

Police interviews with suspects: Communication problems and possible solutions¹

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Abstract

In this paper I discuss the many complexities that police officers have to deal with in their communication with suspects. Investigative interviewing is a very complex communicative situation in itself, with a number of different psychological and sociological variables at play during each interview. In addition, suspect interviews bring about an additional dimension of complexity, which is driven by the fact that a basic principle of conversation, *cooperation* (Grice 1975) is often not respected and is sometimes severely and purposefully violated, for example when suspects are guilty and want to obscure that very fact or when they believe that their situation would worsen if they cooperated with the police. A further layer of complexity is added when the interviews are carried out via an interpreter, where the fact that the officer and the suspect speak different languages during the interview creates additional barriers to straightforward communication.

In the present paper, I identify a number of points at which communication difficulties are encountered in this highly sensitive legal context. For this purpose, I analyse authentic interview datasets provided by two UK police constabularies, and also make comparisons with examples from transcripts of authentic US police interrogations. In addition, I highlight the issues that arise when professional interpretation is not available and when bilingual police officers assume the dual role of investigator-interpreter. Finally, I suggest possible solutions that can help remove the hurdles standing the way of efficient and accurate gathering of communication evidence.

Key words: complex questions, interpreting, investigative interviewing, negative questions, police interviews

1. Introduction

¹ The research on which this paper is based was carried out as part of the TACIT Project (Translation and Communication in Training) at the University of East Anglia. Any errors or misunderstandings expressed here reside exclusively with the author.

Police interviews are a special type of discourse in which the roles of participants are clearly outlined and the purpose of communication, information-gathering, is well established before the communication begins. The restrictiveness of the communicative context, however, does not preclude the application of some general conversation strategies, and their analysis can reveal the exact points of difficulty in this type of communicative exchange. This is our goal at present: to identify when, where and why miscommunication or a breakdown of communication can occur in police interviews with suspects.

Different previous approaches to the study of police interviews have enabled us to understand how multifaceted this area of research is. I mention and discuss a number of relevant studies in section 2 of this paper. My analysis draws on a number of different linguistic theories and insights and I show how theory can inform practice and lead to beneficial professional recommendations. Section 3 outlines the methodology used in the current study and describe the datasets. In section 4, I point out specific recurrent instances of communication failure that were detected and discuss the reasons for such outcomes, namely *complexity in question formulation*. I discuss *uncooperative participation*, including breaking of conversational maxims, hedging and exploitation of ambiguity in section 5, and *cross-linguistic contrasts and translation issues* in section 6. In section 7, I offer conclusions and suggestions for further directions within this research area, including practical advice for police and language professionals who, respectively, conduct and assist in police interviews.

2. Relevant research on police interviews, in brief

Police interviews have been studied before from a variety of different angles within different disciplines. For instance, Dando, Wilcock and Milne (2009) looked into the success in adopting and applying the principles of the Cognitive Interview in practice by novice police officers and they detected gaps in how training translated into practice. Another perspective is given in a recent detailed international review of a significant number of studies of interview and interrogation methods and their effects on true and false confessions (Meissner et al. 2014). There is a dichotomy in methods used in law enforcement interviews, with accusatorial method commonly used in countries such as the USA, Canada and many Asian countries, and the information-gathering method of interrogation that is common in the

European Union, the UK, New Zealand, Australia and Norway, which bans the use of closed-ended confirmatory questions and deception strategies such as presentation of false evidence. Meissner et al. (2014) report that, overall, the information-gathering approach produces significantly more true confessions whereas the accusatorial approach produces significantly more false confessions.

Our focus in this paper is on the role of language, in particular on contextual aspects of language use and language contrasts that can affect evidence-gathering in police interviews with suspects. Language researchers have conducted research in this area mainly from a sociolinguistic or discourse analysis perspective, on a number of occasions providing significant insights into certain aspects of verbal interaction that may affect the process and the outcome of police interviews. For instance, one-sidedness in terms of power relations, which is inherently present in police interviews because of the very different positions of the interviewer and the interviewee, manifests itself in discourse with regard to turn-taking, topic control and flow management (Haworth 2006; Heydon 2005). This highly specialised discourse environment has led to the development of specific communication strategies by both suspects and police interviewers. For instance, a study by Newbury and Johnson (2006) exemplifies a number of strategies that the suspect in question resorts to as resistance to constraining and coercive questioning by the police. Haworth (2010) discusses the effects on suspect interviews stemming from the format in which the original interview is presented later (e.g. spoken vs. written) and from the subsequent recontextualisation of the interview due to the shift in target audience (police interviewers vs. courtroom audience and lawyers). She finds that the “police-suspects interviews as presented as evidence are still not accurate and faithful representations of interviewees words, nor do they present interviewees with a neutral opportunity to put forward their own full version of events” (Haworth 2010: 180).

