



# DIGITAL COURTROOM RECORDING SYSTEM BEST PRACTICES

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## Introduction

In 2013, the National Center for State Courts released “[Making the Record –Utilizing Digital Electronic Recording](#)” in line with the 2009 COSCA Report’s recommendation for a clear set of digital courtroom recording system standards.

The NCSC Digital Electronic Recording report drew on deep industry consultation with court recording technology companies, court administrators and technology managers and operators inside courts of record to present a strong framework for reliable and useful digital audio and video court recordings.

The recommendations for best practices in digital court recording were simple and clear, starting with practical environment-focused concerns like signage and progressing to discuss recording file types.

We’ve summarised the findings of the report for easy reference.

## Courtroom signage

The NCSC suggests putting signs on tables, lecterns and on the Judge’s bench so court users and participants in cases know they are being recorded, and understand any of what they say may be captured.

Suggested language for the signs is:

*“The court may be electronically recording proceedings. Silence in the gallery and litigation area is required. Remain seated and do not approach the bench until instructed to do so.”*

## Opening colloquy

An opening comment made by the Judge may complement or replace the use of signs in the courtroom. The NCSC recommended the following language:

*“These proceedings are being electronically recorded. Please clearly state your name and appearance for the recording. Speak clearly and directly into the microphone. Do not speak over each other. All responses must be made orally. Avoid gesturing or head nodding, as these gestures will not be captured for the record.”*

## Setting up a best practice digital courtroom recording system

- **An acoustically sound courtroom is a great start**

- Courts should get their existing and new courtrooms evaluated for acoustic response, to understand the ambient noise levels and how sounds behave in the room.

This information can be used to implement a range of physical and digital measures to counter the poor audio qualities and ensure a more intelligible and useful digital court recording.

- **Volume and clarity**

- The recording should be compressed and combined with noise filtration and automatic gain control for ideal Signal to Noise results and intelligibility.

The better the source signal coming into the recording machine, the better the outcome will be when trying to listen to it and transcribe from it later on.

- **Timecoding**

- The recording should have the local time and date stamped into the file so at all times it is clear when exactly when moment of the recording actually took place.

- **Speaker identification**

- In the interest of later review for transcription, and also in light of emerging speech to text capabilities, the recording should support a way of annotating when each speaker was speaking, and which microphone/channel they were speaking on.

- **Security**

- The recording system should support Public, Confidential and Sealed recording statuses.

This allows court officials to limit recording access and control storage in line with established data access restrictions within the jurisdiction.

## The ideal digital courtroom setup

The report outlines the ideal digital court recording system according to NCSC research:

- Audio/video processor
- Stereo, noise cancelling headphones with a uniform frequency response
- Professional-grade microphones
- Audio mixer capable of handling installed and future audio inputs with software-based configuration
- Direct telephone record capability, with one channel recording directly into the phone line
- Digital IP cameras – if video is being captured
- Recorders or audio/video capture interface for PC based recorder
- PC with monitor for recording and monitoring/controlling software
- Recording in progress indicator (either separate or software based)
- PA audio distribution system
- Uninterruptible power supply (UPS)
- Assistive listening system
- Document camera w/laptop input
- VHS/DVD or media PC recorded content player
- Courtroom monitor/projector
- Individual displays for Judge and attorneys
- Flat or projection displays for evidence presentation
- White noise or other audio masking capability.

## A simple but reliable digital court recording system

The report also identifies a simpler solution as the bare minimum recommended for a court of record:

- Audio/video processor
- Headphones
- Microphones
- Digital IP cameras – only if video is being captured
- Recorders or an audio/video capture interface for the personal computer-based recorder
- A personal computer with a monitor for recording and monitoring/controlling the software.

## Best practice courtroom monitoring procedures

As a general rule, in-room courtroom monitoring should be conducted by a trained monitor.

In a well-run courtroom, they will control the start and stopping of recordings and take note of important times, spellings and passages of conversation in log notes.

Ideally, they will also have access to the Court's Case Management System (either directly or through a software integration), so the rest of the Court can see the latest information in one place.

Each day before court is in session, a digital court monitor should test the recording equipment, including microphones, computers, headphones, and cameras.

Performing this test well before court starts means that problematic or faulty equipment can be identified and dealt with before the courtroom begins to fill with people.

