapter provides an overview of participants' awareness of the changes to the application of pre-charge bail from April 2017.

Chapter 4: Perceived impact of changes to the application of pre-charge bail

This chapter identifies the impact that the introduction of the PCA 2017 is felt to have had on suspects and victims of crime, and their experience of the police and the criminal justice system.

Chapter 5: Perceptions of support for victims of crime

This chapter explores the extent to which victims of crime feel safe and supported, and the factors that have an impact on perceived level of support, including the type of crime experienced.

2.4. Methodology

2.4.1. Interviews with victims of crime

BritainThinks conducted 27 in-depth interviews with victims of crime living across England and Wales, with interviews lasting up to two hours.

Fieldwork was conducted between October 2019 and January 2020, across six locations (as shown in Figure 1). Participants were recruited from a mix of urban and rural surrounding areas to ensure good coverage across England and Wales. All participants had been a victim of crime in the last 18 months and their cases had been closed before participating in the research. An overview of the participant sample is provided in Figure 2.

Figure 1: Table outlining research fieldwork locations

Region	Fieldwork locations
South East	London
South West	Bristol
West Midlands	Birmingham
North West	Manchester
North East	Leeds
Wales	Cardiff

Figure 2: Table summarising participant sample

Factor	Participants
Age	4 x participants aged 18-34 14 x participants aged 35-44 6 x participants aged 45-54 3 x participants aged 55+
Gender	17 x female participants 10 x male participants
Socio-economic grade (SEG)	Spread of SEG (B, C1, C2)
Type of crime	9 x victims of domestic abuse 8 x victims of stalking and harassment 4 x victims of knife crime 3 x victims of physical abuse 2 x victims of theft or burglary 1 x victim of financial fraud

2.4.2. Interviews with professional audiences

BritainThinks also conducted 20 in-depth interviews with professional audiences supporting victims and suspects, including:

- **Solicitors or defence legal representatives working on behalf of suspects.**
- **Representatives of third sector agencies supporting those with criminal convictions**, including agencies operating nationally and those providing support at a local level. Interviews were conducted with participants who had a role directly engaging with ex-offenders.
- **Representatives of third sector agencies supporting victims of crime**, including those operating nationally and those providing support at a local level. Interviews were conducted with participants whose role involved directly engaging with victims.

A number of relevant organisations were identified at the outset of the project, approached by BritainThinks and provided with an introductory letter from a contact at HMICFRS outlining the purpose of the research. This was important in reassuring respondents of the authenticity of the research and in providing them with a clear point of contact should they have any questions or concerns about the validity of it. As with

victims of crime, participants took part in the research on the basis of informed consent.

Interviews were conducted over the phone and lasted up to an hour. Fieldwork was completed between October 2019 and January 2020.

20 interviews were conducted with professional audiences representing victims and suspects of crime. This included:

- 10 interviews with legal representatives of suspects, including 3 barristers and 7 solicitors.
- 10 interviews with third sector organisations, including 2 organisations representing suspects and 8 organisations representing victims.

Third sector organisations consulted were operating in regions across England and Wales, including London and the South East, East Anglia, West Midlands and North Wales.

3. Awareness of changes to the application of pre-charge bail

3.1. Chapter overview

This chapter explores levels of awareness of changes to the Policing and Crime Act (PCA) 2017 amongst the audiences consulted through this research. It highlights that participants' awareness and understanding was mixed:

- Awareness of the application of pre-charge bail or RUI was low amongst victims consulted in this research. Victims were largely unaware if bail or RUI were applied in their cases and, even if they were aware, they were often uncertain as to what this meant in practice.
- Suspect representatives interviewed identified awareness of the application of pre-charge bail or RUI amongst suspects as more mixed. However, professionals felt that all suspects would be aware they had been released, and as the investigation was still ongoing, that they could still be charged.
- All professional audiences consulted were aware of the shift to the ways in which pre-charge bail is applied. While legal representatives described having detailed levels of knowledge about the PCA 2017, awareness amongst third sector professionals supporting victims and suspects was more mixed.

3.2. Awareness amongst victims of crime

Victims of crime within the sample described being largely unaware whether pre-charge bail or RUI were applied in their cases. Participants seemed to find the terminology of bail and RUI confusing, and there was low awareness of specific conditions applied in their cases. Many felt that they would have appreciated being given a clearer sense of either of these outcomes, and what this meant for them in practice, by the police.

“I was threatened with a knife by one of my neighbours. A week later I was in the police station to make a formal statement, but I didn't receive any information during that time. He wasn't staying at home, I didn't see him for a while, even though he's a neighbour. It was March 2018 when it happened. He's now been given a caution, and a community order, but I don't really know what it means.”

(Victim of knife crime)

When given more information in interviews, some participants questioned whether bail had in fact been applied in their case. For example, one participant thought that the

suspect had been released under investigation – they were told that the suspect had been released, and that the investigation was ongoing – but they realised during the interview that it was more likely that bail had in fact been applied since the suspect was not allowed to contact the victim or visit their house.

“I am not sure if he had to report to the police station, but he was told he wasn’t allowed near me and he was moved from where he was living. I think he was released on bail... I don’t know the difference between that and being released under investigation.”

(Victim of physical assault)

“He probably was put on bail then, because I didn’t see him for a couple of days after. He didn’t contact me so maybe they told him that he shouldn’t. [After an incident], he usually would have started texting me again straight away.”

(Victim of domestic abuse)

Even when provided with further information, participants often struggled to distinguish between RUI and bail. For most, there was a sense that bail and RUI have a very similar outcome: that the suspect is ultimately released. This meant that participants did not see bail as necessarily making them feel ‘safe’. However, being informed that conditions have been applied to their case (for example, that the suspect is not able to contact the victim) can reassure victims following a crime, as this was felt to act as at least a mild deterrent for suspects. Participants were quick to point out that this was contingent on victims having faith that the suspect would stick to conditions, or that the police would respond quickly if these are breached.

“My sister knew that if he went up the street that he wasn’t allowed to do that, and I think he wasn’t allowed any contact with us and wasn’t allowed to come to the area. I think for me, I felt safe enough knowing that, and also because I have my husband here at home.”

(Victim of physical assault)

Case study: Natalie, victim of domestic abuse

Natalie was out one evening with her boyfriend of 2 years, when he accused her of looking at another man in the bar they were in. He insisted they leave immediately, took Natalie back to their car and physically assaulted her. An onlooker called the police who arrived very quickly and took Natalie to the police station to give her statement. She described having to wait until the early hours of the morning to give her statement, and remembered feeling tired, upset and confused about her boyfriend's controlling behaviour.

Natalie left the police station without knowing what would happen to her boyfriend and was taken by police officers to her mother's house. The next day, the police called Natalie to say her boyfriend had been released, but she could not recall whether bail was applied. However, the fact that her boyfriend didn't text or call her (as she expected him to) made her think that bail conditions could have been applied.

Following the incident, Natalie described feeling very scared and nervous as she didn't know what had happened to her boyfriend, or where he was. She did not want to ask the police for further updates as she wanted to focus on her own mental and physical health and recovery. Looking back, Natalie feels she would have welcomed more information from the police about the action they took, whether her boyfriend had been released under investigation or on bail, and any implications of this.

