



RECOMMENDED GUIDELINES FOR VIDEO REMOTE INTERPRETING (VRI) FOR ASL-INTERPRETED EVENTS



JUDICIAL COUNCIL
OF CALIFORNIA

COURT LANGUAGE ACCESS
SUPPORT PROGRAM



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

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RECOMMENDED GUIDELINES FOR VIDEO REMOTE INTERPRETING (VRI) FOR ASL-INTERPRETED EVENTS

When a court needs American Sign Language (ASL) interpreting services but none are immediately available, video remote interpreting (VRI) conducted with a trained court-certified ASL interpreter “provides communication access for situations with an immediate need for interpreters [and] meets interpreting demands when qualified onsite interpreters are not available...”¹

These guidelines, which assume that American Sign Language interpretation has already been confirmed as an appropriate accommodation for a deaf or hard-of-hearing court user, will help courts determine whether VRI is appropriate for a given proceeding and whether the court has access to equipment meeting the minimum technology requirements for effective use of VRI.

Not every situation that requires ASL interpretation will be appropriate for VRI. The court employee in charge of interpreter scheduling or ADA accommodations will need to conduct an analysis of whether VRI is appropriate to a given ASL-interpreted proceeding.





GETTING STARTED WITH VRI FOR ASL

- An individual analysis must be made of the linguistic and legal demands of the case before recommending VRI.² This analysis should consider all aspects of these recommended guidelines.
- All parties must consent, on the record, to using VRI.³
- The court should make clear that if for any reason VRI is not facilitating effective communication, any party—including the interpreter—can request that the matter be suspended and rescheduled with an onsite interpreter.⁴

CONDUCTING THE ANALYSIS

In order to facilitate effective communication, the court should consider all aspects of these recommended guidelines, including the following:

- The individual analysis will most likely be completed by the local interpreter or ADA coordinator, in consultation with the remote interpreter being considered for the assignment.
- VRI may not be useful to the court in a complex legal proceeding.⁵ (See Nonappropriate Events for VRI, below.)
- The linguistic needs of the deaf party should be determined by the deaf party, together with the remote interpreter being considered for the assignment.
- For purposes of these guidelines, the availability of an onsite interpreter must be determined after an individual analysis of a number of factors. The interpreter coordinator or other court staff responsible for assigning the ASL interpreter should perform this analysis. This availability analysis should include the proximity of a court-certified ASL interpreter, whether a court-certified interpreter can be on site when the event is scheduled, and overall cost of court-certified interpreters who are being considered (including interpreting fees and travel expenses).

● APPROPRIATE EVENTS FOR VRI

A limited range of courtroom events are appropriate for VRI, including:

1. Events where a court-certified ASL interpreter is not available onsite.
2. Events that are less than 30 minutes in duration and not complex.
3. Events with no testimony or cross-examination, such as initial court conferences, status conferences, scheduling conferences, bond review hearings, and other nonevidentiary hearings.
4. Events involving uncontested infractions that require no testimony, like traffic cases.
5. Events of an immediate nature that cannot be delayed, such as arraignments for in-custody defendants, bail reductions, and temporary restraining orders.
6. Events where the defendant is the deaf party and is present in the courtroom.
7. Events in which the deaf party uses standard ASL.
8. Events where the deaf consumer is an observer only and is not a party to the case.
9. Noncourtroom events, such as self-represented ASL litigants conducting business at self-help centers.

⊘ NONAPPROPRIATE EVENTS FOR VRI

1. Events where a court-certified ASL interpreter is available to provide onsite interpretation.
2. Events that are long or complex.
3. Events that include testimony.
4. Events involving a deaf party who does not use standard American Sign Language and where no deaf intermediary interpreter is available onsite. (See *Recommended Guidelines for the Use of Deaf Intermediary Interpreters*, 2010, at www.courts.ca.gov/documents/CIP_GID.pdf.)



STRATEGIES FOR SUCCESSFUL IMPLEMENTATION OF VRI

Courts should conduct staff and judicial officer training on the use of these guidelines as well as the use of the court's VRI equipment before introducing VRI into courtrooms.

