
Risks and Benefits of Interpreter-Mediated Police Interviews¹

VARSTVOSLOVJE,
*Journal of Criminal
Justice and Security,*
year 18
no. 4
pp. 451–471

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Purpose:

To identify best practice in interpreter use in suspect and intelligence interviews conducted by an international sample of experienced law enforcement practitioners in Asian Pacific jurisdictions (Australia, Indonesia, Philippines, South Korea and Sri Lanka).

Methods:

Semi-structured interviews were conducted with 121 practitioners who described their experiences with and perceptions of interpreter-mediated interviews. Responses were transcribed and coded by trained research assistants, achieving a high degree of inter-rater reliability.

Findings:

The practitioners agreed that interpreters changed the interview dynamic, and identified benefits and risks of interpreter use. The responses revealed misconceptions about interpreter codes of practice regarding neutrality. Major concerns were maintaining control of the interview, accuracy loss, maintenance of nonverbal communication, interview duration and fatigue. Strategies used to manage interviews were the selection of the interpreter, advance preparation regarding ground rules and content, and placement of the interpreter (behind/adjacent to the interviewee). The key to a successful interview was a skilled, experienced interpreter.

Research Limitations:

Although the purposive sample was not representative, data from multiple practitioners revealed commonalities across jurisdictions. Self-reports are subject to memory distortions and cannot be validated, thus future research in a controlled experiment is recommended.

Practical Implications:

Interviewer training is needed: (i) to familiarise interviewers with differences between trained, accredited interpreters and untrained bilinguals; and (ii) effective strategies to ensure accurate information, maintain nonverbal communication and the legal right of interviewees to a fair interview.

¹ This research was funded by the US High-Value Detainee Interrogation Group through the Centre for Law and Human Behavior at the University of Texas at El Paso (Grant Number: J-FBI-10-009). Statements of fact, opinion and analysis are those of the authors, do not reflect official policy or positions of the HIG or the US government. We are grateful to Matthew O'Reilly and Stella Palmer for their research assistance.

Originality/Value:

Unique insights were gained from experienced practitioners in the field on an important global issue. Their observations hold significance for interviewing practitioners, interview training programmes, and researchers.

UDC: 159.9:340.6

Keywords: bilingual, interpreter, investigative interview, interview management

Tveganja in koristi vključevanja tolmačev v policijske razgovore

Namen prispevka:

Cilj raziskave je bil opredeliti najboljšo prakso vključevanja tolmačev v policijske razgovore na podlagi mednarodnega vzorca izkušenih predstavnikov organov pregona iz azijsko-pacifiške regije (Avstralija, Indonezija, Filipini, Južna Koreja in Šrilanka).

Metode:

Opravljenih je bilo 121 pol strukturiranih intervjujev s predstavniki organov pregona, ki so opisali svoje izkušnje in dožemanje vključevanja tolmačev v policijske razgovore. Odgovore so prepisali in kodirali usposobljeni raziskovalni asistenti, kar zagotavlja visoko stopnjo zanesljivosti.

Ugotovitve:

Respondenti so se strinjali, da vključenost tolmača spremeni dinamiko razgovora, in identificirali koristi ter tveganja njihove vključenosti. Iz odgovorov je razvidna napačna predstava respondentov o kodeksih ravnanja tolmačev glede nepristranskosti. Glavni pomisleki so se nanašali na ohranitev nadzora nad razgovorom, izgubo natančnosti, ohranjanje ustrezne neverbalne komunikacije, trajanje razgovora in utrujenost. Strategije, ki se uporabljajo za vodenje razgovorov, so izbira tolmača, vnaprejšnje priprave v zvezi z osnovnimi pravili in vsebino ter položaj tolmača (za/poleg izpraševanca). Ključ do uspešnega razgovora je več, izkušen tolmač.

Omejitve/uporabnost raziskave:

Kljub temu, da vzorec ni bil reprezentativen, so pridobljeni podatki razkrili skupne značilnosti različnih jurisdikcij. V izogib odzivom, ki so lahko podvrženi izkrivljanju spomina, je v prihodnje priporočljivo izvesti raziskavo v obliki nadzorovanega poskusa.

Praktična uporabnost:

Izpraševalce je treba usposobiti: (i) da se seznanijo z razlikami med usposobljenimi, akreditiranimi tolmači in neusposobljenimi, laičnimi dvojezičnimi posamezniki; in (ii) glede učinkovitih strategij za zagotavljanje točnosti informacij, ohranjanje ustrezne neverbalne komunikacije ter pravice izpraševanca do poštenega razgovora.

Izvirnost/pomembnost prispevka:

Intervjuji z izkušenimi predstavniki organov pregona omogočajo edinstven vpogled v pomemben globalni problem. Njihova opažanja so velikega pomena

za strokovnjake s področja vodenja policijskih razgovorov, za oblikovanje programov usposabljanja izpraševalcev ter za raziskovalce.

