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Video-mediated interpreting in legal settings in England: Interpreters' perceptions in their sociopolitical context

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Abstract

The increasing use of videoconferencing technology in legal proceedings has led to different configurations of video-mediated interpreting (VMI). Few studies have explored interpreter perceptions of VMI, each focusing on one country, configuration (e.g. interpreter-assisted video links between courts and remote participants) and setting (e.g. immigration). The study reported here is the first study drawing on multiple data sets, countries, settings and configurations to investigate interpreter perceptions of VMI. It compares perceptions in England with other countries, covering common configurations (e.g. court-prison video links, links to remote interpreters) and settings (e.g. police, court, immigration), and taking into account the sociopolitical context in which VMI has emerged. The aim is to gain systematic insights into the factors shaping the interpreters' perceptions as a step towards improving VMI.

Keywords

Interpreting, video-mediated interpreting, legal interpreting, videoconferencing

1 Introduction

A significant intersection between technology and public-service interpreting emerges through the increasing use of videoconference (VC) technology in legal proceedings, which has led to different configurations of video-mediated interpreting (VMI) (Braun 2015; Braun and Taylor 2012a). On the one hand, the growing practice of hearing litigants and witnesses by video link means that interpreters are increasingly required to work using such video links ('videoconference interpreting,' or VCI), co-located either with the court (VCI-A) or with the remote participant (VCI-B). On the other hand, video links are used to gain access to remote interpreters ('video remote interpreting,' or VRI) as a way of meeting the growing demand for legal interpreting.¹

In relation to legal proceedings, both VCI and VRI have been shown to affect interpreting quality (Balogh and Hertog 2012; Braun 2013, 2014, 2017; Braun and Taylor 2012b, 2012c; Miler-Casino and Rybinska 2012), the behaviors and perceptions of different stakeholders, and the interaction (BID 2008; Braun et al. 2018; Braun & Taylor 2012b; Devaux 2017; Ellis 2004; Fowler 2013; Licoppe and Verdier 2014; Licoppe et al. 2018; Napier 2012). However,

¹ Additional configurations such as 'video-relay service' (VRS), a combination of telephone and video-mediated interpreting, arise in relation to sign-language interpreting (see Skinner et al. 2018 for a recent overview). However, they are generally not used in legal settings and will therefore not be discussed here.

most studies of VMI in the legal sector have focused on only one of the technical configurations, i.e. VCI, and its use in immigration hearings in Canada (Ellis 2004), England (BID 2008) and France (Licoppe and Verdier 2014; Licoppe et al. 2018), and in pre-trial hearings of defendants in England (Devaux 2017; Fowler 2013).

Research on VMI in other fields has focused on the other configuration, i.e. VRI, as the currently most common configuration in these fields. US-based studies of VRI in the medical field found that interpreters prefer onsite interpreting to VRI and telephone interpreting (Locatis et al. 2010; Price et al. 2012). However, Koller and Pöchhacker's (2018) study shows that some medical interpreters in Austria see benefits in working remotely. Studies of remote conference interpreting in supra-national institutions, which combined investigations of interpreting quality with physiological and psychological factors (Moser-Mercer 2003; Roziner and Shlesinger 2010), found little difference between the quality of onsite and remote interpreting, but the interpreters reported a sense of discomfort, described VRI as being more stressful, and rated their VRI performance as inferior. For some of these variables, the difference between onsite and remote interpreting reached statistical significance.

The above studies have each focused on one field of interpreting, one country or setting, and one of the technical configurations of VMI. In explicit or implicit comparisons of onsite interpreting and VMI, they have generally assumed that technical issues of videoconferencing such as the quality of the audio-visual link or the interpreter's location in VCI, or the condition of remoteness in VRI are also responsible for interpreters' negative perceptions of VMI.

Braun and Taylor (2012b) conducted the first study that covered multiple countries and different configurations of VMI in legal settings. Based on two surveys of legal interpreters and justice-sector institutions respectively, the study elicited information about, and perceptions of, VCI and VRI across more than 30 countries. Although a comparison of the individual countries was not the focus of the study, the results of the interpreter survey pointed to more negative perceptions towards VMI in England than in other countries. Furthermore, new data collected through a series of in-depth interviews (Braun et al. 2018) appeared to corroborate these tendencies, which raises the question of whether any factors can be identified that distinguish England from other countries or jurisdictions and that could be responsible for the negative tendencies in England.

England, which together with Wales is one of three separate jurisdictions in the UK (the other two being Scotland and Northern Ireland), has a long history of using videoconferencing in legal settings. This has led to a demand for VMI in a range of configurations, technical conditions, and genres of legal discourse (e.g. police interviews, pre-trial hearings, witness examinations, and sentencing). The 'novelty' factor, which was suggested as a possible explanation for negative perceptions of VRI in the conference setting (Roziner and Shlesinger 2010), is therefore less likely to play a significant role in England. However, as will be discussed in more detail later, the implementation of VC facilities in the justice sector in England has been little focused on the specific requirements of interpreting. Moreover, the relationship between legal interpreters and justice-sector institutions in England is generally problematic. The question is therefore whether the differences in the perceptions of VMI stem from different predispositions or cultural factors acting as barriers to the acceptance of new technologies, or whether they are linked to differences in the external conditions surrounding VMI, including technical differences as well as the wider sociopolitical context. Rather than simply identifying stakeholder perceptions, the aim of the present study is therefore to identify some of the factors that influence those perceptions.

