EVALUATION OF
STATUTORY TIME LIMIT
PILOT SCHEMES IN THE YOUTH COURT

Interim report

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Summary

The pilot for the evaluation of statutory time limits in the youth court commenced on 1 November 1999 in six pilot areas: Tyneside, Blackburn/Burnley, Northamptonshire, North Staffordshire, North Wales and Croydon/Bromley/Sutton. Statutory time limits differ from previous initiatives to reduce delay in that each limit applies to each charge or summons for each offence, with the penalty for breach of the initial time limit (ITL) or overall time limit (OTL) being staying of the case, if an extension of the limit has not been granted by the court. There is no penalty for breach of the sentencing time limit (STL). The three statutory time limits are as follows:

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<tr>
<th>Statutory time limit</th>
<th>from:</th>
<th>to:</th>
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<tr>
<td>Initial time limit (ITL)</td>
<td>arrest</td>
<td>first appearance in pilot youth court</td>
<td>36 days</td>
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<td>Overall time limit (OTL)</td>
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<td>Sentencing time limit (STL)</td>
<td>conviction</td>
<td>Sentence</td>
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The evaluation has been designed to be in two stages, the first from January 2000 to late 2000 and the second finishing at the end of 2001. This interim report on the first stage of the evaluation includes analysis of a database of the results of all police arrests of young people in the six areas (a total of 14,241 arrests) for six months from 1 February 2000 and a database of 6,993 court proceedings (from court and CPS files) of all youth cases in the six areas which were complete by between 31 May 2000 and 31 July 2000 (depending on area), and which had started by 1 February 2000. It also includes the results of formal interviews with some 165 practitioners from the agencies and courts, observation of cases in court, constant informal interaction with personnel from all six areas and following up time limit appeals and judicial reviews. This report is designed to cover the introduction of statutory time limits and initial experiences in operating them. An addendum on costs and savings will follow shortly. The second stage of the evaluation will concentrate on the impact of the Human Rights Act 1998 and the operation of time limits in the context of the several different reforms to youth justice during this period, including the introduction of the reprimand/final warnings system and new sentences for young people.

The initial time limit (ITL)

The ITL has impacted mainly on the police, since it runs from arrest to the first court appearance, and so covers the investigation of the offence and the decision to charge. In working out at what point cases needed to be charged or other action taken in order to meet the ITL, police supervisors had taken into account the pattern of sittings of the youth court and the time needed between charge and court. In most of our areas, the youth court was sitting at least one day a week, but in North Wales, where sittings were previously one day a month in more remote areas, and in several other areas, the effect of the ITL has influenced reconsideration of sittings and produced a greater frequency of youth court sittings.
In relation to the progress of cases, we found that the vast majority of arrested defendants appeared in the youth court well within the ITL time limit, with the number of cases stayed because they had breached the ITL being minute in every area. The number of cases in all six areas in which the ITL may have been breached and in which cases reached court was no more than 45 out of a total of 3,712 cases to which it was applicable. Even some of these may have been delays due to absconding by suspects from bail to the police station (such absconding causes the ITL to be suspended), but records did not contain sufficient details of absconding to allow us to include this possibility. Stayed cases included both serious and minor offences and appeared to be a matter of a rare lapse by the individual officer in the case, rather than indicating any particular pattern of difficulty according to type of offence.

The police or CPS can apply to the court for an extension to the ITL, but need to show good and sufficient cause and due diligence. There were very few applications for extension (48 in total in our analysis period, all pre-charge, of which only 8 were refused), largely stemming from difficulties with finding slots for identification parades or from delays due to forensic analysis. The procedure for making applications differed between areas, with the police making applications in some and the CPS in others. Some involved sworn evidence, others not. Magistrates indicated that they found no difficulty in obtaining sufficient information to consider the criteria under any of these procedures.

The success in meeting the ITL was due to considerable effort by the police in monitoring the ITL and keeping an eye on the progress of cases. There is no evidence in this analysis period of more defendants being refused charge or cautioned because of an approaching ITL, an initial concern prior to implementation. Police interviews did suggest investigation patterns had changed to some extent since the implementation of the ITL (though these changes may be linked to other concurrent changes), in that evidence was more likely to be gathered before arrest, forensic or identification arrangements would be made earlier in the case, and the use of summonses had decreased to near zero in most areas. Another concern had been that youths might be more likely to be appear first in the adult court on remand, again because of fast approaching ITLs (since the ITL only applies for a first appearance in the pilot youth court). Though a substantial minority of youth defendants were appearing first in the adult court in many areas, this did not seem to be as a result of the ITL and these cases were taking no longer to investigate than cases appearing in pilot youth courts.

Police views on ITLs differed, both within areas and between them. A common feeling was that monitoring was seen as very resource-intensive, largely because IT systems could not easily be modified and so manual systems had to be used in many areas. There were then substantial differences in views as to whether the sanction of staying the case was too severe, and on the general principle of whether the courts should be enquiring into the police investigation, though there was general approval of measures to reduce delay in youth cases. Some police felt that it was inequitable that there should be no right of appeal against a refusal of an extension pre-charge. Other agencies were mostly in favour of the ITL, though they appreciated some of the difficulties placed on the police. The courts were particularly positive about time limits in youth cases. Youth Offending Teams (YOTs) found a tension between organising reparation possibilities with victims and the need to meet the ITL, particularly prevalent where reparation schemes were of longer standing and were dealing with more cases.
The overall time limit (OTL)

The OTL affected primarily the CPS and the court, rather than the police, but results were very similar to those for the ITL (though this interim analysis could not capture some of the longer cases which had not yet finished). The OTL results need, therefore, to be read with caution. The final report will contain the complete picture for the six months of cases.

By the time of the interim analysis, we found that the OTL applied to over 90% of cases that reached court in our areas and was met in between 97 to 100% of cases to which it applied. There was a tiny number of cases where cases were stayed because it was missed. Almost all cases leading to potential difficulties with the OTL were cases with pleas of not guilty, and with trial dates set. However, it was rare that trials were actually held in any area. The difficulty, reinforced by an appeal case during this period, is that courts cannot plan to double or triple book youth trials. Trial 'slots' can hence become booked up several weeks ahead. The reasons why trials did not then go ahead were not a simple case of 'cracked trials', with the defendant pleading guilty on the trial date. They included difficulties with witnesses, and, particularly, late review of the case by the prosecution. The reduction in full file preparation through the Narey reforms may have contributed to decisions on trial viability by both prosecution and defence being taken rather later, though, numerically, the advantage still clearly lies with current procedures.

Court availability (including staffing courts with prosecutors), witness availability, defence witness needs, delays in medical and forensic evidence and early delays in disclosure were the major factors leading to cases nearing their OTL. The success in meeting OTLs was the result of very active monitoring of OTLs by the CPS and court, together with major inter-agency efforts to shorten and question adjournments and to increase flexibility in relation to trial dates (transferring cases, special youth courts, liaison on particular cases). We have no reliable pre-pilot data, so cannot undertake a pre- and post-pilot comparison. We can say, however, that, though adjournments may not have decreased in numbers in this interim period, they have become shorter in several areas.

There were few applications to extend OTLs in our analysis period (32, of which 25 were successful). Procedures were similar in all areas, with the CPS presenting the application for extension. Agents appearing for the prosecution, however, were not always familiar with what they needed to do. Magistrates were being proactive in exploring the progress of the case and in considering the criteria and found little difficulty in doing so, particularly given their already existing requirement to examine carefully any application for adjournment. Because of the relative scarcity of both applications for extension and appeals on those applications, there was some uncertainty amongst agencies about the circumstances which might lead to successful applications.

Views on the OTL were generally positive, though monitoring was again dogged by IT rigidity, especially for the CPS, and so was resource intensive. The OTL was not seen as having had deleterious effects on case preparation or presentation in court and, in most areas, was regarded as being far more manageable than had been feared. Again, there was some concern from the police and CPS about the sanction of staying cases, and the potential effect on victims. Clerks and magistrates welcomed the OTL, particularly because it enhanced the ability to manage case progress and to combat any 'adjournment culture'.
The sentencing time limit (STL)

Though most cases met their STL (83 - 92% of cases to which it applied), this could not necessarily be said to be due to the STL. As we set out in some detail in the report, courts had different patterns of sentencing, which were accompanied by different rates of requesting reports, which in their turn affected the time for this stage. The STL did not seem to be impacting on court or agencies' patterns of work, with other influences, particularly the introduction of new youth sentences and national standards for presentence reports, being far stronger. Between 71% and 79% of cases in which reports were requested met the STL. The factors leading to delay were the defendant not turning up to appointments with YOTs, the length of time to prepare psychiatric and psychological reports and assessments for drug treatment, needing to work with victims to assess possibilities for reparation, difficulties with YOT staffing and resource shortages in some areas, guilty plea cases needing to wait for associated trials of the same defendant, and bringing together split files which magistrates wished to sentence together.

YOTs were not very aware of the STL, because it was not highlighted in training and they were attending to the national standards for completion of reports and the PYO 'pledge'. In some areas, YOTs were only set up or became fully operative during our analysis period and were finding the pace of change in youth justice somewhat overwhelming, although they very much approved of time limits, seeing them as necessary to bring justice within the time frame of young offenders. YOTs were generally not monitoring the STL and courts varied in the degree of effort they were putting in to monitoring. Some courts had formal procedures to extend STLs, others did not mention it at all. Agencies and courts generally approved of the STL, but saw it as toothless. There were few ideas, however, about possible sanctions.

Introducing statutory time limits

Agencies had put considerable effort into training initially, helped by the national roadshows and some initial guidance from the Home Office, but were having to devise methods for inducting newly joined staff. Training was a particular concern for the police, because the ITL (and to some extent OTL) impacts on every officer in the case and every custody sergeant.

Inter-agency liaison was seen as key everywhere to successful operation of statutory time limits. Though statutory limits had built on Narey reforms, they were seen as being a significant further step. Both continuing overall practical arrangements and individual cases required lines of communication, with youth court user groups being used as the main local policy development and dissemination forum. Development of specialist teams for youth justice within agencies has also been speeded up by the introduction of statutory time limits. Magistrates and YOTs are, of course, already youth specialists.

A number of legal and practical issues have arisen during this first stage of the evaluation, on some of which areas have needed clarification and some of which need to wait for guidance from the higher courts. They include the meaning of 'good and sufficient cause' and 'due diligence' and their relation with custody time limit case law; the possible need for earlier disclosure of tape evidence; the effects of successive guilty and not guilty pleas in the same
case; the effect of reopening a case; what happens if a case is transferred between pilot youth courts; and who should liaise with victims. We discuss these in the report and attempt to analyse the appeal cases to date. We found that there was a lack of channels to disseminate the results of applications to extend and of appeals within local areas and between them, so that inaccurate impressions could be circulating. It is important to set up a means for all areas to access appeal findings, particularly given the paucity of applications to extend and the difficulties in obtaining transcripts of Crown Court cases.

The aim of agencies has, generally, been to complete cases within the specified time period, rather than to apply for extensions where cases were more complex. Their (considerable) achievements in meeting this goal have come at some cost in terms of the resources needed for monitoring and have also exposed some areas of resource constraint. IT constraints on monitoring are the major difficulty. Preliminary views of people operating the limits were, none the less, that, when progress has been made on these difficulties, time limits should be rolled out nationally for youth cases. However, achieving the time limits for youth cases has meant prioritisation of resources such as court space and staff and investigatory tools. Agencies' perceptions were that this prioritisation means that any move to extend time limits to adult cases should be made very cautiously, though there was agreement in principle. Interviewees agreed that limits should be the same for all youth cases for reasons of practicality and simplicity. They were felt to be set at about the right levels (possibly slightly too constrained for the ITL). Though any thought about extending them to adult cases caused some dismay, consideration might, however, be given to tightening limits on summoning prior to the first court appearance and producing (possibly different) limits for youths in the adult court.

**Costs and benefits**

We have calculated the costs in the six areas of the statutory time limits, as far as they are apparent at this interim stage. As this is a resource-neutral and relatively short-term pilot, with no extra resources being made available to the agencies or courts, almost all the costs are opportunity costs, i.e. agencies have diverted staff from other tasks, rather than incurring direct expenditure. We have had to estimate these through interviews with relevant personnel. The potential benefits of statutory time limits lie largely in any reduction in the number of appearances, but these cannot be estimated at this stage. Initial training and deciding how to implement the initiative might have cost between about £6,500 and £7,800 in each area in terms of the time of senior personnel.

In relation to the ITL, the annual cost of monitoring, which fell on the police, varied between about £7,000 and £56,700 per area, depending on the size of the area, the ability to programme IT systems to help, and the assumptions made on indirect costs (such as buildings and office costs). The cost of preparing applications for extension of the ITL (again largely a police responsibility) varied between £143 and £1,804 per application. The cost of presenting the applications in court was around £110 per application, much of which was defence costs, where defendants were represented.

OTL costs fall primarily on the CPS and the courts, for whom the annual cost of monitoring varied between £11,655 and £62,250 per area, largely dependent on the size of the area and on the assumptions made on indirect costs. It is difficult to estimate defence costs from
current fee levels, as these represent work per case, rather than a part of each appearance, but they might be substantially higher. The costs of preparing applications for extension of the OTL were much lower than for the ITL, at between £2 to £10 per application (not including defence costs). The costs in relation to presentation were more similar to those of the ITL at between £11 and £40, not including defence time, or £159 to £189 including defence time.

As the sentencing time limit was not being actively monitored, there were no associated costs. In three areas, there were costs at court in considering whether the limit would be or should be breached in individual cases, which might amount in total, annually, to between £21,700 and £53,700 per area, including defence costs.
CHAPTER 1 INTRODUCING STATUTORY TIME LIMITS

We start this interim report with a brief history of statutory time limits in England and Wales and the purposes they were intended to serve. Provision for the introduction of statutory time limits in England and Wales was first made in s.22 of the Prosecution of Offences Act 1985. This made provision for custody time limits and an overall time limit, from first hearing to start of trial. Custody time limits were implemented nationally in 1991 and govern the time to trial for offenders held in custody. The overall time limit was not implemented at that point. The Crime and Disorder Act 1998 amended the 1985 Act to provide for two further limits, one from arrest to the first appearance of the case in the courts, and another from conviction to sentence, both of which were only to apply to young offenders.

All these limits were clearly designed to reduce delay in hearing cases, particularly for young offenders, by setting a maximum period of time which specified parts of the criminal process could take. Their purpose is most clearly set out in the consultation paper, Tackling delays in the youth justice system (Home Office 1997a):

‘3. It currently takes an average of 4 1/2 months for a young person who commits an offence to be sentenced. In the worst cases, young offenders are not dealt with until a year or more after the offence was committed. The Audit Commission in its study of Misspent Youth (November 1996) found that 4 out of 5 cases observed in that study were adjourned.

4. Delays of this kind anger, frustrate and distress the victims. They do not help the young offender. The link between his or her offence and society’s response to that offence, through the sentencing process, is broken. During the time that young people are awaiting trial on bail they all too often continue their offending so that by the time the case comes to trial they have not just one but a string of offences to answer for. It is in young people’s own best interests that swift and effective action is taken in response to offending. They need to face up to the consequences of their behaviour and understand why it is wrong. Early action needs to be taken to help prevent further offending.’

The White Paper, No more excuses - a new approach to tackling youth crime in England and Wales (Home Office 1997b), which looked forward to the 1998 Act, reiterated the need to end delays, because they ‘impede justice, frustrate victims and bring the law into disrepute. And delays do no favour to young offenders themselves: they increase the risk of offending on bail and they postpone intervention to address offending behaviour’.

Efforts to reduce delays had already been made through fast-tracking schemes for persistent young offenders and encouraging inter-agency action to identify the causes of delay in particular areas. In addition, the Crime and Disorder Act 1998 reversed the decision in R v Khan, so that where a youth court commits a case to the Crown Court, it need not await the outcome of the Crown Court trial before sentencing the young person on unrelated matters.

Statutory time limits were seen as providing the impetus to ensure that performance in each area measured up to the standards of best practice (para 7.10, Home Office 1997b). The length of the eventual national time limits would be set after pilot trials. This interim report is the first report of the evaluation of those pilot trials. The aims of the evaluation, set out by the Home Office are:
to assess how successful STLs have been in imposing discipline on the
conduct of proceedings in the youth court. In furtherance of this aim, it will be
important to examine what proportion of cases are completed within the limits
(and how well within the limits) and how frequently extensions of time limits are
sought;

2 to provide information about the approach taken by youth courts to
applications for extensions to STLs;

3 to establish in what ways STLs have affected the pre-trial preparation and
management of cases by the police, CPS, courts, defence and other agencies;

4 to explore the relationship between STLs and the preparation of reports
after conviction to provide information for sentencers;

5 to identify any impact on the time taken to complete cases in the youth court
which may be attributable to challenges under the Human Rights Act 1998\(^1\)

6 to identify any costs or savings to the criminal justice agencies which stem
from the introduction of STLs;

7 to make recommendations for best practice in rolling out STLs nationally in
the youth court, including effective monitoring arrangements.’

Pilots of the new statutory time limits for young offenders started on 1 November 1999
in six pilot areas, covering (at that time) 25 petty sessions, governed by The Prosecution
of Offences (Youth Court Time Limits) Regulations 1999. The six areas are:

Tyneside (Newcastle and Gateshead)
Blackburn and Burnley (joined on 1 April 2000 by Rossendale)
Northamptonshire
North Staffordshire
North Wales
Croydon, Bromley and Sutton

These six areas are largely the same as the areas which had been piloting the ‘Narey
reforms’, also aimed at reducing delay, over the previous two years\(^2\). Though the
guidance to pilots (Home Office 1999) indicated that the statutory time limit pilots would
run for 18 months, in fact the legislation will remain in force until annulled or amended.
The statutory time limits apply only to young offenders in these areas and are the same
for all young offenders.

**What are the time limits?**

The new statutory time limits for young offenders comprise the initial time limit (ITL),
the overall time limit (OTL) and the sentencing time limit (STL). Time limits apply to
each offence which is subject to the relevant stage of the criminal process, not just to a
‘main offence’. If the person is charged with a further offence, or if one offence is
discontinued and another offence charged (a ‘recharge’), then a new time limit starts.

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\(^1\) It was envisaged that aims 5 and 7 would primarily be dealt with in the final report.

\(^2\) In North Wales, the statutory time limits apply also in Flintshire and Wrexham Maelor, which were
not part of the original Narey pilot sites.
The initial time limit (ITL) runs from the date of arrest to the date on which the defendant's case is first listed at court (which we shall term the date of first appearance at court). It has been set at 36 calendar days. It only applies, obviously, if the defendant has been arrested, not if he or she has been warned that they will be reported for summons without any prior arrest. For the purposes of the pilot, it also only applies if the person was arrested in one of the pilot areas and if the first appearance was in one of the nominated pilot youth courts. So the ITL does not apply if the young person appears first in an adult magistrates' court, whether because they are charged with an adult, or for some other reason. Otherwise, the ITL continues to apply until there is a first appearance at court or until there is an alternative, pre-court disposal, such as a caution, reprimand or final warning. For the purposes of the ITL, a young person is someone aged under 18 at the time of arrest for that offence and it continues to apply even if the person turns 18 during the proceedings.

If the prosecution need more time than the 36 days before a first court appearance (in practice, because they need more time before being able to charge the person), then they (police or Crown Prosecution Service (CPS)) can make an application to the magistrates' court (pilot youth court or adult court for that area) to extend the ITL. Notice of at least two days should be given to the defence and the court that such an application is to be made, though either the defence or the court can waive the necessity for such notice. Applications for extension of the ITL are heard in the magistrates' court (youth court or adult court) by at least two lay magistrates or a stipendiary magistrate. The magistrates have to be satisfied that the prosecution have shown that the need for the extension is for 'some good and sufficient cause' and that 'the investigation has been conducted, and (where applicable) the prosecution has acted, with all due diligence and expedition' (Home Office 1999). If an extension is granted, it is for a specified period. Further extensions may be applied for and granted, using the same criteria. There is no right of appeal by either prosecution or defence against the refusal/granting of an extension if the application is made pre-charge, but there is an appeal if it is made post-charge (for example, because the person has been charged near to the ITL and there is no set hearing of the youth court before the ITL would expire).

If the ITL expires without an extension being granted, then the case is 'stayed', which means that the person, if detained or on bail, is released and the case is lost. The police are only able to charge that person with that offence in the future if further evidence is obtained, in which case a new limit will apply.

If the young person escapes from custody or fails to respond to their s47(3) bail to report to the police station, then they are considered unlawfully at large. The ITL is suspended for the period during which they are unlawfully at large and only resumes when they are rearrested or respond to their bail. If the young person fails to turn up at court for the first appearance, the ITL has still expired (since it runs up to the first listing, not the first appearance). However, until they appear at court or are rearrested on a warrant, the OTL is suspended, as described below.

The overall time limit (OTL) runs from the date of a first appearance at a pilot youth court to the start of the trial. It has been set at 99 calendar days. If the person pleads guilty, it runs to the date of the guilty plea; if not guilty, to the first day of the trial on which some

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3 Where a limit (whether the ITL, OTL or STL) would expire on a Saturday, Sunday, Christmas Day, Good Friday or any bank holiday, it is treated as expiring on the first preceding day which is not one of those days.

4 The same provisions about weekends and bank holidays apply as for the ITL, see footnote 3 above.
The OTL applies to all cases involving a young person which have a court appearance in a pilot youth court prior to trial. It hence applies to cases where the person is charged and those where he or she is summoned, as well as to cases transferred in from another court (an adult court or a non-pilot youth court - from the first hearing after transfer). The criterion is an appearance at a pilot youth court, so there is no age definition of a young person separate from that applying to appearances at a youth court. There is a separate OTL for each charge or recharge. If the case is transferred from the pilot youth court (committed to the Crown Court, or transferred to another court which is not part of the pilot), the OTL stops at the point of committal/transfer. The OTL also stops if a charge is dismissed or discharged at court (for example, if the prosecution offers no evidence) prior to the first day of a trial.

If the prosecution or the defence consider that there is a need for more than 99 days before a trial can be started, then either can apply to the magistrates for an extension of the OTL. The provisions as to notice and criteria are very similar to those for the ITL, except that if the defence consent, the application for extension can be heard by a single magistrate or justices' clerk. The criteria of good and sufficient cause, which are to be found in the original Prosecution of Offences Act 1985, state that the magistrates need to be satisfied that the need for the extension is due to 'the illness or absence of the accused, a necessary witness, a judge or magistrate', 'a postponement which is occasioned by the ordering by the court of separate trials in the case of two or more accused or two or more offences' or 'some other good and sufficient cause'. Due diligence and expedition by the prosecution must also be shown (whether the application is by the prosecution or the defence). As with the ITL, more than one extension can be granted. There is an appeal to the Crown Court against an extension/refusal of an extension by the defence/prosecution. Appeals must start before the expiry of the limit.

If the OTL expires without an extension being granted, and providing there is no appeal outstanding, then the case is stayed, in a similar manner to the ITL. The defendant must be released from detention or from bail. The prosecution have the right to reinstitute the proceedings by way of summons, but only within three months and with the consent of the Director of Public Prosecutions or a Chief Crown Prosecutor. If the time period since staying is over three months, an application must be made to the court for reinstatement. Any reinstatement creates a fresh set of time limits.

If a young person does not turn up to a court hearing to which they have been bailed (the first hearing or any subsequent one during the OTL), or escapes from custody during this period, then the OTL is suspended until they are brought back to court. The prosecution can apply for extra time to be added to the OTL to compensate for the difficulties caused by the absconding.

The sentencing time limit (STL) runs from conviction (whether by a plea of guilty or after a trial) to sentence. It has been set at 29 calendar days⁵. The STL applies only if both conviction and sentence take place in a pilot youth court and will stop at the point at which a person is transferred to another court in a non-pilot area or to an adult court. The young person has to be under 18 at the date of arrest or, if not arrested, at the time of laying of an information against him for that offence.

⁵ The same rules as for the ITL and OTL apply regarding weekends and bank holidays.
**A quick guide to the pilot statutory time limits**

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</tbody>
</table>

There is no sanction if a STL is breached or expires. No formal procedure for seeking extensions has been established by the Home Office or in legislation. However, the Guidance to Pilots (Home Office 1999) states that it would be good practice, if the time limit will expire before sentence, for the sentencing court to state that the time limit no longer applies and to give reasons why a longer period is required.

If one considers the ITL, OTL and STL together, then all criminal proceedings for young people in these pilot areas, except for the period of the trial itself, are covered by statutory time limits, as is shown in the box above - unless, of course, the young person is dealt with in an adult court. It is also important to realise that the statutory time limits apply to all the charges individually (and to all offences for which someone is summonsed, after they have appeared in court).

In addition, though not part of the formal statutory time limit pilot, the custody time limit in these pilot areas was extended to apply to summary offences, as well as the indictable and either-way offences to which it has applied for some time.

**What is different about statutory time limits?**

The courts, and in particular the pilot youth courts, which had previously been piloting the Narey reforms, have been trying to tackle delay for several years before these pilots started - with a reasonable amount of success in many areas. They could be excused for thinking that the statutory time limits were merely another measure to exhort them to greater efforts in reducing delay in dealing with young people. Indeed, when we first visited the pilot areas, some agencies called statutory time limits 'Narey 3'.

They very quickly realised, however, that there are some fundamental differences between these new statutory time limits and almost all other measures designed to tackle delay. The key point is that the new limits apply potentially to all the offences for all the young defendants being dealt with in those pilot areas. If someone is arrested, then the ITL starts at that point. Whether the aim is subsequently to charge or to summons or to caution/reprimand them, this has to be achieved within the ITL period, or the case cannot continue to be prosecuted. If someone appears in the youth court, then the OTL starts at that point and, whatever its subsequent difficulties, must reach the point of trial by 99 days.

Previous measures to cut delay have almost all involved the setting of targets which are the average time taken for specified stages of proceedings by all. Hence the Narey targets were all averages, as is the 'pledge' to cut the time to deal with persistent young
offenders in half\textsuperscript{6}. Where the quest is to meet targets for average performance, it is possible to achieve these by concentrating on the easier or simpler cases, whilst allowing the more difficult cases to take much longer. The custody time limit was, of course, an exception, in that it also applied to all cases in which the young offender was held in custody. However, there are very few young offenders held in custody or likely to be held in custody for 56 days. The job of monitoring custody time limits and of taking action to speed up such cases is a relatively small task, given the low numbers of people involved.

The 'sanction' on the prosecution for failing to meet the ITL or OTL is also far stronger than that for failing to meet the custody time limit. If a custody time limit is breached, the defendant must be released on bail, but the case can continue. If the ITL or OTL is breached, without extension, then the prosecution is stayed and cannot always be restarted. In relation to sentencing, however, the STL 'sanction' is in fact far weaker than those implicit in the national standards which agencies preparing pre-sentence reports to the courts are expected to meet.

The effect of statutory time limits, therefore, is that they bear on all cases. Hence they put considerable weight on training all personnel who deal with youth cases, on monitoring the progress of all cases, and on ensuring applications for extensions are made in relevant cases in good time. They may also have the effect of prioritising resources on youth cases.

On the other hand, it could not be said that the time limits have been set at draconian levels. They were calculated, we understand, at around the level which 90% of cases nationally were already meeting at the time at which they were being formulated. However, it is likely that they were impinging more heavily on some of our pilot areas than others. Unfortunately, at the time of writing this report we have no data pre-pilot with which directly to compare our findings, though we hope to do this for the final report. At the time of writing, the only pre-pilot data available was the evaluation of the Narey initiatives in the same pilot areas. This shows that youth cases in which the offender was charged took an average of 38 days from charge to disposal and even when those cases where there was a guilty plea at the first hearing are disregarded, the average was still only 57 days (down from 103 pre-pilot) (Ernst & Young 1999). Charge to disposal potentially includes part of the ITL and the STL as well as the OTL. Clearly, the average case in our pilot areas was well within the set limits, but these times do not include the time from arrest to charge. At the other end of the criminal process, the national standards for preparation of pre-sentence reports are a maximum of 15 working days for young offenders (10 for persistent young offenders) - whilst the STL was set at 29 calendar days.

The implication is that, if we were to consider the position over all pilot areas, most cases should easily make all their limits. However, some areas, because their previous times were slower, or because there were other priorities for resources, might have difficulties. It is important to note that this pilot was resource-neutral - no additional resources were provided to pilot areas. In addition, a small number of cases were likely to cause difficulty in all areas and might give rise to applications for extensions (of the ITL or

\textsuperscript{6} The 'pledge' is the government's election pledge that the average time for dealing with persistent young offenders from arrest to sentence should be halved from 142 days to 71 days by 2002. There are also Home Office targets that the time from charge to disposal for all defendants should be reduced and that 80% of youth court cases nationally should be dealt with within their time targets (HM Treasury 2000).
Some of these might be the more complex or more serious cases. One new factor, though, is that, in order to obtain an extension, the prosecution would need to be able to show, in the same way as it would have to for an extension of the custody time limit, what it had done at each stage of the case, so that the court could enquire into due diligence. In other words, statutory time limits require the courts to enquire into the progress of both investigation and prosecution if an extension is requested\(^7\).

### A period of change in youth justice

Statutory time limits were not the only new elements in youth justice operating at the time of the pilots in the pilot areas. This is a period of considerable change in youth justice. The Narey reforms\(^8\) are of course long bedded in in most of the pilot areas, since these areas were the pilot sites for those initiatives between October 1998 and March 1999. However, part of North Wales was not a Narey pilot site and so these reforms were only implemented there during our evaluation. The Narey reforms included the following elements, all of which were designed to increase inter-agency co-operation, particularly between the police and CPS:

- provision of out of hours advice by the CPS to the police
- CPS staff working at police stations
- lay review of prosecutions and presentation of some cases at court
- Early First Hearings for guilty plea cases
- Early Administrative Hearings for not guilty plea cases
- improvements in case management

All these reforms were intended to impact on both adult and youth cases. The evaluation, which does not always distinguish between adult and youth findings, found that there was little take-up of out of hours advice, some limited CPS co-location and a limited use of lay review and presentation (Ernst & Young 1999). We could not continue to evaluate all these aspects during our research, but found that, for youth cases, there was some limited advice seeking, that CPS co-location for a variety of practical reasons seemed to be decreasing, and that lay presenters were not being used in youth cases. The use of Early First Hearings (normally called 'Narey courts' or 'Narey cases') remained prevalent in all youth courts which sat on several days per week and their usefulness was, if anything, seen to have increased given the pressures from the ITL. Early Administrative Hearings, however, seemed to have merged into the lists of other 'Narey cases'.

In addition, there has been an 'indictable only' pilot, sometimes called 'Narey 2', again in the same areas. This started in January 1999 and continued into 2000. The idea was to promote fast tracking of indictable only cases to the Crown Court. Instead of committing cases to the Crown Court, they are sent direct to the higher court, typically after only one or two hearings in the magistrates' court to deal with bail issues. The first hearing in the Crown Court will usually be a preliminary hearing to resolve immediate case management issues and the second a Plea and Directions Hearing.

\(^7\) It is necessary to note, however, that magistrates have always had the need to enquire into the progress of the case before granting any adjournment and that they are able to refuse an adjournment if they find that there has been insufficient progress - a power which is very similar to the 'staying' of a case if a request for an extension of an OTL is refused.

\(^8\) The Narey reforms stem from the report by Martin Narey, titled 'Review of Delay in the Criminal Justice System' (Narey 1997).
Some of the pilot areas have been involved in other pilots of youth justice reform during this evaluation. Blackburn, in particular, has been a pilot site for the introduction of Youth Offending Teams (YOTs) since 1998. The teams comprise people from different agencies who are seconded to work together from one location to provide reports to the youth court, pre-court diversion and post-court sentence-based work with young people, under the supervision of a YOT manager. In Northamptonshire, the existence of a county-wide diversion scheme for young people has meant that relevant agencies have been working together in a YOT structure for around two years. In the other pilot sites, however, YOTs were introduced as part of the national roll-out at varying times in 1999/2000.

Another area of organisational restructuring has been the CPS, which, as a result of the recommendations of the Glidewell report, reorganised its offices with effect from April 2000. This meant some movement in location and personnel in some of our pilot areas.

More substantive changes in youth justice have come from the introduction of new sentencing options for the courts. The Crime and Disorder Act 1998 introduced a number of new community-based orders: the parenting order, child safety order, reparation order and action plan order. These were implemented nationally on 1 June 2000, during our evaluation. The referral order, which is intended to be the primary disposal for young people pleading guilty and convicted for the first time, is currently being piloted (as from June 2000) and one of the pilot sites is Blackburn. The detention and training order, the new custodial sentence for young offenders, came into operation on 1 April 2000, replacing detention in a Young Offender Institution and the Secure Training Order.

Perhaps one of the most major changes, however, has been the abolition of the formal caution and its replacement by the system of reprimands and final warnings. Blackburn has again been a pilot site for this over the whole period of our evaluation, but it was introduced into all the other areas, as part of the national roll-out, from 1 June 2000. The idea of the reprimand/final warning scheme is to abolish repeat cautioning and introduce a more structured scheme. Reprimands and final warnings can only be considered where there is evidence to support an offence, the young person admits guilt and has not previously been convicted of anything, and it is in the public interest not to prosecute (Home Office 2000). The decision between reprimand, final warning and charge, which is made by the police, is then governed by the seriousness of the offence (plus, in some areas for relevant offenders, assessment by the YOT and the possibilities for restorative justice). It is envisaged that an offender will normally only receive one reprimand and one final warning before being charged (and of course more serious offences will be charged in any event). The introduction of this system is likely to have a cumulative effect over the course of our evaluation and so there will not be many substantive findings in this interim report on the new initiatives.

We have listed the major recent youth justice changes both to inform readers of likely factors which may impinge on youth justice and its outcomes in some of our pilot sites and also to illustrate the scale of change with which youth justice practitioners have been dealing over the period of the evaluation. As will become apparent, statutory time limits have been a very salient factor for many of the agencies with which we have been working - but for some, other reforms have been more pivotal. This is certainly true of the YOTs, many of which were only just forming during this initial period of evaluation, and which have been centrally concerned with the sentencing and diversionary youth justice reforms.
A further major initiative is the implementation of the Human Rights Act 1998 (HRA) on 2 October 2000. It is difficult to predict whether the HRA will have direct effects on statutory time limits. Clearly, its inclusion of the right to a fair trial within a reasonable time means that delay is a significant issue, both for defendants and for victims. However, statutory time limits could be seen as a means of creating speedy trials. What is clear, however, is that challenges may well arise under the HRA to other aspects of criminal procedure, whether in adult cases or youth cases. These are highly likely to have knock-on implications for the speed at which it is possible to undertake different stages of the criminal process and hence time limits at court. We shall concentrate on this issue in our final report.

**Evaluating the pilot schemes**

The evaluation of the statutory time limit pilots has deliberately combined case tracking and creation of a large database of cases with continuing interaction with all the agencies involved in the pilot, to see how practice and views developed as the pilot progressed and other reforms were introduced. The database of cases has been compiled by the researchers themselves from inspection on-site of court and CPS files of youth cases during the period, as well as from police computerised systems. This has provided many opportunities to look at developing practice in the agencies, as well as the possibility to ask questions where we were not sure of the meaning of the abbreviations on the files. We are extremely grateful to all the personnel of the agencies for their constant and positive support and help during the weeks we spent with them.

The evaluation started in January 2000, a few months after the introduction of the time limits on 1 November 1999. It has been divided into two stages. The first stage, from the beginning of the evaluation in January 2000 up to the production of this interim report, is designed to look at statutory time limits in operation and the issues they raise for all the agencies concerned. The second stage from December 2000 to a final report at the end of December 2001, is designed to focus on implications of the implementation of the HRA and of other youth justice reforms which have been coming into operation in 2000/2001. It will also provide an opportunity to look at the operation of time limits at a point when they have 'bedded in' and are no longer the newest challenge for practitioners.

The first stage evaluation comprises the following elements:

1. initial visits to the youth court, the police and the CPS in all the pilot areas between January 2000 and March 2000 to set up the evaluation and conduct initial interviews about the challenges stemming from the introduction of statutory time limits

2. creation of the first stage database, being data from youth court, CPS and police files and systems on all offences in all cases involving young offenders which started during the six months from 1 February 2000 to 31 July 2000. A case was deemed as starting during this period if the offender was arrested during the period or if the first appearance at court (on a charge or by way of summons) was during this period. We included both first appearances at the youth court and in the adult court for that youth court. In order not to disturb the normal operation of the agencies, we only analysed 'dead' files (i.e. cases which had had their final appearance at court, or which had been disposed of by the police or CPS). Hence the analysis for this interim report does not as yet reflect the full first stage database, since some of the cases starting in the six months had not finished by the time at which we started the analysis. However, in the second stage, the cases from the six months will be tracked
through until their final outcome and the final report will provide a complete analysis of all six months of cases. In the table below, we have separated court and CPS data (relating to cases which all had court appearances) from police data (where the person was arrested, but the case might end either in a charge/summons or another pre-court disposal). This is because the time periods involved and the charges are slightly different. The total size of the database is far higher than had been expected prior to commencing the evaluation, with the total number of database lines from the court and CPS data being 6,993 and the total number of database lines from the police data being 12,778, even at this interim stage of analysis.\(^9\)

**Table 1.1 Numbers of STL database lines from the six months of cases for analysis for this interim report**

<table>
<thead>
<tr>
<th></th>
<th>Tyneside</th>
<th>Blackburn/Burnley</th>
<th>Northants</th>
<th>North Staffs</th>
<th>North Wales</th>
<th>Croydon, Bromley, Sutton</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court and CPS data</td>
<td>1,610</td>
<td>951</td>
<td>1,723</td>
<td>965</td>
<td>714</td>
<td>1,030</td>
</tr>
<tr>
<td>(dead files) Period:</td>
<td>1.2.00 - 30.6.00</td>
<td>1.2.00 - 31.7.00</td>
<td>1.2.00 - 31.7.00</td>
<td>1.2.00 - 31.7.00</td>
<td>1.2.00 - 31.5.00</td>
<td>1.2.00 - 30.6.00</td>
</tr>
<tr>
<td>Police data</td>
<td>3,915</td>
<td>792</td>
<td>1,812</td>
<td>1,424</td>
<td>2,096</td>
<td>2,739</td>
</tr>
<tr>
<td>Period:</td>
<td>1.2.00 - 31.7.00</td>
<td>1.2.00 - 31.7.00</td>
<td>1.2.00 - 31.7.00</td>
<td>1.2.00 - 31.7.00</td>
<td>1.2.00 - 31.7.00</td>
<td>1.2.00 - 31.7.00</td>
</tr>
</tbody>
</table>

3. observation in each youth court in each pilot area.

4. formal interviews with police (primarily criminal justice unit managers, but including some operational staff and senior managers), CPS lawyers and administrative staff, court clerks, magistrates (group and individual interviews), defence lawyers and YOT members from each pilot area over the period May to October 2000. Almost all these interviews were face-to-face individual interviews, but some of those with defence lawyers were telephone interviews and some magistrates were seen in groups. The interviews were not intended to provide a statistically representative survey, but to gain a qualitative appreciation of the working of STLs from the perspectives of those most involved in working with them. Altogether we spoke to 165 people. No one refused an interview. We had some difficulty in sorting out suitable times for interview with defence lawyers, so some of those interviews will be continuing into the second stage of the evaluation.

