



Rialtas na hÉireann  
Government of Ireland

## Spending Review 2020

# Toward Digitally-Enabled Court Services: Review of Investment in Courtroom Technology and the Creation of a Centralised Jury Summons Unit

THE COURTS SERVICE

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This paper has been prepared by staff in the Courts Service and IGEES staff. The views presented in this paper do not represent the official views of the Department or Minister for Justice.

# IGEES

Irish Government Economic and Evaluation Service



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## 1. Executive Summary

Following an overview of the Courts Service's long-term plan for organisational reform, this paper examines two projects undertaken by the Service in the past five years. First, it details spending on courtroom technology, principally video conference facilities, from 2015 to 2019. The paper then looks at the recently established Jury Summons Unit in Castlebar. The project led to a four-person team taking on many of the administrative activities involved in calling people to serve on a jury. This administrative work was previously carried out by staff in local offices in each county. The paper describes how the unit was created and the impact it had on the resources required to manage the jury summons process.

The paper finds evidence the two projects led to services being delivered to court users in a more efficient manner. This augurs well as the Courts Service embarks on a ten-year plan that aims to make access to justice easier, quicker and more cost effective. The Courts Service recognises, however, that progress to date is partial and the paper identifies ways the Service could capitalise on recent changes made in these areas.

## 2. Key Findings

### Operating Environment

- In June 2019, the Courts Service Board approved a ten-year strategy with the goal of making access to justice easier, quicker and more cost effective. The strategy aims to improve the services delivered to court users by creating an organisation that uses modern technology and more efficient ways of working.
- The first phase of the strategy (2021 – 2022) aims to establish the foundations for modernisation by enhancing the Service's internal capabilities, developing its ICT frameworks, and piloting new digital service delivery models that better meet the needs of those engaging with the courts system.
- The Courts Service recently put in place a new governance structure to manage the reform programme and the delivery of improved services to court users.

### Recent investment in courtroom technology

- In the past five years, the Courts Service spent €5.8 million installing video conference facilities in 32 courtrooms and replacing obsolete equipment in the Criminal Courts of Justice. Added to the pre-existing stock, this investment meant that at the end of 2019 the technology was installed in 57 courtrooms across 27 courthouses around the country.
- Between 2015 and 2019, video conference technology was mainly used to allow individuals in prison appear in court by video link. Reducing prisoner escort requirements by facilitating more appearances in court by video link yields an operational benefit to the courts system. From 2015 to 2019, the cumulative value of this operational efficiency was approximately €6.3 million. A significant increase in remote appearances from prisons in 2020 should result in greater efficiency in this area being realised across the courts system.

- The response to the Covid-19 pandemic resulted in a step change in the use of video conference technology in courtrooms; to date this year, 7,507 remote appearances in courts by prisoners were recorded, double the number of video-link appearances from prisons in 2019. Reducing prisoner transportation requirements is an important part of lowering the risk of spreading infectious diseases (Covid-19 and TB, for example) in prisons and courtrooms.
- The Service's investment in courtroom technology between 2015 and 2019 was underpinned by a set of business cases that varied in quality. The Courts Service will look to strengthen both its articulation and examination of proposals to make video conference technology more widely available. This will improve the Service's ability to prioritise proposals for investment in the technology and address gaps in the data on how equipment is used.
- The commencement of relevant sections of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 provides scope for more court sittings to occur remotely through video link. Increasing the number of courtrooms with video conference facilities would help to give full effect to the relevant provisions of the Act. The Courts Service will install video conference equipment in up to ten courthouses over the coming months.

#### **Centralisation of Service – Jury Summons Process**

- The centralisation of the jury summons process, a long-held goal of the Courts Service, occurred in 2019. The initiative delivered on the objectives defined at the start of the project; non-pay savings of circa €0.09m were achieved and six fewer full-time equivalent staff, €0.2m, were required to be involved in the process, leaving them available to carry out higher value duties.
- The newly established Jury Summons Unit works in partnership with Revenue, demonstrating that engaging with other public bodies can be mutually beneficial and reduce overall costs to the Exchequer through better use of available resources. This is one of the key lessons that emerged from the project.
- While the successful delivery of this project shows the Courts Service's ability to improve work practices, this Spending Review highlights limitations to the current solutions. Gaps in the current approach include the absence of digital channels of communication between the Courts Service and people called for jury service. The Service aims to address these limitations as part of subsequent phases of the plan to reform the overall approach to jury management.
- Any future project that aims to alter the way the Courts Service selects, notifies and manages people called to serve on a jury is likely to require legislative change, as the Juries Act 1976, as amended, still governs the process.

### 3. Introduction

The Courts Service, established under the Courts Service Act, 1998, is responsible for the management and administration of the courts in Ireland. Its primary functions are to manage the courts, support the judiciary, provide court buildings and associated facilities, and disseminate information on the courts system.

The courts system is the framework underpinning the administration of justice. It consists of a number of stakeholders and institutions. Central to this system is the idea that access to justice is a fundamental right together with a constitutional requirement that the administration of justice is exclusively carried out by an independent judiciary. Within this framework, the Courts Service provides the resources and facilities that enable the administration of justice. In this way, it plays an important role in ensuring a complex courts system operates efficiently and meets the needs of all stakeholders. The Service collects and publishes data on matters arising and flowing through the courts system; however, the adjudication of cases is a matter for the judiciary. In addition to managing court activities, the Service is responsible for the operation and management of a number of standalone statutory offices including, amongst others, the Probate Office, the Examiner's Office of the High Court and the Legal Cost Adjudicators Office.

The Courts Service is a single programme Vote that represents approximately 5.1% of the total gross funding of the Justice Sector Group of Votes. The Service is governed by a board consisting of a chairperson, the Chief Justice, and 17 other members that include judicial nominees from each jurisdiction, along with representatives of the Minister for Justice, the staff, the legal profession, trade unions and business groups.

The Service's long-term vision, formally adopted in June 2019, is to create a courts system that delivers a quicker, easier and more efficient experience for those who use it, work in it and pay for it. The phased implementation of this vision over the next ten years will substantially change the way the Service operates to allow it to best deliver its statutory mandate. Consistent with the pillars established in *Our Public Sector 2020*, the strategic vision focuses on moving to a digital-first approach, introducing new ways of working and involving stakeholders and service users in the process of change.

The Courts Service acknowledges change is required to enable the organisation to continue to meet its mandate and the requirements of service users. Working in collaboration with the judiciary, partner organisations in the Justice Vote Group and other key stakeholders, the Service is determined to be proactive in playing its part in creating a system that is easier to access and more efficient. Against this, the courts system is a complex environment that can be characterised as being slow to change. As part of this wider system, the Service has, at times, found it challenging to fully implement changes to the status quo and, consequentially, the stated objectives, and potential end-user benefits, of previous reform initiatives were not always realised.

### 3.1. Scope of the review

The paper describes spending on courtroom technology from 2015 to 2019 and then examines the creation of a Jury Summons Unit last year. The paper outlines the rationale behind the initiatives, highlighting some of the efficiencies associated with the use of modern technology and the gains that can be achieved by the introduction of a single unit delivering services previously performed by local offices in each county.

An organisational capability review, completed in 2018, identified a number of issues for the Courts Service to address to enable it to play a more effective role in the management of the courts system.<sup>1</sup> In particular, the report highlighted a need for the Courts Service to work toward achieving an eCourt environment.<sup>2</sup> While courtroom technology is just one of many features of an eCourt construct, reviewing recent investment in this technology helps identify some of the benefits that can be achieved by modernising parts of the courts system. These benefits include lowering Exchequer spending on prisoner transportation to and from court venues. In addition, investment in this technology can potentially lead to gains that have a less obvious financial impact, such as an improved courtroom experience and greater efficiency in the administration of justice (see section 5.4).

A report submitted to the Courts Service Board in 2010 identified the activities involved in calling people to serve on a jury as one area of work suitable for delivery on a centralised basis.<sup>3</sup> The report held that creating a single, specialised unit would increase standardisation in service delivery and lead to greater efficiency in work practices. Creating a standalone office to administer the jury summons process was subsequently included in numerous strategic plans adopted by the Courts Service and was one of the key, phase one, recommendations of a Combined Office Review that the Courts Service Board approved in February 2018. In this context, the establishment of a centralised Jury Summons Unit in 2019 is a noteworthy project. In addition to illustrating the benefits associated with a single unit carrying out work previously done in local offices around the country, reviewing this project can help identify approaches that help establish and embed new work practices (see figure 7). Demonstrating the benefits of workplace reform and describing good change management practices are relevant to the Courts Service as it embarks on a ten-year plan that aims to modernise the organisation.

### 3.2. Objectives and methodology

The Courts Service's long-term strategy is to create a digitally-enabled system that improves outcomes for court users. Achieving this digital transformation will involve moving away from existing manual, paper-based process by investing in ICT capital and changing work practices to make best use of the newly introduced technology.

This Spending Review describes two projects at different stages of the move toward a digital transformation. The first project relates to a recent programme of investment in courtroom technology (see section five). This investment led to considerable growth in the availability of video conference equipment across the country in the past five years. The second project relates to the centralisation of the jury summons process (see section six). Here, the Courts Service has reformed work practices with an eye to the introduction of an ICT-based jury management structure. It has a good understanding of the impact this project had on internal processes, but the ICT element of the reform initiative is yet to be introduced. In reviewing the two initiatives the paper highlights developments to date and identifies areas for improvement that could inform future projects.

The paper draws heavily on secondary data sources, including policy documents, strategic plans, internal business cases and published reviews on the Courts Service's organisational capabilities. Emphasis is placed on material published in the past five years, as these documents are deemed to be the most relevant to current policy challenges. The literature review is supplemented by administrative data on the Service's spending and staffing. Finally, the paper is informed by semi-structured interviews with Courts Service staff involved with the selected initiatives. The interviews with personnel at Assistant Principle level in the ICT team and the District and Circuit Court Operations unit informed the section on the investment in courtroom technology. They were primarily used to clarify issues arising from the review of internal documents on this programme of spending and to get a better understanding of how the technology was used in practice from 2015 to 2019 (the review period).

The absence of underlying data on core aspects of the Service's work limits the ability of this paper to provide a quantitative-based analysis of the two projects. The business case for the modernisation of the Courts Service recognises this data deficiency is an organisational deficit that needs to be addressed in the coming years.



## 4. The Courts Service operating environment

### 4.1. A long-term strategy to address gaps in the organisation's capabilities

Operating within the wider courts system, the Courts Service is responsible for the management and administration of all activities—with the exception of judicial functions—that support the operation of the courts. The Service supports criminal prosecutions, the resolution of civil and family disputes, and is a key mechanism for the State to uphold legislation.

The Courts Service is a regionally dispersed organisation covering a number of jurisdictional divides: District Court; Circuit Court; High Court; Court of Appeal; and, Supreme Court. Through a network of 62 offices, the Service:

- maintains 103 court venues;
- supports 176 members of the judiciary;
- facilitates 232,958 incoming civil matters and 444,598 criminal offences per annum; and,
- manages approximately €1.97 billion in court funds.<sup>4</sup>

Partially due to the decentralised, multi-jurisdictional nature of the operating environment, a recently published Organisational Capability Review of the Courts Service identified considerable variation in practices and procedures across court offices as an issue the organisation needs to address.<sup>5</sup> Under the headings of leadership, strategy, ICT and organisational capability, the report made a number of other recommendations on how the Courts Service could improve its capacity to deliver on its mandate.

