



TACIT

Translation and Communication in Training

POLICE INTERVIEWS

A QUICK-COURSE BOOKLET

TACIT 2020

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INTRODUCTION

This booklet accompanies the TACIT toolkit (*our quick-reference training product, available at tacit.org.uk/toolkit/*). It is written in an accessible, user-friendly style for professionals such as police officers that conduct interviews and interpreters that work for the police when they undertake interview with people whose first language is not English. It provides direct and easy access to the latest research findings by the TACIT team relevant for professional practice. The TACIT team operates in the UK though the data for research come from both the UK and the US (see *TACIT Publications website: tacit.org.uk/publications/*).

Our recommendations here are in line with the UK PACE regulations and guidance provided by the UK College of Policing, but our work can be adapted and used in other jurisdictions around the world.

The TACIT project team has identified various challenges that can arise in an investigative interview in both monolingual and interpreter-mediated situations. This training module will help you understand why there is an issue and make you aware of problematic consequences while also suggesting solutions and providing advice about where to find further reading on each topic.

By the end of this training, you should be able to:

1. Quickly detect when, where and why a communication or translation issue arises
2. Propose and apply solutions to a problem its prevention efficiently
3. Show awareness of possible outcomes if the problems remain unresolved

PRE-INTERVIEW COMMUNICATION

Issues

DIFFERENT INTERPRETER ATTITUDES: Many interpreters welcome the opportunity to have a pre-interview briefing on relevant case issues. Others may have concerns that such knowledge can lead to bias and impact on the quality of the interpretation (and therefore may not elect to have such a briefing). Evidence suggests that interpreters are not regularly involved in a pre-interview briefing and that most would welcome some kind of briefing. What constitutes appropriate briefing still remains an open question. We propose advice below.

INHERENT DIFFICULTY OF THE INTERPRETING PROCESS: Linguistic and cultural differences as well as the cognitive and emotional load make interpreting inherently difficult. What can be done to alleviate the many pressures and ensure quality of service and attainment of investigative goals? We have some solutions in this quick course.

Actions

- Brief the interpreter on the basic terminology and topics that will be involved (without revealing in advance any potentially biasing details such as the criminal charge or interviewee's specific role) and let the interpreter brief you on the language and culture contrasts that may be relevant in this context (see tacit.org.uk/toolkit/)
- Establish best language, especially considering cases in which the interviewee's choice of language for the interview is one that they are not fully proficient in.
- Determine in advance who will be responsible for managing the communication if the interviewee speaks some English and starts answering directly in English bypassing the interpreter.
- Facilitate interpreting in narrative recall by advising the interviewer to use shorter turns, be ambiguity-aware and avoid problematic question formats (see *entry QUESTIONS in this booklet*).

- **Ensure awareness:** Interpreters are not expected to provide opinions on the substance of interviews, but the pre-interview briefing can be a useful forum for a brief discussion about matters of culture relevant to a particular type of case.
- **Determine how distress will be handled:** prepare interpreters for the dealing with what might be very difficult issues by giving them the basic case information and indicate what kind of post-interview well-being support is available.

QUESTIONS

Issues

Certain types of questions can appear biased, hard to understand and take longer for interviewees (and interpreters) to process. They are also more likely to lead to misunderstandings and miscommunication and also to difficulties in translation. For example, negative questions and complex questions in the format of a statement are both frequent in police interviews and they are both problematic. The negative questions such as “Didn’t you think it strange that a man you do not know well left his valuables with you?” are biased (they implied something wrong was done) and are more difficult to answer because they can have either Yes or No as the start of an answer (compare: Yes, I didn’t know vs. No, I didn’t know).

Similarly, complex questions with lots of smaller sentences within a very big one as in the example below are unlikely to elicit adequate and accurate information, as in the example below - we do not know what exactly the interviewee is saying “no” to:

Q: So it is not a case from what I can see it is not just a case of somebody saying can I use your bank details, that is not what they have done to you they are using your name if this is what happened they are using your name they have got email addresses with your name that is not the only one is it there is an email address, all is in your name leaving you sitting here with us having to answer questions for all of those having been arrested for fraud this is the person who has done that to you can you give us that person's name so we can look at this and sort this out?

A: No

Actions

- Avoid negative questions or long statements-as-questions, and instead use positive questions or clear, simple statements followed by open-end or yes/no questions:
- 'Chunk' long statements and clearly signal your question by using a question format (e.g. a statement followed by an open-end or closed-end question about the statement).

Example: So, a man you do not know well left his valuables with you. Do you think this is strange?

RAPPORT-BUILDERS

Quotation, Mitigation and Empathy

There are certain discourse devices that are used in order to create cooperation and build rapport in communication (see entries in the TOOLKIT: QUOTATION STATEMENTS, MITIGATION IN COMMUNICATION AND EMPATHY AND RAPPORT) Quotation statements (repeating what somebody has said) are common features in police interviews, and they are used to highlight discrepancies between current and earlier statements made by the suspect or other speakers (e.g. witnesses, victims), thereby avoiding direct challenges (such as *you are lying*). Mitigation is used to help the speakers minimise power distance and to establish rapport between the interviewers and interviewees, which is conducive to cooperative communication. This ensures optimal flow and quantity of information and reduces the risk of refusal to communicate. Empathy shows emotional understanding for the interviewee and also helps to establish rapport.