It is also worth pointing out that so far, substantially more research has been done in English-speaking monolingual contexts. In recent years, due to increased multilingualism in societies, legal contexts have become more multilingual, so researchers followed suit and valuable cross-linguistic and psycholinguistic investigations have taken place in the area of multilingual communication and the law. For instance, Kredens (2016) discusses various situational contexts in which officers and interpreters can interact successfully by sharing common interest in effective communication. A recent brief, yet very informative publication focuses specifically on police investigative interviewing and interpreting and exemplifies the numerous challenges and complexities that both police officers and interpreters have to navigate through in the context of police investigative interviewing (Mulayim, Lai, and

Norma 2015). Filipović and Abad Vergara (2018) studied difficulties and problems that occur when a professional interpreter is not involved in a police interview and a bilingual officer takes on the interpreting role instead, in addition to his investigator role (see also Berk-Seligson 2011). This enhanced focus on interpreting and translation in police contexts has revealed that there is a need for more joint research and joint training of law enforcement, legal professionals and police interpreters, which is what also our current contribution reinforces.

3. Data and methodology

The present work is an empirical study based on real-life police interview data collected from two UK Constabularies. The database prepared for the research presented here consists of 47 files of police interview transcripts that vary in length, from a couple of pages to around 40 pages. The content of each transcript is also variable, from singular “no comment” answers throughout the interview to rich, long narratives and detailed responses to questions. The analysis presented in this paper is based on 27 of the interview files; the remaining files were not used for the purpose of this study because they contained either “no comment” responses or consisted of long narratives with few questions. Seventeen of the files contain bilingual interviews with interpreters present (for Lithuanian, Portuguese, and Romanian). Ten files were monolingual, English-only exchanges. The bilingual files were chosen based on the language competence of the author, whereas the monolingual files were chosen randomly and analysed in order to see which issues are shared and which may pertain to either only monolingual or bilingual exchange in this context. One Constabulary prepared the data in hard copy with accompanying sound files in the format of CD recordings of the interviews. The other Constabulary provided only the audio CD recordings. It is relevant to point out that the transcript data are not verbatim versions of the recorded spoken interviews. Thus, it was essential to refer to both recorded and transcribed data during the analysis,² as non-verbatim monolingual transcripts as a point of reference for legal purposes carry numerous potential problems with them, not least because important information may be missing or be distorted due to translation difficulties (see Filipović 2007 for more discussion).

² The difference in content between the two data sources, authentic audio recordings and transcripts, is not the subject of this paper but it could, and should be, a topic for future investigation.

The data analysis was carried out in three phases. Phase one was the initial reading of the transcripts with the purpose to locate the points at which there is a breakdown in the exchange flow. The breakdown was detected by noticing the explicit signalling of communication problem (e.g. *Pardon? I don't understand*) or by noticing the inadequacy of response to a question, as exemplified in sections 4, 5, and 6 below. Phase two involved the listening to the recordings in order to detect whether the reason for the breakdown is due to issues related to language contrasts and interpreting issues, or to general communication issues such as, for example, uncooperativeness of the interviewee, problematic initial formulation of questions in English, difficult terminology, unresolved ambiguity of expression, or similar. Phase three involved the systematising of the identified problems into categories and assessing their prevalence and frequency across the data samples. The present analysis is mainly qualitative because the varying size of files and the different types of the data available (unbalanced number of cases with vs. without interpreters) does not enable us to make enough finely-grained statistical predictions regarding specific features of language systems or language use, as has been done in some previous studies (e.g. Filipović 2007, 2013a). However, the study made it possible to quantify the frequency with which certain *types of issues* arise across both interpreter-assisted bilingual interviews and monolingual interviews.

I have to point out at this stage that the transcript research on which this paper is based has revealed a number of features that characterise good practice and successful exchange in the context of UK police interviews. Most of the transcripts reflect numerous instances of officers following the PEACE instructions and the principles of cognitive interview (see also Pounds, this volume). Police officers in the UK undergo extensive training in the interview techniques that underlie this model, and most of the interviewers in the datasets under consideration exhibit a high level of adherence to the prescribed guidelines. Our goal here however is not to establish the precise aspect in which the training matches performance or assess specific performance of interviewers or interpreters. The aim is to highlight some general and recurring difficulties in communication that are not necessarily driven by individual skills or capacities, but that may arise in this specific context *due to the use of certain words or structures* in either monolingual or bilingual (interpreter-assisted) exchanges. Specifically, we will discuss how the difference in the ways in which information is packaged can affect understanding and communicative flow in interviews as well as impact interview outcomes. The practical goal is to enable more *efficient and*

accurate elicitation of information while enabling equal access to justice for all, regardless of their linguistic, cultural or social background.

