

***HM CROWN PROSECUTION SERVICE
INSPECTORATE***

PRESS RELEASE

**(EMBARGOED UNTIL 00.01hrs WEDNESDAY,
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18 September 2002

REPORT ON CUSTODY TIME LIMIT PROCEDURES WITHIN THE CPS

REVIEW SHOWS SYSTEMS NEED TIGHTENING

Her Majesty's Crown Prosecution Service Inspectorate has today published its report of the inspection of custody time limit procedures within the CPS.

Inspectors reviewed 133 files from ten CPS Areas and found that over 90 per cent of the custody time limits were calculated correctly. Only a few of the 55,000 defendants subject each year to custody time limits were released from custody because of custody time limit failures. Nevertheless, the systems and their operation need to be tightened further in order to reduce the risk of inappropriate releases.

Stephen Wooler, HM Chief Inspector of the Crown Prosecution Service said:

“Whilst the majority of cases involving defendants subject to custody time limits do not give rise to difficulty, the potential consequences of defendants being inappropriately released on bail requires the risk to be reduced to an absolute minimum. There are, at present, only a few such occurrences but the risk remains. Our recommendations are designed to prevent such failures.”

The inspectors found that in many CPS Areas custody time limit monitoring systems were inadequate. Although some Areas had sound systems, the manner in which they were operated still carried a risk of failure. The team found some instances of errors in the calculation of the expiry and review dates, which had the potential to contribute to the release of a defendant on bail, had the cases not been committed or proceeded to trial within the time limit. Staff were found to be keenly aware of the possible consequences of custody time limit failures and most had received some form of training. However the quality of this was varied, as there is no co-ordinated national approach to training.

Specific findings by the Inspectorate include:

- * The national ready reckoner is used by most staff to calculate custody time limit expiry and review dates, however inspectors found that the expiry date was incorrect in 11 out of 133 cases examined, an error rate of 8.3%. Calculations are not always checked as a matter of course, lawyers rarely check these calculations, although some managers will spot- check them.
- * Lawyers who deal with initial remand hearings do not always endorse the files clearly with specific instructions to initiate the custody time limit procedures. Most relied on administrative staff to have made the correct calculation and did not carry out any further check when considering whether to apply for an extension of a custody time limit.
- * One Area produced a monthly audit report to the Chief Crown Prosecutor; this approach was commended.
- * The majority of Areas carried out a management check to ensure that custody time limits are being properly monitored, although the extent and frequency varied.
- * Despite the requirement for the prosecution to show that it has acted with all due diligence and expedition, notices of application to extend were rarely accompanied in magistrates' courts by a chronology setting out case progress. They were more likely to be provided to Crown Courts but the standard varied considerably.

- * There has been insufficient training on custody time limits and regulations.

Responding to the report the Director of Public Prosecutions, Sir David Calvert-Smith QC, said:

“If a court has ordered that a defendant be held in custody during the period before trial, it is essential that the order is not frustrated by administrative failure.

“Release of a defendant as a result of such a failure is extremely rare and should be seen in the context of over 55,000 defendants remanded in custody before trial each year. As the Inspectorate’s report makes plain, CPS staff are aware of the importance of the CTL regimes and of the potential consequences of such failure.

“The report has exposed areas where the risk of administrative failure, though small, is too high and would be reduced by more robust procedures and comprehensive training. We have accepted the Inspectorate’s recommendations and have already taken action to implement them.

“Our aim must be to capitalise on the good practice the Inspectorate has identified and, by implementing their recommendations, raise our performance in this area so that the risk of CTL failures is reduced to nil.”

Measures underway or to be taken are:

- * Work is underway to enhance the “ best practice” guide on CTLs to provide CPS staff with more detailed, easily accessed guidance on the critical tasks that need to be undertaken for setting, monitoring and reviewing CTLs;
- * Closer central monitoring of any CTL failures to ensure that lessons are learnt and ensure that guidance remains relevant and fit for purpose. Systems are already in place to achieve this;

- * More comprehensive training for CPS staff;
- * Closer working with the police and courts to ensure joint monitoring of and adherence to CTLs;
- * Continued evaluation of the management and monitoring of CTLs by CPS Areas through the annual certificate of assurance which all Chief Crown Prosecutors must sign, and through our regular audit arrangements;
- * Building automatic flagging and monitoring of CTL procedures into our computer-based case management system which is currently being developed.

