

Digital Evidence Management System (DEMS)

Type: Growth/New Programs

Department: Corporate Services

Committee Report: JBM-C 7-2024

Case Start Date: 2025-01-01

Alignment to Council’s Strategic Priorities

| Effective Region | Green Resilient Region | Equitable Region | Prosperous Region |
|------------------|------------------------|------------------|-------------------|
| 100% | 0% | 0% | 0% |

Court Services will support Regional Council’s Effective Region objective through the procurement of a Digital Evidence Management System (DEMS) that will support the administration of the Provincial Offences Court program as a core service to residents and visitors to the region committed to continuous improvement by achieving enhanced program effectiveness and process modernization. Considering the substantial increase in digital evidence in recent years, obtaining a DEMS license for Court Services will allow prosecution to achieve significant efficiencies in meeting the legislative as well as technical requirements of digital evidence management; enhancing and modernizing the administration of Provincial Offences Court and customer service. Using the same platform as our partners (NRPS, OPP) will also facilitate collaboration and create efficiencies in engagement with those enforcement agencies.

Description

In 2023, Niagara Regional Police Service (NRPS) introduced DEMS to manage digital evidence, in addition to a rollout of electronic communication devices (i.e. smart phones) to all enforcement officers. These devices allow officers to obtain evidence in a digital manner, in real time; e.g. statements via voice recording at the roadside, photos or videos of an accident site, etc. Consequently, this has resulted in a significant increase in the volume of digital evidence for Provincial Offences matters.

In addition to police evidence, the capacity for civilians to collect and share digital evidence has changed dramatically in recent years; smart phones with photo, video and audio capabilities, doorbell cameras, home security cameras and dashboard cams have become commonplace. The DEMS system is critical to support the management of digital evidence as well as the capacity for law enforcement to share and distribute these electronic files in an efficient and effective manner with the courts as required. This same platform is also used by OPP as well as the Crown Attorney’s office, therefore efficiencies will result from obtaining DEMS for Court Services.

Court Services is also aware that NRPS is planning the intro of body cameras for officers in the next 24-36 months likely resulting in a further increase in the volume of digital evidence captured by officers in turn becoming part of the case file requiring management, maintenance, and storage.

As the DEMS program would strictly support POA charges and would not be applicable to Vision Zero charges, the annual licensing costs for DEMS would be captured solely within Court Services' base budget.

The cost for the software license is \$17,000 annually, based on the number of required users. It is anticipated that the annual cost will remain the same over the next 3 years as a limited number of employees require access to the platform.

Business Reasons

Court Services utilizes several case management systems for the administration of POA offences, including the Integrated Court Offences Network (ICON) and the Court Administration Management System (CAMS). Court Services does not presently have technology which allows for the effective management of digital evidence, meaning that the process of managing digital evidence is time consuming and labour intensive. From 2021 through 2022, Prosecution processed an average of 1,728 disclosure requests per year. Comparably, in 2023 a total of 2,456 requests were processed. As the demand for disclosure increases, in addition to the complexity of digital evidence management, it is not sustainable or efficient to manage the current and anticipated future pressures of digital evidence within current available systems. Obtaining a DEMS license for Court Services will allow prosecution to meet the legislative as well as technical requirements of digital evidence management, e.g. redacting information which cannot be released as part of the evidence disclosure process (such as editing an audio recording of a witness statement to redact their date of birth or address when stated, as legislatively required by MFIPPA). DEMS is a specialized evidence management program which not only stores digital evidence but also provides tools for redaction, transcription of audio or video files, sharing files as part of the disclosure process, etc. all within one system.

Based on current volumes, obtaining this platform will allow Court Services to effectively manage digital evidence as a new and growing area of business within the current staff complement. Court Services will continue to monitor this trend and assess the resulting labour impact.

Risk Assessment Description:

The procurement of this technology will support the efficient management of digital evidence along with mitigating the risks indicated below:

- The preparation of disclosure of evidence in its current and anticipated future state cannot be managed in a timely or effective manner with the technology presently available to staff (and within the current staff complement)
- Lack of effective and efficient management of digital evidence as no specialised software or technology is presently available to Court Services

These risks could compromise Court Services' ability to effectively deliver prosecution services in accordance with the expectations of the public, standards established by Ontario caselaw, and the program delivery obligations set forth as the administrator of POA on behalf of the Ministry of the Attorney General. Without the necessary technology for the coordination, preparation, management and disclosure of digital evidence, the Region faces reputational risk and potential legal challenges.

Financial and Staffing Impacts

| Object of Expenditure | 2025 | 2026 | 2027 |
|---------------------------------|----------------|----------------|----------------|
| Labour Related Costs | | | |
| Administrative | | | |
| Operational & Supply | (\$8,500) | (\$8,500) | (\$8,500) |
| Occupancy & Infrastructure | | | |
| Equipment, Vehicles, Technology | \$17,000 | \$17,000 | \$17,000 |
| Community Assistance | | | |
| Financial Expenditures | | | |
| Transfer to Reserve | | | |
| Gross Expenditures | \$8,500 | \$8,500 | \$8,500 |
| Other Revenue | | | |
| Federal and Provincial Grants | | | |
| By-Law Charges & Sales | | | |
| Transfer from Reserve | | | |
| Gross Revenue | \$0 | \$0 | \$0 |
| Net Impact | \$8,500 | \$8,500 | \$8,500 |
| Permanent FTEs | - | - | - |
| Temporary FTEs | - | - | - |

**total annual budget impact*

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