

# powell yeomans ryan

## Criminal Trial using Digital Exhibits

*Analysis and Report on key points observed during Criminal Trial by Her Honour Judge Davison (South Australia) with digital exhibit usage via mobile tablets*



## The opportunity for Digital Evidence

Increasingly evidence is available in digital format

- Emails
- Photographs
- Videos (CCTV, smartphones, emergency services body based equipment etc.)

The adoption / presentation of evidence in court typically lags behind the use of digital media in everyday life

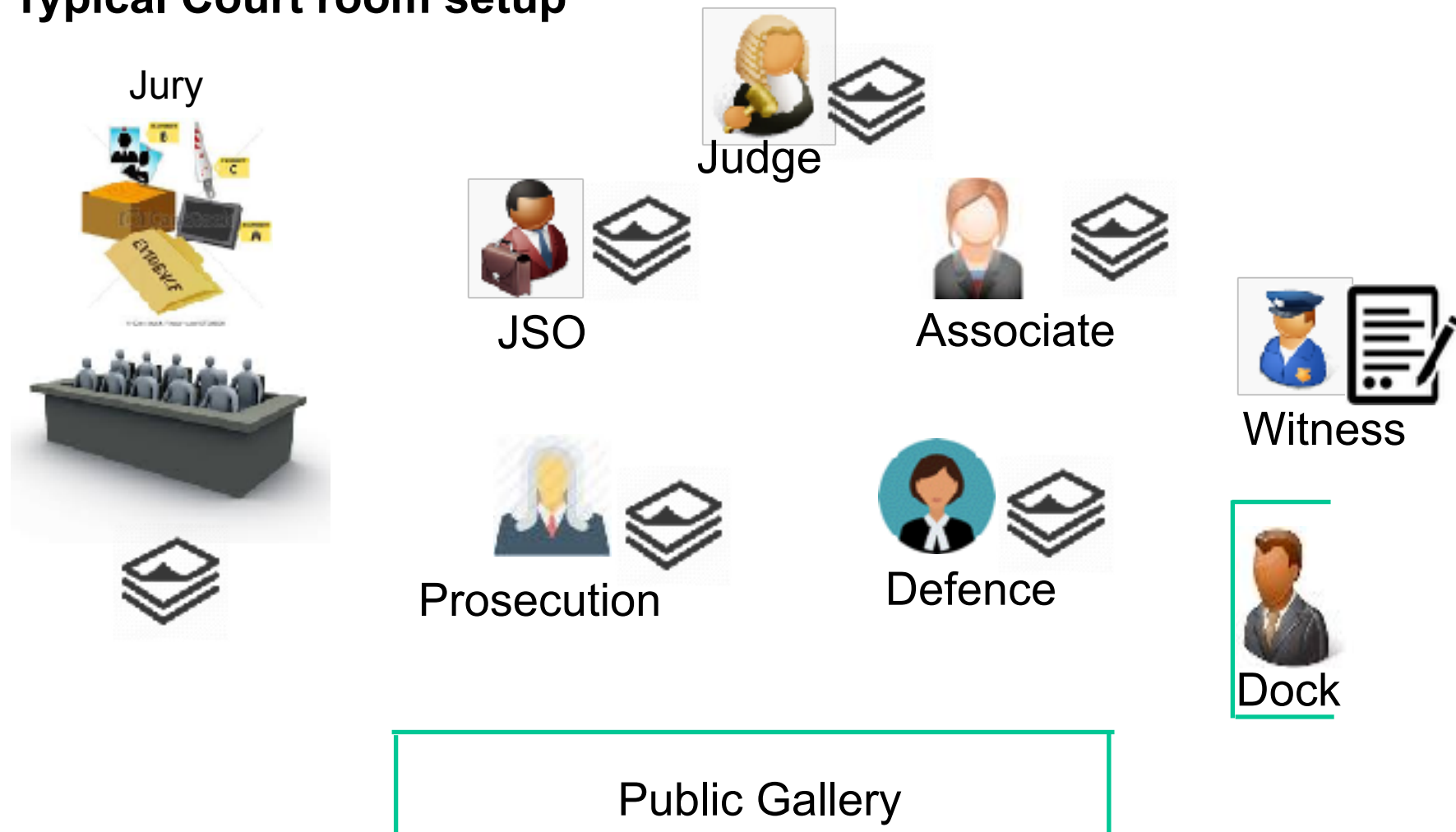


We have direct experience of delivering Digital Evidence for consumption and use in the district criminal jurisdiction and would like to share some key points and background from our knowhow and expertise

