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Chief Constables' Council

Connecting Policing to the Criminal Justice Network

7 October 2020

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Appendix 2

Appendix 1

Video Enabled Justice - Costs and Benefits Summary

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1 Executive Summary

- 1.1 Digital First is participating in the Crime Service Model design process on behalf of policing. As part of that work, Digital First have prepared this document to summarise, in one place, all police costs and benefits work on video to date. This will include discussion of opportunities that have not been subject to financial analysis.
- 1.2 This document is the product of Digital First Video Enabled Justice Work Package 23. The stated objective of the Work Package is to:

“...examine all preceding work... to pull together a final cohesive case on costs and benefits.”
- 1.3 This document was provided for review to all relevant Digital First stakeholders¹.
- 1.4 This document is intended to inform those who:
 - may invest or are investing in video facilities and require background for business cases or;
 - are considering the wider implications of video investment for forces and the overall impact nationally.
- 1.5 This document provides:
 - The context for video usage;
 - A summary of the opportunities for policing;
 - A summary of costs and benefits work undertaken by Digital First and the VEJ Programme relating to Video Remand Hearings;
 - A summary of costs and benefits work undertaken by the VEJ Programme and others relating to police witness appearance by video;
 - A summary of the other video opportunities for policing;
 - Conclusions and considerations.
- 1.6 For wider context, other reports previously provided by Digital First (listed in Section 2) should be consulted.
- 1.7 The conclusions of this document are related in the following paragraphs. A summary table showing opportunities, costs, benefits and qualitative impacts is shown at the end of this section.
- 1.8 The drivers for police use of video in relation to justice outcomes are manifold and, as court estate is rationalised, becoming more compelling.
- 1.9 The costs, the changes in custody risk, lack of a definitive conclusion on judicial outcomes and the dependency on policing to make estates, IT, staff and process changes makes Video Remand Hearings unpalatable for the majority of forces. At this time, it is highly unlikely that many Chief Constables and Police and Crime Commissioners would agree to invest in resource or infrastructure to deliver Video Remand Hearings, without the identification of central funding.

¹ In this instance HMCTS VHC project, HMCTS business as usual, HMCTS Finance, CPS, Home Office and VEJ Programme.

- 1.10 Video working can generally be beneficial for policing. The introduction of a low barrier to entry network connection into courts and a common booking solution, especially if they could be combined as the VEJ Programme have demonstrated, would considerably enhance these benefits. Digital First are aware of some forces who are waiting, and in some cases have been for a number of years, for the network solution to enable their courts and video strategies. There are increasing opportunities as other partners become video equipped.
- 1.11 Many factors are involved in costs and benefits including existing working practices and geography. In particular the geographical relationship of Criminal Justice System partners to the police (e.g. prisons, courts) is a primary component. This makes a 'one size fits all' costs and benefits case impossible to calculate. Other agencies have not yet issued any definitive statements on costs and benefits of video working: HMCTS costs and benefits in particular are tied into a much larger package of change.
- 1.12 Regardless of Video Remand Hearings, forces should have a strategy for remotely engaging with courts and other Criminal Justice System partners (such as prisons). This strategy should embrace all court and video working including, for example, PACE reviews and statutory applications. A whole system approach, understanding and exploiting all video opportunities in a single business case, should be more compelling than attempting to exploit ad hoc single opportunities.

Opportunity	Location	Cost	Benefit	Qualitative Impact	Notes
VRH	Custody	£28.1m per annum and £10.4m capital cost.	A spread between +£1.47 and -£3.27m.	Beneficial to defendants for some warrants. Beneficial to defendants and others (e.g. defence) where travel is extended or difficult.	
Extradition	Custody	Expensive on its' own but no cost if using VRH facilities.	Marginal, dependent on force as some will use more than others.	Reduces the possibility of cases being dismissed. Beneficial to defendants not required to travel.	May not be allowed.
Inspector Review	Custody	Minimal. Can be done cost effectively, and is by some forces, without the requirement for VRH facilities. Where VRH facilities are available they can be used at no additional cost.	Saves the cost of the officer travelling.	Potentially increases the number of officers who can do this (and therefore diversity and resilience), if they are not tied to locations. May be preferable to phone interviews in terms of outcomes.	
Superintendent Review	Custody	Minimal. Can be done cost effectively, and is by some forces,	Saves the cost of the officer travelling.	Potentially increases the number of officers who can do this (and	PACE requires

		without the requirement for VRH facilities. Where VRH facilities are available they can be used at no additional cost.		therefore diversity and resilience), if they are not tied to locations. May be preferable to phone interviews in terms of outcomes.	detainee consent.
Warrant of Further Detention	Custody	Once the court is involved, more 'VRH-like' facilities may be required implying increased costs. If VRH facilities can be used there is no additional cost.	Saves the cost of police transporting the prisoner.	Reduces possibility of missing timelines. Time is not lost on the PACE clock. If allowed out of hours HMCTS potentially do not need to open courts and their staff and judiciary do not need to travel.	PACE requires detainee consent.
Interpreters	Custody	Reduced hourly costs.	Dependent upon the application.	Reduction of lost time in investigations. Potentially earlier disposal of defendants. Video link liable to be better than phone (e.g. through facial cues).	Each application is different.
Suspect Interview	Custody and Police Station ²	Could use VRH facilities, if available, or other, less costly.	Saving of officer travel and accommodation.		Recording required.
Police Witness	Police Station	Costs relate to building facilities, booking and management of facilities. IT costs could be much reduced if JVS fixed endpoints are not required (which also increases flexibility).	Saving of officer travelling and waiting time in court. Early return to duties. £2.8m per annum in the five- force region.		Will vary between forces. Benefits are intrinsically linked with efficient court processes.
Prison visits	Police Station	Minimal if JVS fixed endpoints are not required.	Saving of officer travelling.	Reduction in risk to police when in prison and to prisons when admitting and escorting officers.	
Voluntary Interviews	Police Station	Minimal, dependent upon existing IT services.	Saving of officer travelling.	Removal of requirement of members of the public to travel.	
Statutory Applications	Police Station/mobile	Dependent upon the application. If there is access to low barrier to entry technology and	Saving of travelling and waiting time.		Some warrants could be by video

² For all examples: 'Custody' denotes within the secure custody envelope, 'Police Station' denotes outside of that envelope. In this specific example the *interviewing officer* would not need to be in custody as long as the interview is appropriately recorded somewhere.

		court booking processes, then the costs would be minimal.			mobile. Some may need extra security. Some made by phone.
Tribunals	Police Station	Minimal if JVS fixed endpoints are not required.	Saving of travelling and waiting time. Immediate return to duties.		
Inter-agency	Police Station/mobile	Minimal cost if systems interconnect.	Saving of travelling.	Saving of travelling for others. Environmental impact reduced ³ .	
Victim or Witness	Other ⁴	Funding and cost models vary.		Beneficial for victims and witnesses whether they be vulnerable, intimidated or just less willing or able to travel. Better judicial outcomes.	

