

Electronic Evidence Workstream Ph II Findings and Recommendations

March 2024

Based on workstream research from 2020-2021. Additional study recommended.



Workstream Charge

Goals

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.

Use Cases that could benefit:

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

Approach

Tracks

1. Rules & Statutes
2. Business Practices & Integrated Justice
3. Technology Standards, Practices & Governance

Branch Survey

- Appellate Courts
100% response rate
- Trial Courts
60% response rate
(35 of the 58 courts)
- Justice Partners
46 agencies across 30 counties

Conducted March-April 2021

Pilot Projects



Superior Court of
Orange County



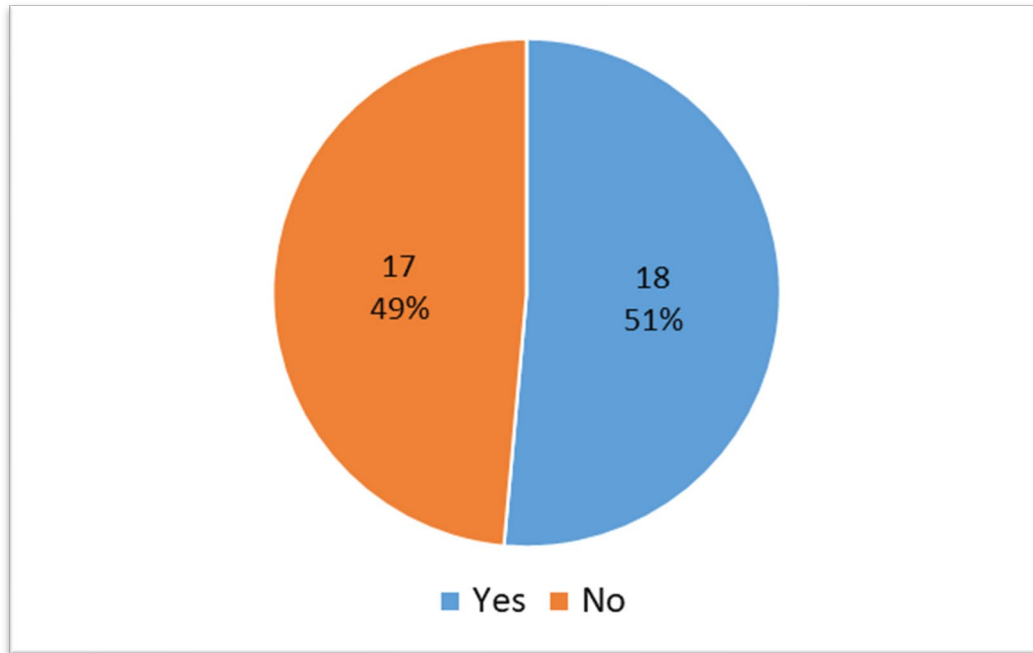
Superior Court of
Placer County



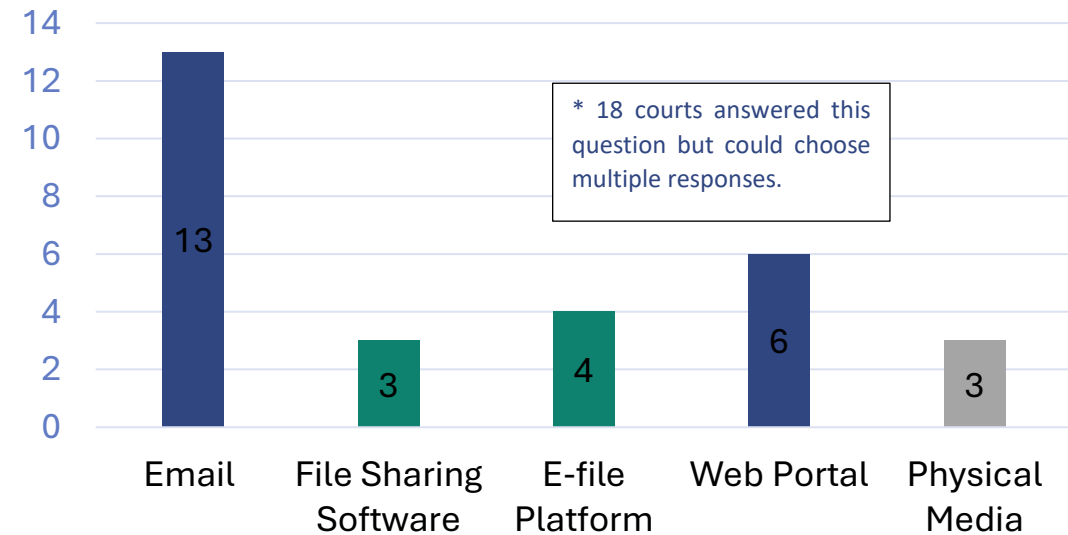
Superior Court of
San Diego

Stakeholder Survey Findings: Court Results

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.

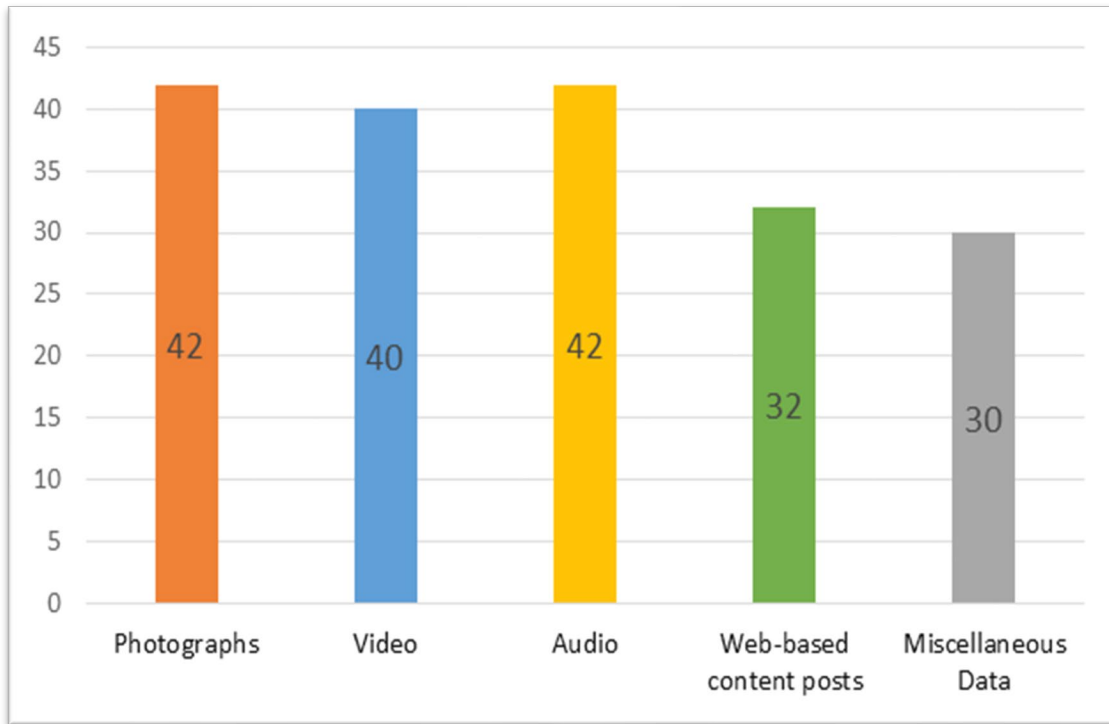


QUESTION 15: If you answered yes to question 13, by what transmission method does your court accept electronic evidence (choose all that apply)?

