

The productive prosecutor's office

How to focus on the advocacy of justice — not the administration of justice

*"The current court system infrastructure, inclusive of prosecutor, public defender and judicial offices, is woefully inadequate to adapt to a post-pandemic world that incorporates a heavy focus on technology."**

Nelson Bunn
Executive Director
National District Attorneys Association



Twin challenges of our time

In our experience working with prosecutorial agencies across the United States and elsewhere, we notice two common challenges: an acute shortage of prosecutors and an explosion of digital evidence. Issues aggravate each other to contribute to the large backlogs of cases facing many jurisdictions today.

The skills shortage in the profession has been exacerbated by the pandemic, but it has long-term roots. Long hours, high workloads, and emotionally taxing caseloads all lead to burnout, quitting, and early retirement.

The rise in digital evidence is a natural consequence of the increased digitization we see all around us. In many cases, however, our legal system is poorly equipped to handle electronic files — whether that's written documents, images, audio, or video. The flow of information between law enforcement, prosecution, defense, and the courts is not always smooth, and this poor information flow often results in more continuations, more hearings, and still longer backlogs.

While we appreciate the scale of the problem, we know there is a solution. Our technology has been developed by legal technology experts specifically to address these challenges. It helps prosecutors be more productive so they can focus on advocacy and not on administration. With a lower bureaucratic burden, prosecutors can get through more cases more quickly, reducing backlogs and the associated staff turnover due to high workloads.

In this guide, we explore the issues and discuss in detail how the specific features of Thomson Reuters® Case Center help prosecutors overcome them. We hope it inspires you to build on the role of digital technology in your office. For more information or to arrange a demo, please visit our website.



David Jackson
Senior Director, Case Center,
Thomson Reuters

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Reducing bottlenecks in evidence collection and sharing

Collecting evidence from law enforcement is one of the most difficult and time-consuming tasks for prosecutors. Most deal with at least a dozen different agencies, with differing systems and technical competence, and the time spent waiting for evidence to arrive by hand, by post, or by thumb drive is a major cause of prosecutorial delay.

In addition, cases involve an increasing amount of multimedia evidence. According to a 2020 paper from the National Center for State Courts (NCSC), *Success in Criminal Caseflow Management: Lessons from the Field*, "The increasing availability of video evidence from police car and body cameras, as well as street, store, and home surveillance cameras, is creating challenges to completing early discovery. These materials take time to download and review, thereby increasing case preparation time for the parties."

Solving these challenges was one of the fundamental reasons why we developed Case Center. Rather than replicating traditional processes in digital form, where evidence is passed between parties, Case Center presents a single centralized source of evidence that all parties can use. Evidence is stored, reviewed, and accessed entirely online through a web browser. Parties do not need to download a local copy or send out evidence to other parties as it is created — practices that lead to multiple distributions of newly updated documents.

Not only does a single repository streamline access to evidence, but it also makes things more secure and auditable. Sending evidence via email is inherently insecure, and attempts to protect documents by emailing passwords separately are clunky. There is also a limit on the size of attachments, meaning many files must be stored in the cloud and access granted manually.

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Reducing bottlenecks in evidence collection and sharing (cont)

Law enforcement partners who need to share evidence with prosecutors can do so at no cost, provided that the prosecutor's office is a Case Center customer. They securely upload evidence when invited to do so by the prosecutor or by using the Electronic Case Referral capability.

Both law enforcement and prosecutors benefit because they have a common method to collect all types of evidence — no more discs, thumb drives, emails, or physical deliveries. The risk of data going missing or being miscategorized is greatly reduced, and the administrative burden drops accordingly.

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It takes just a few seconds for a prosecutor to request evidence from law enforcement by text message or email.

It couldn't be simpler for law enforcement to upload evidence, whatever the file format or size.

Prosecutors can see all new evidence provided by law enforcement at a glance.

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DA vs Karle

Request Documents

Request Documents by text message or email for section

Request someone to add one or more files, pictures or videos to this section.

Title (Mr, Mrs, etc.): Officer

First Name: E

Last Name: Dibble

Active for: Days 3 Hours 0

Mobile Number: USA (+1) 000 000 0000

Email Address: e.dibble@policeforce.com

Message: Dear Officer Dibble, Please upload Witness Statement Recording from Witness Smith. Regards, District Attorney James

Send Request

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Upload your documents

Officer E Dibble has been requested to upload documents relevant to the following case: DA vs Karle (Witness Statement).

This request has been made by Mrs Sarah Sweeting.

Choose from your existing files/photos to upload or take a new photo.

Restricted: ☐

Please note if a file is restricted it will not display in sub-bundles unless the sub-bundle has been configured to show restricted files. This can be configured in the bundle settings.