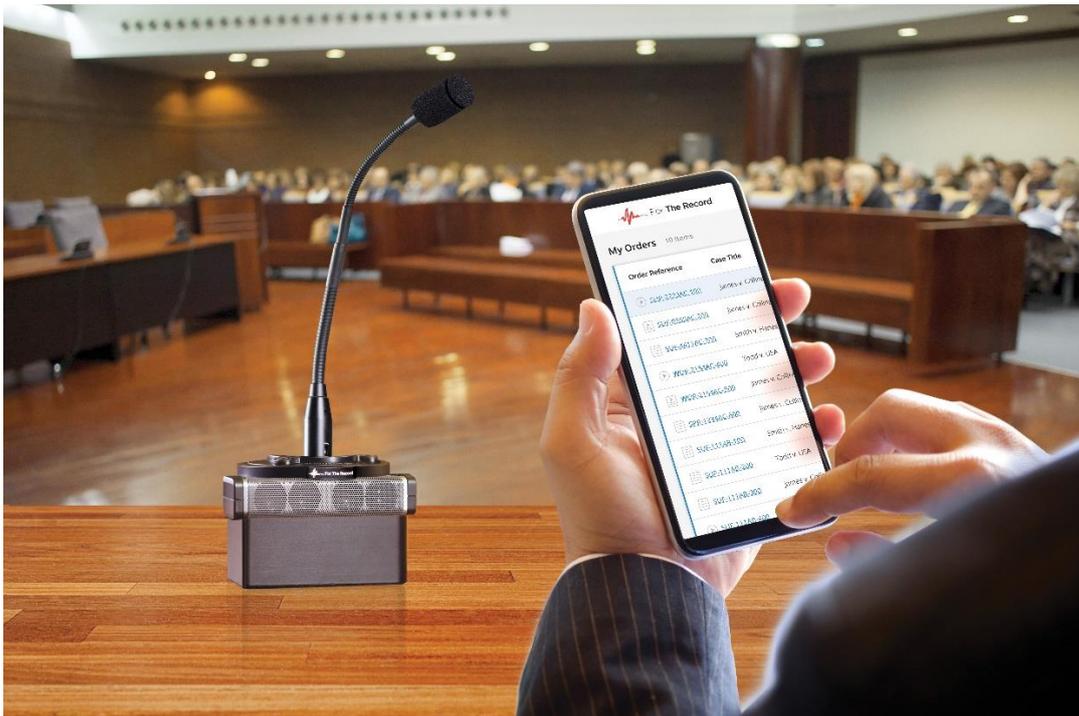
If an issue is found that can't be resolved before court starts, a proactive testing schedule will give a Court enough time to reallocate the day's hearings to another room.

## Best practices on what to record in court

- The Judge determines what is or isn't on the record.
- A monitor should avoid interrupting court proceedings unless the record quality is at risk. If equipment malfunctions, the monitor should interrupt the court as soon as possible so proceedings can halt and alternative measures agreed upon.
- Jury *Voir Dire* can be improved through creative microphone positioning.

## Best practices for using the digital court record in court and out of court

- It should be possible to play back a recorded passage of proceedings upon request from the Judge.
- The recording should be played back through the Court's PA system.
- It should be made clear via the Court's official website and processes how to request access to the recording for playback and or transcription.
- The recording should be converted from proprietary vendor formats (eg FTR's .trm format) into standard audio formats like WAV, WMA and MP3 to ensure accessibility into the future.



## Recording channels and microphones

According to the report, a minimum of four professional grade microphones going through four channels should be used.

However, in practice, FTR has identified that a minimum of eight microphones going through eight channels provides greater flexibility and separation of speakers. This makes it easier to isolate each speaker on the recording at playback.

More channels also increase the Court's ability to patch teleconferences systems and interpreters.

In a Jury courtroom, the possible spectrum of recording locations in the room are:

- The Judge's bench, one for the Judge and one for the speaker approaching the bench
- The court clerk area
- The witness area
- The attorneys' tables
- Any courtroom podium
- The location of the language interpreter
- The jury box (the location of the microphone may depend on the stage of the trial; i.e. juror questioning during *voir dire* versus closing arguments by the attorneys)
- Presentation areas such as a whiteboard or video screen
- Other areas, depending on the courtroom and the movement of speakers within the courtroom

In non-Jury courtroom, the report suggests "four (4) microphones is required, with five (5) microphones required if the courtroom has a podium. Microphones must be installed at the Judge's bench, the witness box, at the podium (if one is present), at attorneys' tables and, as needed, at the space used by the language interpreter."

The report also strongly encourages using pressure-sensitive momentary switches for microphones so users can mute their microphone while having a discussion that doesn't need to be recorded.

## In summary

While a lot of technology has changed since the report came out in 2013, the core philosophies and approaches are still recommended as a starting point for any court considering their digital court recording approach.

In the past year, FTR's team of business process analysts, software developers and court technology experts have helped hundreds of courtrooms come online with the latest in digital court technology.

If you'd like us to assess your current set up, or simply discuss what could be possible, please contact us at [sales@fortherecord.com](mailto:sales@fortherecord.com).