

PROCEDURE – Postal Requisitions

Number: F 0105

Date Published: 13 March 2020

Version 9 – March 2020

1.0 Summary of Changes

This procedure has been amended as follows on its yearly review:

- Updated throughout to reflect the bail changes in PACE following the Police and Crime Act 2017 including the introduction of released under investigation (RUI);
- New paragraphs added within section 8 regarding data security and retention and disposal of records;
- Owner/author details updated.

This procedure applies to crime offences and recordable traffic offences.

2.0 What this Procedure is about

Postal Requisitions are the primary method for the police to ensure the attendance of an offender in court. They:

- Replace the summons process in virtually all cases where a person is reported for process;
- Replace the charging process, in appropriate cases where the person is released under investigation;

The purpose of this procedure is to detail the process to be adopted when considering a postal requisition.

Compliance with this procedure and any governing policy is mandatory.

3.0 Detail the Procedure

3.1 Postal Requisition - Offender Arrested and Released under Investigation

Before an offender who is released under investigation can be considered suitable for a postal requisition they must meet the following criteria:

- There are no requirements for bail conditions to be imposed, the process only applies to offenders released under investigation;
- The offender was assessed as being able to read and write during the initial reception procedure;
- The offender does not require the services of an interpreter;
- The offender has provided a suitable address for service of a Postal Requisition.

Where an offender is arrested and a decision is made by the custody officer to release the offender under investigation pending further enquiries, and the criteria is met, the Custody Sergeant will inform the offender that they may be considered for a Postal Requisition. The offender will be handed a notice explaining the process.

PROCEDURE – Postal Requisitions

Number: F 0105

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The notice will also explain the legal basis and requirements under the legislation and implications of non-compliance with the process.

Upon completion of further enquiries or collation of further evidence the investigating officer will seek a decision to charge from either the CPS or the decision maker (in their absence, the Supervising Officer).

Once a decision to charge is made, the officer will submit the case on Athena to CJU via a supervisor. CJU will:

- Access the case that has been created by the OIC on Athena, apply appropriate quality checks (including a biometric check see 3.4);
- Allocate the next available court date from the Athena court diary. The court date must be at least 14 days into the future for an anticipated guilty plea (GAP) case and 28-days for an anticipated not guilty (NGAP) case;
- Create the Postal Requisition within Athena and close the custody record as appropriate;
- Forward a copy of the Postal Requisition to the offender by first class post;
- Forward a copy to offender's legal representation if known by second class post;
- In cases of a youth, a copy will be forwarded to the parent/guardian 2 days before the offender's copy;
- Update the officer to enable them to update the victim with action taken;
- Update the Athena case to show service of Postal Requisition with the details of service upon the offender;
- Send case to CPS via TWIF and register the case on HMCTS system.

3.2 Postal Requisitions – Offender Reported for Process / Reinstated Cases

A postal requisition will also be used where an offender has been reported for process

- The offender must have been reported for the consideration of prosecution or where this is not possible, the offender must be aware of investigation;
- The offender was assessed as being able to read and write during the initial reception procedure;
- The offender does not require the services of an interpreter;
- The offender has provided a suitable address for service of a Postal Requisition;

Upon completion of further enquiries or collation of further evidence the investigating officer will seek a decision to charge from either the CPS or the decision maker (in their absence, the Supervising Officer).

Once a decision to prosecute has been made, the officer will submit the case on Athena to CJU via a supervisor. CJU will:

- Access the case that has been created by the OIC on Athena, apply appropriate quality checks (including a biometric check see 3.4);

PROCEDURE – Postal Requisitions

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Date Published: 13 March 2020

Version 9 – March 2020

- Allocate the next available court date from the Athena court diary. The court date must be at least 14 days into the future for an anticipated guilty plea (GAP) case and 28-days for an anticipated not guilty (NGAP) case;
- Generate the postal requisition;
- Forward a copy of the postal requisition to the offender by first class post;
- Forward a copy to offender's legal representation if known by second class post;
- In cases of a youth, a copy will be forwarded to the parent/guardian 2 days before the offender's copy;
- Update the officer to enable them to update the victim with action taken;
- Update the Athena case to show service of Postal Requisition with the details of service upon the offender;
- Send case to CPS via TWIF and register the case on HMCTS system.

