



Home Office

Baroness Williams of Trafford
Minister of State

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Lord Marlesford
House of Lords
LONDON
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Dear Mark,

01 DEC 2016

**POLICING AND CRIME BILL: AMENDMENT ON THE PHRASE
“INSUFFICIENT EVIDENCE” FOR CASES NOT PROCEEDING TO
CHARGE**

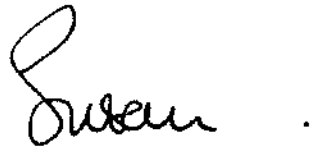
I am writing to follow up the debate we had on amendment 181 at Committee stage of the Policing and Crime Bill on 2 November about pre-charge bail (Hansard, columns 663-669). In moving the amendment, you expressed concerns that the phrase ‘insufficient evidence’ implies that there was some evidence and that the former suspect would not be regarded by the general public or the media as completely innocent. This issue was debated at some length in Committee and I agreed to take it away to give it further consideration.

I would like to reassure you that, given that there are a number of views on what the appropriate wording used by the police should be, we will review the current wording and we will be consulting with relevant parties, including with those representing the interests of the victims of crime to reach an agreement on the form of wording. As part of that review, we will also give consideration to the proposal by Sir Richard Henriques in his recent report that the police should instead use the phrase “the case failed to meet the evidential test” when communicating decisions not to charge.

I assure you that this task will be completed in time for revised wording to take effect next spring when the pre-charge bail provisions come into force. I believe there was a broad consensus within the Committee that this was a matter for guidance rather than legislation. I will keep you informed on the progress of the consultation.

I hope that this reassures you that we have considered carefully your concern on the way a decision not to charge is communicated, specifically the use of the phrase ‘insufficient evidence’.

You will be aware that Lord Armstrong of Ilminster has written to me on this issue; I am copying this letter to him. I am also copying this letter to Lord Rosser, Lord Hailsham, Lord Dear, Lord Paddick, Lord Campbell of Pittenweem, Lord Wilson of Tillyorn, Lord Elystan-Morgan, Lord Inglewood, Lord Kennedy of Southwark and Baroness Boothroyd, and placing a copy in the library of the House.

A handwritten signature in black ink, appearing to read "Susan". The signature is written in a cursive style with a large initial 'S' and a period at the end.

Baroness Williams of Trafford