Based on the data collected and tendencies identified by Braun and Taylor (2012b) and Braun et al. (2018), the present study compares interpreter perceptions towards VMI in England with the perceptions in other countries covered in the data. To the best of our knowledge, this is the first study of VMI which draws on multiple sets of data and data from different countries to gain insights into stakeholder perceptions and to identify the factors that shape these perceptions.

The paper first gives an overview of the evolution of videoconferencing and interpreting in the justice sector in England, with the aim of elucidating the difficult relationship between the two. It then outlines the methodological approach adopted for this study, before focusing on the interpreters' perceptions of VMI and examining the possible reasons for different levels of satisfaction with VMI in England and other countries in light of the historical evolution in England. The final section presents the main conclusions and implications.

2 Videoconferencing and interpreting in the justice sector in England

The justice services in England have used video links since the 1990s. The main purpose has been to connect remote participants, i.e., litigants or witnesses, to a court or an advocate, which may involve interpreters. More recently, the technology has also been used to provide access to remote interpreters. Specific legislation governs the use of video links in each part of the justice system.

In **criminal justice**, the first provisions for videoconferencing were made in 1998, by permitting the use of video links *between courts and prisons for pre-trial hearings of defendants in custody*. The 1998 amendment of section 57 of the Crime and Disorder Act required a court to give reasons for the decision not to use video links (where available), meaning that video links became the default position. Following two pilot studies in Magistrates' (i.e., lower) courts and Crown (higher) courts respectively in 1999 and 2000, which made several practical recommendations (Plotnikoff and Woolfson 1999, 2000), a contract was awarded to a private contractor, Martin Dawes Solutions Ltd, for the provision of the videoconferencing service in 2001. The same contractor was later also used to facilitate video links for *lawyer-client consultations* (with lawyers being in court or at their law firm) and for the preparation of *court reports* (i.e., links between probation offices and prison).² The pilot study in the Magistrates' courts included two interpreter-mediated cases, but the findings were inconclusive. The pilot study in the Crown courts did not involve interpreters.

Section 57 of the Crime Disorder Act was further amended and extended by the Police and Justice Act 2006, Section 45, to allow the use of video links *between courts and prisons for sentencing* (by consent) and *between courts and police stations for first hearings of persons suspected of a crime* (termed "virtual courts"). Testing of the virtual courts began in 2007, initially without cases involving an interpreter. In 2009, the Ministry of Justice contracted Cable & Wireless to provide VC facilities for the first virtual-court pilots in London and Kent. The subsequent pilot in 2009/10 included cases with interpreters. The evaluation report noted that time delays in the audio transmission had caused repetition and overlapping speech, and that this had led to "some communication problems where a defendant had language difficulties, or where an interpreter was being used" (Terry et al. 2010: 7).

The option to hear *witnesses* via video link in criminal cases first became available through the 1988 Criminal Justice Act, which contained provisions permitting *overseas witnesses* and *young witnesses in the UK* to give evidence by video link. This was extended to *all vulnerable*

² <http://www.justice.gov.uk/courts/prison-video-link> (last accessed 16 November 2017)

witnesses in 1999 and to *all witnesses* (including expert witnesses and police officers) in 2010.

An even more recent use of VC technology in criminal justice is the use of video links *for detention reviews*, i.e., reviews of the need to keep a person in police custody without charge. This was enabled by a change of the Police and Criminal Evidence Act (PACE) in 2014.

In **civil justice**, the Access to Justice Act 1999 allows video links in civil hearings. This includes the hearings of witnesses in the UK and overseas and other uses (by consent of the parties). In **immigration and asylum contexts**, both the First-tier Immigration Tribunal Appeals Chamber and the Upper Tribunal Immigration and Asylum Chamber (UTIAC) use video links *to hear appellants*. In contrast to the practice in criminal courts, where the use of video links to prisons became the default position, the guidance issued by UTIAC in 2013 states that “the ideal form of hearing in UTIAC is where the appellant, the supporting witnesses and the advocates are all physically present in the same courtroom as the judge.”³ The use of video links is considered to be suitable only under specific circumstances.

Irrespective of this view, England’s court and tribunal service has increased the use of video links with remote participants over time. According to the Annual Reports published by HM Courts & Tribunals Service (HMCTS), the number of court-prison video links, for example, went up from 53,487 hearings in 2013 to 72,201 in 2014 and approximately 80,000 in 2015. As of 2013, 90% of Magistrates’ courts and all Crown Courts were equipped with VC facilities. During 2016-17, a total of 137,495 video links (including links to prisons and to witnesses) were used in Crown and Magistrates’ courts.⁴ Given ongoing video-enabled justice schemes, the use of video links to connect remote participants is likely to continue and diversify (including lawyers and judges).

Finally, **video remote interpreting**, i.e., the use of video links to access interpreters, was introduced by the Metropolitan Police Service (MPS) in London in 2011 to supply interpreters for police-suspect interviews. The main purpose was to reduce interpreter travel costs, which constituted 33% of the MPS’s total interpreting budget at the time.⁵ The MPS implemented VC systems in London police stations and created seven VC hubs for interpreters across London. Interpreters assigned to an interview travel either to the police station or to the nearest hub, whichever is closer. The contract for the provision and maintenance of the hardware was awarded to SCC. Notably, the equipment used for remote interpreting is separate from the equipment for the virtual courts installed in some police stations.