3.3 Statutory Time Limits

Where an offender is released under investigation or reported for process, the OIC must pay particular importance the statutory time limit offences. Cases must have the full code test applied and submitted to CJU within 5 months of offence.

3.3.1 Provisions of Section 6 (Schedule 1) Road Traffic Offenders Act 1988

The CJ Manager is responsible for authorising the issue of a Postal Requisition if the case breaches the six month statutory time limit and there is sufficient evidence to determine when the offence first came to the notice of the force. A certificate will be provided for the file and a copy emailed to the court for the court file.

3.4 Biometrics

CJU will hold back on the issuing of a postal requisition if biometrics has not been obtained from the offender. The CJ Manager can authorise the issue of a postal requisition in cases where biometrics have not been obtained on occasion where the statutory time limit is imminent. The case must otherwise be fully ready for prosecution.

3.5 Statutory Declarations – Case Finalised

If during the case the offender states they have no knowledge of the court proceedings and swears a Statutory Declaration before the court the case will be re-entered onto Athena using the Postal Requisition – Offender reported for process procedure.

This process will apply if the court has adjudicated on the case and a penalty has been imposed.

PROCEDURE – Postal Requisitions

Number: F 0105

Date Published: 13 March 2020

Version 9 – March 2020

3.6 Withdrawn with a Reinstatement Warning – Case Finalised

If a case has been withdrawn with a reinstatement warning and a decision has been made to reinstate proceedings the case will be re-entered onto Athena using the Postal Requisition – Offender reported for process procedure.

3.7 Abuse of Process

The OIC, OIC supervisor and CJ Manager will be mindful of any potential abuse of process argument that may arise from cases that are not expeditiously managed.

4.0 Equality Impact Assessment

- EIA Form

5.0 Risk Assessment

Risks associated with the implementation of this procedure relate to organisational risks only. It is considered that a failure to follow the process as documented within the procedure could result in an inability to prosecute the offender within the judicial process affecting the reputation of the organisation.

6.0 Consultation

The following have been consulted during the formulation of this document:

- Diversity Unit
- Health & Safety
- Unison
- Federation

7.0 Monitoring and Review

This procedure will be reviewed by or on behalf of the Head of Criminal Justice every 12 months to ensure that it remains compliant with current legislation and that it provides best practice concerning the use of Postal Requisitions.

8.0 Governing Force policy. Related Force policies or related procedures

- F 0401 Procedure – Simple Cautions
- F 0402 Procedure – Conditional Cautioning
- F 0403 Procedure – Youth Out of Court Disposals
- F 0101 Procedure – Penalty Notices for Disorder
- F 0106 Procedure – Foreign Offender Conditional Cautions

PROCEDURE – Postal Requisitions

Number: F 0105

Date Published: 13 March 2020

Version 9 – March 2020

8.1 Data Security

Essex Police have measures in place to protect the security of your data in accordance with our Information Management Policy – W 1000 Policy – Information Management.

8.2 Retention & Disposal of Records

Essex Police will hold data in accordance with our Records Review, Retention & Disposal Policy – W 1012 Procedure/SOP - Records Review, Retention and Disposal.

We will only hold data for as long as necessary for the purposes for which we collected. Victims/public should be reminded that Essex Police take the protection of personal data seriously as described in the privacy notice

<https://www.essex.police.uk/hyg/fpnessex/privacy-notice/>.

9.0 Other source documents, e.g. legislation, Authorised Professional Practice (APP), Force forms, partnership agreements (if applicable)

- EIA