

**Administrative Office of the Courts Provisional Guidelines for
Digital Audio Recording in State District Courts**
[Promulgated pursuant to Administrative Order No. 4]
(July 1, 2011)

A. Definitions.

“Backward compatible” means that software can use files and data created with an older version of the same software program. Hardware is backward compatible if it can run the same software as the previous model.

“Confidence monitoring” means listening to the electronic verbatim record as it is being made by use of headphones or other device to ensure the system is operating properly.

“Migration” means the process of upgrading to new technologies while preserving accessibility to existing records. It also means the process of moving electronic data from one storage device or media to another.

“Refresh” means the copying of a recording or a whole storage medium for the purpose of preserving or enhancing the quality of the recording.

B. Technical Requirements.

1. Equipment.

a. **Digital Audio Recording Hardware.** The Court should purchase hardware components that are standard high quality equipment from name-brand manufacturers.

i. Each courtroom should have four to eight microphones strategically placed. High quality microphones should be used. Most courtrooms should have at least four microphones (one for the judge, one at the witness stand, and one at each table for attorneys).

ii. Toggling mute buttons should not be used on microphones. Microphones that mute only when a button is depressed may 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.

iii. The hardware should include an A-V mixer. The microphones should be compatible with the mixer.

iv. The recording system should use equipment having industry standard connections.

v. Peripheral devices used for transcription (e.g. foot pedals) should connect with the system

using standard interfaces.

vi. The recording system should employ confidence monitoring to confirm that the channels are receiving a signal.

vii. The Court should have a computer with a monitor and sound/video card designated for use with the digital audio recording program and equipment. The computer, which may be a laptop, should be industry standard equipment with a high level processor, hard drive, and quality sound.

b. Digital Audio Recording Management Software.

i. The Court should purchase digital audio recording management software.

ii. The software should be installed on the computer that has been designated for the digital audio recording.

iii. The software should provide a visual indicator for each microphone or recording track to allow the operator to know that each one is active. The court may want to consider a system that has an audio alarm, in addition to a visual indicator.

iv. The software should continuously monitor the storage medium and provide at least visual indication to the operator that the signal is being recorded. Additionally, the software should allow the courtroom staff to conduct effective “confidence monitoring” to ensure that the session is being recorded and saved on the system.

v. The software should allow courtroom staff to set security parameters, save recordings, and enter log notes or annotations (e.g., case number and title, start and end of hearing, and names of persons speaking at any given point).

vi. The software should have the ability to produce an audible alarm when the system has been put in “pause” or “mute” mode, to alert the operator to resume normal operation.

vii. The software should have the ability to store the signal, which is being recorded, in two separate storage devices simultaneously.

viii. The software should have the ability to create a backup of the audio files.

c. Courts should ensure accessibility with a planned migration path so devices, media, and technologies used to store and retrieve records are not allowed to become obsolete and they are promptly replaced or upgraded.

d. Courts should ensure that any new equipment and software for an existing imaging system

is backward compatible and should obtain from a vendor certification that the system will convert all image and index data to the new system so access to existing records is never impeded.

2. Annotation.

a. The recording system should include an interface that allows the user to create an index of the event being recorded, for use in identifying a desired portion of the hearing.

b. The recording should provide a search function to allow searching of a recording's annotations.

3. Playback.

a. The recording system should allow for channel isolation to aid in the identification of different parties for transcription purposes.

b. The recording system should allow for playback of recordings in the courtroom while simultaneously recording courtroom events.

c. The recording system should produce an audio record that can be placed on a standard CD-R with no licensing restrictions for playback, including no licensing restrictions on playback software.

d. The system should provide the ability to save files to an industry standard format such as AVI, MPG, or WAV playable by non-proprietary readers.

e. Recordings should have a file size/compression rate to allow, at a minimum, six hours of recording to fit on a single CD or other non-rewriteable optical media.

4. Records Management, Retention, and Storage Requirements.

a. Courts should periodically refresh electronic images in order to ensure their accessibility for as long as the applicable record retention schedules require.

b. The manufacturer's recommendation for storage and use of storage media should dictate the criteria for storing and using such media.

c. Courts should annually inspect and test random sampling of media used for storing records to verify its condition.

d. Courts should use non-reusable media for storing records for archival purposes.

e. Courts should ensure that records generated by or received for the courts are preserved in

accordance with the applicable records retention schedules.

f. Courts should identify and establish procedures necessary for archiving and managing electronic records of court proceedings and for ensuring the timely production of transcripts when required.

C. Operational Requirements.

1. Procurement.

a. The court should procure equipment from vendors who possess necessary state contractor licenses required to perform the work of installing the electronic recording systems in courtrooms.

b. The court should obtain a minimum one year warranty on all recording systems and related equipment as part of the installation services.

c. The court should obtain staff training as part of the installation services.

2. Operation of Equipment.

a. The court staff, who are responsible for operating the recording system, should be adequately trained to proficiently operate the system.

b. A system check should be made to guarantee proper operation of electronic recording equipment each day prior to court beginning. The system check should consist of a test recording that confirms all components of the recording and playback system are functioning properly.

c. The court should establish a procedure for employees to follow in the event of an equipment malfunction.

d. Courts should establish policies addressing when recording systems are to be turned on and off consistent with judicial necessity.

e. Courts should assign one or more staff members to act as the point-of-contact for operational and repair issues. The point-of-contact staff person should be trained in operating the equipment, and in procedures to be followed in resolving operational issues, including contacting vendors.

f. An alternative recording system should be available for use in the case of primary equipment failure.

3. Security.

a. Digital audio recording systems are computer operated. The maintenance and operation of the system should comply with applicable court computer security policies.

b. The court should establish procedures to limit access to recordings of sealed and confidential matters.

4. Transcription. Official transcripts of court proceedings prepared from electronic recordings shall comply with the Arkansas Supreme Court Rules and shall be produced by a certified court reporter.

5. Backup of Recordings.

a. A backup of all recordings should be performed daily.

b. The backup should be periodically reviewed for continuing viability.

c. Where possible, an additional backup should be made for offsite storage purposes.

d. Simultaneous storage to multiple devices is recommended, for example, recording to the local computer in the courtroom and simultaneously storing to a remote server and/or an external hard drive.