Police use of interpreters: Understanding police perceptions, recognising current practice and informing best practice.

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Abstract

Current research on interpreters in the legal system acknowledges the complexity of their role and the potential for both positive and negative effects of interpreter-mediated communication (Boser, 2013; Heydon & Lai, 2013; Laster & Taylor, 1994). However, reports of the Australian police’s reluctance to provide interpreter services or of using inappropriate people suggest that non-native speaking people may be at risk (Australian Law Reform Commission (ALRC), 1992; Gibbons, 2003; McMillan, 2009). Moreover, ineffective use of interpreters can impact the already overextended time and resources of police and risks fracturing relationships with members of the community that they aim to build. To date, the apparent discrepancy between police guidelines that encourage interpreter use and these negative reports has been given limited support by research, as it rarely takes into account the police perspective. Therefore, the purpose of this thesis was to explore the use of interpreters from a policing perspective. A triangulated methodology was devised to investigate police perceptions of using interpreters, how police use interpreters in interviews with suspects, and police policy and guidelines about how to use interpreters. Such an investigation would also allow for an examination of interpreter use by police with victims, witnesses, suspects and informants. Multiple angles of investigation were used because improving police use of interpreters requires an investigation to understand police perceptions, recognise current practice and inform best practice. Considering these three elements will add to the growing empirical understanding of police use of interpreters and make a unique and practical contribution to improved police guidelines and training.

To understand police perceptions, the first of three studies examined the characteristics of police interviews that use interpreters and provided much-needed
empirical evidence of police perceptions that may deter the use of interpreters. The study surveyed police officers on their most recent interview that used an interpreter. Based on the responses of 413 police officers, the study also assessed police perceptions of using and arranging for interpreter services for interviews. Findings confirmed that the length of an interview, the cost of interpreters, and the need to change preferred ways of interviewing may deter interpreter use. Police reported that the interviews represented fewer victims and witnesses than suspects, which supports assumptions that encouragement and potentially legislative reform are needed to ensure interpreters are provided for all involved persons. Indigenous Australians were also noticeably absent from the interview sample.

To recognise practice, the second study examined video recorded suspect interviews to investigate police use of interpreters during interviews. This study analysed 40 suspect interviews, 20 with and 20 without interpreters, and compared skill elements found in the PEACE interviewing model (PEACE is a mnemonic for the five stages to all interviews: P - Planning and preparation; E - Engage and explain; A – Account; C – Closure; and, E – Evaluation). Findings revealed that interviews involving interpreters took much longer than those without, particularly at the beginning of the interviews where the interview process and rights were conveyed to suspects. While some essential elements of the process were omitted during the interpreted interviews, such as cautions being incomplete, major differences in the interview skills demonstrated by officers were not identified. No consistent approach to police use of interpreters was found, suggesting better guidelines may create efficiencies for police and improve their use of interpreters.

To inform policy, the third study used the evidence base provided from the first two studies to examine the consistency of these perceptual and practical
considerations with current interpreter guidelines for police. The concept of best practice for police use of interpreters was also examined, informed by police guidelines and policy in Australia and abroad. The primary aim of this study was to pinpoint inconsistencies between guidelines, perceptions and practice, and make recommendations for reform where necessary. It was revealed that the case study police organisation, and others used for comparison, had a number of guidelines in place to safeguard the use of interpreters by police to ensure vulnerable people requiring language assistance are supported. However, guidelines appeared to lack the necessary detail to identify and support concerns of officers that deter use, including costs of interpreters and who should be used as an interpreter. Guidelines from other jurisdictions that contain this level of detail and evidence from the first two studies lay a pathway for improvement for the case study jurisdiction.

Findings from this thesis provide empirical evidence that perceptions of police do exist that deter interpreter use. A lack of logical and detailed guidelines also makes it difficult for police to use interpreters consistently and effectively during the interview process. Acknowledging the disconnection between perceptions, practice and policy for the use of interpreters can provide policing organisations with the evidence needed to affect change. Improvements targeting the outcomes of these findings will lead to better experiences and justice outcomes for vulnerable people, create efficiencies for police, and encourage and support police to make the choice to use an interpreter.
This work has not previously been submitted for a degree or diploma in any university. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made in the thesis itself.

(Signed)_____________________________

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Date:
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Statement about contribution to jointly authored works and publications

Contributions by others to the thesis as a whole

Mark Kebbell acting as principal supervisor and Nina Westera acting as associate supervisor provided advice on the design of the research and reviewed the journal articles and chapters in the thesis. Stephen Moston acting as initial supervisor provided advice on the second chapter of this thesis including the research design and review of the chapter for publication. I was responsible for the conception and design of the research, survey design and analysis, data coding and analysis, policy analysis and the writing and revision of the thesis.

