

# Discovery Process Improvement Update and Request for Proposals for a Digital Evidence Management System (DEMS)

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Board Hearing  
May 2, 2023



County Executive Office

# Presentation Overview

- Provide update on the ongoing efforts to improve the County's evidence discovery process
  - Collaborative effort between all County criminal justice partners
- Highlight business case for a Digital Evidence Management System (DEMS)
- Provide update on the creation of a Request for Proposals (RFP) for a DEMS
- Request for approval to release the RFP

# Context

## **Primary concerns/reasons why change is needed:**

- **Increase in Volume:** The volume, file size, and complexity of electronic discovery has increased exponentially without a comparable increase in staffing. The cost in time and data storage is a significant problem.
- **Use of Outdated Technology:** Use of CDs, DVDS, Blue-Ray discs and paper is inefficient.
- **Inconsistent Format and Filenames:** Electronic discovery comes in all kinds of formats (sometimes requiring special technology e.g. Blue-Ray player or special software), and each department is renaming files for every discovery package.
- **Lack of integration** between County criminal justice partners and external law enforcement agencies is causing additional manual work across the board.
- **Desire to leverage technology** and change with the times in a smart and thoughtful way.

# Context

- Increases in electronic discovery, and processes/technology that are not prepared to handle this growth
- Initial request for a DEMS
- Collaborative InnovateSBC process
- The goal of a Countywide transformative solution
- Overlap with criminal justice initiatives and Michael Wilson Consulting's Jail Population "Levers"
  - Discovery is a keystone in addressing many of the criminal justice partners' pain points

# Electronic Discovery

- Electronic discovery is the electronic aspect of the discovery process (defined by Penal Code § 1054) wherein in a criminal case, the criminal defense attorney and the District Attorney's Office obtain copies of the evidence that has been gathered.
- Digital evidence exists in almost every case that moves through the criminal justice system, from the least complex misdemeanor to the most serious felony charges.
- This evidence is central to and affects the decision-making of both the prosecution and defense.
- Some criminal cases have multiple gigabytes of electronic discovery each.
  - For context, one gigabyte of data can hold nearly 680,000 text documents, approximately 2,000 low-quality photos, or three minutes of 4k video
- Electronic discovery is received and transmitted:
  - From many sources
  - In many formats
  - In large volumes
  - In a highly-manual manner

# Examining and Mapping the Current Process

- InnovateSBC process improvement workshop on discovery
  - Consultant facilitated sessions
  - Departments examined own processes and how they fit into larger picture
- Representatives from Sheriff-Coroner, District Attorney and Public Defender
- Short and long-term outcomes:
  - Quick wins
  - Opportunity to identify efficiencies
  - RFP for a DEMS
  - Continued work on Countywide discovery process

# Request for Proposal (RFP) for a Digital Evidence Management System (DEMS)

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# Digital Evidence Management System (DEMS)

- A software platform that automates and streamlines the:
  - Ingestion
  - Management
  - Storage and
  - Distribution life cycleof digital evidence across the criminal justice continuum
- Handles digital evidence in a manner that is:
  - Secure
  - Efficient and
  - Legally-admissible
- Breaks down digital evidence silos through the aggregation of evidence from disparate law enforcement agencies' systems



# Project Goals

- Streamline the digital evidence distribution process throughout the criminal justice system to ensure accurate and timely processing of electronic discovery.
- 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

# Developing the DEMS Request for Proposal

- Project management provided by General Services-ICT
- Collaborative process between the Offices of Sheriff-Coroner, District Attorney, and Public Defender
- Additional input from County Executive Office, Probation, and Courts
- Learning process
  - Departments gained better understanding of internal needs and those of their criminal justice partners
- **Outcome:** RFP reflecting the complex needs of all parties

# Current State of Electronic Discovery and Future State with a DEMS

## Current State:

- Highly manual and labor intensive
- Inefficient and redundant
  - Supplemental Discovery Requests
  - Duplicate requests
- Threats to security
  - Chain of custody and audit trail concerns
- Delays in discovery

## Future State:

- Highly automated cloud-based solution
- Increased efficiency and reduced/eliminated redundancies
- Secure solution that is fully compliant with Criminal Justice Information Services (CJIS) requirements
- Discovery received sooner
  - Positive impact to criminal justice system as a whole

# Fiscal Impacts

- Projected costs will be determined through the RFP process
- Any recommendations for funding the DEMS will return to the Board for approval
- \$1.3 million in one-time funds 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 set-aside funds are depleted, CEO's Office will work with the departments to build the ongoing costs into their ISF rates

# Recommended Actions and Next Steps

It is recommended that the Board of Supervisors:

- a) Receive and file a presentation on the discovery process improvement update and business case for a Digital Evidence Management System (DEMS);
- b) Provide any direction, as appropriate;
- c) Authorize the release of a Request for Proposal (RFP) for Digital Evidence Management System (DEMS); and
- d) Determine that the above action is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15378(b)(4) and 15378(b)(5) because it consists of government administrative or fiscal activities that will not result in direct or indirect physical changes in the environment.

## **Next Steps:**

- Issue final RFP
- Continue collaborative work on discovery process
- Return to Board with recommended DEMS software and implementation contract(s)

# Thank You

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# Questions?



County Executive Office