



**FREQUENTLY ASKED QUESTIONS ABOUT
THE DIGITAL COURT AUDIO RECORDING SYSTEM
FOR ALBANIAN COURTS**

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Overview of Court Digital Audio Recording

1. What does the court digital audio recording (DAR) system do?

The DAR system enables the recording of all verbal exchanges during a court session, as well as its playback as needed.

2. Who are the court DAR system output users?

Judges, session secretaries and other relevant court administration personnel, as well as prosecutors, defense lawyers, the parties to a case, and other interested parties can make use of audio recording files, as they would of the overall case records currently available.

3. What are the benefits of the court DAR technology?

The digital court audio recording technology guarantees an accurate verbatim record of court proceedings, and makes disputes about what was actually said in the courtroom a thing of the past. It helps sustain fair judgment efficiently based on access to actual data rather than recollection. DAR enables increased efficiency and transparency of court proceedings. It also promotes more professionalism and ethical behavior in the courtroom, given the permanent audio record produced.

4. What are the security features that the DAR system includes?

The DAR system has embedded and customizable security features which include immediate archiving of audio records on the server as read only; unique audio file naming and sequential save protocols for tamper-resistant recordings; network and user profile based security and monitored access.

5. What are the maintenance requirements for the DAR system?

The maintenance requirements for the DAR system are the same as those of any court IT infrastructure in operation.

6. Which countries have implemented court audio recording?

Many courts in the United States and Europe, including courts in Albania's neighboring countries, such as Slovenia, Bosnia, and also Kosova, utilize audio recording technologies.

Technical Questions on Court Digital Audio Recording in Albania

7. What are the elements that make up the DAR system?

There are both hardware and software components to the DAR system. Hardware requirements include audio capture equipment (directional microphones, a sound mixer and cables); computer workstations for each courtroom; and the court's network server for archiving audio recordings. Software is provided by "ForTheRecord" a world leader in court digital recording solutions. The software package enables recording, indexing, annotating, playback, archiving and management of audio files.

8. What are the main characteristics of the DAR technology?

The DAR technology is computer-based. The software applications have user-friendly interfaces that are customized in Albanian. Court sessions can not only be easily recorded, but can also be annotated. A single program automatically links the recording with descriptive annotations (Log Notes) written by the court secretary through a time stamp that refers to the exact time described events occur in the court session. The audio record is also automatically associated with the session date and location. The voice of the judge, each party and/or their representatives, and the witness is recorded on a separate channel, and the audio record is stored on the court server under protocols to ensure its integrity and archiving. The output can be easily played back and burned on CDs or DVDs as needed.

9. Is DAR integrated with the existing electronic court case management system?

Yes. JuST has worked with the Ministry of Justice to develop a basic level of integration with ICMIS. The FTR recording software can now be launched from within ICMIS, reducing the steps that must be taken to register a hearing. Additional enhancements to ICMIS will continue to be explored with the Ministry of Justice.

10. Can DAR work alongside an existing court audio system?

Yes, seamlessly. The mixer provided for as part of the DAR system can be linked to the existing sound amplifier; hence the microphones can serve to both capture and amplify the exchanges in the courtroom during a court session.

11. How does the audio record archiving work?

The audio recordings are saved in the courtroom computers. Their archiving is done simultaneously and automatically from the computer in the courtroom to the court's network server. The storage capacity of computers the USAID's JuST project is installing in the courtrooms is sufficient to handle approximately 10 years of hearings. As with paper records, the period of time that audio recordings should be maintained is a policy question, based on records retention rules promulgated by the Ministry of Justice.

12. How does electronic archiving accommodate court cases with hearings taking place over a long period of time?

The DAR software manages the recordings produced during the life of a case, and can assemble multiple recordings of the same case, even though they may have occurred over a long period of time.

13. How are the parties protected from deliberate interventions, such as when part of the session is not recorded because of technical problems?

The audio recording is turned on at the beginning of a court session and turned off upon its conclusion. Any interruption of the recording (such as through temporary loss of electrical power) should be explained in the "Log Notes" of the session recording.

14. Is it possible for unauthorized persons to intervene in the audio recording?

The DAR system guarantees that such intervention is not possible. If such attempts are made, they leave an audit trail. Furthermore, any attempt to delete an audio file will be immediately obvious and the record will be unusable. Adding to the protection, the original archived record is available on the server. As with all electronic court case management systems, user passwords and permissions are essential, and data integrity depends on administrative oversight. The DAR system being implemented in Albania has been created for usage in courts and there is a long history of producing a solution with strong protections built in to the application.

15. Is the audio recording of the court hearing saved only in the system or will it be part of the judicial file?

The real benefit of using the DAR technology lies in the ability to make a verbatim record available to anyone authorized to access it from any computer with a network connection. Appellate judges should have the ability to access and review audio recordings from their office computers. However, this “optimal” system can become a reality only after the Ministry of Justice completes current plans to establish a central repository for case information (including audio recordings) with full connectivity to every court. However, reviewing judges can now take advantage of the RDA technology by using audio recordings copied to physical media, such as CDs.