UDK: 159.9:340.6

Ključne besede: dvojezičnost, tolmač, preiskovalni razgovor, vodenje razgovora

1 INTRODUCTION

Widespread global mobility has significantly increased the proportion of people in almost every country in the world whose native language differs from the official language spoken in court and legal proceedings. This phenomenon affects police investigations when suspects and/or witnesses do not speak the official language fluently and when many divergent language and dialects are spoken within a country. For example, the Philippines has over 100 native languages, 13 of which each have more than 1 million speakers (Lewis, Simons, & Fennig, 2016). The language barrier in bilingual interviews magnifies the already complex interaction between police interviewers and interviewees. While interpreters can bridge the language gap between interviewer and interviewee, facilitating the interaction between the parties, their presence also changes the interview dynamic, and may inadvertently obstruct interviewing techniques (Lai & Mulayim, 2014; Nakane, 2014). The risks posed by an underqualified interpreter should not be ignored. They include misunderstandings between interviewer and interviewee, failure to secure sufficient information and, more importantly, the loss of information. Interpreting errors in an investigative interview may result in information that is inadmissible at trial or lead to a wrongful conviction or acquittal (Roberts-Smith, 2009). Given such potentially serious consequences, surprisingly little research has been conducted on the influence of interpreters on an investigative interview (Berk-Seligson, 2002; Nakane, 2007, 2009, 2011; Russell, 2002). The present study explored the nature of police and military interviewers' experiences with interpreters, and their perceptions of interpreter-mediated interviews.

1.1 The Risks of Inaccuracy in Interpreted Propositional Content

Interpreting is commonly misunderstood as the provision of a literal word-for-word rendition of an oral, verbal exchange (Hale, 2007; Krikke & Besiktaslian, 2004; Morris, 1993). Trained interpreters are bound by the professional code of ethics within their community. For example, the Code of Ethics and Code of Conduct of the Australian Institute of Interpreters and Translators (AUSIT, 2012: 10) states that interpreting must accurately replicate the source without modification. That is, "interpreters and translators do not alter, add to, or omit anything from the content and intent of the source message".

The principle of accuracy is theoretically straightforward but, in practice, it is more complex (Berk-Seligson, 2002; Wadensjö, 1998). Despite explicit guidelines to provide verbatim interpretation, numerous studies have shown that interpretations are often edited and that the linguistic content of utterances in bilingual interactions is not always accurately replicated (Angelelli, 2004;

Aranguri, Davidson, & Ramirez, 2006; Berk-Seligson, 2002; Hale & Gibbons, 1999; Nakane, 2008). The reality is that, even with the most experienced and skilled interpreters, interpreter-mediated interactions are not equivalent to monolingual interactions. The differences between them are magnified by unskilled, untrained bilinguals (Hale, Goodman-Delahunty, & Martschuk, in press).

For instance, interpreters tended to violate ethically appropriate norms by 'repairing' poorly worded or ambiguous utterances which were not susceptible to meaningful translation (Nakane, 2008). Their motivation may have been to appear competent or to ensure better intercultural communication between parties. Repairs are sometimes justifiable and can avoid misunderstandings due to differing expectations between cultures, but may be problematic if the speaker deliberately and strategically intended to pose an ambiguous (Wadensjö, 1998) or leading (Berk-Seligson, 1999) question to an interviewee.

Untrained bilinguals are generally not qualified interpreters, do not hold professional accreditation, and may lack proficiency in the target language, for example, regarding technical legal terminology (Goodman-Delahunty, Hale, Dhami, & Martschuk, 2015). Poor interpreting poses a risk to suspects who may not fully understand the questions being asked, and to the police investigators who obtain a distorted answer. Unilateral or mutual misunderstandings in an interview can have adverse consequences for law enforcement agencies when tactical decisions must be made in the short term based on information gleaned in a field interview, and for agencies and suspects when they arise in later stages of a formal criminal justice process. Inaccurate interpretation may have dire consequences for both practitioners and interviewees, particularly when the stakes are high: for instance, it could result in distorted answers from the suspect, false confessions, or evidence that is inadmissible at trial.

1.2 The Risk of Failure to Replicate Tone and Pragmatic Force

With respect to the tone or pragmatic force of the utterances, interpreters need to ensure that the same level of politeness or brusqueness as the speaker uses is replicated. Skilled interpreters understand that the portrayal of tone and politeness is just as important as verbal precision, whereas untrained bilinguals tend to render only the propositional content of a message (Hale, 2004; Hale, Goodman-Delahunty et al., in press). The focus by some interpreters on factual information alone and neglect of communicative goals of the interviewer (Hsieh in Fernández, 2010), or non-content features such as hesitations, filler or hedges, may diminish the veracity of the message (Dueñas González, Vásquez, & Mikkelsen, 1991). This is problematic for police and military interviewers who: (a) strategically formulate their questions to achieve a particular response from the interviewee; and (b) seek to discern the veracity of the responses. An important consequence when interpreters fail to reproduce tone and politeness is that this impairs the listeners' ability to evaluate the speaker's character or credibility (Dueñas González et al., 1991; Goodman-Delahunty et al., 2015; O'Barr, 1982) and may change the perceived guilt of a suspect (Mizuno, Namakura, & Kawahara, 2013).

