

# Policy on Interpretation of Digital Files on the Record

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Office of Language Access

# Policy Guidance

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- The Office of Language Access (OLA) advises that all **non-English audio**, video, electronic files (e.g. texts) be transcribed and translated prior to being submitted as evidence

National Standards for best practice require that the portion of a digital file must be prepared in advance, because interpreters may not:

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- Be familiar with material or quality of recording (unintelligible due to background noise or overlapping voices)
- Have an opportunity to request repetition
- Have an opportunity to request clarification
- Have an ability to replay portions on the record in front of jury

# Court Reporters

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- Court reporters stop typing/transcribing when video initiates for same reasons mentioned previously concerning interpreters.

# Digital files in English

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- May be reviewed prior to the proceeding by the interpreter
- No time restriction for recording in English
- Attorneys may waive interpreter for that portion of hearing if they have previously reviewed that portion with their client during trial preparation.
- **Interpreters will interpret to the best of their ability given the limitations of a recorded audio/video file.**

# Exception!

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- **Cases involving the safety and security of an individual, such as TPO or matters affecting the imminent safety of children.**
- In this case, interpreter should be allowed sufficient time during a recess to review the material and prepare for a rendition, and allowances be made for the imprecisions of their work due to the conditions mentioned previously.

# If court orders rendition...

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- For recording less than 2 minutes in length
- Interpreter need to be allowed time to notify Managing Court Interpreter
- Time allowed off the record to review length and quality of audio
- If any part is inaudible, interpreters will inform the court of their inability to provide a rendition
- If audible, interpreters will need ability to play and stop to ensure accurate consecutive interpretation for the record.

# IMPORTANT

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- If the transcription/translation is **not** prepared prior to the hearing, (2 min in length or less and court orders it), the interpreter will not be considered an expert witness for either party, but rather shall remain a neutral officer of the court. (Professional ethical violation: loss of impartiality)