16. Does the implementation of DAR make transcripts a requirement?

Not necessarily. Although audio recordings can be transcribed, most courts which have adopted the DAR technology have concluded that a recording with a convenient index provided by “Log Notes” is sufficient for almost all purposes. When needed, the transcripts can be prepared on a case-by-case basis. Parties and their lawyers may submit a substantiated request to have the audio records partially or entirely transcribed by the court. Transcription of audio records is authorized by a decision of the presiding judge upon the payment of the applicable fee by the applicant. The transcription is conducted by a technician under the authority of the court secretary.

17. Who can have access to court audio records?

Besides judges and session secretaries, the Ministry of Justice and High Council of Justice inspectors can have full access to copies of the courtroom session audio recordings. The parties and other members of the public, including the media, can request and have access to copies of the audio records for public use by submitting a written request accompanied by an unused cased CD/DVD to the court secretariat, and paying the relevant fee similar to requests for copies of other documents part of the judicial case file.

18. How does DAR affect the work of appellate courts

With the DAR system creating verbatim records of court sessions available for easy playback, appellate judges have in their hands a very useful tool in the review of cases. Thus, they do not have to rely only on session summaries, but with the help of Log Notes they can efficiently navigate relevant court sessions audio records, to listen, for example, to the entirety of a key testimony, arguments, etc.

19. How soon after the court session is the audio recording available?

The audio recording is available immediately after the conclusion of the court hearing through the court's local area network. Copies of the audio records on CD/DVD for public use would be available within 24 hours after the request for archived cases and 48 hours for ongoing ones.

20. How can one listen to court audio records?

All recordings can be easily played back using "TheRecord Player," which is part of the audio recording system. The application is also available for free download by the public from www.fortherecord.com. It enables the listener to isolate any of the four separate channels in which the proceeding was recorded. The courtroom session recordings can also be saved in an audio format that can be as easily played back as a single file using media player applications commonly available.

Court Personnel and Training Questions on Digital Audio Recording**21. Does DAR imply additional or duplicate work for the court administration?**

Far from it. At the basis of the DAR implementation is the benefit of making the work of the courts more transparent, more efficient, and most importantly, more fair to all parties.

22. What does it take to operate the DAR system?

The audio recording system is simple to operate and does not require specialized technicians. Using the system requires little more than the everyday skills needed to work a personal computer.

23. How would a session secretary cope with the requirements for operating the DAR system?

The usage of FTR digital audio recording technology is very easy. The session secretary needs only to click an icon on the computer screen to start recording. Session secretaries are actually finding that their work is easier with the new technology. For example, writing "Log Notes" (the time-stamped annotations within the recording software) is quite similar to writing session summaries, but with one

big advantage: With a click of the mouse on the time stamp, the listener can bring up the actual audio recording. If the secretary wishes, s/he can go back and listen to the recording and update the relevant information in “Log Notes” to better reflect what took place in the courtroom. While Log Notes can be modified, as noted earlier, the audio record it accompanies cannot.

24. How extensive should the log notes be?

Log Notes need not be extensive to achieve the primary function of serving as a convenient, time-stamped index to the recording itself. Over time, the appropriate level of descriptive detail will become clear as court personnel acquire feedback from consumers of their work product, especially from judges. In the meantime, given that the audio recording represents the official verbatim record of a court session, detailed written summaries should no longer be needed.

Legal Questions on Digital Audio Recording

25. Is the legal framework in place in Albania to apply and take advantage of the DAR technology?

The current legal framework supports the use of digital audio recording. The Code of Criminal Procedure requires courts to use recording technology if it is available. The Civil Procedure Code does not have a similar mandatory provision, but neither does it forbid the use of recording technologies. In the future, the provisions of the Civil Procedure Code regarding the production of a verbatim record should be harmonized with the more explicit provisions. The Instruction on usage of the audio recording to be approved by the Ministry of Justice soon will provide for clearer steps to be followed in using such technology. Initiatives by the courts to manage this aspect of their work efficiently by issuing internal regulations are advisable as well.

Questions on the Implementation of Digital Audio Recording System

26. What assistance is USAID offering to implement RDA technology in Albania?

USAID, through the Albanian Justice Sector Strengthening Project (JuST) is providing assistance for the implementation of the DAR system throughout the

courts in Albania in terms of equipment purchase and installation, delivering a comprehensive training program for session secretaries, judges and the court IT officers, and conducting public information.

27. When will the training begin in the courts in order to anticipate the learning process of using such new technology?

Each court personnel will receive training on the usage of this technology. The training is tailored to the nature of their positions and their needs in using such technology. The training will take place at the same time as the installation of equipment in each court. Generally, the first week will be dedicated to the installation of hardware, the second week to the training court personnel and judges.

28. What is the installation plan for the DAR system in Albania?

In close partnership with the Ministry of Justice, High Council of Justice and court leadership, USAID JuST has put together an installation plan based overall on progress by appellate districts. Beginning with the successful installation at the Lezha District Court, with USAID support, March 2012 - December 2013 marks the expansion of the DAR technology in each courtroom in Albania at the district and appellate levels, as well as the first instance and appellate serious crimes courts.

The five-year USAID Albanian Justice Sector Strengthening Project (JuST) begun in October 2010, aims at increasing court transparency, fairness and efficiency; bolstering watchdog and anticorruption roles of civil society organizations and media; and strengthening the legal profession and legal education in Albania.

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