

# Chief Constables' Council

## NPCC Criminal Justice Co-ordination Committee Update

7 October 2020

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### 1. INTRODUCTION/PURPOSE

- 1.1. The purpose of this paper is to provide updates in respect of key issues currently under consideration within the Criminal Justice Co-ordination Committee, each of which has the potential to have a substantial impact on CJ related practice in future.

### 2. BAIL

#### 2.1 NPCC Consultation Submission

On the 29th May 2020 the government pre-charge bail consultation concluded. The NPCC recommended the following key amendments and requirements:

- Removal of the presumption of release from custody without bail.
- Pre-Charge Bail decisions should give due regards to the risk factors and vulnerability.
- Breaching pre-charge bail should be a criminal offence.
- PCB should be reviewed at 3,6,9 (Police) and 12 months (Magistrates).
- A code of practice should be released for Under Investigation (RUI), Voluntary Attendance (VA) case management.
- Operational Guidance / Code of Practice should be available at the time when legislation changes are enacted.

#### 2.2 Legislation Review Update



The Home Office are assessing the legislative change options, based on the analysis of the consultation returns, which is now complete. S31(1)(a)(b)

S31(1)(a)(b)

The Home Office continues to work towards legislation changes during 2020, followed by an implementation programme in early 2021.

### 2.3 Next Steps

The HMICFRS will be releasing the Thematic Review of Pre-Charge Bail and RUI in the autumn. The NPCC will work with forces and the Home Office to ensure clear guidance is in place in relation to the management of suspects with RUI status at the time when changes to Pre-Charge bail legislation are enacted.

The future PCB/RUI ADR will need to provide confidence in relation to the effective management of suspects. The NPCC will work with forces and the Home Office to ensure the ADR delivers a meaningful and complete data set in relation to the management of suspects before charge.

Updated Operational Guidance and a Code of Practice covering Pre-Charge Bail, RUI and VA are to be developed.

## 3. INTEGRATED OFFENDER MANAGEMENT

### 3.1. Electronic Monitoring

Work in the Electronic Monitoring portfolio has now been split into two areas:

1. EM Legacy Programme; work streams continue in this area as before with court bail untagged offenders (RF tags), breach notifications from EMS, data access, and other areas.
2. EM Expansion; propelled by the early release ECTR programme and ministerial ambitions in respect of EM. Work is being undertaken with the MoJ to consider expanding EM into the following areas: alcohol tags for community sentences, burglars on licence, county lines, domestic abuse, alcohol tags for out of court disposals. Work is being undertaken to ensure the appropriate NPCC portfolio leads for these areas are involved in discussions. S31(1)(a)(b) Currently the proposed expansion areas cut across at least 11 NPCC portfolios.

### 3.2 IOM

Following the National Police leads workshop in January and the Joint Inspection on IOM, a significant amount of work has been undertaken across agencies to review the current working arrangements of IOM. S31(1)(a)(b) Therefore, this review has come at a pertinent time, given the Probation Reform programme underway, the uplift of Police Officers and the recently announced Royal Commission. All parties accept the need to re-focus and rebuild IOM arrangements nationally.

The Ministry of Justice is about to begin Phase 1 of its fieldwork. This will look at six separate IOM arrangements and will seek to understand the offender journey through various IOM schemes and how it differs from other types of offender management, the outcomes that different IOM schemes are trying to achieve, the role of police, probation and other agencies in creating these outcomes, the specific role of electronic monitoring in achieving these outcomes and how both outcomes and mechanisms differ from other types of offender management.

Findings will be drawn into an interim report, which will cross reference fieldwork with other knowledge on IOM including the HMIP report, research studies, HMPPS survey, NPCC survey and views of senior agency staff.

The aim is to obtain an agreed recommendations paper to ministers in early October.

### 3.3 Female Offending

Following a consultation with all forces surrounding the Female Offending Strategy, and a clear appetite to progress this area of work, DCC Stratford and his team are in the process of organising a Female Offending Workshop which we are hoping will take place in October 2020 (restrictions permitting). This initial forum will invite all 43 Police force leads to an event with the clear intention

of providing them with the relevant knowledge from specialists in this field to enable them to implement or adapt processes to respond to the differences in female offending and prevent further offending.

