



**THE SOVEREIGN
BASE AREAS OF AKROTIRI AND DHEKELIA
GAZETTE**

Published by Authority

SERIAL No. 1525	Wednesday, 21st January 2009	1
<p>CONTENTS : ADMINISTRATION NOTICES :</p> <p>1. Practice direction under section 28 of the Courts (Constitution and Jurisdiction) Ordinance 2007.</p>		<p>(1) Practice direction under the Courts (Constitution and Jurisdiction Ordinance 2007).</p> <p>The Senior Judge, The Hon Mr Justice J.J. Teare, under section 28 of the Courts (Constitution and Jurisdiction) Ordinance 2007, has issued a practice direction which is published overleaf.</p> <p><i>(See (1) overleaf)</i></p>
		<p>By the Administrator's Command,</p> <p>J. D. Wilson, Chief Officer, Sovereign Base Areas.</p>

Printed by the Sovereign Base Areas Administration Printing Press.

The Sovereign Base Areas Gazette may be obtained from Headquarters, Sovereign Base Areas Administration, Episkopi, B.F.P.O. 53, post free, on payment of an annual subscription of €13,67 payable in advance. Single copies at €0,68c.

(1)

PRACTICE DIRECTION
USE OF LIVE TELEVISION LINK AND VIDEO RECORDED EVIDENCE

1. This Practice Direction is issued under section 28 of the Courts (Constitution and Jurisdiction) Ordinance 2007 and is effective from the date it is published in the Gazette.
2. The Sovereign Base Areas courts are fitted with equipment to enable a witness to give evidence by means of a live television link or a video recorded interview.
3. This Practice Direction is intended to serve as a general guide on the administrative arrangements for the use of such equipment in proceedings before a court of the Sovereign Base Areas where there is an application for a Special Measures direction relating to vulnerable or intimidated witnesses:
 - (a) enabling a witness to give evidence by means of a live television link whereby the witness, while absent from the court room, is able to see and hear a person there and to be seen and heard by:
 - i. the Judge or Judges
 - ii. the legal representatives, and
 - iii. any interpreter or other person appointed to assist the witness,
 - (b) where a party intends to rely on a video recorded interviews of a witness; or
 - (c) enabling a video recording of an interview of a witness to be admitted as evidence in chief of the witness.
4. This Practice Direction is also applicable where an application is made to adduce video evidence under the Violence in the Family Ordinance 2003.
5. Attached hereto are Appendices A to D dealing with the practice in relation to:
 - (a) Court witness supporter in the television link room (Appendix A).
 - (b) Storage, custody and destruction of recordings (Appendix B).
 - (c) Specimen form of receipt of undertaking for visually recorded evidence (Appendix C).
 - (d) Technical guidance (Appendix D).
 - (e) Warning label (Appendix E).

Judicial responsibility for witnesses

6. Judges have a duty to protect the interests of the defendant at trial, where he or she is presumed to be innocent until proven guilty. However they also have a responsibility to ensure that all witnesses, including those who are vulnerable or intimidated, are enabled to give their evidence in such a manner that the quality of evidence given by the witness is not likely to be diminished by reason of fear or distress.

The responsibility of legal representatives

7. Legal representatives must assist the court, at any hearing where the matter arises, to make informed decisions about any Special Measures, or other steps which it may be necessary to take, to assist a particular witness. Both prosecution and defence legal representatives are expected to inform the judge of the special needs of any vulnerable or intimidated witness they intend to call.

Notice

8. An application by a party for a Special Measures direction of the kind referred to in paragraph 2 above must be sent to the court and every other party in the proceedings by the applicant at least 21 days before the trial date. The purpose of such notice is to enable the court to consider, and rule on any objection to, the application, to ensure that the equipment is in good working order and the appropriate persons are available to operate the equipment in the event that the Special Measures direction is made.
9. A party wishing to oppose the application must, within 7 days of the date on which the application was served on him, notify the applicant and the court in writing of his opposition and the reasons for it.

