

# Vermont Digital Evidence Portal Public User Guide

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## Introduction

#### Overview

The Vermont Digital Evidence Portal (VDEP) is a new online platform that allows attorneys and case parties to electronically upload, submit and share digital multimedia (audio, video and image) files for use as exhibits in trials and other evidentiary hearings. Use of this platform will allow case participants to directly and securely submit multimedia exhibits to the court from their own computer or mobile device and will allow them to send links to share those exhibits with other attorneys and parties in the case. With the use of VDEP to submit multimedia exhibits, there is no longer any need for parties and attorneys to file "hard copies" of such exhibits to the court on DVDs, thumb drives or other storage devices.

#### **Applicable Case Types**

The initial launch of VDEP will be limited to evidentiary hearings in **Criminal Division** cases in **Windsor** and **Addison** counties. Bennington, Rutland and Windham Criminal Divisions will begin using VDEP in late 2023 and the remaining counties will be added after that (exact dates TBA). After VDEP is rolled out to all Criminal Divisions statewide, system usage will be expanded to include other dockets and case types including Civil, Family, Probate, Environmental and Judicial Bureau.

#### Applicable Media Types

VDEP is specifically intended to be used for multimedia audio and video exhibits, and can accept most commonly used formats of such recordings including .mp3, .wav, .dss, .m4a, .avi, .wmv, .mov, .mp4, .rm, .ts, .mpg, .smi, .css and .flv.

VDEP will also accept image files of photographs and other digital images that require viewing in high resolution (image files that do not require high resolution viewing may also be submitted in PDF format along with document exhibits through standard efiling process). Image file formats accepted by VDEP include .jpeg, .jpg, .png, .emp, .tif, .gif, .bmp, .wmf, .exif and .tiff.

The VDEP system will not accept document files such as Word and PDF documents. These must continue to be filed through existing processes.

If you have digital evidence to submit in any format not listed above and cannot convert it to an allowable format please contact jud.helpdesk@vermont.gov for additional assistance.

#### Device/System Requirements

VDEP is a web-based platform that is accessible through most modern web browsers on computers and mobile devices with an internet connection.

On a smart phone, the site view will fit the content to the screen to the size of the phone. On a tablet device, the system will adjust the screen size dynamically.

#### File Access

After creating a VDEP account (see instructions in following sections), users will have access to any exhibits they themselves have uploaded. Through a separate process using a share link (explained in later sections in this guide) users may also view and download any exhibits that have been shared with them by the court or other users. However, there is no "elevated" or across-the-board agency, firm or attorney access to entire cases or dockets as with the Public Portal.

## Account Registration and Exhibit Upload

### Important Registration Details

- VDEP is a standalone site; it is not connected to Odyssey File and Serve, the Public Portal or any other
  platforms used by the Vermont Judiciary, and login credentials for any of those sites will not transfer
  over to VDEP. All users must complete a new account registration to use VDEP, but may use the same
  email address and password used for other court platforms if they choose.
- Account registration can be done in advance if necessary but is easiest and most efficient to do at the time of first uploading exhibits, since the process requires entering a case number and date for an actual upcoming hearing.
- When others share exhibits with you, no registration is required to view them. You receive an emailed link to the exhibit(s) and a separate email or text message with a pin code to use after clicking the link.

#### To register a new account and upload exhibits:

1. Go to the VDEP home page at <a href="https://evidence.vermontjudiciary.org/TraQ7/account/login">https://evidence.vermontjudiciary.org/TraQ7/account/login</a> and click "Sign Up" in the lower right.



2. The system will redirect you to the Verify Case page. The Case Type dropdown will default to "Criminal". You will need to enter the case/docket number and the date of the hearing for which you are uploading the exhibit(s) in the appropriate fields and then click submit.

