Information Technology Advisory Committee (ITAC)

Public Business Meeting
February 8, 2019 Teleconference

Hon. Sheila F. Hanson
Chair, Information Technology Advisory Committee

Administrative Matters

I.   Open Meeting

- Call to Order, Roll Call

- Approve Minutes

  - December 3 (in person)

  - January 2 (action by email)

DRAFT Minutes are in the materials e-binder.

II.   Public Comment

Item 1. Chair Report

Hon. Sheila F. Hanson

Chair, Information Technology Advisory Committee

There are no additional slides for this report.

Item 2. Judicial Council Technology Committee Update

Hon. Marsha Slough

Chair, JCTC

There are no additional slides for this report.

Item 3. Video Remote Interpreting Workstream

Hon. Samantha P. Jessner

Mr. David H. Yamasaki

Workstream Executive Co-Sponsor

Advance to the next slide for this item.

Refer to the e-binder for materials.

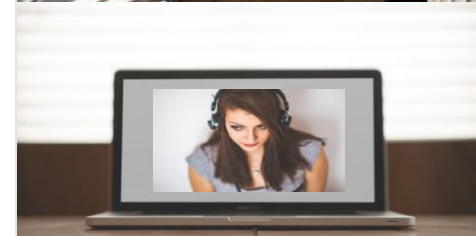# Video Remote Interpreting Pilot Workstream: Final Report

Presented by:

Hon. Samantha Jessner, ITAC Co-Executive Sponsor

Mr. David H. Yamasaki, ITAC, LAPITF, Co-Executive Sponsor

Mr. Douglas G. Denton, Court Operations Services

Ms. Virginia Sanders-Hinds, Information Technology

February 2019

History

- January 2015 – The council adopted the *Strategic Plan for Language Access in the California Courts*

- March 2015 – Chief Justice formed the Language Access Plan Implementation Task Force (LAPITF)

- Plan contains 75 recommendations

- Six recommendations addressed video remote interpreting (VRI)

Background

- Over 200 languages are spoken in the California courts

- Courts serve 58 counties across ~164,000 square miles

- Limited supply of qualified court interpreters

- VRI Pilot Project Goal – Verify whether VRI can reliably assist limited English proficient (LEP) court users

- Assess how technology can address language access needs

Language Access Plan - Recommendations

- LAP contains guidelines for VRI (App. B-D), but we need recommended technical guidelines

- **LAP Rec. No. 14** Establish minimum technology requirements for VRI

- **LAP Rec. No. 16:** Conduct a pilot project for VRI

Video Interpreter

Per LAP Rec. No. 16, to the extent possible, the pilot should collect relevant data on:

- *due process issues*
- *participant satisfaction*
- *whether remote interpreting increases the use of certified and registered interpreters (as opposed to provisionally qualified interpreters)*
- *the effectiveness of a variety of available technologies*
- *cost-benefit analysis*