2 Context

- 2.1 Digital First has been participating in the Crime Service Model (CSM) design process on behalf of policing. This representation will come to an end in March 2020, in line with the end of funding for the wider Digital First Programme. As part of that work, Digital First have prepared this document to summarise, in one place, all police costs and benefits work on video to date. This will include discussion of opportunities that have not been subject to financial analysis.
- 2.2 Video Enabled Justice (VEJ) presents a complex set of not necessarily interrelated opportunities for police forces. To ease understanding we have previously set out five video elements forming the basis of VEJ as it relates to policing. These are mainly sub divided by the different facilities that are required for each:
1. Video Remand Hearings (VRH). First hearing of a detained person undertaken from police custody with a requirement to facilitate safe and secure confidential consultations. VRH facilities could be used for other *custody related* opportunities⁵ such as PACE reviews or extradition hearings.
 2. Police Witness testimony to court. Also known as Police Live link. From any suitable (i.e. court approved) location which is environmentally treated to be appropriate (e.g. look,

³ Note that this also applies wherever travelling is not required.

⁴ Not a court room or police station.

⁵ The advice from custody subject matter experts is that only those who have a reason to be in custody should be in custody, thus opportunities such as police witness would not normally be appropriate from the same facilities.

lighting and acoustics). Usually in a police station and can be used in other opportunities when appropriate⁶ and available⁷.

3. Statutory Applications to court. Potentially from any location⁸, includes opportunities with mobiles and out of court hours working. The video element is not always required. Also, certain applications may need to be made in closed court and this may require a higher security rating for network connectivity.
4. Vulnerable or Intimidated Victims and Witnesses and by extension any witness unable or unwilling to travel to court. Also known as Remote Link Sites. This is not necessarily a requirement on the police but forces, and particularly Witness Care Units, are often involved in facilitating such appearances through a police facility or system. These facilities should not be in a police station or court.
5. Any video capability that does not require connectivity to the court (we have excluded intra- and inter- force video conferencing from the opportunities, though clearly this does exist).

2.3 Work on costs and benefits has to date concentrated mostly on VRH and police witness.

2.4 The following notes are set out on usage of terms:

- Live link. Defined as any video link approved for connection to a court but also commonly used by policing to describe a location from which police witnesses can give evidence by video to court and/ or the process of doing so.
- Remote Link Site. Defined as a place where witnesses may give evidence via a video link from a location away from a court building. This includes spaces that are purposed by police specifically for the use of police witnesses to give evidence by video (often called by the police: Live link Rooms – see above).

2.5 Digital First have previously published a number of documents that set out the wider landscape of Video Enabled Justice and *this* document should be read in context with those:

- ‘Virtual Remand Hearings – Demand Analysis Report’ (Reference DPP/DF/VEJ/149 version 1.0 6th December 2017). Herein known as the Demand Report.
- ‘Virtual Remand Hearings: People and Process Impacts’ (Reference DPP/DF/VEJ/162 version 1.1 6th March 2018). Herein known as the People and Process Report.
- ‘Force Video Enabled Justice Landscape Review Report’ (Reference DPP/DF/VEJ/180 version 1.1 dated 30th January 2019). Herein known as the Landscape Review.
- ‘Test Custody Assumptions Report’ (Reference DPP/DF/VEJ/182 version 1.0 dated 29th March 2019). Herein known as the Custody Assumptions Report.

2.6 The opportunities laid out in this report are discussed in greater detail, with the underlying legislation referenced where appropriate, in the Landscape Review. VRH is described in much greater detail in the People and Process Report and the Custody Assumptions Report.

⁶ e.g. It would not be appropriate to move defendants in and out of the custody secure envelope to share these facilities.

⁷ Witnesses should always take precedence.

⁸ Including Live link Rooms but not usually custody.

2.7 The main drivers for video usage relate to efficiency and modernisation of the courts. Use of video can also generally (i.e. not just related to the courts) provide efficiencies for policing, particularly in relation to the saving of travelling time. For forces that do not have court facing video capability or a video strategy, it needs to be considered that, in the future:

- HMCTS aspire to carry out more of their Courts and Tribunals work by video;
- Under some circumstances it may no longer be considered business as usual to physically appear in a court room or in front of a judge or magistrate⁹;
- Specialisation of courts may mean that physical court rooms may be in different locations, which may be further from police facilities than is currently the case (existing examples of specialisation are Family, Drug and Alcohol (FDAC) and Specialist Domestic Violence (SDVC) courts);
- Out of Hours applications may best be dealt with in the future outside of a physical court room;
- CJIS partners may appear by video and mechanisms for consulting with those partners may be video based;
- The most efficient locations for police estate may not necessarily geographically concur with that of the courts, leading to increased travelling;
- There is evidence¹⁰ that the accommodation of less able-bodied defendants is a concern in the court estate. Use of video may resolve some of the issues;
- Connectivity into courts may become easier and cheaper. In support of their proposed increased use of video in courts, HMCTS and the Ministry of Justice (MoJ) have acknowledged that there needs to be a flexible and cost- effective method for partners and other service users to connect into courts (often described as the 'low barrier to entry'). There have been MoJ led pilot initiatives for this (Internet Based Video Solution (IBVS) and Cloud Video Platform (CVP)). When a suitable solution comes to fruition, this would allow forces to move away from costly, fixed (and hence less flexible) physical Justice Video System (JVS) endpoints. Such a system would not only enable police to connect more cost effectively into courts but also, if other agencies network in the same manner, increases the opportunities to connect to other stakeholders and partners.

