

O brave new world – that has such things in it. A field guide to new technology in the Crown Court

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[This is an edited version of a piece circulated for the assistance of Judges and Recorders but which may be of interest to other court users]

A range of new technology is about to arrive in Crown Courts around the country. Full time judges and recorders, as well as other court users, will increasingly need to engage with it and use it in court. Here's a guide to what is coming along but keep in mind that many of these projects are in a state of development so the details may change.

I write as a user not a techie¹ and this is no training manual – so if you have technical queries send them elsewhere. The Ministry of Justice Criminal Justice Efficiency Programme page provides helpful information accessible to all. <https://www.justice.gov.uk/about/criminal-justice-system-efficiency-programme>

First there are two existing systems used by the court staff which will continue in place for the time being:

CREST

What is it?

This the Crown Court database. The system has been in place since the 1990's. When a case is received from the Magistrates the court staff enter the details on CREST and thereafter enter notes and diary entries which can be drawn upon for the court lists, and to record a case being sent elsewhere. CREST also stores details of judges, solicitor's firms and counsel who attend hearings. Standard documents such as notices of hearings and certain court orders which are not available on Xhibit are produced on CREST and the system also produces the management reports on the court's performance.

Results of cases are now recorded by the court staff on Xhibit (below) but that information is then transferred electronically to CREST (with any queries). CREST is no longer used for paying counsel, solicitors etc.

XHIBIT

What is it?

This is used by the court staff, principally during court hearings, and has been national since around 2005. On Xhibit court staff (clerks and ushers) record events during hearings and, in the absence of a clear note elsewhere it is the go-to record of orders made. As ever its utility and reliability depends on the quality of information put in by the clerk or usher.

¹ I am very grateful to techies too numerous to mention for their help in providing this guide. Any errors remain my own.

Xhibit distributes the court lists to those who need them and the court staff use Xhibit to produce most orders such as those for bail, custody, imprisonment and the like. They can then be distributed to the Xhibit portal where they can be viewed by court users including the Police, CPS, and NOMS (that is prison and probation).

Next two changes that have come to us recently.

CJSM accounts

What are they?

This is the Criminal Justice Secure eMail (CJSM). Prosecution and defence lawyers and other relevant parties use it for secure communication. A person must have a live CJSM account in order to use it to register and access the DCS (below). Judges using their judicial laptops do not have to worry about this.

PCU Wi-fi

This is Professional Court User Wi-fi (PCU Wi-fi). This will be installed in all Crown Courts.

Advocates can use PCU wi-fi when in court and therefore use the DCS (below) effectively. The wi-fi should be fast and effective but advocates hanging around waiting for their cases to be called should be discouraged from looking at YouTube or downloading movies because that could slow down a busy system.

The latest version of the PCU Wi-fi user guide is to be found on the CJS Efficiency Programme web page.

Now let's move on to what is coming.

Crown Court Digital Case System (DCS)

Other names.

This is sometimes referred to as "CaseLines" because that is the name of the commercial product on which it is based. Some wanted to call it "eBundles" which might have better described it.

What does it do?

Judges are all used to a traditional paper court file with, inside it, a judge's file. In future the content you would have expected to find on a paper file will have been uploaded onto the DCS and accessible on your computer. That is where judges will go to look at the indictment, statements and paper exhibits, previous applications and past written orders – in short everything previously found in a paper file. When DCS is fully operational there simply will not be a court paper file any more (although some special provision may continue to have to be made for unrepresented parties). Thus any paperwork handed over during a hearing will only get "filed" by being uploaded onto the DCS.

When DCS is up and running, paperwork such as prosecution witness statements or Defence Statements will be “served” by being uploaded onto the system AND informing the other side, usually by email. The new CrimPR 4.6 makes provision for this (in force from 5th October 2015).

Who can see the DCS file?

Judges and court staff can see all files on the DCS. However other users such as prosecution and defence, and Recorders must be “invited” to a particular case to see the content relevant to them. The judge, court staff, prosecution and defence will look at the same content and can do so from wherever they are. People using the system can make notes private to themselves on the documents and it is expected that Judges will make notes on the “memorandum”, visible only to other judges and court staff, just as formerly they may have made notes on a file cover-sheet.

Why the change?

With DCS judges will no longer have to conduct a dig through paper files, sometimes in disorder, looking to see if documents have been served. The DCS presents the case documents in an ordered and complete way. If, by way of an example a defence statement is there on the DCS it follows that it has been served. If it is not there then no defence statement has been served. Many will be concerned that navigating an electronic system will not be as easy or quick as leafing through a paper file but the advantages of having electronic files which are in good order, complete, and accessible will be all too clear.

