

Business Case for Digital Evidence Management System Project

Digital Evidence Management System

A Digital Evidence Management System (DEMS) is a software platform that automates and streamlines the digital evidence ingestion, management, storage, and distribution of evidence across the criminal justice system. A DEMS breaks down digital evidence silos through the aggregation of evidence from disparate law enforcement agencies' (LEA) systems. It also automates manual workflows associated with investigations and the preparation of evidence to be presented to the District Attorney. Furthermore, it automates manual workflows associated with packing and sending discovery from the District Attorney to the Public Defender, and would automate the download and saving of discovery for the Defense. A key element a DEMS provides is digital storage in line with each criminal justice agencies retention rules while creating a complete audit trail. A DEMS further streamlines the District Attorney and Defense Attorney's workflows through the power of cloud computing. A DEMS homogenizes digital evidence into a unified file format, which allows videos to be easily streamed and viewed by both prosecutors and defense attorneys. A DEMS utilizes speech-to-text technology, which reduces the transcription and translation burden on prosecutors and defense attorneys. A DEMS also streamlines other manual tasks, including but not limited to video and image enhancement, high-speed scrubbing, and redaction. Technology is not sophisticated enough to replace the skills and capabilities of professional technical staff in processing and forensically analyzing digital evidence. However, technology augments those capabilities and provides criminal justice partners with the tools to review, conduct additional analysis, and collaborate on the resulting digital evidence in a more efficient and reliable manner. This reduces workloads, improves investigative efficiency, and expedites discovery distribution and case closure.

Use of DEMS in Other Jurisdictions

Criminal justice partners have seen the requirements for modern digital evidence management evolve in the digital age. DEMS are used by criminal justice partners to ingest, store, manage, and analyze ever-increasing and varied digital evidence in a secure, efficient and legally-admissible manner. Digital evidence may be collected from body-worn cameras, mobile devices, laptops, servers, pictures of physical evidence, and third-party video. The proliferation of digital evidence has grown exponentially and been compounded by the deployment of body-worn cameras. Most major California jurisdictions that have deployed body-worn cameras also have a DEMS. The most common vendor in the state is Evidence.com, which is a DEMS software that is owned by a body-worn camera company called Axon. The introduction of body-worn cameras into a criminal justice system requires proper digital infrastructure, which is provided by a DEMS. Without a DEMS, it is predicted that Santa Barbara County's criminal justice system will continue to experience delays, backlogs and discovery issues, especially related to digital evidence.

Current State of Evidence Collection and Distribution

The landscape of digital evidence has changed dramatically over the past 10 years. Traditionally, digital evidence was gathered from desktops, laptops and servers, and consisted of various digital artifacts. With the recent proliferation of mobile devices and body-worn cameras, as well as the availability of digital content, the sheer volume of digital evidence has increased significantly. Unfortunately, modern criminal justice case management systems are not designed to manage medium-to-large digital evidence files. This has resulted in criminal justice partners being

required to leverage available technology including physical media, electronic file transfer protocol software, and eDiscovery modules embedded in case management systems to transfer small digital evidence files. Only recently has cloud computing provided an obtainable means for the commercial application and deployment of DEMS, which leverage increased market availability coupled with scalable storage and processing power.

Future State with a DEMS

Law Enforcement Impacts

For the Santa Barbara Sheriff's Office, the adoption of a DEMS will greatly improve the speed at which detectives gather evidence, aggregate files, analyze digital findings, and distribute digital evidence to the District Attorney. The DEMS accomplishes this through integrating with law enforcement agencies' disparate, siloed systems. A DEMS will provide the Sheriff's Office with improved automated workflows, additional investigative tools, and a single place to compile, analyze, and collaborate on active casework. This cloud hosted tool will optimize an investigators time by reducing the need to search multiple places for digital evidence related to a case and allow citizens to submit case related digital evidence directly to the DEMS system without the need to visit the Sheriff's Station. It will eliminate the need for data replication during the investigative process keeping the chain of evidence intact and sensitive information secure and audited.

This automation is necessary for the timely processing and management of the unprecedented volume of digital evidence created by society's widespread adoption of digital devices, and the deployment of body-worn cameras throughout Santa Barbara County's LEAs.

The DEMS provides the benefit of a seamless, cloud-based platform for the distribution of digital evidence files from county and statewide LEAs to the District Attorney's Office for review. This important improvement eliminates the manual process of having to download large volumes of digital evidence from disparate systems, only to have to turn around and manually upload that same digital evidence into another District Attorney cloud-based platform. The power of automation, combined with quality control, will allow LEAs to provide digital evidence earlier in the case life cycle. This improvement will streamline the current manual Electronic Discovery Request (EDR) process by enabling the District Attorney to review cases earlier in the investigation, reduce wait times for case related files and help ensure all of the necessary evidence is transferred to the District Attorney in a more complete fashion. Adoption of a DEMS by all law enforcement agencies in Santa Barbara County would enable supplemental discovery requests to become the exception not the rule.