4. Data analysis: Complexity

Complexity in language is a topic of much research and debate within a number of disciplines, e.g. linguistics, psychology and computer science. For instance, it can be defined in terms of the number of units that form a larger unit, such as the number of morphemes per word, or the number of constituents (e.g. determiners and nouns) within phrases (e.g. noun phrases), or of the increase in number of phrases embedded within phrases (see Hawkins 2004). Another measure of complexity can be whether the constituents that should be close together in order to interpret their meanings are indeed adjacent or separated by other constituents within a larger structure. In terms of language processing, simpler structures are easier to process than complex ones. For example, the structure *Look the neighbour's phone number up* is more complex and more difficult to process than *Look up the phone number of the neighbour*, due to the distance between the two elements that depend on each other ("look" and "up"). Complex words and structures are likewise less frequent and less familiar to speakers, especially among less well educated or speakers with insufficient knowledge of the local language (see Filipović and Hawkins 2013 on second language processing). In the contexts of a forensic linguistic analysis of interview transcripts we can adopt a working definition of complexity based on the *semantic transparency of words and processing ease of syntactic structures*. In a forensic linguistic context, Gibbons (2003) illustrates how conversation falters in legal interviews due to the use of some less known words, a feature which also may pertain to specific usage in legal contexts, as illustrated in examples (1) and (2):

(1)

Q: Did you *approach* these men?

A: Your pardon?

(2)

Q: Did you *sustain* any injuries as a result of that initial fight?

A: Pardon? I don't...

Example (1) contains what Gibbons (2003) calls a specialist lexical item, “approach”, which is easily replaceable by more transparent words such as “go near” or “go to”. Similarly, the verb “sustain” in example (2) is a less frequent word and the phrase “sustain injuries” exemplifies a higher register specialist jargon, which can impede understanding and disrupt communicative exchange, as explained by Gibbons (2003) and as illustrated in examples (1) and (2) (see also Gibbons 2017 for a recent discussion of complexity in jury instructions).

In this section, we focus on police interview questions with respect to their complexity in form and meaning. I explain how and why the processing of complex questions, and the answers they elicit, is affected by the degree of complexity. This is of extreme importance to the legal context. Pavlenko (2017) has noticed that even proficient non-native speakers of English in the United States do not quite understand the meaning of the Miranda Rights warning³. It is not only the semantically complex words that create difficulties in understanding; the familiar words used in novel constructional combinations and in specialist contexts (such as “exercise one’s rights”) can be equally hard to process by both L1 and L2 English speakers.

4.1 Complex questions

In an overview of question types in police interviews, Oxburgh, Myklebust, and Grant (2010) examine how different types of questions are described in the literature. The main differentiation is made between productive or appropriate questions on the one hand and unproductive, risky and inappropriate questions on the other (Oxburgh et al. 2010: 53). Both groups contain a number of different question types. For example, open, probing, facilitative and appropriate closed questions belong to the former group, while leading, echo, suggestive,

³ Miranda Rights refer to the rights that any person taken into police custody in the United States has, which include the rights to remain silent and not respond to police questions and make self-incriminatory statements. These rights are read in the standardised ‘Miranda Warning’.

multiple forced choice, opinion/statement, hypothetical and inappropriate closed questions belong to the latter group (ibid.). The authors emphasise that the focus in a classification should be on the purpose of the question and not only on the form since the same form (e.g. a *wh*-question) can function as open or closed question depending on how it is used (Oxburgh et al. 2010: 55).

A different focus of analysis, based on the complexity of the question and the effect it has on the exchange of the interview, is assumed in the present study. Our data analysis revealed that questions with multiple embedding (such as phrase within a phrase or multiple use of relative clauses with a sentence) and complex conditional constructions (*if A, then why B*) create communication breakdowns and misunderstandings in both monolingual and bilingual interviews. Out of the 27 files, more than half (20 out of 27) contained instances of minor or major problems due to complexity in questions. This problem is in evidence across the data set, in both monolingual interviews and interpreter-assisted exchanges. Complex questions are hard to process even in a single language and the need to translate them creates an additional layer of complexity, due to the necessary changes, such as in word order, that the interpreter has to perform. Examples (3) and (4) illustrate this point (Q is for question; A for answer):

(3)

Q: You commented that you knew yesterday when I wanted to speak to you what I was referring to, but if you thought that was all ok why would you know what I was talking about?

A: I didn't understand, could you repeat that please?

(4)

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

Examples (3) and (4) illustrate how the flow of information exchange can break down, delaying the elicitation of information, or even preventing the obtaining of any kind of information. In example (3), the suspect is at pains to understand what the police interviewer is asking exactly. This is due to the use of multiple relative clauses (“that you knew yesterday”, “when I wanted to speak to you”, “what I was referring to”), with multiple embedding before the key portion of the question formulated as a complex conditional (“if you thought that was all ok, why would you know what I was talking about?”). Multiple relative clauses embedded into a larger clause, as seen in example (3), are difficult to process in any language as well as in both monolingual and bilingual exchanges, due to the need to connect the relatives to their referents at the same time. When a conditional is added on top of the multiple embedding, we have an extremely difficult task of trying to understand what is being asked, even in less stressful circumstances, such as reading the complex expressions printed on a page of an academic journal article. We can only try to imagine how hard it must be for the interviewee to achieve the feat of understanding the intended meaning of such a question. As Gibbons (1990: 234-235) pointed out, complex language used by police interviewers is particularly problematic for second language speakers. He compiled a corpus of such interactions, containing many examples of how long and complicated utterances (e.g. with 9 constituents and 6 preposition phrases!) are difficult to understand even for a native speaker.