It is the intention to continue this forum on a quarterly basis utilising regional representatives across the national Policing landscape.

#### **4. VICTIMS & WITNESSES**

##### *4.1 Victims' Code Consultation*

- 4.1.1 The consultation on the draft revised Victims' Code closed on 28th May following a six week extension. The Ministry of Justice received over 300 responses which they are currently assessing with the aim of publishing both the response to the consultation and the new Code by the end of the calendar year.
- 4.1.2 Work is now underway on developing the operational guidance that will sit alongside the Codes and a policing reference group has been formulated with representatives from forces across the country and the College of Policing. The College is also, with support of the portfolio, in the process of developing products to support our frontline officers and staff to be clear on their obligations under the code and the importance of victim care.
- 4.1.3 The launch of the new Victims' Code will be a precursor to a consultation on a Victims' Law and so we will be seeking support from Chiefs in embedding and implementing the new code to ensure compliance with the policing obligations.
- 4.1.4 A key entitlement under the Victims' Code is the offering of a Victim Personal statement, the portfolio will be focussing on this entitlement in the coming months, working with colleagues to update the Joint Agency Guide to the VPS in line with the new Codes and we are interested in any Forces willing to explore opportunities to try new approaches in the offering and taking of a VPS.

##### *4.2. Witness Care Unit (WCU) National Letter Templates*

- 4.2.1 In 2019, along with colleagues from the CPS and HMCTS, the NPCC Victim & Witness portfolio embarked on a project to update the national letter templates WCUs use to update victims and witnesses with progress on their case.
- 4.2.2 The need to improve these letter templates was identified following the publication of the Government's Victim Strategy and a report on the Victims' Code of Practice from the London Victims' Commissioner Claire Waxman.
- 4.2.3 A working group was formed made up of representatives from WCUs, Cleveland, Lancashire, Merseyside, South Yorkshire, West Yorkshire, Durham, Dyfed Powys, Sussex, & Avon and Somerset, CPS Victim Liaison Units (VLU) and HMCTS. The group identified the letters WCUs and VLUs send to victims and witnesses needed to be more empathetic, consistent, use more accessible language and include more up-to-date information.
- 4.2.4 The templates are now available on WMS and can be locally adapted to reflect, for example, force's commissioned victim support providers. It is hoped that Forces will choose to use these templates to communicate with victims and witnesses, recognising that we communicate with victims and witnesses through a variety of communication channels.

##### *4.3 Criminal Injuries Compensation Authority (CICA) Protocol*

- 4.3.1 A working Protocol between the NPCC and CICA has been updated and agreed.
- 4.3.2 Victims of violent crime, who have suffered physical and or psychological harm, are entitled to apply for compensation from CICA within two years of the date of the crime.
- 4.3.3 In order to process victims' claims, CICA requires information from the police to verify an applicant's eligibility for compensation under the Schemes. The timescales set out for the provision of this information have been agreed in order to maintain public confidence and provide the best service to victims.
- 4.3.4 Although no amount of money will fully compensate victims who sustain injuries as a result of crime, it is recognised that criminal injuries compensation can not only provide financial support, but also a sense of justice and closure to victims.

## **COVID Related Work**

### **4.4 *S28 Expedited National Roll Out***

- 4.4.1 The HMCTS led programme to roll out s.28 (video recorded cross examination) has been progressing over the last 12 months with S28 for vulnerable witnesses under s.16 of the YCJEA now available in 18 Crown Courts. The ambition is for the remaining 60 Crown Courts to be live by the end of the calendar year.
- 4.4.2 There is a significant backlog of trials waiting to be heard in both the magistrates and Crown Courts. Having the ability to conduct a S.28 cross examination, ensures that our most vulnerable victims have the ability to give evidence much earlier in the process and could potentially negate the need for them to give evidence at a trial allowing them to move forward with their lives.
- 4.4.3 We are in talks with HMCTS in regards to the next waves of rollout but can confirm that the following Crown Courts will go live on the 24th August; Croydon, Harrow, I.L.S.H, Isleworth, Snaresbrook, Southwark, Wood Green, Woolwich, Stafford, Central Criminal Court London, Basildon, Chelmsford, Canterbury, Guilford, Maidstone, Lewes & Stafford.
- 4.4.4 A pre requisite of eligibility of S28 as a special measure is that the witness has been video interviewed (Achieving Best evidence – ABE) and that their video will be played as their evidence-in-chief (S27). The Victim and Witness Portfolio currently attends Victim and Witness Silver Command that reports to Cross CJ GOLD. In that forum, it has been raised on numerous occasions by both the Victims' Commissioner and victim support groups that, during COVID, policing has stopped carrying out ABE interviews. Reassurance has been sought from colleagues across the country that this is not the case, rather policing followed the guidance issued by ACC Bishop, NPCC Lead for Investigative Interviewing and ABE, with officers taking a risk based approach to the conducting of interviews at the beginning of the pandemic.