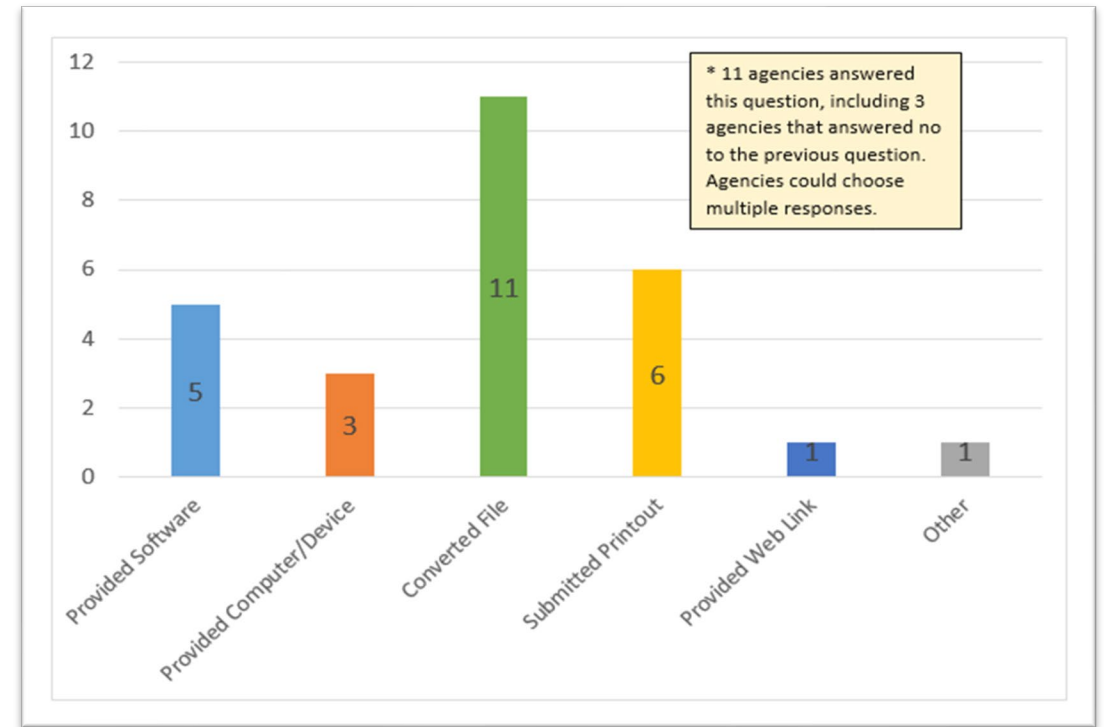


Stakeholder Survey Findings: Criminal Justice Partner Results

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



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



Recommendations

1. Seek **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 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 our solutions to meet the changing laws.

Action Requested and Next Steps

Action Requested:

Approve the workstream's *Findings & Recommendations* report.

Next Steps:

With Technology Committee approval,

- Officially sunset the Phase 2 workstream.
- Initiate Phase 3 workstream, as per the 2024 ITAC Annual Agenda.

Workstream Members

Executive Sponsor: Hon. Kimberly Menninger, Superior Court of Orange County

Mr. Fred Acosta

Superior Court of Orange County, Workstream Project Manager

Hon. Mariano-Florentino Cuéllar

Associate Justice, Supreme Court of California

Hon. Julie R. Culver

Judge, Superior Court of Monterey County

Hon. Michael Gaffey

Judge, Superior Court of Alameda County

Hon. Jeff 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. Hema Krishnamurthy

Information Technology Director, Superior Court of Sonoma County

Mr. Scott McNitt

Information Security Officer, Superior Court of Kern County

Ms. Ashley Huang

Judicial Fellow, Superior Court of San Mateo 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:

Additionally, the workstream included staff representation from the Judicial Council Information Technology, Legal Services, and Facilities Services offices.

IT Modernization Funding Program: FY 2024-25 Cycle

Judicial Council Technology Committee

March 11, 2024



Goal for today

Purpose: Identify branchwide **priorities** for IT Modernization Funding Program FY24-25

- Each year the Technology Committee takes an adaptive and responsive approach to identify Branch priorities
- Consider branch and local needs

Required Legislation

Assembly Bill 716

- Minimum requirement of public audio stream or telephonic means with which to listen when courthouse is physically closed.

Senate Bill 133

- Minimum standards ensure that remote participants can appropriately *see and hear* the judicial officer and other courtroom participants.

