

Chapter 2 Legal I: Police and Court Interpreting

1. Interpreting in police interviews (see *Dialogue Interpreting* p. 47)

Scenario: A police officer interviews a 20 year-old limited proficiency-speaking female who was attacked by a small group of males and females as she took money from an automated bank teller in a quiet town centre the early evening.

According to guidelines available through the *Practice Advice on European Cross-border Investigations* (2012: 234), the following options are given to officers taking statements via an interpreter.

The process for taking a written witness statement via an interpreter can be confusing. Investigators should establish an agreed method for taking statements with the interpreter, before starting. There are two simple but effective models for taking a statement via an interpreter:

Option 1

- The investigator puts questions to the witness to elicit the information required and the interpreter interprets the witness's responses.
- The investigator indicates to the interpreter which pieces of information should be recorded on the statement form in the language of the witness. At the end of the interview the interpreter should be asked to confirm the accuracy of what is written, and then reads the statement back to the witness in the witness's own language.
- Having built up a full statement in this way, the interpreter then produces a written translation of the statement in English.

Option 2

- The investigator puts questions to the witness to elicit the information required and the interpreter interprets the witness's responses, as in Option 1.
- Based on the interpreted responses, the investigator writes a statement in English. While writing, the investigator reads out sentence by sentence what they are writing. The interpreter simultaneously writes a translation into the language of the witness onto a statement form.
- The completed statement is then read back to the witness, who is asked to confirm the accuracy of what is written.

Activity

Role-play the statement-taking process with the female victim in the scenario above using the two approaches. Discuss the pros and cons of both approaches. Research the approaches used in your geonational context of practice as a point of comparison.

2. Pre-set questions versus cognitive interviewing techniques in interpreted police interviews

Scenario (as above): A police officer interviews a 20 year-old limited proficiency-speaking female who was attacked by a small group of males and females as she took money from an automated bank teller in a quiet town centre the early evening. Repeat the exercise using one of the options above, this time focusing on the different approaches to interviewing (complete the role play twice using the two approaches below):

A. Pre-set list of questions

Prior to the activity, the person playing the role of the interviewing officer should develop a list of questions to ask the witness about the event. These should be shared with the interpreter before the role-play begins (as part of the PEACE approach to interviewing).

B. Cognitive interviewing

In the second role-play, the person playing the role of the police officer should adopt a more flexible approach to the interview and the questions should probe aspects of the witness's answers. Questions may be triggered by emotional responses to certain parts of the crime reported; the aim is to recover as much detail as possible.

After completing the role-plays, discuss some of the interpreter's approach to the scenario in relation to the five performance dimensions listed in Chapter 1 of *Dialogue Interpreting* (p.29).

Additional resources

Fisher, R. P., and Geiselman, R. E. (1992) *Memory enhancing techniques for investigative interviewing: The cognitive interview*. Springfield, IL: Charles C. Thomas.

Krackow, E., and Lynn, S. J. (2010) Event report training: An examination of the efficacy of a new intervention to improve children's eyewitness reports. *Applied Cognitive Psychology* (24): 868-884.

Memon, A., Wark, L., Bull, R. and Koehnken, G. (1997) 'Isolating the effects of the cognitive interview techniques', *British Journal of Psychology*, 88(2): 179-198.

National Policing Improvement Agency (2012) *Practice Advice on European Cross-border Investigations*. Wyboston: Bedfordshire.

Waddington, P. A. J. and Bull, R. (2007) *Cognitive Interviewing as a Research Technique*: <http://sru.soc.surrey.ac.uk/SRU50.html> (accessed 25 February 2016)

3. Developing confidence in whispered simultaneous interpreting in courtrooms (page ref. 64)

***Dialogue Interpreting* assumes that interpreters have received formal education in interpreter training. Given the increasing use of simultaneous mode in courtroom settings, interpreters will need to acquire the requisite training from a reputable educational establishment; it cannot be learned from a textbook.**

This activity focuses on managing the content and narrative of court proceedings when the interpreter is present in the courtroom. The need to 'narrate' proceedings as part of the interpreting process often arises when a defendant is not being addressed directly by the court (i.e. when they are listening to others' being questioned). In this situation the interpreter may be sat next to the defendant providing whispered simultaneous interpreting of the proceedings. Please note that 'narrating' does not mean commenting on proceedings; it simply refers to the need to provide additional contextual information to make it clear who is speaking to whom and about what.

Scenario: During the course of a trial for a case (draw on the mock trial resources listed below to decide on the nature of the criminal case), you are required to provide whispered interpreting to the defendant in the case. You are required to sit next to the defendant in the dock with a security guard present. In this case, the courtroom layout means that you are facing the judge, as are the members of the prosecution and defence counsel. You can therefore only see the back of their heads.

Main challenges

- the interpreter has to handle discourse between different court participants, including quick-fire exchanges on matters of court procedure

- the interpreter may need to interpret testimony delivered via a video link and have limited access to visual cues (e.g. through a small television screen)
- the interpreter may be interrupted by questions from the defendant while simultaneously interpreting and will need to devise a strategy for dealing with these

Points for consideration

Time-lag: the time between the original speaker's utterance starting and the start of the interpretation may need to be longer than usual due to multiple interventions occurring within a very short space of time.

Visual clues: movement around the courtroom and comments about finding equipment, opening up a videolink, etc are not likely to be self evident to the minority speaker. The simultaneous interpreter needs to maintain vigilance in order to process the visual clues of the courtroom and factor them into the interpreting as necessary.

Narration and framing: instead of presenting information solely in the first person, the interpreter can find it helpful to provide a short narrative where appropriate to signal the change of speaker and links between different parts of the hearing. The amount of time available for such narrative will need to be carefully judged to prevent important details being lost.

Interaction: the interpreter may be faced with a question from the minority speaker while interpreting, for example, to seek a clarification or repetition. If the question is of a technical nature, the interpreter must develop a strategy for handling the interruption without unduly holding up the output. Since the interpreter is not a legal expert, attempts to respond to questions (e.g. about terminology) are not without risk. In such cases, the interpreter may deliver a tentative definition but make it clear that s/he will ensure the question is put to the individual's legal counsel when the opportunity arises.

Activity

Working with a group of peers, set up a mock courtroom in which a witness is examined by the prosecution counsel. The role-play team (without the interpreter and person playing the defendant present) should decide on the type of witness and exhibits to be produced. Role play the examination of the witness. The role-play should contain elements of overlapping speech, questions from the defendant to the interpreter, interjections from the judge. Access to real-life or mock trials on publicly available video sharing sites can serve as a useful source of inspiration for the different roles.

At the end of the role-play, the group should share the experiences of the role-play. The interpreter and person playing the role of the defendant should provide an evaluation of the interpreter's performance drawing on the five performance dimensions in Chapter 1 of *Dialogue Interpreting* (p.29).

Additional resources

Guides to conducting mock trials (some of these sites also include scripts):

Australia: <http://legalheritage.sclqld.org.au/learning-resources>

USA: http://19thcircuitcourt.state.il.us/services/pages/mock_trials.aspx

UK: http://www.citizenshipfoundation.org.uk/lib_res_pdf/0122.pdf

Canada: <http://www.justiceeducation.ca/resources/Advanced-Mock-Trials> and <http://ojen.ca/resource/2209>