

# DELIVERING JUSTICE IN A DIGITAL AGE

A JOINT INSPECTION OF  
DIGITAL CASE PREPARATION  
AND PRESENTATION IN THE  
CRIMINAL JUSTICE SYSTEM

APRIL 2016

HMCPSI  
HMIC



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## CHIEF INSPECTORS' FOREWORD

The digitisation of casework processes is essential if the criminal justice system is to remain effective in the modern environment. It also needs to cope with the impact of criminal offending which can generate terabytes of material.

This joint inspection report by Her Majesty's Crown Prosecution Service Inspectorate and Her Majesty's Inspectorate of Constabulary recognises the substantial progress that has been made to achieving the aim of fully digital working. It also reflects on the fact that up to this point the police, CPS and the courts have been moving at different speeds to ensure their processes are digitised, and it is only now that fully joined up working is developing.

Body worn video cameras now aid police investigations, however the recurring issue of different police forces using different systems and formats remains an issue, although this may be resolved by the implementation of the CJS Common Platform. Hard media evidence, for example CCTV tapes, still has to be provided to the CPS which both hinders the digital movement of work and increases the risk of loss.

Some police forces are now recognising the benefit of working collaboratively to purchase IT systems which work across forces and reduce the difficulties of transferring material to the CPS. But at a national level the police governance arrangements for implementing the various digital initiatives are too complicated and need to be simplified.

Whilst there remain imperfections which frustrate users, almost all magistrates' court casework is transferred digitally between the police and CPS, although this can require significant administrative support to ensure an effective transfer. Prosecutors present magistrates' court cases from laptop devices; can use screens to show exhibits; and update the CPS case management system in real time. Court based Wi-Fi now enables practitioners to access casework information without seeking to adjourn or put back cases, although how this digital age embraces the unrepresented defendant is still not wholly clear.

Some of the inspection findings are, unfortunately, all too familiar when considering the implementation of IT. Progress has been made, but we found that court based digital systems have been introduced that do not talk to each other, wasting resources when material has to be reinput and not providing full value for money. At worst this has led to systems being withdrawn until workable solutions are found. Inspectors found little evidence of the agencies identifying the financial savings made through digitisation.

Some initiatives have increased the amount of time it takes to record information and hardware has been installed to assist magistrates' court presentation which is difficult to use in conjunction with other equipment.

Progress in establishing a modernised digital criminal justice system has clearly been made but the vision of a digital end-to-end system, where information is captured once by a police officer responding to a crime and then flows through the system without duplication or reworking, is still some way from becoming reality.



Kevin McGinty  
HM Chief Inspector of the CPS



Wendy Williams  
HM Inspector of Constabulary





# 1 HEADLINES

## Overview

- 1.1 This report details the findings of a joint inspection undertaken by Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) and Her Majesty's Inspectorate of Constabulary (HMIC) on the digital systems used to prepare and present cases in the criminal justice system (CJS). The objective and aims of the inspection are set out in detail at Annex A.
- 1.2 There has been a keen desire to modernise the CJS for a number of years and to use a digital approach to help achieve this aim. The substantial budget cuts announced in 2010 for the criminal justice agencies was another significant driver.
- 1.3 In October 2011 the CJS Efficiency Programme<sup>1</sup> was established with the central aim to modernise the CJS and to fulfil the Ministry of Justice *Business Plan 2011*<sup>2</sup> commitment to: "*Publish proposals and implementation plans to increase the efficiency of the Criminal Justice System*".
- 1.4 In 2012 the Ministry of Justice *Digital Strategy*<sup>3</sup> in 2012 identified a vision which included an aim of "*Digital by default approach to all services by 2013*".
- 1.5 The *Criminal Justice System Digital Business Model*<sup>4</sup> published in April 2014, set a vision for the CJS as: "*digital end-to-end criminal justice system, where information is captured once by a police officer responding to a crime and then flows through the system without duplication or reworking*".
- 1.6 It was always envisaged that the vision would be delivered in stages and this inspection has highlighted that the criminal justice agencies are clearly committed to making improvements using digitisation. Substantial progress has been made but the overall vision remains some way from becoming reality.
- 1.7 Whilst 92.0% of cases are transferred to the Crown Prosecution Service (CPS) from the police electronically, much of this requires a high level of user input and processes to make paper documents electronic. This is not wholly digital working or an efficient process for transferring case information from the police to the courts.
- 1.8 Despite a significant amount of public funds being invested in digitising the capture and exchange of information, this inspection found that the criminal justice agencies currently still rely partly upon manual processes such as scanning in paper documents and producing hard copies of digital images in order to compensate for the lack of a wholly intuitive digital capability. This has associated wasted cost on all agencies involved, an increased risk of error and undermines the potential benefits that could be realised from full digital working.

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1 The CJS Efficiency Programme is aimed at modernising the CJS by reducing or removing the movement of paper, and people, around the system. [www.gov.uk/government/publications/criminal-justice-system-efficiency-programme](http://www.gov.uk/government/publications/criminal-justice-system-efficiency-programme)

2 *Business Plan 2011-2015*; Ministry of Justice; May 2011. [www.gov.uk/government/publications/ministry-of-justice-business-plan-2011-15--2](http://www.gov.uk/government/publications/ministry-of-justice-business-plan-2011-15--2)

3 *Digital Strategy*; Ministry of Justice; December 2012. [www.gov.uk/government/publications/ministry-of-justice-digital-strategy](http://www.gov.uk/government/publications/ministry-of-justice-digital-strategy)

4 *Criminal Justice System Digital Business Model*; Ministry of Justice; April 2014. <http://cjsdigitalmodel.org/>

- 1.9 With the considerable scope that digitisation offers for improvements in efficiency, it was surprising that we found very few examples where detailed cost savings had been calculated. It was clear that CPS Areas and police forces have been able to make savings through improving digital processes, but were unable to provide precise evidence of cost savings or benefit realisations which could be used to inform a national assessment. Even at a national level, it was acknowledged that a full evaluation of all financial benefits has yet to be carried out. It is clear that the benefits from a true end-to-end digital process have yet to be fully realised.
- 1.10 Previous inspectorate reports<sup>5</sup> have identified the need for improvements in aspects of digital case preparation. The need for a national solution to store and access audio visual images (often containing sensitive and/or confidential information) effectively has been raised a number of times and, despite a number of police piloted initiatives, has yet to come to fruition. Consequently, this material is still being produced in hard format and transported between all parties involved in the criminal justice process, with the associated waste in resource. In addition, as identified in this report there remain concerns about the misplacing of hard media discs transferred between the police and CPS. The implication of this is significant and could have major impact upon the reputation of the criminal justice agencies involved.
- 1.11 Not all partner organisations' computer systems directly 'talk' to each other and some still have a dependence on paper flow and manual input, despite this barrier being identified in various reports over many years.
- 1.12 The application of digital working has been introduced by each of the criminal justice agencies at a differing pace which has led to technical incompatibilities and differing expectations. The CPS showed an early commitment to the digital agenda in 2010-11 when it began to upgrade its existing technology infrastructure and software in preparation for its Transforming Through Technology (T3) programme, the driver behind enabling the presentation of straightforward cases from tablet/laptop devices.
- 1.13 The police have responded to the aim of broadening the range of information that can be transferred through the Criminal Justice Exchange<sup>6</sup> to enable greater digital working. However some police force IT systems have been in use for up to 20 years and are now outdated. Consequently they are rarely intuitive and often rely on an officer to enter the same information several times. Her Majesty's Courts and Tribunals Service (HMCTS) facilities are being updated through the CJS Efficiency Programme and its systems, along with the CPS system, will form part of the CJS Common Platform Programme.<sup>7</sup> It is recognised that this is having some positive impact, however the overall picture for CJS partners is still that it is currently fragmented, with systems and hardware that differ greatly in age and connectivity.
- 1.14 A key element to effective cross-agency digital processes is good and effective joint working at national and local level. We found that the linkages of national bodies tasked with improving digital products and services were not clearly defined, creating a complex governance landscape. During our fieldwork the Ministry of Justice (MoJ) carried out a mapping exercise of the linkages across the MoJ digital projects.<sup>8</sup> However, a consistent national overview of all agencies' digitisation projects and programmes, centred around the achievement of the previously identified visions,

5 Available from the joint inspectorates' website: [www.justiceinspectorates.gov.uk/cjji/](http://www.justiceinspectorates.gov.uk/cjji/)

6 The connective means by which file information is sent across securely by the police to the CPS.

7 A partnership project between HMCTS, the CPS and the judiciary, to create a unified digital criminal case management system.

8 *Mapping new ideas for the digital justice system*; Government Digital Service Blog. <https://gds.blog.gov.uk/2015/08/18/mapping-new-ideas-for-the-digital-justice-system-2/>

has not been in place to ensure that maximum benefit has been gained from the time and money employed by each agency.

### Key findings

1.15 The inspection has identified that there are a range of benefits that have resulted from digitisation:

- digitisation has enabled the police and CPS Direct<sup>9</sup> to provide an online charging facility which is helping both organisations to prioritise and even out workloads;
- the flexible working that digitisation facilitates is helping the police and CPS to meet work demands with fewer resources;
- the installation of Wi-Fi and most hardware in the magistrates' courts as part of the CJS Efficiency Programme is being generally well received by users;
- a prosecutor 'app' enables cases to be updated from court in real time;
- the use of body worn video cameras by the police to capture evidence.

However there is no evidence of a published comprehensive analysis of how the implementation of digitisation is benefiting the criminal justice partners locally or nationally.

1.16 Clear leadership and management of the CPS and HMCTS digitisation programmes is in place. Management of the police digital landscape is more fragmented.

1.17 All Areas and forces visited had an identified digital lead and the Local Criminal Justice Partnerships had good representation from all local criminal justice partners. However despite an isolated good example of partnership working in London, there was a lack of a co-ordinated approach across the agencies, which has led to inefficiencies.

1.18 Nearly all magistrates' courts are able to receive digitally from the CPS the Initial Details of the Prosecution Case (IDPC).<sup>10</sup> At the time of the inspection HMCTS was piloting Court Store, a system designed to hold this information and allow access by local court staff and district judges. This was not working effectively (and has now been suspended) for a number of reasons including:

- due to the limited updating ability of the system, cases involving multiple defendants required significant additional time; and
- legal advisors did not feel suitably trained in use of the system.

1.19 Case presentation changed significantly when the CPS started using laptops in court to present cases. This process is now being extended by the introduction of in-court presentation equipment:

- the Click Share process which allows users to display information from laptops to large in-court screens is simple to use and is well received;
- lecterns and monitors installed to assist advocates to present from laptops are rarely used. This equipment was generally not well regarded by court staff and was not considered fit for purpose.

At the time of our inspection a further added pressure was the necessity for legal advisors to duplicate entries onto Court Store and the courts' digital file cover.<sup>11</sup>

9 CPS Direct is the national service that provides all police officers and other investigators across England and Wales with access to charging decisions from the CPS 365 days a year.

10 Contains key documents and evidence supporting the prosecution's case.

11 Computer program to record outcomes of hearings in the magistrates' court.

- 1.20 For individuals remanded in custody overnight, it has been difficult for the agencies to ensure a digital file is available at the first hearing, but it was encouraging to note that some of the Areas visited had resolved this for the majority of cases. However, Saturday remand courts are still a problem and remained paper based.
- 1.21 The inspection's limited observations in the Crown Court did note the piloting of the Digital Case System (DCS) which allows the transfer of case files from the magistrates' courts and CPS, and for judges, prosecution and defence representatives to refer to documents from a shared drive. The inspection observed preliminary hearings and plea and case management hearings conducted wholly digitally. However DCS and the Court Store system are not linked directly and we were told by users that to get case documentation transferred required court staff to print it from Court Store and scan into DCS.
- 1.22 Recommendations have been made in previous inspection reports focussing on the need for a reliable digital sharing solution for CCTV, interview and 999 recordings, photographs and body worn video footage. Again it was a disappointment to find that this has yet to be established.
- 1.23 One implication of this is that discs have to be physically sent to the CPS. It was of concern to learn that a widespread issue existed concerning the misplacing of discs by the CPS. These discs can contain CCTV, 999 recordings, suspect interviews and Achieving Best Evidence (ABE)<sup>12</sup> interviews. The inspection noted that police officers received several requests by the CPS to supply further copies of these discs.
- 1.24 There has been a lack of significant national oversight of the CJS Efficiency Programme undertaken by the National Criminal Justice Board. The board has recently been reconvened with a refreshed membership and remit.
- 1.25 The national police Operational Requirements Board lacks suitable senior representation from the National Police Chiefs' Council's business areas, preventing it fully undertaking its role in agreeing common standards required for police IT systems. We understand that this is now being reviewed.
- 1.26 The effectiveness of communication of national digital programmes such as the CJS Efficiency Programme, CJS Common Platform, digital case file and cloud based storage was variable. Despite numerous methods used to update staff, few had a clear idea of how and when programmes were being delivered and the impact these would have.
- 1.27 Training provided to staff across criminal justice partners to fully exploit digitisation was variable. Many staff felt that this training had been introduced too soon, with others considering it last minute or with insufficient detail to gain the maximum benefit. Providing training at the right level and at the right time is a fine balancing act.
- 1.28 The police forces visited highlighted a lack of intuitive technology to assist officers in data capture. This was necessitating them having to enter the same information on numerous occasions, which in addition to being time consuming also increased the chance of errors.

