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# Police management of breach notifications for electronically monitored court bail


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A total of 9,060 defendants were on bail with electronically monitored (EM) conditions (curfews or location monitoring) on 30th September 2026 (MoJ, 2026). They accounted for a third of individuals on EM. The number is like to continue to increase due to recent legislative changes.

The police are responsible for arresting defendants on behalf of the courts for alleged breaches of EM bail conditions (s.7(3b) Bail Act 1976). The courts then decide whether a breach has occurred and if so, reconsider whether defendants should be bailed or remanded in custody (s. 7 Bail Act 1976). It is not feasible or proportionate for the police to arrest everyone because of the high volume of breach notifications. Therefore, the police are required to use their discretion to decide who to arrest. The police devote significant resources to this decision-making process. The Commissioner of the Metropolitan Police has been vocal about the burden of dealing with these cases and what he perceives to be the inaction of the courts (The Telegraph, 2026). There are good principled, legal and practical reasons why defendants who breach EM bail may not be remanded in custody. The refusal of bail deprives individuals who are legally innocent of their liberty.

EM bail conditions are promoted as measures to increase the safety of victims and protect the public from offending, despite EM being unable to prevent defendants causing harm. Responses to non-compliance need to be timely if harm is to be minimised but they cannot be expected to be immediate.

The research examined the management of breach notifications for EM bail from the point at which they were received by the police until their conclusion from the perspective of the police.

**Key findings**

There was a significant gap between the number of notifications received and the number of defendants arrested – arrests accounted for 17% and 10% of breach notifications respectively in Forces A and B. In half of these cases, defendants were arrested for a new offence simultaneously. In the six months to March 2026, the mean number of breach notifications received was 132 per month in Force A and 741 per month in Force B. In the same period, the mean number of arrests were 23 and 83 respectively.

A decision by the police to take no further action (NFA) was recorded in 51 per cent of cases. In a quarter (24%) of NFA cases defendants were in police custody or prison at the time of the non-compliance event. In nearly a third (31%) of cases notifications could not be processed because information was missing or inaccurate. Proactive decisions to NFA cases were taken in a quarter (25%) of cases.

Force B took decisions to NFA in twice as many cases than Force A (56% compared with 22%). The default position in Force A was to arrest defendants based on the information provided in the breach notification which was treated as ‘gospel’. By contrast, police officers and staff in Force B were more circumspect about the validity of the breach notifications and the benefits of arresting defendants.

***The EM breach process***

EM bail breach notifications were managed differently in the two forces. Force A created a force wide process which relied on existing structures from beginning to end. By contrast, Force B established a specialist team to manage the initial triaging of cases before they were dispersed across the force. In both forces, many individuals (both police officers and staff) were involved in decision-making, and cases often went through multiple layers of decision-making before they were resolved. This duplicated work and created different processes across and within the forces resulting in variable outcomes.

The advantage of the process adopted in Force A was that it enabled cases to be risk assessed quickly, allowing immediate risks to be identified. By contrast, the specialist team in Force B triaged only a proportion of cases on the day they were received. Its more thorough reviews resulted in more invalid breach notifications being identified early on, therefore saving time and resources.

### *Decision-making*

A wide range of factors were considered by police officers and staff when making decisions and their importance varied. The type of offence was the dominant factor, partly because it was information that was readily accessible and universally understood. For this reason, it tended to be used as a short-hand risk assessment. In Force B defendants' prior behaviour, and specifically whether they were a 'managed' offender, was also a significant factor. However, the overriding finding was lack of consistency which resulted in differential decision-making.

Decisions about EM breach notifications tended to be based on criteria which aligned with policing values, that is the alleged offence, defendants' offending history and current intelligence, rather than the alleged breach, potentially putting decisions at odds with those of the courts which would align more closely with the Bail Act 1976. A visible example of the different approaches taken by the police and the courts was the universal condemnation of court decisions to re-release defendants on bail.

The terminology used to describe non-compliance events and the information contained in notifications were difficult for police staff and officers to understand hampering informed decision-making. It was not always possible for them to identify when defendants were 'unmonitored', that is when equipment had not been fitted or when it was not working because batteries were flat.

The forces had different views about whether breach notifications remained valid after routine court hearings. In Force A, they remained valid until NFA'd or defendants were arrested whereas Force B withdrew warrants once defendants appeared in court. Force Bs approach disincentivised officers from making arrests because cases would automatically be removed from their workloads once defendants appeared in court. Doing nothing was an effective mechanism for managing workloads. Legally, Force Bs approach is correct.

