



Via email



Force Disclosure Unit

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

www.wiltshire.police.uk

disclosure@wiltshire.police.uk

Date:

Our ref: FOI 2022/939

Reply contact name is:

Dear

I write in connection with your request for information dated 25/11/2022 concerning PACE police bail.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Following receipt of your request, research was conducted by the finance and media teams at Wiltshire Police.

Your request for information has now been considered and I am able to respond as follows.

You wrote with **Response:**

Please could you advise regarding the use of PACE Police Bail. I am asking as information available on Government Websites is conflicting and therefore a source of confusion.

So far my understanding of Police Bail is:

- That it is used pending further investigation of an alleged offence –
This is correct but can also be for CPS advice
- That it is at the Custody Officers discretion as are any necessary and proportionate bail restrictions –
The custody officer is the person who will either authorise initial bail or not authorise it, including the conditions.
- Duration can be 28 days OR up to 3 months if signed off by a senior officer –
It is now 3 months on the initial bail by the Custody Sergeant followed by the extensions by others.
- Extensions over and above a 3 month period are required to be signed off at a senior level (Magistrates Court) OR not as in the case of certain types of Police Bail –
Again this has changed which I will detail below



INVESTOR IN PEOPLE

My questions are:

- Is there a limit as how long can this period be extended as per 2017 Policing and Crime Act -
This is now the 2022 Bail Act and no, there is no limit and if extended to the point of Magistrates Court, it is up to the Court to either authorise further extension or not.
- How should the suspect be informed of any extension of this period –
The suspect and solicitor will be asked for their representations on any application for initial bail and any extension to bail which is done by the officer in the case and recorded on the relevant form. Custody will then make the relevant changes to the bail and a letter is sent to the suspect.
- Will the case be reviewed regularly and independently and by whom –
This would be covered by the Hierarchical crime review policy, this states that “The supervisor should then decide how long they would like the officer to continue with enquires before they review the case again. In all cases niche investigations should be reviewed at a minimum once every 30 days however if the risk is determined to be high then the supervisor may decide to review the occurrence sooner than 30 days”. Reviews are undertaken by the supervising officer of the Officer In Case (OIC).
- What safeguards are in place to ensure that any extensions are necessary and proportionate –
Who ever is authorising the extensions must suspect/believe that certain considerations are met. I will detail that below.
- What, if any, rights does the suspect have? –
The suspect has a right to challenge any bail condition and request amendments. However, it is the Custody Sergeants decision whether to authorise any change in bail conditions and they must consider protection of victims and witnesses. If not satisfied the suspect can make a request to a Magistrates Court for a change to the bail conditions.
- What responsibilities do the Police have towards those, other than the suspect, affected by Bail conditions I.e. their rights to be informed as to proceedings and any further developments? –
The police will update the victim on a regular basis and document this - this will be checked by supervisors during reviews. Custody update the suspect by sending a letter when changing bail or closing something NFA. Other than the Suspect, the Police have legal responsibilities to the victim (or victims family in some specified cases i.e. Murder), this is set out in the victim codes of practice (VCOP) [The Code of Practice for Victims of Crime in England and Wales and supporting public information materials - GOV.UK \(www.gov.uk\)](#).

All bail, both for further enquiries (37/2) and for CPS advice (37/7) must be proportionate and necessary.

Bail can be conditional or unconditional and that is a matter for the officer in the case, evidence review officer and custody sergeant to agree on.

The 2017 Bail Act has been replaced with the 2022 Bail Act and there is now a presumption to bail rather than release under investigation. However, release under investigation is still an option if bail is deemed not necessary or proportionate.

37/2 bail is used when there are further enquiries to conduct

37/7 bail is used when the case is ready for a CPS charging decision

The initial bail is now authorised by the Custody Sergeant for a period of 3 months. This starts the day after arrest. The return date for this can only be made earlier under certain

circumstances – to align with another investigation, to align with officers shifts or if a decision is likely to be reached earlier.

The 1st extension is authorised by an Inspector and is for a further 3 months (total 6 months)

The 2nd extension is authorised by a Superintendent and is for a further 3 months (total 9 months)

The 3rd and any subsequent extension is authorised by a Magistrates Court for a further 3 months, or any block of 3 months (12 months plus)

Before bail can be extended the following considerations have to be met:

1. **Reasonable grounds to suspect person is guilty of offence(s).**
2. **Reasonable grounds for believing further time is needed to make a charging decision or conduct further investigation.**
3. **Reasonable grounds for believing that the investigation is being conducted diligently and expeditiously.**
4. **Reasonable grounds for believing bail is necessary and proportionate.**

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely

Force Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:
Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original FoI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should

contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk

Please note that the ICO's offices will be closed for the foreseeable future and are therefore unable to receive correspondence via post.

If you should wish you contact them, please visit <https://ico.org.uk/global/contact-us/>