

CROWN PROSECUTION SERVICE



CPS

CUSTODY TIME LIMITS

NATIONAL STANDARD FOR THE EFFECTIVE MANAGEMENT OF PROSECUTION CASES INVOLVING CUSTODY TIME LIMITS

(Revised January 2017)

**APPROVED BY THE DIRECTOR OF
PUBLIC PROSECUTIONS**

NATIONAL STANDARDS FOR THE MANAGEMENT OF CUSTODY TIME LIMITS

INTRODUCTION

This document, which has been modified for digital working and the Prosecutor App, sets out the mandatory actions which are essential to ensure the effective management of prosecution cases involving custody time limits (CTLs). These have been agreed with Her Majesty's Crown Prosecution Service's Inspectorate and will form the basis of any future HMCPSI inspection. They have been approved by the Director of Public Prosecutions.

Detailed guidance relating to current CTL law and practice can be found on the Infonet under Legal Guidance and on the CPS Web Site. The endorsements standard must also be applied when recording work relating to CTL: endorsement guidance is located on the Infonet. Further comprehensive legal guidance on CTLs may be obtained from Blackstone and Archbold.

1 Identification of CTL cases

1.1 For a case where CTL apply, following a remand in custody, the initial details that must be clearly recorded include:

- details of any bail application made by the defendant(s)*
- that CTLs apply, by using the abbreviation RIC*
- the date on which the remand took place*
- the next hearing date, noting the action required or an action prompt*
- the CTL expiry date calculated using the CTL calculator (and if altered at subsequent hearings)*
- that the CTL expiry date was agreed and announced in open court*

[Note*: required at every hearing, as appropriate, where a defendant is in custody and a CTL is running].

1.2 Unusual circumstances that affect the CTL must be fully explained; e.g., hearing for warrant of further detention, or a remand to local custody, or where the defendant is granted bail but is detained in custody pending compliance with a pre-release condition.

1.3 Remands to local police custody (RICP) for investigation of further offences start the CTL for the offence already charged. When the defendant is brought back to court, any new charge on which the defendant is also remanded into custody will have a separate CTL. Both must be monitored.

1.4 If an electronic hearing sheet is being used, all required actions must be initialled and dated, with a full note of each hearing. The expiry date must be clearly marked on the electronic hearing record sheet in the CTL boxes.

1.5 Any electronic hearing record sheet used must be emailed individually to the CPS office as soon as possible so that immediate action can be taken on it rather than it being sent subsequently in large batches.

1.6 NOTE: the hearing record sheet produced within the Prosecutor APP must be submitted at the conclusion of the case. Advocates in court must ensure that they receive a successful delivery message for all returned APP hearing record sheets at the end of every court session. Where failures to send the APP are identified, court advocates must attempt to resubmit them or create an electronic hearing record sheet and submit it as per paragraph 1.5 above.

2 Notation of the CTL on electronic hearing record sheets

2.1 Both magistrates' and Crown Court cases must have a clear marker on the front of the electronic hearing record sheet to distinguish them instantly as CTL cases. This will be done by selecting the CTL box and shading the cell **RED**.

