



Deaf or Hearing-Impaired Witnesses – Video Interviews Procedure

Policy

Safeguarding Adults Policy, Surrey

Procedure

1. Introduction

- 1.1 This document sets out Force procedure for conducting video interviews with deaf or hearing-impaired witnesses.

2. Statement

- 2.1 The implementation of the Youth Justice and Criminal Evidence Act 1999 extends the law in relation to the video interviewing of children to vulnerable adult witnesses and victims. In addition, a problem was identified by the Interpreters Working Group in respect of the interviewing of the deaf and hearing impaired. This arises out of the Human Rights legislation. A failure to provide a valid original copy of an interview will contravene this legislation.
- 2.2 The only way a valid original copy of an interview can be made with such persons, is if the actions of both the person being interviewed and the signing interpreter are simultaneously recorded on video. The video must also record the voice of the interviewer, who could be off-screen.
- 2.3 To be an effective and complete record, the video must clearly show the face, hands and upper body of both persons signing, otherwise, only part of the message is being conveyed.
- 2.4 Officers must be in no doubt that failure to comply with this requirement will have a significant effect on the admissibility of the evidence.

3. What steps need to be taken?

- 3.1 The services of a suitable interpreter will be required.
- 3.2 Interpreters should be appropriately accredited and trained so that they understand the need to avoid altering the meaning of questions and replies. They should either be selected from the National Register of Public Service Interpreters or the Signature National Registers of Communication Professionals Working with Deaf and Deafblind people (NRCPD) or be trained and experienced to an equivalent standard. All interpreters need to be independent, impartial and unbiased. Each Custody Centre has been provided with a copy of the latest directory. In urgent circumstances where no interpreter can be obtained from official registers, the authority of an Inspector will be required to authorise the services of any competent interpreter.
- 3.3 In cases where a deaf or hearing-impaired victim or witness needs to be video interviewed, video interviews will be conducted in accordance with the guidance given in Achieving Best Evidence in Criminal Proceedings.
- 3.4 Officers must consider liaising with a Tier 5 Interview Advisor.
- 3.5 Unless urgency dictates otherwise, all interviews will be planned ahead in order to avoid unnecessary delays, ensure best use of resources and accommodate any individual needs of the witness or victim.
- 3.6 Deaf witnesses can choose to rely on administrative arrangements for the provision in court of interpreters for deaf people and/or, if it is more appropriate to their particular needs, to apply for an intermediary or communication aid under the 1999 Act special measures provisions.