



London Criminal Courts Solicitors' Association

## **Top Findings for Released Under Investigation (RUI) Survey** **May 2019**

109 lawyers took part in the survey, from all over England and Wales\*.

(\*24% from the North West 76% from London and the South East).

### **Approximately how many cases have been Released Under Investigation in the last 3 months?**

- Of the 109 solicitors who completed the survey, they report a total of **6519** cases which are designated Released Under Investigation in the past 3 months.
- The highest number of cases for one firm (over the last 3 months) is 200 cases
- On average in the last 3 months each firm has seen an additional 60 new cases subject to Released Under Investigation.

### **In total, approximately how many cases handled by firms are still designated RUI?**

- Each firm estimates an average of 185 cases designated RUI
- One firm had over 200 cases designated RUI.

### **As of today, what is the longest period of investigation for a case (in months)?**

- **More than half the solicitor respondents said they have ongoing cases under investigation which have already lasted between 18 months to 2 years.**

(\*109 respondents took part in the survey - 69 responded they have RUI cases which have lasted between 18 months and 2 years.)

- **The longest a case has been under investigation is 48 months (4 years).**  
(Although RUI only came into practice after April 2017, the longest lasting cases were first subject to old bail arrangements and later switched to RUI)

- The shortest reported period of RUI is one month.

## **What are the offences under investigation?**

Cases varied from

- breach of a Sexual Offences Prevention Order
- drugs and driving offences
- fraud
- bribery
- theft,
- dishonesty,
- sexual assault,
- rape, possession/ obscene images of children
- homicide,
- serious assault (s18/s20 GBH) and
- Racially aggravated offences.

Of the outstanding cases on RUI which have already lasted **18 months to 2 years**:

- 22 cases are allegations of **rape**
- 12 cases are allegations of **sexual offences**
- 10 cases are allegations of **Possession with Intent to Supply** (a controlled drug)

## **Have delays in an investigation impacted on clients in any of the following ways?**

**98% of solicitors** said delays in an investigation have impacted on their client's mental health

**99% of solicitors** said delays in an investigation have impacted on their client's family life

**100% of solicitors** surveyed said delays in an investigation impacted on their client's employment status

**15% of solicitors** said delays in an investigation have impacted on their client's immigration status

**38% of solicitors** said delays in an investigation have impacted on their client's education.

## **Do the police normally provide an explanation for the length of time the RUI process is taking?**

**83%** said **NO** the police do not provide an explanation for the length of time the RUI

**17%** said **YES** the police do provide an explanation for the length of time the RUI process is taking.

### **Case studies raised in the survey:**

**Teenagers:** Children are also reported as Released Under Investigation. Some for the full two years. A teen was arrested for indecent images on a device during major summer exams, prevented by social services from living at home. Several years later the case was dropped on the basis of evidence provided for police examination early in the investigation.

**Death by dangerous driving:** The suspect's nephew was thrown out of a hired super car at a wedding, he died (in April 2018). A traumatic experience for the whole family which lingers unresolved while one family member has been on RUI for over a year. No one in the family can move on, their lives have this hanging over them.

**Power of Attorney case:** Still outstanding after two years after an allegation that a client misused his power of attorney for his elderly aunt. Whilst subject to Release Under Investigation he has been told not to have any contact with her whilst the investigation is ongoing. It is highly likely that by the time a decision is made and he has denied the allegation that has been admitted by his partner, his aunt will be dead! The suspect is the old woman's only living family member.

### **Comments from named solicitors**

- **Kerry Hudson, Solicitor & Vice President of LCCSA:**

*Police are "box ticking" in serious cases where public protection is an issue e.g. Domestic Violence cases. Typically, after arresting the suspect they put them on Bail To Return for 28 days with conditions, then before the 28th day limit they convert to Release Under Investigation with no conditions - without going anywhere near a court for scrutiny from a judge or magistrate. The new workaround scheme appears to be devised by police to circumvent the new bail rules which were meant to reduce wait times pre-charge and this has had the opposite effect.*

*Police themselves tell us they are fed up with the "RUI" situation. They miss the review structure implicit in the old system.*

*In terms of justice overall, this system has taken away a suspect's legitimate expectation that a case against them will be investigated promptly and fairly and within a reasonable amount of time. The post-RUI system has made the situation worse for suspects, the police and complainants; the absolute opposite of what was intended. It goes against all principles of natural justice.*

- **Rumit Shah, of law firm Galbraith Branley in London:**

*Most clients find it difficult to move on with their lives. Some are left in limbo for such a long time that it has an impact on their mental wellbeing and affects the loved ones around them.*

*With youths they struggle to continue their education because they constantly have the investigation in the back of their mind.*

*In relation to justice overall, I know from victims/witnesses of crimes that because the investigation takes such a long time, a lot lose interest, feeling they have moved on in their lives.*

*They want to forget about it. If after some time charges are proceeded they have to relive the whole thing again.*

- **Mark Thompson, Mark Thompson Legal Ltd**

*The police are supposed to inform the person under investigation in writing when the investigation has concluded, but I have had at least 5 cases where the case has definitely ended and the client has not been informed.*

### **General comments from Solicitors (who would like to be anonymous)**

- Whichever way you look at it, from whichever viewpoint, justice is failed and confidence in the criminal justice system is reduced (Solicitor A)
- The impact on suspects is obvious, they are in constant limbo. It also impacts on victims as they have to be protected by civil law without any bail conditions. For an attempted murder they have very good reason to threaten the victim's family and the victim without any criminal consequences (solicitor B)
- The impact of RUI is far reaching. Not only is it difficult for the client who faces uncertainty regarding the outcome of the investigation but from a business perspective extra resources are being used to chase RUI's and try and find out what is happening. Often, it is difficult to find out any information and as time passes the investigating officers change without any information being passed to us. This causes further delays to the client. (Solicitor C)
- The clear link between wrongdoing, arrest, charge and court is broken. Criminal investigation has become a bureaucratic process even for quite serious cases. Whereas in the past the police had a clear idea of their role; arrest and prosecution were the fundamentals of a police career, now with understaffing, increased paperwork and the deferment of charging decisions a strong element of frustration and lack of enthusiasm has become apparent. (Solicitor D)