Written Evidence from Thames Valley Police (CTS0028)

Introduction

1. Thames Valley Police is one of 43 police forces in England and Wales and is the largest non-metropolitan force. It covers over 2,200 square miles and three counties: Buckinghamshire, Berkshire and Oxfordshire. We serve a diverse population of over 2.34 million people. The force has 12 local policing areas, each with a command structure led by a Superintendent. The force is also responsible for policing 196 miles of motorway. We work closely with Hampshire Constabulary and since 2011 have shared a Joint Operations Unit (JOU). The Thames Valley population has grown by 10% in the last 10 years.

Executive Summary

2. In the context of current and planned court reforms in the Thames Valley Police area and the impact they have on delivering accessible, good quality and timely criminal justice, our written evidence focuses on the following issues:
   - Impact of the closure of Banbury, and Maidenhead (East Berkshire) Magistrates Courts.
   - Our concerns about how short-term court reforms do not yet amount to a coherent long term criminal justice strategy for England and Wales.
   - Our continued experience of a disconnection between parallel national digital programmes in the criminal justice arena.
   - The pressure we are facing to implement digitised case management without additional funding or sufficient and a reliable court-side IT infrastructure.
   - The need for police-led technical workarounds in the face of IT limitations in court.
   - As yet missed opportunities to develop real innovation, such as through specialised courts.

Written Evidence

What will be the likely effects of the reforms, both implemented and proposed, on access to justice in relation to:
   a. civil justice?
   b. family justice?
   c. criminal justice?
   d. administrative justice, particularly as delivered by the tribunals system?
   e. those who are digitally excluded or require support to use digital services?

Effect on criminal justice

3. Overall we believe the reforms in relation to criminal justice have focused overly on court closures, driven by potential digital developments, rather than taking a strategic and holistic approach to the whole criminal justice system. For example, we think there is greater potential to develop specialised courts for offending, such as for domestic and child abuse. Innovations such as these would enable the provision of specialist support into these courts which would be beneficial across a large geographic area such as the Thames Valley where these cases are spread across a number of courts. It would also facilitate the development of
expertise amongst the criminal justice staff and judiciary further improving the way cases are managed.

4. We are concerned about the potential significant impact of recent local Magistrate Court closures in Banbury and Maidenhead, on accessibility and attendance levels by defendants, victims and witnesses. We expressed this in our response to the HM Courts and Tribunal Service (HMCTS) Consultation closures in February 2018, including that: “...Thames Valley Police have significant concerns that there are currently no Magistrates Courts in the area that are able to accept disabled remand prisoners”. We also said we there could be a “likely increase in Fail to Appear (FTA) warrants as a result of these closures which will occur if defendants are unable to access justice locally. The impact on the Police in dealing with FTA Warrants is likely to increase substantially unless carefully managed by HMCTS, to include further assistance to defendants to encourage them to travel to courts which are likely to be further away.”

5. The closures particularly have the potential to cause otherwise unnecessary adjournments caused by defendant and witness absences, introduce an unwarranted disincentive to attend, and reduce the presence of criminal justice facilities in local communities. This is pertinent in the light of the Banbury closure as the town and surrounding area is experiencing certain residential expansion and continued projected population growth, estimated as increasing 12% between 2014 and 2034.

Effect on those who are digitally excluded or require support to use digital services.

6. Ready access to video live links locally could reduce the impact of reduced accessibility to physical court rooms and would enable HM Courts and Tribunal Service (HMCTS) to make better use of the full court estate, and list cases more quickly by accessing available slots further afield. Evidence suggests that this is particularly beneficial in domestic abuse cases where earlier listings reduce victim disengagement, which is the most common cause of these cases failing and justice therefore not being achieved. We are not yet seeing any flexibility in court listings that contribute to this. The issue of support to victims and witnesses giving evidence remotely also remains a real concern, with the accessibility of their statements a good example of this. Whilst joint NPCC, CPS and HMCTS guidance was released in December 2018 placing responsibility for this on the CPS, locally this has not been effectively communicated to them or other CJS partners with no additional resource or guidance provided to support this revised approach so this remains a very real and concerning issue.

7. Equally however, digital approaches are not desirable or suitable for some witnesses and we believe there is an important value of ‘choice’ for victims that should be considered in relation to current and future initiatives. At present the court, based on representations for the Crown Prosecution Service, decides whether or not a victim can provide evidence in person or remotely.

