

# Chief Constables' Council

## Connecting Policing to the Criminal Justice Network

7 October 2020

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### Executive Summary

In the past few decades police forces and other Criminal Justice (CJ) agencies have turned to technology in order to improve cross-organisational collaboration and efficiency in the Criminal Justice System (CJS).

In 2016 HMCTS launched the Common Platform (CP) Programme which sought to deliver a shared process that would transform the way practitioners in the justice system work with new technologies. Subsequently in 2019 the Ministry of Justice (MOJ) commissioned the development of their own video platform as part of the programme – now known as CVP (Cloud Video Platform).

The forerunner to CVP for policing was the Video Enabled Justice (VEJ) programme. A collaborative test pilot which complemented the work of Digital First (DF) to establish an evidence base of 'what works' for Video Remand Hearings (VRH) and live link witness testimony with an aim of maximising the use of technology in the CJS. The pilot has shown there to be a trade-off between benefits and disbenefits for policing. On one hand the





use of VRH sees HMCTS realise the greatest benefits, with policing bearing substantial costs, whilst on the other the use of live link for police witnesses can realise considerable benefits for policing in maintaining operational effectiveness.

Furthermore, the use of technology enabled live link for civilian witness testimony has provided substantial benefits in securing victim and witness participation in pursuing prosecutions. The potential to provide evidence in a safe and secure environment has been a driver to success and provided a legitimate methodology in the best interests of justice for victims.

Following the outbreak of the COVID-19 pandemic HMCTS requested that policing supported the accelerated rollout of CVP for all criminal jurisdictions. Most forces responded to the request to assist, and with no funding and limited opportunity for planning, preparation or analysis of CVP, introduced VRH to custody suites forthwith.

The collective policing experience of the accelerated roll-out of CVP has been one of relative disorganisation and disruption. The consequential impact has been extensive: the costs, the changes in custody risk; along with the dependency on policing to make changes to estates, IT, staffing and processes has challenged professional relationships, culminating in the continued use of VRH being considered by many as unsustainable for policing.

What is abundantly clear and evident is the financial implications for policing to implement video technology into its infrastructure, policy and procedures; this is by far the single greatest barrier to feasibility. A national review conducted by the portfolio during the COVID-19 response has estimated revenue costs of £27.8m per annum for policing. Furthermore, a capital injection of £10.5m to establish the infrastructure necessary to stabilise the technology and meet legislative/policy requirements would be required.

Despite the recent challenges it would be misleading to suggest there is no business case for policing to continue with the use of video technology. For example, the use of technology enabled live links and similar initiatives across the country evidence the potential to realise substantial savings for policing. Furthermore, the inception of video technology into the systems and processes of strategic partners such as: CPS; HMPS; Defence; Probation and Interpreter services present opportunities to unlock additional benefits for policing to reduce demand and remove inefficiencies.

There is clear evidence from the VEJ programme that video technology augmented by supporting technology and effective business processes tailored to policing, has scope beyond the parameters of the pilot which could transform and modernise the way the police service operates, internally and collaboratively.

Policing is rapidly reaching a crossroads as we start to transition from recovery to improvement, and the necessity for VRH becomes an option for individual forces rather than a requirement. Regardless of the decision, forces will need a strategy for remotely engaging with courts and the wider CJS partners given the strategic direction of travel. The Ministry of Justice (MoJ) and Home Office (HO) officials have asked for policing to consider adoption of VRH going forward and it is important for a national position to be established.

The content of this paper outlines in detail the evidence base which I have utilised to carefully consider the policing position, set against the challenges we face and our future aspirations. Inextricably linked is the Government's key priority for policing which sets a strategy of maximising the operational effectiveness of the 20,000 uplift and minimising the impact on policing of the post COVID-19 court backlog and existing inefficiencies in the CJS. Consequently, my recommendations are:

1. Support VRH where possible until December 2020 at which point forces should return to pre-COVID arrangements. This will provide a reasonable period for HMCTS to implement and gain traction with their national recovery plan.

2. Police witness testimony via technology enabled live link should be the long-term default position for policing.
3. Policing should support the use of live link for civilian witnesses, although it is for HMCTS to lead and implement, not policing.
4. For policing to reconsider the use of VRH on a long-term basis several conditions would first need to be met:
  - ✓ A capital injection of £10.5m for policing to provide police custody facilities;
  - ✓ An investment of £27.84m per annum to cover policing resources required for VRH, or deployment of enough PECS resources with relevant capabilities through legislative changes to mitigate this;
  - ✓ Development of the technology used to support video enabled processes which removes inefficiencies and reduces demand on policing e.g. a bespoke tool to effectively manage the surrounding planning, preparation and communication activities required for a VRH, like that developed by the VEJ programme (GTL) which automates tasks, removes inefficiencies from the processes, gathers and tracks Management Information (MI);
  - ✓ Development of effective business processes to support video enabled technology, mitigate risk, remove inefficiencies and operationalise the lessons learnt from the VEJ programme;
  - ✓ It is critical HMCTS increase remand court capacity / throughput to minimise custody times and prevent lockouts; conduct hearings earlier and/or extending HMPS reception times.

