

Tilley Award 2006

Application form

Please ensure that you have read the guidance before completing this form. By making an application to the awards, entrants are agreeing to abide by the conditions laid out in the Guidance. Please complete the following form in full and within the word limit. Failure to do so could result in disqualification from the competition.

Completed application forms should be e-mailed to Tricia Perkins; patricia.perkins@homeoffice.gsi.gov.uk

All entries must be received by noon on Friday 28th April 2006. No entries will be accepted after this time/date. Any queries on the application process should be directed to Tricia Perkins on 0207 035 0262. Any queries regarding other aspects of the awards should be directed to Michael Wilkinson on 0207 035 0247 or Lindsey Poole on 0207 035 0234.

Please tick box to indicate whether the entry should be considered for the main award, the criminal damage award or both;

Main award

Criminal Damage Award

Both Awards

1. Details of application

Title of the project: **OPERATION LUND EVIDENCE PRESENTATION SYSTEM**

Name of force/agency/CDRP: **LANCASHIRE CONSTABULARY**

Name of one contact person with position/rank (this should be one of the authors):

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Name of endorsing senior representatives(s) **Acting Deputy Chief Constable Mr Adrian Mc Allister**

Position and rank of endorsing senior representatives(s) **Acting Deputy Chief Constable - HQ Corporate Services Directorate.**

Full address of endorsing senior representatives(s) **Lancashire Constabulary Headquarters, PO Box 77 Hutton, Preston, PR4 5SB**

2. Summary of application

In no more than 400 words please use this space to describe your project. Include details of the problem that was addressed a description of the initiative, the main intervention principles and what they were designed to achieve, the main outcomes of project particularly in relation to the problem, evidence was used in designing the programme and how the project is evaluated.

On the evening of Thursday 5th February 2004, approximately thirty-five Chinese nationals who were illegal entrants in the UK, went cockling during darkness in Morecambe Bay. Whilst one and a half to two miles out, they were surrounded by the rising tides. Twenty-three Chinese drowned (twenty one bodies were recovered – two remain outstanding).

As a result of this incident, the largest investigation ever conducted by Lancashire Constabulary commenced, resulting in an extremely significant court case.

The investigation produced approximately one and a half million pages of documentation, including many in Mandarin, Spanish and French languages. There were over 5,000 telephone/SIM cards, with over 20,000 calls analysed for evidential purposes. The investigation amassed 2,866 statements, 175 identity parades, 6,342 exhibits, 106 PACE police interviews and 2,488 officer's reports. Large quantities of documentation were seized relating to fishing companies, haulage companies, ranging back as far as ten years.

It resulted in five people being charged, three Chinese nationals and two British.

The trial was estimated to last in excess of six months.

The length and the cost of the trial and the information to be remembered by the jury were a concern to all.

The problem was to present the complex and lengthy evidence in a clear and cost effective way that would ensure a fair trial.

An electronic evidence presentation system was discussed with the Crown Prosecution Service, Her Majesty's Court Service and the prosecution team.

Using private sector companies, the presentation system was developed under the direction of Lancashire Constabulary, with input from the said agencies; the system would produce to the court scanned copies of exhibits, photographs, floor plans of properties and evidence relative to rooms within those properties at the touch of a button. The benefits of this would be that original exhibits and the time taken to show them to all relevant parties within the court would not be required, therefore cutting down on court time and cost.

Cost of the system was an issue; however, it was believed that it would be a beneficial cost in the long term.

It is estimated that the use of the presentation system alone saved court time and costs of at least two weeks and approximately £420,000. CPS and prosecution barristers indicate that information on the system resulted in a further four to six weeks of court time and costs being saved in court admissions (especially relating to telephony).

3. Description of project

Describe the project following the guidance given in no more than 4000 words

SCANNING

Over a number of months in 2003, problems had arisen in Morecambe Bay, Lancashire, with people from the North West of the United Kingdom travelling to the bay to fish for cockles. The bay covers one hundred and twenty (120) square miles of sea and coastline. It was found to contain areas with massive cockle beds and the people coming to fish those beds did not know the bay or the dangers held within it. On a number of occasions incidents occurred whereby people fishing in the bay had to be rescued by the emergency services due to being trapped by the incoming tides.