Research shows that less proficient interpreters may alter the degree of politeness of a question during interactions (Hale & Gibbons, 1999; Goodman-Delahunty et al., 2015). In particular, interpreters had difficulty matching discursual features such as the degree of coercion, politeness and equivalence of register. Thus, interviewees may not be aware of the strength of hostility with which they are being questioned, and the interviewer's carefully nuanced questions may be lost. Even minor variations in the level of coercion intended in a question can alter the meaning of an interviewee's answers. For example, an analysis of police interviews conducted with different interpreters and Russian-speaking witnesses revealed that interpreters tended to change colloquialisms and hedges, and to misinterpret metaphorical expressions (Krouglov, 1999: 299). Interpreters not only produced different renditions and interpreted more politely, they also "provide[d] evidence of pragmatic intention" that differed from that of the speaker. These modifications were not necessarily a result of poor interpretation but a consequence of the many ways in which an utterance can be reproduced (Braun & Taylor, 2011).

1.3 The Risk of Partiality and Bias in Interpreted Interviews

A common misconception is that any bilingual is competent to serve as an ad hoc police interpreter without specific training (Hale, 2007). At times, for different reasons police interviewers use untrained bilinguals from their community (e.g., friends or family members of the interviewee) or members of the police force as interpreters. This may be due to difficulties in finding a trained interpreter on short notice or because police interviewers prefer to have a second interviewer in the room. Unlike trained interpreters who are cognizant of their duty to remain impartial to both the interviewer and interviewee, untrained bilinguals and ad hoc interpreters in the community may misconstrue their role as one to assist the police with their investigation (Burke, Brown, & Britain, 1997; Dixon, Bottomley, Coleman, Gill, & Wall, 1990) or switch between roles of investigator and advocate for the suspect during the course of an interview (Berk-Seligson, 2002). Interpreter failure to maintain neutrality may compromise a police interview. When an interviewee's rights to fair treatment in a police investigation are violated, this can lead to the exclusion of evidence at trial or create grounds for a post-trial appeal (Berk-Seligson, 2002).

1.4 The Present Research

The aim of the present study was: (i) to assess the nature of experience with interpreters of interviewing practitioners working in a variety of jurisdictions; (ii) to explore the techniques; and (iii) identify best practices they employed when conducting interpreter-mediated intelligence and investigative interviews.

2 METHOD

2.1 Participants

A total of 121 interviews was conducted with police (73.6%) and military officers (26.4%) employed in diverse operating environments in five Asian Pacific countries.

Half the participants in the study sample were Australian, including state and federal counter-terrorism officers (28.9%) and military officers (15.7%). Other participants were international agents (19.8%) (from Australia, India, Singapore and the United Kingdom) and investigative and intelligence practitioners in the Philippines (12.4%), Indonesia (8.3%), South Korea (8.3%) and Sri Lanka (6.6%). Most participants were seasoned practitioners with more than ten years' experience conducting law enforcement and intelligence interviews (71%). Of the sample, 92% were men and 8% were women.

Participants reported that they conducted intelligence interviews (33.9%), investigative interviews (30.6%) or both (35.5%). The vast majority used an information-gathering approach to an interview (89.3%), whereas 8.3% applied a more accusatorial approach to interviewing. Two participants (1.7%) reported that their approach was dependent on the interviewee or their cooperation. The type of interview approach differed significantly between the police and military participants ($\chi^2 = 28.89, p < .001, \Phi = .491$), and between the interview types ($\chi^2 = 26.26, p < .001, \Phi = .466$). Whereas almost all police interviewers applied the information-gathering approach (98.9%), 65.6% of the military interviewers relied solely on that approach. Similarly, whereas all practitioners conducting investigative interviews applied the information-gathering approach, 85.5% of interviewers conducting intelligence interviews did so.

2.2 Materials

Four topics about experiences with interpreters² formed a discrete subset within a longer structured interview protocol about interview practices (Russano, Narchet, Kleinman, & Meissner 2014). Interviewing practitioners were asked the following questions to prompt discussion about the nature and frequency of interpreter use: (1) In your experience, what percentage of the time do/did you conduct interviews with the assistance of an interpreter? (2) Have you conducted an interview directly in a foreign language without the support of an interpreter? If so, please estimate what percentage of your total interviews was conducted this way. (3) Do you believe that the presence and/or use of an interpreter affects the dynamic or flow of an interview? Why or why not? If yes, how so? If yes, how do you try to minimise or offset the impact of the interpreter's presence? (4) Do you believe that the presence and/or use of an interpreter affects the likelihood that an interview will be successful? Why or why not? If yes, how so?

2.3 Procedure

A purposive convenience sample of interviewing practitioners was recruited through their employers and the snowball sampling method. Trained researchers interviewed the participants in military and police offices, at universities, hotels and other mutually convenient locations. A small number of interviews

² The term 'interpreter' does not imply specific training or accreditation of interpreters, unless otherwise specified.

was conducted by telephone (2%) when face-to-face meetings were infeasible. Interviews were recorded using digital voice recorders.

Most interviews were conducted in English and transcribed verbatim by a contracting agency. Interviews with Indonesian interviewing practitioners (8.1%) were conducted in Bahasa and English with the assistance of an interpreter. Interviews with South Korean interviewing practitioners (8.1%) were conducted in Korean, transcribed and then translated into English. Analyses were conducted from the transcriptions, with occasional reference to the audio recording to clarify any ambiguities.

2.4 Data Coding and Analysis

Interview transcripts were analysed using categorical codes developed from the interview questions. Appendix A is a copy of the interview transcript coding protocol. To assess the reliability of the categories, ten percent of transcripts were dual coded by two research assistants independently of each other. The interrater reliability was good to excellent (Krippendorff $\alpha = .88$).

