

Exploring the Future of Open Justice



Open Justice and Reform



HM Courts &
Tribunals Service

Open justice is a fundamental principle, essential to our justice system and of paramount importance to the rule of law. As Reform introduces digital services and increases the use of video technology, HMCTS is committed to ensuring that our courts and tribunals continue to be as open as they are currently.

To support our efforts in designing the necessary arrangements that continue to uphold open justice, HMCTS has partnered with Policy Lab to bring people-centred design approaches to policy-making.



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**How do we maintain open
justice in a digital world?**

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Summary



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What?

Policy Lab were approached by HMCTS to help them design a means of listening to people about the future of open justice. The HMCTS team wanted to think about the opportunities and potential challenges that are being raised by new technology. They wanted to engage with the public to explore what people already know and think about open justice, and how they might feel about it in a number of possible futures.

Who?

Policy Lab are a small team of designers, social scientists and policy makers. We are based in the Cabinet Office, but we work across the whole of the government and the wider public sector. We support teams to innovate in policy and strategy development, and to design policy around those it affects. This project brought together our speculative designer, two of our anthropologists and an illustrator to design, run and analyse the sessions.

Summary



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The Challenge

We began with the following challenge:

How do we maintain open justice in a digital world?

This broke down into the following sub-challenges:

How can we gain insight on people's current understanding and perception of open justice?

How can we gain insight on what people think and feel about the future of open justice?

How?

1. Policy Lab's speculative designer designed a set of future scenarios. These were in story form, with illustrations.
2. Based on conversations with the HMCTS open justice team, we produced a conversation guide to draw out people's understanding of and feelings towards open justice in the present. This was designed for participants who may not have prior knowledge or interest in the topic.
3. We used these materials with 44 people in 4 workshops in London & Manchester

Summary



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What We Found

The findings of this project are summarised in this slide pack. We see two primary applications of them:

1. Specifically-applicable insights on some options being considered by HMCTS, on which some of the scenarios were loosely based
2. Generally-applicable insights on the principles that were important to people on the topic of open justice

Next Steps

We would suggest the following possible next steps:

1. Distributed design: The resources from this workshop could be re-used or adapted by the HMCTS team or others
2. Co-design: Policy Lab could be commissioned to facilitate co-designs using the findings
3. Testing Interventions: Policy Lab could be commissioned to design and/or test solutions



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“We wanted to engage more openly and widely on our work and felt that Policy Lab would bring a different perspective and audience to help shape it. We felt Policy Lab’s expertise would bring a new and innovative way of engaging with the wider public. We were also excited by the opportunity to work across government bodies and learn new ways of working.”



Context



Open justice is the principle that...

“Justice should not only be done, but should manifestly and undoubtedly be seen to be done.”

R v Sussex Justices; Ex parte McCarthy [1924]



Open Justice is a well-established principle.

However, new digital tools and approaches open up new opportunities and challenges.

This requires re-thinking how open justice is delivered.

This project designed and ran a means of engaging the public in this re-thinking.



Approach



Approach:

We held four 2-hour sessions, 2 in London and 2 in Manchester. Each was attended by 10-12 participants.

Now. The first 30 mins of the session was devoted to finding out what people already knew and thought about open justice.

The Future. The bulk of the session was devoted to using the provocations to test what participants think and feel about open justice in a number of hypothetical future scenarios.



Although the methodology does not claim to be fully representative, participants were selected to be broadly representative of the population as whole:

Gender	# Participants
Female	22
Male	22

Age Group	# Participants
18-25	15
25-35	8
35-45	9
45-55	7
55-65	5

Employment	# Participants
Full-time	23
Part-time	7
Unemployed	3
Student	7
Retired	4

Participants were selected who:

- Had not interacted with courts in any capacity in the last 5 years
- Represented a broad range of interest/engagement in justice more generally



What We Learned:

1. The Present

2. The Future



Exploring Open Justice in the present

Instead of using the term ‘open justice’, we centred our discussions around its nearly century-old definition - that justice doesn’t just need to be done but needs to be seen to be done. We wanted to understand:

- What is people’s understanding of open justice?
- How important do they think it is?
- Do they currently make use of any of the ways in which justice is open to them? How?
- How open do people want justice to be?
- Do people think justice is open enough?

