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SAVING COURT TIME USING A VISUAL PRESENTER

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TECHNICAL MEMORANDUM

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NOTE: Further information
about this report can be
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Executive Summary

Presentation of court documents and photographic evidence is time consuming. Production of the photographic evidence can be expensive; time for the officer to prepare, darkroom time and materials, as well as the time spent in the courtroom presenting the evidence. It is not uncommon for a court case involving a major crime to take weeks to complete both the Crown's case and that of the defence. Witnesses time both civilian and police can add up to days depending on the complexity of the case. Court staff including the judge and the court reporters, clerks, security officers and of course the Crown attorneys are all being paid for their time while in the courtroom. The use of visual presenter (ELMO EV-500AF simply called "ELMO") has saved hours of court time, and actual dollars for the police in preparing evidence. This technical memorandum provides details of these cost savings.

Sommaire

La présentation des documents de procédure et de la preuve photographique demande beaucoup de temps. De même, la production de la preuve photographique peut être onéreuse, si l'on tient compte du temps de préparation, du coût du développement des photos et du matériel, ainsi que de la présentation de la preuve devant le tribunal. Il n'est pas inhabituel que dans un procès mettant en cause un crime grave il faille des semaines au ministère public et à la défense pour présenter leurs arguments. La présentation des témoignages, tant par des civils que des policiers, peut prendre des jours selon la complexité de l'affaire. Le personnel judiciaire, y compris le juge et les sténographes, les officiers de justice, les agents de sécurité et évidemment les procureurs de la Couronne sont tous payés pour le temps qu'ils passent à la cour. L'utilisation d'un système de présentation visuelle (ELMO EV-500AF ou tout simplement ELMO) pour préparer la preuve permet à la police de gagner considérablement de temps et d'économiser de l'argent. Le présent document technique explique en détail en quoi consiste ces économies.

INTRODUCTION

Photographic evidence/documents take a great deal of time to prepare and present to the court. Today the Crown introduces photographic exhibits by first showing it to the witness on the stand who indicates his view of the facts indicated. The photograph is then given to the clerk to be marked as an exhibit and then to the judge. The photo is then passed back to the Crown to have it handed over to the jury (each member of the jury personally examines the photo). The photograph is then commented on and information within the photograph is often focused upon. If further reference is made to the photo it is passed to the jurors a second time so that they can see the item being discussed. This standard court procedure takes up a lot of court time which in today's dollars is about \$800 per court hour.

Police are frequently asked to produce photographic enlargements so that they can be presented to the jury so that all can see. These enlargements are expensive to produce and dry mount so that they can be placed on an courtroom easel for all to view. Police are also required to produce several sets of the photographs for the various courtroom principles – one set for the Crown, a second set for the defence, a third set for the Judge and a fourth set for the jury. In major cases hundreds of photographs are presented to the court. The production costs to produce these photos are born by the police.

A forensic identification officer's preparation of a serious court case can easily occupy time for days (often smaller police services do not have a photographic technician. Use of visual presenter technology to present documentary or photographic evidence to the court, was identified as a priority, by the Guelph Police Service. It was anticipated that this would save time and money for the police and the courts.

OBJECTIVES

Guelph designed a project to address the possible savings to the justice community. The following objectives were set out:

1. To introduce technology to the court process that would allow the Crown to present photographic evidence in a form that would not offend the court and would save time in the trial process. It is suggested that costs associated to the production of court evidence would be greatly reduced by using an alternative delivery system to the court.
2. To examine the use of technology applied to the rules of evidence in a court of law.
3. To increase awareness to the courts that technology can be cost effective.

EQUIPMENT

Technology, at the best of times, can be difficult to apply to any given situation. Also time to train people on how to use the technology needed to be minimal. The equipment needed to be portable and easily set-up as there are many courtrooms in this jurisdiction. The ELMO EV-500AF visual presenter simply called "ELMO" was chosen (see Figure 1). ELMO is small, portable, and affordable device providing a video signal out on three channels, which allows the operator the ability to control a live feed to the courtroom monitors. ELMO can also output to a video projector. A VCR can be fed to the same courtroom monitors by the operator.

Two 27" 'TV' monitors are placed on carts (one for viewing by the jury and the witness stand, the other, for the Crown and defence). Two additional 13" 'TV' monitors are for the Judge and the operator. ELMO is set-up in the courtroom close enough to the trial proceedings but not to close as to cause interference (see Figure 2).

ELMO is capable of showing a three dimensional objects allowing the operator to zoom-in on small details. This enlargement capability is very useful when looking for small details in the photograph. ELMO is capable, with a flick of a switch, of displaying a photographic negative as a positive (see figure 3).

