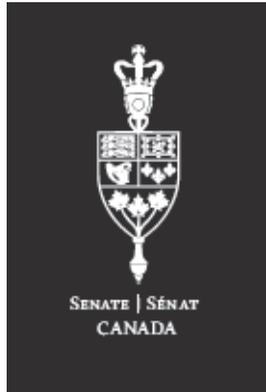


GOVERNMENT OF CANADA

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Study on Matters Pertaining to Delays in Canada's Criminal  
Justice System



**Standing Senate Committee on Legal and  
Constitutional Affairs**

**Submission**

Due Date: January 30, 2017

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January 30, 2017

Julian Walker M.A., LL.B.  
Legal Affairs & National Security Section  
Parliamentary Information and Research Service  
Library of Parliament  
Ottawa, ON K1A 0A9

RE: Study on matters pertaining to delays in Canada's criminal justice system

Dear Sir/Madam,

On behalf of RedMane Technology Canada Inc., I am pleased to submit the attached submission to the Senate Standing Committee on Legal and Constitutional Affairs.

Please let me know if you require any additional information.

Sincerely,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke.

Cheryl Hartshorne  
Executive  
RedMane Technology Canada Inc.  
[www.redmane.ca/information](http://www.redmane.ca/information)

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## 2 THE ISSUE FROM A TECHNOLOGY POINT OF VIEW

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Delays in Canada's criminal justice system have grave impacts for victims and accused individuals awaiting justice. Yet Crown offices and the judiciary are overburdened and understaffed in many jurisdictions, and delay has become the norm. Legislative reform and procedural changes are needed to address this issue – but technological innovation can also play an important role.

RedMane proposes a web-based case management system for the criminal justice system to be implemented to streamline the legal process, provide a pipeline for rapid communication between parties and the courts, reduce time spent on administrative tasks, and even obviate some procedural appearances entirely.

In particular, RedMane recommends implementing the following five technological solutions as part of a comprehensive effort to conserve resources and reduce institutional delays:

**Case management software** that serves as a centralized hub for all stakeholders in a legal case;

**Electronic disclosure (e-Disclosure)** of evidence to defence counsel;

**Integration** between computer systems already in use to facilitate information sharing;

**Mobile-accessible** features to take advantage of commonly used devices; and

**Citizen portals** for victims and accused individuals to access information without reliance on the courts.

Any technology solution that the committee embraces to address these issues should have the following goals:

1. Support collaboration
2. Promote efficiency
3. Support courts to meet timelines
4. Allow for increased accountability
5. Support accessibility

### 2.1 CASE MANAGEMENT TECHNOLOGY

Ensuring appropriate case management processes can be challenging for courts. There are sophisticated technology options to support case management processes. Systems can reinforce work flow and collaboration. They can streamline business processes and allow for automation of other processes. Case management systems can support approval steps and drive escalation process when timelines are not adhered to. Further, a good case management system will have dashboards and pre- built reporting tools.

Case management technology will support the goals of collaboration, efficiency, meeting timelines, accountability and access.

#### 2.1.1 SINGLE SOURCE OF TRUTH

Case management systems allow all information about a court case to be kept in one place. A variety of users can enter and access information appropriately and securely. Information about

court processes, e-disclosure, scheduling and other information derived from other systems will be available through the case management tool.

A single source of truth addresses the goals of efficiency and accountability.

### 2.1.2 WORKFLOW

Workflow in a case management solution will allow for courts to enter basic information about cases and track progress through the court process. Additionally case management systems will allow for workflow where one user enters information related to the case; upon submission this will then trigger workflow to allow approvals or collaboration by another user.

The system can be configured such that when a timeline on a particular activity of a court case has been exceeded, notifications will be sent to ensure that the time delay has been remediated.

It can also be utilized to exchange of information between the courts, crown and defendants and their council. One party can initiate an action such as booking a court date. The action can then be accepted or approved by another party; the task could then be delegated to another user to complete.

When there are actions that require approval by the court or the clerk's office; the workflow associated with the approval can be completed entirely within the case management solution.

Notifications for activities related to workflow and approvals can be sent to appropriate participants via text messages or email.

