

## PROCEDURE – Postal Requisitions

**Number: F 0105**

**Date Published: 8 March 2017**

### 1.0 Summary of Changes

This procedure has been updated to remove the last bullet point within section 3.1 which stated that the offender has reached the age of 18 or over at the time of the offence.

### 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 on unconditional police bail awaiting a charging decision;
- Allow the pre-charge bail length to be reduced; when an offender is released on unconditional bail, the person will be charged by the police once the decision is made to do so.

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 Unconditionally Bailed for a Decision

Before an offender can be considered suitable for a postal requisition they must meet the following criteria:

- The offender must have committed a summary or either way offence;
- There are no requirements for bail conditions to be imposed, the process only applies to offenders released on unconditional bail;
- The offender is not considered to be a Prolific Priority Offender;
- 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 on unconditional bail 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 leaflet explaining the process.

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

A copy of the bail form will be endorsed '**Suitable for Postal Requisition**'. The copy of the bail form will be placed with the offender's file.

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). The decision to charge must be made at least 6 days before the bail return date. Individuals should be mindful of the Royal Mail post process across the force to ensure there is sufficient time for the Postal Requisition to reach the offender by first class post. Districts should ensure that a local process is in place to identify such cases. The time limit is necessary to allow the offender time to seek legal advice if required and to prepare the case for a court hearing.

Once a decision to charge is made, the officer will attend custody. The Custody Sergeant will:

- Access the case that has been created by the OIC on Athena, allocate the next available court date from the custody sheet and update the detention log stating 'Postal Requisition process activated'. 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;
- Three copies of the Postal Requisition will be printed and passed to the officer;
- The officer will forward a copy of the Postal Requisition to the offender by first class post together with a post-charge pack and Her Majesty's Court Service (HMCS) means form;
- The officer will forward a copy of the Postal Requisition and explanation leaflet by second class post to any legal representative for the offender;
- The officer will endorse a copy of the Postal Requisition with the details of service upon the offender;
- The endorsed copy of the Postal Requisition will be placed on the file;
- The officer will update the victim with action taken;
- The file will be forwarded to the Criminal Justice & Offender Management Unit (CJ&OM) via Athena;
- If the offender answers bail after a Postal Requisition has been served, a further two copies of the Postal Requisition will be printed. One copy will be served on the offender; the second copy will be endorsed by the custody officer concerning the method of service and forwarded to the CJ&OM to be placed on the file.

If a decision is made to take no further action a bail cancellation notice will be sent to the offender and where applicable their representative.

If the offender is required to answer bail and return to the police station as further enquiries need to be made or further evidence obtained the Postal Requisition process will not apply at this point.

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### 3.1.1 Offences where a Statutory Time Limit Applies

Where an offender granted unconditional bail, subsequently fails to appear and has not been apprehended within 5 months from date of the offence, the officer in the case must give consideration to activating the Postal Requisition process to preserve the offence.

### 3.1.2 CJ&OM Responsibilities

The CJ&OM will check all Postal Requisition files to ensure that an endorsed copy of the requisition document is on the file. If the endorsed copy is not on the file they will contact the officer.

The CJ&OM will send a scanned copy of the Postal Requisition and a copy of the previous convictions to HMCS via the email system

The CJ&OM will build the file using the current agreed process.

### 3.2 Postal Requisitions – Offender Reported for Process / Reinstated Cases

Where the offender is reported for process or the case is to be reinstated the Officer in the Case will create the case on Athena and submit to CJ&OMU. Individuals should be mindful of statutory time limits.

All Crime, Recordable Traffic and Careless Driving process files will be adjudicated upon by the File Adjudicator. Once the file is processed CJ&OM will notify the officer by email of the first hearing court date.

The CJ&OMU will process the case on Athena in order to forward digitally to CPS and HMCTS. Care must be taken to ensure that the six month statutory time limit is not breached where appropriate:

- The case will be allocated a court date complying with current listing protocols. Two copies of the Postal Requisition will be printed. If the offender is under 18 an additional copy will be printed and forwarded to the parent or guardian by first class post 48 hours prior to the youth's copy being posted. An additional copy will also be printed and forwarded to Defence Solicitors if known by first class post.
- One copy of the Postal Requisition will be forwarded to the offender by first class post together with an HMCTS means form;
- The second copy will be endorsed concerning the method of service and placed on the file;
- The file will be managed in accordance with the current process.

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### **3.2.1 Provisions of Section 6 (Schedule 1) Road Traffic Offenders Act 1988**

The CJ&OM 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.

### **3.2.2 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.

### **3.3 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.

### **3.4 Personal Service Postal Requisitions / Re-dated Postal Requisitions**

If a Postal Requisition is returned via Royal Mail as ‘not served’ or a case is adjourned at court for the Postal Requisition to be re-dated as service has not been possible, the case will be allocated a new court date by the court. A new Postal Requisition will be printed by CJ&OM and served on the offender either personally or by Royal Mail. Court adjudications and returned documentation will be maintained on the file to ensure there is an audit trail and is available to the court during proceedings. An email will be sent to HMCS stating the date and venue of the reissued Requisition.

In all cases all supporting documentation including Statutory Declaration forms will be scanned and emailed to HMCTS.

### **3.5 Abuse of Process**

The CJ&OM 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

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### 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

This procedure has been prepared in consultation with:

- 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 & Offender Management, 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 0101 Procedure – Penalty Notice for Disorder
- F 0102 Procedure – Simple Cautions
- F 0104 Procedure – Youth Caution and Conditional Caution
- F 0105 Procedure – Postal Requisitions
- F 0106 Procedure – Foreign Offender Conditional Cautions

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

None