10. Notwithstanding the provisions of paragraphs 4, 5 and 6 an application may be made for a Special Measures direction orally at the trial (with reasons why the application is being made at that stage), or the court may of its own motion raise the issue whether a Special Measures direction should be made if the court is satisfied that the quality of evidence given by the witness is likely to be diminished by reason of fear or distress on the part of the witness in connection with testifying in the proceedings and take such steps as it considers necessary to secure the quality of evidence from a witness.

Operation of the equipment

11. The equipment referred to in paragraph 1 above will be operated by court staff, or if such staff is unavailable then by such person or persons as the judge considers to be suitably qualified.

Remote equipment

12. Where a party wishes to adduce witness evidence from a witness who will be situated in a place other than the courtroom where the case is to be heard (“TV link room”), it is for that party to make the arrangements for the attendance of the witness at the remote location. These arrangements should include providing suitably qualified operators for cameras and sound recording equipment at the remote location.
13. In such a case, it is important that as much notice as reasonably practicable is given the court and the other party so that the court may make any direction or directions necessary, including but not limited to directing that SBA court staff liaise with those persons operating the equipment from the remote location and ensuring that the equipment is in good working order. Where possible arrangements are to be agreed between the parties. The court will need to be satisfied that the arrangements at the remote location are satisfactory and consistent with this protocol before allowing testimony.

Witness support

14. The judge having conduct of the case will determine who is to be the Court Witness Supporter (“CWS”), adhering as far as possible the key characteristics of that role set out in paragraph 4 of Appendix A and the needs of the particular witness.

Failure of equipment

15. In the event that video equipment fails, the judge who is hearing the matter will hear representations as to how the hearing should proceed.

Signed

Jonathan Teare

Presiding Judge

10th December 2008

**APPENDIX A TO E TO PRACTICE DIRECTION ON THE USE OF LIVE TELEVISION
LINK EVIDENCE**

APPENDIX A

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APPENDIX A

COURT WITNESS SUPPORTER IN LIVE TELEVISION LINK ROOM: STANDARDS TO BE OBSERVED

1. Role of the supporter

The role of the court witness supporter is, by their presence, to provide emotional support to the witness and reduce their anxiety and stress when giving evidence, thereby ensuring the witness has the opportunity to give his/her best evidence. The role of any accompanying member of the court staff would include ensuring that the equipment in the room from which the witness will give evidence is working correctly.

2. Identity of the supporter

(1) If the witness expresses a wish to be supported in the room from which television link evidence is given (the “TV link room”), there can be benefits, both in reducing the stress suffered by the vulnerable witness, and in the quality of the witness’ evidence if this wish is granted. However, in each individual case, it is a matter for the judge to determine who should accompany a witness in a remote TV link room

(2) An application by the prosecution or defence for the witness to give evidence by means of live television link may be made in advance of the trial for determination at a preliminary hearing.

(3) The key characteristics of anyone acting in this capacity are as follows:

- Someone NOT involved in the case, with no knowledge of the evidence, and who has not discussed the evidence with the witness;
- Someone who has received suitable training in their role and conduct (depending upon the supporter’s identity, consideration needs to be given to their training);
- Someone with whom the witness will feel comfortable. This may be the person preparing the witness for court, but others may be appropriate.

(4) Once the decision has been reached on the identity of the supporter in any particular case, the witness should be informed by either the officer in the case or the court witness supporter himself or herself. Additionally, the party against who the witness is to testify, the prosecutor and police should also be informed.