3 RESULTS AND DISCUSSION

3.1 Frequency and Nature of Practitioner Experience with Interpreter-Mediated Interviews

The majority of the interviewing practitioners (85.1%) reported some experience of working with interpreters in the field. Approximately one-third of the practitioners (30.6%) had conducted an interview in a second language without the aid of an interpreter. A small proportion of the study sample, approximately one in every five practitioners (17.4%), reported frequent use of interpreters in more than half of their interviews. Moderate experience with interpreters was more common, with one-third of the interviewing practitioners (37.2%) reporting the use of interpreters in 10%–49% of their interviews. Occasional and infrequent experience with an interpreter (<10% of the sample) was reported by 30.6% of the practitioners.

The presence of the interpreter was a minimal concern for 12.4% of the practitioners whose investigations were typically conducted without reliance on the suspect as an information source. In other words, the purpose of the suspect interview was not to gather information as the interview took place only at the conclusion of the investigation, for legal reasons, or as a formality, using scripted questions. In these circumstances, the dynamic between the suspect and the interviewer was not anticipated to influence the interview outcome.

Interpreter use varied by jurisdiction: all of the Australian, Indonesian and Sri Lankan interviewers and almost all the international practitioners (95.8%) had experience working with interpreters. A substantial majority (86.7%) of the Philippine interviewing practitioners had worked with interpreters, and this experience was also common among South Korean practitioners (60%).

Given the high degree of exposure in the study sample to working with interpreters, it was surprising that only one in every five practitioners (20.7%)

perceived that interpreters had a positive effect on their interviews. Despite these reservations, practitioners generally opposed the practice of conducting interviews themselves in the suspect's language without the assistance of an interpreter. Approximately one-third of the practitioners (30.6%) reported they had conducted an interview in the suspect's language without the assistance of an interpreter.

Practitioners acknowledged that interpreters were generally "more aware of the nuances between both languages" (Australia 42) and were therefore the better option than "going it alone". Working without an interpreter was seen to pose the greater risk:

It's been less effective than using an interpreter and the reason being is often our grasp of the second language isn't as strong as the grasp of our native tongue and so you lose some of the nuance in the questioning. And so my view is if you've got a quality interpreter, you're far better going through the interpreter even if you speak the language yourself because you can actually get the nuances and get, I guess, a more detailed response (Australia 2).

Some practitioners stated they always used an interpreter, even when fluent in the target language, because they could use this strategy to their advantage: it allowed more time to plan questions, and threw the interviewee off guard, or yielded a more detailed response.

...it gives an advantage. If we need to disarm the person, or get them on a shaky footing, start speaking their language, showing we understood what they were saying beforehand. It throws them off, and makes them uncertain where they stand. I like to keep that as an option (Australia 74).

Even when an interpreter was present, many practitioners relied to some degree on the interviewee's familiarity with the official language, or at least a basic understanding of the official language. One participant outlined the advantage of using basic English (the official language) in an interpreted interview to assist the interviewee in understanding the questions:

I'd say I speak in the simplest terms I can. A lot of the people that I've interviewed with an interpreter, they still have a basic understanding of English. And, if you can use language that they actually understand, quite often they'll be answering you as the interpreter is also asking the same question, and then you're almost getting two answers from the person to the same question, which gives you a bit more of a chance to assess 'Are they telling the truth? What's their motivation?' – all those sorts of things (Australia 60).

Other interviewers outlined the benefits for a practitioner of having at least some understanding of the interviewee's language, even when using an interpreter, as it increased the practitioner's insight into the accuracy of the interpretation.

If you want to make the best of the interpreter, you must be knowledgeable in both languages (Australia 26).

My basic Arabic has ensured that, while I may not understand the full question, holistically, I'll know when he's slipping up. So that helps (Singapore 3).

3.1.1 Remote vs In-person Interpreter Use

A small proportion of interviewing practitioners (4%) had experience with remotely interpreted interviews in which the interpreter was physically absent and interpreted via phone. These findings contrasted with the frequency of remote interpreter use reported in a survey of 413 Australian police officers working in Queensland, Australia (Wakefield, Kebbell, Moston, & Westera, 2014), perhaps due to the greater difficulty of finding interpreters proficient in the target language spoken in rural and remote areas in that state.

Practitioners in the present study reported that remote interpreting reduced the quality of the interview and did not favour remote interpreting. Compared to a phone-interpreted interview, an interview seemed to flow better and it was easier to clarify information when the interpreter was physically present:

The presence of the interpreter has helped the flow of the interview compared to when it's been across the phone. And again, I think it's probably to do with 'lost in translation' when it's across the phone, whereas it just seems to be easier to clarify and convey things quicker if there's some misinterpretation when the interpreter's in the room (Australia 22).

Having an interpreter physically present in the interview gave the interviewing practitioners more time to observe the interviewee's body language, providing a more accurate interpretation of the meaning of an utterance.

...gives me an opportunity to observe the suspect in answering the question, because obviously they turn to hear what the interpreter has to say, and then they usually turn to answer. So it gives me more time to observe their body language and non-verbal cues. So it has advantages as well (Australia 74).

Prior research indicated that interpreters achieved a lower level of accuracy when working remotely in a video-conference as opposed to face to face (Braun & Taylor, 2011), and that interpreters disliked working remotely (Rozinger & Schlesinger, 2010).

