

**OFFICE OF THE POLICE AND CRIME COMMISSIONER
FOR HUMBERSIDE
DECISION RECORD**

Decision Record Number: **9/2015**

Title: **Request for funding – Police Witness Video Link**

Executive Summary:

The Commissioner considered a report and business case setting out details of a proposal to install a Police Witness to Court Video Link at Clough Road Police Station. The objectives of the provision are to save time and money in terms of officer time and to utilise the facilities for victims of domestic crime in the Hull area in conjunction with the co-located Domestic Abuse Project (DAP). The installation will satisfy the requirement for the Force to have a video link in place with the court by March 2015.

Commissioner's Comments:

I support this proposal. It needs to be evaluated quickly and, if successful, the provision of similar facilities across the Force area should be explored with local authorities and community safety partners at the earliest opportunity.

Decision:

The Commissioner approved the proposal to install a Police Witness to Court Video Link at Clough Road Police Station at a cost of £13,187 to be met from funding from the Ministry of Justice in connection victims' services.

Background Report: Open

Police and Crime Commissioner for Humberside

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with my code of conduct.

Any such interests are recorded below.

The above decision has my approval.

Signature

Matthew Grove

Date **09.02.2015**

**POLICE AND CRIME COMMISSIONER
FOR HUMBERSIDE**

SUBMISSION FOR DECISION

OPEN

Title: Police Witness Video Link

Date: 20th January 2015

1. Executive Summary

- 1.1. The report seeks a decision from the Police and Crime Commissioner to approve the Business Case for funding a link between Clough Road Police Station and courts across Humberside.

2. Recommendation(s)

- 2.1. Approval of the Business Case for installing a Police Witness to Court Video Link at Clough Road Police Station is recommended.

3. Background

- 3.1. All Police Forces in England and Wales are expected to have a video link between the Force and a court or courts in their Force area by March 2015.
- 3.2. A Business Case for this has been produced setting out clear costs and benefits for the Force (time and financial savings). The technology deployed is tried and tested and is a total hardware and service package commissioned by the Ministry of Justice (MoJ).
- 3.3. The proposal is for the system to be used by Police Officers and Staff to give their evidence to Court via the video link instead of travelling to court. Local research shows that only 7% of Police Officers and Staff attending court actually give evidence on the day.
- 3.4. The proposal is also for the system to be used by victims of domestic violence and abuse who are supported by the Hull DAP service (based in Clough Road Police Station). The objective is to enable victims to provide their evidence to the court without physically attending the Court building.

4. Options

- 4.1. The options are fully described in the Business Case.

5. Risks

- 5.1. The risks are fully described in the Business Case.

6. Financial Implications

- 6.1. The costs are fully detailed in the Business Case.
- 6.2. There is current budget provision in this financial year's budget to fund the proposal.

7. Legal Implications

- 7.1. There are no legal implications for approving the Business Case.

8. Equalities Implications

- 8.1. The Video Link will provide a wider access to the Court for some victims of crime and therefore rebalance power between defendant and witness.
- 8.2. The link will also provide access to some Court buildings that are currently not fully compliant with the Disability Discrimination Act (1995)

9. Consultation

- 9.1. The Chief Constable and the head of Criminal Justice Unit for the Force have been consulted and support the Business Case.
- 9.2. Information Systems (Humberside and South Yorkshire have been consulted and are supporting the Business Case.
- 9.3. The Manager of the Hull DAP has been consulted and is supporting the Business Case.
- 9.4. The Programme Management unit for Humberside Police has been consulted and will manage the project delivery to post implementation review stage.

10. Media information

- 10.1. There are no media issues at this time but there may be media opportunities at the post implementation review if this proposal is approved.

11. Background documents

- 11.1. Police Witness to Court Video Link – Business Case.

Police Witness to Magistrates Court Video Link

HUMBERSIDE
CRIMINAL JUSTICE BOARD

Criminal Justice System: working together for the public



Business Case

(v 0.2)

Purpose

- To secure decisions for the Business Case to either proceed with the project or not
- To provide a firm initial foundation for the project

Approved by			
	date	<<Role>>	date
<<Role>>	date	<<Role>>	date

DOCUMENT INFORMATION

<i>Master</i>	:	
<i>Location</i>	:	
<i>Distribution</i>	:	

CHANGE HISTORY

Version No.	Date	Details of Changes included in Update	Author(s)
v0.1	14/11/2014	Draft Version	Robbie Walker-Brown
V0.2	25.11.14	Draft version	Tracy Cadwallader
V1.0	16.01.15	Final	Robbie Walker-Brown

Background

Policy Context

Increasing the use of video across the criminal justice system is a key Ministerial priority. The National CJS Strategy and Action Plan contains key actions to drive up video usage across criminal justice partners whilst improving the experience of users, including vulnerable victim and witnesses. During 2014-15, the key priorities for the police include:

- a) Every police force within England and Wales will have video link technology capable of interacting with the court by the end of March 2015;
- b) Development of a regional virtual court network within the East Midlands Region (Nottinghamshire, Lincolnshire, Leicestershire, Northants and Derbyshire) to find greater efficiencies across all agencies; and
- c) Testing of a secure Internet Based Video Solution to establish the ability for witnesses to provide their evidence and for officers to be able to interact in a more flexible manner with the court.

