Chief Constables' Council

Connecting Policing to the Criminal Justice Network

7 October 2020

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Force/Organisation:	National Police Chiefs' Council - Criminal Justice Co-Ordination Committee (Kent Police)
Date Created:	07/09/2020
Coordination Committee:	Criminal Justice Co-ordination Committee
Portfolio:	Courts Portfolio
Attachments @ para	Appendix 1
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Appendix 1

Video Remand Hearings Costs and Benefits Modelling

Classification and Approval

Classification

Government Security classification:	Official
Disclosable under FOIA 2000	No

Approval

Document Reference	DPP/ DF/ VEJ/ 191
Version	0.3
Last updated	09/01/20
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1. CONTEXT SUMMARY

1.1. This paper describes the work undertaken to model police cashable benefits related to Video Remand Hearings (VRH) by Digital First (DF) and the VEJ Programme.

1.2. Assessment of non- cashable benefits will occur after a meeting with the Home Office on January 15th.

1.3. The key question to be resolved has been whether detainees spend less or more time in police custody under VRH and how great that difference is. Extant data has painted an unclear and, at times, contradictory picture. By fully understanding the potential impact of VRH on detention times it is hoped that we will be able to arrive at an authoritative position on costs and benefits.

1.4. A further key question relates to safety and security and that is: what is the probability of those remanded to prison remaining in police custody overnight[1]?

2. BENEFITS METHODOLOGY

2.1. VRH has no impact pre-charge. The key data point (timestamp) is therefore, for the majority of cases, the time at which a detained person is charged and bail denied (or latest time when there are multiple charges). For the remaining cases where there are no new charges (such as Failure to Appear Warrants) the timestamp changes to that at which detention is

[1] As referenced in the HMICFRS report on custody suites in Norfolk and Suffolk 14-25 May 2018. The issues relate to: the potential for increased risk through holding a prisoner and; standard police custody is not designed or equipped to serve the rights and entitlements of prisoners (as opposed to detained persons).

authorised. Both of these timestamps represent the earliest point at which the VRH process *could* begin (see also the figure at the end of this document).

2.2. VRH has no impact on the timestamp. For modelling purposes therefore there is no difference whether data comes from a force that runs VRH, or one that doesn't. For comparison purposes however it is useful to have data from a force that does run VRH with a further data point then being the time at which detainees are disposed of from police custody in that force.

2.3. Data on charge and detention authorised times was gathered from custody systems in Kent, Sussex and Norfolk and Suffolk.

2.4. The two VRH areas (Kent/ Norfolk and Suffolk) required a resource intensive manual trawl of actual custody records. On assessing Norfolk and Suffolk data it was decided that there too many anomalies for it to be used. Due to the resource requirement it has only been possible to gather one month of information from Kent: for September 2019[2].

2.5. For Sussex it has been possible to interrogate the custody system directly and we have been able to gather six months of data (June-November 2019)[3].

2.6. We have used the VEJ programme's predictive 'custody hotspot' model to carry out an analysis of both Kent and Sussex data. In addition, we have carried out manual modelling[4] of the Kent data to allow us to have a control set for the predictive model.

2.7. The modelling assumptions[5] are summarised here:

- Six models:
  - Model 1 non VRH comparator (court hours Mon-Fri 10:00-17:00, Sat 10:00-15:00);
  - Model 2 baseline current court hours (Mon-Fri 10:00-17:00, Sat 10:00-15:00);
  - Model 3 VEJ Programme optimum scenario (aka 2B) (Mon to Sat 10:00 to 22:00);
  - Model 4 HMCTS scenario (Mon-Fri 09:00-18:00, Sat 10:00-15:00);
  - Model 5 HMCTS scenario (Mon-Fri 08:00-20:00, Sat 10:00-15:00);
  - Model 6 HMCTS scenario (Mon-Fri 08:00-20:00, Sat & Sun 10:00-15:00).
- Different preparation times for the court paperwork - 1 hour for warrants and 2.5 hours for all other cases[6].
- 30 minutes (2 hearings per hour) and 17 minutes (3.5 cases per hour) for the VRH separately modelled[7].
- 90% (VEJ Programme target) and 60% (Crime Service Model target) detainee eligibility for video separately modelled.
- Remand to prison rate 35%.
- One PECS scenario (scenario 2 from those discussed below). Based on PECS Gen4 flexibility but, for ease of modelling, with pickups timed at 08:00, 13:00 and 17:00 (08:00 and 16:00 Saturday) and no Sunday service.

[2] From broader interrogation of the Kent custody system, September 2019 was an average month in the year in terms of detainees put forward to the court.
[3] Thank you to Dave Cook at Sussex Police for expediting this.
[4] i.e. trawling through multiple spreadsheets of data and applying the assumptions by hand. Some assumptions had to vary, as shown at 2.8.
[5] The assumptions are based either on those chosen by HMCTS when the CJS Working Group modelled VRH or VEJ Programme assumptions except; PECS scenarios were devised by DF.
[6] As agreed between Gary Lee (DF), Paula Bartlett (CPS) and Danny Cain (HMCTS) by email.
[7] Evidence from the VEJ Programme is that the current figure for Kent is 3.2 cases per hour.