District Attorney Impacts

As part of the automated distribution process, the DEMS converts all media files to a standardized, streamable format for easy review and analysis. Once the District Attorney has made a filing decision, the cloud-based DEMS allows District Attorney staff to create derivative digital evidence content needed for the legal process without having to download the digital evidence. Automating the creation of derivative content is extremely transformative, as many of the processes are currently completed manually by District Attorney staff or sent to third-party providers for processing. One of the most powerful tools the DEMS provides is the ability to use speech-to-text technology to automatically create translated transcriptions of all audio and video files. The DEMS also creates a robust digital audit log of any changes made and all derivative content created. Once the digital evidence case file is ready for distribution by the District

Attorney's Office to the defense attorney, it is sent seamlessly through the platform to be accessed by the defense attorney.

Public Defender Impacts

The Public Defender seamlessly receives the digital evidence case file from the District Attorney's Office through the cloud-based DEMS to separately manage and share discovery. Files would be maintained in one centralized location to receive and manage digital evidence in a centralized repository. The utmost priority is on evidence authenticity and integrity that maintains the complete evidence chain of custody. Attorney-client privilege is protected and the confidentiality of our work on behalf of our client remains secure and private. The DEMS addresses a significant challenge and provides storage to meet the Public Defender's retention rules that requires file retention for the life of a client and can be managed via robust access controls. The tsunami has grown as of February 2023 to approximately six terabytes of electronically stored information (ESI) a month and growing, made up of a variety of file formats and media players. The DEMS will facilitate the Public Defender's transition to a paperless office wherein all file contents are digitally stored, leveraging cloud computing. While body-worn cameras and cell phone data make up a majority of the information provided, video from computer forensics, CCTV and police car dash cameras also contribute to the large amount of video evidence being provided in discovery.

When using a DEMS application, the digital evidence case file does not need to be downloaded or uploaded, it is more complete and organized, and the video content is easily streamable. The application allows the Public Defender to review and analyze the digital evidence more quickly and efficiently. Once files are ingested, they would be translated/transcribed/facial recognition/keyword searched and the text placed in transcript templates. Once uploaded, tags would be added to trigger possible workflows. Once the process is complete, the DEMS will integrate with eDefender (Public Defender content management system) to trigger notifications, tasks, and alerts upon transfer. Minimum metadata will be sent to eDefender to trigger automated notifications. The DEMS also allows the Public Defender to create its own derivative content as needed.

The Public Defender also ingests data into the DEMS from our clients, witnesses, or our experts in order to fully manage our evidence case load.

Criminal Justice System Impacts

When accurate and complete Discovery is provided earlier to all criminal justice partners the impact is profound. Early Discovery and offers mean earlier disposition of criminal cases, faster services to those individuals requiring services, shortened stays in jail for populations that do not require prolonged incarceration, earlier interventions medically which impacts Mental health Diversions as well as ISTs, opportunities for Holistic Defense and efficiency models for cases requiring more litigation.

DEMS Project Partners

- Sheriff's Office
- Probation
- District Attorney
- Superior Courts
- Public Defender
- All Santa Barbara County defense attorneys
- All Santa Barbara County LEAs

Project Goals

- Streamline the digital evidence distribution process throughout the criminal justice system to ensure accurate and timely processing of digital evidence.
- Improve data security practices in relation to the sharing, processing, and analyzing of confidential and sensitive case information.
- Promote the earlier resolution of cases.
- Ensure that the County of Santa Barbara meets its constitutional and statutory (PC 1054) obligations to provide discovery in criminal cases.
- Reduce future salary and benefits growth for all criminal justice partners by leveraging technology to automate workflows.

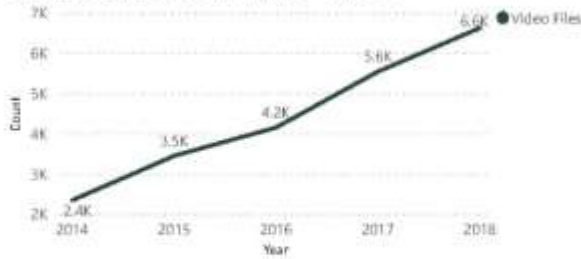
Anticipated Outcomes

- Implement a DEMS for use by County of Santa Barbara criminal justice partners.
- Greatly reduce the supplementary discovery process.
- Ensure that evidence is distributed to the defense in a more complete and timely manner.
- Promote earlier resolution of court cases.