Acknowledgement of Published and Unpublished Papers Included in this Thesis

Section 9.1 of the Griffith University Code for the Responsible Conduct of Research (“Criteria for Authorship”), in accordance with Section 5 of the Australian Code for the Responsible Conduct of Research, states:

To be named as an author, a researcher must have made a substantial scholarly contribution to the creative or scholarly work that constitutes the research output, and be able to take public responsibility for at least that part of the work they contributed. Attribution of authorship depends to some extent on the discipline and publisher policies, but in all cases, authorship must be based on substantial contributions in a combination of one or more of:

- conception and design of the research project
- analysis and interpretation of research data
- drafting or making significant parts of the creative or scholarly work or critically revising it so as to contribute significantly to the final output.
Section 9.3 of the Griffith University Code ("Responsibilities of Researchers"), in accordance with Section 5 of the Australian Code, states:

Researchers are expected to:

- Offer authorship to all people, including research trainees, who meet the criteria for authorship listed above, but only those people.
- Accept or decline offers of authorship promptly in writing.
- Include in the list of authors only those who have accepted authorship.
- Appoint one author to be the executive author to record authorship and manage correspondence about the work with the publisher and other interested parties.
- Acknowledge all those who have contributed to the research, facilities or materials but who do not qualify as authors, such as research assistants, technical staff, and advisors on cultural or community knowledge. Obtain written consent to name individuals.

Included in this thesis is a paper in Chapter 2 which is a co-authored published paper. My contributions to the co-authored publication is outlined at the beginning of the chapter. Chapter 3 has been prepared as a co-authored paper but is yet to be submitted to a journal for consideration. The bibliographic details of the co-authored papers are presented below:


Appropriate acknowledgements of those who contributed to the research but did not qualify as authors are included in each paper.

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Chapter 1: Police interviews with interpreters and the present thesis

This chapter sets context for the research by discussing high levels of demand for interpreter use by police and the wider legal system. There is some evidence of negative police perceptions of interpreters that may be impeding their use. It will review contemporary research on police interviewing which established the need for research evidence of police perceptions. This and a systematic study of police interview skills demonstrated in practice will result in guidelines to generate more efficient and effective practice. The aims of the research in this thesis are also presented and discussed.¹

Interpreters are very important, and I believe that there should be no excuses for not using them. It is in the interest of justice to do so, and if they are not the particular case you are investigating will have no chance of a successful outcome.

—Police officer

¹ This thesis is composed of articles either published or submitted for publication. For ease of reading, abstracts for these articles have been placed in Appendix A and replaced with descriptions of each chapter and how they fit into the thesis as a whole.
Introduction

Through communication, police obtain vital information from victims, witnesses and suspects in order to gather and assess evidence and make judgements on the outcomes of cases (Coulthard & Johnson, 2010). Interviewing forms an integral part of the work of operational police officers. There are many challenges but in a multicultural society there is a growing need for the use of interpreters during interviews. These are essential for quality investigations and providing access to social justice for people needing support to communicate with police. Interpreting is difficult on its own terms, arguably more so in the complex working environment of operational policing. Reports of police officers poor use or reticence to use interpreters suggest police may not use interpreters effectively. While there is anecdotal evidence about these issues, there is little empirical work that addresses it. This thesis aims to fill this gap.

Interpreting

The act of interpreting is multifaceted and expectations of the role of the interpreter differ. Interpreters facilitate communication for non-native speakers, as well as those who have difficulty communicating, are hearing or speech impaired or who have impaired capacity (See Vulnerable Persons Policy, Queensland Police Service, 2012b). A standard definition of an interpreter is “a person who interprets, especially one who translates orally or into sign language”; to interpret is to “translate orally or into sign language the words of a person speaking a different language” (Oxford University Press, 2013). A translator is “a person who translates from one language into another, especially as a profession” and to translate is to “express the sense of (words or text) in another language” (Oxford University Press, 2013). ‘Interpreter’ and ‘translator’ are sometimes used interchangeably; however,
translating is often used to refer to written translations as well as verbal. Difficulties may arise if an interpreter is used during a police interview, and then asked to make a written translation of text and may be unable or unqualified to do so; it cannot be always be assumed, then, that the roles are interchangeable (Venditto, 2000). While interpreters are needed in many environments, including health and housing (Wadensjo, 1998), legal settings involve unique complexities, including legal terminology, sensitive subject matter, and the tense and emotive environments of the court room and the investigative police interview (Laster & Taylor, 1994). Interpreters can be used in face-to-face interactions, via phone link up, or using video technology. While language in the legal system is considered unique, police discourse is also considered a subcategory in itself (Coulthard & Johnson, 2010), adding to the complex expectations of interpreters operating in this system.

