

8 Jul 2020

PROTOCOL FOR DIGITAL CASE FILES IN THE SERVICE JUSTICE SYSTEM (SJS)

1. This Protocol outlines the procedures for working with digital case files within the Service Justice System.
2. This is an interim protocol that will be updated as further developments are put in place. Its main aim is to support remote working, with an approach that makes use of the resources currently available to in the Service Justice System.

Background

3. The SJS is moving towards full digitisation. The CV-19 pandemic and the resulting move towards remote working has provided an opportunity to move ahead more quickly with this modernisation.
4. The various parts of a digital system are being explored for a long-term solution. In the meantime, the SJS must work with the resources that are available whilst ensuring that MOD security requirements are met.
5. The SJS aims to reflect the good practice developed by HM Courts and Tribunals Service and others in the civilian courts and to work with Defence Lawyers in developing the best possible approach.

Digital Working – Documents

6. The individual parts of the SJS will only send case related e-mail correspondence and e-bundles to CJSM or other secure network accounts (i.e. @mod.gov.uk. @justice.gov.uk).
7. Any parties that are unable to provide a secure e-mail address will be sent correspondence and papers via hard-copy.
 - a. From 31 July 20, The Military Court Service (MCS), the Armed Forces Criminal Legal Aid Authority (AFCLAA) and the Service Prosecuting Authority (SPA) will no longer send case related paper correspondence. In the case of defendants with representatives who do not have CJSM accounts, any prosecution material or correspondence will be served on the accused via their Commanding Officer and will not be copied directly to defence representatives.
8. From the 31 July 20, legal representatives must provide a CJSM (or other secure network) e-mail account to accept instructions from AFCLAA.
9. E-bundles will be produced in line with the SJS E-Bundle Protocol.

10. Large files cannot be sent via e-mail (the current CJSM limit is 20MB). Any larger files will be added to a ZIP file or (for CCTV etc) copied to a DVD and sent by Royal Mail Special Delivery.

- a. Bundles will delivered to the defendants by their unit, including those that are unrepresented or suspended from duty. The legislation does not currently allow papers to be formally served electronically and therefore this must continue to be done by hand or by Special Delivery. The unit will be provided with a digital copy that can be forwarded once the hard-copy papers have been served.

11. Legal representatives may choose to pass e-bundles by e-mail or other electronic means, but this should be done over a secure network (CJSM, @mod.gov.uk etc) or in paper format.

Judge Advocate Alan Large, Deputy Judge Advocate General, for the Judge Advocate General