

# Electronic Evidence Workstream Phase II

---

Findings and Recommendations

**March 2024**

*Based on workstream research conducted in years  
2020–2021. Additional study recommended.*



Judicial Council of California

## Table of Contents

1.0	EXECUTIVE SUMMARY .....	1
2.0	INTRODUCTION.....	2
3.0	GOAL ALIGNMENT .....	2
4.0	WORKSTREAM OBJECTIVES .....	3
5.0	WORKSTREAM STRUCTURE AND APPROACH.....	3
6.0	LOCAL PILOTS AND COURT PRACTICES.....	5
6.1	Project Description: Superior Court of Orange County .....	6
6.1.1	Learning experiences .....	6
6.2	Project Description: Superior Court of Placer County .....	7
6.2.1	Evidence considerations and lessons learned .....	7
6.3	Project Description: Superior Court of San Diego County .....	8
7.0	FINDINGS FROM THE STAKEHOLDER SURVEYS .....	9
7.1	California Courts of Appeal .....	9
7.2	California Superior Courts.....	10
7.2.1	Current business practices.....	10
7.2.2	Future plans .....	10
7.3	California Criminal Justice Partners .....	11
8.0	ANALYSIS AND CONSIDERATIONS.....	11
9.0	BUSINESS CONSIDERATIONS .....	11
9.1	Introduction.....	11
9.2	Use Cases .....	12
9.3	Policies .....	12
9.4	Procedures .....	13
10.0	TECHNICAL CONSIDERATIONS .....	13
10.1	Infrastructure and Storage .....	14
10.2	Format .....	14
10.3	Evidence Retention.....	15
10.4	Branchwide Solutions Versus Local Court Solutions.....	15
10.5	Submission of, Management of, and Access to the Electronic Evidence .....	15
10.6	Vendor Management .....	16
10.7	Presentation of Digital Evidence .....	16
11.0	RULES ANALYSIS.....	17
12.0	OVERARCHING RECOMMENDATIONS .....	17
13.0	CONCLUSION .....	18

APPENDIX A: ELECTRONIC EVIDENCE WORKSTREAM ROSTER..... 19

APPENDIX B: SUPERIOR COURT OF ORANGE COUNTY PILOT PROJECT REPORT AND ELECTRONIC EVIDENCE WEB  
PORTAL ..... 20

APPENDIX C: SUPERIOR COURT OF PLACER COUNTY PILOT PROJECT REPORT AND REMOTE APPEARANCE SYSTEM  
USER GUIDE ..... 25

APPENDIX D: SUPERIOR COURT OF SAN DIEGO COUNTY SMALL CLAIMS EXHIBIT UPLOAD APPLICATION  
USER GUIDE..... 45

APPENDIX E: DIGITAL EVIDENCE SURVEY RESULTS..... 48

## **1.0 EXECUTIVE SUMMARY**

This report is the work product of the Electronic Evidence Workstream II conducted during the 2021–2022 timeframe. This workstream was previously called Digital Evidence Workstream II, however the name was updated and is referenced as Electronic Evidence Workstream II in this report. The goal of this report is to provide the outcomes and recommendations stemming from the workstream’s original analysis of the need and current use of electronic evidence in the California courts. Conducting additional research and discovery is essential to ensure a more current report.

The Electronic Evidence Workstream II endeavored to:

1. Understand the court needs;
2. Evaluate the solutions in use;
3. Make recommendations on technologies;
4. Make recommendations on court processes and procedures; and
5. Identify rules and laws that need to be considered.

The set of circumstances that the workstream determined could benefit from electronic evidence include:

- Remote proceedings;
- Hybrid proceedings;
- Live court hearings;
- Organization of evidence;
- Electronic storage of evidence; and
- Electronic movement of evidence from court to reviewing courts.

Three courts—the Superior Courts of Orange, Placer, and San Diego Counties—developed pilot projects in this area: Orange, with a project directed specifically at testing electronic evidence solutions; Placer, with a project to develop an integrated solution for video appearances, which was later expanded to include electronic evidence; and San Diego, with a project that allows litigants in small claims and limited unlawful detainer case types to search their cases and submit exhibits electronically for an upcoming trial. This report describes these three projects and includes their summary findings.

In its review of technologies and projects, the workstream quickly concluded that no one solution fits all; each court has a different suite of technologies, serves different constituents, and has vastly different resources available. Therefore, this report does not recommend any specific technologies, but rather describes some of the many operational and technical considerations that may apply to electronic evidence projects and solutions.

The recommendations in this report include support for branch funding for pilot projects; creation of a user group to mature the best practices in the branch; development of statewide

master agreements (as needed); support for rule changes enabling use of electronic evidence (none were identified at the time of this study); and monitoring of legislation to inform the branch of any impacts. Collectively, these recommendations begin to provide a road map for enabling and advancing the use of electronic evidence in the courts.

## **2.0 INTRODUCTION**

Electronic access to the courts in California has been slowly expanding. In 2018, the first phase Digital Evidence Workstream conducted a survey and found that few courts reported receiving digital evidence in significant volume, and many had no documented processes or technology to accept, store, view, or retain digital evidence differently from other evidence. Therefore, digital evidence was managed almost entirely in physical form. Anticipating growth in this area, both the courts and justice partners reported significant interest in establishing statewide guidelines, as well as technology recommendations and solutions, to address this growing evidentiary medium.

In its April 8, 2019, report to the Technology Committee, the workstream recommended that a future workstream investigate and document (1) proposed best practices, policies, and standards and, where appropriate, pilot technology standards and solutions; (2) a need for statewide statutes or rules of court to provide clear authority and processes; and (3) best practices for receiving, storing, submitting, viewing, protecting, redacting, annotating, transmitting (between courts), and evaluating solutions and services for managing electronic evidence.

In March 2020, the COVID-19 pandemic created new, very serious and challenging struggles. Many courts closed their doors—some indefinitely—leaving litigants looking for help, direction, and access. Then—Chief Justice Tani G. Cantil-Sakauye quickly responded, and the courts followed suit, to provide access remotely. Access to the public to watch and/or participate in court proceedings using remote technology was quickly adopted. The speed with which the courts adapted to these mass closures by using technology for increased remote proceedings was extraordinary. Rules of court and many laws were amended and created (some temporarily) to provide opportunities for the courts to operate remotely, in a manner that had never been imagined before.

This workstream had already begun when the pandemic hit in March 2020, and the issue of electronic evidence loomed large in addressing court users' needs. Many courts jumped into using electronic evidence, and they adopted a variety of solutions. Since then, many laws have been amended to allow for electronic evidence and others are still being considered by the Legislature. However, one thing is clear: Remote proceedings are here to stay, and now is the time to identify best practices for the use of electronic evidence and to share them branchwide.

## **3.0 GOAL ALIGNMENT**

Supporting the advancement of electronic evidence practices in the courts aligns with Goal 1 of the [\*Strategic Plan for Technology, Advance the Digital Court\*](#). The judicial branch will increase access to the courts, administer justice in a timely and efficient manner, and optimize case

processing by supporting a foundation for the digital court and implementing comprehensive digital services for the public and for justice partners. Moreover, advancing electronic evidence management is a specific initiative included in the [\*Tactical Plan for Technology\*](#).

Beyond this direct alignment to the governing documents for branch technology, this report, *Electronic Evidence Workstream Phase II: Findings and Recommendations*, furthers the goals of the branch to support the expansion and continuation of hybrid and remote court appearances. Security of the evidence is of the highest priority; the requirements for any solution adopted must adhere to branch security standards. Lastly, this report supports the goal of innovation and information sharing through establishment of pilot projects to identify the best available solutions for managing electronic evidence in California's diverse courts, which differ in size and expertise and, therefore, may require more than one overall solution.

## 4.0 WORKSTREAM OBJECTIVES

To advance the strategic and tactical plan goals, the Information Technology Advisory Committee (ITAC) included the Electronic Evidence Phase II Workstream in its 2019 annual agenda and launched the workstream on September 25, 2019. Following were its objectives:

- a. Investigate and report on existing local pilots and court practices, including policies and standards, for transmitting, accepting, storing, and protecting electronic evidence.
- b. Research and recommend available technology and services that would support transmission, acceptance, storage, and protection of electronic evidence.
- c. Develop and propose changes to rules of court and statutes related to electronic evidence in collaboration with the Rules and Policy Subcommittee.
- d. Develop a framework for successful possible future pilots, including use-case scenarios, costs and benefits, and success criteria.

## 5.0 WORKSTREAM STRUCTURE AND APPROACH

Appendix A is the roster of workstream members. The membership, led by Judge Kimberly Menninger of the Superior Court of Orange County, included participants from a diverse set of courts. These participants were selected to provide a variety of perspectives on electronic evidence.

During the workstream's exploration, four tracks were formed:

**Rules & Statutes.** Develop and propose changes to rules of court and statutes related to digital evidence in collaboration with the Rules and Policy Subcommittee.

The track identified the following areas of research:

Rules and Statutes
<ol style="list-style-type: none"><li>a. Identify any/all that need to change.</li><li>b. Identify and create new rules and/or statutes, where appropriate.</li></ol>

**Business Practices and Integrated Justice.** Investigate and report on existing local pilot projects and court practices, including policies and standards, for transmitting, accepting, storing, and protecting digital evidence.

The track identified the following considerations:

Business Practices
<ol style="list-style-type: none"><li>a. Identify procedures for receipt of electronic evidence.<ol style="list-style-type: none"><li>i. Determine what processes need to change to exchange electronic evidence among governmental agencies (i.e., district attorney, police department, county counsel, child support services).</li><li>ii. Create exchanges for self-represented litigants and their evidence, including but not limited to:<ul style="list-style-type: none"><li>• Cell phones;</li><li>• Documents;</li><li>• Pictures;</li><li>• Video;</li><li>• Text messages;</li><li>• Surveillance cameras on walls; and</li><li>• Social media.</li></ul></li><li>iii. Create or identify procedures to allow private attorneys to submit electronic evidence to the court.</li><li>iv. Create or identify procedures to allow police officers to submit electronic evidence to the court (traffic, gun violence protection orders). Consider the ability to allow litigants the opportunity to see this proposed evidence before they appear in court in order to evaluate their cases.</li></ol></li><li>b. Create or identify procedures for storage.</li><li>c. Create or identify or enhance procedures to allow jury view.</li><li>d. Create or identify procedures to transfer evidence to reviewing courts.</li><li>e. Identify training issues for operations staff.</li></ol>
Integrated Justice Governance
<ol style="list-style-type: none"><li>a. Identify case types where digital evidence needs to be used.</li><li>b. Identify interested or appropriate justice partners and products that courts are already using or considering using.</li><li>c. Identify or create solutions for self-represented litigants to view submitted electronic evidence, to submit evidence from within the courthouse, and to submit evidence from a remote location.</li><li>d. Identify information that will need to be communicated to the State Bar about electronic evidence procedures; technical requirements, if any; and rule or statute changes.</li><li>e. Identify opportunities for, and running pilots in conjunction with, justice partners and the courts.</li></ol>

**Technology Standards, Practices, and Governance.** Research and recommend available technology and services that would support transmission, acceptance, storage, and protection of digital evidence.

The track identified the following considerations:

Technology Standards, Practices, and Governance	
a.	Security
b.	Hosting method
c.	Storage
d.	Vendors
e.	Technology solution
f.	Privileges and access rules relevant in the electronic evidence realm
g.	Presentation in court and in the jury room
h.	Protection of privacy and confidentiality in conformance with the <i>Privacy Resource Guide</i>
i.	Retention
i.	Length of time
ii.	Cost of retention

The tracks met multiple times to develop initial recommendations, with a focus on improving access to justice through the exchange of electronic evidence and ultimately providing a foundation for increasing feasibility of remote hearings in various case types. Track leads presented findings at monthly meetings.

## 6.0 LOCAL PILOTS AND COURT PRACTICES

The workstream researched three court pilot projects:

- The Superior Court of Orange County initiated an electronic evidence project to support the court’s response to the COVID-19 pandemic.
- In 2017, the Superior Court of Placer County initiated a Court Innovations Grant Program project for a comprehensive remote appearance system, which was then expanded to include electronic evidence.
- The Superior Court of San Diego County launched an online application that allowed litigants in Small Claims and Limited Unlawful Detainer case types to search their cases and submit exhibits electronically for an upcoming trial.

These three projects are of varying scope, origin, and complexity. Any electronic-evidence solution will need to be specific to local needs and environments. Any court that is considering a similar project is more than welcome to contact any of these courts for more detailed information and documentation.



To gain a more global view of court practices, the workstream additionally surveyed all trial and appellate or reviewing courts, as well as justice partner agencies. The local pilot project descriptions summarize the responses received. The detailed responses are included as Appendix E to this report.

## **6.1 Project Description: Superior Court of Orange County**

Because of the pandemic and the rapid rise in COVID-19 cases, the Superior Court of Orange County had an urgent need to find an automated solution to receive exhibits to support remote hearings. The court had to quickly transition to remote proceedings to continue providing access to the public. Additionally, the court needed to discover a solution for receiving electronic evidence for a trial to allow for adequate social distancing, as required throughout the state.

At the beginning of the pandemic, temporary avenues were established to receive evidence such as email, a SharePoint workflow, and the dropping off of hard-copy evidence. These avenues were used in various case types, including Family Law, Small Claims, Civil, and Probate. These case types involved a high percentage of self-represented litigants. The longer the pandemic state of emergency continued, the more evident it became that a more secure and streamlined solution was needed.

The Superior Court of Orange County decided to issue a request for proposal (RFP) for an electronic evidence solution to initially support the case types conducting most proceedings remotely. These case types most urgently required a reliable and secure electronic evidence solution. For the Superior Court of Orange County, the highest need was in Small Claims, Family Law, and Probate.

The court conducted the RFP process in pursuit of a vendor that could provide the ability to receive exhibits electronically and with the functionality necessary in a courtroom. Before the pandemic, the court had attempted to provide an electronic evidence solution in Criminal Traffic but experienced limited success and never moved forward.

### **6.1.1 Learning experiences**

With the expansion of the portal, the court has learned useful lessons along the way. The project team has remained in close communication with the courtrooms using the portal and has gathered valuable feedback to improve the process. Criminal Traffic participated at the beginning of the POC and was taken offline to allow for further refinement of the process for that case type.

The portal proved it was possible to find a streamlined approach to exhibit statuses, exhibit numbers, and options in the portal that worked across multiple case types. Key successes included identifying a process for the return and purging of exhibits in Small Claims, the creation of a variety of profiles to best serve the needs of court staff and judicial officers, and enhanced tracking in the portal, including an activity log useful for future auditing. The portal has been successful because of the partnership of the project team, involvement of courtrooms, and support from supervisors and area leaders. This support—along with consistent, outlined

communication with the contractor—has ensured that feedback received from the users and court staff have targeted goals. The project team works with the contractor to push quarterly releases to the portal. These releases include a comprehensive approach, with training and communication every step of the way.

Discussions are still under way regarding exhibit retention and sharing of exhibits during hearings. Parties participating in a remote hearing on a mobile device may lack the resources to be able to launch the portal and share the portal with the court via their screen. Thus, *the court* may have to share screens and have parties walk through the exhibits that need to be shared next. This continued commitment to provide access to the public has ensured that an innovative approach is maintained with regard to electronic exhibits.

Refer to Appendix B for additional information about the Superior Court of Orange County’s pilot project and electronic evidence web portal.

## **6.2 Project Description: Superior Court of Placer County**

In 2017, the Superior Court of Placer County received \$560,000 in Court Innovations Grant Program funding for a comprehensive remote appearance system. The funding provided the court with the means to implement the technological infrastructure to enable video appearances at all court locations and provide self-help services for those who are not in the immediate proximity of Roseville. With the ability to appear remotely came the need to be able to submit evidence remotely.

### **6.2.1 Evidence considerations and lessons learned**

#### ***Defining eligible hearings***

The electronic evidence system is not designed to support complex trials with hundreds of exhibits per party. Therefore, the court offered it in Small Claims, Civil, and Family Law trials and evidentiary hearings. Although designed for Small Claims and Unlawful Detainer trials, the system was used much more effectively in Family Law cases with attorneys for one or both sides.

On each of the case type webpages, the hearings that are eligible for evidence sharing are indicated. When parties schedule for an eligible hearing type, they receive a second confirmation with information about electronic evidence.

The court will not facilitate discovery. The system is focused on the court process and intended only for sharing evidence on the day of the hearing.

#### ***Evidence sharing before and during hearings***

If at least one person has registered for a video appearance for an upcoming eligible hearing, parties are able to upload files to a document collaboration site hosted by the court. Evidence uploaded by a user does not become available to the opposing side until the time set by the court (for example, 1 hour). Each party will see their own folder, the other side’s folder, and the

court's "Admitted" folder. The court has access to both parties' folders and all court folders and may review uploaded files at any time. The videoconference does not link to this site, so participants may have the evidence website open in a second web browser or tab during the hearing.

For hybrid proceedings, a support model for the in-person party was created by the court. The judicial officer, courtroom clerk, and support staff identify cases where one party is remote and one is in person, and staff assist those in person with scanning and uploading their evidence at the "scanning station." This station includes a computer, scanner, and camera. Staff are able to override the cutoff time to upload exhibits and do so for the in-person parties. Once the party has uploaded the exhibits and reviewed the opposing side's exhibits, support staff email the courtroom indicating who is ready for their hearing and who will be assisted next. During the hearings, a laptop is provided to the party to reference file names.

If a party reaches out before an event, support staff can schedule a time for the party to make an appointment to scan and upload exhibits before the hearing.

#### ***Court's management of electronic exhibits***

The evidence process is the same for electronic evidence as physical evidence. The most effective way of discussing electronic exhibits has been when the judicial officer and parties or attorneys review uploaded files and discuss how to mark and admit files and whether there are any objections. This way, the courtroom clerk only has to electronically mark and admit a select number of files. This discussion does not always happen, which increases workload for courtroom clerks.

As to retention, the requirements are the same for electronic evidence as for evidence physically submitted in court. The only procedural difference is that courtroom clerks must email the information technology (IT) department to request that electronic evidence is removed or deleted, instead of physically destroying evidence. However, implementing the process of emailing IT has been slow.

Refer to Appendix C for additional information about Superior Court of Placer County's pilot project and their remote appearance user guide.

### **6.3 Project Description: Superior Court of San Diego County**

The digital evidence application in San Diego County allows litigants in Small Claims and Limited Unlawful Detainer case types to search their cases and submit exhibits electronically for an upcoming trial. The solution accepts exhibits of various types—including documents, pictures, and video files—to be submitted in various file formats. Security checks such as antivirus scanning and file signatures are performed on the submitted files. The litigant is notified via email once files are accepted by the court. Judicial officers and staff can view these exhibits using an internal version of the application, which integrates with the court's case management system to pull calendar data. The courtroom can choose to present the evidence to

in-person or remote case participants using the *share* feature of a standard videoconferencing solution specified by the court.

Refer to Appendix D for the Superior Court of San Diego County’s *Small Claims Exhibit Upload Application* user guide.

## **7.0 FINDINGS FROM THE STAKEHOLDER SURVEYS**

To meet the objective of investigating and reporting on existing local pilots and court practices—including policies and standards for transmitting, accepting, storing, and protecting electronic evidence—the workstream conducted three separate surveys, from March through April 2021, of various electronic-evidence stakeholder groups. Group 1 was the reviewing courts; all six California appellate courts and the California Supreme Court responded to the survey. Group 2 was the California trial courts. Of the 58 trial courts in California, 35 trial courts responded. Group 3 included various California criminal justice partners. Forty-six justice-partner agencies across 30 counties responded to the survey. Most justice partners were prosecuting, public/alternate defender, or law enforcement agencies. The results from the three surveys are briefly outlined below. More of the detailed survey results are included as Appendix E of this report.

### **7.1 California Courts of Appeal**

Most appellate courts accept some electronic evidence via electronic transmission, although in some cases electronic evidence is heavily limited by size and file type. Generally, the appellate courts are not equipped to handle video and audio files through electronic transmission. Most stated practices and procedures for electronic evidence via electronic transmission apply to PDF documents only.

Electronic evidence is received through a mix of email, web portals like TrueFiling and OnBase, and file-sharing software like Axway. Only the Third Appellate District of the Court of Appeal identified itself as possessing a distinct electronic evidence solution, but its solution does not handle audio or video files. None of the courts had contracted with vendors to expand their current solutions.

The appellate courts and the Supreme Court all use a single case management system. Most courts attach files to the CMS only if they are submitted through the web portal in PDF format. Generally, video and audio files remain on physical media. Two courts anticipated needing new information technology staff to manage tasks like uploading electronic evidence to the case management system and distributing electronic evidence to chambers.

Most appellate courts hoped to transition to accepting electronic evidence only via electronic transmission, and most courts anticipated a short-term need for an electronic evidence solution that would move away from storing audio and video files on physical media.

## **7.2 California Superior Courts**

### **7.2.1 Current business practices**

Courts used a range of solutions for storing, managing, and presenting electronic evidence, and those solutions varied in complexity. Eighteen courts, or 51 percent of respondents, reported accepting electronic evidence via electronic transmission, although some are limited to accepting only PDF documents. Email is the most common platform for transmitting electronic evidence, although web portals and file sharing software are also used.

