

**Institution: University of Surrey**

**Unit of Assessment: UOA 29 English Language and Literature**

**Title of case study:**

**Improving the quality of videoconference-based remote interpreting in legal proceedings**

**1. Summary of the impact** (indicative maximum 100 words)

Police and courts in the UK require interpreters in over 100 languages paired with English every day. Legal interpreters are an essential part of the justice system, and their efficient integration into legal proceedings is crucial to ensuring fairness and efficiency of justice. Current problems with the outsourcing of court interpreting services by the Ministry of Justice and the recent cuts to legal aid have increased the need for cost-efficient and viable solutions for legal interpreting.

Surrey's research investigated the quality and viability of 'remote interpreting' in legal proceedings, delivered via videoconference, as an alternative to traditional onsite delivery. The findings were used to develop good practice guidelines, consultancy and training. The training was customised for the Metropolitan Police and delivered to over ca. 700 legal interpreters across Europe between 2009 and 2013. The guidelines were adopted as European-wide by the European Council Working Party on e-Justice in 2012.

**2. Underpinning research** (indicative maximum 500 words)

Videoconferencing was widely used in criminal proceedings by 2008 and around that time police forces and judicial services in the UK and elsewhere increasingly considered the use of interpreters in such video links. In 2008, the Metropolitan Police Service began to consider the use of 'remote interpreting' whereby interpreters work from a central videoconferencing hub rather than travelling to individual police stations in London to save on interpreter travel costs, which constituted approximately one third of police forces' interpreting costs. Furthermore at European level, the European Commission's effort to strengthen the rights of persons who are accused of a crime led to the adoption of Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings, which explicitly refers to the possibility of using videoconference links for gaining access to a qualified legal interpreter. The Directive had to be implemented in the Member States by October 2013.

Until 2008, very little was known about the viability and quality of videoconference-based interpreting. There was a high risk of potential miscarriages of justice through the combined effects of technical mediation (videoconferencing) and linguistic mediation (interpreting). Relevant training for legal practitioners and interpreters regarding videoconference-based interpreting was non-existent.

Addressing these issues, Surrey conducted the first ever surveys among legal interpreters and judicial institutions in Europe to elicit interpreter experience with videoconference-based interpreting and institutional plans to use it (1, 2). This enabled us to identify the most pressing problems and the most likely future occurrences of videoconference-based interpreting. We then conducted a comparative study to compare the interpreting quality (e.g. accuracy) achieved with traditional methods of interpreting and in video links for the situations identified (e.g. police interviews in the UK). The quantitative analysis of the data shows a higher number of interpreting problems and a faster decline of interpreting performance over time in video links, suggesting greater difficulties for interpreters and a faster onset of fatigue (3, 6).

Based on these findings, Surrey developed guidelines of good practice for video interpreting in criminal proceedings (5), and designed and piloted training modules for interpreters and legal practitioners (4).

The major conclusion underlying the guidelines is that a sufficient quality of interpreting performance is a *conditio sine qua non*. The viability of video interpreting must therefore override all considerations of cost savings. At the same time, the advantages of videoconferencing, when appropriately used, must not be cursorily dismissed, especially at a time when the European effort to strengthen the rights of European citizens to translation and interpreting coincides – and sometimes competes – with financial constraints imposed on judicial institutions.

### 3. References to the research (indicative maximum of six references)

1. Braun S & J Taylor (2012a) *Videoconference and remote interpreting in legal proceedings*. Guildford: University of Surrey. Cambridge/Antwerp: Intersentia.
2. Braun S & J Taylor (2012b) Video-mediated interpreting: an overview of current practice and research. In Braun S & J Taylor (Eds), 27-57.
3. Braun S & J Taylor (2012c) Video-mediated interpreting in criminal proceedings: two European surveys. In Braun, S & J Taylor (Eds), 59-84.
4. Braun S, Taylor J, Miler-Cassino J, Rybińska Z, Balogh K, Hertog E, vanden Bosch Y, Rombouts D (2012) Training in video-mediated interpreting in criminal proceedings. In S Braun & J Taylor (Eds), 205-254.
5. Braun S (2012) Recommendations for the use of video-mediated interpreting in criminal proceedings. In Braun, S & J Taylor (Eds), 265-87.
6. Braun S (2013): Keep your distance? Remote interpreting in legal proceedings: A critical assessment of a growing practice. *Interpreting* 15:2, 199-227.