Workflow addresses the goals of collaboration, efficiency, meeting timelines and accountability.

### 2.1.3 REPORTING AND DASHBOARDS

Case management solutions allow for operational reporting. Regular or adhoc reports will be available to system users. This will allow appropriate users to know how many cases are before the courts and what stage of the court process they are in, along with any places where there are overdue activities. This information may be presented in a dashboard format allowing easy access to critical information. Chief Justices could receive summarized information about the courts in their jurisdictions allowing for actions to be taken to remedy any areas of concern. Reports may also be made available to key stakeholders such as the Department of Justice.

Information from case management systems may also be exported to external statistical analysis tools for use in predictive analytics and strategic reporting.

Reporting and dashboards assist in meeting accountability goals.

### 2.1.4 SCHEDULING

There are significant challenges in over or under allocating court rooms in a number of jurisdictions. Case management systems will allow for the ability to schedule court rooms and hearings appropriately. There is the ability to develop some logic to minimize the number of court rooms that are inappropriately scheduled and thereby increase the capacity of the courts to hear more cases in an expeditious manner. A case management system can address adjournment requests due to counsel or witness availability much earlier because users can input all relevant information at the beginning of the process and easily and quickly update it without the need for trying to schedule a court appearance to address any changes or delays. Often these type of appearances to request an adjournment are just as difficult to schedule and clog the system. Where you are dealing with

unrepresented defendants, a case management system could enable them to arrange for witnesses early in the process as they would have the information on how to identify witnesses and subpoena them. In addition, with system witnesses (i.e. police, probation, correctional, mental health, human services staff) their schedules could be programmed into the system making scheduling more efficient.

Automated scheduling assists in meeting the goals of meeting timelines.

### 2.1.5 COLLABORATION

Modern case management systems offer the ability for a variety of users to work together on one court case. Different participants can enter different information into the case. This can have workflow attached to it where one person completes an action with a notification sent to the next person or it may function independently.

Collaboration functionality supports individuals to work together towards a single goal while being efficient.

### 2.1.6 SHARING INFORMATION BETWEEN COURTS

There is often the need for information to be shared between courts in various jurisdictions. Delays can be caused by information not being requested or received in a timely manner. Case management solutions allow for information to be seamlessly shared between courts. When a case changes jurisdiction or information is required on one case that is contained in a different case; authorized users can access appropriate information in a seamless manner. There may also be a need to consider the sharing of information between courts and other systems such as health, child welfare and education where permitted by legislation.

Sharing information between courts supports the goals of collaboration, efficiency and access.

## 2.2 E-DISCLOSURE

RedMane recommends that the Senate consider the implementation of a computer system for e-disclosure, to facilitate the sharing of evidence between Crown prosecutors and defence counsel or self-represented accused.

e-Disclosure refers to the transmission of disclosure materials by the Crown to defence counsel in electronic format. Computer systems supporting e-disclosure are already in use in many jurisdictions in Canada, and can be purchased on the market from a number of software vendors. However, there is a lack of consistency, standardization, and integration between the different software platforms currently in use. Implementing a standard e-disclosure system across jurisdictions would enable consistent access to evidence.

e-Disclosure meets the goals of collaboration, accessibility and accountability in improving the court processes.

First and foremost, an e-disclosure system should fit into a larger case management solution for the courts that automates aspects of the prosecution process from beginning to end. A case management system could receive investigative data from a police records management system, format it and organize it for the prosecution, generate documentation required for charge packages, compile and transmit disclosure packages to an e-disclosure portal, and notify defence counsel that evidence is ready for viewing.

e-Disclosure is especially efficient in cases where electronic evidence is at play. Electronic evidence can include e-mails, digital text and photographic files, Internet browser histories, computer memory, computer databases, and video or audio files. Because electronic evidence tends to be more voluminous than physical evidence, it is relatively difficult to duplicate and share via physical means such as printing. Conversely, physical documents can be quickly and automatically converted to electronic files using inexpensive scanning and optical character recognition software. An e-disclosure system would reduce costs and delays by eliminating the need to convert electronic documents to physical format. It would facilitate access to relevant information by allowing for keyword searches and instant downloads of files of any size.

