

HM Prison Service

VIDEO LINKS IMPLEMENTATION

Business Case

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Document history

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1 Introduction

- 1.1 The Prison Service and Lord Chancellor's Department have piloted the use of video conference links (Video Links) between certain prisons and magistrates' courts for the purposes of holding preliminary court hearings, where the defendant remains in custody, and sees and hears the court, and is seen and heard by the court, over the Video Link.**
- 1.2 The evaluation report of the pilot project identifies a wide range of benefits to both prisons and courts that could arise from national implementation.**
- 1.3 This business case has been prepared by Security Group, using the evaluation report, the outputs from additional work undertaken to clarify costs and savings, and the costs of providing a video conferencing service, as specified in the BAFO of the preferred bidder.**

2 Executive Summary

- 2.1 Video Links can deliver an impressive range of benefits, primarily to the Prison Service, but also to magistrates' courts and the wider criminal justice system.**
- 2.2 The key aim of the project is to improve security. 40%-50% of discharges of prisoners to magistrates' courts will be avoided once Video Links are in place between local prisons and magistrates' courts. Progressively MCCs are expected to deal with remand and custody cases in centralised locations which are equipped with Video Links for preliminary hearings and secure docks for trial and sentencing. This offers the potential to streamline and modernise the way custody cases proceed, as well as offering the range of benefits outlined in section 6.**
- 2.3 Implementation of Video Links fully supports our aims and objectives relating to public safety. It also provides the opportunity to support the principle of obtaining best value from resources. Ministers, especially the Home Secretary, are keen for this work to proceed, and to see the wider potential for applying the technology to other initiatives, for example, maintaining family ties.**
- 2.4 One such initiative is the Lord Chancellor's Department's (LCD's) commitment to providing equipment which allows vulnerable witnesses to give their evidence remotely from the magistrates' courts. This was one of the recommendations of 'Speaking up for Justice', which was published in 1998, and must be achieved by 2003.**

- 2.5 In the spring of 2000, the two departments submitted a joint bid to the Treasury Capital Modernisation Fund. This was successful, and the money will be used to install both systems across England and Wales by the end of March 2002, and to meet some of the running costs incurred by them. Thereafter the running costs of the vulnerable witness provision are to be met by LCD, and those of the remand hearings will be funded entirely by savings from the escort budget. The combining of the two requirements allows a more cost effective, robust and flexible system than would have been possible had two separate systems been required.
- 2.6 A procurement project has been conducted, and a contract for the provision of a completely managed video conferencing service for local prisons and magistrates' courts will shortly be awarded to Martin Dawes Office Automation Ltd. The contract will be sufficiently flexible to allow additional uses and users at a later date, for example the Crown Court, high security and training prisons. As Video Links is installed across the country, a thorough evaluation of its impact will be carried out to ensure that the expected benefits and savings are being delivered.
- 2.7 A cautious approach has been taken to identifying savings. It has, for example, been impossible precisely to quantify the cost of escorting Category A defendants to court appearances, and therefore these costs are almost certainly underestimated. The majority of savings will result from reduced costs for escorting defendants to court. 5% savings (of £100m) are considered realistic within the terms of the existing escort contracts, greater savings would be realisable once these are retendered. The costs and savings schedule at Annex A demonstrates that the project can be delivered and paid for by the CMF funds in years 0 and 1, and by savings in escort lists thereafter.

3 Background

- 3.1 Section 57 of the Crime and Disorder Act 1998 allows preliminary hearings to take place in custody cases where the defendant remains in the establishment and sees and hears the court, and is seen and heard by it, over a Video Link. A pilot project in the North West (Manchester City Magistrates' Court, HMP Manchester and Hindley YOI) and the South West (Bristol Magistrates' Court, Swindon Magistrates' Court, HMP Bristol and HMP Eastwood Park) has tested the technology and new working practices.
- 3.2 Evaluation of the pilot project found that the use of prison-court Video Links was compatible with the interests of justice, provided

certain measures were put in place to safeguard the rights of defendants.

- 3.3 The evaluation report made eleven recommendations that should be applied in the event of national rollout. These were all accepted.
- 3.4 The evaluation report also identified a wide range of benefits from the introduction of Video Links. These range from supporting the Prison Service key aim of protecting the public, to cost savings resulting from a reduction in prisoner movements.