3. The court witness supporter’s conduct

(1) The court witness supporter will need to act according to the standards of conduct set out below and any particular requirements specified by the Judge. These may relate to communication with the witness, both within and outside the TV link room, ensuring the witness’ comfort, alerting the judge to any problem arising while the witness is giving evidence. The suggested behaviour to be observed in this role is as follows:

(2) Before the witness gives evidence

- Accept and follow instructions of the judge with regard to witnesses and procedures to be observed
- Ensure the room is ready for the witness*
- Escort the witness to the waiting room*
- Remain with the witness at all times whilst in non public areas of the court building
- Settle into accommodation in waiting room
- Be present in court to take the oath as required by the judge
- Escort the witness to the remote TV link room

(3) In the TV link room

- Sit the witness in the chair and ensure the microphone is close to them*
- Sit beside the witness and in view of the camera

- As directed by the judge, swear in the witness by enabling him or her to repeat the oath or promise, as appropriate
 - Communicate relevant concerns (via an agreed procedure) to the court
 - Be present throughout the time the witness is in the room
 - Ensure that the witness can clearly see and hear the transmission*
 - Ensure that the witness can be clearly seen by the courtroom at all times*
 - Remain visible to counsel and defendant during evidence*
 - Hand any exhibits to the witness without comment*
 - Remain with the witness in the event of failure of the equipment
 - Prevent any unauthorised person entering the room
 - Ensure there is no attempt to interrupt, intervene or intimidate the witness by any other person present in the TV link room
- (4) Contact with the witness
- Do not speak to the witness about the case, or about his or her evidence, before or during the proceedings, or in any interruption to the proceedings
 - Do not explain, interpret, guide or make comments about the evidence in the case
 - Do not interrupt or intervene while court proceedings are taking place, unless it is to alert the judge to a problem
 - Do not prompt or seek to influence the witness in any way
 - Ensure any other person in the room observes these prohibitions
 - Maintain a neutral but sympathetic manner, in order to provide comfort and reassurance and help him or her give their evidence clearly with a minimum of stress
 - When requested by the Judge, direct the attention of the witness to the questioner
- (5) In case of difficulties
- In the event of a problem, to contact the court by telephone. If the TV link room is not equipped with a telephone, the Court witness supporter should be given a mobile phone and instructed to use it only to alert the judge to the problem and not to speak about the details over the telephone (because of the risk of interception).
 - If necessary, speak to the judge via the television link (according to the procedure previously agreed with the court)
- (6) After the evidence has been given
- After completion of the evidence, return with the witness to a safe place

4. Skills required by the supporter for a child or vulnerable or intimidated adult witness

- Impartiality/lack of emotional involvement
- Communication skills (and with parents/carers, professionals and young people) particularly listening skills
- Awareness of the needs of abused children and adults, effects of crime and the effects of the court appearance on child witnesses and vulnerable adults
- Flexibility
- Ability to maintain the confidence of the court
- Ability to liaise and work with other agencies
- Familiarity with basic rules of evidence and awareness of the danger of contaminating or discrediting the evidence of the witness.

Footnote

- * Denotes tasks which could be carried out by the court witness supporter, but which would be more appropriate for the member of court staff, if one is present.

APPENDIX B

STORAGE, CUSTODY AND DESTRUCTION OF VIDEO RECORDINGS

A visual recording made in accordance with this Practice Direction can be a highly valuable piece of evidence in any proceedings. It is also a record of intimate and highly personal information and images, which in the interest of the witness, should be held strictly in confidence and for its proper purpose. It is therefore essential that adequate arrangements are made to store the recording safely and securely and that access to it or to any official copies is restricted to those authorised to view the recording.

1. Ownership

(1) The visual recording will be treated as a document for the purposes of criminal proceedings and the statements in it will not belong to anybody except insofar as they are the property of the person who made them. However, the medium on which they are made is likely to be the property of the court and the fact of ownership of the recording itself conveys certain rights and responsibilities which if properly exercised, will help to ensure that the recording is appropriately safeguarded.

(2) It is essential that all recordings, whether court exhibits or copies, containing testimony should be kept under optimal conditions.

2. Registration, storage, management and disposal of recordings

Wherever practicable, one named person should be responsible for supervision of the registration, storage and management of recordings of witness testimony. That person should keep a logbook in which the details of all visual evidence are registered and the history and movements of the evidence or testimony recorded. The initial entry in the logbook should record the serial number of the recording, the name of the witness, the name and date of the case and the date on which the statement or testimony is given. Any subsequent copying, transporting or editing of the recording would be recorded against the relevant entry in the logbook.