Select files

Add files to the upload queue and click the start button.

Filename	Status	Size

Drag files here.

Add Files **Start Upload** 0/0 0 kb

Please follow these instructions when uploading documents:

- Do not upload password protected documents. Remove password protection before uploading the document into CaseLines.

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DA vs Karle

Audit

Record of User Access

User	Action
Officer E Dibble	Invited with temporary access

Record of Document Activity

User	Action
Mrs Sarah Sweeting	Create

More timely and organized discovery

"In a fast paced, multi-district court with 12 prosecutors and 10 law enforcement agencies, standardizing the discovery process among all agencies expedites the disposition of cases and eliminates delays in exchanging information and viewing information in multiple formats."

Presiding Judge Deborah J. Nicastro
Garfield Heights Municipal Court

Delays and shortcomings in discovery are a source of stress for prosecutors and a matter of public concern — not least because the resulting delays may undermine the fairness of the justice system. For prosecutors, the need to produce repeat cycles of discovery with limited tools for tracking what has been delivered is a major cause of these delays.

The NCSC's Success in Criminal Caseflow Management study found: "Early access to the evidence means the court can schedule case events in timely fashion and insist that counsel meet timelines for steady case progress. A management goal for judges is that prosecution and defense should be fully prepared for each court hearing and have clear expectations that court events will proceed as scheduled. When counsel is well-prepared, every court event becomes a meaningful opportunity for effective resolution of a case."

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More timely and organized discovery (cont)

To accomplish the wide variety of tasks surrounding evidence, we find that prosecutors use a correspondingly wide range of systems and applications. By centralizing on one platform, they can complete these tasks in a more streamlined way, simplifying and automating existing manual processes.

During discovery, prosecution securely shares a subset of the total case file — the evidence that must be disclosed — with defense. Documents, audio, and video are shared in a single system, and an audit trail confirms receipt and when the item was opened.

Just as with law enforcement, defense counsel are non-paying guest users. They stand to benefit by greatly simplifying their access to evidence. For example, if evidence is updated, there is no need to re-share a new version; the changes will be available on the common shared file in Case Center. When it comes to multimedia, defense can play a video or sound file in Case Center without the need for a proprietary driver, improving the speed of reviewing evidence with their client.

Prosecutors can share evidence with the defense easily and securely in seconds.

The screenshot displays the Thomson Reuters Case Center interface. The main window shows the 'DA vs Karle' case setup with fields for 'Person's Email' (Defense@lawfirm.com), 'Role' (Counsel), and 'Bundle Access' (Full Bundle). An 'Audit Record of User Access' table is overlaid on the right side of the screen.

User	Action	Usual Role	Date	Issuer	Bundle
Mr Sean O'Connell	First Accessed	Counsel	16 March 2022 05:16 PM	Mrs Sarah Sweeting	Full Bundle
Mr Sean O'Connell	Invited	Counsel	16 March 2022 05:13 PM	Mrs Sarah Sweeting	Witness Bundle
Mr Sean O'Connell	Invited	Counsel	16 March 2022 05:13 PM	Mrs Sarah Sweeting	Full Bundle

A clear audit trail means no more questions around who has had access to what evidence and when.

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Less paperwork, more productivity

"Part of my role is trying to remove the blockers that frustrated me as a prosecutor. Case Center has been invaluable in that and is now a central part of our virtual and in-person evidence management processes."

Karen Gorham
Superior Court Administrator
New Hampshire Judicial Branch

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High caseloads and staffing shortages mean prosecutors can ill afford to waste time on routine administrative tasks. Unfortunately, much of the work in collecting, storing, handling, sharing, and presenting evidence is tedious and inefficient.

In most prosecutors' offices, evidence is not centrally located, often being split across paper, PDFs, discs, thumb drives, local hard drives, online document-sharing tools, case management systems, and links to evidence provided by law enforcement.

Prosecutor case management systems are not built to give attorneys a practical system to work with digital evidence. They can serve as repositories for documentary evidence, but they do not offer productivity tools. Nor are they equipped to handle the influx of multimedia, and many have size limitations that restrict their usefulness in an era where video evidence is of growing importance.

Going paperless has been the goal for any office-based profession since the 1980s, and many prosecutors use a document management system to get part of the way there. Again, though, these tools offer a repository without the ability to find, annotate, redact, and present items quickly — as prosecutors so often do. And especially when it comes to video evidence, prosecutors' offices may find that they need to edit, redact, transcribe, and play back files. This is all achievable, but it requires software, skills, and time.

