

Press Notice

25 July 2013

Her Majesty's Crown Prosecution Service Inspectorate Follow up review of the handling of custody time limits by the CPS

CPS improves performance on handling custody times

The Crown Prosecution Service (CPS) has made real improvements in making sure people remanded by the courts remain lawfully in custody or are not released too soon due to administrative failures.

Inspectors from Her Majesty's Crown Prosecution Service Inspectorate (HMPSI) followed up a 2010 report into how cases with a Custody Time Limit (CTL) – the time limits are set by law - are recorded, monitored, extended when needed and reviewed. They found the CPS has responded positively and has implemented the recommendations.

The numbers of reported failures have shown a steady decline since 2010 when 50 were reported for the year to March 2011. There had been only 7 failures reported up to February 2013.

However, this review has found that whilst there is evidence of improvements, further work is necessary to ensure that CPS areas have fully adopted the changes outlined in the national standard and, with the implementation of new working practices and the introduction of electronic case files, that these types of cases continue to be dealt with effectively.

HM Chief Inspector, Michael Fuller QPM, said:

“The personal interest that the Director of Public Prosecutions takes in the service's compliance with custody time limits has undoubtedly resulted in improved compliance and focus.

“It is vital that the CPS continue to monitor custody time limits in all cases and apply, if necessary, in good time to extend the expiry date. The consequences of not doing so and a defendant being bailed, may put victims, witness and the general public in danger.”

Further inspection findings:

- There has been a significant improvement in the involvement of CPS prosecutors at the first remand hearing calculating and announcing the expiry date in court.
- Recent developments in the way in which the CPS works is posing a number of challenges in dealing with CTL cases. The delivery of overnight remand files to prosecutors in court has created issues since the move to digital working.
- The proactive involvement of CPS managers in the monitoring system and the periodic internal reviews of CTL cases carried out by areas have had a positive effect in identifying issues and raising awareness.
- The introduction of a national electronic calculator for CTLs allows quick and accurate calculation and can also provide an audit trail if it is saved onto the file.

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Notes to editors:

1. Media enquiries: 020 7271 2484/2465/2440.
2. The full review and the 2010 report are available at on the HMCSI website: www.hmcsi.gov.uk.
3. The review team visited five offices in four CPS areas (West Midlands, Yorkshire & Humberside, South East and Wessex) and one Headquarters Casework Division. In each area we examined six Crown Court and four magistrates' court files in which custody time limits applied and looked at six cases in the casework division. The team also spoke to CPS staff to establish systems for monitoring CTL files.
4. Custody time limits were introduced in the Prosecution of Offences Act 1985 to ensure that accused persons are not deprived of their liberty for longer than is reasonable. The Act sets a maximum for the length of time an unconvicted accused person can be held in custody before trial in the magistrates' courts and the Crown Court.
5. The limits are:
 - 56 days from the first appearance in custody to the start of the trial for a summary offence in the magistrates' court is allowed.
 - 56 days is allowed from the first remand hearing to the start of the trial in the magistrates' court in either way offences unless;
 - a) the court determines Crown Court trial or the defendant elects trial at the Crown Court, or
 - b) 56 days has elapsed before mode of trial is decided. In these instances the time limit applied is 70 days.

- 70 days is applied from first remand in custody to the date of committal for trial to the Crown Court
 - 112 days applies from the date of committal to the start of the trial in the Crown Court
 - If a case is sent from the magistrates' court to the Crown Court, 182 days is applied from the first remand hearing in the magistrates' court.
 - However from 28th May 2013 the committal procedure was abolished and all cases in magistrates' court that are to be heard at the Crown Court will be sent without the need for a committal hearing in the magistrates' court. In such cases the 182 day time limit will be applied.
6. HM Crown Prosecution Service Inspectorate is an independent statutory body established by the Crown Prosecution Service Inspectorate Act 2000, which came into force on 1 October 2000. The Chief Inspector is appointed by, and reports to, the Attorney General.