Over half of courts surveyed reported having trouble viewing and presenting proprietary file formats. In these cases, the slightly more common action was for courts to ask the submitting party to provide a solution—such as converting the file or providing the needed software—than to resolve the issue using court IT staff. Some courts have also ameliorated the issue by stipulating file formats for submissions. The Superior Court of Sacramento County, for example, has published a policy on electronic evidence for its criminal justice partners to facilitate electronic evidence transfer.

Self-represented litigants present additional challenges to coordinating electronic evidence submission and management. Whereas some courts apply the same policies and procedures to self-represented litigants, some courts handle these instances on a case-by-case basis, and some allow self-represented litigants to present evidence on their phone without prior submission. As a Superior Court of San Diego County survey respondent described, navigating audiovisual and videoconferencing technologies may be difficult for self-represented litigants.

Using electronic evidence is increasingly common in Traffic, Criminal, and Long-Cause Criminal matters: for example, 94 percent of respondents accept electronic evidence in Traffic and Criminal court cases, and 71 percent accept electronic evidence in Long-Cause Criminal hearings. In these cases, electronic evidence is overwhelmingly submitted and managed on physical media such as CDs and DVDs.

### **7.2.2 Future plans**

Except for one court, all responding courts hoped to transition to an increased use of electronic transmission for electronic evidence. Fourteen courts, or 40 percent of respondents, hoped to transition completely to electronic transmission. Additionally, many courts hope that a future electronic-evidence solution will be integrated with other services, such as videoconferencing technology, hearing scheduling technology, and case management systems. On the other hand, a smaller number of courts are hoping to adopt a solution for electronic evidence only, because they have yet to adopt a process for handling electronic evidence or want to wait as other solutions develop. In determining their future goals, survey respondents cited factors including the improvement of remote appearances, efficiency, access, the transition to a wholly electronic system, and a lack of physical storage space.

Most courts do not anticipate needing additional staff to manage electronic evidence. Respondents indicated that no new clerk's office or courtroom staff would be needed to manage

electronic exhibits, but that the tasks for information technology staff would increase. Additional support would be needed to scan for viruses, guide users through the submission process, guide users through presenting their evidence, attach files to the case management system, distribute files to hearings, and offer general troubleshooting.

Lastly, 16 courts, or 46 percent of respondents, reported an interest from parties in accepting electronic evidence through electronic transmission in native formats. Civil attorneys and self-represented litigants were the most likely to make these requests. Civil, Criminal, and Family Law cases were the top three hearing types in which electronic transmission was requested.

### **7.3 California Criminal Justice Partners**

For criminal justice partners, the collection and storage of photo, video, and audio evidence is near ubiquitous. Accordingly, many agencies use web-based cloud software and locally installed software to store digital evidence, although they often also hold some electronic evidence in physical formats. Only 11 agencies indicated that they did not have software to manage their electronic evidence.

Although most criminal justice partners collect electronic evidence, only half submit electronic evidence to the superior court of their county. Most agencies submit this evidence through physical media, with a smaller number using email and web portals. Only three agencies submit 75 to 100 percent of their evidence as electronic evidence.

Of the agencies that submit electronic evidence to their superior court, around 40 percent report that the court has had trouble viewing electronic evidence in the proprietary file formats they have submitted. This difficulty is common with officer body cameras, car dashboard cameras, and surveillance videos. Solutions include converting the file, providing the needed software and hardware to view the file, and submitting a paper printout of the file.

Refer to Appendix E, Digital Evidence Survey Results, for snapshots of the digital evidence survey report.

## **8.0 ANALYSIS AND CONSIDERATIONS**

In reviewing the three pilots, workstream track findings, and survey results, the workstream identified business and technical considerations that courts interested in establishing an electronic evidence system will want to keep in mind as they start to design pilots or proofs of concept.

## **9.0 BUSINESS CONSIDERATIONS**

### **9.1 Introduction**

In today's post-COVID world, providing access to justice for all litigants includes providing remote access. All litigants who appear remotely need to be able to submit and share their

evidence with the court and the opposition regardless of case type or parties. To facilitate this requirement, each court must identify and adopt a solution that will meet litigants' needs.

Evidence can and does come to the court in a variety of formats, including cell phones, documents, photos, videos, recordings, and social media, to name a few. Courts need to be able to receive electronically every type of evidence that it could receive in person unless it is a physical item like a gun or a bullet. Electronic evidence requires a technical platform for litigants to share or discover the evidence with each other.

All courtrooms need to be able to effectively display the electronically received evidence remotely as well as in the courtroom. Procedures must be developed to identify, admit, and store the evidence once it is submitted, as well as to purge what evidence the court does not need to maintain. Courts must adopt clear rules and procedures surrounding their electronic-evidence policies, including security and management of the evidence. Courts may need to redesign courtrooms to allow for evidence presentation equipment, and may need to revise or create new job descriptions.

Special attention should be paid to the needs of each case type and the ability for the litigants to successfully participate. To this end, courts need to provide detailed training guides for litigants, especially self-represented litigants, to allow them to participate. Courts should consider educating the bar and bench in any solution they select before it is implemented. Educating and encouraging justice partners to participate in the solution will be critical to its success. Courts will benefit if they can align these projects with their justice partners. Delivering training, providing courts an opportunity to test out a solution in a safe test environment before it goes live, and allowing for vigorous and current feedback will serve a court well in the implementation. Courts will find some litigants to be slower than others to adopt these solutions but will most likely not find self-represented litigants in that category. If the court can select a solution that provides an upload process that is most commonly used for other noncourt purposes, the court's success with its self-represented community will improve.

## **9.2 Use Cases**

The use cases that can benefit from electronic evidence include:

- Remote proceedings
- Hybrid proceedings
- Organization of evidence
- Electronic storage of evidence
- Electronic movement of evidence from court to reviewing courts

## **9.3 Policies**

Policies and processes need to be created that address the following questions:

- Do you have an issue with memorandums of understanding that prohibit certain tasks to be done by certain types of employees?
- Who will number the exhibits?
- How will the numbering on the exhibits occur?
- Who is responsible for management of the system in the courtroom?

## **9.4 Procedures**

Procedures need to be created that address the following questions:

- Who will display the electronic evidence?
  - Judge
  - Clerk
  - Bailiff
  - Technology Staff
  - Support staff
- Who will have access to the electronic evidence and when?
- Is there a way to limit or discontinue a session with a litigant or witness, when appropriate?
- If evidence is presented on paper, will the court work with paper and electronic evidence simultaneously or will the court convert the paper to electronic evidence?
- In a hybrid courtroom, the court will need to decide how it wants the evidence to be converted to electronic evidence so that the person appearing remotely can see the evidence. Who will be doing the conversion and, in that capacity, the numbering and description?

Additional procedures need to be created that address the following topics:

- Create categories of evidence (uploaded, marked, admitted).
- Create a process to dispose of evidence that is not admitted or marked.
- Store evidence that is marked.
- Store evidence that is admitted.
- Allow parties to mark evidence as confidential or to ask to have it sealed.
- Provide an electronic retention process for exhibits under the codes.

## **10.0 TECHNICAL CONSIDERATIONS**

Acceptance, management, and presentation of digital evidence within the court environment presents a complex set of business process and technical challenges that affect multiple stakeholders throughout the process. There is no singular preferred path for a court to take when developing its approach for how to incorporate digital evidence into its business processes. Regardless of the approach chosen, some common issues need consideration when developing a strategy for digital evidence with a court.



## **10.1 Infrastructure and Storage**

Storage of digital evidence is a significant consideration in any electronic-evidence platform. The amount of storage required will be a function of the volume of, type of, and retention period for the evidence submitted. A logical assumption is that the amount of electronic evidence submitted in the future will continue to increase given the ubiquity of devices that can produce digital files. Storing evidence on locally hosted infrastructure versus cloud infrastructure is a fundamental consideration. If cloud infrastructure is being considered, the court may want to consider any privacy or security enhancements provided by using a government cloud. Most large vendors in cloud infrastructure provide government clouds. Locally hosted and cloud-hosted storage have various cost and scalability considerations. Also, given the importance of electronic evidence to the business of the court, disaster recovery and business continuity should also be considered when deciding how to manage the storage of electronic evidence.

Following are considerations for courts:

- Develop a methodology to determine the current and future amounts of storage required for digital evidence based on the type and amount of evidence that may be submitted to a court for various case types. Most likely, video evidence will require the most storage and continue to increase in volume because of the proliferation of modern devices such as smart phones, web-based cameras, and officer body-worn cameras.
- Weigh the functional and cost implications of locally hosted storage and cloud storage. Consider how long evidence must be retained by the court in any storage calculation methodology.

## **10.2 Format**

Courts must consider how digital evidence will be viewed or played as part of their electronic-evidence strategy. Limiting the acceptable format to fewer, more standardized formats would reduce technical complexity and cost for courts but may come with challenges regarding conversion from, loss of functionality from, or meta-data associated with the native format. For example, certain proprietary body-worn camera players may include certain meta-data for a video being played within the native player. This meta-data may be lost if the video is converted into a more open video format such as WAV or MP4. Additionally, if a court allows any type of evidence format to be submitted, the court may need to procure many types of file format viewers or players to view or play the evidence.

Following is a consideration for courts:

- Weigh the benefits of accepting any type of evidence format against the operational and technical costs to court processes and court staff having to play, view, and/or convert the evidence to a more standard format. Having court staff convert evidence from one format to another may open a door for questioning whether the evidence was altered as part of the conversion process.

### **10.3 Evidence Retention**

In alignment with other considerations such as where and how to store the electronic evidence, courts will also need to consider the retention and preservation method and duration of that evidence. Any retention schedule should be aligned with existing physical evidence retention policies. Given that appellate proceedings may occur well after a case is dispositioned at a trial court, it may be important for a trial court to have a process to retrieve metadata information about the evidence submitted. Examples of metadata information that may be helpful in properly retaining evidence include date of evidence submitted, date of case disposition, and current status of case. When determining how to store electronic evidence for longer periods, courts may consider price-tiered storage because of finances.

Following are considerations for courts:

- Align any electronic-evidence retention schedules to existing physical-evidence retention schedules.
- Allow for metadata to be associated with any evidence submitted so that the metadata may be queried as part of any processes for identifying electronic evidence that may be purged.
- Consider how and where the electronic evidence is backed up, from a retention-management perspective.

### **10.4 Branchwide Solutions Versus Local Court Solutions**

As the California judicial branch considers its electronic evidence strategy, discussions should be held to analyze the opportunities and obstacles of a locally configurable, centrally provided branch solution for electronic evidence vis-à-vis local court solutions. A centrally hosted solution may expedite adoption, provide economies-of-scale, and provide a somewhat consistent process across jurisdictions. Conversely, a specific, local solution may be more tailored to fit a specific court's needs but come at the cost of additional procurement and deployment overhead.

Following are considerations for courts:

- Consider developing a working committee of both court operational and technical staff to define the business and technical needs with regard to electronic evidence.
- In the development of any requirements documentation, leverage lessons learned by the Superior Court of Placer County, the Superior Court of Orange County, and the Superior Court of San Diego, given that they have been live with an electronic-evidence solution for some time.
- Based on the outcome of a working committee, determine if a one-size-fits-all solution works best for the majority of California courts given each court's uniqueness or if, because of that uniqueness, local solutions must be considered.

### **10.5 Submission of, Management of, and Access to the Electronic Evidence**

Secure submission of electronic evidence is a critical step in any electronic-evidence process flow. Identity management for any user of an electronic-evidence system is important to

determine if a user of the solution may access the evidence submitted and at what level. The submission process should also be capable of inspecting the files for any viruses or malware as part of the process. Any electronic-evidence solution considered must allow the court to secure the evidence from any possibility of tampering. Courts are not the originator of most electronic evidence, but courts are responsible for the integrity of the evidence. In addition to securing the electronic evidence, courts must consider how the system will allow secure, configurable party access to the evidence. As with any system, the court should also consider the staffing impact to managing and providing access to the electronic evidence.

Following are considerations for courts:

- Develop an identity management approach for electronic evidence before developing or implementing the core system. As part of an identity management approach, any court implementing a solution will want to research and consider any statewide judicial branch solutions in place or under way.
- Consider using a role-based access approach over an individual-based access approach.
- Consider the business process and staffing impact of managing and maintaining user access for an electronic-evidence solution.

## **10.6 Vendor Management**

As a general statement, most court case management systems do not have robust, web-accessible electronic-evidence management capabilities. Most electronic evidence solutions will require the court to partner with a vendor, so the court should be prepared to have an ongoing relationship with the vendor. If the court stores its electronic evidence on a vendor partner's platform, the court will want to make sure it has the ability to migrate any evidence to another platform if it chooses to do so. Given that the electronic evidence environment is still evolving, any platform that is implemented will likely need to continue to evolve.

Following are considerations for courts:

- Determine any synergies or economies of scale that result from having an electronic evidence solution embedded or integrated as part of the court's case management system.
- If a court is considering a vendor-hosted solution, be sure to consider the long-term viability and sustainability of the vendor.

## **10.7 Presentation of Digital Evidence**

Any evidence the court allows to be submitted must be able to be viewed, played, or presented in courtrooms and/or juror deliberation rooms. Therefore, any electronic-evidence solution must be accessible by any existing or future courthouse solutions for viewing or playing evidence. As part of the requirements for a custom solution, the court may want to consider the use case of limited access to some or all electronic evidence in a juror deliberation room. The court's presentation solutions will need to account for both visual and audio evidence. Depending on the

choices made regarding acceptable file formats for the evidence, the court will need media players capable of playing those types of files.

Following are considerations for courts:

- Consider how the electronic evidence will be presented as part of the overall evidence solution.
- Determine the various use cases for how and where the evidence will be presented, and align any solution to the requirements for those use cases.

## **11.0 RULES ANALYSIS**

At the ITAC meeting on November 2, 2020, the [\*Digital Evidence Workstream Rules and Statutes Subcommittee Report\*](#) was presented. The workstream reported its recommendations relative to areas to change in the California Rules of Court and statutes to further allow courts to implement and receive electronic evidence.

On January 11, 2021, ITAC’s Rules and Policy Subcommittee circulated three proposals for public comment. One rule proposal (amending permissive electronic filing and electronic service rules to reference Penal Code section 690.5) was approved by the Judicial Council on October 1, 2021. One rule proposal (governing “lodged electronic exhibits”) and one legislative proposal (authorizing the use of vendors to store exhibits and evidence in electronic format) were deferred during the review cycle and pending a recommendation of the Rules and Policy Subcommittee on whether to revise and recirculate them in 2022.

Any additional initiatives, including rule work around digital evidence, were deferred because of the other efforts happening during and after the pandemic so as not to conflict with that work.<sup>1</sup>

## **12.0 OVERARCHING RECOMMENDATIONS**

Based on its research and analyses, the workstream recommends the following actions for the branch:

1. Seek and provide funding for additional electronic-evidence pilot projects.
2. Convene a branch user group to assess use cases, additional best practices, and funding models necessary to support secure, reliable, and branchwide digital evidence practices.
3. Consider the need for any master service agreements to benefit the courts and the branch.
4. Support and adopt rules and regulations that enable electronic-evidence submission, receipt, display, transfer, and storage.
5. Establish or identify an entity responsible for monitoring legislative changes, informing those affected, and updating solutions to meet the changing laws.

---

<sup>1</sup> Judicial Council of Cal., meeting minutes, Information Technology Advisory Committee’s Rules and Policy Subcommittee (June 2, 2022), [itac-20221103-rps-materials-PUBLIC.pdf](#).

## **13.0 CONCLUSION**

As a result of the COVID-19 pandemic, the California judicial branch adapted very quickly to an environment with a significantly increased need and demand for remote participation in court proceedings. The branch is supported by ongoing technology modernization funding to continue building on this momentum. The submission, sharing, and storage of electronic evidence is a foundational component of providing remote access to justice.

The Electronic Evidence Workstream hopes that this report can help courts interested in starting an electronic-evidence project. In addition, the workstream recommends that the Technology Committee create a strategy for courts to identify, obtain, and adopt policies and procedures to support a robust electronic-evidence culture designed to support hybrid and remote appearances and increased access to the courts.

## **APPENDIX A: ELECTRONIC EVIDENCE WORKSTREAM ROSTER**

**Hon. Kimberly Menninger**

Workstream Executive Sponsor, Judge, Superior Court of Orange County

**Mr. Fred Acosta**

Workstream Project Manager, Superior Court of Orange County

**Hon. Mariano-Florentino Cuéllar**

Associate Justice, Supreme Court of California

**Hon. Julie R. Culver**

Judge, Superior Court of Monterey County

**Hon. Michael J. Gaffey**

Judge, Superior Court of Alameda County

**Hon. Jeffrey C. Kauffman**

Judge, Superior Court of Solano County

**Ms. Brenda Allen-Booth**

Director of Operations, Superior Court of Sacramento County

**Ms. Robin Brandes-Gibbs**

Deputy General Counsel, Superior Court of Orange County

**Mr. Larry Chaffin**

Technology Specialist, Superior Court of Orange County

**Mr. Jake Chatters**

Court Executive Officer, Superior Court of Placer County

**Mr. Joshua Dunn**

Senior Deputy Clerk, Court of Appeals, Second Appellate District

**Mr. Sharif Elmallah**

Court Executive Officer, Superior Court of Butte County

**Mr. Ken English**

Acting Managing Attorney, Superior Court of Sonoma County

**Mr. Jeremy Gentry-George**

Court Information Officer, Superior Court of Fresno County

**Ms. Kelley Heffelfinger**

Manager, Superior Court of Los Angeles County

**Ms. Ashley Huang**

Judicial Fellow, Superior Court of San Mateo County

**Ms. Hema Krishnamurthy**

Information Technology Director, Superior Court of Sonoma County

**Mr. Scott McNitt**

Information Security Officer, Superior Court of Kern County

**Mr. Rick Walery**

IT Director, Superior Court of San Mateo County

**Ms. Mary Garcia-Whalen**

Deputy Court Manager (Criminal), Superior Court of Orange County

***Judicial Council staff***

From these Judicial Council offices:

Facilities Services

Information Technology

Legal Services

## **APPENDIX B: SUPERIOR COURT OF ORANGE COUNTY PILOT PROJECT REPORT AND ELECTRONIC EVIDENCE WEB PORTAL**

### **Project Description: Superior Court of Orange County**

Because of the pandemic and the rapid rise in COVID-19 cases, the Superior Court of Orange County had an urgent need to find an automated solution to receive exhibits to support remote hearings. The court had to quickly transition to remote proceedings to continue providing access to the public. Additionally, the court needed to discover a solution for receiving electronic evidence for a trial to allow for adequate social distancing, as required throughout the state.

At the beginning of the pandemic, temporary avenues were established to receive evidence such as email, a SharePoint workflow, and the dropping off of hard-copy evidence. These avenues were used in various case types, including Family Law, Small Claims, Civil, and Probate. These case types involved a high percentage of self-represented litigants. The longer the pandemic state of emergency continued, the more evident it became that a more secure and streamlined solution was needed.

The Superior Court of Orange County decided to issue a request for proposal (RFP) for an electronic evidence solution to initially support the case types conducting most proceedings remotely. These case types most urgently required a reliable and secure electronic evidence solution. For the Superior Court of Orange County, the highest need was in Small Claims, Family Law, and Probate.

The court conducted the RFP process in pursuit of a vendor that could receive exhibits electronically and with the functionality necessary in a courtroom. Before the pandemic, the court had attempted to provide an electronic evidence solution in Criminal Traffic but experienced limited success and never moved forward.

### **RFP approach**

In August 2020, the court initiated an RFP that captured a solution for submitting electronic evidence. Court procurement released the RFP in early September 2020 with three evaluation phases: (1) technical qualifications, (2) demonstrations-presentations and price proposals, and (3) proof of concept. Based on the RFP Committee's evaluation of the respondents' demonstrations-presentations relative to their price proposals, the RFP Committee determined that Omnigo Software, LLC offered the best value to the court, and selected Omnigo to provide a POC that kicked-off in December 2020.

### **Legal considerations—Contract**

The POC and electronic evidence solution technology posed unique legal considerations regarding the confidentiality, storage, and security of electronic evidence. Although the court required Omnigo to sign the court's nondisclosure agreement before beginning the POC, the

court undertook special vetting and implementation of operational protocols, as well as contract provisions applicable to electronic evidence, its storage, and the contractor's application.

Meetings with the court's general counsel, judicial officers, subject-matter experts, and other key stakeholders ensured that the variety of viewpoints and considerations of those affected were accounted for. The Superior Court of Orange County ensured that correct protocols in the receipt of electronic exhibits were put into place because they were not clearly defined by statute. Contract provisions were added to clarify responsibility for security and compliance, Omnigo's hosted application and the court's use, and access to and ownership of confidential information, including evidence and data, for Omnigo's cloud-hosted solution to operate with the court's own cloud storage.

The court's General Counsel reviewed the flow for the receipt and storage of evidence. An [Administrative Order](#) was written, signed, and posted to the public website to ensure that the court's expectations for uploading exhibits were understood. The court's privacy policy and Administrative Order were also linked on the electronic evidence portal. Parties and all others creating accounts are still required to read and acknowledge both before account creation.

