Juggling investigation and interpretation:
The problematic dual role of police officer-interpreter

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Abstract. *This article is a case study example of problems that arise when a bilingual police officer interrogates a suspect and acts as interpreter at the same time, thus creating a conflict of interest that is difficult to resolve. We shed light on the challenges that both officers and suspects face in multilingual communication when professional interpretation is not available. Our focus is on both language inaccuracies due to language incompetence and communication problems due to lack of impartiality because of the officer-interpreter's primary commitment to investigation rather than unbiased interpretation. We explain why assuming the two roles, interrogator and interpreter, creates numerous difficulties: linguistic, ethical and, potentially, legal. We also illustrate how the constant switching between the two roles exerts intense cognitive pressure on the officer, which professional interpreters are trained to deal with, but the officer-interpreter is not. The consequence is an enhanced negative impact on accuracy and efficiency in evidence elicitation.*

Keywords: *Access to justice, interpreting, Limited English Proficiency (LEP), police interrogation, Spanish.*

Resumo. *Este artigo apresenta um exemplo de um estudo de caso sobre os problemas que emergem quando um agente policial bilingue interroga um suspeito e, simultaneamente, desempenha a função de intérprete, criando assim um conflito de interesses que é difícil de resolver. Refletimos sobre os desafios enfrentados, quer por agentes, quer por suspeitos, em contextos de comunicação multilingue quando a interpretação profissional não se encontra disponível. Focamo-nos, quer nas imprecisões linguísticas devidas a incompetência linguística, quer nos problemas de comunicação devidos à falta de imparcialidade decorrentes do compromisso primordial do agente-intérprete para com a investigação, mais do que numa interpretação não enviesada. Explicamos por que é que assumir os dois papéis, o de interrogador e o de intérprete, cria várias dificuldades – linguísticas, éticas e, potencialmente, legais. Também mostramos como a alternância entre os dois papéis exerce uma pressão cognitiva intensa sobre o agente, para a qual os intérpretes profissionais são treinados, mas o agente-intérprete não. O resultado é um impacto negativo mais acentuado sobre a precisão e eficiência na recolha de provas.*

Introduction

In this article, we examine the interrogation of a suspect carried out by two police officers, where one of the officers acted as an interpreter. We use the term "police interrogation" rather than "police interview" because the communicative exchange that we analyse took place in the United States, where the approach to questioning of suspects is better described as interrogation, due to its accusatorial nature. In addition to the United States, the accusatorial method is also favoured in Canada and in many Asian countries. This method is in contrast with the information-gathering interview method, mainly practiced in the European Union, the UK, New Zealand, Australia and Norway. Confession is the primary goal in US interrogations, while in an interview-based approach the focus is rather "on obtaining from suspects information that could be used to support/verify a confession should one occur in the interview" (Soukara *et al.*, 2009). These differences between the two methods of information exchange in police contexts are also reflected in the linguistic and stylistic features that enable us to distinguish between the two (e.g. see Berk-Seligson, 2002b on when an "interview" is actually "an interrogation").

Our key goal here is to illustrate the types of problem that may occur on occasions when a professional interpreter is not available and the difficulties that both officers and suspects face in such communicative exchanges. Some issues we raise here, such as accuracy, may be problematic even when a professional interpreter is involved, as previous research has shown (e.g. Berk-Seligson, 2002a; Filipović, 2007), but here we empirically document problematic instances of non-professional interpreting and the impossibility of adequately performing both investigative and interpreting duties simultaneously. We also discuss the negative consequences of such procedural arrangements for the information-gathering process itself and more broadly for the ultimate goal of achieving equality in access to justice.

The specific issues we focus on are the *lack of neutrality and accuracy* and the *resulting impact on efficiency*. We discuss the *lexical, grammatical and discourse features* that underlie the difficulties we identified. Efficiency is seen as an overarching target in communicative exchange, which in this case is impeded by distortion of information, due to background bias and inaccuracy (or worse) in translation due to lack of required skills. We contextualise our discussion of all linguistic features in relation to this view. Our authentic data come from a bilingual interview transcript of a police interrogation with three participants, a suspect and two police officers, one of whom interprets for both his fellow officer and the suspect. It is part of a large database of bilingual and monolingual police interview transcripts and previously used in Filipović (2007), which was collected in 2006 in a number of jurisdictions in the state of California (San Jose, San Francisco and Oakland).

The issue of neutrality that we raise is related to the general question of ethics and to the particular fact that in this case the interpreting is performed by somebody who is clearly not a neutral party. In addition, the use of bilingual officers as both investigators and interpreters in the same communicative situation puts them under substantial pressure due to the different cognitive and linguistic demands that characterise the two

roles. The interpreting role alone carries a significant amount of multifaceted cognitive load, as psycholinguists who have studied translation as a cognitive process explain (see De Groot, 2011 for an overview) and as Gile (1997) also drew attention to as part of his effort model for interpreting.