When cases were NFA'd or defendants were not arrested prior to a court appearance, the Crown Prosecution Service and the courts remained unaware of the non-compliance event. It would, therefore, not be a factor in their remand decision making.

### *Arrest and detention*

How quickly arrests were attempted depended on the team that were responsible for the arrest. Specialist investigation teams, including domestic abuse and Rape and Serious Sexual Offence (RASSO) teams and offender managers tended to make arrest attempts more quickly than response, neighbourhood or specialist arrest teams, who had to juggle cases alongside other priorities such as emergency and 'live' cases. The priority of EM bail breaches varied within and across forces. In Force B, they were generally low priority.

Data suggest that defendants from minority ethnic groups comprised a higher proportion of those arrested for alleged EM bail breaches when compared with arrest statistics for the two forces.

Most but not all those arrested were detained in police custody to appear at court. Some officers confirmed that they investigated defendants' explanations for non-compliance events before making an arrest or whilst defendants were in custody. Very few cases were NFA'd at this point even if valid explanations were provided.

Obstacles arose in the process of arresting defendants and getting them to court, including transporting defendants to court and securing courts hearings. These disincentivised officers from carrying out arrests in Force B, because of the opportunity cost.

### *Timeliness*

Often significant time elapsed between the non-compliance event and an arrest. The mean time to arrest was 39 days with the duration ranging from a day to 655 days. This is contrary to the rhetoric and expectations of immediate or timely arrests of defendants.

Officers in Force A were unaware of the time limit for courts to conclude cases once defendants have been arrested, that is 24 hours from arrest to case conclusion, set in the Bail Act 1976. A small number of defendants were held for over 24 hours in both forces. The timing of arrests was critical to ensuring that the legal time limit was met and defendants did not have to be released. There is a tension between urgent arrests to manage immediate risks to victims which may be more likely to breach the 24 hour rule and planning arrests to fit with court opening times.

### *Decision makers*

Police officers and staff in many different roles took decisions about breach notifications resulting in different decisions and varying speeds of decision-making. Many decision makers were Officers in the

Case (OICs) involved in the original case and/or or defendants' offender managers. These practices contradict the principle enshrined in the Police and Criminal Evidence Act (PACE) 1984 that investigators should not be involved bail decisions. The law requires that bail decisions should be the sole responsibility of custody officers.

***Inter-force and multi-agency cooperation***

Out of force cases, when defendants are residing in a different force area to where the original alleged offence took place, were managed differently by the two forces. In Force A, cases tended to be sent to the originating force for a decision whereas Force B treated cases were dealt with in force. Lack of access to information about the case and defendants hampered informed decision-making. These cases were identified as particularly risky.

Challenges and concerns were raised in relation to working with other agencies especially Electronic Monitoring Services (EMS) which made managing breach notifications harder and resulted in uninformed decisions and delays putting victims and the public at greater risk.

In summary, the variability in processes and decision-making criteria resulted in defendants being treated differently depending on where they lived rather than what they had allegedly done.

**Recommendations**

Twenty-eight recommendations are made for the Ministry of Justice, NPCC, police forces and EMS. Together they propose changes to policy and practice which should bring about the more effective and efficient management of EM bail breaches to deliver appropriate outcomes, improved compliance and higher levels of trust and confidence of victims', the courts and wider public in EM and bail.

Three recommendations are fundamental to ensuring fair, workable and effective decision-making.

One, a national EM breach policy should be developed by the Ministry of Justice augmented by guidance published by the National Police Chief's Council/College of Policing and police forces setting out legitimate decision-making criteria and their relative priorities. This will fill the policy vacuum and provide a comprehensive framework for more consistent, legally compliant and equitable decision-making. Responsive regulation (Ayres and Braithwaite, 1992) is proposed as a model to develop a framework providing a proportionate and graduated response to non-compliance, escalating responses according to seriousness and persistency. It is recommended that introducing summons or 'notices of appearance' for defendants to appear in court alongside arrests would have significant benefits for the police and courts and potentially improve defendants' compliance.

Two, decisions about EM bail breach notifications should be taken by staff independent of the investigation and defendants, that is custody officers, to uphold the legality, impartially and legitimacy of decisions.

Three, the Home Office/Ministry of Justice should require forces to collate and report data relating to the management of EM bail breaches including the number received, the number of, and reasons for cases being discontinued, the number of arrests and equality data. The Ministry of Justice should also routinely publish data on EM bail breaches and outcomes of remand hearings following alleged non-compliance including equality data; and, HMICFRS should include the police management of EM bail breaches in their routine force inspections. These measures will improve transparency and accountability for defendants, victims and the public.