### **4.5 *Witness Care Volumes***

- 4.5.1 It is clear that the backlog of cases in the court system is fast becoming the number one issue with its wider implications on attrition and longer term impact on victims and witnesses.
- 4.5.2 Witness Care colleagues have seen on average a 40% increase in caseloads since the beginning of the pandemic, we are keen to understand from other forces whether or not, due to the increase, they are considering putting extra resources into their Witness care teams.

### **4.6 *DA Trial Triage***

- 4.6.1 To assist with the movement of cases in the magistrates court we worked closely with our CJ partners to agree a process for a return of trials in the magistrates court. We concentrated on domestic abuse cases in the first instance due to the risk levels that sit within this cohort and the complex needs victims of DA can have.
- 4.6.2 On 12 June 2020, a Memorandum of Understanding (MOU) was agreed across the Criminal Justice System. It builds upon existing commitments victims for example under the Victims Code and sets out the steps that Witnesses Care Units, Her Majesty's Courts and Tribunals Services, Crown Prosecution Service and police will follow to ensure effective listing. The process maximises the effectiveness of court hearings through identification of issues and a clear understanding of the needs of victims and witnesses in domestic abuse cases. It also reinforces the principle that victims should be informed about and, where appropriate, referred to local specialist support services, including Independent Domestic Violence Advisors.
- 4.6.3 Again it would be useful to gain an understanding of how this is working in Forces.

## **5. PROSECUTIONS**

- 5.1. It is anticipated that work which had commenced prior to March 2020 in relation to file quality standard will begin to pick up pace again over the coming months.

5.2. The elements currently in progress are:

- a national joint commitment and action plan to improve case progression;
- a review of the national File Quality Assessment Process which you have told us needs to be reviewed;
- Home Office led Deep Dive visits specifically to review police file quality and the handover between CPS and Police pre and post charge;
- Review of how the governance meeting structure for the Prosecution Teams locally operates;
- a joint thematic inspection HMCPSI and HMICFRS which includes police file quality this year.

5.3. With all of the elements above in mind we need to be cognisant of our contribution to the process and we therefore have three key areas to ask you to consider for your force area:

- Consider your file quality standard against the jointly agreed National File Standard and National File Quality Assessment
- Reassure yourself about the standard of your case quality assurance process within your force area, whether you have an operational supervisory model or dedicated case quality assurance model
- Consider whether you are placing the right cases before CPS for charge authority or police charging appropriately.

## 6. PERFORMANCE

6.1. The performance arm of the Prosecutions Portfolio has now developed a methodology for the National CJ Performance and Efficiency Group which includes exploration of the benefits for victims and likely efficiency savings from performance improvements. The methodology has been applied to establish key and secondary performance measures for case progression and we are working closely with the wider Prosecutions Portfolio to finalise a joint Police/CPS case progression dashboard. With the approval of CJCC we are now working closely with the Victims' Portfolio to develop victim related performance measures.

## 7. DISCLOSURE

### 7.1. *The Response to the Attorney General Revised Guidance on Disclosure*

- 7.1.1 The portfolio has provided an extensive response to the proposed Attorney General's Guidance on Disclosure. This response attends to key proposals including pre-charge engagement, rebuttable presumptions and pre charge schedules.
- 7.1.2 Rebuttal presumptions and pre-charge scheduling material would require police investigators to redact substantially more material in order not to breach data protection law. The limitations of current police redaction technology would require most investigators to perform this task manually. This burden would adversely impact on the efficiency and effectiveness of investigation and prosecution.
- 7.1.3 Since its inception, The NDIP Board has advanced the need for a "thinking" approach to disclosure throughout an investigation and prosecution - from report to court. While rebuttable presumptions are attractive insofar as they provide some certainty, such strict requirements might militate against the thinking approach to which we aspire.
- 7.1.4 The deadline for the consultation was 22nd July and we await the final decision from the Attorney General in relation to her proposals. In due course the portfolio will respond to the final version of the guidance and provide guidance to forces as necessary.