The immense cognitive pressure that performing two communicative roles at once exerts on the bilingual officer is likely to result in even more aggravated loss of accuracy in translation, as well as loss of time or information that results from the role switching, as we demonstrate in our analysis below. Furthermore, equality in access to justice will also be compromised if the information content of the suspect's statement or the overall perception of the suspect is unintentionally altered due to lack of professional interpreting.

We exemplify various problems that we detected in our data and we use this analysis to highlight the kind of issues that need more academic and professional attention. Finally, it is not just neutrality and accuracy that have to be carefully considered, but also the overall efficiency, which involves delivering the best possible product in the timeliest manner and with as little cost as possible, but without compromising quality. Efficiency is very likely to be lower if a professional interpreter is not employed. Moving between languages in a single communicative situation is bound to happen at a slower pace and with a higher number of instances of confusion in communication if untrained interpreters are involved, as we discuss and illustrate in our analysis.

Research context

In the early stages of a criminal investigation police officers take the pivotal role of obtaining accurate and relevant information from alleged suspects, victims and witnesses. When the interviewee does not speak the official language of the country in which the crime took place, and the interviewer does not speak the language of the interviewee, investigative communication effectively becomes more challenging. Before we address some of the challenges that we encountered in our case study materials, we provide some background to the provision of professional language services.

The US Government acknowledged in 2000 the need for professional interpreting in the legal system and made an Executive Order which was finally ratified by the Attorney General in 2011 and which was aimed at "improving access to services by persons with Limited English Proficiency" (Limited English Proficiency, 2014). The provision consists of having "language access planning" (Limited English Proficiency, 2014) available to users at the different governmental services. The reason for this change of policy is that it is well documented that when police officers become interpreters or transcribe interviews, defendants have sufficient grounds to appeal their conviction (Berk-Seligson, 2009: 31). The US Department of Justice had researched the employment of language services and provisions in legal cases and as a result they "elaborated a set of prohibitions on the use of non-professional interpreters by law enforcement agencies, in particular, the use of "bilingual officers or employees regardless of level of bilingual competency" (Berk-Seligson, 2009: 13). Berk-Seligson (2009) studied the provision of non-professional interpreters in great detail, including police officers, employees at the police station, relatives or friends of the suspected offender, and found that such interpretation was deemed non-independent, inaccurate and biased.

We do not know, however, how strictly any policy recommendations are adhered to. In fact, we are grateful to one of our anonymous reviewers who pointed out that US police officers acting as both interrogators and as interpreters during interrogations of LEP suspects is "an increasing and pervasive problem" and that moreover, this "malpractice lends itself to legal-linguistic violations and miscarriages of justice". Furthermore, non-professional interpreting is still happening worldwide, irrespective of whether certain policies against it are in place or not. In some cases, non-professional interpreting may be the necessary approach when obtaining information from witnesses is time-critical and waiting for an interpreter may lead to loss of vital information. However, having anything but professional interpretation in suspect interviews is exposes the interrogation to actual and potential problems that may have an undeservedly negative impact on the suspect's predicament. Additionally, non-professional interpreting can consume more time and result in higher cost and resource consumption (e.g. police time) than would have been the case if professional interpretation was made available.

We have to point out that in our current analysis we cannot refer to professional standards and codes of ethics when we discuss the performance of a police officer-interpreter who has never had any professional interpreter education. There is no reason to expect a bilingual police officer to be familiar with professional interpreting norms, which are normally acquired by language professionals through specialist training. If any code of practice should be invoked in this case it is the standards that a police officer-interpreter is primarily bound to by the police department as one of its officers. Bilingual police officers see themselves first and foremost as professionals in their original contractual capacity. Thus, it is no surprise to discover that when a police officer-interpreter has the chance to extract a confession, she or he would give this priority over the neutrality principle that is inherent in the interpreter role (see Berk-Seligson, 2009 for more details on these tensions). Our aim here is to highlight the problems that arise in communication for all parties involved when the officer-interpreter switches between the two roles and starts prioritising one over the other.

We will first contextualise the current study within previous related research. Next, we will analyse specific examples from the transcript and focus on a number of lexical and grammatical contrasts between the two languages that cause difficulties in translation. We then highlight certain discourse features that characterise this specific interrogation and we point out the effects that all the detected problematic aspects may have on how the suspect's statements and attitude are perceived and understood. We also draw attention to the ways in which inaccuracies attributable to lack of adequate language competence and those driven by the lack of impartiality on the part of the interpreting officer could contribute to blame attribution. In conclusion, we summarise the findings, address their broader applicability and suggest directions for further research.