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12 Achieving Best Evidence is where victims of crime are interviewed by video recording, particularly children and vulnerable victims and witnesses.

- 1.29 The digital case file project designed to guide police officers through the collection of standard data and provide a more efficient method of collection and transfer is not being exploited, as there are no forces currently using this in a fully operational capacity. Development of its full capability is being tested and roll out is expected in 2016.
- 1.30 The process of transferring case evidence between the police and CPS still suffers from numerous clerical mistakes when scanning and emailing documents. A true digital process would prevent many of these issues arising.
- 1.31 Recommendations made in previous inspection reports for a standardised document naming convention being universally applied have disappointingly still yet to be implemented to cover all document types. This inspection noted the issue of documents, initially named in a certain way by police, in some instances appear differently in the CPS case management system. Work has started and is ongoing between the police and the CPS to ensure a formal naming convention and message format and sending route is consistently applied to all document types.
- 1.32 Inefficiencies in the digital process impact on both police and CPS staff time. Unnecessary police staff time is used in converting paper information into a digital format and CPS staff time checking and amending clerical errors. This is a waste of a valuable limited resource which could be avoided by a truly digital system.
- 1.33 The “two way interface” (TWIF) ability of the Criminal Justice Exchange, the means by which file information is sent securely by the police to the CPS, has had disappointingly limited take up in the forces visited. It is unclear whether a detailed national cost benefit analysis of TWIF had been carried out but for the forces that had adopted this, it was found to be more effective and timely.
- 1.34 The Criminal Justice Exchange has limitations on the size of data that can be transferred across the system. In addition the system is unable to transfer CCTV and other recorded evidence. This is having a negative impact on the transfer of police data to the CPS.
- 1.35 Despite the CPS’s ability to send IDPC digitally to defence representatives few currently use this facility, which requires it to be sent by Criminal Justice Secure Mail (CJSM).<sup>13</sup> Commonly the CPS print off a paper copy for the defence representatives and send this via courier to the court.
- 1.36 The inspection noted that the Bench Solution system, designed to allow the sharing of information with the magistrates courts’ judiciary, was not working as intended. Information which needed to be seen by magistrates often had to be emailed to them, often from a few feet away. In addition, the case information required by magistrates could not be separated from other case information which could influence wrongly their decisions. The Bench Solution project had been temporarily halted until the problems were resolved.

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13 Secure email account used by criminal justice staff and the defence.

- 1.37 Inspection observations only noted one prosecution advocate using the additional lecterns and monitors in court rooms and no-one from the defence. Despite being provided to assist advocates with working from their laptop system, few spoken to had been shown how to use the new equipment. In addition the bigger screens were not touch sensitive, making them difficult to use in conjunction with the required computer mouse while standing up.
- 1.38 When the courts become fully digital it is envisaged that unrepresented defendants will still be provided with a printed copy of the IDPC papers. It is unclear whether this will be provided by the CPS or HMCTS staff.
- 1.39 The positive impact on victims and witnesses resulting from the digitisation of case preparation and presentation has been limited. The inspection noted that Kent Police and the Metropolitan Police Service had worked with the courts to install video technology and were making use of 'virtual' courts for remand hearings. In Kent there was extensive use of live links for civilian and police witnesses to give evidence from a remote location. In Kent and Greater Manchester dedicated facilities for witnesses to give evidence were in place. Unfortunately examples like these were few and far between.

#### **Recommendations**

- 1.40 We recommend that:

#### *National Criminal Justice Board*

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- 1 The National Criminal Justice Board ensures that the Criminal Justice Exchange is reviewed to ensure that its technical capability is fit for purpose for the needs of the criminal justice system (paragraph 5.25).
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#### *Police, Crown Prosecution Service and Her Majesty's Courts and Tribunals Service*

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- 2 Police forces, the Crown Prosecution Service and Her Majesty's Courts and Tribunals Service, undertake a comprehensive national cost and benefits assessment resulting from digitisation implementation. This should be informed by information from a local level (paragraph 4.44).
  - 3 The National Police Chiefs' Council, Crown Prosecution Service and Her Majesty's Courts and Tribunals Service ensure jointly that a solution is reached to ensure that all forms of evidence, including hard media, can be accessed by all criminal justice system partners and defence representatives by electronic means. This needs to be a priority to enable criminal justice system partners to fully realise the benefits of the digital programme (paragraph 5.30).
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#### *Police and Crown Prosecution Service*

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- 4 All police forces and Crown Prosecution Service Areas should, as a matter of urgency, jointly review arrangements for the provision, transportation and storage of hard media to ensure it is available securely to all appropriate individuals (paragraph 5.35).
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- 5 The police and the Crown Prosecution Service should ensure that a formally agreed common naming convention covering all document types is consistently applied (paragraph 5.18).
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*Crown Prosecution Service and Her Majesty's Courts and Tribunals Service*

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- 6 The Crown Prosecution Service and Her Majesty's Courts and Tribunals Service should immediately review the introduction of hardware for advocates in court to assist in case presentation to ensure it is fit for purpose (paragraph 6.19).
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*Police*

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- 7 The National Police Chiefs' Council review its current structure of business areas with a view to increasing the co-ordination of digital policing programmes (paragraph 4.21).
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*Crown Prosecution Service*

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- 8 The Crown Prosecution Service should co-ordinate a national strategy for providing Initial Details of the Prosecution Case and other case material to unrepresented defendants and those remanded in custody (paragraph 6.6).
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**Good practice**

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- 1 Witness Care Unit (WCU) staff in Greater Manchester were able to work from home on laptops and mobile phones as the process of recording witness care tasks, contacts and bookings has been entirely computerised. Letters could be printed remotely and held securely within a multi-function printer until the staff member next visits the office. The cost of providing office space had been scaled back accordingly (paragraph 4.41).
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- 2 Leicestershire, Lincolnshire, Nottinghamshire and Northamptonshire police forces have formed an East Midlands collaboration and have a joint criminal justice command structure across the four forces. The four Chief Constables also decided to all use the same integrated IT system to improve opportunities for joint working and any subsequent cost savings in joint procurement of the IT (paragraph 4.18).
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- 3 Kent Police and the Metropolitan Police Service had installed video technology and were making use of virtual courts for remand hearings. In one court observed by the inspectors, the only persons present were the magistrates and defence solicitor, with the prosecutor located in the CPS office and the defendant remaining at the prison. The use of digital case files were key to enabling this to take place (paragraph 6.32).
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- 4 Police led prosecutions for motoring offences being presented by an officer, via live link from a police station into the magistrates' court (paragraph 6.37).
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## 2 TECHNICAL GLOSSARY

2.1 To assist the reader, we set out a glossary of the technical terms used in this report. A glossary of standard terms is at Annex C.

Term used	Explanation
Bench Solution	A digital system which will allow magistrates to access case information without the need for paper files
CMS: Case management system	A computerised case management system used by the CPS to store case details and to manage cases
Court Store	The recently introduced magistrates' courts IT system which stores case papers, records details of hearings and can be accessed by local court staff
Common Platform	A partnership between HMCTS, the CPS and judiciary. The project will create a unified digital criminal case management system. It will facilitate digital working for criminal justice practitioners from the investigation of cases through to the sentencing and rehabilitation of offenders
Cloud technology	An internet based range of services including data storage
Click Share	Digital presentation facilities in court rooms which allows compatible devices to link to the system and display images (for example photographs, CCTV) to be shown on large screens
CJSM: Criminal Justice System Email	Allows secure transmission of emails between criminal justice partners who are signed up to the service
Criminal Justice Exchange	The connective means by which file information is sent across securely by the police to the CPS
COPA: Case Overview and Prosecutions Application	A system used in the Metropolitan Police to improve the way in which officers create prosecution case files
CREST: Crown Court Electronic Support	IT system used to manage cases in the Crown Court
Digital case file	A case file in digital format complying with a requirement for standard information content
Digital Case System	Web based software for use in the Crown Court which allows all parties to the case to have access to the case material
Digital mark up	This tool will enable court staff to record, transmit and automatically publish the results of cases digitally allowing access to those who need to see them including criminal justice partners, victims, witnesses and the public
XHIBIT	Case management system used in the Crown Court
ICT	Information and communications technology
Interface	A shared boundary which allows separate computer systems to exchange information
Libra	IT system used to manage cases in the magistrates' courts
PDF: Portable document format	Standard digital format which is accessible to different IT operating systems

Term used	Explanation
Professional court user Wi-Fi	Wi-Fi available to professional court users to allow access to case management systems and secure email whilst in the court room and other areas of the court building
Prosecutor App	Computer application designed to give CPS lawyers in the magistrates' court easy access to case files and a means of rationalising the process of recording information on hearing outcomes on CMS
Shared drive	Drive on a computer server which allows access by multiple users with authorisation
TWIF: Two way interface	Allows the police and CPS to send and receive information from their respective case management systems
WMS: Witness management system	IT system linked to CMS and used by the Witness Care Units

### 3 CONTEXT

3.1 This report details the findings of a joint inspection undertaken by HMCPSI and HMIC on the digital systems used to prepare and present cases in the CJS. The objective and aims of the inspection are set out in detail at Annex A.

#### The digital landscape

3.2 Historically casework progression has relied upon the physical transfer of paper and other media between the criminal justice agencies and the defence. Transferring and storing case material has therefore been slow and costly. The process has resulted in delays, with additional transportation and substantial storage costs of physical material. It has entailed regular duplication of information, increasing cost and the risk of loss or unauthorised disclosure. In addition, a number of administrative functions have been replicated across police forces, the CPS and HMCTS, particularly around the creation and management of the case file.

3.3 These inefficiencies had long been recognised as an aspect that required modernisation to reduce cost, duplication and inefficiencies. The Government's Comprehensive Spending Review (CSR) announced in October 2010 set out real term reductions in funding of 23% for the Ministry of Justice and Home Office respectively and a 25% reduction for the CPS over the following four years. The CSR also had a central focus on improving value for money across the public sector as a whole. As a consequence of this the criminal justice agencies began working on three separate efficiency based programmes:

- Digital Working;
- Streamlined Administration; and
- Video Technology.

3.4 In October 2011 these programmes were brought together into the one CJS Efficiency Programme. The programme's central aim was to modernise the CJS and to fulfil the Ministry of Justice *Business Plan 2011* commitment to "*Publish proposals and implementation plans to increase the efficiency of the Criminal Justice System*".

3.5 The CJS Efficiency Programme was split into three phases:

- "*Phase 1 – to deliver digital working to the courtroom door for first hearings;*
- "*Phase 2 – to deliver the business analysis and procurement necessary to secure the correct technology products;*
- "*Phase 3 – to deliver a streamlined digital file for police and CPS and technology into court along with the supporting business process and cultural change necessary to deliver the efficiency benefits*".

3.6 The *Criminal Justice System Digital Business Model* published in April 2014, set a vision for the CJS, which it recognised would be delivered in stages, as: "*a digital end-to-end criminal justice system, where information is captured once by a police officer responding to a crime and then flows through the system without duplication or reworking*".

3.7 The CJS Efficiency Programme aims are aligned with a number of other existing key programmes:

- the police Digital First programme<sup>14</sup> aims to provide a compatible and consistent approach to the management of digital evidence. Improvements in this would help frontline police officers to capture evidence for it to then be handled and stored digitally for onward sharing with criminal justice partners;
- the CPS's Digital Business Programme (formally Transforming Through Technology) and Refocusing Programme designed to maintain emphasis on working collaboratively with other criminal justice agencies to drive and embed digital working.

The CJS Efficiency Programme had an overall budget of £98m (capital and resource). At the time of the inspection the programme was in the final stages of completion with a further £22.7m projected spend. CJS Efficiency Programme Board reporting at the time of the inspection was in place. Future budget requirements to progress and complete the project had been identified and the programme was projecting an underspend against the original programme business case value.

3.8 The CJS Efficiency Programme is also strongly linked to the CJS Common Platform Programme (CJSCP). Both programmes are being funded by the Treasury and Ministry of Justice. The CJSCP is an IT enabled programme aimed at delivering business change across HMCTS and the CPS and supporting more effective working between agencies in the CJS. This programme aims to deliver better joined up working between partners with access to a single source of data. This would include witness and defendant details and case evidence, including still images and multimedia.

3.9 The CJSCP aims to replace current computer systems including CMS and WMS used by the CPS and Libra, CREST and XHIBIT used by HMCTS. Following the transfer of data into the Common Platform at the start of the process, the programme aims to move away from the transfer of data between CPS and HMCTS systems by making it available in one place, enabling those who need access to do so according to their need. The CJSCP and police Digital First have been working on a joint project to define technical, data and business process standards for an Application Program Interface (API) which will allow for the sharing of multimedia evidence between the police and other parts of the CJS without the need for hard copy media. A proof of concept was carried out in one force in early 2015 and will be tested further in other forces during 2016. CJSCP has started but is not expected to fully deliver for a number of years.