Method: 30 minutes of open conversation and debate, with questions and prompts from a facilitator

What We Learned: Summary



1. Justice was defined very narrowly (primarily in terms of outcomes and criminal cases)
2. The media was by far the biggest medium of hearing/learning about the justice system
3. People saw the main purposes of open justice as seeing people held accountable for their actions and deterrence
4. There was a strong sense that there is a limit to how open justice should be
5. There was a general feeling that justice is open enough
6. It was generally agreed that people would only go to or follow cases if they had a personal connection or interest



Defining (Open) Justice

- **Justice was almost always defined in terms of the outcome**, not the process. This was partly about verdicts, but also about ‘fair’ sentencing and other elements such as prison and probation which happen after a case has gone through court. Related to this, discussions of justice generally focussed on the guilty. Even when prompted to think about the justice system more broadly, participants often struggled to conceive of justice in terms of a system as opposed to a set of outcomes (from sentencing to prison), primarily in relation to the guilty.

Justice is “punishment” “the law” “sentences” “fairness” “the whole process”

- **Justice was generally discussed in relation to criminal cases**, generally the most extreme examples (e.g. murder).



Mediums of Open Justice

- **The media was the primary way in which justice was seen to be made open and accessible to people.** This seemed to be linked to the conception of justice primarily in relation to outcomes and criminal cases. Along with the media, other ways were also cited:
“The news”; “Books”; “Media is the only way”; “Documentaries”; “Jury duty”; “FOI act”; “Social media”; “Planning permission - can view status”; The “Hillsborough Inquiry”; “Websites”; “Appealing against a parking fine”; “Through TV programmes”; “Not physically seen”
- **There was some knowledge about open court rooms,** although it was not always known how this worked or what the eligibility was. Only one participant had ever gone to view a court case, and this had been for a school trip.



Value of Open Justice

- **Open Justice was generally felt to be important.** The primary reasons for this were:
 - **Seeing guilty people getting punished,** and showing that everyone is accountable to the law
 - **Deterring** people from committing crime
 - **There were only a few mentions of it creating trust in the system,** and no mention of corruption.

“Maybe if people knew what was going to happen, maybe they wouldn’t be so quick to commit an atrocity”; It would “make society feel better if people were seen to be punished”; Open justice “sends a message to people”



Value of Open Justice

- It was generally felt that people would only go to cases if they had a personal interest and connect. Personal connections included things such as:
 - Going through or having gone through a similar case themselves (e.g. to prepare for an upcoming case)
 - It being a high-profile case in the area (e.g. a person from Croydon mentioned the pregnant woman who had recently been murdered in her own home)
 - It involving someone that you know or knew (e.g. one person had followed the case of someone they had been to school with)



Is Justice Open Enough? (1)

Justice was generally seen as sufficiently open and accessible:

- It was felt that people who are interested are able to see it in the current system
- There was little strong interest in justice being more open (unless the case related directly to a person or their strong interests, as outlined above)
- People were not bothered by their own lack of knowledge, simply equating it with a lack of interest.

However, there were seen to be some barriers which obstruct openness:

- The language of justice can exclude a lay audience
- The length of the whole process (from arrest all the way through to probation) means most people don't have time
- Employment & other commitments not leaving enough time to make use of thing such as open courtrooms

“You could go to court cases but who has the time to do that if you've got a full time job?”

Is Justice Open Enough? (2)



Different cases were felt to require different levels of openness:

- It was generally felt that people don't need to see things such as family cases. People generally couldn't see why these would need to be open, and were far more concerned with the privacy of those involved.
- Crime was felt to be more in the public interest, unlike non-criminal cases.
“People should be entitled to a level of privacy for family cases”



Limits of Open Justice

There was a strong feeling that there was a limit to how open justice should be. There were particular concerns around:

- Not becoming a source of entertainment
- Not allowing the process to be influenced by the public and the media, or of trial-by-media and trial-by-the-public. Cliff Richards was discussed on a number of occasions in relation to the problems with this.
- Media bias in the reporting of justice, and the need for the public to be aware of this
- People's right to privacy and anonymity in cases

The “media jump on certain cases. It’s nothing more than gossip or tittle tattle”; Its “trial by media”; “Sometimes pressure to be seen to be done can lead to injustice. There might be pressure on authorities to put on a show.”



