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What is Police Bail?

Police bail also known as pre-charge bail is granted when a person has been arrested and police are not in a position to charge the suspect.

Granted by a custody officer.

Used while:

Investigations are ongoing or CPS decisions are pending.

Purpose:

Allows suspect's release while managing risk during investigation.

Key point: Police bail is investigative and temporary.

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Police Bail Conditions

Conditions are imposed to:

Prevent further offences
Protect victims/witnesses
Ensure suspect returns to the police station.

Examples:

No contact with named individuals
Residence requirement
Exclusion from certain areas
Curfew (less common without court oversight)

Important Limitations:

Must be necessary and proportionate
Time -limited and subject to review
Cannot be overly restrictive compared to court powers.

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What is Court Bail?

Court bail is granted after a person has been charged and appears before court.

Purpose:

Ensure the defendant attends court
Manage risks pending trial.

Key point: Court bail is judicially controlled and linked to legal proceedings.

Unlike police bail, a breach of court bail is an offence. A suspect can be arrested and charged with the breach.

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Court Bail Conditions

Courts can impose stronger and broader conditions, including:

Curfews with electronic monitoring (tagging)
Sureties (financial guarantees)
Residence at a bail hostel
Reporting conditions
Strict exclusion zones

Strength:

Backed by judicial authority
More robust and enforceable than police bail.

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Key Differences

Authority

Police bail – set by police.
Court bail – set by judiciary

Timing

Police bail – pre-charge/investigation.
Court bail – post charge/court process.

Conditions

Police – more limited, proportionate.
Court – wider, stricter, enforceable.

7 Minute Briefing Police Bail and Court Bail

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Key Differences (continued)

Enforcement & Breach

Police bail breach:

Not always a separate offence
Leads to re-arrest and review.

Court bail breach:

Failing to surrender is a criminal offence.
Stronger consequences including remand in custody.

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Conclusion and Operational Relevance

Police bail is about managing investigation risk.

Court bail is about ensuring justice process integrity.

Court conditions carry greater legal weight and consequences.

Both police and court bail conditions help protect victims, prevent crime and preserve the judicial process.

Final takeaway:

Police bail manages short-term risk, while court bail enforces compliance with the judicial process.

Police bail conditions cannot be added if a suspect has attended the police station for a voluntary interview.



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