

Pre-charge bail – an exploratory study

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A report summarising the findings from an exploratory study into pre-charge bail undertaken in 9 police forces between June and November 2015

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The report sets out some insights into the drivers for lengthy pre-charge bail and how the Home Office proposed legislation may affect the management of investigations.

The original purpose of the study was an attempt to understand whether it was possible to improve the management of pre-charge bail without recourse to legislation.

However, shortly after the study began, the government announced proposals for legislation on pre-charge bail, overtaking the purpose of the study.

A decision was made to continue the data collection as analysing the data gathered might help inform discussions on the possible implications of the proposed legislation and provide lessons for its implementation.

The Home Office proposals were introduced following a public consultation on pre-charge bail that concluded in February 2015. The proposals include:

- the presumption of release from custody without pre-charge bail unless the custody officer is satisfied that releasing the person on bail is necessary and proportionate in all the circumstances
- that an officer of the rank of inspector or above authorises the release on bail
- where bail is deemed to be necessary and proportionate, authorisation may be given by an inspector for up to 28 days and from 28 days up to three months may be authorised by a superintendent in force
- longer periods of bail would require the authorisation of a magistrate

Findings

The study found that the mean length of initial bail for all cases in the sample was 46 days and in all forces participating, 60% of cases in the total sample were bailed initially for over 28 days.

Of the small minority (9%) of cases bailed initially for over 90 days, 55% related to rape and sexual offences or drug offences.

Forensic analysis was found to be one of the key drivers of long periods of pre-charge bail with 60% of cases over 90 days citing some form of forensic analysis as the reason for bail.

The most frequent type of forensic analysis given as a reason for bail was 'phone downloads', accounting for 13% of all cases with a mean number of days bailed of 71.

In cases bailed for over 90 days, 33% gave 'phone downloads' as a reason for bail.

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