Findings:

1. Now

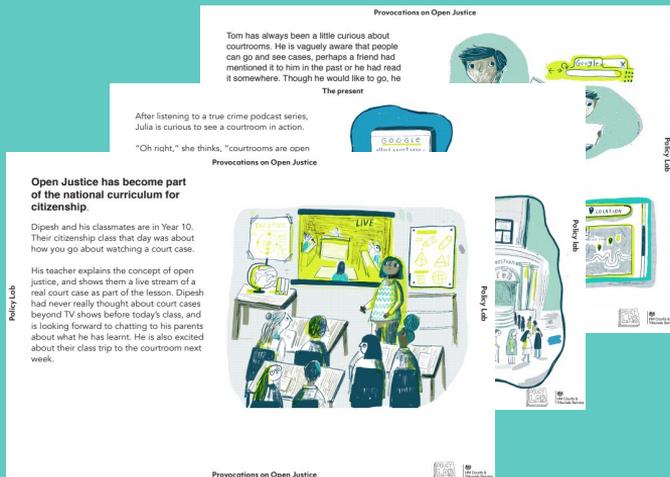
2. The Future



Exploring the future of Open Justice

Policy Lab's speculative designer produced a number of story-based 'provocations'. They were produced with the following design principles:

- They must be capable of engaging even those with no prior interest or knowledge
- They must be reusable
- They must not look like finished government policy
- They must provoke without leading



Provocation One: Status Quo



The present

After listening to a true crime podcast series, Julia is curious to see a courtroom in action.

“Oh right,” she thinks, “courtrooms are open to the public, I can go on my day off!”

She didn’t want to just turn up randomly and wasn’t sure where to go.

Julia searches online and find a list of courts that hears criminal cases. There aren’t any listings of what cases are being heard on what day, and she can see that these courts also hears lots of other types of cases.

Julia isn’t really interested in seeing anything other than a criminal case, but is sure she could grab a hold of some listings if she could email the general enquiries address. No such luck. She is told she would have to turn up on the day and see what’s available.



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The present



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“The use of 'provocations' was a new concept to us. In our experience, we had not seen new concepts framed in very real situations. We found it revealed interesting findings in a more emotive way. We would certainly like to use 'provocations' again. Aside from aiding our work on Open Justice, this was an opportunity to develop our capabilities. We hope to reuse your approach in other research groups as a way of exploring the more emotive and organic reactions to the topic.”

Provocation 1: Summary of Findings



- It was generally felt that listings would be helpful
- There was some expectation/assumption that they would be easily available in such a format already
- There was, however, some hesitation over whether listings would:
 - Allow viewers to be too choosy, or to be motivated by the wrong things
 - Turn court cases into entertainment
 - Be worth the money it would cost to build and maintain the system



Provocation 1: Detailed Findings (1)

- There was general agreement that Julia has a right to go to the courtroom.
“As a taxpayer and a citizen”
- People were surprised that there were no listings available. There was some confusion about how much information is available about what is on. People didn’t know how easy or hard it was to sit in on a case.
- A lack of listings was seen as inconvenient and a potential waste of time. Some people didn’t want to queue or end up in a boring case.
“I wouldn’t waste my day queuing”; “I wouldn’t go because I wouldn’t want to waste a lot of time on cases I’m not interested in”



Provocation 1: Detailed Findings (2)

- However, it was felt that listing upcoming cases might turn justice into entertainment. The motivation for viewing a case was seen as key. It was felt by some that if you wanted to view a case then you shouldn't mind which one you see if you're motivated by the right reasons, and therefore the system shouldn't encourage choice.

“Julia shouldn't be able to look at this for fun because she's listened to Serial”; “A student yes, but not Julia”; “This seems to be going back to the past where it was in a public square”

- More advertising of cases could lead to lynch mobs and cases becoming a circus. Some people felt that they wouldn't want their own case publicised.

“They are not just there for people's entertainment. I don't think justice should be consumed in the way people consume Netflix.”

Provocation 1: Detailed Findings (3)



- Overall, it was felt that few people go to the courtroom if they are not involved in a case. Accordingly, there was some reluctance to spend more resources opening up the process. People felt that it was a ‘nice to have’, but some were concerned that it might not be worth the money it would cost for what they were predicting would be a relatively small user group.