Notwithstanding these recommendations there is a compelling business case for the wider use of video within the policing network. As such I would advocate investment in video technology being considered for policing, with individual force strategic plans exploiting the opportunities to reduce inefficiencies and optimise performance.

## **1 Background**

- 1.1 In the past few years, police forces and Criminal Justice (CJ) agencies have turned to technology in order to improve cross-organisational collaboration and efficiency in the Criminal Justice System (CJS). From what has long since been a paper-based industry, the CJS has been gradually migrating towards digitisation which combines the respected traditions with the enabling power of technology (Lord Chancellor, 2016).
- 1.2 Since 2016 HM Government have made it clear their desire to see swifter and more efficient justice delivered for victims of crime within a more effective and cohesive CJS that best serves victims and witnesses and reduces inefficiencies for all stakeholders. At the centre of this vision is the CJS Common Platform (CP) programme. Launched in 2016 it sought to deliver a shared process which would transform the way practitioners in the justice system work with new technologies.
- 1.3 One strand has been the use of video technology, with the first 'digital courtroom' pilot created in March 2013 in Birmingham, which included digital screens to present evidence, police to court video-links and video technology to allow witnesses and experts to give evidence remotely. This was widely regarded as a success with the former Justice Minister Damien Green announcing a national roll-out of the system in April 2013.

## **2 Video Enabled Justice (VEJ) Programme**

- 2.1 When HMCTS undertook the development of their new digital management system, Common Platform, in 2016 they intended to introduce their own bespoke video platform in the latter part of the programme (now known as CVP (Cloud Video Platform)) which could interface with technologies used by other agencies. In order to test this concept and gain an understanding of what would and would not work the Home Office Police Reform Transformation Fund provided £11.3m to the VEJ Programme to develop and pilot a video solution that would meet the requirements of policing and CJ partner agencies. Sussex, Surrey and Kent (with Norfolk and Suffolk joining the programme in March 2019) became the testbed for the new technology and the forerunner to any subsequent video solution (CVP being the HMCTS system).

- 2.2 The VEJ programme brought together key stakeholders e.g. Police, HMCTS, CPS, and the Defence Community in an effort to: identify the benefits and disbenefits for policing and partners; establish what works; stress-test the technology; develop the supporting systems and processes; and establish the resources and costs to operationalise the technology.
- 2.3 There were three main elements to the VEJ programme which has been developed over the 3-years it has been operating in court rooms:
  - 2.3.1 *First Appearance Video Remand Hearings* – The VEJ video manager tool referred to as GTL is an innovative solution used to facilitate the video appearance of a detainee held in police custody into a Magistrates’ Court, which enables hearings to be conducted in a more efficient and effective way, consequently reducing custody duration. Furthermore, it facilitates the remote participation in the hearing by CPS, Defence, Probation, Interpreters and YOT.
  - 2.3.2 *Police Witness ‘live links’* - The programme introduced technology enabled police witness live links in the Magistrates’ and Crown Courts which drives efficiencies through better co-ordination of police witnesses and maintains operational effectiveness of resources.
  - 2.3.3 *Vulnerable Witnesses Remote Links* – This allows vulnerable victims and witnesses to give evidence in a safe and secure environment other than the court room e.g. a Civilian Victim/Witness Suite.
- 2.4 Whilst the concept of using a video platform for users to communicate sounds simple and is a basic one most people are familiar and comfortable with, it is the surrounding planning, preparation and communication activities which adds the layers of complexity. It is these challenges that the VEJ programme has sought to overcome by developing a bespoke tool for policing, known as GTL. The tool automates tasks, removes inefficient processes, gathers and tracks Management Information (MI) and assists in optimising the use of police resources.

### 3 What has been learnt so far

- 3.1 In 2020 a review of the costs and benefits modelling for VRH was undertaken by the Digital First (DF) programme (Appendix 1) and found that any potential cashable benefits for policing are minimal when compared to the costs. They are also dependent upon the efficiency of several other variables, particularly the court capacity, court operating hours, detainee eligibility and PECS pickups.
- 3.2 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). Based on pre-COVID court operating 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.
- 3.3 Spread across all Home Office forces, based on pre-COVID 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.
- 3.4 The impact, or otherwise, of VRH on judicial outcomes has still not been evidenced at this point. An independent evaluation has been conducted by the University of Surrey examining the use of VRH and its unintended consequences associated with courtroom technology. The findings predominantly relate to the booking tool and how the technologies interact and is beyond the scope of this paper.

- 3.5 Of note the Custody Assumptions Report and the People and Process Report (Appendix 2) both found that VRH introduces a change in risk profile in custody that needs to be investigated, understood and analysed in economic terms. Of particular concern is 'lockouts' (detainees remanded to prison by the court remaining in police custody overnight). A common issue that features in the CVP impacts section of this paper. *(Note: This risk should reduce, but will not be eliminated, when the new PECS Gen4 contracts go live in August 2020 as that allows for flexible pickups through the day.)*
- 3.6 Operationally VRH appears to work for several forces with some realising benefits in operating VRH for certain cases only e.g. for detainees charged during the day or with cases of low probability of remand which can be processed quicker and increase cell availability. The Metropolitan Police report their average detention times for those bailed or released under investigation are half those that are remanded in custody. The average detention time is approximately 15 hours but raises to 31 hours for remands in custody and even more for those remanded to prison.