Courts should provide case documents to the interpreter prior to a VRI event (even 10 to 15 minutes prior is helpful).

These guidelines include tools to help courts and interpreters make proper use of VRI, particularly when setting up a new VRI program. See Appendixes A and B to this document for:

- Checklists for all VRI event participants, including judges, interpreters, equipment operators, and interpreter coordinators.
- A self-assessment for ASL VRI interpreters, completed by the interpreter, whenever a court is considering using them for VRI.

STAKEHOLDERS TO BE INCLUDED

The following individuals must hear the remote interpreter's voice clearly and have clear access to one or more microphones to ensure that the interpreter can hear all of their voices clearly:



VISUAL/AUDITORY ISSUES AND CONFIDENTIALITY

- 1.** Cameras on all stakeholders are recommended but not required. A clear view of the signer is more important than a view of every speaker. A speakerphone is not recommended unless only one hearing individual is using it, the speakerphone is in that individual's immediate proximity, and no exchange of privileged communication takes place over the speakerphone.
- 2.** Confidential attorney/client conferencing: auditory. The attorney must have an individual handset or in-the-ear communication device, not a speakerphone, to speak and listen to the interpreter.
- 3.** Confidential attorney/client conferencing: visual. The monitor showing the ASL interpreter must be blocked visually from all other eyes in the courtroom to maintain confidentiality, such as by using a partition or moving the monitor showing the ASL interpreting into a private room with the attorney and deaf party.
- 4.** It is critical that prior to the start of an interpreted event—especially one conducted with VRI—all parties, judicial officers, court staff, and officers of the court know how to allow for confidential conferencing when needed.
- 5.** Clear visual image: Lighting in the courtroom must be good, with no backlighting on the signing individual.
- 6.** All parties (hearing and deaf), and the interpreters, need to check microphone and camera clarity before beginning interpretation.
- 7.** Both VRI interpreters and courts should have technical support readily available.
- 8.** Clear, concise operating instructions should be posted with the VRI equipment.⁶

MINIMUM TECHNOLOGY REQUIREMENTS FOR VRI



1. Video screen: A flat-panel, LCD computer monitor, with a minimum screen size of 17 inches (measured diagonally from corner to corner) for providers and 19 inches (measured diagonally) for courtrooms. Minimum device resolution capability of 1280 x 720 pixels.



2. Video camera: Minimum video resolution of 720p (1280 x 720 pixels, progressive, at 30 frames per second); ideal resolution of 1080p30, 1080p50, or 1080p60 (1920 x 1080 pixels, progressive, at 30, 50, or 60 frames per second, respectively).



3. Endpoint bandwidth: Every endpoint must support at least 768k video calling.

4. Computer: Macintosh or PC with a minimum processor speed of 2 ghz, at least 3 gb of physical RAM, 300 gb or larger hard drive with at least 5 gb free, a dedicated video card, and USB 2.0 or higher. The computer should be dedicated to VRI during an interpreting event if you are operating a software endpoint.



5. QoS: A connection to a WAN circuit with Quality of Service (QoS) settings that take into account the potential number of concurrent video calls over the WAN and the quality settings for each call. In addition to the bandwidth reserved by QoS, an adequate amount of bandwidth should be available to support other operations, such as e-mail and web traffic, etc.

6. Encryption: Every endpoint used for VRI, regardless of type (room-based all-inclusive unit or software/computer-based) must support encrypted transmissions, preferably using 256-bit Advanced Encryption Standard (AES-256).

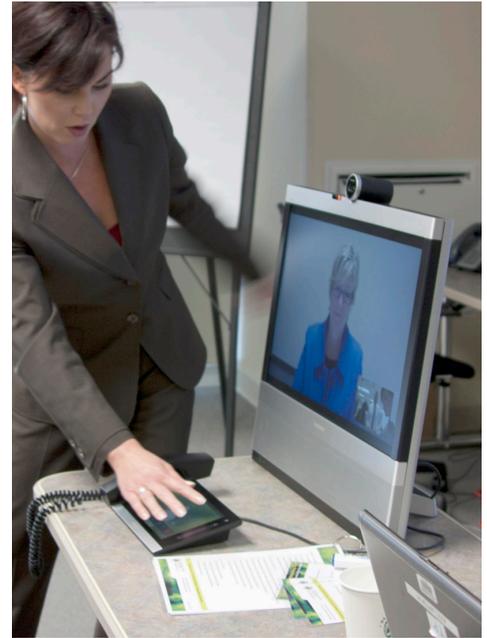
7. Firewall opening: The capability to safely traverse court firewalls without compromising security. This can be done by connecting through the Judicial Council's centralized equipment via a WAN circuit.

