



## FREEDOM OF INFORMATION REQUEST



**Request Number:** FOI-2022-02108

**Keyword:** Crime/Incident Statistics Arrests/Detainees/Outcomes

**Subject:** Rebailing Offenders

### Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act we can confirm that the Police Service of Northern Ireland does hold information to which your request relates. The decision has been taken to disclose the following.

#### Request 1

Can you please outline the terms that must be adhered to regarding rebailing offenders, notice given and in how this should be given, basic information that must be included, and repercussions of this not being followed?

The contact information was taken from service instruction SI0219 but does not include the above information.

I have read through the GB version which outlines this, whereas the PSNI seem to be omitting any standard which they may hold themselves to from the public.

A response, or direction would be greatly appreciated.

#### Answer

Police bail should be considered where the Investigating Officer believes there is a realistic prospect of conviction but is not in possession of all the key evidence required to prove the offence/s and there are no grounds to justify remand. The use of police bail allows the IO additional time to gather the evidence required to meet the case ready test at court.

Where police bail is used suitable conditions should be applied as necessary to manage the risks posed and custody officers should carefully consider whether they are legal, proportionate, appropriate, necessary and practical to enforce. There is no time limit for the length of police bail. The length of time should be sufficient to ensure the investigating officer has the outstanding evidence secured before the suspects return but no longer than necessary. If the evidence is not obtained within the bail period, further bail periods may be granted if authorised by the custody officer, however care should be taken to avoid 're-bails' so as to reduce unnecessary delay, inconvenience and work to administer.

The following legislation from PACE Order NI Article 48 is relevant to your request:

(3H) Where a custody officer varies any conditions of bail or imposes conditions under paragraph (3B), (3C), (3D) or (3E), he shall make a record of the decision and shall, at the request of the person to whom bail was granted, cause a copy of the record to be given to that person as soon as practicable after the record is made.]

(3B) He may be required, before release on bail, to provide a surety or sureties to secure his surrender to custody.

(3C) He may be required, before release on bail, to give security for his surrender to custody; and the security may be given by him or on his behalf.

(3D) He may be required to comply, before release on bail under [F6Article 38(2) or (7)(b) or Article 39(1)] or later, with such requirements as appear to the custody officer to be necessary to secure that—

(a)he surrenders to custody;

(b)he does not commit an offence while on bail; and

(c)he does not interfere with witnesses or otherwise obstruct the course of justice, whether in relation to himself or any other person.

(3E) Where a custody officer has granted bail he or another custody officer serving at the same police station may, at the request of the person to whom it is granted, vary the conditions of bail; and in doing so may impose conditions or more onerous conditions.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Corporate Information Branch, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Corporate Information Branch, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk).

If, following an Internal Review carried out by an independent decision maker, you remain dissatisfied with the handling of your request, you may make a complaint to the Information Commissioner's Office, under Section 50 of the Freedom of Information Act, and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at 'Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF', or use the ICO self-service portal available at [www.ico.org.uk/make-a-complaint/officialinformation-concerns-report/official-information-concern/](http://www.ico.org.uk/make-a-complaint/officialinformation-concerns-report/official-information-concern/)

In most circumstances, the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out however, the Commissioner has the option to investigate the matter at their discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ [www.psnipolice.uk](http://www.psnipolice.uk)

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.