4 The Need

- 4.1 The fundamental aim of the project is to reduce prisoner movements with resulting improvements in security and containment of costs for prisoner escorts. The project advances modernisation by utilising technology in a process which is at the heart of the justice system. It also supports Prison Service and LCD efforts towards meeting the Prime Minister's targets on electronic delivery and joined-up government.

5 The Solution

- 5.1 All local prisons and a selected number of magistrates' courts will be equipped with video conferencing technology. Save in exceptional circumstances, all preliminary hearings in custody cases at magistrates' courts will take place without the need to transport defendants to court.
- 5.2 Individual assessments will be required with Justices' Chief Executives over the number and location of courtrooms to be equipped. Funding is available for the equipment to be installed in between 150-200 courts. In some MCCs, it is possible that one court will be able to handle all the preliminary hearings on custody cases. In geographically larger MCCs, such as Cornwall and Devon or North Wales, a number of courts will need to be equipped, thereby ensuring that other participants in the process, such as prosecution and defence lawyers, will not be required to travel long distances to court, with all the attendant costs.
- 5.3 **Quantum.** The option of including Video Links within Quantum was discussed with the Quantum team. It was agreed that for the time being the projects should be kept separate because i) there are already a number of key commitments for Quantum to deliver in its first phase; ii) this is a partnership project with LCD, not covered by the OJEC advertisement for Quantum.

6 Benefits and Savings

- 6.1 Video Links offers benefits and savings not only to prisons and magistrates' courts, but also to the Home Office, the Lord Chancellor's Department and the wider Criminal Justice System. Many of the benefits classed as qualitative will produce savings, but these are not yet quantifiable.

The Key Benefit

Security

- 6.2 The key driver for this initiative is greater security. Each prisoner movement presents an opportunity for escape, and each escape results in risk to the public and expense to the Prison and Police Services. Escort escape data for the past 5 years is below.

	1995-96	1996-97	1997-98	1998-99	1999-00
<u>KPI escapes</u>					
From escort contractor	34	78	72	55	60
From prison escort	36	20	10	7	9
<u>Non-KPI escapes</u>					
From escort contractor	20	41	21	15	31
From prison escort	19	3	6	2	2

NB. Only two escort contracts were in place in 1995-96. All contracts were awarded by 1998-99.

- 6.3 Although the recent record on escapes is good, the need to sustain and improve this performance means that continuously we have to consider new ways of working. Although it is not possible to relate escapes directly to types of court hearings or offences, it seems reasonable to suggest that a proportion of the above would have been avoided had Video Links been in place. An example of this was the hearing at Slough Magistrates' Court in August 2000, from which an armed escape took place, would have taken place over the Video Link.

Qualitative benefits

Staff Motivation

- 6.4 Involvement in the court process is an interesting part of prison work, which was lost after the contracting out of escorts. Prison

Officers employed on the pilot project displayed strong motivation and personal commitment to the work. Relationships between the prisons and courts improved, resulting in a number of important benefits, for example the agreement to move a Category A case from a non Video Link court thus avoiding the use of escorts in the early stages of the case.

- 6.5 Although Video Link courtrooms in all pilot prisons are located in or near the Legal Visits area, there is no compelling reason for this, other than possibly to make better use of facilities. In practice, a more logical location might be on a remand wing or induction unit, providing opportunities for those staff to enhance knowledge and skills.

Regime Benefits

- 6.6 A defendant attending court may be absent from the prison for anything from a few hours to ten or twelve, depending on the distance travelled, the time of the hearing and the frequency of returning vans. A defendant attending a Video Link hearing will on most occasions be away from his/her living unit for no more than 1-2 hours (less if 6.5 above applied), and thus be able to participate in the normal regime. Defendants appear to prefer the continuity, the availability of normal meals and the opportunity for a visit later the same day. Furthermore, prisoners at risk, for example of self-harm, are considered to be less vulnerable if they do not travel to court. The anxieties of travelling to and from court and being held in cells there can exacerbate their propensities to self-harm. During a recent inspection of HMP Bristol, Her Majesty's Chief Inspector of Prisons reported that "overall, we were impressed with the Video Link in that it has the potential to enhance the treatment of prisoners".

Defendant's improved focus on the hearing

- 6.7 Despite concerns at the start of the pilot that defendants might not appreciate the seriousness of Video Link hearings, evidence from the evaluation study suggests that they actually focus more closely on the proceedings than when attending court in person. Reasons for this include the absence of friends and family in the court gallery, thereby removing the temptation to display bravado, and a lifestyle in which many hours have been spent screen watching. The defendants receive induction to the process, with the opportunity to raise queries, and are accompanied during the hearing by a prison officer who offers support, and for whom they are perceived to have more respect than dock officers provided by the escort contractor. The absence of a lengthy journey to the court tends to ameliorate the defendant's mood. The courts make

additional effort to personalise the hearing, by addressing the defendant directly and checking that the process is understood.