3.3. Awareness amongst suspects of crime

Suspect representatives felt that awareness of pre-charge bail or RUI amongst suspects of crime was largely mixed. They described a clear distinction between suspects with prior criminal offences and those who were engaging with the criminal justice system for the first time.

Suspects who had committed a number of previous offences – referred to by some professionals interviewed as 'career criminals' – were felt to be more aware of the changes resulting from the PCA 2017 compared with first-time offenders. Previous interaction with the criminal justice system, particularly pre-April 2017, was felt to give these suspects a better understanding of what to expect, depending on whether they are released on bail or RUI. In particular, the suspect representatives interviewed highlighted a sense that these suspects:

- **Are able to distinguish between bail and RUI**, and understand that bail will usually mean they have conditions to adhere to (for example that they will have access to certain geographical areas restricted or will be 'under surveillance' for a specific amount of time).

While representatives felt that suspects do interpret bail as having conditions they need to adhere to, that doesn't necessarily translate into awareness of what any conditions mean in practice, and that suspects need to comply with these conditions.

In victim interviews, a small number of participants described cases where suspects did breach bail conditions, either as a result of contacting the victim or by not avoiding certain geographical areas.

“If released on bail, suspects will understand that. It’s worked perfectly well for over 50 years.”

(Legal suspect representative)

- **Have a specific view of RUI**, seeing it as ‘getting away with it’ and having few, if any, short- or long-term impacts.

“The usual terminology is, ‘if they had anything on me, I’d have been bailed.’ Ones that have been released under investigation think ‘they haven’t got too much on me to prove that’.”

(Third sector suspect representative)

By contrast, the suspect representatives interviewed felt that suspects with no previous offences struggle to distinguish between bail and RUI and therefore find it difficult to understand what either outcome means for them in practice. However, professionals felt that this ‘type’ of suspect would still be aware that they had been released and, as the investigation was still ongoing, that they could still be charged. These suspects were also felt to be largely aware of any bail conditions applied but are often unclear on the implications of this. More generally, the suspect representatives interviewed described these suspects going to great lengths to understand the details of their case, frequently chasing the police and solicitors for updates, and feeling ‘stuck’ until they know the outcome.

“Suspects understand RUI based on the words, but I don’t think they know what that really means.”

(Legal suspect representative)

“More common is that clients are trying to move on with their lives, especially first time offenders, and then it comes back to bite them a few years later. This takes a real mental strain.”

(Legal suspect representative)

Case study: Mark, Legal suspect representative

Mark started practising law in 2012. Having worked within the criminal justice system prior to April 2017, Mark described noticing a substantial difference in the way suspects now respond to police outcomes.

Mark felt that all suspects he represented had understood what being released on bail meant, since it was “an outcome that had existed for well over 50 years”. For suspects who are released under investigation, Mark felt that both awareness and understanding was comparatively lower. He commented that, particularly for suspects with previous convictions, being RUI is felt to be “getting away with it”, with little sense of any repercussions. However, Mark described first time offenders struggling to understand RUI and its implications – although many of these clients have described being aware that there was ‘bail to return’ date, which they felt meant there was no time pressure for their investigation to be brought to a close.

Mark pointed to the introduction of RUI as having a considerable impact on the length of time cases are taking to be resolved, and felt that the impact on suspects’ personal lives in being unable to move forward whilst they are RUI is considerable.

3.4. Awareness amongst professional audiences

There were mixed levels of awareness of the PCA 2017 and associated changes to the application of pre-charge bail amongst professional audiences consulted. Legal representatives, including barristers and solicitors, had higher levels of awareness and knowledge of the PCA 2017, whereas awareness amongst third sector professionals tended to be far more mixed.

For most legal professionals consulted, changes to the PCA 2017 were front of mind. They described this as a result of dealing with victims, suspects and the court system on a daily basis, and felt that being ‘up to speed’ on changes to the legal system is crucial to their role. All legal professionals consulted said they had come across the changes to the PCA 2017 either independently or through their firm or colleagues, rather than this being communicated through a more official channel (for example, the Ministry of Justice).

“I thought it was interesting that we weren’t given training or awareness of the changes to the PCA 2017. All I was told is that with bail, that it has to be a higher ranked officer to sign it off now.”

(Legal suspect representative)

Awareness amongst third sector professionals was more mixed. The majority of these participants described noticing changes to the use of pre-charge bail in the first half of 2017. However, rather than being notified about these changes directly, they tended to instead describe learning about them ‘on the job’ through conversations with the suspects and victims of crime they were supporting. Most third sector professionals

described now being aware of the specific shift to the ways in which pre-charge bail is applied and the increased use of RUI.

“The first I knew about PCA 2017 was I had a client call me in complete distress to say that her father, the suspect, had been taken off bail, so he’d been ‘de-arrested’ is what she’d been told. Nobody had contacted us to tell us, it just kind of happened.”

(Third sector victim representative)

4. Perceived impact of changes to the application of pre-charge bail

4.1. Chapter overview

Professional audiences consulted pointed to a number of specific and serious impacts associated with changes to the application of pre-charge bail, on suspects and especially on victims. Key impacts identified by participants included:

- The increased length of investigations;
- Perceptions of victim safety;
- Links to rates of re-offending; and
- An overall (and increasing) strain on the criminal justice system.

The professional audiences consulted in this research reported that the changes to the use of pre-charge bail have been overwhelmingly negative, with far-reaching implications for suspects and victims. This is coupled with a sense that RUI is being applied as a 'default' in most cases, with the result that these challenges are felt to be widespread and deeply rooted.

4.2. Increased length of investigations

Professional audiences described the increased length of time investigations are taking to complete as one of the greatest impacts of changes to the application of pre-charge bail. Specifically, the introduction – and increasing use – of RUI is felt to have had a detrimental impact on case timescales, and several participants could provide examples of cases that had lasted up to 2 years where the suspect was released under investigation.

Professionals felt that, in cases where bail is applied, the investigation has more of a structured timeline, with specific 'hard' deadlines to work to, and designated points at which the police have to communicate with the victim, suspect and their legal representative(s). However, in cases where RUI is applied and suspects are not given a bail to return date, there is much less certainty around these timings, a perception that there are few, if any, deadlines for the police to work towards and, for some, this leads to a perception that individual cases are being processed more slowly.

“The biggest change I've noticed [as a result of the PCA 2017] is the length of time it takes to get cases to court. Previously lots of cases were charged immediately but these same kinds of cases are now taking 12 months to charge. I've seen

sexual offence cases taking 1.5-2 years to come to court. The length increase is partly due to cuts but also due to a lack of deadlines when suspects are released under investigation. When people were on bail, the police were moving more quickly.”

(Legal suspect representative)

A small number of legal suspect representatives described being aware that, prior to the introduction of the PCA 2017, there were issues with the length of time investigations were taking, with the result that suspects were kept on bail for a considerable length of time. Whilst they acknowledged that this did need to be rectified, and was right to be reviewed, they felt that changes to pre-charge bail have not led to quicker outcomes and instead, cases are taking even longer to progress.

Some participants also described a sense that the issue of cases ‘dragging on’ has been getting progressively worse over the past few years. They pointed to procedural problems with the criminal justice system more widely, and cuts to the Crown Prosecution Service (CPS) more specifically as being the cause of this. These participants were quick to point out that, although they see the introduction of RUI as a key contributing factor in investigations slowing down, it is not the sole reason cases can take an extended period of time to resolve.

