



Digital Court Recording

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Tips for Implementation

1. Have support from the highest levels of management.
2. Establish a business continuity group.
3. Be sure your technical infrastructure is in place.
4. Give mute capability and private attorney-client conversation careful consideration when placing microphones.
5. Transcripts and portable audio.
6. Standardize tags/notes to gain better database search capability.
7. Establish integration and interoperability standards for digital court recording.
8. Have signage for notice of recording – Official and public records.
9. Train staff at all levels and customize the training according to role.
10. Have a recoverability plan.

Digital Court Recording

In modern courtrooms, new technology is available to capture high-quality recordings of court proceedings, and can maintain those recordings electronically in a searchable database. In the past, analog tape recorders were commonly used in courtrooms/hearing rooms for certain proceedings, but this technology often did not produce a good-quality recording that would ultimately lead to incomplete transcripts. New digital-court-recording technology can have multiple channels that

provide sound isolation when there are multiple speakers, so the other speakers may be turned off or on when listening to the audio. There are many other advanced features in digital-court-recording technology such as video recording, web-based access, tagging by bar code scan, and the ability to import images and attach them to the audio record. Advantages of this technology are that the recordings are date and time stamped, any notes taken with the recordings are searchable, and the audio can be burned to a CD for portability. Electronic recordings can be backed up and restored, addressing data recovery concerns more easily than can be done with paper records recovery. The experience of several jurisdictions leads to the following tips for implementation.

Tip 1: Have support from the highest levels of management. As with any technology project, it is important to have the support of the highest levels of management in order to achieve success. Without this support the technology may be used inconsistently, be improperly designed, or even be rejected by users. Having the support from the highest levels of management gives any new technology project the impetus and oversight required for success.

Tip 2: Establish a business continuity group. Going from live court reporting to a digital court recording system will most likely meet some resistance since the court record and the quality of any subsequent transcripts are critically important. Since this method may result in an electronic court reporter to monitor the courtroom remotely

through technology, a business continuity group would be most helpful in addressing any concerns from the various court participants. Many standalone models of digital-court-recording technologies are available for demonstration purposes. Getting the group to understand how this technology works and how it benefits them is critical to get support for this change in business practice. Visits to other jurisdictions that have already implemented this technology are also recommended.

Tip 3: Be sure your technical infrastructure is in place. Once the decision is made to move forward, one of the most challenging aspects of digital court reporting is the cabling infrastructure. Depending on the size and scale of the facility, standalone or centralized monitoring designs may be used. Standalone units must be operated on a per-unit basis, which works well in small courthouses or at remote locations. Centralized monitoring allows multiple rooms to be managed and monitored from one central control room. Cabling must accommodate all microphones, cameras, mixers, amplifiers, digital encoders, and network devices. The vendor of choice will provide exact cabling requirements, but usually a third-party cable installer will actually complete the work. Make sure all cabling meets local facility requirements, and the digital, court-recording vendor does a final walkthrough of the cabling before going to the next phase of installation.

Tip 4: Give mute capability and private attorney-client conversation careful consideration when placing microphones. It is important to observe where courtroom participants normally stand and address the court. It varies from courthouse to courthouse even within the same jurisdiction. This will provide a general idea of how many microphones are needed and where they should be placed. At times, adjustments must be made regarding where the participants stand. The various microphone styles available have

different coverage patterns. Careful consideration must be given to ensure a quality recording, but also that a private conversation between an attorney and his client can occur. Careful consideration should be given to which courtroom participants will have mute capability.

Tip 5: Transcripts and portable audio. At times there is a misconception that because the audio record is in digital form that a transcript can be prepared at a push of a button. Unfortunately, these transcripts still need to be typed and it generally takes two hours of typing for every hour of recording. Judges and attorneys need to be aware of this when requesting transcripts in order to have reasonable expectations on transcript delivery. One of the main benefits of a digital-court-recording system is the ability to provide the recording on CD. The CD can be formatted to play on a computer or formatted to play on any music CD player. The computer format allows the user to view any notes taken with the audio and allows the individual to select any point in time to listen to. If a transcript is still required, the individual has the ability to request the portion needed based on the date and time stamp of the proceeding. This eliminates the need to have the entire proceeding transcribed, thereby reducing the total cost of transcription. It is feasible to have the audio recording be the official record, but this has to be established by court rule or other formal process.

Tip 6: Standardize tags/notes to gain quality data search capability. In most digital-court-recording systems, there is a general practice of applying notes or tags to the audio recording to be used for future database searches and as reference points. Common tags include proceeding type, sentencing, objections, and case number. It is important to reach a consensus on standard tagging in order to make the database searches more effective. Otherwise multiple searches may be required to assemble the necessary information.

