

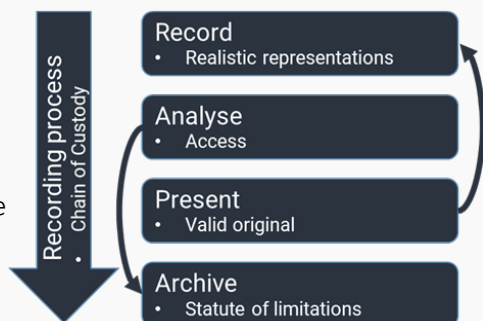
FACTSHEET

BEST PRACTICES FOR VIDEO-RECORDED INTERVIEWS

Legal considerations for digital interview recording (DIR)

When conducting a digital interview recording (DIR), no matter the interview technique, you undertake what can be called the recording process. This is a start-to-end process for the recording of evidence from interviews conducted in the jurisdictional sector.

The recording process has four distinct phases, and each phase contains “key-decisive” factors that should be considered. As in every evidence gathering process, it is important to keep a chain of custody along recording process – either manually or digitally.



Recording

For a DIR to meet regulations for valid evidence, be it for or against an individual, the individuals in the video must be represented as realistically as possible. A DIR-system can meet this requirement by: (i) ensuring good quality recordings and (ii) visually displaying the complete context of the recorded scenario (e.g. the whole interview room).

Analysing

Analysis of the recordings is a key task in the investigation, and care must be taken to ensure the investigative information is not distorted – for example, through a technical distortion of the recorded video file or the information being misinterpreted. The system needs to provide effective access control for the correct users. This includes when analysis happens both during and after the interview.

Presenting

When presenting the evidence either to decision makers or in court, it must be possible for the recorded evidence to be validated and authenticated as the original. In legal terms, one must ensure that the evidence is the best evidence, either according to the best evidence rule¹ or other applicable law.

Archiving

Long-term archiving of the evidence is important for preserving historical records and providing for the individuals legal rights through an appeal. Such storage is often regulated through the applicable retention policies, often mirroring of the current statute of limitations.

¹ Staff writer. “Legal Terms and Definitions”. Law Dictionary. ALM Network of Legal Publications.

² J. Baldwin study in 1992 “The conduct of police investigations: records of interview, the defence lawyer’s role and standards of supervision”.

Reasons why digital interview recording (DIR) is a trusted evidence recording method.

Video recordings are more accurate than other methods because they:

- capture all of the information. Research shows that summaries of interviews are very inaccurate – with the latest studies showing approx. 30% of information - including incriminating evidence - was missed by officers.
- record non-verbal communication, including reactions to topics discussed and other evidence presented (e.g. photos, etc.).
- achieve a realistic representation of the interview.
- cannot be edited, whereas written documents can be edited and revised.

Video recordings support the performance of the interviewer during the interview, in that they:

- lift focus from unnecessary tasks, e.g. taking notes, which often leads to unnatural dialogue.
- allow officers to talk more naturally with the interviewee.

Video recordings build trust in the interview and recording process in that they:

- give interviewees and interviewers confidence that what they say will be accurately recorded and presented, notably when played back in court.
- show the conditions of the interview, for example, that the interviewee has not been coerced or threatened into making statement or admissions.

Further, the continued development of national interview practice is supported, in that video recordings allow for officer training based on real interviews and performance. Once a digital interview recording system is implemented, interviewers often realise their shortcomings and want to improve. For example, a study of UK police interview recordings revealed a large number of officers conducting interviews were not skilled at the task, and that training would significantly improve their skills.²



Technical considerations for DIR-solutions

A DIR-solution, either a fully digitised solution or partially digitised solution with supporting manual procedures, should be able to incorporate and secure the key-decisive factors for each phase in the recording process.

The table below presents considerations for the technical solution for each phase. Although other practices are in use today that meet the minimum requirements, these are today's best practices to meet the minimum requirements, as procedures and technology are continually developing and may take the place of what we know as best practise today.

Phase	Key-decisive factors	Technical interpretation
Recording	<p>Requirement: Realistic representations</p> <p>Demands: Video/audio quality and setup</p>	<ul style="list-style-type: none"> • Ensure a “whole room capture” including all its participants. <ul style="list-style-type: none"> • Minimum two cameras. • Ensure visual representation of all parties in recorded interview (at all times). <ul style="list-style-type: none"> • Minimum picture-in-picture hardcoded view of the two camera streams. • Ensure that time and duration are visually displayed on the video. <ul style="list-style-type: none"> • Minimum hardcoded time and duration video-overlay. • Ensure good enough audible representations. <ul style="list-style-type: none"> • Minimum two good quality microphones placed near the interview and interviewee (account also for echo, etc.).
Analysing	<p>Requirement: Access</p> <p>Demands: Authentication of access</p>	<ul style="list-style-type: none"> • Ensure that any user that wishes to access is the correct user. <ul style="list-style-type: none"> • For digital evidence rooms, minimum basic centrally controlled user verification (e.g. active directory) and that it is capable of maintaining a record of all access and events to each file. • For manual evidence rooms, minimum better than above. • Ensure that storage media is secured if evidence is distributed to 3rd-parties. <ul style="list-style-type: none"> • Minimum, encryption using industry standards.
Presenting	<p>Requirement: Valid original</p> <p>Demands: Checksum/ Digital fingerprint</p>	<ul style="list-style-type: none"> • Ensure that solution is capable of proving the originals' authenticity, and the chain of custody up till the point of presentation, i.e. proving it is the original. <ul style="list-style-type: none"> • Minimum SHA-256 digital fingerprint on video file(s) and manual chain of custody. • Ensure that solution is capable of presenting sections of original without distorting original while still maintaining ability to prove its source is the original.
Archiving	<p>Requirement: Statute of limitations</p> <p>Demands: Secure storage and access</p>	<ul style="list-style-type: none"> • Ensure that the solution does not consider any storage medium a permanent storage medium! • Ensure that the solution offers a storage strategy over the lifespan of the statute of limitations, e.g. DVD deteriorates over 7 to 15 years. • Ensure that the solution can supply a retention policy and that the correct retention times are maintained. <ul style="list-style-type: none"> • Retention of original, minimum full duration of any appeal. • Retention of duplications/working copies, destroyed as early as possible. • If digital access, ensure that; <ul style="list-style-type: none"> • The solution can make backups. • The solution does not give any access through its file structure. • Ensure that the solution offers longevity far beyond the current users and system providers. <ul style="list-style-type: none"> • Minimum, non-proprietary file format.