Previous relevant literature

Police interrogations have been studied in the past, but the duality of the role of the police officer-interpreter has not been examined in great detail before (with the notable exception of Berk-Seligson, 2002b); see further below). For example, Ainsworth (2010) detected a number of problems associated with coercive police interviewing, with particular reference to Miranda rights in the United States. She found that invoking one's rights does not necessarily protect against an inadvertent waiver of rights, self-incrimination or false

confession. Benneworth (2010) contrasts different interview techniques in police interviews ('closed' vs. 'open') and suggests that adopting an open interview style can make a positive difference to the interview outcome. Another perspective in investigative police interviewing research is given in Haydon (2005), who analysed power relations in the context of police interviews with suspects. She argues that in discourse terms both the interviewing officers and the suspects have power related to the information they have and share in the conversation, and that the power relationship changes throughout the interaction "relative to participants' access to resources which provide control over the interaction" (Haydon, 2005: 13). She points out further that access to these resources may be limited further by more than just a speaker's role in the interaction and can include factors such as social class, education and cultural background. This notion of discourse power is different from the notion of power related to inequality in status among the interlocutors, which is inherently present in police interviews, because of the very different respective positions of the interviewer and the interviewee. Institutionally defined social control due to the nature of the police interview situation itself engenders power asymmetry, which is manifested in communication, for example, by the control over turn-taking or topic control and management (Haworth, 2006; Haydon, 2005).

Previous research has also highlighted some specific conversation strategies used by both suspects and police interviewers. For instance, a study by Newbury and Johnson (2006) exemplifies a number of these strategies that a suspect resorts to in order to resist constraining and coercive questioning by the police. Haworth (2010) pointed out that discursive interviewer strategies are actually used for the purpose of eliciting information that is geared towards the later informational needs of the prosecution.

Cross-linguistic studies in this area are much fewer, but more are appearing as our contexts of communication, including law enforcement, become increasingly multilingual. For instance, a recent study by Kredens (2017) highlights various situational contexts in which officers and interpreters can interact successfully by sharing a common interest in effective communication.

Another recent study of professional police interpreters exemplifies the range and types of challenges and strategies they face in the context of multilingual investigative interviewing (Mulayim *et al.*, 2015). Finally, and closely related to our case, Berk-Seligson (2002b) offers an invaluable insight into how police officers may use their ambiguous role of investigator-interpreter to their advantage towards the achievement of their goal of eliciting a confession from a suspect. Berk-Seligson (2002b) noticed that the officer-interpreter in an interrogation of a murder suspect with limited knowledge of English, which she analysed, was constantly sliding back into police detective mode, using his dual role to manipulate the detainee into a confession.

This article adds another dimension to the study of police interrogation, namely original empirical insights into the kinds of difficulties that can occur when professional interpretation is not made available. Our focus is not on coercion or manipulation in police contexts and on the communication means that can be used to put pressure towards a confession. Rather, we focus on the difficulties of eliciting information accurately and efficiently from a suspect, not necessarily because of coercion or manipulation and the resistance to it, but rather due to the inability of the police officer to maintain professional standards required in this context.

We do not seek to provide broad generalisations here with regard to frequency or the applicability of our findings across different cases. We are aware of the limitations of a single case study. However, we are confident that the goal we pursue here is worthwhile, because similar or related issues may be detected in other cases and because our work can raise awareness about the need for further research in this area, with more case studies and more data and examples of this kind being made available. Therefore, our key aim here is to identify the possible sources of problems that can then be probed for and attested on other occasions and on larger datasets. We believe that the phenomena we highlight would indeed characterise other communicative exchanges of this type and the support for this view comes from one of our anonymous reviewers, who states that our article is "illustrative of prototypical police interrogations in every state of the US". Against this background, we now turn to data analysis.

Data description

Our case study is based on a written interview transcript that was made by a registered legal interpreter who worked for the San Francisco police authority. We do not have information with regard to whether this specific interview was video- or audio-recorded. This certainly imposes limitations on our analysis because we are not able to make comparisons between the actual interaction itself and the transcript that was produced. Furthermore, a number of relevant conversational features that may be relevant may not have been transcribed (e.g. hesitations, raised voice, etc.), which is another limitation of this dataset type.

The transcript is a verbatim rendering of an authentic interrogation carried out by two US police officers and the charge was alleged sexual assault. The language in which the suspect communicates is mainly Spanish but it appears that he does understand some English. The police officers are both English speakers (referred to as PO1 and PO2). One of the two officers (PO2) is a speaker of Spanish as a heritage language and he is the one doing the interpreting. The original conversation was carried out in English and Spanish and there is also a control translation into English. The control translation, henceforth referred to as (CT) in the examples, was carried out post-interview by a professional registered legal translator in accordance with the standard practice in the US (Filipović, 2013b: 341). The original conversation and translation is always on the left-hand side in the transcript and the control translation is on the right-hand side running in parallel with the original. We have preserved the same pattern in our examples where we present extensive (longer) exchanges. In single-line examples we provide either the translation by the PO2 or the control translation from the transcript and we indicate which one we present each time. We cite all the aspects of the transcript as they appeared originally, including spelling and punctuation, and we did not correct any errors that were present in the transcript in order to preserve the authenticity of the material.

