

## **CHAIN-OF-CUSTODY**

### **Chain of Custody and Administrative Control of Court-Controlled Electronic Material (Imerman Devices)**

1. Electronic devices identified as “Imerman material” were collected on 13 April 2021 and transferred into the custody of the Respondent’s solicitors, HFC. From that moment, the devices were removed from the Claimant’s control and entered professional custody subject to court-linked obligations.
2. The devices were treated by the parties as Imerman material, a status acknowledged in contemporaneous solicitor correspondence. As such, they constituted court-controlled electronic material, notwithstanding that they were physically held by a private firm. Physical possession did not displace the Court’s administrative responsibility for the integrity and supervision of the process.
3. Once the Imerman issue crystallised, the devices should have been preserved, safeguarded, and subjected to a supervised review process. This necessarily required:
  - maintenance of a clear chain of custody;
  - prohibition on unauthorised access or use;
  - forensic preservation of the material;
  - timely progression of the review process; and
  - administrative oversight to ensure compliance with court-linked obligations.
4. Open correspondence between the parties’ solicitors records repeated references to the need for an Imerman review and expressly states that the review was not optional. Despite this, no joint expert was appointed, no forensic imaging took place, and no supervised review process was ever completed.

5. From April 2021 onwards, the devices remained in a state of administrative limbo.

There is no evidence of:

- a court-approved chain-of-custody log;
- any record of authorised access, movement, or transfer;
- any judicial direction authorising release, return, or disposal of the devices;  
or
- any HMCTS administrative action to enforce, monitor, or progress the handling of the material.

6. As a result, court-controlled electronic material with potential financial and criminal relevance was effectively abandoned within the justice system. The absence of administrative supervision created ongoing risks to evidential integrity, including deterioration, alteration, loss, or unverifiability of provenance.
7. This failure is not a dispute between private parties. It represents an administrative collapse in the handling of court-controlled evidence, engaging the responsibilities of HMCTS and, by extension, the Secretary of State for Justice as the public authority responsible for the administration of the courts.
8. The Claimant therefore contends that HMCTS failed to discharge its administrative duties to safeguard, supervise, and ensure procedural integrity in respect of court-controlled electronic material. That failure lies at the core of this Judicial Review.