Improved environment in the court room

- 6.8 Courts report an improvement in the atmosphere in the court room. The absence of family and friends, and the ability to mute the sound on the Link if the defendant resorts to bad behaviour quickly diffuses potentially difficult situations. Risk of violent behaviour by the defendant towards officers of the court is removed. When the magistrates retire to consider their decision, there is no unruly banter in the courtroom. One family who did attend during the pilot reported to the Justices' Chief Executive that the tranquil atmosphere provided in the Video Link court made the experience less daunting.

Greater efficiency in the court room

- 6.9 Traditionally court begins at 10am for a variety of reasons, one of which is the arrival of the prison van. Removing the need to transport some defendants opens up the possibility for earlier starts for certain types of hearing. In the pilot in Manchester it was agreed to begin video hearings at 09.30. This fitted better with the prison regime and proved to be efficient for the court in that usually all hearings were completed before lunch, freeing the Bench and the court room for other matters. With defendants held in an area adjacent to the prison courtroom, rather than needing to be brought up from the court cells, they are always available at the scheduled time and the period between calling the case and commencing the hearing is much reduced.
- 6.10 The Lord Chancellor has made known his wish for courts to begin earlier in the day and to maximise use of court rooms. The introduction of the Video Link makes it possible for prisons to accommodate this without the need for widespread reprofiling and revisions to escort contracts.

Legal visits

- 6.11 The availability of conference booths at court to enable lawyers to consult defendants in custody may reduce the requirement to visit the prison. There is no evidence that this happened during the pilots, but there is a suggestion that defence lawyers are beginning to recognise the wider benefits of videoconferencing. A Swindon lawyer is acquiring his own equipment to enable contact with clients in Bristol prison and to reduce travelling. A barrister in Manchester has made a similar request. It may be possible to

extend opportunities for legal consultations, depending on the location of the video conference booths.

Drugs

- 6.12 Whilst there is no evidence from the pilots that there has been a reduction in the availability of drugs, the use of the Video Link removes an opportunity for drug smuggling into the prison.

Additional days

- 6.13 Adjudications in cases of escape almost always result in additional days. In 1998 punishments of 25,978 additional days were awarded for escapes and attempts. Escapes from court/escort are not separately identifiable within the statistics, but a reduction in escapes from escort may affect this figure directly. Local prisons report the award of significant numbers of additional days for abusive behaviour to escort contractors, which could also be reduced.

Reduced claims for lost property

- 6.14 The reduction in prisoner movements will lead to a reduction in the handling of prisoners' property. In turn this should lead to a reduction in the amount of claims against establishments for lost property. During the period of the pilot HMP Bristol reported a 42% reduction in claims and a 37% reduction in compensation compared to the equivalent period in the previous year. The numbers and amounts at Bristol were small, but there should nevertheless be scope for more significant savings across the estate in due course.

Reduction in occurrences of late receptions

- 6.15 Among the numerous reasons for accumulating hours owed to staff is the late return of defendants from court. Use of Video Links may alleviate this problem, and although no cash saving is anticipated, there ought to be the an opportunity to reduce TOIL.

Under 18s

- 6.16 Changes in the prison estate to comply with the requirements of the Youth Justice Board will mean fewer establishments will hold under 18 year olds. Those that do will therefore cover larger catchment areas than previously, requiring young defendants to make longer journeys to court. A national infrastructure of Video Link courts would allow their preliminary court hearings to take place without the need for travel.

Female Defendants

6.17 Similarly catchment areas for female establishments are vast, with female defendants often suffering extremely lengthy journeys to court which can be to remote locations and involve only one defendant. The Chief Inspector of Prisons is critical of these arrangements. The benefits of Video Links in reducing journeys in the female estate will be significant, particularly in the cases of mothers with babies or pregnant women. Exceptionally such escorts involve private vehicles and prison officers.

Cell refurbishment at court

6.19 Cells and interview rooms in magistrates' courts are in regular need of refurbishment. With 40% - 50% defendants remaining in prison the lower utilisation of the accommodation will reduce the need. There will be less pressure for interview rooms, which in the past has created delay for court business. The volume of defendants attending court from police custody will be unchanged.