- 2.2 It must be clear on the electronic hearing record sheet in the CTL box section which is the current expiry date for each charge for each defendant.
- 2.3 The expiry date noted on the electronic hearing record sheet must show which expiry date has been applied, i.e. 56, 70, or 182. For example 8/8/17 (56 days) (do not use Roman numerals). With the abolition of committal proceedings, the 112 day period is now only relevant for cases where a voluntary bill of indictment is preferred or a fresh trial has been ordered by the Court of Appeal. 70 days is rarely used given that allocation usually takes place at the first hearing.
- 2.4 The CTL box should show the start date and the expiry date for the CTL.
- 2.5 In cases involving either way offences, the 56 day expiry date must be monitored initially, unless the case is sent to the Crown Court.
- 2.6 The CTL expiry date for any new charge(s) must be noted on the electronic hearing record sheet, clearly showing which charge it attaches, and the expiry date to be monitored.
- 2.7 In multi-defendant cases, the CTL expiry date for each defendant must be noted in the CTL section.
- 2.8 The expiry dates must all be monitored separately where a defendant has several CTLs in different cases; these should be cross referenced with each other.
- 2.9 Any current time limit must be monitored, even if the defendant is a serving prisoner.
- 2.10 When a defendant is given bail, the number of days spent in custody must be calculated (using the calculator), noted on the electronic hearing record sheet and announced in open court.
- 2.11 When a defendant is remanded in custody again, after a period on bail, the recalculated CTL expiry date must be clearly noted on the electronic hearing record sheet. The amended CTL expiry date must be announced in open court.
- 2.12 Where breaches of bail/warrant executions are dealt with outside the Area of the original court:
- The in-court CPS lawyer must locate the owning Area's digital case on CMS in the court room, where they must update the CMS case with current hearing details. This will ensure the lawyer has an APP record to complete, and provides the owning Area with a 'Record Hearing Outcome' task that can be monitored and actioned accordingly.
 - The admin staff dealing with the breach must bring these cases to the urgent attention of their B2 Manager verbally and by email, sending to the B2 any electronic HRS and scanned papers.

- Where the court date has not been added to CMS the B2 Manager in the Area dealing with the breach/warrant (who must have lawyer access rights configured to their profile on CMS) will:
 1. Find the original offence/case on CMS
 2. Ensure that the breach of bail/warrant hearing has been added to the original case, and if not, add the hearing details
 3. Telephone the B2 Manager at the originating Area/MC or CC unit to inform them of the actions they have carried out
 4. Forward any electronic HRS and scanned papers to the B2 in the originating Area
 5. Forward an email from sent items into CMS as an audit trail.
- The B2 in the originating Area will:
 1. Check that a 'Digital APP Record' has been received into CMS
 2. Receive any electronic HRS and scanned papers from the B2 Manager of the Area dealing with the breach of bail / warrant offence
 3. Include the breach of bail hearing notes (copy and paste) onto their existing HRS on CMS
 4. Save the breach of bail papers into their CMS case (using the Forward Email to CMS or 'Add Comms' functionality)
 5. Ensure that, if the defendant is kept in custody, that the case is checked under the usual CTL checking processes as per the CTL SOP
- The Admin updating the CMS case will:
 1. Record the breach of bail offence on the original CMS case
 2. Record any CTLs that are applicable to the breach of bail charge
 3. Save any breach of bail papers onto the CMS case.
 4. Where the police provide a new digital case for the breach of bail/warrant execution into CMS, these must be merged/deleted with the original case to create only one case.
- The B grade manager will:
 1. Monitor the 'Check New CTL Case' task daily and ensure that Admin have recorded the breach of bail detail on the CMS case.
 2. Ensure, if the defendant is kept in custody, that the case is checked under the usual CTL checking processes as per the CTL SOP.
 3. Detail in the comments section of the Task what checks have been carried out on the above.

3 Calculation of CTLs

- 3.1 The CTL calculator must be used to calculate dates and to check CMS generated dates. Care must be taken to select the correct expiry date appropriate to the category of offence or offender in accordance with the instructions set out in this Standard and the Legal Guidance.
- 3.2 The calculator may be found under Applications on the CPS Infonet and can be downloaded onto tablet computers. It is also on the CPS web site. If downloaded onto a tablet computer, it must be deleted at the end of the

calendar year and a fresh version used/downloaded to ensure accuracy with relevant holidays and court closures (if any).