Provocation Two: Useability guide



Provocations on Open Justice

Tom has always been a little curious about courtrooms. He is vaguely aware that people can go and see cases, perhaps a friend had mentioned it to him in the past or he had read it somewhere. Though he would like to go, he has no idea how or what it would entail.

One day, he googles 'viewing a court case', and the first result is a government website with a 'how to' guide. After reading the guide, he notices that the website has a link to a search engine. It lets him search for upcoming cases by type, name and location. Tom also discovers that old cases are available to watch and these can be filtered by outcome.

"Great, there's a case that looks interesting near me... though maybe I can watch a few recent ones," he thinks, "just to see what they're like before I go."



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Provocation 2: Summary of Findings



- A how-to guide was generally thought to be a helpful addition, with some suggestions being made about how it might improve clarity.
- There was moderate interest in the ability to watch old cases online, but also a lot of concerns:
 - It could be used for the wrong reasons
 - It could impact on privacy
 - Its existence could impact on reporting of crime



Provocation 2: Detailed Findings (1)

- There was general agreement that the how-to guide would be useful. There were several suggestions for what it could include, such as an FAQs section. It was also suggested the guide could be frame such that people go for the ‘right’ reason.
Information on the website could include “what to take with, how long the case might last, what’s involved in the case, who’s allowed in, general things to protect the case”
- Minimal concerns were raised, although the idea of needing a ‘good’ reason to view a case was raised again.



Provocation 2: Detailed Findings (2)

- There was concern that the watching old cases function could be used for the wrong reasons, such as finding out about an enemy's case, or watching old cases just for titillation.
“He might be able to find things out about someone he has a grudge against”; “Sounds like a Netflix series binge for me”; “I would watch them, knowing myself. But I don’t think I should”.
- Privacy was listed as a key concern, as the proceedings may veer into the personal for the accused and the victim.



Provocation 2: Detailed Findings (3)

- There was moderate interest in using the function, although it was suggested that interest might grow and people might be encouraged to view it, once available.
“When it’s there, it will encourage people”
- Many suggestions for improving the function focused on greater privacy for those involved in the case, such as blurring faces, transcripts instead of videos, the viewer signing privacy forms and only uploading a few sample cases.
- There was particular concern for the privacy of those who are found innocent, and some discussion of whether only cases with a guilty verdict should be available.

Provocation 2: Detailed Findings (4)



- Making cases available to watch online could also affect the outcome of the case. It might put people off reporting crime, but on the plus side it might act as a deterrent.
“Could be intimidating for the victim” “Might be detrimental to justice being done”

Provocation 3: National Curriculum



Provocations on Open Justice

Open Justice has become part of the national curriculum for citizenship.

Dipesh and his classmates are in Year 10. Their citizenship class that day was about how you go about watching a court case.

His teacher explains the concept of open justice, and shows them a live stream of a real court case as part of the lesson. Dipesh had never really thought about court cases beyond TV shows before today's class, and is looking forward to chatting to his parents about what he has learnt. He is also excited about their class trip to the courtroom next week.



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Provocation 3: Summary of Findings



- Teaching about open justice was positively received, and felt to address an existing knowledge gap.
- There were some concerns about the particular format, in particular that court cases may include information unsuitable for children.



Provocation 3: Detailed Findings (1)

- There was a general feeling that teaching about open justice in schools would be informative and act as a deterrent. There was also general consensus that this responded to an existing gap in knowledge and understanding.

“If you can be arrested you should be able to see a case”; “This might frighten kids away from breaking the law.”

- Others felt that this was inappropriate for children because it may include some inappropriate material, or it might glamourise the process. There was generally an assumption that children Dipesh’s age cannot currently view court cases.

“I’d be that parent that goes in the day before to say ‘My kid’s not seeing that’”; The risk depends on “content and sensitivity”; “We need to think about children’s mental health.”



Provocation 3: Detailed Findings (2)

- It was felt that this could be a good idea as long as the case was age appropriate.
“Teachers wouldn’t be dumb enough to turn on any old case”
- There was a strong feeling that justice could be shown without the use of live streaming. Suggestions all focused on giving the teacher more control. For example, it was suggested that teachers could use reconstructions of cases, edited cases and visiting empty courtrooms.
“Actors could act out a trial so that you have more control”
- However, some felt that they would not like their own case to be used in the curriculum.
“I’m trying to put myself in the shoes of the person who is actually on trial. Would I want a load of kids watching? Probably not.”

