

[REDACTED]  
Assistant Coroner  
Inner North London  
St Pancras Coroner's Court  
Camley Street  
London, N1C 4PP



[REDACTED]  
11th August 2023

Ref: **Nicholas LEGER**

Dear Mr Smith,

Thank you for your letter dated 8<sup>th</sup> June 2023 regarding the death of Mr Nicholas Leger which occurred on the 20<sup>th</sup> February 2023. We were saddened to hear of the circumstances and the loss felt by Mr Leger's family and friends. These cases are always tragic and it is incumbent on all of us to ensure that lessons are learned. We would like to assure you that we take the recommendations in your report extremely seriously and will ensure that the learning from this incident will be incorporated into our training and guidance. Thank you for your work and for identifying matters of concern.

Your report gives us the opportunity to reflect on the circumstances and consider what action we might be able to take to prevent future deaths.

Your report covers the following matters of concern:

- The welfare and support offered to Mr Leger by the Metropolitan Police
- The process for when a person who has been released under investigation (RUI) is charged, resulting in postal charge requisition (PCR)
- The process for assessing an individual's mental health and/or risk of suicide or self-harm at the time of delivery of a PCR.

You conclude that in the absence of a formal mechanism to assess an individual's mental health and risk of suicide or self-harm at the point of issuing a PCR, you believe there is an obvious risk of individuals taking their own lives.

We have carefully considered the information you have provided.

It is important to recognise that the offence under investigation carries a maximum life sentence and we infer that this was a very serious allegation and that there would have been significant concerns about harm that had been caused by the alleged offence and the risks of future harm. Investigators must consider the needs of all involved in investigations and this can sometimes be a difficult balancing act, taking account of the fact that, at this stage, the person under investigation has not been convicted.

### **Pre Charge Bail and Released Under Investigation**

The law regarding pre charge bail has significantly changed following the Police, Crime, Sentencing and Courts Act 2022. Significant changes to pre charge bail were introduced in October 2022. Whilst the precise offence in question is not mentioned, we consider that it is far less likely that a case such as Mr Leger's would result in a person being on RUI under today's legislation.

The Police, Crime, Sentencing and Courts Act 2022 (PCSC) removed the previous presumption against bail, replacing it with a neutral position to encourage the use of pre-charge bail where it is necessary and proportionate in all of the circumstances of the case. It amended the police ranks of authority, requiring less seniority in rank, and changed the duration of bail periods, including extending the initial bail period to three months, from 28 days, in standard cases. To provide further protection for victims, the PCSC introduced a duty to seek the views of victims when imposing or varying bail conditions. The consequences of these changes – no presumption against the use of pre charge bail, lowering of the ranks to authorise its use and the extension of the bail periods means that pre charge bail is much more likely to have been continued had the investigation been commenced after October 2022.

The College of Policing produced Statutory Guidance which supports the legislative amendments. The Statutory Guidance can be found [here](#). The following guidance is particularly relevant based on the information provided.

If there is a risk of serious harm to the victim(s), witness(es), suspect or public, bail must be considered in conjunction with other protective measures. Bail with conditions should always be considered in any domestic or sexual abuse cases.<sup>1</sup>

In the unlikely event pre charge bail did end and convert to RUI, the statutory guidance provides further advice and instruction.

The threat, risk and potential for future harm associated with the investigation must be proportionately managed, taking into consideration the safeguarding of all persons linked to the investigation.

Onward suspect management and welfare assessment will be the responsibility of the investigator, with oversight from their supervisor. There should be a clear plan in place, linked with the likely progress of the investigation.

Forces are recommended to establish a formal mechanism, prior to release, for notifying suspects that they have been RUI and explaining what this means.

Due to these changes, the likely scenario now is that Mr Leger would be on bail and that he would be recalled to custody to answer charge. Following a new risk assessment, there would be the opportunity to refer him to NHS liaison and diversion services should there be any indication of any health need, including any concerns about mental ill-health and that would include indications of self-harm or suicide.

The law has significantly altered since Mr Leger was investigated, bailed and RUI'd. Detailed Statutory Guidance was made available earlier this year, which was accompanied with e-

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<sup>1</sup> Pre Charge Bail, Statutory Guidance, March 2023, College of Policing - [Pre-charge bail - Statutory guidance \(publishing.service.gov.uk\)](#), Page 9 para 6.4

learning and a communications plan and roll out, supported by a number of knowledge products to assist forces to implement the change. We take the view that this should make a significant difference to the number of suspects on RUI and we have been clear about how forces should manage those who are on RUI and pre charge bail, including specific guidance on safeguarding those subject to RUI.

### **Pre release risk assessments**

Bringing Mr Leger into the police station on a 'voluntary attendance' in November 2022 would have been considered a way of progressing the investigation in the least intrusive way, seeking to reduce the impact on him.


There is specific College guidance on risk assessments for those released from custody, including a specific module on the higher risks associated with those under investigation for possession of child sexual abuse material – the risks for this cohort of detainees are higher with them comprising around half of all post release suicides.

### **Conclusion**

It is unlikely that someone released on bail for sexual offences would now revert to RUI. This means that they would be recalled to custody for charge, where a pre-release risk assessment can be completed, for which there is full guidance. There is specific custody training aimed at reducing the risks of post detention suicides.

I hope this description of how current pre charge bail arrangements work reassures you that should a similar case arise, there would be further opportunities to assess a person's risk of suicide.

Yours sincerely



Chief Executive Officer  
College of Policing