- 3.3 Staff must have full training in how to use the calculator.
- 3.4 The CTL task called "Check CTL case" must be monitored daily. This task will be raised on CMS after a hearing is recorded on a case where one or more defendants have been marked as being in custody, at any stage of the case. Where a defendant is subsequently bailed, the task will still be raised as a checker for the CTL monitor/manager to ensure accuracy at all times of the CTL.
- 3.5 This task may be suppressed for future hearings provided the Area has robust checking processes in place at the outset to ensure the accuracy of the CTL. The 'Check CTL Case' task will then only be created where there is a change in the CTL conditions through the imposition of bail conditions.
- 3.6 The CTL monitor/manager must ensure they provide full details of management checks they have conducted within the 'Comments' section of the 'Check CTL Case' task pop up window as a full audit.
- 3.7 Every calculation must be double checked by a member of staff fully trained in CTL law and procedure. The check must ensure that the correct expiry date has been selected, i.e. normally 56 or 182 (rarely 70 or 112) and that it has been calculated from the correct date. A copy of the Calculator result should be saved onto CMS via the 'Save as Word Doc' button.
- 3.8 Where an electronic hearing record sheet in CTL cases is used, this will be updated by Admin, and red flagged.
- 3.9 The CTL checker will comply with their checking procedures, endorse the CTL sticker on the electronic hearing record sheet with their initials to show that it has been checked and then forward it into the CMS case.
- 3.10 Calculations at court should be double checked when the case is returned to the office. If there is any discrepancy, the prosecutor who made the calculation should be consulted. If the expiry date cannot be agreed, the case should be referred to line managers. The court should be informed if the expiry date originally calculated is incorrect. It is important that this check is not delayed and, if necessary, the court notified as a matter of urgency as it may affect the listing of a trial.
- 3.11 Cases with no evidence of a double check must be reported to the DCP and any necessary follow up action taken.
- 3.12 Agreement of the CTL expiry date should be sought with the magistrates' courts legal advisor, but must in any event be announced to the court when a defendant is first remanded and on any subsequent occasion. The electronic hearing record sheet must be endorsed to this effect.
- 3.13 Information must be exchanged with the magistrates' and Crown Court regarding the CTL expiry date as required in the agreed protocol with

HMCTS (see CTL Legal Guidance). This is a useful double check that nothing has been missed.

- 3.14 Prosecutors and paralegal officers dealing with CTL cases at court should assure themselves that the expiry date is correct by checking it before court, if an extension is to be sought.
- 3.15 If bail is granted subject to a condition that cannot immediately be met, the CTL continues to run. Arrangements should be in place with the court for the CPS to be notified of the date the defendant is released so that the CTL monitoring system can be updated. Managers should monitor the 'Check Pre Release Conditions' task on CMS and establish if the CPS have been notified of the position 3 days after the hearing or within the expiry date if earlier. The court or defence should be contacted for confirmation of the position.

4 Recalculation of CTLs when a defendant is bailed following a period in custody or re-remanded following a breach of bail.

- 4.1 When a defendant is bailed, the prosecutor must endorse the electronic hearing record sheet to the effect that the CTL is suspended and record instructions to update the monitoring system.
- 4.2 The prosecutor must also endorse, on the electronic hearing record sheet, the number of days spent in custody when the defendant is bailed. This can be calculated easily and quickly on the calculator and must be announced in court.
- 4.3 The monitoring systems, including the back-up diaries or systems, must be promptly updated when bail is granted.
- 4.4 When a defendant is returned to custody, the prosecutor in court must recalculate and agree the amended expiry date with the court legal advisor and record the date on the electronic hearing record sheet as a prompt for action. The date can be calculated from the number of days spent in custody when bail was granted. This can be quickly obtained using the calculator. This new CTL expiry date must be announced in open court. If a trial date was fixed while the defendant was on bail, the date for trial may have to be brought forward to one within the CTL.
- 4.5 The expiry date recalculated by the prosecutor in court should be double checked. The CTL Monitor/Manager must monitor the 'Check CTL Case' task. Any discrepancy must be recorded on the CTL Discrepancy Log and should be referred to managers.

5 Monitoring systems

- 5.1 Each office must use duplicate monitoring systems, i.e. CMS and a paper based or computer, other than CMS, diary back-up system. This back-up system must be entirely separate and is kept as a check against any CMS down time.

