

CCTV and The Law

Protocols for Submitting Videotapes

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Q. Are there any protocols for submitting videotapes to the police for use as evidence in a court of law?

A. If by protocols you mean guidelines or standards, the answer is no! However, a videotape will not be admitted into evidence in a Canadian court unless it is shown to be:

- (a) relevant (i.e., material to a trial issue),
- (b) true and accurate (i.e., not distorted),
- (c) fair and not misleading (i.e., not fabricated or falsified), and
- (d) verified on oath by a capable witness (i.e., authenticated).

In addition, if the prejudicial effect of the videotape outweighs its probative value, then the trial judge can exercise judicial discretion and exclude it, even though it has met the other four criteria for admission.

A videotape may be prejudicial because it is gruesome and horrific or because it arouses the sympathy and passions of jury, or because its audio track has recorded hearsay.

In this writer's opinion, it would be most helpful to the security and alarm industry if the various police forces would agree upon and publish a list of guidelines ("protocols") to assist secu-

rity professionals in designing, installing, and maintaining (i.e., servicing) video surveillance systems that produce videotape recordings of the best "evidentiary" quality.

For example — as regards picture size — what percentage of the screen area should contain an image of a person's head if that image is to be used for identification purposes? What should be the minimum resolution (in lines per inch or pixels) of the image?

In any surveillance system there are questions which arise regarding the type of lens to use, its field of view and depth of field. Video switchers and splitters and the multiplexing of video signals will all affect the results obtained. Using time-lapse VCRs raises other concerns. Canadian cases have held that if there is no "solid evidence that the entire transaction is reproduced" with respect to each of the instances which the Crown alleges form the basis of the charges against the accused, then the videotape will not be admissible.¹

Some organizations have published proposed "standards", but they have not been adopted and imple-

mented by the security industry as a whole.

If the law enforcement agencies could agree upon a set of "protocols" and publicize same, the security industry in particular, and the justice system as a whole, would benefit. Education is the key! The more we, as professionals, learn and the more we teach others, the better will be "evidentiary" quality of the surveillance videotapes tendered in court.

1. R. v. Miller, [1986] B.C.D. Crim. Conv. 5442-01 (B.C. Co. Ct.)

Elliott Goldstein is the author of Visual Evidence: A Practitioner's Manual; published by Carswell/Thomson Professional Publishing, 800-387-5164.

If you have a legal question regarding CCTV and the Law, please send it to: The Editor, Canadian Security Magazine, 46 Crockford Boulevard, Scarborough, Ontario, M1R 3C3. Fax: (416)755-7487. E-mail: canadian.security@sympatico.ca.

ADI Gets Certified

ADI has applied for — and earned — its ISO 9002 certification. The certification relates to Sales, Purchasing, Manufacturing, Inspection, Shipping, Delivery and Installation standards. ADI had to pass a third-party audit conducted by American Quality Assessors. To maintain an ISO certification, a company must pass surveillance audits every six months.

Currently, only a few thousand companies in North America have earned an ISO Certification, and only a very small portion of them are distributors.

Fiber Optic Training Booklet

Struggling to find the right course on fiber optics? Having trouble setting up such a course? Fiber U — Fotec's fiber optic training program — has just published a free booklet called *The Fiber U Guide to Fiber Optic Training*. The booklet was written for both students and instructors, offering information on how to choose a fiber optic training program, and even how to run such a course. Based on the

experience of over 8,000 students, the booklet offers advice on how to choose a course, evaluate material, and format the instructor. It also tells instructors how to structure a course, find appropriate material, and even set up a classroom.

The Fiber U Guide to Fiber Optic Training is available free from Fotec. Call 1-800-537-8254, or E-mail to info@fotec.com.

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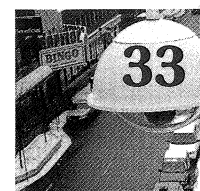
The lack of multiplex standards is driving some police experts to distraction.

Tim Fletcher

Eye in the Sky

Public video surveillance of the City of Sudbury has lowered crime, despite the initial unrest. And it didn't cost them a cent.

Steve Hall



Biometrics – Part 1

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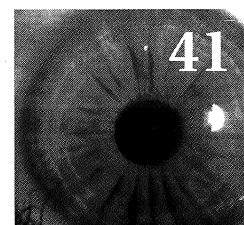
This time, biometrics are here to stay. But there are concerns, both of a technical and a public perception nature. Knowing the basics is essential.

Robert McKnight

Biometrics – Part 2

After you've figured out the basics, learning how to sell biometrics is the next step.

Thomas Norman



COVER: Our cover this month illustrating the new tailored image of biometrics, was provided by Technology Recognition Systems.

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