2.8 There are benefits to those members of the public required to appear at court, especially those less willing or able to travel¹¹ which the police may be able to help facilitate¹².

⁹ DF have been involved on a number of discussions with HMCTS on the use of video where officers would or do appear remote from the court – this of course includes existing initiatives such as search warrant applications by phone.

¹⁰ From our Landscape Review: "Devon and Cornwall Police are in discussions with HMCTS to consider implementation of a policy to use virtual court for disabled detainees in police custody (to prevent their unnecessary transfer to DDA compliant HMCTS courts which are a significant distance outside of our force area)". Court DDA compliance is an issue in other court areas e.g. Cumbria.

¹¹ As discussed extensively in the Landscape Review: includes the vulnerable, intimidated, mobility impaired, infirm and transport deprived.

¹² e.g. vulnerable and intimidated witness suites supported by police across England and Wales.

- 2.9 DF observation of CJS strategy towards video working is that it is piecemeal and is often driven, or held back, by the local agendas of the stakeholders (mainly police, Police and Crime Commissioner, defence, CPS, HMCTS, the judiciary) and that opposition or recalcitrance by any individual party is difficult to overcome. Nonetheless it should be appropriate for all forces to have a strategy for deciding how they may interact remotely with courts and partners both now and in the future, as court and police estates evolve.
- 2.10 When considering a video strategy, forces need to understand the efficiency and appropriateness of any individual VEJ capability measured against current and future processes. This measurement needs to consider the broad direction of travel and will change over time. Each police process needs to be considered separately with the best solution overall being selected for each. A whole system approach, identifying the appropriate outcomes, synergies and efficiencies across the whole court landscape, will provide a more compelling case for investment than ad hoc requests for funding related to individual elements.
- 2.11 It needs to be stated that, apart from VRH and police witness, measurement of benefits e.g. reduced travelling and waiting times, has so far been extremely problematical with no real success, by anyone, in providing appropriate datasets. In terms of anecdote and what little hard evidence exists, those forces which use VEJ (excepting VRH) see it as having positive outcomes in terms of benefits. HMCTS intend to commence a number of video pilots in financial year 2020/21 which should provide more definitive data.
- 2.12 Nationally, forces operate their processes in different ways, making any upscaling of a single VEJ model problematical. The meaningful underlying numbers required to build such a model, despite the number of datasets that appear to be recorded, have been impossible to come by from any of the stakeholders¹³. Also, while a national model would be useful in broad terms, at force level the processes, numbers, IT capability, geography, and also where past investment has been made¹⁴ vary hugely. Thus, a national model ('one size fits all') is unlikely to reflect local issues.
- 2.13 DF have observed that the key to making any element of VEJ work is early and continued communication across all stakeholder parties. The greater the understanding between CJS partners and buy in to a common process, the greater the probability of a successful outcome. Consequently, many of the benefits are reliant upon other parties (particularly the main stakeholders named above: police, Police and Crime Commissioner, defence, CPS, HMCTS, the judiciary).
- 2.14 Some or all of the following will be required and should be considered as a starting point for considerations when forming a video strategy:
- Processes agreed with the relevant partners;

¹³ Particularly here meaning CPS, Police and HMCTS. Meaning that loads of data is being recorded but isn't of any use for this exercise.

¹⁴ e.g. as is often quoted: Kent have invested heavily in their underlying IT infrastructure which makes use of video efficient for them – other forces have invested in different ways appropriate to their own issues at the time.

- Video links technically approved by the force and, for court purposes, quality approved by the judiciary;
- A physical space that is appropriate for the type of business to be carried out. This may include appropriate acoustic and visual measures (e.g. soundproofing, suitable lighting, decoration and building services);
- A booking system for all of the requisite elements (people, rooms and video links);
- When working into the court, a method of communication to allow the court to adjust and change listings and, by extension, to be able to influence room and video link bookings;
- Where relevant, a secure method of transferring case papers digitally;
- Where relevant, a common set of forms;
- A reliable and secure technical solution backed up by contingency processes;
- Where relevant, a method of carrying out confidential consultations between the various parties both pre and post hearing (e.g. in VRH between the defence solicitor and defendant or the solicitor and CPS);
- Where relevant, video access to the appropriate justice partners including case workers, reoffending prevention and rehabilitation workers;
- Judicial approval is required for any form of court video working and such approval is also required locally.

2.15 Key enablers that are expected to be provided by others are¹⁵:

- A common listing system, which may be provided by Common Platform;
- Low barrier to entry¹⁶ connectivity into the court's JVS video network, which may be provided by MoJ.

3 Opportunities

3.1 DF have been working in the area of Video Enabled Justice since 2016. What is identified in this section is a definitive list of all of the opportunities we have encountered during that period.

3.2 Please note that the opportunities are laid out differently here than how they are in Section 2. Here we deal with individual opportunities and at paragraph 2.2 with broad grouping by location. There is a cross reference in Section 7.

3.3 The following opportunities for video use into court have been identified:

- Video Remand Hearings;
- Extradition Hearings;
- Applications for warrants of further detention;
- Police Witness testimony to court;
- Statutory Applications to court.

¹⁵ Note that VRH has a large and complex set of dependencies and prerequisites – please refer to the Custody Assumptions Report for details.

¹⁶ That is cost effective and technically straightforward for the majority of users.

- 3.4 Communicating with detainees in prison is a further opportunity and this would use the same network infrastructure as a link to court (where prisons are JVS equipped).
- 3.5 In addition to court applications there are instances where there may be related police-to-police or police to 'others' video links:
- Suspect interviews;
 - Voluntary interviews;
 - Review of detention (Inspector Review);
 - Extension to detention (Superintendent Review);
 - Staff appearing at tribunals or similar¹⁷;
 - Communicating with other agencies e.g. NHS, Probation, Social Services, crime related charities.
- 3.6 Providing remote facilities for Vulnerable and Intimidated Victims and Witnesses and by extension any witness unable or unwilling to travel is a complex benefits case often having multiple sponsors. As responsibility for funding and servicing the capability can be spread across a number of agencies, this opportunity is not discussed further here.
- 3.7 Although not covered in any depth in this report there appears to be an overwhelmingly supportive case for providing remote facilities for Victims and Witnesses. There is broad consensus that video enabling those who would not otherwise give testimony in court is beneficial to justice. This has been reinforced whenever we have discussed such facilities, across all agencies. When putting together a funding case for video, impact on this capability should be considered e.g. will investment in a new video system reduce network costs for a victim suite?

