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**POLICE**  
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| <b>PD 524</b>                            | <b>Street Bail</b>       |
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**SECTION 1 VERSION CONTROL**

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|-------------|-----------|--------------------|-------------------------|---|
| 1.0         | 20/12/06  | DCI Cole           | HQ (CJ)                 | Acceptance  |
| 1.1         | 08/03/07  | DCI Cole           | HQ (CJ)                 | Incorporate conditions and feedback from legal services |
| 1.2         | 23/04/07  | DCI Cole           | HQ (CJ)                 | Incorporate feedback from consultation                  |
| 1.3         | 22/05/07  | DCI Cole           | HQ (CJ)                 | Incorporate further feedback from CJ Depts.             |
| 1.4         | July 2014 | Neil Fletcher      | Policy & Change Officer | Review  |

## SECTION 2 AIMS / OBJECTIVES

On 20 January 2004, the police were given powers under Sections 30, 30A to 30D of the Police and Criminal Evidence Act 1984 (as amended by the Criminal Justice Act 2003) to grant bail elsewhere than at a police station. This is commonly known as 'street bail.'

The purpose of this procedure is to:

- Give guidance to officers regarding the management and implementation of bail elsewhere than at a Police station.
- Explain how to complete the Street Bail forms.
- Advise on considerations when completing Street Bail forms

The aims of 'Street Bail' are to assist police officers with better planning and management of crime investigation, and their work caseload, which:

- enables officers to remain on frontline duties;
- reduces delay by better planning and preparation for legal representatives and appropriate adults to attend; reduces the overall time a suspect is kept in custody;
- reduces the need for a suspect to be taken to a police station.

These aims can only be met if officers take into account the following key considerations:

- the nature of the offence;
- the ability to progress the investigation at the police station;
- the confidence in the suspect answering bail;
- the awareness and understanding of the process by the suspect;
- the welfare of the individual and ensuring access to their rights;
- ensuring that protection issues are considered when applied to juveniles and other vulnerable people.

## SECTION 3 DETAILS

### 1.0 STREET BAIL PROCEDURES

#### **Section 30A: bail elsewhere than at a police station.**

A Police Officer can make a discretionary decision to grant 'Street Bail' if a person has been arrested for an offence or taken into custody following arrest by someone other than a Police Officer. (E.g. store detective)

The Police Officer can require the arrested person to attend a police station at a specified later date. Alternatively, the Police Officer can inform the person that he or she will receive a notice within seven days informing them of a specified date to attend the police station.

Conditions can be imposed as per section 30A (3B) of PACE, but these must be proportionate with the offence committed. See Section 6 'Applying conditions to Street Bail'.

#### **Section 30B: Bail under Section 30A – Notices**

The officer will complete a 'Street Bail Notice' Form G909 and will explain fully to the arrested person the implications of 'street bail' and the responsibilities placed upon them. The police may vary the police station and/or time and date that the arrested person is required to attend provided written notice is given

#### **Section 30C: Bail under Section 30A – Supplemental**

A Police Officer can re-arrest a person released on bail anytime before they are due to attend a police station if new evidence justifying arrest comes to light. If the person is no longer required to attend the police station, a bail cancellation letter, generated on NSPIS should be created and given to the bailed person. Cancelling the bail on NSPIS will automatically update PNC with No Further Action.

#### **Section 30D: Failure to answer Bail under Section 30A**

A Police Officer may arrest, without warrant, a person bailed under section 30 if they fail to answer bail at the specified time.

Section 4 of the Criminal Justice Act 2003 as amended by Schedule 6 of The Police and Justice Act 2006 allows for a Police Officer to grant bail elsewhere than at a Police station or at a police station.

### 2.0 STREET BAIL – MAKING THE DECISION

The decision to grant bail will follow the normal procedure for arrest under Section 24 PACE 1984.

Before granting Street Bail the following matters should be considered:

- the impact the offence has had on the victim, and the public at large;
- the necessity to take the suspect to the police station to preserve or examine evidence, which could be lost if the suspect was released;
- whether the suspect is fit enough to be released back onto the street;
- their understanding of the procedure;
- the risk of the suspect committing further offences;
- that they have provided their correct name and address.

There are no specified offences that street bail will be suitable for. However street bail should only be granted in relation to minor arrestable offences as a way of facilitating swift resolution. Officers must look at each case individually and assess the suitability of the suspect, taking into account the above factors. However, serious arrestable offences should not be considered for street bail.