8. URI capability: All endpoints should be able to place and receive video calls using Uniform Resource Identifiers (URIs).

DOCUMENTS AND OTHER INFORMATION

To allow preparation before the appearance, a scanner or computer which accepts an e-mailed attachment must be available to send information to the interpreter, especially regarding correct spellings, such as names of individuals and streets that may be involved in an action/citation.

After the appearance, a scanner or computer which accepts an e-mailed attachment must be available to send information, such as a minute order, so the interpreter can provide sight translation if needed.



PROFESSIONAL STANDARDS AND ETHICS

All VRI interpreters must be approved by the Judicial Council and appear on the council's Master List of Court Interpreters, and as such, are bound by the same professional standards and ethics as onsite court interpreters.

All VRI interpreters should have additional training on working via VRI technology.

CONCLUSION

Using Video Remote Interpretation with ASL can increase the availability of court-certified interpreters, while reducing costs for the courts. A variety of factors determine if VRI is appropriate for a particular deaf consumer or event. Just as with onsite interpretation, there will occasionally be last-minute determinations that VRI is not appropriate in a particular case, and it may be necessary to reschedule with an onsite interpreter.

¹ RID Standard Practice Paper: Video Remote Interpreting, p. 1

² *Id.* at p. 10

³ *Id.* at p. 10

⁴ *Id.* at p. 10

⁵ *Id.* at p. 11

⁶ *Id.* at pp. 6–7



EQUIPMENT OPERATOR EVENT CHECKLIST

Before the hearing

- Pick up equipment from the designated location.
- Make sure equipment is operational and on before the scheduled test.
- Initiate equipment test with the assigned remote interpreter.
- Check that local and remote sites are suitable for videography—adequate lighting, no distracting background noises or objects, etc.
- Position and adjust video screens, speakers, microphones, and cameras to ensure clear picture and sound on all incoming and outgoing signals and devices.
- Have an action plan to assist if a confidential attorney-client communication is requested.
- Share the confidential communication action plan with the interpreter.

After the equipment test

- Stand by for the judge to request interpretation or for the hearing to begin.
- Confirm visibility and audibility for the judge of both the court user and the interpreter.
- Assist the judge as needed to get all parties' consent for use of a remote interpreter.
- Inform the judge immediately if any technical difficulties arise.
- Remain present throughout the hearing until the judge releases the interpreter.
- Assist as needed with requests for confidential communication.

After the hearing

- Disconnect the remote connection and shut down equipment.
- Collect any relevant evaluations requested by your court.
- Store and secure equipment in the designated location.

Technical difficulties? Contact your court's IT department for assistance.

INTERPRETER EVENT CHECKLIST

- Make sure your equipment is turned on and operational before the scheduled test.
- Be ready to answer when the courthouse equipment operator initiates the equipment test.
- Check that your location and the court's sites are suitable for videography—adequate lighting, no distracting background noises or objects, etc.
- Adjust your equipment for clear picture and sound on all incoming and outgoing signals and devices.
- Stand by for the judge to request interpretation or call the hearing to order.
- Assist the judge as needed to affirm visibility and audibility of the court user and interpreter.
- Be sure the judge establishes consent on the record for use of a remote interpreter.
- Inform the judge immediately if there are any technical difficulties.
- Remain in place until the judge releases you from service.
- Complete any evaluation forms requested by the court.
- Disconnect your equipment and secure it, as applicable.

Technical difficulties? Contact your court's IT department for assistance.