4 Video Remand Hearings

- 4.1 Video Remand Hearings have been the subject of much work by DF, Home Office, VEJ Programme and the various agencies on the CJS Costs and Benefits Working Group. Consequently, this is the most informed financial case of all video-based opportunities.
- 4.2 Our most recent work on VRH costs and benefits¹⁸ has found that any potential cashable benefits for policing are minimal when compared to the costs. They are also dependent upon the efficiency of a number of other variables, particularly the court hours worked, detainee eligibility and PECS pickups.

¹⁷ e.g. Hampshire Constabulary set up a link for an officer to appear at a Criminal Injuries Compensation Hearing in 2019.

¹⁸ Digital First Briefing Note DPP/DF/VEJ/192 version 1.0 (shown verbatim at Appendix A).

- 4.3 Using the datasets, assumptions and modelling scenarios considered in that report, the maximum theoretical cashable benefit for policing in England and Wales is £1.33m per annum and the maximum theoretical non- cashable benefit is £3.10m per annum giving a combined benefit of £4.43m per annum (for an extended hours model). At the other extreme of current court hours with lower levels of PECS transport and low eligibility (60%), the highest theoretical cashable disbenefit was -£0.98m per annum and the maximum theoretical non- cashable disbenefit -£2.29m per annum giving a combined disbenefit of -£3.27m per annum.
- 4.4 The Custody Assumptions Report states that indicative steady state policing costs of £28.1m per annum are expected nationally if all Home Office forces run VRH, mainly due to staff and IT costs (note these costs are on the basis of current court hours).
- 4.5 Spread across all Home Office forces, on the basis of current court hours, the cashable benefits spread from +£0.44m to -£0.98m and non-cashable from +£1.03 to -£2.29m. Given the spread of variables and likely local variations it is anticipated that different forces will see a variety of results which will spread across the spectrum. Our conclusion is that running VRH nationally will place a financial burden on policing of between £26.6m and £31.4m per annum.
- 4.6 It is worth noting that there are potential savings elsewhere in the Criminal Justice System e.g. in reduced PECS journeys and custodial requirements at courts. The defendant experience may also be improved in some cases, especially where a long journey to court would otherwise be required.
- 4.7 The Custody Assumptions Report and the People and Process Report both found that VRH introduces a change in risk profile in custody that needs to be investigated, understood and, in the context of *this* report, analysed in economic terms. Of particular concern is that detainees remanded to prison by the court will, in some circumstances, remain in police custody overnight. This risk should reduce, but will not be entirely eliminated, when the new PECS Gen4 contracts go live in August 2020 as that allows for flexible pickups through the day.
- 4.8 Indicative capital costs for setting up VRH for all Home Office forces is estimated at £10.4m (this excludes sites that, at that time, already had full VRH capability) across a rollout period of just over 6 years (assuming a national programme and starting from the commencement of procurement for works). This does not include refurbishment or upgrade costs for existing facilities but there are indicators, such as the piloting of booths in Kent to facilitate safe and secure consultations, that there may also be costs for forces that already run VRH, in order to meet a national standard. This cost includes estates, IT and Wi-Fi works¹⁹. It should be noted that the use of booths, as currently being pioneered by Kent Police, would significantly reduce the rollout period as disruption within custody is minimised²⁰.
- 4.9 Some transition costs may also be expected but have never been modelled.

¹⁹ Wi-Fi is required to facilitate solicitor access to papers in custody.

²⁰ Also note though that the capital costs are similar to those originally estimated.

- 4.10 Not all police custody sites may be able to accommodate VRH facilities (through limitations of the site itself).
- 4.11 The impact, or otherwise, of VRH on judicial outcomes has still not been affirmed.
- 4.12 VRH appears to work for some forces²¹. Some forces see benefits in operating VRH for certain cases only e.g. for detainees charged during the day, whereas those charged overnight go to court in person²². Cases where police discretion to bail is limited, but with a low probability of remand by the court, are of particular benefit to the police *and* the detainee if they appear by video as the detainees can be released quicker.
- 4.13 Benefits are also seen for policing and PECS where there are out of area warrants (if the court will hear them) appearing by video. Work is currently proceeding on a Cross Local Justice Area Protocol²³ which may reduce travelling issues.
- 4.14 Where there are issues with defendant mobility and the DDA compliance of courts there is benefit to the CJS if cases are dealt with by video (particularly for the defendant: who does not need to be moved what can be long distances and then travel home again²⁴). Where extended travelling time is required of the defendant²⁵, this is an additional driver regardless of mobility.
- 4.15 The facilities provided in custody for video appearance at court could also be used for other purposes discussed elsewhere. However, it may be the case that a more cost-effective facility (such as a safe and secure video booth) could be used instead of a, potentially more expensive, virtual hearing room:
- Applications for Warrants of Further Detention;
 - Review of Detention (Inspector review);
 - Extension to Detention (Superintendent review);
 - Suspect interviews (force to force);
 - Extradition hearings (though see also below).

5 Police Witness

- 5.1 Where allowed by the court, police witnesses may appear by video. This will be from any suitable (i.e. court approved) location which is environmentally treated to be appropriate (e.g. look, lighting and acoustics).
- 5.2 As a rule, only those people who need to be in custody should be in custody. It is not appropriate therefore to share facilities with VRH (quite apart from the issues this would cause in room booking).

²¹ e.g. Hertfordshire.

²² e.g. Wiltshire; though note that more flexible PECS pickups may erode the advantages as detainees can be taken to court during the day as well as in the morning under Gen4 contracts.

²³ Seen at a draft version dated January 2020.

²⁴ e.g. in Cumbria where the nearest DDA compliant court is Preston in Lancashire.

²⁵ e.g. in Shropshire.