Example (4) illustrates the breakdown of communication that arises when the question is too long and information-laden and when too much is going on at once so that the only thing the suspect can do is utter a monosyllabic “No” – probably the safest way to proceed, by negating whatever the interviewing officer is saying or implying. The fact that the initial negation (“so it is *not* the case that...”) is added to the mix only aggravates the situation, because negative questions create an additional layer of complexity (see more details in the next section). Multicomponent questions are generally not regarded as good interviewing strategy because the answer may only address a portion of the question and we cannot be sure which one (see Mulayim, Lai, and Norma 2015: 82-83 for a discussion).

Furthermore, the question in example (4) begins as a statement, which makes it difficult to understand that some kind of response is expected, and even more difficult to determine what kind of response is actually required.

Overall, the examples above have multiple linguistic and communicative features, namely the afore-mentioned negative framing of questions, framing questions as statements, multiple relative clause embeddings and a complex conditional construction (see Elder and Jaszczolt 2016 on issues related to how structures with conditionals are interpreted). The features mentioned here can create misunderstandings (e.g. do we know what is being denied in example (4)?) or communication breakdowns (example (3)).

4.2 Negative questions

Certain general types of questions may be of particular interest for us here, because in addition to being difficult to process due to their semantic complexity, they introduce negative bias in communication. For example, negative questions are qualified as biased questions that negatively impact communicative exchange. This is because, as Reese and Asher (2010) explain, such questions convey an expectation, or *bias*, on the part of the speaker toward a specific answer to the question. They have properties of both assertions and questions and they are not neutral requests for information. Reese and Asher (2010) highlight that these biased questions are harder to process and more likely to elicit unintended meanings in answers. The types of biased questions they analyse and discuss are tag questions (*She is not here, is she?*), negative questions (*Didn't you read the warning before making the purchase?*) and emphatic focus question (*Did he lift a finger to help her?*). Numerous instances of negative questions were observed across the dataset (in one third of the dataset), but interestingly, some files have substantially more instances (e.g. ten or more occurrences) than do others (e.g. one or two). This indicates that the habit of formulating questions in this way may be characteristic of certain officers' individual linguistic habits or speech styles rather than of police language use in general. Nevertheless, it is still beneficial to highlight less adequate practice and recognise the difficulty that it causes in communication, which is illustrated in example (5).

(5)

Q: Were you not concerned when you noticed various items of jewellery?

A: I saw perfume, I didn't actually tip the bag out (words inaudible).

Q: Do you not think that strange [that an unknown man left his valuables with you]?

A: I don't know, we got talking, he knew where I lived, he had my phone number, he knew where I worked because I had told him that.

Q: Did you not find that strange that he wanted his notebook?

A: He's explained that he's fallen out with whoever he was renting from, whether that was his sister or his landlord, I didn't understand, and then he was going to his friend's [...]

In this example, we see that the negative questions do not lead to successful elicitation of the requested information. It may be the case that the suspect is evading the answer, which is something that lies beyond the interviewing officer's control; if the suspect wants to avoid answering or revealing information he or she may persist in doing so regardless of the formulation of the questions. However, what the interviewing officer can do is give fewer opportunities for unclarity, fuzziness and evasiveness. Out of the 43 negative questions in the data, none elicited the relevant information. It is much easier to claim misunderstanding if the questions are harder to process; and negative questions are indeed harder to process and respond to even if the suspect is cooperative. This is because these questions carry the presumption of negativity attached to the described state of affairs and the implication that the suspect should have acted in a way that was different from the way he allegedly did.

Crucially, the negative bias in certain question types that linguists have detected and pointed out should be avoided in police interviews, because it can distort information through confusion on the interlocutor's part and also delay getting to the point of a specific line of investigative questioning. As we see in example (5), the officer did not get any of the information that he was asking for, due to the question formulation whereby a negative bias was introduced; the suspect then showed resistance to this approach by giving an evasive response. Biased questions in conversation go against the ideal of cooperation in communication, and even though the context of police interviews is a specific one, where uncooperative behaviour is expected on many occasions (see the next section), biased questions such as negative questions represent an additional source of difficulty and may inspire further resistance.