### **Pilot case types**

The court selected five pilot courtrooms in which to launch the portal: Small Claims, Unlawful Detainer, Civil Harassment, Family Law, and Probate. The combination of self-represented parties and attorneys across the case types ensured that the court had an audience similar to that in a typical case with physical exhibits.

Before the launch of the portal in the selected case types, the court formed a judicial working group, comprising the project's judicial sponsor, supervising judges, and judicial officers from the pilot courtrooms. This group assisted with formulating decisions and design ideas before the launch of the portal. Because the portal was used across the various case types and differences existed between case statuses, exhibit numbering, and exhibit tags, decisions were made to streamline these processes. As a result, the portal automatically affixes a digital exhibit tag and exhibit numbers when exhibits are uploaded to the portal. All participants for those case types agreed to use exhibit numbers for exhibits, as opposed to letters or a combination thereof. Also chosen for use were three exhibit statuses: lodged, marked, and admitted.

The portal allows access for court staff not only to view exhibits, but also to make edits to the exhibit record, when necessary. For example, if any user errors occur during the upload process with regard to exhibit description, once the upload process has been completed, court staff can make adjustments. The court also has access to tracking and history on each exhibit that is opened, viewed, and shared, for future auditing purposes. Reports and statistics can also be generated from the portal, as necessary.

Launching this project in specific case types allowed for focused attention, increased productivity, success, and buy-in from others. The focus on these courtrooms resulted in



important lessons that allowed for decisions to be made about the portal and contributed to larger success. The feedback provided from experiences with these cases, courtrooms, and parties allowed for improvements to be made to the portal and to the process in the courtroom.

### **Development of the project approach**

Before launch, a plan was put into action to ensure that the necessary considerations for the portal were being vetted throughout the process. Working groups of judicial and subject-matter experts were created to assist with vetting the portal and discussing processes.

Once the portal was live, parties received notice from the pilot courtrooms and were directed to the court's public website, where they found each department's policies and procedures, as well as instructions on how to use the portal. Parties were encouraged to familiarize themselves with the portal before the launch and to contact their assigned courtroom with any additional questions.

After initial feedback was received from parties, additional adjustments were made to the portal and to instructions on the court's website.

### **Measurable outcomes**

Since the launch of the portal in April 2021, the five pilot courtrooms have expanded to include a few more. The Superior Court of Orange County added a courtroom in Civil Unlimited to the pilot, as well as additional courtrooms for other case types already using the portal.

As of September 2022, more than 7,300 party/attorney accounts were created in the portal; over 5,600 cases had exhibits uploaded; and over 114,100 exhibits were uploaded to the portal across the various case types. In August 2022, the court successfully purged over 47,000 Small Claims exhibits from the portal. A survey was also added to the portal at the end of the sign-out process to gather additional feedback from portal users and to assist with ease of access.

### **Learning experiences**

With the expansion of the portal, the court has learned useful lessons along the way. The project team has remained in close communication with the courtrooms using the portal and has gathered valuable feedback to improve the process. Criminal Traffic participated at the beginning of the POC and was taken offline to allow for further refinement of the process for that case type.

The portal proved it was possible to find a streamlined approach to exhibit statuses, exhibit numbers, and options in the portal that worked across multiple case types. Key successes included identifying a process for the return and purging of exhibits in Small Claims, the creation of a variety of profiles to best serve the needs of court staff and judicial officers, and enhanced tracking in the portal, including an activity log useful for future auditing. The portal has been successful because of the partnership of the project team, involvement of courtrooms, and support from supervisors and area leaders. This support—along with consistent, outlined

communication with the contractor—has ensured that feedback received from the users and court staff have targeted goals. The project team works with the contractor to push quarterly releases to the portal. These releases include a comprehensive approach, with training and communication every step of the way.

Discussions are still under way regarding exhibit retention and sharing of exhibits during hearings. Parties participating in a remote hearing on a mobile device may lack the resources to be able to launch the portal and share the portal with the court via their screen. Thus, *the court* may have to share screens and have parties walk through the exhibits that need to be shared next. This continued commitment to provide access to the public has ensured that an innovative approach is maintained with regard to electronic exhibits.

## Electronic Evidence Web Portal:

### Access the Portal

For information regarding current protocols for remote trials and hearings, please check the [COVID-19 webpage](#).

To access your case through the portal, you will need the case type, case number, and hearing date.












For the best experience, utilize a desktop computer and the Chrome or Microsoft Edge browser.

If you have difficulties with the electronic evidence process, please see the instructions below for your scheduled courtroom for contact information. Please also view the instructions and video posted below.

[Access the Electronic Evidence Portal](#) 

### Instructions







#### Creating Accounts and Uploading Exhibits:

- [Instructions to Upload Evidence \(English\)](#)  [\(Spanish\)](#)  [\(Vietnamese\)](#) 
- [Video Instructions to Create an Account and Upload Exhibits \(\(English\)](#) 
- [Video Instructions to Create an Account \(English\)](#)  [\(Spanish\)](#)  [\(Vietnamese\)](#) 
- [Video Instructions to Upload Evidence \(English\)](#)  [\(Spanish\)](#)  [\(Vietnamese\)](#) 
- [Video Instructions to Upload Evidence for Civil Unlimited Cases \(English\)](#) 






#### Navigating the Site

- [Instructions to Print an Exhibit List \(English\)](#)  [\(Spanish\)](#)  [\(Vietnamese\)](#) 
- [Instructions to Share Evidence With Other Parties \(English\)](#)  [\(Spanish\)](#)  [\(Vietnamese\)](#) 
- [Video Instructions for Navigating the Site \(English\)](#) 
- [Video Instructions to Share Evidence With Other Parties \(English\)](#)  [\(Spanish\)](#)  [\(Vietnamese\)](#) 
- [Video Instructions to Downloading Exhibits \(English\)](#) 
- [Video Instructions to Print an Exhibit List \(English\)](#)  [\(Spanish\)](#)  [\(Vietnamese\)](#) 

## Preparing For Your Hearing & Presenting Exhibits

- [Instructions to Present Exhibits \(English\)](#)  [\(Spanish\)](#)  [\(Vietnamese\)](#) 
- [Video Instructions for Preparing for Your Hearing \(English\)](#) 
- [Video Instructions to Present Exhibits in the Courtroom \(English\)](#)  [\(Spanish\)](#)  [\(Vietnamese\)](#) 
- [Video Instructions to Present Exhibits When the Court Displays on a Party's Behalf \(English\)](#) 

## Department Rules:

- [Department CM2](#) 
- [Department CM8](#) 
- [Department C61](#) 
- [Department L64](#) 
- [Department L66](#)
- [Department L72](#)
- [Department W2](#) 

## Court Policies:

- [Privacy Policy](#)
- [Administrative Order 21.06](#) 

To access and view the direct pages, visit the [Superior Court of Orange County Electronic Evidence Portal website](#).

## APPENDIX C: SUPERIOR COURT OF PLACER COUNTY PILOT PROJECT REPORT AND REMOTE APPEARANCE SYSTEM USER GUIDE

### PROJECT DESCRIPTION: SUPERIOR COURT OF PLACER COUNTY

In 2017, the Superior Court of Placer County received \$560,000 in Court Innovations Grant Program funding for a comprehensive remote appearance system. The funding provided the court with the means to implement the technological infrastructure to enable video appearances at all court locations and provide self-help services for those who are not in the immediate proximity of Roseville. With the ability to appear remotely came the need to be able to submit evidence remotely.

### Legal considerations—Evidence

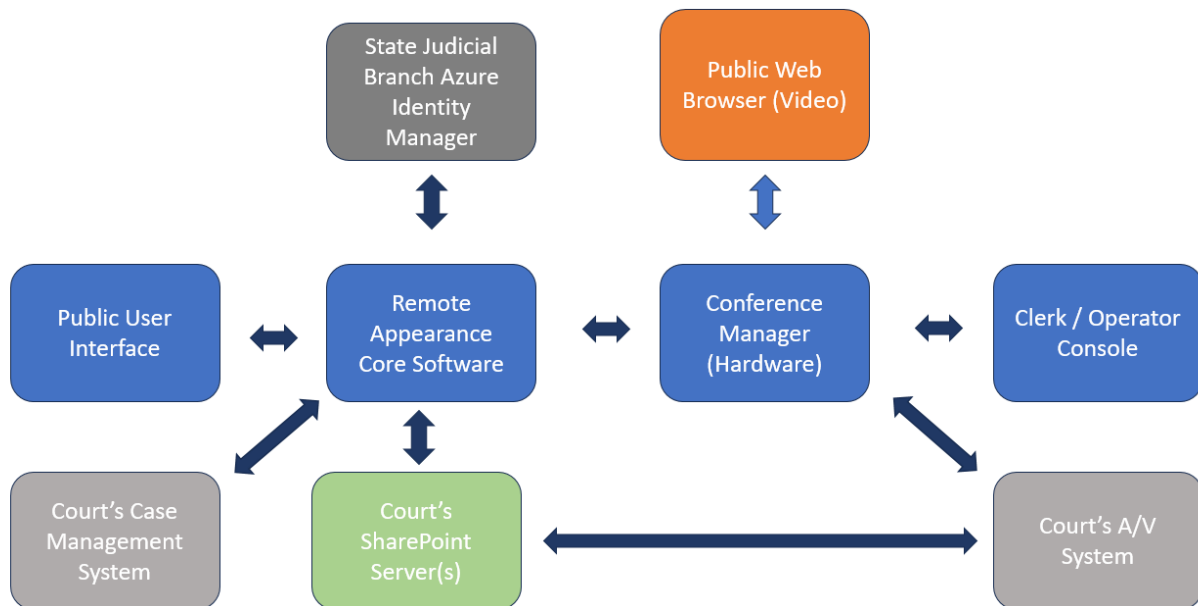
No specific legal requirements define how a trial court is to store exhibits submitted for a hearing. [Government Code section 68150\(c\)](#) provides discretion to the judicial branch to develop standards and guidelines for record retention; therefore, there are no specific statutory requirements for the storage of routine exhibits. Following are the relevant code sections that outline management of exhibits and appeal periods: [Code of Civil Procedure section 1952](#) and California Rules of Court, [rule 2.400\(c\)](#) for Civil and Small Claims cases; [Penal Code section 1417 et seq.](#) for Criminal cases; and California Rules of Court, rules [8.400](#), [8.405](#), and [8.406](#) for Juvenile cases. The Judicial Council is designated with the responsibility to develop rules to establish these standards (Gov. Code, § 68150(c)). In turn, the Judicial Council has published [Trial Court Records Manual](#) (rev. Jan. 1, 2020). This manual recognizes the specialized nature of exhibit retention and does not dictate specific requirements for storage of exhibits. Instead, it provides flexibility to the trial courts and encourages each court to develop local procedures for the management of exhibits.

Based on the statutory guidelines and requirements for exhibit storage and retention, electronic exhibits uploaded by court users could be treated the same as physical exhibits introduced in court, in person. As defined in the court's Exhibit Policy, an exhibit is any physical object introduced and identified in court. The exhibit may be admitted into evidence or marked for identification only. Once an exhibit is introduced, marked for identification only, or received and admitted into evidence, the exhibit becomes the sole responsibility of the courtroom clerk ([Penal Code, § 1417](#)). At the conclusion of the hearing, sentencing, or trial, the courtroom clerk should inquire if the exhibits are to be returned to the submitting party. The courtroom clerk must not release any exhibit except on order of the court, and the courtroom clerk must require a signed receipt for a released exhibit (Cal. Rules of Court, [rule 2.400\(c\)\(1\)](#)). If the exhibits are to be maintained by the court, the courtroom clerk will maintain the exhibits that do not meet the long-term criteria until an appeal is filed or until the appeal period has expired.

## System and process design

In 2014, the court entered into an agreement with American TeleSource Incorporated (ATI) for the implementation of a telephonic appearance system (vCourt). With the Court Innovations grant, the court worked with ATI to leverage the existing vCourt application for parties to register, pay for, and attend video appearances, in addition to telephonic appearances. Later, this same system was further enhanced to support electronic evidence sharing. As shown in Figure 1, the system design integrates all the various components to create a single end-to-end solution that seeks to authentically replicate the in-person court process to the greatest extent possible.

**Figure 1: Integrated Remote Appearances Diagram**



The public-facing StreamWrite vCourt application is connected to the Judicial Council’s Azure Identity Manager and prompts users to sign in or create an account to schedule or upload electronic evidence for eligible event types. If an event is eligible, users can sign up to appear remotely, pay relevant fees, or cancel their remote appearance. The email confirmations sent to users are customized to provide specific event instructions based on the event code in the case management system (CMS), eCourt. The hyperlink sent to users in their confirmation emails directly connects them with the corresponding courtroom and event date for their hearing.

The evidence component of StreamWrite is also based on a report of event type codes deemed eligible in the court’s CMS. Users who schedule themselves for eligible hearing types receive a second confirmation email that indicates that they have access to vCourt evidence and provides a link to access the site. Users are prompted to log in to the branch enterprise identity management solution. The email address associated with a party’s scheduled appearance and CalCourt account becomes the owner of the folder for that party, “locking” the folder. This ties ownership

of the folder to that party's email, and only that party can edit the contents (unless the party delegates access to another email address). Staff set the deadline for uploading evidence at one hour before the hearing, designing it to reflect the process of evidence exchange for Small Claims and Unlawful Detainer matters (discovery taking place at the time of the hearing).

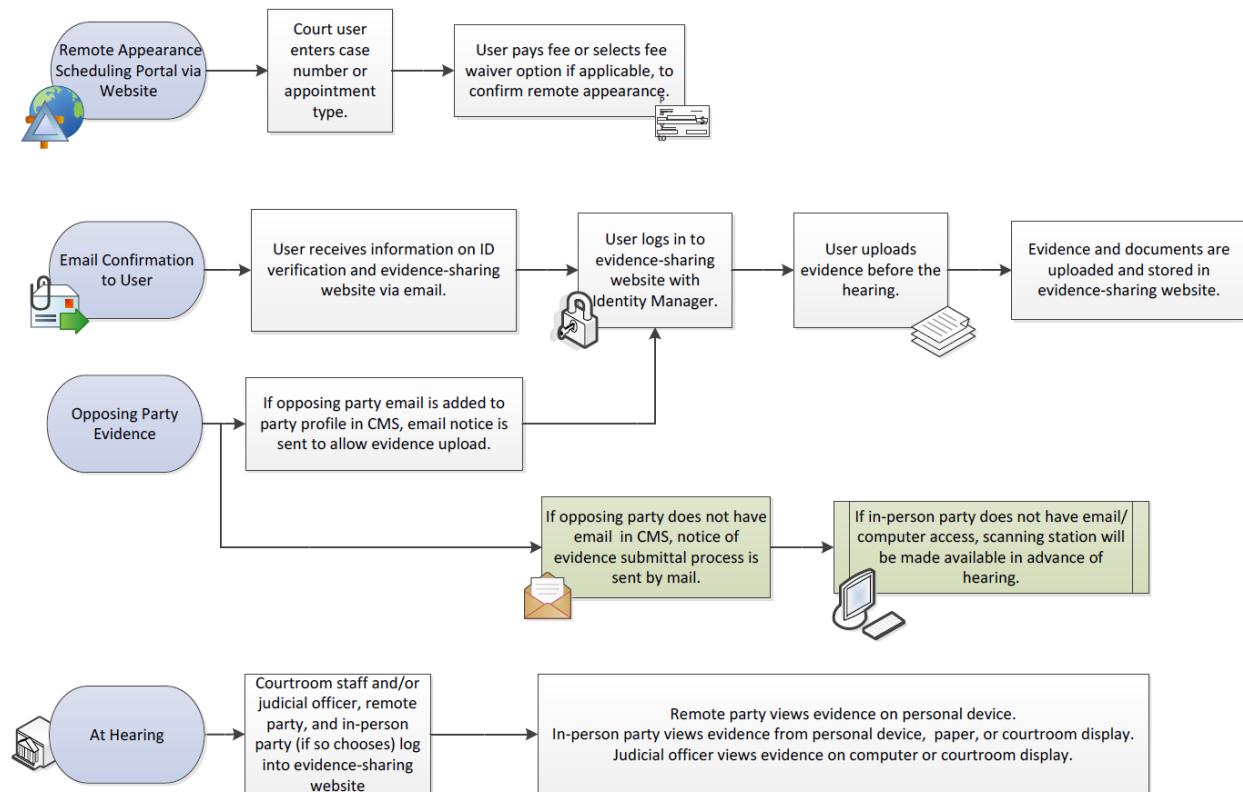
Parties, or delegates, can then upload files at any time before the deadline. The only limitations set for files are that they must be less than 50 megabytes, be one of the permitted file types (.doc, .docx, .xls, .xlsx, .jpg, .jpeg, .png, .wav, .pdf, .avi, .flv, .wmv, .mp4, .mov), and have no special characters in the file name. Uploaded files are scanned six times with four different antivirus software applications and stored using a document collaboration solution. The court also installed a scanning station equipped with a camera, scanner, and computer for situations where one or more parties appear in person and one or more parties are remote. Staff are available for assistance.

At the defined deadline, the system switches from "Upload Mode" (parties can edit their evidence folders but cannot yet review the opposing side's evidence) to "Viewing Mode" (parties can no longer upload files but can now see the opposing side's evidence and the court's "Admitted" folder). When the clerk marks uploaded files, the system automatically makes a copy of the uploaded file in the "Marked" folder and adds a prefix indicating which party uploaded that file. Exhibit numbers can be added to the prefix when in the "Marked" folder, or as the clerk moves files to the "Admitted" folder, which requires an exhibit number for each file.

Core to this process design was an effort to avoid inserting the court into the discovery process, which is clearly defined in law or rule of court. The judicial officer and courtroom clerk can view uploaded documents at any time before, during, or after the hearing. The clerk is also able to mark or admit evidence uploaded by the parties during the hearing, manage access to the parties' folders, and override the system to allow the parties to upload additional documents after the one-hour deadline. Additional instructional materials were created for remote parties in Small Claims cases and Evidentiary Civil and Family Law cases outlining how to upload exhibits and when they can review the other side's documents. Figure 2 outlines this process.

During the video conference, court users connect to the hearing on their own devices, whether a laptop, desktop computer, smartphone, or tablet. Once connected, the media conferencing solution streams the video from the court to the court user.

Figure 2: Evidence Sharing System Design



### Pilot case types

The goal for the two civil pilot areas was to increase access in a high-volume case area and decrease costs for bringing a case to court. These hearing types were also selected to pilot the electronic evidence sharing platform, in which the court aimed to maintain the integrity of court processes for evidence submittal and display during remote appearances.

The pilot plan was divided into two phases. Beginning in Business Small Claims, court staff observed calendars for two weeks and approached parties whose cases had been continued to offer participation in the pilot study. On agreement to participate, parties would receive from staff an information sheet on how to schedule the video appearance through the court’s website. Following successful appearances in Business Small Claims hearings, the pilot would proceed by offering video appearances to parties in Unlawful Detainer and Small Claims calendars whose cases had been continued and for which the only evidence submitted would be via oral testimony. To complete Phase 1, three video appearances of each hearing type needed to occur.

The second phase of pilot testing involved opening scheduling to the public and including a pamphlet in case initiation packets to alert parties that video appearance was available. completion of the court’s evidence site, court users wishing to present documents, photos, or videos were able to appear remotely.

The COVID-19 rise in March 2020 altered the court's controlled pilot and rapidly shifted to the broader application of the video and evidence infrastructure. For example, to enable Small Claims cases to resume as rapidly as possible in 2020, the court mandated that Small Claims trials be heard by video in July 2020. Parties were required to schedule themselves for a video appearance and upload any documentary evidence to the court's digital evidence platform before the hearing. All Small Claims parties were mailed a detailed information packet explaining how to schedule themselves and upload evidence, as well as identifying related local Small Claims forms.

A similar video appearance mandate was established for Family Law court trials in November 2020. Parties were required to schedule themselves for a video appearance and upload any documentary evidence to the court's digital evidence platform before the hearing. Instead of mailing informational packets, all parties were advised of the remote requirement at their trial confirming conference, which typically took place one to two weeks before trial. A detailed user guide and instructional video were posted to the website for assistance with scheduling and uploading evidence. In both hearing types, parties were able to request that witnesses be scheduled for a video appearance or request an in-person appearance for good cause, subject to judicial discretion, using new local forms. If parties reached out to the court and indicated they did not have a computer, scanner, or other necessary equipment to upload exhibits, staff scheduled times for parties to come to the courthouse on a day before their hearing to use the scanner designated for evidence. Further, if parties had an approved in-person request and did not upload evidence in advance, they were assisted on the day of the hearing by project staff to scan, upload, and view exhibits.

### Measurable outcomes

Court staff tracked the number of hearings each month pre- and post-implementation, the number and percentage of hearings conducted by video conference, estimated cost savings to court users, the number of sites created for remote sharing of evidence, and customer feedback gathered through a customer survey to assess satisfaction, efficiency, ease of use, and the technology's accessibility. The Small Claims pilot program was delayed until June 2020 because of the pandemic, after which the court updated its local rules to require video appearances for all Small Claims hearings. The video requirement lasted past the project end date, resulting in high numbers for participation and savings.