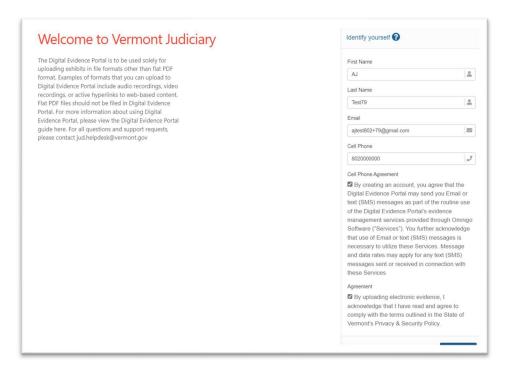


3. Once entered, the system will verify that information by looking for a hearing for that case number on that date. If a matching case and hearing are not found you will not be able to proceed, as indicated by a red bar that will appear at the top of the box:

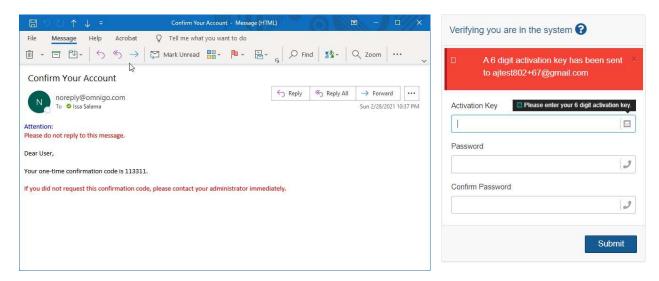


Note: This means that **exhibits cannot be uploaded prior to a hearing actually being scheduled in your case**. If you believe you are entering correct information for both case number and hearing date and are still unable to proceed, doublecheck the information with court staff, or on the Public Portal if you have an access account, or contact <a href="mailto:jud.helpdesk@vermont.gov">jud.helpdesk@vermont.gov</a> if needed.

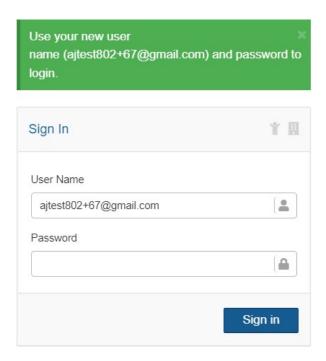
4. If the system is able to validate the case and hearing information, you will be directed to the next screen where you will create an account profile. Enter First Name, Last Name, and email address. Entering a cell phone number is optional only if you wish to receive verification codes via text message rather than email. None of the information entered here is publicly viewable, nor is it used by the Judiciary for any other purpose than account management and sending of verification codes and document links. After entering this information, click the check boxes for the acknowledgements at the bottom and click Submit.



5. The system will send an activation code to your email or cell phone. You will then be prompted on the next screen to enter that code and to create and confirm a password. Retrive the activation code that was sent to you and enter it along with a password (enter 2x to confirm) then click Submit.

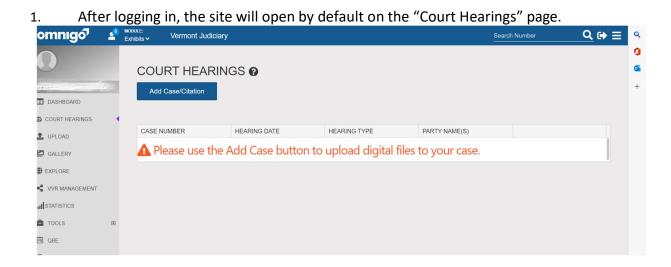


6. After creating and submitting your password, you will be redirected back to a sign in screen. Enter your username (the email address used to register) and the password you just created and click Sign In.



7. Make sure to record your username and password which you will use directly the next time you visit the VDEP site. If you forget it, there is a "forgot password" link on the sign in screen you can use.

How to Upload Exhibits (after registering)

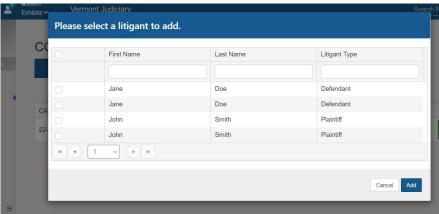


- 2. Click on the "Add Case/Citation" button. Note: for subsequent visits to the VDEP site, if you have previously uploaded other exhibits for the same case, then that case and others to which you have uploaded will appear here in a list with an upload button, and you will not need to take these same steps to add the case again, but will be able to just click on it to upload more exhibits.
- 3. After clicking "Add Case/Citation", you will be prompted to add the case and hearing information

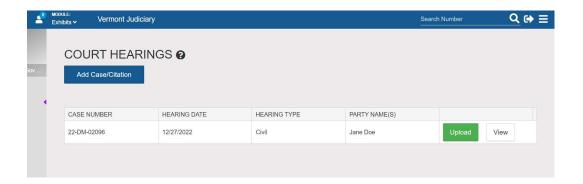
again. The case type dropdown will default to Criminal. Enter the full case/docket number and hearing date and click "ok". If there is not a hearing scheduled for that date for that case, you will not be able to proceed.