Governance Structure

Video Remote Interpreting Pilot Project
Governance Structure
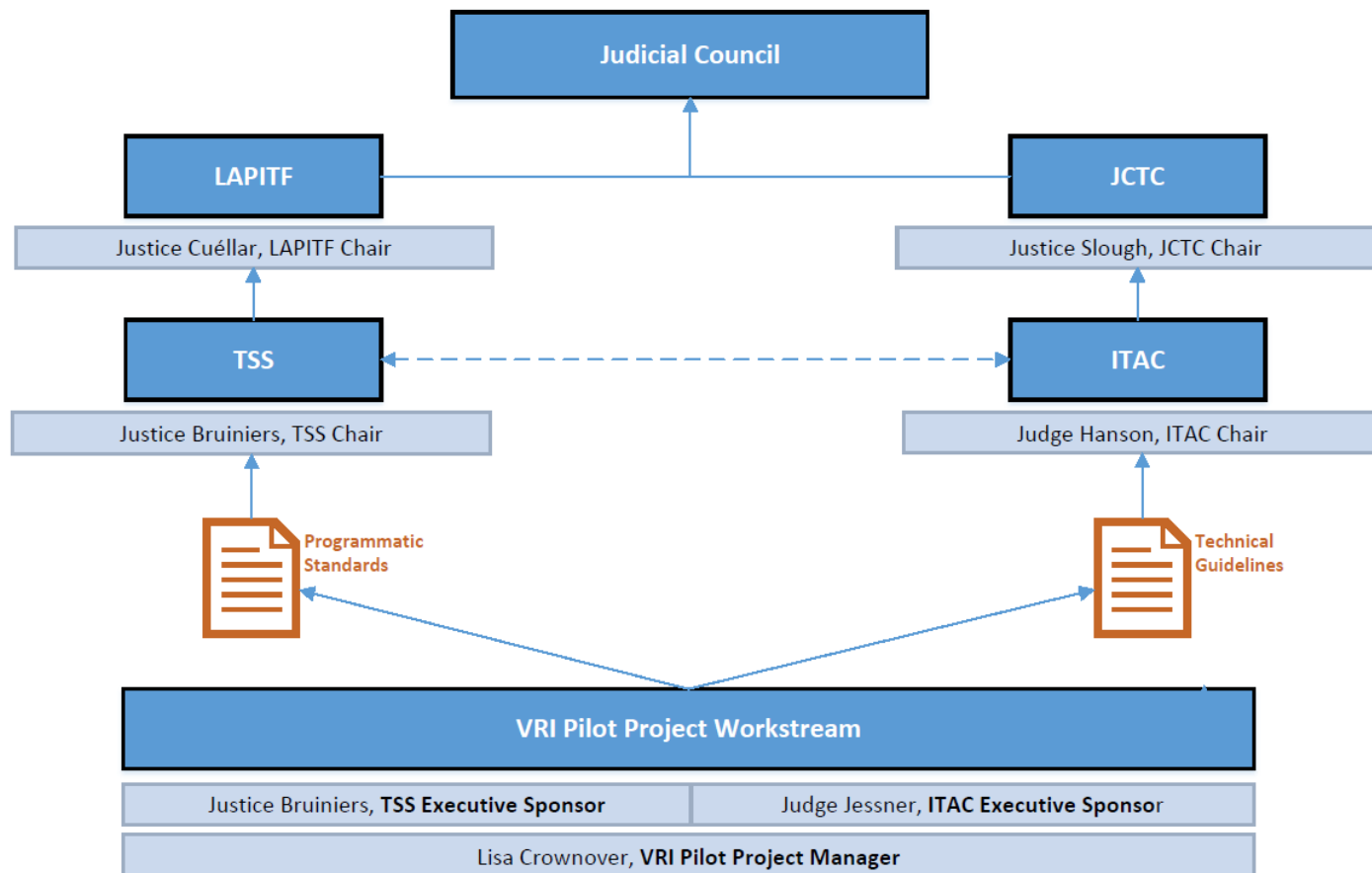
VRI Workstream Team

Includes:
- Judges
- Court Executive Officers
- Court Interpreters
- Court Staff, including IT staff
- Judicial Council staff

Tasked to:

- Consult on development of VRI **training** for all stakeholders
- Review San Diego State University (SDSU) pilot **evaluation**
- Develop proposed minimum VRI **technical guidelines**
- Provide input on **programmatic and usage guidelines**
- Recommend **new rules of court** to support use of VRI

Video Remote Interpreting Pilot Project

In 2018, the VRI Pilot took place in three counties:

- Ventura
- Merced
- Sacramento

Two vendors per county:

A Video Remote Interpreter's workstation, located in the Interpreter's Office at the downtown Sacramento Superior Court, connected to the Carol Miller Justice Center, Sacramento, CA.

Training

Training consisted of:

- Mock hearings
- Use of VRI equipment
- Hardware and software tutorials
- Training documentation
- Collection of data / feedback

Mock hearing at the Carol Miller Justice Center in Sacramento, CA, to test the use of VRI equipment with a remote interpreter.

Pilot GO-LIVE Dates and Case Types

GO-LIVE dates for:

- Ventura - January 2018
- Merced - January 2018
- Sacramento - February 2018

Case types:
- Felony arraignments
- Traffic arraignments
- Some civil matters

In-custody defendant at the Sacramento Jail Courthouse, communicating to the court interpreter, located at the Sacramento Main Courthouse, during his arraignment. The defendant can see the court interpreter on the screen directly in front of him and there is also a large screen with the court interpreter located to the right of him.

Sacramento County

Interpreter Joey Tobin at the Sacramento Interpreter workstation, Sacramento Courts.

Detained defendant at the Sacramento Jail Court house, with Deputy Roberts at Sacramento Courts.

Arraignment setting using video remote interpreting equipment with a remote interpreter in Sacramento County. The defendant communicates with the interpreter by phone, and can see the interpreter on the courtroom monitor and on a video phone located directly in front of the defendant. The video phone makes face-to-face phone calls possible, and also allows attorney-client communication between the defendant, his/her attorney, and the interpreter.