5. Uncooperativeness

Cooperation should lie in the essence of conversation. Speakers share a goal of making themselves understood and understanding each other, whereby each side is supposed to make efforts to achieve that goal in the most optimal way that the circumstances would allow. This view was captured in the Cooperative Principle, as proposed and defined by the philosopher Paul Grice (1957, 1989). The Cooperative Principle states that you should “make your conversational contribution what is required, at the stage at which it occurs, by the accepted purpose or direction of the talk exchange in which you are engaged” (Grice 1989: 26). There are four maxims associated with the principle, namely the maxims of *quantity* (say no more and no less than required), of *quality* (be truthful and don’t make assertions without proper evidence), of *manner* (avoid obscurity and ambiguity), and of *relation* (be relevant). The maxims are not prescriptive but rather descriptive, and they can help us account for the reasons why some conversational exchanges are successful and others are less so (Grice 1957). Grice’s work has inspired numerous subsequent neo-Gricean (e.g. Levinson 2000) and post-Gricean (e.g. Carston 2002) approaches to the study of human communication; here we are not interested in the similarities and differences between the different approaches. Rather, we want to see how this analytical framework can enable us to explain how and why communication becomes uncooperative and what significance this may have in our current context. To start, let’s look at example (6) from everyday communication:

(6)

Q: Is Georgina a good colleague?

A: She is always punctual and well-presented.

The question requires an answer of yes or no, but the answerer chooses to provide information that is not relevant and not required (though it may be truthful). The reason for this behaviour is the desire not to offend, since otherwise the most likely answer in this case might have been “No”. The Gricean framework has been used in forensic linguistic research,

for example, in order to explain the helpful inferences officers can make when interviewing suspects. For example, a study by Linfoot-Ham (2006) has shown how the non-fulfilment of the maxims of quantity, manner and relation can lead to suspicion in police interviews. Even though the maxim of quality is the most important one in this context, it is also the most difficult one to judge (see discussion in relation to this specific point in Mooney 2012: 66). In our data, there were numerous cases of maxim-breaking, where the suspects were saying too little, or too much (when little of it was directly relevant to the question) – a very common occurrence in police interviews. Even so, one cannot always generalise and draw uniform conclusions about the lack of observation of conversation rules; people may be behaving in this way out of nervousness or discomfort due to the specific context of communication, and not necessarily because of guilt. However, for interviewing officers it is a useful indication, something worth paying closer attention to. A particularly egregious case of breaking the conversation maxims with a purpose to avoid revealing information in order to delay or obscure establishment of facts, and also to refuse cooperation without saying so explicitly, is illustrated in example (7).

(7)

Officer: Just to rewind, you getting a blow job from the prostitute, you put your penis inside her mouth, is that right?

Suspect: She did that herself.

Officer: And you know the word 'orgasm'?

Suspect: Yes I do know, yes.

Officer: And what does that mean?

Suspect: I don't know, only girls have orgasm.

Officer: Did your sperm go into her mouth?

Suspect: You mean if I finished in her mouth?

Officer: Yes.

Suspect: She finished that herself.

Officer: And finish means what to you?

Suspect: When my sperm leaves my penis.

Officer: Where did you finish?

Suspect: In what place?

Officer: Yes.

Suspect: In the car.

Officer: Where did the liquid go?

Suspect: To her mouth.

Officer: So it was in her mouth and then she spits it out.

Suspect: If you could have asked that straight away.

In this excerpt, we witness how multiple strategies are employed towards the end of avoiding any revelation of detail or any kind of confession. First, the suspect seems to have a problem with terminology, namely with the definition of what “orgasm” means. The suspect appears not have adequate knowledge of the meaning of this term in his own language, or he may be pretending not to have that knowledge. This is why the definition of crucial terminology in both languages has to be established in advance before the line of questioning starts.

The suspect also exploits *underspecified questions* by the officer in order to avoid any commitment to the possibility that he was the actor in the event of alleged sexual assault. He asserts that it was the woman, the alleged victim, who was the sole actor acting on him and he was a passive, albeit willing, participant. Finally, he refuses to either provide the relevant information that the officer was asking for or to confirm that the sexual act as presented culminated in the way that the officer was describing. The suspect instead tries to avoid giving the precise piece of information that the officer was insisting on throughout (i.e. whether there was contact between the suspect’s fluids and the victim’s body), and he refers instead to the location of the encounter (i.e. “in the car”, which had already been previously established earlier in the interview, though not included in the excerpt in (7)). In the end, his sarcastic remark implies that it was the officer’s apparently “inadequate” questioning that caused the meandering and frustrating exchange (“If you could have asked that straight away!”).

Uncooperativeness on the part of an interviewee can be expected in this kind of context, and it does occur frequently. Almost all of our analysed files contain some degree of

uncooperativeness, which is not unusual considering the fact that the interviewees are all suspects and the stakes for incrimination are high. The example used for illustration here is particularly striking; it was chosen in order to show a) how problematic eliciting basic information about what happened can be, b) how the relevant terms in one language and their cross-linguistic equivalents, as well as individual understanding of them, need to be explicitated before they are used in conversational exchange, and c) how patient and persistent the interviewing officer had to be on this occasion. Musolff (this volume) points out (in his analysis of the same excerpt) that this interviewing officer showed impressive patience and skill in his non-confrontational interviewing technique, which ultimately enabled him to extract some relevant information from the suspect. Musolff contrasts this case with an openly and intensely confrontational approach by another officer in a different case, where the suspect ended up refusing to respond, and started repeating “no comment”, thus denying access to any information. Taking time with the suspect and continuing the interview patiently in spite of obvious uncooperativeness on the suspect’s part is a skill that can be trained, but it is also something that may be constrained by the funding limitations that are increasing owing to funding cuts to policing in the UK. Officers may simply not always have the time to engage at length with uncooperative suspects and their time may be better used somewhere else. The solution might lie in training the officers in the use of the language and in making procedural adjustments so that uncooperative suspects are not given the opportunity to exploit officers’ time in the way exemplified in example (7).