We will be happy to discuss this further after today's session



## Typical Court room setup





## Typical Court room setup for Digital Evidence

Jury



Each Juror has a tablet



Judge



JSO



Associate



Large Video Screen



Witness



Prosecution



Defence



Dock



Electronic Whiteboard

Public Gallery

N.B. all court room devices  
linked via Wi-Fi



# Digital Trial Key Points

## R v PIENING

### [\[2013\] SADC 172](#)

- Trial By Judge Alone.
- Trial took 3.5 to 4 days (elapsed days were approx. 7)
  - Commencing on 20<sup>th</sup> Nov and finishing on the 25<sup>th</sup>
- 5 Police Witnesses (x4 Constables, 1 Expert Witness).
- 1 Defence Witness.



## Digital Trial Key Points

- 4 distinct Digital Exhibits used on tablets
  - 1 Set of Photographs containing 6 Photos.
  - 1 Google Map with SAPOL (South Australian Police) annotation.
  - 1 Street CCTV encrypted by DPP. (60 mins)
  - 1 Police Video (Handy-cam) Unencrypted.
  - Expert Witness statements (conclusion -not analysis)



## Digital Trial Key Points

- 5 Tablets
  - Judge
  - Associate (linked to the large screen)
  - Prosecution
  - Defence
  - Spare/ Auxiliary
- Actions executed by Associate on tablet are mirrored on in court large screen, this tablet was also used to present exhibits to witnesses who under direction scrolled to and displayed the requested exhibit #.





## Digital Trial Key Points

- Judge & All parties agreed to use digital exhibits
- All Tablets contained the same exhibits in the same file structure
- Associate Tablet has Wi-Fi (display) connection to large screen
- Witness used Associate Tablet to move to and display exhibit under direction, which was mirrored on the large screen.
- Spare tablet was used by Associate when Witness is using associates tablet on large screen



## Digital Trial Key Points

- Photographic Exhibits clear and easily understood, ease of use apparent in moving from one exhibit Photo to the next.
- CCTV encrypted Video (as a file on the tablet) was easier to use than the traditional disc, no physical disc seeking, no lag, no skipping and clearly time was saved
- Some refinement/management required in the starting and stopping of audio/video exhibits, Usability will require further thought, but certainly easier and quicker than traditional disc.
- No significant/reportable constraints in using encrypted or SAPOL provided exhibits were encountered.



## Digital Key Points: Opportunities

- Display of content on large screen must be exactly replicated on Judges Screen (bench monitor/tablet), Judge must see what Witness sees.
- CCTV encrypted Video (from disc) did not work initially until transferred to tablet on day 2
  - Implies pre-trial preparation of exhibit with DPP
- Judge particularly liked the content on mobile tablets as this could be used by counsel outside of court to brief witnesses in private  
(review security allowing mobile tablets outside of court secure area?)
- Significant other paper exhibits tendered which can be readily accepted in digital form, i.e. P8 Custody Inventory and so forth.



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## District Court of South Australia

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**R v PIENING [2013] SADC 172 (19 December 2013)**

### District Court of South Australia

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**R v PIENING [2013] SADC 172 (19 December 2013)**

Last Updated: 24 January 2014

#### DISTRICT COURT OF SOUTH AUSTRALIA (Criminal)

DISCLAIMER - Every effort has been made to comply with suppression orders or statutory provisions prohibiting publication that material in the judgment to ensure that the intended use of that material does not breach any such order or provision. Further enquiry generated.

