

STANDARDS FOR ELECTRONIC (DIGITAL) RECORDING IN KEEPING THE RECORD

SCOPE OF THE STANDARDS

These standards result from deliberations of the Keeping the Record Committee established by Arizona State Supreme Court Administrative Order 2003-104. Digital recording in the courtroom shall, at a minimum, meet the required standards listed below. In addition to setting minimum standards, this document also contains recommendations intended to guide electronic recording operations. This document is not intended to mandate digital recording in the court.

Due to the ever-changing nature of technology, these standards should be reviewed once a year. The purpose of the yearly review is to identify areas requiring updating or revision.

Courts must comply with the accessibility, migration, storage and retention requirements contained in ACJA §§1-504(E)&(F) and 1-506(D)(4)(b) when procuring and using digital recording equipment.

STANDARDS

1 Equipment

- 1.1 The system shall use equipment with open architecture and industry standard interfaces.
- 1.2 Peripheral devices used for transcription (e.g. foot pedals) shall be able to connect with the system using standard interfaces.
- 1.3 Microphones may have a “push-to-mute” function. Mute buttons with a toggle switch shall not be used. Microphones that visually indicate when they are on and off are recommended to increase the likelihood that confidential communications are not recorded unintentionally.
- 1.4 Video recording may be performed. It is not mandated.
- 1.5 The system shall employ confidence monitoring to confirm, at a minimum, that the channels are receiving a signal.

2 Storage and Backup

- 2.1 Recordings shall have a file size/compression rate to allow, at a minimum, 6 hours of recording to fit on a single non-rewriteable optical media.
- 2.2 Backup to non-rewriteable optical media (CD or DVD) shall be performed daily, if not more frequently.
- 2.3 Where possible, an additional backup should be made for offsite storage purposes.

- 2.4 Simultaneous storage to multiple devices is recommended. For example, recording to the local PC in the courtroom and simultaneously storing to a remote server. Simultaneous storage does not replace the requirement for daily backup described in 2.2.
- 2.5 Retention of electronic recordings shall be in compliance with retention schedules established by the supreme court.
- 2.6 Non-rewriteable media containing copies of the electronic record shall identify hearing location and date. Identification of the hearing officer is recommended. Labeling with felt-tipped pens is preferable to paper-based labels.

3 Procurement Requirements

- 3.1 The court shall obtain a minimum 1-year warranty on all recording and related equipment as part of the installation services.
- 3.2 The court shall obtain a minimum of both staff training and train-the-trainer training as part of the installation services.
- 3.3 The court shall procure only from vendors who possess necessary state contractor licenses required to perform the work of installing the electronic recording systems in courtrooms.

4 Operation of Equipment

- 4.1 Each day prior to court beginning, a system check shall be made to guarantee proper operation of electronic recording equipment. The system check shall, at a minimum, consist of a test recording that confirms all microphones are properly functioning. The court shall establish a procedure for employees to follow in the event of an equipment malfunction. A backup system should be in place for use in the case of primary equipment failure.
- 4.2 The system shall not be turned on and allowed to run unattended for the day. Courts shall establish guidelines addressing when recording systems are to be turned on and off consistent with judicial necessity.
- 4.3 To the extent possible, courts are strongly encouraged to have properly trained personnel dedicated to the operation of electronic recording equipment. In any event, staff operating the recording systems shall be adequately trained to proficiently operate the system. Training should be tailored to the specific needs of the recording system and court operations. Training should include but not be limited to the following items:
 - Storing and copying of records including partial records.
 - Special handling of sealed or confidential hearings.
 - Creation and retrieval of annotation files.
 - Troubleshooting of equipment as appropriate for the system, vendor, and the resources of the courts.
 - Creating backups of files.
 - Playing back a recording.
 - Confidence monitoring while a recording is being made.
 - Adjusting microphone volume.
 - Microphone operations, including muting techniques.

5 Playback

- 5.1 The recording system shall allow for isolation and identification of different speakers for transcription purposes.
- 5.2 Tools shall be included to allow users to clip portions of a proceeding to accommodate partial record requests on CD.
- 5.3 The system shall allow for playback of recordings in the courtroom while simultaneously recording courtroom events.
- 5.4 The system shall produce an audio or video record that can be placed on a standard CD-R with no licensing restrictions for playback, including no licensing restrictions on playback software.
- 5.5 The system shall provide the ability to save files to an industry standard format such as AVI, MPG or WAV.

6 Annotation

- 6.1 The system shall include an interface to annotate hearing/event information. This interface shall create an index to allow the user to go directly to the desired point in the hearing.
- 6.2 The system should allow for the ability to import case information from a case management system for annotation purposes.
- 6.3 A search function shall be provided to allow searching of a recording's annotation.

7 Security

- 7.1 Sealed and confidential matters shall be noted by annotation if an annotation system is used.
- 7.2 Procedure shall be established to limit access to recordings of sealed and confidential matters.

8 Transcription

- 8.1 When implementing electronic recording technology, consideration shall be made to probable transcript volume.
- 8.2 When an Arizona-certified court reporter records a proceeding in a superior court that is simultaneously recorded by electronic recording equipment, the court reporter's record shall be the official record.
- 8.3 When an Arizona-certified court reporter records a proceeding in a limited jurisdiction court that is simultaneously recorded by electronic recording equipment, the judicial officer shall determine which recording is the official record, and the judicial officer's decision shall be noted on the record.
- 8.4 Official transcripts of court proceedings recorded by electronic recording equipment shall comply with the Arizona Manual of Transcript Procedures and shall be produced by either an Arizona certified court reporter or a professional transcriber.
- 8.5 The Arizona Manual of Transcript Procedures obligates transcribers of electronic recordings who are under contract with a court to notify the court when they encounter poor-quality recordings. The court shall establish

procedures to ensure these reports are investigated and any problems are remedied.

- 8.6 Difficulty related to recording quality encountered by the transcriber shall be reported to the court.
- 8.7 Courts shall assign a staff member to act as a transcript coordinator to ensure timely production of transcripts required for appellate proceedings. This staff member should be familiar with the rules and practices involved in transmitting the verbatim record to the appellate court.

9 Records Management and Public Access to Electronic Records

- 9.1 Courts shall establish an infrastructure and procedures for archiving and managing electronic records of court proceedings, for ensuring the timely production of transcripts required for appellate proceedings, and for providing public access to the records in compliance with Supreme Court Rule 123 and Arizona Code of Judicial Administration sections 1-504 and 1-506.
- 9.2 Courts shall preserve electronic notes of proceedings generated by court reporters in a generic format that will permit them to be interpreted by other reporters in the event the author is not available to prepare a transcript. For example, the translated version of the notes may be stored in a “pdf” format accompanied by an electronic copy of the author’s personal dictionary.
- 9.3 Courts may charge reasonable fees for copies of audio or video recordings of court proceedings, consistent with the requirements of Supreme Court Rule 123. The court may waive or defer such fees as it deems appropriate or where law requires such waiver or deferral.