3.10 At the time of the inspection (August 2015) total spend on the CJS Common Platform Programme was £30.5m. The programme is currently indicated to run until 2019.

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14 A national programme that seeks to digitise the policing contribution to the CJS making it more efficient and effective.

### Past inspection work

- 3.11 Digitisation of the CJS, in particular the electronic capture and preparation of the case file, has been subject to previous joint inspections. In July 2013, an HMIC and HMCPSI inspection of the quality of prosecution case files was published: *Getting cases ready for court*.<sup>15</sup> The report identified a number of issues pertinent to the use of digitation in case progression, including reducing the number of double key entries made and minimising the number of hard copies of visually recorded evidence.
- 3.12 A further joint inspection by HMIC and HMCPSI: *Stop the Drift 2*<sup>16</sup> was published in June 2013, which identified the need to improve the digital transfer of all case material between the police and CPS. The relevant recommendations from both these reports are at Annex B.
- 3.13 Our inspection findings show that the issues highlighted in previous reports still persist and significantly contribute to inefficiencies found in the system.

### Report structure

3.14 The report sets out our findings in respect of a review of the digitisation of case preparation and presentation in the criminal justice system. We initially comment on the national and local governance and leadership of the work to improve the digitisation of case files. We then follow the journey of the case file from initial recording of information, through to its presentation at court. We have separated the journey through the following chapters to identify what is working well and what is not:

- entering case file information and evidence;
- sharing the case file between criminal justice agencies;
- preparing cases for court;
- presentation of cases at court; and
- finalisation of cases.

### Methodology

- 3.15 This inspection has focused on the effectiveness of the implementation of Phase 1 of the CJS Efficiency Programme. It is recognised that the nature of this topic is subject to rapid change and development. Consequently it is accepted that this inspection can only represent a snapshot of the operational progress of digitisation during the on-site visits carried out between July and September 2015.
- 3.16 Fieldwork was carried out in six police forces and the aligned CPS Areas. These police forces were Kent (CPS South East); Merseyside (CPS Mersey-Cheshire); Greater Manchester (CPS North West); Northamptonshire (CPS East Midlands); the Metropolitan Police Service (CPS London); and West Midlands (CPS West Midlands). During the inspection we ensured that we visited forces that represented a cross-section of these systems, in order to gain the widest insight into how well digital or electronic transfer was working.

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15 *Getting cases ready for court – A joint review of the quality of prosecution case files*; CJI; July 2013. [www.justiceinspectorates.gov.uk/hmic/publications/getting-cases-ready-for-court/](http://www.justiceinspectorates.gov.uk/hmic/publications/getting-cases-ready-for-court/)

16 *Stop the Drift 2 - A Continuing Focus on 21st Century Criminal Justice*; CJI; June 2013. [www.justiceinspectorates.gov.uk/cji/inspections/stop-the-drift-2-a-continuing-focus-on-21st-century-criminal-justice/](http://www.justiceinspectorates.gov.uk/cji/inspections/stop-the-drift-2-a-continuing-focus-on-21st-century-criminal-justice/)

- 3.17 Inspectors spoke to a range of police representatives, supervisors and decision-makers and digital leads, including the strategic heads of and staff in criminal justice units. In each CPS Area we interviewed digital leads, and managers, lawyers, caseworkers and administration staff who make daily use of the digital case file systems. We also interviewed local HMCTS staff and carried out court observations to see how digital facilities were assisting case presentation in the magistrates' courts. We visited some Crown Court centres to observe how digitisation was aiding simple plea and case management hearings (PCMHS) but this was not a primary focus of this inspection. A range of national digital leads in the police; CPS; HMCTS; Ministry of Justice and the Home Office were also interviewed.
- 3.18 All CPS staff were asked to answer a digital survey and we have referenced some of the comments received in the relevant parts of the report.

## 4 GOVERNANCE AND LEADERSHIP

- 4.1 In this chapter we consider the strategic direction for improving and implementing digital working and what national governance arrangements are in place to drive digital working forward. We also consider the effectiveness of national and local leadership and what benefits are accruing from digitisation.
- 4.2 The criminal justice agencies have embraced digitisation at differing paces. From 2010-11 the CPS demonstrated commitment to the digitisation of processes. It was an early driver of the digitisation programme through its upgrade of existing technology and software and its implementation of the use of tablet devices as part of its Transforming Through Technology programme. This has enabled prosecutors to present straightforward cases from tablet/laptop devices for a number of years. The police have responded positively to the drive to digital working and, despite a requirement for a high level of user input, this has enabled the vast majority of cases transferred from them to the CPS to be done electronically. Implementation of the CJS Efficiency Programme is now enabling HMCTS to take a more digital approach in its courts and processes.

### National governance

- 4.3 In 2013 the Minister of State for Policing and Criminal Justice established a Strategy and Action Plan<sup>17</sup> aimed at getting all parts of the CJS to work together to achieve the same set of outcomes. There was a core commitment to complete the process of digitising the CJS by establishing a number of digital aims:

- *“the police adopting mobile devices with access to real time intelligence to their role, location and local tasking and can begin building case files on the street;*
- *a simple easy-to-use digital file for each crime type with all parts of the CJS using a streamlined file to prepare cases to help eradicate unnecessary paper in the system;*
- *evidence to be presented digitally in court to dramatically reduce the huge amounts of paper in the system;*
- *the default option for police and witnesses to give evidence to be by video minimising unnecessary travel and waiting time at court;*
- *public contact with the CJS and management of their own services online.”*

- 4.4 A new National Criminal Justice Board (NCJB) was also established at this time to help provide clear cross-CJS leadership and to ensure delivery. The board brought together the operational leads from across the CJS, including a representative of Police and Crime Commissioners (PCCs), the College of Policing, Victims’ Commissioner and leaders of CJS departments and agencies. Its primary purpose was to provide the necessary oversight to the Strategy and Action Plan, of which the CJS Efficiency Programme is an integral part.

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<sup>17</sup> *Transforming the CJS: A Strategy and Action Plan to Reform the Criminal Justice System*; HM Government; June 2013. [www.gov.uk/government/publications/transforming-the-criminal-justice-system](http://www.gov.uk/government/publications/transforming-the-criminal-justice-system)

- 4.5 It is unclear to the inspection team to what extent this oversight has been undertaken, as we have been unable to access any records of meetings held. Records show that the NCJB met in 2014 and an update to the CJS Efficiency Programme was provided at this time.
- 4.6 There was then a hiatus until a reconvened NCJB met for the first time in July 2015. The refreshed board brings together senior CJS leaders, including the Home Secretary; Attorney General; Minister for Policing, Crime, Criminal Justice and Victims; Minister of State for Government Policy and leaders from the Home Office; CPS; HMCTS; National Offender Management Service; judiciary and the police. Its aim continues to be to drive CJS performance and cross-system reform.
- 4.7 The remit of the refreshed NCJB is to drive CJS performance through agreed outcome-focused indicators and to hold CJS leaders to account for cross-system reform. It is anticipated that the NCJB will be the primary forum for setting direction for the CJS. The board will also consider how to collectively address key cross-cutting issues that can contribute to better overall outcomes for the CJS. The composition of the board demonstrates the priority given to ensuring that the transformation of digital criminal justice processes is co-ordinated, including individual agency systems being built to standards that make them compatible with those of their partner agencies.
- 4.8 At the time of our inspection a sub-group of the NCJB was being formed to bring together key senior representatives from the police and other principal CJS partners to agree cross-system standards in aspects such as information, data and technology. This sub-group will consider proposals from a technical working group on cross-CJS agreement on common approaches, with a view to signing off on their implementation on behalf of the NCJB. We consider this refreshed approach is a positive step.

#### **CPS and HMCTS programme governance**

- 4.9 Within the CPS and HMCTS the leadership responsibility for individual programmes is clear. This applies to both the overarching programmes such as the CJS Efficiency and CJS Common Platform and also individual initiatives such as development of the Prosecutor App, which is covered in more detail later in Chapter 6. The Chief Executives from both agencies sit on, and attend regularly, each of the boards. These boards review progress and provide a decision-making facility. These HMCTS/CPS programmes both have individual programme leads assigned and a clear reporting structure is in place.
- 4.10 There are examples of where these programmes are delivering improvements such as the installation of IT hardware in courts as part of the CJS Efficiency Programme (for example display screens and Wi-Fi). Although there have been a number of issues that are impacting on progress, such as the HMCTS review of potential court closures and also the problems of installing Wi-Fi in some older courts, the programme leadership is aware of these issues and their impact reported to the CJS Efficiency Programme Board.
- 4.11 There are also examples of individual agency projects that have been well led and implemented effectively. For example the CPS Prosecutor App for court prosecutors has been through a thorough testing phase and, following some quick amendments, is now being rolled out across all CPS Areas. The project lead, the Director of Digital Business Programme, has also spent time in the courts to illustrate its use, liaise with users and identify any potential problems.



### **Policing programme leadership**

4.12 Leadership of the police involvement in the digitisation of case files is provided jointly by the Criminal Justice business area of the National Police Chiefs' Council (NPCC) and the College of Policing, whose remit extends to all forms of digitisation within the police service.

### **National Police Chiefs' Council**

4.13 Although this report is specifically focused upon the digitisation of case files, there are many ways in which the subject matter overlaps into other facets of policing that have wider involvement in either digitisation or information technology. The current structure of NPCC business areas is such that digital policing projects can fall under one or more designated leads. The links between these business areas are not well formed, with many senior staff we interviewed describing the digital landscape in policing as "fragmented".

4.14 The following list of NPCC business areas, and their associated portfolio areas, have either direct or indirect overlap with the digitisation of case files:

- Criminal Justice: divided on a thematic basis into 16 separate portfolios, each having a chief officer appointed as lead, including Digital First; charging; out of court disposals; bail management; courts; virtual courts; integrated prosecution and the digital evidence programme;
- Information Management: further sub-divided into ten separate portfolios including the Operational Requirements Board; Communications; Service Management; Management of Police Information (MoPI) and the Police National Computer (PNC);
- Local Policing: has nine separate portfolios, including one for social media and digital engagement;
- Finance: has a lead for IT and a separate lead for procurement.

4.15 Digital First is a police programme to deliver improvements to digital case file processes. Digital First is currently preparing a business case that will set out a four year programme of work to improve the way in which evidence is captured, stored and made available to criminal justice partners, such as the CPS. Whilst this work will fall short of prescribing systems to be used by police forces, it will identify the specification and standards to which they should conform, thereby negating the need for forces to identify these independently. This should improve consistency.

4.16 The NPCC lead for Digital First is also the Senior Responsible Officer (SRO) representing the police service on the CJS Efficiency Programme Board and also chairs the police service Digital First Steering Group. The group oversees and is accountable for the development of Digital First, the digital evidence strategy for policing.

4.17 There was frustration expressed by staff we interviewed in the police forces visited around the lack of a co-ordinated approach to police IT solutions. This has resulted, in many cases, in forces developing their own solutions. We found that, often, forces had taken the decision to progress aspects of digital working either in isolation or in small collaborative groups. IT leads in the forces visited told us they had done this out of frustration at the speed of national projects, which had not kept up with the advancement of technology.

Three out of the six forces visited had recently introduced different digital recording systems involving three implementation plans and three procurement processes. Each force had invested considerable resources into trying to establish effective sharing arrangements with the CPS, which had not yet come to fruition in any of the forces.

- 4.18 There were some notable exceptions to the point made above on co-operation. Leicestershire, Lincolnshire, Nottinghamshire and Northamptonshire police forces have formed an East Midlands collaboration and have a joint criminal justice command structure across the four forces. The four Chief Constables also decided to all use the same integrated IT system to improve opportunities for joint working and any subsequent cost savings in joint procurement of the IT.
- 4.19 The national police Operational Requirements Board (ORB) has a critical role in agreeing common standards required for police IT systems. Common standards are important because forces need guidance on the specification required for systems, to ensure that they are fit for purpose and able to inter-operate. This board, therefore, should have appropriate senior representation from each of the relevant NPCC business areas. This is currently not the case, although it is encouraging that an agreement has now been reached within the NPCC for better co-operation and planning by Chief Constables around police IT projects through:
- a common approach to integrating various police ICT systems and requirements;
  - closer working between the ORB and other police working groups involving police technology;
  - the development of a gateway process for the procurement of police IT systems; and
  - the use of a technical decision-making model.
- 4.20 Whilst the role of the ORB is to agree the standards that apply to police technology, there are currently limited resources applied to developing them. This important work is currently being undertaken by the Metropolitan Police Service through a successful Innovation Fund application<sup>18</sup> made to the Home Office. This funding is for a period of two years only, and it is unclear what will happen beyond this timeframe.
- 4.21 The management of digital policing programmes and projects is currently, however, still a fragmented landscape, with no mechanism or requirement to jointly co-ordinate, plan, monitor and review the various work-streams. Indeed the limited resources working at national level make this an unrealistic prospect.

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## RECOMMENDATION

The National Police Chiefs' Council review its current structure of business areas with a view to increasing the co-ordination of digital policing programmes.