### 7.2 *Mobile Phone Extraction*

- 7.2.1 The publication of the ICO report into mobile phone extraction brought with it 13 recommendations, the majority of which are for policing. The ICO have been pragmatic in their approach to compliance and are understanding of the extent of the work required.
- 7.2.2 In due course the College of Policing will be issuing guidance in the area of mobile phone extraction. It is inevitable that the digital processing notice will need to be replaced with a version that is consistent with this guidance. The College are undertaking extensive

stakeholder consultation as part of this process. It is anticipated that this will take some months to produce.

7.2.3 The recent Court of Appeal judgement in *R v Carl Bater-James and Sultan Mohammed* [2020] EWCA Crim 790 set out four key principals when dealing with the electronic devices of victims and witnesses.

7.2.4 It was clear when interpreting this judgement and the ICO report that the current digital processing notices were no longer fit for purpose. Whilst the permanent replacement forms and College guidance are being worked upon, the decision was made to provide interim forms that follow the principles set out by the Court of Appeal.

7.2.5 These interim forms will replace the current forms being used by forces from 14th August.

### 7.3 *Investigation Management Document (IMD)*

7.3.1 The IMD promises to instantiate and demonstrate the thinking approach to disclosure central to NDIP. It prompts the investigator to record the reasonable lines of enquiry they have followed, and why. Perhaps more importantly it also prompts them to record the lines of enquiry they have not followed and why not.

7.3.2 Adopted consistently and at scale it arguably obviates the need for rebuttable presumptions. Along with the impact of redaction, it is central to the proposition to the Attorney General that rebuttable presumptions should be delayed.

7.3.3 A plan for roll out has been established that involves the form being put before you at Chief Constable's Council for approval.

7.3.4 If agreed the portfolio will work with the College of Policing to create a training package for roll out later this year.

### 7.4 *Local Disclosure Forums*

7.4.1 The strength of the national disclosure partnership lies in the coming together of the most senior leaders in the NDIP Board and the scrutiny of senior stakeholders in the National Disclosure Forum.

7.4.2 Similarly strong local governance arrangements, with the engagement and interest of stakeholders necessary to demand that things are done and the seniority required to get things done, are necessary if the benefits of reforms such as the IMD are to be maximised.

7.4.3 It is thought that the introduction and momentum of Local Disclosure Forums has been inhibited by the difficulty of getting stakeholders physically together for meetings.

7.4.4 The pandemic has accelerated the adoption of remote conferencing and Local Disclosure Forums should seize the opportunity to meet in this way. This, it is hoped will see them convene more easily and frequently and provide a means by which national stakeholders can connect with local Forums where appropriate.

7.4.5 Forces will be encouraged by the portfolio to establish these forums utilising the technology now available, if this has not already been done.

## 8. DISPOSALS

### 8.1 *Charging:*

Interim charging protocol (as a result of COVID19) is still in effect. It is being kept under review, but there are no anticipated changes to the criteria of cases to CPSD. Charging pilots continue to run in the 7 forces, albeit within the reduced 'red' case criteria imposed as a result of the interim charging protocol. The joint charging board are reviewing the time line for evaluation and national roll-out plan in response to the delays and measures that COVID19 has brought.

### 8.2 *O OCD:*

8.2.1 Working with the MOJ (and now the Home Office) to resolve inconsistency between forces in application of Out of Court Disposal frameworks. The nationally agreed Two-Tier framework has still not been implemented by a number of forces since it was signed off at CCC in October 2017. **S31(1)(a)(b)**

8.2.2 Working with the Children and Young Persons Portfolio and YJB Policing lead on updates to the Adult Gravity matrix, incorporating updated Youth Matrix considerations.