Apart from its use at MPS, the introduction of remote interpreting via video link is also being considered in other police forces and in HMCTS. Figure 1 summarizes the current and planned uses of videoconferencing in the justice system of England.

³ <https://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/Guidance/Presidential+Guidance+note+2013+No+2+-+Video+link+hearings.pdf> (last accessed 16 November 2017)

⁴ <https://www.gov.uk/government/publications> (last accessed 16 November 2017)

⁵ <http://policeauthority.org/metropolitan/committees/equalities/2011/0210/06/index.html> (last accessed 16 November 2017)

<p>VIDEO LINKS TO REMOTE PARTICIPANTS</p> <p>Criminal Justice</p> <ul style="list-style-type: none"> • Links between courts and remote parties, i.e.: <ul style="list-style-type: none"> ○ Court – defendant in prison for pre-trial hearings and remote sentencing ○ Court – accused at police station for first hearings (Virtual Court) ○ Court – geographically remote witnesses (UK and abroad) ○ Court – vulnerable witnesses • Lawyer-client communication <ul style="list-style-type: none"> ○ Lawyer from own office or from court – defendant in prison • Court reports by probation <ul style="list-style-type: none"> ○ Probation officer from own office – defendant in prison • Police detention reviews <ul style="list-style-type: none"> ○ Reviewing officer – detainee in custody <p>Civil Justice</p> <ul style="list-style-type: none"> • Links between courts and witnesses in the UK and overseas • Case management conferences • Other uses by consent of the parties <p>Immigration and Asylum</p> <ul style="list-style-type: none"> • Links between First-tier Immigration Tribunal Appeals Chamber and appellants • Links between the Upper Tribunal Immigration and Asylum Chamber and appellants <p>VIDEO LINKS TO REMOTE INTERPRETERS</p> <ul style="list-style-type: none"> • Currently at the Metropolitan Police Service in London • Being explored/planned in other police forces and HMCTS
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Figure 1: Uses of videoconferencing and interpreting the justice sector in England

The brief overview given above points to two overall tendencies. First, it would appear that the question of whether video links in legal settings are suitable for interpreter-mediated communication has been sidelined in the justice sector in England. Pilot projects often focused on monolingual communication only. Where interpreter-mediated communication was included in pilot projects, the results were inconclusive. In practice, however, video links have been used in the English justice system in situations requiring interpreting, although this has been largely unmonitored and has not been subject to systematic evaluation. The only instance where there was slightly more regard for the interpreters' needs was the implementation of the remote interpreting facilities in the Metropolitan Police Service (MPS). However, even in this instance, the interpreters' involvement was confined to a small number of focus groups prior to implementation and to a training program for the interpreters following implementation (Braun et al. 2012).⁶

Second, the use of videoconferencing is widespread in the justice sector in England, but the history of procurement is complex and fragmented, as the use of videoconferencing emerged in response to needs in a particular part of the sector. This has led to considerable variation in suppliers, products, and technical setups. It has meant that legal interpreters, who generally work across the different parts of the justice sector, are confronted with a range of different technical conditions.

While the failure to involve interpreters in the process of designing and implementing VC solutions has also been observed in other countries (Braun et al. 2018), the fragmentation combined with frequent use of video links in different parts of the justice system puts England in stark contrast with many other jurisdictions, where videoconferencing is either still infrequent or where VC facilities were implemented more recently with more centralized approaches, resulting in greater uniformity of equipment and setup (Braun et al. 2018).

⁶ <http://policeauthority.org/metropolitan/committees/equalities/2010/100422/05/index.html> (accessed 16 November 2017)

As explained earlier, in light of the low-level satisfaction with VMI among interpreters in England, as revealed by our survey, the discrepancies between England and other countries raise the question of whether there is an association between implementation practices and the interpreters' perception of VMI. The next section outlines the methodological approach that was adopted in this study to address this question.

3 Methodological approach

This study draws on two data sets. The first set consists of a **multinational survey** of legal interpreters regarding their experience with VMI in legal proceedings, which was completed by 166 interpreters. Of these, 84 worked in England (61 female, 23 male) and 82 in other countries (60 female, 22 male). The numbers of interpreters from other countries were as follows: Austria, 4; Belgium, 2; Brazil, 2; Bulgaria, 1; Cambodia, 1; Canada, 2; Czech Republic, 2; Estonia, 2; Finland, 5; France, 1; Germany, 5; Hungary, 1; Italy, 1; Luxembourg, 3; Mexico, 1; Morocco, 1; Netherlands, 20; Norway, 2; Poland, 7; Portugal, 3; Slovakia, 1; Slovenia, 2; Spain, 6; Sweden, 1; Turkey, 1; USA, 5. Across both groups, the interpreters had between 400 and more than 2000 hours of interpreting experience, and between one and over ten experiences of VMI. The interpreters working in England generally had more experience with VMI and were on average slightly older than the interpreters in the other-countries group.

As the first survey of VMI in legal proceedings, the survey was exploratory and included a combination of multiple-choice, rating-scale, and open-ended questions aiming to elicit the interpreters' experience, satisfaction levels, and perceptions of VMI, as well as the technical configurations and conditions that the survey respondents had encountered. With regard to rating-scale questions, both three-point and five-point Likert-type scales were used, depending on the level of granularity that was deemed necessary or appropriate for a particular question. For example, in relation to technical options such as volume control during video links, three choices were given ("always", "sometimes," and "never"), as we were interested only in whether these options were consistently available. A higher level of granularity was deemed appropriate for eliciting the level of satisfaction with VMI and the perceived differences between VMI and onsite interpreting. Five-point scales were therefore used for such questions. The overall trends revealed by this survey were reported in Braun and Taylor (2012b). The focus of the present study is on the comparison between interpreters working in England and in other countries, which was not covered in Braun and Taylor's original analysis.

