

Institution: University of Surrey		
Unit of Assessment: 27 English Language and Literature		
Title of case study: Shaping policy and practice of video-mediated interpreting in legal proceedings		
Period when the underpinning research was undertaken: 2008-2020		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Professor Sabine Braun	Professor of Translation Studies	April 2006 – present
Dr Elena Davitti	Senior Lecturer in Translation Studies	September 2013 – present
Period when the claimed impact occurred: 2014 - present		
Is this case study continued from a case study submitted in 2014? N		
1. Summary of the impact (indicative maximum 100 words) <p>Legal interpreters play an essential role in the administration of justice. Their efficient integration in legal proceedings is crucial to ensuring the fairness of justice. The increasing use of video-mediated interpreting (VMI) in legal proceedings around the world highlighted a research and evidence vacuum in this area. Building on a series of funded interventions and working with stakeholders in the UK, the EU and the US, research led by Braun increased stakeholder awareness of the challenges of VMI, which led to changes in European legislation, had significant influence on the practice and delivery of VMI in Californian courts, and contributed to building capacity among legal interpreters, legal professionals and political stakeholders.</p>		
2. Underpinning research (indicative maximum 500 words) <p>Background: This research was launched in 2008 to respond to increased video link use in Europe's justice systems and the potential impacts on legal proceedings involving linguistic-minority participants and interpreters. European justice policy since 2008 called for an expansion of video link use in legal proceedings to speed up and improve access to justice and save money. The resulting growth of video links between courts, police stations, prisons and remote witnesses meant that legal interpreters increasingly had to work in hearings held by video link. In addition, video links were increasingly used to improve access to legal interpreters and reduce interpreter travel costs even when the main participants were all in the same place. In 2010, a new European Directive (2010/64/EU) strengthening defendants' rights to interpreting in criminal proceedings highlighted the importance of quality in legal interpreting but endorsed video links to provide interpreting services when no qualified legal interpreter is available locally. However, the combination of videoconferencing and interpreting, then a largely unexplored area of interpreting research, raised many questions, especially as to how it affects interpreting quality and whether it poses a risk of miscarriages of justice for linguistic-minority participants.</p> <p>Key research findings: In a series of European-funded projects (AVIDICUS 1-3, 2008-16), Braun's research was the first to examine the quality and viability of video-mediated interpreting (VMI) in legal proceedings. The research was conducted in collaboration with non-academic partners (a Ministry of Justice, a legal aid body, a police force, a lawyer, a former judge, a legal Interpreter association), who helped shape the research from the outset. Two surveys of legal interpreters (n=150) and justice-sector institutions (n=32) across Europe indicated that whilst interpreters had largely negative attitudes towards VMI and perceived it as more difficult and more</p>		

stressful than on-site interpreting, justice-sector institutions had little awareness of the challenges of VMI [R1]. These findings informed the design of a series of experimental studies comparing on-site interpreting and VMI. Quantitative analysis revealed many differences between the two modalities with regard to interpreting quality, some of which were significant (e.g., accuracy), and an earlier onset of interpreter fatigue in VMI [R2]. Qualitative analysis showed that communication problems in VMI (e.g., overlapping speech) led to information loss and affected the dynamics of legal communication [R2].

A subsequent study investigated the impact of specific variables on the interpreting quality in VMI. It replicated the original experiments with the same interpreters but provided short-term training in VMI and used better equipment. Findings from this stage of the research created a complex picture, making it impossible to support the hypothesis that a change in these variables would result in clear performance improvement. Whilst some improvements and instances of adaptive behaviour were observed, other problems (e.g., accuracy problems) prevailed [R3]. Further analysis of the communicative dynamics indicated that VMI increases the occurrence of interpreter renditions that interfere with the legal practitioners' communication strategies [R4].

The final phase of the research assessed existing videoconferencing solutions in justice-sector institutions across Europe in terms of their potential to accommodate interpreter-assisted proceedings. Fieldwork in 12 European countries and interviews with over 100 stakeholders and users indicated that legal professionals and policy stakeholders generally underestimate the complexity of interpreter-mediated communication and therefore fail to cater sufficiently for the specific requirements of interpreter-assisted communication in video links (e.g., with regard to sound quality) [R5]. This finding has been borne out by the increased video link use since the beginning of the COVID-19 pandemic. Further analysis highlighted that the omission of interpreters from the process of implementing videoconferencing solutions in the justice sector amplifies legal interpreters' negative perceptions of VMI [R6].

