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Police management of breach notifications for electronically monitored court bail

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An invitation only two-day workshop took place in June 2026 to discuss the research findings and consider potential changes to policies and practices. All participants made space in their busy schedules to attend.

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Executive summary

A total of 9,060 defendants were on bail with electronically monitored (EM) conditions (curfews or location monitoring) on 30th September 2026 and 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. The courts then decide whether a breach has occurred and if so, reconsider whether defendants should be rebailed or remanded in custody. 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 and put before the court. The police devote significant resources to this decision-making process.

The research project 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. The research provides robust and detailed evidence about how breaches are managed by the police. It draws on data collected in two police forces via observations, interviews with 61 police officers and staff and administrative data comprising 31,062 records of breach notifications and 3204 custody records for cases between April 2021 and March/April 2026. The project was completed in partnership with the National Police Chief's Council leads for EM and bail. It began in Autumn 2025 and was completed in November 2026.

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 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 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 quickly risk assessed by officers in the control room, 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.

Force A categorised breach notifications as 'non-crime' incidents whereas Force B classified valid notifications as warrants. These categorisations effected how cases were managed and viewed by officers. Legally breach notifications are not warrants.

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 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.

Arrests 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 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 (Recommendation seven). 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 (Recommendation eighteen).

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 (Recommendation twenty seven); and, HMICFRS should include the police management of EM bail breaches in their routine force inspections (Recommendation twenty eight). 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 (Recommendation twenty five).

Chapter 1 Introduction

Non-compliance with electronically monitored (EM) bail has not been the focus of political, police or media attention until very recently. No data are published on the number of non-compliance events reported by Electronic Monitoring Services (EMS, the private provider of EM), the number of defendants arrested for alleged breaches of EM bail nor court decisions in these cases. Research in the mid 2010's was the first to highlight the number of breach notifications the police receive, what they described as a 'tsunami' (Hucklesby and Holdsworth, 2016). The police remain concerned about the resources that are consumed by managing EM bail breach notifications. Recently, the Commissioner of the Metropolitan Police, Sir Mark Rowley, has been increasingly vocal about the burden of dealing with alleged breaches and what he perceived to be the inaction of the courts (The Telegraph, 2026a; b). He has suggested that a large proportion of defendants the police arrest are rebailed by the courts, although media reports tend conflate these cases with people released under new early release arrangements (BBC News, 2026b; The Telegraph, 2026b). The Ministry of Justice has been silent about the volume, outcomes and implications of EM bail breaches and it has not responded publicly to police concerns except for reiterating that courts make remand decisions and that they are independent.

There are principled and legal reasons why EM bail breaches may not result in custodial remands. The presumption of bail is enshrined into law in England and Wales by the Bail Act 1976. It is one of the main barometers by which the democratic credentials of states are measured. It is inextricably linked with the fundamental right to liberty and the presumption of innocence. Remanding individuals in custody pending their trial is one of the very few exceptions to this right and should be a measure of last resort. Importantly, custodial remands cannot be imposed for punitive purposes nor in anticipation of conviction and/or punishment. In fact, many remanded defendants are acquitted – 23 per cent of bailed defendants and 13 per cent of those remanded in custody were acquitted in year to 30th June 2026 (MoJ, 2026a). Many more - over a third (38%) of those remanded in custody - do not receive a custodial sentence when convicted (MoJ, 2026a). Only a small proportion of defendants who were originally remanded on bail received immediate custodial sentences (9%) or a suspended prison sentence (20%) in year to 30th June 2026 (MoJ, 2026a). Consequently, according to these data, less than a tenth of defendants bailed by the courts meet the legal test for a custodial remand. That is the *real prospect* test, which requires courts to believe that there is a real possibility that upon conviction defendants will receive an immediate custodial sentence. This leaves little room for courts to remand defendants in custody for breaching (EM) bail conditions.

There are also practical reasons why all or some defendants found to have breached their bail should not be remanded in custody. The prison remand population has contributed to the prison capacity problems facing the prison system since the pandemic. The population stood at 15,386 on 30th June 2026 comprising 18 per cent of the total prison population (MoJ, 2026b). Adding considerably to this number is not a practical option. Furthermore, despite their special status, pre-trial prisoners are one of the most neglected groups in the prison system (HMIP, 2012; 2026). The conditions in which remand prisoners are housed are some of the worst and most overcrowded in the whole prison system and this is not a new phenomenon (HMIP, 2012). Even short periods of pre-trial imprisonment impact negatively on defendants and their families. These impacts include losing accommodation and employment and deteriorating health and well-being.

One of the reasons for the growth in the prison remand population is the significant increases in waiting times for court cases to conclude. Once remanded in custody many defendants will be incarcerated for significant periods of time and potentially beyond the length of any likely sentence if convicted. Doing so for a breach of EM bail conditions, especially when it is not linked to new alleged offending, may be viewed by courts as disproportionate depending on the severity of the non-compliance. Defendants are also spending considerable periods of time on EM bail, potentially up to four or five years, subject to conditions which restrict their freedom, such as overnight curfews. This can impact both defendants' compliance and courts response to alleged breaches. Custodial remands are subject to Custody Time Limits which restrict the time defendants can be in custody, but no such limits exist for EM bail. There is no automatic review of the necessity of the conditions outside of routine court hearings, despite their impact on defendant's liberty (Hucklesby and Holdsworth, 2016).

An increasingly prominent role assigned to EM bail conditions is to safeguard victims from potential offending and intimidation by defendants awaiting trial. However, it does not stop defendants from harming victims because it relies on deterrence, that is fear of being caught, and voluntary compliance (Hucklesby, 2009). Furthermore, the system is not set up to provide an immediate response to non-compliance, for example, EMS has hours not minutes to alert the police to non-compliance. Consequently, an approach which fosters voluntary compliance is more likely to safeguard victims than one which relies on police arrests and courts remanding defendants in custody. Currently, there is a significant gap between what victims might expect EM can do and what it can do, potentially leading victims to have a false sense of security (BBC News, 2026a). However, this is not because of the (in)actions of the police or the courts but because of how the system operates. Providing an immediate emergency response to EM bail breaches is not feasible especially when the number of people subject to EM continues to grow (around 27,500 in September 2026) (MoJ, 2026c). EM bail conditions alone cannot ensure victim's safety.

The Ministry of Justice (2023) published an EM Court Bail protocol which sets out the procedure for managing EM bail breaches and which agencies are responsible for what tasks. It is not a comprehensive breach policy and does not provide guidance about when breaches should be investigated. EMS is required to report all alleged breaches to the police, except when curfew violations do not meet a 15-minute threshold. Defendants can accumulate 15 mins absence from curfews which accrue over curfew periods, that is a breach will be reported if they are one minute late for 15 curfew periods even if these are not consecutive. This 'policy' has recently changed from one which allowed defendants a total of 15 minutes leeway for each curfew period. The current practice is more restrictive and may partially account for the higher number of alleged breaches being recorded. It is also considerably shorter than the 'policy' for individuals serving sentences or who have been released from prison. These groups can accrue two hours of accumulated time violations (ATVs) before breaches are reported. Given that defendants are legally innocent, it seems perverse that a more restrictive breach policy applies to those on bail.

1.2 The legal framework for EM bail

The Bail Act 1976 provides the legal framework governing remand decisions. It states that defendants must be granted bail unless there are substantial grounds to believe a defendant would: i) fail to surrender to the court, ii) commit offences on bail, iii) interfere with witnesses or otherwise obstruct the course of justice, iv) commit an offence while on bail by engaging in conduct that would, or would be likely to, cause (a) physical or mental injury to an associated person; or (b) an associated person to fear physical or mental injury (Sch. 1, Pt

1, para. 2 and 2ZA). In addition, defendants need not be granted bail if, having previously been released on bail in, or in connection with, the proceedings, the defendant has been arrested for breaching bail conditions (Sch. 1, Pt .1, para. 6 Bail Act 1976). In considering whether these exceptions apply courts may consider the following factors: i) the nature and seriousness of the offence; ii) likely sentence; iii) strength of the evidence; iv) the character, antecedents, associations and community ties of the defendant; v) the defendant's bail history; and vi) any other relevant factors (Sch. 1, Pt. 1, para. 9).

The legal presumption is that bail is unconditional, although conditions may be imposed. Defendants may be required to abide by such requirements as appear *necessary* to secure that a defendant: i) surrenders to custody; ii) does not commit an offence on bail; iii) does not interfere with witnesses or obstruct the course of justice (s.6(3) Bail Act 1976). An electronic monitoring (EM) requirement (curfew or location monitoring) may be imposed to monitor any bail condition (s.6ZAB) when there is substantial grounds to believe that a defendant will i) fail to appear, ii) commit an offence on bail, or, iii) interference with witnesses or otherwise obstruct the course of justice (s.3AAB(4)). There must also be a *real prospect* of an immediate or suspended custodial sentence (s.3AAB), signalling EMs status as an alternative to custodial remand. In practice, bail conditions are imposed on a significant and increasing number of defendants who are bailed, thus becoming the norm rather than the exception that it once was (Hucklesby, 2024). This raises important questions about whether the necessity test is always met when EM bail conditions are imposed.

The Bail Act 1976 states that defendants who are on bail may be arrested without warrant by a police officer if they have reasonable grounds for believing that that person is likely to break any of their bail conditions or there are reasonable grounds for suspecting that that person has broken any of those conditions (s.7(3b) Bail Act 1976). Once arrested defendants must be brought as soon as practicable, and in any event within *24 hours after his arrest before a justice of the peace* and, brought before the court which granted bail (S.7(4) Bail Act 1976). The 24-hour limit does not apply on Christmas Day, Good Friday or any Sunday (s.7(3)). However, the time limits are much stricter in relation to breach of bail than for new offences under the Police and Criminal Evidence Act 1984. The case must be completed within 24 hours, that is a court must have made its remand decision (CPS, 2026). Therefore, the time limit does not only apply to the period spent in police custody but the time taken to get defendants to courts and for a remand hearing to take place.

When defendants appear having been arrested for breach of bail, courts must first decide if defendants have broken or are likely to break any bail condition and then reconsider whether they should be remanded on bail or in custody. It is, therefore, a two stage test. Courts have discretion about how to deal with these cases. The Bail Act states that courts *may* remand defendants in custody or grant bail subject to the same or to different conditions. Furthermore, if a court does not find that defendants have breached their conditions, they *must* release them on bail subject to the same conditions as originally imposed (s.7(5) Bail Act 1976). The decision-making process is as follows (*(R v Liverpool City Justices ex p DPP* (1993) QB 233)):

- The arresting officer must state the grounds for believing the defendant had broken or is likely to breach a condition of his bail;
- Defendants should have the opportunity to respond to the allegations; and,
- If the court is unable to decide on the opinions set out in s.7(5) Bail Act 1976 they *must* order the person to be released on bail on the same terms as were originally imposed.

Consequently, the evidence of the breach is a critical part of the decision-making process. If the evidence is missing, incorrect or weak courts cannot change the original remand decision.

Courts are also unable to remand defendants in custody as a result of a proven breach of bail if there is no real prospect that the person will be sentenced to an immediate custodial sentence (s.7(5A(d)) Bail Act 1976). Consequently, there is a group of defendants who will not be remanded in custody even when there is sufficient evidence that they have breached bail conditions.

1.3 EM bail statistics and research

No published data are available on the number of defendants granted bail with EM conditions by the courts. The only data available are published by HM Prison and Probation Service (HMPPS). These data show that on 30th September 2026, 9,060 defendants were being monitored on an EM bail order (MoJ, 2026c). In the year to September 2026, the number of defendants on EM bail has fluctuated between 8,400 and 9,600 and has constituently comprised around a third of people on EM (Table 1.1, MoJ, 2026c). In the year to September 2026, an average of 1,680 individuals per month commenced an EM bail order (Table 1.2, MoJ, 2026c).

The proportion of bail orders which are curfew monitoring, using radio-frequency (RF) equipment has been falling whilst location monitoring (GPS) is rising to become the predominant form of EM. At the end of June 2026, nearly two-thirds (64%, n=5,834) of EM bail conditions were location monitoring and they comprised over three fifths (62%, n=982) of new orders (MoJ, 2026c). In the context of compliance this proportion is significant because GPS equipment has a much shorter battery life and requires charging daily, whereas batteries in RF equipment normally last much longer (about two years) (Hucklesby and Holdsworth, 2016; Kerr et al., 2019). GPS equipment is also bigger and heavier and is subject to drift (when wearers' locations are misreported). Galistio et al. (2019) found non-charging of batteries accounted for over a third of non-compliance events in their evaluation of a GPS pilot. Consequently, GPS equipment results in a higher number of reports of non-compliance than RF equipment.

Very limited research has looked at compliance on EM bail in the UK or elsewhere. Some of Kerr et al. (2019) sample in their evaluation of a GPS pilot were on bail but they were not consistently identified in the report. This research uncovered a range of reasons for non-compliance including unintentional non-compliance, problems with charging equipment, defendants' frustrations with strict conditions, their practically and/or with wearing the tag. Research on compliance with EM when imposed as a requirement of a community order, demonstrated that most non-compliance was minor and unplanned (Hucklesby, 2009). It also found that there were a lot of violations *and* compliance was generally good. Galistio et al. (2019) also found relatively frequency reports of non-compliance events - an average of five per 100 monitored days for those on GPS monitored court bail. Research has also highlighted the relatively high number of 'technical' violations associated with EM relating primarily to equipment issues (Hucklesby and Holdsworth, 2016).

Research on compliance with bail conditions is also very scarce. One study from Australia found that most non-compliance was not deliberate (van Felius et al., 2025). It often resulted from defendants' circumstances and confusion, misunderstanding, practical difficulties and poor planning. Taken together the limited research which exists suggests that reported non-compliance is often not deliberate nor planned, raising issues about whether it would meet

thresholds required for courts to 'prove' breaches and/or for them to be deemed sufficiently serious to result in custodial remands. Hucklesby (2009) identified five main explanations for non-compliance with EM curfew conditions i) emergencies such as hospital visits; ii) unintentional non-compliance, for example arising from transport problems; iii) unplanned non-compliance, for example going to the corner shop for essential and non-essential items; iv) non-compliance because of concerns for individuals own safety, for example not opening the door to EM officers late at night; and, v) intentional non-compliance. Responding to non-compliance events requires investigation and assessments about defendants' intentions, that is culpability and the seriousness of the event(s) in terms of number, type, length and pattern of alleged breaches. Responses need to be appropriate and nuanced to foster voluntary compliance.

1.4 The research project

The research discussed in this report commenced in early Autumn 2025. It examined the management of EM bail breaches from the point at which they were received from EMS in two police forces. Shortly after the research started, HM Inspector of Constabulary, Fire and Rescue Services (HMICFRS) commenced an inspection of the police management of EM bail breaches in two forces. The report is part of the recently published Criminal Justice Joint Inspection report (CJJI, 2026). The findings of the Inspectorate and this research complement each other. Together they cover four of the 43 police forces in England and Wales providing a more comprehensive and detailed picture of how EM bail breaches are managed. Whilst some of the findings are similar, this research adds a more detailed picture of police decision-making than is provided by the HMICFRS findings. HMICFRS inspections focus on efficiency and effectiveness in keeping people safer therefore limiting their scope to address broader questions about how EM bail breaches should be managed legally and ethically (HMICFRS, 2026).

The research objectives were: i) to examine the number and type of breach notifications received by the police; ii) to examine the processes and procedures for managing breach notifications including inter-agency working and compare operational models; iii) to identify barriers and enablers to effective management of EM breaches; iv) to investigate breach outcomes and identify any patterns in defendants and/or case characteristics; v) to explore police views of current breach policies and practices and proposals for change; vi) to make evidence-based recommendations to improve national and local breach policies and practices. Some of these objectives could only be partially achieved because of a lack of available data.

The research was carried out in two police forces (hereafter Force A and Force 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 including when defendants were received into police custody following an arrest for breach of EM bail. This allowed decision-making processes to be mapped in detail. Two, 61 officers and staff were interviewed who were involved in managing and/or decision-making in relevant cases (34 in Force A and 27 in Force B). They were asked about their views and experiences of managing EM bail breach notifications and suggested improvements. Three, the original plan was to collect administrative data related to reported breaches of EM bail from when they were received to the end. However, this proved impossible because data were not recorded or was not retrievable. For example, Force A had no reliable way to retrieve breach notifications received from EMS, so keyword searches were used to identify 7,473 cases recorded on the incident recording system from 1st April 2021 and 31st March 2026. These

records could not be linked to the Force's case management system so cases could not be followed through the process. Arrest data from Force A were identified via keyword searches in custody records. A total of 830 cases from 1st January 2021 to 24th April 2026 were found. In addition, data relating to a cohort of 196 cases of untagged defendants from 1st January 2025 to 31st March 2026 were provided. In Force B, data include all cases sent to the force as recorded by the Central Breach Team. A total of 23,589 cases received by the force from 1st Jan 2022 to 31st March 2026. These records were linked to the Force's case management system providing valuable additional data. A total of 2,374 custody records from 1st January 2022 to 30th April 2026 relating to defendants arrested for breach of EM bail were provided. However, these cases could not be linked back to the original cases on the case management system so they are a standalone sample.

1.5 The structure of the report

The report is structured as follows: Chapter 2 examines the volume of breach notifications and arrests in the two police forces before describing the breach process in the forces. It demonstrates that the two forces had different approaches to managing EM breach notifications. Chapter 3 examines police decision-making. It identifies significant variations within and between the two forces in terms of the decision that were made and the criteria used. Chapter 4 examines officers' decisions to arrest, arresting process and the subsequent period spent in police detention drawing on interview and custody data provided by the two forces. Chapter 5 examines when decisions were made by the police highlighting when and why there is a significant gap between cases being received and resolved. Chapter 6 focusses on police decision-makers and addresses whether investigators are the appropriate officers to be making the decisions. Chapter 7 examines a range of issues relating to inter-force and multi-agency cooperation raised by the research findings including managing cases which originate in another force area and working with the courts and EMS. Chapter 8 summarises the findings and draws conclusions before setting out recommendations.

Chapter 2 The EM breach process

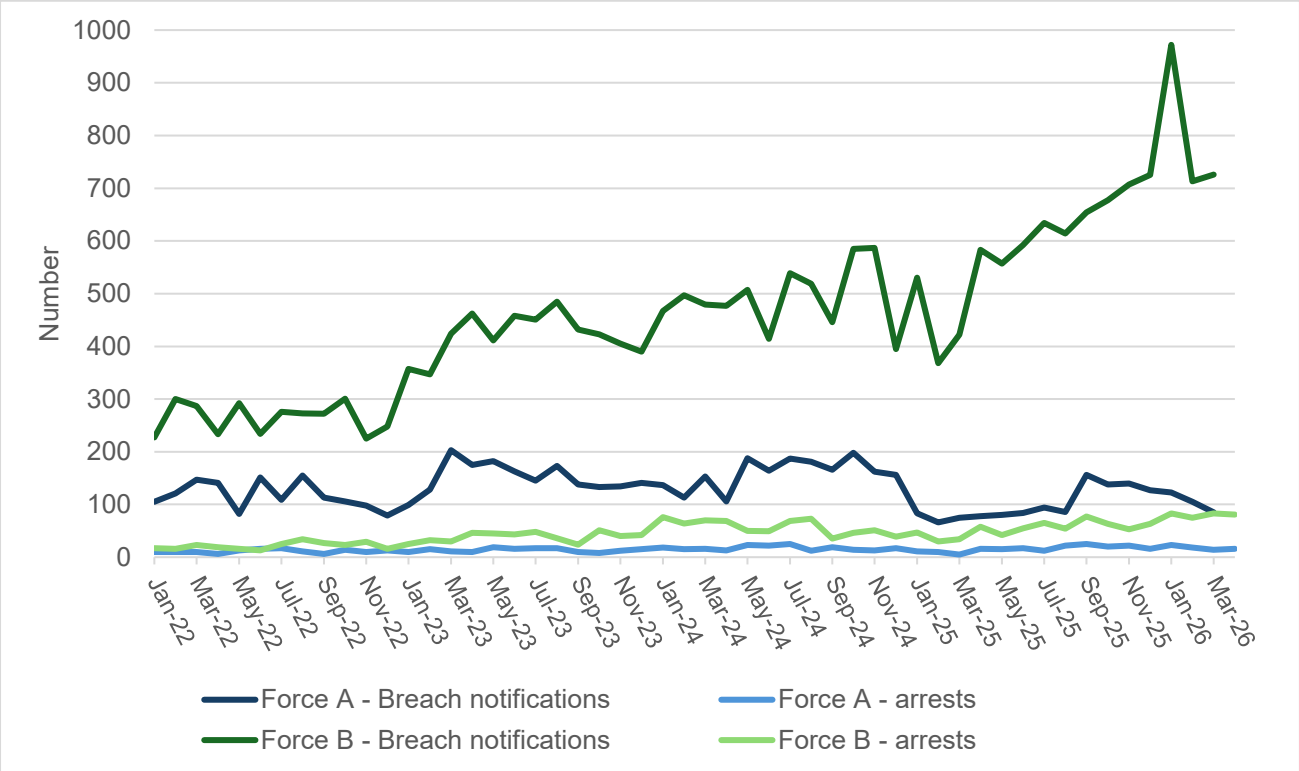
This chapter begins by providing details of the number of breach notifications and arrests each force received and the number of arrests. It then describes the process for dealing with breach notifications in both forces. Forces received breach notifications via e-mail from EMS. The e-mails were sent 24/7. The two forces had different procedures for dealing with cases once they were received from EMS.

2.1 Volumes of breach notifications and arrests

Figure 2.1 shows the number of breach notifications received in both forces and the number of arrests. There are some concerns about data accuracy which must be considered when interpreting these data. Force A had no consistent way of recording when breach notifications were received from EMS nor when arrests were made for EMS breaches. Data were retrieved using keyword searches, so it is possible that some cases were missed. Data in Force B is more reliable because all breach notifications received were recorded. All bail breaches were retrievable from custody records in Force B and keywords were used to identify those which were specifically for EM bail breaches.

Figure 2.1 shows that Force B had significantly higher volume of breaches that Force A which required a greater level of resources to process. It also demonstrates that the volume of notifications had risen in both forces in 2025 and 2026 and significantly in Force B. In the six months to the end of February 2026, Force A received 789 notifications, an average of 132 per month and Force B received 4448 notifications, an average of 741 per month. Even reducing the average of these volumes by half to take account of the higher number of smaller forces in England and Wales, it is possible to estimate that the 43 police forces receive around 8500 breach notifications a month and over 100,000 per year.