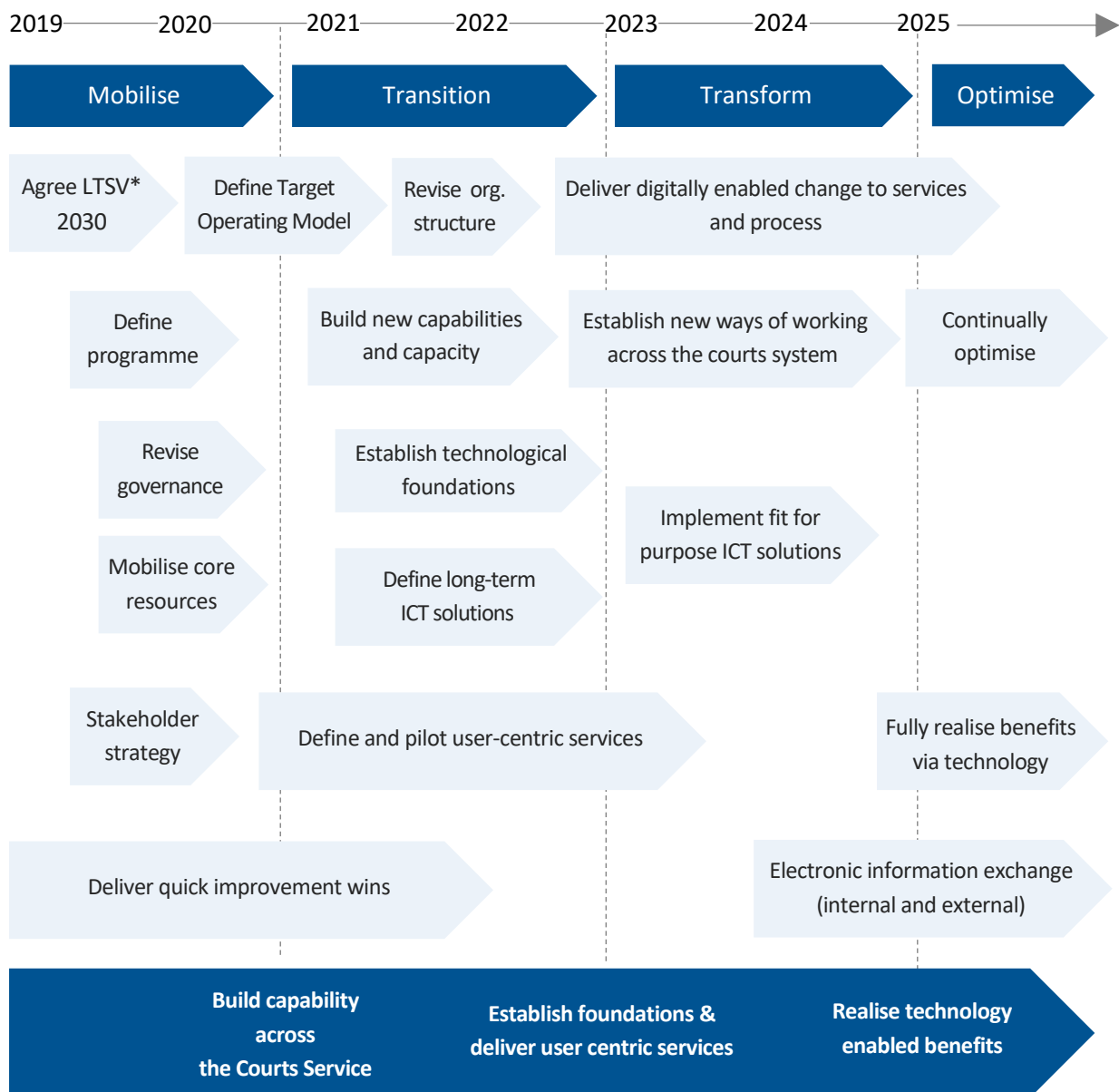
The Organisational Capability Review noted a fragmented ICT state in the Courts Service that consisted of multiple stand-alone systems and a lack of interoperability across platforms. Further, the review raised concerns regarding the reliability of key ICT tools used by the Service to deliver its mandate. Crucially, the report highlighted a need for the Courts Service Board to develop a strategic framework that established a long-term vision for the Courts Service and a supporting implementation plan to help deliver a modern, digitally-enabled organisation.

In June 2019, the Courts Service Board approved a ten-year strategy with the goal of making access to justice easier, quicker and more cost effective. The strategy aims to address challenges across the courts system by creating an organisation that uses modern technology and efficient ways of working to improve the services delivered to court users.

The strategy establishes twenty objectives across the five aspects of the Service's mandate. Key performance indicators (KPIs) are set against each long-term objective. For example, a suggested target of reducing physical attendance in court by 10-20% is set against the "Only require attendance in person at hearings where necessary" objective.<sup>6</sup> In taking this approach, the long-term vision is drawing on evidence that assigning specific, verifiable KPIs and metrics helped similar public bodies in other jurisdictions deliver reform initiatives.<sup>7</sup> Similarly, an IGEES review of selected ICT reform programmes in the Revenue Commissioners found, "where project objectives are measurable with a target, it appears to support benefit realisation".<sup>8</sup> However, the splintered, outdated state of much of the Courts Service's current ICT applications and databases means accessing baseline performance data is "severely limited and unreliable".<sup>9</sup>

Developing a systematic response to the restricted availability of robust data on the activities carried out by the Courts Service is included in the “Transition” phase of the organisation’s modernisation programme (see figure one below). Improving the availability and quality of data that can inform senior management decision making and planning activities is identified as one of the benefits that will arise from delivering digital “quick wins” in 2021 and 2022.<sup>10</sup> More broadly, the “Transition” phase of the programme aims to establish the foundations for modernisation; enhancing the Service’s internal capabilities and ICT frameworks, and piloting new digital service delivery models that better meet the needs of those engaging with the courts system.

**Figure one: The phases of the Courts Service’s ten-year reform plan to 2030**



\*Long term strategic vision

Dividing the ten-year strategy into discrete phases each with a set of distinct, but interrelated, projects is consistent with the approach adopted by Her Majesty's Courts and Tribunal Services in England and the Ministry of Justice in New Zealand in reforming their respective court systems.

A phased implementation plan allows ambitious long-term objectives to be divided into a number of more immediately achievable milestones. Phased delivery can increase accountability in working toward long-term objectives and facilitate rigorous budgeting over the course of a lengthy reform plan. To further promote delivery, accountability and transparency, the Courts Service recently reformed its governance structure (see Appendix A).

As identified in a 2019 Spending Review on funding of An Garda Síochána, multi-annual budgeting commitments grounded in structured governance arrangements can give an organisation the tools needed to manage the reform agenda and deliver improved services.<sup>11</sup> With this in mind, the “Strategic Business Case Modernisation Programme” recently prepared by the Courts Service envisages multi-year funding arrangements aligned with each phase of the modernisation programme. The funding required to implement all projects included in the two-year “Transition” phase of the plan, covering 2021 and 2022, is estimated to be in the order of €17.3 million (see figure one).<sup>12</sup>

#### 4.2. The plan for reform in the context of recent levels of spending and staffing

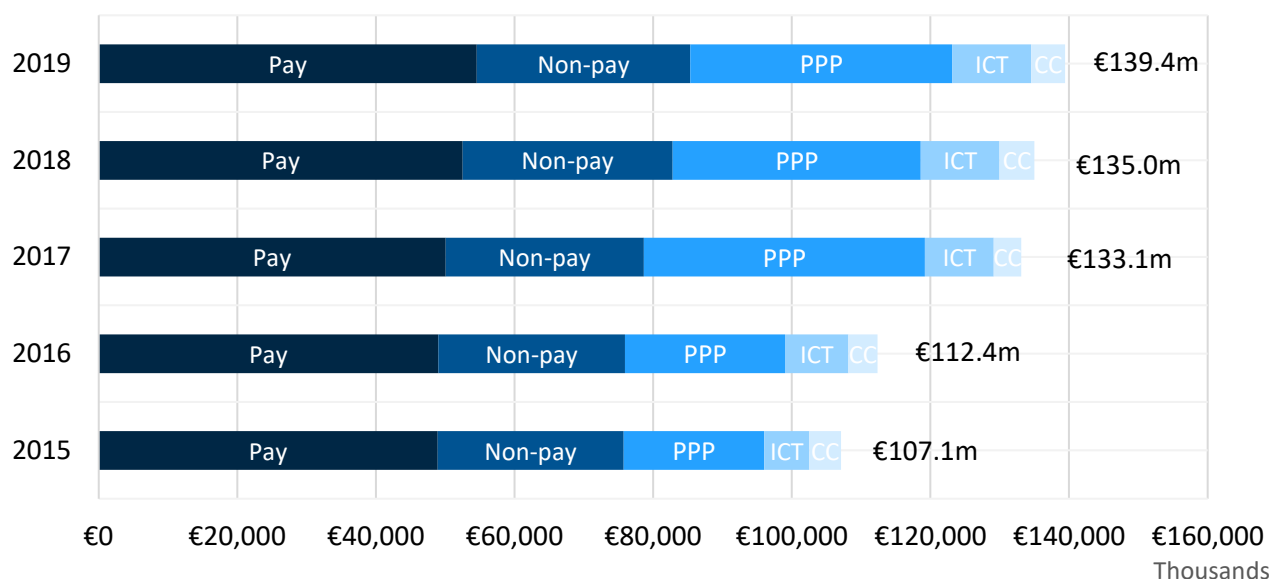
The Courts Service prepared a Spending Review in 2017 that covered the years between 2008 and 2016—a period of retrenchment and recovery. Similar to the experience across the public sector, from 2008 to 2013 the Courts Service's level of gross voted spending reduced by a roughly one-quarter (24.2%) to €104.6 million before gradually starting to increase thereafter. During this time, the Service had to find ways to deliver its mandate with fewer resources.

The 2017 Spending Review noted significant improvements in metrics associated with levels of productivity across the organisation. The paper reported that in 2016 there were 25 court sittings for every full-time member of staff, an increase of five court sittings per employee compared to the 2008. Further, it noted a productivity increase of 20%, as, over the same nine years, the ratio of staff to judges moved from 7.4 to 5.9. This occurred as the number of judges increased from 145 to 165, while the number of people employed by the Courts Service fell by 102 full-time equivalent staff—a reduction of 9.5% in the size of workforce compared to employment levels in 2008.

The efficiencies achieved during the period of austerity were necessary; however, they involved reallocating available staff to frontline services, which undermined the Service's capacity to plan ahead and manage challenges beyond the day-to-day demands of service delivery.<sup>13</sup>

In more recent years, spending by the Courts Service increased—outlined in figure two—as the organisation began to replenish its staff resources, invest in capital projects and develop a long-term vision for the courts. Total gross annual expenditure in 2019 was €139.4 million, 30.2% above comparable nominal spending in 2015.

**Figure two: Share of Gross Voted spending consumed by different expenditure headings, 2015 to 2019<sup>13</sup>**

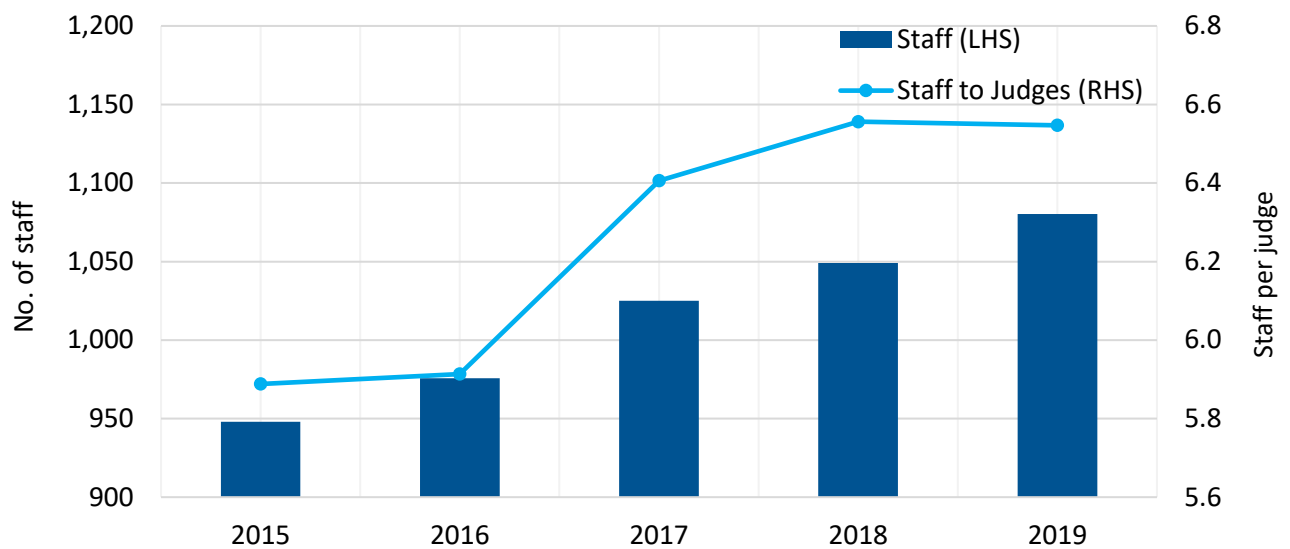


Costs associated with public private partnership (PPP) projects were a major reason for the growth in annual expenditure over the past five years. A PPP model funds the design, build, finance and management of the Criminal Courts of Justice complex on Parkgate Street along with a bundle of new and refurbished courthouses in seven locations outside Dublin (the regional PPP bundle).<sup>14</sup> The incremental delivery of the regional courthouse bundle, between 2017 and 2018, pushed PPP costs upward at a higher rate than other spending categories.<sup>15</sup> As a result, PPP costs consumed a greater share of the Courts Service’s total spending from 2017 onward (see figure two). In 2019, just over one in every four euro spent by the Service was toward the cost of PPP projects (27.1%).