The specific kind of difficulty that is driven by a frequent characteristic of the communicative exchange in this context, namely uncooperativeness, can be surmounted by establishing the definition and translation of key terms to be used in a specific portion of an interview, by collaborating with the interpreter and by agreeing on the relevant definitions with the interviewee. Furthermore, the formulation of certain questions may have to be quite particular in the case of uncooperative suspects, and as a result, some questions may sound unusual or awkward compared to those in ordinary communication. Therefore, in example (7) above, after the initial definition of key terms in the suspect’s language (in this case, Lithuanian), the officer needs to be additionally explicit and reformulate the question “Where did you finish?” by adding further specifications that leave no room for exploitation of ambiguity, e.g. “Did you finish anywhere on the body of the alleged victim?” or “Did any liquid from you touch any body part of the alleged victim?”. Such formulations do sound awkward in English because it is not usual to have to specify every move to such a high level

of explicitness. However, in this context, it may be beneficial to formulate questions with more precision and specification, especially when those questions need to undergo translation, and the space for miscommunication is extended as a result, to which we turn in the next section.

6. Cross-linguistic difficulties: Interpreting language differences

Multilingual police interviews have an additional layer of complexity in comparison with monolingual ones. Speaking through an interpreter is not an easy task for any of the interview participants. The biggest pressure is on the interpreters themselves. The cognitive effort required for performing interpreting tasks is substantial (see discussions in de Groot 1997; Gile 1997; MacWhinney 1997), and it adds to the difficult position of the interpreter in this context, where multifunctional roles vary from case to case. For instance, interpreters are often expected to act as cultural mediators or facilitators (see Tipton 2010), but in the legal setting it is inappropriate to be anything but a “mouthpiece” or a “conduit”. This is because the exchanges are entered into evidence as being made by the interviewer and the interviewee, not by the interpreter (Mulayim, Lai, and Norma 2015: 16).

The bilingual, or rather multilingual, trend in forensic linguistics is gathering pace, but there is still much work to do, especially when it comes to the detailed study of how contrasts between different languages or language types affect communication in legal contexts. We need more studies in this vein, which will include detailed, finely grained analyses and documentation of the precise points in communication where conflicts are due to typological differences among lexical, grammatical and pragmatic features (see Hijazo-Gascón, this volume, for further illustration and discussion). The obstacles in data access and the enormous variation in transcript-production practices need to be overcome through joint efforts by researchers and practitioners (see Kredens and Morris 2010 for a discussion; see also Filipović and Hijazo-Gascón 2018 for more details on this topic). There have been numerous studies of translating and interpreting in legal contexts in general (e.g. court or community interpreting; e.g. Berk-Seligson 1990, 2009; Mikkelsen 2017; Hale 2002, 2004; Hayes and Hale 2010) and in police communication in particular (see Mulayim, Lai, and Norma 2015 for a list of references and resources for study). Most notably, the seminal work of Susan Berk-Seligson identified and addressed a number of relevant issues that are related

to translation and interpreting in legal contexts, for example in a bilingual courtroom (e.g. Berk-Seligson 1990) and in bilingual police interviews with officers acting as interpreters (e.g. Berk-Seligson 2009, 2002, 2011: see also on the same topic Filipović and Abad Vergara 2018). It has been noticed by Berk-Seligson (1990) in the courtroom context and by Krouglov (1999) in police interview contexts that interpreters have the power to make the witness or suspect's speech sound more or less powerful or more or less polite, depending on whether they sound hesitant or uncertain, using linguistic elements such as hedges that may not be present in the original statement (e.g. "The car was *sort of* blue"). On some occasions, they may also use less direct forms in translation out of politeness, while omitting polite forms on other occasions, like when they feel pressed for time (Krouglov 1999). Krouglov (1999: 294) notes that "it is possible that interpreters who introduce additional politeness forms or omit them in their interpretation misrepresent the illocutionary force of the client's utterances, a particularly important issue in the context of a police investigation".

We can therefore note here that studying interpreting in police contexts is of fundamental importance not only for the field of forensic linguistics but for the more general goal of achieving equality in access to justice. The studies looked at so far have provided ample illustration that non-native speakers tend to be in a disadvantageous position from the very start, first in interviews with law enforcement and then further throughout the judicial process in the courts, where their original statements are never recorded (see Hales and Filipović 2016 for details). In the context of the present paper, we focus on *language differences as a source of complexity* in the interview process, noting that the features of interpreter-assisted police interviews have numerous other issues that arise (as mentioned earlier in this section).