- 5.2 CTL cases should be updated on the day of the hearing wherever possible and updated in ALL monitoring systems within 24 hours or on a Monday following a Friday or Saturday hearing.
- 5.3 When a CTL case is transferred between Operational Units, the B2 of the sending unit and receiving units must be liaise and undertake the actions as under paragraph 2.12 above, so far as they are appropriate.
- 5.4 Where a case is received from another CPS office, the B2 must specifically check for a live CTL case within 24 hours of receipt by monitoring the 'Received Transfer Case' task. Responsibility for monitoring the CTL lies with the receiving office. The process detailed in paragraph 2.12 above must be followed as appropriate.
- 5.5 Any back up diary or computer system and CMS must be kept up to date with changes in custody status, any recalculations and any extended expiry dates. Only staff authorised by the CCP are to be allowed to remove the CTL status of cases in the CMS system. Reasons for doing so must be noted as an audit trail. This access must be carefully set out in the Area Standard, managed and monitored to protect the integrity of the system.
- 5.6 The result of appeals heard by the Crown Court concerning CTL extensions must be endorsed on the electronic hearing record sheet and the monitoring systems updated as a matter of urgency.
- 5.7 All entries into the monitoring system must be checked to ensure the details are correct using the 'Check CTL' task on CMS. Details of the checks carried must be recorded within the 'Comments' section of that task.
- 5.8 Training must take place to cover the absence of staff responsible for key tasks of entering CTL details on CMS and the diary system. The monitoring of these training procedures must be undertaken to ensure the continuation of the smooth running of the CTL systems. It is important that these procedures are set out in the Area Standard and are well understood and rehearsed.
- 5.9 Local protocols agreed with HMCTS for dealing with and monitoring CTL cases should be regularly reviewed for their effectiveness and efficiency. The National Protocol with HQ HMCTS on which local Protocols should be based gives effect to much of this Standard. Staff should familiarise themselves with the Protocol. Courts will expect the CPS advocate to comply with the Protocol and may prompt them where necessary: for example, in announcing the CTL expiry date at court.
- 5.10 CTL Champions should monitor the effectiveness of local protocols and report to Operations at HQ where locally difficulties cannot be resolved at local level.

6 Management checks on the monitoring system

- 6.1 The quality of local systems and the required high standard of case progression are dependent to a large extent on the proactivity and quality

of local managers. Good case progression is an essential component of the processes in any CTL case and with the necessary diligence and expedition. Nearly all CTL failures can be avoided by proactive monitoring and appropriate early intervention.

- 6.2 Managers must carry out a daily check of the CMS list of CTL and diary which will have been endorsed with the action taken, to assure themselves that the monitoring system is being adhered to; that the necessary action has been taken; and that all live CTL cases are being monitored and progressed expeditiously.
- 6.3 Managers must carry out regular checks on CTL cases to assure themselves that hearing records are clear and accurate and follow the national/local instructions. Discrepancies must be dealt with and recorded in the KIM Discrepancy site if problematical performance is to be monitored and improved.
- 6.4 CCPs/DCCPs must be satisfied that management checks on the system have been carried out and should receive a Weekly Assurance Certificate from the S/DCP confirming that checks on the monitoring system have been properly undertaken and action taken in appropriate cases.
- 6.5 DCPs will oversee the completion of the Weekly Assurance Reports by the level B managers. Where there are issues that could affect the integrity of a particular CTL, the DCP must ensure that they are attended to robustly and urgently. This form will then be forwarded to the DCCP together with the Weekly Assurance Certificate which the DCP will complete.
- 6.6 In the unfortunate event of a CTL failure, the Director may require the production copies of the forms that relate to the events surrounding the failure so that the reasons can be analysed and understood, and in order that learning points of wider interest can be circulated to other Areas.
- 6.7 DCPs will conduct regular spot checks on the accuracy of hearing records, compliance with the system and the quality of the decisions and of the applications. CTL Champions should be encouraged to assist with this task.
- 6.8 All management checks must be documented so that they can be audited.