Pay is consistently the largest category of spending in the Courts Service. The total amount spent per annum on pay increased by €5.6 million from 2015 to 2019; however, the share of total annual expenditure consumed by this heading diminished in recent years, as spending on PPP projects increased. In the nine years from 2008 to 2016 pay consumed, on average, 44.5% of overall annual spending, while in 2019 the category comprised 39.1% of overall expenditure.

The number of staff employed by the Service increased every year for the past five years. By the end of 2019, the number of full-time equivalent staff working in the Courts Service was 1,080, returning the level of full-time equivalents in the organisation to the watermark set in 2008 (see figure three overleaf). The ratio of staff to judges increased from 5.9 in 2015 to just under 6.6 by 2019, reversing the trend observed in the Spending Review prepared in 2017. Similarly, the ratio of court sitting days to staff went from 20:1 in 2008 to 25:1 in 2016 before moving back to 22:1 last year.

**Figure three: Levels of full-time equivalent staff in the Courts Service and the staff-to-judge ratio**



Recent recruitment is, in part, a response to the capability challenge posed by the loss of experienced staff members in recent years.<sup>16</sup> The return to 2008 levels of employment may also partially reflect the continued reliance on manual, paper-based systems that require a high degree of staff input to function using multiple stand-alone legacy ICT systems. To the extent this is the case, it is in contrast to developments in the Revenue Commissioners, for example, where the successful delivery of a number of ICT projects permanently reduced the number of people required in particular business processes and “embedded the staff reductions realised via natural attrition” in the organisation.<sup>17</sup> Similarly, the centralisation of jury summonses, detailed in section six of this paper, illustrates how changing internal structures can reduce the number of staff that need to be involved in a particular business function.

From 2015 to 2019, an average of €7.6 million per annum was allocated to ICT capital in the Revised Estimates Volume. This level of funding is only sufficient to maintain existing systems, with the Courts Service Organisational Capability Review noting it costs in the region of €7.5 million per annum to “keep the show on the road”.<sup>18</sup> As the Courts Service started to invest to expand its technological capabilities, the mean actual annual spend on ICT capital was €9.6 million over the same five years (see figure two). The difference between the initial estimate and actual spend was made possible through the effective management of the overall Vote. The “Modernisation Programme Strategic Business Case” prepared by the Courts Service sets out a need to review the sustainability of existing funding arrangements, as the organisation looks to realise the objectives established in its long-term strategy, at the heart of which is a transformational ICT state.

Appropriations-in-aid defray the cost to the Exchequer of operating the Service. Between 2015 and 2019, revenue collected by the Courts Service was, on average, €48.3 million per annum, comprising 39.1% of gross Voted expenditure. While revenue collected by the Service makes up a significant part of total annual funding, over the past five years the level of income collected by the Courts Service was flat.

Fees charged in respect of legal documents lodged in civil proceedings and services provided in court offices account for 92.5% of the income collected by the Service. Fee income is determined by two broad factors: the level of activity in the courts; and, the amount payable for different services as specified in regulation.<sup>19</sup> As such, fees collected are largely outside the control of the Courts Service. For example, sections of Companies Act 2014, commenced on 1 June 2015, removed the supervisory role of the Office of the Examiner of the High Court in court liquidations starting after the date of enactment. Fees charged for this supervisory function in liquidation cases generated significant income for the Courts Service; the full year impact of the new provisions relating to Examinership matters on the Service's revenues is approximately €2.0 million.

The outbreak of Covid-19 and the introduction of public-health measures to reduce the spread of the virus resulted in a precipitous decline in fees: in the six months to June 2020 fee income was down by €7 million, or 33.9%, relative to the first half of last year. This decline was driven by significant reduction in Special Exemption Orders, which typically make up a quarter of all fee income, plus a sharp fall in civil business more generally.<sup>20</sup> It is projected that annual fee income will be down by approximately €18 million this year, a 40% decline relative to fees collected in 2019. This presents a significant challenge to the Courts Service in the management of Vote.

## 5. Recent investment in courtroom technology

This section of the paper gives an overview of the Courts Service’s investment in courtroom technology from 2015 to 2019. In particular, it looks at spending on video conference facilities and highlights some of the immediate benefits realised by the recent roll-out of this technology. Investing in courtroom technology can result in improvements and efficiencies separate from other accompanying reforms, but the equipment is best used when other parts of a digitally-enabled, eCourt, environment are in place. As such, this assessment only captures a portion of the role video conference facilities could play in a well-developed eCourt environment.

### 5.1. What is courtroom technology?

Modern courtroom technology refers to ICT infrastructure that allows for remote appearances and equipment that assists with evidence presentation, jury deliberations, and the preparation and sharing of court records (see [Appendix B](#)). The core function of courtroom technology is to digitally facilitate the administration of justice.

Courtroom technology is not a panacea for issues in the courts system. A high level of technological development does not, in itself, lead to a high level of use of modern ICT courtroom equipment by legal practitioners with accompanying benefits on the efficiency of the courts.

Use of technology in the courtroom is influenced by resource constraints, legislative requirements, established practice in the courts system and court rules. Resource considerations include the cost of installing the hardware in courtrooms along with spending on associated software and the people required to maintain the equipment. Legislative requirements and procedural rules establish when and to what extent certain forms of courtroom technology can be used.

Amongst other factors, fully realising the potential of courtroom technology to improve the operation of justice requires key stakeholders agree a long-term vision for a future digitally-enabled court system and then deliver a series of distinct, complementing projects that correspond with the over-arching objective to be achieved. Evidence from other jurisdictions suggests courtroom technology is best utilised when legal practitioners and those supporting the administration of justice adopt changes in work practices; when modernisation in the courtroom is combined with complementing legislative reform; and, when separate ICT projects, including online case management systems, are introduced.<sup>21</sup>

In this vein, the “Long-Term Strategic Vision – 2030”, adopted by the Courts Service last year, recognises the need to work in partnership with stakeholders in the courts system to engender “major reforms in the way the courts system uses technology”.

### 5.2. Investment in courtroom technology from 2015 to 2019

In the past five years, the Courts Service spent just over €9.8 million on two key pieces of courtroom technology, namely, Digital Audio Recording (DAR) and video conference facilities. Spending on this technology comprised a fifth (20.3%) of the €48.2 million spent on ICT capital between 2015 and 2019. The recent growth in spending on ICT capital followed a period where the net value of Courts Service’s ICT assets reduced.<sup>22</sup> Greater investment in courtroom technology in recent years was consistent with a “continuous and sustained” effort by states across Europe to expand the use of information technology in the courtroom.<sup>23</sup> Higher spending in this area also took place in the context of Ireland’s modest performance relative to European peers on the computerisation of courts and online availability of

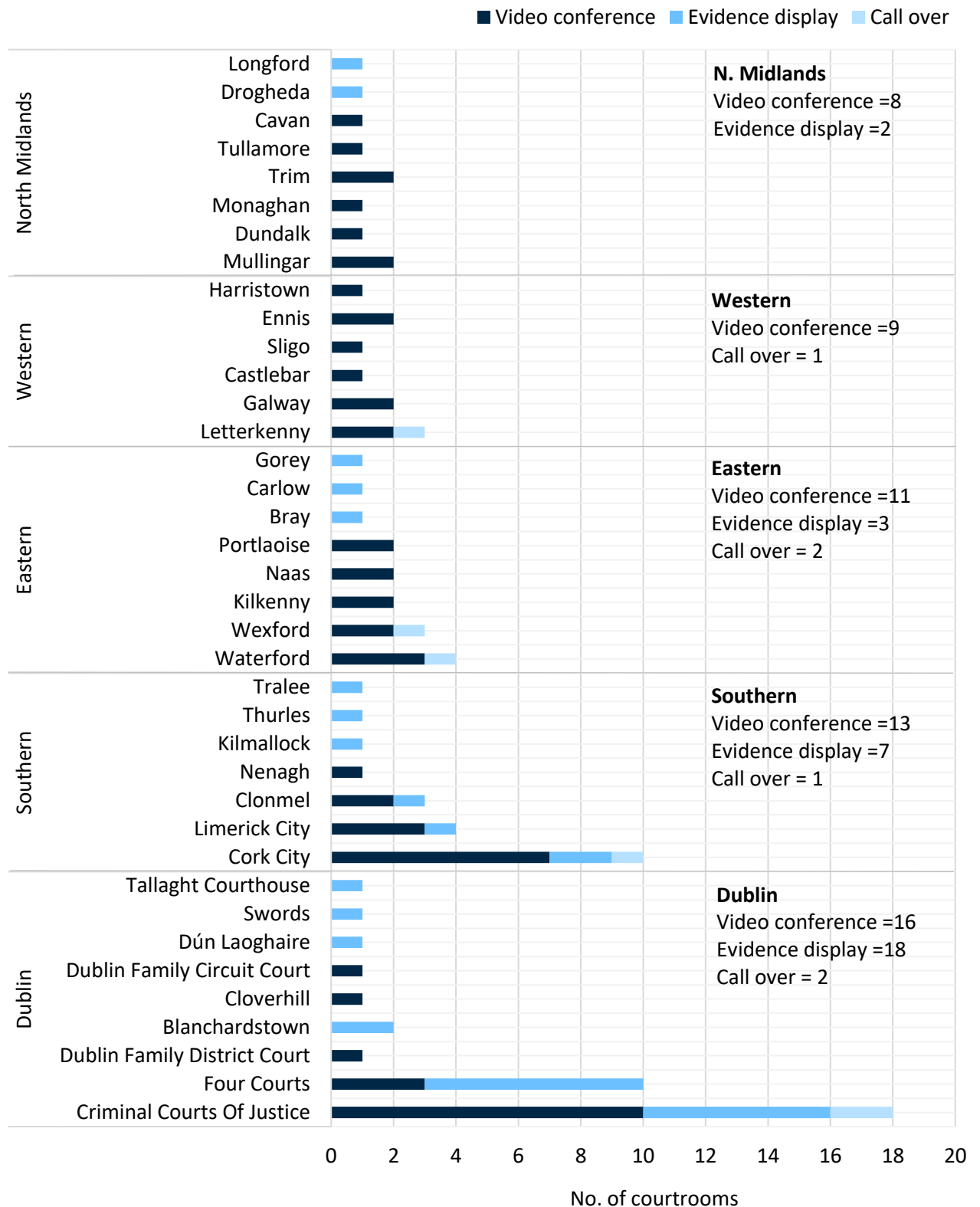
information on the courts system.<sup>24</sup> The investment was a precursor to the current modernisation plan ([see section four](#)) and the start of the organisation attempting to move away from a “patchy and uneven” track record of delivering internally-driven projects.<sup>25</sup>

Digital Audio Recording is a technology-based way of recording what is said in a courtroom. In addition to facilitating the production of court transcripts, the audio recording of proceedings can be played back in a courtroom, a courthouse chamber or an offsite location. The Courts Service commenced replacing stenographers with DAR equipment in 2008. This technology is now available in all courtrooms. Spending of just over €4 million between 2015 and 2019 primarily covered the cost of maintaining the technology, replacing of end-of-life systems after seven years of use and installing DAR in the seven PPP bundle courthouses. The advantages associated with DAR are covered in previous reports produced by the Courts Service and are not repeated here.<sup>26</sup> DAR continues to be the preferred option for recording court proceedings and can work in conjunction with video conference facilities (or as part of a virtual courtroom).