Figure 2.1 Volume of breach notifications and arrests



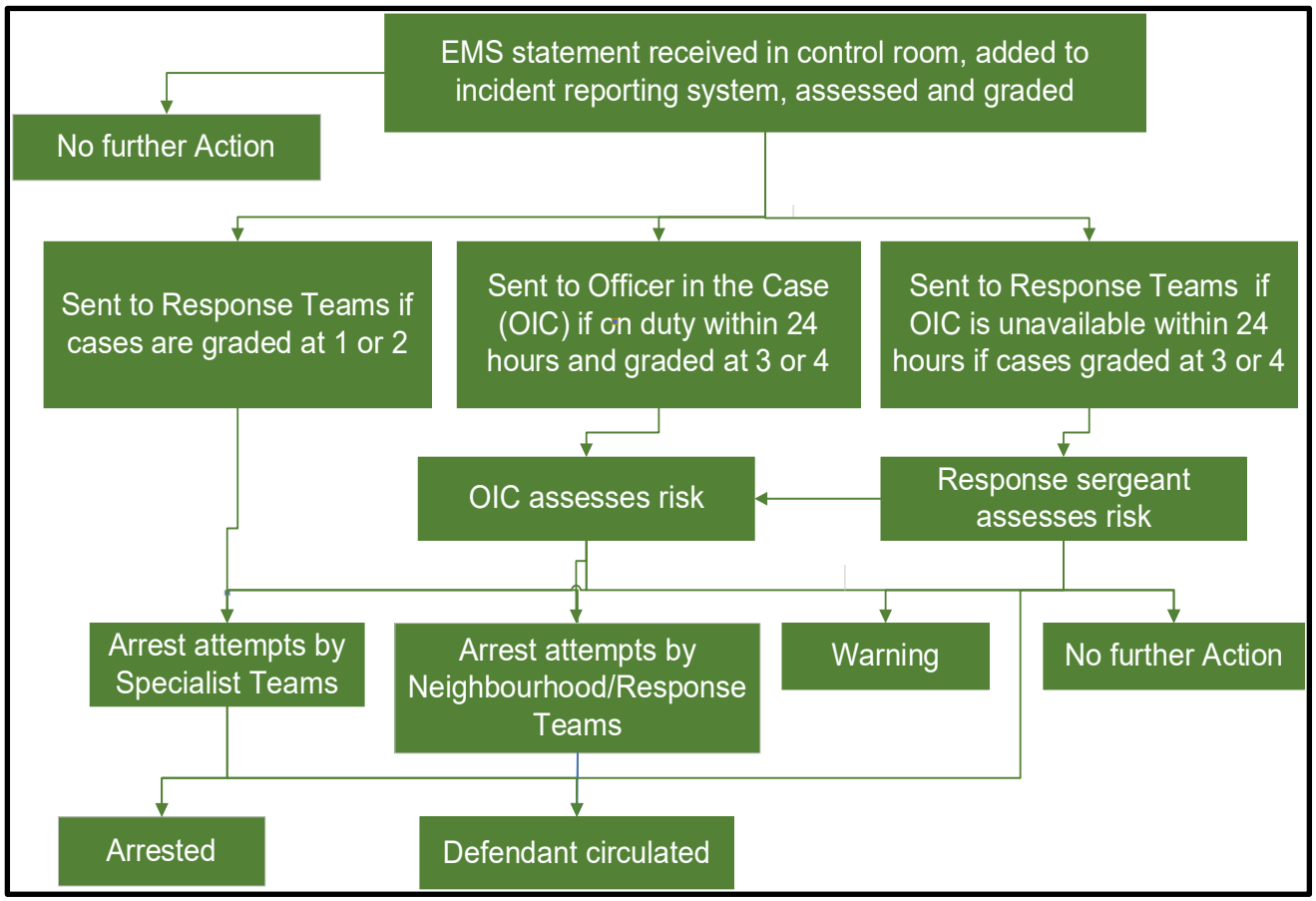
Arrests associated with EM bail breaches could only be identified from custody records using key word searches in Force A and it is possible that some were missed. Force B data are more reliable because they were more accurately identified on custody records. Figure 2.1 demonstrates that a small proportion of notifications resulted in arrests. The mean number of arrests in the six months to the end of March 2026 was 23 in Force A and 83 in Force B. As a proportion of notifications received, Force A arrested a slightly higher number of defendants (17%) compared to Force B (11%). Whereas the number of arrests has remained relatively static overtime in Force A, they rose during 2026 in Force B.

2.2 The EM breach Process

2.2.1 Force A

In Force A, EMS notifications arrived in the control room and were treated as crime incidents. This meant that police staff immediately added them to incident reporting IT system and allocated a risk grade of four. Grade four was the lowest grade and meant that they were 'non-attendance' incidents. Consequently, they were low on the list of priorities. The process in Force A is represented in Figure 2.2.

Figure 2.2 EMS bail breach process Force A



The incidents were forwarded to teams of sergeants in the control room tasked with triaging all incoming incidents across the force. Their grading meant that they appeared at the bottom of the list of incoming incidents. Sergeants dealt with them when they could because they were always trumped by those with higher grading. They were assessed using information

provided by the call handlers including the breach notification. The in-house intelligence team were utilised when additional information was needed. Sergeants reported different levels of use of this team. Once sufficient information was available, cases were reviewed and the initial risk score changed when necessary. The triaging process took around 10 to 20 minutes. One of the sergeants summarised their role:

> … we review it [the breach notification] with our intelligence analysts or our intelligence desk and then we make a decision whether it needs almost immediate action, or urgent action, or whether [it] gets delegated out for a more slow time approach. (A6)

The role and workload of these teams of four or five sergeants and an Inspector meant that the review necessarily had to be completed quickly. As one sergeant put it 'we don't have the liberty of time' because it was a pressured role, managing all the incoming incidents reported to the force. Consequently, they did not go into detail and the review usually involved checking all the relevant documents were present rather than studying the information they contained. This was explained by one of the sergeants:

> I will have that amount of jobs, the quantity of jobs that we have to review … so I'm skim reading a lot of this … it would be a case of, right, there's the map, there's the details of the breach, there's the supporting evidence, and there's the email chain. I've got all that, off you go. (A6)

However, their reviews were sufficiently detailed to sometimes identify when information was missing from breach notifications. In these circumstances, call handlers would be asked to contact EMS to provide the missing information.

Sergeants' decisions about the appropriate grading of incidents were largely based on the index offence:

> … we have a process map in the force … and it says about how we should assess them, what offences need to be escalated … if it's, obviously, it comes as a high, medium, or low and that's the decision that we make and that will depend on the offences. If it's a shoplifting with no violence that's going to be lower than what a violence breach would be. So, if their index offence is rape or sexual offences then that heightens the risk. If it's a shop theft with no violence, then that's going to lower the risk. (A6)

Offences involving identifiable victims, especially domestic abuse related cases, were graded higher because they raised safeguarding concerns. The jeopardy of missing high risk cases by using offences as the criterion to assess risk was identified by one of the sergeants:

> So sometimes when it's like a three year old case and it might be drug supply … whatever the breach is, you question if there's any risk there at that point. Where it could be a week-old breach of any type and there could be some very relevant risk but it's not necessarily clear just because of the type of offence. It could be a lower-level offence but actually the victim got lucky or whatever with the injuries sustained but there could be a lot of risk around it. (A7)

Other offending related factors also considered included offending history and whether they were managed offenders. Whether sergeants 'knew' the individual was also highlighted as a

factor. The type of breach was considered but it was not usually a significant factor in decisions.

High risk cases were tasked out for immediate response (grade one) or for a response within two hours (grade two). Grade two incidents were sent to response teams to arrest defendants. These teams were also sometimes sent grade three cases which were described as ‘not urgent’ (A2). Whilst only a small number of incidents were graded at one (n=11) or two (5%, n=388), the benefit of this process was that allowed immediate risk to be identified and action to be taken.

Most cases were graded four (56%) or three (39%) requiring no immediate response. An example of a grade four incidents was when ‘the OIC is back tomorrow and it’s a low-level offence’ (A8). Data were not available to enable an analysis of whether the risk score made a difference to when cases were dealt with. However, data identifying when cases were closed on the incident log does not indicate that the allocated risk grade was related to how long they remained live.

The Force’s process for dealing with cases graded three or below was supposed to ensure that they were dealt with expeditiously. These cases should only have been passed to the Officers in the Case (OICs) if they were on duty within 24 hours. However, investigation teams did not work overnight which left a gap in the timeliness of their response. When OICs were not on duty within 24 hours, cases were sent to response teams, with the expectation that they would be dealt with more quickly than if they waited until the OIC returned to work. But this process was identified as an area of risk with one interviewee suggesting that the difference in response between grade two and three jobs was ‘like night and day’ (A7). In reality, response teams were often too busy to deal with these cases, so they were sent back to OICs after a quick review.

OICs were responsible for managing arrests if they received breach notifications. Practices differed in terms of who carried out arrests. In some teams, arrests were done by investigation teams themselves whereas other teams asked response teams. How arrests were undertaken depended upon workloads, whether defendants were well known and the risks posed by them. Delays arose, however, because response teams prioritised arrests according to their own criteria rather than that of the OICs, and investigators’ leverage was limited.

If notifications were sent to a response team, the sergeant would review them and add the incident onto the force’s IT system as a crime using the ‘miscellaneous non-crime’ label if required. It was then allocated out for arrest. Sometimes response officers and OICs would decide to circulate defendants as wanted rather than attempt an immediate arrest if cases were assessed to be lower risk, mainly based on the type of offence. In these cases, arrest attempts would be made when resources allowed. Cases identified for immediate arrest would also be circulated if arrest attempts were unsuccessful.

The process differed for defendants who were ‘untagged’, that is when equipment had not been installed. This group had been identified as a priority so a team of police staff, line manged by a police sergeant, worked on these cases. However, the danger of this two-tier approach was that the benefits of immediate risk assessment were lost because these cases were viewed as the responsibility of the ‘untagged’ team and they were not assessed overnight or at weekends because the team worked Monday to Friday 7.00 to 15.00. Each team member worked on the untagged cohort one day a week and they regularly consulted

with each other. The task was new for the Team, and the processes were still being developed at the time of the interviews.

The 'untagged' teams' role was to decide if notifications were valid. They checked relevant systems (Police National Computer (PNC), Prisons Intelligence Notification System (PINS), Common Platform) and contacted EMS if necessary. Once they were satisfied that defendants were untagged, they added the case to the force's IT system and requested that the sergeant circulated the defendant on PNC. A bespoke category of 'breach of bail – untagged' – had been created to facilitate easy identification. The role of the sergeant was to check the team's work before circulating defendants as wanted on PNC. If defendants were subsequently arrested, the team closed cases. They also kept a record of their decisions in a separate Excel spreadsheet which was not visible to the rest of the force. Once cases were allocated to the 'untagged' team they were closed on the incidence log by the control room.

2.2.2 Force B

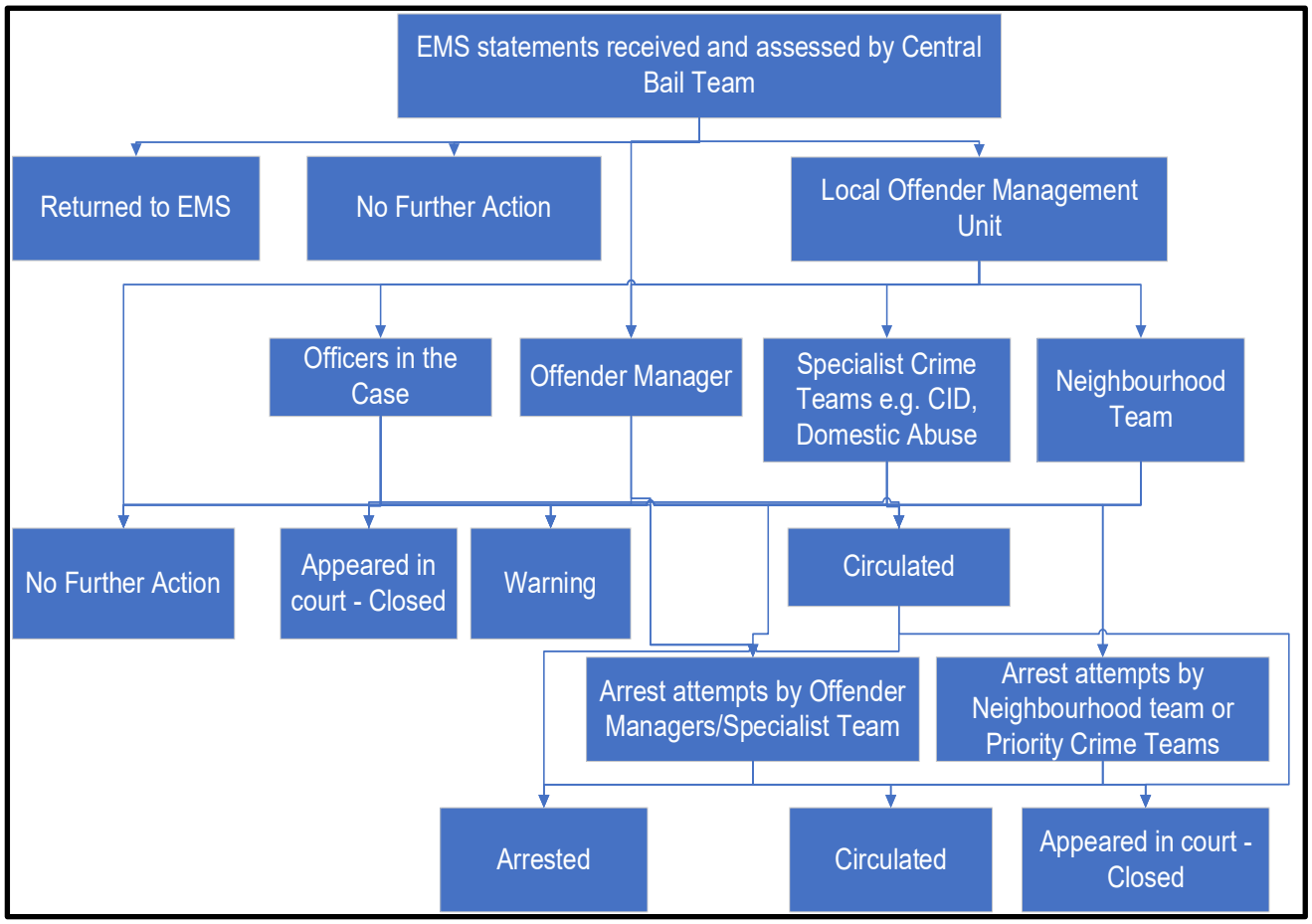
In Force B, EMS emails to Force B were sent to the inbox of the Central Breach Team (CBT). The team of three police staff supported by a police sergeant worked Monday to Friday from around 7.00 to 17.00 each day. Not everyone worked full-time so that full team only worked Tuesday to Thursday. Dealing with EMS breaches was currently their only task. Although the CBT had no regular meetings, they did consult each other daily about difficult cases and sought advice from their sergeant when necessary. One of the roles of the CBT's sergeant was to provide advice if team members were unsure about individual cases. The sergeant also reported that their role was to carry risk by taking no further action in marginal cases. The process for managing breach notifications is shown in Figure 2.3.

The CBT generally viewed dealing with breaches as an administrative task with the primary aim of removing cases from the inbox and to clear it before the end of the week (and ideally at the end of each day). This goal was being missed increasingly because of the volume of cases. The volume of cases meant that the team was 'firefighting every day' (B19).

Unlike in Force A, there was no system for identifying immediate risks posed by breach notifications. Most notably, e-mails from EMS were not accessed outside of the Team's working hours. They were assessed on the next working day or as soon as possible. Consequently, the earliest some breaches would be assessed was up to three days if a notification was received late on Friday and it was a bank holiday (see Chapter 5).

Cases were triaged by the CBT first thing in the morning and prioritised. Breach notifications relating to non-installations because defendants were not in or failed to make themselves available for installation or consent was withdrawn or monitoring was not possible were prioritised. These cases continued to take precedence if they arrived during the day. Notifications relating to GPS tags and serious offences (violence, domestic abuse and sexual offences) were next on the priority list. Other breaches including curfew breaches often waited until at least the next working day to be processed. The CBT reported that they tended to clear non-installation cases on the day they were received, although this was not always possible.

Figure 2.3 EMS bail breach process Force B



The CBT also kept a list of 'nominals' provided by Offender Managers which was checked in the morning and cases prioritised. Relevant officers were contacted if relevant breach notifications were received. Even if defendants did not appear on the list, some members of the team contacted offender managers to ask whether they wanted an arrest package created as explained by a CBT member:

> … if it's something quite low level [or something a bit concerning] … I generally contact the offender manager and say, right, Bob Smith breached last night what do you want us to do? Now, if it's a case that they're not engaging with offender management at all, invariably that's going to be, put it on as a task for arrest ... If it is the fact that they are engaging with offender management and it could just be that there's been something that's happened they've had a bit of a wobble, they will then go out and see that nominal and they'll make that decision when they go out and see them as to what they do with it. They do give warnings … So they don't always get generated as a task for arrest, but the offender managers should know about it so that they can then make their decisions as to their continuing management of that person. (B19)

It was reported that some of these discussions resulted in notifications being written off. The CBT also reported contacting EMS on behalf of Offender Managers to seek information about potential breaches when requested. A CBT member explained:

> … they'll know somebody, it's quite often they'll know someone who's been put on a tag. They'll check to make sure that they've been tagged and then they'll say we know or we have a strong belief he wasn't where he should have been, so have you got any breaches. And if you phone up EMS and they'll say yes and they'll get it through to us (B20)

This is the first point in the process when breach notifications for defendants who were already managed by Offender Management teams were prioritised (see below).

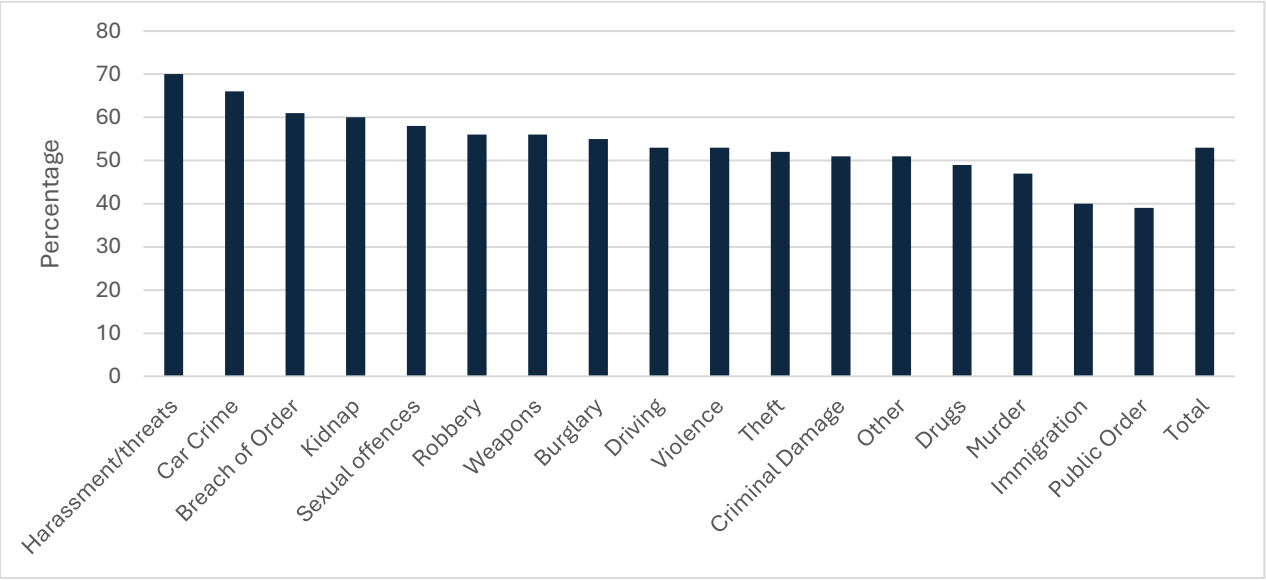
These practices raise legitimacy issues especially given that the defendants are presumed innocent. Similar issues were raised by the provision of a list of all those subject to EM in a forces' area. Several staff mentioned that these lists used to be provided and were very useful. However, the legitimacy of the police knowing that defendants are on EM bail to facilitate checking on their whereabouts is legally and ethically questionable. It is 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 (Recommendation one).

Triaging by the CBT usually involved a detailed examination of breach statements and available information sources including the force's IT system, PNC, PINS and Common Platform. Many issues with the quality of notifications were reported by the team and observed during time spent with team members. Notifications which were missing vital information were regularly returned to EMS or no further action was taken (see Table 3.1). In some cases, the CBT contacted EMS by telephone to verify information. Both the CBT and the Untagged team in Force A reported that cases which were returned to EMS took varying amounts of time to be sent back, with some reported to take weeks or months. Unlike the Untagged Team in Force A, the CBT did not monitor these cases. Instead, they were dealt with once they reappeared in the Team's inbox.

If breach notifications were assessed to be valid, decisions were made about whether breaches were sufficiently serious to progress or whether no further action would be taken. These decisions were based on 'rule of thumb' rather than any guidance. Most of the CBT took these decisions primarily based on the offence, equipment type and type and duration of the breach. Defendants who were monitored by GPS tags were viewed as more serious and nearly all of them were identified as valid (92 per cent, n=3532). If defendants were 'untagged', cases would always be progressed unless notifications were missing information. Cases involving violence offences were also prioritised, however, they were no less likely to end in no further action than other cases.

Figure 2.4 shows the proportion of cases that were actioned by the CBT according to the type of offence having removed NFA cases in which defendants were in police custody or in prison. It shows that the proportion of cases actioned varied by offence type from 70 per cent of harassment and threat offences to 39 per cent of public order offences. However, what is notable is the similarity across offence types with the majority hovering around the median of 53 per cent. This suggests that the type of offence was not always the defining factor in CBT decision-making despite suggestions that it was.

Figure 2.4 Proportion of cases in which action was instigated by Central Breach Team in Force B by offence type



When breaches were assessed to be valid an arrest package was created on the IT system and given a risk category based on the offence - whether it was violence-related and/or a GPS tag. However, this categorisation was ignored by staff at subsequent stages. The breach was created as a 'warrant' rather than as a non-crime. Apparently, this mode of recording was the only option available on the force's IT system but it is not legally a warrant. The 'warrants' label had ramifications for how breach notifications were managed later in the process. Recalls, other types of court warrants and wanted suspects also appeared in the warrants list which was described as lengthy. At the time of the research, the force was attempting to tackle the backlog of warrants. Most interviewees thought that other types of warrants took precedence over EM bail breaches. The label was also reported to 'confuse' officers. It is recommended that Force B categorise EM bail breaches as non-crime incidents rather than warrants (Recommendation two).

Once breaches were recorded, they were sent to the relevant Offender Management Unit (OMU) by e-mail.[1] They were allocated according to location of defendants' addresses. All cases were recorded on an Excel spreadsheet accessible to all the CBT to provide an audit trial and a count of the number of breach statements received. The Excel spreadsheet was not available to anyone outside of the CBT team.

The CBT worked with a backlog which meant that some cases were not triaged before the next court date. No further action would be taken in these cases. Delay in cases being passed onto the next stages in the process had been noted by some interviewees. They mentioned that it made taking positive action more difficult especially if no further breaches had been received in the intervening period.

2.2.2.1 Stage two: Offender Management Units

Each OMU had a 'warrants' list and EMS breaches appeared on it once uploaded by the CBT. Police staff located in OMUs across the force were responsible for the new stage of

[1] Areas were organised geographical.

processing EM bail breaches. Police staff further triaged cases and allocated them to the relevant OIC, Offender Manager, neighbourhood or arrest teams. These administrative staff were managed locally and each unit worked autonomously from each other. The primary focus of these staff was on 'managed' offenders rather than EMS breaches. Most areas had one or two staff who were responsible for EMS breaches. There were around eight staff in the largest area of the force, and a member of staff was responsible for dealing with warrants, and therefore EMS breaches, one day per week for the whole area. In this area, members of the team reportedly only dealt with warrants on their designated day so anything outstanding would wait until the following week. Only one OMU staff member reported receiving any training, only some were aware of any guidance on EM bail breaches and force-wide team meetings had stopped since Covid. Consequently, a lot of variably in practices was reported and observed.

OMU staff usually reviewed cases within 24 hours except at weekends when they did not work. In doing so they redid many of the checks already done by the CBT. Whilst this duplicated effort, it did uncover invalid breach notifications. They used the forces IT system, PNC and Common Platform to investigate cases and several mentioned using other systems such as the Force's Intelligence system. Most staff also used Google maps to better understand location breaches. In one area, staff described undertaking very detailed investigations into each case but notably the volume of cases was relatively small.

There was significant variably in the way OMUs dealt with EMS breaches which was linked by some interviewees to the volume of cases. One area had a considerably higher volume of cases than the other areas. It accounted for over half of the breach notifications received (51%, n=11,945). The other areas shared the remaining cases between them relatively equally, except one area that accounted for only three per cent (n=616) cases. Staffing in the areas largely reflected these different case volumes but the largest area did not have a proportionally higher number of staff. In this area the priority was to 'get rid' of warrants mainly because the number of outstanding warrants meant there was pressure to reduce them. However, EM bail breaches were not generally included in oversight mechanisms used to reduce the number of warrants resulting in them being of lower priority than all other warrants, including failure to appear and recalls.

Each area carried out their responsibilities in relation to EMS breaches differently. For some interviewees dealing with them was a priority and for others it was not. One interviewee explained: 'We don't really have much of an emphasis on it [EMS breaches], it's not really part of business as usual' (B5). Some police staff saw their role as purely administrative whilst others were decision-makers. Staff who worked in the same area tended to share a common understanding of their role except in the largest area where staff practices diverged. At the administrative end of the scale, staff allocated cases to OICs with very little further investigation. At its most basic, they described duplicating the checks carried out by the CBT and sending the information to OICs, specialist and/or neighbourhood teams via e-mails with information about breaches, the next court date and the EMS statement. This was usually done without checking when officers were next on duty. Sometimes, relevant team sergeants would be copied into the e-mails, but this was not routine practice. This role was described by one interviewee:

> … we just know we've got a lot, and we just have to allocate them and try and get updates on them as soon as possible … I'm just letting people know that there's a breach created … All I do is tell the OIC you've got a breach. (B5)

However, some interviewees who saw their role was purely administrative reported going beyond this. They described conversations with OICs where they discussed options and 'helped' officers. Whilst they were at pains to say that it remained the OICs' decision, it was clear that they presented them with a range of options other than arrest as discussed in the following quote:

> Sometimes they're [OICs) quite perplexed as to what they have to do with them … so I'll just explain to them this is what, you know, is required of you. Do you want to escalate it or are you happy to just write it off … then maybe have a conversation with the individual and say if you breach again, I will be arresting you, that might be your best … course [of action] … Just think about all this stuff before you want to … make somebody wanted. And you have those discussions and then they come to their own decision … Like, not that I could influence them, but just to say this is why it's happened and this is the alternative. You can do this, you can do that, but the decision does lie with …. the OIC … I just say about ringing them … telling them to come to a police station or telling them that if it continues [we'll arrest them] … unless you can tell me … this is what's going on, this is why you potentially could be breaching or is it a case of the conversations aren't working, we're just going to go straight to arrest. (B5)

OMU staff in other areas were more heavily involved in cases, although the extent of their involvement varied. Some phoned solicitors and/or defendants to find out if defendants had applied to vary their bail conditions and/or to get in touch with their client. They either prompted solicitors to apply to vary bail or found out that an application had already been made. Although a failed installation of equipment usually resulted in warrants being made live, some staff contacted EMS to ask that defendants be revisited because statements indicated that there may be a valid reason for non-compliance.