3.2 The Perceived Effect of an Interpreter on the Interview Dynamic

Most practitioners (87.6%) agreed that the presence of an interpreter affected the dynamic of the interview. The effects distinguished were: (a) compromised nonverbal communication with the interviewee (41.5%; $n = 44$); (b) a slower pace of the interview (33.0%; $n = 35$); and (c) loss of control over the interview (23.6%, $n = 25$).

3.2.1 Loss of Nonverbal Communication

A common concern expressed by the practitioner sample was the change in level of politeness or tone of a question or different emphases on words. These reports

were consistent with earlier findings that interpreters sometimes changed the tone of an utterance in legal settings (Hale, 1999).

In my experience, unless you've got an absolutely brilliant interpreter, the tone of your questioning changes through the interpreter (Australia 47).

They emphasise different words, and, yeah, the tone ... (Australia 59).

A series of different reasons was provided as to why interpreters might change the tone of a message. First, the tone of utterances might change based on the experience and training of the interpreter: "Some will have been taught to interview a particular way" (Australia 51). A second reason was cultural influence where: (a) the interpreter may have phrased a question more politely to conform with the cultural norms of the interviewee; or (b) the relative status of the interpreter and interviewee within the community. For example, interpreter who had a higher status they might direct the message to the interviewee in a harsh manner and vice versa when their status was lower. A third concern was difficulty in exploiting the shock of capture.

...when you just say, 'Hello, how are you going?' they take into their cultural ways of delivering 'Hello, how are you', which could be, 'Oh, sir, hello. How are you?' You wonder why the guy looks at you and replies to you with some sort of dignity or some sort of superiority in a way, and it's just because of the way the interpreter's said it (Australia 50).

...if you're trying to do a little bit more, direct, by retaining the shock of capture type interview, you do lose some of that dynamic because it is going through an interpreter. The key is to try and get the interpreter to try and say things exactly the way you're saying things, so that the intimation is unchanged, and so the message isn't stilted through going through an interpreter (Australia 2).

And the way I say it may not be said to him the way that the interpreter's going to say it. And sometimes, I've noticed working in counter-terrorism, your tone can mean something completely different. If it's said in a certain tone, it has a completely different meaning to the stuff I say. Something in a certain tone, trying to be a little bit direct, or forward, may be said in a completely different way, may mean something completely different (Australia 54).

Similarly, practitioners faced difficulty conveying nonverbal emphases via an interpreter:

It is very hard to convey vocal communication to a third party. As in 'I really want you to tell me', or 'I really want the person' – and your hand gestures – and you emphasise particular words – emphasizing. Unless the interpreter is doing it, unless it's been explained to them, and these are the things we have to emphasise. So, non-verbal cues and things you are emphasising, it's very hard for that to be conveyed too (Australia 14).

3.2.2 Interpreter Effects on Interview Pace and Completion

The slower pace of an interview when conducted with an interpreter was viewed both positively and negatively. Some practitioners commented that this gave them and the interviewee more time to reflect and consider questions or answers. Further, it allowed interviewing practitioners to observe the interviewee's nonverbal behaviour separately from the answer to the question.

The negative effect of the slower pace of the exchange was noted when interviewees understood the language used by the practitioner:

They were predominantly Asian, so every one of those, and I knew they spoke English, fluent English, but they would say 'interpreter' because quite clearly, I'll ask a question to the interpreter while you're formulating an answer, because you know what I've already asked, and then the interpreter turns around [and] says it. They get an extra 10 or 15 seconds to think of an answer (Australia 53).

One practitioner reported that, in some instances, both parties were fatigued by the more protracted interview. This made them less inclined to delve further into any particular subject. Truncated questions and answers resulted in a less thorough interview.

It makes the interview much longer, causes everyone to be more tired. So I might be less inclined to delve further into a particular subject. And I have found that the person being interviewed is less inclined to explore or explain a particular subject if they know that there is this cross conversation, if you like. Really the interpreter has got to repeat it, so the whole thing will be shortened and the interview itself will be not as complete (Australia 25).

Some practitioners became impatient when an interpreter was present, and did not conduct the interview to the full extent. The questioning process became truncated because the language barrier frustrated the interviewing practitioner.

It is hard to maintain momentum. And if he avoids the question, the one question, you can be on it for 10 or 20 minutes. And it can be extremely frustrating. And I'll be honest – a couple of times I think I've moved on from questions because I just wasn't getting anywhere, and was becoming too frustrated (Australia 40).

[...] sometimes it just gets so difficult that I think interviewers can lose their own drive. So just like 'This is hard. Let's just get this finished'. So I think people tend to rush through them (Australia 69).

These findings are in line with research showing that the interpreter's presence inevitably changed the dynamic and pace of the conversation as the traditional dyad between interviewer and interviewee was transformed "into a triadic mixture of opposition, cooperation and shifting alignments" (Russell, 2002: 116).

Effect of mode of interpreting on pace. Although most interpreters in the study sample had experience working with interpreters who provided a consecutive interpretation, some practitioners encountered interpreters who

provided a simultaneous interpretation. They perceived that simultaneous interpreting was less exhausting and faster:

I've worked with translators who are simultaneous translators. I think that's brilliant. That's my preference, simultaneous translation, because that goes very well. It's faster and it's probably less exhausting. Not for the translator, but for everyone else (South Korea 8).