3. After the witness has given evidence which is recorded

(1) Once a recording is completed, the tape (if used) should be fully rewound and ejected from the recorder. The 'record protect' device fitted to cassettes should be activated to prevent the accidental erasure of the recording. The recording should be checked for quality.

(2) The master tape of the visual recording and all copies should be individually labelled and identified in the logbook, so that copies can be distinguished one from another and the master recording readily identified. The ownership of the recording should be treated in the same way as an exhibit for use in court and a signed exhibit label placed over the open side of the box. The seal should not be broken except in the presence of a Court official and for the purposes of copying and access. The ownership of the master recording and any copies should be clearly indicated with a warning that none must be copied or shown to unauthorised persons. A recommended form of words for the label is shown in Appendix E.

(3) Where recordings are made for the purpose of adducing evidence under section 10 of the Violence in the Family Ordinance 2003, the rules in section 11 of that Ordinance must be complied with.

4. Storage

(1) Recordings will inevitably suffer deterioration and loss over time; videotape should not be considered a permanent archiving medium. New technologies, such as digital recording, may solve some of these problems. In the meantime, however, rates of deterioration can be greatly reduced by proper storage arrangements and periodic inspection. Detailed guidance on the storage and management of tapes is set out in Video recorded interviews with child witnesses published by the UK Police Scientific Development Branch (Para's 6.7 to 6.7.3) from which the following guidelines are derived.

(2) Tapes should be stored on edge, i.e. with the reels vertical, so that the tape is supported by the hub. They should be kept in rigid cases, which are clean and impervious to dust, but they should not be sealed in airtight containers, which may cause condensation damage. When taken out for viewing or copying, tapes or DVDs should not be left in video recorders or DVD players unnecessarily, particularly when switched off. Excessive use of the pause facility can damage or even rupture a tape. Recordings should never be left lying about where unauthorised persons can gain access to them.

(3) Before long-term storage, tapes should be first wound and then rewound and checked for damage. Recordings should be kept in locked, secure containers. Videotapes should not be subjected to extremes of temperature or humidity and should be stored away from any devices which cause a strong electrical or magnetic field, such as electric motors or loudspeakers.

5. Copies and Access

(1) Decisions about copying and access to video recordings prepared under this Practice Direction should be taken by the Court. Each decision should be based on the facts of the particular case and with careful regard to the following principles:

- Copying and access to the recording of an interview should be confined to the absolute minimum consistent with the interests of the witness and justice
- No one should have access to any recording unless they are able and willing to safeguard it to the standard set out in this Practice Direction, and
- No persons accused or implicated in the alleged offences should have custody or unsupervised access to any recording made in connection with the investigation.

(2) Production of copies should be minimised and carried out in secure manner in accordance with agreed procedures. Particular attention should be paid to the quality of the audio track on any copy. It is recommended that when making copies, the hi-fi track of the original recording be used as the sound source.

(3) Applications to view or borrow a recording from other individuals or agencies should be scrutinised carefully. Claims to be acting in the interests of the child or justice should be validated and considered on their merits. Consideration should always be given to allowing supervised access in preference to lending a recording; and to a loan in preference to making a further copy.

(4) Any persons borrowing recordings should have their attention drawn to:

- the precise ownership of the recording;
- (in the case of statements) the likelihood that such recordings will form part of a criminal trial, and that;
- misuse or unauthorised retention of such recordings may constitute contempt of court or other criminal offence.

(5) An entry should be made in the logbook every time a recording is borrowed. The entry should include the name of the borrower and any other persons permitted to view the recording, together with details of the specific authority granted to them. Similar logbooks should also be maintained by any other body authorised to have custody of copies of recordings and such logbooks should be available for periodic inspection by management.

6. Disposal of recordings

(1) The minimum period for the retention of recorded testimony or statements should be six months from the date of any conviction or after a convicted person has been released from custody, whichever is longer. Material must also be retained for the full duration of any appeal. This ruling applies both to the master copy and to any edited version of the recording approved by the court for use in the trial.