What it does not do – at least not yet....

Video footage or sound files (eg. Police interviews or 999 audio) cannot be stored on DCS at this time. Also there is no current capacity for judges to make case management orders etc within the DCS. Think of it as the electronic equivalent of a paper file. If a judge makes an order in writing (including, for the present, orders at the new PTPH) then once the order is made it can be uploaded onto the DCS. This is so whether it is an order inscribed on vellum with a quill pen or an electronic one prepared on a computer. Once uploaded a document can be read on the DCS by all parties without the need to send out copies. The DCS does not hold a record of court hearings duplicating Xhibit. Therefore (apart from notes the judge may make as a memorandum) DCS will run alongside Xhibit.

However special arrangements are being made for the PTPH form. A project is in hand to allow the PTPH form to be completed by the parties within the DCS, even simultaneously, thus avoiding the need for the form to be passed around electronically.

When is it coming?

DCS is up and running at Southwark and Leeds. The early adopter courts² for Better Case Management should have the system in late 2015 and the remaining courts should have the system before March 2016. There will be training and equipment for full time judges and staff but the system is pretty intuitive. There are online training tools.

² Isleworth, Leeds, Leicester, Liverpool, Merthyr, Portsmouth, Reading, Woolwich

Improvements are continuing to be made based on the experience in actual use.

What do Recorders have to do to prepare?

Recorders with criminal practices will need to register and obtain a live account for a CJSM; register to use PCU wi-fi and also register for the DCS in order to do their normal work. Therefore when they sit they will doubtless bring their usual lap-top or tablet and will be “invited” to the cases on which they are asked to sit.

Recorders with non-criminal practices will need to go through the same steps in order to use their own laptops to access the DCS and should be aware that it can take up to 14 days to complete the registration process so they will need to do that well in advance before sitting at a DCS court.

Recorders who wish to use a court “pool” laptop will need to check in advance whether that will be available to use so that they can work in the Crown Court and whether they can access the DCS by that route. However please don’t leave it to the morning of sitting to find out.

Information about registration?

To obtain a CJSM account as a recorder go to <https://www.cjsm.net/>

To register for PCU wi-fi email the BT PCU Helpdesk (pcu.wifi@bt.cjsm.net) or see the full PCU User Guide on the CJS Efficiency Programme page.

The inter-relation of the DCS with Better Case Management and the PTPH.

Although BCM is being introduced over a similar timetable to the DCS they are not mutually dependant. In short, you do not need to have DCS up and running to apply the BCM regime. However the DCS will be a useful tool towards more effective PTPH hearings, and with DCS courts, the completed PTPH form can be distributed by uploading the finished document onto the DCS rather than sending it out (as a scan) to the relevant parties. Keep in mind that the PTPH form cannot be completed within the DCS (yet).

eJudiciary

What is it?

This is a new IT system focussed on the needs of the judiciary on a network independent from the Ministry of Justice. It will provide improved facilities for judges. The most visible element to other court users will be that judges will be transferring to “ejudiciary” email addresses.

Clickshare

What is it?

This simply facilitates the playing of video, sound files or showing photographs and documents to the jury on the screens fitted in the court. It goes alongside a program to improve the size and quality of screens in courts. This is NOT part of the DCS.

How is it used?

The equipment will be set up in court. If an advocate wishes to show the jury, for example, some CCTV on the advocate's computer then the advocate simply plugs his computer into the system and it is played on the big screens. The connection to the system is by way of a small device (a dongle) plugged into the USB port of the advocate's computer (therefore there would be difficulties with iPads etc which do not have USB ports). Consideration will have to be given to how items shown in this way are to be made available to the jury in retirement.

The Common Platform

What is it?

This is the next big development beyond DCS. A great deal of work has already been done on it and it should not be far behind. It is a joint HMCTS and CPS project – not so much a case of systems working together but of both agencies working on the same system.

The plan is that it will, in due course, replace what the techies calls the “legacy IT systems” of both agencies so that all criminal justice system users, including the defence, can access the same database subject, of course, to limitations appropriate to their role.

That should reduce considerably the potential for the “ball to be dropped” between organisations.

With it will come key further functions. In particular judges will be able to make case management orders within the system with the results visible to all parties; there can be electronic monitoring of compliance with alerts when things are going wrong, and there will be listing functions to provide, for the first time, powerful IT support for case progression and listing (“Crown Court Scheduling”)

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November 2015.