



THE OPERATION OF BAIL AND REMAND IN NORTHERN IRELAND

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WHAT IS BAIL?

- ▶ Bail is the conditions under which a person is released from police or Court custody with a commitment to appear at a police station or Court at a later date.
- ▶ There is a general right to bail for all persons suspected or accused of offences or charged and awaiting trial, subject to the powers of the police and the Courts to refuse bail. There are four types of bail in use in Northern Ireland: Street Bail, Pre-Charge Bail and Post-Charge Bail (used by the police) and Court Bail.
- ▶ Bail hearings are heard in the High, Crown, Magistrates' and Youth Courts.

WHAT IS REMAND?

- ▶ When bail is denied by the Court or conditions of bail cannot be met (or 'perfected') by the defendant, a Judge will normally remand them to a prison or, for a young person, to the Juvenile Justice Centre (JJC).
- ▶ Remand normally occurs if a defendant is a risk to their victims or the community, they are likely to commit a further serious crime, interfere with the investigation or witnesses, or unlikely to attend Court for a trial.
- ▶ When a defendant does not comply with their bail conditions ('breaches bail') they can be remanded to a prison or the JJC.

WHAT DID THE INSPECTION LOOK AT?

- ▶ We looked at the use of bail and remand for defendants as their cases were investigated, prosecuted and progressed through the criminal Courts.
- ▶ We spoke to the Police Service of Northern Ireland (PSNI), Public Prosecution Service (PPS), Northern Ireland Courts and Tribunals Service (NICTS), Northern Ireland Prison Service (NIPS), Youth Justice Agency and members of the judiciary as part of this inspection. Inspectors spoke to bail policy and decision-makers as well as those who managed and supervised people on bail and on remand.
- ▶ We also asked solicitors who represented defendants and defendants with experience of bail and remand for their views during fieldwork.

WHAT DID WE FIND?

- ▶ Bail laws and processes in Northern Ireland were disjointed and often inadequate to deal with the increasingly long time to progress a criminal case.
- ▶ The number of people remanded into detention has risen over the past decade with a new spike during the COVID-19 pandemic. In 2021-22, 37% of the prison population were unsentenced detainees.
- ▶ The proportion of prisoners on remand in Northern Ireland was highest among comparable jurisdictions and more than twice the rate in England and Wales.
- ▶ There is lack of management information on the length of time defendants are spending on bail and remand.
- ▶ Victims are often not informed of when changes are made to a defendant's bail conditions.
- ▶ Negative outcomes for reducing crime, lowering re-offending rates, making better use of public money and increasing public confidence, particularly of victims in the administration of justice.
- ▶ Limited progress has been made in developing viable alternatives to remand, including the use of electronic monitoring.

WHAT NEEDS TO BE BETTER?

Inspectors made seven recommendations for improvement.

At a strategic level (leadership level)

- ▶ The Department of Justice (DoJ) should carry out a consultation on a Northern Ireland Bail Act in the next Northern Ireland Assembly mandate.
- ▶ Improvements are needed to the operation of Pre-Charge Bail.
- ▶ The DoJ and its criminal justice system partners should work together to improve arrangements, for managing detainees in police custody.
- ▶ The Criminal Justice Board should implement new joint governance and delivery arrangements to improve the operation of bail and remand.

At an operational level (on the ground level)

- ▶ The PSNI should review its use of Street Bail.
- ▶ The PSNI should have better management information and use it to improve police bail.
- ▶ The PPS should update its legal guidance on bail decisions.

WHAT DO INSPECTORS WANT TO SEE HAPPENING NOW?

- ▶ Bail reform is prioritised and leads to the development and implementation of new legislation that will meet the demands of the future, and ensure the effective use of bail and remand in Northern Ireland to support a better, more efficient justice system.