Staff in two OMUs described making decisions. They were the ones that decided to close cases, circulate defendants as wanted and allocate them out for arrest. They also tasked officers to warn defendants. One interviewee explained their approach:

> … we say to people, 'Go out and speak to these people and make sure we're aware of the breaches'. It depends on what the type of breach is, … we just say to the officers sometimes, 'Go out and speak to these people and just make them aware we are monitoring their breaches'. And if they continue to behave like that, then next time, we will arrest them. So, we do sort of- We give people a bit of a chance first, to sort of settle into their tagging system … If we're unsure of what it's for, we will always revert to sergeant (B6)

As this interviewee mentioned they regularly consulted sergeants in the co-located offender management team if they needed advice. In these teams, OICs were not contacted. The breach notifications were managed via offender management or neighbourhood teams.

All staff said they would close cases once defendants had been to court even if this was only for a variation of conditions and not a full hearing. Practices varied in relation to whether staff would close other cases on their own volition. Staff in several areas reported that no further action was taken when non-compliance was minor or breach notifications were inaccurate or out of date. In one area, the interviewee suggested that 70 per cent of cases were closed at this point in the process. They claimed to make many of the decisions themselves and sometimes involved their supervisor or offender managers with trickier ones. They did not

mention making any contact with OICs. At the other extreme, another interviewee said they would never close a case except when asked to do so by an OIC. These findings raise questions about whether it is appropriate for police staff rather than officers to make these decisions.

Generally, staff agreed that if a person was not available for installation, consent had been withdrawn or they had removed the tag they would be circulated for arrest. Exclusion zones were also mentioned by some but not all interviewees as leading to circulation for arrest. However, different decisions were made for other types of breaches. Time violations provide an example of the varied practices. Generally, interviewees agreed with the principle that the 'more time you're missing from a curfew, the more likely they are to be arrested' (B3) but the leeway given to defendants ranged from a few minutes to half an hour and depended on factors such as the pattern of breaches, whether they contacted EMS and so on. Similarly, whether defendants were warned when decisions were made to take no further action depended on the staff member.

Most staff suggested that the type of offence was important to their decision-making. Domestic abuse (DA) was prioritised over all other offence types because it was a priority for the force. It resulted in different procedures in some areas. One interviewee stated that they phoned rather than e-mailed OICs in these cases whilst others allocated them to OICs or neighbourhood teams with a DA marker. They were generally prioritised for arrest attempts.

Where staff were located influenced how they carried out their role. All staff were situated within offender management teams and this meant that EM was viewed across the force as an offender management function. Some staff were more closely embedded with these teams than others. Several of these staff were ex-police officers and/or retired offender managers. This influenced the way in which they worked and their decision-making. Generally, there was a clear distinction in treatment between managed 'offenders', that is well known usually prolific or serious offenders and unmanaged defendants. When defendants were managed, the police officers who managed them would be the ones alerted to breaches, sometimes instead of the OIC and sometimes as well as them. Even when cases were sent to OICs, they reported that offender managers took the lead in decision-making. An interviewee explained how defendants who were managed were dealt with differently:

> They are done differently, in that we usually let the offender managers … who are working with them day in day out make the decision on that. Because they will liaise with the OIC if necessary and they will do that. (B8)

Another staff member made a similar point contrasting the treatment of managed and unmanaged defendants and made it clear that cases 'belonged' to the offender management team:

> … if they're priority offenders, and we're managing them, then they will definitely get some extra effort thrown into them, I would say. From the officers, definitely … if *we're* managing, their own officers will go out and speak to them. But if they're not managed, they'll go out to the neighbourhood teams. So, then it's down to the neighbourhood supervision and officers, how quickly they try those and try for an arrest because … they've got different priorities. (B6)

A key decision-making criterion in these cases was their level of engagement with the wider offender management programme. An interviewee explained how well the team know 'our'

managed nominals '… we know them and we've probably seen them, spoken to them two days before [the breach] …'. The positioning of EMS breaches in offender management teams resulted in decisions prioritising pro-active management and arrests for defendants who were currently managed. It also meant that some defendants were more likely to receive a warning because they were reportedly engaging with the wider offender management programme. This resulted in decisions based on who the defendant was rather than the nature of the breach or the seriousness of the alleged offence for which they were currently on bail.

Co-location facilitated consultation with offender managers because they could discuss cases in person. If arrests were deemed to be necessary, offender management teams often did them, resulting in quicker arrests. An interviewee provided an example of how this worked:

> We've actually had somebody arrested this morning who was given conditions by the court not to go within a mile of his home address, and he's breached it four times in four days. So, officers have been out and arrested him this morning and he's back in custody on route to court. (B2)

One downside was that several officers outside of offender management suggested that EMS was not something they did because it was an offender management responsibility, despite having EMS breaches on their workloads (B28). By contrast, in Force A, OICs tended to be the decision-makers.

Cases which involved 'unmanaged' cases were generally sent to OICs who were responsible for decisions about whether to circulate defendants as wanted or request an arrest from neighbourhood teams. Staff reported pushing OICs for updates which would then allow them to close cases but usually these were not forthcoming. One interviewee explained the difference in treatment of managed and unmanaged defendants:

> If I'm completely honest, what's happening normally at the moment is a great deal of nothing … except that we allocate them out to people, and I can't tell you what's happening after that because there's no updates on the system, no decisions being made, no action being taken … Nothing's happening … I think if they're going to, if they're a managed nominal they go to a regulated manager, as in OM [offender manager] something will happen. If they're going to a neighbourhood sergeant and allocated out to a staff officer in the neighbourhood, lap of the gods whether something happens. If it's going to an OIC, again, it's maybe 50:50 if I'm being generous whether something happens or not. Most of the time not … it's at the bottom of the pile (B3)

One area allocated cases not involving managed offenders according to a risk score they calculated. High risk cases including domestic abuse went to the priority crime team so they could be arrested quickly. Medium and low risk cases were allocated to neighbourhood teams.

Most staff reported that they had variable responses from OICs. One interviewee explained when asked if OICs got back to them:

> No. No, they don't. Some are really good … Some will ring you as soon as like you've sent it [the e-mail] because they're quite scared and they don't know what they need to do with it and some don't respond. (B5)

However, it was uncertain whether this always meant that OICs had not reviewed cases because they did not always update staff. An interviewee explained:

> Yeah. Well, they're not telling us what they're doing, because sometimes you'll speak to them and they'll be like oh, I've done this, I've done this. I'm like well, if it's not been updated on the court warrant then how do I know that you've done anything? So that's why we always kind of say, even if you can't get back to us, update the Connect record so at least we know something's been done with it. (B5)

When nothing was done, cases sat on the warrants list until the next court appearance. OMU staff audited cases and closed warrants when court dates had passed and removed cases from PNC reportedly to avoid defendants being unlawfully arrested. As one interviewee explained:

> … once they've gone back to court the breach is void anyway so we can't do anything with an EMS breach once they've gone back to court (B14)

This process itself disincentivises officers dealing with cases because they will always disappear from their workloads. This distinguishes them from other warrants which remain live until individuals are apprehended. Doing nothing with EMS breaches was an effective mechanism for managing workloads. The situation did not arise in Force A where cases remained live until proactive decisions were taken.

2.3 Summary

The different approaches to managing breach notifications taken by the two forces is represented in Table 2.1. Force A's approach is represented by a conveyor belt. The process is largely managed by police officers. The rationale underpinning the process is policing goals in which notifications are treated as non-crime incidents and rapidly risk assessed. It assumes breach notifications are valid and that all defendants should be arrested giving officers little discretion. An interviewee summarised this approach:

> … as a decision maker, it would have to be something quite strong and tangible that, for a reason for us not to be arresting. Ultimately, they've been given these conditions by court for something that they've been charged for ultimately so we should be arresting, that should be the default, they should be arrested. The priority … that can sort of fluctuate a little bit, but the default is that they should be arrested. And there should be some serious rationale as to why someone is not being arrested for a breach ... (A17)

By contrast, Force B is represented by an obstacle course. Rhetorically they were committed to arresting defendants for EM breaches but in practice EM breaches were generally not prioritised. The process was administrative and largely managed by police staff with officers taking some but not all decisions. There was no mechanism for rapid risk assessment. Breach notifications were thoroughly and critically assessed and no further action was taken in a high proportion of cases. Staff and officers were given wide discretion to discontinue cases. The whole process was managed via e-mails, Excel spreadsheets and the warrant module on the force's IT system.

Table 2.1 Comparison of approaches Forces A and B

	Force A	Force B
Model	Conveyer belt	Obstacle course
Rationale	Policing goals	Administrative
Approach	Rapid risk identification	Thoroughness
Label	Non-Crime incident	Warrant
Approach to EMS statements	Gospel	Critically assessed
Primary decision-making criteria	Offence type	Defendant's past behaviour, EM type, offence type and breach type
Police discretion	Narrow	Wide
Offender management involvement	Low	High

The differences between the two forces may be explained partly by the volume of breaches each force received. However, nearly all interviewed officers suggested that they did not have a high number of EMS breaches to deal with at any one time. The general view was that most defendants complied, and this explained the relatively low numbers of breach notifications. It was also explained by the CBT and OMU staff in Force B filtering out cases, reducing the numbers reaching officers significantly.

The variable practices resulted in differential outcomes for defendants depending on where they happen to reside which is discussed in more detail in chapter 3.

Chapter 3 Decision-making

This chapter examines the decisions made by the police in cases of alleged breaches of EM bail and on what criteria. It identifies significant variations within and between the two forces which results in responses to breach notifications being based on a range of factors which are not always linked to the severity of the non-compliance. It therefore suggests a partial disjuncture between the factors considered by the police, which tended to be based on who individuals were rather than that what they had done, that is the nature of the breach. Unfortunately, quantitative data relating to potentially influential factors in police decision-making including previous convictions, risk markers and so on were not available. Consequently, this chapter provides only an indication about the criteria used by the police to make decisions.

3.1 Initial decisions on breach notifications

This section focusses on decisions taken when notifications were received from EMS. The data from the two forces presented in Table 3.1. Data are not directly comparable because the timing of when the data were recorded differed. Force A's data were recorded on the Incident log when it was closed. Over half of the data are missing so findings must be read with this in mind. Force B's data were the outcome recorded by the CBT at the point they finished working on cases and hence were not always the final decision. This is also the point that outcomes were sent to EMS. Consequently, the 'outcomes' EMS received from this force relate only to initial decisions. Force A had no consistent way of reporting outcomes to EMS hence the high proportion of missing data (23%). Any data received by EMS were therefore incomplete, inaccurate and misrepresented eventual outcomes. It is, therefore, recommended that outcome reporting to EMS by police forces is suspended until a comprehensive and systematic data collection process is created (Recommendation three).

Table 3.1 provides details of the proportion of cases in which the police decided that notifications required action and those where they decided to take no further action. It shows that half (51%, n=12,089) of all cases ended in no further action. This suggests that number of breach notifications sent to the police could be reduced significantly. It also demonstrates considerable differences in the two forces: a fifth (22%) of breach notifications in Force A and over half (56%) of notifications in Force B ended with no further action at the initial triaging stage, exemplifying the different approaches to EM bail breaches discussed in Chapter 2. It also underlines the differential treatment received by defendants because outcomes varied depending on where defendants lived. Data also suggest that a high number of notifications were deemed to be invalid. These issues are explored in the remainder of this section.

Data from both forces show a significant number of cases (6% in Force A and 15% in Force B) in which notifications were explained by defendants being detained in police custody. These notifications could be avoided by better communication between the police and EMS. Interviewees reported almost never contacting EMS to inform them that defendants wearing tags had been arrested.[2] This was because the guidance they had received related only to when tags should be removed. It stated that tags should not be removed unless they posed a risk to detainees and only when they were removed should EMS be informed. Most tags were not removed. Similar issues arose when the police moved defendants to new addresses for their own safety. Again, EMS was not routinely informed.

[2] This included cases when people were subject to recall to prison.

Table 3.1 Outcomes recorded on Incident Log (Force A) and by Central Breach Team (Force B)

	Force A	Force A	Force B	Force B	Total	Total
	N	%	N	%	N	%
Total actioned	**2078**	**62**	**9083**	**44**	**11161**	**47**
• Sent to OIC/supervisor	731	22				
• Added to IT system/sent to OM Units	291	9	9083	44		
• Added to existing IT record	702	21				
• Circulated	230	7				
• Arrested	106	3				
• Arrest attempts	18	>1				
Total no further action (NFA)	**741**	**22**	**11348**	**56**	**12089**	**51**
• In police custody	199	6	1724	15	1923	16
• In prison	95	3	827	7	922	8
• In court	4	>1	2536	22	2540	21
• In hospital	13	>1	372	3	385	3
• Notification returned to EMS	196	6	3577	32	3773	31
• Proactive decision	4	>1	3029	27	3033	25
• Other	230	7	283	2	513	4
Out of force	551	16			551	2
Other	6	>1			6	>1
Total	3376	100	20431	100	23807	100
Missing	4097	45	3112[3]	13	7209	23

Table 3.1 shows that a tenth of notifications related to defendants were in prison at the time of the non-compliance event. Better communication between the police and prison service and EMS would reduce the number of these breach notifications. It is recommended that 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 (Recommendation four). Giving EMS access to PINS is another option to reduce the number of notifications generated because defendants are in prison, although this would involve additional tasks for EMS.

In Force B over a fifth of cases (22%) notifications were found to be invalid either because they had been superseded by court hearings, cases had been finalised or conditions varied or removed. Delayed communication between courts and EMS was identified in both forces as a significant cause of invalid notifications (see Chapter 7).

[3] Cases were classified as missing in Force B if no outcome was recorded by the Central Breach Team and the case could not be matched with an IT record. It is likely that these cases were 'actioned', that is added to the IT system and sent to the local offender management teams, but they are recorded as missing because there is no record of it.

In Force B a third (32%) of notifications were returned to EMS because there were irregularities in the information provided, raising questions about their quality and accuracy. This issue is discussed in chapter 7 suffice to say here that without these details being correct cases are evidentially weak, custody officers are likely to refuse detention if defendants are arrested (see below) and the police risk accusations of unlawful arrests.

Cases involving the non-installation of GPS equipment when no curfew was in place were also returned in Force B because defendants were not required to be at the property and EMS had not made an appointment. An interviewee explained:

> If they're going out to do an equipment check and they haven't got a curfew, if they haven't made an appointment … if they haven't got a curfew, the fact that they've gone round to do an equipment check and haven't bothered to contact them it's like, well, we can't actually do anything about it because they don't have a curfew, they don't need to be here. (B19)

Problems with notifications were also seen during observations in Force A, but they were generally not picked up by officers in the control room potentially explaining the lower number of notifications returned to EMS. Most officers in Force A tended to treat the statements as 'gospel'. They also were much more likely to report that they were completed to a good standard. Nevertheless, problems with the statements were still recorded in six per cent of cases and frequently reported during interviews. For example, one OIC recounted a case when they took no further action because their enquiries revealed inaccuracies in notifications. They also highlighted how a culture of mistrust in the accuracy of the notifications resulted in additional work for officers:

> I will say that I'm often quite I will check that [the statement] before any action is taken, because sometimes in the past … I have found irregularities in the report which we then don't act on … it's been enough for me to check, and we have found irregularities and a breach that isn't actually a breach. (A16)

In Force A, several OICs and response officers also recounted examples of invalid breach notifications because defendants were in police custody suggesting that the checks made in the control room were not always thorough. These examples highlight the additional work created for officers and the courts because officers in the control room took EMS notifications at face value. It is likely that some defendants were arrested unnecessarily given that significant number of notifications were assessed to be inaccurate in Force B. If such cases reach court, the Crown Prosecution Service (CPS) and/or the court are unlikely to treat the breach as valid, potentially providing one explanation of why courts were reported to take no action (see Chapter 4).

The Untagged Team in Force A also reported identifying a higher proportion of inaccurate breach notifications than data presented in Table 3.1 suggest. Consequently, the differential number of valid breach notifications between the forces may be explained by the way the process was organised. One advantage of central teams is that they have specialist knowledge of the quality threshold for notifications and have the time to weed out those that do not meet it at an early stage. However, the issue would be better resolved by an improved system to quality check notifications before EMS send them to police forces. It is recommended that EMS puts robust measures in place to improve the accuracy of breach notifications and they are audited regularly by HMPPS (Recommendation five).

3.2 Proactive decisions to take no further action

Table 3.1 shows that proactive decisions resulted in no further action in a quarter (25%, n=3033) of cases across the two forces. Significant differences in approach to triaging cases were evident between forces. Force A took no further action proactively in only four per cent of cases compared with over a quarter (27%, n=3029) of cases in Force B. These differences reflect their different approaches to triaging cases. In Force A, cases were rarely closed by the control room. Its role was to assess whether there was an immediate risk of harm rather than assess breach notifications or close cases. Even when it was clear that no further action would be taken later, they were not closed at this point. An example was given by one sergeant:

> I think for me, if it's 16 minutes and they've spoken to EMS and said really sorry, car broke down or something and they've given an explanation, we would probably look at that and say actually the OIC can make a decision on that. (A8)

The control room would only close cases when it is was evident that breaches were invalid because defendants were in police custody or in prison. Other interviewees suggested that they also missed some of these cases (see below). All other incidents would be graded and passed onto OICs or neighbourhood/response teams. This was the first stage when cases could have been closed but it was decided not to.

By contrast, the CBT in Force B closed a much higher number of notifications based on offender managers' recommendations or because breaches were low level including short time violations, short battery breaches, short periods in exclusion zones, skirting the edge of exclusion zones, travelling through exclusion zones and not being sufficiently near victims' addresses within exclusion zones. However, these low-level breaches would be progressed if there was already a warrant on the system, allowing patterns of breaches to be visible to decision-makers later in the process. Although there were some common practices amongst the CBT team, a lack of guidance left room for them to exercise their discretion differentially.

Interviewees who were responsible for cases once they left the control room in Force A indicated that they rarely decided to take no further action. The default position was to arrest all defendants. By contrast, decisions to take no further action in Force B were also taken later in the process by OICs, Offender Manager and specialist teams. These decisions were usually based on extenuating circumstances such as road closures and diverted buses or the nature and length of the breach including factors such as skirting exclusion zones, being well away from victims' addresses and/or in the zones for short periods and short time violations. An interviewee explained these factors at the same time making it clear that any decisions to discontinue cases would be taken in the context of intelligence about their current offending:

> No further offending, intelligence to suggest that they're not currently active in crime, where it feels like a genuine mistake, timings, … like if they were five minutes late or 20 minutes late and they'd missed the bus or whatever it was, then I think I would be swayed to give them the benefit of the doubt in those circumstances as opposed to you've got to be in between seven and seven and they didn't get back until 1am. I think the sort of time difference would be a big factor as well for me … it depends on the other factors. It wouldn't just be they breached by this amount of time and we've made this decision. It'd be taking in all the information, the intelligence and making a balanced decision. (B4)

Another interviewee explained how they interpreted exclusion zone breaches highlighting the importance of the proximity to the victim's address:

> Some of them are location breaches and I've had it where someone is excluded, literally, from a map this big, like, humongous … and I've checked where the victim of that offence lives and they live right at the bottom of the map and the offender's gone across the top. When you map it, it's like a motorway … So, he's just gone up through the top. And to me, I wouldn't take action on that … because it's a humongous area and you can see he's literally just gone straight … He hasn't diverted anywhere near where this person is. It's, like, on a motorway that they've gone across. (B30)

In Force B other factors that led to no further action were valid and verifiable reasons provided by defendants related to employment, health appointments or being in hospital, visiting solicitors and so on. By contrast, interviewees in Force A generally suggested that these decisions were not theirs to make and would still arrest defendants, underlining the 'arrest culture' of the force.

Breach notifications that were closed were generally not communicated to the CPS nor the courts so they would be unaware of the alleged breach. Similarly, they would not be considered if further breaches were uncovered. Defendants also usually remained unaware that non-compliance had been detected diminishing the deterrent value of EM, reducing confidence in equipment, adding to myths about breaches being undetectable and/or unmanaged. All of which are likely to decrease rather than increase defendants' future compliance and potentially damage the credibility of EM for victims and the public (Hucklesby, 2009; 2013).

In both forces some officers contacted defendants to warn them whilst others communicated via solicitors, parent or guardians. It was more likely that defendants would be contacted if teams had on-going relationships with them either because they were managed offenders or because the nature of their offence. An officer from a Rape and Serious Sexual Offence (RASSO) team explained when asked if they contacted defendants:

> Not always, because some defendants, if they just don't like police, and the sight or contact from police in general would agitate them, … it would probably cause a much bigger risk to the public if it was to say, antagonise them … I've always told them … I've told their solicitor and I've told the defendant … because we keep in contact with them anyway … so it would, we'd kind of, have a bit of a chat as to, you know you're not supposed to do this, we've seen that you've done this, for example, nothing's going to happen on this case, on this occasion, but for the future, X, Y and Z. So, in here, yeah, I'd tell them, I would. (A22)

Another interviewee brought up a similar point about it being a finely balance decision because speaking with defendants may aggravate the situation:

> If they're going to remain in the community and we want to sort of let them know that we know that they've breached and we will be closely monitoring, sometimes that's an effective tactic to get them to start toeing the line with their bail conditions. Other times, it can aggravate the situation. (B4)

It is recommended that 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 (Recommendation six). The purpose of these 'warnings' is to improve defendants' compliance and bolster the credibility of EM by indicating that equipment is functioning correctly and breach notifications are reviewed.

The forces also differed in relation to the criteria used to make decisions and who makes decisions which are examined in the following sections.

3.3 Decision-making criteria for breach notifications deemed to be valid

It will be already apparent that decisions about how to deal with cases were made on a range of criteria resulting in variably within and across forces. The guiding principle for decision-making in Force A was the index offence which was set out in the Force's flowchart developed to manage EM bail breaches. By contrast, Force B had no policy or guidance. In this force, a broad set of criteria were used including offence type, the type and duration of breaches, type of EM (RF/GPS) and defendant's past behaviour – primarily whether they were managed offenders. Different criteria took priority depending on who was making decisions because officers working in different teams had different priorities. The absence of a national breach policies/guidance and any guidance in Force B resulted in a vacuum allowing staff and officers wide discretion. It is, therefore, recommended that a national EM breach policy is developed by the Ministry of Justice and that the National Police Chief's Council/College of Policing and police forces publish guidance setting out legitimate decision-making criteria and their relative priorities (Recommendation seven).

Figure 3.1 Decision-making factors



Figure 3.1 shows the range of factors mentioned during the interviews and observations in both forces. Of note was the primacy of offence and offending related factors. Whilst most of the factors in Figure 3.1 could be viewed as legitimate several are worthy of note. Only two interviewees mentioned concerns about defendants absconding suggesting that EM was firmly viewed as a tool to manage offending and risks to victims. It was not clear on what basis the type of court was relevant given that nearly all cases, however serious, start in the

magistrates' court. It is also of concern that some interviewees made assessments about whether the EM conditions imposed by courts were feasible.

