

## Using Interpreters in Forensic Interviews

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Ideally, trained forensic interviewers would have the skills to communicate with children in their native tongues. The reality in most settings is that trained, multilingual interviewers are not readily available. This is especially true of languages not common for specific regions. It has been our practical experience that the best option in these situations is the use of a qualified interpreter to assist the interview process.

Information can be found on utilizing interpreters in various settings, including court, medical, therapeutic and educational. Although professionals conducting forensic interviews can draw on information from these other areas to establish clinically based guidelines, there remains a distinct lack of information and research in the area of utilizing interpreters with children in a forensic interview. The following are offered as experience-based considerations for those who are choosing to utilize interpreters in their forensic interviews.

**1. Assess the need for an interpreter.** Establishing the need for an interpreter can be done by asking the question, “What language does this child use at home?” While children may speak English at school, daycare or when greeting the forensic interviewer, these factors do not diminish the need for an interpreter. In a forensic setting the child may talk about things she or he only has words for in the child’s native language, e.g. body parts or sexual acts. In addition, the added stress of the forensic interview process and the unfamiliar setting may cause children to revert to that which is comfortable and familiar.

### **2. Consider qualifications.**

- **Court certification.** There are certification processes to train and educate interpreters on issues related to interpreting in a legal setting. Completion of this type of training allows interpreters to become “court certified.” Certification can happen at the state or federal level.<sup>3</sup> As with the courtroom setting, the expectation in a forensic interview is that the interpreter is a neutral party, is not an advocate for the child and does not try to explain or help witnesses through the expansion or rephrasing of questions and answers.<sup>4</sup> Court certification is not available in all states, and both state and federal court certifications are limited to particular languages<sup>5</sup>. It is recommend that interviewers learn what is available in their areas and inquire about court certification status of the interpreters they choose.

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<sup>3</sup> Mintz, D, FAQs (Frequently Asked Questions) About Court Interpreting. Retrieved July 26, 2002, from <http://www.najit.org/faq.html>

<sup>4</sup> Hardy, M. (1998, November). Ten tips on using court interpreters in child witness cases. *Update*, 11, 1-2.

<sup>5</sup> Mintz, *supra* note 3

- **Neutral party.** Children may not want to share details of an experience in the presence of someone they know. In addition, issues of suggestibility may be raised. People with a personal connection to the child may display an emotional reaction (i.e. crying, gasping) or use verbal or non-verbal cues to prompt the child to speak (i.e. head nodding, encouraging the child to speak). This may affect the child's responses due to a desire to please a loved one<sup>6</sup>.

**3. Consider variance within language.** For example, Spanish spoken by someone from Mexico may be significantly different from that spoken in Venezuela. Social status, geography, degree of immersion in American culture, religion, accent, pronunciation, dialect, clan and other factors may account for language differences. Particularly with children, these differences may lead to misunderstanding or even an inability to communicate. Communication problems may be reduced by gathering some specifics about the child prior to the interview, and attempting to match the interpreter accordingly.

**4. Meet with your interpreter prior to the interview.** This meeting should not be underestimated as the work of the interpreter can potentially aid or thwart attempts to gather accurate and reliable information. The following are some possible areas to be covered.

- **Purpose and logistics.** The interpreter should have basic information about what to expect, including (but not limited to): specifics regarding the nature of a forensic interview, any aids you might use during the interview, your method of memorializing the interview, and the physical set up of the interview room.
- **Don't change questions.** Make sure the interpreter understands that she or he should not change the question or the question structure (i.e. multiple choice, open ended, yes/no). If the question can not be interpreted directly, the interpreter should alert the interviewer so the interviewer can rephrase. It is not the role of the interpreter to offer suggestions or attempt to clarify the questions.
- **Keep it simple.** The interpreter may have more than one way to word a sentence or questions in the child's native language. Both sentences or questions may convey the same denotative and connotative meaning. However, interpreters should be instructed that in such cases, they want to select the simplest, shortest and most concrete method. Do not forget that the interpreter may not have the knowledge of child development and cognitive processes possessed by the interviewer.
- **Interpret everything.** It is not the role of the interpreter to filter information, or to decide what is relevant. For example, if the child answers a question

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<sup>6</sup> Ceci, S. J. & Bruck, M. (1995). *Jeopardy in the courtroom: A scientific analysis of children's testimony*. Washington, DC: American Psychological Association.

with seemingly unrelated information, the child's words should be relayed and the interviewer can determine their relevance.

- **No touching or gesturing.** Inform the interpreter that amongst other things, they should avoid having children sit on the interpreter's lap, hugging or stroking the child, heading nodding and hand motions. The interpreter may overlook such pedestrian interactions, however forensic interviewers recognize the significance of these non-verbal communications and their potential suggestibility implications. Be clear with the interpreter that if the child attempts to make physical contact with the interpreter, the interviewer will attempt to redirect and refocus the child's attention.
- **Ask questions.** Interviewers can use this meeting to inquire about any nuances of the language they should be aware of. This may include phrasing, the use of prepositions, or other idiosyncratic elements of the language. Such preparation will minimize confusion and conserve time in the interview.

**5. Physical space.** It is important that the room positioning reflect the primary importance of the interviewer-child interactions. One way to accomplish this is for the interviewer and child to face each other with the interpreter sitting slightly behind and to the side of the interviewer. This way, the child can look at the interviewer while maintaining sight of the interpreter over the interviewer's shoulder. If cameras are used, ensure that all parties and their interactions can be viewed within the frame.

**6. Have the interpreter available.** Introduce the interpreter to the forensic setting at the outset of the interview. Having an interpreter available in the interview does not necessarily obligate the interviewer or child to use her or him continuously. As with interview protocols, the use of the interpreter should be adjusted to developmental and situational factors. If the interpreter is not used for the entire interview, the interviewer must remain alert, looking for possible misunderstandings and confusion in communication. The interpreter can be drawn into a more active role at any point in the interview process.

**7. Preparing the child.** At the outset of the forensic interview, the interviewer should introduce the interpreter and her or his role to the child. This can be accomplished through statements as simple as:

“This is \_\_\_\_\_(interpreter's name) and she is here to help us talk. She speaks \_\_\_\_\_(child's language) and I don't know how to speak \_\_\_\_\_(child's language).”

The child's developmental level and previous experience using an interpreter may alter this introduction. When appropriate, explain that the interpreter can be called upon to translate when the interviewer or child identifies a need. Consider checking for understanding by having the child reiterate the purpose for the interpreter.

**8. *Where to look and speak.*** Interviewers should focus their attention on the child being interviewed, not the interpreter. When speaking, speak directly to the child, not to the interpreter, and when the interpreter is speaking, continue to look at the child. Avoid using phrases such as “Tell her...” or “Ask him...”.<sup>7</sup> Such considerations will help the child feel connected to the interviewer and may reduce the child’s confusion of people’s roles.

Each individual interviewer is responsible for maintaining the integrity of her or his interview. These points should be viewed as a possible guide, not a recipe for success. In forensic interviewing, significant weight must be given to individual circumstances as well as developmental and cognitive differences amongst children. In addition, practitioners must apply that which is feasible within their own settings and communities and adapt these strategies accordingly.

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<sup>7</sup> Minnesota Supreme Court Interpreter Advisory Committee (1999). Best Practices Manual On Interpreters In the Minnesota State Court System.