COURTROOM CHECKLIST FOR THE JUDGE

- Make sure clerk has the equipment in place.
- Have equipment operator test equipment with interpreter.
- Indicate when interpreter should begin.
- Confirm visibility and audibility of both the deaf court user and the interpreter.
- Establish consent to using a remote interpreter, on the record. (See next page, Suggested Language for the Judge.)
- Ask everyone to inform you immediately if there are any technical difficulties.
- Be prepared to assist if a confidential attorney-client communication is requested.
- Indicate when interpreter is released.
- Indicate when equipment and connection may be disconnected.
- Complete, or request completion of, any relevant evaluations requested by your court.
- See that staff stores and secures the equipment.

Technical difficulties? Contact your court's IT department for assistance.

SUGGESTED LANGUAGE FOR THE JUDGE

Suggested Language to Establish Consent

We will have a court-certified American Sign Language interpreter help us with these proceedings. The interpreter is at a remote location and will appear in court via video-conference.

Do parties and counsel consent to having the interpreter participate by video remote interpreting for today's proceedings?

[response if no objections are raised or after resolving concerns]

Parties and counsel consent to the use of video remote interpreting, so the court will proceed with today's hearing.

[response if objections are raised]

Parties and counsel do not consent to the use of video remote interpreting. The court will not continue with today's hearing at this time and will reset this matter for an American Sign Language interpreter to be available in person.

Suggested Language to Include in the Minutes

Interpreter _____ is present by video remote conferencing and sworn to interpret American Sign Language for _____. Sworn oath on file with the Superior Court of California, County of _____.

Technical difficulties? Contact your court's IT department for assistance.

INTERPRETER COORDINATOR EVENT CHECKLIST

- Make sure an equipment operator has been assigned.
- Make sure an interpreter has been assigned.
- Make sure that equipment has been picked up per schedule.
- Make sure judge and equipment operator checklists are in place.
- Arrange coverage for any courthouse staff absences.
- Be prepared to assist if a confidential attorney-client communication is required.
- Confirm when an unexpected continuance results and make follow-up interpreter arrangements.
- Complete and collect any relevant evaluations requested by your court.
- Make sure equipment has been stored and secured as predetermined.

Technical difficulties? Contact your court's IT department for assistance.

SELF-ASSESSMENT FOR AMERICAN SIGN LANGUAGE (ASL) VIDEO REMOTE INTERPRETERS WORKING IN CALIFORNIA COURTS

1. I have reviewed California's *Recommended Guidelines for Video Remote Interpreting (VRI) for ASL-Interpreted Events* (www.courts.ca.gov/documents/CIP-ASL-VRI-Guidelines.pdf).
2. I am currently listed on the Judicial Council's Master List as a Certified Court Interpreter of ASL with the State of California.
3. I have previously interpreted using video remote technology in court or other settings.
4. I have received training related to providing interpreting services remotely.
5. I am familiar with the professional standards and ethics required of court interpreters and have reviewed the publication *Professional Standards and Ethics for California Court Interpreters* (<http://courts.ca.gov/documents/CIP-Ethics-Manual.pdf>).
6. I have reviewed the Standard Practice Paper on VRI from the Registry of Interpreters for the Deaf (RID) at www.rid.org/UserFiles/File/pdfs/Standard_Practice_Papers/VRI_SPP.pdf.
7. I maintain equipment that meets the minimum technical standards set in the *Recommended Guidelines for Video Remote Interpreting (VRI) for ASL-Interpreted Events*.
8. I operate from a professional workspace that ensures visual and auditory confidentiality, including the capability to interpret privileged communications.
9. I operate from a professional workspace with a plain solid-colored background and appropriate lighting.
10. I understand that my appearance in court by means of Video Remote Interpreting requires that I observe standards of court-appropriate attire and behavior.
11. I will have ongoing access to e-mail and a telephone in the half hour prior to an assignment and throughout the assignment to assist in the transfer of event-related documents or details, which may be provided last minute.
12. I agree not to request multiple payments from different courts for VRI work performed during the same half day. I will inform a requesting court if I am already in contract with a different court.
13. I also agree to work for any additional requesting court via VRI during that same half day, assuming assignments do not conflict and are within the originally agreed-upon period of time.

I affirm all of the above statements.

Name (printed)
California Certified Court Interpreter

Signature

Dated



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