The second data set consists of **semi-structured interviews** with ten legal interpreters based in England (9 female, 1 male), investigating their experiences with different configurations of VMI in the legal sector, complemented by field work (site visits) and a review of relevant legal and policy documents. The interpreters had between five and 30 years' experience working in the justice sector, including in police, court, immigration, and other settings, and all had regular experience of VMI. The interviews covered the interpreters' perceptions of the implementation of VC equipment in the justice sector in England, their views about the quality of the equipment, and their practical experiences and preferences with regard to VMI. This data set was taken from a larger-scale study, which included interviews with 110 participants (interpreters, institutional stakeholders, legal practitioners, technicians) from 12 European jurisdictions, field notes from visits to courts, police stations, and prisons, and an analysis of relevant legal and policy documents (Braun et al. 2018). Reference to other countries will be made as appropriate.

Bringing the two data sets together and contrasting the results for England with the results for the other countries affords hitherto unavailable insights into the factors that influence the interpreters' perceptions of VMI. To achieve the focus on England, the survey responses were divided into two subsets, i.e., responses from England and responses from all other countries. The two subsets were subjected to a **quantitative and qualitative analysis**, and complemented by a qualitative analysis of the interviews. The findings were grouped into four broad **themes** that had been identified in both the survey and the interviews, including

- Satisfaction with VMI;
- Technical quality;
- Interacting with the videoconference equipment;
- Participant distribution and spatial organization.

The quantitative data were analyzed statistically, by calculating mean scores for the Likert-type scales, and were tested for the effects of different variables, including overall satisfaction level; psychological and physiological aspects such as stress and fatigue; involvement of the interpreters in decisions about using VMI; perceived quality of the audio and video feed; availability of different options for interacting with the equipment (e.g. volume control); and interpreter location in VCI. Although averaging and testing data collected from Likert-type scales, i.e., ordinal data, in this way may be disputable, it is still helpful in highlighting tendencies.

Regarding the choice of statistical test, a remark on the composition and size of the survey sample is in order. Although the total number of survey respondents was 84 from England and 82 from the other jurisdictions, the number of responses to individual questions was often lower and differed between the two samples because the respondents were not required to answer all questions. The rationale for this was that it would accommodate differences in the use of VMI across countries and the different levels and types of experience among the survey respondents. To avoid problems with unequal sample sizes, Welch's *t*-test was used to compare the mean scores of the two samples. This test has also proven robust for skewed distributions and unequal variances (Ruxton 2006). The significance of the differences was tested at the level of $p < .05$. In addition, the effect size of the differences was calculated using Hedges' *g* (Hedges 1981), which takes into account differences in sample sizes.

The next section presents the findings of the study according to the themes outlined above. In each theme, the quantitative findings from the survey are reported first, followed by qualitative insights from the survey and the interviews. This is then followed by a brief discussion of the key findings for each theme.

4 Perceptions of video-mediated interpreting by interpreters in England

4.1 Satisfaction with VMI

As the study built on the initial observation that interpreters working in England seemed to be less satisfied with VMI than interpreters elsewhere, the first step was an analysis of satisfaction levels. Our survey shows that the interpreters' overall satisfaction with VMI compared to onsite interpreting is low among all respondents, with the scores from respondents in England standing out as more negative. On a scale that ranged from being "much less satisfied with VMI" than with onsite interpreting (1) to being "much more satisfied with VMI" (5), the average rating of the interpreters working in England was lower (N=59, M=1.92, SD 1.01) than the average of all other participating interpreters (N=36,

M=2.76, SD=1.10). The difference was significant ($t(69) = -3.72, p < .05$). The effect size was large ($g=0.80$). The relative distribution of the ratings is shown in Figure 2.

Figure 2: Frequency distribution for the overall satisfaction with VMI

While the qualitative comments by interpreters from both groups in relation to this question are mixed, the low level of satisfaction with VMI in England is further borne out in other parts of the survey, most notably in the proportion of negative answers to our final question about potential benefits of VMI: of the 62 comments made by interpreters from England, 14 (23%) were, in fact, negative, compared to six (12%) of the 43 comments by interpreters from other countries who answered this question. While some of the comments made by interpreters working in England highlighted at least one positive element of VMI (e.g., “*I can see it saves money for whoever is paying, but I do not think it is adequate for legal settings,*” “*only suitable for very simple situations e.g. pretrial or case management hearings*”) or outlined a possible way forward (“*from the interpreting point of view, I am afraid to say it doesn’t have any good points, unless a high-tech system is developed*”), other comments were wholly negative (e.g., “*I cannot find any good points from the point of view of the interpreter,*” “*No benefits. It is just an experiment which is ‘flavour of the month’ at the moment*”).

As mentioned earlier, the present study was interested in identifying the factors that are responsible for the difference in the satisfaction levels, i.e., in ascertaining whether these are cultural factors such as different predispositions towards remote working or resistance to change, or whether the low level of satisfaction in England is associated with the fragmented history of procuring and implementing VC facilities in England’s justice sector, which has resulted in the presence of different VC systems, creating a heterogeneous set of experiences for the interpreters working in England.