5. obtaining details of all appeals relating to applications for extensions of the ITL or OTL, including, where possible, attending appeal hearings in the Crown Court and the Queen's Bench Division, over the whole first stage period

6. informal interaction with all agencies during fieldwork over the period January-November 2000

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\(^9\) Throughout the report, we provide statistics for each pilot area separately. We should stress, however, that several pilot areas are served by a number of courts, police divisions and CPS administrative units and that areas may not see themselves as a natural cluster.
7. presentations of emerging findings to two meetings of representatives from all the agencies in the pilot areas, together with presentations to the National Implementation Team and the Reducing Delays Sub-Group of the Trial Issues Group, reflecting all the government departments involved with statutory time limits, the national agencies, the legal professions and the magistracy.

Table 1.2 Numbers of people formally interviewed:

<table>
<thead>
<tr>
<th></th>
<th>Tyneside</th>
<th>Blackburn/Burnley</th>
<th>Northants</th>
<th>North Staffs</th>
<th>North Wales</th>
<th>Croydon, Bromley, Sutton</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>CPS</td>
<td>3</td>
<td>4</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Court clerks</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Magistrates</td>
<td>9</td>
<td>19</td>
<td>4</td>
<td>2</td>
<td>4</td>
<td>17</td>
</tr>
<tr>
<td>Defence lawyers</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>YOT members</td>
<td>3</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>24</td>
<td>35</td>
<td>19</td>
<td>15</td>
<td>33</td>
<td>39</td>
</tr>
</tbody>
</table>

In the second phase, we shall continue to track all the first six months cases which have not finished, so that we have a complete database for that period. We shall also take a further complete three months of data, representing cases starting from 1 March 2001 to 31 May 2001, as well as a longer sample of cases relating to physical assaults and robberies, from 1 October 2000. The latter sample will allow us to look at some of the major issues which are particularly prevalent in these types of offence (including identification, forensic evidence and the likelihood of youthful victims and witnesses) over a larger sample of cases and a longer time span. We shall also repeat all the other measures and methods, focusing particularly on issues relating to the HRA.

The pilot areas

The six pilot areas pose different challenges for youth justice. Some are busy, metropolitan areas with relatively high crime rates and a very high throughput of offences. Others are much more rural, with consequent difficulties of considerable distances between courts and crime committed by people from other places. Some contain areas of considerable poverty and unemployment.

There are some differences between our pilot areas in terms of the crime mix. We present below charts of both the population of offences committed by offenders at the time of their arrest by the police (as recorded by the police on the custody computer) and the population of offences once offenders had reached court. The two will be different, partly because offenders committing more trivial offences or first offences are likely to be diverted from prosecution and so will not appear in the court population, partly because summons cases (primarily motoring offences) will appear in the court sample, and partly because there are consistent differences between the offences recorded on custody computers and the offences with which people are charged and which form the court population. For example, the very prevalent group of offences involving taking and driving away a vehicle were often recorded on the custody computer in Northamptonshire as 'theft of motor vehicle' (an either way offence in the theft group), but were likely to be charged as taking and driving away offences ('TWO C', which is a summary offence) or driving offences or other matters disclosed when the car was stopped (such as going equipped for burglary). In both charts, we have confined the
offence mix to ‘main’ offences, i.e. restricted it to one offence per offender per offending occasion.

**Table 1.3 The offence mix in our six pilot areas**

**At the point of arrest**

As we can see from Table 2.3, at the point of arrest there were more violence offences in Blackburn/Burnley and North Staffordshire, and far more theft/handling offences in Northamptonshire (primarily a result of arrests for theft of a motor vehicle). There were far more robbery offences in Croydon/Bromley/Sutton than in any other area, though in fact most of these were concentrated in Croydon. Sexual offences and fraud/forgery offences were very rare in all areas.

By the time cases came to court, we see an expansion of the category of motoring offences in all areas, though particularly in Northamptonshire, primarily at the expense of the category of theft/handling. This is largely the result of first offences of shop theft leading to a caution/reprimand and not being charged, as well as initial arrests for theft of a motor vehicle leading to other charges. The more serious offences, such as violence, burglary and robbery are more prevalent in the court figures, as would be expected, since they less often led to diversionary disposals. The prevalence of robbery
Croydon/ Bromley/ Sutton and the greater extent of violent offences in North Staffordshire are now very visible.

**The report**

Each of the statutory time limits has had its major effects upon different agencies, with the major impact of the ITL being on the police, the major impact of the OTL on the CPS and court, and the major impact of the STL on YOTs and the court. It makes sense, therefore, first to consider each of the time limits separately in the report, before turning to examine their effects on the overall operation of the youth justice system and the implications for training and inter-agency co-operation. Finally, we shall consider the legal and operational issues which have arisen as a result of the introduction of the time limits, and the costs of the limits, as far as they were apparent at the time of writing this report.

We must stress that this is an interim report. The database upon which we shall be drawing is not a complete record of six months of operation of the youth justice system. Though the police data are complete, the court and CPS data are only from ‘dead’ files, so some of the more difficult cases will not have finished by the time we needed to draw a line on data gathering and start the analysis. Hence, although we have considerable data in relation to the ITL, the picture remains less clear on the OTL. Our own uncertainties, though, are mirrored for those working to operate the time limits. Statutory time limits are still relatively new and still ‘bedding in’.
CHAPTER 2 INVESTIGATION AND DECISIONS TO PROSECUTE: THE INITIAL TIME LIMIT

The initial time limit (ITL) only applies if a young person is arrested. It starts at arrest and runs until the first appearance at a pilot youth court or, if the case is not to go to court, until the case is disposed of by the police or CPS. We shall look first at the cases from our database, seeing whether the ITL was met for cases where it applied.

Was the ITL met for cases in which it applied?

The ITL is 36 days from arrest to first court appearance in the pilot youth court, both days being counted. Table 2.1, from our court database, shows the time taken for cases where there was both an arrest and a first appearance at the pilot youth court.

Table 2.1: Time taken from arrest to first appearance at the pilot youth court (all offences, counting both arrest and first appearance days, cumulative percentages in brackets)

<table>
<thead>
<tr>
<th></th>
<th>1-7 days</th>
<th>8-14 days</th>
<th>15-21 days</th>
<th>22-28 days</th>
<th>29-36 days</th>
<th>37-42 days</th>
<th>over 42 days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside (n=841)</td>
<td>429 (51%)</td>
<td>251 (30%)</td>
<td>93 (29%)</td>
<td>38 (9%)</td>
<td>22 (9%)</td>
<td>1 (9%)</td>
<td>7 (100%)</td>
</tr>
<tr>
<td>Blackburn/Burnley (n=513)</td>
<td>217 (42%)</td>
<td>196 (38%)</td>
<td>42 (8%)</td>
<td>25 (5%)</td>
<td>18 (4%)</td>
<td>4 (8%)</td>
<td>11 (100%)</td>
</tr>
<tr>
<td>Northants (n=823)</td>
<td>344 (42%)</td>
<td>186 (23%)</td>
<td>90 (11%)</td>
<td>107 (16%)</td>
<td>75 (13%)</td>
<td>9 (9%)</td>
<td>12 (100%)</td>
</tr>
<tr>
<td>North Staffs (n=488)</td>
<td>324 (66%)</td>
<td>74 (15%)</td>
<td>44 (9%)</td>
<td>30 (6%)</td>
<td>9 (9%)</td>
<td>0 (0%)</td>
<td>7 (100%)</td>
</tr>
<tr>
<td>North Wales (n=402)</td>
<td>103 (26%)</td>
<td>192 (47%)</td>
<td>63 (16%)</td>
<td>25 (6%)</td>
<td>16 (4%)</td>
<td>0 (0%)</td>
<td>3 (100%)</td>
</tr>
<tr>
<td>Croy/Brom/Sutton (n=565)</td>
<td>259 (46%)</td>
<td>123 (22%)</td>
<td>88 (23%)</td>
<td>47 (8%)</td>
<td>24 (4%)</td>
<td>1 (2%)</td>
<td>23 (100%)</td>
</tr>
<tr>
<td>Overall (n=3,632)</td>
<td>1,676 (46%)</td>
<td>1,022 (28%)</td>
<td>420 (18%)</td>
<td>272 (10%)</td>
<td>164 (6%)</td>
<td>15 (5%)</td>
<td>63 (100%)</td>
</tr>
</tbody>
</table>

Percentages of cases subject to the ITL taking longer than 14 days for different offence categories (all offences)

<table>
<thead>
<tr>
<th></th>
<th>Violence</th>
<th>Burglary</th>
<th>Robbery</th>
<th>Theft/ handling</th>
<th>Fraud/ forgery</th>
<th>Damage</th>
<th>Drug offences</th>
<th>Other indict.</th>
<th>Public order</th>
<th>Motoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside</td>
<td>22</td>
<td>36</td>
<td>29</td>
<td>13</td>
<td>0</td>
<td>15</td>
<td>0</td>
<td>31</td>
<td>14</td>
<td>24</td>
</tr>
<tr>
<td>Blackburn/Burnley</td>
<td>31</td>
<td>29</td>
<td>0</td>
<td>19</td>
<td>44</td>
<td>19</td>
<td>19</td>
<td>26</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>Northants</td>
<td>35</td>
<td>35</td>
<td>69</td>
<td>33</td>
<td>41</td>
<td>49</td>
<td>85</td>
<td>30</td>
<td>21</td>
<td>28</td>
</tr>
<tr>
<td>North Staffs</td>
<td>31</td>
<td>20</td>
<td>33</td>
<td>8</td>
<td>19</td>
<td>15</td>
<td>40</td>
<td>3</td>
<td>20</td>
<td>28</td>
</tr>
<tr>
<td>North Wales</td>
<td>31</td>
<td>23</td>
<td>0</td>
<td>26</td>
<td>25</td>
<td>22</td>
<td>28</td>
<td>39</td>
<td>15</td>
<td>29</td>
</tr>
<tr>
<td>Croy/Brom/Sutton</td>
<td>49</td>
<td>42</td>
<td>31</td>
<td>26</td>
<td>71</td>
<td>32</td>
<td>15</td>
<td>41</td>
<td>13</td>
<td>28</td>
</tr>
</tbody>
</table>

10 Though overall figures (combining the six pilot areas) are given in this and other tables, these must be treated with care and it must be borne in mind that areas had different offence profiles, which produced different problems in relation to the time needed for investigation and decisions to prosecute. Table 2.1 includes times during which youths had absconded in the period between arrest and disposal by the police.

11 We have omitted sexual offences from this table because there were so few of them.
It is very clear from the table that the vast majority of cases reached court within two or three weeks. Very few cases went into the fourth week, approached or exceeded the ITL. Northamptonshire had a slightly greater proportion of cases which took longer and we suspect that this is due to cases being reviewed for possible diversion by the YOT\textsuperscript{12}. If we look at the types of offences taking longer than 14 days from arrest for cases subject to the ITL (from the bottom part of Table 2.1), we can see that, though there are substantial differences between areas, it is burglary, violence, robbery and fraud/ forgery which tend to take rather longer, whilst criminal damage, public order and motoring offences are quicker.

We must not immediately conclude that, because a case has taken longer than 36 days to reach court, it has breached the ITL. Table 2.1 does not take account of cases where the defendant absconded after being bailed back to the police station. In these circumstances, the ITL is suspended until the defendant is picked up again, when it starts to run again. Hence, for example, the 15 cases in Blackburn/ Burnley which took over 36 days could all be defendants who had absconded.

The difficulty, which is one shared by the court and CPS, is that the standard police forms which reach court do not indicate whether a defendant has absconded prior to the initial court appearance. Nor do most of the police computerised systems (for example, custody computers). Charge sheets and other standard forms which are contained in CPS and court files are entirely silent about absconding prior to court. Hence neither the CPS nor the court can in practice easily monitor whether the ITL has been exceeded. Custody computers merely indicate that someone has been bailed to the police station (DCB) and the date they are due to turn up. If there is no further result on the computer, then absconding is one possibility - but it is also possible that there has been an alternative disposal which has not been entered on the custody computer.

**So to what extent has the ITL been breached?**

We ourselves, however, followed up the cases where it looked as though the time from arrest to first appearance at court was longer than 36 days. We looked particularly for indications from CPS and court files that someone had noticed that the time limit had been breached and so the case should be stayed, where extensions had been requested and granted, or where there was some indication of absconding. Table 2.2 shows the number of cases in each area where someone noticed that the ITL had been breached and where the case was stayed, or where we suspect that it might have been breached (no indication of absconding, no applications for extension).

The number of cases in which the ITL was breached and the case stayed, or may have been breached but this was not noticed, is absolutely tiny in all areas. The very small scale of stayed cases reflects both the police success in acquainting all their officers with the new regime and the efficiency of the monitoring regimes. The cases were spread throughout our time period of collecting data, so it is not an early problem. It seems that, occasionally, cases slip through the monitoring net and are not noticed until they reach court. In all the stayed cases, the police had delayed charge bailed the defendant too late a date without noticing the time limits. In Northamptonshire and North Staffordshire it was the CPS who noticed most of the stayed cases, in Blackburn/ Burnley and Croydon/ Bromley/ Sutton the court.

\textsuperscript{12} See below in the analysis of all disposals for arrested cases.
Table 2.2 Numbers of cases where the ITL was or may have been breached (all offences)

<table>
<thead>
<tr>
<th></th>
<th>ITL breached - case stayed no of cases (% of all ITL applicable cases)</th>
<th>We suspect ITL breached no of cases (% of all ITL applicable cases)</th>
<th>Total number of ITL applicable cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside</td>
<td>0</td>
<td>5 (0.6%)</td>
<td>884</td>
</tr>
<tr>
<td>Blackburn/ Burnley</td>
<td>7 (1.4%)</td>
<td>0</td>
<td>513</td>
</tr>
<tr>
<td>Northants</td>
<td>5 (0.6%)</td>
<td>3 (0.4%)</td>
<td>823</td>
</tr>
<tr>
<td>North Staffs</td>
<td>4 (0.8%)</td>
<td>0</td>
<td>507</td>
</tr>
<tr>
<td>North Wales</td>
<td>0</td>
<td>0</td>
<td>420</td>
</tr>
<tr>
<td>Croy/ Brom/ Sutton</td>
<td>14 (2.5%)</td>
<td>7 (1.2%)</td>
<td>565</td>
</tr>
</tbody>
</table>

In Tyneside, it was clear that the police were identifying and taking action if a case was coming near the ITL. If there were likely to be difficulties, after advice from the CPS, either an application for extension would be made, or it would be decided that the evidence was likely to be insufficient and the case discontinued on evidential grounds. The five unclear cases (three for one defendant) were not at all clear on the file, but tended to be summonses following arrest.

In Blackburn/ Burnley, the offences involved in the stayed cases were theft (3 instances), common assault and affray/ GBH (3 offences for same defendant).

In Northamptonshire, the offences involved in the stayed cases were s5 Public Order Act (2 cases), theft (2 cases) and possession of drugs (1 case). In one of the s5 cases, associated motoring offences continued to be prosecuted, as the CPS and court saw them as not part of the original arrest. The possible breach cases were one burglary case, where the person was sentenced, but already serving a prison sentence; a receiving case where noone noticed the difficulty with the ITL, but where the case was stayed for breaching its OTL later; and a s5 case where it was not obvious whether this was a recharge.

The North Staffordshire stayed cases were one forgery, two common assaults (co-defendants) and one theft. The first three mimicked the pattern in Northamptonshire, with these being isolated incidents of the officer in the case forgetting the time limits. The last was a serious case, which caused some concern locally (theft of about £5,000 from an unlocked car), where an initial application for extension of the ITL was granted by the court, but the case did not actually reach court until after the extended date.

There were no stayed cases or ‘suspicious’ cases in North Wales up to our data analysis point.

There was a larger number of cases stayed in Croydon/ Bromley/ Sutton, where monitoring arrangements and inter-agency liaison seemed to be more difficult at that time. The offences for the stayed cases were theft, possession of cannabis (2 cases), robbery (6 cases), taking a vehicle, going equipped, criminal damage, s5 Public Order Act and burglary. Several of these cases were not noticed to have breached their ITL until well into the court process (for example, after a trial date had been set or on the day of trial). They ranged over the whole six month period. The ‘suspicious’ cases were one burglary, though no evidence was offered later; another burglary where the police force was the British Transport Police (apparently convicted); four attempting to obtain property by deception (co-defendants), all convicted; and a shoplifting (also convicted). Some of these may, however, have involved defendants absconding at the police stage.
The analysis above indicates that cases which take longer and which may come near to or breach the ITL are not just or even predominantly the more serious cases. More minor cases, particularly where there are co-defendants, can require further enquiries. The difficulty at the ITL stage is that the progress of the investigation is very much in the hands of the officer in the case - so ensuring the ITL is complied with is a matter of influencing all officers investigating offences and encouraging them to think ahead and to plan their investigation - essentially importing project management skills into investigation for minor as well as major cases.

There was only one case (from Croydon/ Bromley/ Sutton) which was reinstated after being stayed during our analysis period, though there was considerable discussion within agencies about this possibility. This case is still subject to an appeal against the reinstatement. Though there was some indication in North Staffordshire that one or two cases might have been reinstated had the requirement for new evidence not been present, in other areas the police and CPS took the view that offences in stayed cases were not sufficiently serious and that the evidential basis was not really sufficient to be concerned about reinstatement.

**Cases not subject to the ITL**

Some cases do not need to conform to the time limit of 36 days because the first appearance is not in a pilot youth court, because the arrest was outside the pilot area, or because the case has transferred in to the pilot youth court from outside. Cases which are summonsed still need to conform to the ITL if there has been an arrest - though it is highly doubtful that the summons procedure could be completed within the time limit.

One of the concerns in relation to the ITL has been that youths might appear first in the adult court, in order to 'get round' the ITL. In every area, a number of young offenders had their first appearance in the adult court (Table 2.3). This is a significant minority, ranging from 9% in North Staffordshire to 18% in Tyneside. Not all of these cases, of course, would have been subject to the ITL if they had appeared in a youth court, because not all involved arrests (Table 2.3). Sometimes youths appeared in the adult court because they were charged with an adult and so appeared in the adult court until their case was remitted to the youth court\(^\text{13}\). Though our data on co-defendants are not totally reliable, because remitted cases did not always have an adult co-defendant marked on the court file, it appears that only a certain number of the youth cases starting in the adult court had co-defendants\(^\text{14}\). Sometimes youths appeared first in the adult court because the youth was being held in police custody and needed to be brought before the first available magistrates' court, which was an adult court. However, sometimes neither of these reasons seemed to pertain and we were left with the feeling that more serious cases or more prolific offenders might be being bailed by the police to the adult court, though this did not seem specifically to be because of the ITL and appeared to be a long-standing practice. The lack of relation to the ITL is borne out by the fact that only one or two defendants in each area whose case took over 36 days from arrest to the first appearance at court appeared first in the adult court.

\(^{13}\) Remission to the youth court should happen as soon as possible, i.e. as soon as it is clear that there will not be a trial at which the co-defendants need to be tried together. However, we had a small number of cases which were heard entirely in the adult court.

\(^{14}\) We cannot distinguish adult co-defendants from youth co-defendants from the data available in the court or CPS files.
By far the most significant reason why arrested cases were not subject to the ITL was, therefore, because the defendant appeared first in the adult court, though this was clearly not to circumvent the ITL. Only very few started their court life outside the pilot area or were arrested outside the area.

**Table 2.3 Cases where the ITL did not apply (all offences)**

<table>
<thead>
<tr>
<th></th>
<th>Cases where youths appeared first in the adult court (% of all cases)</th>
<th>Arrested cases where youths appeared first in the adult court (% of all cases)</th>
<th>Cases where youths in the adult court did not have co-defendants (% of all cases)</th>
<th>First appearance in court outside the pilot area (% of all cases)</th>
<th>Arrested outside the area (% of all cases)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside</td>
<td>281 (18%)</td>
<td>270 (18%)</td>
<td>209 (14%)</td>
<td>20 (1%)</td>
<td>17 (1%)</td>
</tr>
<tr>
<td>Blackburn/Burnley</td>
<td>134 (14%)</td>
<td>114 (12%)</td>
<td>78 (8%)</td>
<td>7 (1%)</td>
<td>2 (0%)</td>
</tr>
<tr>
<td>Northants</td>
<td>240 (14%)</td>
<td>186 (11%)</td>
<td>140 (8%)</td>
<td>17 (1%)</td>
<td>5 (0%)</td>
</tr>
<tr>
<td>North Staffs</td>
<td>83 (9%)</td>
<td>68 (7%)</td>
<td>68 (7%)</td>
<td>22 (2%)</td>
<td>0 (0%)</td>
</tr>
<tr>
<td>North Wales</td>
<td>78 (11%)</td>
<td>77 (11%)</td>
<td>57 (8%)</td>
<td>10 (1%)</td>
<td>0 (0%)</td>
</tr>
<tr>
<td>Croy/Brom/Sutton</td>
<td>44 (7%)</td>
<td>42 (6%)</td>
<td>36 (5%)</td>
<td>68 (11%)</td>
<td>18 (3%)</td>
</tr>
<tr>
<td>Overall</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**The pattern of police disposals in the six areas**

Another concern has been that the ITL might alter the pattern of disposals of cases, so that people might be more likely to be cautioned etc., because of the possible pressure exerted on the investigation by time limits. We look later at police views as to whether police investigation has been changed by the introduction of the ITL, but it is worth first setting out the pattern of disposals in youth cases.

Where there is an arrest, the police can decide to refuse to charge or take no further action, to charge, to report for summons, to caution/reprimand\(^{15}\), or, in a few cases, to take other action, such as child protection measures in conjunction with social services. These police disposals can take place at the end of the initial period of detention following arrest or the offender can be bailed to return to the police station (called 'delayed charge bail' or 'DCB') at a set date. One of the key tasks for the police as a result of the introduction of the ITL has been to ensure that offenders are not DCB beyond the last day to which they could be charged and bailed to the youth court to make the 36 day limit.

Deciding whether to prosecute a young offender is not just a matter of considering the evidential basis of the case. Considering whether it is in the public interest to charge can mean acquiring information from or consulting with other agencies and, prior to the Narey reforms, systems for liaison about young people had been set up in many areas. In addition, several areas had set up more formal pre-court diversion schemes. Northamptonshire, for example, has had for many years a policy of referring more minor and less prolific offenders to the YOT for consideration for diversion, which can include apologies or reparation (Hughes et al. 1998). In all areas, pre-court diversion, including programmes to address offending behaviour, was formalised and made nationally

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\(^{15}\) The change from formal cautions to the reprimand/final warning system took place on 1 June 2000, during our six months of data gathering, for all areas except Blackburn, which had been piloting the system throughout the period.
relevant in the final warning stage of the new reprimand/final warning scheme near the end of our interim analysis period\textsuperscript{16}.

There is, however, a tension between the time needed to consult other agencies and minimising the time to get an offender to court. Similarly, there is a tension between the time needed to consult victims or carry out reparative work and minimising delay, as has been pointed out in the evaluation of Youth Offending Teams (Universities of Sheffield, Hull and Swansea 1999; Dignan 1999). The ITL includes the processes of investigation, consulting other agencies about prosecution, working with victims, diversion activity by offenders, and the time between any charge and an appearance at the next youth court. If any particular case takes longer than normal on one of these areas, it will squeeze the time for the others. There might be a tendency to reduce police outcomes which require work with those outside the police as a result. Unfortunately, we have no adequate data from a period before the implementation of the ITL with which to compare our figures to see whether there has been any shift in outcomes (data will be available for the final report).

We can, however, use our police data to look at the overall pattern of police outcomes and whether this has changed over the six month period of arrests which form the database (Table 2.4)\textsuperscript{17}. For Tyneside, the six months show a pattern of little change in charge, summons and NFA, though clearly cautions have given way to reprimands and a growing number of final warnings. Summonses were being used to some extent.

Blackburn had been piloting the reprimand system and so this applied throughout the period (though there still seemed to be a number of formal cautions recorded on the database), though Burnley was not a pilot area. Over the time period, the number of charges appeared to be dropping and the number of pre-court disposals rising slightly. We were concerned about the extremely low rate of no further action disposals in our database and checked back with the police there. They told us that this was consistent with the overall force rate and that it was the practice in youth cases not to arrest unless action would be taken. This is different from the practice in our other force areas and indicates the need for some caution in interpreting time patterns for police disposals.

\textsuperscript{16} It should be noted that, under the new reprimand and final warning system, a decision whether to prosecute has to be made before diversion activity occurs.

\textsuperscript{17} Not all the police systems allowed us to ascertain all the non-charge outcomes for arrested cases and there were differences in police use of disposals such as informal action. Informal action includes warning letters, informal action by the custody sergeant, and verbal warnings. Tyneside distinguished between cautions, reprimands and final warnings. The judgement as to whether the caution was immediate, or after consultation, was made by us on the basis of whether the caution was on the same day as arrest or later (we took similar decisions in North Staffordshire). They had a variety of outcomes which we coded as NFA (such as injured party refuses to prosecute and offender too ill). Blackburn/Burnley and North Wales had immediate caution as an outcome but not caution after consultation; we were unable to determine whether there was any delay as we did not have an outcome date. Blackburn/Burnley, North Staffordshire, North Wales and Croydon/Bromley Sutton did not use 'informal action' as a disposal. Northamptonshire IT systems did not distinguish between cautions, reprimands and final warnings. Their outcomes included diversion as a formal caution which we categorised as diversion work/caution plus; and diversion as informal action which we classified as informal action. North Staffordshire distinguished only between cautions and final warnings. There were no reprimands. Croydon data only specify charge or not, caution/reprimand or not, with all other outcomes being NFA. Bromley appeared to be using the reprimand/final warning system throughout the interim analysis period, but Croydon and Sutton were not. In Sutton, it is not possible to distinguish reprimands from cautions. In Croydon/Bromley/Sutton we distinguished ourselves between immediate caution and caution after consultation on the basis of dates.
In Northamptonshire, the pattern of disposals remained very constant, with the introduction of reprimands (still recorded on the police system as cautions) and final warnings having not significantly affected the unique Northamptonshire diversion scheme involving informal action and pre-court reparation work by offenders by the end of our analysis period. However, the protocols for diversion have changed and, as more offenders acquire reprimands (which only started in the early summer), more will go through to final warnings and, on further offending, to court. We would expect to see changes in our final report. Summonses were only rarely used, again primarily for motoring offences by the traffic division.

In North Staffordshire, charging appeared to be rising slightly during our analysis period, but there was little use of summonses. North Wales shows a rather variable pattern of disposals, affected we suspect by North Wales being a holiday destination. Summonses were almost never used.

**Table 2.4 Police outcomes over the six months of arrests (percentages in brackets)**

<table>
<thead>
<tr>
<th></th>
<th>Charge</th>
<th>Summons</th>
<th>NFA/ refused charge</th>
<th>Immediate caution</th>
<th>Caution after consultation</th>
<th>Reprimand</th>
<th>Final warning</th>
<th>Diversion work/ caution plus</th>
<th>Informal action</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside</td>
<td>1,369 (35%)</td>
<td>94 (2%)</td>
<td>1,131 (29%)</td>
<td>80 (2%)</td>
<td>583 (15%)</td>
<td>380 (10%)</td>
<td>157 (4%)</td>
<td>-</td>
<td>8 (0%)</td>
<td>43 (1%)</td>
</tr>
<tr>
<td>Blackburn/ Burnley</td>
<td>460 (58%)</td>
<td>0 (0%)</td>
<td>9 (1%)</td>
<td>78 (10%)</td>
<td>0 (0%)</td>
<td>158 (20%)</td>
<td>83 (11%)</td>
<td>-</td>
<td>0 (0%)</td>
<td>1 (0%)</td>
</tr>
<tr>
<td>Northants</td>
<td>743 (41%)</td>
<td>52 (3%)</td>
<td>518 (29%)</td>
<td>69 (4%)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>39 (2%)</td>
<td>300 (17%)</td>
<td>46 (3%)</td>
</tr>
<tr>
<td>North Staffs</td>
<td>558 (39%)</td>
<td>6 (0%)</td>
<td>426 (30%)</td>
<td>253 (18%)</td>
<td>82 (6%)</td>
<td>-</td>
<td>27 (2%)</td>
<td>-</td>
<td>0 (0%)</td>
<td>61 (4%)</td>
</tr>
<tr>
<td>North Wales</td>
<td>872 (42%)</td>
<td>6 (6%)</td>
<td>442 (21%)</td>
<td>95 (5%)</td>
<td>0 (0%)</td>
<td>244 (12%)</td>
<td>160 (8%)</td>
<td>-</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
</tr>
<tr>
<td>Croy/ Brom/ Sutton</td>
<td>840 (32%)</td>
<td>5 (0%)</td>
<td>1,059 (40%)</td>
<td>513 (19%)</td>
<td>134 (5%)</td>
<td>-</td>
<td>82 (3%)</td>
<td>-</td>
<td>-</td>
<td>1 (0%)</td>
</tr>
</tbody>
</table>
Police disposals over the six months by date of arrest:

**Tyneside**

![Graph showing police disposals over six months by date of arrest for Tyneside.](image)

**North Staffordshire**

![Graph showing police disposals over six months by date of arrest for North Staffordshire.](image)

**Blackburn/Burnley**

![Graph showing police disposals over six months by date of arrest for Blackburn/Burnley.](image)

**North Wales**

![Graph showing police disposals over six months by date of arrest for North Wales.](image)

**Northamptonshire**

![Graph showing police disposals over six months by date of arrest for Northamptonshire.](image)

**Croydon/Bromley/Sutton**

![Graph showing police disposals over six months by date of arrest for Croydon/Bromley/Sutton.](image)
Croydon/ Bromley/ Sutton also very rarely used summonses. Given the seriousness of the offence profile in this area, we might expect to find a higher proportion of cases with no further action being taken, because of the greater evidential difficulties often associated with more serious charges (such as identification evidence). The proportion of cases with no further action being taken was the highest in our pilot areas. There was also a significant number of cases with no outcome (probably where suspects had not reported back after being bailed to the police station).

The time taken for cases in which there was an arrest

We can now look at the time taken for cases where there was an arrest and what elements are important in creating this. The key types of disposals in relation to the ITL, bearing in mind that all these offenders were arrested for at least one offence on that offending occasion, are charges, summonses and NFA. Officers in every area were adamant that offenders would not be cautioned/reprimanded\(^{18}\) simply because the ITL was approaching or had passed: the decision to caution/reprimand would be taken as soon as the evidence was obtained and the offender admitted the offence and would be independent of the ITL. They also stated in all areas that they would apply for extensions rather than dropping cases\(^{19}\). Nonetheless, they admitted that a very few cases might have slipped through the monitoring mechanisms and might, particularly in the early stages, have been dropped (i.e. NFA). We can look at the time from arrest to charge for charges and from arrest to disposal for NFA from the police data, which represent all six months of arrests from February 2000\(^{20}\).

Summons data, however, cannot be taken from the same source, as the police outcome date represent the stage of asking for the summons to be issued, not the first appearance at court. Court and CPS files, unfortunately, do not indicate whether offenders summonsed have been arrested (which makes it extremely difficult for the court and CPS to monitor the ITL for summonsed cases). Despite the specific advice in the guidance on statutory time limits (Home Office 1999), none of the summonses used in the pilot areas showed whether the offender had been arrested or the date of arrest. Our only means of tracking summonsed cases is to compare our police data with our court and CPS data, but this has only been possible for offenders arrested right at the start of our data gathering period (since later arrests have not yet fed through to 'dead' files). None the less, we can note the kinds of offences, from the police data, which were reported for summonses and where the time delay before reporting was considerable (i.e. outside the possibility of charging, because of the ITL). In Tyneside, these were mostly public order, theft and other summary matters. In Northamptonshire they were almost entirely motoring and other summary matters. There was little use of summonses in other areas, as we saw above.

\(^{18}\) We shall use the term cautioned/reprimanded to include immediate cautions, cautions after consultation, reprimands and final warnings.

\(^{19}\) Though see below in relation to the ‘filters’ some criminal justice units and officers were using to ensure that only almost ‘sure-fire’ applications for extensions would be made.

\(^{20}\) However, we could not persuade the police IT systems to provide dates of disposal for cases not charged in North Wales, Blackburn/Burnley and Bromley.
Turning to the time spans involved with charged and NFA matters, we can see that, in Tyneside, 81% of charges were within a week of arrest, with 98% within 36 days. Just 2% were charged outside 36 days. These longer cases ranged across the whole spectrum of offences, including violence against the person, theft, fraud and drugs offences. In Northamptonshire, 71% of charges were within a week of arrest, with again 98% being charged within 36 days. Again just 2% were charged outside 36 days. The longer cases ranged across the whole spectrum of offences, but most were for theft and handling (53% of charges over 36 days). In North Staffordshire 97% of charges were within a week of arrest, 99.6% within 36 days. Only two cases were charged outside 36 days, one of violence against the person, the other a robbery. We only have the date of disposal for Croydon and Sutton in Croydon/Bromley/Sutton, but here the pattern of decision making seems slightly more drawn out, with only 53% of charges within a week of arrest, but again only a small minority of charges were outside the 36 days (3%). The offences for these longer charge periods were again spread over a range of offences, primarily violence, theft and handling and robbery, reflecting, in fact, the prevalence of such offences in this area.

If we look at cases which were deemed NFA/refused charge, 5% of these in Tyneside had this police disposal after 36 days, 5% in Northamptonshire, 9% in North Staffordshire and 5% in Croydon/Sutton. Again they were spread over all categories of offence, but on the whole the greatest number was for theft and handling (38% in Tyneside; 33% in Northamptonshire; 20% in North Staffordshire, 32% in Croydon/Sutton). It is really very difficult to say whether the ITL affected the decision to NFA/refuse charge. Sometimes we suspect that these longer delays reflected an earlier decision that there was not sufficient evidence to take the case further, with the disposal date only being entered on the computer subsequently. They also of course

21 It is important to note that these times include periods during which the offender may have absconded from delayed charge bail back to the police station. The police data we were able to obtain do not allow us to subtract these periods. The times also include cases where applications for extension of the ITL were made and granted by the court and cases where the first appearance was in the adult court, so that the ITL did not apply.

Table 2.5 Time from arrest to charge for charged cases and from arrest to NFA disposal for NFA cases (not inclusive, nos of cases and cumulative percentages)21

<table>
<thead>
<tr>
<th></th>
<th>Tyneside</th>
<th>Northants</th>
<th>North Staffs</th>
<th>Croydon, Sutton</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ch %</td>
<td>NFA %</td>
<td>ch %</td>
<td>NFA %</td>
</tr>
<tr>
<td>definitely within ITL</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-7 days</td>
<td>1,114</td>
<td>81</td>
<td>746</td>
<td>66</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>542</td>
<td>97</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>264</td>
<td>88</td>
</tr>
<tr>
<td></td>
<td>8-14 days</td>
<td>116</td>
<td>90</td>
<td>140</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>73</td>
<td>87</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>100</td>
<td>66</td>
</tr>
<tr>
<td></td>
<td>15-21 days</td>
<td>59</td>
<td>94</td>
<td>87</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>53</td>
<td>99</td>
</tr>
<tr>
<td></td>
<td>22-28 days</td>
<td>34</td>
<td>97</td>
<td>72</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4</td>
<td>99</td>
</tr>
<tr>
<td></td>
<td>29-36 days</td>
<td>23</td>
<td>98</td>
<td>33</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>100</td>
<td>19</td>
</tr>
<tr>
<td>possibly outside ITL</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>37-42 days</td>
<td>6</td>
<td>99</td>
<td>15</td>
<td>97</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>7</td>
<td>99</td>
</tr>
<tr>
<td></td>
<td>43-56 days</td>
<td>7</td>
<td>99</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>57-70 days</td>
<td>5</td>
<td>100</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>over 70 days</td>
<td>5</td>
<td>100</td>
<td>15</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td>100</td>
</tr>
<tr>
<td>overall total</td>
<td>1,369</td>
<td>1,131</td>
<td>739</td>
<td>518</td>
</tr>
</tbody>
</table>

It is important to note that these times include periods during which the offender may have absconded from delayed charge bail back to the police station. The police data we were able to obtain do not allow us to subtract these periods. The times also include cases where applications for extension of the ITL were made and granted by the court and cases where the first appearance was in the adult court, so that the ITL did not apply.
include cases where there was an extension of the ITL but the case was not subsequently proceeded with, and cases with adult co-defendants.

**From charge or summons to court**

As well as looking at the time up to the police disposal, we also need to consider the time between charging an offender and the first court appearance (available from the court/CPS database). This also lies within the ITL and is particularly significant for areas where the youth court may only sit once a week or once every two weeks. The average time between charge and first court appearance in the pilot youth court was 6.1 days in Tyneside, 6.0 days in Blackburn/Burnley, 6.5 days in Northamptonshire, 5.1 days in North Staffordshire, 9.8 days in North Wales and 5.9 days in Croydon/Bromley/Sutton. We can see the effect of the rural nature of North Wales and the consequently more infrequent sittings of the youth court.

As would be expected, the average time between charge and the first court appearance in the adult magistrates' court was significantly shorter than that for the pilot youth court, being 2.7 days for Tyneside, 2.2 days for Blackburn/Burnley, 2.2 days for Northamptonshire, 2.8 days in North Staffordshire, 4.0 days in North Wales, and 3.6 days in Croydon/Bromley/Sutton. This reflects the generally greater frequency of sitting of adult magistrates' courts than youth courts and why cases remanded in custody, rather than being granted police bail to court, tended to appear first in the adult court.

We can also use the court data to look at the time it takes from issuing a summons to the first appearance for the young person at court. The average here was 21.6 days for summons to the pilot youth court in Tyneside, 24.1 days in Blackburn/Burnley, 29.4 days in Northamptonshire, 33.7 days in North Staffordshire, 33.1 days in North Wales and 35.8 days in Croydon/Bromley/Sutton. It was 26.0 days for the very small number of summonses issued for young people to the adult magistrates' court in Tyneside, 24.5 days in Blackburn/Burnley, 26.5 days in Northamptonshire, 27.5 days in North Staffordshire and 41.9 days in North Wales. It is very clear that the summons procedure introduces far more delay into the process than does the charging procedure and that it is not suitable for cases subject to the current ITL.

**From arrest to first court appearance: the evidence from the databases**

Before turning to agencies' views about the ITL and experience with applications for extensions, it is worth summarising what the database analysis indicates about initial experience with ITLs. It is also important to note that, for this interim report, we were not able to compare the pilot period with any pre-pilot data in relation to the ITL - though we expect to be able to do so for the final report. We found that:

- the vast majority of arrested defendants appear in the youth court well within the ITL time limit
- the number of cases in which the case was stayed because it had breached the ITL was minute in every area, though there appeared to be a slightly greater problem in Croydon/Bromley/Sutton. Reinstatement did not seem to be occurring in most areas, nor a major issue.

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22 There were too few summonses issued to the adult magistrates' court in Croydon/Bromley/Sutton to calculate a mean.
• the kinds of cases stayed include both serious and minor offences and appear to be a matter of lapses by the individual officer in the case, rather than indicating any particular pattern of difficulty according to type of offence

• though a substantial minority of youth defendants are appearing first in the adult court (and so the cases are not subject to the ITL), this does not seem to be as a result of the ITL and these cases are taking no longer to investigate than cases appearing in the pilot youth court

• there is no evidence during this analysis period that defendants were being cautioned or refused charge because of the ITL

• if a defendant is arrested, then reporting the defendant for summons will almost always result in breaching the ITL

• most areas have reduced the use of summonses for youth cases to near zero, though Tyneside and Northamptonshire were still using them for motoring and summary offences

• it is currently almost impossible for the CPS or court to monitor the ITL, because summoned cases do not indicate whether there has been an arrest, because charge sheets do not indicate which charges have been preceded by an arrest, and because there is no information provided about any absconding during the ITL period.