(2) However, for visual or audio taped testimony or witness statements of witnesses, there are good reasons for extending the retention period well beyond the minimum mentioned above. Testimony of witnesses may be used in civil proceedings, where a considerable delay can ensue between the original investigation and any proceedings. In cases of alleged sexual or physical abuse, new allegations against an accused can emerge many years after the original investigation. It will be vital to both prosecution and defence to have access to as complete a record of the original statements and testimony as possible. The need for the preservation of such material needs to be weighed against the understandable concern of many witnesses to close a particular chapter in their lives and to know that all recordings dealing with their allegations have been destroyed.

(3) Duplicate material may be destroyed early. Once any proceedings are completed or after five years have elapsed since the testimony was given, working copies can be disposed of. However, for the reasons outlined above, it is recommended that the master copy of any visual or audio recording should be retained for a period of 20 years. A witness who was a juvenile at the time of the trial may request the destruction of a recording prior to this date, when he or she reaches the age of 18 years.

(4) Where tapes need to be disposed of, this is best done by crushing or by burning. Strict controls must be in place to ensure that all recordings are destroyed and a certificate supplied to this effect by the organisation responsible. Recording media should never be reused: there is a risk of incomplete erasure of the original recording and deterioration in tape quality and reliability.

7. Other points

(1) Recorded interviews are the primary medium by which vulnerable witnesses will give their evidence at court. However, it can assist the court to have a written transcription of what the witness has said in their interview. The timing of a request for a typewritten transcript is important. Too early a request may result in production of a transcript which is not then required. Too late a request may provide insufficient time for production and the checking of the transcript against the video record. Such checking forms an essential step in the production of the evidence and is best conducted by the person who conducted the interview.

(2) Care should be taken in the packaging, delivery and collection of recordings by court officials and legal representatives to ensure that the security of the recording is safeguarded at all times. Recordings should be sent in tamper-proof packaging, and should be signed for when collected and received to ensure an audit trail while in transit.

(3) Detailed procedures for the management of recorded evidence at court are provided in a UK Practice Direction circulated to all Crown Courts in 1993 by the then Lord Chancellor's Department (now the Ministry of Justice). When a recording is delivered to court, a note should be made on the court file and the tape checked to ensure it is adequately labelled. Recordings should be kept in a secure locked cupboard. A logbook should be kept with any recordings in which the movements of the recording can be logged. A nominated officer is responsible for ensuring that recordings are returned to the lockable cupboard during adjournments and overnight. After the trial, the recording should be returned in its box to the representative of the police who will sign alongside the appropriate entry in the logbook.

APPENDIX C

**SPECIMEN FORM OF RECEIPT OF UNDERTAKING FOR
VIDEO RECORDED EVIDENCE**

Form of undertaking recommended when receiving recorded testimony of witnesses.

Name of person(s) who it is proposed should have access to recording

.....

Position in organisation

Organisation

Address

.....

.....

Telephone email:

I/We acknowledge receipt of the recording marked "evidence of

....."

I/We undertake that whilst the recording is in my/our possession I/we shall:

- (a) not make or permit any other person to make a copy of the recording;
- (b) not release the recording to [name of the accused];
- (c) not make or permit any disclosure of the recording or its contents to any person except when in my/our opinion it is strictly necessary in the interests of the child and/or the interests of justice;
- (d) ensure that the recording is always kept in a locked, secure container and not left unattended in vehicles or otherwise unprotected
- (e) return the recording to you when I am/we are no longer professionally involved in the matter; and
- (f) will record details of the name of any person allowed access to a recording together with details of the source of the authorisation granted to him or her.

Signed

For and on behalf of

Date

APPENDIX D

TECHNICAL GUIDANCE

1. Preliminaries

(1) The following guidance sets out the basic recommendations about the equipment that should be used to achieve a standard of recording that is adequate for use in court and likely to meet the requirements of the court rules. Basic hand-held equipment is less likely to reach the required standard and should only be used in exceptional circumstances, for example when the witness has limited mobility and is in hospital or residential care. Guidance for when hand-held equipment has to be used can be found in section 4 below.