Support for a link between the satisfaction levels and the specific circumstances in England comes from the interviews and the analysis of policy documents pertaining to videoconferencing in the justice sector in England. The documents make it clear that different types of connections, i.e., ISDN and IP-based videoconferencing, are still in use. They also reveal that the VC systems used in courts, prisons, police stations and witness rooms in England, in addition to coming from a range of different suppliers, often had to be implemented in existing estates, and that this led to compromises in the technical setup, room

layout and positioning of the equipment. The interviews corroborate this. Some interpreters reported, for example, having their own microphone during video links in court, while others complained about having to share a microphone with another participant (e.g., the defense lawyer) in the courtroom, as also noted by Fowler (2013). Furthermore, several interpreters pointed out that the video booths installed in courtrooms (to enable lawyers to speak to their clients in prison before or after a hearing takes place) only have one handset and are too small to accommodate both the lawyer and the interpreter. Some interpreters also noted that higher courts tend to have better-quality equipment. This statement needs to be assessed in view of the fact that over 95% of criminal cases in England are heard in lower courts (Magistrates' courts).

The interview responses suggest that the fragmentation, which makes the interpreters' working environment somewhat unpredictable, and the prevalence of outdated equipment in some parts of the justice system may at least in part account for the low degree of satisfaction of England's interpreters with VMI. The interpreters' comments furthermore suggest that the specific situation in England has led to a highly emotionalized debate about VMI.

However, there were other possible candidate variables for the low satisfaction rates. One of them is a set of physiological and psychological factors surrounding VMI, such as fatigue, stress, and feelings of alienation, which were also examined in research on remote conferencing interpreting (Moser-Mercer 2003; Roziner and Shlesinger 2010). The respondents to our survey were asked to what extent they agree with VMI being more fatiguing / stressful / isolating / demotivating than onsite interpreting, using scales ranging from "totally disagree" (1) to "totally agree" (5). The relative distribution of responses is shown in Figure 3.

Figure 3: Frequency distribution of ratings for psychological and physiological aspects of VMI

The interpreters in England rated VMI as being slightly more fatiguing and more isolating than did the interpreters in the other countries, but in none of the four categories do the differences reach statistical significance. The individual results are shown in Table 1 and visualized in Figure 4.

Table 1: *t*-test results comparing interpreters in England and other countries for perceptions of psychological and physiological aspects of VMI

	England	Other countries	df	t	g
VMI is more fatiguing than onsite interpreting.	M=3.66 N=29 SD=0.90	M=3.44 N=18 SD=1.15	30	0.670	0.21
VMI is more stressful than onsite interpreting.	M=3.86 N=29 SD=0.95	M=3.83 N=18 SD=1.34	28	0.08	0.03
VMI is more isolating than onsite interpreting.	M=4.10 N=29 SD=0.86	M=3.56 N=18 SD=0.98	33	1.94	0.60
VMI is more demotivating than onsite interpreting.	M=2.48 N=29 SD=1.15	M=2.78 N=18 SD=1.17	36	-0.85	0.26

Figure 4: Distribution of mean averages for physiological and psychological aspects of VMI

The similarities between the two groups can be interpreted as evidence for the absence of an intrinsic, culture-specific difference in the interpreters' predisposition towards VMI as a practice. Equally important, the ratings from both groups indicate that VMI is perceived to be inferior to onsite interpreting in terms of the above psychological and physiological factors by both groups, regardless of any differences in the setup across different countries. This is similar to Mouzourakis's (2006) observation in relation to VRI in conference settings that interpreters have psychological and physiological complaints about VRI regardless of the specific technical conditions. While Mouzourakis attributed such complaints to the condition of remoteness, the results of the present study furthermore suggest that the negative perceptions of key physiological and psychological aspects of VMI are not necessarily associated with a low level of overall satisfaction with VMI. Interpreters in the other-countries group seem to be more prepared to accept VMI as "*a necessary evil*," in the words of one interpreter from this group, i.e., there is not the same level of overall rejection as there is among interpreters in England.

Another candidate variable that we tested for potential impact on the interpreters' satisfaction with VMI is the interpreters' involvement in the decision to use VMI. One set of our survey questions focused on this aspect, to find out whether the interpreters were informed of the use of VMI at the stage of booking, whether they were given an explanation as to why a video link would be used and whether they were consulted regarding the appropriateness of a video link. The respondents were given three response choices: "never" (1), "sometimes" (2), and "always" (3). In all three instances, the responses from the two groups are similar (Figure 5, Table 2).

Figure 5: Frequency distribution of ratings regarding involvement in decisions about VMI

Table 2: t-test results comparing interpreters in England and other countries for involvement in decisions about video links

	England	Other countries	df	t	g
Have you ever been informed that a video link will be used?	M=2.31 N=77 SD=0.71	M=2.11 N=66 SD=0.96	118	1.43	0.25
Has it ever been explained to you why a video link will be used?	M=2.08 N=79 SD=0.80	M=2.03 N=70 SD=0.93	137	0.33	0.05
Have you ever been consulted on the appropriateness of using a video link?	M=1.28 N=78 SD=0.70	M=1.29 N=70 SD=0.70	144	-0.03	0.01

Although the majority of interpreters in our sample are regularly informed of the use of a video link, their involvement in the decision-making process is low, especially with regard to consultation (see also Figure 6), which indicates that interpreters are not recognized as experts by the justice agencies booking their services. Some of the qualitative comments in the survey corroborate this assumption (e.g., "Interpreters are never consulted on the use of VMI. It appears we do not count," "They just say, 'get on with it'") as do our interviews with interpreters. However, while this (albeit perceived) lack of involvement is likely to lead to feelings of exclusion and frustration among interpreters, the similarity of responses across the

two samples suggests that this aspect alone does not have a strong impact on the overall level of satisfaction.

