

DORSET POLICE and CRIME PANEL

Scrutiny Review of Remote Access to Courts/Video Enabled Court Scheme

1. Introduction

1.1. Dorset Police and Crime Panel (PCP) have a statutory responsibility, under the Police Reform and Social Responsibility Act 2011 to scrutinise the Dorset Police and Crime Commissioner (PCC), to promote openness in the transaction of police business and also support the PCC in the effective exercise of his functions (s.28(2)). This responsibility can also include carrying out 'investigations' into topics of particular interest, or public concern (s.28 (6)). The guidance to PCP's (Local Government Association and Centre for Public Scrutiny, Police and Crime Panels Guidance on role and composition, October 2011) suggest that there should be two types of scrutiny. The first is reactive scrutiny, which 'looks at how services have been delivered in the past, learns and applies lessons from that experience to the future'. The second is proactive scrutiny which 'engages in current policy development, influencing decisions before they are made'.

2. Context

2.1. As part of the PCP responsibilities Dorset PCP have introduced a work programme to provide structure to how scrutiny is managed (<https://www.dorsetforyou.gov.uk/article/423508/Dorset-Police-and-Crime-Panel-Work-Plan>) and have decided with the PCC to complete 'scrutiny reviews' on agreed areas of business.

3. Process

3.1. The PCP agreed for the Independent Member Iain McVie to complete the work (Remote Access to Courts/Video Enabled Court Scheme), on behalf of the PCP and agreed a set of key lines of enquiry at its public scrutiny meeting held on the in February 2019.

3.2 The rationale for the topic selection included the following:-

The PCC had identified and provided funding for Dorset Police to work with partners to deliver remote, video enabled, processes for remand cases and witnesses (including police officers/staff) and a spotlight scrutiny will test the value for money of this investment for the public.

The PCC has identified this process as an element of pillar four within his police and crime plan (2018/2019) and are numbers 55, 58 and 59 of the PCC police and crime plan monitoring report.

To provide the PCC with feedback on the partnership arrangements and their effectiveness in delivering this joint initiative with the courts.

3.3. The PCP were provided with extensive information from the Office of the Police and Crime Commissioner (OPCC) providing background information, meeting minutes (decision making), policies and responses to the key lines of enquiry.

3.4. Also used were national documents including the National Remote Link Sites Protocol (December 2018) and the Digital Policing Portfolio Review entitled Force Video Enabled Justice Landscape Review Report (January 2019). The scrutiny review was also able to utilise information from the Devon and Cornwall Constabulary pilot and its findings.

3.5. To then test this information and ensure the PCP met its statutory requirements to scrutinise the PCC, Iain McVie met with representatives of the PCC (OPCC) and Dorset Police at Police Headquarters on 13th May 2019. This took the form of a structured meeting where the PCP representative was able to clarify, question and investigate how the PCC/OPCC was, and is, ensuring that Dorset Police introduce an efficient and effective system that contributes to keeping Dorset safe and providing value for money.

3.6. This constitutes the final report for the Police and Crime Panel to be provided for the 9th July 2019 panel meeting.

4. Key lines of enquiry (KLOE) scrutiny findings

4.1 What is the current position (baseline) / history (trend)?

In reality there are three distinct processes for using remote control video enabled justice. These are

- i) Charged and charged/uncharged remanded detainees providing evidence to a Judge or Magistrate(s).
- ii) Victims/witnesses (including police officers and vulnerable members of the public) providing evidence to a Judge or Magistrate(s)
- iii) The use of such technology to enable criminal justice and investigation processes to be conducted remotely. Such as interviews, Inspector reviews of detainees and Superintendent Authorisation to extend detention,

There are a number of pieces of legislation that enable police, Crown Prosecution (CPS) and HM Courts and Tribunal Service (HMCTS), such as Section 24 Youth Justice and Criminal Evidence Act 1999, Section 32 Criminal Justice Act 1988, Section 51 Criminal Justice Act 2003 and amendments to the Police and Criminal Evidence Act 1984.

The force have worked in partnership with CPS and HMCTS to use legislation, agreed processes/operating procedures and existing IT systems to enable the delivery of 'video enabled justice'

The review established that the three courts within Dorset at Bournemouth, Poole and Weymouth are fitted with video enabled equipment. The link at Bournemouth Crown Court also includes provision for the Family Courts.

Dorset Police have video enabled 'live link(s)' at the two custody stations of Bournemouth and Weymouth and also at the 'contingency' custody suite at Poole. The remote live link system at Bournemouth Police Station is also available within the Sexual Assault Referral Centre.

In addition police also utilise skype from all its stations and from secure individual platforms such as work issued laptops, as a means to support remote access within the third category of use as identified earlier in this report.

Evidence – Research documents, OPCC response, Force response, structured interviews and observation.

