



Lord Paddick
House of Lords
LONDON
SW1A 0PW

22 November 2016

Dear Brian,

POLICING AND CRIME BILL – DURATION OF BAIL

I am writing to follow up the debate on amendment 183 at Committee stage of the Police and Crime Bill on 2 November about pre-charge bail (Hansard, columns 669-673). In moving the amendment, you expressed concerns that the Government's proposed initial 28-day period of bail is too short and pointed to research conducted by Professors Hucklesby and Zander to justify extending the initial period of pre-charge bail from 28 to 56 days.

I would like to reassure you that we are aware of the content of the research you referred to and took account of it in formulating our proposals. Professor Hucklesby submitted her research to the Home Office in response to the pre-charge bail consultation in 2014/15 and both she and Professor Zander have presented their findings to the PACE Strategy Board, a group chaired by a senior official from the Home Office's Policing Directorate, with members from across the criminal justice system and the statutory PACE consultees.

As I said in response to Lord Kennedy in the debate on Amendment 180 (Hansard, columns 661-663), we accept that our reforms will cause additional work for the inspecting and superintending ranks, but their historic lack of involvement is one of the reasons why people have been on bail for months, if not years, with no charges being brought. As I also said, we do not believe that the impact will be as severe as has been described. Given the need for increased supervision over the use of pre-charge bail, which is almost universally accepted, and the other measures in the Bill that will streamline a number of processes that inspectors and superintendents are currently involved in, we consider the additional work will be both worthwhile and manageable.

As I said in the House, the figure of 28 days set out in the Bill was not arrived at by chance and was supported by many consultation responses, with some pressing for a lower limit. While it is true that, as the research concludes, many cases will need an extension of bail because they will take longer than 28 days, the system allows for extensions in such cases

where such an extension can be justified. Involving superintendents at that stage will enable them to keep a view across the cases under investigation by their force and to steer or chase any cases where they consider such action would be helpful.

I hope this reassures you that we have considered the academic research as part of our consideration of the reforms to pre-charge bail.

I would also like to provide further details of how HMIC would monitor forces' performance in reaching timely decisions on investigations to avoid the need for bail extension in response to Lord Kennedy's request during the debate. Earlier this year, HMIC revised their expectations for police custody, in the document setting out the framework by which police forces would be inspected. These expectations clearly set out (at point 15 of the expectations) that: *Detainees have access to swift justice, with appropriate mechanisms for ensuring regular review of pre-charge bail conditions. Bail conditions are proportionate, legitimate and necessary to manage the risks posed by the suspect*¹. These issues are considered alongside the other areas that HMIC and HMI Prisons consider when inspecting police custody.

I am copying this letter to Lord Rosser, Lord Kennedy of Southwark, Baroness Hamwee, Baroness Harris of Richmond and Baroness Henig. I am also placing a copy in the Library of the House.



Baroness Williams of Trafford

¹ <http://www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2014/02/Police-custody-expectations.pdf>