

Tech Tips: Demystifying the Use of Video at Trial

(Part One of Three)

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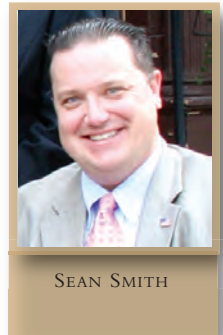
RECENTLY, A TRIP TO MY LOCAL SUPERMARKET got me thinking about the prevalence of surveillance systems in today's society. As I stood patiently in the checkout line, I glanced to my left and happened to read a *National Enquirer* headline: "Michael Jackson's Death Caught on Video: home security camera captured his final minutes." I was intrigued. Now, I can't remember if the person ahead of me was buying groceries for a month or massive amounts of lottery tickets, but I had the chance to skim the article briefly. The tabloid claimed that MJ had a pretty extensive surveillance system at his home. I wasn't surprised. He was a star (from his death on June 25, 2009, through about mid-July it was hard to avoid news coverage of his death); and he probably did, in fact, have a rather large and expensive security system. Perhaps cameras did capture final footage of the moments before his death. Even though this was a gossip tabloid, it got me thinking about how, if there were such footage, prosecutors would probably be able to use the surveillance videos in their case-in-chief.

In September 1968, Olean, New York, became the first city in the United States to install video cameras along its main business street in an effort to fight crime. Today, cameras are prolific, capturing video footage 24/7 and watching our every movement. From parking lots to checkout counters, from intersections to interrogation rooms, video cameras are everywhere. Let's not forget about hand-held devices. Some of the most surprising footage comes from cell phones with video cameras (just look on www.youtube.com). The old adage is true, a picture is worth a thousand words, but a video is worth several thousand. If you are fortunate to have it, a surveillance video or interrogation video can enhance your prosecution ten-fold. This article will discuss how you can incorporate the video captured from various recording devices into your trial presentations.

GET VIDEOS DURING INVESTIGATIONS

When you are assigned a case, one of the first things you should ask the investigating officer is, "was there a surveillance camera in the area of the [insert crime]?" That question should be followed with, "has anyone looked at the recordings from these cameras?" Maybe you have a DWI defendant claiming complete sobriety, yet the surveillance video from the ATM across the street from the bar shows the defendant in a drunken stupor. Or the convenience store that was robbed has a video surveillance system. How great would it be, if you had a video of the crime being committed; or one that places the defendant in the area of the crime? Would you know how to use the video at trial? While video is certainly an excellent tool for prosecutors, sometimes using video evidence at trial can be tricky. This is because many of these video systems are proprietary, and the owners of these systems simply don't know how to produce the files prosecutors need. Coupled with limited technical support staff, you will undoubtedly encounter some hurdles.

The first problem is that most agencies, stores or businesses, will most likely use different surveillance systems made by different manufacturers. As a result, you could easily end up having to download or install different players for each video that is received. The second major problem you will run into is that in today's world most of these videos are digital and can only be played on computers. Finally the length of the video can also be problematic. For example, in our DWI situation above the digital video produced by the ATM machine can contain a week's worth of video of people withdrawing



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money and only three seconds of our defendant stumbling out of the bar. Can you just play the relevant portion? Without getting hyper-technical, I will address these three issues and recommend some tools that will help you present almost any video at trial. Your approach should be to produce solid video clips well in advance of trial, with a goal of being able to display the clips in PowerPoint, Sanction or other trial presentation software. Having important clips in PowerPoint is easy, effective, and will make you look like a polished prosecutor at trial.

WHAT DO WE HAVE HERE AND HOW DO WE PLAY IT?

Typically you will receive videos on either a standard CD or on a DVD. If you receive the video files on a CD consider yourself lucky. CDs are the easiest to work with because even if the video was made with proprietary software, the video file you need is usually pretty easy to find. To determine what you received take a look at the disk itself—it should say “CD” or “DVD”—this indication is usually on the right side of the disk by the brand name of the disk.

[This article is the first of three. In this issue, we will discuss working with videos contained on regular CDs. In the next issue we will take a look at working with videos on DVDs. If you received the video on a DVD, you are still in luck; but it may be slightly more work for your computer, which is why I'll discuss it in a separate article.]

WORKING WITH VIDEOS FROM CDS

When you receive videos that are on CD it is important to realize that you are probably dealing with highly compressed video files. These are usually not the best quality videos. Nevertheless, they should still be helpful, and you have a couple of options.

You can bring a computer to court and play the video through the video player program that should also be on the CD. This approach can quickly become problematic, if the jury wants to see the video during deliberations because the jury will need a computer to view the video. If your court system can provide a computer, this should not be an issue. It becomes an issue, however, when your office is the one responsible for supplying the computer. It is an issue because it is highly unlikely that your office will have a spare clean computer (with no case files or other info the jury might see) to lend the jury during deliberations. Plus, if you are only playing key parts from the video, you will have to cue it up before or during court—similar to the days of VHS video. This process might be timely or embarrassing, if you fumble or have numerous clips to play.

Copy the raw video files to your computer. When you insert the CD, click “cancel” if the disk tries to “auto-run.” Then go to “Computer” or “My Computer,” right-click on the CD drive where the disk was inserted and left click “explore.” Choosing “explore” will display the contents of the CD. What happens next is kind of like a treasure hunt—it’s the hunt for the videos on the CD. Actually, the videos are usually easy to find; but it is helpful, if you click on “View Options” and select details because this will display everything in a list format. You should also be able to view the different file types on the CD. In the example above our CD contains a pretty straight-forward layout of file folders. Fortunately, in this case there is a folder called “content.” It is usually a safe bet that the video file will be located in a folder named something similar to “content.” If it does not appear when you click “explore,” look through the various folders on the CD and try to find the largest sized files on the CD.