The first investment in video conference technology in the Irish courts system occurred in 1993 when the equipment was installed in two courtrooms in the Four Courts and in a vulnerable witness room in the adjacent Aras Ui Dhalaigh (the building is part of the Four Courts complex). From the outset, the equipment was used by the courts to hear evidence from vulnerable witnesses and those based outside Ireland. Significant improvements in the technology occurred in the years since the first video conference facilities were installed in Irish courts; the quality of the systems increased, the cost of installing the technology reduced and the potential use of video conference equipment in a wider digital courts environment became more apparent. At the end of 2019, the technology was installed in 57 courtrooms across 27 courthouses around the country. The Service’s courtroom video conference facilities were supplemented by 30 fixed evidence display units, two mobile evidence display units used in venues outside Dublin, 22 witness rooms with video conference equipment and call-over facilities in six courtrooms. An overview of the location of technology-enabled courtrooms is set out in figure four ([overleaf](#)).



Figure four: Technology-enabled courtrooms across the State at end 2019\*



\*DAR is available in all courtrooms.

\*\* In addition to the courtroom technology presented in figure four, there were 22 witness rooms with video conference equipment installed at the end of 2019.

The Courts Service spent €5.8 million installing video conference facilities in 32 courtrooms and replacing obsolete equipment in the Criminal Courts of Justice. This program of investment included the first installation of video conference equipment in a family law courtroom, in accordance with the requirements of the Domestic Violence Act 2018. The expansion of the Courts Service’s video conference infrastructure was done in conjunction with the delivery of new and refurbished courthouses included in the PPP bundle (see page 9). Table one, below, provides details on the video conference facilities installed in the PPP courthouses between 2017 and 2018. The figures are broadly representative of the cost of installing a full video conference facility in a courtroom.<sup>27</sup>

**Table one: video conference facilities installed in PPP bundle courthouses between 2017 and 2018**

	Cost of equipment and installation	Courtrooms with technology installed	Unit cost
<b>Jury courtrooms</b>			
Hi-tech video conference units	€553,344	6	€92,224
Standard video conference units	€344,944	4	€86,236
<b>Non-jury courtrooms</b>			
Standard video conference units	€408,135	5	€81,627
Video view / Evidence display only	€101,932	2	€50,966
<b>Total</b>	<b>€1,408,355</b>	<b>17</b>	<b>€82,844</b>

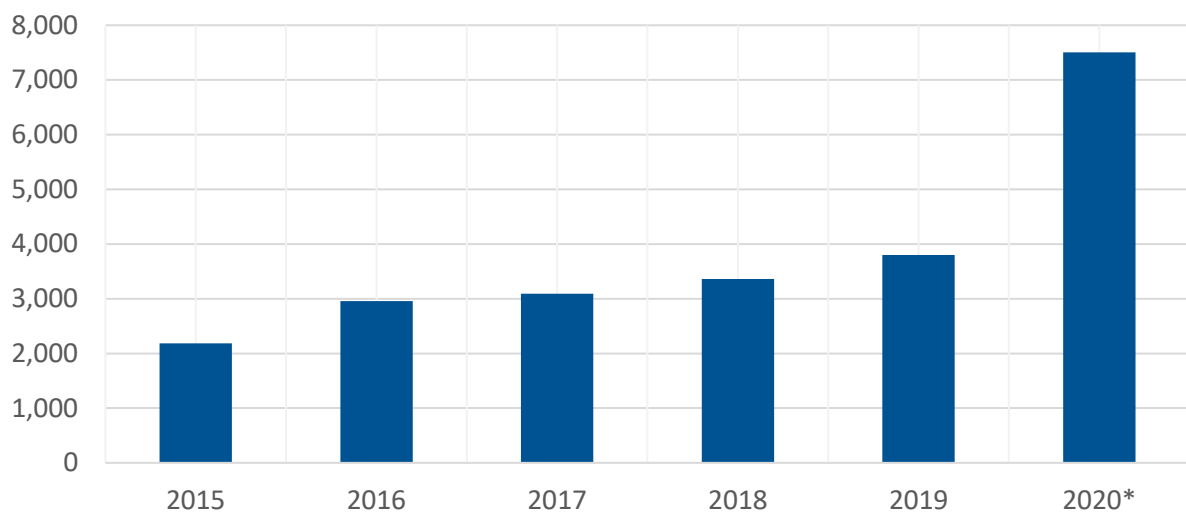
Recent spending in this area also covered the cost of updating older video conference equipment. A total of €1.1 million was spent replacing infrastructure in the Criminal Courts of Justice (CCJ)—initially installed prior to the first sitting in the complex in 2009—with modern technology.<sup>28</sup> The new equipment improved reliability, functionality and audio-visual quality for court users compared to the older facilities. Associated upgrades in the backend infrastructure—improved wiring and firewalls, for instance—increased the call handling capability of the equipment and its capacity to work with a range of video-conferencing-as-a-service solutions (Vaas includes Webex or Microsoft Teams, for example).<sup>29</sup>

### 5.3. Use of courtroom video conference equipment

There are multiple uses for video conference facilities in courtrooms. Primarily, they enable video-link court sittings to occur. This type of sitting involves a person appearing remotely before a court in a manner that allows all parties to proceedings to see and hear each other in real time. In this way, victims of crime and persons giving evidence in criminal hearings can appear in court from a remote location. Witnesses can give evidence via video link for commercial, non-jury, chancery and personal injury cases in the High Court. People can appear before a judge in an Irish courtroom in relation to trials occurring in another jurisdiction (mutual assistance cases). Video conference equipment also enables people in prison to remotely attend court. Finally, the equipment can be used for evidence display purposes, allowing, for instance, recordings of interviews conducted in Garda stations, CCTV security footage and scanned documentary evidence to be shown in court.

In practice, between 2015 and 2019, video conference technology was mainly used to allow individuals in prison appear in court by video link. In 2019, for instance, there were 3,798 appearances by prisoners in court through video link, equivalent to around 9% of all escorts from prisons to courts over the year. In contrast, over the same twelve months, five victims gave evidence by video link in the Criminal Courts of Justice.<sup>30</sup> While the latter figure does not represent the total amount of non-prisoner related use of video conference facilities in courtrooms, the comparison illustrates that prisoners appearing remotely were the main cause for the technology to be used. The number of remote appearances in court from prisons increased year-on-year for the past five years, driven, in part, by the technology being made available in a greater number of courtrooms and prisons.

**Figure five: Number of appearances in court by prisoners through video link from 2015 to 2020**



\*to end August 2020

Prior to the recent commencement of relevant sections of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020, in criminal proceedings involving prisoners the accused or the Director of Public Prosecutions could ask that video link be used to facilitate a court appearance where the request relates to:

- (a) an application for bail or free legal aid;
- (b) in relation to proceedings on indictment, or any other application except—
  - (i) an application made at the commencement of the trial,
  - (ii) an application relating to the arraignment or sentence of the prisoner,
  - or
  - (iii) any other application that appears before the court to require the presence of the prisoner at the hearing.<sup>31</sup>

Applications that require a prisoner to physical attend court—as per (iii) above—include, for example, proceedings to determine if the person has the capacity to stand trial. A judge may grant an application for a video link appearance where they are satisfied doing so would not be prejudicial to the prisoner and other criteria specified in Section 33(2) of the 2007 Act are satisfied.

The reasons prisoners actually make a court appearance by video link are not systematically recorded; but, the majority of video-link appearances from prisons are for remand hearings.<sup>32</sup> Typically, remand hearings are short, often lasting in the region of five-to-ten minutes. However, as detailed in a value for money review prepared by the Department of Justice in 2017, when these hearings require prisoner transportation to a courtroom it frequently involves multiple journeys and considerable distances being travelled, particularly in regions outside Dublin.<sup>33</sup>

#### 5.4. Immediate benefits associated with the use of video conference equipment

Used appropriately, remote appearances through video link yield an operational benefit to the courts system.

Increasing video-link appearances in court lowers prisoner escort requirements and the value of the efficiencies associated with this dynamic are likely to outweigh the cost of installing and maintaining video conference equipment. The cost of setting up video conference equipment is between €81,627 and €92,224 (see table one). Experience of the systems in the Criminal Courts of Justice indicates the technology becomes dated and unreliable after roughly seven years and an overhaul of the equipment is then required. In total, from 2015 to 2019 the Courts Service spent €5.8 million making the technology available in more courtrooms and replacing its existing stock of equipment. Against this, on the basis of a weighted transport and management cost per prisoner of €412.30, the 15,394 remote hearings that occurred between 2015 and 2019 yielded an operational efficiency valued at €6.3 million.<sup>34</sup> A significant increase in remote appearances from prisons this year (see figure five) should result in greater efficiencies being realised in justice agencies. The courts system is complex and the knock-on effect of these efficiencies would need to be assessed separately.

There are less obviously quantifiable benefits associated with the use of video conference equipment. Reducing prisoner escort requirements leads to less disruptions to services in prisons and frees up Garda resources. It can lead to a more humane system where there is less of a need for prisoners to spend hours being transported and held outside prison for the purpose of attending a short remand hearing, for example. More video-link appearances are an important part of lowering both the security risk and the risk of spreading infectious diseases (Covid-19 and TB, for instance) in prisons and courtrooms. The equipment enables probation hearings to proceed through the period of Covid-19 related public-health measures. Finally, fewer people physically in a courtroom can result in a less disruptive environment that is more conducive to the smooth hearing of cases.

While the process of justice being served will continue to require physical attendance in court for certain matters, there is potential for substantially more appearances to occur by video link, particularly where a hearing relates to a procedural issue that does not significantly advance the case toward a conclusion.

#### 5.5. Limitations

The Service's investment in courtroom technology between 2015 and 2019 was underpinned by a set of business cases that varied in quality. The Courts Service will look to strengthen both its articulation and its examination of proposals to make video conference technology available in a given courtroom, or court venue.<sup>35</sup> This will be a fundamental part of a move to improve the Courts Service's capacity to evaluate and prioritise proposals for investment in the technology, while also helping to address gaps in its understanding of how effectively the equipment is used. As noted in the Courts Service Organisational Capability Review, the process of putting together more comprehensive proposals should involve

engagement between the ICT and business sides of the Service.<sup>36</sup> Taking a more structured approach to investment decisions will help the Courts Service to better assess options for achieving stated objectives and track outcomes that stem from any investment in the technology.

#### **5.5.1. Assess the various options for achieving the stated objectives behind the investment**

In the case of video conference equipment, factors that might be examined include, for example, the extent to which fixed units are required or whether greater reliance on mobile systems is more appropriate. The full cost of all options should be established (including on-going operating costs, maintenance requirements and any follow-on projects that may arise due to the investment). Here, the Courts Service has a good awareness of the full costs associated with fixed video conference equipment, but will need to systematically monitor and evaluate the emerging use of mobile systems.

The quality and cost of different types of video conference facilities should be assessed in detail. There is a need for reliable systems that satisfy the requirements of court users; however, this must be balanced against finite resources and an apparent increase in the demand for this technology. The Courts Service is currently piloting a cheaper video conference solution. Both the reliability of and user satisfaction with this lower-cost solution should be tracked. This would allow this newly identified option to be compared to higher-priced equipment installed in the PPP bundle courthouse, for instance ([see table one](#)).

Demand in this area is not only driven by current Covid-19 related pressures, but also by a long-term policy direction that involves greater reliance on video conference facilities. In addition, while setting up video conference equipment in all courtrooms is neither necessary nor desirable, a large share of the venues around the country do not have the technology installed at present. This suggests there will be a medium-to-long term demand to increase the availability of courtroom video conference facilities. Deliberations on the different ways the technology could be made more widely available should factor in the likelihood of a persistently high demand for the equipment to be set up and managed in courtrooms across the country. It is likely certain venues will need to be prioritised in the coming years.

#### **5.5.2. Identify and track outcomes that stem from the investment in courtroom technology**

Tracking outcomes in a more structured way would allow the Courts Service to better distinguish between events that are the result of its activities from those that are driven by external factors (for example, the onset of Covid-19 is almost certainly the main factor behind the twofold increase in video-link appearances from prisons to courts experienced to date in 2020 compared to last year). Being able to make this distinction will be central to determining the effectiveness of the Service's investments in courtroom technology and, more generally, its progress in helping to create a modern, digitally-enabled courts system.