Court building programme

6.20 A number of court building projects are underway, with PFI being used to provide new court centres. The introduction of Video Link hearings will reduce the number of custody courts, secure docks and cells required in the longer term.

The Prosecution

6.21 CPS prosecutors at the pilot sites acknowledge benefits in the way cases run over the Video Link. The pre-arranged running order allows them to deal with cases in the order listed, rather than according to which defence lawyer is ready next, as happens traditionally.

Green Issues

6.22 A reduction in traffic by reducing the number of vans and journeys supports our environmental policy.

Other Uses

6.23 Once video conferencing equipment is available in local prisons there are a number of other applications for which it could be used which would provide additional benefits at minimal cost. Examples include inter-prison visits, probation interviews and family visits (where families attend their nearest local prison rather than travelling). The capacity for additional use is not however infinite.

- 6.25 Preliminary hearings in the Crown Court can also take place over a Video Link. A pilot to test this took place in Manchester in the last quarter of 1999. Discussions are ongoing with LCD to explore the application of this technology in the Crown Court.

Quantitative Benefits

Reduced prisoner movements

- 6.26 Assessments from Manchester and Bristol during the pilot project show that between 40% and 50% of prison discharges to magistrates' courts will be avoided by holding preliminary hearings over Video Links. Figures from a recent study in West Midlands MCC (currently the largest in England and Wales) confirm this.
- 6.27 A 40% - 50% reduction in prisoner movements does not translate directly to an equivalent saving in escort costs. This is because i) over 50% of escort work involves prisoner movements from police custody to first court appearance, and that will continue, and ii) because under the current structure of escort contracts savings result from reduced routes, not fewer prisoners. We estimate that a 5% saving can be delivered on the total escort bill (£100m). A proportion of this can be achieved within the first year of operation as staff are shed by the contractors, but savings in vehicle costs are tied up with leasing periods, and are delivered once the leases expire.
- 6.28 The figure of 5% savings was reached following detailed work undertaken in West Midlands by Premier Prisoners Ltd. Journey plans to court over a four week period were assessed and then revised according to analysis from the courts on the number of productions avoided had Video Links been available. This showed that 20 journeys from a monthly total of 355 would have been wholly avoided, and that there was scope for further economies by, for example, use of smaller vans or more pick-ups enroute. These additional savings are as yet unquantified, as are savings which will result from the reduced need to staff custody docks at court.
- 6.29 Additional savings will be realisable as the project progresses from the streamlining of court business. Further savings are likely to be achieved when escort contracts are retendered.

Efficiency in Prison Reception Process

- 6.30 Reductions in the throughput of Reception in local prisons will result in savings. A study by Efficiency and Consultancy Group in Manchester and Hindley predicts savings of up to 20% in staffing

Receptions. In practice however, most of these savings will be used to offset the additional work of operating video hearings and a break even is therefore assumed across the local estate for the period of implementation. Beyond this some staff savings may be delivered and the potential for this will be monitored.

- 6.31 Under current arrangements approximately £250,000 is spent annually on use of police cells by contractors when Receptions are unable to process defendants returning from court at the end of the day. Depending upon success in the streamlining court business, it may be possible to make savings in this area. Currently this is not included as a saving in the schedule at Annex A.

Category A defendants

- 6.32 The escort of Category A defendants to court involves expense to both the Prison and Police Services, and often causes unwelcome disruption to city centres and surrounding areas. The escort of one Category A defendant involves one van and five officers (driver, navigator and three officers) and cases of exceptional risk involve significant police and prison presence, including armed officers. It is difficult to estimate precisely the savings that can be made by removing the need for actual court appearances in these cases. Information received from Belmarsh suggests that the daily cost of escorting Category A defendants to court is £500, and this figure is used in the savings in Annex A. It includes overtime and van/petrol costs. Costs would be higher in areas where longer journeys are involved, such as Durham or Bristol. As yet unquantified, savings should also occur through a reduction in the number of Category A defendants being processed through prison Receptions.
- 6.33 According to figures obtained by Police Advisors Section from ACPO, the costs to police of providing escorts to Category A prisoners average £2000 per escort. These are higher if the defendant is assessed as being exceptional risk, when the cost is thought to be in the region of £7000 per hour. Consideration will be given to discussions with Police Resources Unit to investigate the potential for recovering these savings.