“I think there have been a lot of changes and it’s difficult to separate out what has had an impact on what.”

(Legal suspect representative)

Professionals interviewed pointed to several challenges that they encounter as a result of investigations taking longer to reach a conclusion:

- **Loss of evidence.** This included the inability – and lack of availability – of both suspects and witnesses to give evidence in court hearings, if taking place over an extended period of time. Professionals cited examples of cases which took at least a year to reach court and where witnesses described losing interest and wanting to distance themselves from the process as a result. Legal suspect representatives also identified issues with suspects’ and victims’ recall where there is a significant period of time between the incident and the case reaching trial.

“The issue of delay has gone from being exceptional to becoming common and as a result more and more suspects... are finding it more and more difficult to give evidence under oath, on the basis that due to the passage of time, it’s very difficult for them to withstand cross examination by highly trained advocates who are skilled at the art of pulling peoples’ answers apart.”

(Legal suspect representative)

- **Impact on victims.** Victim representatives described the increased length of investigations as leading to some victims wanting to drop charges. They felt that there are two key reasons that contribute to this. Firstly, in their experience, victims often ‘want it to be over’, so come to the conclusion that it would be quicker and easier to drop charges so they don’t have to continue with the case. Secondly, they identified many victims that they work with as having a corresponding lack of trust

in the criminal justice system and struggle to believe that a desirable case outcome would be reached.

These views correspond with evidence from interviews conducted with victims of crime as part of this research. The small number of victims in the sample who had decided to drop charges described this decision as being driven by the case taking a long time to conclude, which was causing them considerable anxiety.

Legal suspect representatives described particular challenges with investigations in domestic abuse and rape cases taking longer to complete when the suspect had been RUI. As it can be much more difficult to collate evidence in such cases, investigations can feel drawn out and invasive (for example, if asked to provide full mobile phone records) which was described as having a significant impact on victims.

“They’re RUI’ing a lot of rape cases. This is a difficult one as rape is difficult to investigate. In rape cases, you often need mobile phone records and downloads, and access to this takes a long time. Investigations involving phone downloads take a long time and it needs to happen in a lab, there can be a lot of data.”

(Legal suspect representative)

- **Impact on suspects.** Professional audiences described suspects often feeling like they have an investigation ‘hanging over’ them for several years, with several describing this period of time as ‘being in limbo’. This is felt to put considerable strain on some suspects and their families, particularly if they are receiving few, if any, updates on the status of their case. Professionals felt that suspects who are released on bail have greater certainty around their case timings, and often have more communication with police throughout the investigation.

“If someone has been RUI then they and their family are in limbo – it’s soul destroying, especially for the young ones. Seeing their families, it’s destroying them.”

(Third sector victim representative)

“It all seems to feel like it’s hanging over their heads. With bail, at least suspects knew where they stood in terms of timings.”

(Legal suspect representative)

4.2.1. Impact of increased length of investigations on suspects who are minors

Legal suspect representatives described the increased length of investigations, in their experience, as having a significant impact on suspects who are minors when a crime is committed. A number of participants pointed to cases where their clients committed a crime aged 16 or under and were released under investigation, but who were then over 18 once the investigation was completed. They felt that this had two key implications:

- **Suspects are referred to the Crown Court rather than Youth Court.** Legal representatives consulted felt that this means that they are more likely to receive a sentence applicable to an ‘adult’ rather than a young offender.

These participants described having to challenge judgements which they felt were often unfairly harsh, particularly if their client had since taken steps to 'turn their life around' or seek support in the intervening period. Challenging judgements was felt to take up more of solicitors' time and place an even greater strain on the criminal justice system.

"Young people are crossing an age threshold in between being charged and coming to court, they're then charged at the age in which they come to court, not the age they committed the crime and then they get much harsher sentences."

(Legal suspect representative)

"I'm currently challenging a case where my client was given a custodial sentence, because he's now 18 and it involved drugs. It was a one-off incident; he hasn't done anything [wrong] since – this could change his life."

(Legal suspect representative)

- **Support, guidance and rehabilitation opportunities seem to be less readily available (in comparison to those charged when they are aged under 18).** Professionals described a sense that youth offenders are more likely to be given support and guidance, or be signposted towards agencies who can provide mentoring or educational and training opportunities.

Case study: Tim, Legal suspect representative

Tim is a solicitor who has been practising criminal defence law since 2006. After the introduction of the PCA 2017, Tim started noticing that cases were taking much longer to resolve and that it had become much more difficult to stay on top of developments within cases where RUI had been applied to suspects.

Tim recounted one particular client who had been RUI for almost three years in what Tim described as a straightforward case. The judge gave the suspect a suspended sentence, given the length of the investigation, which Tim found frustrating, as he felt this wasn't an appropriate outcome given the nature of the crime.

Tim also felt that the changes to the PCA 2017 have meant he now spends much more time within his role chasing police officers for updates on his clients' cases. Having not lodged any complaints in his career before, Tim has since lodged two complaints against the police due to a lack of updates. Tim stated that the guidance issued by the National Police Chiefs' Council requires officers to update suspects about the progress of their case every 30 days, but that he has often had to chase officers up to five or six times for updates to cases.

4.3. Perceptions of victim safety

Professional audiences also described changes to the use of pre-charge bail, and specifically the introduction of RUI, as having an impact on victims' feelings of personal safety. Professionals felt that victims can see the application of bail as a symbolic form of protection, even if they have reservations about how effectively this will keep them safe in practice. By contrast, professional audiences identified that victims feel less safe in cases where the suspect is released under investigation. Interviews with victims as part of this research corroborate this viewpoint.

This is felt to be driven by a perception that:

- **They are being taken less seriously.** Participants reported that victims often do not feel they are being taken seriously in cases where RUI is applied, leaving some feeling 'isolated' and 'alone' – or less likely to report future incidents, even if they are at risk.

Professionals described their frustration that suspects are being released under investigation in 'serious' cases, including domestic abuse and sexual assault cases, which they felt could have a serious impact on how safe victims felt, and their likelihood to report any future incidents.

- **They have fewer lines of communication with the police.** Professional audiences pointed to victims having more lines of communication with the police if bail conditions are applied, as there are a number of designated points at which they can expect an update on the investigation. This was felt to make victims feel better supported compared to cases where RUI is applied.

"The fact that they may be arrested and then released without condition, without a return date, I'm not sure how many people appreciate that. I think it is a more dangerous situation than what existed before [PCA 2017]."

(Legal suspect representative)

"It's easier to arrest for minor things, but for cases like sexual assault it takes longer to build a case. The risk is not well understood by police and victims definitely feel less safe when suspects are not put on bail."

(Third sector victim representative)

These views were supported by evidence from interviews with victims of crime. In these interviews, participants described feeling safer where bail conditions were applied, particularly if they knew that the suspect was not allowed to contact them during the investigation. Even if they thought it was likely the suspect would breach bail conditions, knowing they had 'permission' to contact the police and report this if it happened made them feel more confident.