Less paperwork, more productivity (cont)

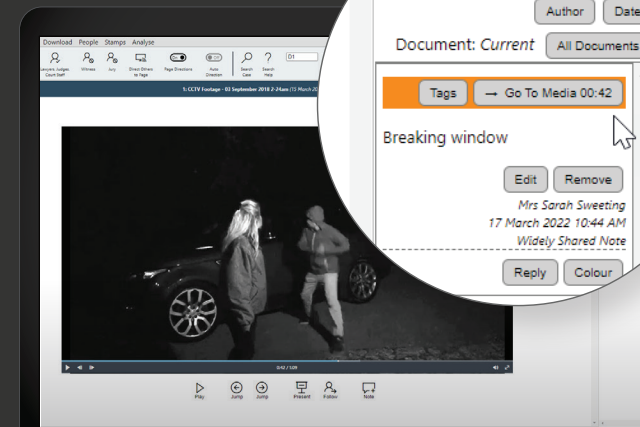
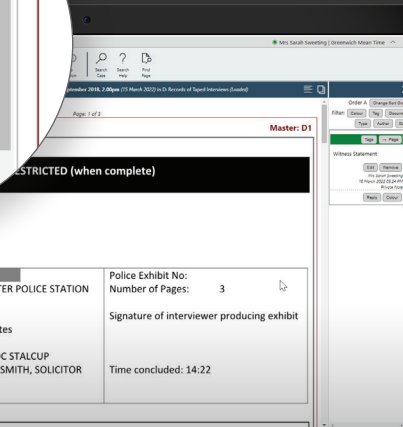
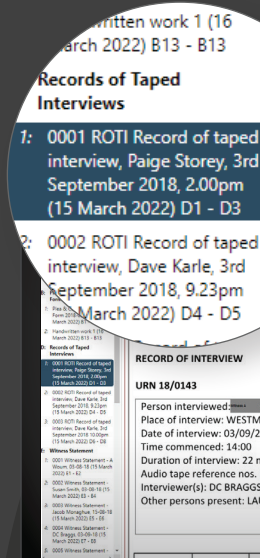
Case Center modernizes how prosecutors work with an evidence file digitally. In a single system, they can search across the entire case file, including in handwritten documents, and they can collaborate with internal staff, annotate, organize, and review. Case Center has a suite of redaction capabilities that allows prosecutors to efficiently redact documents prior to sharing via discovery or sharing with other external parties. And the software automatically paginates the documents upon upload and re-paginates them as the documents are organized. This automates an otherwise manual process.

The hyperlinked paginated index automates an otherwise manual process.

Spending less time on managing pagination, redactions, and case bundling means prosecutors can spend more time on the advocacy of justice.

A fully searchable annotation feature helps build and present strong evidence.

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Smoother presentation of evidence in hearings

Once evidence is collected and shared, and cases are prepared for hearing, prosecutors must be able to quickly bring up the crucial pieces of evidence they need to make their argument. Often, this means printing out digital photographs for use with overhead projectors or burning videos to a DVD for playback on a large screen.

In our experience, the number one frustration for judges is delays in ensuring all parties are referring to the same page in a document during a trial. Whether using paper or digital documents, too much time is wasted in finding the correct files, pages, and paragraphs, let alone the starting point for key video evidence. This difficulty is made worse when parties are dealing with multiple versions of a document and only notice later that there are discrepancies between new and old file versions.

Case Center seeks to eliminate this issue by providing a single platform for prosecution to prepare for their court hearing or trial. Purpose-built presentation tools for documents, images, and multimedia give attorneys an opportunity to use the same system all the way into the courtroom — eliminating the need in court for discs, printed digital photos, and paper.

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Smoother presentation of evidence in hearings (cont)

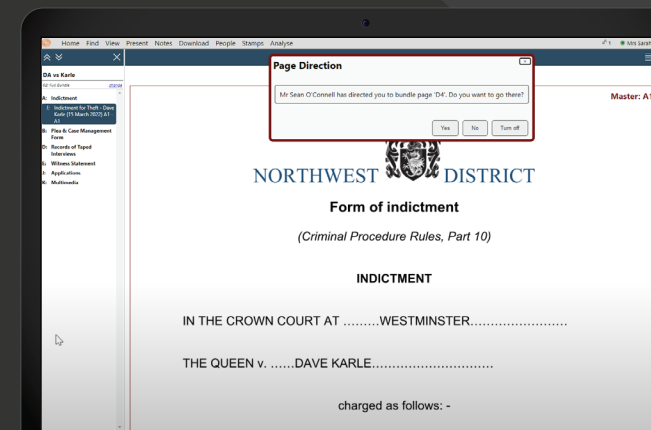
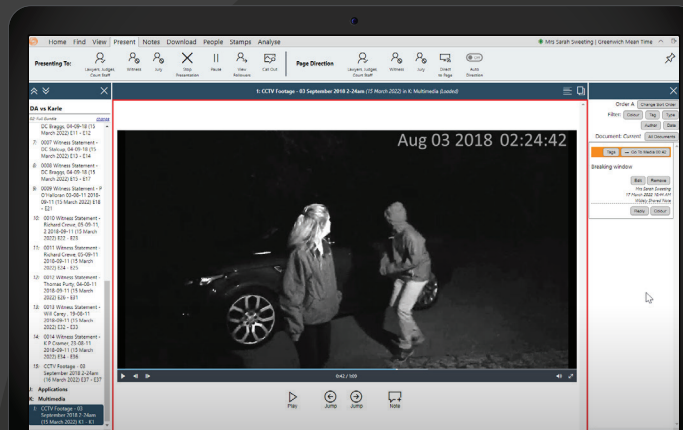
From the moment an exhibit is uploaded into Case Center, it can be presented during an in-person hearing or by a remote participant. Hyperlinks can be added, making it quick and easy to move around and between documents. Multimedia evidence is no exception. With time stamps, presenters can jump to relevant points in audio or video files to showcase key moments — all from within the browser.