Provocation Four: Greater accessibility



Provocations on Open Justice

Megan is a law student and goes to her local court to observe cases often.

When she visits, she goes to an individual viewing booth where she can bring her books to take notes and look up references, as well as bring a well needed cup of coffee!



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In the booth, she can search for a case based on type, location and defendant name, and watch any live court case around the country. There is also a selection of historical court cases from the last 3 years that she can watch, which she can also filter by outcome. On her first visit, she remembers watching an introductory video with a virtual tour of the courtroom.

Sometimes her study group will book a group booth in advance. While individual booths are set up as study spaces, group booths are designed to be interactive, allowing them to have discussions. Volunteers are sometimes available to speak to group bookings to help them understand what's going on in the case.



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Provocations on Open Justice



Provocation 4: Summary of Findings



- There were some positive reactions, particularly on the appropriateness of this method over online
- Once again, the motivation of the viewer was deemed to be important. Learning was thought appropriate; curiosity was generally thought not to be.
- Once again there was concern about privacy, particularly that it would be easier to photograph/record, and the lack of vetting.
- There was some concern that these were too costly to be worth the money



Provocation 4: Detailed Findings (1)

- The viewing booth was largely seen as a good idea - for encouraging discussion, engagement and treating the criminal process with due respect.
“You’re not just lying on your bed with your laptop”
- However, there was some concern about privacy. It was felt that it would be easier to film the case from the viewing booths than from the courtroom. There was felt to be a risk of leaked information.
“Live stream can get recorded... whereas if someone goes to court, they aren’t able to film”



Provocation 4: Detailed Findings (2)

- The viewer's motivation was again seen as a determining factor in whether they ought to be able to view a case. Learning was seen as a valuable motivation, but not curiosity or entertainment.
“The dangers are the intentions of the person”; It's fine “because she is learning”
- It was generally assumed that Megan was allowed into the booth because she was a student (i.e. access was controlled). There was a concern about the lack of ‘vetting’ if it were public (and some assumption that there is currently a vetting process for who can access a court). A number of possible vetting processes were suggested - e.g. getting people to produce ID and sign NDAs - all of which placed a low level of trust in the public and a high level of trust in courts.

Provocation 4: Detailed Findings (3)



- It was consistently felt that the booths looked quite costly, and they are not a national priority during a time in which budgets are overstretched.

“To me, cost outweighs the benefit” “Budget are stretched... where are they going to find money for these booths?”

Provocation Five: YouTube channel



Provocations on Open Justice

Brian had wanted to see a court case since he was a child but never gone because he was anxious about accessibility.

One day, a close friend sends him a link to the Open Justice Youtube channel where they have a selection of livestreams from court cases around the country.



Excited, Brian has a quick look at all the livestreams before picking one that seems interesting. It is a robbery case in the Crown court. While he is watching, his flatmate comes over and lets out a gasp of surprise. "I know him!" she says, pointing to the defendant, "he used to be in my class at school!"

She leans over Brian and screenshots the video quickly.

"Can you send me the link? I have to send this to my old school friends!"



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Provocation 5: Summary of Findings



- This scenario reignited fears around privacy and entertainment that had already been established much earlier.
- It was agreed that accessibility was important but that online platforms didn't have to be the solution
- YouTube was seen as an inappropriate platform



Provocation 5: Detailed Findings (1)

- This scenario was seen to confirm the earlier fear that people's right to privacy may be impacted through making justice more open. This was particularly the case with an online platform. There was higher concern for the right to privacy for people who are found innocent.

“This is why we didn’t want a video!”; “What if the person is found not guilty, or even if they are guilty? You don’t want personal details out there. You’re not going to get that back.”

- This was seen as having gone too far down the entertainment route, particularly due to the choice of platform.