Chief's Directive

Hybrid Courtroom: November 17, 2023

- JCTC to facilitate actions needed for ITAC, CFAC, and other relevant committees to develop roadmap for furthering the goals of the Hybrid Courtroom Workstream Report
- Report back to Council with proposal for implementing the roadmap

Hybrid Courtroom Needs

- Existing Courtrooms
- New Courthouse

Proposed Priorities for FY 2024-25

1. Implementing and/or **expanding the Hybrid Courtroom** to comply with AB 716 and SB 133
2. Developing **additional components of the Hybrid Courtroom** including:
 - Digitization of Documents
 - E-filing
 - Electronic Evidence
3. **Innovative solutions**, such as AI assisted/generated solutions, to improve the court services

Next steps

- Branch webinar tomorrow at noon
- Applications this week

Appendix

- Relevant background materials related to IT Modernization program from previous meetings.

Overview: IT Mod Fund > Local Projects

- \$12.5 million budgeted and potentially allocated to local courts annually
- Appellate and trial courts submit project proposals
- Aligns to Strategic and Tactical Plans for Technology; and California Courts Connected (CCC) framework
- Refer to appendix:
 - Program Principles
 - Project Requirements for court proposals

Guiding Principles **for the program**

- Allocate funding based on the CCC framework
- Align with Strategic and Tactical Plans
- Promote courts' ability to be innovative and forward-looking
- Be responsive to court priorities
- Collaborate, collaborate, collaborate!
- Take an adaptive approach to distribution methodology
- Keep it simple – support a streamlined and efficient process

Project Requirements **for courts**

- Benefit the public
- Comply with branchwide policies and standards
- Be vetted and approved by the Technology Committee
- Fall within at least one of the approved program categories
- Initiate project activities immediately after approved (July 2024)
- Show demonstrable progress by end of 2024
- Expend or encumber funds by end of the fiscal year (June 30, 2025)
- Project completion by end of the third fiscal year (June 30, 2027)
- Report quarterly on measurable, successful outcomes

Timeline (estimated)

February IT Mod Kickoff

- Tech Comm
Court Tech Assessment data
Feb. 5, 2024
- Tech Comm
Education Session Feb. 23, 2024

March Applications Launch

- Branchwide webinar
- **Application Launch March 12**

April Review

- TITAC IT Mod Workstream
solicitation and kickoff
 - Tech Comm
Identify funding scenarios
April 8, 2024
- **Application Due
April 2**

May Review

- Workstream to finalize project
recommendations
 - ITAC
Recommends projects
 - Tech Comm
Approves projects
and funding method

June Report

- Staff finalize JC Report

July Approvals

- Judicial Council reviews and
approves allocations

August Disbursements

- Intra-Branch Agreements (IBAs)
executed and funds distributed

Remainder of FY Progress Reports

Workstream meets to review
progress reports in:

- November 2023
- February 2024
- May 2024

California Trial Court Facilities Standards

Revisions

March 11, 2024



Revisions

- Related to technology including audio visual requirements
- Suggestions based on work of the Hybrid Courtroom workstream

Revision Summary: Audio

- **Add microphones** to Bailiff, Lectern, and additional wireless microphones.
- Suggest **microphone at court reporter station** for use during hybrid hearings.
- **8 to 12-channel audio feed** for court proceedings.

Revision Summary: Visual

- Include **four fixed cameras** to capture Judge, Witness, and each Attorney table.
- Large **flat panel displays** on wall in place of projector and screen. A **monitor behind the witness** should also be considered.
- **Audience monitors** in all courtrooms.
- **Document camera** per courtroom.

Revision Summary: Additional Considerations

- **Raised floor systems** should be used in rooms where there is extensive use of technology and in-floor / distributed power needs
 - EX: hybrid courtrooms, training rooms, videoconference spaces
- **Touch panels** for judge *and* clerk.

Action Requested

Request approval of the proposed updates to the Trial Court Facilities Manual related to technology including audio visual requirements and provide to the Court Facilities Advisory Committee for consideration.

Questions & Discussion