On the evening of Thursday 5th February 2004, a group of approximately thirty-five Chinese nationals attended Hest Bank shore in Morecambe Bay, Lancashire, England. Their intention was to travel one and a half to two miles into the bay and fish for cockles. It was a very dark evening and particularly cold and windy.

As the evening progressed, the two rivers within the bay (the River Kent and the River Keer) either side of the cockle beds filled with the incoming tide without the knowledge of those cocklers in the bay, and their 'bosses' on the shore head. This effectively cut the cocklers off. The rivers continued to fill eventually covering the cockle beds and subsequently killing twenty-three of those people actually out cockling at the time.

As a result, the largest criminal investigation ever conducted by Lancashire Constabulary (Operation Lund) was commenced, which in turn would result in an extremely significant court case.

Due to the sheer size of the investigation and the 'massive' amount of paperwork involved it was recognised that the case would need a substantial period of court time for it to be heard against the five charged defendants.

Each defence team would require two barristers (one being Queens Council [QC]) as well as solicitors taking instructions from the defendant. The prosecution team would consist of three barristers (one being a QC) as well as members of the Crown Prosecution Service. There would be three court interpreters in the court for the purpose of interpreting what was to be said in English, into Mandarin – a common language for the three Chinese defendants. Whilst Chinese witnesses were giving their evidence, two further interpreters would be required to interpret what they said in Mandarin into English. There would be two members of 'Live note' who would type every word said in English in court, direct to each barrister's lap tops in order that they had a 'quick reference' tool to what had been said. There would be the High Court Judge presiding, as well as the Clerk of the Court and two Court ushers. There would also be a requirement for a jury of twelve people.

When a case is going to trial, each defence team is entitled to evidence and disclosure of any material that is relevant to the case.

Within Operation Lund there were approximately:

- one and a half million pages of documentation in many different languages including Mandarin, Spanish and French.
- over five thousand telephones/SIM cards in the enquiry with over 20,000 calls analysed for evidential purposes
- 2,866 statements were taken
- 175 identity parades were carried out
- 6,342 exhibits were seized
- 106 Police and Criminal Evidence Act interviews were carried out
- 2,488 Officers Reports were submitted

- 21 Post Mortem examinations, and identifications were carried out
- financial evidence was seized relating to ten years of records from fishing companies, haulage contractors, fish processing factories, Spanish food processing factories and Chinese cockling records
- complex and multiple fingerprint and handwriting examinations were carried out
- evidence was obtained relating to the cockling industry, and a large number of previous incidents involving Chinese illegal immigrants during the 12 months previous to the tragedy

Any 'would be' evidence within the trial that was to be shown to the court, such as photographs/exhibits would have to be physically produced. The procedure would be that the item would have to be confirmed as being the relevant item by the witness, and would then have to be shown to all parties from the Judge, to defence/prosecution teams, to the jury and finally back to the witness. (It was subsequently ascertained that this took approximately four (4) minutes per item.)

Storage at the court building would have to be made available for all the paperwork/exhibits/documents relative to the trial.

It was recognised by members of Operation Lund that the trial, if presented in a 'paperwork' fashion would run potentially for as long as twelve months. With a case of such length, there is concern of unavoidable breaks due to illness and other such problems to members of the Jury, the Judge or other essential members of the court.

Each of these issues would result in further day(s) of court time having to be paid for.

It is estimated that each day of the trial had cost implications of approximately thirty thousand pounds (£30,000).

As a result of the recognition that the case was going to be one of such length, a number of problems were identified:

- length of the trial at court – the advice produced by the office of the Lord Chief Justice was taken into account being that trials of a complex nature should not where possible, be in excess of three months
- cost of the trial
- the complex nature of the investigation
- how the case was to be best presented at trial
- the quantity of information for the jury to absorb
- the concentration requirements of the Jury during a case of such length
- time taken in production of exhibits and documents to the Court including the large quantity of telephone evidence
- language issues

The above were all issues that could affect the outcome of the investigation and trial. The sheer quantity of information provided a problem of how it was to be best presented in order that it could be easily understood, and retained by the Jury. It was obvious that normal paper evidence and court procedures would not be sufficient to effectively present the case.

