

## Interpreting in Police Settings

### Guidance and Information

Only professionally qualified interpreters should be employed in legal settings. It is a situation that is beyond the skills, experience and professional development of trainee interpreters.

#### At the initial booking the officer should ensure the interpreter knows:

- The reasons for the interview: any alleged offence or the nature of the enquiry.
- The officers telephone number and extension.
- Address of the venue where interview, statement, etc. is to take place and time of attendance.

#### At the Police Station:

- The officer should meet the interpreter promptly on arrival. The officer should ensure that the interpreter and the BSL user are not left alone together.
- The custody sergeant and the officer investigating the case should make themselves known to the interpreter.
- It is highly likely that the interviewing officer will not have worked with a sign language interpreter. The interpreter may need to provide some brief interpreter and cultural awareness to the interviewing officer to support the interpreting process.
- Before meeting the person(s) being interviewed, interpreters need some background information of the reasons for the interview to give them some context that will help when interpreting. Any known information will help interpreting in the interview. Also the names and roles all of people in attendance at the station (solicitors, appropriate adults, etc)
- Introduce the interpreter to the BSL user being interviewed and allow time for them both to become accustomed to each other's communication style. The interpreter will explain their role and that being employed by the Police means that anything signed related to the enquiry or offence has to be conveyed to the Police.
- The interpreter will inform the officer if they become aware of any communication difficulties with the interviewee.

#### Preparing for the interview:

- If the interview is conducted with a video recording (with audio), this will capture both the source and target languages (the BSL and spoken English) – enabling future scrutiny of the interpretation. It is necessary to ensure that **both** the *interpreter* and the *BSL user* are clearly visible on camera (with good lighting and at an angle where the hands and face of both are in view).
- Be mindful that if interviews are conducted with only audio recording plus contemporaneous notes there will be no record of the actual signed utterances of the BSL user. There will only be written notes and audio of the *interpreters' voice* – in other words *the interpretation*.

- At the end, the interviewing officer may read the written statement back to the BSL user – this is a back translation of the original interpretation. It is a way for the interviewee to check they agree with the interpreter's translation. However, this would not be consent to the interviewee's understanding of the English, as it is again being interpreted by the interpreter and is not the actual written English of the statement.
- The custody officer may also expect the interpreter to interpret the private legal conference of the solicitor with the suspect. Where practicable it is better to have a separate interpreter for the custody officer and solicitor – because of the risk of impartiality being compromised. If this is not possible and the interpreter is needed to interpret for both parties then this needs to be acknowledged explicitly by the custody officer in writing through mention in the interview statement. Qualified interpreters are professionally bound by Codes of Conduct regarding impartiality and confidentiality.
- The interviewing officer and interpreter will need to be clear about practical arrangements within the interviewing suite: BSL<>English interpreting needs to take place with the interpreter facing the interviewee and the police officer to the side of the interpreter. Interpreting has both physical and mental effects. The interviewing officer will need to arrange with the interpreter appropriate interview breaks and will need to be provided with water.
- At the end of the interview the interviewing officer is required to ask the interpreter to sign a statement confirming they were present and also confirming they have acted responsibly and professionally. This needs to confirm the name and professional organisation of the interpreter and that the interpreter has acted impartially and accurately with regard to their interpreting. This could later become a court exhibit.

### **The Interview:**

- As with any interpreting situation, it may be important to intervene for clarification where necessary. This promotes understanding between parties.
- An interviewee or suspect may nod or indicate by a shake of the head – this non-verbal information may need to be interpreted for the benefit of the audio recording or written statement.
- There will be ongoing linguistic issues for the interpreter to negotiate during the dialogue that the two parties are unaware of. Information is encoded very differently in BSL and English. Minute details are often very important. It may be necessary for the interpreter to intervene to clearly understand topographical information about an event or a scene to produce an accurate interpretation.
- If and when the caution is given (the right to silence), the officer needs to consider the obligatory implications for the interpreter in translating what is a very complex and densely structured legal right. It is usually spoken in its exact, frozen legal form initially and then the meaning and its implications explained in plain English. The officer is speaking the exact words of a densely written construction that is far from natural spoken English yet the interpreter is obligated to ensure the meaning is accurately conveyed. This taxes the skills of live interpreting (see example of a BSL translation [LINK](#))

- After the formal legal form is read and interpreted, the interviewing officer will clarify the meaning for the interviewee during the usual explanation of its implications. It is the responsibility of the interviewing officer to ensure that the meaning and effect of the caution are understood.
- If the interviewee is charged the officer will read out the relevant law. This is often complex. The officer can aide the interpreter by pausing at the end of sentences and allowing the interpreter to interpret this consecutively.
- Interpreters should not be left alone with the interviewee at the end of the interview or at any point during the interview.

**Post Interview:**

- The interpreter at a police interview could become a prosecution witness and may be called to give evidence in court regarding the interpretation. The interpreter at the police interview is therefore unable to interpret for the case at court.
- If the offence is indictable then fingerprints, photographs and a DNA sample will be taken. It will be necessary for the police officer to ensure the interpreter is present to interpret these procedures.
- A decision may be made to bail a defendant. This needs to be interpreted.
- The officer should ensure the interpreter fills out the police claim form for interpreting services or countersigns any required forms when the service has been booked via an agency.