(2) Whatever equipment is chosen, this should be within the competency of the operator and tested in good time before each use. Such testing should involve making a short recording using sound and vision and replaying the recording on another machine to confirm that the quality is adequate. If it is not functioning properly, the equipment should be repaired before use.

(3) Statements should be given in a specifically equipped interview room. The room should be selected to ensure a reasonably quiet location away from traffic or other sources of noise such as offices, toilets, and banging doors. It should have a carpeted floor and curtains on the windows. Ideally, the room should be rectangular (not square) and no larger than necessary (less than 5m by 4m). When furnishing the room, consideration should be given to simplicity in order to avoid a cluttered image on the screen. The furniture should be set out in advance in relation to camera angles and light source and, once a suitable arrangement has been established, it can be helpful to mark the position of the furniture on the floor for future reference.

(4) It is very important that the furniture, cushions and in the case of children, any toys or 'props' do not provide a source of noise. Furniture filled with polystyrene chips should not be used and care should be taken to avoid intrusive noise from other sources, such as rustling papers.

2. Vision

(1) For the purposes of this guidance, video-recorded evidence may be given using one or two cameras. However, whilst the use of a single fixed camera need not produce a recording of inferior quality, it will provide less assurance to the courts as to who is present in the room throughout the testimony. This requirement can most easily be satisfied by the use of two cameras: one focussed on the witness and the other giving a general view of the room. A single camera system is unlikely to be suitable for very young witnesses who are more likely to move around the room. (See section 3.4 below).

(2) If a two camera system is adopted, a vision mixing unit will also be needed to allow the image from the camera recording the whole room to be inset within a corner of the screen relaying the image from the camera focused on the witness. Mounting the cameras close together may avoid a disorientating effect when images are displayed on the screen. The exact placement of the cameras can best be determined by factors such as the location of doors and windows.

(3) As far as it is technically feasible, the first camera should aim to clearly show the witness's head and face. If this camera is fixed, care should be taken that it is not set too high or so low that the view of the witness may be obstructed. A good clear picture of the witness's face may help the court determine what is being said and to assess the emotional state of the witness. Every reasonable effort should be made to ensure the definition and quality of the image of the witness' face throughout the testimony. The second camera should provide as full a picture as possible of the whole room. The court may need to be reassured that any part of the room which was not recorded by this camera was unoccupied: the placing of fixed furniture in any 'blind spot' could provide that reassurance and should prevent the witness from straying into the 'blind area'.

(4) Some younger child witnesses may want to wander around the room. By careful placement of the furniture in a small room it may be found that the child can be encouraged to settle in one spot and not move far from it during the testimony. However, for some children it may be more difficult to remain in the one place.

(5) This problem might be overcome by the first camera having zoom and pan/tilt facilities but using these features requires considerable skill. The operator has no editorial function with regard to what the witness is saying or doing and care should be taken to ensure for instance that particular parts of the witness's statement are not highlighted by the use of close up. Close

ups using the first camera, however, can be useful, if the child is drawing a plan or picture or demonstrating with dolls or other props where the information being conveyed would otherwise be obscured. The second camera should maintain the overall view of the room.

(6) Modern video equipment does not normally require special additional lighting. Natural daylight may be perfectly adequate particularly if enhanced by pale coloured walls and a white ceiling. However, shafts of light, or sudden changes in natural light, can present problems for the automatic iris of the camera and should be avoided if possible. If natural daylight proves insufficient or unsuitable, normal fluorescent light can be used effectively. Ideally, the main sources of light should be either side of the camera. A mixture of natural light, tungsten and fluorescent light should be avoided. This can cause unnatural effects if colour equipment is used.

3. Acoustics

(1) The evidential value of the video recorded interview will depend very much on the court being able to discern clearly what was said by the witness. Provided that a room of the dimensions and furnishings recommended above (see Preliminaries) has been selected, acoustics should not present a problem. However, the selection and placing of microphones will require very careful attention if a satisfactory recording is to be made.

