

CALIFORNIA JUDICIAL BRANCH

Recommended Guidelines for Video Remote Interpreting (VRI) for Spoken Language-Interpreted Events

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The *Recommended Guidelines for Video Remote Interpreting (VRI) for Spoken-Language Interpreted Events* was adopted by the Judicial Council on March 15, 2019. It was prepared under the direction of the Language Access Plan Implementation Task Force and the Information Technology Advisory Committee, following a VRI pilot project that took place in 2018 in the Superior Courts of Merced, Sacramento and Ventura Counties. These guidelines were adapted from the *Strategic Plan for Language Access in the California Courts*, which was adopted by the Judicial Council on January 22, 2015.

For electronic copies of these guidelines and for more information, visit www.courts.ca.gov/VRI.htm.

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Introduction

California is home to a very diverse population, with over 200 languages and dialects spoken within its borders. Approximately 7 million of its residents are limited English proficient (LEP), meaning they read, write, speak, or understand English “less than very well.” Federal laws, such as Title VI of the Civil Rights Act of 1964 and Executive Order 13166, ensure that these individuals have meaningful access to any program or activity receiving federal financial assistance by prohibiting discrimination on the basis of race, color, or national origin. Accordingly, LEP individuals must be able to access the court system in a meaningful manner. In an effort to address this need, in January 2015, the Judicial Council of California adopted the [Strategic Plan for Language Access in the California Courts](#) (Language Access Plan, or LAP), which (1) provides the foundational components for ensuring that all LEP court users in the state have equal access to justice, and (2) sets forth guidance and recommendations to help courts expand their language services at the local court level. Two main components of the LAP are to increase qualified interpreter services in any court-ordered, court-operated proceeding as well as to increase the availability of language access services to all court users. The use of technological solutions to expand such services is a component of this plan and is specifically addressed by Goal 2 of the LAP, which highlights the need to incorporate technology to provide access in courtroom proceedings through the provision of remote interpreting and the establishment of recommended minimum technology requirements to facilitate its use.

About VRI

In order to achieve the goal of universal provision of interpreters in judicial proceedings, the LAP notes that appropriate use of technology must be considered. From the use of various forms of remote interpreting (telephonic or video) to developing multilingual audiovisual material, technology will, by necessity, be part of any comprehensive solution to the problem of lack of language access in judicial proceedings.

The use of remote interpreters in courtroom proceedings can be particularly effective in expanding language access. To increase LEP court user access to qualified interpreters, the LAP allows for the proper use of video remote interpreting (VRI) in the courts:

12. The use of in-person, certified and registered court interpreters is preferred for court proceedings, but courts may consider the use of remote interpreting where it is appropriate for a particular event. Remote interpreting may only be used if it will allow LEP court users to fully and meaningfully participate in the proceedings.

The LAP also notes that the quality of interpretation is of paramount importance and should never be compromised. Generally, an in-person interpreter is preferred over a remote interpreter but there are situations in which remote interpreting is appropriate and can be used with greater efficiency. Remote interpreting, however, may only be used where it will allow LEP court users to fully and meaningfully participate in the proceedings.

Among the benefits of remote interpreting is the facilitation of prompt availability of language access for litigants by providing certified and registered interpreter services with less waiting time and fewer postponements; this saves both the court user's and the court's valuable time. In addition, having qualified interpreters more readily available through remote interpreting can decrease the use of less qualified interpreters, can decrease dismissals for failure to meet court deadlines, and can decrease the frequency of attorneys or parties waiving interpreter services or proceeding as if the LEP person is not present, in order to avoid delays. By decreasing interpreter travel time between venues and increasing the number of events being interpreted by individual interpreters, remote interpreting allows more LEP litigants to be served, in more areas, utilizing the same personnel and financial resources, thereby greatly expanding language access.

Remote access is not just for interpreting. It is a means to provide a whole variety of services in places far away from our courthouses. For example, where satellite courts have been closed or where jails are far away from courthouses, remote technology has allowed courts to continue to provide a level of service to those locations. Brief proceedings such as arraignments can also be done remotely, saving travel time and costs. It is important that courts, and the branch as a whole, integrate language access planning with information technology planning to accommodate and anticipate all the differing capabilities expected of remote access technology for total bandwidth, infrastructure, equipment, and training.

