



House of Commons
Home Affairs Committee

Police bail

Seventeenth Report of Session 2014–15

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House of Commons
Home Affairs Committee

Police bail

Seventeenth Report of Session 2014–15

Report, together with formal minutes relating to the report

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Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

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Ian Austin MP (Labour, Dudley North)
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Mr David Winnick MP (Labour, Walsall North)

The following were also members of the Committee during the Parliament.

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Karl Turner MP (Labour, Kingston upon Hull East)
Steve McCabe MP (Labour, Birmingham Selly Oak)
Bridget Phillipson MP (Labour, Houghton and Sunderland South)
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Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/homeaffairscom

Committee staff

The current staff of the Committee are Tom Healey (Clerk), John-Paul Flaherty (Second Clerk), Dr Ruth Martin (Committee Specialist), Duma Langton (Committee Specialist), Andy Boyd (Senior Committee Assistant), Iwona Hankin (Committee Assistant) and Alex Paterson (Select Committee Media Officer).

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1 Police Bail

1. Police bail, or pre-charge bail, is a tool that allows the police to continue an investigation without detaining the suspect in custody. The two common situations in which the police use pre-charge bail are:

- a) where there is insufficient evidence to charge a suspect, and the police wish to continue to investigate without keeping the suspect in custody;¹ and
- b) where the police have passed the file to the CPS for a charging decision.²

Chris Eyre, Chief Constable of Nottinghamshire Police and ACPO Lead for Criminal Justice, said available data showed about 980,000 people were arrested in any one year, of whom about 31% (around 303,000) were bailed.³ He said that about 2% of arrests resulted in a person being on bail for more than six months, which equated to about 19,600 people each year.⁴ In 2014, some 78,757 people were detained and released on pre-charge bail by the Metropolitan Police. Over the same time period, 58,968 were on pre-charge bail for longer than 28 days, and in around a third of those cases, 29,866, the final decision was to take no further action.⁵

2. Being arrested and held on bail is no indication of guilt. It means the police have acted upon a reasonable suspicion, carried out an arrest, and wish to continue to investigate the allegation without holding the suspect in custody. This is a much lower bar than that required in a court to establish guilt,⁶ and in fact a much weaker test than the Crown Prosecution Service applies when deciding whether or not to prosecute, which requires that there is sufficient evidence to provide a realistic prospect of conviction.

3. Pre-charge bail has been criticised because there are no limits on the length of time that someone can be bailed or the number of times they can be re-bailed, and the suspect cannot challenge the imposition of bail. This concern has led to two consultations, the first in March 2014 by the College of Policing on the operational use of pre-charge bail, introducing common standards and standardising use across all forces.⁷ The second consultation, initiated by Home Office in December 2014, is considering the introduction of statutory time limits on the use of pre-charge bail.⁸ The other measures suggested in the Home Office consultation include:

1 See [Police and Criminal Evidence Act 1984](#), s37(2)

2 See [Police and Criminal Evidence Act 1984](#), s37(7)(a)-37(7)(c). See the College of Policing, [Response to the Consultation on the Use of Pre-Charge Bail](#), 2014

3 Q 65; Q 87; The remaining 69% are dealt with on the day of arrest.

4 Q 92

5 http://www.met.police.uk/foi/pdfs/disclosure_2015/february_2015/2015010001125.pdf

6 [Kate Goold written evidence](#)

7 College of Policing, [Consultation on Pre-Charge Bail](#), March 2014

8 Home Office, December 2014, [Pre-Charge Bail, A Consultation on the Introduction of Statutory Time Limits and Related Changes](#)

- Enabling the police to release someone pending further investigation without bail in circumstances where bail is not considered to be necessary;
- Setting a clear expectation that pre-charge bail should not last longer than a specified finite period of 28 days, as recommended by the College of Policing;
- Setting the extenuating circumstances in which that period might be extended further, and who should make that decision;
- Establishing a framework for the review by the courts of pre-charge bail;
- Considering whether extension of pre-charge bail should only be available in certain types of case, such as fraud or tax evasion, or in all cases where there are exceptional reasons for an extended investigation;
- Considering how best to enable the police to obtain timely evidence from other public authorities; and
- Considering whether individuals subject to pre-charge bail should be able to challenge the duration as well as the conditions in the courts.