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

- [R1] Braun, S. & Taylor, J. (Eds) (2012). *Videoconference and remote interpreting in legal proceedings*. Antwerp: Intersentia, ISBN: 9781780680972.
- [R2] Braun, S. (2013). Keep your distance? Remote interpreting in legal proceedings: A critical assessment of a growing practice. *Interpreting* 15:2, 200-228. DOI: [10.1075/intp.15.2.03bra](https://doi.org/10.1075/intp.15.2.03bra)
- [R3] Braun, S. (2014). Comparing traditional and remote interpreting in police settings: quality and impact factors. In M. Viezzi & C. Falbo (Eds), *Traduzione e interpretazione per la società e le istituzioni*. Trieste: Edizioni Università di Trieste, 161-176. ISBN: 9788883035623
- [R4] Braun, S. (2017). What a micro-analytical investigation of additions and expansions in remote interpreting can tell us about interpreter's participation in a shared virtual space. *Journal of Pragmatics* 107, 165-177. DOI: [10.1016/j.pragma.2016.09.011](https://doi.org/10.1016/j.pragma.2016.09.011)
- [R5] Braun, S., Davitti, E. & Dicerto, S. (2018). Video-mediated interpreting in legal settings: Assessing the implementation. In J. Napier, S. Braun & R. Skinner (Eds), *Here or there: Research on remote interpreting*. Washington: Gallaudet University Press, 144-179. ISBN: 978-1-944838-22-5
- [R6] Braun, S. (2018). Video-mediated interpreting in legal settings in England: Interpreters' perceptions in their socio-political context. *Translation & Interpreting Studies* 13:3, 393-420. DOI: [10.1075/tis.00022.bra](https://doi.org/10.1075/tis.00022.bra)

Funding:

S. Braun (PI & Project Lead, Surrey). AVIDICUS I – *Assessment of Videoconference Interpreting in the Criminal Justice Services*. European Commission, Directorate General for Justice. JLS/2008/JPEN/03. (2008-2011). £121,781 (Awarded to Surrey).

S. Braun (P.I & Project Lead, Surrey). AVIDICUS II – *Assessment of Videoconference Interpreting in the Criminal Justice Services*. European Commission, Directorate General for Justice. JUST/2010/JPEN/AG/1558. (2011-2013). £189,296 (Awarded to Surrey).

S. Braun (P.I & Project Lead, Surrey). AVIDICUS III – *Assessment of Videoconference Interpreting in the Criminal Justice Services: Assessing the Implementation*. European Commission, Directorate General for Justice. JUST/2013/JPEN/AG/4553. (2014-2016). £94,315 (Awarded to Surrey).

4. Details of the impact (indicative maximum 750 words)**New policies, standards and guidance in Europe**

In 2015 the European Council Working Group on e-Law (e-Justice) was awarded funding by the European Directorate for Justice to prepare a detailed report on the state of the art of, and recommendations for, cross-border videoconferencing in legal proceedings. Based on work in the AVIDICUS projects, Braun was invited by the group to contribute a chapter on VMI to the report. The chapter outlines the challenges of VMI identified in the AVIDICUS research and provides recommendations. The report was then used to develop European Council Recommendation 2015/C 250/01 on 'Promoting the use of and sharing of best practices on cross-border videoconferencing in the area of justice in the Member States and at EU level' [S1]. Citing the outcomes of the AVIDICUS projects as a unique point of reference for VMI in legal settings, the document states that "[i]f interpreter support is required in a videoconference, the Member States should be aware of and to the extent possible follow the advice gained from the AVIDICUS projects."

The AVIDICUS research has also become a unique or major point of reference for VMI in other policy documents in the UK and internationally, including, for example, the Independent Review of Quality Arrangements under the Ministry of Justice Language Services Framework Agreement (2014) [S2]; The UN Refugee Agency Handbook for Interpreters in Asylum Procedures (2017) [S3]; the UK's Institute of Translation and Interpreting Position Paper on Remote Interpreting (2019) [S4]; and the International Association of Conference Interpreters Guidance for Distance Interpreting (2019) [S5].

In 2018, based on her expertise in VMI, Braun was invited to join the German Standards Institute (DIN) Sub-Committee 'Interpreting and Technologies' and, as the only academic member with specific expertise in VMI, to co-chair the development of DIN 8578, the first standard for distance interpreting in consecutive mode worldwide [S6]. Furthermore, in 2020, Braun became an expert member of the ISO Ad-Hoc Group 'Distance Interpreting' (part of ISO/TC37 Language and Terminology, SC5, Translation and Interpreting).

Influencing practice and delivery of VMI services in Californian courts

California has the world's largest trade union of legal interpreters, the California Federation of Interpreters (CFI) with ca. 1,000 members. From 2014, a debate on the use of VMI in Californian courts evolved between the CFI and California Judicial Council. Representing a member base that was largely sceptical of VMI, CFI extensively cited the AVIDICUS findings in position papers for the Judicial Council (e.g., [S7]) to support its argument that caution needs to be exercised when VMI is used in courts. Findings that were specifically highlighted included those outlined in [R1] and [R2], i.e., the earlier onset of fatigue in VMI compared to on-site interpreting, increased stress perceived by interpreters in video links, the impact on interpreting quality and, ultimately, the efficiency and fairness of justice.