4. On the next screen, select the case party **on whose behalf** the exhibit(s) are being uploaded, then click "add". Please note, only case parties, not attorneys are listed here. Also please note that the blank fields above the listed names are search fields to search from among the parties listed below (a function designed for cases involving many parties) and not a method of adding additional parties to the case record. In other words, the term "add" is somewhat misleading on this screen; you are adding exhibits on behalf of a litigant, not adding litigants themselves.



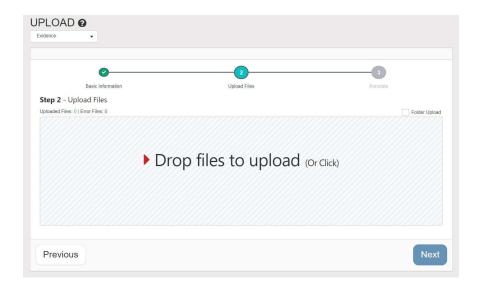
5. The case and hearing should now appear on the next screen. Click the green Upload button to begin uploading files.



6. Review the "Basic Information" on the next screen for correctness and then click "Next"



7. The upload screen will open. Files may be added by dragging and dropping into the shaded center area or by clicking in that area to open the file directory on your computer and select filed. You may upload files one at a time or you may add multiple files at once. The size limit per file is 100GB. There is no limit on the number of files you may upload.



Please note: if you accidentally select and upload the wrong file at this stage of the process, there is not currently an easy way to remove/delete it. Please email the Helpdesk at <a href="mailto:jud.helpdesk@vermont.gov">jud.helpdesk@vermont.gov</a> and an admin will assist with deleting the erroneous file.

8. When you are done with the upload, click the next button, then click OK on the confirmation box.

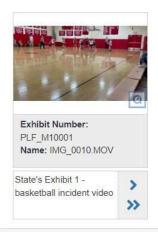


9. On the next screen you can add a description for your digital files, which will appear as thumbnail icons with fillable description fields underneath. The VDEP cross-reference number will be auto assigned by the system. Please see later sections in this guide detailing the purpose and function of the VDEP cross-reference number which is NOT equivalent to exhibit numbering in the official case record.

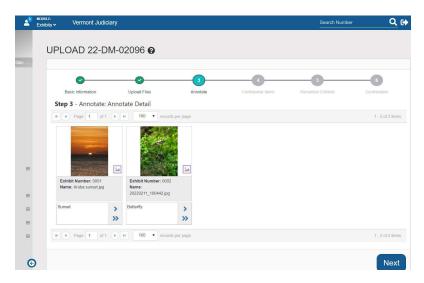
In the description field, provide a description for the exhibit. Each exhibit description should include:

- (1) the official exhibit number (e.g., "State's Exhibit 1" or "Defendant's Exhibit A") that you will give the exhibit and that will be listed on your official exhibit list that will be filed with the court. Please note, Defendants' exhibits typically use letters, while Plaintiffs and other party types use numbers, and
- (2) a brief but specific description of what the exhibit actually is (e.g., "arrest bodycam footage" or "recording of cell phone message")

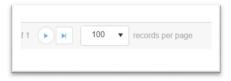
So your annotation might look something like this:



If uploading multiple items, you can annotate each item individually or you can also enter a description for the first exhibit and then automatically copy it over to the next exhibit (by clicking the single blue arrow on the right of the annotation area) or to all other exhibits (the lower double blue arrows). After copying over a description from one exhibit to another or to all others, each annotation can then be further individually edited. This is designed to save you time if each exhibit annotation will be largely similar with only minor individual differences between them.