The consultation closed on 8 February 2015.

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2 Anonymity before charge

Anonymity of defendants

4. The Sexual Offences (Amendment) Act 1976 initially introduced anonymity for complainants, initially only in rape cases, but subsequently extended to other sex offences.⁹ It is a criminal offence to publicly reveal the identity of the complainant for the duration of their life, starting from the point the complaint is made, and the editor, proprietor, or publisher of a newspaper or periodical can be held personally liable for doing so.¹⁰ 1976 Act also included anonymity provisions for defendants. In 1984, the Criminal Law Revision Committee reported on the issue, saying that there was no reason to distinguish rape defendants from defendants of other crimes and that the argument about equality between the parties was not a valid one “despite its superficial attractiveness”. The provisions granting anonymity to the accused were repealed in the Criminal Justice Act 1988, and accused persons currently have no entitlement to anonymity.

5. During its inquiry into the Sexual Offences Bill 2003, our predecessor Committee called for anonymity for the defendant in such cases, because it felt sexual offences were “within an entirely different order” to most other crimes, carrying a particular and very damaging stigma. The Committee recommended that the reporting restriction available to complainants of sexual offences be extended to suspects in sexual offences, for the time between allegation and charge.¹¹

6. The question of the anonymity of the accused is once again the subject of public debate, for two reasons: the first is the number of well-known people arrested as part of Operation Yewtree and other, related investigations;¹² the second is the very recent advent of social media, which facilitates the public discussion of these matters among many thousands of people in a way that is unprecedented in human history, and has the potential to amplify the reputational damage done by naming a suspect.

7. The Commissioner of the Metropolitan Police, Sir Bernard Hogan-Howe, said he supported the proposal for granting accused people anonymity until charge.¹³ He told us that the Metropolitan Police had refused to confirm identities of people who were under investigation, even when the name had already been put in the public domain. Alison Saunders, the Director of Public Prosecutions, said that the Crown Prosecution Service did not reveal a suspect’s identity pre-charge.¹⁴

8. Newspapers and the media are prohibited from revealing the name of a person who is the victim of an alleged sexual offence. We recommend that the same right to

9 [Sexual Offences \(Amendment\) Act 1992](#)

10 [Sexual Offences \(Amendment\) Act 1992](#), section 5

11 Home Affairs Committee, Fifth Report of 2002-03, [Sexual Offences Bill](#), HC 639

12 [MP Pritchard urges review of rape anonymity after case dropped](#), BBC 6 January 2015

13 Policing in London, [10 March 2015](#), Q62

14 Qq 116-117

anonymity should also apply to the person accused of the crime, unless and until they are charged with an offence.

9. The anonymity of the person making the complaint currently lasts for their lifetime. We do not wish to see that changed.

Police communication with the media

10. The impact of relations between the media and police is relevant in a wide range of cases, not just sexual offences. The media coverage of Christopher Jeffries, arrested in December 2010 for the murder of Joanna Yeates in Bristol, was criticised for breaching the Contempt of Court Act 1981.¹⁵ Mr Jeffries said the tabloid press went on a “frenzied campaign to blacken [his] character” by publishing allegations that were a mix of “smear, innuendo and complete fiction”.¹⁶ Another man, Vincent Tabak, was subsequently convicted of murdering Miss Yeates. Eventually, two newspapers were found guilty of contempt of court, and a total of eight newspapers made public apologies and agreed to pay Mr Jeffries substantial damages.¹⁷ A Law Commission review following the Jeffries case recommended that ACPO issue guidance to all police saying that “generally” the names of those arrested can be released.¹⁸ The Leveson Report recommended that the guidance to police should be that the names of those arrested should not be released to the press, except in “exceptional circumstances”.¹⁹