#### 4 Live link

- 4.1 The use of live link is not unique to policing, however the VEJ pilot has demonstrated that where it is augmented by the GTL technology it can derive significant benefits. Essentially, there are two major benefits for policing: firstly, the time saved travelling to and from court and the cashable savings which accompany that travel; and secondly in reducing the time police officers spend waiting at court when cases are cracked or ineffective and have been concluded. An issue which is further exacerbated by a large percentage of officers being called to court and never appearing. Both scenarios allow officers to remain within a police facility whilst waiting to appear, creating an opportunity to continue with other duties and be re-deployed without delay once released.
- 4.2 Initial scoping of cost and benefits for live links was carried out by the DF review and have recently been refreshed with current data to support a national discovery business case and implementation for CSR submission. The VEJ programme has demonstrated that significant cashable savings can be achieved. ('Video Enabled Justice - Costs and Benefits Summary' (Appendix 2)).
- 4.3 One of the challenges in establishing a robust evidence base has been the absence of a consistent methodology to record data in each force, which means the benefits of video nationally cannot be accurately predicted. However, what was clear is that those forces utilising live link, and have recorded testimony data, were able to evidence tangible benefits.
- 4.4 The VEJ Programme found that in a Magistrates' Court there is a potential time saving of 5 hours (5.5 hours in person vs 0.5 hours by video) increasing to 10.5 hours in Crown Court (11 hours in person vs 0.5 hours by video), dependent on effective management of police witnesses, providing the five-force region an estimated cashable and non-cashable benefit of £2.8m per annum.
- 4.5 The East Midlands Criminal Justice Board reported in their live link evaluation 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 vs 20 minutes by video).
- 4.6 Thames Valley Police estimate for the period of February to December 2019 they were able to make a saving of £115,042 by using live link for 334 officers in Magistrates Court (hours saved per witness at a cost of £86.11 per case).
- 4.7 It is important to note these are predominately non-cashable savings / benefits, however, they are critical in achieving the government's national policing priority to maximise the efficiency and operational effectiveness of the uplift to 20,000 officers. There are also variable savings in the absence of travel which can be modest through to substantial, dependent on force geography and site locations.

- 4.8 The DF programme attempted to obtain national figures for police witnesses through CPS and HMCTS, however, as discussed above this is not explicitly recorded. Despite not being calculable at a national level, individual forces can forecast their own savings as follows:
- 4.8.1 Magistrates' Court benefit = (Number of police witnesses x Average time saved (5 hours) x Average hourly cost of a police officer (£47)) + (Miles travelled x 0.45p per mile)
- 4.8.2 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)
- 4.9 The capital costs associated with live link primarily relate to the initial set up of rooms, network and video equipment. A typical Justice Video Service (JVS) link costs approx. £12,500 to install.
- 4.10 The revenue costs principally relate to network use and will vary dependent on the specific system used. For example, JVS fixed endpoints will cost £2,777 per annum, although if the solution is online the costs would reduce substantially. There are administration overheads (booking officers on a booking tool), although they are akin to that already undertaken for 'in person' appearances (duty changes / notifications). It is broadly agreed that appearance of police witnesses by video into court can produce substantial savings for policing. Legislation means that it can already be done, most courts are equipped for it, and several forces have already invested and are attaining benefits.
- 4.11 Several forces have stated that live link does not return value for them due to their current methods of working and / or geography. The real savings are only apparent if processes are put in place to track management data, test it and apply the findings to those elements of the witness process that are causing inefficiencies, regardless of agency. For example, by accurately tracking activity the VEJ programme revealed only 30 % of all police witnesses called ended up providing testimony, demonstrating an evidence-based opportunity to seek better case management and reduce wasted police time.
- 4.12 A significant constraint in maximising the potential of technology enabled live link is that an application by the CPS or defence to the judge for each witness is required and is granted or not at their discretion. Whilst this was prudent at the initial stages of introducing and testing the concept, it is time to evolve the process which sees police witness testimony being delivered by video as a default position and an application not to do so by exception. The evidence strongly supports the rationale to do so and offers the best opportunity to augment the operational effectiveness of police officers.
- 4.13 The use of technology enabled live link for civilian witness testimony has provided substantial benefits in securing victim and witness participation in pursuing prosecutions. The potential to provide evidence in a safe and secure environment has been a driver to success and provided a legitimate methodology which is in the best interests of justice for victims.
- 4.14 Other legacy practices such as OIC's attending crown court to simply be available to CPS counsel, which could still be serviced by video at police stations, present further opportunities to remove inefficiencies. A national assessment undertaken by the VEJ programme indicates potential non cashable savings of £10.8m per annum for policing.
- 4.15 Whilst the responsibility to coordinate witness testimony is a judicial function, witness care units play a key role in administering video enabled live link for police and civilian witnesses. Whilst policing is committed to providing the best possible service to victims and maximising the operational effectiveness of police officers using video, the consequential increase of demand on WCUs must be recognised.

## 5 Introduction of CVP

- 5.1 Following the outbreak of the COVID-19 pandemic which resulted in court closures across the country, combined with the subsequent direction from the Lord Chief Justice to increase the use of video and audio technology, HMCTS provided a response and, in March 2020, the judiciary introduced CVP and accelerated its rollout to all jurisdictions.