Research conducted on the mode of interpretation in legal settings confirms the faster flow of the interview (Ewens et al., 2014), that the experience is less tiring for the parties (Hale, Martschuk, Ozolins, & Stern, 2017) but more demanding for the interpreter (Moser-Mercer, Kunzli, & Korac, 1998). A controlled experiment with mock-jurors showed other effects of the interpreting mode: simultaneous interpreting achieved credibility and culpability ratings of the defendant undifferentiated from those in a monolingual version of the same trial (Hale et al., 2017), whereas consecutive interpreting boosted the credibility ratings of the defendant and decreased perceptions of his culpability.

3.2.3 Loss of Interview Control

About one-third of the practitioners reported a perceived loss of control over the interview when they had to “speak through an interpreter” (Australia 46). One major concern was lack of trust in “what the interpreter is saying to them [interviewees]” (Australia 54) which, in some instances, resulted in a “disconnected emotional response” (Australia 38).

...the real understanding out of the literal sense of translating those words could affect the meaning and the percentages of the meaning of the questions that you have put and at the same time of understanding the responses that they have given because you yourself as an interviewer will not be able to gauge the issue of honesty, the issue of sincerity, the issue of the involvement of those individuals because you are depending much on the ability of the interpreters who might not have the experience of understanding the subject that you're talking about... (Singapore 2).

When interviewees tended to address their comments to the interpreter instead of the practitioner, the practitioner felt 'side-lined'. Although interpreters are required by their code of ethics to avoid side conversations with the interviewee or the practitioner (AUSIT, 2012), untrained interpreters are not necessarily aware of this principle and are more likely to stray from their interpreting role (Hale et al., in press).

3.3 Strategies to Manage Interpreter-mediated Interviews

Most interviewing practitioners (89.3%) reported they applied a variety of different strategies to manage interpreter-mediated interviews and to mitigate the risks of perceived negative influences of an interpreter on the interview process and outcomes. A small proportion of the interviewing practitioners (10.7%) reported they did not or could not take any steps to counter the effects of an interpreter on an interview.

The three key strategies reported by practitioners to manage interpreter-mediated interviews were: (a) selection of the interpreter; (b) preparation of the interpreter in advance of the interview; and (c) strategic placement of the interpreter in the interview setting.

3.3.1 Selection of an Interpreter

Practitioners endorsed different strategies in selecting an interpreter. Twenty percent worked with both internal and external interpreters, depending on their availability. Some relied exclusively on independent interpreters (11.6%) while others relied exclusively on agency interpreters employed by the police/military (8.3%). A benefit of internal interpreters was their familiarity with interviewing strategies and legal terminology.

Regardless of interpreter type, 13.9% of the practitioners had formed an ongoing relationship with interpreters. An interpreter who was an internal staff member often took on a role of directing the interview and as a second interviewer. These practices may compromise the interpreter's ability to remain unbiased and impartial. Interpreters who have dual roles may violate an interviewee's right to fair treatment, and result in inadmissible evidence or a successful post-trial appeal (Berk-Seligson, 2002).

Interpreter skills. One in five practitioners made inquiries about the interpreter's skill in the target language prior to the interview. However, more than half the practitioners (55.4%) referred to the use of untrained interpreters in the field. Some practitioners confirmed that inaccurate interpretation had occurred:

...and then there's an interpretation of the response of the question that's given to me which occasionally on review hasn't always been completely accurate when we've had it transcribed (Australia 20).

Negative experiences of this nature can be avoided by insisting on a trained interpreter who is skilled in unobtrusively providing accurate renditions of the content and nonverbal features such as tone, without exerting any personal influence on the interaction. Trained interpreters apply protocols to interpret everything that is said, without adding or omitting information and without changing the tone of the message. A study comparing the interpreting performance of trained and untrained interpreters in a simulated police interview showed that trained interpreters outperformed untrained bilinguals, conveyed the verbal and nonverbal message of the speaker without omission or addition, and remained neutral (Hale et al., in press).

Specific training in legal interpreting. Of particular interest to some practitioners was an interpreter's knowledge of the law and expertise in legal interpreting:

Because some interpreters, they are not aware of the legal terminology, this will be the first time for them to learn. When they do it in police environments or a legal interview, this will be the first time they will be exposed to that sort of interview, and they don't understand what they are saying (Australia 61).

Corroboration of the interpretation. Regardless of the interpreter's proficiency, some practitioners preferred to use a second interpreter to cross-check the interview transcripts for accuracy. Another strategy was to have a second interpreter take notes during the interview. The interviewing practitioner would use these notes to clarify the accuracy of the interpretation by the first interpreter.

Normally, I employ not only one interpreter. I used to validate information using another person. Otherwise I will be penalised with the findings of a single person (Philippines 15).

3.3.2 Preparation of the Interpreter in Advance of the Interview

Approximately one-quarter of the practitioners provided interpreters clear instructions on their role in the interview (24.0%). Many of the ground rules or instructions on interpreting that practitioners gave to interpreters conformed with best practices taught to formally trained and accredited interpreters as specified in their codes of ethics and professional practice (e.g., AUSIT, 2012; Mulayim & Lai, 2016). For instance, they advised interpreters to use a direct approach, to interpret everything stated by any party as precisely as possible, without adding or subtracting information.