11. In May 2013, guidance on police relations with the media was published. It said that there was nothing to prevent police from naming an arrested person if there was a policing reason to do so, but that:

Decisions must be made on a case-by-case basis but, save in clearly identified circumstances, or where legal restrictions apply, the names or identifying details of those who are arrested or suspected of a crime should not be released by police forces to the press or the public.²⁰

Chief Constable Chris Eyre said that on those rare occasions when someone is formally named, it was a decision by the senior investigating officer, taking into account the value of doing so and the nature of the crime under investigation.²¹ The guidance says that further information can be released at the point of charge.²²

15 Contempt of Court Act 1981. Section 2(2) describes that conduct may be treated as contempt where a publication which creates a substantial risk that the course of justice in the proceedings in question will be seriously impeded or prejudiced. The maximum penalty under the Contempt of Court Act 1981 is two years’ imprisonment or an unlimited fine

16 Leveson Inquiry: [Media vilified me, Christopher Jefferies says](#), BBC, 28 November 2011

17 [Eight newspapers in libel payout to Chris Jefferies](#), Press Gazette, 29 July 2011. The Sun, Daily Mirror, Sunday Mirror, Daily Record, Daily Mail, Daily Star, The Scotsman and Daily Express <http://www.pressgazette.co.uk/node/47609>

18 Law Commission, [Contempt of Court: A Consultation Paper](#), November 2012, Para 2.19-2.20

19 [Leveson Report, Vol 2, Part G](#), chapter 4, par 2.39

20 College of Policing, [Guidance on Relationships with the Media](#), May 2013

21 Q 76

22 College of Policing, [Guidance on Relationships with the Media](#), May 2013

12. Kate Goold of Bindmans, and solicitor for Mr Paul Gambaccini, agreed there could be cases where it was appropriate for the police to give out information, such as in the case of serial sex offender John Warboys, where the police could, with permission of the court, make a suspect's name public.²³ But these circumstances would be caught within the rules for formal releases. This is not what happened in the case of Paul Gambaccini, and he said he could not find who made his name public:

When everyone on my case says, "But we're not leaking your name to the press", I am not accusing them of leaking my name. It only takes one. I do not know who leaked my name to the press but the only other possibility is the tabloid newspapers have ESP.²⁴

He said he was a victim of a "fly paper" investigation, whereby a suspect's name is hung up in public to see if it attracts further complainants.²⁵ Once Mr Gambaccini's name was in the public domain, the BBC suspended him without pay, the result of which was lost income and legal fees of around £200,000.²⁶ The recent media coverage of a police search of Sir Cliff Richard's home has shown again the impact that one leak can have.²⁷

13. There is a clear distinction between leaking, the informal release, of names or identity to the media, and the formal release of someone's identity. Chief Constable Eyre acknowledged the sensitivity of how the police interact with the media informally:

In the world post-Leveson there is very acute awareness across the entire police service about the need to engage appropriately with the media and for information to only be made available in appropriate ways. We recognise the vulnerability.²⁸

14. The police should not release information on a suspect to the media in an informal, unattributed way. If the police do release the name of a suspect it has to be limited to exceptional cases, such as for reasons of public safety.

15. It is in the interests of the police to demonstrate, post-Leveson, that there is zero tolerance for informal leaks to the press. Police forces need to monitor and publish the number of instances where the identity of a suspect in their area has found its way into the public domain without an attributed source.