- 8.2.3 Hampshire leading on updated performance review of CARA pilot. This will take place in tandem with West Midlands and Avon & Somerset to provide a co-ordinated response to the DPP on the current pilots. Once complete we will approach the DPP to consider national roll out of the scheme as there is considerable appetite from a large number of forces to utilise conditional cautions for domestic abuse.
- 8.2.4 Engagement with relevant leads regarding Government scoping of the use of Alcohol tags for OOC.
- 8.2.5 We are working with Fujitsu and The Social Change society on the creation and trialling of a mobile app, (in compliance with the two-tier model) for officers to use, which aims to provide a one stop shop from reporting, through to gathering evidence, automated disposal options, through to resolution of an outcome, booking interventions and updating victim's. The aspiration is to trial this as a proof of concept in a limited number of forces in the first instance.

### **8.3 COVID19 Enforcement:**

- 8.3.1 Continued joint working with ACRO, Op Talla, HMCTS, CPS, COP with each new amendment to legislation and regulations that are issued in relation to the following: Travel/Quarantine restrictions; health regulations (1); restriction regulations (2) & (3); Leicester regulations; and face coverings. There is an established process by which all new regulations and guidance is then disseminated to forces.
- 8.3.2 Formulated a SJP working group to manage the SJP requirements in relation to non-payment of enforcement fines. This has required close collaboration between agencies, and application to the AGO each time we wish to utilise SJP as a means to prosecute non-payment for new restriction regulations.

### **8.4 CJ Recovery:**

- 8.4.1 T/ACC Murray has written to all Chiefs and CJ leads with a co-ordinated response in respect of relevant CJCC updates. This includes OOC, Case Progression, Custody, Courts and Victims and witnesses.
- 8.4.2 Exploring and exhausting all options in relation to OOC use to assist with the Court backlogs (without legislative change to OOC rules, particularly in relation to repeat issuing of cautions).
- 8.4.3 Working with HMCTS on their recovery plan, and as part of the CJS end to end working group.

## **9. CUSTODY**

- 9.1. As we begin to enter the recovery phase of the pandemic, the NPCC Custody portfolio, led by DCC Kemp, is beginning to refocus projects within the working groups; to effect positive changes in response to current challenges within the Criminal Justice System. Work has recently been commissioned in relation to disproportionality, performance, Health Care and training.

### **9.2 Disproportionality**

The group will have a strong collaborative ethos, and the appointed police lead, C/Insp James Hahn from Thames Valley Police, is expecting to work jointly with Simran Soor from the Ministry of Justice to develop and implement this work.

The initial guide is to investigate and develop and act on three interlinked matters of contemporary importance: safeguarding and risk, dignity, and youth.

#### **Key Objectives:**

- To understand Disproportionality in Police Custody and how/to what extent it occurs in police custody suites nationally

- To collectively consider and identify ways to tackle disproportionality from the policing perspective as well as within police custody [clarify the scope/method of this – e.g. how the work links to other areas of activity such as stop-search etc.]
- To develop and implement an action plan how to challenge the areas that heighten disproportionality, including means of measuring progress
- To focus in particular on the themes of Safeguarding and Risk, Dignity and Youth.

### 9.3 Performance

Custody Performance measures have been developed by acknowledging the data already collated by police forces and with consideration of a number of key national documents including the NPCC Custody Strategy, Dame Elish Angiolini report, HMICFRS expectations document, views from the ICVA and the work by Dr. Layla Skinns of Sheffield University with regards to good custody bench marks.

This has led to the development of 7 categories;

- Custody population (including age, ethnicity and gender)
- Detention duration (including immigration matters)
- Children and Young People in custody
- Mental Health and Health care provision in custody
- Training, complaints and use of force
- Dignity and independent custody visiting association
- Necessity criteria, disposal and authorities

Several possible measures have been shared with all forces and concerns were raised with regards to the number of measures, the impact of different IT systems and the general ability to access the information. Some forces raised concerns regarding the legitimacy of some measures which is a further indication of the unique journey forces are taking in terms of recognising the importance of perhaps the “not so obvious” indicators.

The role of Chair of the group was passed to DCI Caroline Davies (Durham) in March 2020. Progress has been slightly delayed due to exigencies of Covid-19, however, a further working group meeting was held by teleconference. The members have been brought up to speed and are currently reviewing the proposed measures against the PEEL inspection criteria of Efficiency, Effectiveness and Legitimacy and the five categories as identified in the HMICFRS inspection.