- 5.2 Consequently, a temporary, untested, VRH process was implemented nationally to minimise the risks of people physically attending Magistrates' Courts. Remand hearings are carried out by video with defendants appearing, wherever possible, from police custody with other participants (CPS, Defence Representative, Probation, Interpreter, etc) appearing remotely; with only the Bench and HMCTS staff present in court.
- 5.3 HMCTS requested assistance from police to keep the CJS moving and urgently implement CVP across force areas, which policing endeavoured to achieve. However, due to the speed at which CVP was introduced the appropriate planning, preparation and support which would ordinarily be expected for such a large change programme, was absent. Consequently, there was a diverse approach to implementation, including estate, connectivity, technology, resources, health and safety, systems and processes, local relationships etc. For some forces it was simply not possible to introduce, for others it was introduced partially (COVID-19 cases only), or as a hybrid with audio technology.
- 5.4 At the time of inception, the full impact of introducing CVP for VRH to policing was unknown. Although the VEJ pilot had provided a preliminary insight it is important to distinguish the fundamental differences between the two systems. GTL is a bespoke product designed and developed for policing, incorporating the micro activities conducted in custody pre and post hearing. Additionally, appropriate business processes to augment the technology have been refined over time to minimise inefficiencies and optimise the operability of custody resources. Conversely CVP in its current iteration is a basic video communications platform.

## 6 Impact of CVP on policing

- 6.1 A disbenefit of the rapid introduction of CVP has meant no robust mechanism to track and test the impacts, benefits and disbenefits to policing has been in place. Nonetheless, the NPCC Custody portfolio and the Op Talla Working Group have secured a preliminary evidence base as to the day-to-day impact on forces. A summary of these findings is:
- 6.1.1 *Resourcing* – The consensus reached amongst the Op Talla Regional Working Group as a yardstick is 3 FTE members of staff at each custody suite working 5 days a week 8-5 with cover on a Saturday (this varies by force depending on the number and capacity of each custody). Some areas report remand courts operating late in the evening due to volume, thus increasing resource requirements. Forces have used a mixture of DDOs, PCs and Sgts to complete the scheduling and co-ordinating functions to service CVP (Note: for GTL forces these activities are automated).
- 6.1.2 *PECS contractors* – The effectiveness of PECS staff in custody suites to absorb additional demand is limited. Current legislation in respect of their powers, contractual requirements and access to IT systems have all been limiting factors.
- 6.1.3 *Strategic relationships* – A common theme from forces has been the strain on the relationship with HMCTS and other strategic partners such as CPS, Defence and Probation. It is important to recognise this as an unintended consequence which will need attention moving forward.
- 6.1.4 *Implementation* - No assisted implementation has led to a disparate approach with little consistency, inefficient systems and processes and less than optimum use of resources e.g. use of Police vs DDO vs Sgts vs PECS. Telephone calls to arrange hearings, the use of spreadsheets and the absence of MI is a regression to what has been trialled in the VEJ pilot that had successfully removed the inefficiencies in respect of remands.



- 6.1.5 *Safer Detention and Handling of Prisoners (SDHP)* – During these temporary arrangements many forces have been unable to implement guidance in order to facilitate VRH, operating with dynamic risk based decisions e.g. using rooms which are not built to meet basic health and safety responsibilities, poor infrastructure, detainees left on their own, hard end points not being used and lack of private consultation. Insufficient use has been made of safe consultation booths which were developed by the VEJ programme and are in use in Kent, Sussex and Surrey.
- 6.1.6 *Connectivity* – The majority of custody estate across the country is ageing and was never designed with the use of modern technology in consideration. Preceding custody building design appears to go hand in hand with poor connectivity and infrastructure. Forces whose only option are soft endpoints have reported great difficulty in establishing and maintaining connectivity, having to default to audio technology for hearings.
- 6.1.7 *Capacity* – Demand and resourcing models across the country have not been designed to accommodate elongated stays of detainees. Traditionally the transportation of remand detainees at the start of the working day was a ‘recalibration’ for custody, creating capacity for the next cycle of detentions. Universally, forces have reported a significant impact on their ability to absorb new demand by retaining detainees often deep into the subsequent working day. Detainees being redirected to alternate custody suites and / or to other force areas has been commonplace. For the majority, the location of the detainee has a consequential impact on their investigative resources and medical provisions adding further demand. This issue has been further exacerbated by ‘lockouts’. Forces report this regularly occurring in two ways - firstly, the capacity of the remand courts to hear the volume of cases in time for transferring the detainee to prison (examples of remand courts operating until 2300 hours have been reported) and secondly the cut off time (lockout) brought forward in some policing areas. The Metropolitan Police for example report an average of 3 lockouts per day.
- 6.1.8 *Hidden demand* – This concept is more challenging to quantify as incidents are circumstantial. An example is a detainee being remanded by the court awaiting pickup from GEOAmev and in-between this period fell ill and was taken to hospital. This continued for a further 72 hours requiring 2 PCs to conduct constant supervision at the hospital. Pre VRH this responsibility would have sat with GEOAmev.
- 6.1.9 *Hidden costs* - Travel warrants issued to those detainees released by the court would have been paid for by suppliers. One force, for example, report the cost has reached in excess of £500 for the week.
- 6.1.10 *Transfer of risk* – The undefined period of extended detention for the purpose of the VRH results in police absorbing and managing all the risks and responsibilities associated with each detainee. Each detainee presents a unique risk, some are minor, however, most detainees attract some level of care from needing to see a nurse through to the need for constant supervision and restraint for their own safety. Policing understands the existing risk profile based on years of data and have designed their systems, processes and resource modelling to absorb this for a 24-hour period (in rare circumstances up to 96 hours) and not the extended stay experienced as a result of VRH.
- 6.2 The full cost to policing in operating CVP during the pandemic continues to be tracked by each police agency. To provide some context, Kent which are considered a medium sized force and had existing practices and supporting technology for VRH, have incurred additional costs of £30k per month. Lancashire Constabulary, which is comparable to Kent, introduced CVP technology with no prior experience and have incurred additional costs of £40k per month. The Metropolitan Police have recorded their costs in excess of £160k per month and rising.