Use of interpreters in the legal system

The right to have an interpreter present during police questioning is protected by legislation and policy, however this right is also protected by international covenants including the Universal Declaration of Human Rights (1948) and the International Covenants on Civil and Political Rights (ICCPR) (1966). These protections afford a person their right to fairness in the judicial process, a clear understanding of the reasons for their arrest and the right to assistance to communicate if and when needed (Laster & Taylor, 1994). The provision of an interpreter means individuals who cannot communicate in the country in which they reside will have full access to the legal system (Laster & Taylor, 1994). While police are guided to use interpreters
through legislation, policy and guidelines, not affording someone access to an interpreter is also therefore a breach of fundamental human rights.

Contemporary research views interpreter services as dynamic and participatory entities within courtroom and police interview processes, however, these views can differ significantly in practice. Interpreter services for police and government agencies are in high demand. Within Australia, the Queensland Police Service reported using interpreter services more than 1,000 times in the 2012/2013 financial year period (Queensland Police Service, 2012a). Queensland wide, government and government funded services estimate AU$5.8 million was spent on interpreter and interpreter related services (Palaszczuk, 2009). These numbers are likely to be unrepresentative of interpreter need, since for example, they would not include family members and friends of police who speak with the same dialect and so may act as informal interpreters. Similar reports are seen globally; in the United Kingdom, for example, recent news articles have highlighted the amount of money spent on interpreter services. In 2011, interpretation work was outsourced to a private company in the United Kingdom in the hope of making considerable savings for the government (BBC News United Kingdom, 2013). Discussions have also ignited debate as to whether systems need to be reformed for more cost effective use of interpreter services, and also whether the provision of these services is part of the problem, by deterring people from needing to learn English. For example, the United Kingdom government, announced that from the end of April 2014, there would no longer be routine access to interpreter services, that English language skills would be tested, and that if language was found to be a barrier then migrants would be expected to improve their English (United Kingdom Government, 2014).
Laster and Taylor (1994) asserted that while the right to an interpreter had largely been recognised, its implementation into practice had been slower. In Australia, documented criticisms of the use of interpreters by police and other service agencies continue to surface. These include failure to provide interpreters when needed, using inappropriate interpreters, such as family and friends as well as using the wrong dialects, and poor training for government service staff on how to work with interpreters effectively (Australian Law Reform Commission (ALRC), 1992; McMillan, 2009). Examples of police failing to provide interpreter services are evidenced in court judgments. For example, in The Queen v D Bastos De Frietas (Australian Legal Information Institute, 2012) the police interview of a man whose first language was Portuguese was excluded because an interpreter was not provided when it was later deemed to be necessary. The case highlighted issues pertaining to the decision of whether a person has a reasonable fluency in English, and is capable of understanding both the interview process and interview questions.

Within Australia, remoteness as well as diversity of populations makes it challenging for police to provide appropriate and timely interpreter services. For example, it is well documented that Indigenous Australians lack access to qualified interpreters (Bartels, 2011). There is also a lack of appreciation for the diversity of indigenous languages needed and often poor or non-existent protocols for Indigenous specific interpreter use (The Parliament of the Commonwealth of Australia, 2011). Interpreters are vital for Indigenous Australians, with evidence that Aboriginal and Torres Strait Islander people are more vulnerable to being victims of crime and are overrepresented as perpetrators. For example, crime statistics show that in 2012, Aboriginal and Torres Strait Islander people in Queensland were victims of sexual assault at nearly four times the rate of non-Indigenous persons (239 victims per
100,000 persons compared to 64 victims per 100,000 persons) (Australian Bureau of Statistics, 2012a). Although comprising less than three percent of the Australian population in 2005/2006, 22 percent of people charged with a homicide were identified as Indigenous (Davies & Mouzos, 2007). Indigenous women and women from culturally diverse backgrounds are also at high risk of domestic violence (Bartels, 2010). A reticence to report as well as a lack of available support services, including interpreters, may be contributing to this problem. Indeed, the investment in Aboriginal and Torres Strait Islander interpreter services is seen as one of the solutions to reducing disadvantage and ending the over-representation of Aboriginal and Torres Strait Islander people in the justice system (Victorian Aboriginal legal Service Co-operative Limited (VALS), 2011).