3.4 Offence type and offending history

The index offence primarily dictated whether defendants would be arrested. Nearly all interviewees in domestic abuse and RASSO teams thought that any breaches should be returned to court, regardless of the severity of the breach. This seemed to hold for all cases, but some interviewees mentioned factors which might mitigate breaches. An interviewee from a public protection unit explained:

> .. it was someone who's a sex offender … who's on bail for another sexual offence and he's breached his bail … [the] only alternative is to arrest the person, because to me that is something that needs to be addressed and arrested. However, if someone's breached their bail conditions by getting home five minutes late, and it was a first kind of, breach of that curfew and they've been on a court, on a tag for six months, or six weeks and it's only one, five minute breach … my mindset would probably be a little bit different. (B22)

Whilst the type and seriousness of offences were predominant factors in decision-making in Force B, prolific 'offenders' were also more likely to targeted for arrest. This was explained by one interviewee:

> … we look at it with prolific people, and then generally they are prolific if, if they're given an EMS tag, you know, they will be arrested … We will just, we'll enforce the warrant, we'll lock them up, we'll take them to court and then from our point of view then it's then up to the courts to decide what they do. (B26)

Because these individuals were also likely to be managed offenders, decisions were often taken by Offender Managers rather than OICs in Force B. This could result in a mismatch in views. Sometimes Offender Managers insisted on arresting defendants and other times they did not. An offender manager explained:

> … obviously we'd then be notified of it [the breach]. So, although I think the actual responsibility of it sits with the OIC, obviously because we are managing them, we'd obviously take an active interest in that. And probably liaise with the OIC to, you know, and, and more often than not … we would rather do the arrest … because sometimes it sort of helps with rapport and stuff like that, you know, especially if it's a familiar face rather than them just having their door hoofed off at 5 o'clock in the morning. And I'm not saying like we'd do it by appointment … you might be able to make arrangements for them to hand themselves into you. But then others, you know, we'd just turn up and they'd sort of be more sort of understanding. And you'd have a better reception with them shall we say. (B33)

Some offender managers worked differently suggesting that they would go and speak to the defendant to learn more about the circumstances of the breach and maybe warn them rather than arresting them. One explained:

> … if you've got an offender that has been out, he's a few minutes late back on an evening … I would probably go and speak to that person first and see what their explanation for being seven minutes late back is. If they went, 'Yeah look, I missed

> the bus. Here's my bus ticket, the bus was running late' then that's slightly different, isn't it? … if they can produce evidence that they'd got on the bus at 9 o'clock and it wasn't running late and they were 10 minutes late back then yeah, I would probably go well on this occasion … it's not intentional … If you know that isn't an intentional breach and you know that isn't someone's fault … you know there are extenuating circumstances, you've got to be human beings about it somewhere. (B24).

3.5 Victims' safety

Protecting victims was not mentioned as a factor in decision-making by all interviewees. It was mentioned mostly by those working on domestic abuse and RASSO teams but less so in other violence-related cases. Nearly everyone said that in these cases, arrest was the only option. However, for some interviewees decisions varied depending the proximity of the alleged breach to the victim's address as explained by one interviewee:

> … a breach is a breach, isn't it? But being home 10 minutes late is obviously a bit different to actually going into an exclusion area that they're not meant to be in and actually going up to a victim that they're not meant to see. (B23)

A member of a domestic abuse team made a similar point:

> … so if it comes in … [and] We saw it was a location breach. It was on her [the victim's] road. So with that, that to me, no brainer. He has to come in because he was on Crown Court bail for a stalking offence. (B31)

Diverse attitudes were uncovered in terms of whether victims should be informed about alleged breaches. Some officers, mainly in domestic abuse and RASSO teams, said that they would speak to victims. This was usually to ensure that they were safe, but the motivation of other officers was to find out if victims had corroborating evidence. Many other interviewees stated that they would not involve victims because it risked increasing their anxiety.

Whether victims should be contacted when breach notifications are received is a contested issue. The Victim's Code is silent on this specific issue unless defendants are arrested and appear in court (MoJ, 2025). Right six requires the police to update victims if *police* bail conditions are removed or changed and Right eight provides victims with the right to be updated after any bail hearing, including any relevant bail conditions, changes to conditions and the reasons why they have been changed. Consequently, the Victim's Code does not require victims to be updated unless defendants are arrested and appear in court. This is legally correct because breaches are unproven until a court decision is made. Requiring the police to update victims earlier maybe premature because the notifications may be invalid. It also risks unnecessarily raising anxiety and expectations that defendants will be arrested and remanded in custody as well as responsiblising victims to protect themselves. These concerns need to be considered alongside the need to ensure victims safety. Notably, only one interviewee indicated that they would visit victims immediately to ensure that they were safe. The priority for officers who perceived an immediate risk to victims was to arrest defendants.

3.6 Breach type

There was general agreement about which types of breaches were more serious. Cases where equipment was not installed or defendants had removed their tags were viewed as the most serious and were prioritised for arrest. An officer explained:

> I'd probably say the worst breach is when the EMS company come to the property and they're not in or they refuse to open the door or they don't make themselves available because then we have no monitoring them at all or when someone cuts a tag off, that can be more serious because then we have no monitoring … When it's stuff like they were late for five minutes going back to their home address … at least we know they've still got the tag on them. So, [it] is more of a minor offence … we'd be jumping on that straight away because if we can't monitor him, we have no idea where he is … Whereas at least obviously by having him monitored, we have a bit more understanding of what he's doing and what he's up to. (B10)

Interviewees' views illustrate the importance of defendants' culpability to decision-making. For this reason, most interviewees viewed equipment removal as extremely serious, irrespective of the original offence, even though these breaches were relatively rare. This was explained by the same interviewee:

> If they've cut the tag off then, for me, then my decision's already made. If they've made a conscious decision to cut it off, they're not adhering to their bail conditions. They've made it quite clear that they're not going to adhere to them, and they've made a conscious effort to avoid detection, so it would be a straight breach for me … (B4).

Another interviewee concurred:

> … if they cut the tag off, I wouldn't be using any discretion with that one. I'd be circulating them and going through the procedures to get them arrested and brought before the courts (A4).

A third officer concurred drawing distinctions with other breach types:

> I'd consider, personally, the one where you're cutting the device off to be the most severe … You're committing criminal damage to the property from the EM tagging. Also there's a clear indication that you're not having this tag on anymore and you've clear intentions too not adhere to the conditions and to remove it. You get times where they've breached the curfew by 15 minutes, half an hour and they've got an excuse or reason for that breach and I've used my discretion several times when it does come to those small breaches in their curfew time. (A4)

Not everyone agreed. Some interviewees blamed the courts or EMS for not fitting equipment, especially in Force B. Therefore, levels of trust in EMS and the courts were factors in their decisions. An interviewee explained:

> If the tag was never fitted then obviously, I don't feel like we could hold them accountable for a failure to … of EMS to fit the tag. If they're actively avoiding having the tag fitted, that's slightly different. But … every effort's been made and

> they haven't then it's for us to physically check them until the tag is fitted so I think that would be more on us. (B4)

However, these assessments were hampered by misunderstandings of the terminology used to describe non-compliance events on the breach notifications. Even the CBT who worked with the terminology every day were uncertain about some of the categories. The specialist teams in each force also noticed that some of the categories were used interchangeably by EMS, adding to the potential for confusion. For example, failed installation and withdrawal of consent were sometimes used to describe the same situation. One interviewee explained:

> .. not every person who gives us that breach report … fully understands the wording that they're using. So, a lot of the time they'll get mixed up with what they're providing us. Like for example I had a breach this morning … not available for installation … and it actually turned out to be a strap tamper … we tend to look at the title of it and then we'll look further into the visit notes to actually investigate what it actually might be involving because … the wording is not the best with these breach reports (A27).

An interviewee from an OMU in Force B explained how they had to make breaches more understandable for police officers:

> It's took us time to realise what they actually mean on the statement, what it actually says … What have they done to get this breach of bail. So, we put it in plain language on the XXXX record as well, to say 'This is what they've done. They've been out this many times and it's now up to 15 minutes', or 'They've entered their exclusion zone and it's two miles in or whatever' or 'These have just gone to a bus stop'. (B8)

The CBT team also mentioned that officers regularly contacted them to seek clarification about what notifications meant.

It was evident that there was misunderstanding about 'untagged' and/or 'unmonitored' defendants. Current ways of recording breaches did not make it easy to identify defendants who are 'monitored' and those that are 'unmonitored', a key criterion used to make decisions. Generally, the terms untagged and unmonitored referred to a defendant 'that's not wearing a tag' (A26). It was not usually applied to situations when equipment was in situ, but monitoring was not happening. An illustration of misunderstanding was provided by an interviewee from the untagged team in Force A:

> '… we didn't breach them fully because we accepted they were physically wearing a tag and rest of the e-mails were ones I could discard straightaway because they were a battery breach … (A25).

The implications of battery breaches were nearly universally misunderstood as well as very common. Although battery breaches, when battery were low or flat meant that defendants were 'unmonitored' they were usually not viewed through this lens. Only a few interviewees recognised that 'low battery power' meant that the GPS monitoring was not operational and therefore defendants were unmonitored. This was explained by one interviewee who discussed a period of six hours when a defendant would be unmonitored without concern:

> I look at what time the battery went dead, when they recharged it … so [if is] went dead at one o'clock in the morning, they charged it at seven o'clock in the morning, it could have been that they were asleep. We'd speak to the defendant, say look, your battery's lost charge on this date, the subject says yeah, I know, I was in bed. (B1)

Another interviewee made a distinction between low and no battery without the knowledge that low battery means that GPS monitoring is no longer working:

> I look at it as a low battery is it's running low, and a battery breach is that it's gone. Battery's run out completely … A low battery [I] wouldn't do [anything], because it's just a low battery. They're still there, it's just a low battery. Yeah. But if they're a managed nominal, we'd send the offender manager around … I think it comes through as inability to monitor. (B8)

These views resulted in battery breaches not being treated as seriously as 'unmonitored' defendants. Indeed, in one OMU in Force B, no further action was taken in nearly all cases and battery breaches were also singled out for a different process by other teams. In a DA team, it was reported that they would be sent to the OIC to be triaged which was not mentioned in relation to any other type of breach. This suggested that they were low priority and were more likely to result in no further action. An interviewee explained that they would usually result in warnings by comparing it to when equipment was not installed:

> Battery breaches are always going to viewed as less than a failure to have a tag fitted. So, it's the nature of the breach itself. If somebody's got a tag fitted and have failed to charge it for one night, but then it's shown working the next night and so on and so forth, that would probably be prime for somebody to be warned, whereas failure to have it fitted or withdrawal of consent, I think there's no option but to arrest in that circumstances. That person has to be produced back before the court unless there's some very extenuating circumstances as to why they didn't have the tag fitted.

Other examples of misunderstanding caused by labels came to light during an interview with a control room sergeant in Force A. He claimed to have never seen a breach for non-installation of equipment but later referred to an example when a defendant had 'never given their consent'. Similarly, officers believed that 'withdrawal of consent' related only to occupants of the house and not defendants.

These examples illustrate the importance of language. Most interviewees were baffled by the term 'untagged'. This was term was used historically by HMPPS and senior leaders to describe a particular cohort of defendants, that is those that have not had a tag fitted. Its use was inextricably linked to the contractual obligations of EMS who are required to fit equipment within certain timescales. It was clear that it had not filtered down to officers on the ground. The term 'untagged' was very rarely used outside of the CBT and the specialist team in Force A. Unmonitored was also not a widely recognised term.

Even when interviewees were aware of the categories, they had problems identifying the 'untagged' or 'unmonitored' from the breach notifications because of the way in which the information was presented. For example, one interviewee commented:

> … in the writing that Secro [EMS] have sent us it's not obvious right away that they'd untagged or not … Sometimes it's hard to kind of read your way through it and find the exact information, the words you need to find to see whether they're tagged or not … (A25)

Several officers in Force B mentioned that they were mystified by the two different categories of EM breaches used throughout the force (EMS breach and GPS EM breach).

These findings lead to two conclusions. One, EMS breach notifications need to clearly indicate whether defendants are monitored or unmonitored enabling police officers and staff to quickly and accurately identified those defendants who should be a priority. Two, the terminology used to describe breach types should be amended to simplify it and more accurately reflect reality and avoid confusion. The legal principle of 'fair labelling' provides a useful guide (Chalmers and Leverick, 2008). Fair labelling is a concept which is usually applied to criminal offences. Its purpose: 'is to see that widely felt distinctions between kinds of offences and degrees of wrongdoing are respected and signalled by the law, and that offences are subdivided and labelled so as to represent fairly the nature and magnitude of the law-breaking' (Ashworth, 2006: 88). Accordingly, labels should accurately describe, categorise and differentiate between different types of non-compliance. Labels should also be informative. This is important because they provide a check on discretion on decision-makers, is fair to defendants who are clear what they are being accused of, it communicates the seriousness of the wrongdoing to courts, victims, the public and defendants, avoids the false and misleading impression to wrongdoing whilst making the seriousness of the conduct clear. It also ensures that behaviour is reported correctly and understood by others at the time and afterwards. It is recommended that 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 (Recommendation eight).

3.6.1 Battery breaches

Battery breaches were generally low on most interviewees' priorities. This was partly explained by misunderstanding the meaning of the terminology used to describe them. However, several other factors were also important: i) many battery breaches were for short periods; ii) most battery breaches were resolved by defendants charging batteries without intervention; iii) many breaches occurred during the night when defendants were sleeping; and, iv) statements failed to clearly state when the equipment remained uncharged. In these cases, the time when batteries went into low power mode was stated on the statement but with no end time. An example was provided by an interviewee:

> [if the notification states 'I charged it as soon as I woke up', you close those ones down. If there's no new timeframe … I phone EMS and say what time did they charge the tag on this occasion? So sometimes they put the times on, sometimes they don't. (B1)

It was sometimes assumed that this was a mistake by EMS rather than a continuous battery breach. In general, interviewees, especially in Force B assumed that battery breaches were a mistake by defendants or the result of problems with equipment as explained by one interviewee: 'The battery, the battery thing would be the least serious [breach] because that's just a case of 'I've forgotten to put my thing on charge'. (B26) Another interview from a specialist team explained the difficulty of assessing the defendant's culpability in relation to battery breaches:

> I've had a lot in the past battery breaches, and I think suspects have called saying it's not working but then that's technically a breach. So, it's a case of, well is it working or is it not? The suspects called up saying it's not worked but then it goes down as a breach and we have to essentially enforce it. (A19)

Many battery breaches were for short periods (including a minute) and the number of breach notifications could be reduced significantly by agreeing a threshold for the time it remains uncharged and/or identifying a pattern of breaches over time, that is battery breaches accumulate in a similar way to time violations for post-conviction curfew requirements (see Chapter 1). Another solution was suggested by an interviewee which involved EMS contacting defendants to ask them to charge their equipment:

> … the not charging the battery gets a little bit frustrating because it's obviously still live and working. But rather than just reminding that person they need to charge their battery it comes through as a breach at times, because it drops below a certain percentage on the battery … rather than us then going oh, right, there's a breach, we'd rather pick up the phone and try and resolve the issue, rather than breaching someone for that when it's technically … They call it a battery breach if the battery gets below a certain percentage. But we'll just go out and advise that person of what they're doing and not necessarily arrest but advise them on the first occasion or second occasion … It's just literally sent out so it's a breach which could be resolved in other ways … (B2)

It is recommended that a policy is introduced for the length of time GPS equipment can remain uncharged without initiating breach notifications (Recommendation nine).

3.7 Breach length

An important decision-making criterion for all types of breaches was their length and whether they had been resolved. In terms of the length of any breaches the only criteria regularly mentioned was that no further action would be taken when breaches were for short periods of time, that is when curfews were breached or batteries not charged for a few minutes. There was no consistent answer to what was too long. The answer largely depended on the individual in question.

Whether the issue was resolved, that is the battery was charged, the person returned home or left the exclusion zone appeared to be a more important criteria in Force B than Force A. In Force B, the fact that batteries were put on charge, that defendants were in for their curfew, albeit late for the start of it and so on were viewed as mitigating factors which were more likely to result in no further action. An interviewee from a domestic abuse team commented:

> … we'll get the battery breaches come through. But then within three days later, they've gone and they've fixed it or they've sorted- They've spoke to the occupant who's then given an account and then it can be dealt with that way … if we've then gone out and confirmed that everything's okay … someone spoke to them and that's been sorted. Usually with them ones … If we were to then bring them into custody for a standard battery, battery breach … only, are they going to get remanded at court? And also sometimes we've had it in custody where custody would question the necessity surrounding it, especially ones where we've been out and spoken to them … But if you took it on sort of just on the circumstances alone,

> then we do have custody officers call and saying, well, you know, given the circumstances, is this proportionate? (B31)

Both these criteria relating to the widespread view that courts were unlikely to remand defendants in custody, especially when they were currently complying and/or breaches were minor.

These practices highlight issues with the timing of when notifications are generated by EMS. Issues arise if statements are generated too early because vital information may be missing, For example, whether defendants began to comply and the length of the breach. Similarly, any further breaches indicating a pattern of non-compliance, such as several time violations in a single night, generated multiple statements making it more likely that patterns that may indicate escalating risk will be missed (see below). A solution to this problem would be to send one notification that combines all breach occurrences within the previous 24 hours, and it is recommended that this is considered (Recommendation ten). Several officers indicated that they delayed their decision-making to see if any further notifications were received. The downside to this approach may be that reaction times would be longer leaving victims at increased risk during the intervening period. However, this assumes that forces quickly triage cases upon receipt and take immediate action. This research has shown that this is not the reality in most cases.

3.8 Number of breach notifications

Multiple alleged breaches and patterns of notifications should be associated with higher, and potentially escalating risk so defendants with a record of breach notifications might be expected to be treated differently to those for whom it was their first notification. For example, a defendant suddenly becoming non-compliant, non-compliance events happening every day, defendants going further into exclusion zones over a period of days and so on. EMS lists previous alleged breaches on notifications but neither force had systems in place to capture these episodes in a way that would monitor patterns of notifications to allow concerns to be triggered.

Each breach notification related to one type of breach and to one event so if defendants had not complied with bail conditions in several ways simultaneously or breached several times in one day then multiple notifications were sent to the police. In Force A, each breach was considered as a separate incident and initially graded at four, irrespective of whether other breach notifications had been received. The sergeants in the control room should be aware of other breaches from notification and from their own IT system. In Force B, there were several ways that the CBT might identify additional breach notifications, but none were systematic. Individuals sometimes recalled dealing with specific individuals. They also searched the current CBT inbox before dealing with a case to see if any further breach notifications were waiting to be triaged and would deal with them altogether. This was a mechanism to identify escalating risk but was mainly done to cut down on workload as one CBT member explained:

> … we always check the inbox because if I pick a breach out now, for all I know, there's another, the EMS has sent another 10 breaches through for this person, so then we can process it all at once, rather than I do one and then XXXX finds the same person later on and then XXXX. It's easier to process all the breaches at once and then as well, you have all the information because it might be that one of those breaches is … a minute one, but then they've got another breach which is

> for five minutes, another breach which is for 20 minutes … It builds a picture then, that the person is breaching consistently … and we'd add it to the existing one. (B18)

They also checked the Team's Excel database to see if defendants already appeared on it. However, a new database was created on the first of each month, so any search related only to the current month.

Both forces handled multiple breach notifications in the same way. If there was already a live breach/warrant on the IT system, and the breach notification was assessed to be valid, the new notification would be added to the existing record. In Force A, the new incident would then be closed, accounting for a fifth of all incidents (see Table 3.1). Theoretically, the practice of using an existing record for all notifications allowed anyone to see that multiple notifications had been received. However, neither IT system sent an update to officers/staff automatically alerting them to new breaches nor did those who triaged cases send e-mails or tasks to them. Only if the record was opened would the new notification be visible. Interviewees confirmed that they would usually remain unaware of changes made to the record/warrant. This was explained by one interviewee:

> So, what they [CBT] do is they usually update on the court warrant. They'll just continuously update the actual warrant with the paperwork to say update from EMS, further breach on this day … we're not necessarily informed if there's constant breaches, it just goes on to this court warrant for the OICs to pick up. But like I said, if this comes in whilst we're on rest days, then that risk is sort of being missed within that, because it's not being picked up by anybody … So, I think, yeah, when it comes to especially continuous breaches, there's a definite gap there in communication surrounding that and escalating, because obviously if they're continually breaching, you've got an escalating risk there … that is just, yeah, is being missed … it just relies on someone … clicking on the warrant and being able to see that there's updates. It doesn't pop up to say this has been updated … it just shows if you've just got a live warrant on your docket track, it won't say on there. They won't get any sort of notifications that it's been updated … We're missing it because we're not continually going in and checking it, and we're not told … we've only been made aware of one. (B31)

Another interviewee concurred:

> So, we only know about that initial one. Sometimes if they've come through over a weekend, we get three or four attached to the one record. But as soon as we've sent it, if there are any more that come in, they get attached to that original one. And we don't get notified. So, it could be when we come to close something down, … there's another 20 been added … [it] wouldn't flag up to whoever was allocated with that either, unless they went into it and actually looked at how many documents were on there … It doesn't say new document attached, new document attached. It doesn't. They would have to go in and say, "Oh, okay, this was from the first of February, let's have a look. Oh look we've got 10 on there". (B8)

Additionally, cases would not be added to the IT system if no further action was taken remaining 'unrecorded' and therefore invisible. In addition, in Force B warrants only remained live until the next court hearing, although notifications that bridged court appearances remained visible theoretically as finalised warrants. It is recommended that consideration is

given to the most effective methods of identifying and flagging multiple breach notifications for the same case/defendant to decision makers (Recommendation eleven). The alternative method of recording, that is adding occurrences/warrants for every new breach notification is likely to be more visible and effective at flagging multiple notifications. However, these are more work to create and lengthen the list of outstanding arrests which is something interviewees stated that they wanted to avoid.

Most interviewees did not mention the number of breach notifications when asked what factors they considered when dealing with cases. Multiple notifications were most often referred to in conjunction with courts perceived leniency, that is that defendants who continually breached were being re-released by the courts. When asked specifically about the impact of multiple breaches on their decisions, interviewees generally stated that it did not escalate concerns. Yet, for some interviewees it increased the seriousness of the case and made it more likely that they would arrest defendants:

> In terms of the multiple breaches, it shows a trend that they're no longer complying with the bail conditions. So, it can have an impact. It clearly shows something. If it's just suddenly spiked out of somewhere … So, I think the more breaches, it becomes more serious and there's a need to get them in as soon as possible because [they are] clearly not complying with the bail, something's suddenly changed, so we need to understand what's going on. (A5)

This was primarily because it signalled increased risk of offending or to victims as explained by the following interviewee:

> Well, I suppose ultimately, it does increase the risk doesn't it? So, like if there's one curfew breach for an hour on one day but that's been the only breach in like a month, then that's obviously going to be lower risk than if there's been you know, six breaches in one week from one person because what are they doing during that breach time? Are they out committing further offences? Are they trying to find a victim? So, yeah it does increase the risk … (B12)

Data from both forces allow the number of breaches associated with defendants to be counted. However, they cannot be associated with specific bail events so the breach notifications may not relate to the same bail period or case and may have been many months or years apart.

In Force B, 5719 defendants are represented in the CBT's database. Nearly two-thirds (n=38%, n=2180) of defendants had only one breach notification with a further 16 per cent (n=939) having two. A tenth (11%, n=607) of defendants appeared on ten or more occasions with one defendant appearing 70 times. The mean number of breach notifications was four. These data were unavailable in Force A.

Both forces provided data on the number of occasions when defendants were arrested. In Force A, 524 defendants are represented in the arrest data. Of these, two thirds (65%, n=339) were arrested on one occasion. Of those arrested more than once, two thirds (60%, n=111) were detained twice and a tenth (8%, n=44) were arrested on three occasions. The mean number of arrests was 1.58. One person was arrested on 10 occasions. A total of 1619 defendants appear in the arrest data for Force B. Nearly three quarters (72%, n=1168) appear on one occasion only. Of those who appear more than once, 63% (n=283) are represented

on two occasions and 22% (n=99) on three occasions. The highest number of arrests was 11 and the mean was 1.47.

3.9 Time spent on EM bail

In the context of significant court backlogs, some defendants were spending long periods subject to EM and interviewees were generally aware of this (see Chapter 1). Although they voiced their concerns and had some sympathy with defendants, most interviewees suggested that it made no difference to their decision-making. Others, however, considered it. For everyone, the longer defendants had been on EM without a generating a breach notification the more likely no further action would be taken. This was explained by one interviewee:

> … if there's one breach and he's been out for weeks, compared to one breach and it's six months on bail, then yeah, that would be a difference. Just the understanding as to he's kept to his bail for the last six months, is it possible this is just an error on this occasion. (A3)

A similar point was made by another interviewee:

> If they've been on tag for three months and they've got one breach and it's ten minutes, am I going to lock them up, probably not because there's possibly a reason for that because they've stuck to their tag the whole time and there's that one breach. But then you'll have someone who consistently breaches by an hour, an hour and a half, two hours those people, to me, they're showing consistently that they're just not abiding by the tag. (B30)

It is recommended that any future breach policy/guidance should include criteria about how time spent on bail and gaps between non-compliance events should be considered (Recommendation twelve).