Available Data

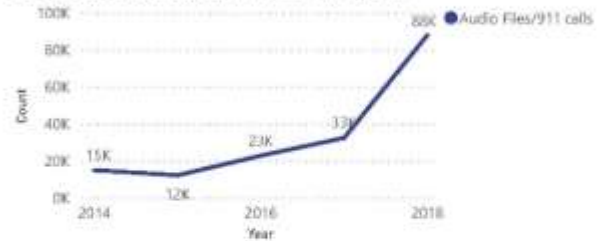
Discovery Stats - FY 14/15 to FY 18/19

Discovered video files: FY 14/15 - FY18/19



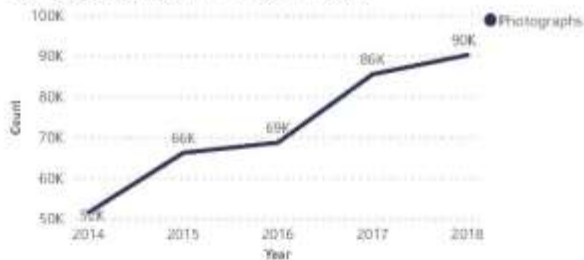
Discovered video files are up **175% since 2014**

Discovered audio files: FY 14/15 - FY18/19



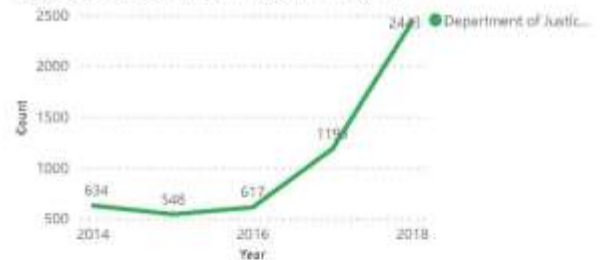
Discovered audio files are up **486% since 2014**

Discovered photos: FY 14/15 - FY18/19



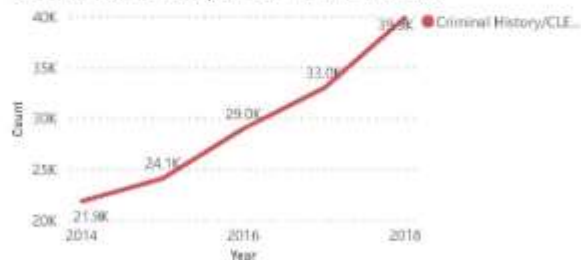
Discovered photographs are up **73% since 2014**

Discovered DOJ files: FY 14/15 - FY18/19



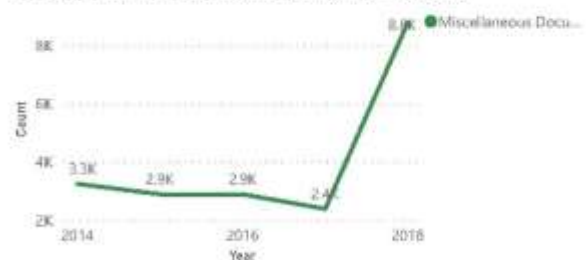
Discovered DOJ files are up **285% since 2014**

Discovered CLETS reports: FY 14/15 - FY18/19



Discovered CLETS reports are up **81% since 2014**

Discovered misc. documents: FY 14/15 - FY18/19



Discovered misc. documents are up **167% since 2014**

Project Timelines

- Complete RFP and Board Letter (March 31st).
- Present to the BOS to request funding for the project and the approval of the release of the RFP (May 2nd).
- Release the RFP (to be determined).
- ITD Project Management Office to provide project management timeline for implementation.

Funding

Funding will be needed for the following partners:

- Sheriff's Office: Approximately \$1.1M – \$1.4M over five (5) years.
- District Attorney's Office: Approximately \$700K - \$1.1M over five (5) years.
- Probation: To be determined.
- Public Defender: To be determined.

Actual costs will be determined through the RFP process, and any recommendations for funding the DEMS will return to the Board for approval. There is currently \$1.3 million set aside in General County Programs for this purpose, which may fund the implementation services and initial licensing fees, depending upon the costs of the proposals received. Once the set-aside funds are depleted, ongoing costs will be built into the departmental ISF rates.

Conclusion

Discovery has increased due to the exponential growth of digital evidence. Cell phones alone have increased the amount of digital evidence that LEAs must sort and transfer. With the onset of body-worn cameras by LEAs, the demand for a system to manage the complexities and urgencies of digital discovery is no longer a luxury; it is a necessity to ensure long-term planning for both access to justice as well as support of victims' rights. In Santa Barbara County, it has been determined that in order to enhance the criminal justice system, certain systems need to be instituted in order to better support our community's need for both safety and assurance that programs are in place to benefit both victims and defense clients for an overall better way of handling criminal cases. This begins with early and accurate discovery. A DEMS is required to ensure that Santa Barbara County has the digital infrastructure needed to meet its current and future statutory obligations under Penal Code 1054. The cloud computing capability of a DEMS will ensure that this infrastructure is scalable to future demands of the criminal justice system as the proliferation of digital evidence continues to grow. A DEMS will also improve efficiency, automate evidence and discovery workflows, reduce future salary and employee benefits costs, improve the County's compliance with legal and regulatory requirements, and improve collaboration and information-sharing. While also a sound business investment towards longevity planning, a DEMS is now a requirement to meet our constitutional obligations under the law.