ELMO is limited to the size of a document 8 1/2" by 11" (letter size). Large photos need to be reduced before they can be viewed. The 480 lines of resolution the EV500AF provides a clean clear sharp image.

One person can easily carry ELMO from one courtroom to another. It takes minutes to setup and the operation of the equipment can be left with court staff (training requires about one hour).

ACTUAL CASES

The following are actual cases where ELMO was used. The use of this technology in these court cases demonstrates real true savings in terms of preparation and court time.

All of these cases were heard in Guelph Ontario. Costs were calculated using the figure of \$800 per trial hour and a trial day of six hours, i.e. one court day costs \$4,800. Trial times were traditionally set considering the number of witnesses and the amount of court evidence.

Fraud Case

Fraud cases are often very complex. Hundreds of paper documents/exhibits were presented to the jury. These exhibits included shipping receipts and invoices showing how the accused was defrauding his employer. Pre-trial meetings

suggested a fifteen day trial (including jury selection and the actual trial). The courtroom was fitted with ELMO, cabling and monitors (see figure 2).

All witnesses were presented with the documents on the 27" monitor. Without passing the document around the courtroom, it was easy for the witness to explain what the evidence was and it's value. This allowed the court to quickly move through the evidence and interviewing of witnesses. The trial ran for seven days. This trial if it were to run all fifteen days would have cost the court \$ 72,000.00 (15 days at \$4,800 per day). Instead the trial ran for seven days at an estimated cost of \$33,600.00. The trial cost savings with ELMO was \$ 38,400! There were no photos in this trial, only paper documents.

Murder Trial

A man was accused of murdering his wife. Traditional trial time was estimated at four weeks. This trial involved aerial, crime scene, and autopsy photographs. There was physical evidence such as a bottle used as a silencer for the gun. A long list of witnesses both civilian and police were expected to give evidence.

This trial, from the jury selection to sentence ran for ten days, a savings of ten trial days. The trial judge commented on the presentation of the evidence as being a time saver. By using ELMO a time savings of \$42,000.00 was realized. Photo processing savings (this is all born by the police service) was three extra sets of 100 photos per copy for the defense, the Judge and the jury, at .50 cents per photo = \$ 150.00. There was also the need for 30 enlargements at \$20 per enlargement for a further cost savings of \$600. The total savings for the trial was \$42,750.00.

Serious Assault

This serious assault case involved three men accused of beating a man. Evidence included DNA from the bloodied clothing exhibits and a video surveillance tape. Scene-of-crime photos were crucial to the Crown's case. ELMO was used to present the evidence. Each of the crime scene photographs was used to show enlarged features of the crime scene. By enlarging these areas instantly in front of the court hundreds of dollars in photographic enlargements were saved by the police(40 enlargements at \$20 per enlargement = \$800). This trial was reduced by 3 days which translates into a court savings of 3 days times 6 hours per day at \$800 per court hour = \$ 14,400. Thus total savings using ELMO was \$ 15,200.

Coroner's Inquest

A coroner's inquest investigated the death of a young inmate in the Wellington County Jail. All the documents and photographs were presented to court with ELMO. An official from the coroner's office explained that with nine inquest lawyers this inquest should go on for six months. The hourly court costs have been conservatively estimated at \$ 1,400 per hour or for a six hour day \$8,400! The

inquest was completed in five months with a savings of one month or 20 days which translates into a \$ 168,000 savings! In addition ELMO saved a further \$ 22,500 in photo processing where only one set of 200 photos were required instead of 9 sets (one for each lawyer). In a typical inquest such as this the original 200 photos would have been 8" by 10" at a photo processing cost of \$12.50 per photo or \$2,500. Total inquest savings due to the use of ELMO is \$ 190,500.

CONCLUSION

Visual presenter technology translates into significant savings to the Justice system, including the courts, the attorney's time and police budgets. The initial costs of the equipment can often be recovered in one trial. This technology does not alter the evidence. The evidence stays the same and does not have to be converted to a computer file. ELMO simply uses what has always been used and presented it in a way that allows the court to save time and money.

List of Figures

Figure 1 – ELMO EV-500AF

Figure 2 – ELMO court room setup

Figure 3 – Turning a negative into a positive with the flick of an ELMO switch.



A – Grey powder on black card



B - Reversed on ELMO black ridges on white

Figure 3 – Turning a negative into a positive with the flick of an ELMO switch.



Figure 1 – ELMO EV-500AF



Figure 2 – ELMO court room setup