Home Office and HMICFRS representatives on the working group recommend that the framework should very much be based on outcomes rather than statistics and that there is transparency. How well each force responds to such data by way of outcomes is likely to be reflected in future inspections.

### 9.4 Healthcare

CEWS has now undergone both academic trials and pilots in Surrey Police and a National Voluntary rollout is now taking place. The Heath Working Group are monitoring the rollout to allow the algorithm to be checked and improved. CEWS is being looked at in conjunction with the life signs monitoring tool ‘Oxehealth’, to assess if there is a positive impact on reducing risk in custody and improving the overall safety of detainees. There is also a CEWS Knowledge Hub space on the College of Policing site to share learning and improve CEWS.

### 9.5 Training

After much discussion around a national training package, it has been agreed that the CoP will produce one mandatory module covering risk and risk management, to be sent to forces and added to their custody training packages. Once this module has been created and distributed it will be assessed and analysed before further modules are added or amended accordingly.

We are aiming for this module to be as interactive as possible and scenario based. We have decided on four scenarios covering different areas of risk:

1. Managing Alcohol Detox
2. Managing Mental ill Health developed in Custody
3. Managing Female Dignity
4. Managing and identifying vulnerabilities (Neurodevelopmental Disorders)

The scenarios are currently in development and will then be sent to the College for their teams to develop them into working modules.

#### *9.6 PECS Contract changes*

NPCC lead for Custody and the Movement of Prisoners portfolio has been working with Tim Coates, head of Prisoner Escort Custody Services (PECS) regarding changes to the PECS contracts and arrangements, which are due to commence on 29th August 2020. The focus has been on improving on PECS Generation 3, following consultation and feedback from stakeholders, rather than redesigning the whole system.

GeoAmey and SERCO were awarded the new PECS contract for Generation 4, in October 2019. Since that time the digital platform has been rolled out nationally, the effect of which (Covid-19 restriction period aside) is that prisoners are moved to courts and prisons more effectively, efficiently and with greater accuracy.

PECS have an entire fleet of new vehicles and an increased number of non-cellular vehicles for transporting vulnerable individuals. Additionally, the new vehicles have information screens within the cells which will provide prisoners with current information and ensure they are better informed of the process to which they are subject to.

The booking of prisoner transport will now be completed on a digital platform which highlights any risks and/or medical needs to key stakeholders. This risk information is shared between Police, Prisons, Courts and Suppliers and I am pleased to say consigns to history the previous method of using carbonated paper, often containing illegible handwriting. The new system can also rapidly update information pertaining to risk, so stakeholders will be able to plan and prepare for prisoner transport and be able to better assess any safety issues. Additionally, pick-ups will occur more frequently as there are now more vehicles available.

## **10. COURTS**

### *10.1 Digital Case File (DCF)*

Following confirmation of funding, the Project transitioned from DPP under Sussex, to The Police ICT Company as the contracting and hosting authority, this transition completed on 01-Jun-20. All nine Athena force PCCs and Chief Officers supported the proposal from the Athena Management Organisation (AMO) and the funding for the required development was approved in May-20. This enabled Northgate to begin their development process for their phase 2 of DCF. This also unblocked Niche's development as Minerva had introduced a hiatus on their development until the Athena funding had been confirmed in order to not expend resources on possibly nugatory work.

It should also be noted that the Athena 9-force collaboration has been proposed for DCF Model Implementation. Currently it is felt that the mitigations to this proposal outweigh the risks, but an Impact Assessment is underway to validate this.

It was also agreed at the DCF Project Board in May-20 that the CPS would continue to support DCF on the basis that all 44 Chief Officers formally commit to implement DCF within a two-year National Roll Out window, beginning in Apr-22. The deadline for providing this commitment was targeted for Sep-20.

The DCF Project Team has undertaken to engage with all 44 police forces to provide briefings on DCF in the first instance which will be followed up with further engagements with Chief Officers to obtain their formal commitment by the Sep-20 deadline. At time of writing, 39 forces have been briefed.

The DCF Business Case is being produced and will be completed this quarter. This Business Case outlines DCF as a stand-alone project and seeks to define the benefits DCF will bring to the Criminal Justice System, delivered through the current central team.