The research also raises questions about whether the police are the appropriate agency to manage EM breach notifications on behalf of the courts. There are legitimate practical and principled reasons for asking this question, not least because it consumes police resources which could be better used elsewhere. It is also not the core business of policing so it will never receive the priority courts, victims and the public might expect. This is especially pertinent given Government proposals to introduce proximity monitoring (where defendants and victims have EM devices and alleged breaches are responded to in real time), requiring a rapid response to non-compliance. It is a matter of fact that the police are legally the only agency able to physically arrest defendants for alleged breaches, but this does not necessarily require them to be involved in decisions about whether they should do so nor does it mean that they need to be involved in measures short of enforcement used to foster future compliance. It is therefore recommended that consideration is given to whether the police are the appropriate agency to manage EM bail breach notifications and whether a different and potentially new agency, a national bail service, should be created to make these decisions as well as managing other bail services.

It is also recommended that:

- consideration is given to whether it is legal and ethically appropriate for the police to have access to real-time information about defendants on EM bail;
- Force B categorise EM bail breaches as non-crime incidents rather than warrants;

- outcome reporting to EMS by police forces is suspended until a comprehensive and systematic data collection process is created;
- a timely process is co-created by the police, HMPPS and EMS to alert EMS to monitored defendants being detained in police custody and prisons;
- that EMS puts robust measures in place to improve the accuracy of breach notifications, and they are audited regularly by HMPPS;
- defendants are contacted routinely to make them aware that non-compliance has been detected when no further action is taken *and* breaches are assessed to be valid;
- the terminology used to describe non-compliance events is revised to simplify labels to ensure that they more clearly describe the behaviour and its seriousness;
- a policy is introduced for the length of time GPS equipment can remain uncharged without initiating breach notifications;
- consideration is to EMS sending one notification that combines all breach occurrences within the previous 24 hours;
- consideration is given to the most effective methods of identifying and flagging multiple breach notifications for the same case/defendant to decision makers;
- any future breach policy/guidance should include criteria about how time spent on bail and gaps between non-compliance events should be considered;
- routine monitoring of arrests for EM bail breaches by protected characteristics including ethnicity is introduced;
- clear guidance is issued about the legal requirement to ensure that EM bail breach cases are concluded within 24 hours of arrest and how this is best achieved;
- procedures are put in place to provide the CPS and courts with breach notifications for all cases except those found to be invalid;
- the NPCC publish clear guidance about whether notifications remain valid when defendants have appeared in court for routine hearings, that is whether notifications remain live;
- police forces put in place a robust process to ensure that breach notifications are assessed continuously, that is 24/7, to identify imminent risks to victims and/or the public and of absconding;
- a policy is agreed nationally about ownership of out of force cases and which force is responsible for their management;
- EMS introduce a dedicated telephone service for professionals;
- breach statements are redesigned using co-production methods to ensure that they are clear, comprehensive and easy to navigate;
- EMS are required to withdraw invalid breach notifications and update police forces about new information relating to notifications already issued
- the Ministry of Justice reviews the agencies with authority to update EMS about the status of defendants and their cases;
- consideration is given to how communication channels between all agencies can be improved including routine access to IT systems

## The research project

The research was undertaken in partnership with the National Police Chief's Council leads for bail and electronic monitoring. It commenced in early Autumn 2025 and was completed in October 2026. It examined the management of EM bail breaches from the point at which they were received from EMS in two police forces (Forces A and B) allowing practices and decision-making to be compared.

Multiple methods were used to improve the reliability and validity of the findings. One, all points of the process were observed. Two, 61 officers and staff were interviewed who were involved in managing and/or decision-making (34 in Force A and 27 in Force B). Three, administrative data from Force A including 7,473 cases recorded on the incident recording system plus 196 cases of 'untagged' defendants from April 2021 to March 2026, and data on 830 arrests for EM bail breaches from Jan 2021 to April 2026. In Force B, data included 23,589 cases received by the force from January 2022 to March 2026 and 2,374 custody records from Jan 2022 to 30th April 2026 relating to defendants arrested for breach of EM bail.

## References


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The research report and more information is available at: https://go.bham.ac.uk/EMbailbreaches or by contacting Professor Anthea Hucklesby, Birmingham Law School, University of Birmingham, UK (A.Hucklesby@bham.ac.uk).



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