Applications for extension of the ITL

Turning to applications for extension of the ITL, there have been very few indeed in any area. Table 2.6 shows the total number of applications for extension of the ITL in each area by type of offence from our court data. We must stress that these figures relate only to arrests during the time period which we analysed, for which cases had been completed at the time of this interim report (see Table 1.1). The largest number was 21 in Northamptonshire over six months of ‘dead’ files, which was only 2.6% of cases to which the ITL was applicable. In other areas, less than 2% of cases produced an application to extend and Blackburn/Burnley had none at all. Applications were spread over a wide range of offences, both serious and rather less serious, with the common factors being difficulties with particular aspects of the investigation (such as identification evidence), rather than the nature of the offence.

There was one further application to extend in Northamptonshire, again pre-charge, in relation to ID parade difficulties and also granted. There was one further application to extend in Croydon/Bromley/Sutton, also pre-charge, because the ID procedure could not take place, which was refused.

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23 Because applications for extensions are stored separately, the data in fact represent all applications within the target time period plus applications in cases whose first court appearance fell within the target time period.
Table 2.6 Applications for extension of the ITL by type of offence (no of cases)

<table>
<thead>
<tr>
<th>Area (no. of ITL applicable cases)</th>
<th>Violence &amp; sexual offences</th>
<th>Burglary</th>
<th>Robbery</th>
<th>Theft/ handling</th>
<th>Fraud/ forgery</th>
<th>Damage</th>
<th>Drug offences</th>
<th>Other indict.</th>
<th>Public order</th>
<th>Summary</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside (n=861)</td>
<td>4</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1124</td>
</tr>
<tr>
<td>Blackburn/Burnley (n=513)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Northants (n=823)</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>4</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>21</td>
</tr>
<tr>
<td>North Staffs (n=949)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>North Wales (n=420)</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Croy/Brom/Sutton (n=565)</td>
<td>3</td>
<td>0</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>11</td>
</tr>
</tbody>
</table>

In what kinds of circumstances were applications for extension made? Table 2.7 summarises the grounds set out in the notices of application for extension sent to the court, which, together with the court clerk’s notes, form the major basis of information about these applications.

Table 2.7 The main ground on which applications for extension were made (nos of cases)

<table>
<thead>
<tr>
<th>Ground</th>
<th>Tyneside</th>
<th>Blackburn/Burnley</th>
<th>Northants</th>
<th>North Staffs</th>
<th>North Wales</th>
<th>Croydon, Bromley, Sutton</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>ID parade: no booking available within ITL</td>
<td>6</td>
<td>0</td>
<td>7</td>
<td>1</td>
<td>0</td>
<td>7</td>
<td>16</td>
</tr>
<tr>
<td>Forensic evidence: results not available within ITL</td>
<td>6</td>
<td>0</td>
<td>6</td>
<td>0</td>
<td>3</td>
<td>2</td>
<td>16</td>
</tr>
<tr>
<td>Difficulties with investigation: multiple co-defendants</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Further enquires re possible defences</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Defendant cannot be traced</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>General investigative difficulties</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Youth court list full</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Bailed beyond ITL</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Unknown (file not found)</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

The key difficulties which led to applications for extensions being made were that bookings for ID parades in ID suites were not available within the ITL period and that the results of forensic evidence tests would not be sent back from the forensic science laboratories within the ITL period. Other grounds were much fewer in number and tended to relate to very unusual circumstances. So, for example, the Northamptonshire cases with multiple co-defendants were in fact one case with potentially more than 20 defendants. What is clear from the table is that the police were not normally applying for

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24 In Tyneside, we were not able to find the offence type for one application.

25 Since applications for extension were all made pre-charge, no charge sheet or court file was available at the time of the application. Courts tended to file applications separately from any subsequent court appearances, with the court file consisting solely of the notice of application to extend to the court, a copy of that to the defence, the court clerk’s notes on the verbal application and the formal notice of the magistrates' decision. We could not find all these details for all applications.
extensions of the ITL on the grounds of their own investigative difficulties, but only when they needed to deal with agencies or circumstances whose timetables were outwith their own immediate control. They were trying to put all their own investigative efforts within a time window which would allow the defendant still to make the first court appearance within the ITL. This was the case even in areas, such as North Wales, where the youth court sat only occasionally and so where the time from charge to court was significant. Moreover, all applications were made pre-charge. Police were not minimising the charge to court time in order to provide more time for investigation. Rather, they were regarding the charge to court time as a fixed limit on their own investigation - though occasionally, the adult court may have been used as a possible escape hatch in order still to get the person to court in time (i.e. within the ITL but to the adult court which was sitting more regularly).

Police officers also believed that officers might not be applying for extensions of the ITL where there had been some form of delay by officers and it was thought that such an application might not succeed. Essentially, some forces were putting in place a ‘filter’ whereby only applications they believed were highly likely to succeed would be made. It is impossible to quantify the number of cases in which this might have occurred, as only the officer concerned and his or her supervisor/criminal justice unit leader could weigh up the strength of the evidence gained, the extent of any delay and the perceived likelihood of an application succeeding. The maximum estimates were that these ‘filtered’ cases were equal in number to the (very low) number of applications actually made. However, we cannot know whether these were cases which were strong evidentially.

Identification evidence and forensic evidence were elements which were likely to create tensions with the ITL in all forces. Only a few circumstances, however, produced resource problems which meant that it was necessary to apply for an extension. Several forces had difficulties with arranging ID parades for defendants of mixed race or who belonged to an ethnic group rare in that area. Forces had in place arrangements with other forces to allow them to conduct ID parades with a sufficient pool of other people in the parade, but those other forces were not part of the STL pilot and were not working on the time scales common in the STL pilot forces. There was also a major difficulty in the Metropolitan Police Area, where ID suite provision had been centralised to a small number of sites. Given that youth parades need to be held out of school hours but not too late in the evening, the available slots were few and there was simply a lack of available slots. Though we understand that finance has now been allocated to increase ID suite provision in the Metropolitan Police, this will obviously take some time to come on stream and so the position remains difficult. Similarly, at the start of our evaluation, there were insufficient slots in one part of Northamptonshire, but here it was due to a shortage of trained inspectors, which was then remedied during the early part of the pilot period. The delays before being able to hold an ID parade in some areas were on occasions quite worrying, since they involved delays of 5-6 weeks or more, which is a considerable time in terms of child witnesses’ memories.

The difficulty with ID evidence illustrates the unforeseen consequences of different reforms converging. The obtaining of ID evidence has been increasingly professionalised over the last ten to twenty years, as a result of miscarriages of justice, enquiries and stricter codes of practice. None of the police officers to whom we spoke wanted in any way to go back to ‘the old days’ of identification being carried out in uncontrolled conditions. What has happened, though, is that the provision of ID parade resources has not kept pace, in all forces, with the numbers of cases requiring them (bearing in mind that defendants can also request ID parades), so delays in obtaining
slots, particularly youth slots, have appeared. This is unfortunate given the evidential need for minimum delay before witnesses have to try to identify people. It has, however, only become very visible when time limits have also then been applied. The situation has been exacerbated in places where there has been an increase in the kinds of offences (such as street robberies) for which identification is a key evidential issue and so for which ID parades are commonly required. Time limits have not themselves created the difficulty in relation to ID evidence: they have merely made the resource problems more visible. Several of these resource problems are now being addressed and it will be interesting to see the results of the second stage of the evaluation next year.

Similar considerations pertain to forensic evidence, though it was rarer that forensic evidence was seen as crucial in providing sufficient evidence to charge (as opposed to being corroboratory and definitely required well before trial). Forces varied in their in-house capacity to carry out fingerprint and drugs testing, all of which could be done well within the ITL, so the extent to which the ITL was seen as a major difficulty in forensic work varied. Similarly, they varied in the protocols they had agreed with the Forensic Science Service\(^{26}\) and in whether their particular forensic laboratories would prioritise youth cases. Forensic evidence is intrinsically more problematic than ID evidence in terms of reducing delay, because some procedures require time to undertake. However, our overwhelming impression was that any difficulties which were arising were primarily as a result of resource constraints and different views on prioritisation, rather than being a result of testing requirements. Police officers were often engaged in individual negotiation with forensic services about particular youth cases and there has been an increase in negotiated protocol prioritisation with forensic services as well. In one force, police had also visited the local hospital and explained the situation to the doctors, which had removed the delays in youth medical evidence. Prioritisation, though justifiable in relation to the need for a speedy process for youth cases, has implications for resources if further cases (for example, adult cases) were to be included in a statutory time limits regime. Equally, if there was to be roll-out nationally on youth cases, this would strain further the regional forensic science resources. It is also important to note that the cost of prioritising individual cases is quite high and that forces would not be able, financially, to afford this for many cases, whether youth cases or not.

Were these applications for extensions granted? There was a very different rate of granting extensions between the pilot areas. In Northamptonshire, which had the largest number of applications, only two applications were refused. In Tyneside, none of the 12 were refused, nor were the three in North Wales. In North Staffordshire one of the two applications was refused. In contrast, in Croydon, Bromley and Sutton, five of the 11 applications were refused.

If the application was granted, the period of extension was almost always that requested by the police. The police would normally request only a few days between the occurrence of the procedure initiated (ID parade, return of forensic results, etc.) and the final ITL date, leaving 2-3 days to send out any further notice of possible applications to extend if there were further problems. Court clerks were keeping an stern eye on the length of extensions. Overall, first extensions were granted for between 43 - 73 days from arrest in Tyneside, 38 - 67 days in Northamptonshire, 46 days in North Staffordshire, 53-57 days in North Wales and 60 - 71 days from arrest at Croydon/Bromley/Sutton,

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\(^{26}\) And some of the protocols had not yet come into force in time for this evaluation.
The key ground for accepting or refusing extensions was whether the prosecution had acted with due diligence. Magistrates in all areas were proactive in questioning the prosecution as to the progress of the investigation. In relation to ID parades, this meant whether and when enquiries had been made with all possible ID suites as to when a slot would be available for that case. In relation to forensic evidence, it meant when, in relation to the date of arrest, items had been sent off for forensic analysis and whether the laboratory had been contacted as to whether the protocol delay was the best that could be achieved in this case. In relation to the investigation it meant whether the police had erred in, for example, bailing the defendant back to the police station past the ITL or there was a significant length of time whilst nothing seemed to be happening in the investigation. Hence, for example, a case in which, after fingerprint evidence had been taken, there was a delay of ten days before the item had been sent to the forensic laboratory had the application for extension refused. Similarly, almost all the cases which involved police DCB errors were refused extensions - most of these had already been weeded out by the police through their monitoring in any event and in these cases police were not dismayed at the refusal of the extension. More controversial were the three cases where applications were refused in ID parade cases because police had not tried to book slots early enough or had not tried all possible suites. They raise the issue of how much effort the prosecution can be expected to put in on an investigation and how rigorous the standards for due diligence should be.

It is very difficult, however, to conclude from a refused application that the case therefore had to be dropped for that reason. In more than one, the implication of the magistrates' decision was that there was already sufficient evidence to charge and bring to court (and the application had been made in sufficient time for this still to occur). Applications for extension of the ITL hence raise questions about when is the proper point to charge - and whether police or magistrates should be the ultimate authority on this. The difficulty with pre-charge ITL applications, however, is that the lack of a right of appeal means that the higher courts cannot give guidance on these kinds of questions.

We noticed that there was no reliable mechanism to feed back to agencies and to individual officers implementing ITLs, magistrates' decisions on cases and their reasons. Where there are few applications to extend, any that are refused and cases which are stayed acquire some notoriety. Lack of accurate information about these cases and why they were refused/ stayed we saw producing 'chinese whispers' effects, where the magistrates could be portrayed as ignorant of the realities and necessities of investigation. We think it is very important that means are created so that accurate information is provided by the courts to other agencies and disseminated through the police and CPS about court decisions on statutory time limits.

**Procedures in making applications for extension of the ITL**

The procedure for making the application for extension of the ITL varied considerably between pilot areas, even though the forms used to give notice to the court and the defence, and to express the court's decision were the same. The vast majority of these applications in most areas were made in the youth court (100% in Tyneside and North Staffordshire, 86% in Northamptonshire, 100% in Croydon/ Bromley/ Sutton), with the others being made in an adult magistrates' court sitting as a closed court. Only in North Wales were no applications made in the youth court.

In all areas, the responsibility for preparing the form giving notice of the application was seen to be that of the police, located at the criminal justice support unit or equivalent. The police in interviews said that notices would be sent out to the court and defence in
all cases where the police realised the ITL was about to be breached. However, in Croydon, there had been a few initial cases where notices had not been served and in one the application had subsequently failed on that ground (i.e. the defence had not been notified of the application but could have been). In that case the CPS had advised against further action. This refusal caused a review of procedures.

We noticed a further circumstance where we were concerned about notification to the defence. This was where the defendant had been DCB to the police station beyond the ITL and where the police were applying for an extension, because they had not been able to find the defendant in the interim to interview and charge him/ her. Not surprisingly, given they had been unable to locate the defendant, they were not able to serve a notice of intending application to extend. This occurred in two instances in different pilot areas, with both defendants being unrepresented (and one being an asylum seeker, whose English was likely to be poor). This means that the defendant/ defence could not have known about the application to extend, and of course did not attend the hearing, but was not in breach of any requirement to report to the police or turn up at court. One of these applications was granted, one rejected. Given that in these circumstances, there is no possibility of a defence objection, because the defence could not have known about the hearing, it seems particularly important that the magistrates should be proactive in enquiring about prosecution diligence and good and sufficient cause.

At court, procedures differed considerably. In about April 2000, the CPS issued advice that they could make applications for extensions on behalf of the police, particularly in more difficult or complex cases. Prior to this, areas had not been sure to what extent the CPS could become involved. However, the guidance seems to have had only a slight influence on what was happening in areas. In Tyneside, the CPS had, throughout our evaluation period, been making the application itself, backed up by evidence from the officer in the case, which was often sworn evidence. The CPS had also increasingly been receiving queries from the police prior to making applications.

In Blackburn/Burnley, it was the police who would make applications, normally the inspector or sergeant from the criminal justice unit. However, the CPS suggested that they might now make the application on behalf of the police. In Northamptonshire, a similar position pertained. The police inspector or sergeant from the relevant criminal justice unit made the application, as an application, rather than as sworn evidence. The CPS were occasionally asked for advice, though the police were as likely to seek advice from court clerks. In North Staffordshire, similarly, the police alone have been making all the applications, occasionally seeking advice from the CPS, 'as they are the prosecuting agency ultimately'. In North Wales, initially the police made the applications, but from July 2000 the CPS have taken over, with the reporting officer or supervisor in court to give evidence. In Croydon, the CPS have presented applications, sometimes alone and sometimes with sworn evidence from the police. However, in Bromley (the same CPS area), the CPS have been looking at applications before they go to court, but the applications have been prepared and presented by the police (initially by the police liaison officer, but now by the officer in the case). In Sutton, the CPS have presented applications with the reporting officer or supervisor in court to give evidence.

Hence areas have varied in whether applications have been presented by the police (criminal justice officer or officer in the case) or by the CPS, and in whether they were submissions without evidence or whether they were applications with sworn evidence.

27 Note that there were no applications within the time period of our cases, so these procedures were based on responses to interviews.
Procedure in court was always that the person presenting the application did this first and then that the defence, if present, was asked for their view. We were surprised at how rarely the defence were present at these applications for extension28, though there are clearly local legal cultures within our pilot areas where the defence are likely to appear and, in the words of the police, 'advocates are very feisty'. In Tyneside the defendant did not appear to be present at any application and was represented in five of the eight for which we have data. In North Staffordshire, as far as we could see, the defendant was not present, but was represented. In North Wales the defendant was neither present nor represented at court. In Northamptonshire, the defendant was only present at one of the applications to extend29, with the defendant being represented in 47%. However, in Croydon/ Bromley/ Sutton, the defendant was present in four of the six applications for which we have this information. The defendant was represented in 44% of the 11 applications there. Clearly, if the defendant is not present and the defence are not represented, it is only the court which can question any application.

Though the prosecution and defence were highly likely to refer to the grounds on which application decisions should be taken (‘good and sufficient cause’ and ‘due diligence’), the clerks would often remind the magistrates of them as well - an important measure given the infrequency of such applications. Magistrates were very much prepared to question in order to illuminate any unclear matters: ‘you have to probe’. All areas commented (approvingly) on their proactive role. Their willingness to question had also been increased in some pilot areas by Human Rights Act training which had stressed the need for magistrates’ courts to be seen as magistrates’ courts and for them to be in charge of proceedings. In areas with officers giving sworn evidence, the officer was there specifically so that the magistrates could question the police if necessary about due diligence in the investigation.

Magistrates and clerks were generally happy that the amount and nature of evidence they heard was sufficient for them to decide on applications to extend. There was no difference on this between areas with sworn evidence and areas without. However, Croydon, Bromley and Sutton all said that the evidence they had received had been rather more sketchy, though it is difficult to distinguish between insufficient detail about the progress of the investigation and disapproval of lack of progress in the investigation of specific cases.

Practice on giving reasons for decisions also varied between areas. In Croydon/ Bromley/ Sutton clerks took full notes of the application hearings, in the same manner as for trials, detailing submissions from both sides and giving reasons for bench decisions. Reasons had become more explicit and clearer over the period of the evaluation. In other areas, though reasons were beginning to become more detailed as the date of coming into force of the Human Rights Act grew nearer, the reasons given in the court register (and the notes in the file) were far more skimpy and might only repeat the two major grounds, without further elucidation. This lack of detail may reflect the fact that the application is not a normal court appearance, or it may reflect the lack of appeal proceedings for such applications.

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28 Though court records did not always provide us with this information because it was not a standard court hearing.

29 It was considered that, pre-charge, it was inadvisable for the defendant to be at court unless really essential, because it would, essentially, be net-widening and against the principle that young people should only appear at court if they had failed to respond to a caution etc.
In all areas, practitioners did not feel sure about what their local courts would see as appropriate applications for extensions and what would not be. The courts had not specifically made it clear what might be appropriate grounds for extensions and people had not been able to form a general understanding of what might be permitted and what would not. This was not due to inconsistency in court decisions, but simply to the lack of applications. It was refusals which gave the clearest pointers to what would be seen as due diligence and, as we have seen, there have been very few refusals. Active questioning by magistrates, together with the need to present evidence of due diligence (and some refusals) has clearly produced the view that magistrates are likely to dismiss 'careless applications', but has not indicated what kinds of evidential grounds might be regarded as needing to go beyond the limit.

In fact, all the agencies, clerks and magistrates we interviewed saw applications for extensions of ITLs as 'rare' or 'extremely rare' (except for street robberies in one area). They have definitely not become 'routine'. This has the consequences that magistrates are still approaching them with caution and that practice has not yet settled down.

**Monitoring the ITL**

In every area, the police were seen by all agencies as having primary responsibility for monitoring ITLs. The success of their efforts at monitoring can be seen in the rarity of stayed cases and the rarity of applications for extensions. Monitoring has been directed not just at spotting any cases which may be about to exceed the ITL, but towards energising investigating officers and their supervisors to gear up to investigate within the time limit (thinking ahead to what evidence might be needed, not letting cases lie fallow, setting DCB dates so that any charges will lead to court appearances by the ITL). This monitoring has, however, come at a price in terms of the effort and resources needed to follow cases, given the inadequacies of current police software, and the effort needed to contact investigating officers and sort out cases which are spotted as potentially likely to exceed the ITL. This effort needs to be seen in the context of an agency which assigns responsibility for a case to a single person, but which also works shift patterns with blocked time off, so that absence of that person tends to mean little progress with the case. Team working and means of handing over cases to others (i.e. communicating progress and likely lines of enquiry) are not very well developed except for very serious offences.

Forces had situated responsibility for monitoring at local divisional or station level, though Northumbria Police also had the ability centrally to call up lists of cases likely to go over the limit and then to send pointed e-mails to supervisors. Only Northumbria and North Wales had the ability to modify their software themselves centrally to provide help to custody sergeants and supervisors when their actions might be likely to breach the limit (for example, DCB to a time after the last date to charge to make the ITL). In Northumbria, each custody officer could access and check his or her own work to see that the case had been dealt with before the expiry of the ITL. In North Wales, the custody computer had been modified to flash a luminous green screen at the officer as the youth's date of birth was input, with the ITL expiry date on it. The researcher reported it as really unmissable. In other forces, most monitoring had to be carried out at least partially manually and no automatic warnings were provided through software.

It is worth setting out in detail the systems adopted in one or two areas to show the constraints on monitoring. Croydon monitored through the youth case clerk picking all youths arrested on each day off the custody computer and e-mailing the officer, if the youth had been DCB for more than 14 days, asking why and then taking action through
the officers in the criminal justice unit if there appeared not to be a good reason. 

Bromley, however, had produced a spreadsheet system which triggered warnings to 
officers if they were getting near the limit or had been bailed close to it. The sergeant in 
the criminal justice unit in Sutton was monitoring all cases personally, having set up the 
IT system to monitor dates. Bailing was again seen as crucial. Blackburn and Burnley 
also concentrated their monitoring efforts on offenders subject to DCB, one producing a 
manual list of such offenders and the other accessing the computer system to produce 
such a list. Responsibility for monitoring was placed with the sergeant in the criminal 
justice unit in each division. It is also clear in several forces that there has been some 
problem in relation to other police forces, such as British Transport Police, which have 
not been aware to the same extent of the ITL regime. However, this is primarily a pilot 
problem.

Since monitoring the ITL means monitoring every case in which a young person has 
been arrested and DCB, it requires vigilance at several different points in the police 
process. It affects every officer who arrests a young person and their decision as to 
whether to bail and how to conduct the investigation. It affects each custody sergeant 
supervising dates for DCB. Many officers said that modification of the software to flash 
warnings if the DCB date was too close to the ITL would be very helpful. We think that 
these modifications also need to indicate for which offences the offender has been 
initially arrested, as opposed to any further offences charged or arrested later (for which 
the ITL will differ) and the dates of each arrest. We hope that the NSPIS software now 
in its final stages of development will not only allow this possibility, but will also 
automatically produce information for each charge as to whether it relates to an arrest 
and on which date the first arrest for that offence took place.

Another major problem is whether a young person bailed to come back to the police 
station actually appears. The IT systems did not indicate clearly what had happened if 
the DCB date had passed and there was no substantive result. Moreover, if the person 
had absconded, no IT system showed what the new ITL date was. Hence no one could 
necessarily say whether, when the person was rearrested and then later charged and 
bailed to court, the ITL had been met. Only the officer in the case, in many forces, 
would be likely to have this information and courts and CPS would not be in a position 
to check.

Monitoring of progress of cases at the divisional level has depended crucially not only on 
how user-friendly the software is, but also on the IT skills of the officers charged with 
this task at divisional level. It is generally they who have had to set up the monitoring 
systems and people have, in general, shown considerable initiative in producing systems. 
There has been no general developmental programme to provide either software or skills 
for this task. Our concern is that officers will, naturally, vary in their IT skills and that, as 
people change posts, monitoring capabilities will wax and wane. We think each force 
needs to provide some central IT and training support for divisions in relation to 
monitoring ITLs.

Is it the police who have to take on this task of monitoring ITLs? We think there is no 
alternative to the police in relation to day-to-day monitoring of the progress of cases. 
However, at present, it is also the police who are, alone, in the position of being able to 
say whether a case has breached its ITL (since no one else knows whether there has been 
a period of absconding). Given the police are only rarely at court at first appearances, we 
think it is essential that summonses/charge sheets and court software imported from the 
police are modified to indicate whether the ITL applies to each charge/summons, the 
date of arrest and the period of any absconding.
The perceived effects of ITLs on agencies' work

ITLs impinge primarily on the police. Police views of their usefulness varied very considerably, not only between forces but also within forces. Though there were some common denominators, officers weighed up the various benefits and disadvantages in different ways, based primarily not upon their own positions or workloads, but on their views as to the extent to which there should be oversight of police investigation. Here, confidence in the ability of magistrates to grant extensions on reasonable requests was also key and areas where there had been more applications for extension were far more sanguine about ITLs than those with few. Front line officers and immediate supervisors tended to be more positive about the ITL than more senior officers.

The Association of Chief Police Officers has been opposed to the introduction of ITLs, though they are strongly in favour of arrangements which will shorten the time from arrest to disposal in youth cases in general. Their opposition to the ITL is one of principle, primarily because they feel that: ‘the injustice we are likely to create at the margins and the administrative costs associated with an appropriate case tracking regime, outrank the benefit of Statutory Time Limits.’ They take this view primarily because:

• they see the ITL as ‘an arrangement which penalises the victim for problems experienced by the prosecution in meeting time limits. Most of the cases where we have experienced difficulties have been ones of robbery and similar serious offences whereby an adverse decision on time limits has dreadful consequences for the victim. If the purpose of the arrangements is to speed up the process is it wise that the disciplinary arrangements for prosecution teams should result in a manifest injustice? 

• That it is difficult to find other ways of disciplining the prosecution, perhaps in another venue or before another tribunal, should not be a reason for creating an injustice to victims.’

In our own interviews with police officers, there was no doubt that everyone saw the ITL as having had significant effects. However, not all saw it as, on balance, bad in principle:

We're forced to make decisions based on what we've got rather than what we might have and it focuses the mind on getting evidence earlier and that's good. If there's no pressure to get it done, the PCs won't do it.

It was seen as prioritising work towards youth files, as encouraging charging at the point where there was sufficient evidence (as opposed to waiting for all corroboratory evidence, though clearly there needed to be a realistic prospect of conviction), as having decreased the use of summonses almost to vanishing point, and as having significantly promoted gathering evidence before arrest. Though all these changes had been facilitated by the initial Narey reforms, the ITL had been a significant further stage.

However, other officers were opposed to it in principle, largely because they felt that investigative and prosecutorial decisions should not be overseen by the courts, or that the potential penalty (staying cases) was too severe and would harm victims. Others cited significant practical drawbacks in terms of educating a changing personnel (particularly in the London area), in the effort required to change officers' preferences for

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30 Letter from Sir David Phillips to Professor Shapland, 3 April 2001, giving the formulated view from ACPO.
DCB and summonses, in the effort required to get ID and forensic evidence more quickly, in creating an extra tier of supervision and monitoring, in the resources needed for monitoring in the absence of helpful IT, in the resources required to make applications for extension, and in potentially rushing investigations. It has taken many months to change charging and bailing practices in some forces and one or two divisions are still realising the impact of ITLs. A few officers raised a concern about the lack of an appeal on magistrates' decisions on the ITL pre-charge - a matter also of concern to ACPO. There was also confusion with the PYO 'pledge'. Some more senior officers, who were of course more concerned with the monitoring side, also wondered whether the amount of work was worth the returns, given that most youth cases would have been well within the ITL before the pilot. In other forces, however, senior officers had seen quite significant changes in culture due to the ITL and significant decreases in time to court.

**Table 2.8 Ratings of police views about ITLs**

<table>
<thead>
<tr>
<th></th>
<th>Range: Very helpful in your work (1) to Very unhelpful in your work (5)</th>
<th>Average score:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside</td>
<td>1 - 5</td>
<td>3.8</td>
</tr>
<tr>
<td>Blackburn/Burnley</td>
<td>1 - 5</td>
<td>4.0</td>
</tr>
<tr>
<td>Northants</td>
<td>1 - 3</td>
<td>1.8</td>
</tr>
<tr>
<td>North Staffs</td>
<td>2 - 3</td>
<td>3.0</td>
</tr>
<tr>
<td>North Wales</td>
<td>2 - 3</td>
<td>2.3</td>
</tr>
<tr>
<td>Croydon/Bromley/Sutton</td>
<td>1 - 3</td>
<td>1.4</td>
</tr>
<tr>
<td></td>
<td>Range: Very easy to operate (1) to Very difficult to operate (5)</td>
<td>Average score:</td>
</tr>
<tr>
<td>Tyneside</td>
<td>2 - 4</td>
<td>3.0</td>
</tr>
<tr>
<td>Blackburn/Burnley</td>
<td>2 - 4</td>
<td>2.8</td>
</tr>
<tr>
<td>Northants</td>
<td>2 - 4</td>
<td>3.0</td>
</tr>
<tr>
<td>North Staffs</td>
<td>2</td>
<td>2.0</td>
</tr>
<tr>
<td>North Wales</td>
<td>2 - 3</td>
<td>2.3</td>
</tr>
<tr>
<td>Croydon/Bromley/Sutton</td>
<td>2</td>
<td>2.0</td>
</tr>
<tr>
<td></td>
<td>Range: Lots of practical difficulties (1) to Much easier than before (5)</td>
<td>Average score:</td>
</tr>
<tr>
<td>Tyneside</td>
<td>1 - 3</td>
<td>2.0</td>
</tr>
<tr>
<td>Blackburn/Burnley</td>
<td>1 - 2</td>
<td>1.8</td>
</tr>
<tr>
<td>Northants</td>
<td>2</td>
<td>2.0</td>
</tr>
<tr>
<td>North Staffs</td>
<td>2</td>
<td>2.0</td>
</tr>
<tr>
<td>North Wales</td>
<td>2 - 3</td>
<td>2.3</td>
</tr>
<tr>
<td>Croydon/Bromley/Sutton</td>
<td>1 - 2</td>
<td>1.8</td>
</tr>
<tr>
<td></td>
<td>Range: A very good thing for youth justice (1) to A very bad thing for youth justice (5)</td>
<td>Average score:</td>
</tr>
<tr>
<td>Tyneside</td>
<td>2 - 4</td>
<td>3.0</td>
</tr>
<tr>
<td>Blackburn/Burnley</td>
<td>1 - 4</td>
<td>2.3</td>
</tr>
<tr>
<td>Northants</td>
<td>1 - 2</td>
<td>1.5</td>
</tr>
<tr>
<td>North Staffs</td>
<td>1 - 2</td>
<td>1.3</td>
</tr>
<tr>
<td>North Wales</td>
<td>1 - 3</td>
<td>2.0</td>
</tr>
<tr>
<td>Croydon/Bromley/Sutton</td>
<td>1 - 4</td>
<td>2.3</td>
</tr>
</tbody>
</table>

We think that the ITL is still bedding down in many areas and that police views reflect both the difficulties of the process of change and the nature of statutory time limits themselves. We need to wait until the final report to provide a more considered picture, but we can illustrate the diversity of views by the results of the rating exercise we asked all our interviewees to undertake. We asked people from all agencies to say how helpful or otherwise ITLs were in their work, how easy or difficult they were to operate, whether

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31 The number of police personnel interviewed were four in Tyneside, four in Blackburn/Burnley, four in Northamptonshire, three in North Staffordshire, four in North Wales and five in Croydon/Bromley/Sutton.
they had caused practical difficulties and whether, overall, the interviewee thought that
the ITL was a good or bad thing for youth justice. All of these ratings were on five-point
scales, so that very helpful, for example, would be scored 1 and very unhelpful 5 (Table
2.8). It is clear from the ranges of the ratings that police officers varied considerably as
to whether ITLs were seen by them as helpful or not in their work and whether they
were perceived as a good thing for youth justice or not. There was more consistency
about their ease of operation. On balance, ITLs would be seen as probably reasonably
easy to operate, but have definite practical difficulties attached, particularly in the effort
required to monitor. Some officers felt they were definitely wrong in principle. Perhaps
the last word on police views should be left to a criminal justice unit sergeant:

As a supervisor I'd say ITLs are quite helpful, because they force the
investigation to be done more quickly. If I were lazy as an officer in the case
then I'd find them not at all helpful, because they're forcing you to do something.
As a unit sergeant, I find them not at all helpful because of the admin it creates.
I'm not sure they make a difference in terms of the number of people convicted
or the amount of time we prosecute. But really I'm quite happy with it if you
could solve my IT problems.

If we look at other agencies' views:

• the CPS tended to feel that the ITL is not relevant to their own work, though it had,
in some areas (particularly Blackburn/ Burnley and Croydon/ Bromley/ Sutton) led to
an increased involvement of the CPS pre-charge and more requests for advice, when
lawyers also have had to be careful to give advice fairly quickly. Ratings indicated a
fairly neutral view with relatively few problems;

• clerks also found ITLs having a minor impact on court work, except in areas where
they had an arrangement with the police to put on extra courts or designate courts as
youth courts in order to help the police comply with the ITL (primarily in North
Wales, where youth courts sit once a month or once every two weeks). However,
they were approving in principle: ‘There is a certain expedition about the
investigations and there is more emphasis on getting the case before the court’.
Clerks' ratings were that they were helpful and a good thing in principle;

• the defence found them having little effect on the youth justice system so far –
though the defence tended to concentrate far more on the OTL, and defence
solicitors were not always involved at the police station or, indeed until the defendant
was charged – so tending to minimise their involvement with the ITL;

• but magistrates saw them as having made people focus far more and having
encouraged co-operation between agencies;

• and YOTs, despite the pressure on diversion arrangements, saw them as meaning the
case gets to court quickly and the offence still has meaning and relevance for the
young person.
CHAPTER 3 FROM FIRST APPEARANCE TO TRIAL: THE OVERALL TIME LIMIT

The overall time limit (OTL) runs from the first appearance in the pilot youth court to the start of the trial (for not guilty pleas) or a guilty plea. The time of 99 days is inclusive of start and end dates, but during any periods of absconding (whether on the first court appearance day, or within the OTL period) the time clock stops until the person is brought back to court. In relation to the OTL, the interim nature of this report becomes much more important. Our analysis period started with cases arrested or with their first court appearance on or after 1.2.00, but the end of the period for this report is between 31.5.00 and 31.7.00, depending on area (see Chapter 1). So only cases starting between February and April were likely to run close to their OTLs in our analysis. Any problems with the OTL in specific areas or affecting particular, rarer types of case will become far more apparent in our final report.

The overall time that cases were taking

To set the scene, we look first at the overall time that cases of all kinds were taking in the different areas. Table 3.1 shows the period equivalent to the OTL for all the cases involving young people (whether or not the OTL actually applied and whatever the outcome was). This shows us the time course for youth cases overall, so that we can see whether all youth cases are being run largely within the OTL, or only those to which it specifically applies. The first column contains cases remitted to the youth court from the adult court after conviction and cases transferred in to the pilot youth court after conviction, i.e. where the first appearance in the pilot youth court was after conviction. The second column shows the remarkable proportion of cases which are finished at their first appearance, some cases withdrawn by the CPS at the first appearance and a few those remitted or transferred from other courts where there was a guilty plea at the first appearance at the pilot youth court.

We can see that almost half or more of cases were finished at the first appearance, with Blackburn/Burnley and North Wales having around two thirds of cases finishing then. After the first appearance, there was a very even spread of cases lasting up to 99 days, with little falling off as the weeks passed. However, extremely few cases (2% or less) lasted over 99 days. It is clear that almost all cases that we captured in this interim analysis, whatever their origin and nature, were being finished within 99 days.

Each charge and each summons creates a separate set of time limits and is represented by a separate line in our database. If one charge is withdrawn by the prosecution and the defendant is charged at that time or later with a further offence (for example, if a charge of theft of a motor vehicle is withdrawn and the defendant is charged with taking and driving away a motor vehicle, or if a burglary charge is replaced by a receiving charge), then we call this a ‘recharge’. The OTL will stop for the first charge at the court appearance at which it is withdrawn and the recharged offence will have an OTL starting at the first court appearance at which that charge is put to the defendant. Table 3.1 contains all recharges as separate lines.

We need, therefore, to look at the time distribution of the ‘main offence’ as well as that of all offences, because all offences, taken together, may have shorter average time courses, because they include all the withdrawn charges. The main offence we have taken as the most serious offence for that offending occasion which persists longest in
the criminal justice system. Hence if someone was charged with taking and driving away (TDA) a motor vehicle and associated driving offences, but the TDA offence was withdrawn by the prosecution, the most serious driving offence would be the main offence. If someone was charged with affray, but this was withdrawn and separate offences of assault causing actual bodily harm and criminal damage then charged as recharges, the assault would be the main offence.