In summary, implementation of an e-disclosure computer system would allow courts to reduce costs associated with paper disclosure and reduce delays resulting from late disclosure. As advances continue to be made in computer systems, and as stakeholders in the justice system become increasingly comfortable with and reliant upon computer systems, e-disclosure should become the principal means of disclosure. Consideration to the implications for privacy legislation at a provincial and federal level is needed; as well as security and Charter issues.

e-Disclosure meets the goals of collaboration, accessibility and accountability in improving the court processes.

## 2.3 INTEGRATION

An integrated case management solution for the justice system is one that allows for instant, web-based connection and communication between the courts, Crown offices, police, and other GC entities. Online integration enables on-demand and bulk information sharing between systems that would be impossible to perform manually. It eliminates the need for individual requests and follow-ups for information and reduces “siloing” of information within institutions. The result is improved timeliness of access to information with increased accuracy.

Integration meets the goals of collaboration and efficiency within the court process

### 2.3.1 CRIMINAL RECORDS

A lack of integration and information sharing between institutions has grave consequences for criminal justice in Canada. The Canadian Police Information Centre (CPIC) is a national electronic database that maintains criminal records and identification data. Criminal records from CPIC are available via queries that are performed on that system by a user with appropriate access rights, such as a law enforcement officer or prosecutor. In making decisions reliant on criminal history, the court depends on these users to present information from CPIC to them. When updates are made to a criminal record in CPIC, the court may lack knowledge of them, unless a prosecutor performs subsequent queries on CPIC and again presents them to the court. When the court lacks full information at critical decision points such as bail hearings or sentencing, public safety is put at risk.

Integration can avert these outcomes by providing the courts with access to accurate, timely, and complete records on one centralized platform. An integrated case management solution would not require intermediaries to repeatedly collect and deliver information between external systems and the courts. Queries to external platforms such as CPIC could be performed from the integrated case management platform itself. Alerts could be transmitted automatically to a user of the case management platform when changes are made to records on CPIC. Online information sharing thus

has the benefit of avoiding both error and lag associated with manually processed records. Access to CPIC records for defence council and unrepresented individuals would also be helpful.

### 2.3.2 ACCESSIBILITY AND REPORTING

A case management system can not only be integrative in the sense that it interfaces with external systems, but also in that it creates records and documents that are compatible with commonly used computer programs, such as word processing and email. Electronic interfaces between institutional systems can be designed to share information in formats that are readable by and accessible to users of different systems and devices.

Electronic interfaces can also be used to support record-keeping and reporting. A case management system that can pull, compile, and transmit data to and from numerous sources can more efficiently produce statistics on crime and provide a fuller picture of the administration of justice.

## 2.4 MOBILITY

RedMane recommends a mobile-accessible solution for the criminal justice system that would allow counsel, law enforcement, victims, and other stakeholders to access case information on commonly used devices. A modern case management platform with the capacity for mobility would facilitate communication, improve accessibility, and reduce time spent on administrative tasks.

Mobility facilitates improved court processes especially efficiency and access.

### 2.4.1 IMPROVED COMMUNICATION

A mobile case management solution is one that users can access from any network and from multiple devices, such as a computer, laptop, tablet, or mobile phone. Information can be viewed, searched, recorded, and updated in the courtroom, at a crime scene, or another site “in the field.” Information that is added or updated via a mobile application can be uploaded to the case management platform in real time, or users can save changes to their devices while offline, and upload them upon reconnection to a network. Support for offline use is especially beneficial in remote areas where network connectivity is problematic.

For example, duty counsel providing initial legal assistance to accused individuals can use a voice-to-text feature on a mobile application, rather than paper files, to quickly record and organize notes at initial appearances. These notes can be saved in the application until defence counsel is identified, and then transmitted automatically to them. Defence counsel can subsequently use the mobile application to add notes to the case, access documents, or even capture signatures on forms.