When finished adding descriptions, click the "Next" button to finalize. Please note that if you uploaded more files than what fits in a single page (default number is 100) you will be prompted to annotate each page separately. You can change the number of records per page from the page on the bottom of the uploaded files screen:



10. On the next screen you can mark any exhibit files that should be confidential. To mark files confidential just click on them to highlight with the green check mark as shown below. If mistakes are made just click again to unmark them. Click "Next" after marking any exhibits confidential as appropriate.

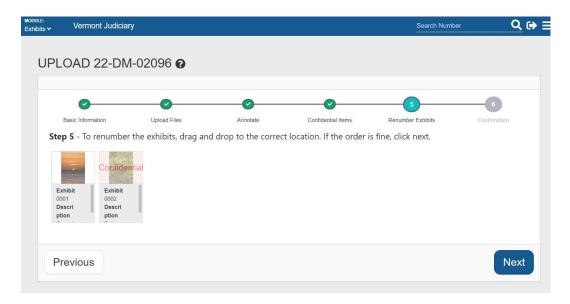


What does it mean for an exhibit to be marked confidential in VDEP?

Since files uploaded to VDEP are not publicly viewable to any external users without a share link + 2 factor verification, marking exhibits confidential does not directly restrict or affect their viewability in the system. It functions more as a flag/notification for court staff, judges and other viewers with whom the exhibit may have been shared that it contains some type of content or information that is considered not publicly accessible under the Vermont Rules for Public Access to Court Records and/or other governing rules and statutes.

11. On the next screen, if you have uploaded multiple digital exhibit files, you have the opportunity to re-arrange the order of them by dragging and dropping, which will result in a corresponding re-numbering of each exhibit

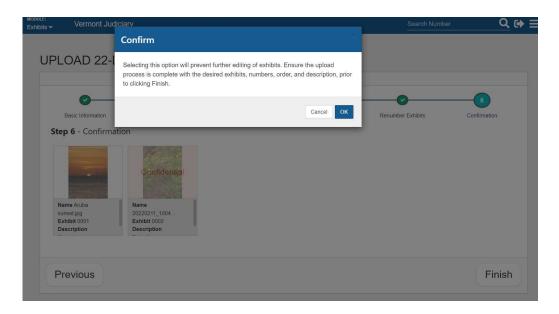
file. Descriptions entered for each item will move with the item. This is an optional step and if you do not want to re-order anything, just click next to proceed.



12. Final Confirmation Page: This page gives you one last opportunity to review all aspects of the exhibits you are uploading. If changes are needed, you can go back to any of the earlier steps with the "previous" button. If everything looks correct click "Finish".



13. A confirmation box will pop up to ensure you are aware that after submitting, you will no longer be able to edit these files or their descriptions.



A "Final Receipt Step" screen will open up, where you will have an opportunity to print an exhibit receipt ("print records") or an exhibit list. **These documents are optional and do not need to be generated or printed for any submission to the court.** They may, however, be printed and retained for a party's own records.

At this point: the upload is complete and your files are now in your Gallery. See further sections in this guide for detailed information about the Gallery.

• The items in the Gallery are accessible to you and to the court. Until shared, they are not accessible to other case parties or attorneys.

- If you need to share the digital exhibit files you have uploaded with others (e.g., co-counsel, opposing parties/counsel), you can now go to the Gallery to access the Virtual Viewing Room where you can send a share link see detailed instructions in further sections.
- At this time, you may also want to note and record the exhibit ID numbers assigned to each of your uploaded exhibits by the VDEP system. These numbers are displayed under the thumbnail icon of the exhibit in the Gallery. You will need to include these numbers as cross-reference numbers on your main exhibit list submitted to the court in preparation for the hearing (see further details explained below), which must include listing of all documentary exhibits filed through the efiling system or on paper as well as any multimedia exhibits uploaded to the VDEP system.

**PLEASE NOTE**: Many exhibit video file types require "transcoding" after they are uploaded. Video transcoding is a process of converting the uploaded video to a standardized format that plays better and more smoothly on a web browser. This process can take up to 24 hours after uploading to complete. Therefore, to avoid playback problems (freezing, skipping), it is recommended that you upload videos at least 24 hours in advance of a hearing.