“I doubt Brian’s motivations....he’s just gone ‘Oooo this one’s exciting’; “He’s channel surfing”



Provocation 5: Detailed Findings (2)

- There was some debate around what is and isn't in the public interest. Public interest was often considered to determine what kind of cases should be shown online.
“We don't know enough about what we should and shouldn't know”; “It's a fine line for what should/shouldn't be published.”
- Putting cases online was not seen as the solution to being unable to visit courtrooms in person. It was felt that the courtroom should be accessible to all (e.g. to the wheelchair user in the provocation), and that there could and should be ways of doing this (e.g. ramps) without putting things online.
“If he wants to go to court then the court should be accessible and they should provide information on this. He shouldn't be put off because of that. He doesn't need a full YouTube channel.”

Provocation 5: Detailed Findings (3)



- There was some distrust about a private company owning and publishing the cases online. It was also not seen to be appropriate for something so serious. A few people suggested that it could be put on a government website instead, and the idea of having to create an account and provide personal details made some people feel it would be more legitimate.

“Someone is making a profit”; “The fact it’s on YouTube is weird to me. You can profit off it. You can profit off someone’s misfortune.”

- There was a general sense that lots of things already get shared on Facebook, and that online options like this would exacerbate this. It would be easy to screenshot and share court case images if they were online.



Provocation 5: Detailed Findings (4)

- There was mention of the fact that court cases can be shown on TV in the US, and a strong desire to avoid going down this route in the UK.
- There was some concern about this being available globally
- There was deep mistrust in people's conduct online, and that it would be difficult to stop the screenshotting. A few people suggested that people could be asked to sign something in advance or do a DBS check, again showing a high level of trust in the justice system but a low level of trust in the public. Some people commented on the impossibility of policing this.

“Some people might get addicted”; “Brian is responsible for his flatmate taking a screenshot”

Provocation Six: Greater accessibility of outcomes

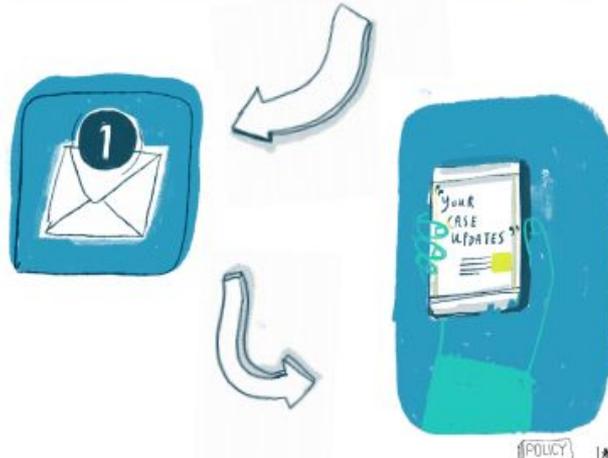


Provocations on Open Justice

Lucy has recently viewed a court case. While she was leaving the courtroom, she saw a poster that said she could sign up online for automatic email updates on any case.

She was interested in the outcome but thought it unlikely that she would come back again to see anymore of it. She went to the website as directed and searched to find the case she attended. She signed up for updates. It is now a few weeks later. She is out walking her dog when her phone buzzes. There is an email letting her know that the case has been resolved and telling her what the outcome was.

Later, Lucy chats to friend who tells her that she had signed up updates when she was viewing a court case online. There was a button she could click that automatically signed her up, and she heard there was a similar function in viewing booths.



Provocations on Open Justice



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Provocation 6: Summary of Findings



- There was generally a positive reaction to the practicality and convenience of this
- Most people were still just primarily concerned with the outcome, though some did have an interest in seeing other updates along the way.
- There was some concern about data ownership and privacy.

Provocation 6: Detailed Findings (1)



- The initial impression of this scenario was that it was practical and helpful for following a case.
“If you have a job and can’t keep up to date”
- In particular, it was felt that this level of information was justifiable because Lucy had already demonstrated an interest in the case by going in person. This showed that Lucy’s interest was more than simply about casual entertainment.
“It seems reasonable seeing as she’s seen the case”



Provocation 6: Detailed Findings (2)

- Most people were interested in the outcome, not the process (which relates back to an outcomes-oriented understanding of open justice). This was particularly true in long proceedings.
“I really like this because it cuts out all of that middle bit that I personally don’t think we need to know...that shows justice without having to know the nitty gritty”
- However, some people disagreed and thought it was important to see different stages of a case, to understand the decisions made.
“It’s difficult when you just see the start and the end it’s difficult not knowing that middle bit. An example would be the case with the taxi driver. The anger that came with it was because people didn’t know why he was being released.”