3.10 Summary

This chapter uncovered a wide range of factors that police staff and officers considered when deciding whether to action breach notifications. Whilst most of these factors were shared between the two forces, Force A tended to give primacy to the type of offence whereas who the defendants was and their past record was at least as important to officers in Force B. Decisions were influences by the type of breach, especially whether or not the defendants continued to be monitored. However, it was difficult for officers and staff to confirm their monitoring status because of the opaqueness of breach labels and information that was sometimes missing from notifications.

The chapter also highlights the high proportion of invalid notifications that forces received resulting from legitimate circumstances such as defendants being in police custody or prison at the time non-compliance was recorded. These notifications could be avoided by improved communication between organisations, reducing work for both EMS and the police.

Chapter 4 Arrest and detention

This chapter examines officers' decisions to arrest, the arrest process and the subsequent period spent in police detention. It highlights that arrests for EM bail breaches were often not prioritises by officers responsible for effecting arrests, resulting in some arrests not taking place. It also identifies challenges for the police during the custody process, especially in securing court hearings and getting defendants to court within legal time limits. It underlines the considerable resources required in the final stages of the process to bring defendants before the court for breaches of EM bail.

4.1. The arrest process

Once a decision had been made to arrest defendants for EM bail breaches, multiple teams were responsible for executing arrests adding at least one more layer of decision-making. It also meant that arrests were prioritised on different criteria. Sometimes, offender managers in Force B and specialist teams in both forces reported that they carried out their own arrests. This was because of the risk defendants were deemed to pose and/or because they already knew them. Generally, these teams suggested that arrests would be prioritised over their other work. Only if they were unable to do the arrest would they ask neighbourhood or arrest teams. An interviewee from Force B explained the different approach for defendants who were managed to those that were not:

> … if they [managed offenders] are breaching, it would be a much quicker response because they're already managed by an officer whereas the normal EMS breaches are usually done by a response officer, if they've got a spare five minutes. So there's not really much of a structure there … Sometimes we even get opportunities where the police will go and see the suspect and they're not aware that they're wanted on EMS breach. So, they've spoken to them about another job and then they've walked away. So, EMS breaches are missed … but with managed offenders they're not because as managed offenders, we know straight away when there's been a breach because we deal with them every day, we put intel on them every day. So we're one of the first ones to know whether there's a breach so then we will then act on it. (B10)

Whilst most officers in Force A suggested that they dealt with cases as a priority, those dealt with by specialist teams responsible for violent, sexual or domestic abuse offences, where there was a potential risk to victims, were usually dealt with very quickly. A RASSO officer explained:

> … no doubt everyone's got a lot on as it is, but when you do get, at least, when I get a breach notification come through it would always be a, well I can't leave that 'til tomorrow, let's have a look at it now. Because the last thing I'd want to do is to leave it, go home and then get a phone call during the night that something bad's happened to the victim and that I could've done something and decided not to. So, I would always get them dealt with as priority over everything else. (A22)

An officer from CID concurred:

> It's got to be done that day. You can't not do it. You've got to either action that breach or give a rationale. You've got to do something with that breach. You can't sit on it. (A04)

This created a two-tier system where arrests took place quicker in some cases than others. Decisions were not always linked to the nature of the breach and were usually based upon risk assessments using offence type and/or whether they were managed offenders.

In Force A, cases had already been prioritised by the control room and the force's arrest culture meant that officers in response teams reported that they usually did not need to know the details of the case. One interviewee from a response team explained:

> … we don't need to know a lot about it, the case, in terms of why we're going to do it. It's just that it needs to be done. Because it's generally something we're not going to have to deal with. It's going to be something for the courts to deal with. So, we don't need to know masses of information in relation to what it's about, other than it's a breach and they need to be arrested because they need to go to court because of the breach. So, we don't really- we wouldn't be looking into too much depth around why we're going there. (A01)

However, some interviewees in Force A, mainly neighbourhood sergeants involved in allocating work to their teams, reported taking a more considered and comprehensive approach to prioritising cases. They scrutinised information relating to cases themselves whilst others reported using the force's intelligence unit. Whilst a similar range of factors were reported to be considered in both forces, interviewees in teams responsible for arrests in Force A generally had a greater awareness of EM and the types of breaches. These were more likely to be considered when deciding which cases to prioritise. An interviewee explained when asked whether their decisions were influenced by the monitoring status of defendants:

> Yeah, that would also make a difference. If they're unmonitored and especially if it's, like I say it would a little bit depend on the offence and their history as well it would all be, it's all the melting pot with the decision in the end … if they're still monitored and they're just breaching it, you can, you can sort of see both sides of the argument in many ways. For me I always treated a breach where they've not had it installed at all. If you had, if you take all the other circumstances being exactly the same and then one just happens to be a breach because they've not bided by curfew etcetera or the other one's not had the equipment installed, I would put greater priority on the one that didn't have it installed because they're not monitored at all so we can't trace their movements at all. … But clearly then that [cutting off the tag] is a priority because then again, they're not being monitored and they've shown active disregard for that system and their curfew and their bail conditions so clearly, they are going to be a priority and would need to be lifted. (A17)

Another interviewee from Force A made the same point:

> … if they'd cut it off, straightaway we're looking for them, because it's explained to them clearly … that they aren't to try and break it off … so if they was to go and break one, straightaway we'd go out looking for them regardless of anything else. (A22)

Interviewees in Force B generally did not make distinctions based on breach type, but this was not the case for everyone as the following quote shows:

> I think the priority with this us, especially if we've got people that we think are so risky that a tag is required to be on them, and we haven't been able to install that. Those are the ones that probably need a bit more proactivity surrounding them in terms of getting them in as well and getting them arrested … because they pose more of a risk without that tag on than when they do have it on. (B31)

Specialist arrest teams and neighbourhood teams were responsible for arrests for EMS breaches in Force B when not carried out by specialist investigation teams or offender managers. Some arrest teams covered all offence types whilst others specialised in domestic abuse. Members of these teams reported that they had received no guidance on how to prioritise cases nor did they carry out any investigations into the cases. However, specialist team members reported briefing teams who they were requesting to arrest defendants. Cases were not differentiated when they appeared in arrest or neighbourhood team's workloads and officers were often left to 'pick and choose' (B29) who to arrest first. Some, but not all reported that their decisions were based on offence type because this information was always readily available. Violence offences took priority over persistency primarily because of concerns about the risk to victims. Domestic abuse 'offenders' were top of the priority list. The process in Force B was explained by an arrest team sergeant who emphasised that decisions were made based on the index offence:

> If it was a shoplifter that had breached that was meant to be home every day from six o'clock in the evening till seven o'clock in the morning but had breached and not got home until ten past six every evening for three nights in a row … that wouldn't become a priority. There's no way that would be at the top of my list. However, if it was a DA [domestic abuse] offender that shouldn't be anywhere near a certain address and had to be home by a certain time or had to be within wherever they needed to be at a certain time and there was a risk of that DA offender having breached his tag or her tag … then we'd go after them and we'd prioritise that person. It depends on what it is … it would really depend on the severity of the offence. (B32).

Force A cases were similarly prioritised based on the offence and whether it was domestic abuse related. A sergeant explained:

> [Prioritisation] … will all be based on, generally, on … what they are on bail for in the first place? So, if its domestic related or if they are violent, generally the big warning things for me are, are they a risk to somebody else, i.e. a victim needs protecting or the wider general public? … If it is something else like they're a prolific shop thief for example, yeah they still need to be arrested don't get me wrong, but have we got a bigger risk to the general public or anything like that. And I would lean towards no let's go and try and lift him when we know they're going to be in, probably the middle of the night. And it's, we can put more resources into it, it would be far more managed. Whereas if they're clearly a risk to a specific victim or the wider public then we, I would look to get someone arrested straightaway. (A17)

This approach meant that cases were not always prioritised on risk of harm, monitoring status and so on. Consequently, high risk individuals were not necessarily prioritised effectively. One interviewee explained:

> … just because someone's, if you commit one offence, say you commit the offence of rape and get charged with it, and that's the only thing you've ever done. And you

> abide by your court bail and everything, or say you've breached it once, but there are no concerns about your re-offending, maybe that risk is lower … There's so many variables and when you are given the EMS breach … warrants there is no real risk grading, it's just for you to get through them as you can … (B17).

Generally, those responsible for arrests in both forces did not differentiate between types of breaches partly because it required further work and most officers did not feel it was necessary. The approach taken was explained by an interviewee: 'As far as I'm aware, they all sort of fall under the same category of seriousness' (A18). Another officer concurred:

> I would say that they're all viewed in the same way … I mean, dependent on whether during that breach there's an offence committed, for example. So, that would be looked at differently than if it was just a breach. … But I'd say that they're all viewed in the same way, unless there's an offence associated, i.e. they've kind of left an address breach that had a location breach because they're attending the victim's address to commit further offences. (A11)

However, who defendants were and their record were considered by some interviewees. For example, an interviewee recounted how prolific 'offenders' were prioritised:

> The urgent ones will be for like, you know, like prolific burglars, if they've breached it, they could be out committing crime or shoplifters or people that are drug addicts … You know if they're prolific, we have to get them in as quick as we can. (B25)

Similarly, neighbourhood teams in both forces were concerned about known offenders on their patch and would prioritise arrests according to who the defendant was, their previous convictions, whether they were known and the risk they posed to the area which related to property as well as violence offences. An interviewee explained:

> It would depend on who's done the EMS breach. If we know the offender on our patch and it's an offender that poses a risk to others and to our area, then that would change, who it is. If it's someone that we've never heard of that doesn't pose as much of a risk, then it will still be actioned, but it wouldn't be as important as other stuff. (B15)

Generally, EMS breaches were not top of their priority list for arrest and neighbourhood teams particularly in Force B, as one sergeant explained:

> But if I'm being perfectly honest, you've got neighbourhood teams that carry investigations and it won't be at the absolute top of their list to do. And I'm not just talking about EMS, I'm talking about warrants in general. The [arrest] team that do pick them up … because they've got the capacity to do it because they don't hold investigations and they're not doing neighbourhood policing work and looking after, trying to, you know, do all the other KPIs they've got. (B28)

Neighbourhood teams in Force B had many other priorities and delays in executing warrants were common. The priority given to EMS breaches reflected the values of individual supervisors and the workloads of their teams. They tended to be dealt with when they had time. This could result in delays of weeks or sometimes months. Further delays occurred because some sergeants did not prioritise allocating these cases to their teams nor were officers always reminded about unexecuted warrants. However, practices varied with one

neighbourhood Inspector reporting that his team executed warrants within a few days of receiving them. In another area, warrants were allocated to officers according to capacity. During this process cases were not scrutinised or even opened so allocation was done without any knowledge of the case.

Several factors mitigated against arrests for EMS breaches being prioritised. One, all interviewees believed there was no sanction for breaching EM bail. Courts were perceived to simply re-release defendants on the same conditions or sometimes loosen or remove them. Most interviewees thought that defendants should be remanded in custody. They believed that the courts' actions undermined the deterrent value of EM because it provided defendants with a licence to continue to offend and did not punish defendants. An interviewee stated:

> 'There's never any punishment for them breaching … It's one of those where you'll probably say, why do we bother, why are we bothering. We do it because it's our job and we know the risks, but we get frustrated knowing that we are going to do it and they're going to walk back out. (B30).

Many interviewees used the term 'frustrated' to describe their opinion of court decisions particularly because of the work involved in to dealing with breaches and arresting defendants. Several interviewees suggested that courts' lack of punitiveness impacted upon officers' decisions whether to arrest defendants. This perspective was explained by one interviewee:

> It [courts' decisions] then has a knock-on effect for the police … you would probably then err on the side of warning somebody, knowing that there's going to be nothing extra at court and only when it gets to the furthest extremes of the breaches do you then start actually taking regulatory action. But you know, bringing that person into the custody, dealing with them in there, interviewing them, putting the file together, putting it before the court is a complete waste of everybody's time and you really only do it when you absolutely have no other options available to you. (B3)

Another officer said that it did impact upon decisions about whether breach cases were prioritised above 'live' cases:

> … because if they're not going to get remanded and they're just going to get let out with the same conditions again, then is that stabbing going to be more important than that or is it more important that if that breach can get remanded that we do that because that could safeguard a victim longer term and prevent more offences. (A03)

A member of an arrest team made similar points:

> But officers would be more inclined to look for warrants in EMS … if there was going to be a benefit off the back of them with like remand … But most of the time, we know they're going to get bailed off tomorrow, or the day after, with the same tag, with the same court date, or maybe even an adjourned court date, so they're out even longer … most people will pick a crime over a warrant … we know there's a benefit out of getting the people who are committing the crime now instead of those who are wanted on breach, especially people who breach regularly … they

> know we'll get them eventually, but there isn't a, what's the word, like a negative effect on them, is there other than them just getting in custody for 24 to 48 hours being put before a judge and then bailed off the next day. (B17)

Whilst frustrated by the perceived lack of action taken by the courts, the more common view was that it did not affect arrests. This was explained by an officer in Force A:

> You know, whether or not my feelings on the courts are good or bad, I still have my job to do. And putting someone before the court if they've breached their court bail conditions, it's just sometimes for me it'll feel like- it does feel pointless dealing with them. But it won't stop me from dealing with them because it needs to be done. (A18)

An interviewee from Force B concurred:

> … you can't just walk away from that and go well, sod it because they're not going to do anything with it. That's not the point, is it? The point is you've still got to do your job even if you know you're going to be banging your head against the wall, you know it's a fruitless exercise, you've still got to do it …. It's an ethical question … this person's breached …. and if I can evidence that they've breached then they should be put in front of the court, and they should answer for that. If the court then turns around and goes well, yeah don't worry about, it's frustrating but it's still got to be done. (B24)

Two, live incidents usually took priority in both forces. In Force B, neighbourhood or response officers would be tasked with arresting defendants but EMS breaches were often bumped down the list by live jobs. An interviewee summarised: 'Live stuff will always take precedence over EMS breaches' (B15). In addition, people wanted for new offences always took priority in Force B because they counted towards arrest statistics which, unlikely EMS warrants, were closely monitored by senior officers. An officer explained:

> We don't get to them [EMS breaches] … they're always on the back burner ... Other than the fact that, yes, they've filed to miss their court date, they're charged with the offence, they're waiting to go to court for it, compared to someone who hasn't been to court, someone who needs arresting, interviewing, someone who needs their clothes seizing. Yeah, there's definitely, there's more warrants than there is us and there is not always a lot of reason to go for them compared to other arrests … If you're playing the numbers game, yeah, it takes way too much time for what you could be doing t get the numbers up (B17)

A second officer concurred:

> … if we go back to non-managed offenders, nine times out of ten they go to our neighbourhood team … or a response officer who are out and about to say this person is wanted, when you get a chance, can you pop to this address … Unfortunately, sometimes it's unlikely that officers are going to do it in the day or afternoon because we're too busy answering 999 calls and obviously, they take priority over an EMS breach. (B10)

Whilst live jobs also took priority in Force A, the difference was that arrests for EM breaches would be done, but may be delayed. A response officer explained:

> … it varies in relation to … resources and demand. And if you've got immediate jobs that you can't resource, then the arrest for a breach of tag wouldn't be something that's an immediate job. And that would be sort of on the second tier of incidents to attend …. There's no immediate risk, is there, to it, unless there's something in the incident that suggests otherwise … So depending on what they're on bail for, it would sit in that mid-range, get to it when we can. But our priorities will be those immediate live jobs … then we look at those second tier. So, it would be a sort of a second tier job … (A01)

This view was supported by a member of an investigation team:

> … what we don't get is, when there's a breach come in we're abstracted to deal with it, that just wouldn't happen. We'd be expected to deal with it alongside our sort of, daily demand and whatever jobs are in at the time … Usually we have a sort of, daily demand briefing in the mornings. If I was to mention that we had a breach of court bail, but we had a live job running at the same time, I don't think anybody would take any notice of the breach of court bail. I think the live job would be top of the list. (A23)

Another interviewee concurred with this view to an extent but also said his decisions were related to risk:

> I mean it would depend on what the job was, what the risk was. If it was risky, yes, I would go out straightaway. If it was less risky it would depend on what demand is in. So, if I've got a lot of jobs in, that might trump it, it'd have to go to the next day or the following day. … Because some days like we have a murder in, well no way are we going out to nick for a breach if it's low level, we would have to wait on that one but you'd just assess things, the threat, risk and harm or the demand that's going on. Some days it's busy, some days it's okay. (A03)

Three, interviewees in Force B mentioned the time needed to process arrests for EM bail breaches because of the custody process and the need to prepare court files. Four, many officers in both forces recounted how they were often required to transport defendants to court taking up significant periods of time. These issues are discussed below.

Some interviewees mentioned alternative ways to arrest defendants. In Force A, defendants sometimes handed themselves once they were aware that the police were looking for them. In Force B, some offender managers gave defendants the choice to hand themselves in. These practices enabled arrests to be planned to coincide with court timetables.

4.1.1 Preparing for arrests

Once it had been decided to effect an arrest, tasked officers generally only carried out the usual enquiries conducted immediately before any arrests relating the potential risks posed by individuals. Information provided to them about the breach was taken at face value. As one interviewee recounted:

> [The arrest warrant] … got all the relevant information and a team will go out and arrest for whatever's on the paper put in front of them. (B32)

Nevertheless, officers in both forces said that they also occasionally carried out enquiries related to breach statements and phoned EMS for up-to-date information and breach notifications. They did this if the breach 'was a little bit loose' (B32) or to check that equipment had not been installed (B11). A response officer from Force A commented:

> … if we're notified of a breach sometimes we will call EMS and check and make sure that it is a confirmed breach and that we're happy with it and that EMS haven't had any communication from them at all because sometimes they'll phone up and give a certain set of circumstances to why there might have been a breach … and EMS will have already dealt with it themselves. And sometimes we can deal with it straightaway by calling EMS and confirming that the breach isn't as initially reported and that the police don't need involvement. (A11)

Another interviewee explained using a recent example:

> … So I've had to phone up this morning … for them to say yeah, we tagged him on the same night. Well, that could have been in the statement. So yes, there was a strap tamper on this date, however a new tag was fitted on this date and then you don't need to send that full statement … they send a massive document for the police just to go well he says you've given him a new one. That tamper's no longer in place. Because if he was to be arrested, the court would just go he's got a tag on and that's the argument. (B1)

Officers also regularly reported contacting EMS to ascertain if a defendant subject to a curfew was currently at an address before leaving the office to attempt an arrest. It was not always evident that these enquiries were made during curfew periods raising concerns about adherence to data privacy protocols.

4.1.2 Unsuccessful arrest attempts

Not all arrest attempts resulted in defendants being arrested. Whilst some interviewees stated that they would not investigate explanations provided by defendants at the point of arrest, others did. This sometimes resulted in defendants not being arrested. An interviewee explained:

> … if I feel they're genuine, you know, this is a mistake then we'll try our best to bottom it out there and then but sometimes that ain't practical. (B25)

Officers in both forces mentioned examples of turning up to arrest someone and finding out information that suggested that the breach was invalid. These examples included faulty equipment and breaches for equipment not being installed only to find that it had been installed subsequently – these experiences explained why they checked with EMS before effecting arrests. An interviewee explained:

> So, somebody should have been at a location to have a tag fitted and they're not there. They're the ones that we quite often get. They come through to us, we arrest them, quite often we turn up and the person's got the tag on. So ultimately, they were breached but then since they were breached they've got the tag on, and I think there's a breakdown probably in communication … we don't need to go and arrest. (B11)

4.2 Custody data

This section examines the custody process. It draws on observations, interviews and custody records provided by both forces. Force A provided 830 custody records in which the reason for arrest was EMS bail breach for the period 1st January 2021 to 24th April 2026. Figure 4.1 shows that the number of arrests per year steadily increased over the period from 65 in 2021 to 207 in 2024 before dropping back slightly to 191 in 2025. The 'untagged cohort' contributed to over half of the arrests (55%, n=143) between 1st January 2025 and 31st March 2026 demonstrating results from the new 'untagged' team. Response teams were responsible for most arrests (n=485) followed by Neighbourhood Policing teams (n=128).

Force B provided 2374 custody records relating to arrests for breaches of EM bail between January 2022 and 30th April 2026. Figure 4.1 shows the number of arrests was highest in 2024 and 2025 (n=691 and n=641 respectively) and continued rising with 322 arrests in the first four months of 2026.

Arrests for both forces included defendants who were also arrested for a new offence at the same time as they were arrested for the breach of bail. It is not possible to confirm the primary arrest reason in these cases but at least some of them will have been arrested for new offences and found to be wanted for an EMS breach. It is only possible to be certain that defendants were proactively arrested for an EMS breach when this is the only reason recorded.

Figure 4.1 Number of arrests for EM bail breaches only and new offences (PACE)

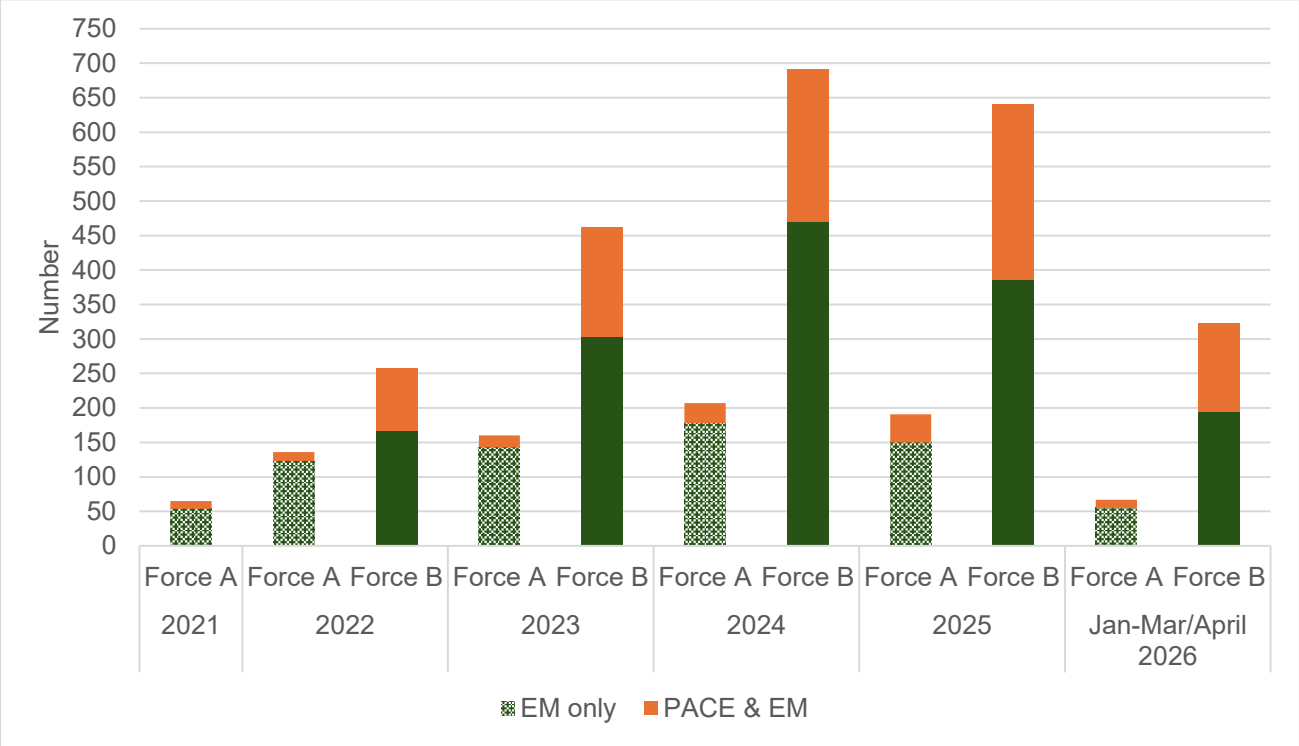


Figure 4.1 shows the proportion of arrests for EM breaches alone varied between the two forces. In Force A, a higher proportion of defendants were arrested from EM bail breaches only (85%, n=703) compared with less than two thirds (64%, n=1520) in Force B. Figure 4.1 also shows that the proportion of defendants being arrested solely for EM bail breaches reduced overtime in both forces to 79 per cent (n=150) in Force A and 60 per cent (n=386) in

Force B from 90 per cent (n=123) and 65 per cent (n=167) respectively in 2022. These data suggest that defendants were more likely to be proactively arrested for EM bail breaches in Force A than Force B.