**R v PIENING**  
Criminal Trial by Judge Alone

[\[2013\] SADC 172](#)

Reasons for the Verdict of Her Honour Judge Davison

19 December 2013



## Digital Trial Key Points

### Benefits and Efficiencies Observed

- Scanned exhibit images (map) can be enlarged and specific areas can be highlighted for attention.
- Mark-up's and Annotations easily made, however no capability exists with current registry systems to manage these in a secure and robust manner
- Her Honour Judge Davison has referred to points [3,87 and 93] in her Verdict (R v Piening) [2013] SADC 172.

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/sa/SADC/2013/172.html>



## **Her Honour Judge Davison makes the following comment in her verdict**

In this matter there was a pilot program utilising the Samsung tablet. The exhibits including the photographs, P7, a map of the central part of Adelaide, P2, videotape of the search and at the scene and the property being searched at the Watch House, P5, and CCTV footage from Hindley Street were uploaded onto the tablet, P6. This was done with the consent of both parties. The defence and prosecution were provided with a tablet with the same material uploaded. During the course of the trial this material was accessed via the Samsung tablet and when necessary was transmitted to the television over the witness box so that it would be viewed by anyone in court. It was therefore possible to zoom in and out of the photographs that had been taken and uploaded onto the tablet and to manoeuvre easily through the CCTV footage and video footage that had been tendered.

**Subsequently Judge Davison and other Judicial Officers have presided over a number of criminal trials which made significant use of digital exhibits**