Any introduction of remote interpreting in the courtroom will have to include, in advance, appropriate training and education for all court personnel who will be involved in the court proceedings. Judicial officers, interpreter coordinators, and other court staff will need to be familiar with the factors that make an event appropriate for remote technologies, as well as with the technologies themselves, and with the potential drawbacks of using remote technology, so problems can be anticipated or resolved quickly, or the remote interpretation terminated. Judicial officers in particular will have to understand the remote interpretation process to ensure they are managing the courtroom and the proceedings appropriately. Suggested language for the judicial officer when considering objections related to remote interpreting is provided in these guidelines. Similarly, interpreters will have to be trained on the use of the technologies utilized by the court, as well as on the particular challenges that remote interpretation could present, such as the earlier onset of interpreter fatigue, an inability to adequately see or hear the participants, and the criticality of immediately reporting any impediment to performance or other ethical issues. Court staff must be trained and available to repair any technical problems with the equipment.

About These Guidelines

The LAP includes guidelines for VRI, including Prerequisites, Considerations, and Guidelines for Remote Interpreting in Court Proceedings (see LAP Appendix B). The LAP also includes

Suggested Language for the Judicial Officer When Considering Objections Related to Remote Interpreting (see LAP Appendix C), and Visual/Auditory Issues, Confidentiality, and Modes of Interpreting When Working Remotely (see LAP Appendix D). LAP Appendix B contains suggested guidelines for remote interpreting in court proceedings based on current best practices and, as such, was subject to updating and revision by the council to accommodate advances in technology that will help ensure quality communication with LEP court users. LAP Appendix B also has a placeholder for recommended minimum technology requirements for remote interpreting, pending the outcome of the pilot for spoken-language interpreting conducted in 2018. The revised LAP VRI guidelines, which now include guidelines for recommended minimum technology requirements, follow.

Prerequisites, Considerations, and Guidelines for Video Remote Interpreting in Court Proceedings¹

Before a court begins using video remote interpreting (VRI), they must meet certain prerequisites that are outlined below. Additionally, prior to selecting VRI for a particular courtroom event, the court must consider—at minimum—the following specific factors for determining the appropriateness of VRI. When utilizing VRI for a courtroom event, the court must adhere to the guidelines below.

Prerequisites

A. Minimum Technology Requirements for Remote Interpreting

Prior to instituting VRI in any proceeding, the court should ensure that it has the equipment and technology to provide high-quality communications. (See Appendix A for Guidelines for Minimum Technical Requirements).

¹ These are suggested guidelines based on current best practices and, as such, should be subject to updating and revision to accommodate advances in technology that will help ensure quality communication with LEP court users.

B. Training

Prior to instituting VRI in a proceeding, the court should ensure that all persons who will be involved in the VRI event have adequate training in the use of the equipment, in interpreting protocols, and in interactions with LEP persons.

Considerations for determining appropriateness of VRI for court event

Not all courtroom proceedings are appropriate for VRI. The initial analysis for determining whether a court proceeding is appropriate for VRI will most likely be made by the interpreter coordinator who may choose to consult with the interpreter being considered for the assignment. Courtroom proceedings that are lengthy, complex, or involve more than simple evidence are not typically appropriate for VRI. Additionally, the interpreter coordinator, or the judicial officer, or both should consider all of the following before deciding to use VRI:

- The anticipated length and complexity of the event, including complexity of the communications involved.
- The relative convenience or inconvenience to the court user.
- Whether the matter is uncontested.
- Whether the proceeding is of an immediate nature, such as arraignments for in-custody defendants, bail reductions, and temporary restraining orders.
- Whether the LEP party is present in the courtroom.
- The number of court users planned to receive interpretation from the same interpreter during the event.
- The efficient deployment of court resources.
- Whether the LEP party requires a relay interpreter; e.g., where there is an interpreter for an indigenous language who relays the interpretation in Spanish. (The need for a relay interpreter does not preclude the use of VRI, but might necessitate the presence of at least one of the interpreters in the courtroom.)