Table 3.1 The distribution of times from the first appearance in the pilot youth court to the start of the trial, excluding periods of absconding (inclusive, cumulative percentages in brackets)

<table>
<thead>
<tr>
<th></th>
<th>convicted prior to first app. in YC</th>
<th>finished at first appearance</th>
<th>2-7 days</th>
<th>8-14 days</th>
<th>15-21 days</th>
<th>22-28 days</th>
<th>29-35 days</th>
<th>36-42 days</th>
<th>43-49 days</th>
<th>50-56 days</th>
<th>57-63 days</th>
<th>64-99 days</th>
<th>100 days plus</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tyneside:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>all offences</td>
<td>(n=1,455)</td>
<td></td>
<td>40 (3%)</td>
<td>609 (50%)</td>
<td>34 (53%)</td>
<td>107 (60%)</td>
<td>141 (70%)</td>
<td>75 (75%)</td>
<td>72 (80%)</td>
<td>69 (85%)</td>
<td>52 (88%)</td>
<td>34 (91%)</td>
<td>28 (92%)</td>
</tr>
<tr>
<td>main offences</td>
<td>(n=938)</td>
<td></td>
<td>24 (3%)</td>
<td>502 (56%)</td>
<td>21 (59%)</td>
<td>68 (66%)</td>
<td>74 (73%)</td>
<td>46 (83%)</td>
<td>45 (87%)</td>
<td>39 (90%)</td>
<td>27 (93%)</td>
<td>22 (94%)</td>
<td>18 (100%)</td>
</tr>
<tr>
<td><strong>Blackburn/ Burnley:</strong></td>
<td></td>
<td></td>
<td>9 (1%)</td>
<td>583 (65%)</td>
<td>5 (66%)</td>
<td>34 (70%)</td>
<td>79 (78%)</td>
<td>24 (81%)</td>
<td>33 (85%)</td>
<td>29 (88%)</td>
<td>19 (90%)</td>
<td>20 (92%)</td>
<td>9 (93%)</td>
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<tr>
<td>all offences</td>
<td>(n=907)</td>
<td></td>
<td>8 (1%)</td>
<td>361 (65%)</td>
<td>4 (67%)</td>
<td>23 (70%)</td>
<td>45 (81%)</td>
<td>16 (88%)</td>
<td>26 (90%)</td>
<td>13 (92%)</td>
<td>11 (99%)</td>
<td>6 (99%)</td>
<td>35 (99%)</td>
</tr>
<tr>
<td>main offences</td>
<td>(n=564)</td>
<td></td>
<td>48 (3%)</td>
<td>750 (49%)</td>
<td>18 (50%)</td>
<td>126 (58%)</td>
<td>116 (65%)</td>
<td>84 (75%)</td>
<td>73 (82%)</td>
<td>63 (86%)</td>
<td>36 (88%)</td>
<td>46 (91%)</td>
<td>18 (99%)</td>
</tr>
<tr>
<td><strong>Northants:</strong></td>
<td></td>
<td></td>
<td>30 (4%)</td>
<td>381 (49%)</td>
<td>12 (51%)</td>
<td>67 (59%)</td>
<td>48 (65%)</td>
<td>45 (70%)</td>
<td>33 (74%)</td>
<td>40 (79%)</td>
<td>30 (82%)</td>
<td>21 (85%)</td>
<td>33 (89%)</td>
</tr>
<tr>
<td>all offences</td>
<td>(n=1,619)</td>
<td></td>
<td>43 (5%)</td>
<td>410 (48%)</td>
<td>28 (51%)</td>
<td>38 (55%)</td>
<td>39 (62%)</td>
<td>80 (70%)</td>
<td>38 (81%)</td>
<td>67 (85%)</td>
<td>34 (88%)</td>
<td>25 (91%)</td>
<td>15 (98%)</td>
</tr>
<tr>
<td>main offences</td>
<td>(n=472)</td>
<td></td>
<td>21 (4%)</td>
<td>207 (48%)</td>
<td>12 (51%)</td>
<td>13 (54%)</td>
<td>22 (68%)</td>
<td>46 (71%)</td>
<td>15 (78%)</td>
<td>33 (83%)</td>
<td>24 (86%)</td>
<td>14 (88%)</td>
<td>8 (98%)</td>
</tr>
<tr>
<td><strong>North Wales</strong></td>
<td></td>
<td></td>
<td>31 (4%)</td>
<td>459 (69%)</td>
<td>18 (72%)</td>
<td>32 (76%)</td>
<td>39 (82%)</td>
<td>27 (86%)</td>
<td>29 (89%)</td>
<td>27 (94%)</td>
<td>13 (95%)</td>
<td>11 (97%)</td>
<td>8 (98%)</td>
</tr>
<tr>
<td>all offences</td>
<td>(n=707)</td>
<td></td>
<td>20 (5%)</td>
<td>295 (75%)</td>
<td>8 (77%)</td>
<td>13 (80%)</td>
<td>21 (85%)</td>
<td>15 (92%)</td>
<td>15 (94%)</td>
<td>9 (96%)</td>
<td>7 (98%)</td>
<td>8 (99%)</td>
<td>5 (100%)</td>
</tr>
<tr>
<td>main offences</td>
<td>(n=421)</td>
<td></td>
<td>54 (5%)</td>
<td>544 (60%)</td>
<td>30 (63%)</td>
<td>79 (70%)</td>
<td>49 (75%)</td>
<td>29 (80%)</td>
<td>20 (83%)</td>
<td>23 (86%)</td>
<td>33 (89%)</td>
<td>35 (92%)</td>
<td>29 (99%)</td>
</tr>
<tr>
<td><strong>Croy/ Brom/ Sutton:</strong></td>
<td></td>
<td></td>
<td>26 (4%)</td>
<td>335 (61%)</td>
<td>13 (63%)</td>
<td>38 (60%)</td>
<td>32 (74%)</td>
<td>21 (80%)</td>
<td>11 (82%)</td>
<td>14 (90%)</td>
<td>22 (90%)</td>
<td>25 (93%)</td>
<td>15 (100%)</td>
</tr>
<tr>
<td>all offences</td>
<td>(n=1,003)</td>
<td></td>
<td>22 (3%)</td>
<td>343 (53%)</td>
<td>131 (57%)</td>
<td>416 (64%)</td>
<td>483 (71%)</td>
<td>319 (76%)</td>
<td>265 (80%)</td>
<td>324 (84%)</td>
<td>214 (88%)</td>
<td>161 (90%)</td>
<td>135 (92%)</td>
</tr>
<tr>
<td>main offences</td>
<td>(n=596)</td>
<td></td>
<td>129 (3%)</td>
<td>2,081 (58%)</td>
<td>70 (60%)</td>
<td>222 (65%)</td>
<td>242 (72%)</td>
<td>189 (81%)</td>
<td>145 (84%)</td>
<td>147 (88%)</td>
<td>123 (90%)</td>
<td>101 (92%)</td>
<td>85 (99%)</td>
</tr>
</tbody>
</table>

Table 3.1 shows that the ‘main offence’ tended to have a very similar time course to ‘all offences’, except for Tyneside, where ‘main offences’ tended to be over more quickly whilst ‘all offences’ were more likely to last a few weeks. The overall similarity is due to the fact that offences relating to one offending occasion were highly likely to be kept together by the courts until the start of trial. In practice, this was occurring in all areas, though in Northamptonshire, as the pilot progressed, cases with not guilty pleas by the same defendant to several charges were increasingly likely to be split into different trials, in order to make life simpler for witnesses and to utilise available court space and personnel most effectively to progress cases most quickly. The files would then often be recombined, if the defendant was convicted, before sentencing (i.e. post the OTL, during the sentencing time limit). The similarity between the time course of ‘all offences’ and ‘main offences’ means that we can present most of our data on the OTL on ‘all offences’.
Types of court matters in our sample

The proportion of main offences in our sample varied considerably between pilot areas. It was much less in Northamptonshire and North Staffordshire (as shown in Table 3.2), than in the other pilot areas. This was because of the prevalence of TDA offences (all of which came with several associated driving offences) in both areas. We can see the same effect in looking at the proportion of summary offences to either way offences in Table 3.2. These two areas had a much higher proportion of summary offences (including simple TDA and motoring offences) than the other areas. The proportion of indictable only offences (such as assault with intent to commit grievous bodily harm, robbery and rape) was very small in all areas.

*Table 3.2 Types of offence (numbers of offences)*

Table 3.2 also shows the relative numbers of recharged offences. Because the OTL for an offence stops when it is withdrawn and a recharged offence starts a new OTL, there was some concern when the pilot started that people might recharge in order to get round any OTL problems. The table shows that recharged offences formed a very small proportion of the overall offence profile. Overall, recharging was clearly a minor phenomenon and, where it occurred, tended to be at the first or second court appearance, after the CPS had reviewed the file. It was not related to the OTL. There were local prosecution cultures operating as to whether recharging was likely to be more routine. In Northamptonshire, for example, where recharging was greatest, public order offences were routinely being recharged. Other aspects of recharging depended on police charging practices. So, for example, if police tended to charge theft of a motor vehicle, this would often on evidential grounds be recharged as TDA, whereas other stations might normally charge TDA (and occasionally the CPS might recharge as theft later). If police routinely charged both burglary and handling of the same item where there was some evidence of possible burglary, with one being dropped later, then obviously there would be less recharging than where they only charged burglary or
handling. These prosecution cultures, however, seemed to be long-standing and not to be affected by the introduction of statutory time limits.

The table also shows the balance between indictable only, either way and summary offences in our different areas. We can see the higher proportion of indictable only offences in Croydon, Bromley and Sutton, which were almost entirely robbery offences. The extent to which indictable only offences would remain in the youth court, and so be subject to the OTL, varied in the different areas. Areas with higher robbery rates felt that their magistrates were far more likely to retain the more common robbery offences (street or playground robbery of young people by young people, normally cash or mobile phones) in the youth court, rather than sending them to the Crown Court. This means that more serious offences were more likely to remain subject to the OTL in areas with numerically greater numbers of serious offences.

Finally, we can look at the use of charges compared to the use of summonses in each area (also in Table 3.2). Summonses were still being used in all our areas, though their use was much smaller in Tyneside than in other areas. Summonses were almost always for motoring offences and existed in batches of three or four summonses per offending occasion (more if failure to present documents was summonsed routinely in addition to the substantive offences). Their relative number in the table hence depends upon the likelihood of youths driving in the areas (greater in more rural areas) and the extent of activity of policing of traffic offences, which are non-arrestable. TDA offences and theft of motor vehicle offences almost always resulted in arrest and subsequently in charges, rather than summonses.

The numbers of appearances at court up to the start of the trial

Another way of looking at the time course of offences is to look at the numbers of appearances up to the start of the trial (or a guilty plea), which is shown in Table 3.3. These are appearances in the pilot youth court, so any prior appearances in another court are not included. We have given the number of appearances for all offences, together with the mean number of appearances, though we should warn that the mean is not a very helpful comparative measure with such a J-shaped distribution of appearances. It is better to look at the overall distribution.

From Table 3.3, we can see that courts are packing in, on occasions, a substantial number of appearances within their 99 days. One of the effects of introducing the OTL, which we observed during our observations at court and which all agencies also commented upon, was that the OTL had made people question the accepted patterns of adjournments and court sittings. Courts were no longer adjourning for a set number of weeks automatically, unless there was a specific protocol in operation which had to be accomplished before the next appearance. So, for example, a defendant seeking to see his or her own solicitor rather than the duty solicitor might find the case adjourned for four or five days until the next normal youth court appearance, rather than for a week. Where the defence or prosecution at the first appearance needed to make enquiries or

32 The evaluation of the Narey reforms by Ernst and Young (1999), which is the only evidence we have of the situation prior to the introduction of the pilot statutory time limits in these areas, presents only a mean figure for all areas taken together for numbers of appearances and days to disposal for youth cases (p. 2). Because they were not able to obtain data for all cases in the areas, we cannot know what the balance of missed data was between areas and so how to compare our figures with their published figures. Their figures also only cover charged cases, whereas the OTL applies to both charged and summonsed cases. We are obtaining their detailed data from the Home Office and hope to be able to provide some before and after comparison for the final report.
listen to/watch tapes of interviews or CCTV, the case might be adjourned for ten days, rather than a week or two weeks. We shall also see later, in the views on OTLs, that magistrates saw themselves as taking a far more active role in monitoring adjournments and, where necessary, occasionally asking the parties to come back and report on progress, rather than leaving it to the prosecution and defence to sort things out over a longer period.

Table 3.3 Numbers of appearances up to start of trial (all offences, percentages in brackets)

<table>
<thead>
<tr>
<th></th>
<th>only 1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
<th>mean</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside</td>
<td>795</td>
<td>357</td>
<td>167</td>
<td>89</td>
<td>43</td>
<td>10</td>
<td>4</td>
<td>4</td>
<td>0</td>
<td></td>
<td></td>
<td>2.99</td>
</tr>
<tr>
<td>Blackburn/Burnley</td>
<td>614</td>
<td>169</td>
<td>69</td>
<td>30</td>
<td>22</td>
<td>8</td>
<td>4</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td>1.59</td>
</tr>
<tr>
<td>Northants</td>
<td>806</td>
<td>432</td>
<td>213</td>
<td>120</td>
<td>78</td>
<td>17</td>
<td>5</td>
<td>4</td>
<td>1</td>
<td></td>
<td></td>
<td>2.00</td>
</tr>
<tr>
<td>North Staffs</td>
<td>450</td>
<td>208</td>
<td>126</td>
<td>72</td>
<td>50</td>
<td>24</td>
<td>4</td>
<td>5</td>
<td>7</td>
<td></td>
<td></td>
<td>2.69</td>
</tr>
<tr>
<td>North Wales</td>
<td>469</td>
<td>145</td>
<td>36</td>
<td>18</td>
<td>7</td>
<td>7</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.69</td>
</tr>
<tr>
<td>Croy/Brom/Sutton</td>
<td>601</td>
<td>170</td>
<td>114</td>
<td>50</td>
<td>33</td>
<td>26</td>
<td>9</td>
<td>6</td>
<td>1</td>
<td></td>
<td></td>
<td>1.92</td>
</tr>
</tbody>
</table>

Adjourning for an 'odd' period is only possible if the court sits frequently. The move to combined youth courts has facilitated possibilities of adjourning cases to other court sittings. Lengthy proceedings (trials and some pre-trial reviews and committals) were commonly placed in other court houses where this was possible (primarily in Northamptonshire, North Staffordshire and North Wales). The ability to do this does, however, depend upon whether it will be very difficult for defendants and witnesses to get to the other place (and thus on the availability of public transport), though sometimes this can benefit defendants who have offended outside their immediate area. Moving cases between courts in the same combined youth court area was more frequent and much easier than transferring cases to another court in the same pilot area, though quite a number of cases were transferred between Newcastle and Gateshead.

The ITL and OTL had led courts in North Wales to examine their sitting patterns. Previously, in a number of more isolated areas, the youth court had sat only once per month, which was going to make it very difficult to achieve the OTL where several appearances were necessary. Now, most of these courts had moved to sitting once a fortnight, but, to reduce cost increases, pairing sittings, or putting on special courts. Special courts for adjournments would be the adult court sitting that day reconstituting itself as a youth court (primarily to meet ITLs), but special trial courts had also been set up, both in North Wales and elsewhere, to provide more court resources for trials, to meet OTLs and to speed up trials generally.

The picture, then, is of cases being adjourned for less time and so the overall time span of the case may be decreasing. We cannot tell whether these swifter adjournments are resulting in more or less adjournments overall (and so in costs or savings), because there

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33 The small number of cases transferred to another court in the same pilot area (or another pilot area) appear as separate data lines for each area in our tables and database. It is not absolutely clear what happens to the OTL in such a transfer during the pilot period and we discuss this in the legal issues chapter.
are no reliable ‘before’ data available to us at present. However, we think that if anything, the number of adjournments is decreasing. This is because courts are really questioning whether the case needs to be adjourned and examining their standard practices. There, is, however, one small category of cases where adjournments may be increasing, which is for defendants remanded in custody or local authority accommodation, where the need to appear before the court at specified intervals, the difficulties of production and the need to consider the custody time limit did not always match up with the processual elements of the case (so one could have one appearance with the defendant not present and one with the defendant present, for different purposes, in one week). It is also important to recognise that driving down the number of adjournments cannot be pursued beyond a certain limit. At certain points in the case the court needs to hear from the defendant or defence (deciding on venue, entering pleas, pre-trial review, trial) and so there is a minimum threshold to the number of adjournments in not guilty plea cases.

The outcomes of cases in the different areas

We can turn now to look at the outcomes of the cases, which were remarkably similar in the different pilot areas (Table 3.4). These are the final outcomes, including the outcome of any trial specified in more detail in the second half of the table. The most obvious element is the very similar proportions of defendants convicted in the different areas, apart from the higher proportion in North Wales and the lower number overall in Northamptonshire, which is clearly due to the numbers of cases being withdrawn by the prosecution. In Northamptonshire, some of this higher proportion of cases withdrawn was due to the number of non-main offences there, so that if a main offence was withdrawn, the subsidiary offences would be removed with it. Some of it was, however, a source of some strain between police and CPS near the end of the analysis period, where it was thought that the CPS were too ready to withdraw cases at trial.

Secondly, we can notice the very small numbers of cases stayed because of difficulties due to either the ITL or OTL. Most of these were ITL problems, which we discussed in the last chapter. We deal with the OTL cases individually below.

Table 3.4 The outcomes of cases (all offences, percentages in brackets)

<table>
<thead>
<tr>
<th>Final outcome:</th>
<th>Tyneside</th>
<th>Blackburn/Burnley</th>
<th>Northants</th>
<th>North Staffs</th>
<th>North Wales</th>
<th>Croydon, Bromley, Sutton</th>
</tr>
</thead>
<tbody>
<tr>
<td>sentenced</td>
<td>1,000 (67%)</td>
<td>620 (68%)</td>
<td>948 (56%)</td>
<td>603 (63%)</td>
<td>527 (75%)</td>
<td>644 (64%)</td>
</tr>
<tr>
<td>committed to Crown Court</td>
<td>31 (2%)</td>
<td>5 (1%)</td>
<td>32 (2%)</td>
<td>10 (1%)</td>
<td>1 (0%)</td>
<td>27 (3%)</td>
</tr>
<tr>
<td>acquitted</td>
<td>55 (4%)</td>
<td>15 (2%)</td>
<td>26 (2%)</td>
<td>4 (0%)</td>
<td>1 (0%)</td>
<td>8 (1%)</td>
</tr>
<tr>
<td>withdrawn by prosecution</td>
<td>335 (22%)</td>
<td>237 (26%)</td>
<td>656 (39%)</td>
<td>277 (29%)</td>
<td>144 (20%)</td>
<td>249 (25%)</td>
</tr>
<tr>
<td>other early termination</td>
<td>9 (1%)</td>
<td>6 (1%)</td>
<td>6 (0%)</td>
<td>9 (1%)</td>
<td>12 (2%)</td>
<td>2 (0%)</td>
</tr>
<tr>
<td>absconded and still at large</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
<td>2 (0%)</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
</tr>
<tr>
<td>stayed because of ITL/OTL</td>
<td>1 (0%)</td>
<td>13 (1%)</td>
<td>3 (0%)</td>
<td>6 (1%)</td>
<td>0 (0%)</td>
<td>21 (2%)</td>
</tr>
<tr>
<td>transferred</td>
<td>65 (4%)</td>
<td>12 (1%)</td>
<td>28 (2%)</td>
<td>52 (5%)</td>
<td>22 (3%)</td>
<td>59 (6%)</td>
</tr>
<tr>
<td>Trials:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not guilty pleas</td>
<td>214 (14%)</td>
<td>122 (17%)</td>
<td>259 (21%)</td>
<td>89 (9%)</td>
<td>68 (10%)</td>
<td>136 (14%)</td>
</tr>
<tr>
<td>Trial date set, of which:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>guilty plea (cracked trial)</td>
<td>181 (12%)</td>
<td>55 (6%)</td>
<td>126 (8%)</td>
<td>82 (9%)</td>
<td>30 (4%)</td>
<td>130 (13%)</td>
</tr>
<tr>
<td>prosecution offer no evidence case stayed, beyond OTL</td>
<td>45</td>
<td>12</td>
<td>19</td>
<td>24</td>
<td>3</td>
<td>23</td>
</tr>
<tr>
<td>other early termination</td>
<td>67</td>
<td>17</td>
<td>68</td>
<td>22</td>
<td>16</td>
<td>78</td>
</tr>
<tr>
<td>Trial occurred</td>
<td>59 (4%)</td>
<td>23 (3%)</td>
<td>36 (2%)</td>
<td>33 (3%)</td>
<td>11 (2%)</td>
<td>18 (2%)</td>
</tr>
</tbody>
</table>
Thirdly, we can see, from the second half of the table, the very small number of trials which actually took place, in terms of evidence being heard, though we expect the overall proportion to rise slightly in our final report, dealing with the whole six months of cases. Though there was clearly a difference between areas in the propensity of defendants to plead not guilty (and so to require full files to be prepared), this had almost entirely been ironed out by trial. There was, however, substantial attrition between plea and trial. Many initial not guilty pleas34 resulted in a trial date being set at the pre-trial review35, but, in most areas, there was a substantial gap in numbers between plea and a date being set, which was the result of the prosecution withdrawing the case after reviewing the evidence or after receiving the full file of the case from the police. The CPS were only able to discontinue cases before court in a handful of cases in a few areas, so all reviewing of evidence occurred during the OTL period. The effect of a full file being prepared only after a not guilty plea was made is that the CPS were only able to see the full extent of the possible evidence at that time. This is a direct effect of the move in the Narey reforms to early preparation of short files, really suitable only for prosecution review in relation to guilty pleas. Given, however, that not guilty pleas are only about a fifth, at most, of all cases, the advantage still lies with the Narey system, but it must be recognised that, as a result, some cases will go to pre-trial review stage before being dismissed.

There was then, however, a major drop in case numbers between a trial date being set and a trial taking place. This is a big problem in terms of delay and time limits. The trial date being set uses up the available 'trial slots' for that court (for adult, as well as youth cases). If trials do not go ahead, other cases will be delayed and, in areas with court/ CPS resource problems, may make other cases go very near to, or even exceed, the OTL. If the court adopts double-booking, but both trials go ahead, then witnesses are very badly affected and any adjournment will almost certainly breach time limits36. For these reasons, few courts operated any deliberate double booking system, though some larger courts had 'floating' trials.

What happened to the cases where a trial did not go ahead after being scheduled? The traditional explanation is that these are cracked trials, where the defendant decides at the door of the court to plead guilty. However, in our sample for this report, that was not the explanation in most cases. Only 10-30% of trials not proceeding were due to guilty pleas. Another few were various other types of early termination (including cases where it was deemed there was no case to answer without oral evidence being heard and cases where the magistrates refused to adjourn the case further, as well as transfers after a trial date was set).

The majority, however, were cases where the prosecution offered no evidence on the date of the trial. Some of these were due to problems with witnesses not attending and not being prepared or able to attend at an adjourned trial. This is often a particular problem in youth cases, with young witnesses. It was obviously a greater problem where

34 The not guilty plea figures in Table 3.4 are final pleas, i.e. the last plea entered. Where an initial plea of not guilty was entered, but then changed to guilty after, for example, the defence received the disclosure documents or saw/listened to the tapes of interviews/CCTV evidence, this is not included in these not guilty plea figures.

35 Though some not guilty pleas were changed to guilty, or the charge dropped by the prosecution, before the stage of setting a trial date. All of these outcomes are reflected in the first half of the table.

36 See Chapter 6 for a discussion on the case law in relation to double booking. It is clear that the higher courts expect the OTL to be a factor the courts should take into account in deciding which trial should proceed.
the trial was a considerable time after the offence, which supports the need for swift progress to trial in youth cases. In a few areas, however, there was evidence from the dates in the CPS files we analysed in quite a number of cases that the CPS lawyer who would take the trial was not reviewing the full file of evidence until just before the trial date, usually the day before. It was at that point that they realised that key evidence was not present, or some aspects of the offence could not be made out. Since by then it was often very near the OTL, the decision was taken to offer no evidence, because it was considered that due diligence could not be shown if an adjournment were to be requested or that the evidence could not be obtained. Obviously this practice of late review causes considerable problems to witnesses, who will have turned up to give evidence, as well as causing problems in meeting OTLs in other cases because trial slots have been used up. It is important that reviews are carried out in sufficient time for trial slots to be vacated and witnesses de-warned if no evidence is to be offered.

The OTL obviously only applies up to the start of a trial. The period between the start of a trial and its conclusion is not currently covered by a statutory time limit. However, most trials did not go ‘part heard’ (i.e. took more than one day to complete and so were adjourned). The number of adjourned trials was 50% in Tyneside, 33% in Blackburn/Burnley, 16% in Northamptonshire, 9% in North Staffordshire, 9% in North Wales and 28% in Croydon/Bromley/Sutton. This is not surprising, given the relatively few prosecution and defence witnesses called. The overall number of prosecution witnesses ranged from 0 to 10, with means of 2.6 in Tyneside, 2.9 in Blackburn/Burnley, 1.9 in Northamptonshire, 2.8 in North Staffordshire, 2.8 in North Wales and 3.1 at Croydon/Bromley/Sutton. The overall number of defence witnesses ranged from 0 to 9, with means of 2.3 in Tyneside, 1.6 in Blackburn/Burnley, 0.8 in Northamptonshire, 1.6 in North Staffordshire, 1.6 in North Wales and 2.0 in Croydon/Bromley/Sutton.

The overall time limit: was it met in cases to which it applied?

We can now look at whether the OTL applied to the cases we have looked at above and whether it was met in cases to which it applied. Table 3.5 shows that the OTL applied in over 90% of cases in all our areas. The major reasons for the OTL not applying were if the case was committed to the Crown Court or if it were transferred. An OTL starts running if there is any hearing in the pilot youth court before the start of a trial. However, there is no relevant OTL in a case which is remitted to the youth court for sentence after conviction, or which is heard entirely in an adult magistrates' court.

For cases resulting in committal to the Crown Court or transfer to the Crown Court under accelerated provisions, it is worth looking at the time course prior to transmission to the Crown Court, to see whether these cases would meet the same kinds of time constraints. The range of times from first hearing in a pilot youth court to transmission and the means were 1-96 days (mean 41.5 days) in Tyneside, 1-77 days (mean 32.2 days) in Northamptonshire, 42-106 days (mean 63.9 days) in North Staffordshire, 29 days in North Wales and 22-97 days (mean 47.7 days) in Croydon/Bromley/Sutton. All committal hearings occurred on the first hearing at Blackburn/Burnley. So, at this interim report stage, all the committals/ transfers to the Crown Court except one would have met a limit of 99 days.
Table 3.5 The OTL: cases where it did not apply and cases stayed (all offences with appearances at court)

<table>
<thead>
<tr>
<th></th>
<th>Tyneside</th>
<th>Blackburn/Burnley</th>
<th>Northants</th>
<th>North Staffs</th>
<th>North Wales</th>
<th>Croydon, Bromley, Sutton</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Did the OTL apply?:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OTL applied</td>
<td>1,379</td>
<td>889</td>
<td>1,531 (90%)</td>
<td>879 (92%)</td>
<td>674 (95%)</td>
<td>914 (90%)</td>
</tr>
<tr>
<td>OTL did not apply because:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>case committed to the Crown Court</td>
<td>119 (8%)</td>
<td>29 (3%)</td>
<td>171 (10%)</td>
<td>78 (8%)</td>
<td>38 (5%)</td>
<td>103 (10%)</td>
</tr>
<tr>
<td>transferred in from Rossendale</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>transferred out of pilot area</td>
<td>32 (27%)</td>
<td>3 (10%)</td>
<td>27 (16%)</td>
<td>11 (14%)</td>
<td>1 (3%)</td>
<td>23 (22%)</td>
</tr>
<tr>
<td>no hearing in pilot YC</td>
<td>11 (9%)</td>
<td>5 (17%)</td>
<td>17 (10%)</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
</tr>
<tr>
<td>other</td>
<td>19 (16%)</td>
<td>8 (28%)</td>
<td>77 (45%)</td>
<td>22 (28%)</td>
<td>1 (3%)</td>
<td>12 (12%)</td>
</tr>
<tr>
<td></td>
<td>18 (15%)</td>
<td>1 (3%)</td>
<td>4 (2%)</td>
<td>3 (4%)</td>
<td>3 (8%)</td>
<td>4 (4%)</td>
</tr>
<tr>
<td><strong>Was the OTL met if it applied?</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>1,354</td>
<td>866</td>
<td>1,492 (99%)</td>
<td>857 (98%)</td>
<td>674 (100%)</td>
<td>884 (99%)</td>
</tr>
<tr>
<td>no, case stayed because extension refused</td>
<td>0 (0%)</td>
<td>5 (1%)</td>
<td>3 (0%)</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
</tr>
<tr>
<td>no, other reasons</td>
<td>9 (1%)</td>
<td>9 (1%)</td>
<td>(14)</td>
<td>(7)</td>
<td>(0)</td>
<td>(0)</td>
</tr>
<tr>
<td>(successful application to extend made)</td>
<td>0</td>
<td>(4)</td>
<td>(14)</td>
<td>(7)</td>
<td>(0)</td>
<td>(0)</td>
</tr>
<tr>
<td><strong>Was there absconding during the OTL period?</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>yes (no of cases)</td>
<td>66</td>
<td>18</td>
<td>59</td>
<td>80</td>
<td>39</td>
<td>46</td>
</tr>
</tbody>
</table>

If the OTL applied, did cases manage to meet this limit? At this stage, the overwhelming answer must be yes. Between 97% and 100% of cases in all areas met the OTL. Very few cases were stayed, either because an application for extension was refused, or because no application was made in time. One or two cases, over the whole six areas, appeared to continue beyond the OTL, without anyone noticing. This is a much lower failure rate than with the ITL and is a testimony to the efficiency of monitoring of the OTL, where of course two different bodies, the CPS and the court, are actively involved in monitoring.

All the four cases (some involving more than one database line/charge) where the OTL was exceeded without applications to extend involved trials. One, in Blackburn/Burnley, involved a case of harassment, the trial for which was adjourned several times and eventually adjourned over the OTL. The proceedings were stayed at the next court appearance. Another in Northamptonshire was a person serving a custodial sentence charged with receiving stolen goods, again with an adjourned trial beyond the OTL, this time for the prosecution to make enquiries as to whether to proceed with the case given the sentence on the other matter. One in Croydon/Bromley/Sutton was an incident of affray and possessing an offensive weapon, where proceedings were withdrawn after seven hearings and with a trial date set. Finally, a case in North Staffordshire involved a

37 Since we have court records of all absconding at or after the first appearance at court, and since we were dealing entirely with ‘dead’ files (i.e. completed files), we are confident of our calculations of the OTL. We have included figures for cases in which there was absconding within the OTL period in Table 3.5. We were surprised at how few cases in fact involved absconding (defined as a warrant being issued, without it being withdrawn that day). However, there may be more when the whole of the dead files for this sample are available and are analysed for the final report.
trial set in a minor public order matter, where there was a guilty plea (and sentence) at the final trial date set, which appeared to be beyond the OTL.

**Factors leading to difficulty in meeting the OTL**

The theme of trials continues in considering the factors most likely to lead to difficulties in meeting the OTL. All the agencies in all areas saw cases with not guilty pleas as being the most likely to lead to potential difficulties. Why not guilty pleas lead to greater delays varied, however, in different areas.

In Tyneside, the key factors causing problems were witness unavailability because of illness, illness of defendants, unavailability of defendants' parents to attend, defence applications to adjourn because they needed to consider new evidence, court availability and, occasionally, difficulties in obtaining forensic evidence. Listing trials was not a major problem for Tyneside, with trials generally being able to be listed within five weeks. As a magistrate commented, 'I have to say we have only had a tiny handful of cases causing problems with [any of] the time limits. If there was a problem then there would be a meeting arranged by Mr X [clerk].'

In Burnley, witnesses failing to attend on the date set for trial was the key issue, with some difficulty in the court arranging trial dates. Preparation of the full file was not a difficulty in the 99 days: 'it is very unlikely after 99 days you would still be waiting for evidence but if it was, you possibly would consider calling an officer to explain exactly why there has been a delay' (CPS). The court can and has arranged special courts for trials to keep within the OTL. In Blackburn, listing was described as a 'big problem', with adjourned trials being particularly problematic. Extra youth court days had been arranged.

Northamptonshire has made a major effort to create more flexibility and more trial dates to cope within the OTL. Cases were commonly listed at other courts for trial (within the combined youth court area) and magistrates might sit at other courts. Adjournment patterns have been changed, so that shorter adjournment periods in the early stages allow for earlier pleas, earlier preparation of the full file and more time to set a trial date. However, all of this has been mostly welcomed by agencies, with the CPS commenting that the OTL has only been a really difficult factor in a few cases and not as bad as they feared. Availability of court dates for trials has been by far the most significant factor in relation to OTLs: 'It's a vicious circle, because a lot of trials are set up but are ineffective, because the defence see the evidence and accept it, or the evidence doesn't materialise and we take a different view, but those time slots are taken' (CPS). Other factors were the need for the defence to listen to tapes or watch CCTV footage, witness dates not being in the file, waiting for medical evidence on injuries, defence witnesses and defendants having difficulty with trial dates, defence solicitors being double booked and obtaining witness summonses for more recalcitrant defence witnesses.

Availability of court dates for trials was also the key difficulty in North Staffordshire, where again some trials have been held at different courts. Other problems included obtaining forensic evidence, and getting witness statements from medical experts and overseas civilian witnesses. The situation with obtaining statements from hospital doctors had tended to improve and then lapse, possibly because of regular changes in personnel with junior doctors. In North Staffordshire, the advent of the OTL has been the spur to making advanced disclosure available to the defence at the early administrative hearing, in order to obviate delay at early stages.
In North Wales, the main difficulty has been in the west, where courts sit infrequently and distances are such as to preclude transferring cases between courts. Defendants have difficulties in getting to court, because of the lack of public transport and sometimes are given lifts by defence solicitors. Defence solicitors and magistrates also sometimes have had problems with making particular dates, given the distances. The courts have increased the number of special youth courts, to ensure trials take place within the time limits, and magistrates are impressed with the improvements which they see as having been effected by statutory time limits. There have been occasional problems with obtaining production of defendants in secure accommodation and other local authority accommodation, again a difficulty relating to distance (since defendants are sometimes having to be produced from Warrington, Liverpool, Manchester or even further afield). Throughout, there were shorter adjournments earlier on in the case to obviate any later problems with the OTL.

In Croydon/ Bromley/ Sutton, witness availability (particularly prosecution witnesses being unavailable on dates set for trial, without notice to the court previously) has been a particular difficulty, given that there is little leeway in Bromley and Croydon to set extra court sessions. Forensic and medical evidence were other difficulties, together with, sometimes, a perceived general lack of urgency in the early stages of cases, which then tended to feed through to later trial dates. Non-police prosecutors, who have tended not to have had the same degree of training on statutory time limits, had been found to be unaware of the need to progress cases.

Given the rarity of cases actually failing to meet the OTL and the considerable number of factors which affected it, the researchers themselves have provided ratings of the difficulties for each area:

*Table 3.6 Factors leading to difficulties with the OTL in each area (researchers’ ratings)*

<table>
<thead>
<tr>
<th></th>
<th>Tyneside</th>
<th>Blackburn/Burnley</th>
<th>Northants</th>
<th>North Staffs</th>
<th>North Wales</th>
<th>Croydon, Bromley, Sutton</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most major difficulty</td>
<td>Forensic evidence delays</td>
<td>Court availability (Blackburn)</td>
<td>Court availability</td>
<td>Court availability</td>
<td>Infrequency of court sittings in west</td>
<td>early prosecution delays re disclosure</td>
</tr>
<tr>
<td>Second</td>
<td>Defence requesting psychiatric report</td>
<td>Witness non-availability</td>
<td>Prosecution not preparing/reviewing file</td>
<td>Medical, forensic evidence delays</td>
<td>Witness availability</td>
<td>Court availability</td>
</tr>
<tr>
<td>Third</td>
<td>-</td>
<td>Forensic evidence delays</td>
<td>Defence witness un-availability</td>
<td>Witness availability</td>
<td>Transport difficulties</td>
<td>Witness availability</td>
</tr>
<tr>
<td>Fourth</td>
<td>-</td>
<td>-</td>
<td>Defence enquiries</td>
<td>CPS failures in reviewing case</td>
<td>Defence requesting psychiatric report</td>
<td>Medical, CCTV evidence</td>
</tr>
</tbody>
</table>

The factors affecting the progress of cases within the OTL are much more varied than those for ITLs. Early delays by the prosecution in producing disclosure or obtaining evidence, or greater time taken to plea by the defence, will shorten the time available once the course of the case has been decided. If there is then a guilty plea, cases still
easily make the OTL. However, if there is a not guilty plea and a trial date has to be set (whether or not the case finally results in a trial), these early delays, in the places with difficulties over court availability, mean that cases end up very near, or very occasionally over, the OTL. Witness problems can affect either the prosecution or defence, though it was said there had been a lack of information about witness dates from the prosecution in some areas. In considering these factors, court availability should not be taken to be a problem just of rooms, clerks or magistrates. By the end of our analysis period, none of our areas had a difficulty with magistrates' availability and most were making very full use of all the court premises open to them. In some areas difficulties remained with the number of court clerks (for example, in Bromley). In others, however, the problem was with the availability of prosecutors (for example, in Northamptonshire) or the commitments of defence solicitors.

The frustrating aspect of trials and the OTL, however, is, as we saw above, that trials which proceeded were a small minority of cases for which trial dates were set. Yet any greater double booking is highly undesirable in youth cases with, often, young witnesses. We have also seen that the Narey reforms have exacerbated the trend towards initial not guilty pleas. Defence solicitors told us that they felt sometimes unable to advise their clients on the basis of the slim file of advanced disclosure, particularly given some deficiencies in summaries of interviews with the police, themselves often brought about by the very limited time to get cases to court after charging. In at least one area, defence solicitors were routinely requiring to listen to the tapes of interviews before indicating the 'final' plea. The tapes would only be disclosed as part of the full file, so in fact full files were being prepared in far more cases than would result in a not guilty plea from the defence's point of view. Similar difficulties must have been also affecting the CPS (since they were also listening to the tapes routinely for all not guilty pleas). We suspect that only minor adjustments can be made to alleviate these problems. The key need is perhaps an additional requirement that both prosecution and defence review cases at least ten days before trial and ask for the trial to be vacated if witnesses cannot attend, if there will be a guilty plea, or if no evidence is to be offered.

Applications for extension

Applications to extend the OTL have been extremely few in any area, though agencies found them more common than for the ITL. The largest number was made during our analysis period in Northamptonshire, with applications involving 20 database lines, 16 defendants and 12 cases. Applications ranged over the whole period of analysis and included serious offences, such as arson and robbery, as well as more minor offences such as common assault. There was an initial problem with a few magistrates believing that the OTL did not apply to summonsed cases (soon resolved through inter-agency liaison channels). After that, however, the key reasons leading to extensions being granted were because of lack of court dates for trials, particularly for more complex trials (4 cases), for the defendant/key prosecution witnesses to take examinations (2 cases), for defence witness summonses to be served (2 cases) and for defence forensic evidence (1 case). It is worth, however, setting out the chronology of one of the applications to illustrate the complexity of factors leading to breaching the OTL, which in this case involved prosecution and defence difficulties, as well as the court needing to find a trial date (see over). Three cases of applications for extension were refused, one due to the summons problem and two because there was not due diligence by the prosecution - the prosecution had not ascertained the availability of their witnesses.

There were no applications to extend the OTL during the analysis period in Tyneside or North Wales. In Blackburn/Burnley, there were two (involving 5 charges and five
defendants). One involved an attempted theft, where the defence were awaiting video evidence from the prosecution. One was a burglary, adjourned for judicial review as to whether it was a ‘grave crime’, but where the magistrates found that prosecution progress since the review had not been diligent and so refused the extension (and the case was stayed). In North Staffordshire, there had been four applications (involving 7 charges and 5 defendants), but court files tended not to give details of the reasons. One, however, was to accommodate defence needs re interviewing defence witnesses and legal aid. All applications were granted. In Croydon/ Bromley/ Sutton, there had been three applications (involving 5 charges and 3 defendants). One involved difficulties with an ID parade which were still persisting at 99 days, one was to contact defence witnesses, and one involved difficulties with prosecution witnesses attending. The last was refused by the magistrates because of lack of prosecution due diligence at the beginning of the case, but extended on appeal by the prosecution to the Crown Court, was then tried and convicted38.

**One illustrative case:**

The offence was one of common assault, linked to a charge of rape which had been committed to the Crown Court. Offence 2.2.00.

1. First appearance at court 7.3.00, adjourned for pre-trial review
2. 14.3.00 adjourned again for pre-trial review
3. 18.4.00 disclosure served only that day. Wasted costs order on CPS
4. 2.5.00 D say that might proceed via Newton hearing, perhaps trial, adjourned for defence enquiries
5. 16.5.00 D need to trace D witnesses, adjourned
6. 6.6.00 trial date set by magistrates for 5.7.00, OTL expires 13.6.00, extended to 5.7.00 to allow trial to take place
7. 5.7.00 on morning of trial, defendant pleads guilty, Newton hearing held with witnesses.

We were also alert to the possibilities that magistrates might refuse to adjourn a case because of lack of diligence by the prosecution (a similar position to refusing to extend the OTL) and that the prosecution might withdraw cases just before they reached their OTL because they were concerned they could not show due diligence. Both of these proved to be extremely rare. There were two or three cases where the magistrates refused to adjourn because of prosecution failings in progressing the case and so the case fell. We could only find another two or three cases where the prosecution decided they could not apply for extensions because of clear delays in progressing the case (for example, where forensic evidence had not been sent off for 6-7 weeks, or where the file had not been reviewed prior to the week of the trial). There was also a small number of cases successfully relisted by courts in order to reset a trial date originally set beyond the OTL.

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38 Unfortunately, the transcript of this judgment is unavailable, as Crown Court cases do not normally give rise to transcripts.
The procedure for applications to extend the OTL

Before looking at the overall results of applications to extend, we need to describe the procedure adopted for applications. In all areas, applications to extend the OTL were made by the CPS. The CPS administration section (in Northamptonshire) or the reviewing lawyer (elsewhere, though some notices were sent by the administration section in Croydon/ Bromley/ Sutton) would send out notices of applications to extend where a possible need to extend was picked up prior to the court appearance. Areas varied in when they picked up the need to send a notice, with Tyneside operating a diary system picking up cases 36 days before the expiry of the OTL, Blackburn/ Burnley and Northamptonshire using 14 days, and North Staffordshire, North Wales and Croydon/ Sutton not having any formal routine. The courts in Croydon/ Bromley/ Sutton felt they had to alert the CPS to the need to make an extension. In Bromley notice was not normally given at all and in North Staffordshire, the CPS sometimes asked for notice to be waived.

Because many trials were listed very close to the OTL, the number of notices sent out was significant and far greater than the number of applications actually made, causing a considerable amount of work to the CPS. These notices of applications to extend tended not to be very specific, unlike the police notices in relation to the ITL. They did not usually give a proposed extension date, nor a reason, but indicated that this would be given at court and that the prosecution was 'trial-ready'. The reason for the lack of precision in the notices was that the need to extend would only become apparent on the morning of the trial, depending on whether witnesses (prosecution or defence) arrived. The date for extension was very much dependent on court listing calendars and could not be specified before the hearing.