The Police immediately recognised these problems. As a result of the review into Soham, (investigation into the murder of two school girls) there was a recommendation from HMIC that more electronic presentation should be used.

The use of a media framework would provide the benefit of being able to produce the evidence as an image to the court, electronically at the touch of a button. The Police had to influence the Crown Prosecution Service, the prosecution team and members of Her Majesty's Court Service about the benefits of time and cost savings of using such a system. All were to be involved in the process, led by Lancashire Constabulary, in the design and production of the Operation Lund Evidence Presentation System.

The achievement of success would be gauged by presenting a complete presentation of the relevant evidence to the court during trial. Also taken into account would be the usage by the prosecution/defence teams and indeed the Judge, and by how much time the court case could be reduced as a direct result of the presentation system.

ANALYSIS

There were a number of issues as to how the case could be best presented in a media framework.

- **Time limits** – the Criminal Justice System dictated certain time restrictions on the investigation, including disclosure to the defence and ultimately the start of the trial at Preston Crown Court which was to be identified as Monday 12 September 2005.
- **Identifying what evidence would best be produced in a media framework** – due to the time restraints and the vast amount of evidence within Operation Lund, a decision had to be made in identifying which parts of the enquiry would reduce the length and cost of the case, that were complex and would be best understood in a media framework rather than in paper format. Consideration was also given to how it could be produced providing the maximum impact on the jury – and by that assist them in retaining the information shown. Consideration also had to be given as to how evidence if not placed on the presentation system, would be presented to the court.
- **Identifying a presentation system in circulation** – as a decision had been made to use an electronic system to present the evidence; enquiries had to be carried out into what systems were already in circulation within the legal system. The system had to be proven, in that it had previously been successfully used in a court case. Once one had been found, how would it suit the information from Operation Lund and could that information be presented through 'that' system.
- **Soham Enquiry** – Operation Lund became aware of the presentation system used in the trial of the Soham Enquiry. Their system was viewed and looked at in detail by Operation Lund staff. It was generally based on a 'power point' idea with certain parts of relevant evidence, including fingerprint evidence and search evidence being produced in three dimensional aspects. Although it provided some excellent ideas for the Operation Lund staff, it was believed that the technology available had not been used to its full potential and had indeed moved on since the Soham investigation. The Senior Investigating Officers on the Soham enquiry provided vital assistance in how matters within the court were dealt with, whilst utilising an electronic presentation. Concern by Operation Lund staff was that if and when any system was used in court, how the Jury would be able to view anything which had been shown to them by way of the presentation, when they were considering the evidence. (This again could affect the cost of the case due to the time they spent out considering the case.)
- **Liaison with public sector company** – With a view to ascertain the best way forward, and taking all the problems into account, Control Risks Group involving Neat 3D, two companies that deal in computer programme design were approached and consulted. It was ascertained that the fastest way of identifying a system, updating that system with current day technology and to be able to make that system work at court to the exact specification required by Operation Lund, Crown Prosecution Service, Her Majesty's Court Service and the prosecution team would in fact be to develop a system from the beginning.
- **Language difficulties** – Due to the nature of the investigation, it was recognised that the Chinese defendants and witnesses would have to be able to understand anything that was in written format that was shown to them by way of the presentation. Consideration had to be given as to how this could be done, and at the same time that members of the court could understand it in English.

- **Crown Prosecution Service** – Close liaison with the Crown Prosecution Service (CPS) was required in respect of the final ‘file’ for court. It was accepted that it would be of no benefit to anybody if the Police and Crown Prosecution Service ‘did their own thing’ in putting together the presentation of the case at court. In view of that, consideration had to be put as to how the CPS ‘file’ could be attached to the presentation, therefore ultimately only one disc being required for the Evidence Presentation System and CPS file. This would subsequently make the trial more streamlined therefore cutting down on time and ultimately on cost. It would also make it easier for the prosecution/defence teams to use the presentation for reference purposes, which in turn would negate them having to have extraordinary amounts of paperwork in court with them during the trial.