Guidelines for using VRI in a court proceeding

1. Need to Interrupt or Clarify, and Suspend and Reschedule

When using VRI, the court should consult with the interpreter to determine how best to facilitate interruptions or clarifications that may be needed. The court should suspend and reschedule a matter if, for technology or other reasons, VRI is not facilitating effective communication, or if the interpreter finds the communications to be ineffective.

2. VRI and VRI Challenges

The court shall be mindful of the particular challenges involved in remote interpreting, including increased fatigue and stress. Events involving remote interpreting should have shorter sessions and more frequent breaks.

3. Participants Who Must Have Access

The remote interpreter's voice must be heard clearly throughout the courtroom, and the interpreter must be able to hear all participants.

4. Visual/Auditory Issues, Confidentiality, and Modes of Interpreting

VRI is generally preferred over other methods of remote interpreting that do not provide visual cues, such as telephonic interpreting. However, there will be situations where VRI is not possible or is not necessary. (See below for visual/auditory issues and requirements for confidentiality that must be considered and accounted for when implementing VRI.)

5. Documents and Other Information

The court shall ensure the availability of technology to communicate written information to the interpreter including a copy of exhibits being introduced, as well as information after a proceeding, such as an order, so the interpreter can provide sight translation to the LEP individual if needed.

6. Professional Standards and Ethics

The same rules for using qualified interpreters apply to assignments using VRI. It is the intent of the language access plan to expand the availability of certified and registered interpreters through the use of VRI. All interpreters performing VRI should be familiar

with—and are bound by—the same professional standards and ethics as onsite court interpreters.²

7. Data Collection

- a. Courts using VRI in the courtroom should monitor the effectiveness of their technology and equipment, and the satisfaction of participants.
- b. For purposes of supporting funding requests, courts should track the benefits and resource savings resulting from VRI on an ongoing basis (e.g., increased certified/registered interpreter availability to assist with additional events due to the use of VRI, and any cost savings).

Suggested Language for the Judicial Officer When Considering Objections Related to Remote Interpreting

We will have a court certified/registered _____ (insert language) _____

interpreter help us with these proceedings.

The interpreter is at a remote location and will appear in court via video- (or audio-) conference. Please remember to speak slowly and clearly and not speak at the same time as each other.

Do parties and counsel have any objections to the interpreter participating by remote interpreting for today's proceedings?

[Judge rules on objections, if any, or assists in resolving concerns.]

If proceeding with VRI (or audio):

Parties and counsel had no objections to the use of remote interpreting, so the court will

² The requirements for provisionally qualifying an interpreter can be found in Government Code section 68651(c) and California Rules of Court, rule 2.893.

proceed with today's hearing.

[or]

Parties and counsel objected to the use of remote interpreting, but the court has overruled those objections, so the court will proceed with today's hearing.

If not proceeding with VRI (or audio):

Parties and counsel objected to the use of remote interpreting. The court will not continue with today's hearing at this time and will reset this matter for a qualified (insert language) _____ language interpreter to be available in person.

Suggested Language to Include in the Minutes:

Interpreter (name) _____ is present by video remote conferencing (or audio) and sworn to interpret (insert language) _____ language for (name) _____. (If appropriate) Sworn oath on file with the Superior Court of California, County of _____.

Visual/Auditory Issues, Confidentiality, and Modes of Interpreting When Working Remotely

1. A clear view of the LEP court user is more important than a view of every speaker. Although cameras on all stakeholders may be beneficial, they may not be essential. A speakerphone is not recommended unless it accommodates the other requirements of these guidelines, including the ability to be part of a solution to allow for simultaneous interpreting when needed.
2. To ensure the opportunity for confidential attorney-client conferencing, the attorney should have available an individual handset, headset, or in-the-ear communication device to speak with and listen to the interpreter.
3. Interpreting in the courtroom regularly involves both simultaneous and consecutive

modes of interpreting. This can be achieved in a variety of ways using existing and emerging technologies. In longer matters, failure to have a technical solution that can accommodate simultaneous interpreting will result in delays of court time and may cause frustration with remote interpreting. Courts should use a technical solution that will allow for simultaneous interpreting. However, there may be proceedings (for example, very short matters) in which consecutive interpreting is adequate to ensure language access.