Amongst other issues, a more comprehensive examination of outcomes linked to spending on video conference equipment could help identify factors that may inhibit the use of the technology. It is notable that coming from a relatively low base the increase in video-link appearances in court from prisons was modest prior to the onset of Covid-19 ([see figure five](#)). Figures in the Courts Service's most recent Annual Report suggest non-prison related use of video conference equipment is low relative to the total volume of cases dealt with by the courts system every year. The Service could further explore how the technology is being used in practice and factors that may hinder uptake by court users. In addition, working with stakeholders in the system, the Courts Service could look to monitor the impact video conference equipment has on the administration of justice, with particular regard to ensuring procedural fairness in dealing with cases—a cornerstone of the courts system—is preserved.

## 5.6. Next steps

### 5.6.1. Make video conference equipment more widely available

The Courts Service is committed to the phased expansion of video conference facilities in suitable venues, as part of a wider transformation in the way the Service operates ([see section 4.1](#)). While creating a digitally-enabled court system was an established long-term policy objective prior to the onset of the Covid-19, the pandemic has accelerated a move to remote appearances in courtrooms. As part of the Covid-19 Recovery Plan, further investment in a lower-cost video conference solution is being piloted. This will result in the technology being installed in up to ten courthouses over the coming months.

In addition to making video conference facilities available in more courthouses, in April this year the technology was used to enable the first virtual court hearing in the State to take place. These hearings involve multiple parties in remote locations using standard [Vaas](#) solutions to appear in a secure, virtual court environment. The investment in video conference equipment from 2015 to 2019 played an important part in allowing the Courts Service to offer a virtual courtroom just over a month after court business was curtailed on 13 March due to the onset of the Covid-19 pandemic. By the end of August, 801 virtual sittings had taken place since the first of these sessions occurred in April. In addition, the Service's video estate was recently used to facilitate jury empanelment from remote non-Court locations. The recently demonstrated ability to quickly expand the use of the equipment highlights how introducing technology can lead to a more responsive court system.

Policy direction in this area suggests court appearances by video link will be the norm for many types of hearings. New legislation, such as the Victims of Crime Act 2017, places the onus on the Courts Service to install video conference equipment in an increasing number of courtrooms and support on-going use of the technology. The Courts Service should prepare for a situation where video conference facilities become standard pieces of courtroom technology, in the same way PCs and the DAR system are now installed in venues around the country. With this in mind, the Courts Service should examine how this technology can be rolled out and supported across the greatest number of venues possible within finite resources ([see section 5.5.1](#)). At present, the Courts Service is expanding the availability of video conference facilities as part of its response to the Covid-19 pandemic. This investment is urgent and necessary given the current constraints on the courts system. As the crisis subsides, the Service should continue to review its investment in this area on an ongoing basis. The Service, in conjunction with partners in the Justice Vote Group, could further look at how key stakeholders are using the technology and get their input on how effectively courtroom video conference equipment is being employed. This work is an important part of continuing to assess the rationale for investment in this area in the context of an evolving ICT landscape and likely future pressure to invest in emerging courtroom technologies, aside from video conference equipment.

### 5.6.2. Build on recent legislative change

New investment in courtroom technology complements the recent introduction of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020. Amongst other things, this legislation formally acknowledges the jurisdiction to hold remote hearings. The Act provides for the Chief Justice and the Presidents of each jurisdiction to direct certain types of proceedings to be heard remotely in their respective courts. In relation to criminal proceedings, the Act expands the types of applications in which video link may be used to include certain District Court proceedings. In civil matters, the new legislation confirms the Court has the power to direct that proceedings be heard remotely and that such hearings have equivalent status to those physically held in a courtroom. In addition, the Act stipulates that a District Court or Circuit Court Judge who conducts proceedings by way of remote hearing, is deemed to be present at the court sitting and has jurisdiction to exercise their powers, as long as they are assigned to the District or Circuit concerned and are present in the State.

In mid-September, sections of the 2020 Act relating to the expanded use of video-link appearances from prisons to courts commenced. These changes permit arraignments, sentences and other matters in all courts jurisdictions to proceed with the accused appearing by video link, subject to a direction of the President of the Court, or the relevant judge, being in place. As previously noted, the Courts Service will install a lower-cost video conference system in up to ten courthouses over the coming months; however, the absence of the technology in many court venues will constrain the ability of different courts to take immediate advantage of the legislative change. An increase in the number of courtrooms with video conference facilities is required to give full effect to the relevant provisions of the Act.

Exigencies related to Covid-19, recent legislative change and investment in video conference technology by the Courts Service will lead to more cases being heard remotely. As part of this change, the Courts Service will look to improve both the business cases supporting investment proposals and the underlying data on the use of courtroom technology ([see section 5.5](#)). In addition, consideration will be given to whether changes in work practice—within the Courts Service and across the wider courts system—are required to best support appropriate use of the technology.<sup>37</sup>

## 6. Centralisation of services: case study of the jury summons process

Jury service is an important civic duty that is critical to the administration of justice. Article 38.5 of the Constitution (1937) guarantees a right to a jury trial in relation to all non-minor offences, save for those tried before military tribunals or special criminal courts. Any person over the age of 18 can be summonsed to attend as a juror, with potential jurors randomly selected from the electoral register. Persons called can apply to be excused from jury duty provided that they meet pre-defined criteria set out in legislation, or on a discretionary basis. Approximately 120,000 jury summonses are issued each year. For persons called to serve it may be their only interaction with the courts system.

### 6.1. Jury calling process before centralisation

In accordance with the Juries Act 1976, each County Registrar is responsible for summonsing persons to attend for jury duty for criminal trials to be held in their county. Traditionally, each provincial Circuit Court Office, or, more recently, a combined office serving the District and Circuit Court, called the jury panels for their county. In Dublin, different jury panels were called for trials dealt with by the Circuit Criminal Court, the Central Criminal Court and for any civil jury trials heard by the High Court.

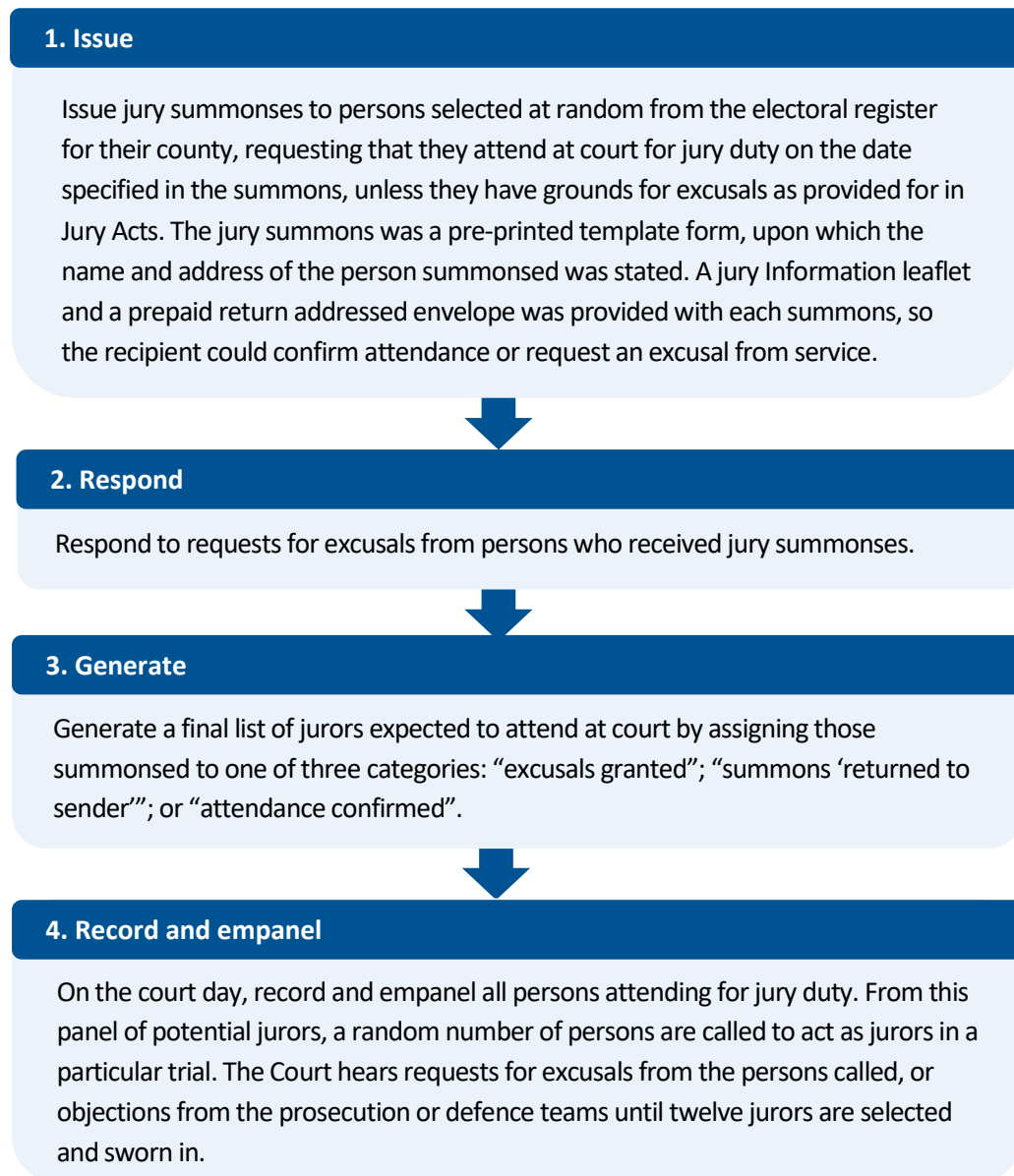
Each provincial office generally called four jury panels per year, issuing approximately 350 to 500 jury summonses per panel. The Dublin jury office called in the region of 45 jury panels per year, with each panel involving the issue of roughly 1,050 jury summons. Each office used a standalone database to select potential jurors, issue jury summonses, and record all subsequent actions.<sup>38</sup> The process adopted by each provincial office and the Dublin Jury Office is outlined in figure six ([overleaf](#)). As such, approximately 120,000 people are called to attend for jury duty each year, of which

- roughly 70% submit an application for excusal;
- a further 10% of summonses issued are returned “not at this address”; and,
- 20% confirm they will attend (however, people in this group may not show up for jury duty on the designated days).

A study carried out by the Department of Finance in 1993 stated that one aim of the jury selection process is to issue the minimum number of summonses to achieve an adequate supply of jurors. The study noted there is an administrative cost attached to issuing jury summonses. The number of staff that need to be involved in the process goes up as the amount of summonses issued increases. A higher number of summonses leads to more staff time being devoted to activities associated with issuing the relevant documents and dealing with a larger volume of follow-up requests from people called to serve on a jury. The report highlighted the opportunity cost to members of the public and the wider economy from the allocation of time to jury service. The study recommended, therefore, the selection system should seek to ensure the closest possible match between the number of jurors required to serve and the number of summonses issued. With these considerations in mind, a review of the existing jury summons process suggested there was scope for improving on the status quo arrangement.



**Figure six: The jury calling process**



## 6.2. The need for change

In common with many court processes, the work involved in issuing jury summonses and processing applications for excusals has long been recognised as being paper-heavy and labour intensive. Creating a central unit that could carry out a streamlined jury summons process was a well-articulated objective of the Courts Service. The centralisation of the jury summons process was first recommended by the “Transforming Administration and Structures in the Courts” report in 2010. Following this, the 2011-2014 ICT Strategy provided for the establishment of a central jury management structure, consisting of an interactive ICT platform, that would address identified issues with the existing jury summons process. Removing the duplication of activities within the Courts Service, including in the jury summons process, was one of the reasons behind the establishment of combined court offices serving both the District and Circuit Courts.<sup>39</sup> However, in a review of Combined Court Office project, the centralisation of jury summonses process was highlighted by staff as a long-promised and overdue deliverable.<sup>40</sup> It was also one of the key “customer focus” actions of the Courts Service Strategic Plan for 2017-2019.

### 6.3. Project objectives and solutions considered

As a first step toward an online jury management structure, the jury summons centralisation project was to meet three objectives:

1. Centralise the issue of jury summonses within the existing legislative framework and ICT constraints, thereby delivering on long-standing commitments to remove this work from local offices and free up staff resources to carry out other work.
2. Improve and streamline the process as far as was possible within the existing legislative framework.
3. Inform the design and specification of a fully centralised on-line system by identifying opportunities to further streamline existing processes.

