



CJS Efficiency Programme

Background

The Government has set an ambition for the Criminal Justice System (CJS) to be able to exchange information digitally by April 2012. This target is the first stage in delivering a fully digital CJS. Digital working in the CJS will require changes in approach and culture of all those that work within it, including defence practitioners.

At present, the CJS still relies too heavily on paper and physical media. Considerable effort is required to keep all paper files up to date. Transferring physical case material is slow, cumbersome and costly; and significant effort is expended in preparing and receiving information physically.

Streamlined Digital Working is a cross agency project to digitise the CJS and remove the need for paper. It is part of the CJS Efficiency Programme and is managed by Peter Lewis (CPS), Peter Handcock (HM Courts & Tribunal Service) and Jim Barker-McCardle (ACPO).

The Programme team is in constant engagement with the defence and other practitioners affected by digital working. This list of questions has arisen as a result of this engagement..

Defence Practitioner Frequently Asked Questions

1. What does digital working mean for us?

From April 2012, the CPS will be producing a digital case file. A digital file will be used for all non-custody cases in which a defence practitioner has been identified. The cases will be made available to the defence by CJSM Secure eMail, and/or via a link to the Document Repository Service (DRS). While April is a key staging point it will not be a 'big bang' or a 'switch-over'. Change will be incremental, led by local planning and depending on local circumstances.

CJSM Secure eMail

2. Does CJSM Secure eMail cost anything?

No – it's free.

3. How quickly can we sign up to CJSM Secure eMail?

The whole registration process takes approximately 7 days to complete please go to www.cjasm.net and click on "Join Now".



4. Do the 'Terms of Use' for CJSM Secure eMail prohibit the use of WiFi?

CJSM Secure eMail may be accessed by secure WiFi but NOT by unsecured WiFi as the user login details could be intercepted.

5. How do I request the digital file?

You can request the digital file Via CJSM Secure eMail to the CPS office dealing with the case. Please make contact with your local CPS office for a list of contact email addresses.

6. At what point in the life of a case will the digital file be made available to us?

Defence will have access to a digital file from the CPS as soon as possible after charge. The defence will be able to use the digital file for all their purposes, including presenting their case in court.

7. How will this work for unrepresented defendants, defendants in custody or those granted representation on the morning of a first hearing?

A number of options are being considered, however, it is likely to remain paper based from April 2012 while options are explored. This means that a paper file for unrepresented defendants and first time custody cases will be provided by the CPS at court. Where representation is known and where the case is not completed at the first appearance, then the process will be digital from that point on. For bailed first appearances, there may be some paper based interim solutions to allow the defence sufficient time to access and consider the digital file.

8. Who can I contact using CJSM Secure eMail?

You can email any other user of CJSM Secure eMail, which means those with cjsm.net within their email address. You can also email anyone with .gsi. .pnn .gsx .gcsx and .nhs.net (NOT .nhs.uk) securely by adding the extension .cjsm.net to the email address.

9. How will defence receive large files that are too big for CJSM Secure eMail accounts?

Any digital file larger than the 10MB limit for CJSM Secure eMail will be served on an encrypted disk. The Document Repository Service will allow files of any size to be served electronically as the CPS will provide a link to the evidence which will be held on the DRS.

10. What is the maximum mailbox size for CJSM Secure eMail?

The maximum mailbox size for a hosted service is 100MB.



11. Are there prohibitions on storage of such e-mails 'in the cloud' or on non-UK based servers?

You can use cloud computing providers but these need to be vetted by the Ministry of Justice (MoJ) first.

We are happy for 'cloud' service providers, whose servers reside within the UK, to apply for accreditation to connect to CJSM Secure eMail. Enquiries should be sent via the CJSM Helpdesk cjsm.helpdesk@cw.com or 0870 010 8535

It should be noted that data transferred to servers outside of the UK becomes subject to the laws of that country. For example, under the USA Patriot Act, the US Government can ask for data that is held on Microsoft EU data centres to be handed over as Microsoft are a US based company.

12. Can I use collaborations tools 'in the cloud' to share information with expert witnesses?

Yes, but the cloud service provider must be approved by the MoJ. Data transmitted by CJSM Secure eMail may not be stored on unapproved 'cloud' services.

13. Is there any training for CJSM Secure eMail users?

It is very straightforward to use but, yes, an online training package is available at www.cjsm.justice.gov.uk/training.

14. Will there be a helpline if I have a technical problem?

You can contact the CJSM Secure eMail helpdesk on 0870 010 8535 between 08:00 and 19:00 Monday to Friday, or email: cjsm.helpdesk@cw.com.

Document Repository Service (DRS)

15. What is the DRS?

The DRS is an MoJ web-based service that will provide a way of sharing documents and digital files between CJS partners and the defence.

The repository will allow the Police to share documents and media such as video files, images, audio files etc. and the CPS to publish case material to others such as the Courts and defence practitioners.

16. Will there be a helpline if I have a technical problem?



There will be a helpdesk for the Document Repository Service (DRS) available from April 2012.

IT and security requirements

17. What IT do I need?

You must have an IT system which enables you to perform your obligations under the LSC contract. However, no bespoke IT equipment is needed to receive, open and view the digital file provided by the CPS (or to access CJSM).