## **Exhibit Numbering**

IMPORTANT: PLEASE READ AND ENSURE YOU UNDERSTAND THE FOLLOWING DETAILS ABOUT EXHIBIT NUMBERING AND EXHIBIT LISTS:

• THE EXHIBIT "CROSS-REFERENCE" NUMBER ASSIGNED IN THE VDEP SYSTEM IS NOT THE OFFICIAL EXHIBIT NUMBER THAT WILL BE ENTERED IN THE COURT RECORD. ALL OF A PARTY'S EXHIBITS, REGARDLESS OF FORMAT OR METHOD OF SUBMISSION, MUST BE SEQUENTIALLY NUMBERED ACCORDING TO ESTABLISHED VERMONT JUDICIARY POLICIES AND PROTOCOLS FOR EXHIBIT NUMBERING. MULTIMEDIA EXHIBITS SUBMITTED THROUGH VDEP SHOULD BE GIVEN AN APPROPRIATE SEQUENTIAL EXHIBIT NUMBER IN LINE WITH OTHER EXHIBITS SUBMITTED FOR A HEARING, AND THE VDEP CROSS-REFERENCE NUMBER SHOULD BE LISTED AS A CROSS REFERENCE ALONG WITH THE TITLE/DESCRIPTION OF THE EXHIBIT ON THE EXHIBIT LIST.

Example of an exhibit list submitted before a hearing/trial, listing documents filed into Odyssey and a multimedia exhibit submitted into VDEP:

Exhibit Number	<u>Description</u>
State's Exhibit 1	Printout of Text Message Exchange
State's Exhibit 2	Diagram of Crime Scene
State's Exhibit 3	Crime Scene Video – VDEP # PLF_M10001
State's Exhibit 4	Written Note from Defendant
State's Exhibit 5	Signed Purchase Agreement

THE "EXHIBIT LIST" THAT CAN BE GENERATED AND PRINTED THROUGH THE VDEP SYSTEM (SEE DETAILS IN "GALLERY" SECTION BELOW) IS NOT AN OFFICIAL EXHIBIT LIST INTENDED TO BE

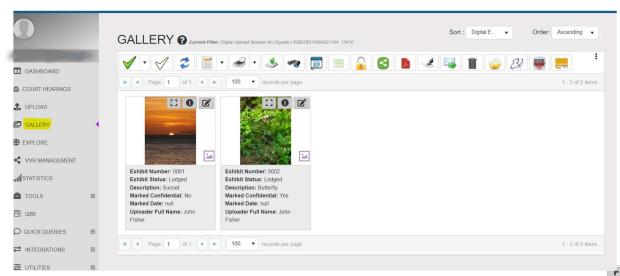
FILED WITH THE COURT. YOU DO NOT NEED TO PRINT, DOWNLOAD OR FILE IT. IT MAY, HOWEVER, BE PRINTED OR DOWNLOADED FOR YOUR PERSONAL REFERENCE AND USE WHEN COMPILING AND FILING AN OFFICIAL COMPREHENSIVE EXHIBIT LIST AS DESCRIBED IN THE FIRST BULLET POINT ABOVE

# Gallery: Viewing Your Uploaded Files

#### What is the Gallery and what is it not?

The gallery contains all exhibit files that you have uploaded through your account on all cases, and that have not yet been purged from the system (an automated procedure that happens after a case is closed and the appeal period has expired).

Note: exhibits that have been shared with you by other uploaders or by the court will not appear in your Gallery. Those can be accessed only with the share link and activation code sent to you at the time they were shared.



The gallery shows each file as small size thumbnails. You can click on the "maximize" button thumbnail to view the digital file in a full screen mode.

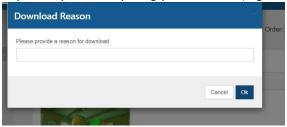
You can also click directly on one or more exhibit icons to select them to take actions on them with the gallery tools as described in the tool bar section below.

#### Gallery Tool Bar:

The toolbar along the top of the Gallery lets you access various functions:

- 1. Select all will mark all files in the current view selected. The selected files will show an indication of a check mark on the top of the file thumbnail.
- 2. De-select all The reverse of select all.
- 3. Refresh refreshes the screen to see any recent updates that have been made,
- 4. Download allows you to download selected files to your computer or device. When downloading files, you will get a prompt to enter a download reason. This is a system feature that is not central to Vermont's

business processes; it is assumed that if you have access to the file you are entitled to download it with no further justification needed, so you may enter anything you like here (e.g., "N/A" or "for review").



