

Sir Bob Neill MP
Chair of the Justice Select Committee
House of Commons
London
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By email: WEIRD@parliament.uk

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Dear Bob,

CPS accountability hearing – 21 May 2020

First, I would like to offer my sincere thanks to the Committee for taking the time to hear evidence from me on 21 May. It was helpful to have a chance to outline the CPS's response to the Covid-19 pandemic, including the actions we have taken to ensure that justice can be delivered at this difficult time. I am writing to follow up on some specific requests for information made during the session.

Rural crime

Sarah Dines MP asked me to look at the statistics on the impact on rural crime of the CPS's approach to the Covid-19 period – including our Interim Charging Protocol and our Public Interest Test Guidance.

First, I want to emphasise that the CPS takes rural crimes extremely seriously, and we have taken a number of actions to ensure that the needs of rural communities are recognised and effectively addressed. For example, we regularly engage with key stakeholders locally to understand the specific issues faced by our rural communities, and we are keen to work with partners at national level, better to address the support needs of victims and communities in rural and remote locations, and to understand their particular vulnerabilities. We recognise that certain crime types, such as theft of farm machinery or fuel, have been identified as rural policing priorities. Our dedicated Area co-ordinators for rural, wildlife, and heritage crime offer their support and expertise for effectively bringing these types of serious organised crime to justice.

Our case management system (CMS) does not classify offences as rural or otherwise, so it is not possible for us to assess the impact of the lockdown on the number of receipts received from the police on rural offences, nor the specific impact of our guidance and Interim Charging Protocol. I have asked colleagues to examine what more could be done to improve our data on rural crime, and to discuss this work with cross-Government colleagues.

I should emphasise that there are no offence types that have been ‘decriminalised’ or side-lined as a result of Covid-19. Rather, we are ensuring that the most high harm and high impact offences, such as serious violence and serious domestic abuse, are dealt with in the most timely manner. When prioritising charging, some rural offences will fall into one of the higher priority categories – for example, due to the profile of the offender and/or their connections to an organised criminal group.

Custody Time Limits

The Covid-19 period – and associated court closures – have had an unprecedented impact on our caseload. We were keen to ensure rigorous oversight of cases reaching their custody time limit (CTL), and took a number of additional measures to ensure transparency and oversight. This included the addition of two new monitoring flags to our CMS at the beginning of April, which has enabled us to monitor the number of defendants who have either had a CTL extension or been granted bail following a CTL application as a result of Covid-19.

Considering finalised cases only, during the month of April, 31 defendants had a CTL application linked to Covid-19. Of those, 25 had their CTL extended in the Magistrates’ Courts, and five were granted bail. In the Crown Courts, one defendant had their CTL extended.

For the purposes of our own management information, we always focus our attention on finalised cases, which have been through thorough internal data checks. In the interests of transparency and accountability, however, I am taking the unusual step of sharing with you the data we hold on CTL extensions for live cases. **Please note that these figures have not been through our quality assurance processes and data checks, so should be treated with extreme caution.** Checks may reveal, for example, that some data flags have been added inaccurately or by mistake.

With those significant caveats, our un-finalised data indicates that, as at 20 May 2020, there were 1,041 defendants with live proceedings whose CTL had been extended due to Covid-19, and a further 549 who had been released on bail due to Covid-19 (having previously been in custody). The majority of Crown Court defendants had been remanded for an extended period: 734 defendants, with an additional 112 bailed. In the Magistrates’ Court the reverse was true, with 44 CTL extensions and 312 defendants released on bail.¹

¹ CPS data are available through our Case Management System (CMS) and associated Management Information System (MIS). The CPS collects data to assist in the effective management of our prosecution functions. We do not collect data that constitutes official statistics, as defined in the Statistics and Registration Service Act 2007.

In addition to monitoring our figures internally, the CPS provides our criminal justice partners with a weekly update detailing all current CTL cases. We have also agreed a CTL protocol with the office of the Senior Presiding Judge and HMCTS, to ensure effective management of CTL cases during the Covid-19 period.

Finally, James Daly MP asked how many “solicitors, prosecutors and support staff” the CPS currently employs directly. As at 31 May, the CPS employed 6,185 individuals (or 5,709 FTE), of whom 2,900 were legal staff (2,677 FTE). As I touched upon during the session, we are currently undergoing a recruitment exercise to employ an additional 390 prosecutors and 100 operational staff, thanks to the additional £85m funding awarded to the CPS last summer. This reflected the Government’s recognition that the justice system would benefit from increased CPS capacity – not least to meet the expected increased demand likely to emerge from the recruitment of 20,000 additional police officers.

I reiterate my thanks for your time and focus. Please do let me know if there is anything further I can do to assist the Committee with its vital work.

Yours ever,



MAX HILL QC
DIRECTOR OF PUBLIC PROSECUTIONS