#### ***Small Claims***

All 167 Small Claims cases with parties who scheduled remote appearances were eligible for electronic evidence. Of those cases, 160 (95.81 percent) had at least one party upload files. Of those, both parties uploaded files for 50.63 percent of the cases, and only one party uploaded files for 49.38 percent of cases. Nearly 2,900 files were uploaded to the system, with an average of 11 files per plaintiff and 11 files per defendant. Uploaded exhibits were formally marked or admitted in 39 cases.



**Figure 3: Small Claims Hearings, July 2018–December 2020**

Reporting Period	Total No. of Hearings	Hearings by Videoconference	Percentage by Video	Cost Savings
Q3 FY 18–19	244			
Q4 FY 18–19	266			
Q1 FY 19–20	306			
Q2 FY 19–20	241			
Q3 FY 19–20	175			
Q4 FY 19–20	44	4	9.09%	\$229.05 / 6.64 hrs
Q1 FY 20–21	231	133	57.58%	\$16,370.15 / 474.5 hrs
Q2 FY 20–21	133	90	67.67%	\$24,095.37 / 698.42 hrs
<b>Total</b>	<b>1,640</b>	<b>227</b>		<b>\$40,694.57 / 1,179.56 hrs</b>

FY = fiscal year; Q = quarter.

### ***Unlawful Detainer***

The court held only two Unlawful Detainer hearings that involved video appearances during data collection. The court planned to launch the pilot area in March 2020, but as a result of COVID-19 and emergency rule 1 of the California Rules of Court,<sup>1</sup> Unlawful Detainer matters did not resume until the fall. This pilot area was likely the most affected by COVID-19 and, therefore, did not resume normal hearing counts until January 2023. No survey feedback was received.

### ***Other Civil***

Exactly 92 Limited Civil, Unlimited Civil, Adoption, Mental Health, and Probate cases had hearings by video appearance, with a total of 223 video appearances. This use of technology saved court users \$23,046.72 in mileage costs and 668.02 hours of travel time. The evidence-sharing solution was offered in default prove-up matters, and evidence was uploaded to 12 of the cases, with an average of four files uploaded per party.

### ***Family Law***

Seventy-four Family Law cases had hearings that involved video appearances. Similar to other case types, many of the Family Law hearings had multiple appearances, and 195 attorneys, parties, and/or witnesses appeared by video from May to December 2020. Overall, users gained \$9,971.93 in mileage savings and 289.04 hours in time savings. The court also expanded use of the evidence-sharing solution to court trials, and 13 cases (72.22 percent of eligible cases) used evidence sharing. An average of 16 files were uploaded per party, with 9 files per petitioner and 24 files per respondent. Evidence was marked and admitted for a little more than half (7) of these trials.

## Evidence considerations and lessons learned

### ***Defining eligible hearings***

The electronic evidence system is not designed to support complex trials with hundreds of exhibits per party. Therefore, the court offered it in Small Claims, Civil, and Family Law trials and evidentiary hearings. Although designed for Small Claims and Unlawful Detainer trials, the system was used much more effectively in Family Law cases with attorneys for one or both sides.

On each of the case type webpages, the hearings that are eligible for evidence sharing are indicated. When parties schedule for an eligible hearing type, they receive a second confirmation with information about electronic evidence.

The court will not facilitate discovery. The system is focused on the court process and intended only for sharing evidence on the day of the hearing.

### ***Evidence sharing before and during hearings***

If at least one person has registered for a video appearance for an upcoming eligible hearing, parties are able to upload files to a document collaboration site hosted by the court. Evidence uploaded by a user does not become available to the opposing side until the time set by the court (for example, 1 hour before hearing). Each party will see their own folder, the other side's folder, and the court's "Admitted" folder. The court has access to both parties' folders and all court folders and may review uploaded files at any time. The videoconference does not link to this site, so participants may have the evidence website open in a second web browser or tab during the hearing.

For hybrid proceedings, a support model for the in-person party was created by the court. The judicial officer, courtroom clerk, and support staff identify cases where one party is remote and one is in person, and staff assist those in person with scanning and uploading their evidence at the "scanning station." This station includes a computer, scanner, and camera. Staff are able to override the cutoff time to upload exhibits and do so for the in-person parties. Once the party has uploaded the exhibits and reviewed the opposing side's exhibits, support staff email the courtroom indicating who is ready for their hearing and who will be assisted next. During the hearings, a laptop is provided to the party to reference file names.

If a party reaches out before an event, support staff can schedule a time for the party to make an appointment to scan and upload exhibits before the hearing.

### ***Court's management of electronic exhibits***

The evidence process is the same for electronic evidence as physical evidence. The most effective way of discussing electronic exhibits has been when the judicial officer and parties or attorneys review uploaded files and discuss how to mark and admit files and whether there are any objections. This way, the courtroom clerk only has to electronically mark and admit a select

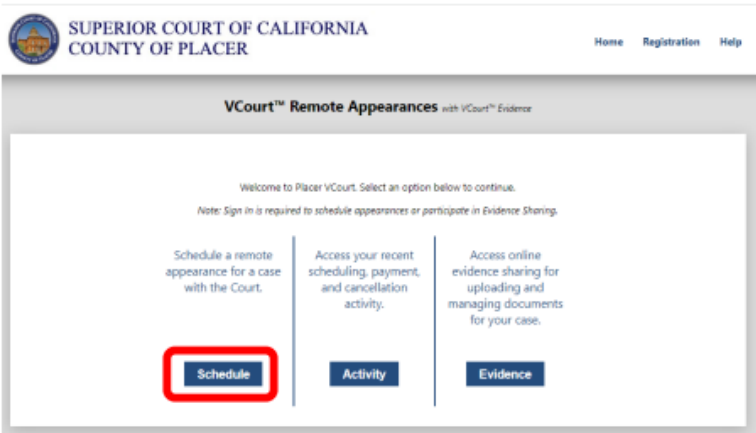
number of files. This discussion does not always happen, which increases workload for courtroom clerks.

As to retention, the requirements are the same for electronic evidence as for evidence physically submitted in court. The only procedural difference is that courtroom clerks must email the information technology (IT) department to request that electronic evidence is removed or deleted, instead of physically destroying evidence. However, implementing the process of emailing IT has been slow.

## REMOTE APPEARANCE SYSTEM USER GUIDE

**Navigating to Scheduling Website**

To begin, go to <https://epayment.placerco.org/VCourtPortals/> and click on **Schedule**. Log into your CA Courts Identity account when prompted.



**Step 1: Search for Case**

Enter your case number, including any numbers, letters, and dashes. See the list of case numbers with X's as examples. Once entered, select **Proceed to Step 2**.

User: harveyramirez.psc@gmail.com

**Search For A Case**

To schedule one or more remote appearances for an upcoming event, first enter the case number below. You will then select the party and enter attendee information, choose one or more events, and then finalize and pay (if applicable).

<b>Step 1</b> Search For A Case	Step 2 Attendee Info	Step 3 Select Events	Step 4 Finalize & Pay
------------------------------------	-------------------------	-------------------------	--------------------------

Enter your full case number, letters, numbers, and dashes. For example:  
S-CV-XXXXXXX  
M-CV-XXXXXXX  
S-PR-XXXXXXX  
S-FS-XXXXXXX  
S-DR-XXXXXXX  
R-SC-XXXXXXX  
62-XXXXXXX  
41-XXXXXXX

Enter Case Number:

**Proceed to Step 2.**

## **Step 2: Attendee Info**

Step 2 is how the court gathers your contact information and is able to identify you on the day of your hearing.

You will first be prompted to identify the type of attendee you are by selecting the empty circle for either **An Attorney**, **A Party to the Case**, or **Other**.

User: harveyramirez.psc@gmail.com

### **Attendee Info**

Enter the attendee information and select the affiliated party

Attendee  An Attorney  A Party to the Case  Other

Proceed to Step 3 Quit

After you have chosen the Attendee type, the rest of the Attendee Info form appears. The form differs slightly for each category. For each Attendee type:

- All fields are mandatory, excluding the **additional email address for appearance information** field.
- The email fields (**Attendee Email** and **Confirm Email**) will be pre-filled in with the email address you registered for your CA Courts Identity account. These cannot be edited.
- The **additional email address for appearance information** field does not schedule additional attendees; if you enter any email addresses, they will receive a copy of your confirmation email.

*Attorney*

Attendee  An Attorney  A Party to the Case  Other

Attendee Name

Firm Name

Bar Number

Attendee Email

Confirm Email

Attendee Phone

Party Name

Additional email addresses for appearance information (optional)

Schedule a reminder by:  
 Email

---

**A Party to the Case**

Attendee  An Attorney  A Party to the Case  Other

Attendee Email

Confirm Email

Attendee Phone

Party Name

Additional email addresses for appearance information (optional)

Schedule a reminder by:  
 Email

---

**Other**

Attendee  An Attorney  A Party to the Case  Other

Attendee Name

Attendee Role

Attendee Email

Confirm Email

Attendee Phone

Party Name

Additional email addresses for appearance information (optional)

Schedule a reminder by:  
 Email

Once you have completed the required fields, select [Proceed to Step 3](#) to continue the scheduling process.

### Step 3: Select Events

Select the event you are scheduling a remote appearance for by clicking on the empty box next to the date and time. Once selected, click on **Proceed to Step 4**.

User: harveyramirez.pcsc@gmail.com

#### Select Events

Choose one or more events to register for below.

✓ Step 1 Search For A Case	✓ Step 2 Attendee Info	<b>Step 3</b> Select Events	Step 4 Finalize & Pay
-------------------------------	---------------------------	--------------------------------	--------------------------

62-999877 - People vs. Doe, John  
Party: John MIDDLENAME Doe

Event Time	Event Description	Registration Fee	Total Fees
<input type="checkbox"/> 5/6/2022 1:00 PM	964220 - Warrant: Surrender		\$94.00

[Proceed to Step 4](#) [Quit](#)

! **NOTE:** If you have a fee waiver and there is a remote appearance fee associated with your hearing, there will be a checkbox to apply your fee waiver to the remote appearance registration.

! **NOTE:** If you are scheduling within 2 days (48 hours exactly) of the court event, there may be a late fee of \$30 applied to your remote appearance registration. A late fee will only be charged to hearing types that charge a fee for appearing remotely. There are exceptions to the late fee that can be selected on the Step 3 screen.

### Step 4: Finalize & Pay

The user information and selected event appears appear on the Finalize & Pay page. Review and confirm the information is correct before selecting **Schedule**.

User: harveyramirez.psc@gmail.com

### Finalize & Pay

Check to confirm everything is correct, and then finalize and pay (if applicable)

✓ Step 1 Search For A Case	✓ Step 2 Attendee Info	✓ Step 3 Select Events	Step 4 Finalize & Pay
-------------------------------	---------------------------	---------------------------	--------------------------

#### Attendee Information

Attendee Role: Party  
 Attendee Name: John MIC  
 Attendee Email: harveyramirez.psc@gmail.com  
 Attendee Phone: |  
 Reminders: None

#### Selected Events

Appearance Info	Case / Party	Event Details	Amount	
5/6/2022 1:00 PM Department 20	62-999877 - People vs. Doe, John Party: John MIDDLENAME Doe	Warrant: Surrender	\$94.00	<a href="#">Remove</a>
<b>Total</b>			<b>\$94.00</b>	

[Add More Appearances](#)

If you select **Add More Appearances**, you can schedule more appearances for the same attendee on other cases before paying. You will directed to complete steps 1-4 again for the second case.

If you are scheduling for an event that charges a fee, you will also need to add a payment method. Once entered, select **Submit Payment**. The Court accepts eChecks, Visa, and MasterCard.

#### Make Payment

Credit Card  eCheck

Enter your payment information below. Please note: this system accepts Visa and MasterCard.

Name	<input type="text" value="John MIDDLENAME Doe"/>
Phone	<input type="text"/>
Email	<input type="text" value="harveyramirez.psc@gmail.c"/>
Credit Card Number	<input type="text"/>
Expiration Date (MM/YYYY)	<input type="text"/>
Billing Zip Code	<input type="text"/>
CVV Code	<input type="text"/>

[Submit Payment](#)

[Quit](#)

### Confirmation

Once the appearance is scheduled, you will receive a confirmation email that replicates the confirmation page below. This email will include a personal Join link to join the web conference on the day of the hearing.

User: harveyramirez.pccsc@gmail.com

#### Confirmation

Thank you for your payment. The confirmation below has been sent to the email address you provided.

Print

This is a confirmation for John MIDDLENAME Doe from Placer Superior Court. You have been scheduled for the remote appearance(s) shown below.

#### How to Join Your Remote Event

On the date & time of your hearing:

- Click on the **Meeting Join Link** in the table below for your appearance.
- You can join up to 5 minutes prior to the start time of your appearance.
- **If you have audio or video problems, or do not have access to join by computer or smart phone, you may join using the backup conference phone number.** However, please note that participating by telephone severely impacts the efficiency of the courtroom as your name does not display and only your phone number appears. **Please join by clicking on the Meeting Join Link when possible.**
  - Backup conference phone number: (323) 676-6192
  - Enter the **Phone Meeting ID** for your appearance when prompted.
  - If you are still using video but calling by telephone, be sure to turn off your microphone and speaker on your computer or video device.

**NOTE: Recording, streaming or rebroadcasting your hearing is prohibited by rule of court, including CRC 1.150 and local rules.**

#### Remote Appearances Scheduled

Event Date & Time	Case / Party	Event Details	Amount	Meeting Join Link	Phone Meeting ID
5/6/2022 1:00 PM Department 20	62-999877 Party: John MIDDLENAME Doe	Warrant: Surrender	\$94.00	<a href="#">Join Link</a>	134290927

**!** **NOTE:** If you do not reach this page nor receive the email confirmation, the remote appearance was not scheduled.

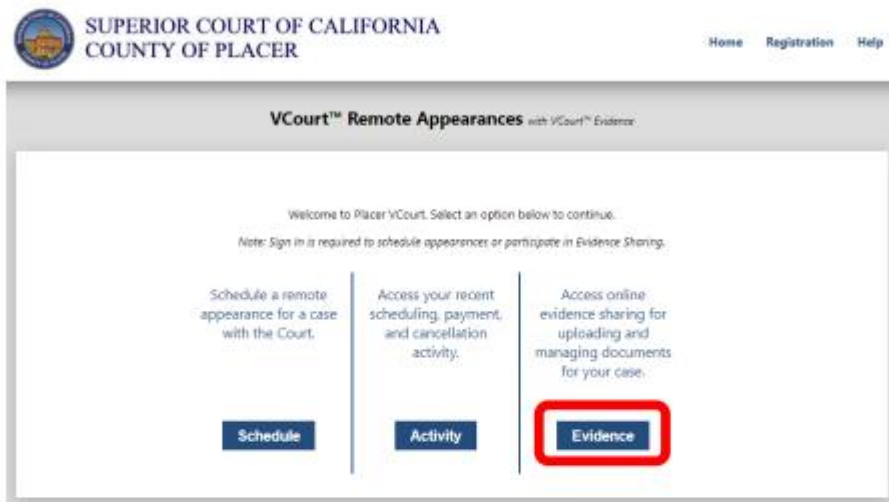


## Uploading Evidence

### Uploading Evidence

Evidence Sharing is accessible by either selecting the link in the **Evidence Sharing Set Up** email, or by returning to the VCourt home page at <https://epayment.placerco.org/VCourtPortals/>.

1. Select **Evidence** to be directed to the CA Courts Identity Sign In page. See [Creating Your CA Courts Identity Account](#) if you have not yet made an account.



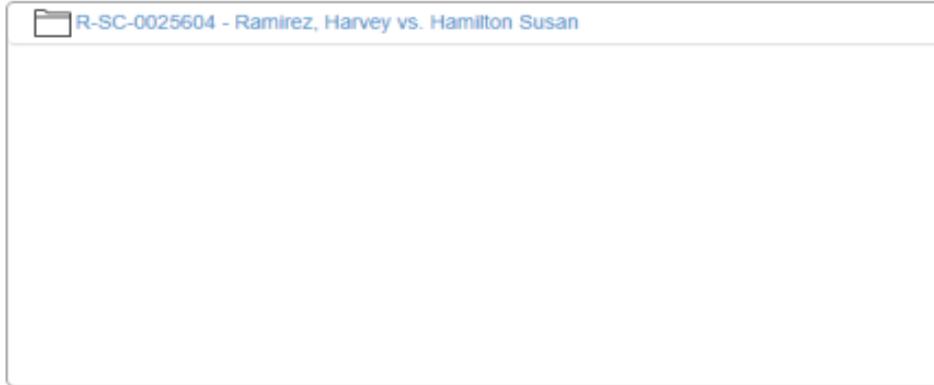
2. Review the Evidence Sharing Disclaimer and select **I Agree** to navigate to the next page.



3. Click on your case number.

### VCourt™ Evidence

#### Current Cases



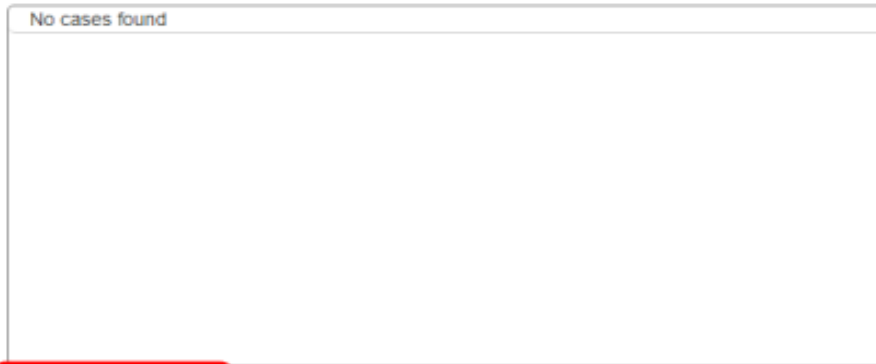
R-SC-0025604 - Ramirez, Harvey vs. Hamilton Susan

[Find a case not listed](#)

! If the Current Cases box says **No cases found** instead of listing your case, select **Find a case not listed** and enter your case number in the format similar to this example: **R-SC-00#####**.

### VCourt™ Evidence

#### Current Cases



No cases found

[Find a case not listed](#)

If you see a red message that says "Case not found, or there are no upcoming eligible events for this case" (example below):

- Make sure your case is eligible for evidence sharing (confirm you received an email about evidence when scheduling your video appearance).
- Double check that you have correctly entered your case number.
- If the case number is correct and the event is eligible for evidence, this means that there are no video appearances scheduled for your case. **You must schedule your remote appearance before you can upload evidence.** Refer back to page two (2) for information on scheduling your video appearance.

### VCourt™ Evidence

#### Search

If your case is not yet setup for Evidence Sharing for you, you can search for a case below, and then you will be able to select your party and attempt to participate in evidence sharing.

Case Number  Case not found, or there are no upcoming eligible events for this case

Once you search and locate your case, click on your name from the list. By selecting your name, you have now claimed your "folder" to which you can upload your documents. Do not claim the other parties' folder or more than one folder.



SUPERIOR COURT OF CALIFORNIA  
COUNTY OF PLACER

User: harveyramirez.psc@gmail.com [Log out](#)

### VCourt™ Evidence

Case: R-SC-0025679 - Xanadu Cafe vs. JOMO Supplies

Select your party below to become owner of the folder


4. You will be able to upload exhibits if the site is in **Upload Mode**. When in Upload Mode, you will only see your folder listed for the case. Select the on folder listed to upload your files.

