**Bail Standards**

Pre-charge bail is a unique policing tool and should be tailored to the specific circumstances for which it is being granted. Bail is an alternative to custody; it allows for the investigation to be continued without the defendant being detained; conditional bail allows for the reduction in perceived risk of flight or witness interference. However bail can result in disadvantages for the suspect and must be subject to scrutiny and review. Police forces must ensure rigorous, transparent processes exist which closely align bail management, in each case, to the developing investigative plan.

In summary:

* Forces must seek to finalise investigations during the first period of detention.
* Where bail is used, forces must have an investigation plan and management regime in place to monitor the person on bail; this must be documented.
* Forces must nominate a Bail Single Point of Contact (SPoC).
* Forces must nominate a Chief Officer who has overall responsibility for the oversight of the bail management process.
* The bail period set must be proportionate to the investigation still to be completed. This must be realistic and in-line with the lead time of other agencies and departments.
* The rationale for re-bailing must be provided in writing to the suspect.
* Conditions must be proportionate, legitimate and necessary to manage the risks posed by the suspect.
* Forces must collate a minimum amount of bail data on a monthly basis.
1. **Forces must seek to finalise investigations during the first period of detention.**It should always be the investigative officer’s objective to complete the investigation in the first period of detention wherever possible. It is unacceptable for suspects to be systematically bailed as standard force protocol. Any reason for bail (or subsequent re-bail) should be noted explicitly on the custody record. Every bail decision must be capable of withstanding scrutiny, having due regard for any supporting evidence to support its legality, proportionality and necessity in the circumstances.

There are investigations where bail is unavoidable and suspects are bailed to avoid lengthy periods in detention or remands to custody. In such circumstances there must be an investigative plan and management regime to ensure that bail is for the minimum period required to complete the investigation, bearing in mind that the police themselves are reliant on other agencies for the provision of, for example, forensic, medical or other technical analysis of exhibits.
2. **Where bail is used, forces must have an investigation plan and management regime in place to monitor the person on bail; this must be documented.**Where the period of bail exceeds 28 days, the following approval process must be applied:
Bail beyond 28 days (Inspector approval required)
Beyond 3 months (Chief Inspector approval required)
Beyond 6 months (Superintendent approval required)

Notes: These are minimum authority levels, though ranks may be exceeded. The pre-charge bail standards are not concerned with the number of re-bails issued, but the overall length of bail in totality.
3. **Forces must nominate a bail Single Point of Contact (SPoC).**As a minimum, the bail SPoC must monitor compliance with investigation plan timelines; ensure that the necessary bail authorities are obtained; confirm that the suspect and/or their defence representation receive explanations about the investigative progress and the reasons for any extension and/or change/imposition of conditions. The SPoC should also be responsible for the collation of bail data.
4. **Forces must nominate a Chief Officer who has overall responsibility for the oversight of the bail management process.**
5. **The bail period set must be proportionate to the investigation still to be completed; this must be realistic and in line with the lead time of other agencies and departments.**
6. **The reasons for re-bailing must be provided in writing to the suspect.**
7. **Conditions must be proportionate, legitimate and necessary to manage the risks posed by the suspect.**Conditions imposed with pre-charge bail can represent a substantial infringement on the rights and liberties of the suspected party; this may be the intention where there are substantial grounds to believe the suspect presents a bail risk. However, the likely impact of the bail conditions on the suspect should be considered alongside the length of bail granted. Conditions are imposed as an alternative to custody and must be strictly necessary. They must not be applied wholesale to any situation. All conditions should be reviewed as the perceived risk posed by the suspect may change.
8. **Forces must collate a minimum amount of bail data on a monthly basis.**This must include:
Number of persons on bail
Number of persons on bail for more than:
28 days
3 months
6 months

(Suspect’s who have ‘failed to appear’ are not to be included).