23 Q 39

24 Q 37

25 Q 10

26 Q 12–13

27 Home Affairs Committee, Fifth Report of Session 2014–15, [Police, the media, and high-profile criminal investigations](#), HC 629

28 Q 77

3 Introducing a time limit on bail

16. There are no current time limits on pre-charge bail, and there is no limit on the number of times a suspect can be re-bailed. Individuals can spend months, or in some cases years, on bail, not knowing about the investigation and awaiting a decision over which they have no influence, while witnesses' memories and other evidence degrade.²⁹ Introducing a time limit could create an incentive for the police to carry out more thorough investigations before deciding to make an arrest, and use police bail less.³⁰

17. We agree that an initial time limit for bail should be introduced. This would not be an absolute time limit, no one would be able to be released because they could not be charged in time. The time limit would require the police to explain the reasons for the investigation taking how long it was taking. It would reduce uncertainty for those involved, and encourage the police to carry out investigations in a timely fashion.

A 28-day limit on bail

18. The Government has proposed an initial time limit of 28 days, beyond which bail would only be extended in exceptional circumstances, or in particular circumstances that might be set out in either the legislation or in regulation. Paul Gambaccini said he would “enthusiastically support” a 28 day limit.³¹ Conversely, the Crown Prosecution Service (CPS) response to the consultation said 28 days would be “wholly inappropriate and unworkable” and that it was concerned the police would send files prematurely to meet the time deadline, resulting in the CPS having to send the files back asking for further investigative work.³² Similarly, Chris Eyre of ACPO thought that “28 days would be unhelpful as a limit.”³³ Chief Constable Eyre said the police were already reducing the inappropriate use of bail through the application of a necessity test at the point where bail was applied and a proportionality test about the time period for bail and the conditions applied, depending on the circumstances.³⁴

19. We recommend that there should be a time limit on bail and agree with the proposal for an initial time limit of 28 days.

Exemptions

20. It is recognised that some investigations take a long time. There are understandable reasons why the collection of evidence is not straightforward, for example in complex fraud cases, cases involving gathering evidence from overseas, some cases involving extensive and complex forensic evidence, cases involving the retrieval of digital evidence, or evidence

29 [Kate Goold written evidence](#)

30 Q 56

31 Q 18

32 [CPS Response to the Home Office's Consultation on Police Bail](#)

33 Q 67

34 Q 67

to be retrieved from local and central government departments.³⁵ Exemptions could be made for such complicated cases, possibly according to the type of offence, or the exceptional nature of that case compared to others of that offence. The CPS said there would be benefits in exempting certain classes of casework that are complex, such as serious and complex fraud, non-recent child sexual exploitation and counter-terrorism prosecutions.³⁶ The police would have to apply to the magistrates' court for the exemption to apply.³⁷

21. Any application for an extension to pre-charge bail on exceptional grounds should be made to the magistrates' courts.

Decision to re-bail

22. Current practice around re-bail lacks transparency and accountability. The CPS response to the Home Office consultation said:

Much of the mischief with police bail and its conditions is that they are seemingly not periodically reviewed and the suspect is left in limbo with often little information as to the progress of the investigation, other than the fact that their bail has been extended.³⁸

23. The Home Office proposal for a time limit of 28 days is not an absolute limit. The suspect could still be re-bailed at 28 days, and the review at 28 days would provide the opportunity to reduce that sense of limbo. The two proposed models are illustrated in the table below. In both Model 1 and Model 2, the decision to extend bail after 28 days would be made by the police, but by someone independent of the investigation and at least the rank of an Inspector. The options differ at three months, where the decision to re-bail is reviewed by the police, a Chief Superintendent (Model 2), or the Magistrates' Court (Model 1).

Cumulative Total Period from 'Relevant Time'	Model 1 Bail Authoriser/Reviewer	Model 2 Bail Authoriser/Reviewer
First Bail period of 28 days	Inspector	
Extension up to 3 months	Magistrates' Court	Chief Superintendent
Extension up to 12 months (3 months per extension)		Magistrates' Court
Beyond 12 months (3 months per extension)	Crown Court	

35 [CPS Response to the Home Office's Consultation on Police Bail](#)

36 [CPS Response to the Home Office's Consultation on Police Bail](#)

37 "An application to the magistrates' court would be required for the exemption to apply, although where it were sought because an investigation was of a listed offence, it should be capable of being dealt with on the papers (i.e. without an oral hearing)."