The reviewing lawyer prior to court and the prosecutor at court had the responsibility to decide actually to make the application and no 'higher' approval was necessary in any area. Where agents were being used extensively by the CPS, particularly for trials, they did not seem to be aware what to do and often had to be prompted by the court clerk or magistrate. This was mentioned as a problem in Northamptonshire, North Staffordshire and Croydon/ Bromley/ Sutton. Agents have not been included in CPS training on statutory time limits (though briefing notices and packs are now being sent in some areas).

In general, CPS lawyers said they had no problem in deciding whether to make an application and would normally do so: 'You have to decide what's happened so far and if I think nothing could have been different by us or the police then I make an application for an extension'.

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39 The data on which the description of these procedures is based stems from our own observations and also interviews with relevant personnel. The interviews picked up some applications for extension occurring earlier and later than our analysis period and so we are able to specify procedures even though, in a few areas, there was no application for an extension of an OTL in our database analysis period.

40 Even though it was usually done in Croydon, which was in the same CPS area, and in Sutton (a different CPS area).

41 However, where notices were sent by administration personnel automatically, there was not normally a check that all the evidence was ready and the file had been reviewed before the notice was sent.
Areas varied as to whether they had needed to offer no evidence because they became aware of the weakness of their procedures or the weakness of the case just before the OTL loomed. Tyneside would always seek an extension if they considered they had good grounds and were happy also to make an application if the defence needed an extension because of witness difficulties. Blackburn/Burnley had generally managed to do things before the OTL and so the prospect of discontinuing had not really impinged. In contrast, Northamptonshire had not always managed to review the full file until just before the trial and so a significant number of cases, as we saw above, were dismissed with no evidence offered very near the OTL, although they were quite happy to ask for extensions. In North Staffordshire and North Wales, the courts had made major efforts to reschedule cases so that they were within the OTL, but both CPS were quite prepared to make applications. Croydon CPS were said always to make applications for extensions in serious cases, largely on the principle that they felt constrained by statutory time limits, which they disliked considerably.

At court, the CPS prosecutor would always be the one to make an application to extend\textsuperscript{42}. Defendants were normally both present and represented and almost always, the application would be made at the beginning of the time set aside for the trial (Table 3.7). The application was made as an oral submission by the CPS lawyer, with the defence being given a chance to respond and then the magistrates and clerk asking any further questions\textsuperscript{43}. It was becoming more common for the prosecutor to prepare a chronology beforehand, particularly in complex cases. There was a general feeling that the defence did not usually oppose applications fiercely (except in Croydon/Bromley/Sutton). Indeed, courts suspected that often it was a ‘united request ... defence have discussed it with the CPS beforehand and put a joint proposal to the clerk’ (magistrate). All the courts, however, tended to be very proactive in going through the adjournments/chronology and looking at due diligence and magistrates everywhere felt this was their job:

\begin{quote}
When we've applied for adjournments, our difficulty is persuading the court we've exercised due diligence, not the defence opposing it (CPS)
\end{quote}

\begin{quote}
The official court list that we have always states beside the individual case how many times it has been before the court and that always indicates to me that I then start asking questions of the CPS as to how many times has this been into court and get them to actually state why it was adjourned (magistrate)
\end{quote}

The courts felt in general that they had obtained enough evidence from the prosecution to decide on due diligence and 'good and sufficient cause' and from the defence on cause, if this was applicable, though Croydon/Bromley/Sutton were far less satisfied. The CPS were, in most places, concerned that they were sometimes on shaky ground in terms of being able to obtain information from the police:

\begin{quote}
The court is asking questions and we may not have answers
Problems occur if you are required to make an application on your feet ... at the last minute and clearly you are not prepared to get evidence required from the start ... you may have to liaise with the police
\end{quote}

\textsuperscript{42} Though in Bromley, the court might initiate the procedure and ask the CPS to make the application.
\textsuperscript{43} In North Wales, though not in other areas, the CPS might call evidence from the police in relation to matters within their ambit, such as witness difficulties.
Table 3.7 The process and results of applications to extend the OTL  

<table>
<thead>
<tr>
<th></th>
<th>Blackburn/Burnley (n=5)</th>
<th>Northants (n=20)</th>
<th>North Staffs (n=7)</th>
<th>Croydon, Bromley, Sutton (n=5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Courts in which the application was made:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>youth court</td>
<td>50</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>magistrates' court, closed court</td>
<td>40</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>unknown</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Defendant present at application</td>
<td>80</td>
<td>85</td>
<td>29</td>
<td>100</td>
</tr>
<tr>
<td>Defendant represented at application</td>
<td>80</td>
<td>100</td>
<td>71</td>
<td>100</td>
</tr>
<tr>
<td>Extension granted (no of cases):</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>first extension</td>
<td>5</td>
<td>14</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>second extension</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>third extension</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Final time from first hearing to final extension where extension granted (OTL time):</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>up to 99 days</td>
<td>7</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>100-110 days</td>
<td>7</td>
<td>86</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>111-120 days</td>
<td>29</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>121-130 days</td>
<td>36</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>131-140 days</td>
<td>14</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>141-150 days</td>
<td>7</td>
<td>14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>151-160 days</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>over 160 days</td>
<td>100</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Final result in cases where extension was granted:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>convicted</td>
<td>0</td>
<td>36</td>
<td>71</td>
<td>0</td>
</tr>
<tr>
<td>acquitted</td>
<td>80</td>
<td>14</td>
<td>0</td>
<td>50</td>
</tr>
<tr>
<td>no evidence offered</td>
<td>0</td>
<td>20</td>
<td>29</td>
<td>0</td>
</tr>
<tr>
<td>early termination</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>50</td>
</tr>
</tbody>
</table>

Good inter-agency liaison and relations between CPS and police was clearly required in order both to make the CPS happy that they had the chronology correct and to give them confidence to present the application, and to assure the court that there had been due diligence. After all, these were, by definition, cases which had been taking an unusually long time with, generally, some difficulties in their prosecution. Occasionally, the application might have to be put back to obtain further information from the police and here agents again seemed to have additional difficulties.

Magistrates were not, in general, giving detailed reasons for their decisions as to whether to extend the OTL. They would typically say, if they were extending the time limit, only that they were satisfied that there was good and sufficient cause and that the prosecution had acted with due diligence. However, some magistrates were providing more detailed reasons, in plain language, in court for the benefit of the defendant and witnesses, though these would not always be recorded in writing. Both the register and the court file would often only indicate that the bare statutory grounds were met, though court

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44 There were no applications to extend the OTL in Tyneside or North Wales during this analysis period. The figures in the tables are percentages of charges/summons involved in the applications except where otherwise specified.
files in Northamptonshire were beginning to indicate more detailed reasons as the date of implementation of the Human Rights Act approached. Clerks were only taking detailed notes on applications (as they would for trials) in Tyneside, Blackburn/Burnley and Croydon/Bromley/Sutton, though there had not yet been any in North Wales. We think that it would be good practice for notes to be taken of applications, particularly since the hearing may become the subject of an appeal. Following the appeal case from Croydon, we also think that reasons need to be somewhat more detailed than a bare statement of the grounds.

All areas said that no one had yet issued any guidance as to what might be acceptable reasons for granting or refusing an extension of the OTL. This is, of course, partially a factor of the lack of applications to extend and the consequent lack of appeals and guidance from the higher courts. There is, for example, still dispute as to whether the case law on custody time limits (which indicates that problems with court availability should not preclude extensions) can be seen to apply to the OTL. Local courts had also tended to argue that each case should be seen as unique and requiring close scrutiny in its own individual right. It is obviously important that each case continues to be considered individually and that extensions for particular reasons do not come to be seen as routine. None the less, we feel that it would be helpful for there to be greater guidance from the higher courts and that a network of communication between areas be established to convey appeal decisions, many of which are not routinely reported.

By the time of writing this report, there had been seven appeals or judicial reviews relating to applications for extension of the OTL, only one of which involved a case in our database. We attended hearings wherever possible and otherwise obtained notes and transcripts. Two involved hearings in the High Court, with all the rest finishing in the Crown Court. They were:

- one in Blackburn/Burnley (appeal by the defence against a second extension of the OTL concerning late disclosure of taped interviews and inadequate time to listen to them, allowed and case stayed),

- one in Northamptonshire (appeal by the defence against a second extension of the OTL for a trial because video taped evidence had not been edited to remove extraneous prejudicial material, dispute as to whose duty it was to point this out at what point, appeal failed)

- three from Croydon: (one case stated at the High Court from the defence in relation to what should be done if there was double booking of youth trials and whether there could be an extension of the OTL; one appeal to the Crown Court by the prosecution against a refusal of an extension by the youth court, dismissed; two appeals to the Crown Court in the same case by two out of three defendants against an extension of an OTL concerning court availability as a matter of good and sufficient cause and late disclosure of tape evidence, trial dates found)

- two from Sutton: (one appeal to the Crown Court by the prosecution against a refusal to extend the OTL, concerning early failures of disclosure and prosecution witness availability, case resumed and tried; one case stated to the High Court against the decision of the Crown Court allowing an appeal by the prosecution against the refusal of the youth court to extend the OTL, concerning disclosure, court listing and the failure of the Crown Court judge to give reasons, Crown Court decision quashed because of failure to give reasons and lack of due diligence, original youth court decision upheld and case stayed)
The legal issues involved in these cases are discussed in Chapter 6. There are obviously some common elements. One is difficulties with disclosure and keeping to disclosure timetables, particularly in respect of tapes. We wonder whether taped evidence of interviews with suspects should, as a matter of good practice, now be given with advanced disclosure and that other taped evidence (video interviews, CCTV etc.) should be provided as soon as possible. Another is the need to review evidence well before the morning of the trial, which we referred to above. A third is the need for courts to pay regard to OTL dates in decisions on court listing.

The results of applications to extend

We can, finally, turn to the results of applications to extend. For how long were extensions granted? And what was the final result of cases with granted extensions? For these questions we need to rely on our court database (Table 3.7). Overall, extensions were granted for relatively short periods of time, normally until the next free court slot for that length of trial. Interestingly, the final result of these cases with extensions was not always conviction or acquittal after a trial. In several cases no evidence was offered by the prosecution, perhaps reflecting the difficulties with witnesses which had originally given rise to the need to make the application.

Where cases are stayed, it is possible for the prosecution to reinstate the case if there is new evidence, though this requires permission at a senior level in the CPS. Reinstatement is also a sensitive issue, since it can imply (and potentially be taken as) criticism of the original justices' decision to stay the case. So far, there has been some reluctance to reinstate in many areas, primarily because, after reviewing the stayed cases, the prosecution has doubted the strength of the evidence and the prospects of conviction. One case has been reinstated in Blackburn/Burnley and one in Tyneside, both stemming from errors in the original charging or staying of the case. There has been considerable discussion and pressure to reinstate in Croydon/Bromley/Sutton but these cases have not yet come through to our database.

Monitoring the OTL

In all areas, the CPS are seen as having primary responsibility for monitoring the OTL and for realising that an application to extend may need to be made, but courts also see one of their prime roles as 'keeping an eye' on all cases, in line with the magistrates' role to oversee the progress of cases and consider the need for adjournments. Most courts have introduced forms on which clerks are required to insert the OTL expiry date and any changes in this from absconding etc. We noted above that in Bromley and sometimes in Sutton the court sometimes had to remind the CPS about OTL expiry. In all areas, courts were not prepared to rely on the CPS and clerks said that they would always check the date before suggesting adjournment dates. A few defence solicitors' firms have included the OTL expiry date on their standard documentation on criminal cases, but in general the defence has been slower to pick up the need to monitor.

Monitoring OTL dates was seen by all CPS areas as requiring considerable work and resources. The key reason for this was the lack of suitable IT support - unlike the custody time limit, the OTL could not be programmed into automated diary systems in SCOPE. Case tracking/administration staff had to keep manual diaries of all youth cases and to check these very regularly (often every day), reminding lawyers of cases approaching the OTL deadline and preparing the standard notices to be sent to the court and defence. CPS files were stamped, had additional forms included, or had stickers put on the front stating the OTL. All of these manual systems, though very conscientiously
checked by support staff and lawyers, are, however, potentially fallible, because they rely on people individually calculating the OTL and updating it if the limit changes. They are also resource-intensive, as we shall show in the costs and savings calculations to be presented subsequent to this report. It is vital that any new IT software for the CPS has the ability for different time limits to be programmed into it, so that support staff can work with automatic warning systems when a review of the case needs to be done in case an extension may be necessary, and so that managers can review the overall operation.

Court monitoring of OTLs was very much less resource-intensive, largely because clerks' and support staff jobs already contained the need to enter adjournments and to check that these were appropriate. Again, however, current software is not helping, in that, for example, areas using EQUIS to transfer case data from police to court were not able to programme the original OTL date into EQUIS, so that clerks or support staff had to calculate it manually. Some other areas are using the PA Consulting case tracker system to monitor all cases (not just the persistent young offenders for which it was originally designed). Some are just relying on manual systems. The very great extent of compliance with OTLs found in this evaluation is due to the diligence of court staff and CPS staff, who took a pride in monitoring the progress of cases and making sure they picked up stragglers.

Our view is that there needs to be IT support for both CPS and courts to monitor the OTL, as well as other time limits. Meanwhile, the current need to rely on manual systems is also not helped by the lack of visual reminders in some areas that a case contains a young person to whom the limit is applicable. In certain areas neither court nor CPS files are clearly distinguished as youth files. Hence it is not immediately apparent to lawyers or clerks that they need to be looking at OTLs etc. This becomes more relevant where cases are transferred, remitted from the adult court, or files split, and so the case does not have the normal youth file creation stage at the beginning. Reliance on manual diary or case tracking systems also makes overall review or evaluation exercises by agencies very difficult, except as one-off exercises periodically. Only one court in one of our areas had conducted a review themselves of the OTL and extensions under it since the pilot began and areas seemed to be reliant on our own evaluation for feedback on what was happening. It is very different from the ability of the police in some areas to monitor the ITL through software programming centrally.

The perceived effect of OTLs on agencies' work

Just as ITLs were seen as primarily a matter for the police, with more minor court, CPS and YOT involvement, so OTLs have also impinged significantly on only a small number of agencies. They are primarily the CPS and the court, with some knock-on effects on police file preparation and some very minor effects on the defence.

Starting then with the CPS, the overall view was that OTLs had not had the deleterious impact that had been feared, because 99 days was not a major issue in the vast majority of cases. By the end of this interim analysis period, most CPS areas were saying that OTLs had now bedded in, though there had been a significant initial period of adjustment in setting up monitoring systems, setting up youth teams in some areas and generally being far more careful about progress and adjournments. We must also remember that the CPS was going through a national reorganisation during the same time, with new offices, boundaries and structures being put in place, all of which created some additional disruption to tracking cases. This had the effect of making the initial adjustment period longer for the CPS than for many other agencies, so that it stretched into the early autumn of 2000. In addition, the rarity of applications to extend, and the
extent of personal responsibility that OTLs put on the individual lawyer to make sure applications are made properly (like the personal responsibility ITLs put on police officers) made any cases which did not go so well major issues, both for that lawyer and in the office. As one clerk said: 'The prosecution have become more accountable and must fear that they have to justify things more than previously'. We think that is the nub of the change imported by statutory time limits.

There were significantly different local cultures in different offices, most of which were cautiously positive about the OTL and their response to it, whilst a few were very negative. So, in some areas our interviews indicated reactions such as:

We haven't experienced the kinds of difficulties we thought we might with the defence ... There are no problems with most cases, but you tend to worry more about some, they're higher profile, so we think it's [the OTL is] having more effect than it does.

We spend an awful lot of time in my team preparing cases that never go ahead as trials. On the other hand it is quite a satisfying way of working as it's nice that things actually are going on and this business of cases dragging on just doesn't happen any more.

Whereas we were left in no doubt in one area that OTLs were seen as a very considerable burden and attacking the ability of the prosecution to prosecute more serious cases.

The issues which OTLs raised for the CPS were:

- primarily monitoring and its resource-intensiveness at present, because of the lack of IT and because, unlike custody time limits, OTLs apply to every case;
- the slight pressure created by the need for all staff to be constantly vigilant over progress and dates and by adjournments being shorter and more difficult to obtain
- having to get ready for trials more quickly and possibly a greater proportion of initial not guilty pleas by the defence, requiring more full file preparation and review work by the CPS, without any actual increase in trials
- effects on whether to ask for an adjournment and greater reluctance to agree routinely to defence requests for adjournments - as well as the defence coming to court more prepared to deal with cases
- the benefit of creating specialised units or key personnel for youth cases, both to cover matters such as time limits (and Narey reforms and new youth sentences), and for inter-agency liaison, which has been spurred by OTLs
- more strain in the CPS relationship with the police in some areas, and generally the need for more and closer liaison, because the CPS have been pressurising the police in relation to file preparation, particularly in more complex cases and cases involving delays by outside agencies (doctors, forensic etc.). CPS feel that they can be blamed in court for deficiencies in file creation which are outside their immediate control - and it takes time to ask the police to correct them.

No effects were perceived on the criteria for deciding to prosecute, who would take cases or the charges which would be proceeded with.
The courts also saw themselves as significantly affected by OTLs, but were almost unanimously very positive, despite the need to adjust court sittings and procedures to speed up and be more flexible. The general view amongst clerks was that ‘it’s concentrating the mind of everyone in front of us’ and ‘we had a bad adjournment culture [here] and it’s addressing that’.

Magistrates thought OTLs were a really good thing for youth justice and enabled them to get a better handle on cases which were tending to drift. They had felt that noone had overall responsibility for the progress of the case, whereas time limits had started to allow magistrates to regain the initiative and make them again magistrates’ courts. In some areas they felt they had seen real progress in reducing the time taken to deal with cases. One magistrate spoke for many in saying: 'Time has a different conception for youths. Two to three weeks for a young person is interminable.'

However, there was a dilemma in a few cases, where magistrates found it difficult to stop prosecutions just because the prosecution had been negligent:

You have got to look at the victim, not just say we are going to hammer the CPS. Even if it is their fault ... if [the CPS] don’t act with all due diligence, you know that at the end of the day the victim will not have his or her day in court.

Issues OTLs had raised for the courts were:

- trying to create greater availability of court space for trials and hastening cases at their beginning, including reviewing pre-trial review practices, using all available courts, transferring cases and splitting files
- persuading magistrates to sit at short notice outside their normal rotas for special courts
- the infrequency of applications to extend and the need to learn about others’ practices and experiences, particularly for training magistrates
- some greater prioritisation of youth cases over adults, though this had not yet become a major issue
- the benefit of OTLs coming at the same time as human rights training and the role of the courts in creating fair and speedy trials, so permitting greater discussion about the positive and negative effects of delay and the need for magistrates to be more assertive on case progress
- the need for liaison with other agencies and working as a team to make cases run smoothly

The police saw the OTL as having had only a very minor effect on them - a small effect on criminal justice units and, in a few places, as having precipitated yet another review of time scales for full files, the introduction of witness calendars etc., as well as causing slightly more strain in the relationship between support units and front-line officers. However, because the overall effect was to improve the information available at an earlier stage to both the CPS and the defence, the OTL was seen as improving the overall quality of the prosecution, because issues were being taken up earlier and they were being resolved. There had been little effect on investigation, given the length of the OTL. Police tended to be positive about the overall philosophy behind the OTL.
Others saw the OTL as having woken up the defence after a slow start. As one defence solicitor said: 'we are now in the swing of things and ask for fewer and shorter adjournments'. The defence have noticed the pressure on adjournments and quicker listing - not a bad thing in itself, but sometimes the tendency to fix trial dates at the earliest opportunity could be counter-productive in promoting trials which would later collapse. The ability of the defence to speed up was very much linked to early disclosure, particularly of tapes of interviews and CCTV material. Generally, as long as exceptions (i.e. extensions) were allowed in particularly difficult or heavy cases, the view was that time limits were not working against the interests of justice. Other agencies, however, sometimes pointed ruefully to the fact that delay by the defence did not result in such drastic consequences as it did for the prosecution.

Table 3.8 Mean ratings of views on the OTL (where these were given in interviews)45

<table>
<thead>
<tr>
<th>Very helpful in your work (1) to Not at all helpful in your work (5)</th>
<th>Police</th>
<th>CPS</th>
<th>Clerks</th>
<th>Defence</th>
<th>YOT</th>
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<tr>
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<tr>
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<tr>
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<tr>
<td>Croydon/ Bromley/ Sutton</td>
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<th>Very easy to operate (1) to Very difficult to operate (5)</th>
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<tr>
<th>Lots of practical difficulties (1) to Much easier than before (5)</th>
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Finally, we can present the ratings that we asked all our interviewees46 who commented on OTLs to provide. An overall average score is 3.0. There were no very extreme negative ratings. As is apparent from their comments, clerks gave very positive ratings to OTLs, as did those YOTs who commented. The defence were more neutral. Perhaps surprisingly, given they have borne the brunt of the work involved with OTLs, the CPS

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45 These ratings are based on relatively few interviews in each agency in each area, so small differences should not be taken as significant. However, they indicate the spread of ratings in an agency across areas. Magistrates, who were interviewed in groups, were not asked to provide ratings.

46 Magistrates' interviews used a different schedule because interviews were generally done in groups and so ratings were not used.
ratings were also on the whole relatively positive, though two areas were clearly more negative than the rest. It was the police who gave the most negative reactions, largely because some officers were against all time limits on principle.
CHAPTER 4  FROM CONVICTION TO SENTENCE: THE SENTENCING TIME LIMIT

The sentencing time limit (STL) runs from conviction (whether following a guilty plea or following a trial) to sentence, but only applies if both conviction and sentence are in a pilot youth court. It hence does not apply if someone is committed for sentence to the Crown Court, or remitted for sentence following conviction in an adult magistrates' court, or transferred to another youth court out of the pilot areas. It is not entirely clear to us from the legislation whether the STL is suspended if the defendant absconds between conviction and sentence. There is no sanction attached to breach of the STL, nor any formal procedure given in the legislation for applying for extensions, but courts are requested to note extensions and to give reasons for any breaches.

The sentencing pattern of the courts

We need first to look at the sentencing pattern of the youth courts in the pilot areas, because the sentence magistrates have in mind will affect whether they ask for reports to be prepared before sentencing and this will in turn considerably affect the length of time between conviction and sentence. Table 4.1 shows the pattern of sentencing for our six areas from our court database for the offences within our interim analysis period. The sentences in Table 4.1 are the main sentence for that offending occasion (i.e. the sentence passed for the main offence, being the most serious offence which reached furthest through the youth justice process).

**Table 4.1 The sentencing pattern of the courts (percentages of different kinds of sentences passed for the main sentence for that offending occasion)**

Interpreting the pattern of sentences is quite difficult, because a raft of new sentencing possibilities, including action plan orders, reparation orders and detention and training orders, was introduced near the end of the interim analysis period in most of our areas, but one or two were pilots for particular sentences. These new sentences are interacting with the progress of cases through the courts, so that more minor offending with guilty
pleas might be dealt with almost immediately (using the previous possibilities for sentencing), whereas more serious or complex offending or cases with not guilty pleas will only have reached sentence near the end of our analysis period (when the new sentences were available). Nor had sentencing in any way settled down to its new pattern by the end of this interim analysis period. It will be easier to disentangle the effects in our final report, when we can provide a graph of sentencing patterns by month of sentence for the whole six months of cases.

Even given these difficulties, we can see that different pilot areas seemed to be showing rather different patterns of sentencing. These are likely to affect the time from conviction to sentence, for example, whether sentencers are likely to need pre-sentence reports. Tyneside, for example, seemed to be making considerable use of discharges (now intended to play a much more minor role in the new sentencing regime) and much more minor use of supervision orders compared to Northamptonshire and North Staffordshire. The use of custodial sentences also varied, with Croydon, Bromley and Sutton, despite their prevalence of more serious offences, having a lower use of custodial sentences over the interim analysis period than North Staffordshire.

We can now turn to the time between conviction and sentence, which we have counted inclusively of the dates of conviction and sentence, as does the STL (Table 4.2). We have not taken off any periods of absconding.

| Table 4.2 Time from conviction to sentence (all offences, inclusive, cumulative percentages in brackets) |
|---------------------------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
|                                                   | finished at first appearance | 2-7 days | 8-14 days | 15-21 days | 22-29 days | 30-35 days | 36-42 days | 43-49 days | 50-56 days | 57-63 days | 64-99 days | 100 days plus |
| Tyneside: (n=997)                                 | 684 (69%) 6 (69%) 33 (73%) 80 (81%) 119 (92%) 5 (93%) 27 (96%) 14 (97%) 7 (98%) 9 (99%) 11 (100%) 2 (100%) |
| Blackburn/Burnley: (n=622)                        | 347 (56%) 3 (56%) 20 (59%) 69 (71%) 120 (90%) 1 (90%) 28 (95%) 8 (96%) 5 (98%) 6 (100%) 15 (100%) 0 (100%) |
| Northants: (n=958)                                | 585 (61%) 16 (63%) 30 (66%) 26 (69%) 210 (91%) 25 (91%) 24 (93%) 22 (93%) 3 (98%) 6 (99%) 11 (100%) 0 (100%) |
| North Staffs: (n=610)                             | 272 (45%) 15 (47%) 7 (48%) 94 (64%) 103 (80%) 16 (83%) 7 (87%) 7 (100%) 5 (90%) 17 (93%) 11 (99%) 0 (100%) |
| North Wales: (n=517)                              | 296 (55%) 12 (63%) 29 (63%) 33 (63%) 81 (85%) 19 (89%) 45 (93%) 1 (93%) 4 (94%) 5 (95%) 28 (100%) 0 (100%) |
| Croy/Brom/Sutton: (n=837)                          | 360 (57%) 11 (58%) 22 (62%) 37 (68%) 126 (87%) 31 (92%) 10 (94%) 7 (96%) 8 (99%) 9 (100%) 15 (100%) 1 (100%) |
| Overall: (n=4,341)                                | 2,534 (56%) 63 (60%) 141 (63%) 339 (71%) 759 (88%) 97 (91%) 132 (94%) 83 (95%) 37 (96%) 32 (97%) 110 (100%) 14 (100%) |

A relatively small number of cases were not subject to the STL because they were transferred to the Crown Court after conviction (to be sentenced with other offences committed to the Crown Court or committed for sentence), transferred out of the pilot area after conviction for sentence at the defendant's home court, transferred into the pilot area because the defendant lived in that area or had all their hearings in adult magistrates' courts.

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47 In fact, none of the ten main robbery offences sentenced during this interim analysis period in Croydon, Bromley and Sutton received a custodial sentence, though this pattern may well change when the full data are available.

48 To us, a surprisingly high number of cases were being sentenced at the adult magistrates' court rather than being remitted to the youth court for sentence. The proportion of cases where a young person was sentenced for a main offence in the adult magistrates’ court was 9% in Northants, 5% in

61
Looking only at the cases where the STL applied, we see that in the vast majority of these it was met. The proportions range from 83% in North Staffordshire to 93% in Tyneside. The proportion of cases meeting the STL are lower than those meeting the ITL and OTL, but still very high.

So far, we have taken no account of absconding (because the position over absconding and the STL was not quite clear to us and was not mentioned in any of the interviews we undertook nor any meeting we attended). However, absconding was very rare during the STL (between conviction and sentence, including on the day of sentence), as Table 4.3 shows. Removing absconders from the STL figures would not significantly affect the proportion of cases meeting the STL.

**Table 4.3 The STL: cases where it applied and why it did not apply (all offences, percentages in brackets)**

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<tr>
<th></th>
<th>Tyneside</th>
<th>Blackburn/Burnley</th>
<th>Northants</th>
<th>North Staffs</th>
<th>North Wales</th>
<th>Croydon, Bromley, Sutton</th>
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<tbody>
<tr>
<td><strong>Did the STL apply?</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>STL applied (% of all offences)</td>
<td>985 (61%)</td>
<td>623 (66%)</td>
<td>870 (51%)</td>
<td>551 (58%)</td>
<td>496 (70%)</td>
<td>594 (58%)</td>
</tr>
<tr>
<td><strong>STL did not apply because:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>person not for sentence</td>
<td>512 (34%)</td>
<td>290 (32%)</td>
<td>816 (49%)</td>
<td>406 (42%)</td>
<td>213 (30%)</td>
<td>425 (42%)</td>
</tr>
<tr>
<td>case transferred to the Crown Court</td>
<td>393 (77%)</td>
<td>260 (90%)</td>
<td>720 (88%)</td>
<td>295 (73%)</td>
<td>161 (76%)</td>
<td>320 (75%)</td>
</tr>
<tr>
<td>transferred out of pilot area</td>
<td>8 (2%)</td>
<td>3 (1%)</td>
<td>2 (0%)</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
</tr>
<tr>
<td>transferred in after conviction</td>
<td>34 (7%)</td>
<td>2 (1%)</td>
<td>6 (1%)</td>
<td>35 (9%)</td>
<td>19 (9%)</td>
<td>48 (11%)</td>
</tr>
<tr>
<td>no hearing in pilot YC</td>
<td>29 (6%)</td>
<td>11 (4%)</td>
<td>57 (7%)</td>
<td>45 (11%)</td>
<td>30 (14%)</td>
<td>47 (11%)</td>
</tr>
<tr>
<td>other</td>
<td>30 (6%)</td>
<td>4 (1%)</td>
<td>29 (4%)</td>
<td>21 (5%)</td>
<td>1 (0%)</td>
<td>3 (1%)</td>
</tr>
<tr>
<td>18 (4%)</td>
<td>10 (3%)</td>
<td>0 (0%)</td>
<td>10 (2%)</td>
<td>2 (1%)</td>
<td>9 (2%)</td>
<td></td>
</tr>
<tr>
<td><strong>Was the STL met if it applied?</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>yes</td>
<td>884 (93%)</td>
<td>546 (90%)</td>
<td>793 (92%)</td>
<td>456 (83%)</td>
<td>430 (89%)</td>
<td>532 (90%)</td>
</tr>
<tr>
<td>no</td>
<td>70 (7%)</td>
<td>63 (10%)</td>
<td>72 (8%)</td>
<td>91 (17%)</td>
<td>54 (11%)</td>
<td>56 (10%)</td>
</tr>
<tr>
<td><strong>Was there absconding during the STL period?</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>yes (no of cases)</td>
<td>3</td>
<td>7</td>
<td>10</td>
<td>30</td>
<td>1</td>
<td>4</td>
</tr>
</tbody>
</table>

The obvious major finding is the very high proportion of cases which are sentenced at the time of conviction in all areas, ranging from 45% in North Staffordshire to as many as 69% in Tyneside. Courts were not adjourning for more information in many cases. There is an obvious link here to the patterns of sentencing, where supervision orders, action plan orders, reparation orders etc. require adjournment for reports (if recent reports are not available), whereas discharges and fines do not require adjournment.

**To what extent was the STL being met?**

So far, we have been considering sentencing for all main offences, whether or not the STL applied. Looking at the STL itself (Table 4.3), we can see that the STL only applied to between half and two thirds of all offences commencing in the courts. The major reason why no STL would apply was quite simply because that offence was not for
sentence - the case was discontinued by the prosecution or the offender found not guilty. These figures mirror the discontinuance patterns discussed in Chapter 3.

Whether cases met the STL was clearly related to whether the case was dealt with on the first appearance or whether reports were requested, which was itself related to the courts' pattern of sentencing. Table 4.4 shows whether reports were requested and what kinds of reports these were.

Table 4.4 Reports requested before sentencing (all offences, percentages in brackets)

<table>
<thead>
<tr>
<th></th>
<th>Tyneside</th>
<th>Blackburn/Burnley</th>
<th>Northants</th>
<th>North Staffs</th>
<th>North Wales</th>
<th>Croydon, Bromley, Sutton</th>
</tr>
</thead>
<tbody>
<tr>
<td>Were reports requested?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>sentenced without report</td>
<td>667 (68%)</td>
<td>378 (62%)</td>
<td>545 (59%)</td>
<td>272 (49%)</td>
<td>328 (61%)</td>
<td>374 (58%)</td>
</tr>
<tr>
<td>reports already available</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
<td>88 (9%)</td>
<td>35 (6%)</td>
<td>26 (5%)</td>
<td>35 (5%)</td>
</tr>
<tr>
<td>pre-sentence report needed</td>
<td>310 (32%)</td>
<td>194 (32%)</td>
<td>292 (31%)</td>
<td>253 (46%)</td>
<td>204 (38%)</td>
<td>251 (39%)</td>
</tr>
<tr>
<td>psychiatric/ psychological report requested</td>
<td>5 (1%)</td>
<td>1 (0%)</td>
<td>2 (0%)</td>
<td>9 (2%)</td>
<td>5 (1%)</td>
<td>0 (0%)</td>
</tr>
<tr>
<td>reparation order report requested</td>
<td>4 (0%)</td>
<td>60 (10%)</td>
<td>1 (0%)</td>
<td>3 (1%)</td>
<td>0 (0%)</td>
<td>8 (1%)</td>
</tr>
<tr>
<td>Were reports requested delivered before sentencing?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>yes</td>
<td>266 (94%)</td>
<td>200 (94%)</td>
<td>272 (93%)</td>
<td>269 (93%)</td>
<td>197 (97%)</td>
<td>264 (95%)</td>
</tr>
<tr>
<td>no</td>
<td>18 (6%)</td>
<td>13 (6%)</td>
<td>22 (7%)</td>
<td>19 (7%)</td>
<td>7 (3%)</td>
<td>14 (5%)</td>
</tr>
<tr>
<td>Was the STL met for cases where reports were requested and it applied?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>yes</td>
<td>230 (79%)</td>
<td>182 (79%)</td>
<td>215 (79%)</td>
<td>149 (71%)</td>
<td>121 (73%)</td>
<td>146 (78%)</td>
</tr>
<tr>
<td>no</td>
<td>62 (21%)</td>
<td>49 (21%)</td>
<td>56 (21%)</td>
<td>60 (29%)</td>
<td>44 (27%)</td>
<td>40 (22%)</td>
</tr>
</tbody>
</table>

Tyneside was the most unlikely to adjourn for reports - and correspondingly had most cases meeting the STL. North Staffordshire was at the opposite end of the scale. Reports were almost entirely presentence reports requested of the YOT's, with very few cases involving psychiatric or psychological reports. Specific sentence reports varied considerably with area. In Northamptonshire, for example, specific sentence reports would not be prepared for young people (though this is probably changing in relation, for example, to reparation reports). In other areas, we saw reports directed at action plan orders or community service. Blackburn/ Burnley (a pilot area for some of the new sentences) was doing a considerable number of reparation reports, but none of our other areas had yet fully geared themselves up to reparation orders by the end of the analysis period. As the new sentences come more into play, we may see more reports being requested and we would not be surprised if the findings in our final report were significantly different from those of this interim report.

The connection between reports and the STL should not, however, be taken to mean that if there is an adjournment for a report, the STL will not be met. As we can see from Table 4.4, almost all the reports requested were delivered before the person was sentenced, the exceptions being a few psychiatric/psychological reports and instances where the sentence the defendant received for other matters rendered reports for the instant matter nugatory (for example, a long custodial sentence). More importantly, the STL was met for cases in which reports were requested in over 70% of cases in every area.
Factors people perceive as impinging on the STL

The key agencies and professionals involved with the STL are the YOTs, the courts and defence solicitors. Though the CPS obviously indicate the facts of the offence to the court for guilty plea cases and though the police may need to update criminal convictions, neither the police nor the CPS indicated that this was a substantial part of their workload, nor did any other agency say that the police or CPS contributed in any significant way to delays between conviction and sentencing.49

We asked YOTs, the courts and the defence what kinds of factors might lead to cases exceeding the STL. They said that the major factors were:

- the defendant not turning up for appointments (particularly with defendants with several cases going through the courts) (all areas, but not seen as a major or common problem except for particular individuals)

- the length of time required to provide psychiatric and psychological reports (though these were requested in only a few cases, they almost always took a long time and caused some annoyance to both YOTs and magistrates, YOTs in several areas commenting that psychiatrists seem to be immune from speed requirements) (all areas)

- the length of time required to provide assessments for drug treatment at local facilities (different problems in different areas)

- needing to work with victims to assess possibilities for reparation (a growing problem as reparation becomes a more mainstream sentencing possibility)

- difficulties in YOT staffing and resource shortages (particularly in Croydon, Bromley and Sutton, Tyneside and Northamptonshire).

We, however, would add two other major factors affecting the STL (as opposed to adjournments for reports, which is essentially what our interviewees were thinking of). They are:

- when cases with guilty pleas are adjourned until linked charges with not guilty pleas are dealt with. This is the reason for almost all the delays between conviction and sentence in Table 4.2 beyond 5-6 weeks

- when case files have been split to allow separate trials for not guilty pleas, partly to meet the OTL, but then magistrates wish the cases to be recombined and sentenced at one time.

No particular cases were being prioritised specifically in relation to the STL, though custody cases (for natural justice reasons) and persistent young offender cases (for national standard reasons) might have some priority.

49 Though there were a very small number of cases where CPS delays in obtaining details of breaches of sentences (because older files were held elsewhere) and in presenting them to the court (i.e. tying up breach files with the instant case) were significant.
Monitoring the STL

In all our areas, YOTs were not monitoring the STL, in the sense of any consistent system for monitoring, but courts were putting in some effort in most areas. YOTs did not appear to have any computerised programme allowing them to monitor the limit. The CPS and police did not see it as their job to be concerned with the STL and the defence saw no need really to monitor it, given that there was no sanction on breach. Action in relation to STL monitoring was far more meagre than in relation to ITL or OTL monitoring, largely because of the lack of need for the courts to take formal action on breach.

In some YOTs, where people were more aware of the STL, individual YOT members writing reports would themselves be aware of the STL date and try very hard to meet those deadlines (as well as the national standard etc.). In these, the STL would be written by the individual worker on the file. In some areas in North Wales, the YOT was keeping an eye on the STL, because of the infrequency of court sittings. In others of our pilot areas, individuals were working to agreed deadlines for reports and were individually responsible for doing so, but the STL was not marked on the file. No YOT was centrally monitoring the STL. Their ability to monitor other time standards varied considerably. All YOTs complained about the time it took to monitor standards manually and about the rather late arrival (in some areas) of IT designed to help them do so automatically. Some YOTs, as has also been noted in the evaluation of YOTs (Universities of Sheffield, Hull and Swansea 1999), told us they did not believe that monitoring was the job of the YOT, but rather the job of the courts: ‘YOTs don’t monitor’.

The courts varied in the degree of effort they put into monitoring the STL. In Tyneside, though the clerks were aware of the STL, it was not being recorded on the front sheets of files, so it could not easily be checked. STL statistics were being seen in the same light as TIS (time interval survey) statistics of average times to particular criminal process stages. In Blackburn/Burnley, the courts saw it as a job for the YOT to monitor the STL, though the court would act as backup (the YOT thought the reverse). In Northamptonshire, in contrast, the STL was on the specific time limit form and the court clerk would always check the STL on each appearance and remind the magistrates of it. In North Staffordshire, similarly, the clerks would be aware of the STL in each case and work to it. Practice in North Wales varied by area, with the clerk declaring the STL at the time of conviction in one area, but in others clerks keeping an eye on STL dates and informing magistrates. In Croydon and Bromley, the STL was marked on the court file (in Croydon with an orange fluorescent sticker), but in Sutton clerks had to work it out from the file. There were no specific monitoring procedures, though some magistrates said the clerk would point it out in court.

Extensions of STLs

The concept of an extension of the STL was quite different in different pilot areas. In a few, extensions were being done as formal court proceedings, to be recorded on the file, whereas many courts did not mention that the STL was being extended or refer to an extension at all, though they might mention the need to reduce delay when considering adjournment. In no area were YOTs making applications for extension, nor were the prosecution or defence. Essentially, extensions had become bound up with requests by YOTs (or others) for adjournment of the case between conviction and sentence and had been subsumed into the familiar, earlier process of deciding whether it was necessary to adjourn to obtain the report requested. No magistrate or clerk indicated that the presence of STLs had affected decisions whether to ask for reports in the first place.
The need to extend the STL if an adjournment would take the case over 29 days was being mentioned in court by clerks or magistrates in almost all relevant cases in Blackburn/Burnley and in Northamptonshire and in some in North Staffordshire, North Wales and Croydon/Bromley/Sutton. Explanations for the need to adjourn followed the court's pattern in relation to pre-sentence reports, rather than being affected by the STL\textsuperscript{50}. It would normally be the clerk who would mention the STL specifically and magistrates might then refer to it when extending the STL.