Languages differ with respect to the ease *vs.* difficulty and with respect to frequencies with which their speakers express certain meanings. I draw attention here to the ways in which linguistic inaccuracies can lead to serious breakdowns in communication, and even more seriously, to grave consequences for the interviewee (i.e. the suspects in this case). A clear example is (8), adapted from Filipović (2007: 262):

(8)

Police officer: Okay, You said before that she fell or you *dropped* her on the steps?

Interpreter : Usted les dijo antes de que ella se cayó o la *botó* en las gradas?

Translation: ' You then said before that she fell, or you *dropped* her on the stairs'

Suspect: . . . sí , sí se me cayó .

Gloss: ... yes, yes PART me-DAT. fall-PST.3SG

Translation‘ . . . yes, yes, it happened to me that she fell

Interpreter : Yes, I *dropped* her.

We can see that the English verb “drop”, which is ambiguous with respect to intentionality, was used in both its intentional and non-intentional meaning by the interpreter, namely as an equivalent of the Spanish verb “botar” (“throw”), which has a clearly intentional meaning (due to its force dynamics; see Ibarretxe-Antuñano 2012 for details), and also as an equivalent for the Spanish unequivocally non-intentional construction used by the suspect (“se me cayó” = *to-me-it-happened-that she fell*). The verb “drop” used first by the police officer in example (8) was probably referring to dropping on purpose, since it was contrasted with the verb “fall” used in the same sentence, and the interpreter conveyed this intentionality by using the clearly intentional verb “throw” (“botar”) in Spanish. However, the interpreter went on to use the verb “drop” to translate the suspect’s non-intentional construction, and the result is that the suspect appears to be affirming the original intentional, active use of “drop” by the police officer. The police officer asked the same question relating to the dropping of the victim multiple times during that particular interview, and by the end it was still not clear in the English translation whether the suspect was stating that he had dropped the victim on purpose or by accident. The suspect does seem to be aware of the confusion and he does not explicitly deny the accusation of voluntary involvement. In fact, he produces a confused “yes” as an answer to a potentially damaging question (if he had dropped the victim on purpose). Therefore, while it seems that the suspect is admitting to an intentional act in English, in fact he is saying exactly the opposite in Spanish, namely that what happened was an accident (see Filipović 2007 2013b for further discussion; see also Hijazo-Gascón, this volume, on the difficulty of translating the Spanish affective dative construction).

The translation instances in (8) are not incorrect *per se*, the verb “drop” can indeed be used in English to refer to either an intentional or non-intentional act, but the translation lacks the crucial distinction between intentionality and non-intentionality, which can be essential for judgement about the nature of the crime and the corresponding punishment (see Ibarretxe-Antuñano and Filipović 2013; Filipović and Ibarretxe-Antuñano 2015; Fausey and Boroditsky 2010). It is possible to be precise as to whether something was done on purpose

or not in English, e.g. by adding adverbs or adverbial phrases such as “accidentally” vs. “on purpose”. However, adding such explicit qualifications to a question or a statement is something that interpreters are trained not to do. It should not be up to an interpreter to decide what the speaker meant. In another interview in the current dataset I found that the same typological contrast was one of the sources of difficulty in communication. The English-speaking police officer did not specify the intentionality of the meaning of the verb in the original question, while the Portuguese interpreter had to choose to express either intentional or non-intentional meaning in translation, as there is no Portuguese verb or construction that could express the ambiguous meaning of the English “drop”. From the excerpt in (9), we can see that the interpreter translated “drop” as intentional (“deixar cair”, lit. ‘to let fall’), the understanding being that the victim dropped the bag with eggs on purpose in order to flee from the suspect. The suspect’s response does not deny this directly, rather, we need to *infer indirectly* that the bag with eggs was probably dropped accidentally because, according to what the suspect is saying, the victim was advising him not to step on the broken eggs (see example 9):

(9) Police officer: ... *she dropped her carrier bag with the eggs in.*

Interpreter: ...[ela] *deixou cair o saco con os ovos.*

[she] let the bag with the eggs fall

Suspect [through Interpreter]: *She said careful with the eggs because the eggs were on the floor, don't step on it.*

The whole line of questioning at this point was aimed at establishing whether the alleged victim felt to be in danger and was actively trying to escape from the suspect, which would include dropping what she was carrying (i.e. the bag with eggs) and thus perhaps be able to escape faster. In excerpt (9), the officer is using a statement about the event as a prompt for a suspect to react and provide an answer, even though technically no question was asked. We cannot tell which meaning was originally intended by the interviewing officer, but the interpreter made the inference that the officer’s ‘question’ was referring to an intentional dropping of eggs, perhaps based on the implied dynamics of the event as represented in the officer’s earlier depiction of circumstances that led to the moment when the bag with eggs

was dropped.