Merced County

Following a live hearing, Judge Bacciarini interacts with interpreter Rosa Lopez via video remote interpreting equipment in a Merced Courtroom.

Judge McCabe presiding over a mock hearing to test and train court staff on VRI equipment in a Los Banos Courtroom.

Superior Court CEO Linda Romero-Soles, Merced County, participating in a mock hearing using VRI equipment as a training exercise.

Ventura County

Mock hearing using video remote interpreting equipment with a remote interpreter in Ventura County.

Interpreter Ramon Valdivieso at the Video Remote Interpreter workstation in Ventura County.

VRI Equipment

Interpreters, Mark Crossley and Diana Callahan, testing and training for American Sign Language (ASL) usage on the VRI equipment.

Above: Defendant's table at the courthouse in Ventura County, with a tester calling into the courtroom from a remote VRI workstation.

Bottom Right: Headset equipment reserved for listen-only mode. As appropriate, these headsets are available to friends or family members and allow them to listen in to the court interpreter, helping them to understand court proceedings.

18

Independent Evaluation

San Diego State University (SDSU) Research Foundation was contracted as an independent evaluator and collected VRI pilot data, as outlined in the Language Access Plan, to inform us of:

- Due process issues
- Participant satisfaction
- Use of certified and registered interpreters
- Effectiveness of technologies

Sample Survey

VRI Pilot Event Survey: **LEP Court User Version** [ENGLISH]

SITE: **Sacramento - Main Jail Courthouse, Dept. 63**
ROLE: **LEP Court User**

Month: _____

This survey is part of a research project about interpreting. Participation is voluntary and your responses are completely anonymous and are not tied to any personal information. You have the option not to respond to any question that you choose. Participation or non-participation will not impact your relationship with the court. Submission of the survey will be interpreted as your informed consent to participate and that you affirm that you are at least 18 years of age.

Will you answer just a few questions about the interpreting services you received today?

○ Yes
○ No

L1. Could you hear all court participants clearly?

20

Pilot Evaluation Findings

- Due process concerns for LEP persons assessed based on **communication effectiveness**

- 95% of judicial officers surveyed indicated VRI allowed for effective communication

- 59% of post-pilot survey respondents, including court interpreters, indicated VRI enabled meaningful participation

Pilot Evaluation Findings Cont'd

- The VRI equipment received high marks from LEP court users for satisfaction and ease of use

- Vendors – Connected Justice and Paras & Associates – scored well on technical aspects and were approved to go forward

- Pilot primarily used court employee interpreters and was not able to compare or establish any cost savings from the use of VRI

Post-Pilot Activity

- Judicial Council IT, in collaboration with the three pilot courts, developed recommended minimum technical guidelines for VRI

- LAP's VRI programmatic guidelines were updated

- Judicial Council drafted final report on pilot

- Draft council report, SDSU findings, and draft guidelines were shared with VRI Workstream on December 14, 2018

- California Federation of Interpreters (CFI) and Interpreters Guild of America (IGA) provided written comments

- January 22, 2019 – LAP Implementation Task Force approved draft report to go forward to council

Recommendations for Council

- Adopt the revised VRI guidelines, which now include recommended minimum technology guidelines

- Approve creation of Leveraged Procurement Agreements (LPAs) with the two approved VRI pilot vendors

- Approve development of a VRI Program for the branch in 2019

- Regularly report to council on VRI implementation progress

Questions & Answers

http://www.courts.ca.gov/VRI.htm

REPORT

Item 4a. Branch Budget Update

Mr. Zlatko Theodorovic

Director, Budget Services

There are no additional slides for this report.

Item 4b. Branch Budget Update

Ms. Heather Pettit

Chief Information Officer

Advance to the next slide for this report.

In Proposed Budget

- Case Management System Replacement

- Phoenix System Roadmap

- Digitizing Documents for Courts – Phase 1

- *Merged and Updated*

  - Data Analytics/BI

  - Identity Management (Limited Scope)

  - Futures Commission Directives for the Expansion of Technology in the Courts

REPORT

Item 4c. Branch Budget Update

Mr. Mark Dusman

Principal Manager, Information Technology

Advance to the next slide for this report.