User: harveyramirez.pcsc@gmail.com [Log out](#)

**VCourt™ Evidence**

Case: R-SC-0025604 - Ramirez, Harvey vs. Hamilton Susan

name

 P1 PLAIN HR (0)

SEE UPLOAD VS. VIEWING MODE STATUS HERE

Next Eligible Event: April 12, 2021 9:00AM  
No Upcoming Eligible Events

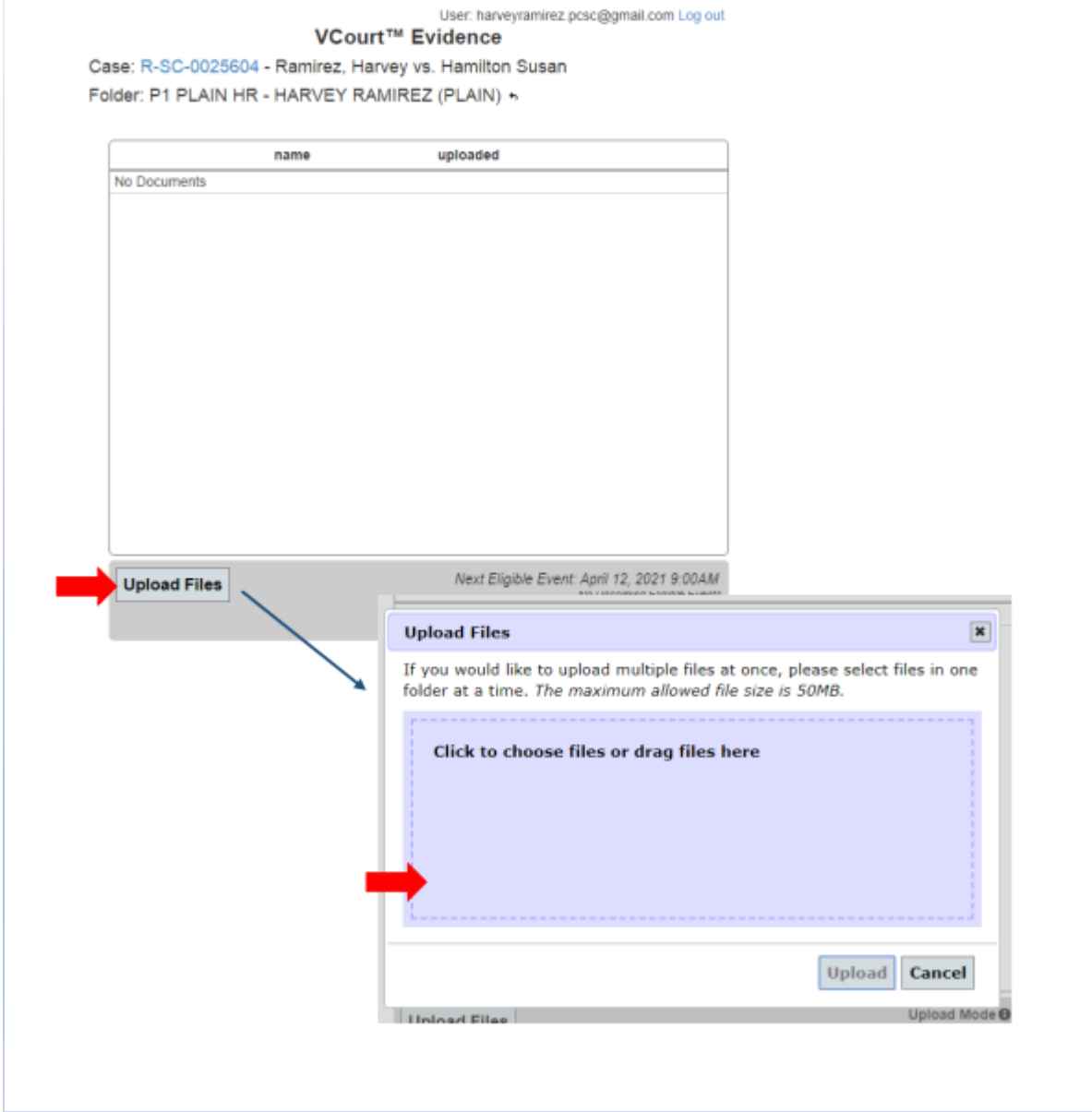
[Manage Delegates](#)

The naming convention for folders is as follows: [Party Number] [Party Type] [Party Initials]. For example, a folder name of "P2 DEF JS" means:



- P1: Party 1 – 1<sup>st</sup> party to register for evidence sharing for this case
- PLAIN: Plaintiff – This party is identified as the plaintiff in the Court's case management system. Other values may be: PET - Petitioner, DEF - Defendant, RES – Respondent
- HR: Harvey Ramirez – The initial party's first and last name as recorded in the Court's case management system
- (#): The number in parentheses next to the folder name refers to how many files have been uploaded.

5. To upload files, select the Upload Files button, and then click on the sentence **Click to choose files or drag files here** in the blue box. This will open a window to select files from your computer.



6. Select the files you would like to upload and then click on the **Upload** button. When each file listed has a checkmark to the right of the name, select the **Close** button.























Your files are now saved to your evidence folder. They will automatically sort in alphabetical or numerical order.

User: harveyramirez.ppsc@gmail.com Log out

### VCourt™ Evidence

Case: [R-SC-0025604](#) - Ramirez, Harvey vs. Hamilton Susan

Folder: P1 PLAIN HR - HARVEY RAMIREZ (PLAIN) ↗

<input type="checkbox"/> all	name	uploaded			
<input type="checkbox"/>	 Carpet damage at move out.png	10/2/2020 12:03 PM	view 	download 	delete 
<input type="checkbox"/>	 Emails from March 2020.pdf	10/2/2020 12:03 PM	view 	download 	delete 
<input type="checkbox"/>	 Lease Amendment_signed 3-19-20...	10/2/2020 12:03 PM	view 	download 	delete 
<input type="checkbox"/>	 photo of property before move in.jpg	10/2/2020 12:03 PM	view 	download 	delete 
<input type="checkbox"/>	 Voided Check.jpg	10/2/2020 12:03 PM	view 	download 	delete 

Upload Files

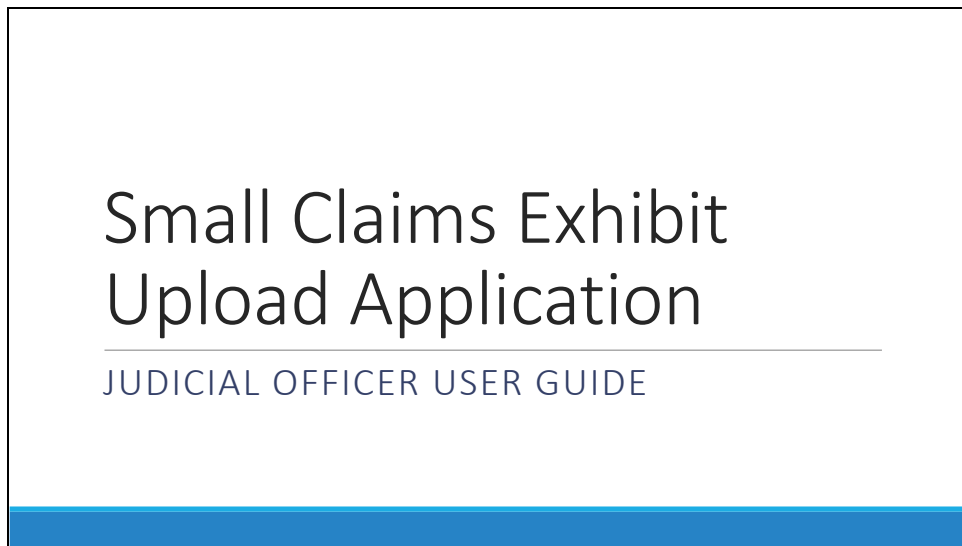
Next Eligible Event: April 12, 2021 9:00AM

Manage Delegates

The entire [Placer County Superior Court Remote Appearance System User Guide](#) can be accessed via the court's public website. Additional information can be found on Placer County's ["Evidence Sharing FAQ"](#) page.

## APPENDIX D: SUPERIOR COURT OF SAN DIEGO COUNTY SMALL CLAIMS EXHIBIT UPLOAD APPLICATION USER GUIDE

### Slide 1




### Slide 2


## Launching The Application

- Navigate to the "Court Applications Folder"
- Locate the "SCE Upload" Icon
- Double click to launch the Application

Court Applications Folder:



SCE Upload Icon



- Please Note: This application is designed to work with Microsoft Edge. Double Clicking on the icon will launch the application in your default internet browser

The slide contains a list of three steps for launching the application. To the right of the first step is the text "Court Applications Folder:" followed by a small icon of a folder labeled "Court Applications". To the right of the second step is the text "SCE Upload Icon" followed by a small icon of a document labeled "SCE Upload". A blue horizontal bar is at the bottom of the slide.



Slide 3

## Home Screen

---

- Start your case search by clicking on “Search by Hearing Date” or “Search By Case Number”

Slide 4

## Search by Hearing Date

---

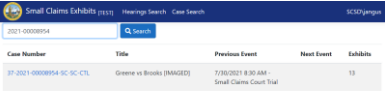
- Narrow your search by Entering:
  - Hearing Date
  - Location
  - Court Room Assigned

Time	Case Number	Type	Title	Exhibits
8:30 AM	17-2020-00047086-SC-CTL	Small Claims Court1 Trial	Carlyn Park Villas Homeowners Association vs. Shivesh Agrawal (MAGED)	0
8:30 AM	17-2020-00014226-SC-CTL	Small Claims Court1 Trial	Dimension vs Executives Garage Inc (MAGED)	0
8:30 AM	17-2020-00047039-SC-CTL	Small Claims Court1 Trial	Ghuman vs Seashells (MAGED)	0
8:30 AM	17-2021-00008994-SC-CTL	Small Claims Court1 Trial	Greene vs Brooks (MAGED)	13
8:30 AM	17-2020-00040347-SC-CTL	Small Claims Court1 Trial	Inezan vs Hussein (MAGED)	0
8:30 AM	17-2021-00017084-SC-CTL	Small Claims Court1 Trial	Jonathan Adkins vs. Berge Zolajquez (MAGED)	0
8:30 AM	17-2021-00017840-SC-CTL	Small Claims Court1 Trial	Levis vs Web Direct Brands (MAGED)	0
8:30 AM	17-2020-00046167-SC-CTL	Small Claims Court1 Trial	Pedro L Escalante vs. Getco Insurance Co (MAGED)	0

Slide 5

## Search by Case Number

- Start your search by entering the Case Number

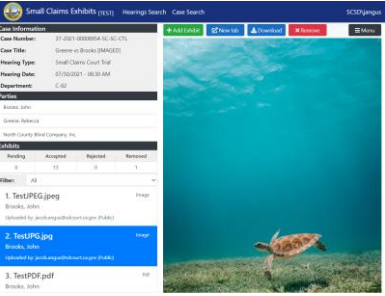


Case Number	Title	Previous Event	Next Event	Exhibits
2021-0008954 SC, CL	Greene vs Brooks (MAGGED)	7/30/2021 8:30 AM - Small Claims Court Trial		13

Slide 6

## Viewing Exhibits

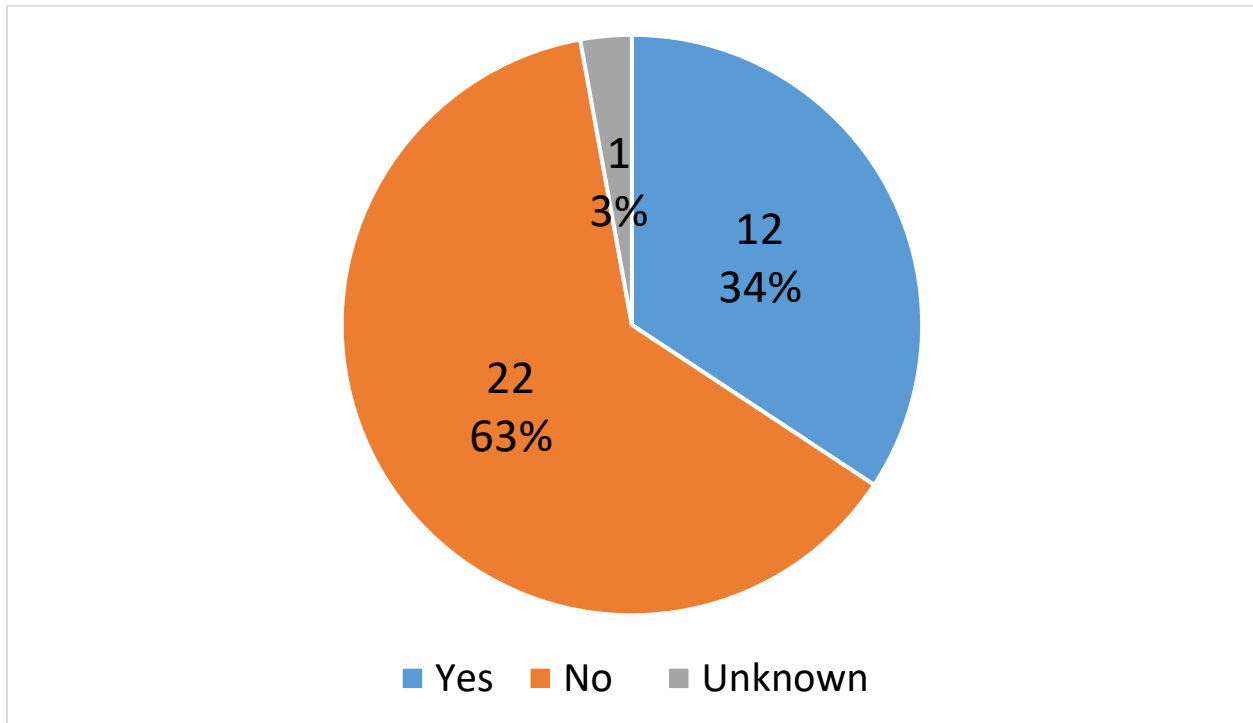
- Parties: Clicking on a name in this section will filter exhibits submitted by that party
- Exhibits for the case are filtered/listed in the lower left navigation window
  - Exhibit highlighted will appear on the right side of the app
  - Clicking "New Tab" will launch a new browser tab of the exhibit for viewing with out the navigation bar on the left
  - You may add exhibits manually using the "+Add Exhibits Button"
  - You may download the exhibit to your computer by clicking on the "Download" button
  - You may remove an exhibit from the case by clicking on the "x Remove" button



## APPENDIX E: DIGITAL EVIDENCE SURVEY RESULTS

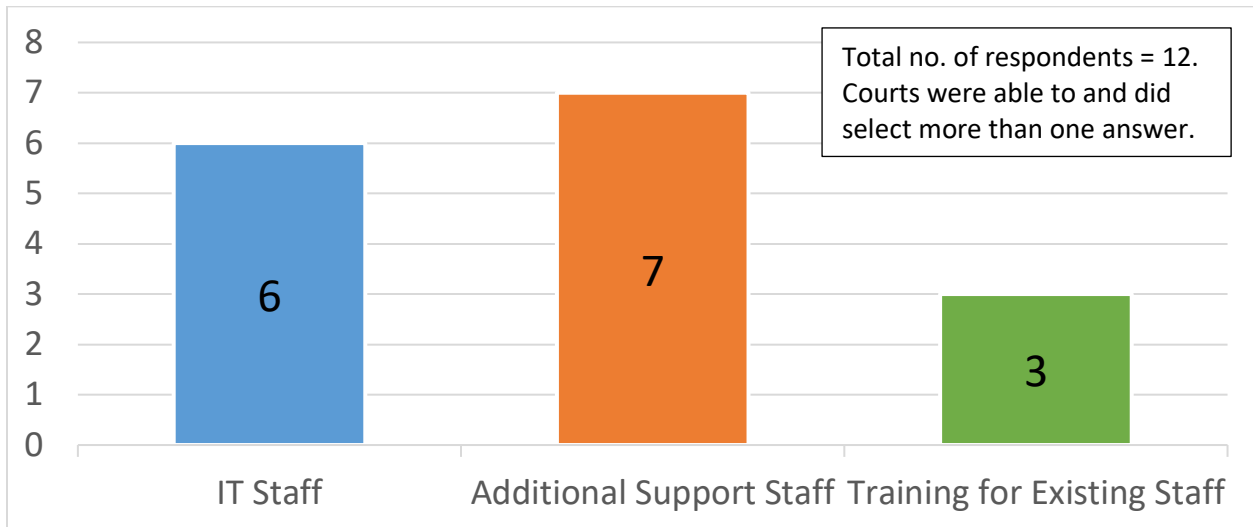
### California Superior Court Digital Evidence Survey Results

**QUESTION 7: Do you need or anticipate needing additional staff to manage electronic evidence?**

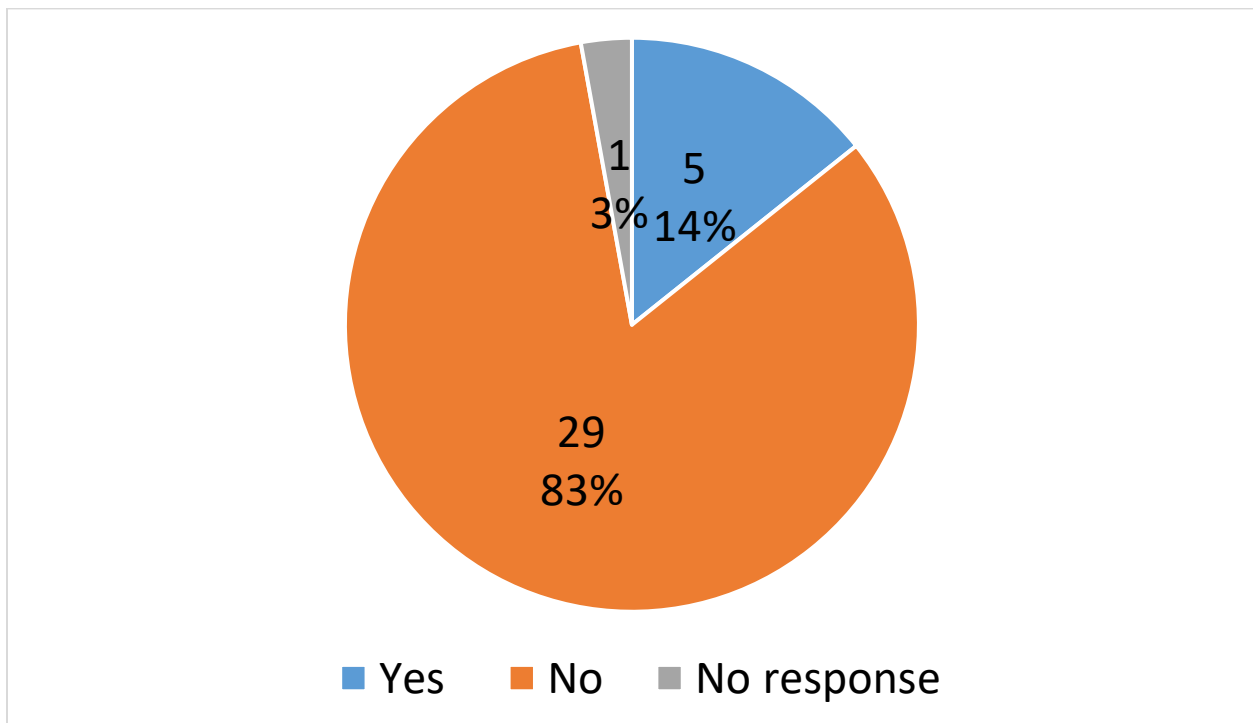


	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Total
Yes	0	5	3	4	12
No	5	9	5	3	22
N/A or Unknown	0	1	0	0	1
Percentage of Yes Respondents	0%	33%	38%	57%	34%

**QUESTION 8: If you answered yes to question 7, please describe the tasks needing additional support:**

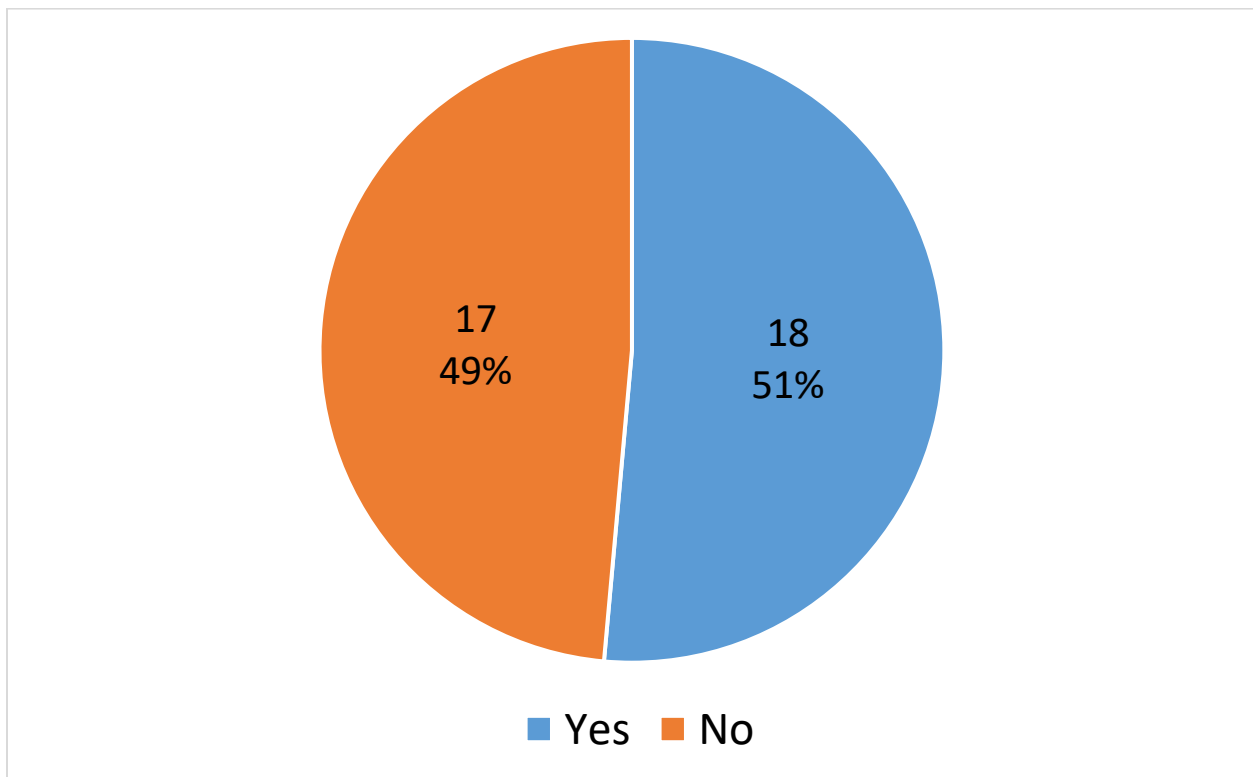


**QUESTIONS 9 & 10: Has your court implemented a distinct solution to receive, store, manage, and/or present electronic evidence?**