Tip 7: Establish integration and interoperability standards for digital court recording. If digital-court-recording will be used within a state on a large scale, establishing minimum standards will ensure integration and interoperability at such time that it is required or needed. This is generally accomplished through committee or some other formal process. These standards should set forth minimum requirements and expectations that a vendor must meet in order to be certified as a vendor of choice. Issues such as the ability to seal records, delete capability, archiving, and minimum recording-quality standards are some examples of issues that are addressed in the standards development process.

Tip 8: Have signage for notice of recording –Official and public records. Many digital-court-recording systems have redundancy that allows a backup recording to be turned on and off by schedule. This will avoid losing any of the proceedings due to human error by not turning the recording on at the appropriate time. It is recommended that a log be maintained for every time the system was not turned on in time due to human error, and the backup recording had to be used in order to determine any needed corrective action. The backup is not the official record, and some jurisdictions overwrite these recordings. Some areas may view the backup as public records, even though they are not the official record, so individuals must conduct themselves accordingly in recorded rooms. Signage that gives notice of recording should be placed in a prominent area of each recorded room.

Tip 9: Train staff at all levels and customize the training according to role. In order for a digital-court-recording system to gain acceptance, it is important that training be provided to give individuals an understanding of how it works and how it impacts them in the role they hold in the

courtroom. Training should give a general overview with focus on how the system impacts a particular role in the courtroom. Specific training sessions for judges, judicial assistants, bailiffs, state attorney, public defender, and the private bar are some the role-specific areas to consider. Judges are primarily in charge of seeing that individuals speak into microphones to get a good-quality record, bailiffs check the courtroom before proceedings begin, and attorneys need to be aware of where to stand to be heard and how to have private conversations with their clients in the courtroom. These are some examples of the role-specific areas that should be included in the training.

Tip 10: Have a recoverability plan. An advantage of the digital-court-recording system is the electronic storage of files. This allows for off-site storage of recordings and software for recoverability purposes. Regular database backup and archiving of recordings are highly recommended. Recovery of digital recordings should be incorporated into any formal disaster recovery and business continuity plan. A process to record proceedings during a recovery period where electricity may not be available should be addressed. Digital recorders that are battery operated are available to fill this need, but accommodations have to be made in advance. These recorders may also fill a gap if there are temporary issues in the courtroom that prevent the main system from functioning properly.

Summary

Digital court recording can offer significant cost savings, offer greater control of the court record, and make staff usage efficient. All of these combined illuminate the benefit of using technology in this part of the court process.

Cost savings are gained by the cost difference between a contracted court reporter and an electronic court reporter

with the electronic court reporter being significantly less in cost. The electronic court reporter can cover more than one courtroom at a time due to technology advancements. The record can be delivered electronically, which in many cases reduces the requests for transcripts.

Contract court reporters are responsible for maintaining the record that they capture, and are individually responsible for any loss. With digital-court-recording software, the record is in a central database that can be backed up electronically, and has a better recoverability factor. Digital software often has redundant recordings as well as electronic backups. This offers better control and maintenance of the court record.

References

Standards for Integrated Digital Court Recording Systems, Ver 1.7, June 2003.
<http://www.floridasupremecourt.org/clk/adminorders/2003/forms/DCR%20Standards%20-%20June%202003.pdf>

The Integration and Interoperability Document, Ver. 1.7, November 2004.
<http://www.floridasupremecourt.org/clk/adminorders/2003/forms/IntegrationDocument.pdf>

Author: Jannet Lewis is the Trial Court Technology Officer for the Tenth Judicial Circuit in Central Florida, which encompasses Polk, Hardee, and Highlands counties. Ms. Lewis serves on the Trial Court Technology Committee under the Florida Courts Technology Commission established by the Florida Supreme Court. She is also involved in other subcommittee assignments that focus on setting standards and best practices for specific areas of technology in Florida. Jannet was a member of the Workgroup on Emergency Preparedness charged with defining the

parameters for disaster planning and business continuity planning. Under this workgroup, she was chair of subcommittee on paper and electronic records.

Resources and Jurisdictions to Contact

Tenth Judicial Circuit, Court Technology Office: 863-534-4676 – Utilizes Courtsmart Digital Systems with central monitoring. Contact: Jannet Lewis, Trial Court Technology Officer, www.jud10.org

Thirteenth Judicial Circuit, Court Technology Office: 813-272-7120 – Utilizes Voice IQ with central monitoring. Contact: Abdiel Ortiz, Trial Court Technology Officer

Eleventh Judicial Circuit, Court Technology Office: 305-349-5630 - Utilizes FTR Gold system. Contact: Sharon Olsen Abrams, Trial Court Technology Officer

Eighteenth Judicial Circuit, Court Technology Office: 321-637-5403 Utilizes the JAVS solution. Contact: Ray Green, Trial Court Technology Officer

Disclaimer: The advice and opinions represented in this bulletin are based on the experiences of various digital court-recording installations in the State of Florida, primarily within the Tenth Judicial Circuit. Such recommendations may not be suitable for other jurisdictions, and are only offered in the spirit of sharing experience as information to others considering the installation of similar technologies.