Figure 6: Distribution of mean averages for interpreter involvement in decisions regarding VMI

From the data presented thus far, then, it would appear that neither physiological and psychological aspects nor the level of involvement in decisions about VMI can explain the differences in the satisfaction with VMI between the two samples. Further candidate variables are individual features of the technological environment such as the sound and image quality, and the options for controlling the equipment. These features, which are to some extent linked to the procurement history of the equipment, will be explored in the two subsequent sections.

4.2 Technical quality

In terms of the technical quality of the VC systems used in the justice sector, the interpreters' assessment of the audio quality and the quality of the video is insightful. Our respondents were asked to rate the audio and video quality they had encountered on a scale including "bad" (1), "mixed" (2), and "good" (3). The relative distribution shows that the audio quality received lower ratings than the video quality within each group, but also that the interpreters in England were more divided in their ratings than the other-countries group (Figures 7a and b). For example, 48% of the interpreters in England rated the audio quality as being "good," but nearly as many (40%) were of the opposite view.

Figures 7a and b: Frequency distributions of ratings for video and audio quality

The mean scores for England and the other countries are shown in Table 3. Although the scores for England are less positive, the differences are not significant.

Table 3: *t*-test results comparing interpreters in England and other countries for perceptions of video and audio quality

	England	Other countries	df	t	g
Video quality	M=2.23 N=61 SD=0.90	M=2.52 N=31 SD=0.81	66	-1.54	0.33
Audio quality	M=2.08 N=62 SD=0.95	M=2.32 N=34 SD=0.81	78	-1.33	0.27

The lower ratings for audio quality may stem from the crucial importance of audio quality for interpreters, which was highlighted in the interviews. Participants from both groups pointed out that audio quality takes precedence over video quality for them. The most common concerns regarding audio quality were the fear of not hearing utterances from the remote site correctly and the disruption caused by overlapping speech. Experimental research on the quality of VRI in the legal setting has identified a higher number of listening comprehension problems, mishearings, and omissions following overlapping speech in VRI than in onsite interpreting (Braun 2013), indicating that the interpreters' concerns are justified. In the interviews, interpreters from different countries said they feel that the impact of poor sound quality on their work is not fully understood by legal practitioners and those responsible for implementing the VC technology. There may thus be a link between the perceived problems with the audio quality and the overall low satisfaction with VMI.

Interpreters in England also emphasized their perception that the audio quality varies between different types of video link. Especially the quality of the court-prison video links, i.e., the oldest and most widely used type of link in England, was deemed poor and was said to lead to many requests for repetition on the interpreters' part or to be simply inadequate for the interpreter to carry out their task confidently. Although such variations may not be confined to England, the only other country in our interview sample in which they were highlighted was France, which also has a relatively fragmented procurement history (Braun et al. 2018). Interpreters from other countries only mentioned that cross-border video links (which are

normally used for hearing witnesses in another country) tend to be more problematic in terms of their technical quality than video links within their respective countries. However, cross-border video links are infrequent and therefore unlikely to influence the interpreters' overall experience of VMI.

By contrast, given the important role of the audio quality for the interpreters, the perception among interpreters in England that the video links to which they are exposed most frequently are of poor quality may be one of the reasons for the low level of satisfaction with VMI in England. A further technical aspect, i.e., the interpreters' options for interacting with the VC equipment, will be examined in the next section.

4.3 Interacting with the videoconference equipment

Apart from the technical quality of the audio and video feeds, the options available for adjusting the volume and the view of the remote participants (before and during the VC session), and the option to see documents from the remote site were also considered to be factors that can have an impact on the interpreters' satisfaction with VMI. Our survey explored to what extent these options were available in the video links encountered by the respondents. Figure 8 shows the result for each option, based on the interpreters' choice of response ("never" (1), "sometimes" (2), or "always" (3)). Notably, a large majority of interpreters in England stated that these options were unavailable.

Figure 8: Frequency distribution for availability of options for interacting with the VC equipment

The mean scores of the responses from England are significantly lower for all options than the responses from the other countries (Table 4), although the effect sizes vary, with large effects ($g > 0.8$) for volume control and document display, and medium effects for the camera control options. Figure 9, which visualizes the mean scores of the two samples, also highlights the stark differences in relation to the volume control options.

Table 4: *t*-test results comparing interpreters in England and other countries for options for interacting with the VC equipment

	England	Other countries	df	t	g
Were you able to ...					
adjust the volume before the VC?	M=1.15 N=62 SD=0.44	M=1.93 N=40 SD=0.94	50	-4.90	1.14 *
adjust the volume during the VC?	M=1.16 N=61 SD=0.45	M=1.93 N=41 SD=0.88	55	-5.13	1.16 *
control the camera before the VC?	M=1.13 N=63 SD=0.38	M=1.54 N=39 SD=0.82	48	-2.94	0.70 *
control the camera during the VC?	M=1.11 N=62 SD=0.41	M=1.54 N=39 SD=0.85	49	-2.91	0.69 *
see documents presented at the remote site?	M=1.36 N=50 SD=0.70	M=2.03 N=37 SD=0.86	67	-3.86	0.87 *

**significant at $p < .05$*

Figure 9: Distribution of mean averages for options for interacting with the VC equipment

The interviews further contextualize these scores, as they provide insights into the interpreters' preferences for interacting with the equipment and insights into the status quo. In terms of preferences, interpreters across our interview sample emphasized the importance of being able to regulate the volume before and during the video link. Many interpreters also expressed a preference for adjusting the image from the remote site and their own image before the start of a VC session, while they felt that using these controls during the video link would distract them from their interpreting task. Equally important, the interpreters considered access to documents presented at the remote site to be crucial.