- 5.3 Police witness by Live link has been the subject of extensive work by the VEJ Programme and others. This section relies mainly on the former, as the method of working and outcomes have been accepted by the Cost and Benefits Working Group, but also relates other information where it is available.
- 5.4 The benefit in having police witnesses appear by video is twofold: the saving of travelling and; the time waiting in court (the latter in particular is significant). By allowing officers to be in a police facility while waiting to appear they can continue to work in some capacity and return to duties more quickly.
- 5.5 The impact of altering duty rosters to cover court appearances is also disruptive in itself.
- 5.6 Our work with the VEJ Programme, East Midlands LCJB and others has identified that time lost waiting in court is exacerbated in two ways:
- A large percentage of officers are called and never appear. Discussion²⁶ has identified that there may be two reasons for this:
 - The officer would have given testimony, but something has occurred²⁷ which means they were not required;
 - The officer would never have given testimony and should never have been called;
 - Officers are not stood down in a timely manner.
- 5.7 It is deduced that better case management and a more effective means of standing officers down would reduce wasted officer time. Some officers will still be called and not give testimony, for perfectly legitimate reasons, but that percentage could be much reduced. One impact of better processes would be to reduce the benefits of video appearance.
- 5.8 A police presence in court may always be required, for example: to transport exhibits.
- 5.9 Our discussions with forces have revealed that some have invested in different measures to prevent wasted time which means that Live link facilities would not produce the same benefits²⁸.
- 5.10 At the time of writing, the numbers of officers giving testimony is not recorded²⁹ and the detailed breakdown of those numbers is not known³⁰.
- 5.11 All of the foregoing means that the benefits of video appearance nationally cannot be predicted: we do not have meaningful data and that data would need to be applied differently across forces. What is without doubt, however, is that in those areas where officer testimony is allowed by video, forces can demonstrate actual benefits. Some of these will now be discussed.

²⁶ e.g. in the VEJ Programme weekly meetings with CJ partners.

²⁷ There are a number of possible reasons, but an example would be a late guilty plea.

²⁸ e.g. Lancashire have a complete mobile solution that allows their officers to work anywhere. Avon and Somerset are similar and have a volunteer driver service which means that the cost of transport to court is also not incurred.

²⁹ By anyone, though some police witness care units have some data.

³⁰ At the VEJ Programme weekly meeting on 3rd March 2020 it was reported by HMCTS that CPS were to provide a more detailed breakdown of numbers (as CPS are the only ones with access to all of the required information) but that this will require a new data gathering exercise to complete.

- 5.12 Capital costs associated with police witness relate primarily to the setting up of rooms³¹, network and video equipment which will vary between forces and also locations. There may also be costs associated with setting up room diaries. A typical JVS link³² would cost £12,500 to install, other solutions may be substantially cheaper.
- 5.13 Revenue costs will mainly relate to network use and that cost will depend upon the system used. JVS fixed endpoints will cost £2,777 per annum. If the solution is Internet based³³ the costs may reduce substantially. There will be some management overhead and this is likely to be similar to that already undertaken for in person appearances: the only additional tasks being management of the rooms and diary.
- 5.14 The process needs to be monitored and managed to ensure that all partners remain diligent in their use of video and also in releasing witnesses when not required. Monitoring usually falls to the police (as they are the recipients of the benefits).
- 5.15 The VEJ Programme have stated³⁴ that in a Magistrates Court there is a potential time saving of 5 hours (5.5 hours in person, 0.5 hours by video) increasing to 10.5 hours in Crown Court (11 hours in person, 0.5 hours by video). This gives their five- force region an estimated cashable and non-cashable benefit of £2.8m per annum.
- 5.16 In addition, there is a travelling saving which will be dependent upon the various site and home locations.
- 5.17 The East Midlands Criminal Justice Board reported in their Live links evaluation report³⁵ that the indicative cost of 42 officers attending court between November 2015 and March 2016 was £4,408 whereas if heard over video the cost fell to £367 (based on 4 hours in person and 20 minutes by video).
- 5.18 February to December in 2019 Thames Valley Police estimated that they were able to make a saving of £115,042 by using Live links for 334 officer witnesses in Magistrates Court (note that they base their savings on 4 hours saved per witness at a cost of £86.11 per case).
- 5.19 We have attempted to obtain national figures for police witnesses through CPS and HMCTS however, as discussed above, this is not explicitly recorded. Although impossible to calculate a blanket national benefit, forces can calculate their own savings as follows:

Magistrates Court benefit = (Number of police witnesses x Average Time Saved (5 hours) x Average hourly cost of a police officer (£47³⁶)) + (Miles travelled x 0.45p per mile)

³¹ See Police Witness Video Room Guideline DPP/DF/VEJ/185 for further information.

³² JVS costs in this section are sourced from the Custody Assumptions Report.

³³ e.g. the low barrier to entry solution.

³⁴ Costs and Benefits Working Group Agenda papers for 19th November 2019. The methodology was endorsed by that meeting.

³⁵ "East Midlands Video Links Project (EMVL)" V.1 dated 14/12/16.

³⁶ NPCC Guidelines 2018 Police Constable banding, including salary, NI, pension, overtime premium and direct overheads.

Crown Court benefit = (Number of police witnesses x Average Time Saved (10.5 hours) x Average hourly cost of a police officer (£47)) + (Miles travelled x 0.45p per mile).

6 Other Opportunities

6.1 Extradition Hearings

6.2 The Metropolitan Police Extradition Unit has recently confirmed to DF that all first appearance extradition hearings are held at Westminster Magistrates Court *in person*. Use of video from police custody is not permitted.

6.3 In light of this there are no apparent opportunities for policing to utilise this option, at this time. The remainder of this section on extradition hearings is therefore provided for information only.

6.4 Video links from prisons for subsequent hearings *are* permitted. Those who are on bail are required to appear in person.

6.5 These hearings are time critical with a strong possibility of a dismissal if the process is delayed.

6.6 If allowed it would make a much more efficient use of resources if these could be undertaken from police custody video facilities used for VRH.

6.7 DF attended a meeting in October 2016 regarding Extradition Hearings with Westminster Magistrates court staff, the Chief Magistrate for England and Wales and Metropolitan Police Service. Although transport in extradition cases would normally fall to the PECS contractor, under certain circumstances (especially where PECS transport could not be arranged in time) this would fall to the police to organise. A figure of £1,000 to £1,500 per trip was quoted³⁷ for 'high profile' detainee transport by the National Crime Agency or Home Office.

6.8 At the time of that meeting the total volume of cases was 7-8 per day.

6.9 There is a potential double benefit: saving of resources and; reduction in the potential of cases being dismissed due to time limits being missed.