Another reason to use an intentional construction in translation could have been the fact that the SVO construction Subject-Verb-Object (“she let the bag with eggs fall”) is a good enough structural match for the original English SVO structure (“she dropped the carrier bag with eggs in”). The non-intentional choice in Portuguese would have been the equivalent of “the bag with eggs fell” (“o saco com os ovos caiu”) but then the originally mentioned agent (“ella” = “she”) would have been left unexpressed.⁴ The non-intentional meaning would have required more restructuring in Portuguese on the part of the interpreter and also the omission of the agent. The intentional construction used by the interpreter is therefore more straightforward and faster to produce, and perhaps the police officer did indeed have the intentional meaning of “drop” in mind. Again, it should not be up to the interpreter to decide what the intended meaning might have been. Apparently, the intention of the officer was indeed to depict the course of events as dynamic and intentional, where the main goal was for the victim to escape from the suspect. This suspect, like the one before, in example (8), was clearly not picking up on any relevant intentionality distinctions and their potential implications. It can be inferred, though, from his answer to the officer’s statement-question in (9) that the victim was warning him about the dropped eggs, which indicates that she probably did not drop them on purpose but rather accidentally, and more importantly, that she did not throw them while trying to escape. All this can only be inferred, however, rather than it being explicitly stated.

The analysis of the exchange in example (9) allows us to make three points. The first is that intentionality is an important aspect of event description; paying attention to how this information is expressed and translated can help us understand the nature of the described events and the relevant implications about what is being claimed about those events. Second, even closely related languages like Spanish and Portuguese do not always have the same means for drawing meaning distinctions (see Filipović and Ibarretxe-Antuñano 2015 on *intratypological contrasts*; see also Filipović and Hijazo-Gascón 2018 for further details and examples). Third, we can make inferences about what is said that do not necessarily reflect what the speaker meant. This is a well-known issue in pragmatics (e.g. see Levinson 2000), and we can see here that the understanding of a speaker’s intentions can be affected in the process of interpreting.

⁴ Unlike Spanish, Portuguese does not have the *affective dative* construction (*se me cayó = to-me-it-happened-that it fell* example (8)), which would clearly express all the components in an accidental event, namely the non-intentional agent, the action, and the object.

Here it is important to emphasise further that the goal of our discussion is not to criticise interpreters. An interpreter chose the syntactically closest equivalent in translation and conveyed the meaning that may have indeed been originally intended by the interviewing police officer. However, the ambiguity of the original question was not preserved, not because the interpreter was doing a bad job, but because the language contrasts between English and Portuguese (and also between English and Spanish, or between Spanish and Portuguese) get in the way of a perfect match between the original and the translation – a problem which can only be resolved with additional explanation or by a more precise phrasing of questions in order to capture the cross-linguistic differences. I believe that it is fundamental to highlight such language contrasts in the professional training of both interpreters and police officers who work in multilingual environments, while also integrating these findings more generally into L2 pedagogy (see Filipović and Hijazo-Gascón 2018 for further details).

7. Conclusions and future directions

The present paper has brought together a number of features detected in real-life police interviews with and without interpreters. We saw how complex and negative questions may create obstacles to information-gathering and how uncooperativeness can consume precious police time. Suggestions were offered as to how these obstacles can be surmounted, i.e. by avoiding complexity and negative bias in the formulation of questions, and by defining the key terminology in a specific line of questioning, as well as providing detailed specification in questions and statements by the police. An additional set of issues comes from interpreter-assisted interview exchanges that bring language contrasts to the fore and emphasise the difficulties involved in efforts to resolve these conflicts. Languages can allow speakers to leave certain things ambiguous or unspecified; but in the present context, additional attention should be paid to instances where an ambiguity in the original statement by the police is left up to the interpreter to resolve in translation – something which should not be the case. On many occasions, interpreters have to choose among available disambiguating options in the target language, as the same kind of ambiguity from the original can often not be preserved because the target language does not allow it. Interpretation of events can be swayed as a result, as I have showed here and elsewhere (Filipović 2007, 2013b; Filipović and Hijazo-Gascón 2018).

There are many directions for future empirical investigation in this area. An especially interesting line for further research would be to compare different police communication styles in different countries around the world. For instance, based on some preliminary insights that emerged during this, and also previous research by the author (Filipović 2007; Filipović and Abad Vergara 2018), UK and US interviews are characterised by strikingly different features in both form and content. Their different regulations create very different communication environments and potentially different outcomes. Some research has been done in terms of which approach, UK interview vs. US interrogation, elicits more false confessions (Meissner et al. 2014). However, a holistic, large-scale detailed and precise comparative pragmatic analysis still awaits.

Another further direction of research would be a large-scale comparison of monolingual and bilingual police interviews. Some of the problems may feature in both interview types (e.g. issues of complexity, as shown here), while other issues may only arise in bilingual exchanges (e.g. owing to language and cultural contrasts). Such empirically-driven investigations will both enhance the knowledge base of pragmatics and facilitate its real-life applications, as well as ensure valuable practical benefits to professionals, in this case police officers and interpreters.

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