It is not apparent in the transcript whether the police officers are male or female. For the sake of reference in this article, we refer to the police officers as males. The suspect was male. The original transcript (not counting the English CT text) is 26 pages long, containing 3,168 words in Spanish and 4,626 words in English. The English part of the transcript is longer in this case because there are certain sections where different conversations are carried out in English only, between PO1 and PO2, and not translated in Spanish for the benefit of the suspect.

Data Analysis

In this section we introduce and exemplify certain lexical, grammatical and discourse features that are relevant for our argument about the compromised neutrality, accuracy and efficiency that characterise this suspect interrogation. The reason we decided to focus on neutrality and accuracy, and their overall effect on efficiency is because we had detected that those were the areas in which the juggling of the two roles (investigator-interpreter) results in a noticeable impact on communication outcomes. Namely, the only ethically right option, which is to speak through a neutral interpreter, was not afforded to the suspect. The bilingual police officer may be accurate when he is speaking just one language or the other, but his fluency and accuracy decreases when he has to shift between the two languages. Finally, the performance of the dual role investigator-interpreter actually makes the communicative exchange significantly longer and more cumbersome because the bilingual officer confuses the suspect with certain inaccurate renditions from English to Spanish and the suspect has to ask repeatedly what the officer means. Moreover, the officer sometimes switches to only interrogating the suspect in Spanish without interpreting for his fellow officer, which then results in the two officers having different information and this slows the communication process down further.

Neutrality

Neutrality is something that must be preserved in interpreting, yet it is hard to do so when one has, at the same time, a responsibility for eliciting evidence. In the examples below we can see clearly that PO2 is acting as an interpreter as well as an investigator. In example (1) PO1 asks 3 questions, while PO2 contributes 6 times: three times to translate PO1's questions (underlined) and three times to ask his own set of questions. This is an example of one role intruding on another, namely the interrogator role trumping the interpreter role:

1

PO1:		<u>Okay. Okay um at any time did she tell you that she didn't want to have sex?</u>
PO2:	*Ah eh en cualquier tiempo que ustedes estaba ahi ella le dijo a usted que ella no queria tener sexo con usted?*	Ah eh any time that you were there, did she tell you that she did not want to have sex with you?
Suspect:	*No*	No
PO2:		No
PO1:		She never said that?
Suspect:		No
PO1:		<u>Okay. Did she try to stop you?</u>
PO2:	*Ella trataba de pararla a usted pa que no haga sexo con ella?*	Did she try to stop you so that you wouldn´t have sex with her?
Suspect:	*(*) cuando ya nos ibamos.*	(*) when we were already leaving.
PO2:	*Como?*	What?

Suspect:	*Cuando ya nos ibamos, que ya nos fueramos entonces me dijo (*) nos fuimos.*	When we were already leaving, that we should go then she told me (*) we left.
PO2:	*No, no, o sea, la pregunta fue si ella, cuando ustedes estaban haciendo sexo...*	No, no, say, the question was if she, when you were having sex...
Suspect:	*Um hum.*	Um hum.
PO2:	*Si ella lo paro a usted de hacer sexo?*	If she stopped you from having sex?
Suspect:	*No.*	No.
PO2:		No.
PO1:		<u>Are you sure?</u>
Suspect:		Yeah.
PO2:	*Seguro?*	Sure?
Suspect:		Yeah.
PO1:		Cause she´s telling me a different version of what happened.
PO2:	*Porque ella le esta diciendo algo, otra cosa de lo que paso.*	Because she is telling him something, another thing about what happened.
Suspect:	*No.*	No.

We can see in example (1) that PO2 mixes up his interpreting role with that of an investigator by expanding the questions that PO1 asked and also by adding his own questions, expanding or reformulating the original questions posed by his fellow officer. For instance, when PO1 asks "Did she try to stop you?", PO2 expands that question in the Spanish translation as "Did she try to stop you *so that you wouldn't have sex with her*?". More worryingly, immediately afterwards PO2 reformulates the same original question posed by PO1 as "...if she stopped you from having sex?", to which the suspects answers "No". As a result, something important becomes obscured, namely the possibility, that PO1 was exploring, that the victim may have tried to stop the suspect but did not manage to. This reformulation of the question and the answer may lead us to believe that the victim may not have tried to stop the suspect at all, which in the current context may be a complete distortion of fact.