2.8. The manual model varies from the above as follows:

- Court throughput measured at 2 hearings per hour only, but with no spread of cases throughout the day.
- Three PECS scenarios[8]. The likelihood being that the actual service will vary across the country and nationally will fall somewhere between the extremes.

2.9. The non VRH comparator models taking all detainees away from custody at the next instance of a PECS pickup (08:00 Monday to Saturday). This non VRH figure is then subtracted from the outcome of each of the other Models (2 to 6) to give the difference in hours spent in custody.

2.10. Note that we have modelled a single PECS pickup for non VRH. If flexible pickups are available to non VRH forces, this model would be more efficient in reducing detainee hours. Prison reception closing times represent a hard stop and are considered unlikely to change due to the prohibitively high costs discussed[9] by HMPS and the impact on prisoner human rights.

2.11. For non VRH, the number of detainees remanded to prison who overnight in police custody is zero: as it would be in reality unless by exception e.g. prison lockouts where prisoners have been transported to police custody from court.

3. OUTCOMES

3.1. For detainee hours there is a high level of correlation between the three modelling methods (Kent manual, Kent predictive and Sussex predictive). Because of the manual model's inability to spread cases throughout a day in fact it behaves much closer to 17 minutes per hearing rather than 30. When the manual method is considered like this, Kent manual to Kent predictive has a variation of -24 to +36 minutes and the maximum variation between any of the outcomes across the three is -36 to +42[10] minutes. The differences are considered predictable and the Sussex modelling should therefore be the more accurate, given the greater sample set.

3.2. Modelling the Sussex data returns the following *reductions* in detainee time spent in police custody (post timestamp) by comparison with non VRH:

Eligibility>	60/40	90/10	60/40	90/10
Efficiency>	2 per hr	2 per hr	3.5 per hr	3.5 per hr
Model 2 Baseline/hrs	1.00	0.10	1.20	1.60
Model 3 VEJ Prog./hrs	3.10	3.90	3.20	4.80
Model 4 HMCTS/hrs	1.40	0.80	1.60	2.20
Model 5 HMCTS/hrs	2.00	1.70	2.10	3.00
Model 6 HMCTS + Sunday /hrs	2.80	3.30	2.90	4.30

3.3. Of immediate interest are the 90% eligibility figures (highlighted) for Models 2, 4 and 5 with 2 cases per hour. It appears that higher eligibility with lower throughput starts to clog these

[8] Scenario 1 - 08:00 and 13:00; Scenario 2 - 08:00, 13:00 and 17:00; Scenario 3 - 08:00 and 17:00 (Monday to Friday, Saturday 08:00 and 16:00 for all).

[9] At Costs and Benefits Working Group. Human rights of the prisoner is the actual hard stop and the changes possible are for a small number of hours which represent a disproportionately large increase in costs. Overall the indication is that prison reception times will not move much, if at all.

[10] Note that the modelling returns one decimal figure results so 6 minutes is the granularity.

models, with cases being taken over to the following day and detainee hours in custody *increasing* (and the difference to non VRH *decreasing*) as a consequence. This is particularly of note in the baseline hours model where the difference from non VRH is close to zero.

3.4. Also note that the VEJ Programme's six-day model reduces detainee time in police custody to a greater degree than the HMCTS seven-day model.

3.5. From the manual modelling we are able to extrapolate some further figures for different PECS pickup scenarios (1 and 3) with 3.5 cases per hour. Negative figures in red mean that detainees would spend more time in police custody in the VRH model compared with non VRH:

Eligibility	PECS scenario 1/ hrs	PECS scenario 2/ hrs	PECS scenario 3/ hrs	Model
60/40	-3.55	1.20	0.58	2
60/40	-0.65	3.20	2.71	3
60/40	-2.97	1.60	1.00	4
60/40	-2.14	2.10	1.55	5
60/40	-0.79	2.90	2.44	6
90/10	0.87	1.60	0.67	2
90/10	4.08	4.80	4.06	3
90/10	1.47	2.20	1.29	4
90/10	2.27	3.00	2.17	5
90/10	3.57	4.30	3.60	6

3.6. This shows that less favourable (to police) PECS pickups (08:00 and 13:00) when combined with low eligibility (60%) will result in detainees spending longer in police custody under *any* of the VRH models compared to non VRH.

3.7. Measurement of the number of detainees remanded to prison who remain in police custody shows the following results (per 100 prisoners). By extrapolation from the manual model, PECS scenario 1 will, as may be expected, perform significantly worse in taking prisoners away from police custody than scenario 2. Note that scenarios 2 and 3 give the same outcomes as both have 'remanded in the day' prisoners being taken away at 17:00. Also note that the figure is zero for non VRH:

Eligibility	PECS 2 per 100 prisoners	PECS 1 per 100 prisoners	Model
60/40	0.0	2.9	2
60/40	5.0	8.0	3
60/40	0.0	2.9	4
60/40	2.0	4.9	5
60/40	4.0	6.9	6
90/10	0.0	4.8	2
90/10	7.0	12.1	3
90/10	0.0	4.9	4
90/10	3.0	7.9	5
90/10	6.0	10.9	6

3.8. As may be expected, the later the hours the court works and the more defendants that pass through VRH, the more detainees who should be in prison remain in police custody overnight. The best performing model in terms of reducing detainee hours gives the greatest number of *prisoners* retained in police custody.