The most formal procedure was in Northamptonshire, though even this was much more rudimentary than with ITLs or OTLs. The clerk would mention in court that the adjournment would require an extension of the STL. The magistrates would pick this up and say the STL was formally being extended, some of the time also giving reasons for the extension. The fact of the extension and the date to which the STL was being extended was recorded by the clerk in the court record, on the court file and more recently on the formal STL national extension form, with reasons being given on the form.

Bromley were also being diligent in recording extensions and reasons for extension for STLs on their special 'reasons' sheet also used for ITLs and OTLs, as well as on the court file (Croydon and Sutton also sometimes recorded reasons on the court file). North Staffordshire and North Wales were sometimes recording extensions and reasons on the court file. No court had made it known to other agencies what they would in general consider acceptable reasons for extensions.

**Perceptions of STLs**

From our interviews and observations, basically, the STL was not a significant factor driving the work of YOTs. YOTs were very much alive to the need to reduce delay and strongly approved of minimising delays in sentencing, as we shall see below, but they were concerned with the national standards for the time required to produce presentence reports\textsuperscript{51} and with the 'pledge' in relation to persistent young offenders\textsuperscript{52}, not with the STL. The lack of awareness of the STL and its lack of impact on YOTs can be seen in the fact that we saw no mention of the STL in any way in any letter written to the court by YOTs apologising for delays in producing reports and requesting adjournments - either because the defendant had not kept appointments or because there were staff difficulties in producing the report for the next court appearance. These letters were quite specific in indicating the need for an adjournment - but never mentioned what the STL was, whether it needed extending, or the impact of the suggested adjournment on the STL.

We think there are three factors which have led to this lack of awareness of the STL in YOTs. One is that YOTs were not part of the original Narey reforms and have, in some areas, only just become incorporated in inter-agency groups facilitating the statutory time limits. Some YOT personnel whom we interviewed were clearly simply unaware of the STL in the early stages of the pilot. The second is that YOTs were, in many areas, only just being formed during this interim analysis period and that their key priorities were to

\textsuperscript{50} Except in North Wales, where magistrates said they would specifically ask for explanations of the need to extend the STL from the YOT.

\textsuperscript{51} The national standards are that pre-sentence reports should be prepared in 15 days for youth cases and 10 days for persistent young offenders. They are obviously more stringent than the STL.

\textsuperscript{52} The 'pledge' is the government target to halve the time from arrest to sentence for persistent young offenders to 72 days, discussed in Chapter 5.
organise themselves and to try to cope with the raft of new measures for young offenders being introduced between April and July 2000. The STL was simply not a priority for YOTs, nor, we suspect, one enunciated as a key priority by the Youth Justice Board, to whom YOTs have been looking for training and help with organisation and monitoring. However, the third factor which has kept the STL from gaining prominence as YOTs have settled in, is that there is no sanction if the STL is not met, nor is there the potential opprobrium which will be in inspection reports if the national standards are not met.

YOTs felt themselves to be under a lot of pressure to produce reports and felt stressed because of the pace and extent of the changes to youth justice. The STL was a minor matter and in any event less stringent than other time limits they had to meet. The idea of statutory time limits as applying to every case and requiring individual extensions was not generally present. YOTs, however, felt speeding up the interval between conviction and sentence was definitely beneficial to young people and, as people who probably spend the most time of all the professionals we interviewed talking to young offenders, this view needs to be given weight.

YOT workers, however, were concerned about the balance that needed to be struck between minimising delay, which they saw as very beneficial and ensuring justice is done:

if you create too much pressure through time limits you will see massive injustice done [because staff will slip up and not contact others in contact with youth offenders whom they should contact] but it would be worse to endlessly adjourn spree offenders.

They were suspicious that time limits might be ratcheted tighter and might prevent the new foci on working with victims and addressing offending behaviour really getting going (though their suspicions were largely directed towards the Youth Justice Board and national standards, rather than statutory time limits). Sentencing more quickly had produced an initial bulge of reports, but less addenda to reports on spree offenders. There was worry, however, that split files and faster sentencing would make more offenders reach persistent young offender status, when it would be important for them to have knowledgeable defence solicitors if they were not to be given custodial sentences.

Consultation with victims over reparation was one of the big difficulties - particularly in obtaining information on victims to contact them. As a result, the possibility of reparation might not be confirmed or reparation might end up being 'tokenistic'.

Clerks felt STLs had had little impact on the work of the court, though the introduction of stand-down reports, the benefits of inter-agency working in YOTs and the pressure applied by other standards had reduced considerably the tendency of courts to 'roll-over' or 'adjourn in line with other matters' and improved the production of good reports. This movement of the court culture away from an 'adjournment' or 'pushing all matters together' culture was welcomed by clerks, who had clearly internalised a reducing delays viewpoint, but was more cautiously approached by magistrates, who were concerned about the interaction of the new sentences with a faster and more frequent sentencing pattern for spree offenders. Magistrates would not sentence without reports just because an STL had been exceeded, except when (psychiatric) reports had been delayed many weeks and defendants were becoming distressed.

We can, finally, provide ratings for the STL from clerks, defence solicitors and YOT staff interviewed (Table 4.5):
The results confirm their verbal comments. Both clerks and YOT staff saw the STL as a good thing for youth justice in principle, with YOT staff seeing it as helpful to their work. Defence solicitors were more divided - with some seeing the speed as helpful and others as potentially ratcheting people up the sentencing tariff more quickly. The introduction of the STL had created relatively few practical difficulties - but then it had not affected practice significantly or at all.

**Table 4.5 Mean ratings of views on the STL**

<table>
<thead>
<tr>
<th>Very helpful in your work (1) to Not at all helpful in your work (5)</th>
<th>Clerks</th>
<th>Defence</th>
<th>YOT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside</td>
<td>3.0</td>
<td>4.0</td>
<td>2.7</td>
</tr>
<tr>
<td>Blackburn/Burnley</td>
<td>2.5</td>
<td>3.0</td>
<td>2.0</td>
</tr>
<tr>
<td>Northants</td>
<td>3.0</td>
<td>-</td>
<td>2.7</td>
</tr>
<tr>
<td>North Staffs</td>
<td>3.0</td>
<td>3.0</td>
<td>2.0</td>
</tr>
<tr>
<td>North Wales</td>
<td>3.0</td>
<td>2.0</td>
<td>2.0</td>
</tr>
<tr>
<td>Croydon/Bromley/Sutton</td>
<td>2.0</td>
<td>-</td>
<td>1.3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Very easy to operate (1) to Very difficult to operate (5)</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside</td>
<td>2.5</td>
<td>2.0</td>
<td>2.7</td>
</tr>
<tr>
<td>Blackburn/Burnley</td>
<td>2.0</td>
<td>3.0</td>
<td>2.0</td>
</tr>
<tr>
<td>Northants</td>
<td>1.3</td>
<td>-</td>
<td>2.0</td>
</tr>
<tr>
<td>North Staffs</td>
<td>3.0</td>
<td>3.0</td>
<td>3.5</td>
</tr>
<tr>
<td>North Wales</td>
<td>2.7</td>
<td>2.0</td>
<td>2.3</td>
</tr>
<tr>
<td>Croydon/Bromley/Sutton</td>
<td>2.0</td>
<td>-</td>
<td>2.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lots of practical difficulties (1) to Much easier than before (5)</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside</td>
<td>2.5</td>
<td>3.0</td>
<td>2.0</td>
</tr>
<tr>
<td>Blackburn/Burnley</td>
<td>2.5</td>
<td>2.0</td>
<td>2.0</td>
</tr>
<tr>
<td>Northants</td>
<td>3.0</td>
<td>-</td>
<td>2.0</td>
</tr>
<tr>
<td>North Staffs</td>
<td>2.7</td>
<td>2.0</td>
<td>2.0</td>
</tr>
<tr>
<td>North Wales</td>
<td>2.3</td>
<td>3.0</td>
<td>2.0</td>
</tr>
<tr>
<td>Croydon/Bromley/Sutton</td>
<td>3.0</td>
<td>-</td>
<td>2.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A very good thing for youth justice (1) to A very bad thing for youth justice (5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside</td>
</tr>
<tr>
<td>Blackburn/Burnley</td>
</tr>
<tr>
<td>Northants</td>
</tr>
<tr>
<td>North Staffs</td>
</tr>
<tr>
<td>North Wales</td>
</tr>
<tr>
<td>Croydon/Bromley/Sutton</td>
</tr>
</tbody>
</table>

53 These ratings are based on relatively few interviews in each agency in each area, so small differences should not be taken as significant. However, they indicate the spread of ratings in an agency across areas. Magistrates, who were interviewed in groups, were not asked to provide ratings.
Inter-agency liaison and the statutory time limits

Inter-agency liaison was crucial in implementing the Narey reforms. It has been even more important in implementing statutory time limits and in continuing to resolve specific problems during our analysis period. We could go so far as to say that where inter-agency liaison was normal and constant, areas implemented statutory time limits relatively easily (though not without considerable effort). Where there were greater difficulties, these tended to feed through into problems in specific cases which came near or exceeded their ITL or OTL. Most areas continued to use the inter-agency mechanisms set up for the Narey reforms, though there was an increased development of specific youth court user groups (as opposed to groups considering both adult and youth cases) and the Glidewell report was leading to closer police/CPS co-operation generally.

Given the introduction of the final warning/reprimand system and the new youth justice sentences, as well as statutory time limits and the PYO 'pledge', we think that youth justice must now be regarded as a specialism in criminal justice and that it is more useful to have a separate youth justice inter-agency group, rather than trying to deal with all criminal justice issues in one inter-agency group. This does raise the question, however, as to whether the current collection of inter-agency groups locally is the most suitable or whether there is some redundancy. Statutory time limits need all the agencies and bodies involved, including the magistracy, YOT and defence solicitors, to be represented and this is obviously why court user groups, rather than Crime and Disorder Act partnerships, have tended to be the forum for sorting out the implementation of time limits. When the new sentences and pre-court reparation schemes have bedded in more fully, by the time of our final report, we shall be able to return to this question.

Areas commented that holding an inter-agency meeting at the beginning of the pilot was very important in making sure each agency knew what their role would be and that there was a common understanding about the limits, how applications for extension would be mounted etc. We noted in Chapter 4 that YOTs, because they were not so much involved in the initial Narey reforms and because they were in the process of organising themselves, were not always included in the inter-agency discussions at the beginning of statutory time limits and how it is important that the existing inter-agency groups, both locally and nationally, are extended to include YOTs.

Inter-agency groups tend to be attended by more senior staff, such as YOT managers or senior clerks. Liaison about statutory time limits in individual cases requires active networks of communication at all levels of staff between agencies. Sometimes this liaison is able to develop without any specific activity or effort, because people are co-located or have existing good channels of communication (to send summonses to the court, for example). However, statutory time limits require quick inter-agency liaison, which means that each office will need liaison points.

We asked areas whether they would have liked to have had more contact with other pilot areas. The only contact they had had was in the context of the initial training for limits (which we discuss below) and the two inter-agency meetings at York in March 2000 and October 2000 for representatives from each agency and each area, which were designed to focus upon the evaluation. In fact the York meetings became a means of swopping information about experiences in the areas. These occasional meetings, particularly the
first one, were found to be very helpful, but agencies hesitated to increase the burden of attending more meetings - about every six months when starting was about right.

We have commented in earlier chapters about the lack of information which areas received about appeal judgments relevant to statutory time limits. This is exacerbated by the fact that shorthand writers to the courts do not make transcripts of Crown Court appeals, so, for information on Crown Court cases, it would be necessary to obtain notes from CPS representatives. As case law on statutory time limits develops, it is important that agencies and courts have correct information, rather than the 'chinese whispers' which may result if there is no authoritative source of information. We think there is a need to set up an electronic means of getting information about appeal judgments to all agencies in all areas - commercial criminal procedure appeal reporting can be patchy and it is difficult for pilot areas in a fast moving area of law to have to wait for the next annual edition of the standard texts.

**Training for statutory time limits**

The initial training for the implementation of statutory time limits in pilot areas, according to our interviewees, comprised distribution of the Home Office guidance and limit charts (Home Office 1999), workshops held around the country at which the CPS provided a presentation on the limits (and distributed their Powerpoint presentation slides) and then cascading by those who received the guidance or attended the workshops to other colleagues. Both the guidance and the presentations were found very helpful. It was the original recipients of the guidance and workshop presentations who generally set up the details of the scheme and monitoring in their areas. These included personnel from the police, CPS and justices' clerks. Senior clerks then produced training packages for magistrates, who were given specific training on limits in their normal youth panel training sessions and, on occasions, limits were discussed at magistrates' meetings. Several areas had subsequently telephoned the Home Office or CPS to clarify specific points or ask for guidance.

The initial cascading of training to all relevant personnel was a major and resource-intensive task for the police, but produced some very innovative electronic packages, posters and small laminated reminder cards which were clearly effective in getting the message through. In all areas, supervisors had to back up the training with active monitoring of cases in the initial few months to catch those who had not absorbed the seriousness of the new limits.

YOTs, however, had had minimal or no training on statutory time limits (according to our interviewees), although some of the police officers in YOTs benefited from the police cascaded training in their areas. Some YOT interviewees were scathing about the amount and quality of the training they had received on the new youth justice measures: 'I find myself still indignant about the quality of ... training. I've given up six working days and my knowledge and skills have not been increased in any shape or form'. However, reactions varied by area and by the particular provider of training. The common denominator was that mentions of statutory time limits in the training for YOTs were very minimal or non-existent (probably because it was national training, not just for the pilot areas) and YOTs hence found difficulty in getting up to speed on statutory time limits.

Defence solicitors also appeared to have had no specific training on statutory time limits and cascading this training would need to be part of any roll-out. Defence solicitors taking on youth cases tended to be a compact group in all our pilot areas, so once a few
realised the implications of time limits, the word spread quickly. However, agents, whether for defence or prosecution, had had no training and, as we have seen in earlier chapters, badly needed briefing.

Because training was confined to the initial stage of setting up the pilots (except for magistrates), we were beginning to see by the autumn of 2000 that schemes and systems set up initially were flagging in some areas because personnel initially involved had moved on. This was a particular problem for the police, where personnel turnover is higher, and where, as we have seen, ITL monitoring has not had standardised IT backup and has had to depend upon the IT skills of criminal justice unit personnel. It is likely to continue to be a difficulty after any roll-out, unless and until monitoring of statutory time limits becomes an intrinsic part of police IT systems. Police officers on operational duties are all potentially liable to confront the initial time limit (because individual officers in the case are responsible for the progress of the investigation) and several pilot areas had needed to produce a cascade version of their initial statutory time limit training to give to officers transferring into the pilot areas (electronically or on paper). However, this is a problem of the limits' pilot status.

Other time limits

This report is centrally concerned with the statutory time limits introduced on a pilot basis in our pilot areas (the ITL, OTL and STL). However, two other time limits were operating on some youth cases: the PYO ‘pledge’ and the custody time limit. We are including some material on these because the youth justice system was having to work with all these limits simultaneously – and so prioritisation had to reflect the relative weight being given to each limit.

The PYO ‘pledge’

The governmental pledge in relation to persistent young offenders is that the average time from arrest to sentence should be halved from its level of 142 days in 1996. This is a different type of target from statutory time limits, in that it is measured by the average (mean) of all cases involving such offenders. The key national body providing guidance on the PYO pledge is the Youth Justice Board (see Youth Justice Board 1999), which has worked together with PA Consulting to provide tools for agencies. The pilot areas which were using these tools were using them for all their cases, not just PYOs. The target for the first quarter of 2000 was that 60% of PYO cases should be dealt with within 71 days.

The PYO pledge was prominent in the minds of all the agencies and courts in all our pilot areas. Considerable effort was being devoted by the Youth Justice Board and others to reminding agencies and courts what their performance was and in encouraging them to reduce the average still further. This pressure essentially increased the priority being given to youth cases in the pilot areas – because during the time covered by this interim report, our pilot areas in general had decided that, given the recent introduction of statutory time limits, they would prioritise all youth cases, not just confining their attention to PYOs.

A persistent young offender (PYO) is a young person aged 10 to 17 who has been sentenced by a criminal court in the UK on three or more occasions for one or more recordable offences, and within three years of the last sentencing is subsequently arrested.

54 The pledge is an inclusive count, i.e. including both the date of arrest and the date of sentence.
or has information laid against him for a further recordable offence (Youth Justice Board 1999). Identifying a PYO thus requires the police to be able to access the past criminal record of the defendant at the point of arrest or summons. In most of our areas, up to summer 2000, identification of a PYO was done by the officer in the case manually changing the identifier field in the charge sheet. It required officers to access separate systems for criminal records and to work out whether the offender fitted the criteria. No identification was normally available on summons documentation. In summer 2000, identification of PYOs became substantially easier when police national computer checks on criminal records provided automatic checks on whether the offender fitted the criteria, but it was still necessary in several of our pilot areas for officers themselves to enter the relevant identifier on the charge sheet.

In this interim report, it is not sensible to provide detailed calculations of the time from arrest to sentence for PYOs (the pledge), because the way in which we are able to calculate the figures is significantly different from the way in which pledge statistics are calculated and presented. Pledge figures, for example, are retrospective, whereas our figures are prospective. Hence pledge figures are calculated by looking at which cases finish at a certain point in time, then calculating back to when the case has started. Where cases are sentenced at the same time, but start at different times (for example, if the court sentences a PYO for offences committed on different occasions), all the offences sentenced on that date are given the same date of arrest, taken to be the earliest date of arrest for any of those offences. We have taken each offence resulting from an arrest separately, and calculated forwards to the date of sentence for each offence. Another major difference is that pledge figures include matters at the Crown Court, whereas our study is concerned solely with youth courts. The interim nature of this report also means that we cannot include cases not yet finished from our sample of six months of cases - and these will affect the pledge figures considerably.

We have, however, provided details above about the way in which PYO data were provided to agencies by the police, because our major concern is that many PYOs were not being identified correctly in the early months of this interim analysis. Agencies were aware of the difficulty of identification and this may also have been a factor in their deciding to prioritise all youth cases at this stage. We were not able to check all PYO classification ourselves because criminal records were not always included in the court or CPS files. However, we noticed when entering data that, in a number of cases in some areas, the same individual might be identified on the police file as a PYO on one offending occasion and then not appear as a PYO on a subsequent file, or, more occasionally, vice versa. These miscodings will not affect the accuracy of the centrally reported PYO pledge figures, because whether a person is a PYO or not is re-checked at that point. However, if people are not being identified when arrested, then it is very difficult for the criminal justice agencies and the courts to prioritise them. We hope that the IT improvements being brought in will help in this respect.

The custody time limit

Some of the young people in our pilot areas were subject not only to statutory time limits, but also to the custody time limit. This applies if someone is held in custody or in secure local authority care (see Chapter 1).

Table 5.1 shows the details of numbers of young people held in custody or local authority care from our interim analysis. It is important to note that the proportion of

55 The Northumbria IT system, however, allowed officers to identify PYOs automatically.
longer remands would be expected to rise in our final analysis, as longer cases come into the database. The table indicates the number of cases for all offences, whether or not defendants were being dealt with in the pilot youth court.

**Table 5.1 Remands in custody or in secure local authority care (inclusive, numbers of cases for all offences)**

<table>
<thead>
<tr>
<th></th>
<th>Remanded over 56 days</th>
<th>RIC throughout</th>
<th>RIC at some stage</th>
<th>Secure LA care throughout</th>
<th>Secure LA care at some stage</th>
<th>LA care throughout</th>
<th>LA care at some stage</th>
<th>Mixed (RIC and LA care)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside</td>
<td>11</td>
<td>26</td>
<td>14</td>
<td>8</td>
<td>6</td>
<td>6</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>Blackburn/Burnley</td>
<td>0</td>
<td>8</td>
<td>4</td>
<td>2</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Northamptonshire</td>
<td>9</td>
<td>53</td>
<td>120</td>
<td>7</td>
<td>10</td>
<td>8</td>
<td>11</td>
<td>28</td>
</tr>
<tr>
<td>North Staffordshire</td>
<td>4</td>
<td>37</td>
<td>113</td>
<td>17</td>
<td>7</td>
<td>19</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>North Wales</td>
<td>0</td>
<td>11</td>
<td>25</td>
<td>0</td>
<td>0</td>
<td>15</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Croydon/Bromley/Sutton</td>
<td>0</td>
<td>43</td>
<td>72</td>
<td>1</td>
<td>0</td>
<td>8</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

We can see that, though a significant number of young people were experiencing some period in custody (normally a short period in police custody before being brought to court for the first appearance), the numbers spending periods longer than 56 days in custody or secure local authority care in any area were minute or nil. The custody time limit, for this reason, was very rarely mentioned in any youth court or CPS files. People were, none the less, well aware of it and monitoring was being undertaken by the CPS (automatically, using their IT software) and the courts. Applications for extensions of the custody time limit were being made in appropriate cases, though they were largely governed by previous bail decisions of the courts and offending by defendants on bail. Diligence by the prosecution was rarely an issue. Courts entered the fact that the custody time limit had been extended on the court record and in court files, but detailed reasons were rarely given and prosecution diligence was not normally mentioned. The rarity of the applicability of custody time limits means that youth courts may not have experience of contested applications to draw upon in considering the similar criteria governing statutory time limits.
This chapter explores some of the legal points and practical issues that have arisen since the introduction of the statutory time limits by virtue of the Crime and Disorder Act 1998. The chapter seeks to highlight areas where we found some concern or confusion in the application of the time limits at some point during the interim analysis period. In addition, doing the research has brought up some difficulties in interpreting the legislative framework for statutory time limits which have affected the cases we have analysed, but which have not yet arisen as major issues within the areas. Some of the issues, both practical and/or legal, are common to all pilot areas. Others seem to be specific to particular pilot areas. They are all points where we think clarification would be helpful before any roll-out, though this clarification may need to come from the courts. Analysis of the legal and practical issues has drawn on the working practices of the agencies interpreting the regulations, as well as the handful of applications and judicial reviews and the cases concerning custody time limits. We try in this chapter to explore the existing case law and the appeals on time limits to provide some indication of the current legal position.

Legal framework of the statutory time limits

Statutory time limits are governed by s22 of the Prosecution Of Offences Act 1985, as amended by the Crime and Disorder Act 1998 s53 and s22A of the 1985 Act as inserted by s44 of the 1998 Act and the Prosecution of Offences (Youth Court Time Limits) Regulations 1999.

The pilot was initially intended to run for a period of 18 months from 1 November 1999. There was some confusion in areas about the legal basis for continuation of the pilots, but in fact the limits will continue to apply in these areas until a new statutory instrument declares otherwise.

Applications to extend the ITL and OTL

There have been relatively few applications to extend the initial time limits and overall time limits, which, together with the relative paucity of appeals, has resulted in little guidance from the courts on this issue. Interpretation of the legislation is clearly a common issue among the agencies. The majority of agencies are looking to the law on custody time limits to guide them, but are not always sure of its applicability.

In relation to applications to extend, at any time before the expiry of a time limit an application can be made by the prosecution to extend the ITL or OTL. The court in granting such an extension must have regard to a two-stage test. The court must be satisfied that:

- the need for an extension must be due to some good and sufficient cause; and

56 The legislation does not mention any procedure for applications to extend the sentencing time limit because there is no sanction following its breach (reg. 6 of the statutory instrument). The guidance from the Home Office (Home Office 1999) states that 'Where the date fixed for sentence falls after the expiry of the time limit it would be good practice for the court to state that the time limit no longer applies, and give reasons why a longer period is required in a particular case.'

57 s22A Prosecution of Offences Act 1985 as amended by the Crime and Disorder Act 1998 s44
that the investigation has been conducted and (where applicable) the prosecution has acted with all due diligence and expedition.

The test is cumulative - both grounds must be satisfied. The burden is on the prosecution to satisfy the court of these grounds on the balance of probabilities. There have been six appeals against a decision to extend/ not extend the overall time limit and two judicial reviews during our initial analysis period. The issues raised on appeal have required the court to examine magistrates' interpretation of due diligence and due expedition and of good and sufficient cause, in light of delays in supplying the defence with primary disclosure, difficulties with interview tapes and CCTV footage, problems with court listing, staffing problems in agencies and availability of prosecution witnesses.

Interpreting due diligence and expedition

Due diligence has presented a concern for interviewees and for the courts, particularly in one pilot area. What is meant by due diligence? Are the courts to look searchingly at every day of the case or at a particular period during the case? Should they be considering every phone call and every occasion when something could have been done? This quite clearly presents a problem for magistrates when enquiring into due diligence and due expedition. It is clear from Parker that there is a duty on the prosecution, the police and CPS, to fully inform the court of all matters that could affect their decision:

Whether evidence is necessary, or whether, the court can rely on evidence supplied by Counsel, depends on the nature and extent of the controversy. If, for example the prosecutor outlines the history of the proceedings and suggests, without contradiction by the defence, that the prosecution has acted with all due diligence and expedition, the court will be more readily satisfied on that score than if that condition is the subject of a substantial contest. It is however for the court and not the parties to be satisfied.\(^{58}\)

In McDonald the Lord Chief Justice went on to say that it is not necessary to show that every stage of preparation of the case has been 'accomplished as quickly and efficiently as humanly possible’\(^ {59}\) in order to satisfy the court that they [the prosecuting authority] (police, solicitors and counsel) have acted with all due expedition. What the court must require is 'such diligence and expedition as would be shown by a competent prosecutor conscious of his duty to bring the case to trial as quickly, as reasonably and as fairly as possible'.\(^ {60}\) It is difficult to produce a set list of what would or would not be considered, as it is up to the court to decide, but the Lord Chief Justice continued by saying that the court should have regard to the 'nature and complexity of the case, the extent of preparation necessary, the conduct of the defence (constructive or obstructive), the extent to which the prosecutor is dependent on the co-operation of others outside his control and other matters directly and genuinely bearing on the preparation of the case for trial'.

The Lord Chief Justice went on to warn against setting out a prescriptive list:

'It would be undesirable or unhelpful to attempt to compile a list of matters which it may be relevant to consider in deciding whether this condition is met.

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\(^{58}\) R v Crown Court at Norwich, ex parte Parker (1992) 96 Cr App R 68 and 70  
\(^{59}\) R v Crown Court at Manchester, ex parte McDonald [1999] 1 All ER 805 at p. 809  
\(^{60}\) Ibid., p. 809
In deciding whether this condition is met, however, the court must bear in mind
that the period of 112 days specified is a maximum, not just a target and is
specified in all cases. As Lloyd J pointed out in Governor of Winchester Prison ex parte
Roddie [1991] the court will not, in considering whether the condition is
satisfied, pay attention to pretexts such as chronic staff shortages or we would
add, overwork, sickness, absenteeism and matters of that kind.

In Re Kingston Crown Court and Sutton Youth Court ex parte Marland Bell [2000] QBD, an appeal by the
CPS to the Crown Court against the magistrates’ decision to extend the OTL, Justice
Jackson agreed with the principle that the focus in the test should be the word ‘due’. The
Crown Court had reversed the decision of the magistrates but a judicial review of the
Crown Court decision was sought on the basis that the judge did not give reasons for his
decision.

Our analysis of this case indicates that a causal link needs to be established between the
past lack of due diligence and expedition and the current need to extend the time limit.
If a causal link can be established then an extension can be refused. However, the
agencies are left to decipher what would be deemed a causal link. The easier scenario is
where the prosecution have just left the case without taking any action for a substantial
period, but the more difficult cases are those where the prosecution have been making
reasonable efforts to progress the case. In relation to the cases within our interim
analysis period, magistrates in the pilot area courts have focused on this term ‘control’
and whether situations presented were within the control of the prosecution. One case,
for example, involved a container suspected to contain drugs and with fingerprints on
the container. The police sent the container to fingerprinting on the same day, but the
fingerprints section did not send the container on for forensic analysis for 16 days. The
magistrates in that case, refusing the application to extend the ITL, said that the
container should not have been held for 16 days, but, secondly, in fact the prosecution
did not need the forensic evidence to charge the young person (and he was charged and
the case proceeded).

Disclosure

Several appeals in relation to statutory time limits in our interim analysis period have
raised issues over disclosure of evidence, CCTV footage or interview tapes requested by
the defence. One appeal initiated by the defence involved an offence of criminal
damage. The interview tapes had only been passed to the defence on the morning of the
trial. The defence asked for an adjournment as there was ‘insufficient time to listen to all
the tapes’. The adjournment was granted, as was the application by the CPS to extend
the OTL. The application to extend the time limit was contested by the defence, who
subsequently appealed to the Crown Court. The Crown Court found in favour of the
defence and proceedings were stayed.

Another four appeals involved issues concerning delays in primary disclosure being
passed to the defence. In one of those appeals, involving indecent assault and other
offences against children, the court was unable to proceed with the trial as video
evidence could not be played at trial, because irrelevant information from the video had

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61 [1991] 93 Cr App. R 190, 193
63 Computer aided transcript of Smith Bernal Reporting Limited R v Kingston Crown Court and
Sutton Youth Court ex parte Marland Bell [2000] QBD.
not been edited by the CPS and a version agreed upon with the defence pre trial. The
magistrates extended the OTL because it was deemed a good and sufficient cause
to extend and the prosecution had not been the (sole) cause of the delay. The Crown Court
upheld the extension, looking in this instance to the conduct of the defence64.

Delays in disclosure and particularly access to tapes (which then need to be listened to)
can significantly extend the time course of the case, as we saw in Chapter 3. We think
that the point at which access to tapes is granted may repay further consideration. Tapes
are not currently part of the Narey advanced disclosure and it would be, practically, very
difficult for them to be available in every case at that point (the first court appearance).
However, there is then no overall agreement as to the point at which they should be
passed to the defence prior to the pre-trial review, which will be several weeks further on
and at which point all witness statements etc. also need to be ready. We wonder whether
tapes of interviews might be made available at an interim point between the first court
appearance and a pre-trial review, particularly if they are necessary to advise on plea (to
cut down on the number of full file preparations). We think it would be helpful to devise
a service level agreement/policy agreement for each area in relation to tapes of interviews
with suspects and CCTV footage.

Good and sufficient cause

In Re C65, there was a defence application for judicial review of the magistrates’ decision
to extend the OTL because there was insufficient court time to hear the case on the
allotted day (when more than one trial had been listed and was to be heard) and the
defence felt it was too late in the day for the trial to start and then go part heard. The
respondents argued that the decision made by the magistrates in this constituted good
and sufficient cause under the Act as per the guidelines laid down by the Home Office66.
The application was rejected and the extension stood. The judgment provides some
guidance for the courts as to how to proceed when faced with more than one trial in a
session, all of which are operative. Lord Justice Laws said that in his view 'the court
ought to ascertain the details of the statutory time limits respectively applicable in two or
more cases listed for a hearing before it. These time limits are laid down to fulfil the
clear legislative aim of ensuring the speedy despatch of criminal business involving young
persons. They are, thus, a very important dimension to be factored into listing
decisions'67. This suggests that if there are several trials to be heard, time limits are one
of the factors that are to be considered and that the court should be aware of them. It
does not necessarily follow that the court must ensure it hears the trial for which the
expiry date is the sooner.

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64 A recent article reported by the Law Society Gazette, looking at requests for adjournments,
indicates that defence requests amount to 24%, compared with 12% by the prosecution (Law Society
Gazette 97/43 9 November 2000 p 5 reporting the findings of the Magistrates’ Court Service
Inspectorate Annual Report 2000, entitled 'Magistrates acting to “discipline” prosecution'.
65 Computer aided transcript of Smith Bernal Reporting Limited from trial transcript: Re C [2000]
QBD 13 July 2000.
66 Statutory Time Limits – Home Office Guidance for Pilots (Home Office 1999), paragraph 45:
‘Where the court supports a defence application for an adjournment, and this puts back the start of the
trial to a date after the expiry of the time limit, this should normally represent a “good and sufficient
cause” for granting an extension to the time limit’.
67 Computer aided transcript of Smith Bernal Reporting Limited from trial transcript: Re C [2000]
QBD 13 July 2000, para 21.
In relation to court listing difficulties and whether these in themselves form good and sufficient cause for an extension of the OTL, it is interesting to note the Lord Chief Justice's judgment in *McDonald*, a custody time limit case, considered in *Re C*. Any application to extend the OTL based on listing problems - the unavailability of a judge or courtroom - may be increasingly difficult, given the Lord Chief Justice's consideration of the reasoning of Auld LJ in *R v Central Criminal ex p A bu W ardeh* [1997] and Toulson J in *R v Blair, R v Taylor*. In Blair and Taylor the case was deemed to be serious but not of exceptional complexity - it could be tried by any judge in any courtroom. However Toulson J said that he was aware that there may be situations where a particular case can only be tried by a particular class of judge where such a judge is only available at a particular trial centre.

Each case should be judged on its merits. Even where the court may deem there to be a 'good cause', the court will also need to consider whether it is 'sufficient'. Only in 'special circumstances and appropriate facts' will the unavailability of a suitable judge or courtroom be good and sufficient cause. In the case of *Norwich Crown Court, ex p Stiller* and others [1992], again a custody time limit case, the lack of a courtroom and judge was not a good and sufficient cause for an extension where no indication was given as to when such facilities would be available.

Magistrates have raised concerns when dealing with these cases and interpreting the test, as to the extent to which the seriousness of the offence should have a bearing on their decision. Referring to *McDonald* it would seem seriousness of the offence 'cannot in itself be good and sufficient cause' within the criteria laid out in s22(3)(a). However this is a custody time limit case and it might be argued that custody time limit cases involve serious offences anyway and the penalty (that the accused is released on bail) is very different from that for statutory time limits (the case is stayed). Should the test be the same for the OTL? From our interviews, it seems that there is a variation of opinion between areas as to the extent to which seriousness should have an effect on the magistrates' decision. The defence argued in *Wyatt* that the issue of seriousness cuts both ways especially where the defendant is a very young person with a serious charge hanging over him.

**Other legal and practical issues affecting the ITL**

Should there be a right of appeal in relation to applications to extend the ITL?

There were no applications to extend the initial time limit post-charge in our initial analysis period and, therefore, no appeals against extensions/ not granting of extensions of the initial time limit. There is no right of appeal against a refusal to grant an extension of an application to extend the initial time limit pre-charge. Nor has there been any application for judicial review. There is a view from the police that not having a right to appeal may deter officers from making an application to extend. We found no evidence of this, but we do think that applications to extend the ITL will continue to be almost entirely pre-charge and that it will be very difficult to provide guidance to the courts on the interpretation of the criteria without such an appeal process. We need to remember that the magistrates' role in examining the progress of the initial stage of investigation pre-charge in youth cases is a new role with, we think, rather different aspects from those considered in similar applications under the Police and Criminal Evidence Act or in

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terrorism cases, which are likely to involve almost entirely adult defendants (for example, further detention beyond the time limits set). However, the advent of the Human Rights Act 1998 will increasingly involve the courts in looking at the progress of the investigation and prosecution, because of the right to a fair and speedy trial. The question of whether there should be a right of appeal in relation to extensions of the ITL pre-charge is very much a live one in our pilot areas and we think would repay further consideration prior to any roll-out.

Absconding and the ITL

There was some initial confusion amongst some agencies in some pilot areas as to the position if a suspect absconds if he or she is bailed to return to the police station pre-charge. Section 22A(6) Prosecution of Offences Act 1985 states that, where a person escapes from arrest or a person who has been released on bail (including Part IV and s47(3) bail) fails to surrender himself or herself at the appointed time and is unlawfully at large for any period, the time limit is suspended until such time as he or she is apprehended. Hence the ITL ‘clock’ stops during periods of absconding. One obvious reason for this is that if the clock did not stop, there would be a strong incentive for offenders to abscond so that the case would be stayed.

The practical problem here has been ascertaining the period of time for which the ITL is suspended, as police IT in our areas did not permit easy extraction of details of absconds from bail back to the police station, unless the youth was arrested when found on a warrant and charged with the abscond (which was rare). Paperwork passed on to the court and CPS in our areas typically did not provide details of any period of absconding during the ITL. Police interviewees said that the extent to which they were active in pursuing youths who did not respond to their bail had not changed with the introduction of the ITL (and that some areas had never been very active in this). The suspension of the ITL ‘clock’ of course does not produce any incentive to pursue such errant offenders, though we found no sign of any intention to ‘get round’ the ITL in this way in any area.

Charging non-arrestable with arrestable offences – what happens to the ITL?

The ITL applies only where there has been an arrest. So it would seem to follow that for a non-arrestable offence where there is no power of arrest the time limit will not apply. However, it is possible for offenders to be arrested for non-arrestable offences in certain circumstances (for example, if the officer is not able to ascertain their identity) and it is common practice for offenders to be charged with a bundle of arrestable and non-arrestable offences, particularly in relation to motoring offences, following an arrest for, say, taking and driving away a motor vehicle. Our areas have generally been using the charge sheet, with its single date of arrest specified for all charges, as the vehicle for indicating the start of the ITL.

This issue arose out a case in which a defendant had been arrested for a s5 Public Order Act offence (swearing at a police officer who had stopped him for driving erratically on his motorbike) and charged with that and a number of other non-arrestable motoring offences. All the offences were shown on the same charge sheet, with the same date of arrest indicated for all. No one had noticed that the ITL was expiring until it had already been breached. When the ITL had been exceeded the CPS decided to drop the public order offence and not to reinstate it, but to proceed with the motoring offences. The grounds for proceeding were that the motoring offences were non-arrestable offences so the arrest only applied to the s5 Public Order Act offence. The difficulty lay in deciding both how to treat these cases in the context of our data collection and also the more
The substantive question of how the ITL should be considered if the offending occasion consists of a bundle of potential arrestable and non-arrestable offences. It is exacerbated by the fact that police documentation as to the nature of the offences only becomes entirely specific at the point of charge, rather than the point of arrest. One is reliant for details of the arrested offence on officers' statements, which will not all be present in the file unless a full file is prepared. The charge sheet does not currently show for which offences the defendant has been arrested and the date of arrest for each offence for which he or she has been arrested. We strongly think it needs to do so.

The difficulty stems from the fact that, prior to the introduction of the ITL, the point of charge or laying of an information was the first legal point important for the progress of the case in the courts. The relationship between charge and arrest has not had to be clarified previously. The possibilities were that we could:

- treat the charge date as the start date of the ITL for non-arrestable cases. The principle that a charge arises out of an arrest would lead to the conclusion that if these offences appeared on the charge sheet then the offender had been arrested for those offences. A number of motoring offences and other summary offences are non-arrestable. However, there is a power of arrest under PACE s25 for such offences in certain circumstances. It is often quite difficult to determine from the police documentation the whole scope of the offences for which a person has been arrested and whether s25 is applicable;

- treat all the cases on the charge sheet as having the arrest date stated on the charge sheet and treat all cases on the charge sheet as being subject to the ITL from the arrest date (which is what most of our areas were doing). However, should an application to extend the ITL be made in these circumstances the defence could take issue as to whether there had been an arrest for the non-arrestable offences;

- treat all non-arrestable offences where there had been no other circumstances permitting an arrest as not being subject to the ITL. This would require detailed examination of the police statements to find out if such circumstances were present and whether an arrest has taken place.

