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Using Interpreters in Forensic Interviews

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Although there may come a day when forensic interviewers will have the skills to communicate with children in their native tongues, the present reality is that trained, multilingual interviewers are not readily available in many communities. This is especially true of languages not common in 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 domains to establish clinically-based guidelines, there remains a distinct lack of information and research specific to utilizing interpreters with children in a forensic interview. The following are offered as experience-based considerations for those who choose to utilize interpreters in their forensic interviews.

1. Assess the need for an interpreter. To establish the need for an interpreter, simply ask, “What language does this child use at home?” While children may speak English at school, in 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 language which is comfortable and familiar.

2. Consider qualifications.

- **Court certification.** In many jurisdictions, 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.” Court certification is not available in all states, and both state and federal court certifications are limited to particular languages.3 It is recommended that interviewers learn what is available in their area and inquire about court certification status of the interpreters they choose.

- Neutral party. 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 by expanding or rephrasing questions and answers.4 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 (e.g., crying, gasping) or use verbal or non-verbal cues to prompt the child to speak (e.g., head-nodding, encouraging the child to speak). Such behavior may affect the child’s responses due to a desire to please a loved one.5

3. Consider variations within languages. Spanish spoken by someone from Mexico, for example, 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.

- **Explain the 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 cannot 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 question 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 should 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 with seemingly unrelated information, the child's words should be relayed and the interviewer can determine their relevance.

- **Caution against touching or gesturing.** Inform interpreters that, amongst other things, they should avoid having children sit on their laps, hugging or stroking a child, nodding their heads and gesturing. The interpreter may overlook such pedestrian interactions, but forensic interviewers recognize the significance of these non-verbal communications and their potential implications for suggestibility. 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, e.g., phrasing, the use of prepositions, or other idiosyncratic elements. Such preparation will minimize confusion and conserve time in the interview.

5. Arrange the physical space. It is important that the room positioning reflect the primary importance of the interviewer-child interactions. To do this, have the interviewer and child 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. Prepare 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. To

check for understanding, have the child reiterate the purpose for the interpreter.

8. Speak to the child. 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…."6 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 among children. Practitioners must apply strategies that are feasible within their own settings and communities and adapt these strategies accordingly.

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