7 Allocation and preparation of CTL files

- 7.1 All files with a CTL must be allocated to a lawyer who will be responsible for both the review functions and the handling/progress of the case.
- 7.2 When case material is received on a file subject to a CTL is from the police, its preparation must be given priority over other non-CTL cases awaiting preparation rather than in accordance with the next court date as is the practice for non-custody cases.

8 Reviewing the custody time limit

- 8.1 Review dates for the CTL are provided in the CTL calculator.
- 8.2 Review dates for case progression are dealt with below (see paragraph 10).
- 8.3 In order to identify those cases that have reached the review date, the monitoring system must be checked on a daily basis, in accordance with the Area Standard. Action must be taken within 24 hours of the review date. This should also be included in the Area Standard and monitored.
- 8.4 If action is required in a case and the lawyer/PO is not available, the outstanding case tasks must be assigned to another lawyer/PO nominated by the DCP/PBM for action.
- 8.5 A lawyer should record by means of a full endorsement on CMS what action has been taken on CTL cases that have reached the CTL review date.
- 8.6 If the reason for delay in case progression lies with the police, early contact should be made with the supervising officer in the case by telephone to ascertain the reasons for delay and to explain the implication of delay for CTLs. Telephone calls often solve problems quickly. A note on CMS should be made of the call. The telephone call should be followed up by an urgent e-mail to the supervisor and officer in the case confirming the conversation. Care should be taken that emails are correctly addressed and a receipt, where appropriate, requested. Lack of a requested receipt must be followed up. Should the evidence not be received in good time, the request should be escalated without delay following the Area's escalation policy. An officers' attendance at court to support an application for an extension can sometimes be very helpful but this needs to be planned.
- 8.7 Where it is decided that a case is to be discontinued and the defendant is remanded in custody only on that particular case, urgent steps must be taken for the immediate written confirmation of this decision to be sent to the court by way of an expedited notice of discontinuance. This notice of discontinuance must be authorised under local arrangements approved by the CCP.
- 8.8 Where it is decided that a case is to be discontinued but the defendant is remanded in custody on other charges which are to proceed, a written notice of discontinuance must be served promptly on the court making it clear that the notice relates only to the case that is to be discontinued and that other charges for which the defendant is remanded in custody are to continue. This notice must be authorised under local arrangements approved by the CCP. To avoid unauthorised releases from custody, the notice must make it clear that the defendant remains in custody on charges that continue.
- 8.9 In each case, copies of the notice of discontinuance are to be served on the defendant or his or her legal representative.

- 8.10 Where a lawyer reviewing the case considers that the retention of the defendant in custody can no longer be justified under the Bail Act 1976, the police will be consulted and a full endorsement made of the discussion with the police, and their views on bail, in CMS. A decision to withdraw objections to bail must then be approved by an endorsement in CMS by the DCP, SDCP or (D) CCP under local arrangements approved by the CCP.
- 8.11 **A decision to withdraw objections to bail for someone who presents a substantial continuing bail risk can never be justified even if the application for a CTL extension would be challenging. The decision whether a CTL extension will be granted and the defendant continue to be detained is a matter for the court to decide after it has heard the representations and considered full argument.**