As outlined in [section 6.1](#), the pre-existing jury summons process involved each court office using a standalone system for selecting a jury panel and recording all subsequent information relating to the summons. The scope of the jury centralisation project did *not* include any radical changes to the existing process, or the introduction of a new jury management ICT system. Therefore, apart from minor changes to existing databases to allow for the transfer of data to the Revenue Commissioners, minimal ICT costs, or benefits, are linked to the delivery of the Jury Summons Unit.

The project aimed to move the work associated with calling people to serve on a jury from local offices across the country to a single unit in one location. The goal was that this central unit would generate, print and issue jury summonses, while handling applications for excusal from jury duty. The new arrangement had to comply with the legislative responsibilities of County Registrars for summoning juries and approving requests for excusals.

The project team explored various options for delivering the centralised service. Alternatives considered included doing all the jury summoning activities in-house in one central location. Creating a centralised unit, but outsourcing the printing part of the process to a commercial entity was also explored. Both options were feasible; however, they would have resulted in minimal cost savings for the Courts Service.

The team identified a potential partnership opportunity with the Office of the Revenue Commissioners (Revenue), who have dedicated printing facilities. In addition to the capacity to print and issue jury summonses and excusals letters, Revenue's systems could electronically accept the transfer of jury summonses information. Following discussions, Revenue agreed to provide printing services free of charge. This represented a significant cost saving for the Courts Service; it meant the Service no longer had to pay for pre-printed template jury summons forms, nor would it incur any associated printing costs. Under this proposed arrangement, postal charges for letters issued were the only cost incurred by the Courts Service. These costs were borne by the Service as part of the existing jury summoning arrangement. Under the proposed arrangement with Revenue summonses and letters would be issued in bulk, which would allow the Courts Service to avail of the maximum discounted postal rates provided by An Post. After weighing this proposed arrangement against the feasible alternatives, creating a central unit that would work in partnership with Revenue was selected as the preferred approach.

Other key considerations were the location of the central jury summoning office and staffing requirements in the new unit. Having regard to the activities involved in the jury summons process, it was decided the unit would consist of three Clerical Officers and one Executive Officer.

At the time the location of the central office was being considered, the Civil Service generally was finding it difficult to recruit and retain staff at the Clerical Officer grade. Discussions were held with the Public Appointments Service (PAS) to identify locations most conducive to hiring staff at Clerical Officer level. Castlebar was one of the locations identified by PAS and it was decided that it would be the best place to locate the central unit. Three factors influenced this decision:

1. the Courts Service already had office space in Castlebar with spare accommodation capacity;
2. establishing the central unit in Castlebar complied with Government policy on regional balance; and,
3. engagement with staff revealed a preference that any career opportunities arising from this project would be located outside of Dublin.

Further, choosing this location enabled the Courts Service to use existing management structures in the Castlebar Office to provide oversight and ownership of the jury summons process. Minimal costs were incurred in the fit-out of new accommodation and no additional management costs were generated by locating the new unit in Castlebar.

#### 6.4. Solution delivered

From the outset, the Courts Service recognised successful delivery of the project would depend to a large extent on how the project was communicated to staff in court offices across the country. A project team—headed by a Principal Officer and comprising people from a number of court offices—was established to ensure staff were kept informed of progress and had an opportunity to be involved in the design of the centralised approach. The post-project review identified this step as critically important to delivering the objectives; it established trust with staff, generated belief a centralised process would be delivered after years of delay, and, ultimately, helped ensure the proposed solution was widely accepted within the Service.

Extensive consultation was also carried out with County Registrars to ensure the proposed solution supported their statutory responsibilities in relation to juries. Ultimately, all but one County Registrar agreed to the centralised issuing of jury summonses for their county.

The roll-out of the proposed solution was done on a phased basis. This helped the project team identify and address issues that arose from the adoption of the new process in a timely manner.

The project team delivered the objectives defined at the outset ([see section 6.3](#)). The new approach centralised the process of generating lists of potential jurors and printing and issuing jury summonses. As far as legally permissible, the central unit deals with replies to applications for excusals from jury service. The project also shed light on issues that a fully centralised, digitally-enabled, jury management structure will have to address. Finally, revised and simplified jury information leaflets were designed for issue with jury summonses. Table two ([overleaf](#)) compares the current process with the approach taken prior to the creation of the Jury Summons Unit.

**Table two: The jury summons process before and after the creation of the Jury Summons Unit**

Action	Previous Process	Current Centralised Process
Generate list of potential jurors	Local offices use their database to randomly select a sufficient number of jurors for each criminal court session.	Done by the Jury Summons Unit using individual local databases. They generate a file of potential jurors for each county for each criminal court session.
Printing of jury summonses	Staff in each local office put the name and address of potential jurors onto pre-printed jury summons forms.	Work carried out by the Revenue who are sent individual electronic files for each county with details of potential jurors by the Jury Summons Unit. Revenue generate and print jury summonses based on details in the electronic files.
Issuing of jury summonses	Staff in each local office manually put jury summonses and other relevant material into envelopes.	Done by Revenue. They record the number of summonses issued and Courts Service pays all related postal charges.
Recording receipt of “return to sender” envelopes	Individual database in each local office updated to record the receipt of “return to sender” envelope against relevant potential juror’s name.	Done by the Jury Summons Unit.
Recording confirmation of attendance responses	Work done by each local office—staff had to update the database to record confirmation of attendance against the juror’s name.	Done by the Jury Summons Unit.
Recording and processing of excusals applications	This was done by each local office, under the direction of County Registrars who considered the merits of the excusal application. Local offices subsequently updated their database with the decision made.	Requests for excusals are sent to Jury Summons Unit. Such requests are scanned and sent to the relevant local office for consideration. Local offices update their database with details of the decision made.
Issue of replies to excusals applications	This was done by each local office, with staff in the offices printing and issuing letters based on decision made	This is done by Revenue who are sent an electronic ‘excusal letter response’ file for each county by the Jury Summons Unit. Revenue record the number of such letters issued and Courts Service pays all related postal charges
Printing final list of jurors	Done by each local office	Done by each local office (no change)
Empanelling of jury on court day	Done by each local office	Done by each local office (no change)

## 6.5. Costs and benefits

The table below provides an overview of the costs incurred in centralising the jury summons process; the savings accruing to the Courts Service during the first year of the unit being in operation; and, the savings expected to be realised by the Service in subsequent years.

**Table three: Costs incurred and estimated savings realised by the jury centralisation project**

	Pre Centralisation	Post Centralisation	Savings (%)
<b>Annual savings</b>			
Printing and issue of approximately 120,000 jury summonses per year	€145,200	€79,200	45.5%
Printing and issue of approximately 84,000 excusals letters per year	€81,968	€52,800	35.6%
<b>Total annual cost</b>	<b>€227,168</b>	<b>€132,000</b>	<b>41.9%</b>
<b>Once-off costs</b>			
IT costs	-	(€12,177)	-
Office fit-out costs	-	(€18,928)	-
Initial proof of concept	-	(€3,805)	-
Communication materials	-	(€1,249)	-
<b>Total once-off costs</b>	-	<b>(€36,159)</b>	-
<b>Net savings year one</b>	-	<b>€59,009</b>	<b>26.0%</b>
<b>Annual savings year two onward</b>	-	<b>€95,198</b>	<b>41.9%</b>

Administrative costs associated with the jury selection process tend to fall when a centralised jury management structure is introduced. In Northern Ireland, for example, moving the work involved in calling citizens to serve on a jury from multiple regional offices to a central jury management office resulted in a 15% drop in administrative costs.<sup>41</sup> Excluding once-off costs incurred in the year the Jury Summons Unit was created, the Courts Service estimates it will achieve administrative savings in the region of 41.9% relative to pre-existing process (see table three). This is due to the transfer of the printing and issue costs to Revenue. Therefore, the net impact of this change is close to Exchequer neutral.

The project freed up staff time in local offices. Prior to the creation of the Jury Summons Unit, the Dublin office differed from all other court offices in how it assigned staff time to jury calling activities. Whereas in all provincial offices jury summoning duties only formed part of a staff member's work, in Dublin this work was a full-time role as the office managed jury calling activities for all courts in the capital.

As part of their post-project review, the project team calculated that a total of ten full-time equivalents were engaged in calling juries and issuing excusals letters under the previous process. In contrast, four staff are employed in the new central jury summons office (three Clerical Officers and one Executive Officer). Therefore, the project released the equivalent of six full-time staff from the jury summons process. This allowed office managers to allocate the released staff time to other areas of work.

**Figure seven: Lessons from the jury summons centralisation initiative that could inform future projects**

**1. Identify opportunities to collaborate with other public bodies**

The printing arrangement with Revenue resulted in a saving to the Courts Service and a more efficient allocation of resources from an Exchequer perspective. With this in mind, the Courts Service should proactively explore opportunities to work with other public bodies where there is the potential for shared benefit and greater efficiency in the delivery of services.

**2. Communicate with staff at an early stage in the project**

At the outset of the jury summons project, a team lead by a Principle Officer engaged with staff in local offices about the proposed changes. This step helped establish a credible commitment to work toward the project's objectives in a co-operative manner. Staff input informed the delivery of the centralised Jury Summons Unit and helped management embed the associated changes in work practices. This experience suggests meaningful engagement with relevant staff at an early point in a project can result in a more informed consideration of how best to achieve lasting changes to work practices.

**3. Clear, comprehensive business cases can aid organisational learning**

In addition to helping to deliver and evaluate the Jury Summons Unit itself, the information detailed in the business case underpinning the project will inform other initiatives that involve changes to internal processes. Building on this, the Courts Service should foster the potential for business cases to promote organisational learning. This would help the Service deliver on its long-term plan ([see section 4.1](#)) to undertake an ambitious series of projects that will change the way the organisation works.

## 6.6. Limitations

One of the key limitations of the current approach is that it replicates the pre-existing manual-based process in a central office ([see table two](#)). It does not provide any digital channels of communication between the Courts Service and citizens summonsed for jury duty. While developing an interactive jury management platform was outside the scope of the project being reviewed in this paper, the absence of such an ICT solution is an issue that needs to be addressed.

Jury summonses (which are based on information contained in the registers of electors) must be issued by post. There is no mechanism for the Courts Service to request potential jurors give alternative contact details—an email address or mobile phone number, for instance—to facilitate future communication regarding jury duty. The ICT system supporting the current approach is made up of 26 standalone

databases that are not e-enabled. The absence of an online platform that citizens could use to confirm availability for jury service, apply for an excusal from same, and be kept informed of the need for their continued attendance is a deficiency in the current approach. Drawbacks associated with the lack of an ICT solution that allows for real-time communication with people called to serve were particularly evident during the initial phase of the public health measures to slow the spread of Covid-19.

Many of the limitations identified in this paper were noted by the Law Reform Commission's 2013 report on jury service. For instance, the 2013 report noted the present system of jury selection relies heavily on the postal service and in-person communication, rather than being primarily dependent on ICT.

In preparing its report, the Commission received a number of submissions highlighting the need for more effective use of technology to improve the current system for summoning and empanelling jurors. These suggestions included:

- the use of an ICT system at the initial stage of selecting a jury panel from the electoral register;
- the use of e-mail and SMS (text) to notify summoned jurors of the initial date they are to attend court (and any changes to this); and,
- the creation of a live website listing all cases in progress and any attendant delays.

Incorporating these elements in the approach to jury management would potentially remove the need to physically assemble people in courthouses to select jurors; a process described by the Director of Public Prosecutions in 2010 as a "waste of citizen's time".

A post-project review of the Courts Service's jury centralisation project identified other aspects of the approach that could be improved. These issues, which the Service plans to explore further, include the statutory role of the County Registrar and the quality of data contained in the electoral registers.

#### 6.6.1. The role of the County Registrar

Each County Registrar has a statutory role both in the jury calling process and in decisions regarding requests for excusal from service. This statutory role allowed one County Registrar to opt out of the centralisation project. More broadly, it means requests for excusals from jury service must be referred back to local offices for decision. This reduced the savings achieved through centralisation and led to some offices receiving more queries about excusals than they were prior to the introduction of the Jury Summons Unit. Inconsistency in the treatment of applications for excusals by different County Registrars is another potential issue that needs to be explored in more detail.