18. What IT security measures do I need to take?

Your IT must have whole device encryption which is readily available. Any removable media such as USB flash drives must also be encrypted. Data should only be stored on suitably protected servers, which means that information and equipment can only be accessed by authorised individuals, and, as above, the servers should be within the UK.

19. What about Blackberries and iPhones?

Any Smartphone connected to CJSM Secure eMail must be fully encrypted to the appropriate standard. Currently, for example, Blackberries are compliant; I-Phones are not. If in doubt contact the CJSM Helpdesk at <http://www.cjsm.cjit.gov.uk/contact/index.php> or on 0870 010 8535.

20. How will defence practitioners encrypt their laptops?

The encryption standard recommended by the [Information Commissioners Office \(ICO\)](#) is in place for requirements under the Data Protection Act for laptops. This is a requirement for CJSM Secure eMail use on all portable equipment and devices. Whole disk encryption software (BitLocker) is already built-in to Microsoft Vista and Windows 7, which has been approved for use by [CESG](#). For Windows XP, TSols have provided information on [products available from other suppliers](#). For Apple Mac OSX 10.6 (Snow Leopard) computers, [Apple has provided guidance](#) to how to set up and maintain a FIPS-enabled Mac OS X v10.6 Snow Leopard system. Apple also offers a [FIPS Administration Tools Crypto Officer Role guide](#).

21. What if I need help with encryption?

For more information on encryption please see the Information Commissioners Office (ICO) website on encryption:

http://www.ico.gov.uk/news/current_topics/Our_approach_to_encryption.aspx



22. What format will the digital file be in?

The digital file (sometimes called a bundle, as the CPS use a bundling tool to prepare it) will be in Portable Document Format (PDF), a universally accepted file format which can be viewed on many freely available PDF readers and editors. We recommend that you use Adobe Reader X, which is a free download from www.adobe.com

23. Will the digital file be in a format which will enable it to be copied to disc and forwarded on to interested parties?

Yes, the digital file can be copied to disc/USB stick (with the right level of security and encryption).

24. What information will I need to provide to the CPS before the digital file can be released?

If the defence practitioner is known for a defendant, the CPS will send you the file. You need to show that you are the appointed representative in the case and identify the case with the following minimum information:

- defendant(s) full name
- defendant(s) date of birth
- court hearing date.

25. What happens if it is updated later by the CPS?

An updated version of the digital file will be provided.

26. Can I send the digital file on to other parties involved in the case? E.g. expert witnesses

Yes, provided it is to another CJSM Secure eMail account.

27. Can I send the digital file on to my client?

We are in discussions with the Information Commissioner's Office and will provide an update in January 2012.

28. What is the average size in megabytes (MB) of a data file?

It is anticipated the digital file, such as Advanced Information, will be in the region of 1MB per file. Committal bundles will depend on the size of the case, but we estimate 4 to 5 MB. CJSM Secure eMail has a maximum attachment size of 10MB.

29. Will we need to be able to download data at from the internet at court?



No, because either you will have accessed the digital file in advance or will be in possession of a paper copy. It should be noted, that it is unlikely that the defence will need to access the Document Repository Service (DRS) in court, but the intention is to provide sufficient time for the defence to access the DRS prior to court. The CPS will similarly work from downloaded files and not access a live system in court.

30. Will there be adequate WiFi available in court for all agencies to use?

HM Courts & Tribunals Service cannot guarantee access to the internet for the defence (or prosecutors) in courthouses. However, options are currently being pursued for either wired or wireless access in courts which will be tested in a number of locations. The outcome of this, and the associated costs, will inform a decision on the feasibility of making this a nationwide provision.

Defence practitioners may also want to consider: access to the Internet from their own premises to prepare cases in advance of appearing in court; their own 3G access provision where Internet is not available; and, the commitment from CPS to provide paper for first time hearings where representation is only decided on the day. All reduce the dependence on secure wifi access at court.

31. Where must the documents be stored? Will it have to be on my server? What are the requirements regarding backing up the documents? Can we just have the documents on our laptops?

The digital file can be stored on your server or case and document management systems. Standard business continuity and disaster recovery process should already be in place. If the information is held on a portable device the Information Commissioner requires personal sensitive information to be held on an encrypted portable device. Further information can be obtained from the [ICO web site](#).

32. Will any equipment or funding be provided to purchase IT?

The CJS Efficiency Programme is being carried out against a backdrop of budget cuts set out in the Comprehensive Spending Review 2010. In this context, the MoJ is working with the programme and LSC colleagues to establish clear requirements for the defence community to work digitally alongside the agencies from April 2012.

Costs associated with digital working will depend on a firm's IT infrastructure. Looking beyond initial start-up costs (if any) savings can be made from digital working, for example, reduced paper storage, transport and handling costs. The Programme will be working with the defence to produce a cost/benefit illustration in the New Year.



33. What is the LSC position on page count?

Pages of prosecution evidence (PPE) now includes paper documents converted into a digital format that have been served by the prosecution.

