

Draft Minutes
Connecticut Judicial Branch
Digital Evidence Committee
Tuesday, January 9, 2018
1:00 p.m.
99 East River Drive, 7th Floor
East Hartford, CT

Members in Attendance: Co-Chair Atty. Richard Loffredo, Co-Chair Ms. Diana Varese, Atty. Matthew Berardino, Atty. Joseph G. Bruckmann, Melissa A. Farley, Esq., Atty. Paul S. Hartan, Justice Maria A. Kahn, Mr. Thomas J. MacLean Sr., Atty. Kimberly Massicotte, Atty. Lori A. Petruzzelli, Atty. Sean B. Reidy, Atty. Timothy G. Ronan, Atty. John J. Russotto, Mr. James H. Vogel. Support staff Heather Collins.

Members Absent: Atty. Len Boyle, Mr. Patrick J. Deak, Chief James P. Wardwell.

- I. **Welcome from Co-Chairs:** Atty. Richard Loffredo, Ms. Diana Varese. The co-chairs told the members that the Committee has its own webpage on the Judicial Branch internet site, where Meeting Notices, Agendas, and Minutes will be posted. The Committee's meetings are open to the public.
- II. **Review and Discussion of *Managing Digital Evidence in Courts* and results of the digital evidence relationship diagram:** The Committee discussed the results of an affinity diagram session in the summer of 2017 about the issues surrounding the generation, collection, display, storage, admissibility and technical standards surrounding digital evidence. Digital evidence can be anything collected and stored digitally, including recorded phone calls; video surveillance; police body camera video; still images captured digitally; audio recordings; digital audio recordings of proceedings; digital applications (Apps) such as GPS, Twitter, etc.; scanned written materials such as transcripts; etc. There are specific rules, as well as guidelines, policies, and statutes surrounding the broad breadth of digital evidence. The goal of the committee is to address concerns from all judicial stakeholders and develop a common set of best practices for electronically stores images.
- III. **Next Steps:** The results of the affinity diagram indicate that there are 12 areas that need to be considered in developing best practices. From the most important, to the lesser important, those areas are:

1. Privacy
2. Technical Standards
3. Admissibility of Digital Evidence
4. Courtroom Presentation and Review
5. Public Access and Disclosure
6. Access by Litigants and Counsel
7. Retention
8. Information Management and Preservation
9. Storage Management
10. Management of Internal Systems
11. Cost
12. Training and Staffing

After a discussion by the Committee, the decision was made to form two workgroups to address the first four items by grouping them in to two distinct areas: Non-Technical, which will include privacy, admissibility, and courtroom presentation and review; and Technical, to address privacy (both subcommittees) and technical standards. The ultimate goal is to make recommendations to the Chief Justice, the Chief Court Administrator, and the Deputy Chief Court Administrator on a set of guidelines/best practices on handling digital evidence. There was discussion among the members about what stakeholders, apart from the overall Committee, should be considered for membership. There was general agreement that stakeholders also include clerk's offices, the state laboratory, and law enforcement in general.

The Co-Chairs asked the members to consider which workgroup, Technical or Non-Technical, they would like to be involved with, and to respond to the Co-Chairs over the next few days with a preference.

There was consensus among the Committee that items five through 12 will be considered after items one through four are addressed, assessed, and recommendations made to the Committee.

- IV. **Committee Meeting Schedule for 2018:** The next meeting will be scheduled.
- V. **Adjourn:** The Committee adjourned at 1:45 p.m.