7 Costs

- 7.1 The contract will be for provision of an end to end service for courts and prisons. Martin Dawes will own and maintain the equipment, manage the communications and provide agreed service levels to prisons and courts. The contract will include scope for technical refreshment throughout the life of the contract. This contract has a fixed and unvarying price for the seven years the contract will

run. In real terms, this price will decrease over time. This option has been chosen because:

- it appears to be the most economically advantageous over a seven year period and is the only option that allows savings to be delivered
- prison officers and court staff would not be engaged on routine duties associated with maintenance and serviceability of equipment
- the service provider would guarantee service levels, or pay penalties if these were not met.

This strategy is costed thoroughly at Annex A.

7.2 Premier Prisons Ltd, Group 4, Reliance, PECS, HMP Belmarsh, HMP Manchester, HMP Bristol, West Midlands MCC and British Telecom have provided the information from which assumptions were made in preparing the cost and savings schedules, listed at Annex A. Annex A shows all the assumptions made about numbers of courtrooms that would be equipped, costs of equipment, communications, training and accommodation. The full project costs and the expected costs to prisons and courts are also identified.

8 Risks

Implementation

8.1 The Project Board will meet at six weekly intervals in the early stages of implementation, to ensure risks associated with funding, contracts and joint working are minimised.

9 Post Project Evaluation

9.1 Evaluation will take place on two levels:

a 'wide but shallow' survey, to ensure that the anticipated savings are being made, in both contracted and police/Prison Service escorts.

a more concentrated study, in conjunction with LCD, to validate the more qualitative assumptions contained herein. This will be carried out at a small cross section of prisons, including a private sector establishment. It will also examine the benefits experienced by the whole user community around the establishment, including other CJS partners, and the Law Society.

Annex A

Contents:

- 1. Assumptions**
- 2. Costs vs 5% savings**
- 3. Breakdown of funding sources**

1. Assumptions

Costs.

- The attached costs are as per the Martin Dawes bid.
- Implementation takes place over an eighteen month period. In fy 00/01, three MCCs are implemented every two months. During the following year, that increases to three per month. This will enable both the contractor and the Prison Service/LCD to ensure that all the necessary procedures are in place, and that the installation process is working well.
- The service provided includes:
 - communication costs
 - training costs
 - delivery and installation
 - project management
 - technical support via a helpdesk
 - site surveys
 - technical refreshment
 - maintenance
 - consumable items, such as paper, batteries and toner cartridges
- The vulnerable witness provision will be met by CMF money in years 0 and 1. Thereafter this will be funded by LCD directly, and this will total £412,800 per annum.
- Building works at establishments and courts average £11,000, and £15,000 respectively.
- It is not anticipated that any savings will be recovered in fy 2000/1, but that they will start to become available through fy 2001/2 and beyond.
- It is estimated that an average of 220 category A defendants are in the estate at any one time, and that half of these are attending magistrates' courts for hearings eligible for a Video Link. For the purposes of these calculations, each Category A local is assumed to have 14 defendants per annum, each attending four hearings at a cost of £500 per hearing. These savings are included overleaf.

Video Links Service Contract.

	Yr 0 fy 00/01	Yr 1 fy 01/02	Yr 2 fy 02/03	Yr 3 fy 03/04	Yr 4 fy 04/05	Yr 5 fy 05/06	Yr 6 fy 06/07
<u>Costs</u>							
Remand courts (PS funded)	151,320	3,086,928	4,671,552	4,671,552	4,671,552	4,671,552	4,671,552
Vulnerable witness service (LCD funded)			412,800	412,800	412,800	412,800	412,800
Sub-total	151,320	3,086,928	5,084,352	5,084,352	5,084,352	5,084,352	5,084,352
Accommodation/works	2,240,000	1,420,000					
Project team	118,045	118,045	30,000	30,000	30,000	30,000	30,000
Legal advice	15,000						
Total	2,524,365	4,624,973	5,114,352	5,114,352	5,114,352	5,114,352	5,114,352
<u>Savings</u>							
Escort contracts (5%)	-156,240	-3,187,296	-5,249,664	-5,249,664	-5,249,664	-5,249,664	-5,249,664
Cat A estate	-11,655	-146,979	-223,968	-223,968	-223,968	-223,968	-223,968
Total	-167,895	-3,334,275	-5,473,632	-5,473,632	-5,473,632	-5,473,632	-5,473,632
Net Cash Flow	2,356,470	1,290,698	-359,280	-359,280	-359,280	-359,280	-359,280