



Home Office

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Rt Hon. Yvette Cooper MP
Chair, Home Affairs Select Committee
House of Commons
London
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05 February 2020

Dear Chair,

Police powers: pre-charge bail consultation

I am writing to inform you that today the Government has launched a public consultation on proposals to reform pre-charge bail.

Pre-charge bail enables the police to release a suspect from custody, usually subject to conditions, while officers continue their investigation or await a 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.

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 to safeguard victims of crime from further harm. These issues have been raised by the former 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.

In November the government announced its intention to review pre-charge bail legislation. Since the election we have been working closely with a wide range of stakeholders to understand the issues, and we have developed an initial set of proposals on which we are now consulting. Our aim is to ensure the police have the powers they need to protect the public, and that our criminal justice system has at its heart the welfare and best interests of victims.

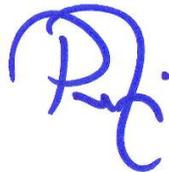
Specifically, our proposals would:

- Remove the presumption against the use of bail;
- Ensure bail was used where necessary and proportionate, including cases where there are risks to victims, witnesses and the public as well as where the offences in question had significant real or intended impacts;
- Extend the timescales for the initial use of bail from 28 to either 60 or 90 days; and
- Apply review periods to cases where individuals are not subject to bail.

The consultation will be open for 12 weeks, closing on 29 April.

I have 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