This interaction dynamics are confusing for the suspect since he is not sure who he needs to address with his answers, who is asking which questions and how to establish a clear communication channel with either officer during the interrogation. The officers, likewise, are not able to establish rapport, considered to be very important in the process of suspect interviewing and interrogation (Vallano *et al.*, 2015). This kind of interaction pattern persists throughout the interview and is evident in the transcript on 10 other occasions. Part of establishing rapport in conversation involves eye contact and directing answers to the person who is asking the question. This is very difficult to achieve under the circumstances in this case. Another example illustrating the same lack of neutrality is the following:

2

PO1:		[...] I don't know what the truth is. [...] That's why we're here talking to you, getting your side of the story.
PO2:	*Nosotros no sabemos lo que paso en verdad [...] por eso estamos aqui hablando con usted solamente para ver lo que usted nos tiene que decir.*	(CT) We don't know what really happened. [...] that is why we are here talking with you, only to see what you have to tell us.

The first person singular *I* uttered by PO1 is changed in translation to we by PO2. The significance of this alteration lies in the fact that it signals that both officers are responsible for questioning, and that the suspect is put in a position to rely on the officer-interpreter for fair and accurate representation of his statements in spite of PO2 being partnered with PO1 in this communicative situation. Knowing that statements of suspects can be misrecorded even in the same language, it is easy to understand why this suspect is additionally disadvantaged by having no assurance of neutrality in translation (see Coulthard and Johnson, 2007 for details on cases of misrecorded linguistic evidence in police investigations).

These sample extracts show that police officers acting as interpreters in an investigation may not maintain neutrality and impartiality when interpreting. It is not surprising however that the officer-interpreter adds his own commentary to the other officer's questions. While this may be considered a lapse in the interpreting protocol, from the perspective of interrogation this may seem perfectly acceptable. There are in fact two officers conducting the investigation, with one of them assuming an additional role as interpreter. The point we want to make here is that the roles are difficult to separate and in the case of the exchanges above, the officer-interpreter is probably not even trying to keep them apart since his allegiance lies primarily with his police duty to elicit evidence and confession. However, the dual role set-up may get in the way of the primary, investigator role since one of the key aspects of that role is rapport-building, already made more problematic by the lack of direct communication in all interpreter-assisted interviews regardless who the interpreter is. On this occasion rapport-building is rendered more difficult indeed for both officers. Even more importantly, this type of interrogation set-up results in an ethically objectionable situation, whereby equality in access to justice seems to be compromised due to the lack of neutral professional interpreting. Legal language, including police-speak, is difficult enough even for monolinguals (see Gibbons, 2003, 2017 and communication across languages in this context adds an additional challenge for all of the parties involved, but it is of an even more significant disadvantage for the non-English-speaking suspect.

Accuracy

Accuracy is undeniably crucial in interpreting, but it is particularly hard to achieve for a police officer who is not a professional interpreter. Hale (2014: 325) argues that "the role of the interpreter is to accurately render every utterance in order to place the parties in a position similar to a monolingual one" and the achievement of such an equivalent status may be lost in translation (see Berk-Seligson, 2002a; Filipović, 2007, 2013b). In

view of this, it is recommendable that some key language differences and their potential consequences be highlighted by an interpreter from the outset of an interaction. Previous psycholinguistic research has demonstrated that language differences can lead to entrenchments of different habits and conceptualisations of events as well as differences in memory for witnessed events (see Filipović, 2011, 2013a, 2018). For example, some languages oblige speakers to use different constructions based on whether an action was performed on purpose or not (e.g. Spanish; see Filipović, 2007, 2013a,b). These important meaning differences in the domain of causation can be left unspecified in other languages and the same ambiguous constructions can be used for both intentional and non-intentional actions (e.g. as in English "He dropped the victim on the stairs" – on purpose or not?). Highlighting this kind of language contrast would contribute to an awareness about the need to formulate questions in such a way that the intended meaning is available in both the original language and the translation.

Lexical and grammatical issues

One lexical area that is important in our analysis is that of *modality*. We know that a change in modal verbs can cause a change in the interpretation of the whole event description (e.g. how likely is it that something happened or not) and it can influence our perception of witnesses as more or less reliable (see Filipović, 2016 for details). In the current analysis we detected instances, such as the one in example (3) below, that show how an interpretation of the suspect's statement may change in translation if the modal verb in the original is rendered with one that has a different meaning. Here PO2 translates an expression of desire 'quería' = 'wanted' into a strong obligation 'had to' thereby changing the original modal meaning used by the suspect:

3

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Suspect:   [...]  ya de ahí pues ella    [CT] from there well
           quería ir a la escuela        she wanted to go to the
                                          school.
PO2:                                      [...] she had to go back
                                          and I took her back to
                                          school
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The difference between the modal meaning in Spanish and its translation into English illustrates a shift in meaning. PO2 conveys the message as an obligation (i.e. "had to go") whilst the suspect speaks of a desire (i.e. "quería ir" = "wanted to go"). The suspect is saying that the alleged victim wanted to do something and, as evidenced later in the script, he insists on stating that he always complied with her wishes. This is an important part of his account of events. The translated statement on the other hand indicates that the alleged victim had the obligation to go to school, but does not indicate that it was actually her wish that the suspect complied with.