This change was brought into force on 3 October 2011 following an amendment to the Criminal Defence Service (Funding) Order 2007.

The following table shows how different types of electronic evidence should be claimed:

	Type of electronic evidence	How to claim
1	Paper evidence converted into electronic format by the prosecution (e.g. witness statements and exhibits scanned and served)	Claim as PPE
2	Documentary evidence that has only ever existed in electronic format (e.g. emails, telephone schedules)	Claim reasonable viewing time under special preparation
3	Other non-documentary evidence that has only ever existed in electronic format (e.g. CCTV/probe)	Included in the fee, no separate fee payable

In all these scenarios, there is no need to request a hard copy of evidence for the purposes of obtaining a page count.

The Legal Services Commission (LSC) and MoJ are working with the profession on revising the definition of 'pages of prosecution evidence' in the Funding Order to ensure there is no financial impact on the defence or the legal aid budget. The LSC and the CPS are looking at whether the bundling tool is capable of providing a page count in accordance with the Funding Order.

34. The terms and conditions require my organisation to have a business focused risk assessment ISO 27002. How do we carry out this assessment?

Connection to CJSM Secure eMail requires organisations to adhere to industry good practice for data protection. ISO 27002 provides a framework for assessing IT security. It is not necessary to have a specialist consultant carry out the assessment. The government website, Business Link, provides an IT security assessment tool, advice and links for further information. This is sufficient for a small to medium sized organisation.

<http://www.businesslink.gov.uk/bdotg/action/layer?topicId=1079818481>



35. How much training will I need and what is the likely cost?

Basic computer skills are needed to open, navigate and annotate the PDF document using Adobe Reader software. There are a number of free online tutorials on the Adobe website and YouTube if you are using Adobe Reader software.

Court Presentation

36. Will the CPS have a full electronic file at Court? In most cases the CPS at present have the correspondence at Court but that is not sent to Counsel. Will that remain the position?

The CPS will have the full electronic case available on a tablet PC device.

37. How will the witness refresh their memory both before and in Court?

We fully understand that there will still be the need for some paper in the process. The CPS will be expected to print the statement for the witness if the witness wishes to review it before going into the courtroom either using the CPS printer at court or printing it before arriving at court.

38. Will the evidence served at Court be in hard copy or scanned and served electronically?

Material which has been created digitally such as digital photographs will be served electronically. Evidence in hard-copy format will be scanned, with the original evidence being kept as part of the master file.

Jury bundles will continue to be provided in paper format. We are currently working with HMCTS to develop a digital format.

39. Will the digital file be in a format which can be easily printed? For example, will each page will be the equivalent of an A4 page?

The digital file is formatted to A4, although it could be printed at any size, if required.

40. What will the digital file look like?

The digital file looks very similar in format and layout to the paper file, but with a number of important benefits. You will be able to quickly navigate the file through embedded bookmarks and hyper-links. The digital file is fully indexed and keyword searchable. Text size can be controlled to make the content easier to read depending on your personal preference.



The case bundler allows you to automatically create a contents page which is hyperlinked. So if, for instance, you wanted to get to the first witness statement, you click and it takes you straight to the first witness statement.

41. The Consolidated Criminal Practice Direction requires the indexing and pagination of evidence. Will the indexes and pagination remain as at present?

The CPS will ensure the service of evidence complies with the Practice Direction.

42. Can we re-order, mark and search the documents? Will we be able to copy sections of the documents and attach them to word documents?

Yes, Adobe Reader X allows the full use of annotation, comment, mark-up and search tools on to the PDF electronic bundle document.

43. When we receive further information are we able to merge the documents so that it is just one file?

If you have access to PDF editing software, the document can be re-formatted as necessary. If supplementary documents such as witness statements or exhibits need to be added to the bundle at a later stage, they will be added to the end so that existing comments and annotations can be exported and re-used.

44. Are wet signatures still required?

The Programme team does not believe so. Analysis has been carried out covering the service of digital copies of wet signatures (and the service of electronic signatures themselves) and no legislative or regulatory changes are necessary to permit the admissibility of a written statement in digital format, at committal or at trial, provided it purports to be signed by the person who made it.

45. Are electronic signatures acceptable?

Yes. The analysis has proved the concept that authenticated electronic signatures can be captured and set the technical and policy requirements for doing so. These requirements can now be used in other parts of the criminal justice process where wet signatures are currently used. Digital statements may be used immediately and it is unnecessary to have paper versions of statements at court when digital documents are being used.

The intention is for a CJS wide joint policy statement to be made in January 2012.

Custody Areas



46. Will we be able to use our IT in prisons?

The programme team is currently working with the National Offender Management Service (prisons and probation) to provide policy guidance for the access to specific areas in prisons so that the defence can use their laptops and any other portable devices when meeting clients who are in custody. This is agreed in principle and details of how this will work will be made available. The policy will be similar to the ACPO / Law Society protocol for police custody ([Link Here](#)).

47. If prisoners will not be given facilities to view the material in electronic format, will we be reimbursed for the cost of printing it for them?

Until a digital solution can be found, the CPS has committed to providing paper copies in custody cases where the prison does not have facilities to view material in electronic format. This will be at CPS cost.