### 2.4.2 REDUCE DELAYS

One potential benefit of a mobile case management platform is to reduce delays associated with self-represented accused. Underfunding of legal aid has led to an increase in self-represented litigants, who lack the expertise necessary to expeditiously navigate the system. Self-represented litigants contribute to lengthier trials as judges must take special care to ensure that they receive a fair trial. A mobile application that allows for rapid and direct communication between the court and the accused would help ensure that they are informed, without requiring additional time to be spent in the courtroom. Information about rules, procedures, and rights can be disseminated using help text,

learning modules, alerts, notes, and other features of a mobile application, to help self-represented litigants understand each step of the legal process and ensure that their rights are respected.

### 2.4.3 REDUCTION OF ADMINISTRATIVE EFFORT

Enabling users to access case information from common devices would also reduce pressure on court clerks and administrative staff. Rather than fielding in-person visits or phone requests, court staff could direct users to a mobile-accessible citizen portal with educational information as well as information specific to their proceedings. A mobile application can send alerts and notifications to users, sync with users' calendars, and perform other common administrative tasks. While no mobile application can replace in-person contact or paper documentation entirely, providing an additional pipeline for communication increases the likelihood that contacts will reach the desired parties in a timely manner.

## 2.5 CITIZEN PORTALS

It is always challenging to ensure the availability of justice for victims and the accused. Modern technology allows for Portals to be integrated with case management tools. This allows for properly authenticated individual to provide and access information appropriately.

Citizen portals improve court processes related to accessibility and efficiency.

### 2.5.1 ACCESSIBILITY FOR VICTIMS

Victims of crime are often in contact with police, victims' services organizations and the crown's office to get information about court cases that impact them. Well-developed Portals will allow individuals to access the case they are associated with through a secure remote site on the internet or on their mobile device. They can see things such as upcoming court appearances and important dates.

### 2.5.2 ACCESSIBILITY FOR SELF-REPRESENTED INDIVIDUALS

Increasingly the court is seeing individuals represent themselves in criminal matters. This can cause challenges for the court in ensuring that individuals have the information that they require in the court process and that communication with the accused is appropriate. A portal that is accessible to the accused through a secure website or mobile device will allow individuals to submit information to the case management system, receive e-disclosure and other relevant documentation. It also will allow for sharing court dates and collaboration with respect to scheduling and motions.

## 2.6 IMPLEMENTATION PROCESS: TIMELINES AND COSTS

The implementation should include the technology and business changes that are needed. The implementation should be done in a phased manner. There may be pilot sites that are initially involved. There should then be a plan to implement different jurisdictions in a phased manner. The number of users and cases should incrementally increase as the implementation proceeds. There may be some consideration to phasing in functionality of the system.

At this point it is very challenging to estimate timelines and costs. It will be necessary to complete the initial steps in the project prior to estimating costs and timelines. Generally jurisdictions consider engaging a vendor partner for 6- 8 months to assist in completing the following:

1. Establishing vision and drivers
2. Developing a governance structure
3. Developing a project charter
4. Developing a change management plan
5. Driving out initial requirements
6. Business process documentation
7. Developing a criteria to choose a solution
8. Development of a Roadmap

### 3 ABOUT REDMANE

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RedMane was founded in 2000 as a systems integrator focused on software development to meet the business needs of our clients. From the outset, RedMane was formed on the principle that blending business domain and technical expertise to achieve successful project implementations required a pool of highly talented individuals and a methodology centred on developing high quality, pragmatic solutions.

RedMane's business focus is systems development and there are currently 104 full-time equivalents employed at RedMane, along with an additional 20 contracted staff.

RedMane has successfully implemented systems in a diverse set of industries, with a primary focus on Human Services programs. The social programs involving income support, child welfare, and child maintenance enforcement are often large and complex. RedMane has established a solid reputation in North America for designing and implementing solutions that meet the unique needs of individual jurisdictions. RedMane celebrates its 17<sup>th</sup> anniversary this year, and over this time has accumulated deep domain expertise in social programs and a track record of successful projects in provinces across Canada and states throughout the USA.

RedMane invests heavily in research and development to develop products and provides solutions that support our clients' needs and enhance our systems development projects. One result of our investment in R&D is the development of the mCase case management and mobile solution.

RedMane Technology is a privately owned company. RedMane Technology Canada Inc. is a subsidiary of RedMane Technology LLC.