Other lexical and constructional difficulties are seen in the script, with impact on accuracy and efficiency of the communicative exchange. When PO2 needs to move between the two languages, he sometimes exhibits *negative transfer* of linguistic properties from one language into the other (i.e. using constructions from one language which are actually ungrammatical in the other; see Odlin, 1989 on language transfer in general). It seems likely that PO2 is a heritage language speaker of Spanish, who shows signs of either incomplete acquisition or subsequent language attrition. This is particularly

evident when a construction from one language needs significant restructuring in order to be translated satisfactorily into the other, and at the same time different lexical choices also need to be made. Though the police officer-interpreter could have used various grammatically correct Spanish constructions, in situations where he needs to switch between the two languages he at times produces ungrammatical utterances that confuse the suspect. This delays the suspect's replies, causes hesitation in his speech and results in him asking for further clarification from the officer, which then lengthens the interrogation process further.

One instance of negative language transfer from English into Spanish is seen in example (4). English does not distinguish between two different meanings of the verb "to be", temporary and permanent, "she is a teacher (at the moment)" as opposed to "she is a woman" but they are conveyed by the use of two entirely different verbs in Spanish,*estar* and *ser*. For instance, in example (4) PO2 should have said *¿cómo **estaba** ella?* and not *¿Como **era** ella?* because he was inquiring about the state of the victim at a specific time rather than her essence (i.e. permanent personality characteristics). The use of *ser* instead of *estar*, was out of context and confused the suspect:

4

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P02:        Como era ella?            (CT: how was she?).
Suspect:                             [inaudible/unclear;
                                     does not understand the
                                     question]
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Another example of negative lexical and grammatical transfer to consider is when PO1 in example (5) below, says "walked her back to school" and PO2 interprets this construction as "'*la caminaste para la escuela*":

5

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P02:   Usted sabe que iba         (CT: You know that she was
       para la high school        going to YB high school
       de YB porque tu            because you walked her to
       la caminaste a la escuela? school?).
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The construction used by PO2 in Spanish is ungrammatical in that language and it is a literal word-for-word translation of the original English structure. A paraphrase would be in order here in Spanish, something to the effect "walked to school with her" or "accompanied her to school (walking)". The suspect's reaction to this ungrammatical question was a muffled response of confusion and it took several exchanges back and forth among the participants to resolve where the confusion was coming from. The negative transfer, in motion constructions of this type, occurs several times in the transcript. Importantly, the control translation does not signal these instances of ungrammaticality that impede comprehension; rather it just offers a grammatically correct translation into English, as illustrated in example (5). Pointing out such inaccuracies in translation and encouraging translators to make translator notes to this end can greatly improve quality control standards for transcript production.

When we see how the officer-interpreter uses inadequate words and constructions, which make the suspect hesitate and falter each time, and which force the suspect to ask for clarification on multiple occasions (i.e. by saying ¿Cómo? = What? or similar),

we have to reflect on the potential consequences that may result. We know that pauses and hesitations have negative consequences for communication in general (Dingemanse and Enfield, 2014), especially in judicial contexts where they can create the impression of a given speaker being powerless and consequently, less convincing or trust-worthy (Berk-Seligson, 2002a), or even guilty according to an anonymous reviewer of this article.

The multitude of occasions when the suspect displays such behaviour during this interrogation may reflect negatively and create a perception of him as an evasive and/or uncooperative interlocutor. A close analysis of an interview transcript would disprove that, but how can we make sure that such analyses are indeed regularly performed? In fact, this suspect was clearly protesting his innocence and giving direct responses when he understood what was being asked of him. The importance of recording and transcribing interviews becomes even more apparent on occasions like this (see Kredens and Morris, 2010 for a critical discussion on transcript production; see also Filipović, 2007, 2013b).

Discourse features

In this section we present some specific discourse features, such as question types, forms of address and exchange flow, which illustrate both general problems with certain strategies used in police interrogation, and the problem of role-juggling that is specific to the type of situation under consideration and that has repercussions for how the discourse is structured.

We begin by looking at the types of question in the interrogation. Police officers can employ a mixture of open-ended and closed questions. Closed questions are ones that clearly require either yes or no answers, whilst open-ended questions – such as those starting with *wh* – give the interlocutor an opportunity to express a "free narrative and longer responses" (Oxburgh *et al.*, 2010: 48).