This Business Case addresses the priority to implement video link technology solutions in both Humberside and South Yorkshire Police Forces.

There is a significant fit with strategic priorities for both Chief Constables (efficiencies) and Police and Crime Commissioners (Police and Crim Plans).

What is a Video Link

Video Links have been developed by Forces in a variety of different ways. The main systems in place to date are:

- Police Witness to Court Video Link – allow a police witness to give evidence in the Crown or Magistrates' court at a trial by means of video link. The police witness is located in the police station (or other police site) while the Judge or Bench, jury, court officers, prosecutor, defence solicitor and defendant are at the court. It is for the Crown Prosecution Service to identify suitable cases and make applications for police witnesses to appear via video.
- Witnesses - The use of video technology has been available for some time, but with the greater use of such equipment, it will allow witnesses to see real benefits to giving their evidence in such a way that will have less impact on them, but is still credible in judicial proceedings. Legislation is there to support this - Section 51 of the Criminal Justice Act 2003 Use of this equipment will compliment the special measures already in existence for vulnerable witnesses, for example, victims of domestic abuse.
- Search Warrants - The Criminal Procedure Rule Committee brought in new rules in October 2013 to allow applications for search warrants to be carried out electronically via video. Search warrants can also be dealt with out of hours.

- Warrant for Further Detention - Applying for a warrant of further detention can be both timely and cause logistical issues. There is also a potential impact on the Police and Criminal Evidence (PACE) custody time of detainees. Applying for a warrant of further detention means that the detainee needs to be transported to the court along with the escorting officers and the officer in the case, which can increase the risk to the detainee and officers. However, applying for these warrant types via video is a fairly new concept.
- First Hearing Police to Magistrates' Courts - First Hearing Police to Court Video Links allow a defendant to appear before the magistrates' court for a remand hearing via video. The defendant is located in the police station while the magistrates', court officers, prosecutor and probation are located in the magistrates' court. The defence solicitor may either appear over a video link with the defendant at the police station or be present in the court. Forces will therefore need to consider how they can off set costs against other uses of video should this option be pursued.
- Production Orders - Production Orders are made in Crown Court. At the current time, officers have to travel to the nearest Crown Court which could potentially be some distance away. There would be a degree of waiting around to go into court to make the application and then time to go through the process in open court. By utilising video links into the Crown Court from a police station, the whole process would be cut down dramatically, making the officer's time more effective and efficient.
- Cash Seizure Hearings - Cash Seizure Hearings are in effect similar in process to a trial at a magistrates' court. By using the same process used for officers giving evidence into a trial by the video link, this process would be more effective and efficient for the same reasons.

All Magistrates' Courts and Crown Courts in the Humberside and South Yorkshire area have video installed and there are clear processes and protocols to follow should approval be given to this Business Case.

The Ministry of Justice (MoJ) have prescribed equipment that meets the criteria for video link use by Forces including the costs for installation and running costs (these are covered at paragraph 2.4 below)

Why Use Video

The use of video enables officers to spend their time more effectively to work at a police station, which in turn releases other officers to patrol the streets making more effective and efficient use of police officer time. It also has the benefit of reducing overtime and abstraction costs associated with police witnesses attending court. Using video saves time and money currently wasted by police officers travelling to and from court and time spent waiting outside the courtroom to give evidence.

The use of video for witnesses (non Police) can bring greater flexibility, an improved experience and better care for those unable, for whatever reason, to travel to court. This may result in greater public reassurance, greater witness care, less travelling and waiting times for the witnesses and accompanying police officers. Cashable savings can also be made through protected witnesses giving evidence via video as

there will be less transportation costs.

If sited correctly, video can be used for a broader range of activity including internal and cross force meetings, search warrant applications and Proceeds of Crime proceedings.

New ways of using video technology will be tested nationally during 2014/15 to broaden the potential of existing equipment thus achieving further benefits for Forces, CJS partners and victims (witnesses) of crime.

The Project Proposal

Humberside

The proposal has two main objectives:

- Firstly, to implement a Police Witness video link at Clough Road police station so that officers and staff can use their 'waiting time' productively on other work.
- Secondly, there is an opportunity to use the video room for victims of domestic crimes in the Hull area given that the co-located DAP (Domestic Abuse Project) team is based at Clough Road. This would enable a DV witness to provide their evidence without the need to attend the actual court.

South Yorkshire

The proposal has one main objective:

- To implement a Police Witness video link at two sites, Snig Hill police station and Maltby police station, so that officers and staff can use their 'waiting time' productively on other work.

Installation Requirements

There are two needs that the video installations in police stations must meet: the needs of the court to support the effective administration of justice, and the technological requirements of the video network.

The Court - The police are creating an annex of the court in the police station by installing video equipment to be used by police witnesses to give evidence to the court. They must protect the gravity and integrity of the proceedings of the court. Partners must engage in active dialogue to ensure that the needs of the court are met. Local Implementation Teams have driven this work in the first areas to test Live Links, with representation from the local bench, courts staff and the defence community.