In addition to the CFI, the Judicial Council's Joint Working Group for California's Language Access Plan (LAP) also referenced the AVIDICUS research (e.g., in the 'Strategic Plan for Language

Access in the California Courts', which it submitted to the Judicial Council in 2015 [S8]. Whilst striking a more positive note about VMI than the CFI, the group also recommended that, based on the AVIDICUS findings, caution should be exercised in its implementation. Specifically, the LAP recommended that the Judicial Council conduct a VMI pilot project. During this project, Braun received invitations both from the CFI (2016, 2017) and the Judicial Council (2017) to explain her research findings and to deliver training to professional interpreters (see below). Braun's findings and recommendations were further highlighted in the final evaluation report of the pilot project in 2018 [S9], which in turn formed the basis for the development of California courts' official guidelines on VMI.

Building capacity for VMI among policy stakeholders and users

Based on the above research, Braun and Davitti have regularly delivered training sessions to a) professional interpreters – workshops delivered, for example, through the Institute of Translators and Interpreters (2015), the California Federation of Interpreters (2016, 2017), the European SHIFT project (2018), the Chartered Institute of Linguists (2019), and b) interpreting students from different institutions – e.g., Alicante University (2016), SHIFT project Summer School in Forlì (2018); Leicester University Summer School (2018) [S10].

Braun's expertise has led to numerous invitations to provide expert advice on VMI to policy stakeholders, police forces and legal professionals (e.g., Ministry of Justice 2014, 2015; Cambridgeshire/Hertfordshire/Leicestershire Police, 2016; HM Courts and Tribunal Services (HMCTS) 2017, 2018), write for professional magazines (German Translator and Interpreter Association ATICOM, UK Institute of Translation and Interpreting) and contribute to events for non-academic audiences (e.g., Healthcare interpreting symposium, Austria, 2014; E-protocol conference for representatives from all Ministries of Justice in the EU, Poland, 2015; California Federation of Interpreters Conference, US, 2016; California Executive Court Tour and Cisco workshop, US, 2017) [S10].

In 2018-20, Braun was commissioned together with Prof N Fielding (Sociology, Surrey) by the Office of the Sussex Police and Crime Commissioner to conduct an independent evaluation of the Video-Enabled Justice programme run by Sussex Police. In April 2020, Braun provided input to an HMCTS-led evaluation of video courts emerging as a result of the Covid-19 outbreak.

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

- [S1] European Council recommendations on promoting the use and sharing of best practice on cross-border videoconferencing in the justice sector in Europe, published in the Official Journal of the European Union, July 2015 (reference to AVIDICUS project) [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015H0731\(01\)&rid=1](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015H0731(01)&rid=1)
- [S2] Independent Review of Quality Arrangements under the Ministry of Justice Language Services Framework Agreement, compiled by Matrix and published by the UK Ministry of Justice, 2014 (References to AVIDICUS project and to Braun & Taylor 2012) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/388333/matrix-report.pdf
- [S3] UNHCR Handbook for Asylum Interpreters, 2017 (Reference to Braun & Taylor 2012, AVIDICUS projects, and to Braun's research website <http://www.videoconferencee-interpreting.net> https://www.unhcr.org/dach/wp-content/uploads/sites/27/2017/09/AUT_Handbook-Asylum-Interpreting_en.pdf
- [S4] ITI (Institute of Translation and Interpreting) Position Paper on Remote Interpreting, 2019 (Reference to Braun & Taylor 2012) <https://www.iti.org.uk/resource/position-paper-remote-interpreting.html>
- [S5] AIIC (International Association of Conference Interpreters) Guidelines for Distance Interpreting, January 2019 (Reference to Braun 2015, Napier, Braun & Skinner 2018) [https://aiic.org/document/4418/AIIC%20Guidelines%20for%20Distance%20Interpreting%20\(Vers%201.0\)%20-%20ENG.pdf](https://aiic.org/document/4418/AIIC%20Guidelines%20for%20Distance%20Interpreting%20(Vers%201.0)%20-%20ENG.pdf)

- [S6]** DIN 8578 Consecutive distance interpreting - Requirements and recommendations.
<https://www.din.de/en/getting-involved/standards-committees/nat/projects/wdc-proj:din21:308856378>
- [S7]** California Federation of Interpreters Comments for March 22, 2016 Public Hearings on California's Strategic Plan for Language Access in the California Courts, March 2016 (Reference to AVIDICUS)
- [S8]** Strategic Plan for Language Access in the California Courts, published by the Judicial Council of California, January 2015 (Reference to AVIDICUS, Braun & Taylor 2012)
http://www.courts.ca.gov/documents/CLASP_report_060514.pdf
- [S9]** Evaluation of a Video Remote Interpreting Pilot Program in California final report, 2019
<https://www.courts.ca.gov/documents/itac-20190208-materials.pdf>
- [S10]** Documentation of capacity-building activities: a) Summary of Healthcare Interpreting Symposium, Austria, 2014; b) Programme of the E-Protocol Conference for representatives from all Ministries of Justice in the EU, Poland, 2015; c) Programme of the California Federation of Interpreters (CFI) Conference, US, 2016 and list of CPD courses approved by the Judicial Council of California, incl. Braun's courses at the CFI conference, p. 32; d) ATICOM Forum 2018/01 article, p. 15; e) ITI Research E-Book article, p. 4, 2019; f) Feedback from CPD workshops. (PDF)