By contrast, a number of victims described feeling very unsafe in cases where RUI was applied, as they felt there was nothing in place to stop the suspect re-offending. This was expressed most strongly by victims of domestic abuse and stalking and harassment in the sample, who felt there was nothing stopping the suspect contacting them and continuing to abuse or harass them.

“I’ve got no idea [if bail conditions were applied] because no one told me... I think I would have felt quite good about [bail conditions being imposed], that he had to go to the police station every 48 hours for example.”

(Victim of stalking and harassment)

Case study: Jessica, victim of domestic abuse

Jessica was a victim of emotional and financial domestic abuse for 15 years. She initially reported this to the police in March 2017, and the suspect, her ex-husband, was arrested. The police then released the suspect without telling Jessica. When she called for an update, they told Jessica he’d been released and had signed a police protection order not to go near her. However, the suspect contacted Jessica almost immediately so she then went with her children to a refuge.

The suspect was arrested a second time in August 2017 for breaking a restraining order and was released under investigation. Jessica felt like the police didn’t take her case seriously because she didn’t have evidence of physical abuse, and the case was eventually dropped because her ex-husband had access to their children.

Jessica described feeling extremely unsafe when she found out her ex-husband was released under investigation, and as result of these incidents, and the abuse she experienced prior to this, suffered PTSD and high levels of anxiety. She feels the investigation was characterised by a lack of information, communication and support from the police. As a result, she feels she would be unlikely to report any future incident to the police.

4.4. Rates of re-offending

Professionals interviewed drew links between the introduction of RUI and increased rates of re-offending. Legal representatives in the sample in particular had noticed this amongst ‘career’ criminals (those with multiple previous offences). Amongst this ‘type’ of suspect, legal representatives described a sense that being released under investigation can feel similar to no further action being taken. As a result, they were felt to not take RUI seriously and continue to commit additional crimes while on RUI, as they feel there are few consequences for them in doing so.

“The clients I deal with who have been released under investigation, it feels as if they’ve never been stopped, never been arrested and they operate as if nothing has changed. Whereas, if they were on bail, certainly there would be a little more caution... What I can say is that the individuals that I speak to, the new condition does not in any way act as a disincentive to cease that kind of conduct [criminal activity].”

(Legal suspect representative)

Legal suspect representatives felt this was particularly prevalent in cases where suspects had been arrested for drug charges. They described drug-dealing as a

lucrative business, so if suspects are released without conditions prohibiting them from doing so, they will continue to sell drugs. By contrast, the application of bail is felt to be a stronger deterrent, as it conveys a stronger sense of surveillance, which professionals felt can be enough to deter suspects.

“With drug offence cases, what you’ll find is that people that deal drugs, you’ll RUI someone and then they get pulled in for further drug charges. Then they’ll RUI that one, they go off and do another and another. It does not inhibit them, whereas with bail, there was that sense of surveillance and control.”

(Legal suspect representative)

Professionals described a sense that suspects who commit multiple offences often feel that, due to pressure on police resources, it is easier for police to apply RUI than bail. As a result, they described suspects trying to ‘work the system’ since, if they are released under investigation, there is felt to be little to stop them re-offending and almost no incentive to discontinue their involvement in crime.

“The perpetrators are getting braver because they know there’s a shortage [of police], and they know they can get away with what they want. They know how to work the system. And there’s so few deterrents for them as well.”

(Legal suspect representative)

In interviews with victims, some participants also described suspects in their cases as being able to re-offend with seemingly few consequences. This was particularly likely of victims of domestic abuse or stalking and harassment, where in a number of cases suspects had continued to contact or harass victims.

4.5. Increased strain on the criminal justice system

All professionals consulted described the criminal justice system feeling under strain, with a strong belief that this strain has increased over recent years. Many pointed to changes to the use of pre-charge bail specifically as adding to this, and felt there were two specific areas where this was particularly apparent:

4.5.1. Use of postal requisition orders

Professionals reported that suspects who are released under investigation tend to be called to court via a postal requisition order. This was felt to present a number of specific challenges:

- Legal representatives interviewed described instances where suspects they were representing reported not receiving a postal requisition order (for example, if the details held for them were not correct or they had moved house), meaning they were not aware they were being called to court.
- If suspects do not receive a postal requisition order, they can apply to re-open their case. These applications have increased since the PCA was introduced in 2017, multiplying the number of cases and appeals passing through the courts.

- Solicitors do not receive a copy of the order. Legal representatives interviewed pointed to instances where this has meant that they or their colleagues have been unaware of court dates and missed hearings.

“Because fewer cases are being charged and many more are dealt with by the way of postal requisitions, the courts are being flooded with applications to re-open convictions on the basis that people did not receive the paperwork, and therefore did not attend.”

(Legal suspect representative)

“There’s going to have to be an increase in sitting days in the Crown Courts... you have a backlog of cases and victims are losing interest in pursuing them.”

(Legal suspect representative)

4.5.2. Increase of administration

Legal representatives often described the challenge of ‘keeping track’ of a case and their client without a bail to return date, and the amount of time and effort involved in chasing police for updates. This was exacerbated for cases where suspects were released under investigation, often for a considerable amount of time. For example, legal representatives described cases where they lost track of a client, only to find out later that they had gone to court but had been assigned another solicitor. This lack of clarity and increased administration more generally were felt to be adding to an already significant level of strain on the criminal justice system.

“RUI creates a lack of certainty. You don’t want to keep chasing the police and see what’s going on, partially because it’s always very difficult to get hold of the police and they’re not there to be at the beck and call of every solicitor asking a question. Presumably the system was altered because the old system was not working but I’m not saying that the new system creates any better service to either the public at large or the solicitors who are trying to find out what’s going on for their clients.”

(Legal suspect representative)

“It can be hard for solicitors to build lasting relationships with those on RUI because they disappear when they’re released, as opposed to bail where they’re checking in and there’s a timeline everyone’s aware of. I feel that RUI has also made it more difficult to keep in contact with the police. The police are overwhelmed and thus the timelines are longer. We’re the ones having to chase.”

(Legal suspect representative)

5. Victims' wider experiences of the police and criminal justice system

5.1. Chapter overview

This chapter examines victims' experiences of the police and the criminal justice system. In particular, it explores how well supported the victims participating in this research felt during the process of reporting the crime to the police, as well as during the subsequent investigation and prosecution process (where applicable).

This research highlights that the application of bail or RUI is just one part of victims' experiences of the criminal justice system. The application of any bail conditions can be interpreted as the police taking victims seriously, making them feel listened to and supported (in comparison to RUI). However, even in cases where bail conditions were applied, victims reported that this alone was not enough to make them feel safe. Rather, interviews with victims identified five other factors that were also felt to be significant in shaping victims' experiences of the police and specifically in ensuring they feel well supported. These are:

- Victims' wider perceptions of the police;
- The initial response received when reporting the crime;
- The frequency, clarity, format and tone of communication from the police;
- Signposting victims to support services; and
- Victims' experience of the prosecution process (where this is applicable).

In addition, the type of crime experienced can have an impact on victims' experiences of the police response, including how safe and supported they feel. In this research, domestic abuse, stalking and harassment and knife crime cases have emerged as types of crime where victims require a more tailored police response.