When setting up the room in the police station and installing the video link equipment, the following must be considered:

- The court may require a court coat of arms to be made visible, to remind not only the police witness but all participants in the trial that the witness room being used is part of the court.
- The police are not setting up an interview room. The police witness should behave exactly as though he or she were in the courtroom. Witnesses give evidence standing in court, and address the bench in a certain manner, observing the correct protocols and etiquette. As such, the room will require the usual books of faith, affirmation statements, swearing statements etc.

The cameras in the police room must be able to show the whole room, to satisfy the court that the police witness is the only person in the room.

The technology - must meet two requirements: it must support the effective administration of justice by enabling cross examination of the witness and the connectivity option selected must be compatible with the existing video network.

- The Live Links equipment must enable the cross examination of the police witness if it is to support the effective administration of justice. The link must enable all in the court to see and hear the police witness clearly; it must enable the witness to see and hear all participants in the court clearly.
- Local partners will determine the protocols for handling physical evidence. Whether the evidence is in the court (the likely preferred option) or with the police witness in the police station, the link must make it clearly visible to all, wherever they are. The link must also be able to show CCTV evidence to both the court and the police witness at the same time.
- The video equipment in the police station needs to be able to dial in to the video equipment at the court, and vice versa. The MoJ have agreed a specification which includes pre purchase site survey, hardware costs and support costs (on costs).

Technology Options and Costs

There are three variations or configurations of hardware available for implementing the Justice Video Service (JVS) solution. The exact configuration and therefore costs will need to be determined through a site survey. However, the JVS Medium bundle with a Visuliser (hardware that enables a document to be shown to the court from the video link room) is thought to be the likely solution. The table below sets out the options and costs:

JVS Bundle	Set Up Costs	Annual Costs (ongoing from year 2)	Additional one off costs	Total Set up Costs (year 1)
JVS Medium Bundle	£12,178	£2,604	£1,000	£13,178

JVS Interview Room (NS)	£14,798	£2,752	£1,000	£15,798
JVS Interview Room (S)	£16,214	£2,776	£1,000	£17,214

The additional one off cost is an estimate and includes contingency for equipping the room with faith books, swearing and affirmation cards and furniture if required, There will also be additional costs to make the room suitable for Video link e.g. soundproofing. SYP has one room already soundproofed at Sheffield, but dependent on the identification of the 2nd room soundproofing costs may be incurred.

There will be opportunity costs involved in the running each video room in terms of liaising with the court, organising the video room for live broadcasting, assisting the police witness etc. These opportunity costs need to be considered against the projected benefits returned (see paragraph 2.5 below).

Benefits

For Humberside, abstractions for court attendance were reviewed for D Division (Hull) as part of work undertaken on cracked trials. Whilst this data was for 2011/12 (mid year), the information is considered to be robust enough for the purposes of this business case. For South Yorkshire, abstractions were calculated for a short period (July to August 2014).

In both areas those attending court were surveyed to establish how many gave actual evidence in court and how many hours were used in providing that evidence. There were examples in the Humberside review of officers travelling to other Force areas to attend court but the costs associated with this additional travel have not been accounted for in the benefit calculations.

Taking both area results into consideration, the costs (real or opportunity) in attending court can be summarised as follows:

- The survey of Humberside officers (Hull only) found that only 15% attending a court hearing actually gave evidence in court. In converting this to hours we find that of 1,357 hours abstracted for court attendance, only 76.5 hours were spent providing evidence to the court. This is a rate of only 5%.
- The survey of South Yorkshire showed a similar pattern. Of those attending court we found that of 267 hours abstracted for court attendance only 7.25 hours were spent providing evidence to the court i.e. less than 3% of the overall abstraction time.
- The Humberside review (Hull only) found that there was £27,000 of overtime used during the 12 month period specifically for court abstractions. Using a basic PC hourly rate of £24, the amount of opportunity cost for the year was £31,164.

The benefits realised in Forces who have already adopted video links have come in the main from enabling officers and staff to work from a police station whilst waiting to provide evidence. Given the consistent picture proportion between actively

providing evidence and wasted waiting time, both Humberside and South Yorkshire should see tangible benefits from implementing video links.

In addition to these resource benefits, in Humberside there will be additional benefits to victims and potentially to the offence brought to justice rate if the Domestic Violence witness objective is also secured.

Timeframes and Implementation Resources

There is an expectation that every Force will have a video link in operation (or close to) by April 2015. The target delivery time frame is therefore 31st March 2015.

The implementation will require a resource at Humberside and South Yorkshire to act as project manager. The role is likely to need to be met from within each Force given the nature of the project. The LCJBs have supporting documentation including the national implementation toolkit which provides useful documentation including operational flowcharts.

Budget

In Humberside, an indicative amount of £15,000 has been identified from within the budgets held by the Police and Crime Commissioner, although this has yet to be finalised.

In South Yorkshire, the budget provision will be managed through the office of CJAD (Chief Supt.).

Project Governance

In Humberside the project will be managed and delivered through the Force's Programme Management team.

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