

Operating Bail Decision Making Under The Bail Etc Scotland Act 1980

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operating bail decision making under CROWN DECISION-MAKING UNDER THE YOUTH CRIMINAL ... No provincial policies specifically on bail decision-making were located All Crown prosecutors participating in this research were aware of the bail provisions in the YCJA although there was variation, and some confusion, in their interpretation In the bail ...

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Under s. 4 of the Bail Act 1976, on each occasion that a person is brought before a court accused of an offence, or remanded after conviction for enquiries or a report, he must be granted bail...

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A court exercises oversight and makes a decision on bail for the first time upon the 'first production' of an arrested person. Following arrest, a 'bail decision' may be made at multiple points of intervention in the criminal justice process.

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Prosecutors currently have a right, under Section 31(2) of the Criminal Procedure (Scotland) Act 1975, to appeal to the High Court against a decision by any sheriff to grant bail to an accused person. Under Clause 4 of the present Bill, a prosecutor will be able to apply to a court which has granted bail to a person for a review of that decision.

[Criminal Justice \(Scotland\) Bill](#)

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Bail is a subject about which there has been increasing anxiety in recent years. This is the report of a detailed study of how bail legislation is being operated in Scotland. The research was commissioned by the Scottish Office Home and Health Department and was carried out by researchers from the Scottish Office Central Research Unit. The researchers observed the working practices of the criminal justice system and looked at the pressures on each part - police, prosecutors and courts - as it carries out its task in assessing whether people should be released or kept in custody before trial or before sentence.

Bail is a fundamental human right which measures society's democratic credentials. Taken alongside an increasing prison population, there is an urgent need to find alternatives to custodial remands which do not increase risks to the community. This important book evaluates a bail support scheme called the Effective Bail Scheme (EBS), which was the first such scheme directed at adults, and places its findings in the context of bail law and practice. Based on up-to-date research, this book will make a valuable contribution to an under-researched area and provide useful insights for policy makers and practitioners.

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Published in 1999. Scottish criminal law and procedure are very different from their counterparts elsewhere in the United Kingdom. This book is the first socio-legal account of the Scottish criminal justice process and its constituent institutions. Its aims are: to explain the operation of the various elements which make up the 'system'; to summarise the considerable volume of relevant Scottish research; and to locate this knowledge within contemporary theorising about criminal justice. To this end, the editors commissioned a team of experts to write chapters on the various stages of institutions of the Scottish criminal justice process. Given Scotland's broad social and cultural similarities to the rest of the United Kingdom, the book also provides a useful comparative perspective which should help to discourage the tendency towards overly ethnocentric theorising south of the border.

The study of decisions in the criminal justice process provides a useful focus for the examination of many fundamental aspects of criminal justice. These decisions are not always highly visible. They are made, or dinarily, within wide areas of discretion. The aims of the decisions are not always clear, and, indeed, the principal objectives of these decisions are often the subject of much debate. Usually they are not guided by explicit decision policies. Often the participants are unable to verbalize the basis for the selection of decision alternatives. Adequate information for the decisions is usually unavailable. Rarely can the decisions be demonstrated to be rational. By a rational decision we mean "that decision among those possible for the decisionmaker which, in the light of the information available, maximizes the probability of the achievement of the purpose of the decisionmaker in that specific and particular case" (Wilkins, 1974a: 70; also 1969). This definition, which stems from statistical decision theory, points to three fundamental characteristics of decisions. First, it is assumed that a choice of possible decisions (or, more precisely, of possible alternatives) is available. If only one choice is possible, there is no decision problem, and the question of rationality does not arise. Usually, of course, there will be a choice, even if the alternative is to decide not to decide—a choice that, of course, often has profound consequences.

This book explores the critical questions of how and why criminal justice policies emerge, and examines how criminal justice policy is understood and applied by practitioners. It questions whether diversity in implementation implies policy failure or a sign of healthy activism among local practitioners.

Examines the causes for mass incarceration of Americans and calls for the reform of the bail system. Traces the history of bail, how it has come to be an oppressive tool of the courts, and makes recommendations for reforming the bail system and alleviating the mass incarceration problem.

Most people in jail have not been convicted of a crime. Instead, they have been accused of a crime and cannot afford to post the bail amount to guarantee their freedom until trial. Punishing Poverty examines how the current system of pretrial release detains hundreds of thousands of defendants awaiting trial. Tracing the historical antecedents of the US bail system, with particular attention to the failures of bail reform efforts in the mid to late twentieth century, the authors describe the painful social and economic impact of contemporary bail decisions. The first book-length treatment to analyze how bail reproduces racial and economic inequality throughout the criminal justice system, Punishing Poverty explores reform efforts, as jurisdictions begin to move away from money bail systems, and the attempts of the bail bond industry to push back against such reforms. This accessibly written book gives a succinct overview of the role of pretrial detention in fueling mass incarceration and is essential reading for researchers and reformers alike.

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