



Disclosure ref: 4 Sent: 22nd January 2020

Freedom of Information Act 2000 Request

Details regarding CTL failures attributed to the CPS and other organisations, along with any other information the log contains that can legally be provided

Request

In response to a previous FOI request I was advised that the CPS holds a log of all custody time limit failures attributable to the CPS and to other organisations

Under the Freedom of Information Act please could you provide this log of CTL failures attributed to the CPS and to other organisations, along with any other information the log contains that you are legally able to provide.

Response

Custody Time Limits (CTL) safeguard un-convicted defendants by preventing them from being held in pre-trial custody for an excessive period of time.

The Prosecution of Offences Act 1985 and the Custody Time Limit Regulations set a custody time limit for a Crown Court case of 182 days for a Crown Court case and 56 days for a magistrates' court (or Youth Court) case.

Custody Time Limits can be extended by the court on application by the prosecution. In order to extend the CTL the court must be satisfied that there is a good and sufficient cause to extend an un-convicted defendant's pre-trial detention. The court must also be satisfied that the prosecution has acted with all due diligence and expedition.

Cases in which the court is not satisfied that the prosecution has acted with due diligence and expedition, or in which the prosecution has failed to apply for an extension, must be reported to the Chief Crown Prosecutor for the area concerned and a report prepared for the Director of Public Prosecutions. Because Custody Time Limits apply to each and every charge some of these cases will represent technical failures in that the defendant would have remained in custody on other charges.

The Crown Prosecution Service (CPS) centrally holds a database relating to Custody Time Limits (CTL) cases in which a failure to extend a CTL was attributable to the actions of the CPS. That database



includes cases in which the actions of other organisations led to a failure to extend a CTL but not all such cases will be recorded on the CTL database.

The CTL database indicates that there were 63 cases over the last five financial years (2014-15 to 2018-19) in which the failure to extend the CTL was attributable to the CPS.

However it should be noted that the CPS does not collect data which constitutes official statistics as defined in the Statistics and Registration Service Act 2007. The data recorded has been drawn from both manual diaries and records held in the CPS's administrative IT system, which (as with any large scale recording system) is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.

Under section 16 of the Freedom of Information Act we have a duty to advise you what, if any, information may assist you with your request. The official statistics relating to crime and policing are maintained by the Home Office. A request for information can be made to them via:

foirequests@homeoffice.gov.uk

The official statistics relating to sentencing, criminal court proceedings, offenders brought to justice, the courts and the judiciary are maintained by the Ministry of Justice. Information requests can be made to them via the following:

data.access@justice.gov.uk

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