This Business Case will provide support for securing funding for central support for the project for FY21/22 and beyond. The benefits of DCF are also a key focus and are broken down into four categories: Improved File Quality, Improved Disclosure Processes, Increased Efficiency and Improved User Satisfaction.

Supplier development timelines remain stable following confirmation of the Athena funding. The Niche Model Implementation (early adopters) with South Wales and Gwent is scheduled for Aug-22. The 9-force Athena Model Implementation is scheduled for Apr-22. National Roll Out for Niche forces also begins in Apr-22 to allow all Niche forces the time to deploy DCF in the agreed two-year window.

Engagement has commenced with HMCTS and CPS to fully explore the transition between TWIF and DCF in order to establish the go-forward strategy when this migration takes place. This will be a key focus in the coming months. This engagement will also consider Common Platform and how each of these impacts the other.

#### *10.2 Directors Guidance – Specified Offences*

The revised Directors Guidance – Traffic Offences, came into effect in April. Following this agreement, engagement occurred with HMCTS to seek an increase of costs awarded to Policing where defendants pleaded guilty in both PLP and SJP cases.

We are pleased to confirm that HMCTS have agreed a revised schedule of costs that allows policing to be awarded a higher amount of money, proportionate to the administration of case preparation undertaken, when offenders plead guilty. Effective from Monday 3rd August PLP costs will increase to £110 and SJP costs will increase to £90. Each Force will now need to reflect this financial amendment on the notices they send to offenders.

Cost recovery based on a medium size force (Kent): Award of £85 per PLP & SJP applied against 2964 (PLP) and 10,885 (SJP) prosecuted in 19/20 FY - expected income £1,177,165 vs £1,305,690 (increased cost award). (PLP/SJP department running costs £1,508,969).

#### *10.3 Common Platform (CP)*

Current Position - Common Platform (CP) is an HMCTS led project – which will replace their legacy IT solutions such as; Libra, Xhibit and Crest. CP is a web-based solution. It will also in due course be integrated with CPS to replace their Case Management System - CMS. CP will also allow Defence Solicitors to securely access case information.

##### *a) Common Platform (ATCM) – Traffic Offences*

- Early Adopter forces identified – Essex, Hampshire & Isle of Wight – both forces use 2 different Case Management Systems. Go live anticipated autumn 2020.
- Technical testing phase is underway between HMCTS and Police Case Management Providers, to consider messaging sequencing. In conjunction with HMCTS liaising with the CJSE network. Case scenario testing is due to occur later in August.
- Local Implementation Team meetings are underway with early adopter forces and key stakeholders.

##### *b) CP – All other crime types*

- 7 Early Adopter forces have been identified – Derbyshire will be the first to go live in early September 2020.
- At present case scenario testing is underway with Derbyshire and HMCTS.

- Derbyshire are currently booking GAP / NGAP to Court slots in January 2021 so there will be a need to operate dual systems for a few months.
  - Dependencies
  - CP requires forces as they come on board to use a revised Single Justice Process Notice (SJPN) which can be read through the HMCTS bulk scanner process. This has already been shared with forces for development upon their Case Management Systems.
  - CP requires each force Chief Constable as a data owner to sign an MOU / SLA and associated document structure. These documents are currently with NPCC Information Management & Operational Requirements Coordination Committee (IMORCC) for consideration.
  - CP requires further Case Management System code changes. (identified 27/07/20)
- c) Risks
- Not all Chief Officers sign MOU/SLA.
  - Case Management System providers are not agreeable to ready status for go-live.
  - Workaround position for Crown Court updates once Xhibit is de-commissioned is not acceptable to Police Forces, that meets business needs of Policing and timely update to Victims and Witnesses (Warrants, results, Bail Conditions, Orders).

#### *10.4 SJP – Low level crime*

In support of the CJ Recovery with particular consideration to Courts facilities, engagement is underway with CPS and HMCTS to extend the use of SJP for offences of Drunk & Disorderly and S.5 Public Order Act (non-racial aggravated offences). Once formal agreement has been received all forces will be informed that these offences may be processed through SJP channel. Forces will need to consider making staffing adjustments, amendments to their forms, and potential training.