On this particular CD our video file is called “video.wmv.” We know this is the video file for a couple of reasons: First the file extension is .wmv—Windows Media Video. Second, it’s the largest file on the CD: “116, 917 KB” or roughly 116 MBs (way too large to e-mail).

A good rule of thumb when trying to find videos on CDs is that the video files will usually be the largest sized files on the CD. There are also several file formats you should be looking for. Here are the five most commonly used by current video recorders:

- .AVI (Audio Video Interleave).
- .MPEG (Moving Picture Experts Group) Unfortunately there are different types of .MPEG files (MPEG-1, MPEG-2, and MPEG-4). Don’t worry about this yet because we will convert the files in a later step.
- .WMV (Windows Media Video).
- .MOV (Apple’s QuickTime Movie format).
- .FLV (Flash Video).

After you locate the video file or files, copy and paste them to your computer. I recommend creating a folder on your desktop and naming it something like “My Current Case,” and in that folder create a new folder called videos. Copying the video files from the CD into that folder will help you stay organized. You should also make a copy of the original CD to turn over to the defense in discovery. The defense can make its own clips.

Once you have the video files copied to your computer there are a couple of different ways to try playing them. The first is by just double clicking on the video and see if it plays in Windows Media Player. If it does, consider yourself lucky. Unfortunately, Windows Media Player is not the most power-

ful video player out there and chances are you will get an error message saying something like, “the selected file has an extension that is not compatible with Windows Media Player,” or “Windows Media Player is missing a codec to play this file.” When dealing video from multiple sources you will probably receive media files in different formats. This makes it difficult to insert them into your PowerPoint, Sanction, or other trial presentation software. If the file does not play in Windows Media Player, don’t stress, keep reading.

PLAYING THE VIDEO FILES FOUND ON CDs

Instead of wasting time trying to download the proper program or codec (compression coder-decoder for the video file) to play the video file, which will probably take hours, just download VLC Media Player (<http://www.videolan.org/vlc/>) to a USB flash drive. VLC Media Player is free open-source software that is capable of playing almost any media file format. VLC is not the only media player available, but it is one of the best, and I haven’t found a file that VLC won’t play. Perhaps the best features of VLC is that it will run straight from your USB flash drive, meaning you don’t have to call tech support and have them install it on your computer.

VLC has a simple user interface—to view the video file you just copied to your computer, open VLC, click on “media” in the menu and choose “open file.” VLC will take care of the rest and begin playing the media file. If it turns out that the video file is helpful to your case, you will probably want to convert it to a file format that will work in PowerPoint or your trial presentation software.

CONVERTING VIDEO FILES TO MORE USER FRIENDLY FORMATS

I’m going to briefly discuss two programs that are excellent for converting a variety of video formats into more user-friendly file formats (will play in PowerPoint and Windows Media Player). The first is a free open-source program called SUPER (Simplified Universal Player Encoder & Renderer). SUPER is video conversion software that allows you to convert almost any media file to another format (i.e., .mov to .avi, .flv to .mpeg or almost anything to .wmv). Although you have to hunt for the actual download link on the company’s Web site, the hunt is worth it. The software is easy to use and very powerful, and best of all it is free. <http://www.erightssoft.com/SUPER.html>

The second program worth mentioning is AVS Video Converter (www.avsmmedia.com). AVS Media is a suite of powerful programs and if you work with a lot of different media files (i.e., straight audio and video), it will save you a lot of

time. For around \$50.00 the AVS gives you a suite of multimedia tools including a Video Editor, Video Converter, Audio Editor, Audio Converter, DVD Authoring, DVD Copier, Video ReMaker, Video to GO and several other helpful programs. AVS is excellent for making quick conversions to get multimedia files into various programs or for making clips. If you need a suite of programs to accomplish several different things in the multi-media arena AVS is a solid choice. The AVS Suite is user friendly and pretty easy to use. Plus, I love having all the different programs in one easy place. The only negative about the AVS suite is that the license is only good for the life of your computer—so if you are using a computer more than three to five years old, you may want to wait until you upgrade before purchasing an AVS license. And if you had to buy each type of program separately, they would cost around \$20.00 each. As this article goes to print I’m waiting to hear back from AVS on whether they can offer a discount for prosecutors who want to purchase the suite. Check part two of this series in the next issue of *The Prosecutor*.

Whether you use SUPER, AVS Video Converter or another conversion program, I highly recommend converting video files to a .wmv (Windows Media Video) format. Converting to .wmv will allow the videos to be inserted in almost any trial presentation software, and they will work seamlessly in PowerPoint. For video heads out there who may be concerned about quality—keep in mind that if you received the files on a CD, they are probably already highly compressed video files. Converting them to .WMV should not result in a noticeable loss of quality, and your videos will still be a fair and accurate representation of what they depict (foundation for getting video into evidence).

CONCLUSION

Hopefully this article gave you some ideas about working with video files received on regular CDs from just about any source. In the next installment, “Demystifying the Use of Video at Trial,” we will take a look at working with videos from DVDs, and in the third installment I will tell you how you can edit videos to make video clips that should streamline your presentations of video evidence in court. If for any reason you can’t wait for the entire trilogy to be released, feel free to e-mail me at Sean.Smith@nypti.org.

Editors Note: This article is the first of three parts. In part one we will be discussing how to work with video files you receive on CD. In part two we will discuss working with video files found on DVD. And in part three we will discuss how to edit these videos so they can be used in PowerPoint or in other trial presentation software products. Be sure to check future editions of *The Prosecutor*.