As the interviews and our fieldwork also show, some of this is at odds with current practice. In England, interpreters are not normally able to adjust the volume, especially when they are in court. Furthermore, the camera in the remote location is handled by staff in that location, while the camera in court is normally operated by the court clerk. As a result, the interpreters have little or no control of what they can see, and whether or how they can be seen at the remote side. The only exception is the equipment used for VRI at the Metropolitan police where the interpreter can control the cameras on both sides. Although interpreters from other countries have reported similar issues, the extent seems to be smaller. Our fieldwork shows that other countries have more up-to-date equipment (including multiple cameras to show participants and separate document cameras) because they implemented videoconferencing much later than England.

Despite the promising situation at the Metropolitan police, then, the overall picture emerging from the survey and the interviews is that there are discrepancies between the interpreters' preferences and the current state of affairs in England, and that a significantly greater number of respondents from England cannot interact with the VC equipment in their preferred ways. This situation is likely to contribute to the low satisfaction rates in England. However, to resolve problems arising from this situation, two other aspects need to be considered, i.e., the interpreter's location in relation to the other participants, which determines with whom the interpreter shares the VC equipment, and the interpreter's position in relation to the VC equipment (the spatial organization), which determines what the interpreter can hear and see. These aspects and their potential effect on the interpreters' satisfaction with VMI will be explored in the final section of this paper.

4.4 Participant distribution and spatial organization

As was explained earlier in this paper, the geographical location of the VC participants and interpreter's location in relation to the others is one of the defining features of different configurations of VMI. While the VRI configuration means that the interpreter is separated from all other participants, the VCI configuration requires the interpreter to be either in court (VCI-A) or co-located with the remote participant (VCI-B).⁷ At the time of writing, there were no established protocols for the interpreter's location in VCI in the countries we explored, although some patterns have begun to emerge, especially in England, where video links are frequently used. In links between courts and police stations (used for first hearings), the interpreter is often co-located with the accused at the police station, while in court-prison links (e.g., for remand hearings), the interpreter is frequently located in court (Braun et al. 2018; Devaux 2017; Fowler 2013).

In the present study, the interpreter's location in VCI was explored as a further potential variable affecting the interpreters' satisfaction with VMI. Figure 10 shows the satisfaction level (on a scale ranging from "much less satisfied with VMI" than with onsite interpreting (1) to "much more satisfied with VMI" (5)) in relation to the interpreters' experience with the different locations. One important observation is that the satisfaction levels for the same experience differ between England and the other countries. Thus, 75% of the interpreters in the other-countries group who had experience with VCI-B (N=8) found VMI at least as satisfying as onsite interpreting (scores 3, 4, 5), compared to only 45% of the interpreters with

⁷ Anecdotal evidence at the time of writing suggests that three-way video links in which the interpreter works from a separate location are currently infrequent in the justice system, but with the further evolution of videoconferencing in the justice sector, they are likely to become more frequent. See Braun (2007) for a pilot study with this configuration.

VCI-B experience in the England-group (N=9). For the VCI-A experience, the results were 55% in the other-countries group (N=34) vs. 24% in the England group (N=11).

Figure 10: Frequency distribution for satisfaction with VMI broken down by interpreter location

Similarly, the mean satisfaction scores (Table 5) show that in each of the two samples, interpreters who self-reported experience of VCI-A were less satisfied with VMI than interpreters who self-reported experience of VCI-B, although the differences fail to reach significance. Interestingly, however, the average satisfaction scores were lower in the two England groups than in the two other-countries groups, irrespective of the location the interpreters had experienced, with a significant effect for the groups with VCI-A experience. This shows that the same VCI configuration is associated with lower levels of satisfaction in England than in the other countries, which suggests that the location may not be crucial for the overall level of satisfaction with VMI.

Table 5: *t*-test results comparing interpreters in England and other countries for satisfaction with location

	England	Other countries	df	t	g	
Experience with VCI-A	M=1.79 N=34 SD=0.88	M=2.55 N=11 SD=0.82	18	-2.59	0.87	*
Experience with VCI-B	M=2.33 N=9 SD=1.50	M=3.00 N=8 SD=0.93	13	-1.12	0.53	

*significant at $p < .05$

As with the options for interacting with the equipment, one of the questions here concerns the extent to which actual practice reflects the interpreters' preferences. The interviews provided useful insights in this respect. Although the interpreters present valid arguments for both VCI-A and VCI-B (Braun et al. 2018), most of the interviewees in England believe that VCI-B is more conducive to ensuring the other-language speaker's understanding and participation. In the words of one interpreter, *"for the sake of justice, the ideal situation is for the interpreter*

to be with the accused, because I can pick up more things about the accused, whether he's understanding, whether he's ill-at-ease." Ellis (2004) and BID (2008) come to similar conclusions. Moreover, VCI-A makes it impossible to provide whispered/simultaneous interpreting, which slows down the court proceedings. In our interviews, some interpreters reported feeling rushed by the court in this situation.