- 6.3 Due to the extraordinary level of demand generated by VRH which is far beyond any custody resilience modelling, most of the resourcing required to meet demands has had to come from the frontline, removing police officers from operational policing.

## **7 Benefits of CVP to policing**

- 7.1 Numerous factors are involved in establishing the costs and benefits, including existing working practices and geography. It appears 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 impractical to calculate. Similarly, other agencies have not yet issued any definitive statements on costs and benefits of video working: for example, HMCTS costs and benefits are tied into the broader CP programme of works which remains 'in progress'. Therefore, currently, there are no published cost / benefit data analysis on VRH.
- 7.2 Some forces have shown that VRH has value in those cases that would have been a 'Late Notification' or for afternoon court and transportation is limited. They can then arrange with the court a VRH without moving the prisoner and keeping them overnight.

## **8 Summary of CVP roll out**

- 8.1 The recent experience of those forces involved in the accelerated roll-out of CVP has been one of relative disorganisation and disruption. The costs, the changes in custody risk and the dependency on policing to make changes to estates, IT, staffing and processes leaves VRH unsustainable for most forces.
- 8.2 A few forces simply could not absorb the additional demands and were unable to introduce VRH. Several forces have had to limit its use to COVID cases only, and for several others, withdrawn altogether or in the process of doing so (Appendix 3). As it stands, it is highly unlikely that many Chief Constables and Police and Crime Commissioners would agree to invest in resources or infrastructure to deliver VRH without the identification of central funding.
- 8.3 In considering policing's position it is important to distinguish between the recent CVP experience and the wider use of video technology in the CJS. The former being an isolated use of the technology during a response of unprecedented scale, with limited opportunity for planning and preparation, for the main purpose of remand hearings; set against the latter, being a well-designed bespoke product with a suite of options for the purpose of removing inefficiencies and optimising police resources, akin to the VEJ pilot.
- 8.4 What is clear from the VEJ pilot is there is a trade-off between benefits and disbenefits for policing. On one hand the use of VRH sees HMCTS realise the greatest benefits, with policing bearing substantial costs of additional resources, decreased cell capacity and an increase in associated risks. Whilst on the other the use of technology enabled live link for police witnesses and vulnerable victims is a considerable benefit, saving police officer time, expenses and optimising officer deployments. Additionally, there are discernible areas of potential within policing such as:
- ✓ Suspect interviewing – internally and between force areas;
  - ✓ PACE reviews and extensions;
  - ✓ Health screening.

8.5 Examining the wider CJS landscape, video technology has the potential to unlock further benefits for policing. The introduction of an entry network connection into courts and a common booking solution, especially if they could be combined as the VEJ Programme would considerably enhance these benefits. Furthermore, the inception of video technology into the systems and processes of strategic partners such as: CPS; HMPS; Defence Community; Probation and Interpreter services present opportunities for policing to reduce demand and inefficiencies. Examples could be:

- ✓ Extended court hours;
- ✓ Cross-border remand hearings;
- ✓ Extradition hearings;
- ✓ Warrant of further detention hearings;
- ✓ Out of hours applications;
- ✓ Prison visits;
- ✓ Police led prosecutions;
- ✓ DVPN/ protection order hearings;
- ✓ Access to civil courts – civil orders, licencing etc.;
- ✓ Interpreter services;
- ✓ CPS consultation – RASSO – advice clinics;
- ✓ Defence consultation;
- ✓ Cross jurisdiction hearings;
- ✓ S.28 hearings.

8.6 For policing it may also be strategically prudent to consider the aspirations of the CJS with video technology and the consequential impacts on policing. The judiciary have stated that CVP provides the functionality needed for video hearings in all courts and has set their strategic aim to move as quickly as possible to a single technology for consistency and operational effectiveness; which includes, but not exclusively, the following:

- 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 magistrate;
- Specialisation of courts may mean that physical court rooms will 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 dealt with outside of a physical court room;
- CJS 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; this has been particularly evident in rural areas during the CVP roll out.
- The potential use of video for disabled defendants;

- 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.

8.7 Regardless of the different methodologies currently used across the country, forces will need a strategy for remotely engaging with courts and other CJS partners. A whole systems approach, understanding and exploiting all video opportunities in a single business case, should be more compelling than the current ad hoc use seen during the COVID response.