5.2. Victims' wider perceptions of the police

Many participants described an impression that the police are operating with limited resources. In some cases, this perception had an impact on the response they expected to receive from the police before reporting a crime. Participants who felt the police are over-stretched had lower expectations overall about the service and support they expected to receive, as well as the police's ability to conduct a timely investigation and successfully prosecute the suspect. This view was most strongly held by participants who described having previous experience with the police, either as the victim or perpetrator of a crime.

"I was frustrated. I thought, what am I paying my taxes for? I can't even get emergency services. And I know [the police] have a lot on, I do. But the one time I need them, they're not around!"

(Victim of knife crime)

In some cases, participants described initially feeling reluctant to report the crime they had experienced, due in part to a perceived fear that they would be 'bothering' a police force that had higher priority cases to deal with. This concern was present both in cases where participants were unsure whether what they had experienced constituted a crime, as well as cases where participants had already reported the suspect on multiple occasions and felt that they would be 'wasting police time' by reporting the suspect again.

"I reported him twice to the police in September and October 2018. I didn't want to report it a third time. It was getting to me, but I felt it wasn't serious. I felt I was wasting their time getting them involved and I didn't want to waste their time... Those 6-7 months did really destroy me. I attempted suicide in February when it all got too much. I could have gone to the police which would have stopped me doing that, but I didn't want to burden them or get them involved again."

(Victim of stalking and harassment)

5.2.1. Awareness of different agencies within the criminal justice system

Participants involved with different agencies within the criminal justice system tended to struggle to differentiate between them or fully understand what their specific role and function was. For example, participants whose cases proceeded to trial did not distinguish between the communications they received from the police and information they received from the Crown Prosecution Service (CPS). In cases where the police attended the trial with victims to offer additional support, these lines were blurred even further. As a result, these participants tended to view the response they received as coming from one central source, rather than from different agencies within the criminal justice system.

This perception can have a significant impact on victims' perceptions of the police more generally, if they are viewing this as 'bound up' in how they feel about their overall experience. For example, in cases where participants described having a negative experience of the prosecution process or at court, they tended to view the entire process as 'tainted', even if they had initially been satisfied with the police response or the communication they received during the investigation process.

Largely, these participants conflated the police and the CPS as one body that failed to support them.

This was also often the case when participants were signposted to or received help from external support agencies. In interviews with victims who were directed towards Victim Support, they described a lack of clarity around the role of Victim Support, the support they were able to offer to victims of crime, and how this service related to the police. A small number of participants described being directed to other support service providers by the police – for example, Women’s Aid – who then became their main point of contact and liaised with the police on the victims’ behalf. These participants often found it harder to distinguish between different agencies operating within the Criminal Justice System.

“I thought it was all through the police to be honest. I even thought Victim Support was through the police.”

(Victim of assault)

For those who were most unfamiliar with the criminal justice system, clear lines of communication with the police were felt to be particularly important to help prepare victims for any interaction with different agencies within the criminal justice system. This communication was felt to be particularly important for victims who chose not to attend trial, and thus had less direct interaction with the CPS. These participants often felt unsure as to who they should contact to find out more about their case and were most likely to conflate the decisions and actions of the court with those of the police.

5.3. The initial police response received

The initial police response was felt to have a significant impact on victims’ overall experience of the police, including how supported they felt and the extent to which they felt their case was being taken seriously. Whether victims participating in this research were satisfied or dissatisfied with the initial police response, this often set the tone for their views of the police throughout the remainder of the investigation process.

Several participants described the initial reporting process as the most positive part of their experience with the police. A ‘good’ response was most likely to be characterised by swift action, having face-to-face contact with an officer, and being given a clear sense of next steps.

For participants who were initially more reluctant to report the crime they experienced, the initial police response was particularly important. In these cases, where the police reassured the participant that they were right to report the crime, participants felt a greater sense of support and that the police were taking them seriously. This was particularly the case with victims of stalking and harassment, several of whom initially described feeling ‘silly’ to have reported what they saw as ‘strange behaviour’.

“I went to the station to report. I didn’t know any other way to do it – I wouldn’t have wanted to ring 999 because it wasn’t an emergency. I was pleased the police took my report seriously when I went into the station.”

(Victim of stalking and harassment)

Case study: Joseph, victim of financial fraud

Joseph was the victim of financial fraud after unknowingly borrowing money from an illegal money lender. The suspect began to demand money from Joseph and threatened him when he said he could not pay. Joseph did not report this to the police for a year and a half because of fear of the suspect. Joseph also felt it was his own fault for borrowing money from the suspect and wasn't sure the police would understand.

Joseph ended up reporting the suspect to the police by calling 101, after feeling that he had no other options left. The initial officer was very understanding and told Joseph that he was right to have reported the suspect. This reassured Joseph that he had done the right thing and that the police would be able to help him.

The police came to see Joseph in person 2 or 3 days after he'd made the initial report by phone. They took the situation very seriously and gave Joseph the mobile number of a police officer who he could contact for updates. This meeting confirmed to Joseph that the police were taking his situation seriously and would support him throughout the investigation if he felt unsafe.

However, in cases where participants felt the initial police response was not satisfactory, it left them feeling vulnerable, frustrated and unsupported. These cases were most likely to be characterised by a feeling that police did not act with the urgency, understanding and empathy the victim required, especially for those who felt they were in an unsafe situation at the time of reporting.

"I think the police were good when they came, but I called 999 two hours before they came. He had a knife; we could have been dead hours ago."

(Victim of knife crime)

"[The interviewing officer] wasn't the slightest bit interested. I was pouring my heart and life out and she was just interested in her phone because it was Mother's Day the next day and her son was texting her... She just went through the motions. She wasn't concerned, she didn't care."

(Victim of domestic abuse)

Case study: Mary, victim of stalking and harassment

Mary was the victim of stalking and harassment. After speaking to a man she didn't know at a bus stop, Mary started noticing him where she lived. One night, the suspect threw a brick through Mary's window. She called the police, but they did not come out to investigate, as they said they would not be able to do anything at that time. However, the police told Mary that would log the crime.

A few weeks later, the suspect broke down Mary's door, pinned her to the ground and began to strangle her. Mary managed to call the police who attended quickly, however the suspect had fled when Mary called the police. When the police arrived, Mary asked them to take pictures of her injuries, including bruising on her neck and chest, for evidence, but the police told Mary they did not have their camera so were unable to do so. The police later told Mary they would not be continuing the investigation because of a lack of evidence. This left Mary feeling extremely unsafe.

5.4. Communication from the police

The frequency, clarity, format and tone of communications received during the investigation process had a significant impact on participants' experiences.

Victims' experiences of communication with the police were varied across the sample and were affected in part by the manner of the individual police officers participants were in contact with. More positive experiences were characterised by:

- **Clear and timely updates on the investigation.** Proactive updates from the police reassured participants that they were taking their case seriously. This also relieved participants of what they felt to be the burden of 'chasing' the police for updates.
- **Face-to-face, or phone contact, at some point in the investigation.** Participants tended to prefer personal contact with the police, either in person or over the phone. This was felt to improve the police's understanding of victims' cases and individual circumstances and showed the police caring more deeply about victims' wellbeing and safety. Participants felt it was also useful to have key information shared in writing, so they could refer back to this at a later date if needed.
- **A single, designated point of contact.** Participants that had a named point of contact within the police to provide updates and answer questions reported feeling more comfortable throughout the investigation, leading to greater feelings of support and safety.
- **Understanding and communicative police officers.** Participants described individual police officers providing a high level of service, either in terms of their manner or the advice and support they offered.