4.2. Is the system efficient and effective?

There are clear policies underpinning the legislation with procedures in place that manage and deliver video enabled justice across the three distinct processes (defendants, witnesses and other criminal justice functions).

The existing equipment used, including the 'live link screens', is fit for purpose and the current IT contract, with a leading UK service provider, delivers the required levels of functionality.

The review established that the use of the equipment, system and processes to enable **witnesses** to remotely provide evidence to courts is efficient and effective. In particular how the Witness Care Team (within the police Criminal Justice Department) support vulnerable witnesses through the process of giving evidence remotely. Police officers and staff utilise the system efficiently and effectively which undoubtedly has reduced wasted time waiting in courts to provide evidence in person.

The police also use technology well to save operational time with such functions as Inspector Reviews of detainees detention and Superintendent Authorisation to extend detention under PACE.

Whilst the police and courts have the required equipment in place to allow detainees to give evidence remotely it is not used on a regular basis and when used is as an exception such as where the defendant has mobility issues that make an appearance in person at a HMCTS premise (court) difficult due to on site accessibility issues. The review found that the reasons for this are sensible and are in line with the national picture across England and Wales. Section 4.3 below refers.

Evidence – OPCC response, Force response, research documents and structured interviews.

4.3 What's helping and hindering the process?

The review established that at a national level where forces have tried to progress defendants using video enabled justice processes it is hampered by the existing estates, both at the court and police locations, being unsuitable to safely do so without additional cost and staffing levels, which when used are solely borne from the police budget.

Unlike witness/victim enabled justice there is no national agreement strategy agreed between the police CPS and HMCTS. Therefore the provision of this service is patchy, but where forces have tried to progress this there is clear evidence that the police investment is not justified in the return or gains for the police. A clear example is the two and half year pilot in Devon and Cornwall which has seen police bear all costs and management of the practical implications hence the pilot has now effectively stalled. This is further borne out by the findings of the January 2019 review report from the Digital Policing Portfolio (National Sponsor DCC Baker).

Locally Dorset Police have between 8 and 10 remand prisoners a day who are taken from police custody to court by the HMCTS contractors who also manage the processes at court and following any court decisions.

The review could not find any logical reason for the police locally to finance and manage this activity within the criminal justice process and would suggest that the PCC continues to support the decisions taken by Dorset Police to ensure the facility is available, but to not waste further police resources or finance where the responsibility within the process is currently funded and managed by HMCTS to physically produce the remanded detainees to the courts.

Until there is a national appetite for an England and Wales strategy with funding to deliver a consistent process for defendants that is efficient and effective with the cost borne proportionately by the partners involved in the process there is no evidence that further investment is required by the PCC.

The PCC may wish to discuss the national picture with the Chief Constable and to satisfy himself that the observations made by the review concerning defendants using video enabled processes are proportionate and evidence based.

Evidence – Force response, research documents and structured interviews

4.4 Is the use making a difference?

There is good evidence that the investment of equipment, IT and staff has made a difference in how witnesses and victims can provide evidence. With the additional support provided by the Witness Care Team and the efficiencies gained from freeing up police officer time the review has established that this has been money well spent. The use also of video enabled technology to assist police in other functions (interviews, Inspector Reviews etc.) has also made a difference in reducing officer time in travel and in turn efficiently deliver elements of the detention process.

The current response by the police in how defendants are managed is a pragmatic response that is efficient, effective and economical.

Evidence – Force response, research documents and structured interviews

4.5. Is the investment delivering Value for Money?

The review found that the processes are clearly business as usual, and overseen efficiently and effectively by the Criminal Justice Department for the force. The investment is delivering value for money and the force is capable of managing the future needs of replacement equipment, software upgrades and future contracts within its existing budgets.

Evidence –Force response, Meeting minutes, research documents and structured interview.

4.6. Are the key partners contributing effectively?

The two partners in the processes clearly contribute to the effectiveness of how video enabled justice is delivered for witnesses and victims.

The earlier points made concerning the use of remote access for defendants does not show a lack of contribution as the facility is available but the benefits of doing it would not be realised hence the agreement between all partners to continue with the established processes of how defendants physically appear before Magistrates and Judges.

Evidence – Force response, research documents, observation and structured interviews

5. Observations for future spotlight scrutiny

None

6. Scrutiny observations for the PCC to consider

6.1. The PCC may wish to discuss the national picture with the Chief Constable and to satisfy himself that the observations made by the review concerning defendants using video enabled processes are proportionate and evidence based.

7. Conclusion

This is the fourth time Iain McVie has, on behalf of the PCP, completed a scrutiny review of this type and has utilised the lessons learnt from previous processes. Overall it is considered this was a worthwhile scrutiny activity that has provided both reassurance and highlighted one area for the PCC to consider.

This report is forwarded for the Dorset Police and Crime Panel to consider at the next full public meeting.

IJ McVie

Independent Member

Dorset Police and Crime Panel