9 Applications to extend the CTL

- 9.1 Managers responsible for CTL monitoring must draw to the DCP's attention any case which has reached its CTL review date.
- 9.2 All written applications to extend a CTL must be approved by a DCP (or SDCP/DCCP if a DCP is not available) before submission to the court. The approval of the DCP must be endorsed on the application. The DCP should give advanced approval for an appeal to the Crown Court should the magistrates' refuse an extension.
- 9.3 A CTL application is a legal submission to the court. It should be well drafted and set out in a way that makes it easy to read. A proper spelling check must be conducted. The application should:
- Contain reasons which amount to good and sufficient cause for making the application: do not forget the statutory reasons if appropriate.
 - Contain a clear chronology of the relevant key dates showing the progress made and compliance with court orders.
 - Explain why delays have occurred. Deal with any failures to comply with judicial orders and what action was taken to extend time for compliance. If possible, indicate the fact that they are not the reason for applying for an extension.
 - Show that the prosecution has acted with due diligence and expedition – do not simply say so. Explain how.
 - Cite the behaviour of the defence if relevant to the delay but not when this is due to the prosecution's failure to act or late service of materials.
 - Contain references to relevant case authorities, where appropriate. Do not quote a list of irrelevant authorities. Show how they relate to the case before the court.
 - Indicate what efforts have been made to list the case within the original CTL. Explain what contact there has been with the listing office.
 - Include items, where appropriate, which are relevant to the exercise of the judge's discretion to grant bail, or otherwise; e.g. the seriousness

of the allegation; the defendant's record on bail; likely sentence on conviction; risks posed by the release of the defendant, etc.

- 9.4 Notices of applications to extend must be served on the court and the defence in accordance with the Regulations – **at least** 2 days before the hearing in the magistrates' court and 5 days before the hearing in the Crown Court. The CPS, in the copy letter accompanying the application to the defence, should enquire of the defence if the application is to be resisted and to provide details of any authorities that they intend to quote prior to the hearing.
- 9.5 Areas should use the template provided for making extensions. This can be found on the Applications page of the CPS Infonet.
- 9.6 Proof of service of the application should be retained. If this is a Recorded Delivery slip or fax confirmation sheet, it should be scanned and saved back into CMS. If there is an e-mail receipt, this too should be saved into CMS. A screen print of what has been saved into CMS can then be used to prove service if necessary. A screen print can be obtained from the comms tab. [See rule 4.2 et seq. Criminal Procedure Rules 2015 which deal with proof of service.]
- 9.7 It will usually be worthwhile checking with the court office that the application has been received, that it has been placed with the judge's papers and that it will be listed promptly. This will also be an opportunity to obtain the latest information on attempts to list the case at the court or another court within the CTL where this is proving problematic.
- 9.8 Contingent applications are not generally needed in accordance with the HMCTS protocol which states: "it is not expected that the CPS will serve an application to extend the CTL if the case is listed for a trial and is expected to proceed in the ordinary course of business". They should however be drafted in any case where there is a reasonable risk of the trial not going ahead. Areas should err on the side of caution in this respect.
- 9.9 However, HMCPSI has recommended that in relation to defendants that are a substantial risk to an individual or the public at large, contingent applications should be prepared in case the trial is adjourned unexpectedly.
- 9.10 A well drafted and up-to-date contingent application can be very persuasive and will inform the advocate who might otherwise be unsighted. Therefore, where the trial date is close to the CTL expiry, an application should be prepared and served in higher risk cases (remember: at least 5 days' notice in the Crown Court and 2 days in the magistrates' court). In determining whether a case presents a high risk, the same factors to consider in relation to appeals against the granting of bail are helpful.
- 9.11 For case of reference these factors are:
 - In considering whether an application is appropriate, the key factor to consider is the level of risk posed to a victim, group of victims or the public at large.