We go through confirmation processes, like saying: 'Do not add anything else and tell him/her exactly what I say' (South Korea 5).

If we have time to prepare, we just talk first, 'You just translate when I ask. Just keep quiet and ask the question that I ask. Don't express your emotions or something like that' (Australia 28).

Practitioners reported that, in the absence of clear instructions, interpreters may add their own interpretation to an utterance.

It's very important to set your ground rules. Often interpreters will start engaging in conversations with the interviewee, blah blah blah, da da da, and what you have to make very clear is, no, I'm having the conversation. If I say it you say it. They something you say it back. Don't interpret it, just say it, exactly what you understand. If I say I don't understand that, then you may say to him 'Can you further explain please?' Again keep the respect, but you don't let them start, otherwise when you get it reinterpreted down, you actually find that they're adding their own interpretation to it, so you don't want that (Australia 63).

Some practitioners gave the interpreters sample practice questions before the interview to increase the likelihood of accurate interpretation during the interview.

I know I've had questions written down so the interpreter can read questions that I've written down and write answers that have been written down underneath those questions. So that would be potentially one strategy (Australia 21).

Finally, practitioners asked interpreters not to hold side conversations with the interviewee or to engage in contact with the interviewee outside of the interview room:

A lot of the time the interviewee likes to try to talk to the interpreter instead of you, so you have to keep reminding them (Australia 4).

3.3.3 Briefing of the Interpreter in Advance of the Interview

The most prevalent strategy used to manage an interview was to brief the interpreter prior to the interview (33.9%) on the nature of the interview and/or interviewee. Interpreters prefer to receive this type of information (Hale & Stern, 2011; Goodman-Delahunty et al., 2015) and one study indicated that advance briefing increased performance accuracy (Gile, 2005). A study with US interviewing practitioners revealed that almost half of that group would disclose their interrogation strategy to the interpreter (47%; Russano et al., 2014). However, detailed case briefing may potentially bias the interpreter.

3.3.4 Placement of the Interpreter in the Interview Setting

Eighteen percent of the practitioners strategically positioned the interpreter in the interview room to maximise the success of the interview, but the preferred placement of the interpreters varied. Of those practitioners who had an opinion on this topic, 27.3% preferred the interpreter to be behind the interviewee and a further 18.2% preferred them beside the interviewee. Placement behind the interviewee may portray dominance (U.S. Department of the Army, 2006) and has been used by US interviewing practitioners to minimise the impact of the interpreter by reducing their visibility (Russano et al., 2014). Positioning the interpreter in a triangular position was preferred by 22.7%, mainly to increase the rapport between the parties. In the present study, 9% of the practitioners preferred the interpreter beside or behind them so interpreter would “speak as their voice”. A further 18.2% of practitioners varied the placement of the interpreter according to the goals of a particular interview.

3.4 Successful Interpreter-mediated Interviews

The final interview question about practitioners’ experiences with interpreters focused on the success of an interpreter-mediated interview. Twenty-eight percent of the practising interviewers responded that interpreters had no effect on the interview success. One-third of the interviewing practitioners (31.4%) perceived that interpreters had a negative impact on interview success. A primary concern was that interpreters might be unable to match discursal features of the interview or that important information would be lost.

Another common concern was the lack of the interpreter’s neutrality. For instance, practitioners were concerned the interviewee would be less likely to disclose sensitive information in front of a third party, especially if the interpreter was from the community/known to the interviewee. Another issue raised was potential interpreter prejudice towards the interviewee, as this impaired rapport-building with the interviewee.

Only 19.0% of the practitioners perceived that interpreters increased the success of the interview: “If you haven’t got one [an interpreter] then you haven’t got a successful interview” (Australia 16). Practitioners in this group speculated

that interviewees might be more willing to speak with someone who spoke their language. An important reason to use an interpreter was outlined by an Indonesian practitioner who referred to the admissibility of the evidence extracted from the interview at trial:

When the case is brought to the court, the judge will ask the suspect, 'Did you understand the questions asked by the interrogator?' So, if the suspect says, 'No, I did not understand the questions asked by the interrogator', the case will fail at the court. And, based on the regulations in Indonesia, when you have foreign citizens, then the foreign citizen should be assisted by a certified interpreter (Indonesia 4).

Some practitioners commented that they had never considered whether interpreters could affect the success of an interview.

3.4.1 Success Depended on Accurate Interpretation

One in every five practitioners (21.5%) acknowledged that the interpreter's skill and experience contributed to the success of the interview:

So with a really good interpreter you may say it doesn't really impact a whole lot, but with a poor interpreter it can definitely impact (Australia 71).

It [interview success] depends on the skill of the interpreter. It is important not to interpret things by himself because so many times you realised he's adding words on his own when he's interpreting. So I think it's important to have a properly trained skilled interpreter who is not going to bring in his own thoughts and values into it (South Korea 5).

A common observation was the addition or subtraction of information from utterances or rephrasing an utterance in their own words, and changing direct into indirect speech.

Sometimes I've had interviewees give a 2 or 3 minute response and the interpreter gives me a 30 second response, and I'm in a situation of being caught on video saying, 'You've actually given me a 30 second response of something that this person took 2 minutes to say. [...] So I feel like, in my experiences, that there's a real possibility of loss of information, or misinterpretation of that information (Australia 21).