Approval Timeline

October – January	Identify / review funding needs
January – February	Develop Initial Funding Requests (IFRs)
February (end)	Prioritize and approve IFRs by JCTC
March 1	Submit final IFRs to JBBC
March – May	Approve IFRs by ITAC and JCTC
May	Review, approve, prioritize BCP Concepts by JBBC
May – June	Draft full BCP
July	Approval of prioritized BCPs by Judicial Council
August	Submit BCP to Budget Services for review and refinement
September	Submit to Department of Finance

Highest Ranked Proposed Topics

- Operationalize Court Innovations
- Digitizing Records – Phase 2
- Disaster Recovery (Initial Funding)
- Modernization of Judicial Council Forms Technology (Intelligent Forms)
- Digital Evidence
- Pilot Next-Generation Hosting Concepts at 1+ Court

Item 5. IT Community Development Workstream Update

Ms. Jeannette Vannoy

Workstream Executive Sponsor

Advance to the next slide for this report.

Workstream Tracks & Members

Resources (People)

Track Leads
- Jeannette Vannoy
- Darrel Parker

Education

Track Leads
- Judge McNamara
- Mark Dusman

Focus Leads
- Jason Galkin
- Heather Pettit

Tools

Track Leads
- Jeannette Vannoy
- Jamel Jones

Judge Perkins
Judge McNamara
Darrel Parker, CEO
Jason Galkin, CEO
Jeannette Vannoy, CIO
Brett Howard, CIO
Paras Gupta, CIO
Heather Pettit, JCIT CIO
Mark Dusman, JCIT
John Yee, JCIT Architecture
Matt Nichols, JCIT Security
Mark Gelade, JCIT Communications
Daphne Light, JCIT Enterprise Apps
Jamel Jones, JCIT PMO
Jessica Craven, JCIT Project Manager
Haresh Thevathasan, JCIT PMO
Mary Ann Koory, CJER

And input from appellate and trial court judges, CEOs, CIOs

Resources Track

Resources (People)

Track Leads
- Jeannette Vannoy
- Darrel Parker

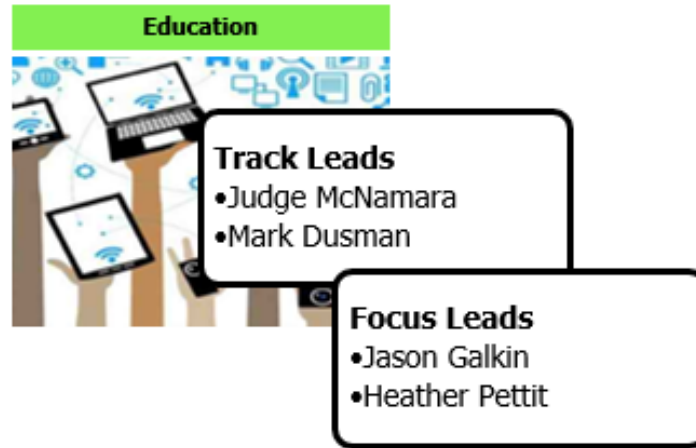| ITAC Annual Agenda	Activities to date
(a) (i) Survey courts regarding interest in exploring opportunities for sharing key technical resources (b) Solicit interest in an IT peer consulting program	• **Presentation** to Court Executive Advisory Committee on 2/1 • **Survey distributed** to CEOs, to close 2/15 *Preliminary observation* • Engaging partnership between CEOs and CIOs to ensure options are in alignment with needs

Education Track

Education

Track Leads
- Judge McNamara
- Mark Dusman

Focus Leads
- Jason Galkin
- Heather Pettit

ITAC Annual Agenda	Activities to date
(a) (ii) Assess IT Leadership Development Needs and Priorities (c) Partner with CJER to develop and implement an annual plan for keeping court leaders abreast of technology trends	• **Conducting 3 focus group sessions**: appellate court, and trial court CEOs and judicial officers • **Surveyed CIOs** to assess needs • **Delivered 3 leadership courses** based on priorities *Preliminary observation* • Strong interest expressed for technology-related education opportunities

