



Home Office

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The Rt Hon. Yvette Cooper MP
Chair, Home Affairs Select Committee
House of Commons
London
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05 November 2019

Dear Chair,

Review of pre-charge bail legislation

I am writing to inform you that today the Government has announced it intends to review pre-charge bail legislation.

Pre-charge bail enables the police to release a suspect from custody, usually subject to conditions, while officers continue their investigation or await charging decision. The Policing and Crime Act 2017 “the Act” introduced reforms to pre-charge bail to address legitimate concerns that suspects were spending too long under restrictive conditions with no oversight or redress.

Specifically, the Act introduced a presumption against the use of pre-charge bail unless necessary and proportionate, and introduced clear timescales and senior police and judicial oversight of its use and extension.

Supporting the police and protecting the public

Since 2017 the use of pre-charge bail has decreased, and the number of individuals released without bail (or “released under investigation”) has also increased. There are concerns that the current legislative framework, coupled with changing pressures on the police service may have led to pre-charge bail not being applied when it is necessary and proportionate to do so, such as in cases where there are risks to victims and witnesses of crime. These issues have been raised by the Joint Committee on the Draft Domestic Abuse Bill and other parliamentary colleagues.

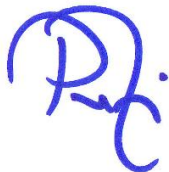
Protecting victims and witnesses of crime from further harm is vital and we must support the police in doing this. This includes ensuring they have the right powers. As such, I intend to conduct a review of pre-charge bail legislation to ensure we have a system which prioritises the safety of victims and witnesses and the management of suspects.

In detail, the review would look to:

- a. support the police in the timely management of investigations, whether released on bail or without bail (“released under investigation”);
- b. respect the rights of suspects, victims and witnesses to timely decisions and updates;
- c. ensure pre-charge bail supports the timely progression of cases to courts; and
- d. design simplified and flexible rules to support effective operational decisions.

I have also issued a Written Ministerial Statement and will place a copy of this letter in the Libraries of both Houses. I have copied this letter to the Minister of State for Crime, Policing and Fire Service and the Parliamentary Under Secretary for Vulnerability and Safeguarding.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'P. Patel', written in a cursive style.

Rt Hon. Priti Patel MP