

Crown Prosecution Service – Written evidence (NTL0018)

The Crown Prosecution Service (CPS) welcomes the opportunity to contribute to this important inquiry on the use of new technologies in law enforcement. It is vital that as the use of Artificial Intelligence (AI) becomes more commonplace in law enforcement, parliament, government and the public have a good understanding of the role it can play and transparency over how it is used in cases, as well as understanding the aspects of the criminal justice process that will always need human oversight. This inquiry, therefore, represents an important opportunity to promote this dialogue.

Introduction

1. The CPS prosecutes criminal cases that have been investigated by the police and other investigative organisations in England and Wales. The CPS is independent, and we make our decisions independently of the police and government. Our duty is to make sure that the right person is prosecuted for the right offence, and to bring offenders to justice wherever possible. The CPS:

- decides which cases should be prosecuted;
- determines the appropriate charges in more serious or complex cases, and advises the police during the early stages of investigations;
- prepares cases and presents them at court; and
- provides information, assistance and support to victims and prosecution witnesses.

2. Prosecutors must be independent, fair and objective. When deciding whether to prosecute a criminal case, our lawyers must follow the Code for Crown Prosecutors. This means that to charge someone with a criminal offence, prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction and that prosecuting is in the public interest. The CPS works closely with the police, courts, the judiciary and other partners to deliver justice.

3. The CPS launched a new [organisational strategy](#) in April 2020, setting out what we want our organisation to look like by 2025. Its central mission is to deliver justice through independent and fair prosecutions underpinned by four core values, including seeking new and better ways to deliver the best possible service for the public.

4. The CPS has a responsibility to ensure that our systems and processes operate as efficiently and effectively as possible to facilitate the swift delivery of justice. When considering the future of digital technology in the prosecution process, the CPS is particularly interested in how new technologies such as artificial intelligence (AI) and machine learning can automate and improve our handling of digital evidence, given the increasingly technological nature of crime and the ever-increasing volumes of digital evidence.

The CPS and the use of new technologies

5. In June 2020, the CPS launched its Digital 2025 Strategy where we set out a clear aim to embrace innovation, including the use of new technologies to solve key business problems and continuously improve our ability to deliver justice. The CPS has since invested in creating an innovation team which is now at the early stages of delivering products and services to our users. Much discovery activity has taken place to identify areas ripe for improvement and a number of proofs of concept have been delivered showing tremendous potential.

6. Investigations into organised crime and major criminal offences like serious fraud and terrorism have always involved large quantities of data which require examination, but these volumes are growing exponentially and there are new challenges like cloud storage and encryption which can add layers of complexity to that process. It is therefore clear that a different approach is needed to manage the scale of material, because there is a risk that its growth may outpace human capacity to understand and evaluate it. However, the CPS believes that there are many skills that are uniquely human and always will be, and our legal decisions will always be made by our expert prosecutors. New technologies have a role to play in facilitating those decisions, but not in making them.

7. The ambition to utilise new technologies within the CPS is therefore primarily aimed at increasing efficiency so that cases are progressed in a timely and effective manner. The CPS has planned to achieve this through automating casework processes where it is technically and ethically viable to do so, and by speeding up the access of prosecutors to training, guidance and support, including by using chatbot technology. The CPS anticipates that this technology will be applied to the handling and assessment of case material, including evidence and disclosure material. Currently, automation seems to be most suited to those cases where there is a large volume of digital data. However, as above, we have no intention to use AI for making casework decisions.

8. We currently have a number of new applications in development that are utilising the artificial intelligence services that come with cloud computing to support the prosecution process, including:

- utilising Artificial Intelligence video technology to analyse video material [we explain how this supports prosecutors at paragraph 9];
- using machine learning and neural networks to provide an interaction for users that employs natural language and personalisation for information sharing, guidance and support;
- providing the transcription of hand-written or typed material through Intelligent and Optical Character Recognition capability, which then allows the material to be searched or processed; and,
- supporting the redaction and disclosure process by using Artificial Intelligence to automatically transcribe written and printed documents and support highly intelligent search capabilities that makes use of machine learning to become ever more accurate.

9. A simple example of utilising technology to automate casework is the ability to search videos. AI could allow a prosecutor to search for a spoken word or an object within any frame and navigate straight to that point in the video. Prosecutors can then be supported in using this technology with intelligent

assistance as mentioned above. This would save many hours of navigating footage that is not pertinent or needed at that time. AI could also be used to generate transcripts of video audio.

10. Although casework is our priority, this type of technology also has scope to free up time previously spent on repetitive low-value corporate tasks such as time recording. There are also large numbers of back-end corporate processes in HR, finance and procurement that have the potential for automation.

11. We have made it central to our 2025 strategy to collect and analyse useful and trustworthy data on our work and the shifting demands and challenges it faces. This is helping the CPS to lead evidence-based conversations across the criminal justice system and beyond, and we are continuing to build a high-functioning data analytics capability to make the most of our data – whether it is supporting strategic decision-making, helping the CPS to work more effectively or driving new ways of working through automated processes.

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