It's a classic thing you've probably seen on the movies where he might have been talking – or whoever you're interviewing has been talking for 3 minutes and the interpreter comes back to me with a two-sentence answer, it happens all the time (Australia 23).

If the practitioner has carefully chosen words to achieve a specific purpose, paraphrasing by the interpreter can significantly reduce the question's effectiveness (Lai & Mulayim, 2014).

Well you – I go through a lot of effort in choosing a certain amount of words and explaining things in detail, and if they paraphrase

it then it loses the effectiveness of what I'm trying to convey or the question I'm trying to ask. I've had interpreters where they understand what the interviewee is trying to say and they will try to explain it in their own words, so they basically instead of directly interpreting what the other person is saying, they're speaking from a third person point of view. And that can be a hurdle (Australia 32).

4 CONCLUSION

This study explored the experiences of interviewing practitioners in police and military settings with their attitudes to interpreters. Most practitioners agreed that using interpreters was inevitable in bilingual interviews on both legal grounds and to ensure accurate communication. They reported positive and negative experiences with interpreters, and the strategies they had applied in these circumstances to improve the outcome of the interviews. Consistent with prior research (Russell, 2002), interviewing practitioners demonstrated a limited understanding of the complexity of interpretation. Erroneous beliefs emerged that word-for-word translations (a) were possible, and (b) resolved all communication challenges. Other practitioners, however, recognised that verbatim interpreting was not always feasible, although this view was more common among the non-English-speaking practitioners, whose views were likely attributable to their greater exposure to other languages. Practitioners further understood interpreting is a complex task, and the importance of reproducing linguistic and paralinguistic communication.

A major challenge was the fact that the presence of an interpreter changed the dynamic and pace of the interview, which frustrated many practitioners. Further, practitioners were often critical of inaccuracies in interpreted interviews but recognised that competent interpreter performance depends on individual skills, training and experience. The neutrality of the interpreters was another important topic of discussion. The practitioners were either concerned about biases on the part of the interpreter or they themselves used strategies that might potentially compromise the interpreter's neutrality. Further research is needed to examine practitioners' experiences and perceptions of interpreter-mediated interviews in light of codes of ethics and conduct.

4.1 Research Limitations

This field study explored practitioners' experiences with interpreters, their views of best practices, and the risks and benefits of interpreter-mediated interviews. Some limitations arise from the nature of the research methodology. First, the information was based on practitioners' self-reports, relying on their retrospective memory, which might be subject to a selection bias. Self-reports often entail self-enhancement (Sedikides & Gregg, 2008). For instance, the reported effectiveness of strategies applied to manage interpreter-mediated interviews could have been biased by attributing successful interviews to their

own strategies and unsuccessful interviews to the presence of interpreters. No direct observation of interpreted interviews was conducted to corroborate the information provided by the practitioners, and their causal attributions of the success and failure of interpreted interviews were not empirically tested. At times, their recommendations were contradicted by evidence-based interpreting practices. Thus, further research is needed to test the influence of interpreters on interview outcomes and on the effectiveness of the strategies practitioners apply to manage interpreter-mediated interviews (Hale et al., in press).

4.2 Practical Implications

Analyses of the interviewing practitioners' experiences with interpreters outlined important implications for police interviewers and interpreters. First, police interviewers should employ formally trained independent interpreters and, if possible, interpreters with specific training in legal interpreting. Independent trained interpreters not only interpret more accurately, they also adopt practices which assist them in remaining neutral. These attributes contribute to the success of the interview. Second, in advance of the interview, the practitioners and interpreters should clarify what is expected and feasible in an interpreter-mediated interview to avoid frustration with the interpreter. Finally, both interpreters and police interviewers would benefit from training on legal interpreting in order to gain a greater understanding of the interpreting process in this context.

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Appendix A: INTERVIEW TRANSCRIPT Coding PROTOCOL

1. Proportion of interviews conducted with an interpreter (1= <10%; 2= 10%- 24%; 3= 25%- 49%; 4= 50%-74%; 5= 75%-89%; 6= 90%+);
2. Bilingual interview conducted without an interpreter (0=No; 1=Yes);
3. Interpreting affects flow of the interview (0=No; 1=Yes);
4. Effect of interpreter on interview (1=Slower pace; 2=Quality of information compromised; 3=Rapport compromised; 4=Interviewer less in control; 5=Positive (more time to think));
5. Effect of interpreter on interview success:
 - a. Outcome (1=More likely to succeed; 2=Less likely to succeed; 3=No effect, or effect in either direction);
 - b. Dependent on cultural and ethnic factors (0=No; 1=Yes);
 - c. Dependent on interpreter skill (0=No; 1=Yes);
6. Strategies to manage interpreter (1=Instruct to interpret everything; 2=Strategic placement; 3=Share direction of interview (second interviewer); 4= Advance briefing; 5=Build relationship with interpreter; 6=Advice on vocabulary; 7=No steps taken);
7. Placement of interpreter (1=Beside interviewer; 2=Beside interviewee; 3=Behind interviewer; 4=Behind interviewee; 5=Between interviewer and interviewee (triangular); 6=Remote; 7=Combination of positions; 8=Unimportant/not considered);
8. Type of interpreter (1=Internal; 2=External; 3=Both)