



**BOARD OF SUPERVISORS  
AGENDA LETTER**

**Agenda Number:**

**Clerk of the Board of Supervisors**  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** County Executive Office  
**Department No.:** 012  
**For Agenda Of:** 5/2/2023  
**Placement:** Departmental  
**Estimated Time:** 45 Minutes  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

**TO:** Board of Supervisors

**FROM:** Department Director(s)  
Contact Info: Tanja Heitman, Assistant County Executive Officer

Mona Miyasato, County Executive Officer

DocuSigned by:  
*Mona Miyasato*  
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**SUBJECT: Discovery Process Improvement Update and Request for Proposals for a Digital Evidence Management System**

**County Counsel Concurrence**

As to form: N/A

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:** Purchasing

As to form: N/A

**Recommended Actions:**

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.

**Summary Text:**

The purpose of this item is to update your Board on the ongoing efforts to improve the County's evidence discovery process and to request approval to release a Request for Proposals (RFP) for a Digital Evidence Management System (DEMS). Representatives from the Sheriff-Coroner Office, District Attorney's Office, and Public Defender's Office have been collaborating for nearly two years to understand, clarify and improve their independent and shared processes for the secure transmission of evidence that has been collected by law enforcement and must be made available to prosecution and defense attorneys. One outcome of these discussions has been the recommendation by staff to release an RFP for a DEMS. This work has been coordinated through the County Executive Office's criminal justice consultant, retired Judge Sherrill Ellsworth, and assisted by General Services and CEO staff.

**Background:**

For nearly five years, the County of Santa Barbara's Criminal Justice Partners (CJPs) have been citing and discussing the need for technology, procedure, and policy solutions to address the dramatic increases in 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 charges. This evidence is central to and affects the decision-making of both the prosecution and defense. The influx of digital evidence, ranging from body worn cameras to cell phone and computer hard drives, has caused data requirements for some criminal cases to be many gigabytes of data. 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. This massive amount of data received in the processing of criminal cases creates challenges for both the storage of evidence and movement of electronic discovery among agencies.

Digital evidence is currently generated and received by law enforcement and provided to the prosecution and defense in a wide variety of formats. Until recently, much of this electronic discovery was transferred between agencies using physical media such as DVDs and flash drives, with highly manual and labor-intensive processes. The large quantities and highly varied formats of electronic discovery, and the highly manual processes for transferring and processing electronic discovery, pose challenges to the ability of County agencies to effectively and reliably comply with the requirements set by the FBI's Criminal Justice Information Services (CJIS) Division, create delays in the discovery process, and exacerbate delays in the criminal justice process, resulting in additional resource costs to all parties. Staffing and resource challenges across the criminal justice partner agencies contribute significantly to delays, which have downstream effects. The District Attorney's Office is statutorily and constitutionally mandated to provide discovery to the defense in compliance with California Penal Code § 1054. A criminal defendant has a statutory and constitutional right to discovery in accordance with California Penal Code § 1054. A delay in providing discovery to the defense may violate a defendant's due process rights and can lead to unjust outcomes for victims and defendants. And, overall, these delays create roadblocks to access to justice, longer stays in jail, case backlogs in courts, and insufficient time for the prosecution and defense to evaluate a case for meaningful disposition.

## **Examining and Mapping the Current Process among Departments**

In September 2021, a specialized InnovateSBC process improvement project began, focusing on the cross-departmental process of evidence discovery. During these sessions, representatives from the Offices of the Sheriff-Coroner, District Attorney, and Public Defender came together to map the current discovery process flow, discuss pain points and opportunities for improvement in the process, and brainstorm ways to make the flow of discovery more efficient, secure, and expedient. The formal InnovateSBC sessions concluded in early November 2021, followed by additional meetings with the smaller workgroups, to continue defining and implementing process improvements. The teams investigated their current business processes around criminal justice data and envisioned what a future state of these processes could look like.