#### 6.6.2. The quality of data contained in the electoral registers

The quality, contemporariness and varying formats of electoral registers prepared by each county council was identified as an issue to be addressed. Incorrect data on the electoral register leads to summonses being sent to the wrong address. Out-of-date entries can also cause unnecessary distress in cases where summonses issue to deceased persons. The Law Reform Commission report noted the proposed establishment of an Electoral Commission could help improve the accuracy of the register of electors. The Commission also noted that in the event that the ongoing maintenance of the electoral register is transferred from local authorities to the proposed Electoral Commission, it would appear sensible that this centralised national approach would carry over into the jury selection process.

## 6.7. Next steps

Creating a digitally-enabled jury management structure was a key objective in the Courts Service's 2011-2014 ICT Strategy. The Service remains committed to achieving this goal. In broad terms, this structure would consist of an interactive jury management platform and would include the use of scanners and barcodes to record juror attendance. A preliminary business case prepared by the Courts Service estimated the upfront cost of an ICT-based jury management solution would be between €3 and €4 million.

The legislation governing the treatment of jurors was enacted in 1976 and may need to be reviewed as part of any future project to improve the current approach to jury management. In 2018, the Department of Justice established a group to consider the recommendations in the Law Reform Commission report on the subject. There are important issues for the group to consider that will influence the future of jury service and the system used to manage this vital civic duty.

In addition to being an essential component of our criminal justice system, being summoned for jury service is the only interaction many citizens will ever have with the courts. A key objective of future projects in this area should be to improve services to citizens who are being asked to perform an important duty. This can be achieved by providing a modern, efficient and seamless process for managing citizens' juror journey. This type of approach would be consistent with the Government's digital-first policy.

In *de Burca v Attorney General*, Henchy J described the jury as a group of people who:

chosen at random from a reasonably diverse panel of jurors from the community, will produce a verdict of guilty or not guilty free from the risks inherent in a trial conducted by a judge or judges only, and which will therefore carry with it the assurance of both correctness and public acceptability that may be accepted from the group verdict of such a representative cross-section of the community.

It is important to promote jury service and ensure that those who serve find it a worthwhile experience. Certain features of the current jury management structure—such as, ineffective communication, or inefficient systems of selection—need to be further reviewed with the aim of reducing the extent to which they act as barriers to service.

Centralised jury management structures, with varying degrees of on-line functionality, are used by a number of other common-law jurisdictions such as Northern Ireland, England, Wales, and New South Wales ([see Appendix C](#) for more details). Reforms to the jury management structure in these jurisdictions contributed to a reduction in administrative costs, increased citizen engagement and jury attendance, together with higher levels of satisfaction with the process amongst people called to serve. This suggests the introduction of a digitally-enabled jury management structure in Ireland could result in a more efficient process that benefits citizens called to play an essential role in both our system of criminal justice and our system of democracy. Delivering such a structure would be consistent with the recommendations of the Law Reform Commission's report and would present the Courts Service as a modern, citizen-focused organisation.<sup>42</sup>



## 7. Conclusion

Successful implementation of the Courts Service's long-term strategy would fundamentally change the way the organisation delivers services to court users. The digital transformation envisaged in the strategy involves altering the way the Service works, the technology it uses and how it monitors outcomes across the courts system.

This Spending Review describes two projects at different points of a move toward the digital delivery of services. In addition to keeping existing facilities operating, the investment in courtroom technology between 2015 and 2019 lead to video conference equipment being made available in 32 more courtrooms and allowed end-of-life video conference solutions in the Criminal Courts of Justice to be replaced (see section 5.2). Practitioners have used the technology more frequently in recent years with evidence of associated operational benefits being realised across the courts system (see section 5.4). In contrast to the programme of investment in courtroom technology, the objectives of the jury summons centralisation project precluded the introduction of an ICT-based jury management platform. Here, operational efficiencies were realised through the introduction of a central unit that works in partnership with the Revenue Commissioners to perform much of the work previously carried out in court offices throughout the country.

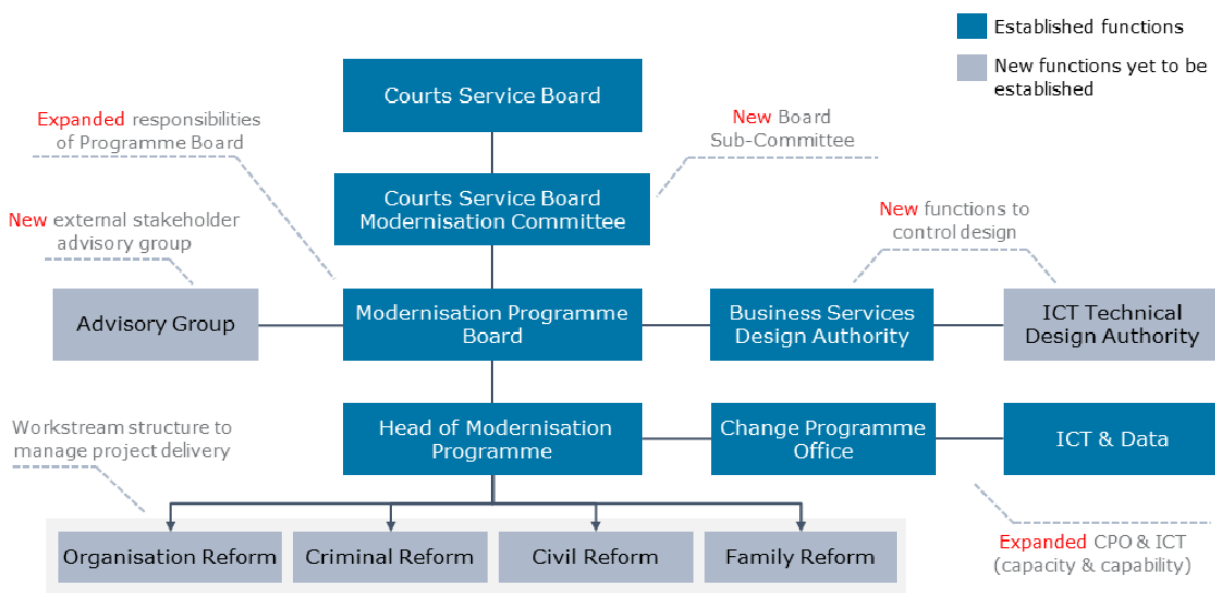
A challenge facing the Courts Service over the coming years is joining investment in ICT capital with complementary changes in how it provides services to court users. In reviewing the two initiatives, the paper highlights areas where improvements could be made to help the Courts Service meet this challenge.

A more structured approach to the preparation, examination and re-evaluation of business cases for investment in video conference facilities would help the Courts Service better understand how it can best meet growing demand for the technology to be deployed; how effectively the equipment is being used; and, the impact video-link appearances are having on the wider courts system (see section 5.5).

In relation to the jury summons centralisation initiative, the paper identifies that the project lead to pre-existing manual, paper-based processes being replicated in a central office (see section 6.6). It highlights the limitations of the current approach and sets out issues that need to be considered as part of any future project to develop an online jury management platform.

## Appendix A: Modernisation programme governance structure

To deliver the ambitions of the Modernisation Programme, the Courts Service has established new governance groups or expanded the role of existing governance bodies. The figure below gives an overview of the new governance arrangement.



The reasons for the establishment of new groups or expansion of existing groups are highlighted below:

### Creation of a Courts Service Board Modernisation Committee

This committee was set up as the CEO and Chief Justice identified the need for a Board level sub-committee to lead the programme and to ensure the Senior Management Team is held to account for delivery of the programme outcomes.

### Creation of the Advisory Group

The Advisory group was set up to provide a route for feedback and input from key external bodies such as the Department of Justice.

### Creation of the Business Services Design Authority

The Head of the Modernisation Programme will chair the newly created Business Services Design Authority. The Authority will ensure coherency of design, alignment with organisation design principles and preside over design decisions. A key role of this group will be to understand the cross programme consequences of decisions, and to work closely with the ICT Technical Design Authority to align business and technology activities.

### Creation of the Modernisation Programme Board

The Modernisation Programme Board includes all members of the SMT and has been delegated responsibility from the Courts Service Board to monitor Modernisation Programme delivery and benefit realisation, resolve key issues and decisions, and manage the programme budget.

### Expansion of the Change Programme Office

Due to the size and scale of the Modernisation Programme, the Change Programme Office must be expanded to apply an effective change delivery function to the programme. In the past, organisational change management has been ineffective and thus

## Appendix B: Overview of technology commonly used in the courtroom

“Modern trial courtroom technology can be roughly divided into information (evidence) presentation, remote appearances, court record, ‘counsel communications,’ (for example, Internet access from counsel table), assistive technology (including interpretation), jury deliberations, and appellate matters.”<sup>43</sup>

This report focuses on the three forms of courtroom technology most commonly used in the State:

### Digital audio recording

Digital Audio Recording (DAR) is a technology-based way of recording what is said in a courtroom. In addition to facilitating the production of court transcripts, the audio recording of court proceedings can be played back in the courtroom, a courthouse chamber or an offsite location.

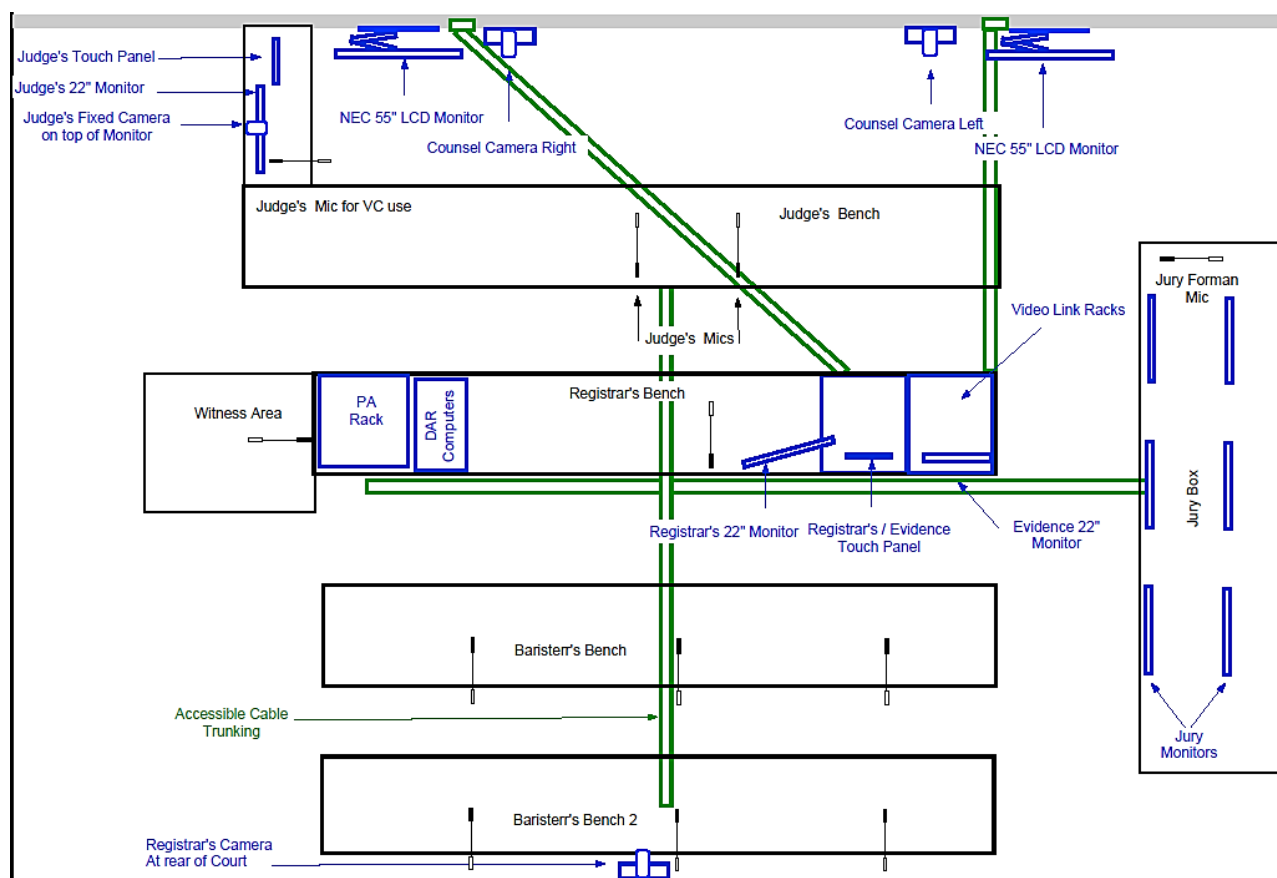
### Evidence display

Evidence display units allow for viewing of material held electronically, including recordings of interviews conducted in Garda stations, CCTV security footage and scanned documentary evidence. The mobile units can also be used by a jury when they are deliberating on a case.