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<sup>18</sup> Fund worth up to £50m per year, from 2014-15 set up by the Home Office. Intended to “*incentivise collaboration, support improved digital working and enable police and crime commissioners (PCCs) to invest in a range of other innovative delivery approaches that have the potential to improve policing and deliver further efficiency.*”

### **The College of Policing**

- 4.22 The College of Policing leads the Police Digitisation programme, which aims to support forces on their journey to becoming fully digital. They have worked with the NPCC lead for Information Management to:
- deliver three knowledge-sharing conferences for representatives from forces across England and Wales;
  - published a set of “digital capabilities” which forces should be working towards; and
  - created a community page within the Police Online Knowledge Area to facilitate exchange of ideas and share good practice.
- 4.23 The College is currently conducting force visits to learn how forces are progressing with digitisation and will be collating this information with a view to publicising innovation. It cannot be emphasised enough how important it will be for the College to identify which forces are embarking on digitisation projects, in order to earmark potential for collaboration and reduction in duplication. Improvements in the way Chief Constables and Police and Crime Commissioners co-operate together over digitisation projects will depend upon this information informing the ORB and there will be a real requirement for this to be kept up to date. The College, however, currently has limited resources available to undertake this work.
- 4.24 One of the ways in which the College of Policing encourages forces to share good practice is through the Quality Assurance Management System (QAMS), which is an electronic database that allows forces to enter the good practice against the published “digital capabilities” criteria. Currently there is a low level of up-take from forces using this database, partly due to the limited number of licences issued which allow the system to be used. The College has recognised this and is considering options to make it a web based application which will be more accessible to all forces.

### **The Police ICT Company**

- 4.25 The Police ICT Company was created in 2015, with a membership of 38 Police and Crime Commissioners, the British Transport Police Authority, Police Service Northern Ireland, National Crime Agency and the London Mayor’s Office for Police and Crime (MOPAC). It aims to support forces to make the best use of technology to deliver efficient and effective policing in England and Wales and Northern Ireland. This will be done by providing a platform for co-ordinating and commissioning national information technology systems and services where they are required. The ICT Company has the following functions:
- developing an over-arching IT strategy;
  - commissioning the delivery of national police ICT requirements;
  - enabling greater collaboration, integration and harmonisation between ICT systems;
  - securing better value for money by getting a better deal from suppliers; and
  - providing a centre of knowledge and expertise in relation to ICT, encouraging innovation, supporting the delivery of digital capabilities and identifying opportunities for collaboration and shared learning.
- 4.26 The success of the ICT Company in enabling greater collaboration and securing better value for money will be dependent upon the improvement in co-ordination and co-operation between Chief Constables over the choice of systems and user requirements, explained in our previous paragraphs within the police leadership section.

- 4.27 We noted that the Police ICT Company was funded almost entirely by voluntary contributions of £25,000 per police force, a surprisingly low amount given the combined estimate of £492 million<sup>19</sup> forecast to be spent on police ICT systems in England and Wales in 2015-16. Consequently, there is limited capacity to deliver the rapid improvements required.

#### **The Police Innovation Fund**

- 4.28 Many of the forces we inspected had successfully submitted bids to the Home Office Innovation Fund to implement local projects and many of these appeared to be strikingly similar, indicating that the awards process encouraged duplication and inefficiency. The best example of this was funding awarded to facilitate the roll out of body worn video cameras, where each force visited had purchased a different camera and storage solution. There had been little consideration of linking projects together and ensuring more effective deployment of public funds.

- 4.29 It is noted that the assessment criteria for the Police Innovation Fund 2016-17 will now consider the potential to enhance collaboration and have an impact on a bigger scale. This should encourage a greater degree of joint working between forces looking to develop digital programmes.

#### **The police digital case file project**

- 4.30 The digital case file (DCF) project is managed as part of the CJS Efficiency Programme. The concept of DCF is that officers are guided through a set of information fields, which populate the case file sent to the CPS or court, rather than the traditional set of MG forms,<sup>20</sup> and this information is assembled and formatted in the background before being transferred across the Criminal Justice Exchange. Whilst work on this is progressing well to provide a functional version, there are no forces currently using DCF in a fully operational capacity.

- 4.31 Future governance and support of DCF after the CJS Efficiency Programme, which concludes in 2016, has been agreed. However due to timing of this decision, these plans have not been reviewed as part of this inspection. The real benefit of the DCF is around guilty anticipated pleas (GAPs) where the use of the structured inputting of data has the most benefit. The DCF also has potentially transferable benefits to traffic prosecutions and, in particular, where this information can be input from the scene of the offence in live time using mobile devices. This is because these offences, in particular, involve the capture of structured information such as: name; address; date of birth; vehicle registration number; make and model; and driving license details. This potential is not currently being exploited.

#### **Local leadership**

- 4.32 All the CPS Areas visited had an identified “digital lead” and all the police forces visited had a senior officer who was the strategic lead on criminal justice matters including developments in digital working. The majority of the police forces visited had representatives on national working groups including the CJS Efficiency Programme and Digital First Steering Group.
- 4.33 The inspection found that the Local Criminal Justice Partnerships (LCJPs) across Areas we visited generally had good representation from all local CJS agencies. The partnerships had an efficiency and effectiveness working group (or equivalent) with responsibility for developments in digital working.

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<sup>19</sup> Source: Operational Requirements Board Paper September 2015.

<sup>20</sup> The police and the CPS produced a Manual of Guidance and a series of forms to provide standard procedures and forms for prosecution files across a number of agencies. These are now referred to as MG forms.

- 4.34 Despite isolated good examples of partnership working a recently published report examining LCJPs identified that few were setting effective common local priorities and only making significant impact on national programmes. We also found that in some areas we visited agencies did not co-ordinate the implementation of their IT projects, even where this impacted on other agencies. The lack of a co-ordinated approach across the agencies has led to inefficiencies.

In one force visited the police had upgraded all their computers to a new version of Microsoft Windows. This new version was not compatible with the court and CPS computers, which meant they were unable to read the forms sent across the interface.

- 4.35 In contrast, the London Criminal Justice Partnership has a Digitisation Strategic Board with wide membership which includes the police; CPS; HMCTS; MOPAC; the Probation Service and Director of the CJS Efficiency Programme. Regular meetings are being held with a focus on moving local digitisation forward. The LCJP has also developed a draft blueprint which has set a clear digital vision for London and a SMART<sup>21</sup> implementation programme to enable the board to monitor and manage implementation. At the time of the inspection the board was in the process of identifying inter-dependencies of the various national digitisation programmes and their impacts on the CJS partners in London.
- 4.36 In five out of the six police force areas we visited the police and CPS had regular meetings to discuss joint performance. These meetings, however, tended to concentrate on the quality and timeliness of the file submission, rather than the effectiveness of the digital process itself.

#### Benefits realisation

- 4.37 The digitisation programmes clearly have expected benefits that should accrue from the huge capital funds invested in them. These are anticipated to be both in monetary and non-monetary items. For example the CJS Efficiency Programme identifies the following benefits to be realised by the CPS and HMCTS:

- *“Removal of paper and printing costs for case files leading to savings in case file archive, storage, secure waste destruction and courier costs;*
- *Reduction in administrative resource from not making up case files or handling paper correspondence, automatic population of file covers and resource time taken for secure waste destruction;*
- *Reduction in legal and usher resource through more efficient operation of the court room and faster processing of workload;*
- *Removal of need to manage dual paper and digital process for production of case paperwork leading to paper, printing, postage, archive and storage cost savings;*
- *Removal of need to manage dual paper and digital process for production of case paperwork leading to resource savings;*
- *Savings in prosecutor time through more efficient operation of the court room and faster processing of workload.”*

There is no evidence of a published comprehensive analysis of whether the programme has fully achieved the benefits identified in the CJS Efficiency Programme business case.

21 SMART is a mnemonic acronym. The letters usually stand for Specific, Measurable, Achievable, Relevant and Time-bound, although alternatives are sometimes used.

- 4.38 Nationally digitisation has enabled the police and CPS Direct (CPSD) to provide an online charging facility. This helps police with work prioritisation as they can submit non-urgent cases online, which leaves officers free to deal with other day to day work rather than waiting for a decision over the telephone. In addition CPSD can use digital decision cases to even out workload and deal with peaks and troughs more effectively. However this process could be improved further. Not all cases are transferred digitally via a linked system<sup>22</sup> between the police and CPSD. Many were still submitted via secure email which required additional work to both send and receive.
- 4.39 CPSD is working to increase this proportion of digital files automatically submitted by persuading all forces to move to higher usage of digital submissions, rather than obtaining telephone advice and discussing cases in person. Hard media is yet to be sent to CPSD digitally which impacts on the charging lawyer's ability to make a thorough and comprehensive decision. This issue is dealt with in more detail later in the report.
- 4.40 Locally our review of benefits within the CPS Areas highlighted that dealing with cases digitally has provided a number of benefits. It has clearly enabled CPS Areas to be more flexible in their approach to dealing with work and essentially deal with the workload with fewer staff. It has therefore helped the organisation to meet the demands placed upon it to reduce costs as part of the previous Comprehensive Spending Review. The introduction of digital file cases has enabled some legal and administrative work to be completed by staff working outside the CPS Area to where the case relates. Digitisation is therefore helping Areas to work together to save costs. For example:

Some administrative work in CPS South East is now being carried out by staff based in the North East. This approach is helping the CPS to even out workload across Areas and satisfy work demand in one Area where recruitment is difficult, by moving it to other Areas where there is additional capacity. This is a cost effective solution resulting in job security in one Area and savings in recruitment costs in the other.

- 4.41 Digitisation has also helped some police forces to continue to deliver an effective service despite reduced operating costs. Witness Care Unit (WCU) staff in Greater Manchester were able to work from home on laptops and mobile phones as the process of recording witness care has been entirely computerised. Staff told us that even letters could be printed remotely and held securely within a multi-function printer until the staff member next visits the office. The cost of providing office space had been scaled back accordingly. In another force area the police had been able to consolidate costs by amalgamating divisional criminal justice unit (CJU) resources into one centralised department, by virtue of the fact that most file material was capable of digital transfer. Many criminal justice units had been scaled back considerably, and able to operate more efficiently with fewer staff and managers. One force had gone from 280 CJU staff to around 100; whilst digitisation was not the catalyst for change, it has enabled rationalisation.

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22 Around 25% of cases are submitted digitally; this varies from almost all cases for some Areas with other Areas only managing to submit less than 10% (CPS Direct national estimates).

- 4.42 Our review, however, highlighted that generally there was little consideration of the benefits of police forces working together on digital initiatives and approaches to ensure that opportunities to save costs and improve consistency and inter-operability were maximised.
- 4.43 An example of this was the development of cloud based storage solutions for body worn video where four of the six forces we inspected had independently purchased body worn cameras through innovation funding, each with different cameras and storage solutions. This was a lost opportunity for potential purchase efficiencies to be made. As mentioned earlier a great number of such projects have been developed locally in the absence of clear national strategy and lack of development of products which could have a universal application. The dissemination of good practice around these products was also weak.
- 4.44 Considering the substantial sums of public money spent on digital initiatives we consider it a significant failure of project management that agencies are unable to stipulate costs saved as a result of digitisation. For example, none of the CPS Areas visited have been required to keep records of how digitisation has benefited them or what the cost savings (if any) have been to inform a national assessment. In a commercial setting, this information would be fundamental to any change programme and rationalisation process.

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## RECOMMENDATION

Police forces, the Crown Prosecution Service and Her Majesty's Courts and Tribunals Service, undertake a comprehensive national cost and benefits assessment resulting from digitisation implementation. This should be informed by information from a local level.

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### Communications

- 4.45 We found the effectiveness of communication of national digital programmes, including CJS Efficiency and the CJS Common Platform, was variable. This issue was applicable to all staff, including digital leads. It is acknowledged that there are numerous methods for staff to be updated on the digitisation programme; for example newsletters, blogs and formal updates. However few people clearly understood how the programmes were being delivered. The CJS Efficiency Programme circulates a regular newsletter covering all current developments; however only around half of the police and CPS staff in the forces and CPS Areas visited were aware of this.
- 4.46 The CJS Common Platform Programme is highly important and will have a significant impact on the future of digitisation in the CJS. However, when CPS and HMCTS staff were asked about it, we received various opinions regarding what they believed it was. These included: a document store; a new process; a set of standards; and an approach. Various opinions were also expressed about whether the Common Platform would operate alongside current systems or replace them and also if recent applications such as the Digital Case System would be retained as part of the Common Platform or will be replaced. These differing and confused views were expressed by managers as well as frontline staff.