Issues

If used inappropriately, these communicative devices can do more harm than good. For example, the use of the quotation has the potential to disrupt and even stop an interview or delay its progress and put pressure on the interviewee, thus leading to the deterioration of rapport. Mitigation lengthens the conversation and can, if used inappropriately, falsely diminish the gravity of the situation. Empathy and other rapport-building devices (see *Toolkit entry EMPATHY*) may also be misused, for example, to speculate about an interviewee's state of mind as in "Why were you so depressed" when the interviewee may not have actually referred to themselves as "depressed" at all.

Actions

- Use quotation as an invitation, not a threat
- The discrepancy between a previous and a current statement should be queried by the interviewers through the use of direct questions at an appropriate moment and in a non-threatening way. The interviewee's previous statement should

not be quoted as 'proof' that the suspect lied but as a point of reference that needs further explanation [see tacit.org.uk/toolkit/ QUOTATION STATEMENTS].

- Use mitigation to maintain rapport, not to attenuate questions or speculate about the interviewees' motives. Here are some examples of appropriate mitigation:

- i) Checking understanding
 - Are you happy, do you understand the caution?
- ii) Judging /Asking for views or opinion
 - Could it be that you are not the only person that is being taken advantage of?
- iii) Seeking approval
 - e.g. Would it be fair to say that you actively sought out material?
 - e.g. Would you mind telling me what happened (instead of: Tell me what happened)

- Use empathy appropriately

Good practice:

- a) I can see that you are upset [suspect crying or appearing emotional]
- b) You said you were angry. Can you describe your feelings further?
- c) I appreciate this may something that is difficult to talk about
[suspect shows discomfort or stops talking]

Bad practice:

- d) I imagine that you felt anxious
- e) Didn't that make you feel desperate?
- f) Why were you so depressed?
[S did not describe him/herself as anxious, desperate or depressed. Speculative]

LANGUAGE DIFFERENCES AND INTERPRETING

Issues

- Different languages have different ways to structure meaning. Words and constructions in one language do not have completely equivalent, perfectly matched meanings in other languages. E.g. modal verbs: not all languages have equivalents to might or may
- Failure in understanding potential conflicts in translation due to typological differences between two languages can affect the accuracy of the translation and lead to misleading information which can affect interview outcome. E.g. “drop” can mean ‘drop on purpose’ or ‘by accident’, but in other languages, they have different verbs or constructions for “intentional drop” and for “accidental drop.”
- For example, academic research has pointed out that some languages, like English, have many verbs of motion, while some others, e.g. Spanish, have few. Motion verbs are often omitted or transformed in translation from English into Spanish or added in translation from Spanish into English. It is important to know this difference because how somebody moves (e.g. whether he is running or limping) has investigative importance. This transformed information can also lead to relevant changes: e.g. in some languages “I put her into the car” is adequate. In English “I pushed her into the car” is more natural but adds violence to the statement. Significant contrasts that distinguish among different language types are studied within Language Typology (see tacit.org.uk/toolkit/ LANGUAGE DIFFERENCES AND INTERPRETING).

Actions

- Stop communication (pause the interview) and seek an explanation about the language matters from the interpreter and clarification about the content from the interviewee
- During the interview: pay attention to potential difficult areas such as modal verbs (can, might, may), manner verbs (push, run, dash) and intentional verbs (drop, break)

- If necessary, you can clarify with the interpreter after the interview the parts of when you noticed hesitation or feel to go into more detail (e.g. a cultural explanation)
- Make sure the key terms are clear to the interviewee to avoid ambiguity and misunderstanding (e.g. are you in a “civil partnership” in your culture or do you understand what is meant by the word “assault” or the phrase “incriminating behaviour”?).

10-MINUTE 10-QUESTION QUIZ

1. All interpreters want as much briefing about the case as possible.

YES NO

2. Interpreters should also brief officers in some cases

YES NO

3. Interviewees should be asked to have shorter answers so that interpreters can interpret.

YES NO

4. Negative questions and complex questions are harder to deal with for both the interpreter and the interviewee.

YES NO

5. It is good practice to use something the interviewee has previously said as proof of inconsistency and in order to accuse him/her of lying.

YES NO

6. Any mitigation in conversation is better than aggravation because aggravation can lead to the interviewee shutting down and answering no comment.

YES NO

7. This is an example of wrong empathy: “you must have been very afraid”

YES NO

8. Language differences are problematic but are not likely to cause severe misunderstanding so I should not worry much about them.

YES NO

9. Both the police officers and the interpreters should be able to interrupt the communication flow if there is unclarity or ambiguity in what needs to be translated.

YES NO

10. “If you had known your friend has been in trouble with the police before, why did you not check what was in the bag before you took it to that friend’s place, where the police later found it?”

- a) COMPLEX
- b) NEGATIVE
- c) BOTH COMPLEX AND NEGATIVE