4.3 Profile of arrested defendants

The profile of those arrested was similar in both forces. The mean age was 32 in Force A and 31 in Force B. Ages ranged from 12 to 70 and 13 to71 years respectively. A relatively high proportion of those arrested were from minority ethnic groups raising questions about whether ethnicity played a part in decisions to arrest defendants (see Table 4.1). In Force A, defendants were defined as Black in a quarter (24%, n=198) of cases and five per cent (n=41) were defined as Asian. Similarly in Force B, 25 per cent (n=594) of those arrested were Black and 21 per cent (n=481) were Asian. Further concerns were raised by data from both forces which shows that defendants from minority ethnic groups were more likely that their White counterparts to be arrested for EM bail breaches only. In Force A, 89 per cent (n=176) of Black defendants and 88 per cent of Asian defendants were arrested for bail breaches alone compared with 71 per cent (n=484) of White defendants. Similarly, in Force B higher proportions of Black (68%, n=405), Asian (73%, n=352) and Other (79%, n=481) defendants were arrested for EM bail breaches only compared with 58% (n=695) of White defendants. When compared with published arrest statistics, the proportion of arrests of Black defendants is significantly higher for EM bail breaches (Table A.08b, Home Office, 2026). Further research is needed to understand why this disparity exists.

Table 4.1 Arrests by defendants' ethnicity (Forces A and B)

Force	A	A	A	A	A	A	B	B	B	B	B	B
	EM only	EM only	PACE &EM	PACE &EM	Total	Total	EM only	EM only	PACE &EM	PACE &EM	Total	Total
	N	%	N	%	N	%	N	%	N	%	N	%
White	484	71	98	17	582	70	695	58	506	42	1201	50
Black	176	89	22	11	198	24	405	68	189	32	594	25
Asian	36	88	5	12	41	5	352	73	129	27	481	21
Other	5	71	2	29	7	1	38	79	10	21	48	2
Missing	2	2	0	0	2	2	30	60	20	40	50	2
	703		127		830	100	1520		854		2374	100

In terms of nationality, most arrested defendants were British in Force A (89%, n=739) and Force B (87%, n=2068). The proportion of defendants arrested for EM breaches only was the same for British and foreign nationals in Force A but lower in Force B (62% (n=1302) of British nationals compared with 72% (n=214) of foreign nationals).

It is recommended that routine monitoring of arrests for EM bail breaches by protected characteristics including ethnicity is introduced (Recommendation thirteen).

4.4 The custody process

The police make arrests for breaches of bail on behalf of the courts so all individuals who are detained should be produced at court. Table 4.2 shows that most defendants were detained for court (88% (n=732) in Force A and 83% (n=1257) in Force B.

Table 4.2 Custody outcomes

	Force A	Force A	Force B	Force B
	N	%	N	%
Detained for court	732	88	1257	83
Police bail	4	<1	1	<1
Refused charge	31	4	27	2
Transfer to other legal authority	0	<1	230	15
Other	7	1	3	<1
Missing	56	7	2	<1
Total	830	100	1520	100

In Force A, the custody process was reported to be relatively straightforward. It was routine for detention to be authorised because breaches of EM bail were viewed as the court's responsibility. The role of the police was simply to deliver defendants to court. They did not see it as their role to decide whether defendants' explanations were valid. Consequently, investigations were not usually undertaken once an arrest had been made. A member of the custody team explained:

> … if somebody's in for a breach of that [EM bail], we would simply put them on a court list and send them to court … I can't think of any occasion when we would release somebody and not just put them before the court. (A14).

Another response officer agreed:

> Usually, we just leave it for the court to decide … for a court breach, usually we just arrest them for the breach and let them give their reason or excuse in court, and then let the court decide whether that's a reasonable excuse for breaching. (A02).

Sometimes investigations were done when defendants provided a potentially valid reason for the breach, but this was usually to provide information for the courts rather than to release them. An interviewee explained:

> … if they [defendants] have got what they believe to be mitigating circumstances then for me okay yes, we can do a bit of investigation to supplement that, but it would be for them to put to the court. (A17)

Despite this, Table 4.2 shows that a small proportion of defendants were released from custody. Data collated by the Untagged team in Force A also suggests that six defendants had been arrested and released between May 2025 and January 2026.

In Force B, Table 4.2 shows that detention was refused in 13 cases which supports the interviewees' reports that that custody officers usually but not always authorised detention. Examples were provided of suspects being released because of investigations by officers. Some interviewees also reported carrying out investigations when defendants provided plausible explanations for breaches both before, and whilst, they were in custody. An offender manager explained:

> It would be for them [the defendant] to sort of offer a defence rather than us proving it. So, it would be going back to the court for them to answer as to why we feel they've breached. If the information comes to us from other means, for example like someone's got a Ring doorbell or whatever it is, and we realise that there's not a breach then we could look to de-arrest at that point. (B4)

However, arrest teams tended to take the view that defendants needed to go to court even if they had a valid reason for the breach. They explained:

> Because it's a court warrant … if someone goes, oh, I've been in hospital, that's fine, that's for him to produce a medical record to the court. I don't have a say in it, because it's court bail, isn't it. All bail offences have to get put before a judge because the judge is the one managing the bail in theory ... (B17)

Once defendants were in custody, practice diverged in the two forces. The process in Force B acted as a disincentive to arrest because of its considerable opportunity cost, in terms of officers' ability to do other tasks. Custody staff in Force A were responsible for arranging court appearances whereas in Force B it was the arresting officers' responsibility. Similarly, OICs in Force A often prepared the court files prior to arrest so arresting officers had less to do and defendants could go straight to court. By contrast, arresting officers in Force B were responsible for preparing court files.

In Force A the whole arrest process was viewed as straightforward and arresting officers did not report any issues with the custody process mainly because once defendants were booked in, they could leave. An interviewee explained: '… once they [defendants] are booked in, that's it. I don't see them again' (A12). This was explained by one interviewee:

> So, from a police point of view arresting for breach of bail is one of the least time onerous things that we do. Especially if you compare that to arresting for a new offence so to speak, where we've got to create evidence, interview, everything else involved in an initial investigation. … An arrest for a breach of bail is something very straightforward and something officers can do … quite straightforward and really quite quickly. (A17)

By contrast, in Force B it was the arresting officers' responsibility to find a court to take cases. Custody staff and arresting officers recounted the considerable hurdles they faced in arranging court hearings and transport to court and how time consuming it was. A member of an arrest team noted:

> … That's always an issue. Like every single time I've locked up for an EMS breach, I've had an issue with the courts because they've never come back, they're very, very late to come back. So, our process is if it's after an hour, they haven't responded then it gets raised up to our custody case inspector and then they take it from there and then it still takes over another hour or two for them to come back.

> Half the time they say there's not enough space for it so they say, can we do a live link or they have to be bedded down, … you are meant to go to the next available court but if they turn around and say they've got no space we can't do anything about it unless they do a live link. (B29)

These problems acted as a disincentive to arresting for EMS breaches as explained by a member of an arrest team:

> … there is not a lot of reason to go for them [EMS breaches]. There is too many of them [warrants]. All warrants come with caveats that will tie you up longer than you need to be in terms of that's more of the custody process after, especially the EMS breaches you kind of create the micro file … If something's more difficult, it always puts you off … EMS's [breaches] aren't the worst, but they are … can be more tricky sometimes … Let's say an immigration arrest or a standard recall … you don't do a statement for, because it's a non-court nor a PACE matter … Drop him off for custody, walk away. You can get about three or four of them done in a day and it wouldn't even break a sweat. You do an EMS breach on earlies, come back, figure out if the file was yours, got to add yourself to the file, build the file, send the file, then list him for court. Go about your day and might have to come back halfway through to take him to court. That's two hours, potentially three hours, depending on traffic you're off the road, that's a minimum PACE arrest gone that you could have done. (B17)

Another interviewee from an investigation team stated:

> We don't like doing EMS arrests because it's so time-consuming … An EMS breach is annoying … What we'd like to do is we'd like to go and arrest them, obviously do the paperwork, which is, we've normally done the paperwork beforehand. Send it off to the courts and normally that would be, that could take two hours, job done. But because we have this chasing up of the courts and things, it's never, it's never an easy process to be honest. So, it's always kind of, you know, people will be oh God, you know, EMS breach, it's like difficult. Put it under the difficult umbrella. (B26)

Another interviewee made a similar point:

> Ultimately, if we're going to be bringing someone in for a breach of bail that day, so we're going to go in the morning because they're a youth … We know that that's probably going to take the majority of our day and we can't really commit to doing anything else afterwards because we're kind of just waiting on the court to confirm when we can bring them over. (B12)

Officers in both forces were often required to transport defendants to court because court transport was not available when needed. This was a more common in Force B than Force A. It happened because arrests did not always coincide with when the court transport service was available. As one interviewee explained:

> [We are] a police taxi service, it's absurd … I'm telling you, if we didn't take them to court, everyone her would be picking up more warrants. Like, obviously there's always stuff. It will always get prioritised over warrants, always … if you do get around to warrants, you go, oh, bloody hell, it's 12 o'clock. We're going to have

> to take him if we fucking lock him up. And you go, you know, well, we'll leave it or we'll do this instead or we'll pick up tomorrow which is fine if you do pick up tomorrow but like our job walk in, someone's been shot overnight or there's a warrant needs executing for a drugs warrant … It's like Top Trumps and that's when they go to the bottom of the pile, because they get top trumped daily (B17).

These resourcing issues were exacerbated by the short notice given by the courts to get defendants to the court. A member of custody staff explained:

> … the court think we've got a magic carpet or something … they reply at quarter past one to say he must be in here for two o'clock and they we're like, right, could you have not told us that two hours ago. (A13).

The same issues were raised in Force B as explained by one Offender Manager:

> Court space, yeah, massive problem … say you lock somebody up at seven o'clock in the morning, you send all the paperwork off, then half-past-eight, nine o'clock, when the courts open, they email you to say, 'There's no space at this current moment in time'. Then roughly around half-past-two, three o'clock in the afternoon, you'll have an email to say, 'Can you get them to court within the next 20 minutes?' Am I supposed to get to XXX custody block, get them out of custody, and get to XXX magistrates' within a 20-minute period? It's going to take me 20 minutes to get them out of custody. And they say, 'If you can't get them here within this time, don't bring him to court because we won't have the space'. (B7)

The uncertain timing of requests to transport defendants to court prevented officers from performing other duties. One interviewee explained:

> You're just waiting for a phone call … obviously what we don't want to do is we don't want to go off and do another job and then have to suddenly drop that job to then go and pick our prisoner up from earlier to take them to court. … the expectation is that you'll probably get a phone call … if you've in the middle of another job you've got to drop what you're doing to then go and pick your prisoner up, which you thought you'd forgotten about. (B26)

In both forces, the alternative of remote virtual hearings was being used increasingly. However, they required resources to arrange, and officers needed to be present during the hearing. The police reported that they were given little notice of these hearings. Logistical difficulties also arose because legal representation needed to be found. Although legally available, remote hearings present challenges for ensuring defendants' rights are protected and that they can effectively participate in remand hearings (Rossner et al., 2021). After all remand hearings defendants arere not provided with a written copy of their conditions creating room for them to forget or misremember what they were told. These concerns are heightened when hearings are remote (Hucklesby, forthcoming).

The difficulties faced by officers in ensuring that remand hearings took place before they had to release defendants (because of the 24 hour legal limit discussed in Chapter 1) partly depended on the time of day defendants were arrested. Court opening hours, the deadline set by courts for accepting cases (usually early afternoon) and the availability of GeoAmey to transport defendants to courts all restricted the options for the police. It was reported that GeoAmey would transport any detainees who were on an early morning list (submitted

around 4am) and another group of detainees would normally be picked up for afternoon court. This was explained by custody staff in Force A

> '… so basically, if you come in and you're remanded during the day, you're probably going to court the following day. The issue arises [if I] arrest you at nine o'clock this morning and you come into custody, we would have to e-mail the court … I'd say it's probably 60, 70 per cent of 'we've got no space today. We're at max, capacity and then they're [defendants] in custody until about eight o'clock the following morning when they got the next available court hearing … if you get arrested after let's say midday you've got no chance of going to court that day, no chance. (A21)

These problems appeared to be particularly acute in Force B when arrests were usually planned for 'early morning' because it was the time that defendants were most likely to be in, especially if they were subject to a curfew. The definition of early morning differed in the forces. In Force A, it ran from the early hours, from around 3am when response teams were available. In Force B, the relevant teams did not work overnight and shifts started at 7am. Arrest attempts were generally made after they started. A member of custody staff explained:

> … the number one reason for losing the breaches is when officers proactively go out … So, if an officer is tasked on a morning to do some arrests in terms of outstanding offenders, that might have somebody who is wanted for breach court bail …. So instead of leaving it until after ten o'clock, 11o'clock, they go out and make the arrest at 8 o'clock in the morning, nine o'clock in the morning. So, … they've got to get to court the next morning before 8 o'clock which isn't going to happen so they lose the breach … we probably lose two breaches a week. (B16)

This timing in Force B did not leave much time to process defendants through custody and get them to court that day. By contrast, arrest attempts in Force A were made throughout the day and night and, when planned, often took place in the early morning (four or five o'clock) so that defendants could go straight to court without spending significant periods in custody. However, this meant that some arrests would be delayed. A response officer explained:

> Often, we'll get EMS breaches overnight … that being said we also to try and minimise the amount of people that are stuck in custody for long periods of time, we might time those arrests to be more appropriate. So, for example, if we know that they're going to be put before the morning court for an EMS breach we wouldn't necessarily go and arrest them at 12pm the day before because that person is now going to be in custody having to be looked after watched over for hours particularly again on a Saturday night. It's busy enough as it is custody is likely going to be full. If we were to go and arrest somebody for an EMS breach they're going to be in custody all weekend and the custody sergeant is not going to be very happy with you about that. So, it's managing the risk whilst also trying to be as proportionate as possible it wouldn't be proportionate for somebody to be held in custody for almost 48 hours for a battery breach where it can be dealt with more proportionately at a different time. (A11).

Data support these practices with over half (57%, n=846) of all arrests in Force B taking place between 7am and 11am and less than 1% taking place between 2am and 6am, although arrests had become more evenly spread throughout the day in recent years. By contrast, arrests are spread much more evenly throughout the 24 hours period in Force A with only a quarter (23%, n=165) of arrests taking place between 7am and 11am and a fifth (20%, n=143)

between 2am and 6am. Consequently, the opportunity to use GeoAmey to transport defendants to court and to meet cut off times for court hearings was reduced in Force B, putting additional strain on officers.

Additional pressure was also felt by officers in Force B because they understood correctly that the law requires that cases must be concluded within 24 hours. Officers were unclear about whether the 24 hour period started when defendants were arrested or detained. A member of custody staff explained:

> … officers, they get confused with the time. So they think it's the time, the relevant time for custody but it's not, it's the time of arrest. So, the relevant time for custody is obviously when they arrive at the police station. Well from the time of arrest, there might be various reasons, it could be an hour's difference sometimes … It depends on time of day, there could be traffic, it could be custody [space] … (B16)

This raised the prospect of 'losing breaches' if defendants had to be released because the 24 hours ran out. One interviewee provided an example:

> I have had somebody kicked out of the block because there's no court space. So it's Saturday morning … we arrested him, we took him to [the custody block], put him in front of the sergeant … But straight away the sergeant's saying, you know, you need to find court space. You need to ring up. You need to make sure there's court space. Because if there's no court space they will kick them out. And so with that one we tried for about three hours to get court space … But there was no spaces in any court. So at about half twelve that person was released from custody, no further action … They won't keep them in. On an EMS they won't keep them in till Monday. If you are locking up on a Saturday there's no way they'll keep them in. That's kind of unheard of. It's got to be … morning court or no court … especially on a Saturday. It's best not to arrest someone (B26)

Another interviewee explained about losing because of the 24 hour rule:

> If you can't get to court, they [custody officers] NFA them. Like, No Further Action. Yeah. If they [defendants] can't get to court, and they've been there all day, that's the breach done and dusted. It's wiped. (B7)

In Force A, interviewees had a different understanding of the law, suggesting that breaches of bail should be treated in a similar way to PACE offences, that is defendants must be put before the court within 24 hours of arrest except when courts are closed at weekends and bank holidays when they are sent to the next available court. A member of custody staff explained the problem caused by later arrests:

> … what sometimes happens for breaches of court bail … breach of tag … is that people get arrested at 10, 11, half 11 and ultimately, they need to be in court physically have their case heard within 24 hours. So, it creates quite a big headache … it creates a massive logistical chain of nightmares. (A13).

It was evident that the law was not understood by everyone even in Force B, so both forces were operating outside of the law in at least some cases. Force A because the 24 hour time limit was not recognised and in Force B because some officers worked to a 24 hour limit in police detention rather than from arrest and/or until the end of the court hearing.

Table 4.3 illustrates that some defendants arrested for breach of bail were detained by the police for over 24 hours. This would mean that their cases would not be completed within the legally binding 24 hours. The fact that some defendants would also have been arrested for a new offence complicates the picture because it enables them to remain in custody for longer if their arrest for alleged breaches of bail is delayed whilst the PACE matters are investigated. However, data relating to cases when defendants were only arrested for breach of bail suggest that defendants were detained unlawfully. In Force A, the period between arrest and leaving police custody exceeded 24 hours in 52 (7%) of the 703 defendants in custody for bail breaches only. A further 16 detained between 22-24 hours, leaving limited time for the courts to process their cases. Despite the stated practice in Force B, 135 (9%) of the 1520 defendants arrested for bail breaches only were detained for over 24 hours with a further 73 detained for between 22 and 24 hours. Most defendants arrested for breaching EM bail who were detained for 24 hours or more were arrested on Saturday or Sunday (85% (n=44) in Force A and 83% (n=112) in Force B).

Table 4.3 Number of hours from arrest to release (all cases)

	Force A	Force A	Force B	Force B
	N	%	N	%
2 hours or less	33	4	120	8
3-6 hours	222	27	458	30
Over 6 to 12 hours	176	21	224	15
Over 12 to 18 hours	163	20	321	21
Over 18 to 24 hours	163	20	262	17
Over 24 to 30 hours	23	3	42	3
Over 30 to 36 hours	14	2	15	1
More than 36 hours	36	4	78	5
Total	830	100	1520	100

These legal requirements make the timing of arrests critical, but there are also other considerations. For example, interviewees stated that custody officers would not detain children and young people overnight, so they delayed arrests until shift patterns aligned with when courts were open. An interviewee explained:

> As soon as it's [the breach notification] in, it's got to be done. It's got to be actioned. Yeah, unless it comes through at nighttime … If I'm on late shift, and the connect warrant gets loaded at like, five or six o'clock, I'm not going to arrest that person, I won't be arresting them until the following day or … I'm on a late shift and then there's rest days. So, you could have a breach on a Thursday, I'm on lates on a Friday, so that's not going to be appropriate to arrest … You're not going to arrest him Saturday, because there's no court on Sunday. So, nobody's going to remand him until Monday morning. The earliest opportunity, you could even be looking Tuesday or Wednesday the following week. (B7)

It is recommended that 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 (Recommendation fourteen).

4.5 Summary

Once it had been decided to arrest defendants, whether and when the arrest took place depended on the team the arrest was allocated to, its priorities and its workload as well as its confidence in the information provided by EMS. Generally, defendants managed by offender managers and specialist teams were prioritised alongside those charged with violence offences and prolific offenders. Arrests attempts were not made in all cases, and they may be unsuccessful resulting in considerable attrition are this stage in the process. In both forces defendants would be circulated as wanted on the PNC to facilitate arrests by any officers. Warrants would be withdrawn once court dates had passed in Force B allowing officers' workloads to reduce without the need for positive action.

The custody process was considered to be onerous by Force B officers and acted as a disincentive to arresting defendants. Although officers in Force A also experienced problems with transporting defendants to court this was not a barrier to arresting suspects. Nevertheless, the time involved in arresting defendants for breaches of EM bail has opportunity costs for police forces, because they were unable to fulfill other tasks.

Chapter 5 Timeliness

Whilst the expectation that breaches will be dealt with in real time is unrealistic, it is valid to expect that they will be dealt with promptly and action taken as quickly as possible when deemed necessary. Any delay potentially puts victims and the public at risk and makes it less likely that suspects will be found if they abscond. Delays also mean that the police, courts and CPS are less likely to act especially when no further breaches have been recorded since. If defendants appear in court before notifications were processed, courts will also be unaware of their existence. This chapter discusses how court dates effected decisions in the two forces before examining available data on how long EM breach notifications took to process.

5.1 Court dates

As discussed in chapter 3 the research uncovered differential understanding about whether the power of arrest for breach of bail remained after defendants appeared in court for a routine hearing. This scenario is made more likely the longer it takes to process breach notifications and arrest defendants. Legally, each bail period, that is the time between court hearings, is standalone. Defendants are readmitted to bail at each hearing. However, courts usually take account of bail history when making remand decisions so arguably should be aware that breach notifications were generated even if the police decided to take no further action. Neither police force provided information to the court about breach notifications unless defendants were arrested. Some interviewees suggested that they alerted the CPS to notifications if court dates were imminent, but this was not consistent practice. It is recommended that procedures are put in place to provide the CPS and courts with breach notifications for all cases except those found to be invalid (Recommendation fifteen).

In Force B, all warrants were withdrawn and no further action was taken once court dates had passed. An interviewee described Force B's practice of withdrawing warrants:

> Say it [warrant] takes a week come through for whatever reason, but the youth or the nominal has appeared in court a few days before, clearly they've already appeared in court. So, my understanding was that if we've got a breach that's happened before and someone has then appeared in court, that breach is then kind of null and void. (B12)

This understanding contrasted with practice and the understanding of interviewees in Force A where notifications remained live and arrests would be made despite defendants appearing at court. One interviewee explained:

> No, I think if someone's breached then the necessity is to go and make that arrest regardless of when that court date is. Well, that's my understanding of it. (A1)

These discrepancies in practice should be alleviated by the NPCC publishing clear guidance about correct practices when defendants have appeared in court for routine hearings, that is whether notifications remain live (Recommendation sixteen).

5.2 Case processing times

The time taken for cases to reach the police was not the focus of this research. However, some data were available on the time it took for breach notifications to reach Force B. They were only available for those cases entered onto the IT system as warrants indicating that

they were valid (n=8,313). Two thirds (69%, n=5,733) of these cases were received on the same day as the breach was dated. A further 18 per cent (n=1,478) were received the day after. At the other end of the spectrum, four per cent (n=365) of cases took five days or more to reach the force. Interviewees supported these findings suggesting that they received notifications from EMS quite quickly from the time of the alleged breach, usually within 24 to 48 hours. Others noted that sometimes notifications took longer to arrive from EMS. However, even a small delay creates an anomaly. In Force A, high risk cases were identified for immediate response when they were received but victims and the public may still have been at increased risk before EMS sent the notification. Whilst the practice in Force A had the advantage of signalling that the police responded appropriately, it also consumed finite resources and had an opportunity cost. In most cases, the time lag for receipt of breach notifications met the timeframes stipulated in the EM contract, creating a gap between expectations of the police, public and victims. The proposal to introduce real time proximity monitoring will also require a more rapid response from all agencies (MoJ, 2026d).

Once notifications were received, how forces managed cases affected timeliness. In Force A, the creation of cases on the incident log was evenly distributed across the days of the week. Initial decisions were usually made quite quickly. The average length of time cases were live on the incident log was 62.8 hours. Two thirds of cases (65%) were closed within 24 hours. By contrast, cases managed by the 'untagged team' took an average of 30 days for cases to be closed. This period ranged from the same day to around nine months (282 days). Only 30 per cent (n=50) were completed within a week. These data suggest that despite the priority of cases in which defendants never had equipment installed, these cases were not dealt with expeditiously. In fact, giving the responsibility to a specialist team of police staff resulted in them take longer to resolve than would otherwise be the case.

In Force B, cases were initially triaged on weekdays only. Data on case completion times were available from two points in Force B. One, at the end of the initial triaging by the CBT and two, when warrants were closed.

CBT data highlights the delays in processing cases caused by weekday only working. Just over a fifth (22%, n=5127) of cases were dealt with either on the day they were received or the day after, with half (50%, n=11,196) of all cases completed within three days. A higher proportion of breach notifications for GPS monitoring were dealt with more quickly reflecting the priority these cases were given by the team. Two thirds (42%, n=1610) were triaged on the day they were received or the day afterwards with a total of 71 per cent (n=2717) were completed within the first three days. The CBT also reported prioritising cases involving violence. However, only a quarter (24%, n=2450) of these cases were triaged on the day or the day after they were received with a further quarter (28%, n=2790) completed within three days.[4] This rate was similar to processing times for property offences.[5] Given that both GPS monitoring and violence offences are linked to higher risk cases, the delays in processing many of these cases raises concerns.

