



National Consortium of Interpreter Education Centers

## **FACT SHEET**

### **The Use of Video Remote Interpreting in the Courtroom**

A court's ability to provide interpreting services to deaf individuals is impacted by a variety of factors including the scheduling availability of qualified interpreters, the geographic location of the court, the deaf individual, and the interpreters, and, of course, financial constraints. Video remote interpreting (VRI) is an interpreting service that uses video conference technology over dedicated lines or wireless technology offering a high-speed, wide-bandwidth video connection that delivers high-quality video images. VRI allows for the provision of an interpreter via video feed into a courtroom. This technology is used in some courtrooms as a tool to ensure interpreting services are available to deaf individuals when necessary even if a sign language interpreter cannot appear in person. This document briefly addresses the use of this relatively new technology.

Remote access technologies are not altogether new to the judicial system. Some courts already permit video conferencing with counsel, video links to jailed defendants, and remote witness testimony when appropriate. The regulations implementing the American with Disabilities Act specifically recognize VRI services as a kind of auxiliary aid that may be used to provide effective communication.<sup>1</sup> Although not a viable solution for trials, courts should consider when circumstances are appropriate for the provision of interpreting services via video remote technology. Appropriate proceedings may include arraignments, status conferences, sentencing hearings, or change of plea hearings. Considerations should include:

- The availability of a qualified interpreter to appear in person.

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<sup>1</sup> 28 C.F.R. § 35.104

- The role of the deaf person in the proceedings: Is the deaf person a criminal defendant, a civil party, or a mere observer?
- The language competency of the deaf person: Does the deaf consumer use standard American Sign Language or are there other language issues to be considered?
- The length and nature of the proceeding: How long will the proceeding take? Will there be sworn testimony and cross-examination? Will complex legal issues be presented?
- The urgency and legal significance of the proceeding: Is someone's freedom at stake, such as in a bail hearing? Is this a proceeding that is time sensitive, such as a request for a temporary restraining order?

In order for VRI to be successful in a courtroom setting, all parties must consent to its use and agree to suspend the matter if the remote interpretation provided is not effective. In addition, the court should make appropriate accommodations for the private interpretation of privileged communications that need to occur between the deaf individual and counsel. The Department of Justice has established performance standards for VRI and requires training for users of the technology and other individuals involved with its use so that they may quickly and efficiently set up and operate the VRI system.<sup>2</sup>

If administered with guidance and input from attorneys, judges, interpreters and consumers, the use of VRI can have many benefits including cost savings, convenience, and the provision of a larger pool of qualified interpreters available to the court.

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<sup>2</sup> 28 C.F.R. § 35.160(d).