### 4. Details of the impact (indicative maximum 750 words)

#### **Educational and economic impact: training and consultancy for the Metropolitan Police**

The Metropolitan Police Service (MPS) has a comprehensive system of accrediting and using legal interpreters, ensuring interpreting quality, impartiality and cost-effectiveness of interpreting services. The introduction of remote interpreting, whereby interpreters work from central videoconference hubs, was a crucial project in the MPS Language Programme, set up in 2008 to modernise the linguistic and cultural services in the MPS. This programme had a high strategic significance within the MPS, especially with regards to the Olympic Games in London in 2012.

The MPS was aware of our research and from 2008, we were regularly consulted by the MPS about practical and logistical aspects of the implementation of remote interpreting. In 2010, the MPS asked us to design a training programme for MPS-certified interpreters in the use of videoconference-based interpreting. The core of the training were the recommendations and guidelines of best practice developed in the AVIDICUS 1 project. MPS decided to make the training mandatory for the interpreters to maintain interpreting quality standards, i.e. interpreters must have undergone the training in order to be commissioned for work in a video link. Between September 2010 and September 2011, we delivered 23 half-day training sessions for a total of 341 police-certified interpreters. This constitutes 89% of interpreters currently on the list of interpreters certified by the Metropolitan Police Service. Feedback from workshop participants indicates that the interpreters considered the sessions to provide very useful preparation for real-life remote interpreting tasks (See analysis of feedback in Braun *et al.* 2012).

In November 2011, the MPS stated that “in implementing this project, MPS have greatly benefitted from co-operation with the Centre for Translation Studies at the University of Surrey The consultancy that Dr Braun has provided on the basis of a unique evidential base has helped to shape the remote interpreting project in significant and concrete ways, including in particular how to mitigate the challenges of video-mediated interpreting. Her research has therefore influenced the linguistic and cultural details of the implementation of the project” [b].

Similar training sessions were run in the UK, Belgium, Croatia, France and Spain between 2009 and 2013, reaching approximately 350 legal interpreters across Europe. Whilst the main impact of this work is educational, it also has a positive economic impact, as the training and the consultancy we provided regarding the implementation of video interpreting help institutions such as MPS to make informed cost savings without compromising the quality of interpreting.

### **Political impact: European Guidelines**

In June 2007, the EU Council of Justice and Home Affairs considered that improving the use of videoconferencing in cross-border legal proceedings should be a priority to speed up proceedings and save costs. The European e-Justice Action Plan 2009-2013 developed by the Council identifies videoconferencing as being of particular importance for simplifying and encouraging communication between judicial authorities. In 2011, discussions in the EU Council Working Party on e-Justice furthermore highlighted the importance of developing solutions for video interpreting. In October 2011, Braun was invited to provide a working paper [c] and present the outcomes of the AVIDICUS project including the recommendations and guidelines at one of the Working Party's meetings in Brussels.

In subsequent discussions, the AVIDICUS guidelines were deemed by the Working Party to “facilitate the use of videoconferencing and remote interpreting in the judicial systems of the Member States” [d]. In February 2012, the Danish EU Presidency organised a seminar in Copenhagen specifically dedicated to videoconferencing to which Braun was invited to present the recommendations to approx. 100 delegates from the 27 EU Member States.

As a follow-up on these developments, it was suggested in the Working Party that the Guide on videoconferencing in cross-border proceedings (published by the EU Council and available on the European e-Justice Portal <https://e-justice.europa.eu>), be updated to incorporate the AVIDICUS recommendations and guidelines on video interpreting. Braun was invited to comment on several drafts. The final version was adopted by the Working Party on 16 April 2012 [d, e].