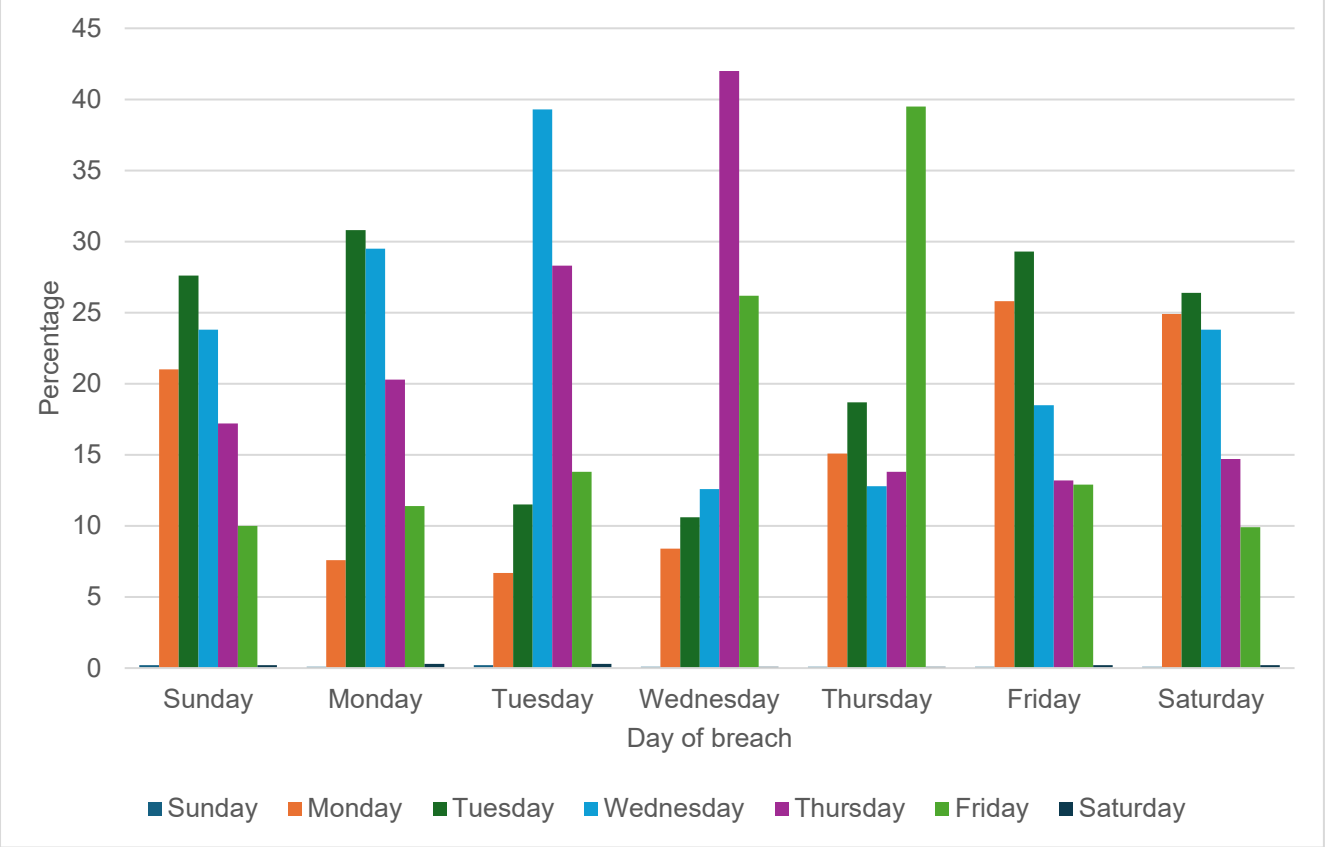
Figure 5.1 demonstrates the relationship between the days of the week and when cases were triaged by the CBT. It shows that around half of breaches on Tuesday to Thursday were assessed by the following day. However, the proportion of cases triaged by following day dropped significantly on other days of the week. These data clearly demonstrate the impact

[4] Violence cases including violence and sexual offences, murder and harassment/threats.

[5] 26% (n=477) of cases involving property offences were dealt with on the day they were received or the day afterwards with a further 25% (n=1276) dealt with on days two and three.

of Monday to Friday working on case processing times. It is recommended that 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 (Recommendation seventeen).

Figure 5.1 Percentage of cases initially assessed by the Central Breach Team on each day of the week by days on which breaches were recorded



Once warrants were created, the mean time to completion was 39 days with the duration ranging from less than a day to 655 days. This is longer than courts, victims and public would expect given that EM is sold as measure to provide reassurance and protection. In addition, a closed record does not necessarily mean that cases were resolved, that is defendants arrested, because of the routine practice of withdrawing warrants once defendants appeared in court.

5.3 Summary

This chapter has highlighted two issues. One, specialist teams who work Mondays to Fridays only negatively impact on case processing times, and two, there is a significant gap between expectations and the reality of how quickly the police are making decisions and arresting defendants for alleged breaches of EM bail conditions. Case processing times are also negatively impacted by volumes so reducing the number of breach notifications received should have positive outcomes in terms of the timeliness of police responses.

Chapter 6 Decision makers

The Bail Act 1976 does not envisage a time when the police would need to use their discretion to make decisions in such large numbers based on solely on monitoring data collected remotely. The law states that 'a defendant who is on bail *may* be arrested without warrant by a constable if they have reasonable grounds for believing that that person is likely to break any of the conditions of his bail or has reasonable grounds for suspecting that that person has broken any of those conditions' (s.7(3b) Bail Act 1976) (emphasis added). Consequently, it envisages that discretion may be used by the police to decide whether to arrest but it does not provide guidance on who within the police should be responsible for these decisions. It will be clear from the proceeding chapters that a variety of police officers and police staff were involved in making decisions about whether to arrest defendants. This chapter examines who currently makes decisions in EM bail breach cases and who should. It will argue that only police officers independent of the investigation should make decisions about EM bail breaches to uphold fair and transparent decision-making.

The policy of Force A was that officers in the case (OICs) should be the decision makers because they knew the case and will be in the best position to respond. They also 'owned' cases and remained in contact with victims, witnesses and the CPS. If they were unavailable within 24 hours, cases should have been sent to response or neighbourhood teams. However, several OICs who reported receiving breach notifications despite being unavailable for longer than 24 hours which delayed assessments. One interviewee explained:

> I'd say this is one of the biggest issues that we have [with] … the policy is that the … risk sits with the officer in the case to deal with the breach. However, that email could be sent through on a rest day and we work a shift pattern working six on and then four off, so potentially, we could be sent that on … the morning of our first rest day. We won't be back on duty until five days later and by that time, we don't know what could've happened … sometimes it would be … picked up by response officers who are on duty, and then they may just leave that until we come back on duty. (A23)

As explained in chapter 2, a much wider range of individuals were decision-makers in Force B. In both forces, cases often went through several layers of decision-makers. At every level, tasks such as checking the accuracy of breach notifications were often repeated, duplicating tasks and swallowing up resources.

Several interviewees raised issues about whether it was appropriate to send breach notifications to OICs. Their reasons were: one, OICs were not necessarily still aware of the details of the case. Once defendants were charged, cases were not viewed as current. They disappeared from officers' workloads and were not at the forefront of officers' minds. Furthermore, the recollection that officers had of cases decreased over time which was especially relevant in the context of current court backlogs. An interviewee explained:

> Once something's post charge … it disappears off an officer's workload report. So, … a natural thing to do is, 'well it doesn't show on my screen when I log in every day and I've done all my actions that I needed to do post charge', the way things are with court at the moment, it might not go to court for three years. I've forgotten about that to a certain extent … and with officers moving department and leaving, we're moving OICs jobs pretty constantly, so I'm having to ask my officers to OIC jobs at court that they have no knowledge of and yet, they'll still have to make that

> risk assessment of what the threat, harm and risk, if there's a breach, whereas my point is, well anybody should be able to do that. (A23)

Another interviewee concurred:

> I'll be honest with you, I think they … think it's gone to court, charged. Certainly, when I was, if they're charged that's me done … That was at court, I don't control what happens in court … I'll go and give evidence, but once he's charged that's me. I've done my job … so, once it comes to this sort of breach … an awful lot of people … [will think] that's beyond my interest now. So, I'm surprised, given the severity of some of the cases, you would think oh, I'll be all over that and they're really not. You can speak to the OIC and they're like I'm not bothered. (B3)

In addition, many OICs changed, and sometimes several times, before the case was concluded at court and court backlogs are making this situation ever more likely. However it was clear that OICs in specialist teams were more likely to remain aware of cases, defendants and victims and previous chapters have shown that they often responded to breaches more quickly. Consequently, any policy should consider different practices in managing cases in specialist teams.

Two, OICs involvement sometimes meant that responses were delayed. Most investigators and specialist teams did not work overnight so they were not always available to respond to breach notifications. Three, it was clear from the comments of interviewees in Force B that there was a great deal of diversity in how OICs responded to notifications. Some did so diligently whilst others ignored them. It was also evident that knowledge of EM and breach notifications varied considerably from officer to officer. This created situations when defendants were treated differently and risks were unidentified and unmanaged.

For these reasons, some interviewees suggested that OICs should not be responsible for managing EM bail breaches. An interviewee from Force A explained:

> … knowing the case really is not that relevant when it comes to breaches of tag … it's black and white … if they have made a clear breach we nick them. I don't think the OIC, who knows the case, has to be the one to call that shot. I just think anyone who's available can see that and make their decision on it. A response cop doesn't need me on duty to tell them what they can go and arrest them for and when. I think they should be able to go and do that without me even being involved in the process … I think ultimately, the whole point of putting someone on tag is to keep the victim safe from further harm … I don't think it's really reasonable to leave a, you know, a breach notification on an OIC's inbox for X amount of time, while they're on rest days or leave. It's supposed to be a quick process to try and get them in if we can. (A22)

This interviewee suggested that response or neighbourhood officers should be responsible for handling cases because they were available 24/7. Another officer concurred that these teams should have the responsibility for managing breaches because they were the officers who ultimately needed to effect arrests:

> The difficulty we have and one of the sort of, gripes we have in that it being the OIC's responsibility is that we're an operational investigation team and I could come in on … my first day back at work, we could have multiple suspects to deal

> with, but I've still got an outstanding suspect that I'm going to have to task back to response officers in any case. My view would be that actually, they have that report, it's come in via EMS, they can make that decision and then do an immediate arrest. (A23)

As well as these operational considerations, there is a principled argument that investigators, that is, OICs should not be involved in bail decision-making. The Police and Criminal Evidence Act (PACE) 1984 (s.36(5)) establishes a principle of separation between investigators and decisions relating to bail, detention and prosecution to ensure a fair, open and accountable process laid out by the Phillips Commission (1981). This separation reduces opportunities for officers to influence defendants' decisions. Whilst most of the evidence drawn upon by the Philips Commission was unrelated to bail, some evidence of 'bail bargaining' was noted (Philips, 1981). This is when the grant of bail from police custody is used as an inducement. Although there is no evidence that such practices are used today, the current EM bail breach processes in both police forces, provides an opportunity and therefore presents a risk that investigators decisions are influenced by non-legal factors and/or that their discretion is used inappropriately. Arrest for breach of bail is a coercive police power which results in defendants being deprived of their liberty, a court appearance and uncertainty about whether they will be remanded in custody. It is likely to be experienced as a 'punishment' even if defendants are rebailed by courts. For these reasons, arrest and subsequent detention may be considered by courts as sufficient warning to ensure future compliance.

Because of its impact and the potential for its misuse, PACE 1984 (ss. 34(2), 34(5), 37(2), 37(7)(d)) requires all police bail decisions (pre- and post-charge) to be made by custody officers independent of the investigation. Decisions about whether to arrest defendants for an alleged breach are bail decisions which impact the liberty of individuals are analogous to these decisions. They should therefore be governed by the same principles as any other decisions related to bail. It is therefore recommended that decisions about EM bail breach notifications are taken by staff independent of the investigation and defendants, that is custody officers, to uphold the legality and legitimacy of decisions (Recommendation eighteen).

Similar arguments can be made in relation to the involvement of Offender Managers in decision-making. Whilst offender managers viewed themselves as the most appropriate decision-makers because they knew 'their offenders' it resulted in differential decision-making which depended on who the individual was and whether they were 'engaging' with their offender manager rather than on factors relating to bail and non-compliance. Therefore, there was a gap between the basis on which officers exercised their discretion and legally relevant factors.

Chapter 7 Inter-force and multi-agency cooperation

Managing bail breaches effectively requires the police to work with other police forces and criminal justice organisations and the EM contractor, EMS. This chapter examines the working relationships between these organisations and highlights challenges and frustrations from the perspective of police staff and officers in two forces.

7.1 Out of Force cases

EMS sent breach notifications to the police forces where the defendants were resident for their bail period. This may not be the same police force that initially investigated the case and 'owns' it. Breach notifications that were received relating to cases 'owned' by other forces were colloquially referred to as 'out of force' cases. In these cases, the court hearing the case would also be out of the police force's jurisdiction. Table 3.1 shows that a significant minority of cases were out of force. In Force A, 551 (16%) cases and in Force B 725 (3%) of cases were recorded as out of force.

At the time of the research there were on-going discussions about the most appropriate way to manage these cases both locally and nationally. In essence, the question is which force should be responsible for managing these breach notifications. The problem is illustrated by the way in which the two forces dealt with these cases, that is differently and inconsistently.

In Force A, there was a disjuncture between 'policy' and practice. Apparently, it had been decided that cases should be managed within the force. However, all interviewees reported that they sent the case to the force which 'owned' the case and it was their decision to request an arrest. In Force B, the policy was also for the cases to be dealt with in force because of the risk posed by defendants living in the area. In reality, practices varied across both forces so there is a risk that cases get missed. The potential was heightened by poor communication between forces and a lack of access to IT systems to get basic information about cases.

Making decisions in out of force cases is hampered by limited access to information. Forces routinely relied only on notifications provided by EMS and PNC records. Access to information about the original case was not usually available. It was only available if the police forces happen to share an IT system or staff had access to Common Platform. Consequently, many interviewees argued that they would be unable to adequately assess the risk posed by defendants. Furthermore, without access to the original case record, forces were unable to find out the identity of the OIC and contact with the owning force was via control centres.

In Force A, control room sergeants stated that these breach notifications were usually sent to the owning force and the incident was closed. Only when the owning force requested an arrest would anything else be done. They were aware of very few cases in which arrests had been requested. The sergeants identified that potentially risky individuals were being left unmanaged. For this reason, these cases were identified as problematic and risky as a sergeant explained 'So there's loads of things that can go wrong with out of force. It's a very difficult way of managing subjects' (A6).

Interviewees were reluctant to deal with these cases because of legitimate concerns about the potential ramifications if information from EMS was out of date. They were concerned that cases may have ended or conditions changed and so on and felt that the cases required 'guesswork'. This they argued resulted in a significant risk that they would make the wrong decision leading to acquisitions of unlawful arrests. Consequently, no action would usually

be taken before consulting with the force that owned the case and even then, that force may be asked to arrest defendants in 'their' cases, especially if it was 'just across the border'.

By contrast, Force B had a clear policy that if defendants were living in the force area, then they would be treated the same way as their own cases. However, not everyone reported putting this policy into practice. Several OMU staff suggested that they e-mailed the relevant force and often did not hear back from them. This was described by one interviewee:

> … and ask the control room to send this to the relevant OIC. But sometimes the control room doesn't get back to me. So it's kind of like, I've sent the email, I've got the receipt that I've sent it and there's really not much more I could do … It would create another job to then go through and checking … [whether] other forces have responded to us. Sometimes you get a response … sometimes you don't … if I get another breach, I just do the same thing and send it to their control room and say can this be sent … the OIC for this case. (B5)

Other interviewees processed them as normal as explained by one of them:

> They [out of force cases] would get actioned as well because they're living on us, so if they're living on us and that's their address it would be down to us to action and we just get them in front of the courts as quick as we could … we would then find out who the individual was before we actioned it. (B2)

Some OMU staff sent any out of force cases to the neighbourhood sergeant responsible for the area where defendants were living for decisions. In practice, however, they were rarely proactively managed, and nothing generally happened unless the other force requested an arrest.

Interviewees from Force B shared concerns about the lack of available information with officers in Force A. Arrest teams were particularly concerned because they did not have access to information about the defendants in terms of the risks posed to them and their colleagues when effecting arrests. These problems were said to be amplified when breach notifications related to cases managed by the National Crime Agency.

The findings raise significant issues for the management of risk. Forces do not have access to all the information they need to make accurate and appropriate decisions. There is a lack of clarity about who is responsible for these cases and delays occur in the process. It is recommended that a policy is agreed nationally about ownership of out of force cases and which force is responsible for their management (Recommendation nineteen). Both options have advantages and disadvantages. On balance the current approach with breach notifications going to the force where defendants are living is preferable because it allows the swift arrest of defendants and manages risks in the area where they are currently living. The alternative is that they are sent to the owning force which may facilitate more effective victim consultation. However, the Victim's Code (MoJ, 2025) requires victims to be updated after bail hearings, that is once a breach has been proven, not on receipt of breach notifications (see Chapter 3).

7.2 Electronic monitoring services (EMS)

This section discusses the role of EMS in the management of EM bail breaches from the perspective of the police. Although some interviewees have positive comments about EMS,

many identified challenges and concerns which made the management of breach notifications harder and resulted in uninformed decisions and delays, ultimately increasing risks for victims and the public. The concerns primarily related to the quality of the breach notifications produced by EMS and interactions with EMS.

Some interviewees had not had any direct contact with EMS. Others had had no recent contact, although several of them indicated that this was because of negative experiences in the past. Many interviewees indicated that getting in contact with EMS was difficult and time consuming. They also had concerns about the quality of the response and whether they could trust the advice/information they received. This was explained by one interviewee when asked if they contacted EMS:

> Not as much now but I have done. I've given up trying. I just don't do it now … because from my experience in the last say six months, you can sit on the phone for an hour plus and then when you speak to somebody, I feel that I'm asking for this information and they give me the wrong information. They don't understand what question I'm asking, and they don't know what answer to give. They'll say well if you email us, we'll get back to you. So, I email them, it can be three or four days before they get back to me. By then the opportunity is then missed for whatever it may be. So, I've just given up … (B9)

Another interviewee concurred:

> So, you ring them up and you think before you even ring them … how long am I going to be at that phone before I get an answer? That's your first thing before you even think about ringing, you think am I going to be 20 minutes waiting for them to answer. I mean when they do pick the phone up, are you going to speak to somebody who knows what they're talking about? Or are you going to speak to somebody that's going to say, yes, no and that's it. … there used to be quite a few old school people working at EMS and they were fantastic. Whatever you asked them, straight to the point, they'll tell you. And then you've got these … new people in and they don't know what they're talking about half the time. They're confusing you more than anything else … At times right you don't want to ring up EMS because you don't know what to expect. And it shouldn't be like that. It should be an agency, multi-agency where you can ring them up and say, right this is what we've got, can you help me? And that's it … At times, at times, you, you're on the phone and it's just constantly on the answerphone and you get frustrated, you put the phone down and then you just make your decision and then you rationalise … tried to get hold of EMS, couldn't do it … (B13)

A third interviewee raised the same points:

> No, it's not easy to get through [to EMS] … on average … you're probably talking over half an hour to get through to them … I have had experiences of, depending on who you speak to … some are better than others … I've had to ring up a couple of times for a particular person to check stuff and I've been told one thing by one member of staff and something else by another member of staff … that hasn't been ideal. … The staff members are helpful and they'll obviously try and provide the information that you need but I do sometimes feel, depending on who you speak to, it's kind of you know, the success in kind of getting the information and kind of the reliability of that information. I think I've had occasions where like

> you'll ring them … they might put you through to like the department that deals with the GPS tags … they'll normally put you through. It just obviously just takes a little bit longer to get through and then speak to the right person. (B12)

One of the main problems was how long it took EMS to answer telephones. Many interviewees reported phone calls not being answered within 30 minutes. Because of the problems encountered, the CBT often acted as the central contact with EMS. OMU staff and police officers contacted the CBT with their queries for EMS so they could be dealt with in one call. Although, the CBT had access to a 'managers' line, unlike everyone else, it made little difference to waiting times as explained by one member of the CBT:

> Between half an hour and an hour … I've got the general one [phone number], the GPS EMS one and the manager's line … The manager ones are quite quick, but then they just transfer you to the team so you're then back in the queue. (B1)

Although the NPCC reported that measures had been put in place to improve waiting times, another member of the team summed up their experience and how it impacted upon their work:

> It's still very hard to phone EMS … I only phone them if I really need an answer … they put me on hold for so long … (B20)

It is recommended that EMS introduce a dedicated telephone service for professionals (Recommendation twenty).

The second concern raised consistently, especially in Force B, was the quality of the breach notifications received from EMS. Several issues were identified. One, was the amount of missing or incorrect information which often left officers and staff with unanswered questions which meant they needed to contact EMS or return the notification (see Table 3.1). However, returning notifications added to delays and information was not always amended satisfactorily. This was explained by a CBT member in response to a question about the quality of the notifications (statements):

> Yes, yeah not very good I would say, when I first joined the team, I found the statements they used to use and the quality, and the information was a lot better. However, when there were changes you know, that Serco made in how they issued breaches and what the statements looked like, there's just been issue after issue in terms of missing bits of information. It could be missing offences, missing court references, they're the two main culprits, missing the breach details, missing the maps, what else is missing sometimes off there? … they're the main ones that's usually missing, and we have to send them back and it could take them a very long time for them to come back through … Sometimes they're quite quick, within a day or two, sometimes they can take a week, sometimes we've sent them back and they've appeared months later. (B18)

Two, the length and layout of notifications made them difficult for some interviewees to navigate, especially if they do not see them regularly. Generally, they were thought to be too long and complicated making it difficult to find and understand the nature and circumstances of non-compliance events. Other interviewees saw the value of the information but wanted a clear summary at the beginning. Interviewees explained:

> Quite often you can spend 10-20 minutes reading through them to find the actual crux of the breach, it might stipulate it on the first page, time and day, that's fine but then there's no context around that … it is not until page five that you get some information about the breach but then it relates to previous breaches so you're not sure which one they're relating to. There's lots of policies and documents just being attached to it. It just needs to be a lot clearer, succinct and precise on the time of day of the breach. You want the conditions of the breach, you want to know what they've done … You want the details of that phone call and what rationale they've given for being 10 minutes late, 15 minutes late or whatever. Then you want the clear history of previous breaches as well and all that information on. Quite often you're searching for that information and it's not always there. They've got pre-forma statements that they seem to write with loads of stuff on there. It makes it very hard to find out the paragraph of information that you really want. So, what I end up doing a lot of the time is call EM tagging and that in itself can be quite a rigmarole. (A4)

A second interviewee explained:

> So sometimes the breaches aren't clear to read or understand or find them, so a lot of it's just very much standard and then some of the sections are very much, say the job being related to EM employees, so their technical wording and language when they do visits and things like that. But often it can be difficult sometimes to understand what the actual breach is from those reports. (A5)

A third interviewee recounted similar points:

> I think they [EMS breach notifications] could be easier to understand because what you tend to find is if there's been, say there's been like ten breaches, everything just seems lumped together on the one, so it's kind of like a rolling document. So I feel there could be, so you've got to pick your way through it just to work out what, I mean I've kind of worked it out now because obviously I've looked at quite a few of them but like, if you hadn't looked at many of those, if you were an officer that maybe wasn't dealing with the breaches on a regular basis and you looked, and you kind of looked at an EMS statement for the first time, I think it's a little bit awkward to understand. So, I do think they could be simplified ... (B12)

It is recommended that breach statements are redesigned using co-production methods to ensure that they are clear, comprehensive and easy to navigate (Recommendation twenty one).

Three, currently EMS do not withdraw breach notifications or update the police with new information. This was a source of comment by several interviewees, particularly in relation to equipment being installed after statements had been sent. As already discussed, they regularly gave examples of when they had made arrest attempts and found that defendants were wearing tags. An interviewee explained:

> they … say that someone's say not available for installation and they send it [the breach notification] to us maybe on a Friday night say, and when we get to do it, it might be Monday, might be Tuesday, if you phone them they say oh yeah we

> went back out, but they don't tell us that … and they might literally go out a few hours after they've sent the breach but they don't tell us. (B20)

A second interviewee concurred:

> We don't get told, if we do have a not available for installation … or withdrawal of consent, the bugbear that we have is … that if they do go out again for whatever reason the nominal contacts them and they do end up going and tagging them, they don't update us to let us know that that person has been tagged and then there may be a genuine reason as to why they hadn't been tagged. And it would be nice that if we did have those statements come through, we could have an update so that we'd have a better idea as to what's going on. (B19)

Similar circumstances were recounted by another interviewee:

> … so and so has been visited [by officers], he is tagged … but yeah we're not informed by EMS really unless we're contacting them specifically and saying is this person tagged now? They won't just run emails oh just to let you know he's now been tagged. That's sort of like on us to investigate and look into which does then usually go down to the officers who are visiting the nominal at the address and then finding out he's got a tag on. (A26)

It is recommended that EMS are required to withdraw invalid breach notifications and update police forces about new information relating to notifications already issued (Recommendation twenty two).

