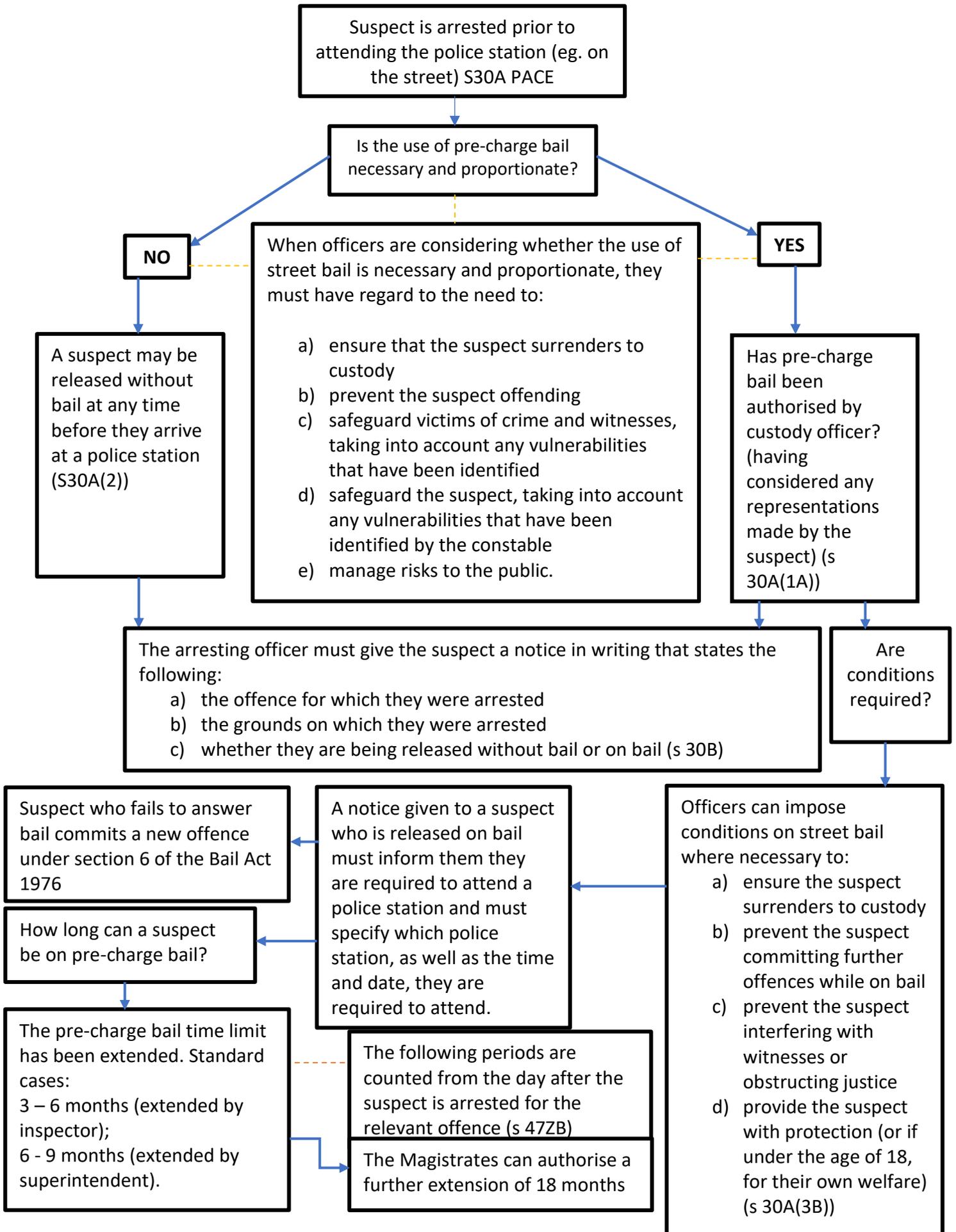


# Street Bail Flowchart



# Police Station Bail Flowchart

Suspect arrested and taken to the police station  
S47 PACE

S34(1) PACE states that if a custody officer becomes aware that there are no grounds to justify the continued detention of the suspect, they should be immediately released.

Is the use of pre-charge bail necessary and proportionate?  
S50A

NO

YES

The custody officer must consider the need to:

- a) secure the suspect's surrender to custody
- b) prevent offending
- c) safeguard victims and witnesses, taking into account any vulnerabilities
- d) safeguard the suspect where vulnerabilities have been identified
- e) manage risk to the public

It is possible for a suspect's bail conditions to be varied if requested by the suspect/their solicitor. Bail conditions may be changed at the behest of the police or at the request of a victim when a suspect is re-released on bail, in most circumstances.

Are pre-charge bail conditions required?

Suspect given written notice including dates and conditions.

S47ZZA PACE requires that the investigator must seek the views of the alleged victim (if any) on the conditions to be imposed on bail if it is reasonably practicable.

Breach of pre-charge bail is not a criminal offence though it is arrestable

There are a range of protective orders that the police can use in conjunction with pre-charge bail (eg. a Stalking Protection Order/Domestic Violence Protection Notice). A breach of these orders is usually more serious than a breach of pre-charge bail

If the victim is a business/corporation, this duty to consult does not apply.

Non-bail options:

- a) Release under investigation (RUI);
- b) Out-of-court-disposal (eg. conditional caution);
- c) No further action (NFA);
- d) Charge.

Bail cannot be imposed if a suspect has only taken part in a voluntary attendance interview and has not been arrested.

A postal requisition is a legal document notifying a suspect that a decision has been made to prosecute their offence(s) at court. PCRs can only be used where a suspect has been RUI or released on unconditional bail.

Bail options:

- a) 47(3) police bail;
- b) 34(5) released for further investigation;
- c) 37(2) insufficient evidence to charge;
- d) 37(7)(a) released for a CPS charging decision;
- e) 37(7)(b) sufficient evidence to charge but releasing on bail for any other reason, not for CPS charging

Conditions cannot be changed if a suspect was originally released on bail under section 37(7)(a) or (b).

Suspect who fails to answer bail commits an offence under S6 of the Bail Act 1976

Standard pre-charge bail time limits:  
3 months (extended by inspector); 9 months (extended by superintendent); 18 months (extended by Mags).