38 [CPS Response to the Home Office's Consultation on Police Bail](#)

24. The decision to re-bail could be reviewed again at three month intervals, in both options by the Magistrates' Courts, until 12 months.³⁹ At this point, any further extension would be for three months, but the authorisation would need to be sought from the Crown Court. The CPS preferred Model 2, as it would place less of an additional burden on the courts. Kate Gould supported Model 1, as it introduced judicial oversight earlier, but she did agree that review by a senior police officer, independent of the investigation, would be an improvement on the current situation. She said it would be “clearly impossible” for every investigation to be resolved within 28 days. Therefore, she supported a 28 day limit, reviewed at first by a superintendent, followed by periodic review by magistrates at three months, and by the Crown Court at twelve months.⁴⁰ Chris Eyre said that ACPO's view was that the extension of bail should be decided by the police until six months—only 2% of arrests result in a person being on bail for more than six months—and after six months the review should be before a magistrate.⁴¹

25. The consultation sets out what the reviewing officer, magistrate or judge would have to consider when deciding if to allow bail: reasonable grounds to suspect the person of committing the offence, the need for further investigation, that the investigation is being conducted diligently and expeditiously, and that bail remains necessary (e.g. to prevent the suspect from interfering with witnesses). It also said that if the law on pre-charge bail were changed, then guidance could be issued as to how the review might consider the conditions of bail. There would be no recourse to appeal the decision at any review, except by way of judicial review.

26. The review should not become a rubber stamping exercise, the onus should be on the police to persuade the court that a further period of bail is necessary and proportionate. We recommend the decision to re-bail at three months should be on application to a magistrates' court. In the small proportion of cases where the police seek to extend pre-charge bail beyond six months, the application for re-bail should be to the Crown Court.

27. It is important that the review process enables the bail subject to challenge the proposal for further bail, and to receive information as to progress in the investigation against them.

39 Section 127(1) [Magistrates' Courts Act 1980](#) states that summary offences must be charged within 6 months

40 Q 24, Qq 44-45

41 Q 92

4 No Further Action

28. The investigation into Paul Gambaccini started on 4 April 2013, following an allegation made by a single complainant. The case was later dropped by the police on 5 September 2013 for insufficient evidence. Then on 26 September 2013, a second individual came forward and Mr Gambaccini was arrested on 29 October 2013 by officers from Operation Yewtree. He was released and initially bailed until 8 January 2015. His file was passed to the CPS on 10 February 2015. Between January 2015 and 10 October 2015, when he was eventually told that no further action would be taken, he had been re-bailed six times. At one point he found out he was being re-bailed only via the media; neither he nor his solicitor was notified directly. He believed that the dates of his re-bailing were chosen to coincide with announcements relating to other Yewtree cases. He said he did receive a reason each time, but it was “always opaque and in one case it was not a true statement.”⁴² He felt that he was a victim of a witch hunt:

You have captured the essence of the witch hunt, which is to seize any allegation, no matter how flimsy; arrest you; publicise you through their recognised intermediaries and then just see what comes; sit back and wait for the phone to ring.⁴³

He was told by the CPS case officer that sometimes the release of someone’s name prompts the telephone to ring and ring, but when Mr Gambaccini’s name was released the phone never rang. At the time that he was told there would be no action against him, he had spent almost twelve months on bail and in all that time, no one had come forward.⁴⁴ Kate Goold, said that during that time:

I did not really know what was going on. I had no idea what investigations were taking place or where those investigations were going and the weight of the evidence. All I knew was that there were further complaints made, which was a concern because I was concerned about Mr Gambaccini’s name being in the public domain, but I was given absolutely no further information.⁴⁵

29. The proposals in the Home Office consultation should improve the amount of information given to a suspect at each review stage. Even so, we find it difficult to understand why someone would be kept on bail for several months and then be told that there would be no further action, without any more information.