4. DETAINEE COSTS

4.1. A HO led study into Metropolitan Police Service (MPS) custody costs in 2017 found that the actual cashable cost of keeping a detainee in police custody was £1.18 per detainee per hour. At 2019 inflation rates this equates to £1.28. This figure is for incidentals only and does not cover staff and estate costs, which are fixed.

4.2. We have been provided with data from a similar study in Kent for Financial Year 2018/19. The data in the study included many of the categories found in the MPS paper. The time spent in custody was not available, so we were unable to produce an hourly rate however the data from each study was generally in alignment. The figure of £1.28 per detainee per hour has therefore been accepted[11] as a representative measure.

4.3. In the DF Virtual Remand Hearings Demand Analysis Report, we estimated that the number of remands being requested across England and Wales would, based on a 2015 HMCTS figure of 216,500, be between 165,000 and 178,000[12] by 2022. It is thus possible to propose a high (216,500) and low (165,000) maximum benefits figure to illustrate the models if reflected nationally[13]. Each figure is by comparison to the non VRH model.

Model	High	Low
2	£443,392	£337,920
3	£1,330,176	£1,013,760
4	£609,664	£464,640
5	£831,360	£633,600
6	£1,191,616	£908,160

4.4. The maximum theoretical cashable saving for policing in England and Wales in these models would be £1.33m; where a decrease in detainee time spent in custody of 4.80 hours has been modelled using the optimum VEJ Programme court hours (their operating model 2B, our Model 3).

4.5. Likewise, it is possible to calculate a high and low using the tables at paragraph 3.5 where the worst performing case is current court hours (with detainees spending 3.55 hours longer in police custody) which gives a low disbenefit of -£749,760 and a high disbenefit of -£983,776.

5. POLICE COSTS

5.1. The steady state (revenue or running costs) for Home Office police forces is stated in the DF Test Custody Assumptions Report as being £28.1m per annum[14] (VRH taken up across all

[11] Accepted by the Costs and Benefits Working Group and specifically the VEJ Programme, both the original and inflated figures originate from HO.
[12] (Version 1.0 dated 6th December 2017) Conclusions paragraph 11.3. The expected decrease is mainly due to changes in the Bail Act.
[13] i.e. multiply hours saved by £1.28 then by each of 216,500 and 165,000. Using the 90% eligibility and 3.5 cases per hour to illustrate the maximum benefit.
[14] (Version 1.0 dated 29th March 2019) Executive Summary paragraph 1.7.

forces) made up mainly of staff and IT costs. Note that this is applicable only to the baseline model (Model 2) and to police costs (i.e. no other agencies are included): additional working hours may be expected to attract additional costs.

6. CONCLUSION

6.1. In answer to the question posed at paragraph 1.3 (do detainees spend more or less time in police custody under VRH), we have shown that, in the majority of cases modelled, detainees could spend less time (up to 4.80 hours) in police custody through VRH. Under a specific PECS scenario, with 60% VRH eligibility, detainees could spend longer (up to 3.55 hours) in police custody through VRH, regardless of the court hours model.

6.2. Under certain circumstances (excluding the VEJ Programme model and the HMCTS Sunday court) with the higher level of eligibility (90%) the court hours models start to clog police custody if the throughput of cases being dealt with by the court drops.

6.3. In answer to the question posed at paragraph 1.4 (what is the probability of those remanded to prison remaining in police custody overnight), and as illustrated in the tables at 3.7, the longer the hours worked by the court, the more detainees who should be in prison are retained in police custody: up to a maximum of 12.1 per 100. Under a non VRH model no detainees who should be in prison are retained in police custody as 'business as usual'. The dilemma at the heart of this modelling is that the more efficient a scenario is at reducing detainee hours, the less efficient it is at removing prisoners, with a consequent increased risk impact on police.

6.4. All of the variables impact the results: Court hours, PECS pickups, eligibility rate and throughput of the court. Any combination of these that is not optimal will alter the outcomes adversely.

6.5. Using the datasets, assumptions and modelling scenarios considered in this report, the maximum theoretical cashable benefit for policing in England and Wales is £1.33m per annum (for the VEJ Programme Model). At the other extreme of current court hours, lower levels of PECS transport and low VRH eligibility the highest theoretical cashable disbenefit is -£0.98m per annum[15]. Given the spread of variables and likely national variations it is anticipated that different forces will see a variety of results across the spectrum modelled.

6.6. Steady state it is expected that police costs will be £28.1m per annum (applicable to Model 2 only: additional working hours may be expected to attract additional resource costs).

6.7. Further work is required to identify non cashable benefits.

[15] Note that this latter figure uses an extrapolation of the manual model and is therefore likely to be less accurate than the maximum saving.

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