4. Recognizing that courts may implement very different technical solutions for VRI, it is critical that prior to the start of an interpreted event all parties, judicial officers, court staff, and officers of the court (including attorneys and interpreters) know how to allow for confidential conferencing when needed.
5. All participants, including the LEP party and the interpreters, need to check microphone and/or camera clarity before beginning interpretation.
6. Both VRI interpreters and courts should have technical support readily available.
7. Clear, concise operating instructions should be posted with the VRI equipment.

Note: There are different and other visual considerations, including visual confidentiality, if using VRI with American Sign Language (ASL). Please see www.courts.ca.gov/documents/CIP-ASL-VRI-Guidelines.pdf for a complete discussion of using VRI with ASL-interpreted events.

Appendix A—Guidelines for Minimum Technical Requirements

The following are the recommended minimum technical requirements for each of the components needed to conduct a VRI-interpreted court event. These specifications were developed based on findings from the spoken-language pilot study conducted in participating courts using equipment from the two approved pilot equipment vendors: Paras and Associates and TeleSpace/Connected Justice. Performance cannot be guaranteed should courts choose equipment that deviates from these recommended minimum requirements. It is recommended

that all technological requirements and equipment be thoroughly tested prior to any VRI event to provide high-quality communication.

| Component | Technical Requirements |
|----------------------------|---|
| Video screen | A flat-panel, touchscreen LCD display, with a minimum screen size of 14 inches (measured diagonally from corner to corner) for the VRI interpreter. A 55-inch, flat-screen HDTV is sufficient for medium-size courtrooms; it is typically installed on a media cart, alternatively on a wall-mounted arm that articulates to afford optimal viewing by a courtroom audience. For a view from the bench, either another 55-inch display is oriented towards the judge’s bench, or a smaller 7-inch LCD monitor is installed for the judge. |
| Video camera | Video resolution of 720p/30 (1280 x 720 pixels, progressive, at 30 frames per second). This is the minimum resolution to qualify as high definition. Pan and tilt capabilities with 8x total zoom and remote control allow a court interpreter or other court staff to focus the camera view on a desired subject. Typically mounted on top of the video screen in the courtroom. |
| Codec | The codec, or coder/decoder is a video endpoint device that integrates up to two HDTV displays and a video camera. Typically mounted alongside the courtroom HDTV and video camera to which they connect. Sometimes referred to as the SX20 video set-top box. |
| Video-enabled IP phone | Minimum video resolution of 720p, 5-inch widescreen display. Must support two handsets or headsets when used by LEP and their counsel in client-attorney communications with the interpreter. |
| Document camera or scanner | These devices will allow the remote interpreter to provide sight interpretation of written material; e.g., recitation, if presented during the LEP’s hearing. |

| Component | Technical Requirements |
|----------------------------------|--|
| Court Public Address (PA) system | The remote interpreter needs to be able to hear everyone in the courtroom. This can be accomplished with an audio mixer that takes, as input, microphones from the bench, the defendant, and the attorneys' positions, then feeding the audio into the SX20 codec. |
| Endpoint bandwidth | Every endpoint must support at least 768k video calling. |
| Quality of Service (QoS) | Quality of Service is a setting that prioritizes network traffic. It is applied on both edge routers in a WAN connection—actual settings are a function of a court's circuit bandwidth. |
| Class of Service (CoS) | Class of Service is a form of QoS used by AT&T in their MPLS offerings to define bandwidth allocation. |

Additional technical considerations for implementation

- Court IT personnel are highly encouraged to contact their assigned Judicial Council LAN/WAN design engineer for technical advice on telecom circuits. If court personnel are not sure who their design engineer is, they can e-mail LANWAN@jud.ca.gov and the appropriate team member will respond.
- Have your local exchange carrier perform a pre-VRI network assessment to ensure data circuits are clean.
- Courts should perform an AV assessment to ensure VRI audio is considered.
- The California Courts Technology Center (CCTC) should consider the use of a product such as SolarWinds Network Performance Monitor to quickly detect, diagnose, and resolve multivendor network performance issues.