The inclusion of these offences will bring benefits by reducing footfall in Court buildings, reduced Court GAP/NGAP slots, CPS will be able to focus on reviewing more serious cases and Policing will receive costs in guilty plea cases. It will allow free up 30 minutes per Magistrate a week for a medium size force. (based on 8-10 cases per week)

#### *10.5 Video Remand Hearings*

Since COVID-19 social-distancing restrictions were implemented, affecting in-person attendance at court buildings, VRH was stood-up nationally to maintain effective remand court hearings during the response phase. It is well understood that VRH has had a significant impact on policing since its rapid roll-out within 133 custody suites. The contribution that policing has made to the CJS response is unprecedented and recognised by HMCTS colleagues, who also consider the use of VRH as a key-enabler for courts recovery plans.

Work is currently underway to produce a national assessment of the resources, infrastructure and operational requirements necessary for a sustainable VRH policing model. Subsequent to engagement, both the Home Office (HO) and Ministry of Justice (MOJ) are keen to identify opportunities to develop the use of video-technology in the longer-term to the benefit of the whole CJS. This work will include learning from those forces who were early-adopters of VRH, (including the VEJ programme), through to those forces now using the HMCTS Cloud Video Platform in response to COVID-19. It is understood that the CPS would also support Policing development of a more structured future proof remote hearing system for both defendants together with a standard method of how Police Officers give their remote evidence.

The Courts portfolio are also preparing a report with HMCTS upon the consideration of continuation with Video Enabled Justice (VEJ) used by 5 Police forces. The D/SPJ has directed that the Judiciary require a consistent recognised method of technology in the court rooms and it is now necessary to examine VEJ in comparison to CVP tool. CC Bailey is the leading the engagement for the 5 forces using VEJ.

It is recognised that the demand shift and responsibility has transferred across to Policing for prisoner management/risk post hearing and the current mechanism for VRH is causing additional resourcing and financial burdens to forces. We therefore encourage forces to ensure that you each complete the

re-charge spreadsheet through your finance leads. I would ask for your support in continuing with VRH until the end of this calendar year

#### *10.6 Digital Evidence Sharing Strategy (DESS)*

- 10.6.1 Our response to the Digital Evidence Sharing Strategy and Common Platform (CP) is at an early stage of re-development following the closing of the Digital Evidence Transfer Service (DETS) programme late last year.
- 10.6.2 Whilst the national Digital Case File (DCF) project's output has the capability for the courts to view digital evidence via a URL link back into the force systems holding the media – which will in itself deliver significant efficiency savings and enhance justice outcomes – this is not a long term solution in its own right.
- 10.6.3 With this in mind, the DCF team are working with the CPS and HMCTS on developing an agreed Digital Evidence Sharing Strategy that will allow the seamless sharing of material between the three parties at every stage of the process.
- 10.6.4 An initial scoping meeting at a working level has taken place between the parties with further to follow. As part of these meetings, we will seek to agree who owns which particular part of the multimedia workflow from police to CPS to the court, and apply relevant standards and apportion costs to each part of the multimedia journey.
- 10.6.5 This work will seek to build on what forces are currently doing, which whilst fragmented and with differing approaches and suppliers, has developed by necessity since the COVID-19 outbreak began using the Egress system in some forces and Axon's evidence.com in others.
- 10.6.6 This development will assist the various parties understand the context and opportunities that CP will bring to the case file process, as unlike the Case Management System (CMS), CP has the capability to allow multimedia to integrate with it.
- 10.6.7 CPS and HMCTS are working with forces to establish media sharing capabilities in order to build a baseline. The next step in the process of leveraging the capability and capacity of CP is to define the pathway and transition, i.e. the gap between the target model and where we are now.
- 10.6.8 In parallel to the multi-agency working group who are understanding the current position, challenges and opportunities, work will take place at a strategic level, led by the SRO and supported by the Police ICT Company, to agree the strategy which will then underpin the work of the multimedia working group.
- 10.6.9 As part of this, engagement will take place with the NPCC who are working on digital strategy. It may be the case that this could incorporate an agreed national approach to data storage and transfer, signed up to by police, HMCTS and CPS.

## **11. DECISIONS REQUIRED**

- 11.1. Chief Constables' Council is asked to note the update and send any feedback on this back to the Criminal Justice Coordination Committee.

**AC Nick Ephgrave**

**Assistant Commissioner – Metropolitan Police Service**

**Chair – NPCC Criminal Justice Co-ordination Committee**