1 Thames Valley Police response to HM Courts and Tribunal Service (HMCTS) Consultation dated 27 February 2018
2 District Data Service, Oxfordshire
Case Study: Victim choice and digital evidence
Thames Valley Police installed a video link room at Newbury Council offices to enable witnesses to give evidence remotely to Reading Crown and Magistrates’ courts. Over the last 12 months our Witness Care Unit has been working closely with our local Domestic Abuse Investigation Unit to promote this facility for higher risk domestic abuse victims. However, the feedback has been that those victims who are willing to support proceedings, generally want to attend court and give their evidence in person, in the presence of their abuser. In the context of the psychological need of victims, to either be present in court or to deliver evidence remotely, we would like fuller consideration of the principle of choice for victims to be part of the reforms.

Youth Offending Teams are digitally excluded from accessing the Court Store. Therefore we have separate and currently ineffective ways of providing them with Initial Details of the Prosecution Case (IDPC) material in a timely manner, upon which to base their Pre-Sentence Reports for young people. The Police are often asked by Youth Offending Teams to provide the information, who are generally referred to Crown Prosecution Service. This is time consuming and an issue that is raised regularly at various Criminal Justice System meetings.

What are the effects on access to justice of court and tribunal centre closures, including the likely impact of closures that have not yet been implemented; and of reductions in HMCTS staffing under the reform programme? For users, how far can online processes and video hearings be a sufficient substitute for access to court and tribunal buildings?

8. Operationally, it is evident that the current IT infrastructure, across all criminal justice agencies, is insufficient to manage the volume of data we now need to transfer. This is a real issue, for example, for the uploading of material by the police and Crown Prosecution Service and the downloading of material within the court environment but there is no joined up strategy to address this.

9. Experience within court buildings is of criminal justice staff being unable to access required material in a timely and effective manner. This appears to be having a significant impact on the day-to-day business of the courts. It is not clear what consideration has been given to the impact on criminal justice agencies, including the police, from the court reforms.

10. We would like to know what financial resources will be made available to support the significant investment required to develop the enabling technology needed to support reform. Examples for the police include the work currently underway to create Digital Evidence Management Systems (DEMS) and the national Digital Evidence Transfer Service (DETS), with the significant cost of these having to be found from existing, overstretched police budgets that have seen no uplift to accommodate this.

Case Study: Lack of IT Infrastructure in court
In line with the Criminal Justice reforms, Thames Valley Police is supporting the Thames & Chiltern Crown Prosecution Service to submit evidence digitally via Egress. We are now also implementing a Digital Evidence Management System

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3 Witness Care Units provide tailored support to witnesses encouraging them to attend court where required to give their best evidence and help increase public confidence in the Criminal Justice System.
(DEMS) to prepare the Force for the Digital Evidence Transfer System (DETS), the Digital Case File (DCF) and ultimately, the Common Platform as part of the Digital First programme. From our ongoing use of Egress however, it is evident that the current HMCTS network capacity is insufficient to support these developments, with all parties unable to download critical evidence in the court estate which is significantly disrupting case progression.

11. While the reforms require the police and Crown Prosecution Service to transfer evidence digitally, it is apparent the courts are not currently able to manage this effectively. Juries, for example, still have to rely on printed ‘bundles’ to support the presentation of evidence at trial and police are still required to provide all evidence viewed in the court room, via the digital ‘Click Share’ system, on DVD as jury deliberation rooms currently have no facilities to capture and play this. Although we believe there may be some pilot projects exploring solutions, we have not been formally notified of any specific, but much needed, developments to address this and prevent this type of additional demand being placed on to the police.

Case Study: Lack of digital evidence viewing facilities and WiFi in court buildings
We are experiencing a lack of digital capability and WIFI provisioning within the court estate in order to access digital evidence in some court buildings. This can result in multiple adjournments due to lack of connectivity, adoption of workarounds (see below), with the associated lack of timeliness in case progression. ‘Click Share’, for example, provides a viewing platform for digital evidence in the court room however the lack of any capability to then view this in the jury room, means that the police have had to step in and provide a copy of all evidence shared digitally on DVD and/or police issued laptops.

12. We believe these reforms create, as yet unrealised, opportunities to develop more innovative approaches that make more efficient and effective use of the court estate and other resources. These include extending the application of the ‘single justice procedure’, extending court hours beyond office hours and at weekends and further development of specialised courts as we have already mentioned. In relation to the latter, we believe serious consideration, for example, needs to be given to developing specialist domestic abuse courts to support the provision of enhanced support for victims, such as Independent Domestic Violence Advisors (IDVA’s) and specially trained and experienced court, Crown Prosecution Service and police staff, to provide the best environment for them to give their evidence to ensure justice is achieved.

13. Furthermore, we would like to see the development of a coherent, consolidated and longer-term strategy for criminal justice in England and Wales, rather than a series of potentially competing programmes of reform activity within particular agencies.