(2) The video recorder should preferably be capable of two track sound recording and ideally there should be manual recording level controls for each sound channel so that these can be set at an appropriate level for the facilities and a sound level meter.

(3) A microphone of the type normally used for recording interviews with suspects, i.e. a boundary layer microphone, will also be suitable for the purpose of this guidance provided that the system is correctly installed. Preferably, two microphones should be used with the aim of locating one close to and within two meters of the conversation to provide the main sound recording. A small pre-amplifier should be used with each microphone to bring the signals up to normal audio line input levels.

(4) Care is also needed in the placing of remote microphones if they are not to obtrude, distract or otherwise impede the witness' communication. Witnesses may find them inhibiting while some children may be drawn to them as playthings. A further problem is that some witnesses, for example children, may move around the room and far away from the intended location for which the equipment has been optimistically installed. A recommended solution is to mount the second microphone unobtrusively on the wall to provide a second recording. This can be used to back up the main recording where the sound has been made less clear due to the child moving from the intended location. The use of two microphones will also ensure some sound is recorded if one microphone should fail.

4. Portable equipment

(1) In the event that exceptional circumstances dictate that the recording is made with a portable (camcorder type) system, a good quality recording may still be possible if sufficient care is taken. VHS portables with hi-fi sound are available and 8mm recorders have digital sound recording allowing high quality sound reproduction.

(2) Most camcorders have built-in microphones and normally these will have to be used, although separate microphones should be used if they are available. Because the built-in microphone will probably need to be located near the witness to get a clear sound recording, the composition of the image that can be obtained may be less than ideal. In these circumstances, some compromise on picture content may be necessary to meet the paramount aim of obtaining a clear recording of the witness' speech.

(3) Before the testimony begins, a short test recording should be made and replayed to ensure that there are no technical difficulties. Where the recording is made in locations other than a video interview suite, there may be particular problems with poor lighting or extraneous sounds which should be resolved, if possible. The camera should ideally be mounted on a tripod as close to the witness as possible, and the picture composed to include the witness and the interviewer. Movement or adjustment of the camera should be avoided if at all possible, to prevent extra noises being added to the sound track. The use of an external microphone may be beneficial, but great care will be needed in its placement to avoid noise pick-up from contact with the microphone or its support.

(4) Portable equipment may be less reliable than fixed systems due to damage in transit, careless handling or storage in poor conditions (e.g. exposure to heat and humidity). Where the equipment is brought in from the cold into a warm environment, condensation will form. The equipment and tape should therefore be allowed time to warm up before the tape is loaded. Another cause of difficulty can be lack of familiarity with the controls. Batteries should not be relied on and care must be taken with trailing cables to ensure that they do not present a hazard.

5. Recorders and tapes

(1) Use of a generator to insert time and date into the picture should avoid the need to demonstrate to the court for each video recording, both when the recording was made and the continuity of the interview. Such devices are therefore strongly recommended. Nevertheless, oral statements of the date and time should be made at the beginning and at the close of the interview to confirm that the device is accurate. In particular, the requirements of section 11 of the Violence in the Family Ordinance 2003 must, where applicable, be complied with.

(2) The equipment should ideally be capable of making two simultaneous recordings during the interview: the master copy that should be sealed after testimony is given and the working copy. The master copy should be played only once to check its quality. If two recordings are not made during the testimony, all copies required must be made in a secure and verifiable way with a statement of where and by whom the copy was made, and confirming that no further copies were made.

(3) Where two recorders are used, the video and audio should not be looped through one recorder to the other in case of failure of one of the recorders.

(4) Only good quality recording media such as tapes and DVDs from a reputable manufacturer should be used. No more than one interview should be recorded on a new, unused, sealed tape or DVD. The working copy must also be recorded on an unused blank tape or DVD.

APPENDIX E
WARNING LABEL FOR RECORDINGS

This videotape is the property of the Sovereign Base Area [Court] [Police]
It must NOT be copied or shown to unauthorised persons.