## 9 What policing would require continuing with VRH

9.1 For policing to continue to support the CJS with the use of video technology on a long-term basis, several key issues would need to be resolved to create a workable and sustainable option for Chief Constables to consider.

### 9.2 Costs

9.2.1 The capital and revenue costs for long term VRH adoption by all HO forces (i.e. excluding British Transport Police) were calculated in the DF paper 'Test Custody Assumptions Report'. These costs were adapted by the HO for the requirements of the CJS Costs and Benefits Working Group in relation to their specific scenario models. In addition, as part of the Costs and Benefits Working Group exercise, DF calculated a schedule of work required (Appendix 2).

9.2.2 Our understanding of custody estate has advanced since then and two changes in the cost basis have occurred (the potential use of confidential video booths and the likely move away from JVS as the video solution). It is considered timely therefore to revisit these costs. Note that we do not repeat here the extensive assumptions made in previous reports, only new or changed assumptions.

9.2.3 Note that the work discussed here only gets us to a broad brush high-level budgetary cost estimate, to get to a more accurate figure requires survey of all sites. In summary we have included for all expected contractor and capital works costs but excluded costs associated with each agency both standing up and facilitating their own elements of the roadmap.

9.2.4 We expect that all sites will require a survey and some element of remedial work in order to meet the standard of the VRH guideline and the Custody Design Guide. We have used the same basis of calculation as previously with updated information.

9.2.5 We estimate indicative costs for each force as follows:

Force	Capital Cost/ £k	Revenue Cost / £k per annum	Notes
Avon & Somerset	133	475	Booths, though these may not be required; small element of remedial works; PFI costs.
Bedfordshire	105	342	Booths; medium element of remedial works.

BTP	116	342	Booths; full remedial works at one site; medium at the other.
Cambridgeshire	105	342	Booths; medium element of remedial works.
Cheshire	157	475	Booths; medium element of remedial works.
City of London	63	210	Booths; full remedial works.
Cleveland	180	486	Booths; full remedial works; 50% chance of Wi-Fi works; some PFI costs; network costs.
Cumbria	242	541	Booths; full remedial works; 50% chance of Wi-Fi works; some PFI costs; network costs.
Derbyshire	272	685	Booths; full remedial works; 50% chance of Wi-Fi works; some PFI costs.
Devon & Cornwall	279	807	Booths; medium element of remedial works.
Dorset	174	475	Booths; medium element of remedial works; 50% chance of Wi-Fi works; some PFI costs.
Durham	231	541	Booths; full remedial works; 50% chance of Wi-Fi works.
Dyfed-Powys	213	475	Booths (one site only); full remedial works; Wi-Fi works; network costs.
Essex	331	940	Booths; small element of remedial works; Wi-Fi works.
Gloucestershire	89	276	Booths; small element of remedial works; Wi-Fi works; PFI costs.
Greater Manchester	795	1,603	Booths; full remedial works; 50% chance of Wi-Fi works; some PFI costs.
Gwent	144	342	Booths; full remedial works; 50% chance of Wi-Fi works; some PFI costs; network costs.
Hampshire	173	541	Booths; though these may not be required; small element of remedial works; 50% chance of Wi-Fi works.
Hertfordshire	92	342	Booths; small to medium element of remedial works.
Humberside	133	409	Booths; small element of remedial works; Wi-Fi works.
Kent	283	1,006	Booths; small element of remedial works; 20% chance of Wi-Fi works; some PFI costs.
Lancashire	333	741	Booths; remedial works (except one site); Wi-Fi works.
Leicestershire	143	475	Booths; small element of remedial works; 50% chance of Wi-Fi works.
Lincolnshire	281	608	Booths; remedial works; Wi-Fi works.
Merseyside	211	475	Booths; remedial works; Wi-Fi works.
Metropolitan Police	1,506	3,207	Booths; remedial works at most sites; Wi-Fi works; some PFI costs.
Norfolk	34	541	Small element of remedial works; PFI costs.
North Wales	257	541	Booths; remedial works; Wi-Fi works; some PFI costs; network costs.
North Yorkshire	190	475	Booths; remedial works.
Northamptonshire	141	342	Booths; remedial works; Wi-Fi works.
Northumbria	303	751	Booths; remedial works; 50% chance of Wi-Fi works.

Nottinghamshire	174	486	Booths; remedial works; 50% chance of Wi-Fi works; network costs.
South Wales	322	674	Booths; remedial works; Wi-Fi works; network costs.
South Yorkshire	236	618	Booths; remedial works; 50% chance of Wi-Fi works.
Staffordshire	155	409	Booths; medium element of remedial works; Wi-Fi works.
Suffolk	17	342	Small element of remedial works; PFI costs.
Surrey	35	475	Small element of remedial works; 50% chance of Wi-Fi works.
Sussex	81	741	Small element of remedial works; Wi-Fi works; some PFI costs.
Thames Valley	497	1,006	Booths; remedial works; Wi-Fi works; small element of PFI costs.
Warwickshire	126	342	Booths; remedial works.
West Mercia	280	674	Booths; remedial works.
West Midlands	458	1,094	Booths; remedial works; Wi-Fi works.
West Yorkshire	330	818	Booths; remedial works; some PFI costs; network costs.
Wiltshire	88	342	Booths; small element of remedial works; some PFI costs.