- 4.47 The effectiveness of updates to police force staff on national digital developments were inconsistent with some forces' staff receiving weekly updates, while others could not recall having an update for some time. Whilst Digital First told us they distribute updates to all forces, some forces told us they had not seen it. Knowledge of progress on national programmes varied widely and was largely dependent on which forces were represented by senior officers on which national groups.
- 4.48 CPS staff awareness of what the Prosecutor App was and when it was to be installed in their Area was mixed. In addition, both court and CPS staff were unclear where and when Wi-Fi was going to be installed into courts.
- 4.49 Staff knowledge of IT implementation and progress relative to their Areas and police forces was significantly better. CPS staff feedback identified that 59.4% felt that they were kept fully updated with the progress their Area/Unit is making towards embedding digital working. Comments were however mixed and included:

*“Regular bulletins and other communications are helpful.”*

*“We are kept informed, but the issues are outside our control.”*

*“A lack of awareness of high level agreements can cause embarrassment with other agencies when practitioners are confronted.”*

*“Constant change is difficult to keep up with and implementation dates can change often due to other agencies.”*

### **Training**

- 4.50 In order to make full use of the new equipment and systems, appropriate training is essential. The level of training required by users differs across the organisations. Some users simply require system update training, however for many others the challenge will be to rely on the keyboard and mouse instead of a pen and paper.
- 4.51 Across the CJS, the amount of IT training delivered varies within each department. For instance the CPS has provided training to its staff regarding the general use of IT (the digital driving licence<sup>23</sup>). There has been further face to face delivery of bespoke training (as with the Prosecutor App) and desk side training and self-learning through e-modules. Staff are also kept informed with updates, through the CPS internal Knowledge Information Management (KIM)<sup>24</sup> system and by way of CPS Area newsletters. A digital skills matrix has been introduced to assess the individual digital learning needs of staff in some Areas.

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23 The Digital Licence was a CPS national initiative to ascertain the individual digital training needs of each staff member through an assessment, followed by tailored training to assist them to obtain a base level of competence and understanding of the IT systems and hardware.

24 Internal knowledge sharing/communication system.



- 4.52 However, despite all this many of the staff felt training was introduced too soon or in insufficient detail to allow them to perform with maximum efficiency. Many of the CPS staff interviewed thought that at the point they received their training, they were unaware of what additional tasks they would be asked to take on. CPS staff feedback identified that nearly half didn't feel that the training aimed at equipping them to work in a digital environment had been effective.
- 4.53 The majority of CPS staff we spoke to commented that they had learned most of their practical IT skills from a colleague or had researched the problem themselves on the internet. Areas had identified "super-users" who were approachable to help with local issues and had also delivered short course and desk side support.
- 4.54 In contrast, HMCTS legal advisers that we spoke to all fed back that they had been trained on the use of Court Store, but in their opinion it had not been given enough lead-in time. This resulted in the training being rushed with most advisers commenting that they had effectively been learning "on the job". Our court observations confirmed that court staff appeared to be struggling to keep up with the data input required by Court Store, having to repeatedly ask for time to complete the necessary information on the screens. This made the operation of the court inefficient and caused delay. Legal advisers also commented that they were trying to catch up with the CPS in terms of speed in using the digital systems in court, reflecting the fact that CPS staff have been using digital systems longer than HMCTS staff. Both CPS and court staff commented that they would benefit from in-court assessments, similar to advocacy assessments, to determine the ability of the individuals to utilise the equipment and identify ongoing training needs.
- 4.55 In the police forces visited, we found that police and civilian staff tended to be trained in the use of police operating systems specific to their task, and said that this training was generally adequate to perform the tasks required. However, officers told us that they were often unaware of system changes where upgrades had been made and often had to rely on a colleague updating them on the changes. Refresher training tended to focus more on generic file quality issues than the correct use of the digital or electronic system for inputting files. We did not find any evidence of training being delivered to police and civilian staff aimed at improving digital awareness or better use of technology.
- 4.56 It would be pleasing to see all the agencies review the training of staff in their organisations in order to realise the full benefits of digital working and it be tailored to meet the needs of user groups, with its effectiveness continually assessed.



## 5 POLICE-CPS CONNECTIVITY OF OPERATIONAL SYSTEMS

- 5.1 In this chapter we consider the effectiveness of operational systems between the police and CPS. We consider how digital working is supporting the transfer of evidence collected between the agencies to enable a quality charging decision. We also assess how well the police and CPS are using digital working to support improvements in the quality and timeliness of file information.

### Intuitive technology

- 5.2 We noted that some force IT systems had been in use for up to 20 years. There was an understandable reluctance to spend large sums of money on small improvements to those systems when it was clear that they would be replaced in the near future.
- 5.3 We also found that police systems were rarely intuitive and often relied on the officer to enter the same information on numerous occasions within the case file, which was time consuming and increased the chance of errors. Officers often stated that the systems were not logical to operate but that they had got used to using them.
- 5.4 We found numerous workarounds where the lack of fully effective IT provision meant additional, often laborious, administrative tasks having to be done by frontline officers.

In one force, there was no facility for the detainee to sign records electronically in any of the custody suites. This meant, for example, that a detainee being bailed had to sign four copies of the required forms to acknowledge their bail conditions before release. The officers had to scan one of these forms back onto the computer, email it to themselves, save it on their hard drive, and finally copy and paste the form into the electronic file building system. It was clear that the lack of an electronic signature facility had significantly contributed to additional time being spent carrying out routine actions and led to additional printing costs.

- 5.5 With the introduction of mobile data technology, officers are able to perform more functions away from the police station. In one force area, laptops were being issued to all operational officers to reduce demand for office workspace. However, there was a lost opportunity as the laptops did not have the capability to undertake basic police tasks, such as taking a witness statement. The lack of ability to obtain an unalterable signed witness statement is resulting in officers returning to the police station to print off statements for victims and witnesses to sign, and then once signed they were scanned back on for uploading to the file preparation software.
- 5.6 Victim and witness statements were generally handwritten by police officers then scanned into a computer before being sent to the CPS. This often made the documents difficult to read. This is despite the Digital Witness Statement standard being agreed in 2012 by the Streamlined Case File Committee. This enables an officer to type a statement directly onto a computer away from the police station, without the need for a 'wet' signature. We heard from several forces that they had encountered difficulties in developing a version of the witness statement that was capable of transferring to the CPS easily via the Criminal Justice Exchange. This was noted as still work in progress despite having passed the three year timescale for implementation.

- 5.7 We found examples of effective single key data entry that automatically populated the required information within the case file, such as the Metropolitan Police Service system called Case Overview and Prosecutions Application (COPA). Officers reported that it was intuitive and simple to use and that they were unable to move on until the required fields were completed. Although the system was quicker, it had limitations as a file could only be worked on by the assigned person.
- 5.8 Each force can separately determine which IT system it wants to use as there is no single national system to manage criminal cases and no plans to introduce one in the foreseeable future. The operation of different local systems causes difficulties with the CPS Areas, which use one national computer system. CPS staff expressed frustration in working in an Area where case information was received from police forces with different operating systems. This required them to be familiar with varied procedures, for example when receiving information direct from different systems. In addition this again differed where a force submitted case information via email attachments.

#### Review of the case file by the police

5.9 Prior to the police sending the case file to the CPS it is subject to a review for quality by a supervisor. If the case is one which the police can charge<sup>25</sup> then, if appropriate to do so, the suspect is charged and the file is sent to the CPS. If the case has to be submitted to the CPS for a charging decision then the police supervisor will check the contents of the file before it is transferred. Police supervisors commented that they were now familiar with the process of reviewing cases electronically, but about half found it to be more time consuming as it took longer to navigate around the digital file rather than its paper equivalent. For this reason they told us that they often printed copies of the files in order to review them. These actions defeat the objectives of a streamlined digital process and undermine the cost benefits of removing paper from the system.

5.10 The inspection team came across examples where:

- statements had been scanned upside down with sections missing from the document;
- duplicated documents that had to be removed from the case file before being ‘bundled’<sup>26</sup> for the prosecutor;
- hand written statements that were difficult to read;
- the rear of statements inadvertently sent with the case file; and
- personal contact details for victims and witnesses added onto the summary of evidence that necessitated redacting before they were able to be sent to the defence.

Whilst the above examples do not constitute a failing of the digital process, the lack of intuitive functionality at the police end of the exchange often meant that mistakes were made to unstructured data entries<sup>27</sup> by police officers. These issues can cause delay in getting cases ready for court. A true “digital” process would most likely prevent many of these issues.

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25 The *Director’s Guidance on Charging 5th Edition* (CPS; May 2013) sets out agreed practices between the police and the CPS, including those categories of case where police can make a charging decision without reference to the CPS. [http://www.cps.gov.uk/publications/directors\\_guidance/dpp\\_guidance\\_5.html](http://www.cps.gov.uk/publications/directors_guidance/dpp_guidance_5.html)

26 Single electronic PDF file of evidence and key documents relative to a case.

27 Unstructured data (or unstructured information) refers to information that either does not have a pre-defined data model or is not organised in a pre-defined manner.

- 5.11 A prosecution case file is prepared by the police from evidence gathered during the investigation into a criminal offence and can include victim and witness statements. These statements contain personal information including their address and telephone number, which is entered on the rear of the document. This information is required by the Witness Care Unit in order to keep the victim and witnesses updated on the progress of the case and to advise them of any court dates.
- 5.12 In order to protect victims and witnesses, this information must not be disclosed to the defence. We saw examples where different documents held within the case file transferred by police to the CPS electronically were not accurately described. In one example a document labelled as a statement front was in fact the front and rear of the statement. CPS administrative staff informed us that files sent to them by the police often included errors such as the victim and witness personal details being included in documents which had to be provided to the defence. 999 calls had to be listened to, for editing purposes, as they contain mobile numbers and addresses of witnesses.
- 5.13 CPS staff therefore needed to check for any victim and witness personal information which should have been edited by the police. These additional laborious filters are necessary because the case file is now digital whereas the paper case files rarely required additional work to remedy these issues. The lack of an intuitive approach to building the digital case file can create additional work for the reviewers.

#### **Naming convention**

- 5.14 There have been a number of recommendations in previous inspection reports relating to the application of a standardised naming convention. At the time of the inspection fieldwork it was found that forces were working to a number of versions of naming conventions, some of which have been locally developed. The situation was complicated through documents being transferred to the CPS via an automatic system link and also through manual input and submission. Since our fieldwork the CPS and forces have been working towards achieving an agreed naming convention to cover all documents. It is understood that an agreement in principal has now been reached covering three main sets of documents; witness statements, exhibits and unused material. Conventions for all other documents have yet to be agreed.
- 5.15 At the time of the inspection fieldwork we were also made aware of an issue in a number of forces where documents transferred across the Criminal Justice Exchange were, despite being named in a particular way by police, then appearing differently in the CPS case management system. The CPS, as a result, had to allocate more resources to identify, re-name and bundle the documents sent. This was in addition to the police telling us that they had checked files were being clearly named before despatch. This has since been reviewed by forces and the CPS and we understand that if a set LMO<sup>28</sup> message structure is used by the police to send documents, then the CPS case management system is able to recognise these documents correctly without the need for staff intervention.

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28 LMO is an electronic message/notice sent to the CPS system.

- 5.16 This issue has been previously highlighted in the joint report *Getting cases ready for court*, where the following recommendation was made to the CJS Efficiency Programme Board “reinforce and clarify the process by which both the CPS and police report IT-related issues that mitigate against the effective use of the interface between the two agencies such as the document naming arrangements”.

It is disappointing that this issue still exists despite this recommendation made in July 2013.

- 5.17 CPS staff fed back that only 15.1% thought the transfer of files from the police to the CPS was effective and reliable. CPS staff explained that there were problems with files coming across the interface. This included files arriving out of sequence even when they had been in good order at the police end. The system was unable to cope with large documents so as a workaround they were sent across in batches by email or hard copy which then had to be scanned onto CMS by admin staff. Areas also noted that working with different police forces meant often having different protocols for receiving files depending on the force IT system. Specific comments included:

*“The system has its advantages it is good although there is a lot of duplication and creates double the work volume as you find you are dealing with further work that has already been dealt with. I don’t think the system is designed to deal with the volume.”*

*“Different police IT systems means you are having to dealing with a number of different issues. The national naming convention which will apply to all forces will assist this.”*

*“We often re-request documents that police say have been ‘twiffed’ over but we have not received. The quality of the documents we do get is often poor. When a case is split or merged we can lose the ability to TWIF altogether.”*

- 5.18 A clearly defined and nationally agreed naming convention covering all document types, that is universally applied, would ensure that every document is easily identifiable regardless of its originating source. For example all statements would have a common name clearly identifying them as a witness statement. This would have a number of benefits including a reduction of the time currently wasted by staff spent correcting errors and viewing numerous files to identify their source and type. The CPS and police recognise this and work continues to establish a process that will enable all document types to be automatically transferred between them without manual intervention in renaming some types of documents.

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## RECOMMENDATION

The police and the Crown Prosecution Service should ensure that a formally agreed common naming convention covering all document types is consistently applied.

