

Getting bail conditions right

The imposition of bail conditions, raising issues about:

- *Selecting the most appropriate bail conditions.*

This case is relevant if you work in:

Public protection



Overview of incident

Around 5.30am, Mr A was demonstrating at a picket line outside a place of work. There was a conversation between Mr A and Mr B as Mr B attempted to cross the picket line. During this conversation, Mr B felt threatened by the behaviour and close proximity of Mr A, and chose to leave the immediate area and call the police.

Police attended and arrested Mr A for a Public Order Act offence and he was taken to the local police station.

At around 11.30am, Mr A consulted with his solicitor. He was interviewed that afternoon and later bailed to appear in court.

After discussing options with Police Constable C and Detective Sergeant D, Police Sergeant E imposed bail conditions on Mr A. These conditions were also agreed with a senior officer, Superintendent F. The bail conditions related to restricting Mr A from being in the place where the incident took place, which was his place of work. A further bail restriction meant that Mr A could not be involved in trade union activity or attend organised strike action until the case finished.

Four days after Mr A was bailed, his solicitor made representations on the severity of the bail conditions. The bail conditions were then amended, leaving a single condition that Mr A could not directly or indirectly contact Mr B.

Three months after his arrest, Mr A appeared in court where he was found not guilty and the case was dismissed.

Following an appeal of his case, it was concluded that the original bail conditions had been overly restrictive and disproportionate. The decision was made due to the nature of the offence and that the man had no previous convictions, and no history of interfering with witnesses or offending while on bail.

Type of investigation

Appeal against local investigation.

Findings and Recommendations

Local recommendations

Finding 1

1. The bail conditions imposed on Mr A were overly restrictive and disproportionate.

Local recommendation 1

2. The force should review its policy on the proportionality of bail conditions and ensure staff who determine or review bail conditions are aware of, and, if necessary, trained in the correct implementation of this policy. The importance of proportionality should be stressed in any such training.

Force response

Local recommendations

Local recommendation 1

1. The force reviewed the policy on bail conditions to ensure that it contains sufficient emphasis on considering proportionality.

Outcomes for officers and staff

1. There were no disciplinary or criminal outcomes for any of the officers or staff involved in this case

Questions to consider

Questions for policy makers and managers

1. What training, advice, or support does your force give to officers to help them develop bail conditions which are justified, proportionate and capable of being policed?
2. What steps does your force take to monitor or review bail conditions to ensure they remain fit for purpose?

Questions for police officers and police staff

3. Thinking about this case, what bail conditions would you have imposed?

If you need more information about this case, please email learning@ipcc.gsi.gov.uk