- 9.2.6 The total capital cost of the works discussed above is **£10.5m**. This is inclusive of:
- ✓ Refurbishment costs for rooms (to enable them to meet the design guides)
  - ✓ Booth costs for confidential consultation (based on a contractor quote including a base cost for installation and delivery)
  - ✓ PFI multiplier (1.2) as used previously
  - ✓ Wi-Fi survey and Wi-Fi installation
  - ✓ Network cost allowance (for those forces that have not connected to CVP during the temporary measures. Note: that these are allowances for network changes not renewing the system)
  - ✓ Contractor preliminaries for survey and design (these are applied to all sites equally)
- 9.2.7 The works cost is exclusive of:
- ✓ VAT
  - ✓ Optimism Bias
  - ✓ CJS agency services (e.g. project management; procurement; technical resource; training)
- 9.2.8 The revenue costs shown above total **£27.84m** per annum. This is inclusive of:
- ✓ £26.48m resource (including training, pension and other costs);
  - ✓ £1.36m annual sundry costs such as IT, equipment replacement and refurbishment (on a 5-year cycle, split as a percentage per year).
- 9.2.9 These are substantial costs which are beyond the scope of any police budget, ergo, realignment of funding and / or additional funding would be required for policing to consider this feasible.

### 9.3 Infrastructure

- 9.3.1 A blueprint for the introduction of video technology, particularly for VRH, is required to provide forces assisted implementation which could avoid 43 procurements for technology, leading to a patchwork network across the country. Furthermore, the appropriate servicing and support of the technology will need to be established to prevent additional burden to forces' existing IT structures.
- 9.3.2 Development of the technology used to support video which removes inefficiencies and reduces demand on policing e.g. a bespoke tool to effectively manage the surrounding planning, preparation and communication activities required for a VRH, like that developed by the VEJ programme (GTL) which automates tasks, removes inefficiencies from the processes, gathers and tracks Management Information (MI).



## 9.4 Resourcing

- 9.4.1 The resource model is summarised as follows:
- 9.4.2 1 coordinator (called a Video Sergeant (VS) by DF) per force, based on a Sergeant's pay grade, with an additional coordinator for the top 10 largest custody suites. This is based on those forces where VRH is business as usual: there is a permanent role for coordinating activity between custody and the courts, and providing management data to the force (note that this role is often filled by a higher rank but usually as one of a number of tasks).
- 9.4.3 1 Video Dock Officer (VDO) per room (e.g. to allow a simultaneous hearing and confidential consultation would require 2 rooms and 2 VDOs). This is based on those forces where VRH is business as usual: best practise indicates that one per simultaneous hearing is enough but that an additional overhead should be allowed to cover for sickness, training et al – that overhead is calculated based on 0.6 x FTE. Note that in many of the temporary arrangements currently in place it is considered that 2 dock officers are required to maintain safety.
- 9.4.4 A role requirement with clear lines of responsibility for the VDO role which may be conducted by PECS and / or any other functions which are required but not covered by the PECS role (e.g. taking detainees to and from the cell or coordinating activity).

## 9.5 Legislative changes

- 9.5.1 Amendments to allow PECS staff to complete the full function of the role in police custody suites. The removal of barriers to efficiency e.g. applications for video evidence by exception rather than the current default position. Clarification or amendment to legislation for defendants to choose whether to appear remotely for VRH (one force remains unsatisfied with the legal position of PECS staff and VRH). This would provide the capability for PECS staff to replace the additional staffing required within police custody and reduce the £27.84m estimated cost to policing.

## 9.6 Organisational change

- 9.6.1 Development of effective business processes to support video enabled technology, mitigate risk, remove efficiencies and operationalise the lessons learnt from the VEJ programme.
- 9.6.2 The national police officer uplift programme would need to be factored into any resource modelling based on forecasts of increased demand.
- 9.6.3 The implementation of extended court hours would have a significant impact on the projected costs and would need to be recalibrated.
- 9.6.4 A review of the reception times by HMPS would be necessary to move forward. Similarly, if this remains, the projected costs to policing would need to be recalibrated.
- 9.6.5 A mutually agreeable resolution to the redistribution of risk management, which is lawful, legitimate, in the best interests of justice and protects the reputation of each agency.
- 9.6.6 A formal 'programme management' approach to implementation with the appropriate governance structures; collaboration; escalation policies; training; and a tracking and testing mechanism with valid and reliable units of measurements to create an evidence-base of what does and does not work; quantifying costs and benefits to the CJS and judicial outcomes.

## 10 Future potential

- 10.1 There are many uses and benefits for video within the CJS, of which the current applications in use today have been detailed within this paper. However, the use of video can go much further in creating a more efficient and effective justice process by expanding access for victims, witnesses and defendants, which can be achieved with the necessary investment in infrastructure and commitment to transform.

