



Draft Policy for Digital Voice Recording

Process

Digital Voice Recording (DVR) involves using a small digital voice recorder to record investigative interviews. The interview is stored on a chip in the recorder and can be downloaded onto a hard drive for permanent storage.

Rationale

DVR is rapidly becoming the standard investigative practice around the world for recording investigative interviews for many fact-finding agencies. It is easy, it is reasonably cheap, it is not intrusive and it can be used virtually any time and anywhere.¹ It also leads to more comprehensive, better quality investigative interviews.

Consents

Informed consent from the interviewee is required to digitally record their statement. Informed consent includes advising of the purpose for recording and who will have access to the recording or any transcript thereof.

In some jurisdictions, recording without consent is a criminal offence. Surreptitiously recording an interview may be legal in some jurisdictions, but nevertheless it is ethically questionable. It **may** be appropriate in **extremely rare** circumstances – but very strong justification is needed to do so. Legal advice must be sought beforehand.

Advantages

There are 4 advantages to digitally recording interviews. They are:

- Accuracy
- Productivity
- Quality
- Impact



a) Accuracy

It is very important to have an **accurate** record of an interview. Digitally voice recording an interview leaves an investigator in a position in which she or he is far less likely to be challenged on what was said than any written record of the interview ever will. A digital voice record of an interview will show:

- Exactly who said exactly what, when and in what tone
- The overall tone and pace of the interview
- Asides, phrasing, emphasis, hesitations, pause and interruptions
- How long the interview took, in real time

A written statement shows none of these things. It is often the investigators paraphrasing or interpretation of what the interviewee is saying, Even if the interviewee signs the written statement, there is usually ample room for them to wriggle out of anything they don't subsequently like. It is after all the investigator's writing in most cases, not that of the interviewee. The statement's provenance and accuracy can easily be challenged by anyone who doesn't like it. The interviewee can subsequently claim that it was not exactly what they said or meant, or the investigator failed to include important information. It may boil down to the word of the investigator against that of the interviewee.

Not digitally recording interviews leaves the investigator exposed. Digitally recording them protects the investigator.

b) Productivity

DVR is a cost effective and efficient method for recording interviews. Generally investigators can conduct far more interviews in a given period if they digitally record them, as opposed to writing them down.

That is because writing out a written statement generally takes a lot more time than digitally recording the interview. The interviewers not only have to concentrate on questions and answers, they also have to record what is being said, often in significant detail. It can be a very slow and tedious process.

c) Quality

Digitally voice recording an interview allows the interviewers to focus on the person being interviewed, not laboriously writing down everything said, to the best of their ability. That enhances the quality of the interview, **particularly if there is only one interviewer.**

Ideally there should be steady rhythm of question and answer between interviewee and interviewer, at normal conversational pace. Writing things down impedes that flow. The pace is dictated by how quickly the investigator is able to write. That does not generally make for a good interview. The eventual product is usually far less detailed than a digitally voice recorded statement.



d) Impact

Direct quotations from the recorded interviews can be a very powerful tool to demonstrate the impact of an event or issue on an individual. Someone describing what has happened to them in their own words is often far more compelling than any précis or paraphrasing of those words.

Equipment

- Ensure there is enough blank recording capacity available on the recorder. That should not normally be a problem. The recording capacity of DVR's is growing all the time. Some are capable of recording for over 2000 hours.
- Have two recorders at the interview. If you have one, it will inevitably malfunction. If you have two, both will work perfectly. Use both.
- Have spare batteries available. Many recorders indicate battery strength.
- Cradle or cord, depending on the model to download the interview from the recorder onto a computer hard drive.
- Software on that computer to enable downloading of interviews and transcription of them, if necessary.

