



AYM Submission to Home Office's Police Powers: Pre-charge Government Consultation May 2020

About the AYM

The AYM is a professional association representing the majority of youth offending teams (YOT) and their managers in England.

Section 39 (1) of the Crime and Disorder Act 1998 requires the co-operation of the named statutory partners to form a YOT. Section 38 (1, 2) identifies the statutory partners and places upon them a duty to co-operate in order to secure youth justice services appropriate to their area. These statutory partners are the local authority, police, the probation service, and health. To support the YOT, additional partners may also be recruited to the joint strategic effort to prevent offending by children and young people.

The Association is able to draw on the wealth of knowledge and the breadth of members' experience to promote public understanding of youth crime issues and to play its part in shaping the youth crime agenda. Our members run services providing community-based supervision for children and young people who offend. We also work closely with staff in secure units and young offender institutions to ensure that young people in custody have as smooth a transition as possible back into the community.

The AYM welcomes the opportunity to provide a response to the Home Office's Police Powers: Pre-charge Government Consultation. The responses to the questions are as a result of canvassing the views of our members.

AYM Responses to the Questions in the consultation:

Q1. To what extent do you agree/disagree that the general presumption against pre-charge bail should be removed?

Strongly agree

Q2. To what extent do you agree/disagree that the application of pre-charge bail should have due regard to specific risk-factors?

Strongly agree

Q3. To what extent do you agree/disagree that the application of pre-charge bail should consider the following risk factors:

a. The severity of the actual, potential or intended impact of the offence;

Strongly agree

b. The need to safeguard victims and witnesses, taking into account their vulnerability;

Strongly agree

c. The need to prevent further offending;

Strongly agree

d. The need to manage risks of a suspect absconding; or

Strongly agree

e. The need to manage risks to the public.

Strongly agree

Q4. Do you have any other comments? For example, are there any other risk-factors we should consider? Or any comments on the discounted approaches identified on page 7?

The AYM believes that bail conditions should be imposed based on risk factors and not the type of offence and that any bail conditions should be necessary and proportionate. Whilst the AYM accepts that the primary aim of bail is about public protection and preventing further offending we are of the view that for children there should be consideration of their vulnerability and this should be considered on a case by case basis. This is particularly important for children who may be exposed to more pro-criminal factors or exploitation during any period of bail.

Members are of the view that any approach should consider the context and the evidence when making decisions on bail conditions.

The AYM welcomes an approach where the use of pre-charge bail would concentrate the police investigation and would ensure that the case would be reviewed or concluded within a time limited based process.

Q5: Please rank the options below in order of preference (1st, 2nd, 3rd and 4th).

Current model **4th**

Model A **1st**

Model B **2nd**

Model C **3rd**

Q6. Do you have any other comments? For example, do you have a different proposal or are there circumstances in which the proposed timescales would not be appropriate? (250 words)

In terms of the Pre-charge Bail; Model A would be the preference of most of our members as this approach promotes an expedited process for children. We accept that Model B is likely to be the more realistic option considering the figures presented on the length of time it takes to deal with individual crimes.

Ideally the AYM would want to ensure timeliness and processing of cases and to seek assurances that all stakeholders are clear about timescales.

Model A also retains the independent magistracy overview and enables Police to concentrate on their investigations.

Q7. To what extent do you agree/ disagree that there should be timescales in codes of practice around the supervision of 'released under investigation' and voluntary attendance cases?

Strongly agree

Q8. Do you have any other comments? For example, if you disagree, do you have alternative proposals for the supervision of 'released under investigation' and voluntary attendance cases? (250 words)

The AYM strongly agree that there should be timescales as outlined in the proposal, particularly for children who often respond better with a speedier resolution.

Q9. To what extent do you agree/disagree that pre-charge bail conditions could be made more effective:

a. to prevent someone interfering with victims and witnesses?

Strongly agree

b. to prevent someone committing an offence while on bail?

Strongly agree

c. to prevent someone failing to surrender to custody?

Strongly agree

Q10. What could be done to make bail conditions more effective? (250 words)

The AYM welcomes an approach that includes specific conditions to protect victims and prevent re-victimisation.

Members agree that tighter timescales and risk-based bail conditions would make bail conditions more effective.

Q11. Are there any other issues or proposals you would like to raise with us in relation to the use of pre-charge bail or released under investigation? (250 words)

Youth Justice practitioners work within a risk and strengths-based environment when working with children, therefore the AYM are of the view that this approach should be utilised from bail to sentencing and subsequent

case management.

The AYM do not support the presumption that breach of bail conditions should lead to an additional offence. It is the view; that if the process is followed in a timely manner there is less opportunity of breaches of bail and justice is delivered with a speedier outcome for all stakeholders.

AYM believes that there is a strong role for bail support programmes to support children to comply with their bail conditions. Such programmes prevent children from offending on bail or breaching bail conditions by providing both practical and emotional support and enhancing the welfare of the children on the scheme. All children on such schemes are individually assessed by the Youth Offending Team who produce an individual plan tailored to meet the needs of each child to assist and support them as an alternative to being remanded into custody or to Local Authority accommodation. Bail Support may typically offer: regular contact and supervision; support , information and guidance through the Court process; constructive use of leisure time; assistance with Education/Employment; support with accessing accommodation; support to sustain positive family relationships; assistance with accessing health services including drug/alcohol related issues; support or transport for appearance at Court and re-establishing the child into mainstream services. Such support packages could be made available for ALL children who are finding it difficult to comply with Police bail conditions if the case progresses through to the Youth Court

End of submission