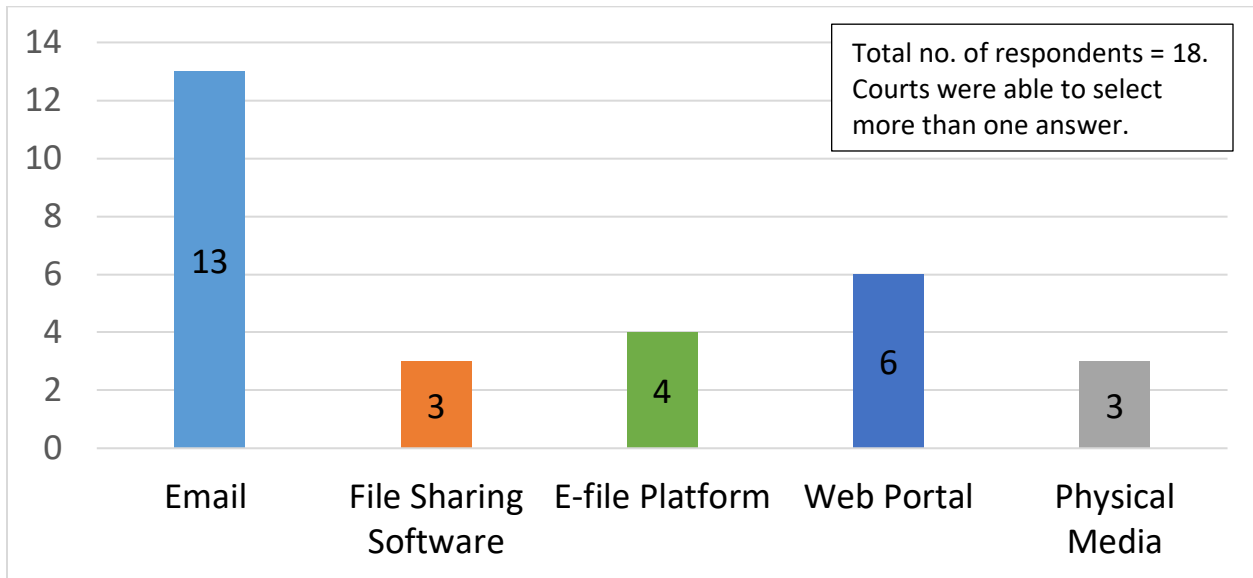
	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Total
Yes	0	1	2	2	5
No	4	14	6	5	29
N/A or Unknown	1	0	0	0	1
Percentage of Yes Respondents	0%	7%	25%	29%	14%

**QUESTION 13: Does your court accept electronic evidence via electronic transmission? This is as opposed to requiring submission of a physical storage device such as a USB Drive, CD, or DVD.**

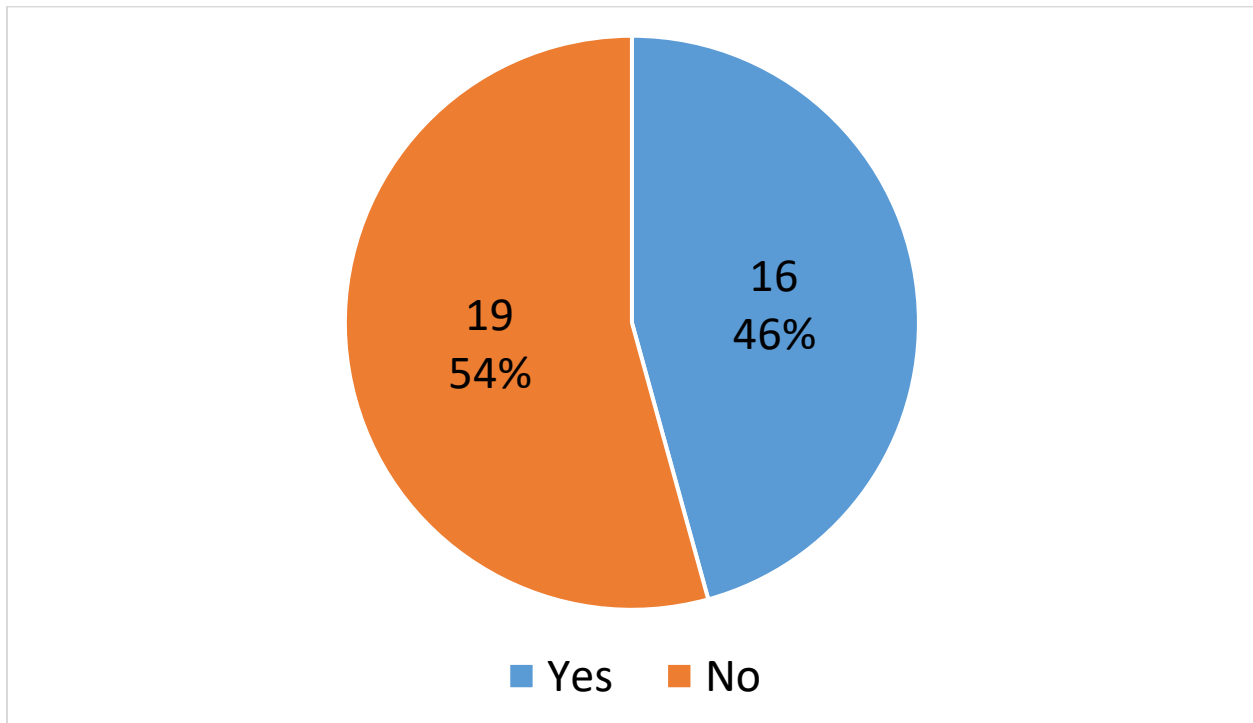


	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Total
Yes	1	8	6	3	18
No	4	7	2	4	17
Percentage of Yes Respondents	20%	53%	75%	43%	51%

**QUESTION 15: If you answered yes to question 13, by what transmission method does your court accept electronic evidence (choose all that apply)?**

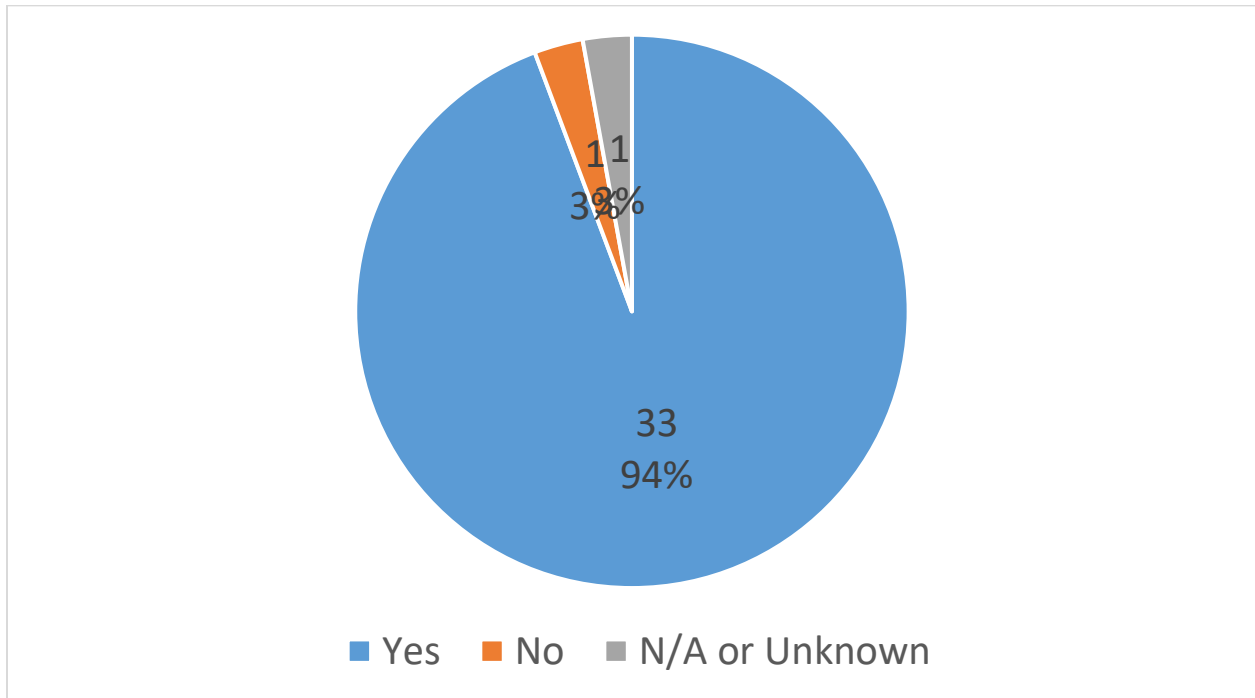


**QUESTION 17: Has your court received evidence in proprietary file formats or viewing applications that were difficult to review?**



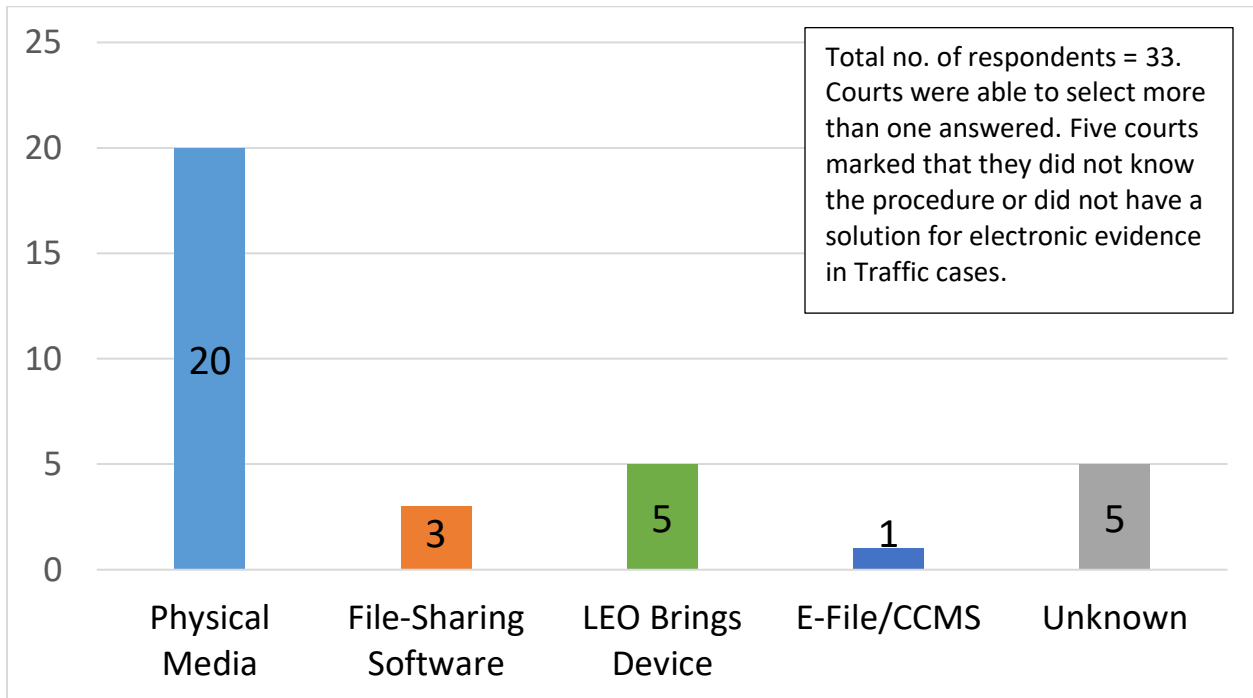
	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Total
Yes	2	5	5	4	16
No	3	10	3	3	19
Percentage of Yes Respondents	40%	33%	63%	57%	46%

**QUESTION 30: Does your court accept body-worn and/or traffic camera footage in court cases?**

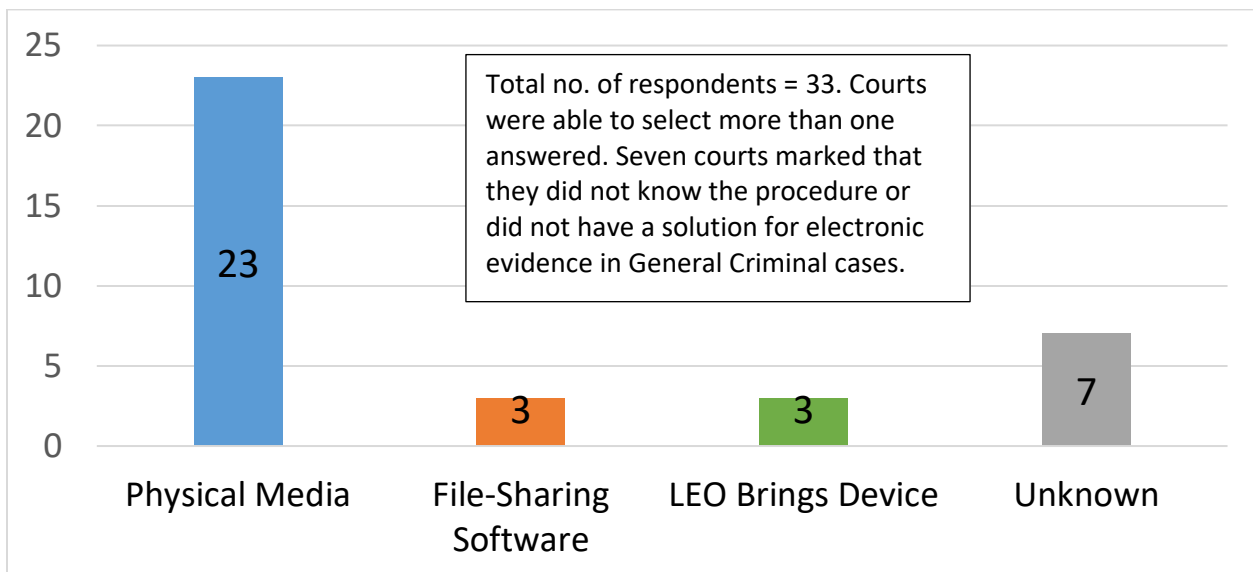


	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Total
Yes	5	13	8	7	33
No	0	1	0	0	1
N/A or Unknown	0	1	0	0	1
Percentage of Yes Respondents	100%	87%	100%	100%	94%

**QUESTION 31: If you answered yes to question 30, how is the footage presented/received/stored/shared to and within your court in Traffic cases?**

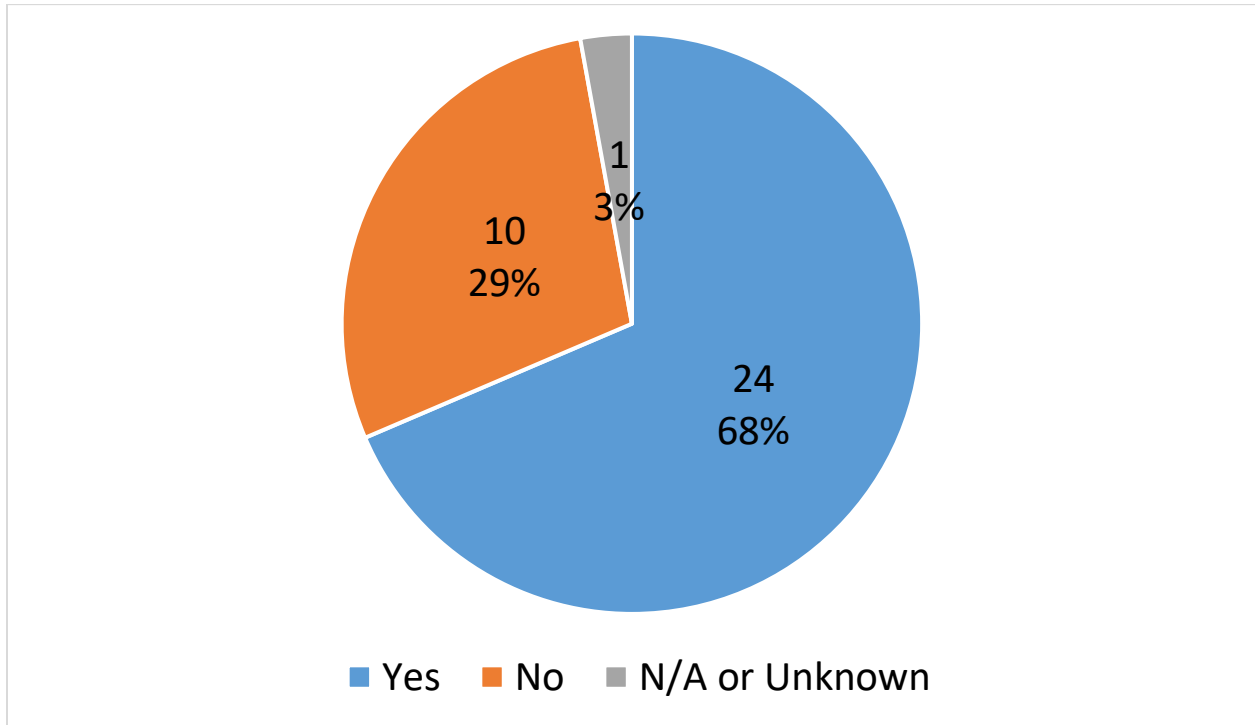


**QUESTION 32: If you answered yes to question 30, how is the footage presented/received/stored/shared to and within your court in General Criminal cases?**



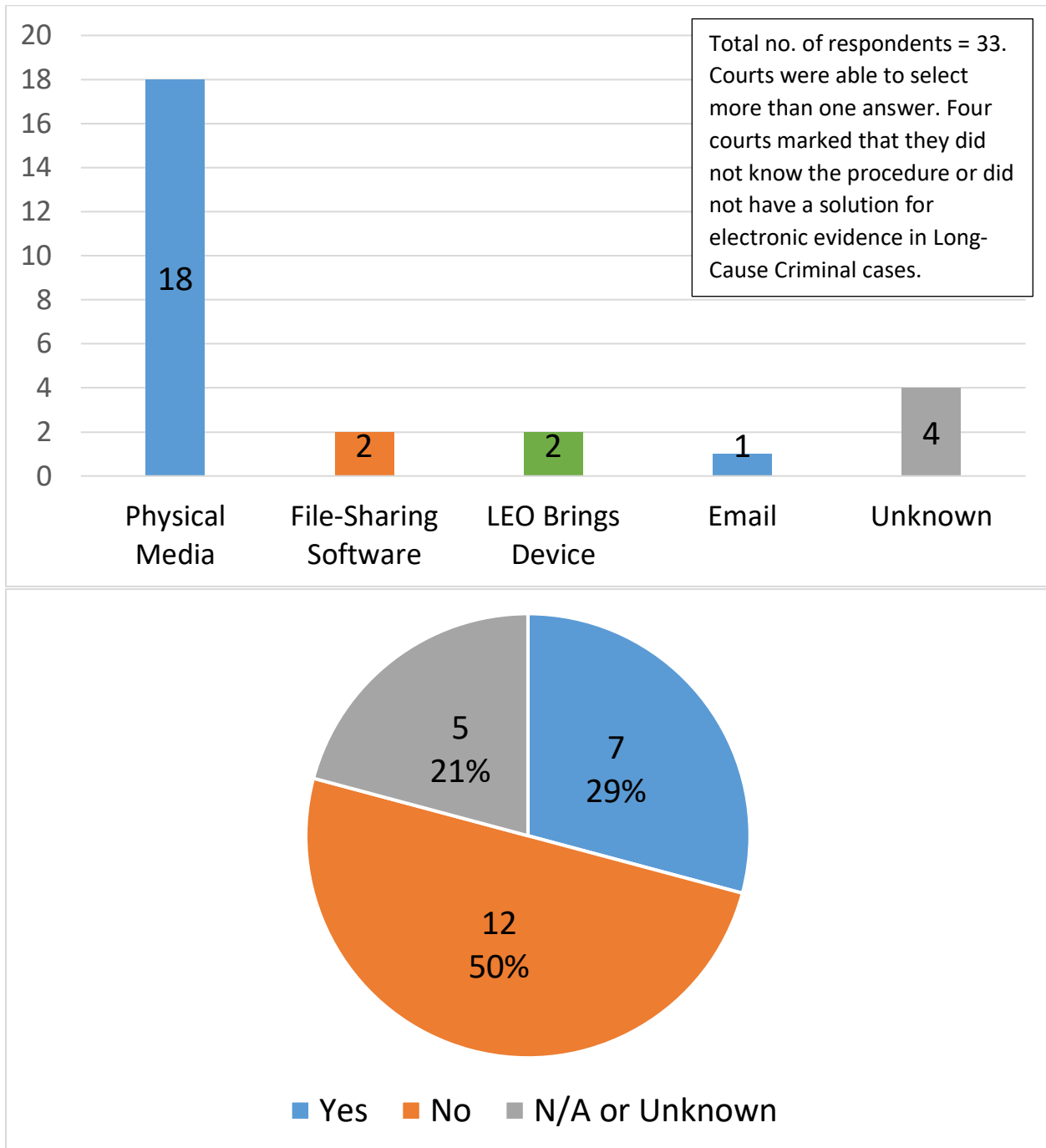


**QUESTION 33: In long cause criminal cases, do parties use electronic evidence?**



	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Total
Yes	3	8	7	6	24
No	2	7	1	0	10
N/A or Unknown	0	0	0	1	1
Percentage of Yes Respondents	60%	53%	88%	86%	69%

**QUESTION 34: If you answered yes to question 33, how is electronic evidence in long cause criminal cases received by your court?**



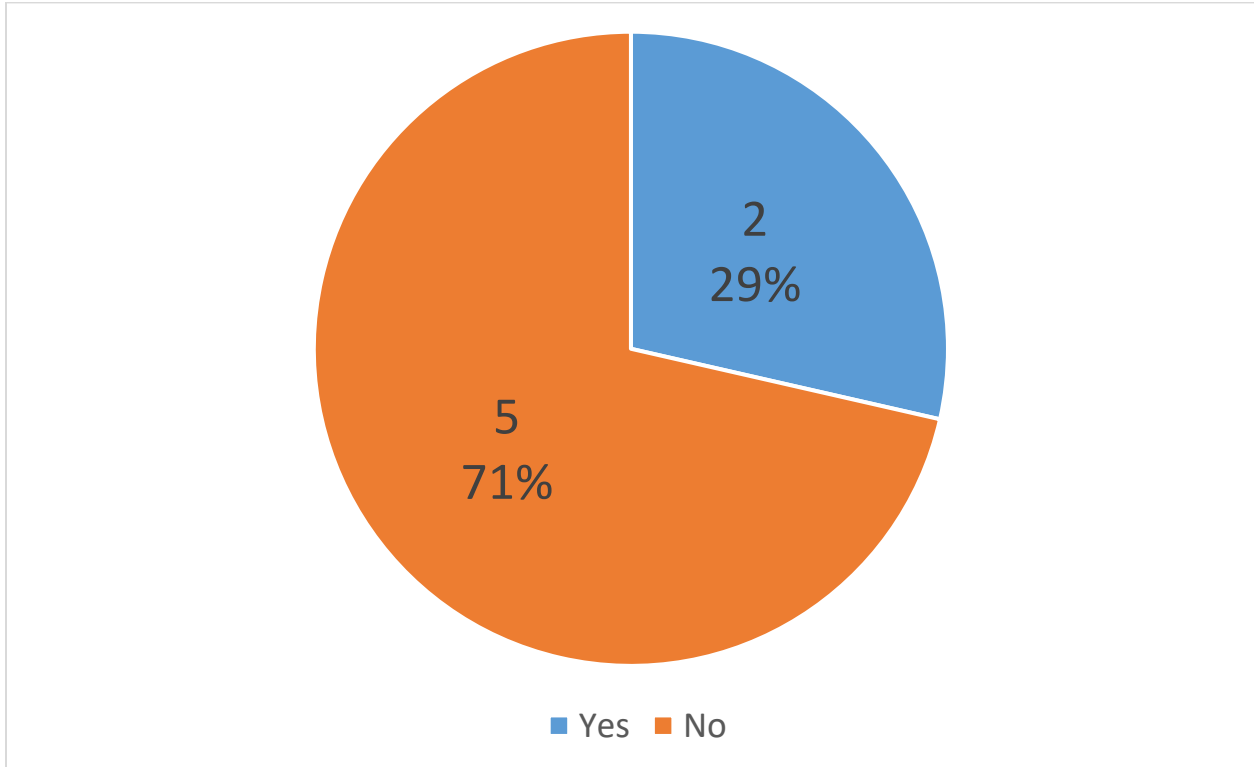
LEO = law enforcement officer.