“I got a good service from [the police], especially when they came round the next day. And I had a number to call if I needed them and they would come out whenever... I think the really comforting thing was when they came back the next day just to make sure everything was okay. It felt like they were looking out for my safety.”

(Victim of harassment)

Case study: Sarah, victim of burglary

Sarah was the victim of robbery in March 2018. After returning home to find intruders in her house, Sarah immediately called the police. The police arrived in 10 minutes. The reporting officers were empathetic and gave Sarah a designated point of contact in the police who would be handling the investigation.

The police visited Sarah again the following day and subsequently called every few days to provide updates on the case and make sure Sarah and her husband were OK. The police also offered Sarah advice on how to secure her home.

Sarah felt safe and supported throughout the investigation process. Sarah felt that having a designated point of contact was a significant part of this. She also appreciated that this contact was either face-to-face or by telephone, which made her feel that the police were taking the case seriously and were concerned about her well-being.

The frequency of contact from police was varied across the sample. A number of participants described feeling that they had to frequently call to ‘chase’ the police and expressed frustration at the lack of contact they had with police more widely. These participants said that, if they had received clear and timely updates on their case, they would have felt better supported.

This frustration at a lack of communication was exacerbated in the context of investigations taking an increasingly long time to resolve. Several participants described finding the length of investigations exhausting and demoralising, and in some cases, very distressing.

“I chased it after about 4 days because I didn’t get a response. I was just frustrated, I just felt like they couldn’t be bothered with the whole thing, I felt like they had forgotten about me.”

(Victim of theft and robbery)

Some victims reported feeling unsafe during investigations, particularly when they were receiving little to no communication from the police about the progress of their case. As a result, a small number of participants ultimately chose to drop charges. This was due either to a desire to stop the case ‘dragging on’ any further, or an increasing lack of confidence in the police’s ability to resolve the case. These cases were also characterised by a lack of clear and frequent communication about next steps.

“My confidence was at rock bottom, so I didn’t have the energy to keep it going. I might have pressed charges if they did it initially... The length of the investigation made me less likely to press charges.”

(Victim of stalking and harassment)

Case study: Kate, victim of assault

Kate was the victim of physical assault after she tried to intervene in a fight between her sister and her partner. The suspect attacked Kate with a crowbar and smashed her phone after he saw her call the police. Police arrived immediately and arrested the suspect. The police suggested that Kate press charges for assault, in addition to her sister pressing charges for domestic abuse, as this would help her sister’s case.

The first communication Kate received about the investigation was from the magistrate’s court, asking her to attend as a witness. She called a number on the letter and asked for some time to think about it. Kate wasn’t provided with any additional information at this time about what going to court would entail. Kate didn’t hear from the police or the court again until she received a second letter saying the case had been dismissed because of a lack of evidence. Beyond these two letters, Kate did not have any contact with the police during the investigation.

Kate found this lack of communication difficult and became very anxious leaving her home during this time. She was also not provided with a channel to ask the police any questions after the case was dismissed.

5.5. Signposting to support services

Signposting to support services was felt to be an important part of making victims feel safe and that they are being taken seriously.

A small number of participants who were signposted to support services by the police saw this as an example of the police showing concern and taking their case seriously. Whilst few participants chose to engage with these services directly, they felt it was important that this was offered to them, so they had the option of reaching out to support services at a later date.

“The support services letter was probably the best part of the process. I do think it’s a good idea, it is worthwhile for them to do.”

(Victim of theft and robbery)

Those that did engage with support services found them to be a useful source of information about their case, as well as a source of wider support. This was particularly the case for victims of domestic abuse; several participants reported having frequent communication with staff at support service providers such as Women’s Aid which they feel much better supported throughout the investigation and prosecution process.

“It was Women’s Aid who were the most helpful. They were really good, they really knew their stuff. They set up the restraining order. They were in the [court] room... She was arguing the case, telling [the judge] why, and then she’d come up to me and tell me what was happening.”

(Victim of domestic violence)

When prompted in interviews, participants who were not signposted to support services felt that this could have made a significant difference to their experience and their ability to process the emotional impact of being a victim of crime. These participants felt that, regardless of whether or not they had ultimately chosen to engage with support services, it would have made them feel better supported and listened to.

“[The officer] didn’t offer me any advice... He wasn’t concerned about me at all. He didn’t offer to put me in touch with any support services information. I would have expected to receive this, but I got nothing.”

(Victim of knife crime)

Case study: Kathleen, victim of domestic violence

Kathleen left her partner of a year and a half after his behaviour became increasingly threatening, triggered by issues with his drug and alcohol dependency. He then defaced and slashed the tyres on her car. However, Kathleen did not report this to the police as he promised to pay for the car repairs. A few weeks later, he hacked into her social media accounts and began posting what she described as ‘obscene’ messages. Kathleen reported him to the police at this time and he was arrested.

The police did not offer to signpost Kathleen to support services during the investigation. Kathleen also felt that she was often chasing the police for updates and that they weren’t very forthcoming with information. However, the police informed Kathleen’s children’s school of the incident (although they did not notify her they would be doing so). The headmistress of the school then recommended Kathleen call Women’s Aid, which she did.

Kathleen described the support she received from Women’s Aid as the most positive part of her experience, especially as she felt the communication from the police was not sufficient to make her feel safe. Kathleen also thought the police should have signposted her to this service, as well as any other support services that could have offered her support in the aftermath of the incident, as she felt it had a massive impact on her life and feelings of safety.

5.6. Experience of the prosecution process

Participants who had experience with the prosecution process described this as having a significant impact on how safe, supported and satisfied they felt.

More positive experiences were characterised by receiving detailed information well in advance, setting out what to expect on the court date. For participants with no prior

experience of the criminal justice system, this was felt to be important in helping participants make an informed decision as to whether they wanted to attend court or not.

A designated point of contact on the day of the trial also was important in ensuring participants felt supported. Participants who described having someone to accompany them and answer any questions they had on the day felt this had alleviated some of the anxiety they felt about the court proceedings.

“They asked me if I wanted an officer to come see me and explain what the next steps are... If I ever wanted to talk to any of the officers, they were there. I thought they were very good, the police.”

(Victim of knife crime)

Case study: Dan, victim of knife crime

Dan, who is a landlord, was collecting rent from one of his tenants. The tenant became very aggressive and attacked Dan, stabbing him in the neck. A neighbour called the police and officers arrived very quickly. The tenant was arrested at the property.

The police took Dan's statement the next day, once he had been released from hospital. Dan believed the suspect was kept in remand for the following 8 months until the court date. At court, a police officer accompanied Dan at all times and was helpful in answering any questions he had about the trial. Dan was also satisfied when the suspect pleaded guilty and was given a custodial sentence. Throughout the process, Dan felt the police took his case very seriously and made him feel safe and supported.

A small number of victims described attending court as the most negative part of their experience. This was most often linked to:

- **Not being told what to expect at court**, or being ‘misinformed’ about how the trial would take place. For example, one participant was told by police that other victims would be giving evidence alongside them, but when they arrived at court, they discovered this was not the case, which they found very distressing.
- **Not being prepared to have contact with the suspect** or the suspect's family or friends, either directly or indirectly, in the court room.