Taking a pragmatic view, and for the purposes of this study, after consultation with our steering group, it was decided that the best course of action was to take the ITL as applying to the whole bundle of offences from the date of arrest unless it was clear from the file that an arrest had not taken place (i.e. the second option above, which was the practice of most of the areas).

The ITL and summonses

The initial time limit of 36 days applies where a young person is arrested on or after 1 November 1999. The focus here is on the date of arrest and not the date of charge or

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70 Except in very rare circumstances, such as allegations of wrongful arrest, detention etc., which have themselves tended to focus either on the circumstances of the arrest, or on those of charge, rather than on the relationship between the two.

71 Under the Police and Criminal Evidence Act 1984 s25 a power of arrest arises in a number of circumstances including failure to furnish a satisfactory address for a summons or where the police officer has reasonable grounds to doubt a name given by a suspect.

72 Prosecution of Offences (Youth Courts Time Limits) Regulations 1999 Regulation 5
summons. It applies only where an arrest has taken place and taken place within that pilot area. It ceases to apply if the case is to be dealt with in a non-pilot area but the police are advised to monitor the time limit just in case the case has to be brought before a pilot youth court. There was some uncertainty in a few areas, as we discussed in earlier chapters, as to whether the ITL applied where an arrest had taken place and proceedings were commenced by way of summons. This again leads us to highlight the need for summons documentation to include whether the person had been arrested for the offence contained within the information. Our understanding is that the 1998 Act and the 1999 Regulations quite clearly point to the arrest being the trigger for the ITL applying, whether the case then proceeds by way of charge or summons.

Status of the ITL when a case has its first listing in a non-pilot youth court

The basic principle is that a charge against a youth or young person must be heard before a youth court73. The Children and Young Persons Act 1933 s46 (1) sets out the situations in which proceedings involving a youth should be brought before the adult court, including a youth charged with an adult and where the court is conducting remand proceedings. The research has thrown up a number of cases in which the youth was arrested in the pilot area and brought before an adult magistrates' court or a youth court outside the pilot area. A common scenario has been where a youth has been held in custody overnight and has appeared in the adult magistrates' court and then subsequently transferred to the pilot youth court, or the youth may also be charged with an adult resulting in his first appearance with the adult co-defendant in the adult magistrates' court satisfying both conditions.

In this instance the ITL would cease to apply, having no effect if the case was subsequently brought before a pilot youth court. However the OTL comes into effect once the youth appears in the pilot youth court. This would also apply if the youth had his/ her first appearance in a non pilot youth court - but only for the duration of the pilots. Upon any national roll out of the statutory time limits it would apply to all cases in all youth courts.

Other legal and practical issues affecting the OTL

Responsibility for monitoring the OTL

Another issue is who is responsible for monitoring the time limits and in particular the OTL. The case law on custody time limits indicates that the responsibility for monitoring lies with the authority bringing the application to extend, i.e. the prosecution (Prosecution of Offences ( Custody Time Limit) Regulations 1987 6(1) and reinforced by the Lord Chief Justice in Olotu v Home Office [1997]74:

Regulation 6 of the 1987 regulations makes it clear that the CPS must bring an accused person before the Crown Court shortly before expiry of a custody time limit, and it may be relieved from complying with that duty only by direction of the Crown Court. The regulation places the onus for performance of this duty squarely on the CPS, which in practice should be well placed to discharge it.75

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73 Children and Young Persons Act 1933, s46
74 Olotu v Home Office [1997] 1 All ER 385
75 Op cit., p. 393
Regulation 6 of the 1987 regulations makes it plain that the duty of ensuring that a defendant does not spend longer in custody than permitted by any relevant custody time limit is laid on the CPS.76

However, in relation to the OTL, on raising this question with our steering group, it was indicated that it would, as a matter of policy and because of the need for closer inter-agency working in criminal justice on time limits, be rather better for the CPS and Courts to monitor the limits so that they can work closely together to ensure that cases are listed before the expiry of the time limits, because the CPS cannot run the listing system and cannot in isolation ensure that every case is heard before the expiry of the OTL. This was also felt to be necessary following the decision in McDonald, discussed above, and the difficulty the court would have in justifying an extension because of listing difficulties unless there are exceptional circumstances.

Changing pleas from not guilty to guilty and then back again

The OTL runs from the listing of the youth’s first appearance in court until the date fixed for the start of trial. However, there was uncertainty among agencies on how to deal with a situation where there is a change of plea from guilty to not guilty.

One scenario involved a defendant who, on a charge of robbery, initially pleaded not guilty and a trial was fixed within the OTL. On the day of the trial the youth amended his plea to guilty and the case was adjourned for a pre-sentence report. On the next court hearing day the report was not available and the case was adjourned. At the next hearing the defendant’s solicitor withdrew from the case, as the youth was indicating a change of plea and at the next hearing after that the new solicitor confirmed the intention to amend the plea back to not guilty. The court allowed the plea in the interests of justice. The CPS queried the need to make an application to extend the OTL as the date of the trial had been fixed and so the ‘CPS had complied with the time limit’. The court decided that the OTL had been suspended during the guilty plea but reactivated upon the second not guilty plea and extended the OTL to a new, fixed trial date. Several points were raised that needed clarification. For example, did the OTL recommence on the second not guilty plea, and did the court have to take into account the amount of time between the first not guilty plea and the guilty plea? A similar situation occurred in another area where the defendant first pleaded not guilty, a trial date was set, an application to extend granted, then there was a plea of guilty but reports clearly showed that he was not guilty. The court took the view that the time remaining on the OTL would be allowed after the change of plea to not guilty. If any further time was required an extension would have to be sought.

We would argue, however, that upon a guilty plea the OTL ends. Once the OTL has ended, it has ended and it does not start again should the defendant come back and change his plea to not guilty77.

Case re-opened by magistrates: what happens to the OTL?

Section 142 of the Magistrates’ Court Act 1980 provides magistrates with the power to re-open cases to rectify their own mistakes where the defendant was convicted. There is

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76 Op cit., p. 393
77 Though this would not apply if the statutory time limits were extended to the Crown Court and there was a new indictment, when a new limit would start, as per the custody time limit case law.
no mention of re-opened cases in the legislation relating to the statutory time limits in the youth court but analogous custody time limit cases indicate that no new time limit starts upon re-opening. \(^78\) If it were to be decided that the OTL should apply to a re-opened case, then difficulties arise as to when and how the OTL would apply in these circumstances. In such proceedings the defendant is required to attend court, swear a statutory declaration, and is given a copy of documents and a date on which to reappear before the court. Would the OTL start or be resurrected when the defendant swears the statutory declaration or when he or she makes the first reappearance in court, given that the defendant has not been recharged or summoned?

Transferring cases between pilot courts in the same petty sessional division and between pilot sites - what happens to the OTL?

The legislation is not clear as to what happens to the OTL should there be a transfer between separate pilot youth courts. \(^79\) Obviously, this will only be a problem in the pilot phase, since upon any national roll-out, the limit will presumably be taken to apply to all proceedings before youth courts. Gateshead and Newcastle, for example, in our pilot areas frequently used to transfer cases between their youth courts - although, in our interim analysis period, they tended only to remit cases for sentence after conviction. From analysis of the court files the original OTL dates continued to be marked on the front sheet. There have, so far, been no problems with the time limits among these cases. If, however, for example, a young person made his or her first appearance in one court, and the case was then transferred before plea to another separate petty sessional division in the same pilot area, would the OTL continue? Is there any allowance for the time taken to transfer the case from one court to another? Would the OTL stop the day the case was transferred from one court and start once they made their first appearance in the new court? Or would a new OTL begin on that new appearance? The same issues arise for cases transferred between courts in different pilot areas.

Responsibility for informing the victim about stayed cases and extensions

It does not yet seem to have been clarified as to who has the responsibility for informing a victim of a case stayed because of a breach of the OTL or if there is an extension of the OTL. Informing the victim of a case stayed at the ITL stage, however, seems clear, in that the ITL is seen as the province of the police. In one of the cases in the interim analysis, a letter was sent to the victim by the police explaining what had happened in that particular case and why the case was not proceeding. A note on the CPS file clearly placed the responsibility of informing the victim in the hands of the police.

Another area experienced a victim contacting the court about a particular case, which had in fact been stayed (at the OTL stage) at a Crown Court appeal. The victim contacted the magistrates’ court some weeks after the staying of the case to find out what had happened. The court contacted the relevant police criminal justice unit to find out. This case raised issues for both ourselves and the agencies as to who was responsible for informing the victim about stayed cases. At the OTL stage, particularly, it seems unclear whether it would be the police or CPS who would have the responsibility of informing victims (though information about why the case had been stayed would need to either come from the CPS or be provided to another agency by the CPS). At the York inter-

\(^{78}\) Archbold 2000 para 1-270

\(^{79}\) The Regulations specify individual petty sessional divisions, but the Guidance talks about pilot areas.
agency meeting, it was thought that a policy decision needed to be taken in each pilot area concerning mechanisms for informing victims.
CHAPTER 7 OPERATING THE STATUTORY TIME LIMITS

We saw in Chapters 2 to 4 that the pilot areas, during this interim analysis period, were successfully operating the statutory time limit pilots in the vast majority of cases. Almost all cases were completing the relevant parts of their progress through the youth justice system within the specified time limits, due to very active monitoring and chasing by the relevant agencies. Our major caveat on this is that we cannot provide an adequate survey of the overall profile of cases subject to the OTL within this interim analysis period, as the longest cases will necessarily still be live and our analysis was restricted to 'dead' cases. We shall of course do so in our final report.

Experience in other countries with statutory time limits has varied. The United States Constitution has always contained the right to a speedy trial in its Sixth Amendment, though the right is subject to a 'public justice' requirement, first pronounced in 1905 in Beavers v Haubert and since confirmed in a series of cases. If continuing a trial is in the interests of public justice, the right to a speedy trial is superseded. Specific time limits were introduced in the federal courts in the Speedy Trials Act 1974 and have also developed in many state courts. The sanction is dismissal of the case, but this is subject to an 'interests of justice' proviso and the result, particularly since judges have not been required to give reasons for extending time limits, has been widespread granting of extensions and doubts as to the effectiveness of the provisions in reducing delay (Bridges 1982). In contrast, the Scottish 110 day rule governing proceedings from committal for trial to the start of the trial, has resulted in cases being brought well within that period, with only rare requests for extensions (Stoddart 1982; D ean 1985; Vennard 1985). It is clear that the English and Welsh pilot youth court projects are following far more along the lines of the Scottish experience than the US experience.

The aim of agencies has been to complete cases within the specified time period, rather than to apply for extensions to the time limits where cases were particularly complex or subject to external factors. There were many fewer applications to extend the ITL or OTL than we expected. One consequence of this relatively small number of extension applications was that those that were made acquired a major status within the area. If applications were refused, then the applying agencies felt it keenly. Because there were so few, they also found it difficult to know what would be seen by the courts as acceptable grounds for extensions, which tended to feed back into the view that making applications was a potentially perilous course. The lack of applications (and the lack of a right of appeal in relation to applications to extend the ITL pre-charge) themselves also meant few appeals and so little guidance from the higher courts to the lower courts and agencies. The paucity of applications has, in our view, contributed to the relatively long 'settling in' time that has been needed for time limits, a period that is not yet over in one or two areas.

These are initial and, hopefully, transitional problems of uncertainty as courts and agencies work with new legislation. Sometimes, however, they have overshadowed the major achievements of agencies in reducing delay. It is a very different matter to keep almost all one's cases within a time limit (the statutory time limits requirement) than to work to targets specifying average time lengths (Narey and other targets). The introduction of statutory time limits has also come at a time of other major change

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80 100 US 77 (1905).
81 The 110 days rule is specified in s.101 Criminal Procedure (Scotland) Act 1975, as amended by s.14 Criminal Justice (Scotland) Act 1980.
within youth justice, including major organisational change in the formation of YOTs and reorganisation of CPS areas, as well as the introduction of new disposals at both pre-court and sentencing stages.

The achievements in meeting the statutory time limits have come at some cost in terms of the resources needed in terms of monitoring, which has been greatest where IT systems have not been able to be easily adapted (or adapted at all) to encompass the new limits. It is very important that new IT systems to be introduced in the next few years are designed to allow time limits to be monitored, with flexibility as to exactly the level of those limits and the points of the criminal justice process which they specify.

The limits have also exposed areas of resource constraint, as growing volumes of work at particular places in the youth justice process had not kept pace with the necessary facilities and so deadlines for individual cases had lengthened. The particular pinch points have varied in different pilot areas, but have included the provision of identification parade facilities for youth parades, forensic science facilities, court rooms and CPS personnel to staff extra courts. In many areas these problems, substantial at the beginning of the pilot, are now being resolved, largely through increased flexibility by all agencies and by constant inter-agency discussion. Some problems remain. Other, more minor, difficulties are still occurring, because of the need to train new staff coming into the pilot areas or into jobs which require familiarity with the limits, or because of the interaction of different initiatives (such as the tension between the need for consultation with victims, stemming from the victim focus in the new youth justice disposals, and a strict approach to time limits, if consideration of reparation is not seen as a ground for applying for extensions). The coming into force of the Human Rights Act 1998 is obviously another factor which may impact on several areas subject to the statutory time limits. We shall be following all these developments for our final report.

Should the statutory time limits be rolled out nationally to all youth cases?

We asked all our interviewees whether, in the light of their experience with statutory time limits to date, they thought the limits should be rolled out nationally to all youth court cases. Reactions varied considerably by agency, but were generally that there should be national roll-out to youth cases. More specifically, 79% of our police interviewees, 64% of our CPS interviewees, all except one of the clerks we interviewed, all except one of our YOT interviewees and all the magistrates groups we interviewed thought there should be roll-out to youth cases nationally. People, however, pointed to the need to resolve questions of IT monitoring and resources before national roll-out, as well as the need to develop training and monitoring packages. Where resources were tight, statutory time limits had been met partially by prioritising youth cases. People were concerned about the effects of national roll-out when limits would apply to the whole of police force areas and about the effects on adult cases where youth cases had been prioritised (though they thought it was right to prioritise youth cases in relation to delay up to a certain point).

Should the statutory time limits for youth cases be the same for all youth cases?

We were asked to consider whether statutory time limits should be the same for all youth cases in the pilot areas, as they are at present, or whether different time limits might apply to different kinds of case. Particularly, we were asked to consider indictable offences versus summary offences, different ages of defendants, and persistent young offenders.
The overwhelming view from courts and agencies was that creating different time limits for different kinds of youth cases would be far too complicated and cause serious confusion: ‘we keep it simple here’ (police) and ‘it has to be workable’ (magistrate). We would agree with them. In relation to types of offence, though a few had some sympathy with longer time limits for more serious offences, people pointed to the fact that charges can change in relation to the same offending occasion. Noone felt there should be different limits for different ages. PYOs were the only group for which some felt there could be some justification for a different limit, but there was a consensus that different statutory limits, as opposed to different targets for average times, would just be unworkable, particularly in view of the extent of co-offending among young people.

**Are the current statutory time limits in youth cases set at the right levels?**

We asked our interviewees whether they thought that the limits set for the ITL, the OTL and the STL were correct. Perhaps surprisingly, most people thought they were. Although most police interviewees who agreed with the idea of the ITL at all agreed with the current figure of 36 days as being reasonable, there was some feeling that the ITL was too short, with figures of 40-50 days being mentioned, particularly to cope with bank holidays and weekends, and the limited frequency of youth court sittings in some areas. Other agencies generally felt 36 days was correct. We think it will be important to reconsider this in our final report, when people have also had experience of the main holiday periods.

There was little pressure to change the OTL, with one or two from the police/CPS saying it could be longer and a few from the courts saying it could be shorter. Equally, there was no pressure to change the STL, but really the major questions here were enforceability and the need to link up the various time limits applying to YOTs.

**Are the current penalties for breach of the time limits correct?**

Views were far more mixed in relation to the penalties for breach of the limits, not surprisingly, given that the idea of statutory time limits is in itself a culture change from the previous, more managerial indices represented by statistical averages of delays. Many were in favour of the penalties for breach of the statutory time limits. However, others were worried about the impact of cases being stayed on victims. Some saw justice as being compromised if there was staying of the case - that there had to be a penalty if time limits were breached but that the penalty would in fact fall disproportionately upon victims. However, other kinds of penalties, such as wasted costs orders or fines, had their own problems and there was no ideal alternative.

Essentially, those who disagreed with staying cases as the penalty for breach were weighing up the balance between administrative inefficiency (as they saw it) and the consequences of staying. They were seeing the balance coming down on the side of not penalising victims for the failings of agencies. The same people tended to be in favour of reinstituting cases without requiring additional evidence. They wanted more flexibility in the application of the limits - though we would argue that this view is due largely to the lack of making applications for extensions, rather than refusals of applications.

In general, all our interviewees were starting to see themselves and their agencies' working practices as correctly subject to scrutiny by the courts and themselves as accountable for their performance in individual cases, though they were still rather
nervous about it. However, they were not yet seeing delay in completing cases in terms of human rights. With the advent of the Human Rights Act 1998, it will be interesting to see whether this discussion does turn to a consideration of human rights, where case law relating to Article 6 of the European Convention on Human Rights has brought up both the rights of defendants and the rights of victims in terms of time.

The same kinds of dilemmas surfaced in the discussion over the lack of penalty for breach of the STL. People in general wanted some kind of penalty, providing that there was the possibility of extensions, but found it difficult to think what it might be. Magistrates found it particularly difficult, because they felt that, if they needed information on which to sentence, then they had to wait for that information and couldn’t proceed to sentence without it. The only suggestions were financial penalties on YOTs if breaches were due to their inefficiency, though it was doubted whether this was practical or effective.

**Should statutory time limits be extended to adult cases or other youth cases?**

Finally, we asked whether people thought the statutory time limits should be extended to adult cases. The reaction was generally positive in principle, but there were expressions of serious concern about the resource and practical implications of any rapid move to extend to adults. As one police officer in a criminal justice unit said: 'Major, major headache; you are talking about trebling the caseload!' We were in fact surprised by the extent to which people feared this was going to happen anyway very soon and it was, as a consequence, made clear at the York inter-agency meeting that extension to adults would require further piloting. The concerns were about workload, about the undoing of painfully negotiated prioritisation of youth cases, about cost, about the lack of IT systems for monitoring, about the need for longer time limits for some adult cases, about pressure on court resources and about the pressure on trial dates.

We did not ask specifically about young people in adult courts, but a few people did comment that they would like to see an extension of time limits to all youth cases, in whichever court they were tried. There were, in addition, a few pleas for an initial time limit to be extended to youth summoned cases where there had been no arrest, though this would have to be longer to allow for the information to be laid and for the summons to be served. Several people we interviewed wanted to see either a further decline in the use of summonses for young people or a time limit on summonses.

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82 The police were particularly nervous about the possibility of being sued for negligence if they had a case stayed through police inefficiency. The lack of guidance from the higher courts on criteria for extensions of the ITL, due to the lack of the ability to appeal refusals of extension pre-charge, is, we think creating uncertainty and hence concern about what grounds would be relevant, particularly in relation to more serious cases where the investigation is spread over several weeks. Relative prioritisation of investigative effort between different cases is also an uncharted area in relation to extensions. The custody time limit cases do not provide a very good comparator here.
CHAPTER 8 COSTS AND SAVINGS IN RELATION TO STATUTORY TIME LIMITS

In this final chapter, we shall look at the financial costs and savings related to the introduction of statutory time limits. We shall consider all three time limits.

The pilot of statutory time limits was designed as resource neutral. Agencies and courts were hence given no extra financial resources to implement the pilot. If, then, they had decided to make direct financial outlays to run statutory time limits - to appoint new staff to monitor, for example, or commission modifications to their software - this expenditure would have come out of their existing budgets. Not surprisingly, therefore, given that this was only an 18 month pilot, almost all agencies in fact decided to use their existing staff and to ask existing staff to undertake tasks in relation to statutory time limits, instead of or as well as their previous duties. Any modifications to software (only possible in some police forces, but not possible for other forces, the Crown Prosecution Service or the courts) were done by in-house staff.

The implication of this is that almost all the costs associated with the pilot of statutory time limits will be opportunity costs, rather than direct costs. It is always very difficult to calculate opportunity costs, because it is necessary to make assumptions about how people divide their own time and the resources at their disposal between different tasks and about how they might have divided their time were the pilot not running. If, for example, a police officer running a criminal justice unit spends two hours a week monitoring cases where the defendant has been bailed back to the police station (to ensure that no one is bailed too close to the initial time limit), what tasks has this displaced, and has an extra two hours of police officer time been employed in addition somewhere else in the force to compensate? Ernst and Young (1999) in their evaluation of the Narey pilots to reduce delay in our same six areas, decided not to try to calculate opportunity costs directly. They have produced figures in respect of additional direct costs (primarily in relation to criminal legal aid expenditure) and then estimated costs from workload surveys done for the Glidewell report for changes in file preparation. We, however, are forced to try to estimate opportunity costs, because the reallocation of people's time has been the major burden to agencies of the pilot.

The benefit of undertaking a pilot in this situation is that different areas have, as we have seen in earlier chapters, adopted rather different means of implementing the initiative in terms of the personnel and processes they have used. Each has, as far as we could tell at this stage, been 'effective' in terms of producing minimal breach of the relevant time limits. We can now look to see whether they are equal in terms of financial cost.

Our main means of estimating the amount of time that processes directly concerned with the piloting of time limits has taken has been estimates produced by agencies and personnel directly concerned. We are aware that these estimates can be inaccurate. Ernst and Young (1999), for example, concluded that 'Pilot sites were unable consistently to quantify significant ongoing costs and savings' (p. 40). However, we had ongoing and constant contact with the pilot areas and were able to see ourselves which staff were undertaking tasks associated with time limits. In addition, estimates of times taken to make applications for extension etc. in court were able to be compared between agencies and with the court files, which give the times of the start and end of appearances.

In relation to costs, the key processes which impose workloads and hence potentially opportunity costs on agencies are:
• monitoring the initial time limit
• preparing applications for extension of the initial time limit
• presenting applications for extension of the initial time limit
• monitoring the overall time limit
• preparing applications for extension of the overall time limit
• presenting applications for extension of the overall time limit
• monitoring and presenting applications for extension of the sentencing time limit (where this is done)
• implementing the pilot and training staff, including producing nationally used forms.

The key area for savings might come in any reduction in the number of appearances per case compared to the situation before the pilot started. Given that our sample of court cases is necessarily a partial one for this interim report (because we are analysing only ‘dead’ cases, and other cases were still running), we cannot calculate the overall number of appearances here. We shall deal with this in our final report. We need to note, however, that, unlike the Narey initiatives, we would not necessarily expect a saving in terms of reduced numbers of appearances from statutory time limits. It would be entirely possible for delay to be reduced as a result of statutory time limits with the same (or even an increased) number of appearances, by compressing the same appearances into a shorter time span. The benefit of reducing delay does not necessarily imply a benefit in terms of financial savings.

We consider each of these areas in detail below. First, however, we need to provide some technical details of the ways in which we have calculated the costs and the financial data upon which we are drawing.

**Data and definitions**

In calculating the costs related to each of the areas above, because of the paucity of evaluations which have attempted to calculate opportunity costs, we have been forced to rely on the methodology we have used in previous studies to calculate the cost of criminal justice (Shapland et al. 1995; 1996). Essentially, we have taken the time estimates for each person working on that stage and multiplied these by the cost of the time of that person.

Personnel costs have been taken from a variety of sources. For the police, court staff (clerks and ushers) and YOT staff, we have used ready reckoner salary scales kindly supplied by the Home Office, which give an average for each grade of staff, separately for London and for areas outside London (called 'National' in the scales). We have used the London rates for Croydon/ Bromley/ Sutton area and the outside London rates for all other pilot areas. These rates include employment on-costs at a rate of 22%. We checked these on-cost rates against the actual average salary costs and employment on-cost rates from our previous work on criminal justice staff and found that an average of 22% was appropriate (Shapland et al. 1996). For the Crown Prosecution Service, we were given salary scales by the CPS, which showed pay scales for each grade. We have calculated an average rate from these scales and have also applied an employment on-cost of 22% (again checked as being appropriate with our previous study's calculations).
The resulting costs for out of London ('Nat') and in London ('Lon') staff are shown below.

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</tr>
<tr>
<td>Chief Inspector</td>
<td>53,662</td>
<td>56,736</td>
<td></td>
</tr>
<tr>
<td>DCI</td>
<td>53,662</td>
<td>56,736</td>
<td></td>
</tr>
<tr>
<td>Inspector</td>
<td>40,089</td>
<td>42,762</td>
<td></td>
</tr>
<tr>
<td>Sergeant</td>
<td>34,364</td>
<td>37,037</td>
<td></td>
</tr>
<tr>
<td>Constable</td>
<td>28,720</td>
<td>31,393</td>
<td></td>
</tr>
<tr>
<td>Civil grade 2</td>
<td>13,753</td>
<td>15,553</td>
<td></td>
</tr>
<tr>
<td>Crown Prosecution</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SCP</td>
<td>33,488</td>
<td>36,696</td>
<td>1 Average of minimum and maximum scale</td>
</tr>
<tr>
<td>CP</td>
<td>23,426</td>
<td>24,563</td>
<td>4 Average of minimum and maximum scale for combined grades in 4:1 ratio CP : SCP</td>
</tr>
<tr>
<td>Avg CP/ SCP 4:1</td>
<td>25,438</td>
<td>26,989</td>
<td></td>
</tr>
<tr>
<td>Clerk EO GB2</td>
<td>21,631</td>
<td>22,529</td>
<td></td>
</tr>
<tr>
<td>Clerk EO GB1</td>
<td>17,095</td>
<td>18,003</td>
<td></td>
</tr>
<tr>
<td>Clerk AO GA2</td>
<td>12,940</td>
<td>13,863</td>
<td></td>
</tr>
<tr>
<td>Court Staff</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clerk</td>
<td>28,292</td>
<td>29,607</td>
<td></td>
</tr>
<tr>
<td>Usher</td>
<td>15,312</td>
<td>16,627</td>
<td></td>
</tr>
</tbody>
</table>

We need to add to these costs an element for 'indirect costs', which includes office costs (stationery, telephone, etc.), equipment, and buildings costs (heating, light, security, rent/leasing costs, rates etc.). We were advised that the 'indirect overhead' typically used in Home Office estimates would be 10% in addition to the other 22% employment on-costs. However, we are aware that different kinds of criminal justice premises have very different buildings costs and support functions (Shapland et al. 1996). We have, therefore, also gone back to our calculations of Milton Keynes criminal justice agency costs and, in each table below, we also provide separate calculations for each element of the statutory time limit costs with the Milton Keynes indirect overhead used instead of the overall 10%. The Milton Keynes indirect overhead ('MK CJA' in the tables below) varied from 10.6% for probation/social services (i.e. YOT premises) to as much as 39.6% for court staff. The percentages we are using to uplift the standard pay scales are summarised below.

<table>
<thead>
<tr>
<th>Indirect cost definitions</th>
<th>Ready reckoner salary scale including 22% employment on-costs £</th>
<th>Ready reckoner salary scale plus 10% for indirect overhead £</th>
<th>Ready reckoner salary scale plus indirect overhead % from MK CJA £</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment on-cost percentage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police</td>
<td>22%</td>
<td>22%</td>
<td>22%</td>
</tr>
<tr>
<td>Probation/ Social YOT</td>
<td>22%</td>
<td>22%</td>
<td>22%</td>
</tr>
<tr>
<td>Crown Prosecution Service</td>
<td>22%</td>
<td>22%</td>
<td>22%</td>
</tr>
<tr>
<td>Court</td>
<td>22%</td>
<td>22%</td>
<td>22%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Indirect cost percentages</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>0%</td>
<td>10%</td>
<td>34.50%</td>
</tr>
<tr>
<td>Probation/ Social YOT</td>
<td>0%</td>
<td>10%</td>
<td>10.60%</td>
</tr>
<tr>
<td>Crown Prosecution Service</td>
<td>0%</td>
<td>10%</td>
<td>30.90%</td>
</tr>
<tr>
<td>Court</td>
<td>0%</td>
<td>10%</td>
<td>39.60%</td>
</tr>
</tbody>
</table>

To calculate the costs associated with court appearances (for example, in relation to applications for extensions of time limits), we also need to use estimates of the cost of lay magistrates. All our pilot courts used almost entirely lay magistrates, rather than
stipendiary magistrates. We are very fortunate to have the very detailed work of Morgan and Russell (2000), upon which to draw. Their study, however, looked at all the work of lay magistrates. We are assuming, for the purposes of these cost estimates, that we can apply their figures to youth work. Morgan and Russell provide national estimates for lay magistrates, not only for their 'employment' cost (expenses, etc.) and training, but also for the average number of sittings each lay magistrate does in a year (41.4), the average number of appearances (cases) heard in a typical court session and the average time taken per appearance. From these we can calculate the number of lay magistrates that it would take to staff one court for a year, assuming a full bench of three lay magistrates at all times. With 510 court sessions per annum from Morgan and Russell's study, it would take 37.0 lay magistrates to staff the typical court year. The overall cost per annum would then be £18,774. The figures we are relying upon from Morgan and Russell are given below:

<table>
<thead>
<tr>
<th>The cost of lay magistrates</th>
<th>from Morgan &amp; Russell</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment cost</td>
<td>£495</td>
</tr>
<tr>
<td>Training cost</td>
<td>£13</td>
</tr>
<tr>
<td>Total cost</td>
<td>£508</td>
</tr>
<tr>
<td>Court Sessions pa</td>
<td>510</td>
</tr>
<tr>
<td>Lay Mag Sittings pa</td>
<td>41.4</td>
</tr>
<tr>
<td>Lay Mags per court</td>
<td>3</td>
</tr>
<tr>
<td>Cost per session</td>
<td>£37</td>
</tr>
<tr>
<td>Cost per appearance</td>
<td>£4</td>
</tr>
<tr>
<td>Cost pa</td>
<td>£18,774</td>
</tr>
</tbody>
</table>

The final element to calculate the cost of court work is to estimate the cost of providing defence legal services. We have used the figures for the cost of criminal legal aid bills for 1999-2000, provided for us by the Lord Chancellor's Department Legal Aid Division. These divide 'bills paid' into a number of categories. Category 1 is guilty pleas, uncontested summary proceedings etc. We have assumed that applications for extension of the initial time limit and sentencing proceedings would fall under this category. Category 2 is contested trials, cracked trials etc. Since applications for extension of the overall time limit almost entirely not only relate to trials, but generally occur when a fixed trial cannot go ahead because of the absence of key witnesses etc., we have assumed that these applications should take this category. For each category, a lower standard rate and a higher standard rate are given. We have taken a weighted average of the lower and higher standard fees, according to the numbers of bills paid on each in that year. The figures we are using are given below:

<table>
<thead>
<tr>
<th>Criminal Legal Aid definitions</th>
<th>Lower</th>
<th>Higher</th>
<th>Weighted Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard Category 1 fees</td>
<td>£232.15</td>
<td>£508.75</td>
<td>£267.36</td>
</tr>
<tr>
<td>Number</td>
<td>231,776</td>
<td>26,042</td>
<td></td>
</tr>
<tr>
<td>Standard Category 2 fees</td>
<td>£408.71</td>
<td>£907.71</td>
<td>£518.67</td>
</tr>
<tr>
<td>Number</td>
<td>76,925</td>
<td>21,742</td>
<td></td>
</tr>
</tbody>
</table>

Each 'bill', however, represents the work done for that defendant on that case over all appearances for which the legal aid certificate is granted. Moreover, these figures are national figures for all kinds of cases, including both adult and youth cases. The number
of appearances per case for adult cases is likely to be considerably higher than the number of appearances in our pilot youth courts (particularly given the changes wrought by the Narey initiatives and the potential changes produced by statutory time limits). The recent work by Pleasence and Quirk (2001) profiling a sample of criminal legal aid cases shows that there were 3.5 appearances per bill in their sample. We have taken that figure to be applicable to the national figures. The difference between that and our youth cases from our interim report data can be seen below. The lower number of appearances for the youth cases after the introduction of the statutory time limits and the Narey reforms is striking.

<table>
<thead>
<tr>
<th></th>
<th>Appearances per case per legal aid bill</th>
<th>Appearances per case in study area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside</td>
<td>3.50</td>
<td>2.99</td>
</tr>
<tr>
<td>Blackburn/Burnley</td>
<td>3.50</td>
<td>1.59</td>
</tr>
<tr>
<td>Northamptonshire</td>
<td>3.50</td>
<td>2.00</td>
</tr>
<tr>
<td>North Staffs</td>
<td>3.50</td>
<td>2.69</td>
</tr>
<tr>
<td>North Wales</td>
<td>3.50</td>
<td>1.69</td>
</tr>
<tr>
<td>Croy/Brom/Sut</td>
<td>3.50</td>
<td>1.92</td>
</tr>
</tbody>
</table>

Finally, before turning to the calculations of costs for each process associated with statutory time limits, we need to define the employment year and the court year we shall be using. This is because we need to set the time that people take to monitor the time limits and the amount of court time an application to extend takes in the context of people's total paid working time and the overall court sitting hours. We show below the parameters we have used for the employment year (for those criminal justice personnel who are employed) and the court sitting year.

**Employment year definitions**

- Weeks in year: 45.0
- Hours in week: 37.5
- Hence hours in person year: 1687.5

**Court sitting year definitions**

- Weeks in year: 51.0
- Hours in week: 30.0
- Hours sitting per day: 6.0
- Hours per year: 1530.0
- Sessions per week: 10

We also need to specify the number of court sessions a CPS prosecutor will normally attend in one week, so that we can work out how many prosecutors would be needed to staff our notional court year. The CPS Management Audit Services Department told us that a prosecutor will, on average, attend 6 morning or afternoon sessions a week, with a notional week being 10 sessions.

We can now work out the overall cost of a youth court sitting for our notional youth court year. We have taken our youth court as comprising three youth magistrates, a clerk (who we are taking as attending all 10 court sessions a week), a prosecutor at SCP level, a liaison person from the YOT and an usher (at the grade equivalent to ushers in our Milton Keynes Criminal Justice Audit: Shapland et al. 1996). The cost for each area is shown below in Table 8.1.
Monitoring the ITL

We can now proceed to calculate the cost of each element relating to statutory time limits. First, we shall look at the cost of monitoring the ITL, on an annual basis, in each pilot area. The effort it takes to monitor the ITL has already been discussed in Chapter 2. However, each area had set up slightly different monitoring mechanisms, using different grades of officer. The proportion of those officers’ or clerical staff members’ time used to monitor is shown below. We should stress that these estimates were those directly made in interviews with us by the officers in charge of monitoring the ITL in each area. The duties were done in addition to previous duties in all areas except Croydon/ Bromley/ Sutton, where administrative staff had been directly employed at the time that the statutory time limits were introduced, primarily because of those limits. The estimates are shown below.

<table>
<thead>
<tr>
<th>Area</th>
<th>Type of staff and time used to monitor the ITL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside</td>
<td>1 hr per week for each sergeant supervisor (there are six supervisors), plus one hour per week of Chief Inspector at headquarters</td>
</tr>
<tr>
<td>Blackburn/ Burnley</td>
<td>Burnley: 1 day per week for Sergeant; Blackburn 1 hr per week for Sergeant</td>
</tr>
<tr>
<td>Northants</td>
<td>total of 1.25 constables per week over three Criminal Justice Units</td>
</tr>
<tr>
<td>N Staffs</td>
<td>each officer in case (say constable) monitors, so say 10mins per case. 1,424 arrests in 6 months.</td>
</tr>
<tr>
<td>N Wales</td>
<td>Llandudno: say 1hr/ day of Sergeant; Caernarfon 1hr/ week of Sergeant; Holyhead 1hr/ week of Sergeant</td>
</tr>
<tr>
<td>Croy/ Brom/ Sutton</td>
<td>Croydon: recruited case clerk say 0.9person at AO grade; Bromley: say 2hrs per week of Sergeant; Sutton: 2 law clerks at AO grade</td>
</tr>
</tbody>
</table>
Table 8.1 The annual cost of a court

<table>
<thead>
<tr>
<th>Area</th>
<th>People</th>
<th>Salary scale or Annual cost £</th>
<th>Nat or Lon</th>
<th>Time Prop’n</th>
<th>Ready reckoner salary scale including 22% employment on-costs £</th>
<th>Ready reckoner salary scale plus 10% for indirect overhead £</th>
<th>Ready reckoner salary scale plus indirect overhead % from MK CJA £</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside Lay magistrates</td>
<td>18,774</td>
<td>1</td>
<td>1</td>
<td>18,774</td>
<td>18,774</td>
<td>18,774</td>
<td>18,774</td>
</tr>
<tr>
<td>Clerk</td>
<td>28,292</td>
<td>Nat 0.9066666667</td>
<td>25,651</td>
<td>28,217</td>
<td>35,809</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CPS SCP</td>
<td>25,438</td>
<td>Nat 1.511111111</td>
<td>38,440</td>
<td>42,284</td>
<td>50,317</td>
<td></td>
<td></td>
</tr>
<tr>
<td>YOT liaison</td>
<td>24,332</td>
<td>0.9066666667</td>
<td>22,061</td>
<td>24,267</td>
<td>24,399</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Usher</td>
<td>15,312</td>
<td>0.9066666667</td>
<td>13,883</td>
<td>15,271</td>
<td>19,381</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total per annum</td>
<td></td>
<td></td>
<td>118,809</td>
<td>128,813</td>
<td>148,680</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blackburn/ Burnley Lay magistrates</td>
<td>18,774</td>
<td>1</td>
<td>1</td>
<td>18,774</td>
<td>18,774</td>
<td>18,774</td>
<td>18,774</td>
</tr>
<tr>
<td>Clerk</td>
<td>28,292</td>
<td>Nat 0.9066666667</td>
<td>25,651</td>
<td>28,217</td>
<td>35,809</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CPS SCP</td>
<td>25,438</td>
<td>Nat 1.511111111</td>
<td>38,440</td>
<td>42,284</td>
<td>50,317</td>
<td></td>
<td></td>
</tr>
<tr>
<td>YOT liaison</td>
<td>24,332</td>
<td>0.9066666667</td>
<td>22,061</td>
<td>24,267</td>
<td>24,399</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Usher</td>
<td>15,312</td>
<td>0.9066666667</td>
<td>13,883</td>
<td>15,271</td>
<td>19,381</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total per annum</td>
<td></td>
<td></td>
<td>118,809</td>
<td>128,813</td>
<td>148,680</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northamptonshire Lay magistrates</td>
<td>18,774</td>
<td>1</td>
<td>1</td>
<td>18,774</td>
<td>18,774</td>
<td>18,774</td>
<td>18,774</td>
</tr>
<tr>
<td>Clerk</td>
<td>28,292</td>
<td>Nat 0.9066666667</td>
<td>25,651</td>
<td>28,217</td>
<td>35,809</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CPS SCP</td>
<td>25,438</td>
<td>Nat 1.511111111</td>
<td>38,440</td>
<td>42,284</td>
<td>50,317</td>
<td></td>
<td></td>
</tr>
<tr>
<td>YOT liaison</td>
<td>24,332</td>
<td>0.9066666667</td>
<td>22,061</td>
<td>24,267</td>
<td>24,399</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Usher</td>
<td>15,312</td>
<td>0.9066666667</td>
<td>13,883</td>
<td>15,271</td>
<td>19,381</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total per annum</td>
<td></td>
<td></td>
<td>118,809</td>
<td>128,813</td>
<td>148,680</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Staffs Lay magistrates</td>
<td>18,774</td>
<td>1</td>
<td>1</td>
<td>18,774</td>
<td>18,774</td>
<td>18,774</td>
<td>18,774</td>
</tr>
<tr>
<td>Clerk</td>
<td>28,292</td>
<td>Nat 0.9066666667</td>
<td>25,651</td>
<td>28,217</td>
<td>35,809</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CPS SCP</td>
<td>25,438</td>
<td>Nat 1.511111111</td>
<td>38,440</td>
<td>42,284</td>
<td>50,317</td>
<td></td>
<td></td>
</tr>
<tr>
<td>YOT liaison</td>
<td>24,332</td>
<td>0.9066666667</td>
<td>22,061</td>
<td>24,267</td>
<td>24,399</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Usher</td>
<td>15,312</td>
<td>0.9066666667</td>
<td>13,883</td>
<td>15,271</td>
<td>19,381</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total per annum</td>
<td></td>
<td></td>
<td>118,809</td>
<td>128,813</td>
<td>148,680</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Wales Lay magistrates</td>
<td>18,774</td>
<td>1</td>
<td>1</td>
<td>18,774</td>
<td>18,774</td>
<td>18,774</td>
<td>18,774</td>
</tr>
<tr>
<td>Clerk</td>
<td>28,292</td>
<td>Nat 0.9066666667</td>
<td>25,651</td>
<td>28,217</td>
<td>35,809</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CPS SCP</td>
<td>25,438</td>
<td>Nat 1.511111111</td>
<td>38,440</td>
<td>42,284</td>
<td>50,317</td>
<td></td>
<td></td>
</tr>
<tr>
<td>YOT liaison</td>
<td>24,332</td>
<td>0.9066666667</td>
<td>22,061</td>
<td>24,267</td>
<td>24,399</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Usher</td>
<td>15,312</td>
<td>0.9066666667</td>
<td>13,883</td>
<td>15,271</td>
<td>19,381</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total per annum</td>
<td></td>
<td></td>
<td>118,809</td>
<td>128,813</td>
<td>148,680</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Croy/ Brom/ Sut Lay magistrates</td>
<td>18,774</td>
<td>1</td>
<td>1</td>
<td>18,774</td>
<td>18,774</td>
<td>18,774</td>
<td>18,774</td>
</tr>
<tr>
<td>Clerk</td>
<td>29,607</td>
<td>Lon 0.9066666667</td>
<td>26,844</td>
<td>29,528</td>
<td>37,474</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CPS SCP</td>
<td>26,989</td>
<td>Lon 1.511111111</td>
<td>40,784</td>
<td>44,862</td>
<td>53,386</td>
<td></td>
<td></td>
</tr>
<tr>
<td>YOT liaison</td>
<td>24,332</td>
<td>0.9066666667</td>
<td>22,061</td>
<td>24,267</td>
<td>24,399</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Usher</td>
<td>16,627</td>
<td>0.9066666667</td>
<td>15,075</td>
<td>16,583</td>
<td>21,045</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total per annum</td>
<td></td>
<td></td>
<td>123,538</td>
<td>134,014</td>
<td>155,078</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This is the sole example of direct recruitment, as opposed to opportunity costs, that we found. However, not all the time of the clerks was taken up with statutory time limits.
The cost of monitoring the ITL in each area is shown in Table 8.2. Depending on the assumptions we make about indirect costs, we can see that the cost per area varied between about £7,000 and £46,400 per year on the lower estimate of indirect costs, or between about £8,600 and £56,700 on the higher estimate of indirect costs.