- The nature and seriousness of the offence which the defendant faces is relevant if it illustrates the risk created by granting bail. Examples might be extreme cases of personal violence such as murder, rape, robbery or aggravated burglary, particularly if it is alleged that weapons have been used in offences of violence or during the commission of sexual offences.
- 9.12 A serious risk of harm to public safety and property might be demonstrated in an offence of arson with intent to endanger life or being reckless as to whether life is endangered, terrorist offences or riot. The risk to the individual victim or victims may be shown to be greater where there is:
- A record which discloses previous convictions, particularly of a similar kind against the same victim or victims with similar characteristics;
 - Evidence of violence or threats of violence to the victim or his or her family, or;
 - Evidence of undue influence over the victim, for example where there are alleged sexual offences against young people or children.
- 9.13 A strong indication that the defendant may abscond is also a reason to prepare an application where the defendant has no right to remain in the jurisdiction or has substantial assets or interests abroad. On the other hand, a contingent application should not be made simply because the defendant has no fixed address or settled way of life, particularly where this may be coupled with mental health problems (unless accompanied by genuine indications of danger to the public).
- 9.14 These examples are not intended to be exhaustive; each case will need to be decided on its merits after consideration of any other information which may become available.
- 9.15 Where a prosecutor has decided to make a contingent application, it should be approved by a DCP (SDCP/DCCP if DCP not available). In a case at the Crown Court, approval must be sought from a senior manager before agreeing that a CTL case can be removed from the Crown Court list.
- 9.16 If the application to extend is to be made, the prosecutor must have all the necessary information to lodge an appeal if appropriate. A draft notice of appeal against a refusal to extend a CTL can be found on CMS.
- 9.17 A task should be set in CMS or in Outlook as an action for the day after an application to extend, to check that the application has been made and to take any action necessary to update the CTL monitoring system. If the CTL is due to expire the day after the hearing, a check should be made on the day of the application to ensure that the extension hearing took place.
- 9.18 The prosecutor should announce in open court the exact date to which the CTL has been extended and seek the agreement of the court.

- 9.19 On return to the office, the CTL monitoring systems must be updated with the details of the extended expiry date and new review dates set.
- 9.20 If a second application to extend a CTL is required, the case should be referred to the DCP to consider whether any further action should be taken.

10 Case progression

- 10.1 A system of target dates must be established when requesting further work from the police. Dates must be monitored and follow up action taken if necessary. Every Area should have an agreed escalation protocol with the police so that delays and performance issues can be drawn to the attention of senior police managers by CPS managers.
- 10.2 Correspondence to the police must highlight the CTL expiry date on every occasion. The police must also be made aware of changes to the expiry date or in the custody status of the defendant. The police must be reminded, in correspondence from the CPS, to record contact made with other agencies; this includes forensic service providers regarding efforts made by the police to expedite or progress the provision of evidence in case the court asks for this information. The date when items are dispatched to the forensic science provider (FSP) is often sought by judges when considering delays in the provision of evidence. The police should be asked to report when the items, including what items, are sent to the FSP and the reasons for any delays.
- 10.3 Areas should monitor the progress of the preparation of cases in order to demonstrate the required due diligence and expedition. As part of standard case preparation, Areas should establish an appropriate system of review dates or case progression dates to check that actions which have been given and target dates have been complied with as required. These review dates should be separate and distinct from CTL review dates. Checking on case progression must not be left until the last 28 days before trial.
- 10.4 It is the duty of every prosecutor, B grade manager or paralegal officer to check case progress every time they handle a case with a CTL and take immediate necessary action to expedite its progression. They must report problems to the DCP without delay so that appropriate and agreed local escalation can take place.
- 10.5 Efforts to expedite case progression should be clearly recorded on the CMS CTL Log.
- 10.6 Problems in listing trials at the Crown Court within the CTL expiry date must be raised immediately with the DCP.

11 Written Area systems

- 11.1 CCPs must assure themselves that their Area has a comprehensive written CTL system that incorporates all the points listed in this document.

- 11.2 Each task must be assigned to a person with particular responsibility or to a particular grade of staff.
- 11.3 All members of staff must have access to a copy of the written Area CTL system.
- 11.4 The written system must be reviewed regularly to ensure it describes the system currently in use. The system must be immediately updated with any changes in law or procedure, advances in technological assistance or changes in the CTL Protocol with HMCTS and the CTL SOP. Any changes to the system must be effectively communicated to staff.

12 Training

- 12.1 All staff must receive training in the CTL systems on induction and periodically as refresher training. Such training should be logged.
- 12.2 The independent Bar who are on the prosecution panel now have access to the CTL modules on the Prosecution College and should, particularly if new to prosecution work, be encouraged to access them.