The benefits lie in the accumulation of many time savings. One Case Center customer estimated 20 seconds saved every time an attorney directs someone to a page. And one judge estimated she could complete a busy docket in half the time using Case Center.

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A prosecutor presents evidence, and only what's within the red box is visible to defense, judge, and jurors.

The Page Direction feature ensures everyone views the same evidence at the same time.



Proving the concept

Prosecutors are no strangers to change, but with limited time and resources, experimenting with new technology can be a challenge, especially if the benefits are not clear. Fortunately, with Case Center the benefits are both clear and proven, and the effort required is well defined.

Prosecutors are facing a deluge of new electronic and multimedia evidence. This, coupled with skills and resources challenges, is problematic.

Case Center is proven to have a major impact on the working lives of prosecutors. First, we see savings of 80 percent or more in the amount of administrative effort prosecutors need to spend on a case, freeing up time for actual prosecution tasks. Second, Case Center avoids wasted time travelling, avoids unnecessary hearings, and shortens hearing times. This allows for greater empowerment, reduced overload, and a better work-life balance that contributes to better retention.

Implementing digital evidence management requires some planning, not least because its effects will not just be felt internally, but by law enforcement partners, defense counsel, and courts. Incremental change is easier to handle, and because the software is hosted in the cloud and accessed via a web browser, prosecutors can test Case Center on a small scale to prove the concept. There is no complex installation required either on users' PCs or shared servers.

Customers simply pay for the capacity they use so there is no commitment, no up-front cost, or hardware procurement required.

The idea of scalability is significant here. We know that prosecutors and their IT support — often provided by the county — face significant challenges with storing evidence. The cost, capacity, and management of traditional on-premises servers are burdensome, so Case Center offers a highly secure and long-term cloud storage solution that is more cost-effective than traditional storage practices.

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Proving the concept (cont)

There is no customization necessary and no expensive, lengthy rollout. Thomson Reuters will work with prosecutors and their colleagues in government to advise at all stages. We have developed change management practices based on many deployments across the globe. Our systems now hold more than 900,000 cases with 500 million pages of evidence and are used in 106 countries worldwide. Proof of concept deployments allow prosecutors to understand the value of digital evidence management, refine their practices, and plan for a streamlined rollout on a wider scale. Again, the pricing and hosting model of Case Center allows this to happen very quickly.

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What's next?

There are no easy answers to the challenges prosecutors face. Hiring more staff is an appealing option, but finding those skilled and willing enough is another question altogether — and it is only a viable solution when the money exists to pay the necessary salaries.

Long-term improvements to productivity via modern digital systems built specifically for the legal profession lower the administrative burden for prosecutors, allowing them to dedicate their precious time to delivering justice and reducing the backlog of cases.

We have refined Case Center over a decade to precisely meet the needs of prosecutors. It streamlines the flow of evidence from police to prosecutor and from prosecutor to defense and the court. Case Center provides a central system for all documentary and multimedia evidence, significantly improving evidence collection, collaboration, discovery, trial preparation, and presentation.

We hope this paper inspires prosecutors to modernize their evidence management processes. By doing so, we have demonstrated the potential results not only in terms of time saved, but on overall productivity and workload. And more productive prosecutors can achieve justice more quickly for the people they serve.

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Thomson Reuters® Case Center (formerly CaseLines) is a centralized, digital evidence management platform designed for prosecutors and used by over 3,500 prosecutors every day. All case evidence is instantly available in the cloud. Prosecutors can immediately collect evidence from law enforcement, share discovery packages with the defense, work in a centralized location, and present exhibits in court in a single solution. Advanced productivity tools allow cases to progress more quickly, streamlining the review and sharing of digital evidence.