- 10.2 Policing is the start of the CJ process and any transformation of the system will be at a rate that policing can positively support. The foundation of progression towards a more efficient and effective future is the use of technology and particularly video. An example of how this could be achieved through the criminal justice recovery and transformation agenda is:
- I. A domestic abuse suspect is arrested, and investigation commences;
  - II. Police refer the case to CPS for a charging decision whilst the suspect is in custody;
  - III. The suspect is charged and the 1<sup>st</sup> hearing takes place via video to a centralised court prior to the suspect leaving police custody.
- 10.3 This would enable early Guilty Pleas (GPs) to be accepted and reports ordered. Matters that require Crown Court attention can be 'sent' straight away. For those contested cases remaining in the Magistrates' arena trial dates can be set and issues identified avoiding unnecessary adjournments. Data taken from CPS during Jan-19 to Dec-19, show 29,843 GPs for domestic abuse cases were entered at the 1<sup>st</sup> hearing (CPS, 2020). This represents 64% of all GPs and presents a substantial opportunity to shift the entire productivity of the CJS to a swifter pace.
- 10.4 This would create efficiencies in the system by reducing remand times, demonstrating to victims the commitment to their case and potentially reduce attrition. Furthermore, it would prevent the need for 28/56-day delays for a 1<sup>st</sup> hearing in cases of high harm, providing better protection for victims and reducing safeguarding demands on police resources.
- 10.5 This type of innovation to operational policing offers an insight into the 'art of the possible' in creating a modern justice system reflective of societal evolution.

## 11 Conclusion

- 11.1 Video technology has been steadily progressing since its introduction to the CJS in 2013. The VEJ pilot was the first major step forward in linking strategic partners through video technology realising a balance of benefits for each agency and a better-quality service to victims and witnesses.
- 11.2 The considerable programme of works within CP expected to deliver a smooth transition from current state to digitisation of an end to end system which would provide clear benefits to policing. The global pandemic fundamentally altered the trajectory of CP inducing immediate and substantial changes with the roll-out of CVP. The consequential impact has been extensive, costly and challenging.
- 11.3 Policing is rapidly reaching a crossroads as we start to transition from recovery to improvement and the necessity for VRH becomes an option for individual forces rather than a requirement. Despite the recent challenges it would be misleading to suggest there is no business case for policing to continue with the use of the technology. It is important to differentiate between the unplanned implementation of CVP in reacting to the pandemic, and a well thought out structured programme which is focused on the wider use of technology and not limited to VRH. The VEJ pilot has evidenced a trade-off can be found between VRH and live link with potential to be scaled up.
- 11.4 Where the case may be more compelling is the future direction of the CJS to embrace and optimise video technology across all courts. Both the judiciary and MoJ have set an aggressive timeline of transformation with technology at the centre of their strategic reform.
- 11.5 What is abundantly clear and evident, is the financial implications for policing to implement video technology into its infrastructure, policy and procedures is by far the single greatest barrier as a feasible option to progress.
- 11.6 There exists an expectation from the HO, HMCTS and the judiciary for policing as a strategic partner to continue to contribute to the benefit of the whole CJS. Should the funding and ancillary challenges described in this paper be resolved there would be a stronger case for Chief Constables to consider continuing with VRH.

- 11.7 Regardless of the decision, forces will need a strategy for remotely engaging with courts and the wider CJS partners given the strategic direction of travel. Without such a strategy forces risk being isolated within the CJS and needing to find alternative methodologies for integration which are less efficient, costly and outdated.
- 11.8 The government's key priority for policing sets the strategy of maximising the operational effectiveness of the 20,000 uplift and minimising the impact on policing of the post COVID-19 court backlog and existing inefficiencies in the CJS.
- 11.9 The NPCC Criminal Justice Coordination Committee agreed this paper on the 7 September 2020.

## 12. Recommendations and Decisions Required

Examining the extensive evidence available to me at the time and set against our future aspirations, chiefs are asked to agree the following recommendations:

1. Support VRH where possible until December 2020 at which point forces should return to pre-COVID arrangements. This will provide a reasonable period for HMCTS to implement and gain traction with their national recovery plan.
2. Police witness testimony via technology enabled live link should be the long-term default position for policing.
3. Policing should support the use of live link for civilian witnesses, although it is for HMCTS to lead and implement, not policing.
4. For policing to reconsider the use of VRH on a long-term basis several conditions would first need to be met:
  - ✓ A capital injection of £10.5m for policing to provide police custody facilities;
  - ✓ An investment of £27.84m per annum to cover policing resources required for VRH, or deployment of enough PECS resources with relevant capabilities through legislative changes to mitigate this;
  - ✓ Development of the technology used to support video enabled processes which removes inefficiencies and reduces demand on policing e.g. a bespoke tool to effectively manage the surrounding planning, preparation and communication activities required for a VRH;
  - ✓ Development of effective business processes to support video enabled technology, mitigate risk, remove inefficiencies and operationalise the lessons learnt from the VEJ programme;
  - ✓ It is critical HMCTS increase remand court capacity / throughput to minimise custody times and prevent lockouts; conduct hearings earlier and / or extending HMPS reception times.

Notwithstanding these recommendations there is a compelling business case for the wider use of video within the policing network. As such I would advocate investment in video technology being considered for policing, with individual force strategic plans exploiting the opportunities to reduce inefficiencies and optimise performance.

**DCC Tony Blaker**  
**NPCC Lead for Courts**

**NPCC Criminal Justice Coordination Committee**



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