In fact, there is hardly any instance of free narrative in the transcript as most of the questions are closed. Initially, some of the open-ended questioning may be felt to be non-threatening and inviting the suspected offender to give a more detailed account of his relationship with the alleged victim. Questions such as "how old are you?" and "where do you work at right now, bro?" presented in Spanish at the beginning of the interview are constructed so that the suspected offender engages with the police officers. Specifically, the term bro – short for brother (i.e. *mano* as short for *hermano* in Spanish) – is used frequently at the end of questions and more extensively right at the start of the interrogation. This informal form of address appears to be employed to attempt to even out the "asymmetrical power relationship between the police officer and the [alleged] suspect" (Berk-Seligson, 2009: 122) and to ensure that, by establishing a good rapport in police interviews, the social distance between the parties is narrowed, even though this is somehow artificial since it is clear what the respective positions, i.e. law enforcement vs. suspect, are. However, adjustment of conversation, whereby cooperation is sought through an attempt at friendly interaction, is better maintained with the use of more open-ended than closed questions. In the following extract, we can see that the police officer-interpreter is making the most of his "high level of entitlement" (Drew and Walker, 2010: 100) through the use of restrictive, closed questions:

6

PO2:	*Ella se quito la ropa o usted se la quito?*	Did she take off her clothes or did you take them off of her?
Suspect:	*Sea pues los dos nos la quitamos...*	Well say that we both took it off[1]...
PO2:	*Como?*	What?
Suspect:	*(*) o sea con...*	(*) or say with...
PO2:	*Usted se la quito o ella se la quito?*	Did you take it off or did she take it off?
Suspect:	Pues cuando estaba asi...	Well when she was like this...

We were also able to detect blame implication (see Atkinson and Drew, 1979 for a general discussion), as well as leading questions, which are common during interrogation. Namely, attempts to confuse, or trip the suspect up, or to use his words against him are legitimate in the context of US police interrogations. The suggestion of culpability is seen when the police officer-interpreter seems not to accept that the action was mutually agreed between the alleged suspect and the victim, although a clear direct answer "we both took it off" was given by the suspect. Repeating the same question multiple times even though the answer had been given and reversing the order of the original question by the PO1 (from "did she or did you" to "did you or did she") may indicate that PO2 is either not accepting the given answer or that he genuinely may not have understood when the suspect states that both he and the victim participated in the action of pulling the victim's trousers down (line 13 in example 7 below):

7

(01)	PO2:		
(02)			When she was laying down she take off her shirt.
(03)	PO1:		She took off her own shirt.
(04)	Suspect:	*Yeah, la blusa. Y (*).*	Yeah, the blouse. And (*).
(05)	PO1:		And who took her pants off?
(06)	PO2:	*Y quien le quito el pantalones?*	And who took off her pants?
(07)			
(08)	Suspect:	*Ella ah se los (*)*	She ah did (*).
(09)	PO2:	*Se los desabrocho usted?*	Did you unbutton them?
(10)	Suspect:	*Yeah.*	Yeah.
(11)			
(12)	PO2:	*Y se los bajo usted?*	And did you pull them down?
(13)	Suspect:	*Los dos.*	Both of us.
(14)			
(15)			
(16)	PO2:	*Usted se, usted, usted se los desabrocho de ella y se los bajo?*	You, you, you unbuttoned them and pulled them down?
(17)	Suspect:	*Si.*	Yes.
(18)	PO2:	*O no? Si?*	Or nor? Yes?

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(19)
(20)  Suspect:   Cuando yo se los          When I unbuttoned them.
                 desabroche.
(21)  PO2:       Uh huh.                   Uh huh.
(22)  Suspect:   Ella se los asi.          She did like this.
```

It is important to note here that the repetition of already answered questions has been found to lead to more false confessions (Berk-Seligson, 2009: 129). We can see this kind of insistence through the repeating of already answered questions in example (7) above. In addition, in example (7), it seems like PO2 and the alleged suspect are negotiating the "version of events" (Benneworth, 2010: 141). In each exchange, the interlocutors determine the line of action, but there appears to be a misunderstanding between PO2 and the suspect in extract (7) from lines 14 to 18. Namely, PO2 is seeking to determine whether the suspected offender undertook both actions, i.e. unbuttoning and pulling down the trousers of the alleged victim. However, the suspect clarifies the order of events by stating that he unbuttoned the trousers but that the alleged victim "did like this" (line 22). Possibly, when the suspect stated "she did like this" (line 22), he acted out pulling down the trousers as already stated in line (08). In addition, the suspect states earlier that both he and the victim pulled the victim's trousers down but then he also responds "yes" (line 17) to the question-statement by PO2, "You unbuttoned them and pulled them down" (lines 14-16), thus implying that it was him who performed all the actions. This may be incriminating for the suspect and even though it is true that he indeed pulled down the trousers of the victim, the important detail is that this action happened with the victim's consent according to the suspect's statement here, because she also apparently participated in the pulling down of the trousers. It could appear that the suspect is both saying that he pulled the trousers down and that it was the victim who did it, which is potentially damaging to his credibility.

It is important to highlight here that at this point PO2 stops interpreting altogether and switches just to direct interrogation of the suspect in Spanish. Afterwards, he speaks with his fellow officer in English and tells him what the exchange in Spanish had been about. This way of structuring discourse, whereby PO2 fully abandons his interpreter role and assumes the investigator role in a language not understood by the fellow investigator, interrupts the discourse flow severely and makes it difficult to ensure that all the details are accurately conveyed to the other officer. This switch to one of the two roles happens in other places in this transcript and makes the whole exchange more cumbersome, while also carrying information loss.

Another frequent feature throughout the interview is the high number of negative questions, which take the form of either negative interrogatives (e.g. "Didn't you...?") or negative statements with an expectation of a response. Specifically, as can be seen in questions (a) to (d) in example (8), these question types are found on multiple occasions:

8

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            a)  PO2:  You didn't finish?
            b)  PO1:  Didn´t she kick you?
            c)  PO1:  She didn´t kick you when
                      you guys are having sex?
            d)  PO2:  It didn´t go inside?
```