### **Improving Public Services: Key events**

From the outset, there has been a demonstrable high level of interest among public service institutions in this research. The international symposia on *Videoconference and Remote Interpreting in Legal Proceedings* and *Multilingual Videoconferencing in Legal Proceedings* organised by us to present the outcomes of AVIDICUS 1 and 2 in 2011 and 2013 respectively, attracted 200 participants from over 20 countries, including representatives from judicial and law enforcement institutions, professional interpreting associations, interpreting agencies and EU institutions (EU DG Justice, DG Interpreting, European Parliament, European Court of Justice).

Braun also gave invited presentations to key stakeholders at European level, e.g. at the Royal Society of Arts Seminar *A Virtual Day in Court* in 2011 [6], the meeting of the European Council Working Party on e-Law in October 2011, the European e-Justice Seminar on *Videoconferencing in court proceedings* organised by the Danish EU Presidency in 2012, and at national level, to the Association of Court and Police Interpreters in 2008, the Magistrates Association in 2009 and the Chartered Institute of Linguists in 2010. The recurring topic of the events and presentations was how the challenges of video-mediated interpreting can be mitigated e.g. by creating appropriate

working conditions for interpreters (including system design, training and guidelines) and through cooperation between all stakeholders in order to improve the quality of interpreting as a prerequisite for improving the quality of justice in multilingual legal proceedings.

Another series of key events were *joint* workshops for legal interpreters and legal practitioners, which were organised in 2012 and 2013 where interpreters and legal practitioners were invited to participate in role plays in order to discover potential problems of video-mediated and interpreter-mediated communication and to apply the guidelines.

#### **Provision of expert services: Similar evaluation and consultancy work**

The research also led to a contract with London Probation Trust (2012) to evaluate video-conferencing and interpreting in European cross-border resettlement based on the European Framework Decisions 909 and 947 (transfer of custodial and non-custodial sentences), where similar interpreting needs arise [g]; and invitations to contribute to the European projects *Building Mutual Trust 2* (2011-13) and *QUALITAS* (2013-14), which produce educational video clips for legal professionals (about working with an interpreter) and certification methods for legal interpreting in Europe – in each case with reference to video interpreting. In 2013, Braun was recommended by the Society for Public Service Interpreting to the Ministry of Justice as an independent consultant for assessing legal interpreter provision in England [h].

#### **5. Sources to corroborate the impact** (indicative maximum of 10 references)

- a) AVIDICUS 1 External Evaluation Report (21<sup>st</sup> June 2011)
- b) Letter by the Head of Language Policy & Co-ordination, Metropolitan Police Service, Language & Cultural Services (29<sup>th</sup> November 2011) Provided statement.
- c) *Recommendations for the use of video-mediated interpreting in criminal proceedings*. Presentation by the Dutch delegation to the EU Council Working Party on e-Law (e-Justice), Brussels, 4<sup>th</sup> November 2011 (14168/11 EJUSTICE 70)
- d) *Videoconferencing and remote interpreting in judicial proceedings*. Presentation by the EU Presidency to the EU Council Working Party on e-Law (e-Justice). Brussels, 21<sup>st</sup> March 2012.
- e) *Guide on Videoconferencing in Cross-Border Proceedings*. EU Council/European Commission, 13 March 2012. [https://e-justice.europa.eu/content\\_manual-71-en.do](https://e-justice.europa.eu/content_manual-71-en.do) - Scn2.4.
- f) Royal Society of Arts (2011) *A Virtual Day in Court. Design thinking and virtual courts*. <http://www.thersa.org/projects/design/a-virtual-day-in-court>.
- g) European Organisation of Probation (CEP) (2011). *DUTT: researching videoconferencing in criminal justice procedures* (Interview with S Braun). CEP Newsletter August 2011. <http://cep-probation.org/news/65/524/dutt-researching-videoconferencing-in-criminal-justice-procedures>.
- h) Society of Public Service Interpreting. <http://www.spsi.org.uk/news-3>.
- i) Policy officer, Innovation Program Judicial System Department (Dutch Ministry of Security and Justice) and Member of the Dutch delegation of the European Council Working Party on e-Law. Contact details provided.
- j) Equalities & Community Engagement Officer (London Probation Trust) & Foreign National Offenders lead (National Offender Management Service – NOMS centre) Contact details provided.
- k) Director of Interpreting Services, European Court of Justice. Contact details provided.