• Guidelines for use

- **Consents.** Ask the interviewee sign a form consenting to the use of the DVR just prior to the interview beginning, **as well as** noting it on the tape during the introduction stage of the interview;
- **Test** the recorders to ensure they are working, prior to the interview
- **Ensure** the recorders are in plain view
- **Advise** the interviewee that the recorders have now been turned on, at the point where they are turned on. Check that you have actually turned them on.
- **Introduce** who is present and what they do, what the purpose of the interview is, where it is taking place, the date and time and any other relevant information, such as any issues relating to confidentiality.
- **Confirm** that the interviewee knows the interview is being digitally voice recorded and gives permission to do so.



- **Speak slowly and clearly**
- **Describe** any physical movements discussed during the interview, so that they are clear to anyone listening to the recording or reading a transcript of it
- **Describe** any documents or other things that are shown to or produced by the interviewee during the interview.
- **Breaks.** The investigator should describe, while the recorder is on, the reason for, and length of, any breaks taken during the interview or in other situations where the recorder is turned off. In some cases, it may be advisable to leave the recorder running during a break. If so, all parties must be made aware of that. If something is discussed during an unrecorded stoppage period that is relevant to the interview, then it should be noted once the interview resumes.
- **Conclusion.** Note the time the interview concluded.
- **Accidental erasure.** Some recorders have a 'lock' function that protects against an interview being accidentally erased.
- **Security** The investigator is responsible for the security of the recorder. Some recorders have a digital lock, which require a password to access the recorder. Interviews should be downloaded from the recorder onto a secure hard drive as soon as is practical. The interview should then be erased from the recorder itself. Use encryption and password protection where possible, once the interview is downloaded.
- **Storage.** Create a retention and access policy for downloads of the interview.

Emailing interviews

It is possible to email downloaded interviews, as audio file attachments. As with any e-mail care should be taken to protect confidentiality. It may be possible to encrypt and password protect the audio file.

Transcription

Transcription can be time consuming and expensive. Determine if it is really necessary to get the recording transcribed. A transcription may be necessary if the statement will be tendered in formal proceedings, or when verbatim quotes are to be used. In the latter case, it is only those segments that need to be transcribed.



The download of the interview is always there on the hard drive and can be transcribed at any time.

A short, written, point form summary of the interview by the investigator may be sufficient in many cases. Using the timer on the recorder, the investigator should cross reference key points in the summary with the relevant time on the recording.

If a transcript of the entire statement, or parts of it, is necessary, this can be done either in house or, in the case of more formal proceedings, by an external transcription service.

Proofing

If all or parts of the interview will be quoted in any report or used in any proceeding, the investigator should listen to those portions of the interview and proof the accuracy of any transcript that has been made, be it in-house or externally.

Possible Problems

Reticence

There is a perception that digitally voice recording an interview may have a chilling effect – that the interviewee will become reticent, guarded or even clam up completely. In practice, this is rarely, if ever, an issue. Normally, the interviewee forgets that the interview is being digitally recorded pretty early on into the interview itself.

The interviewee declines to have the interview digitally voice recorded

It does happen. Educate and persuade. The following points might assist:

- Point out that the process will likely be quicker, and the interview will conclude sooner.
- Digital voice recording gives a permanent and accurate record of what the person says, which – surely - is to everybody's advantage.
- Offer them a copy of the transcript (if one is made) or the download of the interview itself, but only **after** the conclusion of the investigation.

None of the above are foolproof. In some cases, the last thing an interviewee wants is an accurate record of what she or he said. Not much can be done about that, except to make good notes about how you explained the



benefits. That puts the onus on the interviewee to explain why he or she still declined to be recorded, should the issue ever arise.

The interviewee asks to record the interview

An interviewee should **not** be allowed to digitally voice record their own interview, in order to protect the integrity of the investigation.

There may be exceptions, including cases where there is no possibility that the investigation will be compromised by allowing the interviewee to record the interview.

The interviewee asks for a copy of the recording

Normally, a copy should not be given until after the conclusion of the investigation, unless there is no adverse impact on the integrity of the investigative process.

Questions?

Contact us at info@investigationstraining.com