False allegations

30. In the case of Mr Gambaccini, he felt strongly that the allegations against him were wholly fictitious, but they had nonetheless caused him irreparable damage. The CPS has carried out some research into the number of prosecutions for false allegations, but in rape and domestic violence cases. Their review of all such cases between January 2011 and May

42 Q 6

43 Q 30

44 The second complainant was identified on 26 September 2013. Mr Gambaccini was told there would be No Further Action on 10 October 2014.

45 Q 16

2012, found 5,651 prosecutions for rape and 111,891 for domestic violence. Of those, there were 35 prosecutions for making false allegations of rape, 6 for making false allegations for domestic violence, and 3 for both rape and domestic violence. A significant number of the false allegations came from young, often vulnerable, people. While the proportion of prosecutions for false allegations is small, the CPS recognises that such false allegations can ruin people's lives and "those falsely accused should feel confident that the Crown Prosecution Service will prosecute these cases wherever there is sufficient evidence and it is in the public interest to do so."⁴⁶

31. It may be that, in addition to the legal route for libel, someone who has been held on bail for a prolonged time without being charged, and their reputation ruined, there should be a mechanism for the person to receive an acknowledgement that they were falsely accused. In the Chris Jeffries case, the Chief Constable of Avon and Somerset, Nick Gargan, wrote to Mr Jeffries in the following terms:

I write formally to acknowledge the hurt that you suffered as a result of that arrest, detention and eventual release on police bail in connection with the murder of Joanna Yeates in December 2010 and which was the subject of huge media interest. [...] I accept unequivocally that you played no part in the murder and that you are wholly innocent of the crime.⁴⁷

32. The implications of prolonged bail is not limited to sexual offences. There are examples of journalists being bailed for long periods, and not necessarily being convicted at the end of it. Operation Elveden and Operation Tuleta had led to several journalists spending considerable time on bail, as long as two years in some cases, prompting the Metropolitan Police to admit that "there is genuine concern on our part about the length of time that some of those arrested have been bailed".⁴⁸

33. We recommend that, where a person has been on bail for longer than six months, and where the final decision is to take no further action, the CPS should write to the individual explaining the decision. The CPS said that they write to the complainant to give an explanation when a case is not proceeded with. In Mr Gambaccini's case there was a decision for No Further Action. Mr Gambaccini told the Committee that the case against him was fictitious. We believe it is unfair to write to the complainant and not to the person who had been complained against. This leaves someone like Mr Gambaccini in limbo without anyone taking responsibility for his twelve months of "trauma".

34. We recommend that the CPS write and issue a formal apology to Paul Gambaccini with an explanation as to why this case took so long.

35. The Committee has not considered the situation of those who have not been arrested or bailed but have found themselves in the eye of a media storm as a result of an investigation entering the public domain. We believe in the principle of fairness and timeliness which we have elucidated in the cases of constant bail renewals. The police

46 Joint report to the Director of Public Prosecutions by Alison Levitt QC, Principal Legal Advisor, and the Crown Prosecution Service Equality and Diversity Unit, Charging Perverting the Course of Justice and wasting police time in cases involving allegedly false rape and domestic violence allegations, March 2013

47 [Christopher Jefferies told 'sorry' by police over arrest distress](#), BBC News, 16 September 2013

48 [Liberty response to the Home Office Consultation on Pre-charge bail](#)

and the CPS should be as transparent as possible regarding the progress of investigations as they operationally can be, to avoid the situation where these individuals are subject to the “fly paper” tactic described by Mr Gambaccini.