6.10 If allowed, as this is a court hearing, the standard for facilities would need to be the same as that for VRH. Where VRH facilities exist, the capital and revenue costs would be minimal: being subsumed in the VRH activity. They would use the same resource, management, booking tool and processes. We would suggest that building custody facilities just for extradition hearings would not be cost effective due to the low throughput.

6.11 Review of detention (Inspector Review)

6.12 A detainee's pre-charge detention in police custody must be reviewed regularly to ensure that:

- The detainee understands their rights and that they are being complied with;
- The investigation is being progressed expeditiously;
- There is insufficient evidence to charge at that time;

³⁷ Anecdotal - original source unknown.

- Further detention is justified.
- 6.13 Pre-charge reviews must be conducted by an officer of at least the rank of Inspector who has not been directly involved in the investigation. The Police and Criminal Evidence (PACE) Act 1984 Code C allows for this type of review to be conducted by telephone or video.
- 6.14 The legislation specifies that if Live link facilities are available, and it is practical to use them, then they should be used in preference to the telephone.
- 6.15 The use of video or telephone to conduct this type of review could potentially enable the reviewing officer to cover multiple custody suites, without the need for travel. This would result in savings in both time and transport. It would also remove the risk that is involved in personnel entering and leaving a secure custody environment. Conversely, if officers are not limited by location, a wider pool of officers could undertake these duties, increasing diversity and resilience.
- 6.16 Anecdotally we understand that HMICFRS may be about to be critical³⁸ of PACE reviews by phone. This could be related to any number of factors but needs to be monitored to confirm if the criticism is of use of the phone (in which case video could be a mitigating factor) or of the process in place itself (i.e. that a solution other than video needs to solve).
- 6.17 For some forces it may be the case that remote reviews do not fit their force model³⁹.
- 6.18 This opportunity could share facilities used for VRH where they exist and use the same resource, management, booking tool and processes. Some forces have provided other cost- effective solutions. If the solution is one to one (as opposed to a conference) on the force network, then a booking tool is not essential.
- 6.19 *Extension to detention (Superintendent Review)*
- 6.20 For serious offences, an officer of at least the rank of Superintendent, who has not been directly involved in the investigation, can authorise up to a further 12 hours detention for a detainee who has been in custody for 24 hours.
- 6.21 PACE Code C allows for this type of review to be conducted by video, subject to the following conditions:
- The custody officer considers that the use of video is appropriate;
 - The detainee in question has requested and received legal advice on the use of video;
 - The detainee has given their consent to video being used.
- 6.22 This type of review is time critical as they must be completed before the 24- hour cut off. Many forces will identify one officer to conduct these reviews, over a given time period. This can mean that an officer is required to travel significant distances to reach custody suites. The distances involved can and do lead to significant time pressures on those involved in the process.

³⁸ Understood to relate to unannounced custody inspections in Sussex, which report has not yet been published.

³⁹ e.g. if officers have other due diligence tasks in custody that are undertaken at the same time as reviews.

- 6.23 As with Inspector Reviews, the use of video could allow one reviewing officer to service multiple custody suites without the need to travel or enter a secure custody environment unnecessarily. The potential for resulting efficiencies in both time and travel, along with a reduction in risk, by using video, should therefore be clear. The converse case of facilitating a wider pool of officers is also true.
- 6.24 As for Inspector reviews remote working may not be appropriate for some current force processes.
- 6.25 In terms of use of facilities and costs this opportunity is the same as Inspector reviews.
- 6.26 *Applications for Warrants of Further Detention*
- 6.27 Following an arrest for a serious offence, the police have the power to keep a detainee in pre-charge custody for a maximum of 36 hours (this does not apply in terrorism offences). Any extension to this can only be authorised by a court, who have the power to extend pre-charge detention up to a maximum of 96 hours, by issuing a 'Warrant of Further Detention'.
- 6.28 Ordinarily the detainee is required to appear at court in person, along with their legal representative (if appointed). PACE Code C Section 44 enables magistrates to allow applications to be conducted by video from police custody, subject to the following conditions:
- The custody officer considers that the use of video for the purpose of the hearing is appropriate;
 - The detainee in question has requested and received legal advice on the use of video;
 - The detainee has given their consent to video being used;
 - It is not contrary to the interests of justice to give the direction.
- 6.29 The detainees' production at court is time critical. They must appear in court before the police authorised 36-hour period expires. The PACE detention clock does not stop whilst detainees are transferred to and from court. There have been examples of police missing the cut off time by a matter of minutes and the court have refused to hear the application. This has led to suspects being immediately released from custody.
- 6.30 No allowance is made for cases where the time falls outside of normal court hours. In these circumstances, preparations for a hearing have to begin at an early stage in the detainees' detention and the courts are sometimes required to convene for a single hearing.
- 6.31 There are a number of potential benefits that could be accrued from using a video link:
- No cost for transporting detainees to and from court – this requires at least 2 officers for each detainee, who would be removed from their normal duties, along with a suitable mode of transport;
 - Removes the risk of moving potentially high-risk prisoners into and out of the secure custody environment;

- Reduced loss of PACE detention time. It would not be unusual for 2-4 hours of the 'PACE Clock' to be lost whilst the detainee(s) is away from the custody suite. During this time there is no opportunity to progress the investigation through further interviews;
- Out of hours there may be no need for a court to be opened with a potential to reduce risk to court staff.

6.32 This opportunity could share facilities used for VRH where they exist. Additional processes would be required if warrants are applied for out of hours but generally costs would be subsumed in VRH. Where VRH facilities do not exist, additional costs are implied. As this is a connection to the court, access to the court video booking processes would be ideal.

6.33 *Use of Interpreters*

6.34 There is anecdotal evidence from a number of CJS partners, including defence solicitors, that the use of remote interpreters could be of great benefit, particularly where it reduces the amount of time spent waiting for the appropriate interpreter to travel to a police station. Interpreters are paid an hourly rate for their time, including any travel to and from their destination. As a result, the ability to appear by video could also significantly reduce expenditure.