RESPONSE

Taking all the above into account, a timescale had to be established. A team of four officers from Operation Lund, a Detective Sergeant, a Detective Constable, an analyst and a HOLMES indexer were identified, and would work on the project permanently. They would work under the supervision of a Detective Inspector and ultimately under the direction of the Senior Investigating Officer, a Detective Superintendent. The project commenced in full at the beginning of February 2005, and had to be completed by Monday 12 September 2005, the start of the trial. However, it was recognised that each part of the presentation had to be quality assured by staff of Operation Lund, the system had to be tested and training had to be given to those identified as being the operators during the trial.

In view of the above time restrictions, it was decided that there was no time to put the project out to tender and in view of this, Control Risks Group and Neat 3D received the contract to carry out the work.

It is believed that nothing had been done to this size before in respect of evidence presentation systems for court and in view of this, at the time it was unknown as to whether,

1. the risks i.e. cost versus benefit would be worthwhile
2. the court i.e. the Judge would allow the system to be used in the trial
3. the defence teams would make representations as to whether it should be used during trial

It was established that the main areas to be initially built into the presentation would be:

- telephony evidence, as it was complicated and there was a large amount of it
- houses/premises – these would show a photograph of the outside of the premise, from this photo there would be a link to a floor plan of each level, and from each room on that floor plan, a link to photographs taken in the room and any evidence i.e. exhibits seized from that room that could be identified and from them a link to a scanned copy of the exhibit (if it was a document) or a photograph if it was an item. This would assist in the members of the court being able to identify by picture particular items of relevance and where they were found resulting in the complexity of some of the searches being taken away.
- vehicles – there were a large number of vehicles in the investigation. These would be suitably sorted resulting in those involved on a more regular basis and having more of an importance in the enquiry being placed in the presentation. Similar to houses/premises, photographs of the vehicles – both inside and out, could be shown and anything relevant to each of those vehicles within the enquiry could be linked to them.
- fingerprints – due to the large number of documents that were fingerprinted and fingerprint evidence found in relation to four of the five defendants on such documents, these would be included. These in turn would be a scanned copy of the document with each fingerprint identified by an arrow and a link to whose fingerprint it belonged to, how many prints were present on each document and which fingers made the prints. This could then show members of the court in picture format, not only the document talked about, but the fingerprints relative to a defendant, and any prints relevant to other defendants on the same document.

It would be the responsibility of the officers within Operation Lund to obtain the relevant

evidence/documents/exhibits, liaise with the relevant experts ie fingerprint experts, search team supervisors, Crime Scene Investigators with a view to collating the information and forwarding it to Control Risks Group and Neat 3D. At regular meetings, initially every two weeks and later every week, decisions were made by the Operation Lund team and passed to Control Risks Group and Neat 3D. They would advise as to whether what was requested could be done in the time available and to the degree and quality requested.

A number of difficulties arose as a result of the lack of IT skills by the Operation Lund staff, and the lack of 'evidence presentation' skills of the staff of Control Risks Group and Neat 3D. These would be discussed at meetings between both parties. It was clear that the houses/property searches had been carried out by different teams and that labelling of rooms/areas within the premises had been done differently. This was identified by Control Risks Group staff whilst attempting to place the photograph evidence into each room. Liaison by Operation Lund staff with the relevant search team supervisors resulted in the information being passed to Control Risks Group at subsequent meetings. Due to the large number of houses/premises/rooms searched, this took a number of months to clarify, however it was well managed by all parties involved and was successfully completed.

Once the information started to form the basis of a presentation system, close liaison with Her Majesty's Court Service took place. It was essential that the system was built with the court layout in mind – this would incorporate screens and audio links to outside press rooms due to the interest shown by the world's media. In view of this regular meetings with the Court Service and SRi (a company employed by the court to install the equipment) took place.

Other parts of the investigation were also built into the system, including mapping of the relevant areas of Morecambe Bay and Liverpool – enabling identified locations of importance within the enquiry to be plotted onto an Ordnance Survey map and the ability to switch each location on and off as required. Photographs of the scene, equipment used by the cocklers and other important relevant photographs of locations/items involved in the investigation were included. Reference material, such as financial profiles of the defendants, links to fishing permits and application forms were included.

Chinese notebooks formed a large part of the prosecution case. These obviously were written in Chinese. A system was developed within the presentation whereby both a scanned copy of the original notebook and a translation of that book, page by page, could be shown on screen to the court. This ultimately enabled the Chinese defendants, and witnesses to view a particular page at the same time as the court was viewing the translated English version.

