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| <b>Committee(s)</b>   | <b>Dated:</b>       |
| <b>Courts Sub (Policy and Resources) Committee</b>  | 09/02/2017          |
| <b>Subject:</b><br>Mobile Phone Policy Update   | <b>Public</b>       |
| <b>Report of:</b><br>Charles Henty, Secondary of London<br>Michael Cogher, Comptroller and City Solicitor | <b>For Decision</b> |
| <b>Report author:</b><br>Charles Henty, Secondary of London   |                     |

### Summary

1. At the meeting of 26<sup>th</sup> October 2016, Members requested further clarification as to the risk of permitting mobile phones and other smart technology into the public galleries at the Central Criminal Court. The previous report prepared by the Secondary and Comptroller and City Solicitor stated that the current prohibition remained appropriate, proportional reasonable and lawful but further stated this policy should be reviewed by this committee on an annual basis.

This report seeks to provide further explanation of to the risks and and for the committee to decide to retain the current position or to change the previous policy which has been agreed to be reviewed on an annual basis.

### Recommendation

That the current position of retaining the prohibition of mobile phones and other recordable devices in the public galleries remains until reviewed in October 2017.

### Main Report

#### Background

2. Members will be aware from the October 2016 meeting that this issue had been raised following a comprehensive security review of the Central Criminal Court by the City of London Police. Aside from the main report a separate report analysing the risks posed by mobile technology being brought into the public galleries was also submitted with the recommendation that this prohibition was maintained. This policy also takes into consideration and is consistent with the policy followed by Her Majesty's Courts and Tribunal Service (HMCTS). This report was also supported by a Risk Assessment from the Head of Health and Safety from the City of London, all of which supported the current position.

## **Current Position**

3. Following the October meeting, as no final decision was made, the Secondary of London was requested to analyse the risks further and submit a future report. The prohibition therefore remains in place and has done so without issue.

The prohibition is clearly sign posted on the internet and by signage inside and outside the entrances to the Public Galleries.

4. Since the report from last year, the case profile has increased in severity in terms of classes of crimes committed to the Central Criminal Court. From June 2016 following a profile review by HMCTS and the Senior Judiciary, it was decided that the Central Criminal Court would almost exclusively deal with Class 1 cases (Homicide and Terrorism and any cases involving death including children and death by dangerous driving). Class 1 cases frequently involve gangs or groups of people and multi-defendant cases which involve amongst other high numbers of family and supporters who gain access to trials via the public galleries in addition to casual visitors and groups of students often from overseas.

## **Further Explanation of Risk.**

5. The following comments should be in addition to the risks previously identified.

6. Devices: Mobile telephones are relatively easy to detect as they are usually picked up by the initial body search. Most visitors understand the signage and generally deposit their mobile phones elsewhere away from the Court in advance to arriving. Those which do not are detected and refused entry until they have deposited their phones elsewhere. Over the past few years the Court has encountered visitors trying to bring in recordable devices in the form of camera spectacles and recordable wrist devices/smart watches/smart specs. Again these are picked up during the search process. As has already been evaluated, due to the very small size of the gallery entrances, there is no space to store devices. Additionally, as previously explained, actually storing devices poses other security issues. We are not aware of any occasion where devices have successfully been brought into the court to record proceedings, however this has happened in other courts in the country.

7. Risk to Proceedings: The unauthorised recording of proceedings either by sound or vision is a criminal offence. The court layout with raised public galleries is unusual being above the level of the court. To detect violations of proceeding unless a security officer is deployed within the public gallery would be a considerable challenge. To apprehend and remove persons involved with recording proceedings would require considerable skill and could cause greater friction in the galleries themselves which could disturb proceedings. The current complement of staff is not able to deploy a security officer in every gallery to monitor this sort of activity. Though the risk is individual, the consequence of compromising a trial or the safety of a person within the court during a trial would initially fall to the City of London Corporation to answer being responsible for the security of the court. This is an acute risk for witnesses on occasion, but would be more serious to Jurors identification if broadcast on some form of social media with or without our knowledge. Members will be aware of how swiftly transmissions can be put on the internet and other systems. The risk is mainly the identification of witnesses and

Jurors being identified and associated with a particular trials. The secondary risk is should a trial being broadcast it could lead to the trial being compromised and thereby require a re-trial. Aside from the safety issue there is an obvious financial element involved should this be necessary.

8. Intervention: Should this policy change and recordable devices be permitted, to monitor activity would be difficult to achieve, not least because of staffing but no CCTV being deployed to monitor the gallery. Currently there is only CCTV in the corridors as not allowed in a court room.

## **Proposals**

9. In light of the previous report it is proposed that the current arrangements are maintained but reviewed as proposed on an annual basis.

## **Implications**

10. Should Members wish to change the current policy, to ensure a period of 3 weeks be given to the Secondary of London to update the signage and policies and to record any incidents and report back to committee annually .

## **Conclusion**

11. Officers have carefully reviewed the policy and remain of the view that the current prohibition of mobile phones and other smart devices remain in place and reviewed as stated.

## **Background Papers**

Courts Sub: 26<sup>th</sup> October 2016  
Agenda Item 10: Non Public Mobile Telephones and Members of the Public,

**Charles Henty**  
**Secondary of London 0207 248 3277**

T: 020 7248 3277

E:charles.henty@cityoflondon.gov.uk