What is bail and should I ignore police bail?

Our phoneline can only answer questions about bail where it regards to a protest context. Please do NOT call us for other questions about bail conditions. Go straight to a solicitor!

Bail is one of several actions that the police can take after arresting you. It involves release from police custody to await a later appearance at court or a police station. Your case can be dropped while you're on bail.

If you are bailed without charge, called 'pre-charge bail' this means that you will have to appear at a police station at a later date. This is so that the police can look over the evidence and decide whether or not to charge you.

Being bailed and charged, called 'post-charge bail' is where you have been charged and you must appear in court at a later date.

Both types can come with conditions attached which are things you must not do, for example: "You must not return to the borough of Newham", "You must not go within 1km of an airport" or "You must not associate with [a particular person]".

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1. Why the police use bail

Because bail doesn't require that you be charged, it allows the police to disrupt protest by setting conditions while also giving them more time to decide whether they have enough evidence to pursue a charge or for the Crown Prosecution Service to decide what to charge you with.

Even if you are charged, it's also used more generally because it acts as a punishment in and of itself. Post-charge bail conditions can continue for months and even years, limiting people's freedoms and adding to other pressures. Bail conditions commonly include restrictions on where you can go, who you can meet up with, and activities you can partake in, or a requirement to report to a police station regularly. Bail conditions are often used during multi day protest camps or when there are many protests in a short space of time.

You can request to have your bail conditions changed if they are disproportionate or violate your human rights under Articles 10 and 11.

2. What should I do if I've been bailed?

If you have been released on police bail, you will be given a date to return to the police station. This may just be to sign in, or you may be called in for an interview. Your solicitor may be able to find out in advance whether the police are planning to interview you or not.

If you've been bailed to return to a police station interview, we recommend that you attend with one of the recommended solicitors.

The solicitors on our recommended list will provide this service free of charge. If you decide to go without a solicitor, you should answer 'No Comment' to all questions. This is easier than trying to decide for yourself which questions are best to answer as the police may trip you up. Most good solicitors will likely recommend that you do a 'no comment interview' anyway. If you're under 18, an appropriate adult should also be present, this is most likely to be a parent or guardian.

If you are not interviewed then reporting for bail will generally be a quick process where you just sign to show that you have attended.

The police can then take one of four actions:

1. You could be given no further action (NFA) which is when your case is dropped. This could also happen before the bail date in which case you don't have to attend. This means you are not being charged and is the end of the legal process (although in rare cases it is possible for the police to reopen the case if new evidence comes to light).
2. You could be re-bailed to a later date. If this happens, solicitors can try to challenge bail.
3. You could be charged. This could be with a different offence than the one you were arrested for based on evidence or legal advice. If this happens, you will be given a court date that you have to appear at. This could also happen by post before your interview.
4. You could be offered a caution, a caution is an admission of responsibility which we strongly advise that you do not accept unless a recommended solicitor has explicitly advised you to do so.

If you have been bailed to court, check out our guide to the post-charge legal process for what you should do for your court date.

3. What happens if I break bail conditions?

We currently receive many calls from people on bail from domestic abuse related offences, asking for help on whether to and how to break bail. Please do NOT call us for these reasons as we will not help where it directly endangers others. Go straight to a solicitor!

Breaking bail conditions is not a crime itself but you can be arrested.

Certain bail conditions can be challenged if they are disproportionate or violate your human rights under Articles 10 and 11. Many people also choose to ignore bail conditions, especially in cases of pre-charge bail.

If you are arrested for breaking pre-charge bail, the police must do one of two things:

1. Release you on bail again with the same conditions
2. Charge you with an offence, and then bail you or hold you over until you can be taken to court.

Police often don't charge people because it forces them to present evidence of the alleged crime which takes up time and money. Furthermore, many people aren't even arrested for breaking bail conditions in the first place; in situations where they have been, it has tended to be when returning to protest sites.

If you are arrested for breaking post-charge bail, you would be taken to court in custody, you could also be held on remand but this is extremely rare.

> Failure to surrender, ie. not turning up on the date given on your bail sheet (whether to a court or a police station) is a crime.

The courts are more harsh on cases of people who fail to turn up at their court date than those who fail to turn up at the police station, and the CPS's own guidance says that prosecution for failing to surrender to police bail should not be pursued when the original case you were charged for is dropped.

If you're unsure about the specifics of your case or bail conditions, call the Protest Support Line on 07946 541 511 or email courtsupport@protonmail.com.

4. Challenging unfair bail conditions

You can challenge bail conditions which are disproportionate or violate your human rights under Articles 10 and 11.

Firstly, we recommend contacting the police officer who bailed you, or another custody officer at the same police station, to see if they will change the conditions. You can send a request in writing to their email address. You should explain if the initial conditions were unclear, if they prevent you from attending your home or workplace, or otherwise have a disproportionate impact on your life.

If the police refuse to change your conditions, your solicitor can apply to the Magistrates' court for the conditions to be varied. You should speak to your solicitor about this, or if you don't have one yet then contact one of the solicitors on our recommended list to take on your case. Note that it can sometimes take a while for bail variation applications to be

heard.

5. Resisting victimisation of protesters

Resisting police bail is one way many choose to protest against unfair conditions being set by the police.

If you're interested in talking to other defendants (arrested at the same or a connected protest or action), get in touch with courtsupport@protonmail.com who may be able to help organise a defendant's meeting.