### Video conference facilities

Hearing cases by means of video conferencing refers to a situation where parties not present in the same venue can see and hear each other in real time by means of closed circuit video.

**Figure 7: Generic layout of courtroom containing video conference facilities and DAR**



## Appendix C: Online features of jury management structures in other jurisdictions

### England and Wales

Random selection of jurors from the electoral register has been done by computer since 1981. Since 2001 a Central Juror Summoning Bureau has operated the juror summoning process for the whole of England and Wales. A random list of potential jurors is generated by computer from the electoral register. This is designed to overcome the deficiencies of the former local-based system, principally in securing a better match between the number of jurors summoned and the workload of each court. It also facilitates better communication with potential jurors and accommodation of their needs. It also helps to bring greater consistency to the treatment of their applications for excusal or deferral.

In 2018, the Central Juror Summoning Bureau (CJSB) developed and implemented an in-house digital juror summoning system. Jurors can now reply to a jury summons at the touch of a button through a new online system launched in July 2018. Potential jurors can confirm their availability, request a different date, or authorise someone else to respond for them online. In a pilot involving 38,164 jurors, 96.5% (36,833) responded digitally within seven days, compared to a mere 1% using the old paper form. As well as making the process easier for jurors, forms accepting a summons are automatically uploaded to online court systems to save staff valuable time.

Future plans include enhancing the digital service with the introduction of automated communications in the nine-weeks leading up to their jury service. Updates, providing information and guidance to jurors will be issued in advance of attending court. This should result in more timely and informative guidance for jurors ahead of their service.

### Northern Ireland

In Northern Ireland a centralised Jury Management Team was established in 2007 to manage the process of sending out jury notices for the seven County Court Divisions. In a 2010 study of the Northern Ireland jury selection process, the Law Reform Commission noted the attrition rate (percentage of people summonses who did not attend) was about 33%; less than half the attrition rate in Republic of Ireland at that time.<sup>44</sup> The attrition rate in the State is now 80%.

The Commission's study also noted the number of jurors called for jury service reduced each year since the centralised Jury Management Team was established. The study listed three benefits associated with this outcome:

- the administrative costs of the jury selection process fell by 15% relative to cost base immediately prior to the setting up of the Jury Management Team;
- in comparison with previous years, a higher proportion of those called for jury service (51%) actually served on a jury—those who were summoned and also served on a jury were more likely to report that they had a positive experience of the justice system relative to people called who did not serve on a jury; and,
- the reduction in the number of people called to serve as jurors was consistent with the efficient and effective running of jury trials.

## New South Wales

In 2014, New South Wales implemented an online jury management structures on order which makes it simpler, easier and faster for jurors to navigate their way through the justice system. It also communicates with agencies including Roads & Maritime Service, NSW Police, Birth Deaths and Marriages and the State Electoral Office to check addresses and avoid including ineligible people on jury rolls.

The system enables jurors to have their own personal online profiles, which then allows them to update contact details, apply to be excused from jury duty, nominate dates they are not available or request court attendance reminders. Courthouses have also installed airport style electronic check-ins to speed up jury processing times so people no longer have to spend hours waiting to find out if they have been selected to sit on a jury panel and according to information on NSW websites, call over times for jury selection have been reduced by over 75% from approx. 3 hours to 30 minutes.

This system has since been installed in states of Victoria and Queensland. NSW have also partnered with a 3<sup>rd</sup> party commercial provider to sell the system to other Australian States and other countries around the world.

### **Benefits realised through the introduction of on-line jury management structures include:**

- Faster response times to jury summonses by persons summonsed as they can now reply at a time and in manner convenient to them, which will let the JSU assess whether sufficient jurors will attend to enable a jury to be called
- Quicker replies to applications for excusals by JSU thereby reducing follow on queries and improving customer service.
- Reduced printing and postal charges for excusals letters as a result of the 'on-line response facility'
- Real-time communications (text alerts/email) with jurors who have indicated that they will attend on court day should their attendance no longer be required.
- Self-check in by jurors on court day, removing need for a time intensive jury call-over process.
- System can be updated to record jurors excused from future jury duty, thereby ensuring that they do not receive jury summonses during their period of excusal.
- Increased engagement by citizen in jury process and improved customer satisfaction with process.
- Additionally, should responsibility for the electoral register be transferred to an Electoral Commission, this should improve the accuracy and reliability of the registers, and thereby further reduce the number of summonses issued and costs associated therewith in order achieve an adequate supply of jurors.
- Improved statistics and management information to inform jury management and to improve services provided to juries.

## 8. Notes

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<sup>1</sup> Department of Public Expenditure and Reform, “Courts Service Organisational Capability Review” (2019).

<sup>2</sup> An eCourt environment is multifunctional construct consisting of, for example, electronic filing, interoperable online case management systems and courtroom technology.

<sup>3</sup> “Transforming Administration and Structures in the Courts: Report to the Courts Service Board” (2010): 28. Other recommendations of the report, including the creation of the Combined Court Offices and the rationalisation of court venues were also implemented.

<sup>4</sup> Courts Service, “Supporting Access to Justice in a modern, digital Ireland: A long-term strategic vision, 2030,” (2019): 10.

<sup>5</sup> Department of Public Expenditure and Reform, 2018, “Courts Service Organisational Capability Review”, 16. As set out in Action 20 of the Civil Service Renewal Plan, an Organisational Capability Review is an ‘objective assessments of the capacity and capability of each Department to achieve its objectives and take the necessary action to close any gaps’.

<sup>6</sup> PA Consulting, 33.

<sup>7</sup> See, for example, New Zealand Ministry of Justice, “Statement of Intent 2018 to 2023”.

<sup>8</sup> Críona Brassill, “Spending Review 2018: Revenue Digitalisation–Efficiency, Effectiveness and Insights, 2018” (2018): 9.

<sup>9</sup> Courts Service, “Modernisation Programme Strategic Business Case, 2020”, 21. See, also, Department of Public Expenditure and Reform “Courts Service Organisational Capability Review”, 67.

<sup>10</sup> Courts Service “Modernisation Programme Strategic Business Case, 2020”, 8.

<sup>11</sup> DPER, Justice Vote Section “Towards a Framework for Multi-Annual Budgeting: Considerations for An Garda Síochána”, 15

<sup>12</sup> Modernisation Programme Strategic Business Case, 30

<sup>13</sup> Department of Public Expenditure and Reform, 2019, “Courts Service Organisational Capability Review”, 42.

<sup>14</sup> The courts PPP bundle comprises the building of new courthouse in Drogheda, Letterkenny, Limerick and Wexford and the renovation of existing buildings in Cork, Mullingar and Waterford. Associated VAT payments of €18.2 million and €3.8 million were incurred in 2017 and 2018 respectively.

<sup>15</sup> A post-project review of the PPP courthouse bundle is underway.

<sup>16</sup> The Courts Service Organisational Capability Review noted “very significant numbers of staff due for retirement in the next 5-7 years. 35% of staff are over 55 years of age, many of them occupying very senior positions.”, 73.

<sup>17</sup> Spending Review 2018: Revenue Digitalisation–Efficiency, Effectiveness and Insights, 18.

<sup>18</sup> The Courts Service Organisational Capability Review (2019), 60.

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- <sup>19</sup> The Court Fees Orders currently in force are S.I. No. 492/2014, S.I. No. 23/2014 and S.I. No. 22/2014.
- <sup>20</sup> A Special Exemption Order is an order of the District Court that extends the opening hours of a licensed premises.
- <sup>21</sup> CEPEJ Studies No. 26, European Judicial Systems: Efficiency and Quality of Justice: 2018 Edition, 212-214. The Courts Service Organisational Capability Review also pointed to a need for collaboration across courts system to bring about a transformational ICT state, 69.
- <sup>22</sup> At its lowest, nominal annual expenditure on ICT capital was €5.1m in 2012, halve the amount spent under this heading in 2008.
- <sup>23</sup> Enhancing the availability and use of courtroom technology that facilitates cross-board cooperation is a well-established goal among EU Member States, currently articulated in the 2019-2023 Action Plan European e-Justice.
- <sup>24</sup> European judicial systems Efficiency and quality of justice: 2018 Edition and the 2020 EU Justice Scoreboard, 24,29 and 32.
- <sup>25</sup> Organisational Capability Review, 53
- <sup>26</sup> See, for example, Courts Service, “Digital Audio Recording Business Case”.
- <sup>27</sup> The features, wiring and layout of a courthouse influence the price of setting up a system in a given location.
- <sup>28</sup> The CCJ was officially opened in 2010.
- <sup>29</sup> Video-conferencing-as-a-service solutions (Vaas) include Webex and Microsoft teams, for example.
- <sup>30</sup> Courts Service Annual Report 2019, 91.
- <sup>31</sup> Prisons Act 2007, Section 33 (11).
- <sup>32</sup> Reported by staff in the Courts Service during interviews carried out for this paper.
- <sup>33</sup> Department of Justice, “Prisoner Escorts in the Criminal Justice System: Value for Money and Policy Review” (2017), 34, 61 and 63. Unit costs weighted by the number of journeys carried out by PSEC, An Garda Síochána and the prisons.
- <sup>34</sup> Prisoner Escorts in the Criminal Justice System: Value for Money and Policy Review, 34. A comprehensive cost-benefit assessment would need to consider Sunk costs on video equipment installed prior to 2015 amongst other factors.
- <sup>35</sup> Having regard to Circular 02/16 and the Public Spending Code A Guide to Evaluating, Planning and Managing Public Investment.
- <sup>36</sup> Courts Service Organisational Capability Review, 61

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<sup>37</sup>In the opening quarter of this year, the Courts Service and Irish Prison Service agreed an SOP in this area to facilitate increased use of the technology. The Service chairs a joint working group between the two organisations to holistically coordinate approaches to technological and operational challenges.

<sup>38</sup> Standalone databases remain a feature of the process.

<sup>39</sup> Transforming Administration and Structures in the Courts: Report to the Courts Service Board, 28.

<sup>40</sup> As noted in the Courts Service Spending Review 2017, the Combined Office Project, completed in 2014, resulted in 62 Circuit & District Court Offices being reduced to 33 combined offices with a single manager taking responsibility for the merged office. The savings stemming from this reform were estimated to be €2 million.

<sup>41</sup> Law Reform: Report on Jury Service (LRC 107-2013) Published April 2013.

<sup>42</sup> “Law Reform supports the ongoing commitment of the Courts Service to enhance the efficiency of jury selection procedures through the use of ICT resources and through its proposal to establish a central Jury Management structure, which has the potential of leading to a higher proportion of those summoned for jury service actually serving on a jury, to enhancing further the efficient and effective running of jury trials and to reducing the administrative costs of the jury selection process”.

<sup>43</sup> Amy Salzyn, ‘Courtroom technology competence as a lawyers ethical duty: What should regulators do about it?’, 2-3. The equipment that constitutes courtroom technology and the uses of this technology change over time.

<sup>44</sup> Criminal Justice Inspection Northern Ireland, “Management of Jurors: An inspection of the management of jurors by the Northern Ireland Court Service” (2010).



### Quality Assurance process

To ensure accuracy and methodological rigour, the author engaged in the following quality assurance process.

- Internal/Departmental
  - Line management
  - Spending Review Steering group
  - Other divisions/sections
  - Peer review (IGEES network, seminars, conferences etc.)
  
- External
  - Other Government Department
  - Other Steering group
  - Quality Assurance Group (QAG)
  - Peer review (IGEES network, seminars, conferences etc.)
  - External expert(s)
  
- Other (relevant details)



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