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### Police transfer of case details to the CPS

- 5.19 As previously noted, the police can request charging advice from either CPS Direct, or in more complex cases, the local CPS Area.
- 5.20 Under the CJS Efficiency Programme, the aim was for all police forces to be able to submit almost all of the content of a prosecution case file to the CPS digitally by April 2013. All forces inspected had developed a means of transferring case file information to the CPS electronically and recent figures produced by the CJS indicated that 90.0% of all cases are transferred this way.<sup>29</sup> However, we found that although case files were routinely transferred as electronic documents via email or electronic interface, no force could yet transfer all files digitally because of the restrictions encountered by hard media and data size.
- 5.21 As identified earlier, the aspiration for digital transfer of police case information to the CPS hinged around it being captured once and transferred through systems without duplication or rework. Despite the electronic transfer of information between the police and CPS largely being achieved, this often involves document scanning and attaching documents to secure emails etc, and therefore the aspiration has yet to be achieved.
- 5.22 The Criminal Justice Exchange (CJX), the connective means by which file information is sent across securely by the police to the CPS, is provided commercially to the Ministry of Justice. Originally a one-directional flow of information, the exchange has been capable for some years now of allowing a two way interface with the CPS (known as TWIF). Through the TWIF, communications from the CPS, such as case action plans, could link directly with the police file building systems and save the officer having to merge information manually. TWIF also enables automated updating of the Police National Computer following provision of the charging decision.
- 5.23 Greater Manchester Police was an early adopter of the TWIF in 2011. At the time of the inspection only three forces nationally use TWIF. Two of the six forces visited were using TWIF at the time of the inspection. This number was disappointing given how long the technology has been available. We do note, however, that developmental work on establishing the TWIF was in progress in two of the four remaining forces visited, with the other two forces about to make changes to their operating systems.
- 5.24 It is unclear whether a detailed national cost benefit analysis of TWIF had been carried out, but in the two forces that had TWIF the management of the case was usually more effective and timely. CPS case action plans would automatically interface across the TWIF in a format compatible with the police IT system. In some cases, actions were prioritised by colour coding as red, amber or green depending on the urgency of the action.
- 5.25 There were also limitations to the CJX which included the size of the data that could be transferred (1MB or less) and the inability to transfer CCTV and other recorded evidence. Whilst the contract for provision of the CJX has just been reviewed and renewed, it is noted that the inability to send individual documents or attachments greater than 1MB is a significant barrier to allowing a more complete digital/electronic transfer of case file information. In September 2015, whilst 92% of all cases charged were registered electronically, only 77% of case material was being sent digitally.<sup>30</sup>

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29 *Criminal Justice System Digital Business Model*; Ministry of Justice; April 2014. <http://cjsdigitalmodel.org/>

30 Police to CPS interface performance data.

In one force area we found that suspect interviews were digitally recorded but as a result of the limited size of data that could be transferred across the interface, the police had to burn interviews to a disc and send a hard copy to the CPS. This was both time consuming for the officers and costly in terms of discs and couriers. There was also the potential of the disc being lost, or stolen.

In another force, custody suites had been fitted with digital interview recorders that automatically uploaded the recordings onto a cloud based storage system. Although there was the capability for the CPS to access this remotely, the layers of security put in place to facilitate access had prompted a very poor uptake by the CPS. The result was that production of a significant number of hard copy discs had continued.

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## RECOMMENDATION

The National Criminal Justice Board ensures that the Criminal Justice Exchange is reviewed to ensure that its technical capability is fit for purpose for the needs of the criminal justice system.

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### Transfer of visually and audio recorded information

5.26 The lack of progress in developing a reliable digital sharing solution for CCTV, interview and 999 recordings, photographs and body worn cameras is disappointing. In 2013, *Getting cases ready for court* highlighted a need to urgently review arrangements for the electronic transfer of visually recorded evidence between the police and CPS, to ensure the use of hard copies and downloaded still pictures was minimised.

5.27 The benefits of such a system would be:

- the submission of visual evidence to the CPS would be quicker and the security issues around lost discs would be resolved;
- the CPS would be able to review visual evidence when making a charging decision and reviewing the case prior to prosecuting the case; and
- there would be no compatibility issues with playback of the video in court.

5.28 The issues raised in this report were also subject of comment and a recommendation in another joint publication in 2013, *Stop the Drift 2*. Whilst many forces may have digital storage systems for recordings which are capable of internal viewing, the fact that this is not shared with the CPS means that the benefits of digital working are not fully realised.

5.29 Police forces are making significant investment in body worn video (BWV) recognising that it improves legitimacy of the police and trust of the public and provides an excellent way of gathering evidence, particularly around domestic abuse cases. The images generated from BWV require huge storage solutions to comply with the Management of Police Information<sup>31</sup> (MoPI). One force inspected had plans to issue every response officer with a camera.

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31 The principles of Management of Police Information provide a way of balancing proportionality and necessity. *Code of Practice on the Management of Police Information*; Home Office; July 2005.



- 5.30 At the time of the inspection there was still no cloud solution fully operational in any of the forces inspected. All video evidence including CCTV, BWV and the majority of digital interview recordings had to be copied by the officers to a disc and sent to the CPS, as the data size exceeded the limit transferable via CJX. The CPS does not currently have the facility to view the images remotely. Where video evidence was available and the police required a charging decision from CPS Direct, officers were required to provide a detailed description of what evidence was on the CCTV, which was time consuming and could be subjective. Where CCTV was critical to the case we were informed by officers that decisions to charge were sometimes deferred to local CPS Areas to allow them to directly view the images from a disc. The inability to view this footage remotely can delay charges being brought. As noted earlier, the Application Program Interface (API) being developed by the CJS Common Platform Programme and Digital First should allow for the sharing of multimedia evidence between the police and other parts of the CJS without the need for hard copy media. A proof of concept was carried out in one force in early 2015 and will be tested further in other forces during 2016.

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## RECOMMENDATION

The National Police Chiefs' Council, Crown Prosecution Service and Her Majesty's Courts and Tribunals Service ensure jointly that a solution is reached to ensure that all forms of evidence, including hard media, can be accessed by all criminal justice system partners and defence representatives by electronic means. This needs to be a priority to enable criminal justice system partners to fully realise the benefits of the digital programme.

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### Security of hard media discs

- 5.31 The CPS has reduced the number of offices that it works from across the 13 Areas in England and Wales. The digitisation of case files has allowed the CPS to apply agile working, with prosecutors no longer having to return to the office to collect paper files for court. However, with the inability for visual evidence to be viewed remotely, the discs that contain these images have to be sent to the CPS which is then responsible for the safe, secure storage of them and couriering to the prosecutor as and when required.
- 5.32 We were concerned to learn that a widespread issue existed concerning the CPS misplacing discs containing sensitive evidence and information, such as CCTV, 999 recordings, suspect interviews and, more alarmingly, Achieving Best Evidence (ABE) interviews. Many officers informed us that it was common to receive several requests from the CPS to supply further copies of discs because the original copy submitted could not be found.

We were informed of a case involving a 12 year old girl victim of a sexual offence, who was interviewed on video and a copy sent to the CPS on a DVD. This disc was misplaced and a further copy was requested from the officer.

As a result of this and other similar cases in that force area, managerial discussions took place between the CPS and police and a new tracking system was introduced which had improved the situation.

- 5.33 In November 2015 the CPS was fined £200,000 by the Information Commissioner's Office (ICO)<sup>32</sup> after laptops containing videos of police interviews with victims and witnesses were stolen from a private contractor's studio.
- 5.34 Whilst the circumstances leading to the fine are not directly related to our inspection findings it reinforces the need for the police and CPS to urgently review arrangements for the handling of hard media. The inability to track also highlights the urgent need for an IT solution so that criminal justice agencies can access visual and audio evidence remotely and securely.
- 5.35 If a national joint solution is reached to ensure that hard media can be accessed by all criminal justice partners and the defence electronically, as per the recommendation made earlier in this report, issues around the security of transfer of physical hard media will no longer apply. However until such a solution is established the following recommendation is made.

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## RECOMMENDATION

All police forces and Crown Prosecution Service Areas should, as a matter of urgency, jointly review arrangements for the provision, transportation and storage of hard media to ensure it is available securely to all appropriate individuals.

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### Information transfer for remand courts

- 5.36 As part of the inspection observations we viewed a number of dedicated remand courts which dealt with suspects who had, for a variety of reasons, been detained in police custody pending their court appearance. The police have a duty to bring the suspect before the court at the earliest opportunity, which is normally the following morning. As a result of these time pressures, a digital file is usually available from the police but not transferable in time to allow the CPS administrator to forward the file to the prosecutor. This usually results in the police printing off a paper copy of the digital file and couriering it to court.
- 5.37 Work is ongoing in Areas and forces to locally resolve the overnight remand system. Some of the Areas we visited had resolved this issue for weekday courts and had implemented local solutions to ensure a digital file was available at the time of court hearing. However, Saturday remand courts remained paper only due to CPS staff not being available to digitally bundle cases.

### CPS case file review

- 5.38 Once a file has been received from the police, the CPS have a duty under the *Code for Crown Prosecutors*<sup>33</sup> to determine whether there is sufficient evidence to prosecute and secondly whether there is a public interest in doing so.<sup>34</sup>

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32 The UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals. <https://ico.org.uk/>

33 *The Code for Crown Prosecutors* (CPS; January 2013) sets out the test for all prosecutions when deciding if a charge should be brought against a suspect. [www.cps.gov.uk/publications/code\\_for\\_crown\\_prosecutors/index.html](http://www.cps.gov.uk/publications/code_for_crown_prosecutors/index.html)

34 Even if the police are able to charge the suspect with an offence, the CPS must still review that decision. The review of charges fall into three distinct categories: (1) cases charged by the police that require a CPS review before going into court; (2) cases where CPS Direct are asked to make a pre-charge decision; and (3) reviews of files by local Area lawyers on complex cases or cases which require viewing of physical exhibits prior to charge.

- 5.39 The *Director's Guidance on Charging* sets out those categories of case where the police can make a charging decision without reference to the CPS. Once charged, the police decide whether they anticipate the defendant will enter a guilty (GAP) or a not guilty plea (NGAP). This influences both the content and the timescales for submission of the file.
- 5.40 The handling of GAP files was straightforward and few issues were raised by prosecutors in dealing with this type of file. However NGAP files often included, for example, CCTV, police body worn video recordings and other images, and therefore hard media had to be created and then transferred by the police to the CPS to enable it to be reviewed. This built in a delay to the process and impacted on the ability of the CPS to move its review work digitally between Areas and make best use of its resources. For example CPS staff had to ensure that cases that needed reviewing were not given to other units or prosecutors working remotely if the case contained evidence which relied in part on hard media. These restrictions hamper the ability of the CPS to fully embrace the advantages of the digital file and add a layer of checking before a file can be passed on.
- 5.41 As with police supervisors, prosecutors were also divided in their opinion of how quickly they could review a digital file compared to a paper file.
- 5.42 CPS staff feedback showed that only 34.4% thought that the implementation of digitisation had been successful in reducing workload and the duplication of processes. Staff comments included:
- "Because of duplication, I don't feel it has reduced my workload at all for some aspects it has, but I think the system is messy as you have to check every item and there is no quick way of seeing what has been dealt with."*
- "It is difficult to find some documents in CMS communications when they are badly labelled."*
- "Overall it has resulted in substantial extra work managing disparate and uncollated documents."*
- "Many statements border on the illegible and are only readable once printed out."*
- "Due to not being fully digital "work around" have been implemented which in some cases has made processes longer to complete."*
- 5.43 When the digital file is received by the CPS for pre-charge advice it is placed on CMS, either directly by police or uploaded by the CPS. If the advice is to charge, then the subsequent appropriate file for the first hearing may undergo a similar process. Where this occurs the process causes the duplication of documents previously submitted. This currently creates confusion and additional work for CPS staff. This issue arises primarily from the lack of intuitive digital transfer systems and the sensitive nature of material on some documents. Using the central digital repository provided by the CJS Common Platform should ensure that material is only submitted once and viewed as appropriate by all criminal justice partners. This system will also have provision to allow the editing of sensitive documents.

5.44 As noted earlier the Common Platform Programme is anticipated to provide a sharing solution between the CPS and HMCTS. However there are no plans for the police to directly upload material to this repository. The Common Platform requirement is for police forces to send case file information and evidence using the Criminal Justice Exchange where possible and in compliance with the multimedia API standard mentioned previously. This is a lost opportunity, but while forces remain on different operating systems it will be a difficult issue to resolve for the foreseeable future.

## 6 CPS-HMCTS CONNECTIVITY OF OPERATIONAL SYSTEMS

- 6.1 In this chapter we consider the effectiveness of operational systems between the CPS and HMCTS. We consider how digital working is supporting the transfer of a case file between the agencies to enable it to be used effectively in court. We also assess how well the CPS and HMCTS are using digital working to support improvements in the quality of case presentation and to improve the experience for victims and witnesses.

### Transfer of case files to magistrates' courts, CPS agents and defence representatives

- 6.2 The CPS transfers case files to HMCTS as a bundle prior to the court hearing by a secure email process. Current issues with a lack of ability to include hard media as part of the digital bundle results in a dual system of digital transfer and physical couriering of hard media including discs and photographs to the court.
- 6.3 Until the introduction of digital case file transfer, the progression of cases relied on paper files and exhibits being transferred from the police to the CPS and then on to the defence and courts. The transfer of case material in this manner is time consuming and relies heavily on printing large amounts of documentation that then has to be transported between the relevant parties. The purely paper based file system resulted in delays while documents were in transit. In addition, storage of all this physical material was costly, had to be stored systematically and securely to avoid loss, and made available for viewing when required. A number of administrative functions were often replicated by the police, CPS and courts. This was inefficient and a duplication of effort.
- 6.4 However our observations indicate that the benefits of digital transfer are yet to be fully realised. As we have discussed earlier, in the case of overnight remand files these were often produced in digital format but were also produced in paper format by the police.