- 5. Virtual Viewing Room is the tool that allows you to share your uploaded exhibit files with others. Please see separate detailed section below in this guide on how to use the Virtual Viewing Room to share exhibits.
- 6. Print will allow you to print selected exhibit files to a printer or PDF program. Note that this function is only applicable to still image files and not to audio/video files.
- 7. Exhibit List icon allows you to generate a printable/downloadable list of the exhibits for a case in your gallery. When you click this icon, the exhibit list will generate in PDF format on a separate browser tab. You can click on that tab and then print or download the list.



Please note: This VDEP exhibit list is not an official record and does not need to be generated or filed with the court. It is a tool for your reference and record-keeping. The exhibit list you must file with the court for your hearing must be a comprehensive list of all exhibits filed, whether through VDEP, Odyssey File & Serve or any other method, and all exhibits on that list must have uniform sequential numbering in accordance with standard court exhibit numbering procedures. The VDEP exhibit numbers for exhibits filed through this site must be noted as cross reference numbers in the exhibit name/description on that list.

8. List view and grid view icons can be toggled (you will only see one of these at a time on the toolbar, and clicking it will toggle it to the other one). Grid view is the default view that shows your items with

thumbnail icons, and list view puts them into a clickable list.

#### **Exhibit Retention Policies**

Any exhibits uploaded for a case through VDEP will be automatically purged (deleted) from the system approximately 60 days after the case is closed (30 days after the appeal period expires). A notice will be sent to the uploader 30 days prior to the purging process occurring, giving the uploader an opportunity to download a copy if desired.

## Virtual Viewing Room: How to Share Files with Other People

To share digital files with others such as opposing parties or counsel, you can use the Virtual Viewing Room to send a share link which will give recipients immediate access to the shared files after completing dual factor authentication via a pin code sent separately to their email or phone. *Please note: because of the dual factor authentication requirement, the document link on its own does not give access to the documents without the unique associated authentication code.* 

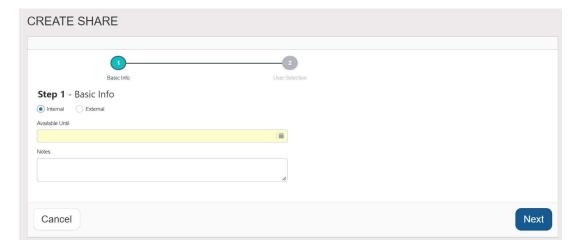
To share exhibits you have uploaded with other people:

1. Go to Gallery and select the exhibit(s) you want to share with others by clicking on them to highlight them with the green check mark:



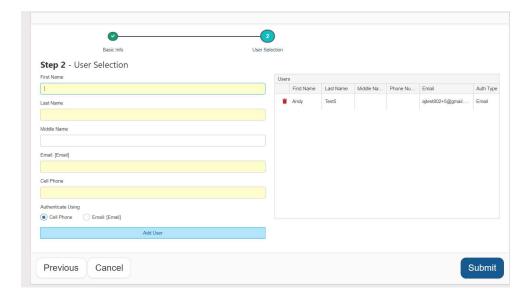


- 2. Click the Virtual Viewing Room icon on the top tool bar
- 3. The "Create Share" page will open. Add a date in the "available until" field: it is recommended that you enter a date well beyond the scheduled hearing date in the event that the hearing is continued and rescheduled. You can also add a note in the notes section on this page, which would be seen by the person(s) with whom you are sharing the file. Notes entered here do not become part of the official exhibit record and should not be used for communication with the court. When finished click "Next".



The User Selection screen will open. You must enter a first and last name and email address of each share recipient and select whether the user will authenticate via email or cell phone. If cell phone is selected, then cell phone number becomes a required field. If email authentication is selected the cell phone field may be left blank. Click the "add user" bar at the bottom when information is entered. Share recipients must be entered

one at a time but an unlimited number of recipients may be entered. To remove an intended recipient that has already been added, click on the little red trash can icon next to their name on the right side users list. Note: do not click "submit" until all share recipients have been entered.