**QUESTION 35: If you answered yes to question 33, do parties transmit electronic evidence to the court at the time they are admitting it?**

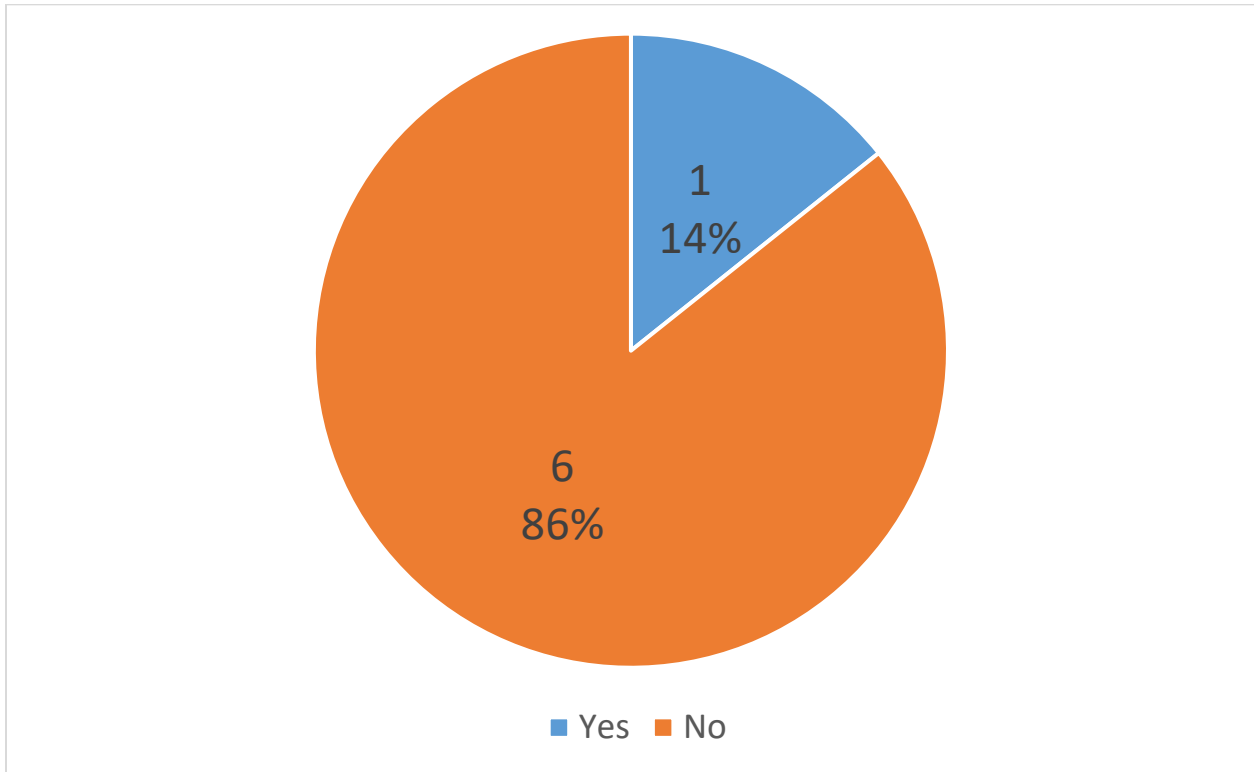
	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Total
Yes	1	3	2	1	7
No	1	2	4	5	12
N/A or Unknown	1	3	1	0	5
Percentage of Yes Respondents	33%	38%	29%	17%	29%

## California Appellate Court Digital Evidence Survey Results

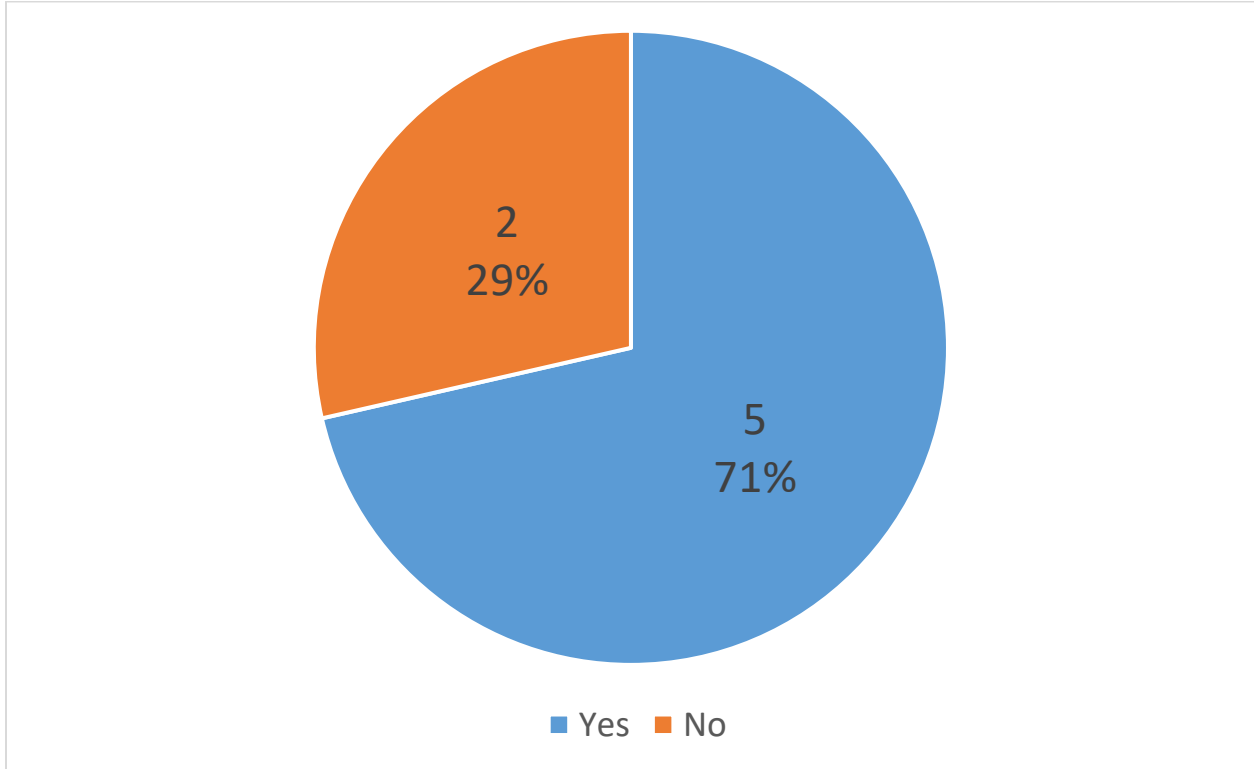
**QUESTION 7: Do you anticipate needing or do you already need additional staff to manage electronic evidence?**



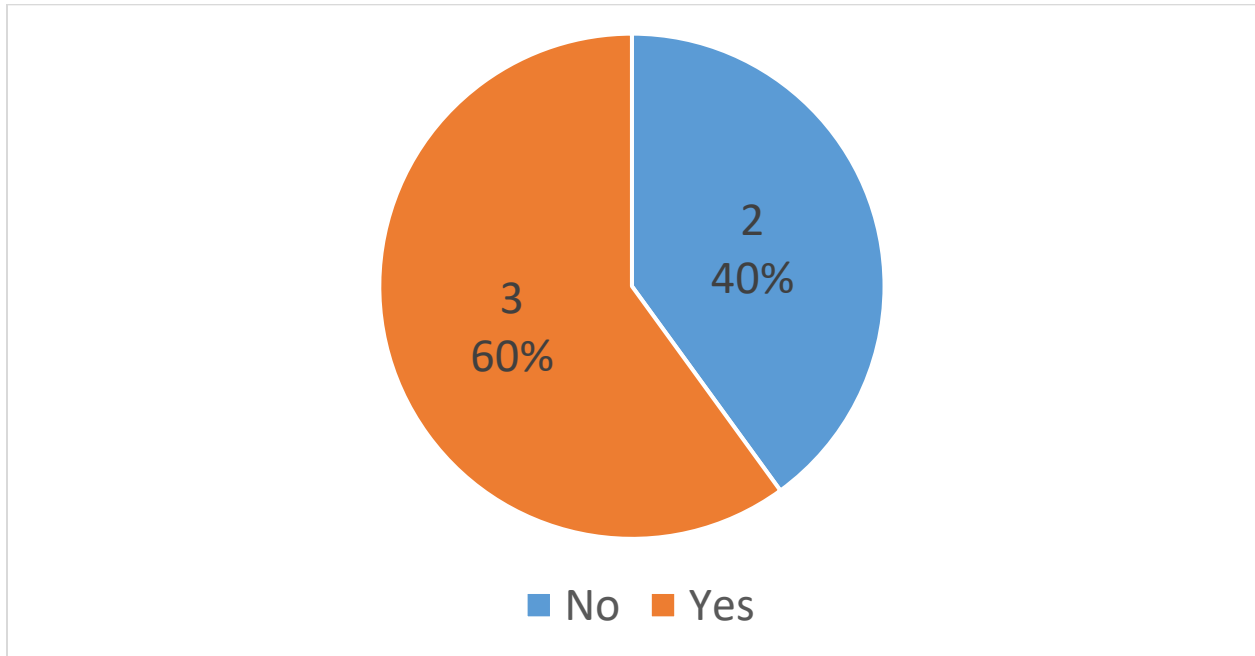
**QUESTION 9: Has your court implemented a distinct solution to receive, store, manage and/or present electronic evidence?**



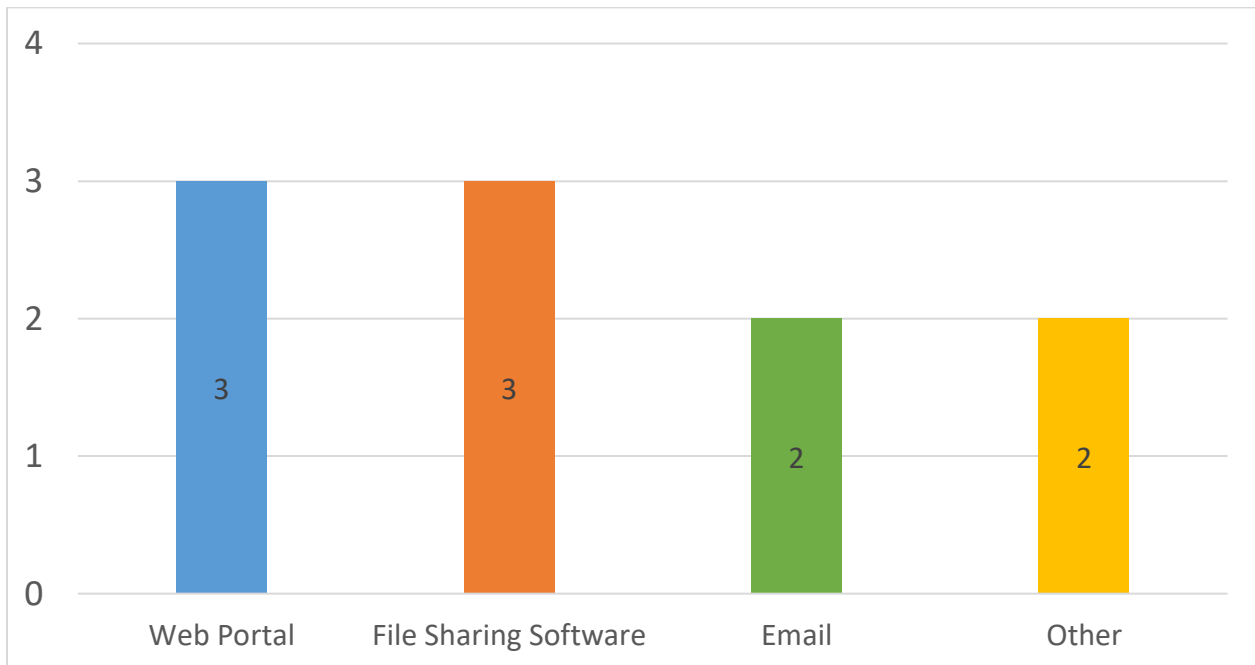
**QUESTION 13: Does your court accept electronic evidence via electronic transmission? This is as opposed to requiring submission of a physical storage device such as a USB Drive, CD, or DVD.**



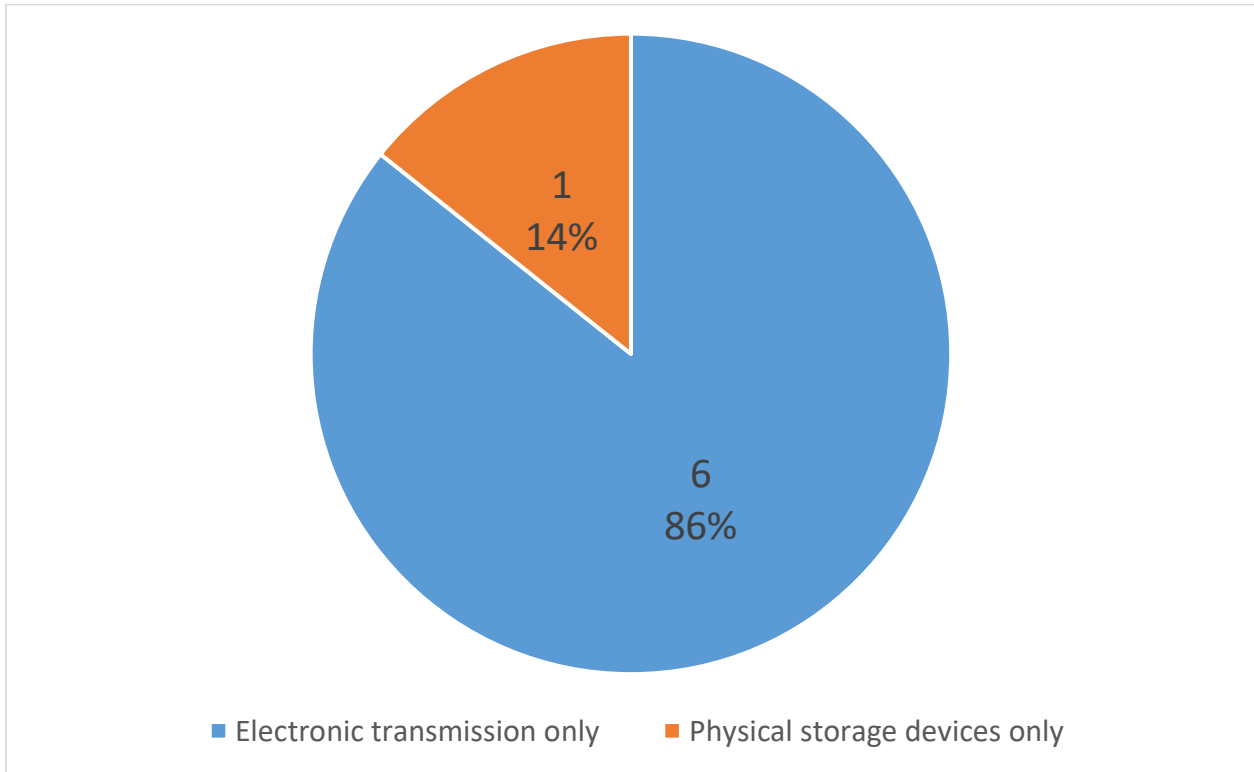
**QUESTION 14: If you answered yes to question 13, does your court accept electronic evidence in its native electronic format/file type?**



**QUESTION 15: If you answered yes to question 13, by what transmission method does your court accept electronic evidence (choose all that apply)?**