“I went to court and had no idea what to expect. It was so open and he was just standing there looking at me, it was really intimidating. If I had known it was going to be like that, I wouldn't have gone.”

(Victim of stalking and harassment)

In these cases, a negative experience of the CPS was often linked to more general feelings of dissatisfaction with the police; participants did not necessarily distinguish between what they felt was an unsatisfactory experience at court and an unsatisfactory response from the police during the investigation.

Case study: Sue, victim of assault and knife crime

Sue was driving to collect her son when four teenagers opened her car door at a traffic light, pulled her from the car and hit her head with the blunt end of a knife.

Sue called 101 to report the crime and police came to her home the next day to take a statement. Sue was informed shortly after that the police had identified the four suspects. Sue heard nothing more from the police, until she received a letter notifying her the case had gone to court.

Sue was told by the police that there were 9 other victims who would all be attending court and she agreed to attend and give evidence on this basis. When Sue arrived at court, she was told she was the only victim present and the other 9 victims had submitted statements to be read out by the detective – something Sue did not recall ever being told was an option.

As Sue read out her statement in the court, she described the four suspects laughing at her. She was also told to sit directly in front of the suspects' families, who shouted abuse at her while the other statements were read out. Sue found the prosecution process extremely distressing and felt this was the most negative part of her experience.

5.7. Type of crime experienced

The type of crime experienced was felt to have an impact on how safe and supported victims felt, indicating the need for a more tailored and supportive police response in certain cases (specifically domestic abuse, stalking and harassment and knife crime cases).

Domestic abuse, stalking and harassment

There were nine victims of domestic abuse in the sample. Most of these participants described feeling dissatisfied with the police response they received, and the extent to which they felt they were taken seriously whilst reporting and during the investigation.

Similar themes emerged across the eight interviews with victims of stalking and harassment in the sample. These participants described feeling a heightened sense of immediate danger, particularly where the suspect was unknown to them, throughout reporting, the investigation and prosecution process (where applicable). As such, interviews with victims of domestic abuse, stalking and harassment have highlighted the need for a particularly tailored and sensitive police response to ensure victims feel as safe and supported as possible.

Across both types of crime, participants described feeling there was:

- **A lack of understanding or empathy from reporting or investigating officers.** All participants described finding it very difficult to report the crime they had experienced to the police. However, many felt this was often not taken into account, and that the police didn't take their initial report seriously. This was

exacerbated in cases where victims felt they had to recount details of the incident to different police officers, which they often found distressing.

The two male victims of domestic abuse consulted described an additional set of barriers to reporting the crimes they experienced, which highlights the need for a particularly supportive and empathetic initial response. Prior to reporting, these participants described feeling that they wouldn't be taken seriously by the police, with the result that they had delayed reporting the crime. This perception was echoed in interviews with professional victim representatives, who felt that male victims of domestic abuse are likely to underreport crimes, often linked to a fear of coming forward and reporting if they aren't then believed.

"She attacked me the first couple of times and I didn't report it. I just thought she must have been in a bad mood, as it always seemed to happen in the morning. But it was when she attacked me with the knife that I just thought it was a different kettle of fish altogether, you know. I just thought enough is enough, and so I tried to end the relationship."

(Victim of domestic abuse)

- **A lack of awareness of the full background and complexity of cases.** Most victims described having complex relationships with the suspect, but that this was often not fully understood by the police. Some felt that this meant multiple crimes were treated as isolated incidents, which was felt to be frustrating. As a result, these participants felt that a more sensitive and comprehensive interviewing technique, which allows victims the time and space to talk through any wider context to a specific incident, would be beneficial.

"I left loads out because at that time of night and after what I'd been through, I was absolutely shattered, and it was all still so raw. All I wanted to do after waiting in the station for that long was get a drink, go to sleep and then do it all. If there had been an option to talk about it later, I probably would have said more about everything that happened."

(Victim of domestic abuse)

- **A sense that victims have to prove a crime has happened.** Due to the questioning style of officers when they made a report, participants often felt that the onus is on victims to produce evidence of domestic abuse, stalking and harassment.

This was felt to be particularly challenging for victims of stalking and harassment, as much of the abuse experienced by participants was psychological, emotional and verbal. Some participants felt the evidence they gathered wasn't fully considered by the police which several found frustrating.

There was also felt to be little clarity around what counted as 'evidence' – for example, one participant who had recorded her ex-husband verbally abusing her on her phone was told she wasn't allowed to use this as evidence, as the ex-husband was unaware the recording was taking place, rendering it unusable.

“I was shocked they only gave her a fine to be honest, there was even footage of her assaulting me in the hallway. Even with me keeping a diary of everything, like when she watches me through my windows or walks past and shouts abuse at me while I’m doing the dishes, I feel like there’s something more they should have done. Clearly she didn’t see it as a punishment, or else she wouldn’t have been laughing at me.”

(Victim of stalking and harassment)

“From the beginning, the interaction was as though they didn’t want to know. After they arrested him, they let him go because they said it was his word against mine. I want some support and I want them to know that these nutjobs are walking amongst us. I don’t understand why all these things are there and no one’s helped me.”

(Victim of domestic abuse)

For all victims of domestic abuse, and stalking and harassment, the impact of a suspect being released without conditions had a significant impact on their sense of safety. Participants were often cynical as to whether the police would be able to offer them protection once the suspect was released and felt there was little in place to stop them. In some cases, suspects re-offended almost immediately which made victims feel very unsafe – and, for some, less likely to report future incidents.

These participants also described a number of other factors that had a significant impact on how safe and supported they felt, including:

- A timely police response, with reporting officers taking time to understand the incident and victims’ personal circumstances.
- Consistent contact with a designated police officer throughout the investigation. In some cases female victims were pleased that they were assigned a female officer, as this made them feel much more comfortable.
- Having their home ‘marked’ by the police so that any calls made by victims are fast-tracked.
- Being signposted to relevant support services, who were felt to be able to offer more specific and tailored advice and support.

Knife crime

Interviews with the four victims of knife crime in the sample highlighted a number of factors that have an impact on how safe and supported these participants felt, and identified a need for a more tailored and sensitive police response in these cases. For this type of crime specifically, participants described the imposition of bail conditions as a key factor in making them feel better protected, particularly if the suspect was known to them. In addition, participants described the importance of:

- **A timely and decisive police response.** Participants described expecting a very swift response from the police, as they felt they were at immediate risk of harm if the suspect had a weapon. This is coupled with a perception that this is a serious

crime, given what many described seeing in the UK media about rates of knife crime and police efforts to tackle this.

One participant described being very pleased with how quickly the police came and dealt with the suspect after a neighbour reported the incident, and described the initial police response being the best part of the whole process.

One participant described her frustration that the police took two hours to arrive when her neighbour, who had threatened her and her children with a knife, was outside her door.

“I called the police and reported that he had chased us with a knife, because that’s serious. They took two hours to arrive, which I wasn’t happy with. I think the police were good when they came, but I called 999, we could have been dead hours ago!”