'Street Bail' must not be issued in cases where:

- There is any doubt about the suspect's identity and address (must be UK resident);
- There is any doubt that they would attend the police station as required; or
- There is any likelihood that release on bail may adversely effect the investigation, suspect, victim, or any witness, or their property
- There are reasonable grounds to believe that the suspect person might repeat the offence or commit another offence if released
- The suspect has been arrested on a 'first instance' warrant (section 1 Magistrates' Court Act 1980);
- The suspect is intoxicated by alcohol or other substance;
- The suspect refuses to accept, or is unable to understand, the 'Street Bail' procedure; (this particularly applies to mentally disordered or mentally vulnerable persons, and persons under the influence of alcohol or drugs);
- The suspect is on Police or Court bail for any offence;
- The suspect is serving a custodial sentence, including a Home Detention Curfew;
- The suspect is subject to an Anti Social Behaviour Order, (where the offence may constitute a breach) or a community penalty other than a fine.
- If the suspect is a Prolific or other Priority Offender.
- If there are any doubts then Street Bail should not be granted.

### **3.0 CONSIDERATIONS**

Where a Police Officer issues Street Bail no recognisance, security or surety will be taken from them or any other person.

Before issuing 'Street Bail' it is essential that officers carry out the fullest possible identity checks, referring to ID documentation, driving licences etc, PNC and the Voters Index.

In the case of joint suspects the officer will use the same finalisation for all, either granting or refusing 'Street Bail'.

An amendment to s.18 PACE 1984 allows a search to take place before release on Street Bail if the search is immediately necessary for the effective investigation of the offence and requires the suspect's presence.

#### 4.0 OPERATIONAL USE OF STREET BAIL

The 'Notice of Street Bail' forms are in 3 parts.

- Part 1 – White - Suspect copy of Notice - should be completed in its entirety. A section of this form allows for the arresting officer to set conditions for the suspects bail. The officer should include one of the 5 conditions written below the 'conditions box' as the reason why these restrictions have been added.
- Part 2 – Yellow - Police copy of Notice – is a carbonated copy of Part 1.
- Part 3 – White - Police Additional Notes – Asks for more details of the suspect and the crime for which they have been bailed together with what checks were completed to confirm the suspect's identity prior to release on bail. At the bottom of this form is a facility to take a single fingerprint of the suspect. This is not a necessity but if carried out the suspect's right index finger should be used. If for some reason this digit is not used then details of whichever digit is used needs to be added.
- On the rear of this form is space for further information relating to the conditions attached by the officer.
- Parts 2 and 3 should be submitted together to the custody suite.

Upon arrest of a suspect an officer will determine if the suspect is suitable for street bail as outlined above.

In the case of a juvenile suspect the officer will make contact, preferably in person with a suitable appropriate adult so that they are brought into the system immediately. Prior to the release of the suspect the custody sergeant must be contacted, normally by telephone. A time and date for the suspect to attend the police station will be obtained from the National Strategy for Police Information Systems (NSPIS) Bail Diary and those details added to the bail form. Under the provisions of street bail, suspects can be detained until these necessary actions are completed.

The officer **will** submit the Street Bail forms to the custody suite before retiring from duty on the **day of issue**. Only when those forms reach the custody suite will the custody sergeant create a full custody record. On completion of this custody record, the record will be closed and all arrest/bail details and any conditions will be updated onto the Police National Computer.

#### 5.0 APPLYING CONDITIONS TO 'STREET BAIL'

Conditions can only be imposed if there are substantial grounds for believing that person may:

- **Fail to surrender** - previous convictions for absconding, defendant has no fixed abode, the defendant has indicated he/she will not appear;
- **Commit offences on bail (current and previous)** - offences committed on bail, the 'lifestyle' of the defendant is such that it is likely offending will continue, e.g. drug habit;

- **Obstruct the course of justice and/or interfere with witnesses** - the defendant has threatened to interfere with witnesses (or has a history of such behaviour) or will hinder the recovery of property, and/or;
- **For the person's safety** - there is a real threat of revenge from the victim's family, or friends etc., or the person is suicidal, a drug addict or suffering from mental disorder;

In making any decision, Officers should ensure that any actions taken are justified, necessary and proportionate - European Court of Human Rights requirement.

Conditions should be:

- **Exact** – (no ambiguity) clearly defined and understood; and
- **Effective** - If complied with will avert the 'risk' for which they appear necessary;

**And**

- **Enforceable** - Police are able to monitor compliance and detect breaches.

If the condition is not to contact victims and witnesses, they should be named. If this would alert a person to the existence of a victim or witness then other conditions should be used to achieve the desired effect.