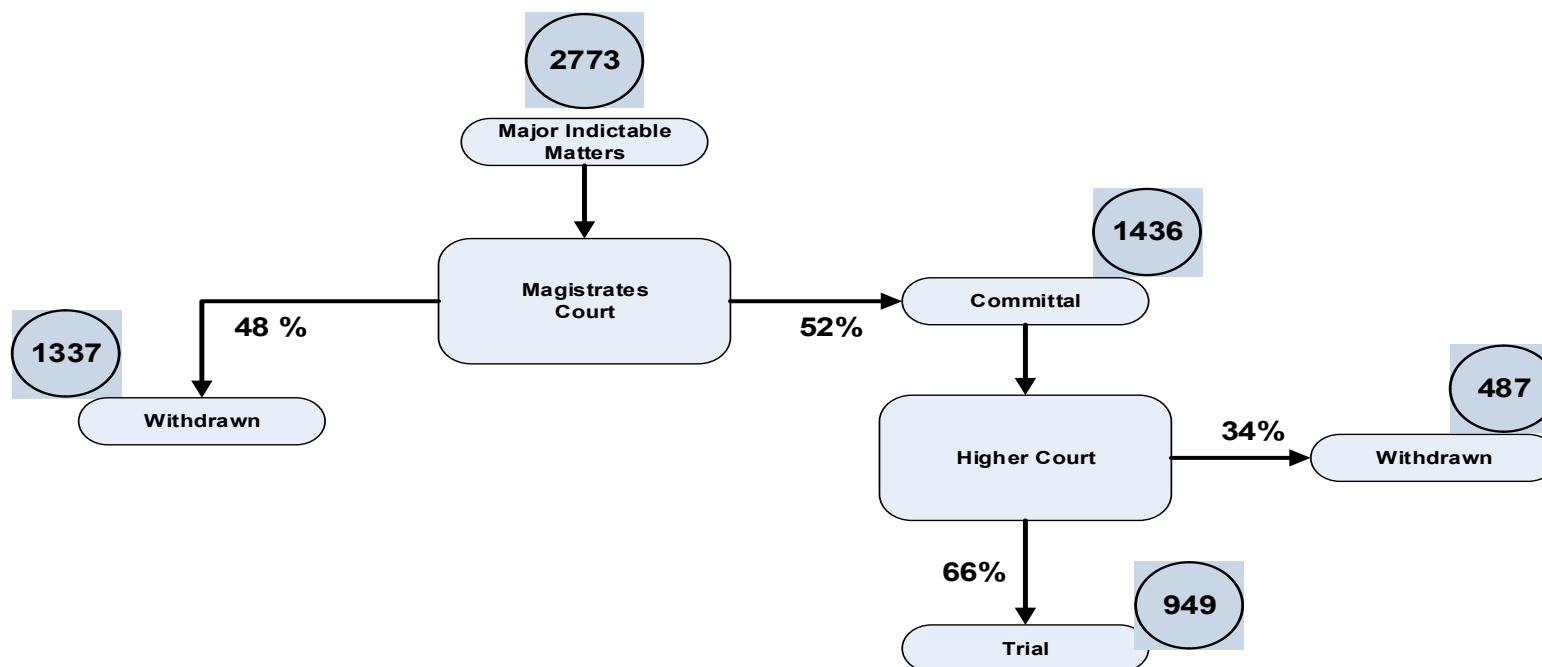
## Pyrcorp Expertise and Knowhow

- Program, project and change management capability.
- Analysis and full process re-engineering capability.
- Many years combined experience in courts and legal services, government agencies and large corporates.
- Delivery based competency, product and outcome driven.
- Independent capability of clients to carry out digital delivery with learned competencies post engagement (portable skills transfer)



## Appendix – A (volume)

**Percentage of Major Indictable matters withdrawn 66%**



Less than 34% of matters are proceeded with in the  
higher courts for Major Indictable Matters  
2011 Statistics

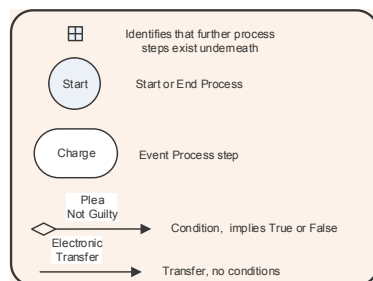
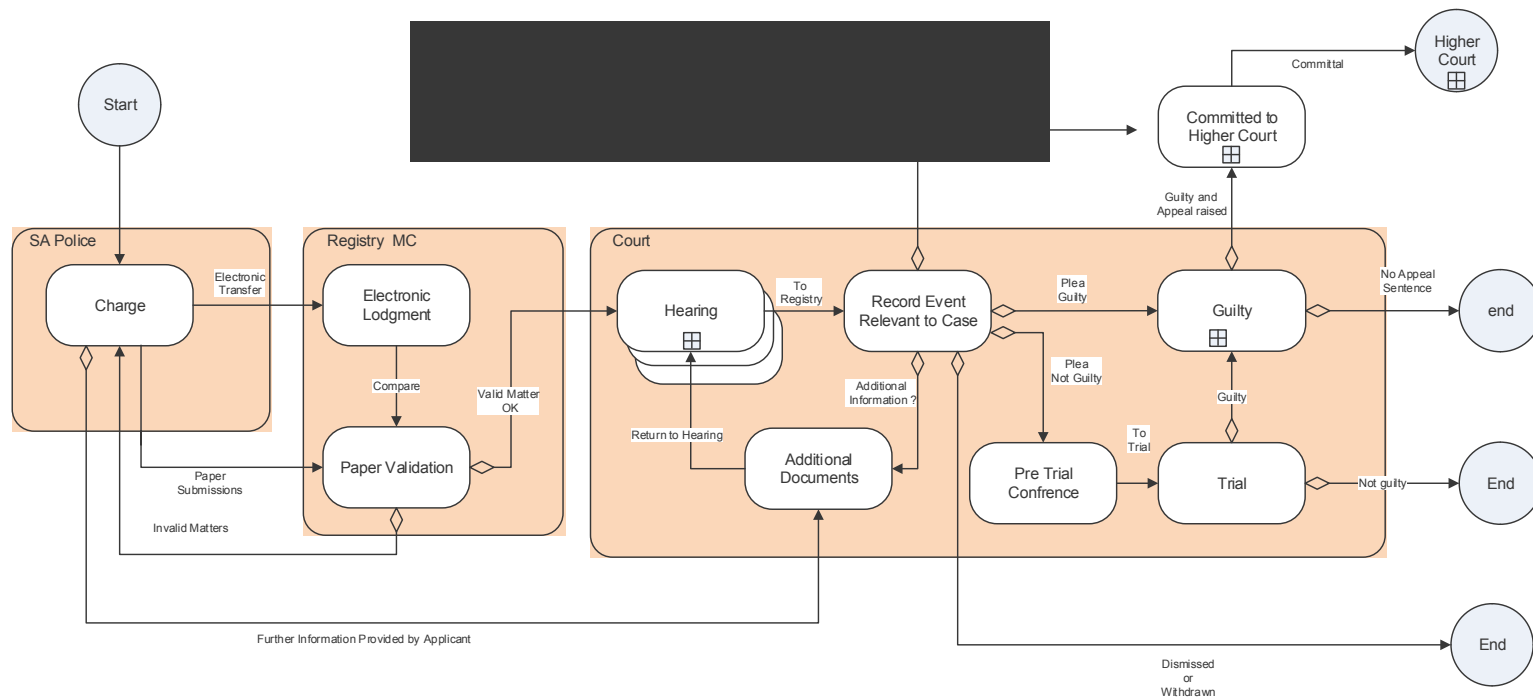
Each one of these matters would have a paper file