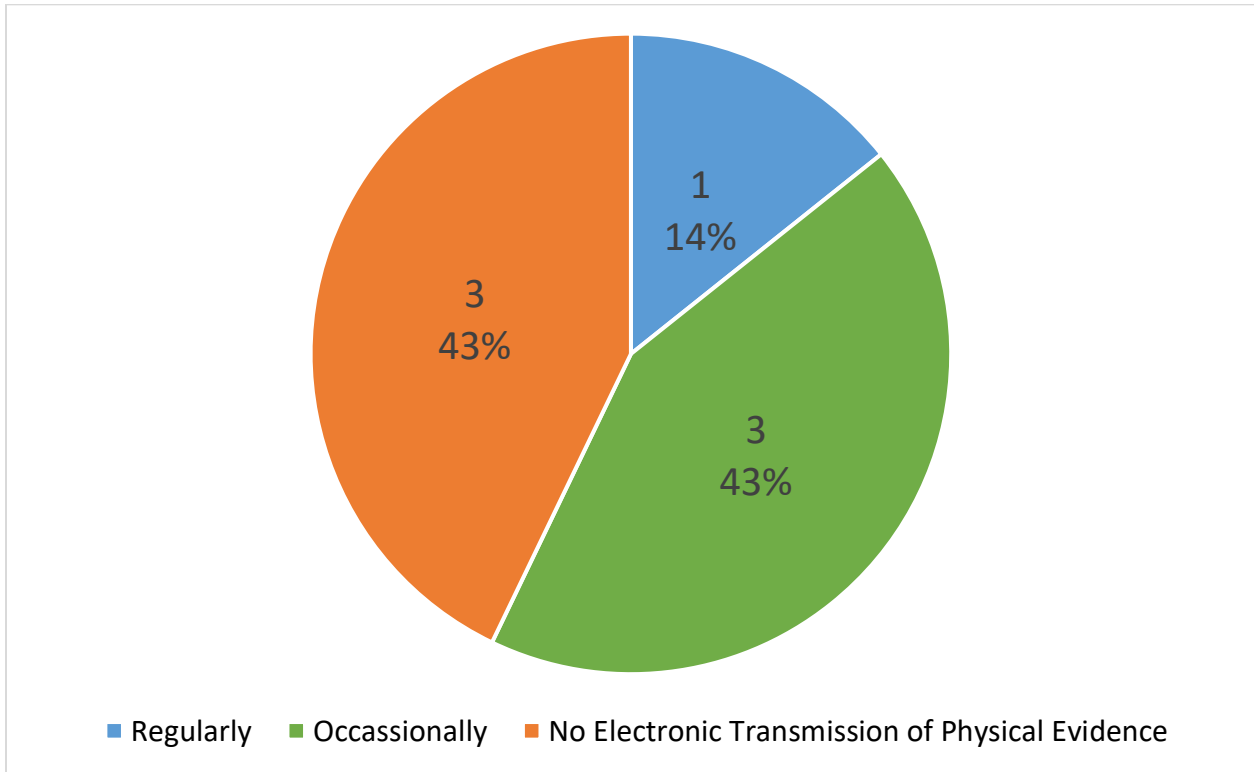


**QUESTION 16: What would be your preferred future format for electronic evidence submitted to the court?**

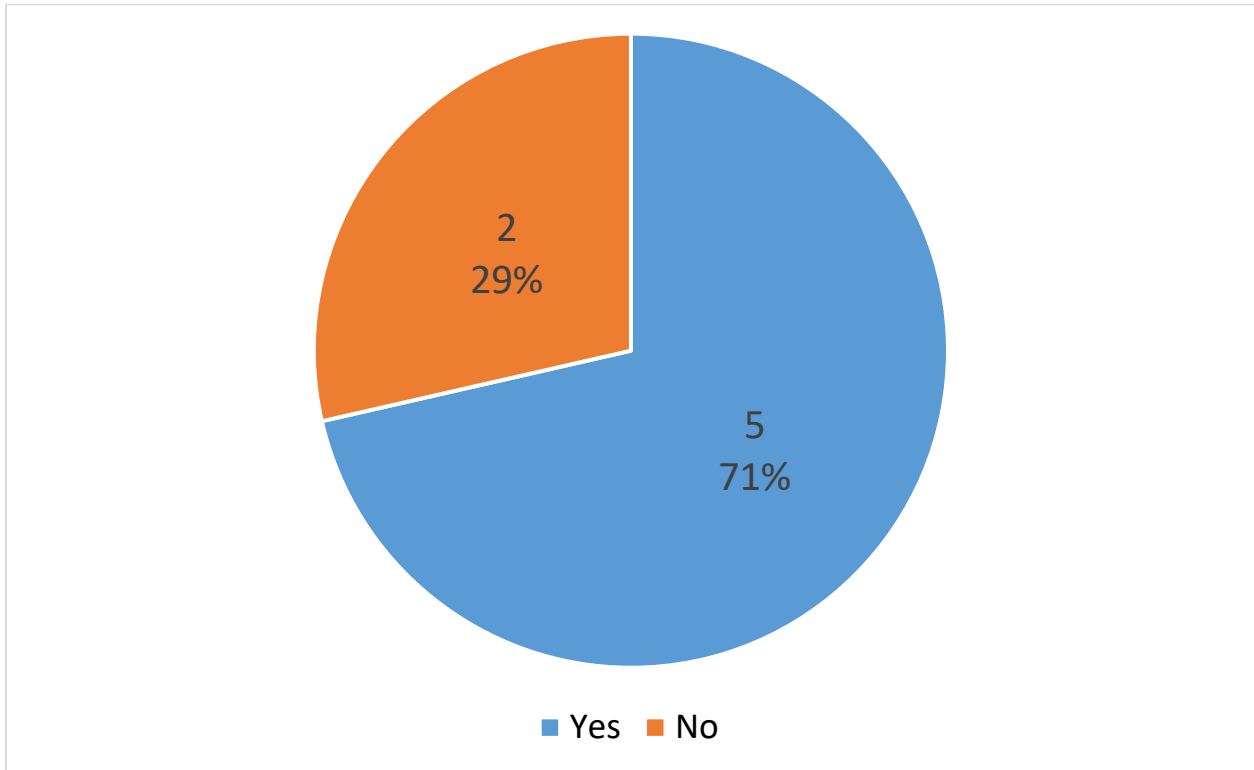




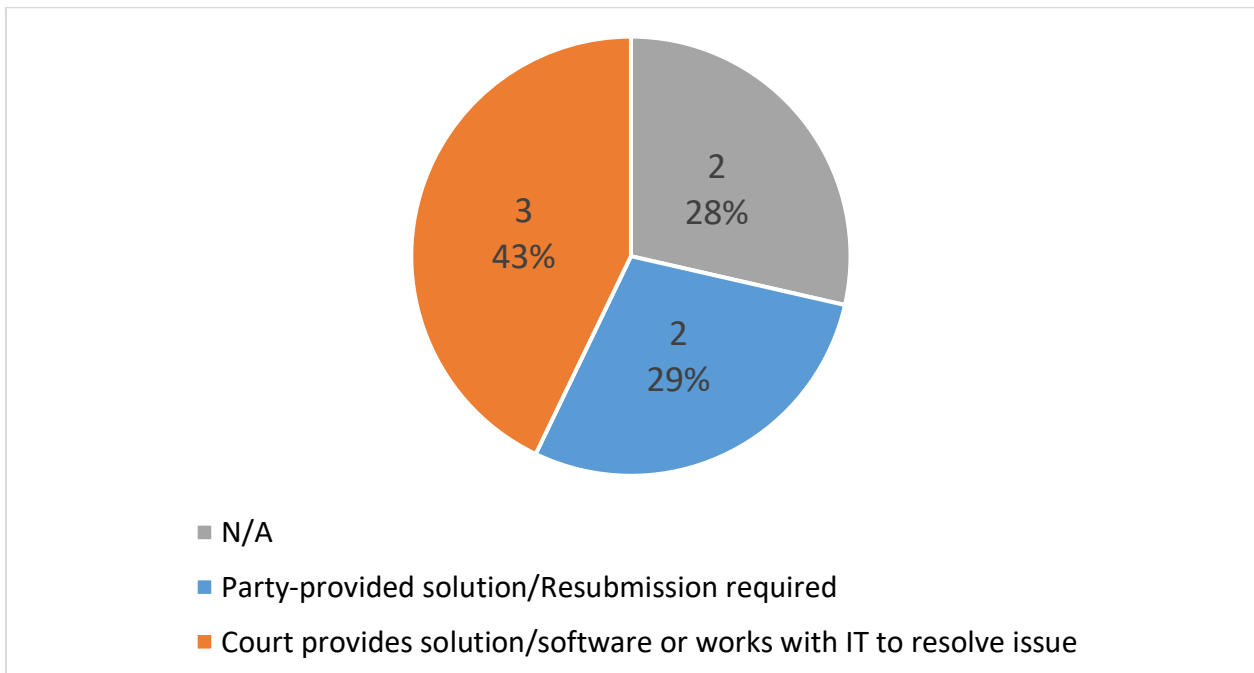
**QUESTIONS 17 & 18: Is physical evidence ever scanned and transmitted to your court electronically? How often is scanned evidence submitted to your court?**



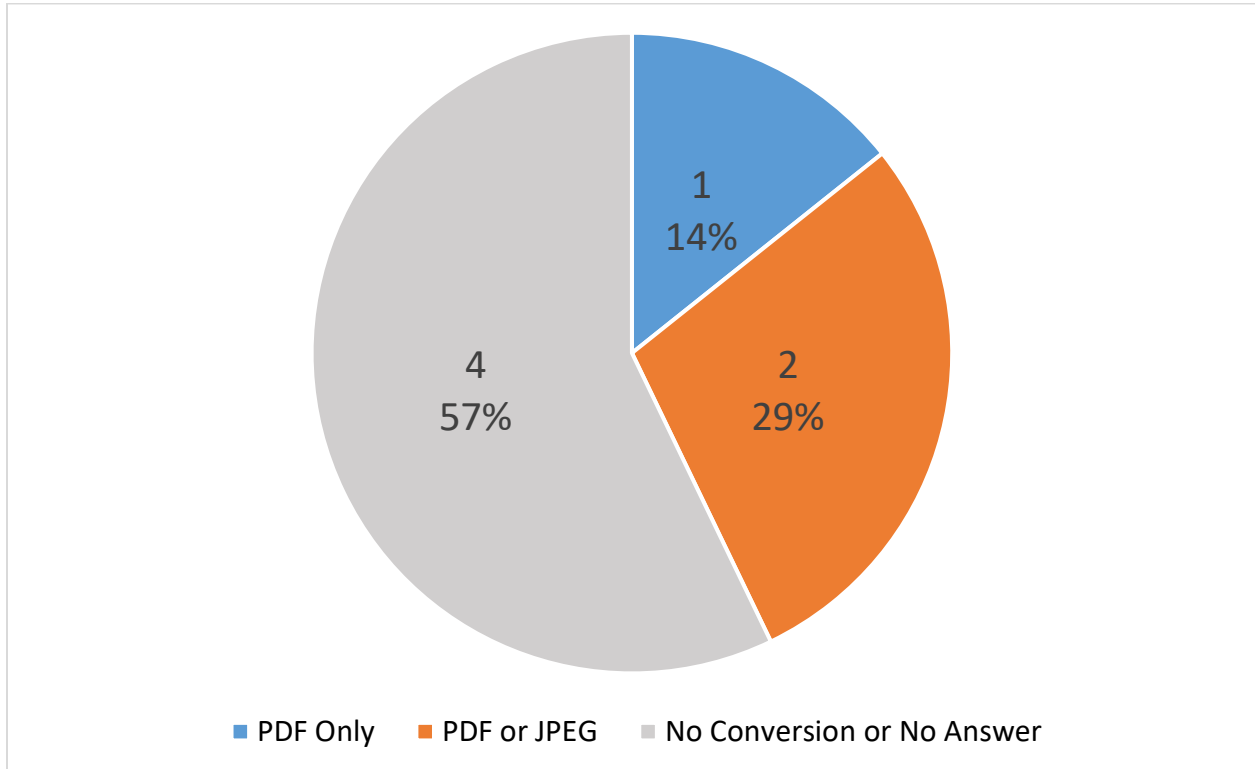
**QUESTION 19: Has your court received evidence in proprietary file formats or viewing applications that were difficult to review?**



**QUESTION 20: If you answered yes to question 19, how did the court manage those issues?**

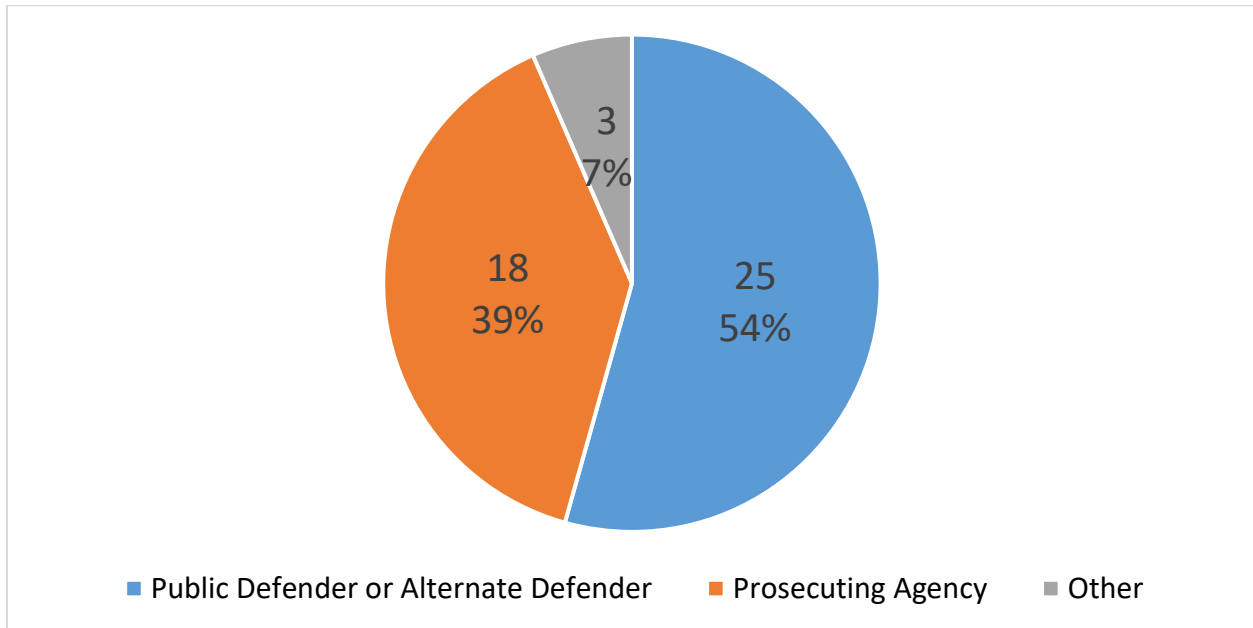


**QUESTIONS 21 & 22: Has your court considered converting or is it currently converting printed physical evidence into an electronic format? What electronic format is used to convert printed physical evidence into an electronic format (i.e., PDF)?**



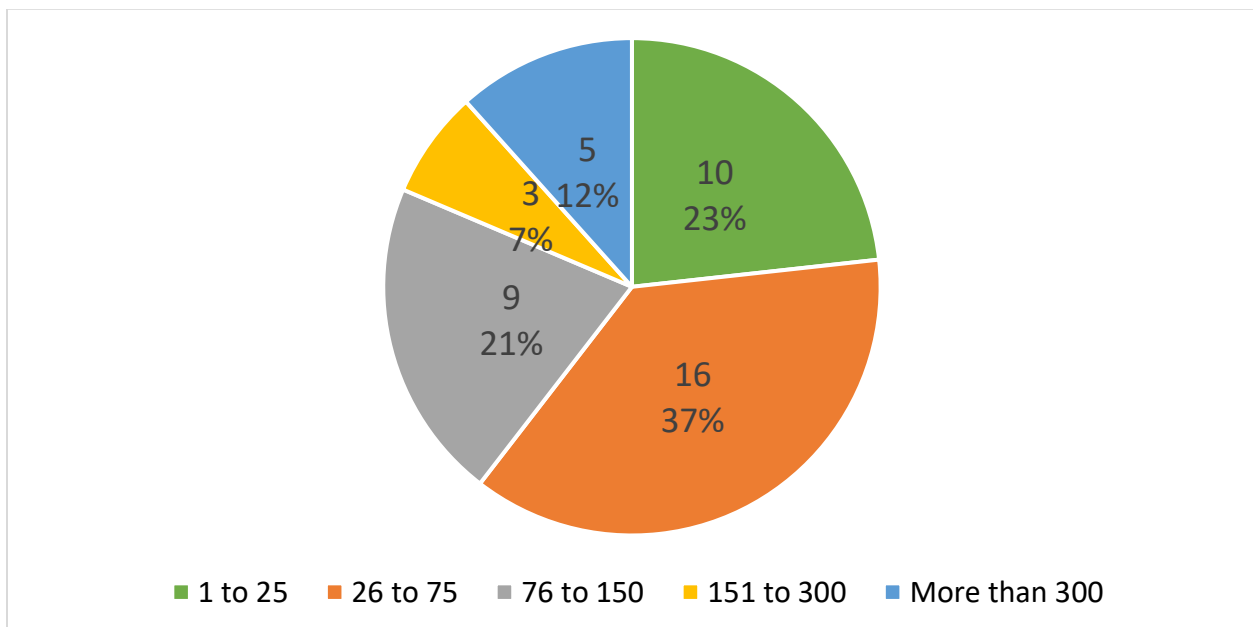
## California Criminal Justice Partner Digital Evidence Survey Results

### QUESTION 3: What type of organization do you represent?

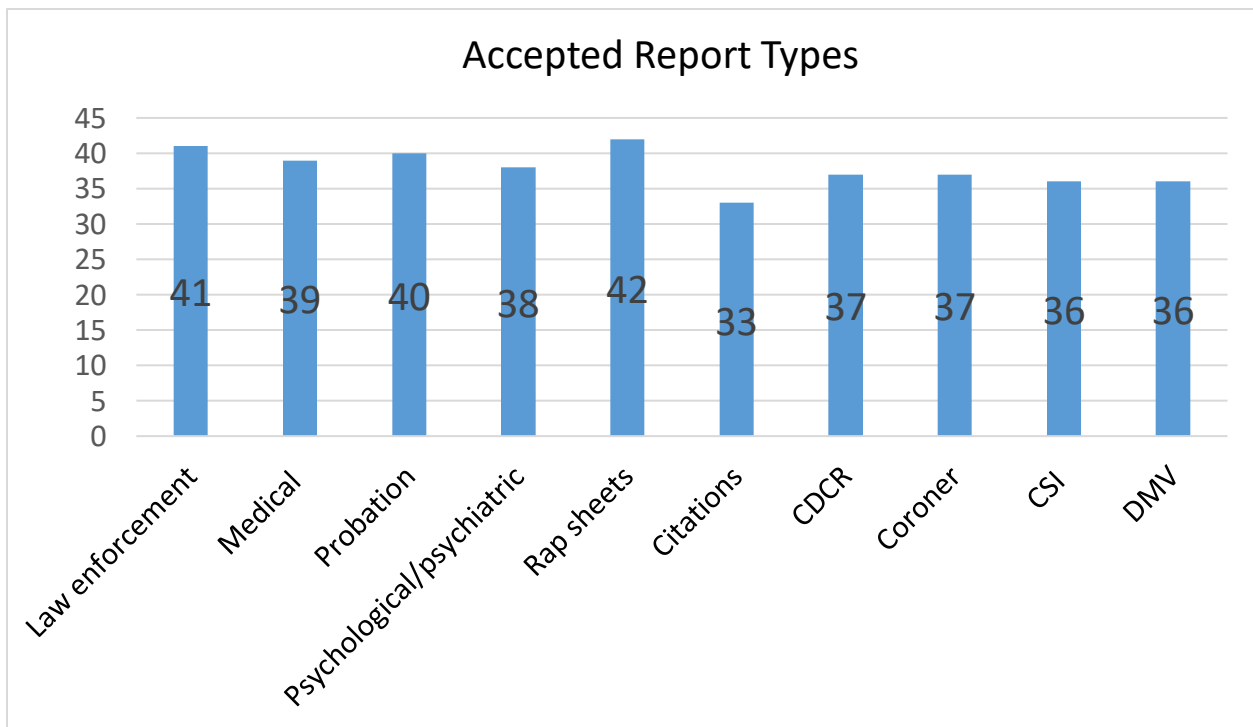
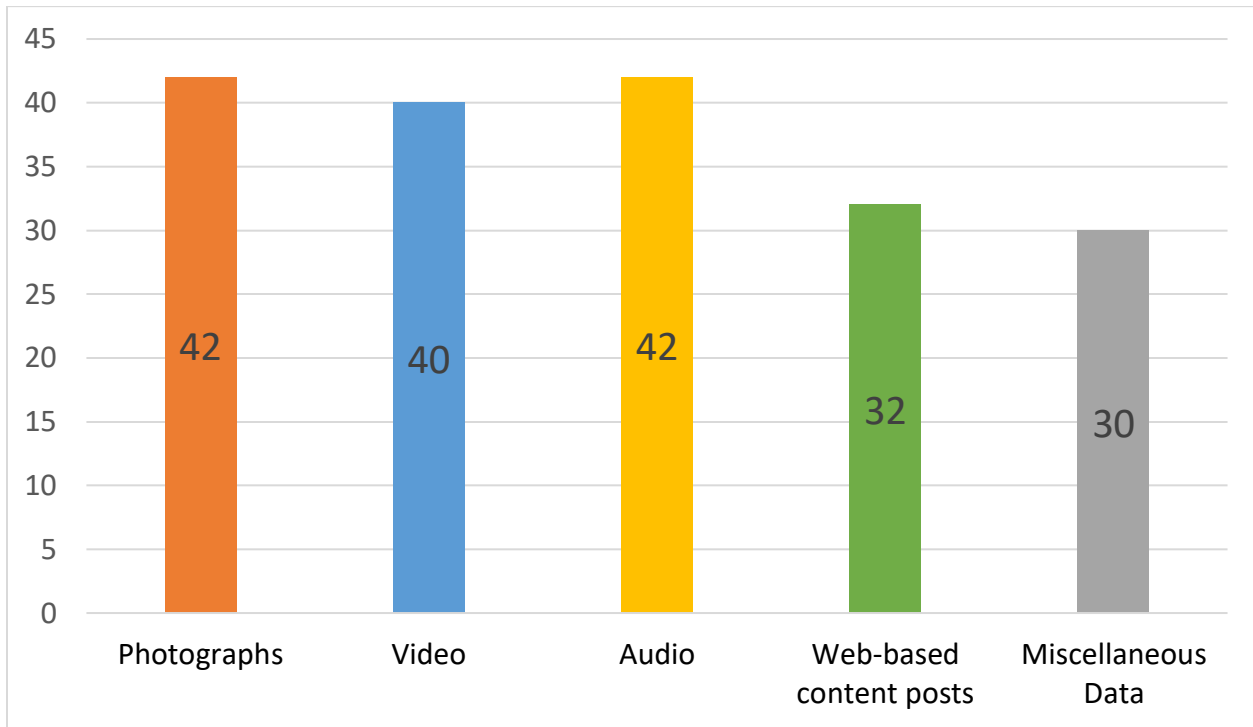


Note: The survey received three responses from agencies that were not prosecuting agencies, public defenders, or alternate defenders. They consisted of a nonprofit appellate defender, a project administrator for appointed appeals, and appointed council for juvenile dependency matters. To maintain report consistency, their responses have been omitted from the report.

### QUESTION 4: What is the approximate number of staff in your organization?



**QUESTION 5: What type of evidence do you collect and store? (Choose all that apply)**



CDCR = California Department of Corrections and Rehabilitation; CSI = crime scene investigator; DMV = Department of Motor Vehicles.

**QUESTION 14: Identify how the evidence maintained in a proprietary file format was made accessible to the Superior Court (choose all that apply):**