If not to attend premises or locations they should be defined by their name, address or by the confines of an area, i.e. 'fenced area known as ### park' If not fenced then by the boundary roads.

Conditions of residence should only be at the person's usual place of residence not other premises.

Curfews should be reasonable, taking into account the time the offence took place. Night time curfews cannot be placed on a daytime offender to prevent further offending.

Curfews should not be used if these interfere with a person's normal time of employment and compliance with the curfew would prevent them attending their usual place of work.

Curfews should also have a condition for the person to present themselves to officers checking compliance with the curfew condition.

Reporting conditions should only be used if it is suspected the person is likely to abscond from the area.

**The following cannot be imposed as a condition of Police bail:**

- A condition to enter into a surety.
- A condition requiring the person to reside in a bail hostel.
- A condition not to attend hospital A&E departments or other places where emergency medical treatment may be sought.

Conditions should not be used to exclude persons from places of work, education or anywhere they have a responsibility to attend. If the offence took place in these premises the premises owner should 'exclude' the person from those premises. A condition may then be imposed to prevent interference with witnesses or further offending.

## **6.0 RECORDING BAIL CONDITIONS**

**Officers must submit the 'Street Bail' forms to the custody suite prior to retiring from duty on the day they were issued.**

This is to enable the record of arrest, detention and police bail together with any conditions to be entered on NSPIS custody. The details are then transferred to PNC and **ONLY** when those details are recorded on PNC can the conditions be enforced.

A Custody Officer presented with an arrest for breaching the conditions or application to vary any conditions also requires this information to have been recorded on NSPIS and PNC.

When completing the 'Street Bail' conditions section, the condition should be clearly written. The relevant box ticked and then the reason why the condition is necessary. (i.e., has previously failed to appear, or has previously intimidated witnesses).

Any additional information for the attention of a Custody Officer can be written on the rear of Part 3 of the notice. (i.e. Details of the previous FTA or nature of any outstanding enquiries with witnesses).

## **7.0 DURATION OF BAIL WITH CONDITIONS**

The imposition of bail with conditions places significant restrictions on an accused person.

In deciding the period of bail, officers should ensure that the period of bail is no longer than is necessary to assemble the evidence in the case. Care should be taken not to bail (or re-bail) for standard periods of time since experience shows this can lead to extended periods of bail whilst the investigation is allowed to drift.

## **8.0 BREACH OF BAIL CONDITIONS**

Arrested persons who have been released on street bail with conditions may be arrested without warrant if an officer has reasonable grounds for suspecting a person has broken any of the conditions of bail.

No offence is committed if a person breaches a condition of bail, the breach merely re-establishes a power of arrest for the original offence. The arrest and detention at the police station is the equivalent of the person being brought to the custody suite for the first time for that offence. All documentation and the most recent available information for that original offence must therefore be retrievable from the CRMS Crime Recording system at any time.

## **9.0 CANCELLATION OF BAIL OR REMOVAL OF CONDITIONS**

It is the Officers responsibility supervised by their line manager to ensure that the imposition of Street Bail and any condition remains necessary throughout the bail period.

If as a result of enquiries officers become aware that any condition is no longer necessary the condition must be removed by notifying a Custody Officer at the nominated Custody Suite who will generate a bail variation notice to be served on the accused.



If as a result of enquiries officers become aware that the person is no longer a suspect for the offence, or a decision is taken to take no further police action, the bail must be cancelled. The Custody Officer at the nominated Custody Suite should be informed; they will generate a bail cancellation notice to be served on the accused.

If any change is made to street bail or any condition it is the officer's responsibility to ensure that any tasking of the enforcement of any condition is suspended and the task removed from the briefing systems.

## **10.0 VARYING CONDITIONS AND APPEALS**

A person given Street Bail with conditions can apply to vary the conditions at any time during the bail period. They must do this to a Custody Officer at the station that they are under a duty to surrender to. On receipt of the application the Custody Officer should examine the original grounds and any new information that has come to the police attention since the bail was granted or the last variation was made. If the Custody Officers declines to vary any conditions as requested, the person can then appeal to the Magistrates Court if they believe that decision is unreasonable.

The Custody Officer should endorse the Custody Record with the details of the request made and their decision and the grounds on which they declined the suspect's request. The person bailed can make only one application on the same grounds. These grounds must also be their grounds for the appeal to the Magistrates Court. The Court cannot hear applications made on new grounds.

## **SECTION 4 LEGISLATIVE COMPLIANCE**

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention on Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.