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Conclusions and recommendations

Anonymity before charge

1. Newspapers and the media are prohibited from revealing the name of a person who is the victim of an alleged sexual offence. We recommend that the same right to anonymity should also apply to the person accused of the crime, unless and until they are charged with an offence. (Paragraph 8)
2. The anonymity of the person making the complaint currently lasts for their lifetime. We do not wish to see that changed. (Paragraph 9)
3. The police should not release information on a suspect to the media in an informal, unattributed way. If the police do release the name of a suspect it has to be limited to exceptional cases, such as for reasons of public safety. (Paragraph 14)
4. It is in the interests of the police to demonstrate, post-Leveson, that there is zero tolerance for informal leaks to the press. Police forces need to monitor and publish the number of instances where the identity of a suspect in their area has found its way into the public domain without an attributed source. (Paragraph 15)

Introducing a time limit on bail

5. We agree that an initial time limit for bail should be introduced. This would not be an absolute time limit, no one would be able to be released because they could not be charged in time. The time limit would require the police to explain the reasons for the investigation taking how long it was taking. It would reduce uncertainty for those involved, and encourage the police to carry out investigations in a timely fashion. (Paragraph 17)
6. We recommend that there should be a time limit on bail and agree with the proposal for an initial time limit of 28 days. (Paragraph 19)
7. Any application for an extension to pre-charge bail on exceptional grounds should be made to the magistrates' courts. (Paragraph 21)
8. The review should not become a rubber stamping exercise, the onus should be on the police to persuade the court that a further period of bail is necessary and proportionate. We recommend the decision to re-bail at three months should be on application to a magistrates' court. In the small proportion of cases where the police seek to extend pre-charge bail beyond six months, the application for re-bail should be to the Crown Court. (Paragraph 26)
9. It is important that the review process enables the bail subject to challenge the proposal for further bail, and to receive information as to progress in the investigation against them. (Paragraph 27)

No further action

10. The proposals in the Home Office consultation should improve the amount of information given to a suspect at each review stage. Even so, we find it difficult to understand why someone would be kept on bail for several months and then be told that there would be no further action, without any more information. (Paragraph 29)
11. We recommend that, where a person has been on bail for longer than six months, and where the final decision is to take no further action, the CPS should write to the individual explaining the decision. The CPS said that they write to the complainant to give an explanation when a case is not proceeded with. In Mr Gambaccini's case there was a decision for No Further Action. Mr Gambaccini told the Committee that the case against him was fictitious. We believe it is unfair to write to the complainant and not to the person who had been complained against. This leaves someone like Mr Gambaccini in limbo without anyone taking responsibility for his twelve months of "trauma". (Paragraph 33)
12. We recommend that the CPS write and issue a formal apology to Paul Gambaccini with an explanation as to why this case took so long. (Paragraph 34)
13. The Committee has not considered the situation of those who have not been arrested or bailed but have found themselves in the eye of a media storm as a result of an investigation entering the public domain. We believe in the principle of fairness and timeliness which we have elucidated in the cases of constant bail renewals. The police and the CPS should be as transparent as possible regarding the progress of investigations as they operationally can be, to avoid the situation where these individuals are subject to the "fly paper" tactic described by Mr Gambaccini. (Paragraph 35)

Formal Minutes

Tuesday 17 March 2015

Keith Vaz, in the Chair

Michael Ellis
Dr Julian Huppert
Tim Loughton

Yasmin Qureshi
Mr David Winnick

Draft Report (*Police bail*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 35 read and agreed to.

Resolved, That the Report be the Seventeenth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned to a day and time to be fixed by the Chair.]

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Witnesses

Tuesday 3 March 2015

Paul Gambaccini , broadcaster and writer, and Kate Goold , Bindmans LLP	Q 1-58
Chief Constable Chris Eyre , Nottinghamshire Police, ACPO National Lead on Criminal Justice	Q 59-93
Alison Saunders , Director of Public Prosecutions	Q 94-159

Published written evidence

- 1 Kate Goold ([PBA0001](#))
- 2 Paul Gambaccini ([PBA0002](#) and [PBA0003](#))
- 3 Alison Saunders, Director of Public Prosecutions ([PBA0004](#))
- 4 Gideon Benaim, on Behalf of Michael Simkins LLP ([PBA0005](#))

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List of Reports from the Committee during the current Parliament

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