

A COURT ADMINISTRATOR'S PERSONAL PERSPECTIVE

THE USE OF AUDIO/ VIDEO TECHNOLOGY IN THE COURTS

By: Shelly Knopf



THE USE OF AUDIO/VIDEO AND DIGITAL TECHNOLOGY IN THE COURTS



As the Jefferson Circuit Court Administrator in Louisville, Kentucky, I worked daily with 13 criminal and civil trial court judges. During my 22-year career with the Kentucky Court of Justice, I worked in limited jurisdiction courts, general jurisdiction courts, and appellate courts. Throughout this time, the Kentucky Courts utilized audio and audio video (AV) recording in all trial court proceedings, which encompassed over 400 courtrooms.

An accurate record of a trial court proceeding is essential to the proper functioning of the judiciary. There can be no meaningful appellate review without an accurate trial record. Additionally, an accurate record provides transparency of the proceedings in the courts. A quality audio recording provides a verbatim account of what was stated in a trial proceeding. And, even better—an AV record provides an even more accurate and verbatim record.

Digital Recording in the Courtroom

The use of media-operated cameras in the courtroom has been a point of division among courts in the United States. Most federal courts and some state courts have rules prohibiting any cameras in the courtroom. But, a vast majority of states allow discretion to the trial courts to make this decision. This paper discusses court-owned technology in the courtroom that records audio and AV of courtroom proceedings.

Everyone agrees that an accurate, verbatim court record is fundamental to our judicial branch of government. Court-provided audio and video allows the court to have ownership of the record. Digital recording has a proven track record of providing a clear and accessible official court record. The goal of a digital record is to maximize courtroom efficiency and make proceedings accessible to everyone involved.

With that in mind, it is best to clear up some of the misconceptions around digital recording, and then move on to some of the added benefits of integrating this AV technology into courtrooms.

Misconception #1:

The complete record will not be captured.

Advances in digital technology provide a huge leap forward in features and functionality of today's recording systems. State-of-the-art audio mixers monitor speech and background noise in the courtroom and automatically make adjustments to nullify the noise and capture the spoken word. The mixer automatically compares each sound across all the microphones and eliminates much of the unwanted background noise, thus enhancing the spoken words.

Proximity awareness is a feature that compares the microphones and determines which one is closest to the person speaking. As a speaker walks around the litigation area, the mixer does a constant

THE USE OF AUDIO/VIDEO AND DIGITAL TECHNOLOGY IN THE COURTS



comparison of the microphones. As the speaker walks further from one microphone, the mixer raises the gain of that microphone to assure proper pickup. Once the mixer detects the speaker is closer to a different microphone, the gain is turned up on the second microphone and the first microphone is adjusted accordingly. So, the complete record is captured.

Misconception #2:

Video cameras disrupt court proceedings.

Professionally installed video cameras capture designated areas, such as the judge, witness, and courtroom tables. These discreet video cameras can be strategically placed throughout the courtroom to automatically and seamlessly follow the audio being picked up through the microphones. As a matter of fact, most individuals do not even notice them. And, video cameras are specifically positioned as to not capture jurors sitting in the jury box.

Misconception #3:

The written transcript is the most accurate record.

Digital recording provides the means to have several devices throughout the courtroom that are all dedicated to capturing everything that transpires in that room. From the standpoint of a single back-and-forth conversation, the inclusion of cameras and audio equipment in a courtroom provides a much better understanding of the entire dialog. It is vital that we recognize that simply reading a transcript cannot fully convey the overall mood of the room, the massive amount of nonverbal communication, or the tone and intonation of what was stated. Having video, along with the audio of a testimony, can give relevant meaning to things that might otherwise be misconstrued.

Misconception #4:

AV recording cannot match the skill of a court reporter.

Some argue that background noise and over speaking can only be dealt with by a trained court reporter. Multiple channel audio recording takes care of this issue. For example, recording audio on multiple separate channels with a microphone for each channel is the equivalent of several individuals all listening to what is happening in their specific area of the courtroom. Four of the channels may be dedicated to the judge, witness, and two attorneys, with additional channels for the jury, clerk, gallery, etc.

During the transcription process, each channel can be isolated to listen to just one of specific microphone. This allows a transcriptionist to zero in on what is being said by an individual, even when multiple parties are speaking over one another, when loud noises occur, or when someone is not speaking loud enough for the entire courtroom to hear.

AV recording can assist the skill of a court reporter – and that is often the case.

THE USE OF AUDIO/VIDEO AND DIGITAL TECHNOLOGY IN THE COURTS



Misconception #5:

Attorneys are against audio and video and do not like being recorded.

Any reputable attorney should want an accurate, verbatim account of their court proceeding. With an AV recording, attorneys can go back and review any portion of the proceeding and, if needed, have it transcribed.

In addition, if the trial is appealed, the entire AV recording can be electronically forwarded to the attorney handling the appeal. Respected Kentucky criminal defense attorney Alex Dathorne recently stated, “[Video court records are] records that speak for themselves—what was said and how it was said.” He concluded, “Why wouldn’t we want that? It leads to full disclosure of what occurred [in the courtroom].”

Misconception #6:

The privacy rights of victims, witnesses, or children are violated.

The trial judge has total control over the cameras. Various modes can be set up for a judge to lock the view to one active camera or to deactivate a specific camera or cameras throughout the room, etc. Therefore, if there is a reason that someone should not be videoed in the courtroom, that can be easily accommodated.

Misconception #7:

AV systems break down, and it is difficult to notice if they are not recording.