In one force an overnight remand file had to be prepared digitally then printed in a paper format. Four copies were produced: one each for the CPS, defence, court and the police. These files then had to be delivered to the police criminal justice department in person in preparation for court the following day. This often meant a 30 mile or more roundtrip to drop the file off.

In another force, overnight remand files were being produced in paper format by the police because of a lack of CPS staff working suitable hours to prepare and bundle the file.

- 6.5 Although the CPS is in a position to serve their case electronically on the defence, in practice this rarely happens. The process requires a defendant to be represented by a lawyer who possesses a working Criminal Justice Secure Mail (CJSM) account and for that representative to notify the CPS that they have been instructed by that particular defendant. Our findings reveal that only a few defence firms use this facility.<sup>35</sup> More commonly, the bundler at the CPS prints off the defence paper copy of the Initial Details of the Prosecution Case (IDPC) and

<sup>35</sup> At the time of writing the procedure of awarding defence contracts which includes a prerequisite for the contracted organisation to possess a CJSM account was unresolved.

sends this by courier to the court. The prosecutor at court would then hand out the IDPC to either the defence advocate or the unrepresented defendant. Therefore at the first stage of service, in most cases, the process reverts back into a dual digital and paper system.

- 6.6 At the time of our inspection the judiciary and courts were unclear as to how unrepresented defendants were going to be able to access their papers once the court becomes fully digital. The CJS Efficiency Programme (CJSEP) does not make any specific accommodation for such defendants as the belief is that the actual percentage requesting papers is very low.<sup>36</sup> The Efficiency Programme solution is that either the prosecutor or court could print a hard copy off for them. The Efficiency Programme also envisages that all suspects remanded into custody by the court would be entitled to a hard copy of papers. However there was no data supplied to clarify whether each unrepresented defendant was actually offered the IDPC or whether they had to specifically request it, assuming they were aware of their entitlement. A fully digital solution needs to be identified.

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## RECOMMENDATION

The Crown Prosecution Service should co-ordinate a national strategy for providing Initial Details of the Prosecution Case and other case material to unrepresented defendants and those remanded in custody.

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### Receipt of the case file by the court

- 6.7 Our inspection identified that nearly all magistrates' courts were able to receive their IDPC bundle electronically. This was then placed by court staff onto a local shared drive to enable access by the court's legal advisers. At the time of the inspection, HMCTS had been piloting a new repository system in the magistrates' courts developed under the CJSEP called Court Store. The system was capable of storing digital IDPC files from the CPS and placing them onto a shared repository which could be accessed by the local court staff and district judges. Additionally a digital file cover had been added which was designed to allow the legal adviser to record the outcomes and directions of hearings digitally. The CPS and defence representative(s) did not have access to Court Store other than by submitting documentation to it via an email or interface.
- 6.8 We observed a number of court sessions where the system was being piloted, although since our inspection the further implementation of Court Store has been suspended. We noted that in cases involving multiple defendants, the court slowed down dramatically. This was due to two reasons: firstly Court Store limited the updating of manually inputted information to one defendant at a time irrespective of whether the same update applied to them all. One legal adviser informed us that in a case where eight defendants had appeared before the court, they had to suspend the court sitting for an hour whilst they updated eight different case files with the same information. The second reason was the user's ability. Many legal advisers complained about the increased amount of digital entry they were being asked to undertake and their lack of IT skills to do so. A legal adviser forum suggested that 80.0% of their time was now spent

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36 A survey was conducted in 2014-15 by the CJSEP. It noted that in a collection period between October 2014 and January 2015, 780 first hearing cases were heard in the magistrates' courts, of which there were 59 (8%) Litigants in Person (non-legally represented defendants). Of this group 24 (3%) of Litigants in Person requested to see a copy of the prosecution case against them.

typing into Court Store and then repeating most of the information onto the digital file cover. They felt that this was distracting them from their core role which was to advise magistrates upon matters of law and procedure and, generally, the new digital process was more time consuming than compiling a written paper update.

### The use of CPS agents

- 6.9 Agents instructed by the CPS to prosecute in the magistrates' court are usually provided with their files in an electronic bundle which is emailed to them. However, court staff interviewed raised a common concern which occurs when a case is transferred to another court because of listing issues and the agent does not have access to the new case papers in a digital form. Whereas previously the prosecutor would hand over a physical paper file to the agent who could then read it and present the case in a relatively short time frame, the process now requires the prosecutor to find the file on the local CPS computer network and email it to the agent. The process relies heavily on the availability and reliability of an internet connection at the court, which varies. Court staff stated that they have to wait for the case to be loaded onto the agent's laptop which can cause wasted time. CPS staff comments included:

*"The use of agents is a challenge when cases need to be transferred between courts. Some do not have secure email and even if they do there is a delay with them getting what is needed."*

*"What the CPS does is effective and reliable - unfortunately agents, external counsel, the defence and courts do not appear to be equipped to manage keeping that material accessible in a digital format and routinely paper copies or digital duplicates have to be provided when the other agency loses or cannot locate material which they accept has been properly served."*

*"Bundle errors and sizes continue to create problems - the defence often seem to have small data size and so the bundles don't get accepted their end but we don't get a rejected message so have no way of knowing the bundle hasn't been received. Courts simply seem to print the bundle so later eg when someone is on a warrant and we ask for material at court they don't have a saved digital version to refer to - leastways claim not to."*

### Transfer of case files to the Crown Court

- 6.10 Inspectors carried out a limited inspection of digital work in the Crown Court which still predominantly operates a paper based system. Many CPS files destined for hearings in the Crown Court were transferred as digital files. However after a preliminary hearing or plea and case management hearing (PCMH), files tend to be served as paper at the request of the courts and defence, many of whom had defendants in custody.
- 6.11 The CPS has different digital service agreements with local Crown Court centres. On the whole most courts are willing to deal with preliminary hearings, sentencing occasions and PCMHs in a digital format. Once a defendant enters a not guilty plea, files tend to be served in paper on the court and mirror the relevant documents already on the digital system.



- 6.12 Inspectors visited Southwark Crown Court, which together with Leeds Crown Court was piloting a repository to allow all parties to work digitally from one central file. The Digital Case System (DCS) allows the magistrates' court and the prosecution to transfer their papers into the DCS. Anyone with a CJSM account who has been granted the appropriate level of access may then go in and view the documents. In practice this means that the judge, defence and prosecution representatives can all refer to documents from a shared service. In our observations at these court centres we saw preliminary hearings and PCMHs being conducted wholly digitally. The judge completed the case management form electronically and placed this back into the repository, for administrators to circulate to the parties concerned. We were informed that all cases that commence as digital files now will be run to trial in that format unless they are too complex. This process appears to work well and the pilot was extended to more courts. Since our fieldwork a national roll out has started.
- 6.13 However we were advised by court staff that at the time of the inspection in order to move documents from Court Store to DCS, they required printing off from Court Store and scanning into DCS. Subsequently we have been informed that there is a less cumbersome way of transferring material, although the staff we spoke with did not appear aware of this procedure.

#### **Presentation in court**

- 6.14 The procedure for presenting magistrates' court cases digitally was changed when the CPS first started accessing its files directly from laptops in court. Until recently this was done by downloading the prosecutor bundle from a shared drive which had been organised by the CPS administrative teams when the bundles were being prepared. The process was cumbersome in that the files had to be downloaded in advance and stored on the user's own device. Once the user was offline any additional transfer of information had to result in the court waiting for the prosecutor to leave the court room and go to the court based CPS room to download further information.

#### **Wi-Fi roll out**

- 6.15 As part of the CJS Efficiency Programme in court presentation equipment has been rolled out to the majority of magistrates' courts. At the time of the inspection the CJSEP roll out of Wi-Fi, referred to as a network called the professional court user (PCU), and court equipment was in its early stages. Some of the court estate is old and introducing Wi-Fi will be problematic due to heritage status and the physical structure of some older buildings. PCU has been well received by all court users and now allows prosecutors to access key information on CMS and retrieve additional information which can then be mailed direct to defence or the court, therefore assisting with the smooth running of the court. Additionally it allows the CPS to access real time communications via email to chase missing files and obtain information for case progression. As Wi-Fi is not yet present in all court rooms some prosecutors are still relying on the use of Wi-Fi 'dongles'<sup>37</sup> to connect. There were reports however, that Wi-Fi in some locations was weak and caused the connection to drop during court time. However, overall the installation of Wi-Fi appears to be delivering benefits.

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37 The term dongle has expanded to include any small device that plugs into the universal serial bus (USB) or other computer port, regardless of what it does. This includes supplying WiFi® connections; often referred to as "mobile dongles".



In one case of a breach of non-molestation order, the defendant “pleaded guilty on a basis” namely that he had written something that could be interpreted as a threat. The prosecutor was able to contact the police officer and within an hour the prosecutor had an electronic version of the letter which was printed off for the court. The case was therefore able to be dealt with that day when the prosecutor and district judge had been able to look at the letter.

#### **Click Share**

6.16 The CJS Efficiency Programme has also introduced a product called Click Share which allows court users to display what is on their digital device on larger monitors placed around the court room. This aims to eliminate the need to bring along additional hard copies to share with the court. Once again users spoke highly of the system and it seemed simple to use. Magistrates were complimentary of the system and spoke about how much clearer the images were and easier to see when displaying picture/video evidence, although the use of Click Share and display of some evidence was not always appropriate in cases of sexual abuse and some cases of domestic violence.

#### **Defence presentation**

6.17 From our observations and from speaking to defence advocates, we identified that most chose to present their case from their paper IDPC bundle. Many defence advocates had brought along digital devices such as tablets and laptops but these were being used for general office work and not to hold a digital IDPC. They stated that they were reluctant to invest in the purchase of compatible devices when it was unclear who would receive legal aid contracts in the future. Some tablets are also not able to be linked to Click Share as they do not have a suitable connection.

#### **Lecterns and monitors roll out**

6.18 The CJS Efficiency Programme roll out saw the introduction of height adjustable lecterns, cradles and monitors in court rooms to assist advocates with working from their laptops. The monitor allows the user to split their information; for example to display digital case papers on the larger screen whilst performing administration functions on the laptop. Unfortunately from all the observations we conducted we only saw one prosecution advocate using the additional system and no-one from the defence. We were informed by a number of prosecutors that they had not been shown how to use the new equipment. They further stated that as the bigger screen was not touch sensitive it required a mouse device to scroll through the IDPC. It was demonstrated to us how it is very difficult to use while standing up as the mouse had to remain on the bench and was often out of reach. Therefore the advocates we saw chose not to use the additional devices and they remained redundant in the court room. The equipment provided is therefore not currently fit for purpose. At the time of the inspection £14m (capital and revenue) had been spent on magistrates ‘in-court presentation’ which includes the provision of hardware for use in court.

- 6.19 Despite it being common place for advocates to remain seated throughout youth court cases and video links, advocates are still expected to stand to address the court in other types of hearing.<sup>38</sup> This results in them moving laptops frequently during the course of a case and created difficulties when entering data from the standing position. This is a particular issue when cross-examining for any length of time as the advocate will need to make detailed notes whilst on their feet.

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## RECOMMENDATION

The Crown Prosecution Service and Her Majesty's Courts and Tribunals Service should immediately review the introduction of hardware for advocates in court to assist in case presentation to ensure it is fit for purpose.

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- 6.20 At the time of the inspection, legal advisors were using a dual system of digital and paper. Most had access to the digital IDPC on a shared drive. However in order to pass information to the bench, such as showing previous convictions or charge sheets, a paper copy was handed up. This had been pre-printed by the court administration staff. Court Store is a repository only for the court staff and district judges, until a workable Bench Solution is found (see next section) the items have to be printed off to hand up to the magistrates.

### Bench Solution

- 6.21 At the time of the inspection the issue of sharing digital information with the judiciary had not been resolved. A CJSEP initiative called the Bench Solution had been trialled in a concept court in Birmingham Magistrates' Court (although we have been told that it has now been redesigned). Initially large screens had been used to display the information in front of the magistrates. This had frustrated some and the feedback confirmed that the screens were preventing eye contact with court users, including the defendant.
- 6.22 Because the Bench Solution has yet to be resolved, magistrates had commented that the only method of receiving documentation, for example previous convictions, was for the legal adviser to email the documents. This could be a matter of a couple of metres away. Despite this, the limits on the broadband width meant that there were often delays in receiving the documents which held the court up.
- 6.23 Furthermore, Court Store could not separate the CPS bundled IDPC and therefore all of the papers came across and the magistrates' were asked to simply ignore other evidence within the pack which may have influenced their decisions on sentence and bail. The Bench Solution has been temporarily halted whilst solutions to this problem are explored. At the time of the inspection £4.3m (capital and revenue) had been spent on providing the Bench Solution aspect of the CJS Efficiency Programme.