Tools Track

Tools

Track Leads
- Jeannette Vannoy
- Jamel Jones

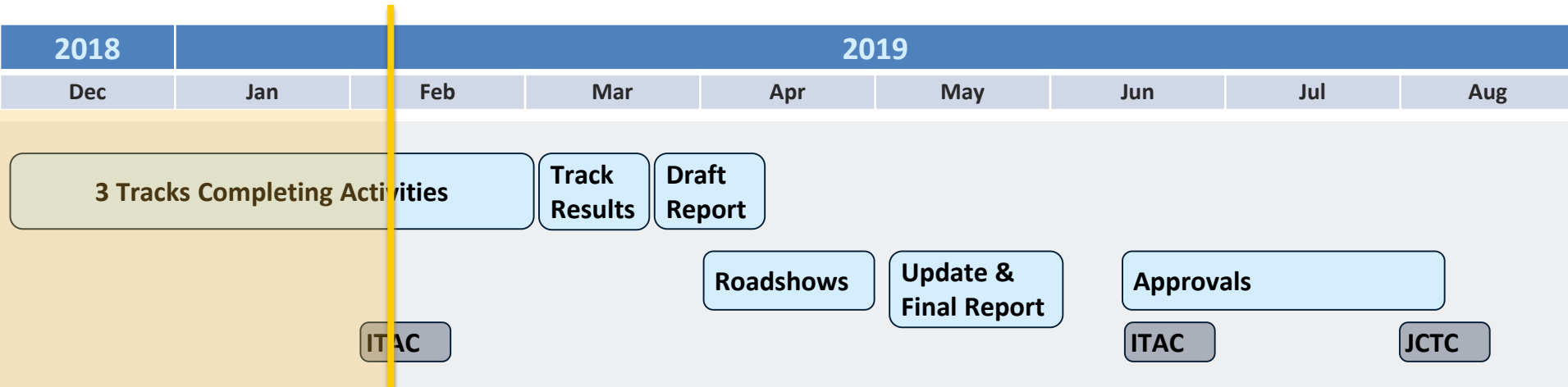| ITAC Annual Agenda	Activities to date
(e) Evaluate and prioritize possible technologies to improve advisory body and workstream meeting administration; pilot recommendations with ITAC (Granicus) (d) Identify, prioritize, and report on collaboration needs and tools for use within the branch	• **Completed and prioritized needs** assessment • **Conducted Gartner Analyst sessions** on key topics • **Gained exposure to solutions** through national court IT leaders (CITOC) *Preliminary observations* • Collaboration products are mature and ready for adoption • Adoption is challenging

Timeline

2018	2019							
Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug

3 Tracks Completing Activities

Track Results

Draft Report

Roadshows

Update & Final Report

Approvals

ITAC

ITAC

JCTC

Milestones

February 8	ITAC Status Update
February 28	Completion of individual track/team work
March 21	Estimated date to complete documenting of track results
April 5	Draft of Final Report
April	Previews (Roadshows) to Presiding Judges and Court Executives April 10, ITAC April 15, Appellate Clerks April 17, and CITMF April 19
May	Update and Final Report
June, August	June 21- ITAC Review and Approval of Final Report August 12- JCTC Review and Approval of Final Report

Item 6. Digital Evidence Workstream

Hon. Kimberly Menninger

Workstream Executive Sponsor

Advance to the next slide for this item.

Refer to the e-binder for materials.

Digital Evidence Workstream Phase 1: Assessment

2/8/2019

JUDICIAL COUNCIL
OF CALIFORNIA

Digital Evidence Workstream Phase 1 Scope

Investigate, Assess, and Report on Statutes, Rules, Business Practice, and Technical Standards Related to Digital Evidence

Major Tasks:

a) Review existing statutes and rules of court to identify impediments to use of digital evidence and opportunities for improved processes.

b) Survey courts for existing business practices and policies regarding acceptance and retention of digital evidence.

c) Survey courts and justice system groups regarding possible technical standards and business practices for acceptance and storage of digital evidence.

d) Present findings to ITAC and provide recommendations on next steps.

Working definitions

- **Digital evidence**, also known as electronic evidence, is any evidence created, received, stored, or transmitted in digital format, e.g., photographs, video recordings, and documents in pdf format.

- **Digital evidence in physical format** is digital evidence transmitted or stored on physical media such as flash drives, body cameras, DVDs, Micro SD chips.

- **Digital evidence in electronic format** is digital evidence transmitted or stored electronically, such as received via email or stored as a file on a server.

Research findings

- Courts receive (and justice partners report submitting) digital evidence types such as:

  - Audio recordings

  - Video recordings

  - Photographs

  - Medical records

  - Body camera recordings

  - PDF documents

  - Social media records

  - Cell phone call/message histories

- Digital evidence is managed almost entirely in physical form (e.g. DVD, flash drive)

Research findings: Rules and Statutes

- Existing statutes and rules do not differentiate digital evidence from other types of evidence.

- Local rules of court governing digital evidence were not found.

- New rules of court may facilitate the use of digital evidence, especially with respect to managing it electronically.