In terms of information structure, negative questions are harder to process as they carry an additional implication. As Reese and Asher (2010: 144) point out, "negative questions convey a backgrounded attitude on the part of the speaker toward the proposition expressed by the positive answer." Namely, negative questions convey a conflict with a prior belief, while positive questions have a higher degree of neutrality. Negative questions and statements imply that something should have been the case but is not. It would be a better practice to use neutral questions in investigative interviewing (e.g. "did she kick you?") because using negative questions puts both interviewers and the interviewee in a more difficult position. The interviewers can be seen as implying a certain amount of information and the interviewee is finding the processing of the expressed vs. implied meaning harder to cope with, and consequently hesitates and delays his answers, thus possibly affecting the perception of his testimony. Additionally, negative statement-questions such as "She didn't kick you?" could be answered by either confirming or denying while the same meaning stays the same, as in "yes, she didn't kick me" vs. "no, she did not kick me". It is not immediately clear to speakers, even in everyday conversations, what the appropriate answer format should be, and in high-pressure situations such as the one we are discussing here, the confusion about how to answer is likely to even greater due to tension.

Conclusions and possibilities for further research and applications

This article has highlighted some of the linguistic difficulties that may arise when a police officer who investigates a crime also takes the role of an interpreter during an interrogation. We discussed how the lack of professional interpreting competence by the officer-interpreter affected the level of neutrality and accuracy, as well as the overall efficiency of evidence elicitation and how it created additional meanings or meaning shifts that were not expressed in the original statements by the suspect. It is apparent that in the case study under consideration, the police officer acting as interpreter (PO2) does not distinguish between his role of law enforcement officer and that of neutral interpreter, and we explained why he cannot be expected to do so. We emphasised that the cognitive load of each role individually is very high, and that the simultaneous performance of both roles has a negative impact on his performance of each of them, as well as on the interaction among all the interlocutors. The cognitive pressure impacts the officer's use of Spanish, which appears worse when he is going back and forth between the two languages. This highlights the incredible skill that legal interpreters, and indeed interpreters in general, display in keeping the cognitive pressures under control. Further difficulty stems from the fact that the officer-interpreter is a heritage language speaker of Spanish, so his proficiency is particularly inadequate for an interview with a suspect in a serious assault case. This lack of proficiency and his lack of professional interpreter training, are the key reasons why we encounter numerous inaccuracies in both translation directions, English to Spanish and Spanish to English. This problem, accompanied by a lack of impartiality, leads to a distortion of meaning in the translations of both PO1's questions and the suspect's responses. PO2 introduces changes with respect to both content and presentation format, which can potentially contribute to a more negative perception of the suspect.

We acknowledge that our focus on a single, albeit multi-faceted, case is just one informative example of where points of conflict may occur in multilingual police communication conducted in the absence of professional interpreters. We trust that this

case study can serve as an alert for both police officers and professional interpreters by signalling how specific, finely-grained contrasts of language structure and use need to be attended to very closely when interrogating and interpreting, especially in legal contexts where consequences can go far beyond mere misunderstanding. Further typological analysis, that includes the contrasting of multiple languages and language pairs, is much needed, as well as the documentation of their potential and real effects in legal contexts.

As we mentioned at the beginning of this article, many English-speaking countries have some kind of provision in place that is supposed to resolve problems like the ones we have outlined, although the extent and success of policy implementation awaits confirmation. More worryingly, there are many many jurisdictions around the world where no such provisions have been made and bilingual police officers are still regularly called upon to interpret. As we know that translation can influence judgment (see Filipović, 2007; see also Ibarretxe-Antuñano and Filipović, 2013, it should be imperative to provide translation and interpretation to the highest possible standard in terms of neutrality and accuracy. We also need to take efficiency into consideration, which means that we must balance interpreter time and other costs with quality assurance. We believe that the issues we have raised in this article reflect some significant obstacles on the road to equality of access to justice for some groups, such as non-native speakers. We hope that our article will encourage further research in this area as well as contributing to a wider spread of good practice and to initiatives for fair and equal treatment for all in the justice system.

Acknowledgments

Notes

[1]Note that "clothes" ("la ropa") is singular in Spanish, thus the pronoun "it" in this example.

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