

# Jury Video Capture (JVC) Solution

## Background

With increased CCTV coverage, rollout of police body worn cameras and proliferation of the use of smartphones and social media, the proportion of trials where multimedia evidence is placed before the jury is increasing significantly.

The move to cloud based multi-media storage and onward sharing solutions combined with meant that an alternative solution needed to be identified in order that juries are able to review multimedia evidence in retirement, without having to return to the courtroom.

Following a successful Proof of Concept/Pilot at Isleworth Crown Court, HMCTS is implementing a technology solution which allows multimedia exhibits to be recorded to an SD card as they are shown to a jury:

## The recording device

The recording devices have been installed in all courtrooms and situated on the clerk's desk. The SD card containing the recordings can then be provided to the jury as an exhibit when they retire, allowing them to review the footage on new smart TVs which will be made available for their retiring rooms.

## Capability of the video capture device

The recording equipment can capture anything that is presented to the jury via the courtroom TV screens as they utilise the same audio/video feed. This includes all digital media shown using ClickShare: videos, photographs, documents and audio such as 999 calls. The recording is manually activated, so unsuitable material (such as ABE) should not be recorded or provided to the jury.

The copy will be recorded exactly as the jury see it on the TV in court: if it is played to the jury in slow motion, the recording will be of the footage in slow motion; if an advocate uses a mouse cursor to highlight part of a scene, this will also appear on the recording (advocate commentary from inside the courtroom is not fed to the TV and so not recorded).

## Utilising the video capture device

Where a trial features suitable media evidence, the advocates must alert the judge and the clerk before the case begins. This will ensure that an SD card has been obtained and the device is ready for use.

The judge, with the assistance of the advocates, should decide which exhibits are suitable for recording. The clerk will then be responsible for operating the device.

During the trial, the clerk should be asked to start the recording, before the advocate begins presenting the media to the jury.

The clerk retains responsibility for the SD card.

Multimedia exhibits such as CCTV or body worn camera footage are often played for the jury more than once, and it is not necessary to record every showing. The standard practice of allowing a jury to initially watch a clip through once in its entirety, uninterrupted, provides the ideal recording opportunity.

There may be occasions where it is desirable to record more than one showing, such as when the footage is played to the jury in slow motion. There may be other times when an advocate uses a mouse cursor to highlight part of a scene, and the existence of the cursor falls more into the category of comment rather than evidence, making the clip unsuitable for review in retirement.

If something goes wrong and relevant material is not recorded when played to the jury the parties can re-record it in their absence.

Ultimately each case is different and, as always, it is up to the judge (with the assistance of advocates) to use their discretion in deciding the best approach having due regard to the nature of the evidence and the issues before the jury.

### **Management of recordings**

Each recording is saved as a separate media file on the SD card and the filename represents the date and time it was recorded. Thumbnails of the recordings will also be visible when browsing the files.

Details of the recordings should be maintained by the clerk on the Exhibit List and the court log on XHIBIT. However, if several or more recordings are made, it may be helpful to maintain a separate list which can also be given to the jury when they retire.

It will be necessary for there to be a check on the content of the SD card before it is given to the jury. The clerks' computers may be used for this. Longer trials sometimes result in copious amounts of media evidence. For these cases, a stocktake of the SD recordings at the end of each day is suggested in order to ease the review process at the conclusion of the evidence.

Once the trial has concluded, either by a verdict being delivered or the jury being discharged, the SD card is securely wiped by HMCTS staff ready for reuse. In the event of an appeal, the parties will have access to the original media evidence.

### **HMCTS user guidance**

HMCTS have produced guidance for key users of the JVC process:



#### Jury Video Capture - Advocates Guidance

Where the system is used it is a matter for the judge, as with all exhibits, to determine, with the assistance of advocates, which exhibits should or should not go out with the jury.

There will be times where it is not possible to use the recording device, such as when a trial requires a courtroom to be fitted with advanced AV display equipment supplied by a third party.