Notes to Editors:

1. HMCPSI is an independent statutory body, which was established on 1 October 2000 when the Crown Prosecution Service Inspectorate Act 2000 came into effect.
2. The Chief Inspector is appointed by and reports to the Attorney General. HMCPSI has offices in London and York.
3. Custody Time Limit Regulations are made under section 22 (1)(b) of the Prosecution of Offences Act 1985 (the Act) made provision for the introduction of maximum periods during which an accused could be remanded in custody in the initial stages of proceedings in the magistrates' court and the Crown Court. Details of those maximum periods are set out in the annex of the executive summary. The custody time limit may be extended if the case is not ready to proceed before expiry provided that the prosecution can establish grounds for doing so and show that it has acted with all due diligence and expedition.
4. Custody time limits relate to the offence and not to the accused. Each offence charged against each defendant attracts its own limit which runs from the date the defendant first appeared at court on that offence. If a defendant is accused of a number of offences he or she may appear in court on a number of different days and several separately running custody time limits may be involved, each having its own expiry date. A similar and, often, more complicated situation arises in cases involving several co-accused each of whom first appeared in court on different dates.
5. A custody time limit has to be calculated for over 55,000 defendants remanded in custody before trial each year. (Home Office Prison Population Monthly Brief.)

6. Neither the primary nor the subordinate legislation impose an obligation on any agency to monitor time limits, but any application to extend a time limit must be made by the prosecution, even where the case is ready for committal or trial and it is the court or the defence which requires further time. Consequently, CPS offices are required to have in place systems for monitoring time limits to ensure that there is a timely application for extension in appropriate cases. Errors in monitoring custody time limits have led on occasions, however, to defendants being released on bail because applications to extend have not been made in time.
7. The review team visited ten CPS offices and interviewed staff at all levels involved in the handling and monitoring of custody cases. The selected sites included three in which the CJU was co-located in a police station.
8. The team examined 50 magistrates' courts and 50 Crown Court files which were subject to a custody time limit. The sample included 45 magistrates' courts and 30 Crown Court files in which the need to extend the time limit was considered. The sample of Crown Court cases included 15 cases, which had been sent to the Crown Court in accordance with the provisions of section 51 of the Crime and Disorder Act. Inspectors also examined the magistrates' courts stage of proceedings in the sample of Crown Court files (other than sent cases), which provided data in respect of an additional 33 magistrates' court cases.
9. An Executive Summary of the report accompanies this press release. For further information please contact the Enquiry Point, HMCPSI (tel: 020 7210 1197), or Jane Holman, CPS Press Office (tel: 020 7796 8106).

CROWN PROSECUTION SERVICE

PRESS RELEASE

DPP WELCOMES REPORT ON CUSTODY TIME LIMITS

A report which highlights good practice and makes recommendations for further improvements to the way in which the CPS deals with custody time limits was welcomed by the Director of Public Prosecutions today.

Sir David Calvert-Smith QC said the CPS accepted all the recommendations made by HM CPS Inspectorate and had already taken action to implement them.

Sir David said: “If a court has ordered that a defendant be held in custody during the period before trial, it is essential that the order is not frustrated by administrative failure.

“Release of a defendant as a result of such a failure is extremely rare and should be seen in the context of over 55,000 defendants remanded in custody before trial each year. As the Inspectorate’s report makes plain, CPS staff are aware of the importance of the CTL regimes and of the potential consequences of such failure.

“The report has exposed areas where the risk of administrative failure, though small, is too high and would be reduced by more robust procedures and comprehensive training. We have accepted the Inspectorate’s recommendations and have already taken action to implement them.

“Our aim must be to capitalise on the good practice the Inspectorate has identified and, by implementing their recommendations, raise our performance in this area so that the risk of CTL failures is reduced to nil.”

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- Closer central monitoring of any CTL failures to ensure that lessons are learnt and ensure that guidance remains relevant and fit for purpose. Systems are already in place to achieve this;
- More comprehensive training for CPS staff;
- Closer working with the police and courts to ensure joint monitoring of and adherence to CTLs;
- Continued evaluation of the management and monitoring of CTLs by CPS Areas through the annual certificate of assurance which all Chief Crown Prosecutors must sign, and through our regular audit arrangements;
- Building automatic flagging and monitoring of CTL procedures into our computer-based case management system which is currently being developed.

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NOTES FOR EDITORS

1. Media enquiries to Doug Crighton on 020 7796 8103
2. Copies of the Inspectorate’s report are available from Corporate Services Group, HMCPSI, 26 – 28 Old Queen Street, London SW1H 9HP. Tel: 020 7210 1194. E-mail: office@hmcpsi.gov.uk.