An audit system was built into the presentation. This enabled the operator at the end of each day, to make a copy of all images shown to the court during that particular day. These images would be subsequently printed off, identified and placed in a binder for the attention of the Jury when they eventually went to consider the evidence.

As the system was being built, it was regularly shown to the Crown Prosecution Service, prosecution barristers and ACPO ranking Police officers of Lancashire Constabulary, in order that they could provide their opinions. As a direct result of these viewings a number of parts of the presentation system were amended during the build process. Initially it was intended that 'icons' would be used in order to traverse around the system. However, it was obviously confusing to those not involved in the build and as such these were removed for the 'link' system. A number of colours were used to identify the relevant people within the enquiry. These initially were only used in telephony. As a direct result of speaking to barristers, it was amended and anything to do with an individual on screen was surrounded by a box of the same colour used to identify that individual within the telephony package, therefore making it easier for the jury to identify each individual.

The barristers of the prosecution team were also consulted on the route they wished the images of the presentation system to be shown to court. After consultation with them, Control Risks Group, Neat 3D, SRi and Her Majesty's Court Service, it was decided that the operators of the system would have three screens and they would sit directly behind the prosecution barristers in the well of the court. The three screens would consist of a parent screen for controlling the system, a secondary screen which would show what had been forwarded to the barristers, and a third screen which showed the image that the court was seeing. The barristers would have two screens, the secondary and third screens as described above. The barristers would confirm that what was on the secondary screen was in fact the image that was to be shown to the court, and this in turn would be sent to the third screen by the operator. If it was not to be shown it would be removed by way of the control screen by the operator.

Prior to the final presentation system being put together, defence teams were invited to examine it at a display at Lancashire Constabulary HQ. Each team was suitably impressed with its contents and did not offer any opposition to

it's eventual use in the court case. They each received an updated copy of the disc containing the presentation and CPS 'file' prior to the court case commencing in order that they could utilise it for research purposes, and for use in preparing their defence cases.

The Operation Lund Presentation System allows the immediate presentation of documents and English translations, photographs, audiotapes, video's and any analytical product throughout the court and media rooms. The system is based on a media framework, which can be adapted for use on any small, medium or large investigation.

ASSESSMENT

During the period of the trial, a list of items shown to the court was kept for audit purposes. This list comprised of items shown in two fashions

1. images shown to the court in full
2. images shown to the prosecution barristers – this was for both reference purposes, or as a request by them prior to the image being shown to the court and for whatever the reason, it subsequently not being shown to the court.

There were 1075 items passed to the prosecution barrister's second screen during the trial. Of those 853 were actually shown to the court. (These figures do not include the prosecutor's opening or closing speeches, but do include the Judge's summing up.)

It is estimated that the use of the presentation system during trial saved court time and costs of at least two weeks and approximately £420,000. CPS and prosecution barristers indicate that information from the system resulted in a further four to six weeks of court time and costs being saved due to the large quantity of court admissions (especially relating to telephony) and the visual fingerprint evidence.

The Lord Chief Justice, the Deputy Lord Chief Justice, the Director of Public Prosecutions, various senior police officers, senior CPS representatives, Barristers and Court users, have viewed the system. Each party was extremely impressed with it, with the Lord Chief Justice's office taking details to pass to the office of Criminal Justice Reform for their attention. Prosecution and defence barristers also utilised the system during the trial, stating the benefits of it for them.

It is impossible to quantify the time saved by each member of the prosecution and defence teams utilising the system for research purposes.

It has been recognised during this case that if a system such as this was implemented nationwide, the scanning of documents into a presentation such as this would cut down on the amount of photocopying required for disclosure purposes. It could simply be handed over as a single disc, the relevant parties then producing what they wished from the disc.

The Operation Lund Evidence Presentation system has surpassed all expectations in relation to achieving what it was designed for. It is anticipated that in coming months and years, the presentation can be further developed to bring in the most up to date technology, utilising the knowledge gained from this investigation, the planning, implementing and subsequent court case. It is hoped to bring it in line with other investigation tools, such as the HOLMES system, CPS systems and court systems in order that time both in the investigation, and the putting of cases together for trial can be streamlined thus saving time and money for all parties involved in the Criminal Justice System.