Case Study: Lack of coordination between digital initiatives
We believe there is currently insufficient coordination and collaboration between digital initiatives taking place in policing and within other criminal justice agencies and the court reforms. The National Police Chiefs Council is leading the Digital First Programme that aims to deliver improved information sharing between policing and criminal justice partners. It includes the ‘digital capture, storing and securing of case file information and evidence relevant to a criminal prosecution (including
multimedia) and enabling accessibility, on demand, to all criminal justice partners. We are also aware of the Crown Prosecution Service CPS2020 initiative which includes “streamlining case preparation by allowing faster, safe digital transfer of multi-media evidence”. The range of uncoordinated activity risks reducing the positive impact digital approaches have the potentially to deliver.

14. Additionally, reduced access to justice, or inconsistency of approach for victims of crime, remains a very real concern to us.

Case Study: Impact of digital solutions on court procedure
We have adopted live link digital video technology to enable victims and vulnerable witnesses to give evidence remotely from police stations. However, due to the absence of a wider court infrastructure in remote locations, it has been unclear to the various agencies involved how a witness is provided with their statement in order to testify when not physically in court. This could result in potentially inconsistent of approaches. Thames Valley Police has attempted to instigate clarity in these situations locally, where it has not otherwise been provided by other agencies, such as the Crown Prosecution Service. National deliverable direction around these issues should be provided and implemented to ensure consistency of support for all victims and witnesses.

Have the Ministry of Justice and HMCTS consulted effectively on the reforms, and maintained sufficient communication, with:
   a. Judicial office holders at all levels of seniority?
   b. The legal professions and the advice sector?
   c. Other relevant stakeholders?

15. As a key stakeholder within the Thames Valley, we would welcome direct engagement from HMCTS and the Ministry of Justice on the reforms and closures as they impact the local area and policing. It would be beneficial to receive a local presentation on the future of Court Reform and Strategic and Operational impact. This would provide us with an opportunity to contribute and discuss our concerns. To date, we have not been invited to discuss our response to the February 2018 consultation with either body despite being the largest police force outside of a metropolitan area.

Have the Ministry of Justice and HMCTS taken sufficient steps to evaluate the impact of reforms implemented so far, including those introduced as pilots; and have they made sufficient commitment to evaluation in future?

16. Thames Valley Police would welcome the opportunity to contribute evidence, data and experience to any pilot or post-implementation evaluation. We have representation in the closure implementation meetings, however it is unclear what evaluation is planned on the impact of closure of Maidenhead and Banbury Courts.

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4 Digital Policing Portfolio, NPCC
https://www.npcc.police.uk/NPCCBusinessAreas/ReformandTransformation/DPolP/Programmes.aspx
Accessed 20/02/19

5 2018-19 Business Plan and CPS 2020
Accessed 20/02/19
17. Having undertaken some work with Hampshire Constabulary to reduce the volume of defendants failing to appear at court, it appeared that there was a correlation between court closures and an increase in failure to attend. We would like to see more analysis of the impact of court closures on defendant, victim and witness attendance rates and/or associated numbers of cracked and ineffective trial rates. We note that the National Audit Office stated in May 2018 in its report into transforming courts and tribunals said that “Delivering change on this scale at pace means that HMCTS risks making decisions before it understands the system-wide consequences”\(^6\).

18. We recognise the Ministry of Justice and HMCTS impact assessments relating to the Banbury and Maidenhead closures have sought to evaluate the additional or alternative travel to Magistrates Courts in Reading and in Oxford for defendants, witnesses and the police. However, we do not believe this has gone far enough to recognise the short and longer term potential impact of the closures including on police resources. In particular, we would like to see further impact analysis of the reforms in the court system, as led by Ministry of Justice and HMCTS, upon the Home Office and policing.

**Case Study: Impact of Banbury court closure on police management of road traffic offences**

HMCTS previously listed a large proportion of ‘Traffic’ cases at Banbury Magistrates Courts. With the recent closure of Banbury Court House, all the related court hearings have been moved to ‘Oxford Magistrates Court’, which is located in Oxford city centre, approximately 30 miles away. The associated Ministry of Justice and HMCTS impact assessments have identified there may be limited overall net impact on travel time and cost from travelling to a different court house, where an extended journey by some parties is balanced by a shorter one for others. While this could be a defensible position on average and when considered at scale, the closure of Banbury Magistrates Court has a direct impact on TVP resources because of our pre-existing organisational approach to managing particular cases in Banbury. At the local service impact level, as in this case, there is no counterbalancing of resource. It may also result in an increase in defendants who fail to appear for their first court hearing; delaying justice at the same time, as having an indirect impact on the police in terms of locating such individuals.

**Conclusion**

19. Thames Valley Police welcomes the move to digitalise and reform the courts however it needs to be done in partnership with key stakeholders.

**March 2019**

\(^6\) Early progress in transforming courts and tribunals National Audit Office, May 2018