Provocation 6: Detailed Findings (3)



- There was, however, a different reaction to the scenario when people considered themselves as the subject of the message. Many people disliked the idea of their own information being given as updates. This prompted a discussion data ownership and privacy.

“I wouldn’t want my case or situation popping up on someone else’s phone like the Daily Mail”; “What does the gov want to do with her data?”

Provocation Seven: Highlights



Provocations on Open Justice

Daniella is watching a historical case in a viewing booth for an essay she was writing for school, but is having trouble understanding what is happening. The case is several hours long and she is struggling to keep her attention from drifting. Much of it seems irrelevant or too technical. She notices that there is a link next to the full video that takes her to an abridged version.

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It is an hour-long video of 'highlights,' a compilation of snippets from the case including key moments such as the opening arguments and the verdict.

"Great, these are the bits I need!"

When she goes home, she looks up another case that she wants to include in her essay and finds, to her relief, that it also has an abridged version.



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Provocation 7: Summary of Findings



- The initial reaction was generally positive because it simplified and opened up the process
- Once again, the viewer's motivations were key in the assessment of whether they ought to be able to watch it
- There were a number of concerns:
 - Privacy
 - Potential bias in the edit
 - The cost
 - It becoming entertainment



Provocation 7: Detailed Findings (1)

- The initial reaction to this was that it was a positive one, as it was seen to make the process open for non-experts.
“To be open and democratic it needs to be easily understood, not just by people who understand jargon”; “Law is seen as a very elitist, antiquated profession. Something like this would be very useful.”; “Inclusivity”; “Not having to have a professor or someone explaining it makes it more accessible.”
- However, there was a recurring fear of impacting on people’s privacy by bringing cases into the public domain.
- Once again, the viewers motivations were felt to be crucial to whether people need this function or not. Learning was felt to be a justifiable motivation in contrast to entertainment.



Provocation 7: Detailed Findings (2)

- Later on in the discussions, participants started wondering about who was responsible for editing and whether this would bring in bias. It was suggested that certain authors/producers, such as educators, might bring less bias to the editing than others. Some were concerned about the general impossibility of being completely objective about what to include/not include, and others were concerned about the government editing for their own gain.

“Will it swing you to a specific conclusion?”; “Need to be careful to not omit information that could become ideological”

- While this was seen as a possible time saver for students, some felt that the cost did not outweigh the benefits.

“That’s tax money at the end of the day. Not sure that’s a good use of resources.”

Provocation 7: Detailed Findings (3)



- There was some concern that being able to view historical cases in any form would prevent people from being able to move on from the past
- Fears around entertainment also surfaced in discussions of this prototype.

“I agree from an educational point of view but If the public had access to this it would be a bit Match of the Day”



Overall Conclusions

Conclusions



What We Learned (1)

People equate justice with outcomes.

Discussions of justice focus almost exclusively on criminal cases.

It was consistently and strongly felt that open justice must never become entertainment.

It was felt that people ought to have a good reason to view a court case or judgement.

Relatedly, it was also felt that people would go only if they were personally connected to the case or professionally interested.



Conclusions



What We Learned (2)

There was also a fairly high level of concern for the privacy of the accused.

There was a wariness of trial-by-media or trial-by-public.

There was a high level of trust in the justice process, and a very low level of trust in the general public.