6.35 There are number of potential use cases, including PACE interviews and VRH. To enable an interpreter to appear by video for a PACE interview at a police station, forces would need to provide a suitable video platform into which third parties can connect. The process would rely on the security and resilience of this system, along with the co-operation of the interpreter, who will need to have suitable equipment at their end. Many interpreters prefer to see the face of the person who is speaking to assist understanding of what is being said. This may be another factor that forces will need to consider.

6.36 During VRH the current best practice, based on recent judicial guidance, would see the interpreter physically present with the defendant in police custody. The benefit of this is that proceedings can be translated for the defendant, without necessarily disrupting the hearing itself. Therefore, the option of an interpreter appearing remotely will be for each force, in consultation with their CJS partners, to assess. As with PACE interviews, this will be dependent on the provision of a secure video platform into which third parties can connect. Ultimately the court will have the final say over this type of use case.

6.37 *Suspect Interviews*

6.38 PACE Code C, Section 39, allows for a person in police detention to be interviewed using a 'Live link' by a police officer who is not at the police station where the detainee is held. This would be a police-to-police video link, rather than to courts.

6.39 The use of this facility could be applied where a suspect has been arrested in another force area and requires interviewing prior to a charging decision being made. For minor offences this would appear to be an appropriate option, but for more serious offences it may not. Each case would need to be assessed on its own merits.

- 6.40 The responsibility for the transport of prisoners wanted by police, as opposed to those who are subject to a warrant issued by the courts, falls to the force who have ownership of the investigation. It is still common practice for officers to be deployed to collect prisoners and return them to the correct force area. This is in order to complete an investigation, which will normally include a PACE interview, before a charging decision can be made.
- 6.41 The cost of transport and the length of time officers are away from their normal duties can be significant and, in some cases, include an overnight stay. There is also the risk involved in transporting detainees, some of whom may be wanted for serious offences, from one secure custody environment to another.
- 6.42 The use of video could, potentially, enable any charging decision to be made without the need for unnecessary travel by officers from the investigating force, thereby avoiding the costs and risks highlighted above.
- 6.43 Suspect interviews would require the suspect to be in custody, but the interviewing officer does not need to be. The interview will need to be properly recorded and it should be noted that recording equipment would not be allowed in a VRH so, if those facilities are to be used, measures may be required to demonstrate that such equipment is not operating during a hearing. As long as force networks interconnect, the IT costs should be minimal and the impact on existing resource is minimal. As these are expected to be low throughput, a booking tool would be useful but not essential (unless using VRH facilities in which case there should be no additional cost anyway).
- 6.44 *Communicating with detainees in prison*
- 6.45 In certain circumstances police may find it appropriate to communicate with detainees in prison by video. This could involve the use of the same video facilities, if available, that officers use to give evidence at court. With this in mind, officers need to ensure that the rooms are not already booked for a court hearing, which would take precedence.
- 6.46 Officers and staff required to speak to a prison detainee may be required to travel considerable distances and, in some cases, this may include an overnight stay. The benefits in saved travel costs and time are clear as officers would not have to travel potentially long distances, for what may prove to be an unfruitful discussion.
- 6.47 In addition to the savings in time and money, any risk from entering a prison environment is removed (both for the officers and the prison). Many prisons now have video facilities and are able to assist with this type of request.
- 6.48 Prisons use the JVS system so any facility would connect to that, ideally through the low barrier to entry solution which would minimise cost and maximise flexibility. These would be ad hoc, so a booking tool is useful but not essential and the impact on resource and process is minimal.

6.49 *Voluntary Interviews*

- 6.50 The provision under PACE allows for the Voluntary Interview of a suspect who has not been arrested, but who needs to be interviewed under caution. The benefits of conducting this type of interview by video with a suspect who is in another force are, are clear, in so much as it would negate the need for officers or the suspect to travel. In some cases, this could include considerable distances.
- 6.51 Any use of this provision would require the assistance of the force where the suspect is located and, as with any PACE interview, an audio recording solution would be a minimum requirement. As long as force networks interconnect and there is a suitable confidential space the costs should be minimal. Again, these would be ad hoc, so a booking tool is not essential and the impact on resource and process is minimal.

6.52 *Statutory Applications*

- 6.53 Part 47 of the Criminal Procedures Rules outlines when video or indeed telephone can be used when making certain applications to a court. The list of these applications is lengthy and complex, but would include amongst others: search warrants, Domestic Violence Protection Orders and certain Proceeds of Crime Act (POCA) applications.
- 6.54 Applications can be made from any location, both during and outside of normal court hours and the video element is not always required. Certain applications may need to be made in closed court which may require a higher security rating for network connectivity.
- 6.55 East Midlands Criminal Justice Board carried out an evaluation⁴⁰ of their video search warrants process in Leicestershire. Whilst it was conceded that financial savings were difficult to calculate, an estimate was made for Leicester. An indicative cost was proposed for 391 applications by video of £1,706; in person this would have been £10,886 (based on a 10- minute video hearing with a non video hearing average officer time of 1 hour at the hearing and travelling time for an average of 8 miles). The saving calculated is approximately £23 per application. The East Midlands report concluded that “it is common sense that being able to carry out non urgent applications from a police station allows officers to be more productive and reduces the need to travel.”
- 6.56 Search warrant applications are made by a number of forces using the telephone.
- 6.57 The same benefits in both time and money that are highlighted above can be applied to any application where the efficient and successful outcome of the process does not rely upon physical presence.
- 6.58 If the low barrier to entry solution is in place IT costs would be minimal and flexibility high as long as a confidential space is available. As this is a connection to the court, access to the court video booking processes would be ideal.

⁴⁰ “East Midlands Video Links Project (EMVL)” V.1 dated 14/12/16.

6.59 Appearance at tribunals or similar

- 6.60 Police officers and staff can be required to appear at hearings outside of the normal criminal justice environment, such as misconduct hearings, employment tribunals or similar work-related activities e.g. Criminal Injuries Compensation Hearing.
- 6.61 As with court hearings, the majority of time that officers and staff spend at these events is on travelling and waiting to give evidence. The ability to remain at their normal place of work whilst they wait to be called, enables them to complete other administrative duties and then return to their normal role much sooner.
- 6.62 Where appearance is at an HMCTS hosted tribunal, Live link facilities will be suitable for connection. The low barrier to entry technical solution, as previously discussed, could greatly enhance flexibility and cost in the instances where connection to JVS is required. We would not expect that additional JVS facilities could be justified for this opportunity. We would expect the same video booking tool to be in place for tribunals as courts so access to the booking process would be useful.
- 6.63 Where appearance is not to an HMCTS tribunal, interconnectivity to third party systems is required and this would need to be assessed on a case by case basis.

