

Office of Court Interpreting Services Policy on

Audio and Video Recording Transcriptions and Translations

On occasion, there may be a request for an interpreter to interpret audio or video recording in court on the record. OCIS does not consider this advisable for the following reasons:

1) The interpreters would effectively be precluded from continuing to work before the Court as impartial interpreters because they would be subject to cross-examination as expert witnesses. Interpreters cannot simultaneously work as impartial interpreters and as expert witness.

2) Extemporaneous or on-the-spot interpreting of audio or video recordings in court is different from interpreting for a live speaker. The interpreter cannot guarantee the accuracy of the interpretation because:

a) There is not enough reasonable time to review and evaluate the audio or video recording;

b) The interpreter is not familiar with the material and/or quality of the recording.

c) Portions of the tape are unintelligible or may contain a high level of background noise

d) Statements may be incoherent at times due to the sound of overlapping conversations

e) The speakers' communication is typically stilted or halted

f) Replaying portions of the tape before the Court, the jury, and others causes confusion.

In fact, transcribers routinely re-listen to recordings over and over because there are almost always articulation problems that do not allow for clear understanding of utterances. Moreover, although a tape can be replayed, an interpreter may not be able to request clarification of an unintelligible utterance or one with an ambiguous meaning.

3) The party presenting the audio or video recording should obtain a written transcript and translation of the exhibit prior to presenting it in court. It is also that party's responsibility to produce its expert to support its arguments for accuracy and completeness of the transcript and subsequent translation of the exhibit.

The task of transcribing and later translating a recording is time-consuming. It requires special equipment and conditions that enable full concentration. Depending on the length, quality, number of speakers, noise level, intelligibility and speed, the time required to transcribe and translate a tape is about one and a half hours for every minute of recording.

In the event that the Court orders the interpreter to interpret the audio or video recording, the interpreter may do so, but may not guarantee the accuracy of the interpretation.