We would expect the cost of monitoring to vary with the size of the area and so the numbers of cases requiring monitoring. The areas with the higher numbers of arrests were Tyneside (with 5,378 over six months - see Table 1.1), Croydon/Bromley/Sutton (with 2,739), North Wales (with 2,096) and Northants (with 1,812). North Staffordshire had 1,424 arrests and Blackburn/Burnley 792. We would also expect the cost of monitoring to be higher if more police stations or criminal justice units are involved, since each site will require the person monitoring to log on or fetch the data etc. It will also depend upon the crime profile and arrest disposal profile, since clearly where it is necessary to bail back to the police station, cases will require greater monitoring.

However, Tyneside, though having the largest number of arrests, had one of the lowest costs. We think this is because of the efficacy of their IT monitoring system, which, alone of the areas, allowed them to programme an ITL monitoring check onto their system early on, so that headquarters staff and criminal justice unit staff could run simple checks to find any cases where defendants were being, for example, bailed dangerously close to the ITL. The other area with some bespoke IT backup was North Wales, which again showed a low cost, despite not having a particularly low number of arrests.

Those forces having to rely on manual systems had much higher costs. Northamptonshire monitoring was at the cost of around £13 per arrest on the higher estimate of indirect costs, whereas that for Croydon/Bromley/Sutton was around £10 per arrest. Both these forces are also, of course, operating over several criminal justice area bases. This compares with Tyneside's costs at just less than £1 per arrest and North Wales at £2 per arrest. Blackburn/Burnley was at about £6.50 per arrest and North Staffordshire at about £4. There seems to be a clear trade-off between the flexibility of IT (which itself of course comes at a price) and the cost of monitoring. We think this is because where suitable IT has not been developed, not only does the (relatively costly) time of police officers have to be used, but officers have less certainty that they have picked up all potentially problematic cases and so may feel they need to check and recheck cases.
The ongoing monitoring task is not the only cost related to the ITL. There may be costs related to more speedy investigation. For example, prioritising forensic evidence may mean that a higher cost is charged to the police force by the Forensic Science Service for that piece of work. Increasing prioritisation by the Service of youth cases, particularly PYOs, may, however, be obviating some of this need. It is also difficult to ascribe such higher costs solely to statutory time limits. They are likely to be incurred in serious cases, where the force may be likely to ask for a more speedy delivery of forensic results in any event. We were unable to quantify the additional effect of the ITL in such cases, though some of the police officers we interviewed told us it had occurred. Any such costs are not included in our estimates.

Another possible effect of speeding up investigation is that it may, periodically, affect the availability of officers for other duties. However, since the investigation work and the other duties will all need to occur at some stage, this is not a cost effect per se, but a matter of there being potentially pressure on resources, as officers may be less able to break off from their investigation to attend to other matters. It is a question of prioritisation, rather than a question of cost.

### Preparing applications for extension of the ITL

Definite costs associated with the introduction of the ITL are those associated with preparing and making applications for extension of the ITL. The costs for each area in relation to preparing applications are shown in Table 8.3. The estimates of time required, from which Table 8.3 was prepared, are shown below

<table>
<thead>
<tr>
<th>Area</th>
<th>People Description</th>
<th>Salary scale or Annual cost £</th>
<th>Nat or Lon</th>
<th>Hours per Person Week</th>
<th>Time Proportion</th>
<th>Ready reckoner salary scale including 22% employment on-costs £</th>
<th>Ready reckoner salary scale plus 10% for indirect overhead £</th>
<th>Ready reckoner salary scale plus indirect overhead % from MK CJA £</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside</td>
<td>Chief Inspector</td>
<td>53,662</td>
<td>Nat</td>
<td>1</td>
<td>0.027</td>
<td>1,449</td>
<td>1,594</td>
<td>1,949</td>
</tr>
<tr>
<td></td>
<td>Sergeant</td>
<td>34,364</td>
<td>Nat</td>
<td>6</td>
<td>0.16</td>
<td>5,498</td>
<td>6,048</td>
<td>7,395</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6,947</td>
<td>7,642</td>
<td>9,344</td>
</tr>
<tr>
<td>Blackburn/Burnley</td>
<td>Sergeant</td>
<td>34,364</td>
<td>Nat</td>
<td>8.5</td>
<td>0.227</td>
<td>7,801</td>
<td>8,581</td>
<td>10,492</td>
</tr>
<tr>
<td>Northamptonshire</td>
<td>Constable</td>
<td>28,720</td>
<td>Nat</td>
<td>46.25</td>
<td>1.233</td>
<td>35,412</td>
<td>38,953</td>
<td>47,629</td>
</tr>
<tr>
<td>North Staffs</td>
<td>Constable</td>
<td>28,720</td>
<td>Nat</td>
<td>10.5</td>
<td>0.28</td>
<td>8,042</td>
<td>8,846</td>
<td>10,816</td>
</tr>
<tr>
<td>North Wales</td>
<td>Sergeant</td>
<td>34,364</td>
<td>Nat</td>
<td>7</td>
<td>0.187</td>
<td>6,426</td>
<td>7,069</td>
<td>8,643</td>
</tr>
<tr>
<td>Croy/Brom/Sut</td>
<td>Sergeant</td>
<td>37,037</td>
<td>Lon</td>
<td>2</td>
<td>0.053</td>
<td>1,963</td>
<td>2,159</td>
<td>2,640</td>
</tr>
<tr>
<td></td>
<td>AO</td>
<td>13,863</td>
<td>Lon</td>
<td>108.75</td>
<td>2.9</td>
<td>40,201</td>
<td>44,221</td>
<td>54,071</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>42,164</td>
<td>46,380</td>
<td>56,711</td>
</tr>
<tr>
<td>Area</td>
<td>Type of staff and time used to prepare one application for extension of the ITL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------</td>
<td>----------------------------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tyneside</td>
<td>Officer in the case (say constable) 0.67hrs; sergeant 0.083hrs; inspector 0.05hrs; typing (civilian gd 2) 0.17hrs; Senior Crown Prosecutor 0.35hrs.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blackburn/Burnley</td>
<td>Sergeant 2.0 hrs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northants</td>
<td>Officer in the case (say constable) 0.5hrs; typing (civilian gd 2) 0.5hrs.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N Staffs</td>
<td>Officer in the case (say constable) 0.45hrs; inspector criminal justice 0.33hrs.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N Wales</td>
<td>Officer in the case (say constable) 0.17 hrs.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Croy/Brom/Sutt</td>
<td>Officer in the case (say constable) 1.0hr; sergeant 0.25hrs; DCI 0.17hrs (average of procedures in each division).</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Most of these costs fell on the police. The CPS was only involved in Tyneside (where they presented applications for extension and so needed to prepare this presentation). In all other areas, at the time of writing this interim report, the CPS was not involved in applications for extension of the ITL. We give the figures as the cost per application and also as the cost per annum for each area, based on the number of applications made during the period of analysis for this interim report\(^83\). We have noted in Chapter 2 how few applications for extension were made in any force. The result of this is that there seemed to be little possibility for routinisation of the process of preparation, given that each officer in charge of the application would have found it a very rare event.

The costs vary considerably by force, largely as a result of the extent of supervision checking put in place. The lowest estimates per application were from North Wales at £143.22 on our lower estimate of indirect costs, or £175.12 on the higher estimate. The highest per application were in Blackburn/Burnley (but they had not had any actual applications during our period of analysis, so these figures are more hypothetical), Croydon/ Bromley/ Sutton and Tyneside, all of which were over £1,000 per application. Croydon/ Bromley/ Sutton was £1,475.38 on our lower estimate of indirect costs and £1,804.00 on our higher estimate.

The annual cost then depends considerably on the number of applications being made, but varies from the low hundreds of pounds to £17,704 (on our lower estimate of indirect costs) or £21,648 (on our higher estimate).

\(^83\) Clearly, if there was more than one application on a case, we have counted each application as a separate one for the purposes of this costing. However, it is possible that less preparation time is needed for further applications, since chronologies, etc. will already have been prepared.
Table 8.3 The cost of preparing applications for extension of the ITL for each force

<table>
<thead>
<tr>
<th>Area</th>
<th>People</th>
<th>Salary Scale £</th>
<th>Nat or Lon</th>
<th>Hours per Person</th>
<th>Ready reckoner salary scale including 22% employment on-costs £</th>
<th>Ready reckoner salary scale plus 10% for indirect overhead £</th>
<th>Ready reckoner salary scale plus indirect overhead % from MK CJA (£)</th>
<th>Number of applications</th>
<th>Annual time proportion of person based on number of applications</th>
<th>Ready reckoner salary scale including 22% employment on-costs (£)</th>
<th>Ready reckoner salary scale plus 10% for indirect overhead £</th>
<th>Ready reckoner salary scale plus indirect overhead % from MK CJA (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside</td>
<td>Inspector</td>
<td>40,099</td>
<td>Nat</td>
<td>0.05</td>
<td>53.45</td>
<td>58.30</td>
<td>71.89</td>
<td>12</td>
<td>0.0147</td>
<td>641</td>
<td>706</td>
<td>863</td>
</tr>
<tr>
<td></td>
<td>Sergeant</td>
<td>34,364</td>
<td>Nat</td>
<td>0.083</td>
<td>76.06</td>
<td>83.66</td>
<td>102.30</td>
<td>12</td>
<td>0.0243</td>
<td>913</td>
<td>1,004</td>
<td>1,228</td>
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<tr>
<td></td>
<td>Constable</td>
<td>28,720</td>
<td>Nat</td>
<td>0.67</td>
<td>513.13</td>
<td>564.44</td>
<td>690.16</td>
<td>12</td>
<td>0.1965</td>
<td>6,158</td>
<td>6,773</td>
<td>8,282</td>
</tr>
<tr>
<td></td>
<td>SCP</td>
<td>25,438</td>
<td>Nat</td>
<td>0.33</td>
<td>223.85</td>
<td>246.24</td>
<td>301.08</td>
<td>12</td>
<td>0.0968</td>
<td>2,686</td>
<td>2,955</td>
<td>3,613</td>
</tr>
<tr>
<td></td>
<td>Civil Grade 2</td>
<td>13,753</td>
<td>Nat</td>
<td>0.17</td>
<td>62.35</td>
<td>68.58</td>
<td>83.86</td>
<td>12</td>
<td>0.0499</td>
<td>748</td>
<td>823</td>
<td>1,006</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>928.68</td>
<td>1,021.72</td>
<td>1,249.29</td>
<td>11,146</td>
<td>12,261</td>
<td>14,902</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blackburn/ Burnley</td>
<td>Sergeant</td>
<td>34,364</td>
<td>Nat</td>
<td>2.00</td>
<td>1,832.75</td>
<td>2,016.02</td>
<td>2,465.04</td>
<td>0</td>
<td>0.0000</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>1,832.75</td>
<td>2,016.02</td>
<td>2,465.04</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northamptonshire</td>
<td>Constable</td>
<td>28,720</td>
<td>Nat</td>
<td>0.5</td>
<td>382.93</td>
<td>421.23</td>
<td>515.05</td>
<td>22</td>
<td>0.2933</td>
<td>8,425</td>
<td>9,267</td>
<td>11,331</td>
</tr>
<tr>
<td></td>
<td>Civil Grade 2</td>
<td>13,753</td>
<td>Nat</td>
<td>0.5</td>
<td>183.37</td>
<td>201.71</td>
<td>246.64</td>
<td>22</td>
<td>0.2933</td>
<td>4,034</td>
<td>4,438</td>
<td>5,426</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>566.30</td>
<td>622.94</td>
<td>761.69</td>
<td>12,459</td>
<td>13,705</td>
<td>16,757</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Staffs</td>
<td>Inspector</td>
<td>40,099</td>
<td>Nat</td>
<td>0.33</td>
<td>352.78</td>
<td>388.06</td>
<td>474.49</td>
<td>2</td>
<td>0.0176</td>
<td>706</td>
<td>776</td>
<td>949</td>
</tr>
<tr>
<td></td>
<td>Constable</td>
<td>28,720</td>
<td>Nat</td>
<td>0.45</td>
<td>344.64</td>
<td>379.10</td>
<td>463.54</td>
<td>2</td>
<td>0.0240</td>
<td>609</td>
<td>758</td>
<td>927</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>697.42</td>
<td>767.16</td>
<td>938.03</td>
<td>1,395</td>
<td>1,534</td>
<td>1,876</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Wales</td>
<td>Constable</td>
<td>28,720</td>
<td>Nat</td>
<td>0.17</td>
<td>130.20</td>
<td>143.22</td>
<td>175.12</td>
<td>3</td>
<td>0.0136</td>
<td>391</td>
<td>430</td>
<td>525</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>130.20</td>
<td>143.22</td>
<td>175.12</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Croy/ Brom/ Sut.</td>
<td>DCI</td>
<td>56,736</td>
<td>Lon</td>
<td>0.17</td>
<td>257.20</td>
<td>282.92</td>
<td>345.94</td>
<td>12</td>
<td>0.0544</td>
<td>3,096</td>
<td>3,395</td>
<td>4,151</td>
</tr>
<tr>
<td></td>
<td>Sergeant</td>
<td>37,037</td>
<td>Lon</td>
<td>0.25</td>
<td>246.91</td>
<td>271.60</td>
<td>332.10</td>
<td>12</td>
<td>0.0800</td>
<td>2,963</td>
<td>3,259</td>
<td>3,986</td>
</tr>
<tr>
<td></td>
<td>Constable</td>
<td>31,303</td>
<td>Lon</td>
<td>1.00</td>
<td>837.15</td>
<td>920.86</td>
<td>1,125.96</td>
<td>12</td>
<td>0.3200</td>
<td>10,046</td>
<td>11,050</td>
<td>13,512</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>1,341.26</td>
<td>1,475.38</td>
<td>1,804.00</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: Indirect cost assumption includes 22% employment on-costs.
**Presenting applications for extension of the ITL**

We can carry out a similar exercise in relation to the costs for actually presenting the application for extension at court. The costs are shown in Table 8.4 and the estimates of time involved (all of which are opportunity costs, in that noone was directly recruited for this purpose) are given below. We are assuming that defendants were represented at each of these applications, but this was not always the case, as we saw in Chapter 2. There are no additional costs for CPS presentation of applications, because a CPS lawyer would be present at court at this time in any event and so these costs are included in the general court costs. Where procedures differed in different parts of the pilot area, we have averaged the relevant costs. We have not included any travel time for officers to attend court or wait for other matters to finish in these estimates. In some areas, this is considerable – but we cannot easily estimate it. Hence these figures must be regarded as minimum costs.

<table>
<thead>
<tr>
<th>Area</th>
<th>Type of staff and time used to make one application for extension of the ITL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside</td>
<td>Court 0.25hrs; defence solicitor; officer in the case (say constable) 0.25hrs</td>
</tr>
<tr>
<td>Blackburn/ Burnley</td>
<td>Court 0.25 hrs; defence solicitor; Chief Inspector or sergeant (say Chief Inspector) 0.25hrs;</td>
</tr>
<tr>
<td>Northants</td>
<td>Court 0.25 hrs; defence solicitor; inspector 0.25hrs</td>
</tr>
<tr>
<td>N Staffs</td>
<td>Court 0.33hrs; defence solicitor; officer in the case (say constable) 0.17hrs; inspector 0.33hrs</td>
</tr>
<tr>
<td>N Wales</td>
<td>Court 0.17hrs; defence solicitor; officer in the case (say constable) or sergeant 0.17 hrs</td>
</tr>
<tr>
<td>Croy/ Brom/ Sutt</td>
<td>Court 0.42hrs; defence solicitor; officer in the case (say constable)/ inspector (depending on division)</td>
</tr>
</tbody>
</table>

The costs depend both on the amount of time that applications take and on the procedures being used. In some areas, as we discussed in Chapter 2, the officer in the case would be present to give evidence or present the application. In other areas, applications were done solely by the criminal justice specialist staff. As is clear from Table 8.4, the cost per application is highly weighted by defence costs (because the preparation cost for defence work is loaded onto the court presentation and not shown separately in the prosecution presentation section). Since these are national costs, there is little variation between areas.

The cost per application for presentation of the ITL application to extend was around £107 in each area on our lower estimate of indirect costs and around £112 on our higher estimate. The annual cost where there were applications varied from £464 to around £4,600 on our lower estimate of indirect costs, with the equivalent figures for the higher estimate being from £500 to about £4,800.
Table 8.4 Presenting applications for extension of the ITL

<table>
<thead>
<tr>
<th>Area</th>
<th>People</th>
<th>Salary scale or Annual cost £</th>
<th>Nat or Lon</th>
<th>Hours per application</th>
<th>Ready reckoner salary scale including 22% employment on-costs (£)</th>
<th>Ready reckoner salary scale + 10% for indirect overhead £</th>
<th>Ready reckoner salary scale + indirect overhead % from MKCJA (£)</th>
<th>No of Apps</th>
<th>Period of sample Months</th>
<th>Calculated annual applications</th>
<th>Annual time proportion of person based on number of applications</th>
<th>Ready reckoner salary scale including 22% employment on-costs (£)</th>
<th>Ready reckoner salary scale plus 10% for indirect overhead (£)</th>
<th>Ready reckoner salary scale plus indirect overhead % from MKCJA (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside</td>
<td>The Court</td>
<td>0.25</td>
<td>19.41</td>
<td>21.03</td>
<td>24.29</td>
<td>12</td>
<td>5</td>
<td>28.8</td>
<td>0.0047</td>
<td>559</td>
<td>606</td>
<td>707</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Defence solicitor</td>
<td>76.39</td>
<td>76.39</td>
<td>76.39</td>
<td>12</td>
<td>5</td>
<td>28.8</td>
<td>n/a</td>
<td>2,200</td>
<td>2,200</td>
<td></td>
<td>2,200</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Constable</td>
<td>28,720 Nat 0.25</td>
<td>4.25</td>
<td>4.66</td>
<td>5.72</td>
<td>12</td>
<td>5</td>
<td>28.8</td>
<td>0.0043</td>
<td>123</td>
<td>135</td>
<td>161</td>
<td></td>
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<tr>
<td></td>
<td>Total</td>
<td></td>
<td>100.06</td>
<td>102.12</td>
<td>106.40</td>
<td></td>
<td></td>
<td></td>
<td>2,882</td>
<td>2,941</td>
<td>3,065</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blackburn/Burnley</td>
<td>The Court</td>
<td>0.25</td>
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102
The cost of monitoring the OTL

From the ITL, we can turn to the OTL. Here the costs fall primarily on the CPS and the courts, rather than the police. The estimates of the time it takes to monitor the OTL are shown below and the relevant costs in Table 8.5.

<table>
<thead>
<tr>
<th>Area</th>
<th>Type of staff and time used to monitor the OTL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside</td>
<td>1 hr per day for gd A2 staff in CPS; 2 min per case court time (1,610 cases over 5 months)</td>
</tr>
<tr>
<td>Blackburn/</td>
<td>1.5 hrs per week for Senior Crown Prosecutor; 1 hr/ day for EO gd B1 CPS; 2 min per case court time</td>
</tr>
<tr>
<td>Burnley</td>
<td>(951 cases over 6 months)</td>
</tr>
<tr>
<td>Northants</td>
<td>Third of time of EO gd B2 CPS; 5 min per case court time (1,723 cases over 6 months)</td>
</tr>
<tr>
<td>N Staffs</td>
<td>Half a day a week of AO gd A CPS; ½ hr per day of EO gd B CPS; 2 min per case court time (965 cases</td>
</tr>
<tr>
<td></td>
<td>over 6 months)</td>
</tr>
<tr>
<td>N Wales</td>
<td>½ hr per week Senior Crown Prosecutor; 2 min per case one area AO gd A CPS; 2 min per case court time</td>
</tr>
<tr>
<td></td>
<td>(714 cases over 4 months)</td>
</tr>
<tr>
<td>Croy/Brom/</td>
<td>50 min per day EO gd B CPS; 30 min per week EO gd B CPS; 2 min per case court time (1,030 cases over 5</td>
</tr>
<tr>
<td>Sutt</td>
<td>months)</td>
</tr>
</tbody>
</table>

As we discuss in Chapter 3, the CPS were monitoring all cases for compliance with the OTL and also to know when to send out notices to the court and defence warning them that an application to extend the OTL might be made. Much of this was manual monitoring, because it was not possible to do it through automatic means on the software available to the CPS. Clerks were also monitoring the OTL at each appearance at court, though this would normally be a rapid glance at the file, since the date of expiry of the OTL was written on the file at or before the first appearance.

As can be seen from Table 8.5, the annual costs of monitoring for the CPS and courts ranged from £11,655 to £56,285 per area on our lower estimate of indirect costs, and between £13,506 and £65,250 per area on our higher estimate of indirect costs. This is of the same order of magnitude, but slightly higher, than the cost of monitoring the ITL. The cost is, however, spread over two agencies with the OTL.

The question is then whether to add in defence costs in monitoring the OTL and in what way. It is very difficult to know how to do this, as the only figures for defence work we have are per case – and we can then estimate a cost per appearance (see above). What we have done is to assume that they spend about 2 min per appearance also monitoring the OTL and calculated the cost of this by proportioning down the average number of minutes per appearance as calculated nationally by Morgan and Russell (2000). The difficulty in doing this is of course that preparation costs are included and we are hence including a proportion of the preparation costs in our calculation. Our estimates of defence costs will therefore be an over-estimate, but we have no way of splitting court time from preparation more exactly. Hence we have shown defence costs separately in each area. It is also unclear whether we should include defence costs in this way, because they are essentially a cost per case – and it might be doubted whether case costs would be increased nationally for all cases because of the added job of monitoring the OTL in youth cases.
### Table 8.5 The cost of monitoring the OTL

<table>
<thead>
<tr>
<th>Area</th>
<th>People</th>
<th>Salary scale or Annual cost (£)</th>
<th>Nat or Lon</th>
<th>Hours per case</th>
<th>Number of cases</th>
<th>Period of sample Months</th>
<th>Calculated annual appearances</th>
<th>Indirect cost assumption</th>
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**Indirect cost assumption**
- Ready reckoner salary scale including 22% employment on-costs (£)
- Ready reckoner salary scale plus 10% for indirect overhead (£)
- Ready reckoner salary scale plus indirect overhead % from MK CJA (£)
However, in order to provide as complete a costing as possible we have estimated defence costs. The defence costs calculated in this way are far higher than the CPS/court costs. They range from £31,000 to over £100,000 per area annually at the lower rate of calculating indirect costs.

**The cost of preparing applications for extension of the OTL**

We can now turn to applications for extension of the OTL, starting with the cost of preparing such applications. These costs fall on the CPS. The time estimates are shown below. We have used the grade of Senior Crown Prosecutor, as best representing the more senior staff who typically prosecuted in the youth court. Apart from in Croydon/ Bromley/ Sutton, the estimates of the time taken to prepare applications were very similar at around 15-30 minutes per application.

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<tr>
<th>Area</th>
<th>Type of staff and time used to prepare one application for extension of the OTL</th>
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<tr>
<td>Tyneside</td>
<td>Senior Crown Prosecutor 0.5hrs</td>
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<tr>
<td>Blackburn/ Burnley</td>
<td>Senior Crown Prosecutor 0.42hrs</td>
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<tr>
<td>Northants</td>
<td>Senior Crown Prosecutor 0.33hrs</td>
</tr>
<tr>
<td>N Staffs</td>
<td>Senior Crown Prosecutor 0.25hrs</td>
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<td>N Wales</td>
<td>Senior Crown Prosecutor 0.4hrs (average of estimates in different areas)</td>
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<tr>
<td>Croy/ Brom/ Sutt</td>
<td>Senior Crown Prosecutor 0.12hrs (average of estimates in different areas)</td>
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The costs are shown in Table 8.6. They are much lower than those for the ITL, ranging from about £2 to about £8 per application at the lower rate of indirect costs, and from about £3 to about £10 at the highest rate. If we look at costs across the number of applications we picked up for this interim report (bearing in mind that this will be a considerable underestimate of the final total for cases starting in this period), the overall cost varied from £15 to £131 on the lower rate of indirect costs, and from £18 to £156 at the highest rate. These figures do not include any defence preparation time or cost.

**The cost of presenting applications for extension of the OTL in court**
Finally, in relation to the OTL, we can look at the cost of presenting applications for extension at court. The time estimates are given below (all estimates are averaged across practice in the area and across estimates given in interviews). It was common for people to estimate that, say, 80% of applications would take a short time, but 20% a much longer time and we have done the calculations accordingly. Note that we do not show CPS costs separately, because a CPS lawyer would always be present in order to prosecute the case in any event.

Table 8.7 shows the costs of presenting OTL applications at court. We have again shown the cost of the court (including CPS) first and then added in defence costs, because our calculation of defence costs is necessarily imprecise, for the reasons alluded to above.

<table>
<thead>
<tr>
<th>Area</th>
<th>People</th>
<th>Salary scale or Annual cost £</th>
<th>Nat or Lon</th>
<th>Hrs per application</th>
<th>Per single application Indirect cost assumption</th>
<th>Ready renumeration salary scale plus 10% for indirect overhead (%) from MK CJA (£)</th>
<th>Ready renumeration salary scale including 22% employment on-costs (£)</th>
<th>Ready renumeration salary scale plus 10% for indirect overhead (%) from MK CJA (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside SCP</td>
<td>SCP</td>
<td>25,438</td>
<td>Nat</td>
<td>0.5</td>
<td>7.54</td>
<td>8.29</td>
<td>9.87</td>
<td>0.0000</td>
</tr>
<tr>
<td>Blackburn/Burnley SCP</td>
<td>SCP</td>
<td>25,438</td>
<td>Nat</td>
<td>0.42</td>
<td>6.33</td>
<td>6.96</td>
<td>8.29</td>
<td>2.6</td>
</tr>
<tr>
<td>Northamptonshire SCP</td>
<td>SCP</td>
<td>25,438</td>
<td>Nat</td>
<td>0.33</td>
<td>4.97</td>
<td>5.47</td>
<td>6.51</td>
<td>12.6</td>
</tr>
<tr>
<td>North Staffs SCP</td>
<td>SCP</td>
<td>25,438</td>
<td>Nat</td>
<td>0.25</td>
<td>3.77</td>
<td>4.15</td>
<td>4.93</td>
<td>3.6</td>
</tr>
<tr>
<td>North Wales SCP</td>
<td>SCP</td>
<td>25,438</td>
<td>Nat</td>
<td>0.4</td>
<td>6.03</td>
<td>6.63</td>
<td>7.89</td>
<td>0.4</td>
</tr>
<tr>
<td>Croy/Brom/Sut SCP</td>
<td>SCP</td>
<td>26,999</td>
<td>Lon</td>
<td>0.12</td>
<td>1.92</td>
<td>2.11</td>
<td>2.51</td>
<td>3.5</td>
</tr>
</tbody>
</table>

Table 8.6 Preparing applications for extension of the OTL
<table>
<thead>
<tr>
<th>Area</th>
<th>Type of staff and time used to make one application for extension of the OTL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside</td>
<td>Court 0.33hrs; defence solicitor</td>
</tr>
<tr>
<td>Blackburn/</td>
<td>Court 0.42 hrs; defence solicitor</td>
</tr>
<tr>
<td>Burnley</td>
<td></td>
</tr>
<tr>
<td>Northants</td>
<td>Court 0.13 hrs; defence solicitor</td>
</tr>
<tr>
<td>N Staffs</td>
<td>Court 0.25hrs; defence solicitor</td>
</tr>
<tr>
<td>N Wales</td>
<td>Court 0.25hrs; defence solicitor</td>
</tr>
<tr>
<td>Croy/ Brom/</td>
<td>Court 0.33hrs; defence solicitor</td>
</tr>
<tr>
<td>Sutt</td>
<td></td>
</tr>
</tbody>
</table>

The court costs, omitting defence costs, range from just over £11 to £35 per application on the lower estimate of indirect costs, or from £13 to £40 on the highest estimate. Overall costs, including defence costs, range from £159 to £183 on the lower estimate of indirect costs, or from £161 to £189 on the highest estimate.

It is very difficult to multiply up to give any sensible estimate of annual costs, because many OTL applications to extend for this sample of cases will not have come through by the time of this interim report. The maximum cost we found in this study, including defence costs, was, however, just under £4,000.

These costs are quite similar to the cost of presenting applications for extension of the ITL at court.
<table>
<thead>
<tr>
<th>Area</th>
<th>People</th>
<th>Hrs per application</th>
<th>Per single case</th>
<th>Based on number of applications in study</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Ready reckoner salary scale including 22% employment on-costs (£)</td>
<td>Ready reckoner salary scale plus 10% for indirect overhead (£)</td>
<td>Ready reckoner salary scale plus indirect overhead % from MKCJA (£)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tyneside</td>
<td>Court</td>
<td>0.3333</td>
<td>25.88</td>
<td>28.06</td>
</tr>
<tr>
<td></td>
<td>Defence solicitor</td>
<td>148.19</td>
<td>148.19</td>
<td>148.19</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>174.08</td>
<td>176.26</td>
<td>180.58</td>
</tr>
<tr>
<td>Blackburn/Burnley</td>
<td>Court</td>
<td>0.4167</td>
<td>32.36</td>
<td>35.08</td>
</tr>
<tr>
<td></td>
<td>Defence solicitor</td>
<td>148.19</td>
<td>148.19</td>
<td>148.19</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>180.55</td>
<td>183.27</td>
<td>186.68</td>
</tr>
<tr>
<td>Northamptonshire</td>
<td>Court</td>
<td>0.1333</td>
<td>10.35</td>
<td>11.23</td>
</tr>
<tr>
<td></td>
<td>Defence solicitor</td>
<td>148.19</td>
<td>148.19</td>
<td>148.19</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>158.55</td>
<td>159.42</td>
<td>161.15</td>
</tr>
<tr>
<td>North Staffs</td>
<td>Court</td>
<td>0.2500</td>
<td>19.41</td>
<td>21.05</td>
</tr>
<tr>
<td></td>
<td>Defence solicitor</td>
<td>148.19</td>
<td>148.19</td>
<td>148.19</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>167.60</td>
<td>169.24</td>
<td>172.49</td>
</tr>
<tr>
<td>North Wales</td>
<td>Court</td>
<td>0.2500</td>
<td>19.41</td>
<td>21.05</td>
</tr>
<tr>
<td></td>
<td>Defence solicitor</td>
<td>148.19</td>
<td>148.19</td>
<td>148.19</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>167.60</td>
<td>169.24</td>
<td>172.49</td>
</tr>
<tr>
<td>Croy/Brom/Sut</td>
<td>Court</td>
<td>0.3333</td>
<td>26.91</td>
<td>29.20</td>
</tr>
<tr>
<td></td>
<td>Defence solicitor</td>
<td>148.19</td>
<td>148.19</td>
<td>148.19</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>175.11</td>
<td>177.39</td>
<td>181.98</td>
</tr>
</tbody>
</table>
The sentencing time limit

Finally, we can look at costs associated with the sentencing time limit. As we saw in Chapter 4, much less effort was being expended in monitoring the sentencing time limit than on the ITL or OTL - a factor not unrelated to its lack of sanction or 'bite', but also probably an effect of the lack of IT available to YOTs to monitor it. No area or agency said that they actively monitored the limit. However, Blackburn/Burnley, Northamptonshire and North Wales were considering the limit during court appearances to which it was relevant and were undertaking a form of consideration as to whether to 'extend' the limit if it would be breached by a further extension. We should, therefore, include an estimate of the costs associated with this. It will be to some extent an over-estimate, because it is difficult to work out in exactly how many cases the limit will have been scrutinised. Was it looked at in all cases to which it was applicable (the figures we have used in the costing, but adjusted to allow for the number of months during which sentencing could have taken place for those cases analysed for this interim report) or just those where a further remand would breach the limit? We give below the time involved for each court.

<table>
<thead>
<tr>
<th>Area</th>
<th>Monitoring</th>
<th>Preparation of consideration of extension</th>
<th>Presentation of consideration of extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyneside</td>
<td>not done</td>
<td>none made</td>
<td>none</td>
</tr>
<tr>
<td>Blackburn/ Burnley</td>
<td>not done</td>
<td>done at court</td>
<td>2min/ applicable case; 620 cases in say 4.5 months</td>
</tr>
<tr>
<td>Northants</td>
<td>not done</td>
<td>done at court</td>
<td>2min/ applicable case; 870 cases in say 4.5 months</td>
</tr>
<tr>
<td>N Staffs</td>
<td>not done</td>
<td>none made</td>
<td>none</td>
</tr>
<tr>
<td>N Wales</td>
<td>not done</td>
<td>done at court</td>
<td>4min/ applicable case; 496 cases in say 3 months</td>
</tr>
<tr>
<td>Croy/ Brom/ Sutt</td>
<td>not done</td>
<td>none made</td>
<td>none</td>
</tr>
</tbody>
</table>

Table 8.8 shows the relevant costs for those areas in which cost was incurred. As can be seen, the costs are extremely small, reflecting the relative lack of attention to this time limit. If we consider the court costs alone, they varied between £4,700 and £11,100 annually on the lower level of indirect costs, or between £5,400 and £12,900 on the higher level of indirect costs. Adding in defence costs in the way we have needed to calculate them provides estimates which are far too high, since these contain preparation costs in relation to the time limit, which would not have occurred in practice. Even so, the total annual costs, including defence costs, are only between £21,700 and £52,000 on the lower estimate of indirect costs, or between £22,500 and £53,700 on the higher level.

Implementing the pilot and training

It is difficult for us to estimate costs associated with implementing the pilot and training personnel. Partly this is because our research started some months into the pilot and so people found it difficult to say what activities they had undertaken to launch the pilot - particularly given that this is a resource neutral initiative and so there was no need to produce separate accounting lines. Partly it is because statutory time limits were part of a range of measures all being considered and prepared for implementation by senior
personnel in the agencies and courts at the same time, including the rolling out of YOTs and the introduction of the final warning scheme.

There is no doubt that substantial cost does arise from the need, when an initiative starts, for senior personnel to understand it, to plan for its implementation in their areas, and then to cascade training down to more junior staff. Many agencies used the central Powerpoint presentation developed by the Crown Prosecution Service for the national initial meetings of senior agency staff. Some of this is done in the course of already set inter-agency meetings (particularly youth justice fora, which we found were important in the context of statutory time limits) and training sessions (for example, those for court clerks). For some agencies, however, statutory time limits, because they impinged on all staff, required more effort than most initiatives to impress upon junior staff. The police, especially, stressed to us the need to include training on statutory time limits for all operational staff and their efforts to reinforce this by e-mails.

As an extremely rough estimate, we would say that the cost involved for each area would be around 7 days of the time of a senior member of staff for each agency (two day equivalents of initial meetings; three days for internal training of staff and reinforcement; two days of inter-agency national meetings during the pilot). These are again opportunity costs. This would equate to a cost of between £6,500 and £7,800 per area, depending on the level of indirect costs used.
### Table 8.8  Costs associated with presenting sentencing time limit considerations

<table>
<thead>
<tr>
<th>Area</th>
<th>People</th>
<th>Hours per application</th>
<th>Ready reckoner salary scale including 22% employment on-costs £</th>
<th>Ready reckoner salary scale plus 10% for indirect overhead £</th>
<th>Ready reckoner salary scale plus indirect overhead % from MK CJA £</th>
<th>Time Proportion</th>
<th>Number of cases</th>
<th>Period of sample Months</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blackburn/Burnley</td>
<td>Court</td>
<td>0.0333</td>
<td>2.59</td>
<td>2.81</td>
<td>3.24</td>
<td>0.0362</td>
<td>623</td>
<td>4.5</td>
</tr>
<tr>
<td></td>
<td>Defence solicitor</td>
<td>10.29</td>
<td>10.29</td>
<td>10.29</td>
<td>10.29</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>12.88</td>
<td>13.09</td>
<td>13.53</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northamptonshire</td>
<td>Court</td>
<td>0.0333</td>
<td>2.59</td>
<td>2.81</td>
<td>3.24</td>
<td>0.0505</td>
<td>870</td>
<td>4.5</td>
</tr>
<tr>
<td></td>
<td>Defence solicitor</td>
<td>10.29</td>
<td>10.29</td>
<td>10.29</td>
<td>10.29</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>12.88</td>
<td>13.09</td>
<td>13.53</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Wales</td>
<td>Court</td>
<td>0.0667</td>
<td>5.18</td>
<td>5.61</td>
<td>6.48</td>
<td>0.0864</td>
<td>496</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Defence solicitor</td>
<td>20.57</td>
<td>20.57</td>
<td>20.57</td>
<td>20.57</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>25.75</td>
<td>26.19</td>
<td>27.05</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</table>
REFERENCES