13 Endorsements

- 13.1 All endorsements on the hearing record sheet and Prosecution App must be full and clear. Any change in custody status must be highlighted and specific instructions for action endorsed accordingly.
- 13.2 The records endorsed on the App or electronic hearing record sheet for every court hearing whether at magistrates' or Crown Court, must include a clear indication of the bail/custody status of each defendant. If there is any uncertainty about a defendant's custody status, the case must be referred to the DCP and if appropriate, noted in the CTL Discrepancy log.
- 13.3 Management checks must be carried out to give an assurance to the CCP that endorsements on the hearing record are clear and accurate. All management checks must be documented.

14 Use of agents

- 14.1 In the magistrates' court, the use of agents should be avoided in remand courts or in courts in which an application for an extension of a CTL is likely.
- 14.2 Areas must ensure that agents are trained to make proper endorsements; that they understand the law and procedures regarding CTL and are provided with clear written instructions on how to deal with CTL cases.

15 CTL in the Crown Court

- 15.1 An independent prosecution advocate must be provided with a copy of the document entitled “**Handling Cases with Custody Time Limits. A Guide for Independent Advocates Representing the Prosecution**” (copy attached as Annex A) with the case instructions and informed of the CTL expiry date in the brief. They must also be provided with detailed reasons where it has not been possible to comply with any Court orders so that an application for a CTL extension can be fully explained to the court.
- 15.2 Prosecuting advocates should be proactive in seeking further instructions from the instructing office where the case for a CTL extension is not clear. Under no circumstances must a prosecuting advocate go to court uninstructed on issues likely to be raised by the defence, or the court.
- 15.3 The prosecution advocate must be proactive in assisting the court in seeking to list trials within the CTL. The cases of *Raeside* and *McAuley* (see legal authorities in the template for an application for an extension) make it clear that the CPS must work proactively with the Court listing office to seek wherever possible to find a Court that can list the case within the CTL.
- 15.4 A paralegal officer must assist the advocate in ensuring that applications for an extension are made, where required, and inform their office by telephone when an application has been made close to the expiry of the existing CTL.
- 15.5 Paralegal officers must be proactive at all stages of the case when dealing with CTL issues in court and must not hesitate to remind the prosecution advocate when action is required in respect of a CTL. All such actions should be fully recorded by endorsements on the electronic hearing record sheet.

16 Area CTL Champion

- 16.1 Areas must appoint a suitably experienced lawyer as CTL lead champion for the Area. CPS HQ must be kept up to date with the name of all current Area champions.¹ Areas may also wish to make other appointments to assist the champion.
- 16.2 An outline of the responsibilities of the Area champion will be supplied to Areas who must ensure that champions have time to carry out the duties associated with this function. Managers must expect the CTL Champion to be proactively involved in reviewing CTL activities and to provide regular reports on issues that cause concern. CTL Champions must be active in distributing CTL information and ensure that members of staff have received and noted any changes.

¹ Details of the Area Champion should be sent to CPS Operations Directorate and any nomination updated promptly.

- 16.3 The champion, who should make his or her appointment well known to local staff, must be the focal point for new information and queries concerning CTLs. They must coordinate alterations to the written system due to local changes in practice or changes in the law or procedure and be a contact point for Area staff with CTL queries. Depending on the nominee, it may also be appropriate for them to coordinate training on CTLs across the Area.

17 CTL failures

- 17.1 In the event of a CTL failure, the DCP should be informed immediately. The DCP will confirm that a failure has taken place and if so, will inform the DCCP without delay so that the necessary steps can be taken to protect witnesses or public safety. A report for the Director will be drafted after an investigation into the circumstances of the failure. A covering note from the DCCP will be prepared showing how the Area proposes to avoid a repetition. A copy of the CTL application for an extension where one was served will accompany the failure report and any further information requested on behalf of the Director.
- 17.2 The report should be forwarded to CPS Operations Directorate, CPS Headquarters.

ALISON SAUNDERS CB
DIRECTOR OF PUBLIC PROSECUTIONS
JANUARY 2017