High-quality AV recording equipment that has been properly installed and maintained will have excellent performance. When courts are considering a digital recording system, they need to realize the value of working with an AV integrator that designs systems specifically for courtrooms. That integrator must put in a system that is robust, self-testing, and has simple indicators that alert court personnel to the current status of the recording system. For example, high-quality systems feature microphones with high-visibility LED lights that can be configured to light up a specific color when recording is active, or to blink lights in a different color on microphones that are not properly recording audio.

THE USE OF AUDIO/VIDEO AND DIGITAL TECHNOLOGY IN THE COURTS



Advantages of Digital Media Integration in Courtrooms

All misconceptions aside, digital AV systems provide an array of features and services that can dramatically increase the efficiency, accessibility, and safety of courtrooms.

Digital Evidence

The amount of evidence being submitted by attorneys today is immense, and storage of these various pieces can create quite a strain on court storage resources. Digital recording eases some of this burden because anything presented in the court—in a physical or digital format—can be captured on the digital record.

- Document cameras can be used to display documents, crime scene photos, and physical evidence such as knives and guns, film negatives, and medical x-rays. All of this can be put on large displays for the jury to view and be recorded as part of the official record.
- DVD players can be used for presentation of any content on a CD or DVD. This can be made part of the official recording.
- Laptop input plates can be located on a presentation cart, podium, and the attorneys' tables. Through the laptop, an attorney can present documents, spreadsheets, slideshow presentations, and audio/video files. This can be made part of the official recording.
- Police body cam or car cam video can be plugged into the court's recording system. The video can be displayed for the jury, and this evidence presented to the jury is captured and stored as part of the official recording.
- Digital annotation screens can also be used with any of the above mentioned technologies to allow attorneys to better explain what is being presented, and all of these annotations will be captured on the official record.

If a case is appealed, the appellate court can review the digital record and view anything that a jury viewed. In courts without AV recording, it is a cumbersome task to keep all of the digital evidence along with proper viewing methods, i.e. a scan disk player from a video camera. With AV recording, all presentations can be included as part of the entire record.

Remote Interpretation

Courts and the justice that they provide must be accessible to everyone. This can be a challenge for courts that serve non-English speaking or English-as-a-second-language citizens. The expense of hiring interpreters, transportation, and logistics can create an added strain on the proceedings and a court's budget. Remote interpretation uses video conferencing solutions to bring an interpreter into the courtroom in a virtual way, eliminating the cost and time associated with having someone physically present in the courtroom.

THE USE OF AUDIO/VIDEO AND DIGITAL TECHNOLOGY IN THE COURTS



Videoconferencing

Videoconferencing is a feature that has many benefits. It saves time and money, but most importantly cuts down on the risk of bringing an inmate into the courtroom. Video conference units can be set up in the courtroom and in a designated room at the jail. The inmate no longer has to be transported and can be arraigned directly from the jail. Audio and switching video is sent to the jail and displayed for the inmate to see and hear. The jail-side audio and video are displayed in the courtroom. Audio and video from the courtroom and the jail can be recorded as part of the official record.

The proceeding does not have to be from the courtroom to the jail. In Louisville, Kentucky, the arraignment system is located across the street from the courthouse in Metro Corrections (Jail). A room is designated for arraignments and houses the cameras, microphones, and AV recording equipment. The main room has a bench for the judge and desks for all other parties, i.e. prosecutors, defense attorneys, public defenders, court staff, etc. The inmates are in a different room separated by thick Plexiglas. There is a third room set up for families to watch the arraignment. The families have the ability to answer any questions the judge may have for them via video conferencing. All aspects of this arraignment are recorded as the official record of the court.

Another use for the videoconferencing system in the courtroom is remote testimony. If an expert witness lives on the other side of the country or world, that witness can testify via remote conferencing systems. The testimony can be done without the expense of flights and hotels.

Assistive Listening

An assistive listening system helps a person with hearing loss or a voice, speech or language disorder to communicate. This allows a person to hear and understand what is being said in the courtroom. Assistive listening devices in the courtroom should integrate with the court's digital AV system.

Conclusion

There is no denying that digital media is part of our everyday lives. As younger generations begin to take more of a leading role in our judicial system, it is going to become increasingly evident that digital recording and electronic access to court recordings are expected. As a career professional in the courts, I believe that AV digital recording provides an accurate, verbatim, and inexpensive court record – Why wouldn't we all want that?

So, where do you start? Talk to a dedicated courtroom AV integration specialist. When talking with a specialist, make sure that they have very specific experience in the judicial sector and a history of successful implementation in courthouses. Realize that if your budget is small, you need more focused planning to design a system that is easily scalable and will work with technology that may come out in the coming years. If you have several courtrooms, consider a pilot system in your court. This would allow the judges and your staff the opportunity to identify the strengths and weaknesses of an AV system and customize it to your needs.

THE USE OF AUDIO/VIDEO AND DIGITAL TECHNOLOGY IN THE COURTS



Author's Bio

Shelly Knopf currently works as a National Court Liaison with Justice AV Solutions. She works for the JAVS marketing team. She assists with target research, represents JAVS at national and state conferences and events, judicial and court staff education, and works with the JAVS sales team.

Prior to her position at JAVS, Shelly served the Kentucky Court of Justice for 22 years. She worked as a Deputy Clerk for two Circuit Court Clerk's Offices. She worked in the Jefferson Circuit Court as a Secretary and the Kentucky Court of Appeals as a Judicial Assistant. And, she served as the Circuit Court Administrator for 13 Circuit Judges in the Jefferson Circuit Court Trial Courts.

Shelly is married to Judge William L. Knopf, (Ret.) and she has two children, Taylor and Trevor, three step-children, Lauren, Natalie, and Evan, and two grandchildren, Nala and Kayla. Shelly enjoys the outdoors, gardening, and traveling.