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<sup>38</sup> All parties remain seated in youth cases to permit an informal atmosphere so as not to intimidate young suspects. Where video links are made in court, it is necessary to remain seated to allow the camera in court to fix on the speaker during their advocacy.

### Ability to view media

- 6.24 To be of use in court discs must be in a suitable format and be accessible for the CPS to both review and present to the court. Although one police force had a cloud based solution, the CPS was unable to view the evidence due to the stringent layers of security imposed by the police. Where discs were provided they were not always compatible with the CPS and court systems and were often unable to be viewed. We learned of many court delays while appropriate equipment could be found to play the discs. In some instances, cases were transferred to different courts which had appropriate equipment to view discs.
- 6.25 In one force area due to the persistent issues with formatting, the police had provided funding for laptops that were able to play the vast majority of CCTV in court whether from police custody suites or from CCTV systems. However, in the medium to longer term, it is anticipated that the joint CJS Common Platform Programme/Digital First project will define standard formats for multimedia evidence which should address this issue.

### Recording of court hearing outcomes

- 6.26 An essential function for all parties in the court is to record outcomes such as court dates, court directions and the sentence imposed on the defendant. The information must be both accurate and timely in order to disseminate to other agencies such as the Prison Service; probation; police; Witness Care Units and of course victims and witnesses.
- 6.27 Until recently this task was always performed manually by entering the information onto file covers by defence, prosecutors and legal advisors alike. With the introduction of computerisation, the court and CPS have been able to take these results and add them manually onto their own case management programmes (for example Libra in the magistrates' court and CMS by the CPS). This has obviously involved a lot of double entry keying and additional administrative resources. As mentioned above, the Court Store attempted to resolve this with the introduction of the digital file cover. It is understood that this project has now been reconsidered and a new product is planned to be produced under the Common Platform called the digital mark up (DMU).
- 6.28 The CPS has been using a system which requires the recording of outcomes by two separate individuals. However it has now introduced a new system for prosecutors called the Prosecutor App which is designed to interface with CMS. Once a bundle is produced it is then identified on CMS and a prosecutor can use the Prosecutor App to search and download all files in their court centre or court room.
- 6.29 In court the prosecutor is able to open a resulting sheet which is part intuitive and speeds up the process of data entry by using 'radio buttons'<sup>39</sup> on drop down menus. More importantly if the case results in a final disposal at first hearing, the prosecutor is able to flag this and the files are automatically closed on CMS. At the time of the inspection this app was being trialled and we observed it being used in a court. The staff using this app were very complimentary about its user-friendliness and stated their recording speed has dramatically increased, resulting in less time being spent updating the hearing record.
- 6.30 Additionally there are recognised benefits for administrative staff time being freed up to complete other tasks. It is anticipated that it will be rolled out nationally in 2016.

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39 Option button that allows the user to choose only one of a predefined set of options.

## Impact on victims and witnesses

### *Live link and virtual courts*

- 6.31 The virtual courts programme began in 2009 and was part of the wider policy by the CJS to digitise and streamline criminal justice. The initiative provides for the following:
- Prisons to court video links - defendants remanded in custody appear at court over a video link. The aim is to reduce the cost associated with prisoner movement between court and prison and improve prisoner welfare.
  - Virtual courts - the main objective is to significantly reduce the time from charge to first hearing (often on the same day). The virtual court offers an alternative to the physical movement of defendants from the police station to court, as first hearings are heard over a video link from the police station.
  - Live links - allows police officers, victims and other witnesses to give evidence in trials by video link from a police station or other location instead of in person at court. The benefits include reducing significantly the cost of transporting victims and witnesses to court and also allow police officers to remain productive in their own stations whilst waiting to give evidence.
- 6.32 Of the forces we visited, Kent Police and the Metropolitan Police Service had installed video technology and were making use of virtual courts for remand hearings. In one court, the only persons present were the magistrates and defence solicitor, with the prosecutor located in the CPS office and the defendant remaining at the prison. Digital case files were key to enabling this to take place. In another force however, even though the technology was available, there was a reluctance to make use of the virtual court facility due to the cost and resources required to keep a detainee in police custody. This showed a lack of co-ordination between the agencies to save money across the CJS.
- 6.33 In Kent there was extensive use of live links where police and civilian witnesses were able to give their evidence in the court from a remote location. It was becoming the default position for police officers to give evidence from police stations. This saved travel costs and allowed the officers to perform other duties while waiting to give evidence to the court. However in other areas the courts and CPS were not comfortable with live links even though the video technology was available. In one area the facility was under-utilised as no-one appeared to know it existed.
- In Kent a disabled witness, unable to leave the care premises where he resided, was able to give evidence to the court through a live link from a laptop, provided by the police to enable his evidence to be heard. This prompted the defendant to plead guilty at the last minute.
- 6.34 Unfortunately examples like the one above were few and far between, but demonstrate that digitisation does present opportunities to ensure all witnesses whatever their circumstances can give evidence effectively.

- 6.35 The limited availability of live link facilities away from court rooms, coupled with the cultural barriers to their use, meant that there were situations where witnesses were required unnecessarily to attend court in person to give evidence.

One case related to a victim who was required to give evidence at a trial where the defendant had entered a not guilty plea. She had travelled to India but was in regular contact with the UK. Consideration for the use of live links from India to the court was given at one stage, but this was never formally followed up by the Witness Care Unit, CPS or the court. As a result the victim was flown back to the UK, at a cost of £1,200.

- 6.36 We observed a new facility in Kent where witnesses could give their evidence remotely via live links. Set in a comfortable, well-equipped suite and staffed by volunteers from the Witness Service, this was considered by the Witness Care Unit (WCU) as an excellent facility, placing the witness at ease and removing the fear of attending court in person. Another such facility was being installed in an off-site location in Greater Manchester, for the same purpose. This facility was not, however, replicated in the remaining four forces visited.
- 6.37 In 2012 the police were given greater discretion to prosecute some categories of offences including uncontested traffic offences.<sup>40</sup> During this inspection we saw police led prosecutions for motoring offences being presented by an officer, via live link from a police station into the magistrates' court, that appeared to be an effective and efficient use of digital technology.
- 6.38 WCUs support the victim and witnesses throughout the court process, once a defendant is charged with an offence. Digitisation of case files enables information required by staff in the units to be received in a more timely fashion. For example a prosecutor could update the result of the case through the Prosecutor App which immediately updates CMS. This enables victims and witnesses to be updated on case developments at the earliest opportunity and for victim and witness needs to be addressed at an earlier point. Previously paper files had to be transported back from court to the CPS office where an administrative officer would update the result of the case on CMS. This often took days to complete which meant victims and witnesses could not be updated promptly about the result of the case.
- 6.39 All the WCUs visited had access to the witness management system (WMS), and staff were making full use of email and mobile phone technology to keep victims and witnesses updated. CMS links directly with WMS and is capable of generating action notifications (tasks) which can be transferred to the users of WMS. This assists staff by negating the need to double enter data, leaving more time to carry out the role of witness care.
- 6.40 The lack of Wi-Fi in some courts restricts effective use of the Prosecutor App and has meant that there are delays in WCUs receiving timely updates on the outcome of cases. They have to rely on the court updates that are not always received in a timely fashion, as there is no interface between WMS and the court resulting system, Libra. This issue is being addressed as the Wi-Fi court programme is implemented.

<sup>40</sup> Police led prosecutions extended in September 2012 as set out in the Prosecutions of Offences Act 1985 (Specified Proceedings Order 1999). [www.legislation.gov.uk/ukxi/2012/1635/article/2/made](http://www.legislation.gov.uk/ukxi/2012/1635/article/2/made)

- 6.41 A disappointingly low proportion of CPS staff (17.9%) thought that the introduction of digitisation had been effective in improving the quality of service to victims and witnesses. They cited poor implementation of digital working, evidence being late or missed through digital processes causing unnecessary adjournments and the inability of advocates to professionally present digital cases effectively.
- 6.42 The consequences of poor police labelling of documents in digital case files means that there is an increased risk that prosecutors cannot adduce corroborating evidence such as photographs of injury, simply because they cannot be easily identified. This has the potential to cause distress to victims if the court is not fully aware of the impact of the crime.

## ANNEX A - THE OBJECTIVE AND AIMS OF THE INSPECTION

### Objective

To assess the progress made to date in the roll out of digitisation of case file information.

### Aims

To assess whether:

- the implementation of the CJS Efficiency Programme is suitably supported at a national level;
- local governance is suitably supported by national level advice and appropriate guidance;
- local leadership and governance arrangements are supporting and driving digital working;
- local partnerships assess, monitor and improve the efficiency of digital working through performance management;
- training and awareness arrangements for staff involved in digital file transfer are adequate;
- local cultures of agencies are supportive of effective digital working and true joint working;
- the IT infrastructure provides a reliable platform for digital working;
- digital working improves service delivery and reduces costs;
- remote working is suitably supported and enabled through digitisation;
- the digital process enhances the service to victims and witnesses;
- the transfer of digital case information supports prosecutors in making quality decisions; and
- digital case presentation is supported by the local digital infrastructure in the court.





## **ANNEX B - RELEVANT RECOMMENDATIONS FROM GETTING CASES READY FOR COURT AND STOP THE DRIFT 2**

The College of Policing should urgently review and improve the quality of police training in matters such as the substantive criminal law and criminal procedure, including the rules of evidence and the role of police officers and police work in the criminal justice system. Insofar as police officers lack sufficient training in and experience of the workings of criminal courts, that deficit should be remedied, so that police officers have a sound appreciation of what happens when cases proceed to court, and how evidence is presented and tested. That way, they will have a far better understanding of the critical importance of the work they do in the earliest stages of the criminal justice process. The quality of supervision of police officers should be materially improved, so that mistakes are rectified promptly, time and effort is saved in the preparation of cases, and the interests of justice are served.

Police forces, in order to improve file quality, should consider further training for police supervisors, perhaps delivered jointly with the CPS. This training should focus on the critical points raised in this report, with specific emphasis on ensuring that police officers accurately differentiate between key and non-key witnesses; understand how case papers need to be prepared and presented to improve the effectiveness of the prosecution; and limit file build to the required information.

ACPO [Association of Chief Police Officers] and the CPS should consider amending the MG 3/5/6 forms, and if possible amalgamate one or more of them, in order to reduce the tendency to copy and paste from one form to another.

The National Policing Business Area should prioritise the move from the current digitisation of a paper process to a system where data are only entered once by police officers, and then transferred to the CPS/courts as needed. Forces should place greater emphasis on the quality of information contained in case files.

The Criminal Justice Efficiency Board should urgently review arrangements for the electronic transfer of visually recorded evidence between police and the CPS, to ensure the use of hard copies and downloaded still pictures are minimised.



## ANNEX C - GLOSSARY

### **Agent**

Agents are lawyers who are not employed by the CPS but who are booked, usually on a daily basis, to prosecute cases in court on its behalf. They are not empowered to take decisions under the *Code for Crown Prosecutors* and have to take instructions from CPS lawyers in this regard.

### **Charging decision**

This is the process by which the police and the CPS decide whether there is sufficient evidence for a suspect to be prosecuted. The process is governed by the *Director's Guidance on Charging 5th Edition* which came into effect in May 2013.

### *Code for Crown Prosecutors*

This public document sets out the framework for prosecution decision-making. It provides the authority for crown prosecutors to decide how cases are dealt with and what needs to be considered. Cases should only proceed if there is sufficient evidence to provide a realistic prospect of conviction and if the prosecution is required in the public interest.

### **CPS Direct (CPSD)**

The CPS Area which takes the majority of CPS decisions as to charge. Lawyers are available on a single national telephone number at all times so that advice can be obtained at any time.

### **Digital case file**

Simple, easy to use digital case file for each crime type. Aimed to be used by all parts of the criminal justice system to prepare cases, helping to reduce the unnecessary additions and omissions.

### **Disclosure**

The prosecution has a duty to disclose to the defence material gathered during the investigation of a criminal offence, which is not intended to be used as evidence against the defendant, but which may undermine the prosecution case or assist the defence case.

### **Guilty anticipated plea (GAP)**

A guilty anticipated plea involves a case whereby the defendant is expected to admit the offence at court following an assessment of the available evidence.

### **Initial Details of the Prosecution Case (IDPC)**

This is the material which the prosecution is obliged to serve on the court and the defendant before the first hearing. The documents to be included vary dependent upon the type of case and anticipated plea but always include the charge sheet and the police report (MG5).

### **Local Criminal Justice Partnership**

There are a number of Local Criminal Justice Partnerships in England and Wales, which bring together the chief officers of all the criminal justice agencies and partnerships in order to co-ordinate delivery of the criminal justice system.

### **National Criminal Justice Board**

The primary forum for setting direction for the criminal justice system.

**Not guilty anticipated plea (NGAP)**

A not guilty anticipated plea involves a case whereby the defendant is expected to deny the offence at court following an assessment of the available evidence.

**National police Operational Requirements Board**

Established to set out the future policing requirements.

**Pre-charge decision (PCD)**

The process by which the police and CPS decide whether there is sufficient evidence for a suspect to be prosecuted. The process is governed by the *Director's Guidance on Charging*.



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