(Victim of knife crime)

- **Bail conditions being applied.** Two victims of knife crime reported feeling safer when they knew that bail conditions had been applied, and that the suspect – who was known to them in both cases – wouldn’t be able to contact them.
- **Signposting victims to support services.** There is felt to be an even greater need for victims to be signposted to support services, given the serious nature of the crime. For example, one participant was referred to Victim Support and, even though he chose not to take this further, felt reassured that there would be support available should he need it.

5.7.1. Case studies

Case study: Jessica, victim of domestic abuse

Jessica described her partner's behaviour becoming more controlling over the course of 2018. This escalated when he saw her talking to another man and he violently attacked her in their home. She was badly hurt and went to hospital, where a nurse contacted the police on her behalf. Jessica was pregnant and suffered a miscarriage as a result of the assault.

On her release from hospital, Jessica went to stay with her sister; the police came there to take Jessica's statement and reassured her that they would take her case seriously. Two days later, the police arrested her partner. When he was in custody, the police asked Jessica to come to the police station to photograph her injuries and answer some follow-up questions, which she found much more stressful than the initial interview.

Jessica was later told that her partner had been released on bail. Despite knowing that he wasn't allowed to contact her, Jessica described feeling very unsafe. She was pleased that the police placed a 'marker' on her house so that if she made a report, the response would be fast-tracked.

Two months later, Jessica was asked to attend court and give evidence. She reported finding the prosecution process incredibly stressful. She felt she wasn't sufficiently prepared and at times felt like she "was the one on trial". She "nearly backed out of it lots of times" when asked questions about their relationship history which she found invasive. Jessica felt she wasn't given enough support before, during or after the trial, and felt her partner was given a very lenient sentence. He was released from prison six months later – Jessica assumed he would serve more of his sentence – and she wasn't notified of this until the day of his release.

Case study: James, victim of domestic abuse

After being in a relationship for four years, James' fiancée started directing verbal and physical abuse towards him, which became increasingly frequent and intense. James didn't report this to the police as he wasn't sure whether this constituted a crime – he had never heard of a man being the victim of domestic abuse before.

One evening, after what James described as a particularly 'rowdy' argument, the police arrived at their house, having been called by a neighbour. The police did not arrest James' fiancée, nor did they take the incident further. This left James feeling like the police had taken her side.

James ended the relationship and has since had counselling to help him manage the impact of the abuse. He feels frustrated that the police did not take the case seriously, nor did they consider that he might be the victim of an abusive relationship, when they responded to the incident.

Case study: Andy, victim of stalking and harassment

Andy sold a TV his friend had given him to pay his rent. When Andy said he couldn't afford to return the money from the sale of TV to his friend, the suspect began to relentlessly call and stalk Andy.

Andy reported the suspect to the police and was advised to try and not communicate with the suspect. Andy went into his local police station for nine consecutive days to show the police evidence of new threats he'd received by text and the police agreed to bring the suspect in for a 'chat' about his behaviour. They said there was nothing further they could do because Andy did not have evidence of credible threats to his life.

Andy was asked if he wanted to press charges, but he decided not to – the police said the case would be dropped and he found the whole investigation exhausting. He feels that, if the harassment re-commences, he is not certain he would report it to the police as he thinks it is unlikely the police would do anything about it.

Case study: Lisa, victim of knife crime

Lisa was the victim of knife crime after a neighbour threatened her and her children with a knife. Lisa called the police immediately and they arrived two hours later. A victim liaison officer also attended, who became Lisa's main point of contact during the investigation. Lisa found this officer to be very helpful in frequently calling to give her updates, as well as checking she and her children were OK.

The police also referred Lisa to a crime liaison officer at Victim Support. Lisa wasn't sure how this would be different from the victim liaison officer so did not call them initially. A few weeks later, Victim Support called, but by this point Lisa felt exhausted from dealing with the case and did not want to speak to them. Lisa was also looking to get support for her children and wasn't sure whether Victim Support would offer this.

Lisa felt increasingly anxious during the investigation and wasn't sure where to go for support for her and her children. While Lisa appreciated having the victim liaison officer as a point of contact, she wished the police had been more forthcoming in what support services could do for her and her children, and how to best access these services.

6. Conclusion

This piece of research has explored victim and suspect experiences of recent changes to police use of pre-charge bail as a result of the PCA 2017, as well as providing wider insights into victims' experiences of the police and the criminal justice system.

Professional audiences interviewed asserted that the impacts of changes to the use of pre-charge bail have been far reaching and overwhelmingly negative – for suspects and especially for victims. Professionals identified particular challenges associated with changes to the use of pre-charge bail including the length of time it takes for cases where RUI has been applied to be resolved, issues with re-offending and victim safety and additional pressures the increased use of RUI places on the criminal justice system. This is coupled with a sense that RUI is being applied as a 'default', meaning that professionals consulted saw these challenges as being widespread and deeply rooted.

Interviews with victims of crime highlighted the fact that the use of bail and RUI can be hard for victims to identify, with many uncertain about what this means for them in practice. Whilst for many victims interviewed there was a sense that bail and RUI have a similar outcome – that the suspect is ultimately released – the application of conditions can be reassuring in this context. The application of any bail conditions can be interpreted as the police taking victims seriously, making them feel listened to and supported (in comparison to cases where RUI is applied).

However, even in cases where bail conditions were applied, and where victims described feeling aware of what the implications of this were (both for them and the suspect), victims acknowledged that this alone was not enough to make them feel safe and supported by the police. Rather, they pointed to a number of other factors that emerged as significant in their experiences of the police and the wider criminal justice system. These are:

- **Being taken seriously during the initial reporting process.** This reassured participants that they were right to have made the report and made them feel more supported during the investigation that followed.
- **Clear and frequent communication.** Participants who reported a lack of contact with the police felt vulnerable during lengthy investigations. Those who felt that they had to 'chase' the police for updates described feeling frustrated at what they felt was a lack of proactivity on the part of the police.
- **Having a single designated point of contact.** Participants who had a named point of contact to provide updates and answer questions reported a more positive experience of the investigation overall.

- **Signposting to support services.** Whether or not they chose to engage with support services, participants who were signposted to these services by police saw this as an example of police taking their case seriously and offering them support.
- **Experience of the prosecution process.** This depended largely on how prepared participants felt going into this process. Participants who received detailed information in advance of the court date reported feeling more satisfied with the CPS and police investigation as a whole.
- **The type of crime experienced.** Victims of domestic abuse, stalking and harassment and knife crime identified additional challenges they faced either reporting the crime to the police or during the investigation. This highlights the need for a more tailored and supportive police response in these cases.

Appendix: Overview of recruitment approach

A free-find approach to recruitment using a network of specialist qualitative research recruiters was implemented. Recruiters were embedded in local areas and communities, mostly utilising snowballing and referral recruitment methods.

All participants were recruited and took part in the research on the basis of informed consent. As part of obtaining informed consent, participants were informed about their rights, the purpose of the study, and an overview of what the research procedure would involve.

Where desired, carers, close friends, or relatives were involved in deciding whether to participate in the project and they could accompany participants during the interview. Participants were also provided with an introductory letter with contact details of the both the project teams at BritainThinks and HMICFRS to provide reassurance of the validity of the research. On completion of each interview, participants were provided with the contact details of local support services.

Please note that to protect the identity of participants who have taken part in the research, pseudonyms have been used throughout.

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