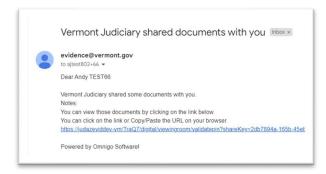
When all share recipients have been entered, click "Submit". An email will be sent to them immediately with a sharing link for them to click, and depending on the method of user authentication selected, either a text message or a second email will also be sent to them with a unique numeric activation key that must be entered after clicking the link to access the exhibit(s).

## Viewing Files Shared by Others

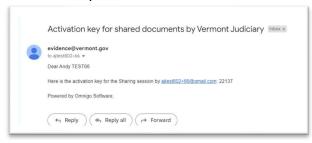
When someone else shares a digital exhibit file with you, you will receive an email with a link to the document, but in order to access the document, you will also need a unique 6 digit pin code that will be sent to you either via a separate email or via a text message, depending on the method selected by the sender. The following screenshots show examples of 2 emails being sent to a recipient; one with the document link, and the other with the pin code ( "activation key").



#### Document link email:



#### Activation key email:



After clicking the document link in the first email, you will be prompted to enter the activation key that is found either in the 2<sup>nd</sup> email or in a text message to your phone:



After correctly entering the activation code, the shared exhibits will display and you can use the "Download" button in the upper right to download the file(s) if desired.



IMPORTANT: THE ONLY WAY TO VIEW EXHIBITS THAT HAVE BEEN SHARED WITH YOU BY ANOTHER USER IS THROUGH THIS SHARING PROCESS. EVEN IF YOU HAVE AN ACCOUNT REGISTERED IN VDEP AND LOG INTO THAT ACCOUNT, YOU WILL NOT SEE THOSE SHARED EXHIBITS IN YOUR GALLERY WHEN YOU LOG INTO YOUR ACCOUNT. YOU MUST VIEW THEM USING THE LINK AND ACTIVATION CODE.

## How to upload Digital Media When There is No Hearing Scheduled

The VDEP system is primarily intended for use for exhibits for evidentiary hearings, but it is possible to upload digital media when there is no hearing scheduled and none that is likely to be scheduled (e.g. related to a motion you are filing). To do so, you will need to contact the court which can add a "dummy" hearing to the calendar that will allow you to upload your digital file(s).

The court staff will add a hearing type of "Digital Media Upload Placeholder" to your case and will confirm with you the date on which it is scheduled (which should usually be the date the request is made and received). At that point you should be able to go to the VDEP site and upload your digital file(s) to the case. When annotating your uploads, please add a clear description such as "Attachment to Motion For [motion type/title]".

This "dummy hearing" will not appear on the Judiciary website's public calendar, and also will not appear on the "search hearings" function on the Public Portal, although you will see it listed as a hearing on the Case Summary on the Public Portal as shown here:



Important: after uploading your digital file(s) you must inform the court in writing, either within your motion filing itself or via a supplemental filed document that there are digital media files associated with the motion, and must include a s description of the file(s), their VDEP cross reference numbers and the date of upload.

## Public and Media Access

Exhibits uploaded to the VDEP system are not publicly accessible by default, either remotely or at courthouse public access terminals. There is no "elevated access" to entire cases or dockets as with the Public Portal. However, for exhibits submitted in public cases (most civil, criminal, family and probate cases) share links may be sent upon request to members of the media or the public requesting access, and these exhibit files may be accessed, viewed and downloaded remotely.

To request access to view exhibits on a particular public case, please submit a request by email to jud.helpdesk@vermont.gov

# Help and Support

For specific legal and court procedural questions about submission of exhibits for evidentiary hearings, please contact the court where the hearing is scheduled. Contact information for all Vermont court locations is found at <a href="Court Locations">Court Locations</a> | Vermont Judiciary

For technical questions or other support needs regarding the use of the VDEP system, please email jud.helpdesk@vermont.gov

# Other Useful Links

<u>Vermont Judiciary</u> The main web page for the Vermont Judiciary with a wide assortment of court information, forms and links.

<u>Vermont Judiciary Public Portal (vt.gov)</u> Offers role-based access to case records, hearing calendars and fine payments