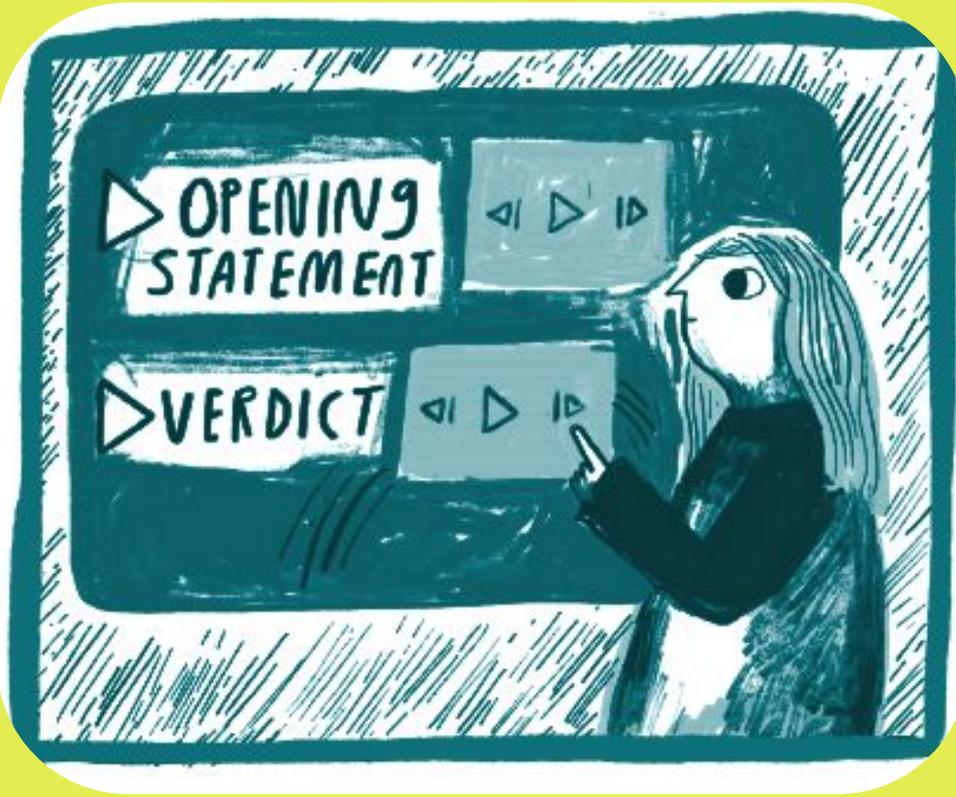
The fact that there are barriers to accessing the justice system is often not thought to be a bad thing.

Conclusions



What We Learned (3)

Making the best use of public money was a consistent concern. Participants were aware the public funds are limited, and questioned whether some of the provocation ideas were worth the money they would cost.





HM Courts &
Tribunals Service

“The findings have been used to inform current open justice workstreams under Reform. With a better understanding of the types of implications proposals may have, we have begun to explore safeguards which may mitigate some negative experiences. We will also use the work to contribute to the wider Open Justice narrative and support strategic policy development on openness. We hope to run similar workshops on other topics in the future.”



Do It Yourself



How do we maintain open justice in a digital world?

This pack contains seven scenarios that are aimed to provoke discussion around this question. All scenarios centres around a character who wants to view (or at least get information on) a court case and uses digital services to do so. Six of these describes hypothetical digital services and interactions, and one describes what is currently in place. The pack also contains a number cards where participants can draw and describe their own scenario.

How to use:

Ideally used in a focus group or one-to-one interview. Though you are free to experiment with the structure, we recommend getting the participant(s) to either read to themselves or out loud (if in a group) a scenario, and to discuss it before moving onto the next. We would hope that the discussion will be free flowing but you can help facilitate by asking questions such as, but not limited to:

What are your initial thoughts?

What do you think [the character] is feeling or thinking?

If you were in [the character]'s position, would you do this?

What appeals to you, if anything?

What concerns, if any?

What could be the consequences (good or bad) if this digital service was in place?

What's missing?

Try to tailor your questions. Some scenarios may have more specific questions on the digital service itself. For example, on guidance you may ask what kind of content participants would like to have included.

Attempt to give each scenario an equal amount of time for discussion, but be flexible. Encourage open conversation and don't be afraid of going to unexpected places. If you feel that it is going too off-track, try to bring it back by asking a question or moving on to the next scenario.

It is important to relay to the participants that these are **not proposed government policy**, nor are they necessarily meant to show 'good' solutions. They are prompts to explore how participants may feel about the future of open justice.

Policy Lab designed the materials and the session to be reusable and repurposable. To assist in this, Policy Lab and HMCTS will be publishing:

- **The provocations pack including instructions**
- **The session guide**
- **Blogs**
- **The findings themselves**



Next Steps

We hope you will reuse and repurpose the materials when they're published. If you want to take the findings further, Policy Lab could help by:



Co-Design.

Policy Lab could be commissioned to facilitate co-designs using the findings

Design & Testing.

Policy Lab could be commissioned to design and/or test solutions



If you have any thoughts or questions on the approach:

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<https://openpolicy.blog.gov.uk/category/policy-lab/>