# Appendix – b (process)

## Charge Process: Magistrates Court



These case originating matters considered in depicting this model included the following charge types;

1. "Summary matters"
2. "Minor Indictables"
3. "Major Indictables".

Please note that specific intervention programs and any in court events were not captured at this stage.

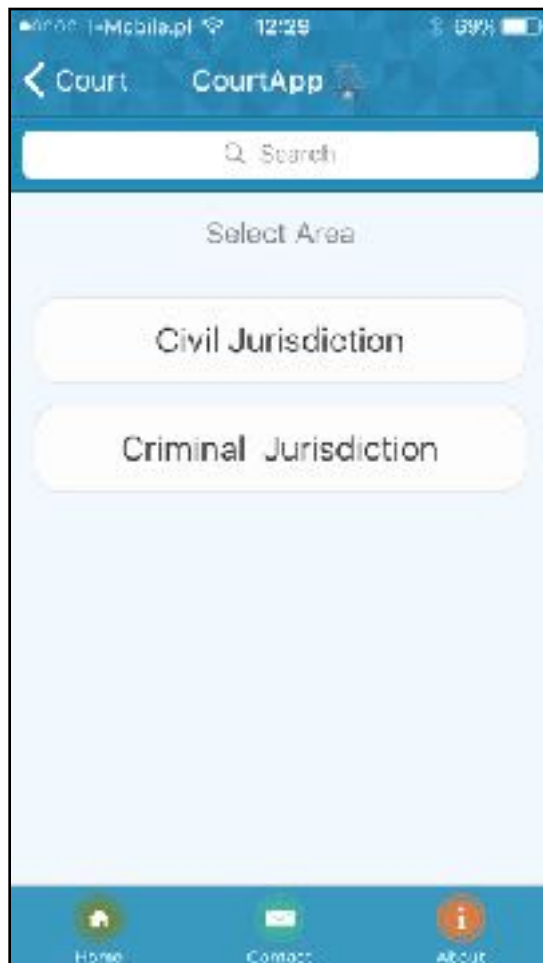


# CourtApp





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••••• T-Mobile.pl 12:33 67%

< Search Case Detail Event

Case Name	"The Queen v LOVE, Neil Madden"
Case #	94 DCCRM-14-500
Time	9:30a.m
Date	08/12/14
Officer	Before Judge DAVISON; (For submissions)
Participant	"LOVE, Neil Madden"
Description	Assault/ False Imprisonment/ Threatening To Cause Harm
Location	"Sir Samuel Way Building, Victoria Square, Adelaide"
Room	COURT 10

Home Contact About

••••• T-Mobile.pl 12:38 70%

Cancel Edit Event Done

6 DCC RM 14-500

District Criminal Court

All-day ☐

Starts 23 Apr 2017 10:00

Ends 11:00

Repeat Never >

Travel Time None >

Calendar • Calendar >

Invitees None >



# CourtApp