Out of these sessions, 27 action items were proposed to improve the evidence discovery process. These action items are listed in Attachment B. Of these process improvements, 16 have been completed and 11 are currently in progress or ongoing. Criminal Justice Partner (CJP) departments continue to find and implement new measures to improve the efficiency of their respective components of the evidence discovery process. However, the group also determined that a software solution to facilitate the secure and efficient transmission of evidence between agencies is still urgently needed.

The CJP departments agreed on pursuing a DEMS—a software platform that automates and streamlines the digital evidence ingestion, management, storage, and distribution life cycle of evidence across the criminal justice continuum. A DEMS breaks down digital evidence silos through the aggregation of evidence from disparate law enforcement agencies' systems. DEMS are used by criminal justice agencies to ingest, store, manage, and analyze ever-increasing and varied digital evidence in a secure, efficient, and legally-admissible manner.

## **Developing the Request for Proposal**

In November 2021, the Project Management Office in General Services-ICT resumed the planning process for a collaborative RFP development process among the CJP departments. In January 2022, the CJP departments were re-engaged in the process. Since then, the team has met regularly to discuss and collaborate as the departments codified and specified their needs and priorities from a DEMS and revisited their process maps and vision of the future of discovery in the County. The RFP is now complete, all interested departments have been given the opportunity to review and comment, and the core stakeholder departments (Sheriff-Coroner, District Attorney and Public Defender) approve of the RFP and associated materials. The County's Executive Information Technology Council (EITC) has been informed and supports the work of the DEMS project in alignment with the County's overall IT governance framework.

The acquisition and implementation of a DEMS will be a multi-year strategic endeavor. However, the need for software support for the storage and transmission of electronic discovery is present and urgent. To meet this current need, the District Attorney's Office and the Public Defender's Office have contracted with Box.com for CJIS compliant, cloud-based data storage and transmission. Box.com has allowed the County's criminal justice partners to streamline aspects of the discovery process, while taking pressure off the departments' previous data infrastructure and enabling the departments to move more of their data into CJIS-compliant cloud-based storage. Depending on the vendor selected, there

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may be a continuing role for Box.com in the electronic discovery process. However, as currently configured and used, Box.com does not provide all of the needed functionality of a DEMS.

The DEMS ecosystem is relatively new. Over the time spent conducting research and developing the RFP, the field has grown from roughly 13 nationwide companies to over 20. The County stakeholders have viewed basic demonstrations from multiple vendors to better understand what features are available. Representatives from CJP departments, ICT and CEO have met regularly for over a year to create a detailed RFP that will meet the business, security, and scalability needs of all involved agencies. While taking the time to work through the process, a positive collateral consequence has been the entry into the field of more companies offering these services.

After nearly two years of collaboration on this issue, we are better informed and able to seek a DEMS solution that is the best fit for the criminal justice partners and the County. If your Board approves the release of the RFP for a DEMS (Attachment C), staff anticipates returning to your Board later this year to recommend the award of the contract(s) for a DEMS software license and DEMS implementation services selected by the County through the RFP process. A DEMS is not expected to solve all of the pain points in the discovery process. The Criminal Justice Partners will continue to collaborate on process improvements to maximize the efficiency gains from implementing a DEMS and to resolve the complex challenges we continue to face, in line with best practices according to statutory and constitutional requirements.

**Fiscal Analysis:**

There are no fiscal impacts associated with receiving this report and approving the release of the RFP. Projected 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.

**Special Instructions:**

Return one (1) Minute Order to Jason Womack, General Services, Benjamin Dodd, General Services and Sarah Gill, County Executive Office

**Attachments:**

1. Attachment A: Business Case of Electronic Evidence Discovery
2. Attachment B: InnovateSBC eDiscovery Action Items
3. Attachment C: Draft Request for Proposal for Digital Evidence Management System

**Authored by:**

Hon. Sherrill Ellsworth, ret., Consultant  
Mark Garcia, Project Portfolio Manager, General Services  
Sarah Gill, Management Fellow, County Executive Office

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**cc:**

Kirk Lagerquist, General Services Director  
John T. Savnoch District Attorney  
Tracy M. Macuga Public Defender  
William Brown Sheriff-Coroner