6.64 Co-operation with other agencies

- 6.65 Police, in the course of their work, can communicate with a number of other CJS partners. These can include but are not limited to: CPS; NHS; Probation; Social Services; crime prevention or; rehabilitation related charities.
- 6.66 Video conferencing with partners would negate the need and expense of travel and reduce the time spent away from normal duties. The potential use cases are numerous and may vary hugely between forces, but each will need a reliable video platform to work successfully. As long as the force system can interconnect to the third parties, costs should be minimal.

7 Conclusions and Considerations

7.1 The following table summarises the opportunities. The costs and benefits are for policing, the qualitative impact refers more widely:

Opportunity	Location	Cost	Benefit	Qualitative Impact	Notes
VRH	Custody	£28.1m per annum and £10.4m capital cost.	A spread between +£1.47 and -£3.27m.	Beneficial to defendants for some warrants. Beneficial to defendants and others (e.g. defence) where travel is extended or difficult.	
Extradition	Custody	Expensive on its' own but no cost if using VRH facilities.	Marginal, dependent on force as some will use more than others.	Reduces the possibility of cases being dismissed. Beneficial to defendants not required to travel.	May not be allowed.
Inspector Review	Custody	Minimal. Can be done cost effectively, and is by some forces, without the requirement for VRH facilities. Where VRH facilities are available they can be used at no additional cost.	Saves the cost of the officer travelling.	Potentially increases the number of officers who can do this (and therefore diversity and resilience), if they are not tied to locations. May be preferable to phone interviews in terms of outcomes.	
Superintendent Review	Custody	Minimal. Can be done cost effectively, and is by some forces, without the requirement for VRH facilities. Where VRH facilities are available they can be used at no additional cost.	Saves the cost of the officer travelling.	Potentially increases the number of officers who can do this (and therefore diversity and resilience), if they are not tied to locations. May be preferable to phone interviews in terms of outcomes.	PACE requires detainee consent.
Warrant of Further Detention	Custody	Once the court is involved, more 'VRH-like' facilities may be required implying increased costs. If VRH facilities can be used there is no additional cost.	Saves the cost of police transporting the prisoner.	Reduces possibility of missing timelines. Time is not lost on the PACE clock. If allowed out of hours HMCTS potentially do not need to open courts and their staff and judiciary do not need to travel.	PACE requires detainee consent.
Interpreters	Custody	Reduced hourly costs.	Dependent upon the application.	Reduction of lost time in investigations. Potentially earlier disposal of defendants. Video link liable to be	Each application is different.

				better than phone (e.g. through facial cues).	
Suspect Interview	Custody and Police Station ⁴¹	Could use VRH facilities, if available, or other, less costly.	Saving of officer travel and accommodation.		Recording required.
Police Witness	Police Station	Costs relate to building facilities, booking and management of facilities. IT costs could be much reduced if JVS fixed endpoints are not required (which also increases flexibility).	Saving of officer travelling and waiting time in court. Early return to duties. £2.8m per annum in the five- force region.		Will vary between forces. Benefits are intrinsically linked with efficient court processes.
Prison visits	Police Station	Minimal if JVS fixed endpoints are not required.	Saving of officer travelling.	Reduction in risk to police when in prison and to prisons when admitting and escorting officers.	
Voluntary Interviews	Police Station	Minimal, dependent upon existing IT services.	Saving of officer travelling.	Removal of requirement of members of the public to travel.	
Statutory Applications	Police Station/mobile	Dependent upon the application. If there is access to low barrier to entry technology and court booking processes, then the costs would be minimal.	Saving of travelling and waiting time.		Some warrants could be by video mobile. Some may need extra security. Some made by phone.
Tribunals	Police Station	Minimal if JVS fixed endpoints are not required.	Saving of travelling and waiting time. Immediate return to duties.		
Inter-agency	Police Station/mobile	Minimal cost if systems interconnect.	Saving of travelling.	Saving of travelling for others. Environmental impact reduced ⁴² .	
Victim or Witness	Other ⁴³	Funding and cost models vary.		Beneficial for victims and witnesses whether they be vulnerable,	

⁴¹ For all examples: 'Custody' denotes within the secure custody envelope, 'Police Station' denotes outside of that envelope. In this specific example the *interviewing officer* would not need to be in custody as long as the interview is appropriately recorded somewhere.

⁴² Note that this also applies wherever travelling is not required.

⁴³ Not a court room or police station.

				intimidated or just less willing or able to travel. Better judicial outcomes.	
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- 7.2 The drivers for police use of video in relation to justice outcomes are manifold and, as court estate is rationalised, becoming more compelling.
- 7.3 The costs, the changes in custody risk, lack of a definitive conclusion on judicial outcomes and the dependency on policing to make estates, IT, staff and process changes makes VRH unpalatable for the majority of forces. At this time, it is highly unlikely that many Chief Constables and Police and Crime Commissioners would agree to invest in resource or infrastructure to deliver VRH, without the identification of central funding.
- 7.4 Video working can generally be beneficial for policing. The introduction of a low barrier to entry network connection into courts and a common booking solution, especially if they could be combined as the VEJ Programme have demonstrated, would considerably enhance these benefits. DF are aware of some forces who are waiting, and in some cases have been for a number of years, for the network solution to enable their courts and video strategies. There are increasing opportunities as other partners become video equipped.
- 7.5 Many factors are involved in costs and benefits including existing working practices and geography. In particular the geographical relationship of CJS partners to the police (e.g. prisons, courts) is a primary component. This makes a 'one size fits all' costs and benefits case impossible to calculate. Other agencies have not yet issued any definitive statements on costs and benefits of video working: HMCTS costs and benefits in particular are tied into a much larger package of change.
- 7.6 Regardless of VRH, forces should have a strategy for remotely engaging with courts and other CJS partners (such as prisons). This strategy should embrace all court and video working including, for example, PACE reviews and statutory applications. A whole system approach, understanding and exploiting all video opportunities in a single business case, should be more compelling than attempting to exploit ad hoc single opportunities.