However, as was pointed out above, VCI-A is the more frequent pattern in the most often used in video links in England, i.e., the court-prison links. This means that, in practice, interpreters in England are regularly required to work in their less preferred location, which could have created a long-term negative perception of VMI and may explain why the satisfaction level among those with VCI-A experience is significantly lower in England than in the other countries.

As a further issue, the interpreters in England also highlighted problems with their positioning in relation to the VC equipment and to the other participants in VCI, especially in VCI-A, where their position in the courtroom is normally decided by the court. The positioning has an impact on what the interpreter can or cannot see, and our survey reveals the extent of the problems in this respect. In the group of England-based interpreters who answered our question about what they normally see on screen (N=51), some made comments whose wording implies dissatisfaction (e.g., *"the defendant only," "upper body of a defendant only," "only the head of the speaker," "only the person addressing the witness at that moment"*). Two respondents used this question to highlight problems with the technical quality (*"a badly pixelated defendant with delayed speech," "screen was often quite blurred"*). Among the comments by interpreters from other countries who answered this question (N=21), only one had a slightly negative tone, and this was mitigated (*"the entire room, but no close-up of the witness – made it a bit more difficult"*). Bearing in mind that most of the survey respondents from England said that they have no control over the camera at the remote site, their comments about the video image suggest that what they see or do not see is a further source of dissatisfaction. This is exacerbated by the fact that the setup of the VC equipment, including the location of the screens, tends to differ widely across English courtrooms, while being more uniform in other countries, especially in the Netherlands and the Scandinavian countries (Braun et al. 2018).

As a broader pattern, which also emerges from the minimal involvement the interpreters reported having in decisions regarding the use of VMI, the exclusion of the interpreters from decisions about their position in the courtroom is indicative of a more general failure on the part of the court to acknowledge the interpreter's expert status, which in turn leaves interpreters feeling undervalued and may contribute to the interpreters' dislike of VMI.

5 Conclusions

Based on the initial observation that satisfaction with VMI in the justice sector was lower among interpreters in England than among interpreters in other countries, this paper set out to analyze the views of VMI among interpreters in England in more detail. Using a multinational survey of interpreters and a series of interviews with interpreters in England, the aim was to identify specific reasons for the low level of satisfaction with VMI in England.

It was established that an explanation based on cultural factors such as resistance to change would seem unlikely given that England was an 'early adopter' of video links in the justice system, and that interpreters in England therefore had more time than interpreters elsewhere to adapt to VMI. Furthermore, while there is widespread agreement among scholars and practitioners that VMI is challenging, this does not seem to cause the low levels of

satisfaction in England either. However, the study suggests that the historical and technical conditions of videoconferencing in the justice sector in England play a crucial part in explaining the lower satisfaction scores.

Firstly, the fragmented implementation of VC facilities in England has exposed interpreters to inconsistent and unpredictable working conditions. Secondly, the lack of opportunities for the interpreter community to provide input into the VC solutions has resulted in facilities that are not sufficiently adjusted to the interpreters' requirements and preferences. Similarly, the exclusion of the interpreters from practical decisions about VMI undermines their professional status. This is exacerbated by other developments in legal interpreting over the past decade, culminating in the outsourcing of court-interpreter provision in 2012 to a commercial agency, with devastating consequences for the working conditions of legal interpreters in England.⁸ In this climate, the expansion of VMI may have been perceived by interpreters as yet another measure to reduce costs, with the potential to further undermine the status of legal interpreting. Thirdly, the frequent use of video links in England has meant that VMI, often using inadequate facilities, has pervaded the interpreters' professional practice in England to a much greater extent than elsewhere. In contrast to other countries, where usage of VMI is low or where technical problems seem to be the exception (e.g., in video links to witnesses abroad), England has seen an institutionalization of low-quality video links insofar as the most frequent type of links, i.e., the court-prison links, are regularly conducted with poor equipment.

From the interpreters' point of view, the combination of the above factors has led to working under unfavorable conditions over a sustained period of time, which is likely to have created distinct negative views about VMI. However, while this links the dissatisfaction to the technical quality of the equipment, the differing assessment of similar technical conditions by interpreters in England and other countries indicates that other explanations also need to be considered. The wider sociopolitical context emerges as a crucial factor in shaping the interpreters' views of VMI. The lack of recognition of the interpreters as a key stakeholder group and their exclusion from decisions about VMI has antagonized them, fueling negative consequences on their perception of VMI.

VMI is not simply a 'technical solution' but a complex social practice, which has begun to change the way in which interpreting services are delivered. Although often seen as challenging, VMI also creates new opportunities. However, the situation in England illustrates that these opportunities are likely to be wasted when the sociopolitical context in which the expanding practice of VMI is embedded is disregarded. While considering the perspective of interpreters only, the study highlights two closely related prerequisites for the successful use of videoconferencing solutions in multilingual legal proceedings. The first prerequisite is the involvement of the interpreting community in the process of designing these solutions. The second is the implementation of high-quality facilities that meet the interpreters' needs and allow them to carry out their task confidently and accurately, as an important prerequisite for achieving fairness of justice.

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⁸ The inadequacy of the outsourcing contract was so glaring in 2012/2013 that it led to investigations by two Parliamentary committees, i.e. the Public Accounts Committee and the Justice Committee. Both committees noted serious shortcomings of this contract (Justice Committee 2013, Public Accounts Committee 2012).

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