7.3 Courts

Interviewees, especially the CBT, raised concerns about access to information held by courts. Courts hold the definitive version of defendants' bail conditions. Individuals who had access to Common Platform were able to check case details and this was invaluable. However, sometimes problems were uncovered. For example, when bail conditions did not state that they were electronically monitored or bail conditions were not rolled over after a court appearance. This was explained by a CBT member:

> So, they'd been to court whenever and then two weeks later they went to court but they didn't carry over the same conditions. So, the latest court conditions did not say either electronically monitored or GPS or anything like that … and if it doesn't say that on the latest court update, we shouldn't be putting out an arrest package. (B20)

The concern was that EM may have been removed by the courts resulting in defendants being tagged illegally because EMS may not have received an order to remove equipment or may have received one but not acted upon it.

The challenge for the CBT and other staff and officers was that they had no direct access to courts to check the accuracy of Common Platform records. Instead, they were required to phone a central number which had a long wait time and resulted in courts stating that they would get back to them within 10 days. This response evidently does not fit with the expectation of rapid decision-making in these cases. Another member of the team raised the same issues:

> I'd say the only ones that we do have some issues with, is the court system that we use, Common Platform, sometimes there's missing information on there, it doesn't say if the person's electronically monitored. But we're getting breaches through, so then we have to chase the court and wait for a response, which could take 10 days, two weeks in some instances, … they'll put, they've got a curfew or they've restrictions not to go to this place, but it doesn't actually say, subject to electronic monitoring, sometimes that bit's missed and we need that as part of the conditions to then be able to action it, so it's then us chasing the courts, to try and get that information added on or updated. (B18)

7.4 Communication between courts and EMS

Several issues were raised with straddled the responsibilities of EMS and the courts. This section examines the issues identified by interviewees and through the observations.

One, as discussed in chapter 3, breach notifications were generated erroneously when orders had been stopped or varied by courts. This was explained by an interviewee:

> So you're always kind of a bit of a step behind which then does make it harder to know whether or not it's the nominal's doing or whether it's that the systems haven't been updated in time and that's why the nominal is being breached … they'll go and cut the tag off and then EMS will send a breach to us to say he's cut his tag off, he's not wearing his tag and then we'll go and have to look into that … Nine times out of ten they'll have on the call log the person saying I've been to court, I've been told I'm not wearing a tag and no one's come to take it off me so I've just cut it off myself but EMS haven't received that end of order so according to them he should still be tagged (A26).

A second interviewee described their experience:

> … and a case can progress and decisions can be made and all the back-up systems are just very slow to update in relation to things. So, you know, we'll have cops going out to people that are like, I'm not on bail anymore, the case is finished or that's been varied, it was varied two weeks ago, and the courts haven't let EMS know, so they're still sending breaches through. And we're almost legally harassing people in relation to turning up on the door, saying, look, we've had this breach for you, and I'm not on bail so, how can I be breached, so, that kind of thing. (A24)

These situations were more likely to be described by interviewees in Force A because cases were usually, but not always, identified by the CBT in Force B using Common Platform. EMS does not have access to this system and relied on courts sending information to them.

It was not possible to identify why EMS were seemingly unaware that defendants should no longer be monitored. It was reported that in most cases Common Platform stated that the information 'had been shared' but it was not clear whether it included EMS. Examples were provided/seen when variations of EM bail conditions had not been managed efficiently by the courts and/or not communicated to EMS and when EMS had not varied EM conditions after being notified. One barrier to effective communication was that EMS reportedly will only take instructions from courts to discontinue or amend monitoring or cancel breach notifications. Even when the police contacted them to informed them that defendants' conditions had been

amended or removed, or indeed that defendants were deceased they refused to acknowledge the information provided. Because of this, several staff stated that they no longer contacted EMS. However, if this practice continues the number of invalid breach notifications sent to the police will not reduce significantly. It is therefore recommended that the Ministry of Justice reviews the agencies with authority to update EMS about the status of defendants and their cases (Recommendation twenty three). This is important because the current situation results in defendants who were no longer on bail or whose conditions had been changed being monitored unlawfully *and* EMS being paid to monitor them.

Two, maps setting out exclusion zones were not consistently included in breach notifications. This made it difficult to make informed decisions about the validity of breach notifications and what action to take because officers could not visualise defendants' movements in relation to localities such as victims' homes. No maps were available on Common Platform because courts apparently set zones in text. This practice resulted in some uncertainty or 'wooliness' for decision-makers and defendants, especially if courts set zones a certain distance from a location rather than using boundaries such as roads to set them. This was explained by one interviewee:

> The exclusion zones are probably the woolliest area. Okay, so it's woolly also for the defendants because I wouldn't know, if I was told you can't go within a thousand metres or more, I wouldn't know exactly what that meant. I'm sure a lot of people wouldn't know exactly what that meant or where they can't go. And obviously as soon as you go over that or into that you've breached, it's that simple isn't it. So, I think that's a problem not always knowing exactly what the boundaries are … I think the boundaries are a problem and not always, you know, and a thousand metres or whatever is that how the crow flies, you know, how is that worked out? (B20)

Three, similar problems arose when exclusion zones were set with exemptions and notifications were sent to the police in error. Common exemptions included entering in the exclusion zones for court appearances, to visit solicitors and for medical appointments. How the errors occurred was not evident but without access to Common Platform the police were not aware that no breach had happened. At best, this wasted police time, at worst defendants may have been arrested unnecessarily. An interviewee explained:

> … It does state in quite a lot of their … conditions, you know, exclusion zone unless it is for a purpose. Whether it be going to the job centre, going to probation, going to solicitors and it can be corroborated that that's definitely where they were and that's the reason why they breached it then obviously, we can negate it. But EMS … just see that they've breached the exclusion zone and that's why we get a statement. (B19)

Four, interviewees often identified problems with defendants' addresses that led to no further action because either the courts or EMS had provided the wrong address or it was not sufficiently accurate for EMS to find the property. Address variations were also not always updated quickly enough to prevent breach statements being issued.

7.5 Summary

This chapter identified challenges created by working with other police forces, criminal justice agencies and EMS. It highlighted sub-optimal communication between agencies which added

to the complexities and delays in processing cases. It is, therefore, recommended that consideration is given to how communication channels between all agencies can be improved including routine access to IT systems (Recommendation twenty four).

Chapter 8 Conclusions and recommendations

The police are responsible for arresting defendants on behalf of the courts for alleged breaches of EM bail conditions. The volume of breach notifications makes arresting everyone for whom breach notifications are received unrealistic. Therefore, the police are required to use their discretion to decide who to arrest and put before the court. This research found that between 10 and 17 per cent of breach notifications resulted in an arrest. In 2025, 832 defendants were arrested for alleged breaches of EM bail across the two forces and over half (n=427) of these defendants were arrested for new alleged offences at the same time. These findings indicate that there is a significant gap between the rhetoric of EM as a mechanism to uncover and act upon non-compliance and the reality.

To make appropriate, informed and legal decisions the police need to be sufficiently familiar EM technologies and the digital information they produce and receive accurate and timely information from EMS. The volume of breach notifications makes decision-making challenging, and it consumes significant time and resources. Force A received an average of 132 notifications per month and Force B 741 per month in the six months to February 2026, that equates to 10,476 per year. However, around half of the notifications sent to forces were invalid either because they resulted from circumstances outside of defendants' control, such as being detained in police custody/prison or because they did not meet the required evidential standards. Reducing the volume of unnecessary notifications will enable the police to focus upon those which are valid.

The growth in the use of EM to monitor bail conditions has meant that the police have needed to put processes in place to manage the high volume of breaches. The two forces did this differently. 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 cases were dispersed across the force. This created different processes and systems across and within the two forces. In both forces, many individuals (both police officers and staff) were involved in deciding how to react to breach notifications and cases often went through multiple layers of decision-making before they were resolved. Consequently, this duplicated work and resulted in variable outcomes.

The advantage of the process adopted in Force A was that it enabled all cases to be quickly assessed 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.

Whilst there was general agreement on the main factors relevant in decision-making, a wide range of factors were considered by officers and staff and the importance of individual factors varied. The type of offence was the dominant factor, partly because it was information that was easily accessible and universally understood. For these reasons, it tended to be used by officers and staff as a short-hand form of risk assessment. Yet, the overriding finding was lack of consistency which resulted in differential decision-making. Furthermore, decisions 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. All interviewees thought that anyone they arrested should be remanded in custody and for some this impacted negatively on their decisions about whether to arrest individuals.

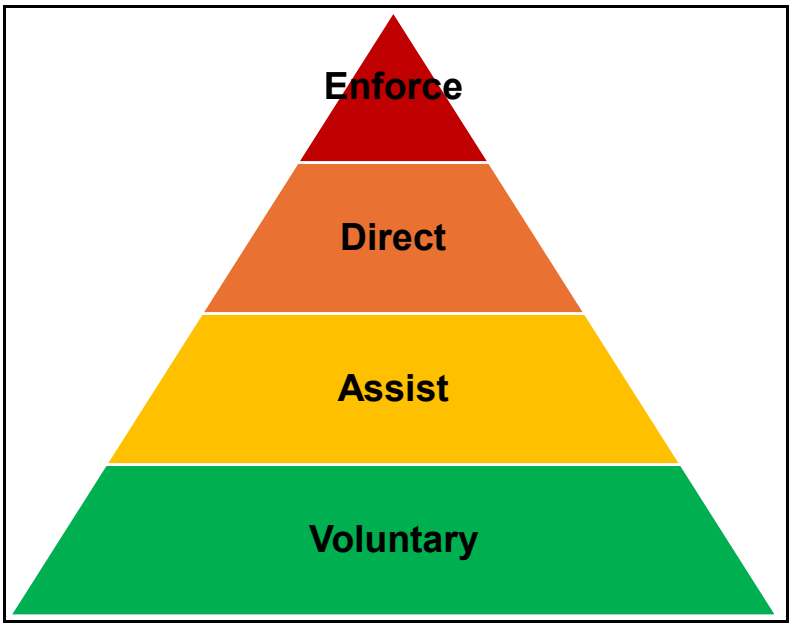
Police officers and staff in many different roles took decisions about breach notifications resulting in different decisions and varying speeds of decision-making. Many officers were OICs or offender managers involved in the original case and/or with the management of offenders. These practices are contrary to the legal principle established by PACE 1984 that investigators should not be involved in bail decisions to guard against malpractice. PACE 1984 requires all bail decisions to be the sole responsibility of custody officers. It is for this reason that it has been recommended that decisions about EM bail breach notifications are taken by staff independent of the investigation and defendant, that is custody officers, (Recommendation eighteen).

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. This situation arose partly because there is a policy vacuum. No guidance exists from government (Home Office or Ministry of Justice) or the NPCC about how to manage these cases (although it was being drafted at the time of the research). Consequently, the current system does not meet the principles of fairness, openness and accountability which should be the foundation for any decisions that involve the police exercising their powers over individuals, especially those who are presumed to be innocent and when they may be deprived of their liberty (Philips, 1981). Consequently, the NPCC should issue guidance about how decisions should be made, who should make decisions and on what criteria when EM bail breach notifications are received. Police forces should also publish clear policies which align with the newly created NPCC guidance. However, this is unlikely to be sufficient to ensure fairness because it involves the police issuing guidance for themselves. To ensure a fair and transparent process which can claim legitimacy, the Ministry of Justice should also publish a comprehensive EM bail breach policy.

A national EM breach policy should include tolerances for every breach type as well as setting out a framework to foster voluntary compliance and improve consistency. Responsive regulation provides a potential model and largely reflects current practice uncovered by this research. Drawn from regulatory theory and developed by Ayres and Braithwaite (1992), it provides framework of actions which escalate becoming more interventionist and serious in response to continued and/or more serious non-compliance. Figure 8.1 provides an illustration on how the model works. It aims to foster compliance by using the least interventionist approach. Enforcement is the last resort either when all other options have failed or when the non-compliance event(s) is serious. It would result in the defendants' arrest and return to court. Its existence has deterrent value because it signals the willingness of the police and courts to act, thereby encouraging compliance at lower levels of the pyramid.

At the base of the pyramid the focus is on 'voluntary' compliance by making it as easy as possible for defendants to comply. This includes providing clear instructions, ensuring that equipment is working correctly and the process for varying conditions is straightforward and rapid. At the next level, 'assistance' to comply is provided to defendants. Examples include SMS reminders about the start of curfews and regular phone calls and visits. For those who continue to resist complying, responses escalate to 'direction' such as warnings followed by enforcement for defendants whose alleged non-compliance is serious and/or who continue not to comply despite warnings and so on.

Figure 8.1: Responsive regulation (based on Ayres and Braithwaite, 1992)



The pyramid is not a one-way rigid sequence. Where defendants enter the pyramid depends on the seriousness of the non-compliance and risk of harm they pose. Equally, responses can deescalate and move back down the pyramid when defendants improve their compliance.

Whether the police should be responsible for managing every alleged breach of EM bail is a pertinent question given the volume of current breach notifications and expected increase in numbers. Whilst some of the pressure on the police can be reduced in the short-term by measures to improve the quality and accuracy of breach notifications, and by the police swiftly updating EMS when defendants with tags are arrested, this will not resolve the fundamental problem. Managing breaches of EM court bail is not and never will be a core function of policing nor do the police have the resources to give every breach notification the priority that the courts and public expect. 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 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 (Recommendation twenty five). This proposal was universally supported at a workshop to discuss the research findings attended by representatives of all relevant agencies.

An alternative to arrest to consider is for some defendants, those presenting a lower risk, to be summoned or given a ‘notice of appearance’ at court rather than arrested. This approach complies with a responsive regulation approach and fits the facts. It is likely to require new legislation. Arrests rarely take place very close to the non-compliance event and may happen days, weeks or months afterwards because of the inbuilt delays in the processing of breach notifications found by this research. Given these delays, the swift issuing of summons or ‘notice of appearance’ for defendants to appear at court may produce a quicker and more certain response that current practices and improve defendants’ compliance. Other benefits

include saving police time and resources and allowing courts to more effectively manage the scheduling of hearings. It would also enable the police to focus their resources on defendants who have allegedly breached their bail and pose a high risk of harm to victims and/or the public or who fail to appear at court after receiving a summons. It is therefore recommended that consideration is given to changing the law to allow defendants to be issued with a summons or 'notice of appearance' as an alternative to arrest (Recommendation twenty six). A significant hurdle would be the lack of capacity in courts and current court backlogs.

Similar procedures exist in other common law jurisdictions to manage breaches of bail. In Canada 'judicial referral hearings' allow defendants to be summoned to appear at court rather than be arrested and detained in cases not involving 'physical or emotional harm, property damage or economic loss harm to victims' (Government of Canada, 2026; Public Prosecution Service of Canada, 2020). In New South Wales, Australia the police have the discretion to issue application notices or court appearance notices instead of arresting defendants (s.77 Bail Act 2013 (NSW)).

Finally, monitoring decisions is key to making police accountable and transparent, but it is not possible currently because data are not retrievable from police systems and there is no routine local or national monitoring of decisions. The existing system for collecting data requires the police to send outcomes to EMS. However, this method was found to be misleading and inaccurate. Instead, it is recommended that the Home Office/Ministry of Justice 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 (Recommendation twenty seven). Furthermore, HMICFRS should include the police management of EM bail breaches in their routine force inspections (Recommendation twenty eight). Collectively, these measures will increase the visibility of decisions and accountability which should enhance its legitimacy and victims and the public's trust in EM and bail.

8.1 Recommendations

It is recommended that:

1. 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;

2. Force B categorise EM bail breaches as non-crime incidents rather than warrants;

3. outcome reporting to EMS by police forces is suspended until a comprehensive and systematic data collection process is created;

4. 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;

5. that EMS puts robust measures in place to improve the accuracy of breach notifications, and they are audited regularly by HMPPS;

6. 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;

7. a national EM breach policy is developed by the Ministry of Justice and that the National Police Chief's Council/College of Policing and police forces publish guidance setting out legitimate decision-making criteria and their relative priorities;

8. 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;

9. a policy is introduced for the length of time GPS equipment can remain uncharged without initiating breach notifications;

10. consideration is to EMS sending one notification that combines all breach occurrences within the previous 24 hours;

11. consideration is given to the most effective methods of identifying and flagging multiple breach notifications for the same case/defendant to decision makers;

12. any future breach policy/guidance should include criteria about how time spent on bail and gaps between non-compliance events should be considered;

13. routine monitoring of arrests for EM bail breaches by protected characteristics including ethnicity is introduced;

14. 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;

15. procedures are put in place to provide the CPS and courts with breach notifications for all cases except those found to be invalid;

16. 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;

17. 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;

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

19. a policy is agreed nationally about ownership of out of force cases and which force is responsible for their management;

20. EMS introduce a dedicated telephone service for professionals;

21. breach statements are redesigned using co-production methods to ensure that they are clear, comprehensive and easy to navigate;

22. EMS are required to withdraw invalid breach notifications and update police forces about new information relating to notifications already issued

23. the Ministry of Justice reviews the agencies with authority to update EMS about the status of defendants and their cases;

24. consideration is given to how communication channels between all agencies can be improved including routine access to IT systems

25. 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;

26. consideration is given to changing the law to allow defendants to be issued with a summons or notice of appearance as an alternative to arrest.

27. the Home Office/Ministry of Justice 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,

28. HMICFRS should include the police management of EM bail breaches in their routine force inspections.

References

Ashworth, A. (2026) *Principles of Criminal Law*, 5th Edition, Oxford: Oxford University Press

Ayres, I and Braithwaite, J. (1992) *Responsive regulation: transcending the deregulation debate*, Oxford: Oxford University Press.

BBC News (2026a) 'Delays in fitting electronic tags putting victims at risk, report finds', 29th September 2026, at https://www.bbc.co.uk/news/articles/cj62eyq1g5yvo [accessed 14.10.2026]

BBC News (2026b) 'Court system under massive strain says police chief', 12th October 2026, at https://www.bbc.co.uk/news/articles/c6n4e849zkvzo [accessed 14.10.2026]

Chalmers, J. and Leverick, F. (2008) 'Fair labelling in criminal law', *Modern Law Review*, 71(2): 217-246

Criminal Justice Joint Inspection (CJJI) (2026) *Electronic monitoring in practice: the police response to electronically monitored bail breaches and the use of electronic monitoring on community sentences and post-release licences*

Crown Prosecution Service (2026) *Prosecution guidance: bail*, at https://www.cps.gov.uk/prosecution-guidance/bail [accessed 26.06.2026]

Galistio, S., Hillier, J., Liffen, E., Smith, H. and Stephenson, G. (2019) *Process evaluation of the Global Positioning System (GPS) electronic monitoring pilot: quantative findings*, Ministry of Justice analytical series 2019 at https://assets.publishing.service.gov.uk/media/5d1c8bb3e5274a08d734b821/process-evaluation-gps.pdf [accessed 13.06.2026]

Government of Canada (2026) *Criminal Code RSC 1985 c.c-46* at: https://laws-lois.justice.gc.ca/eng/acts/c-46/page-96.html#h-126931 [accessed 14.10.2026]

Her Majesty's Inspector of Prisons (HMIP) (2012) *Remand prisoners: a thematic review*, at https://hmiprisons.justiceinspectorates.gov.uk/hmipris_reports/remand-prisoners/ [accessed 10.10.2026

His Majesty's Inspector of Constabulary and Fire and Rescue Services (HMICFRS) (2026) *What we do*, at https://www.cps.gov.uk/prosecution-guidance/bail [accessed 10.10.2026]

His Majesty's Inspector of Prisons (HMIP) (2026) *Everything is after sentencing: the experience of remand prisoners*, at https://hmiprisons.justiceinspectorates.gov.uk/hmipris_reports/everything-is-after-sentencing-the-experiences-of-remand-prisoners/ [accessed 10.10.2026]

Home Office (2026) *Police powers and procedures: stop and search, arrest and mental health detentions, England and Wales, year ending 31 March 2026*, Arrest summary data tables at https://www.gov.uk/government/statistics/stop-and-search-arrests-and-mental-health-detentions-march-2026#documents

Hucklesby, A. (2009) 'Understanding offenders' compliance: a case study of electronically monitored curfew orders', *Journal of Law and Society*, 36(2): 248-71

Hucklesby, A. (2013) 'Compliance with electronically monitored curfew orders: some empirical findings', in A. Crawford and A. Hucklesby (eds) *Legitimacy and Compliance in Criminal Justice*, Abingdon: Routledge

Hucklesby, A. (2024) 'A systemic approach to reducing custodial remands: the experience of England and Wales' in C. Morgenstern, W. Hammerschick, M. Rogan (eds) *A means of last resort? European perspectives on pre-trial detention*, London: Routledge

Hucklesby, A. (forthcoming) 'Technologies, pre-trial detention, release and bail', in A. Hucklesby, C. Morgenstern, N. Myers (eds) *The research handbook of pre-trial detention and bail*, Cheltenham: Edward Elgar.

Hucklesby, A and Holdsworth, E. (2016) *Electronic Monitoring in England and Wales*, available at www.emeu.leeds.ac.uk

Hucklesby, A and Holdsworth, E. (2020) *Electronic monitoring and probation practice, H*M Inspectorate of Probation Academic Insights 2020/08 at https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/12/Academic-Insights-Hucklesby-and-Holdsworth-FINAL-1.pdf

Kerr, J., Roberts, E., Davies, M. and Pullerits, M. (2019) *Process evaluation of the Global Positioning System (GPS) electronic monitoring pilot: qualitative findings*, Ministry of Justice analytical series 2019, at https://assets.publishing.service.gov.uk/media/5c66ca97e5274a72b55d58a5/gps-location-monitoring-pilot-process-evaluation.pdf [accessed 13.06.2026]

Ministry of Justice (2023) *Electronic monitoring court bail protocol*, at https://www.gov.uk/government/publications/electronic-monitoring-court-bail-protocol/electronic-monitoring-court-bail-protocol [accessed 24.06.2026]

Ministry of Justice (2025) *The code of practice for victims of crime in England and Wales (Victim's Code)*, at https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime [accessed 15.10.2026]

Ministry of Justice (2026a) *Criminal justice statistics quarterly, June 2026*, Overview Tables: Table Q4.3, at: Criminal Justice Statistics Quarterly: June 2026 - GOV.UK [accessed 23.10.2026]

Ministry of Justice (2026b) *Offender Management Caseload Statistics quarterly, January to March 2006*: Prison Population 30th June 2026, at *https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-january-to-march-2026/offender-management-statistics-quarterly-january-to-march-2026*

Ministry of Justice (2026c) *Electronic monitoring statistics England and Wales, September 2026*, at https://www.gov.uk/government/statistics/electronic-monitoring-statistics-publication-september-2026 [accessed 23.10.2026]

Ministry of Justice (2006d) *Government announces plan to tag thousands of extra offenders, Press release 19 March 2026*, https://www.gov.uk/government/news/government-announces-plans-to-tag-thousands-of-extra-offenders [accessed 10.10.2026]

Philips, C. (1981) *The Royal Commission on Criminal Procedure: report*, Cmnd 8092, London: HMSO.

Public Prosecutor Service of Canada (2020) *Judicial Referral Hearings*, at https://www.ppsc-sppc.gc.ca/eng/pub/fpsd-sfpg/fps-sfp/tpd/p3/ch20.html#section_1 [accessed 16.10.2026]

Rossner, M, Tait, D. and McCurdy, M. (2021) 'Justice reimagined: challenges and opportunities with implementing virtual courts', *Current Issues in Criminal Justice*, 33(1): 94-110.

The Telegraph (2026a) 'Stalkers freed on bail breach tagging orders more than 30 times', 29th September 2026, at https://www.telegraph.co.uk/news/2026/09/29/stalkers-freed-bail-breach-tagging-orders/ [accessed 12.10.2026]

The Telegraph (2026b) 'Met dealing with 100 tag breaches every day', 8th October 2026 at https://www.telegraph.co.uk/news/2026/10/08/met-dealing-with-100-tag-breaches-every-day/ [accessed 12.10.2026]

van Felius, M., Marchetti, E., and Bond, C. E. W. (2026) 'Why do people fail to comply with bail? An exploratory case study of two court jurisdictions in Queensland, Australia', *Current Issues in Criminal Justice*, *38*(3): 379–397.

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A briefing paper is also available at https://go.bham.ac.uk/EMbailbreaches

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