Recommendation regarding:
Business Practices

- Recommend best practices for managing digital evidence electronically

  - Acceptance

  - Storage

  - Viewing

  - Redaction

  - Retention

  - Destruction

Recommendation regarding:
Technology Standards and Practices

Investigate and recommend

- Cost effective technology for presenting digital evidence both inside and out of the courtroom

- Solutions for managing digital evidence electronically

Recommendation regarding:
Rules and Statutes Impacting Digital Evidence

- Recommend rules of court to be developed that would facilitate the management of digital evidence, especially electronic management.

Pointers from the Private Sector

- Start small and deploy a component-based architecture

- Prepare for costs

- Develop standards

- Classify levels of security

- Investigate forward technologies (e.g. search services, AI/recognition)

- Consider staffing needs

Next Steps:
Digital Evidence Workstream Phase 2

Develop a branchwide strategy for managing digital evidence

- Recommend **operational best practices** for managing digital evidence where that differs from managing physical evidence.

- Recommend **technology to support** viewing, transmission, acceptance, storage, and protection of digital evidence.

- Identify branchwide **policies and rules** of court needed to ensure compliance with regulations

- Define **governance** needed to manage policy or procedural recommendations.

ITAC Annual Agenda 2019

9. Digital Evidence (Phase 2)	Priority 2

Project Summary: Investigate and draft technology best practices, standards, and policies, and propose changes to evidence-based rules and statutes.

Key Objectives:

Based on findings from Phase 1:

(a) Investigate and draft proposed **best practices**, policies, and standards for transmitting, accepting, storing, and protecting digital evidence, and circulate recommendations to the branch for input and feedback.

(b) Research and recommend existing **technology and services** that would support transmission, acceptance, storage, and protection of digital evidence.

(c) Develop and propose changes to evidence-based **rules of court and statutes** in collaboration with the Rules and Policy Subcommittee.

(d) Review the **Trial Court Records Manual** for any needed updates to reflect revisions of rules and statutes, and any proposed best practices, policies and standards.

(e) Report findings to ITAC and JCTC, providing recommendations on next steps, and formally sunset this phase of the workstream.

Origin of Project: Tactical Plan for Technology 2017-18 and 2019-2020 (pending).

Status/Timeline: December 2020

Resources:

- *ITAC:* Workstream, Sponsor: Hon. Kimberly Menninger
- *Judicial Council Staffing:* Information Technology, Legal Services
- *Collaborations:* CEAC, TCPJAC, ITAC Rules and Policy Subcommittee, and other advisory bodies as needed

Questions?

Action Requested

1. Approve findings and next steps from the Digital Evidence Workstream Phase 1 for submission to the Judicial Council Technology Committee (JCTC)

2. Authorize initiation of Workstream Phase 2

ACTION ITEM

Item 7. Rules Proposal – Proposed Amendments to the Penal Code Section 1203.01

Hon. Peter Siggins, Chair, Rules & Policy Subcommittee
Ms. Andrea Jaramillo, Attorney II

There are no additional slides for this item. Refer to the e-binder for materials.

Item 8. Rules Proposal – Proposed Amendments to the Civil Procedure Section 1010.6

Hon. Peter Siggins, Chair, Rules & Policy Subcommittee

Ms. Andrea Jaramillo, Attorney II

There are no additional slides for this item. Refer to the e-binder for materials.

Item 9. Rules Proposal — Proposed Amendments to the Electronic Filing and Service Rules

Hon. Peter Siggins, Chair, Rules & Policy Subcommittee

Ms. Andrea Jaramillo, Attorney II

Advance to the next slide for this item.
Refer to the e-binder for materials.

Item 9: Requirements for electronic signature of a non-filer (rule 2.257)

- "linked to data in such a manner that if the data are changed, the electronic signature *is* invalidated" (See, Gov. Code, § 16.5(a)(4).)

- "linked to data in such a manner that if the data are changed, the electronic *signature may be declared invalid by the court*" (Subcommittee solution.)

  - Do we need to spell out the court's authority here?

  - Doesn't the court have inherent authority to invalidate in the event of a material change?

  - Is determining a material change a factual determination that must be made by the court?

Item 10. Rules Proposal – Proposed Amendments to the Rules on Remote Access to Electronic Records

Hon. Peter Siggins, Chair, Rules & Policy Subcommittee

Ms. Andrea Jaramillo, Attorney II

There are no additional slides for this item. Refer to the e-binder for materials.

Adjourn