Studies on interpreter use in the justice system have typically focused on the courtroom environment, in part due to the accessibility of data such as court transcripts (Lai & Mulayim, 2013). Boser (2013) also suggests that police interpreting has received little scholarly attention compared to court interpreting and may have been wrongly viewed as a less important setting to study. Emphasis on how interpreter services should be used effectively in the courtroom has likely filtered into the policing environment. For example, Laster and Taylor (1994) provided discussion on the potentially damaging perception of the court’s view of the interpreter as a conduit, or machine accurately transferring one language into another. This view had, at its core, the belief that any extension of the interpreter role may limit quality and accuracy. Laster and Taylor (1994) have described that viewing interpreters in this way excluded the human elements of successful communication. For example, this view discounts an interpreter as someone who can provide advice and aid understanding. The view also fails to take into account that language and culture are
complex entities that differ substantially between people and situations (Laster and Taylor, 1994). A deeper understanding of the role of the interpreter and their influence in the justice system is necessary to improve use.

Contemporary understanding of the role and influence of interpreters

Contemporary literature on interpreter use in the legal system debunks simplistic views of interpreters as mere translation machines (Lai & Mula'yim, 2013; Laster & Taylor, 1994; Nakane, 2009). Linguistic properties of testimony continue to be a primary focus for research on interpreters, with emphasis on the interpreter’s translation of words, meaning and tone, and the impact of changes of these elements. For example, research suggests that interpreters may differ in their approach and execution to interpreting which may also vary with the level of experience of the interpreter (Gran & Fabbro, 1997). Interpreters’ translation errors are also well documented, however, many scholars also acknowledge the difficult task of rendering the terminology and meaning of one language into the context of another (Laster & Taylor, 1994).

Multiple factors may influence perceptions of people being interviewed by police or cross-examined in a courtroom. For example jurors may lack an understanding of behaviours from different cultures which may be seen as inappropriate or suspicious, or have unfair prejudices towards people of particular ethnicities (Sabourin, 2007). Mendoza, Hosch, Ponder and Carrillo’s (2000) study in the United States examined credibility perceptions of witnesses who spoke different languages. Participants were also pre-tested for English, Spanish, or bilingual language dominance. Participants were then asked to give credibility ratings of witnesses who either spoke English or Spanish with English translation. Speech style
was manipulated so that each witness spoke in a powerless manner, containing hedges and hesitations, or in a powerful manner that did not hedge or hesitate during their testimony. Hesitations were words such as ‘um’ and ‘well’, and hedges were phrases such as ‘I think’ or ‘kind of’. The interpreter was also instrumental in the proceedings and either included or omitted the witness’s hedges and hesitations and was also evaluated by participants. An important finding in the study was that the language spoken by the witness did not influence the probability of the defendant being found guilty. In the Spanish-interpreted witness condition, participants convicted the defendant 47 percent of the time when the witness spoke powerfully, but only 34 percent when the witness spoke powerless. When scores were broken down into language dominance, jurors who were classed as bilingual were significantly more likely to convict the defendant when the witness spoke powerfully (61%) than when he spoke powerless (24%). Spanish language dominant jurors were more likely to convict the defendant when the Spanish-interpreted witness spoke powerless (52%) compared to English jurors (29%) or bilingual jurors (24%). Spanish language dominant jurors may have been more sympathetic towards the Spanish witness’s use of powerless language and in their subsequent credibility ratings. Evaluations of interpreters were not related in any way to the verdicts. Furthermore, no significant differences were found when the interpreter did or did not include the hedges and hesitations of the Spanish speaking witness (Mendoza et al., 2000). It is unknown whether there might have been differences in results had there been witnesses of other ethnicities, or a difference in the crime trial presented.

While the literature is reflecting more recognition of the complex role of the interpreter, in practice, the legal system continues to restrict their role. For example, in a court room, interpreter interruptions may be frowned upon; they may be
discouraged from taking notes and can also be cut off before finishing their interpretation (Hale & Gibbons, 1999). Lai and Mulayim (2013) suggest that interpreters can be the least informed in a courtroom, with little access to case information; it is likely that a similar scenario exists when interpreters are called upon to assist in police interviews. Hale (2011) also found the existence of scepticism of interpreter quality within the courtroom, with a survey showing that judicial officers were concerned about the interpreter services being of poor quality. Interpreters surveyed also highlighted that within the legal system, there appears a preference for low cost interpreters rather than an appreciation for quality, for example, higher levels of accreditation. Police organisations are likely to now have some form of guideline encouraging effective and consistent use of interpreters in the operational environment. Within the legal system, there is great pressure on police, the judiciary and the jury to improve their processes, including an appreciation of the diverse needs and behaviours of different cultures (Sabourin, 2007).

Guidelines for police use of interpreters: are there best practice standards?

Police face many challenges when working in diverse communities and many jurisdictions now prioritise the need to engage better and build rapport with vulnerable people (Queensland Police Service, 2012b). Vulnerability, a term more commonly used in recent years, lacks a widely accepted definition within the criminal justice system (Bartkowiak-Théron & Asquith, 2012). For example in Australia, the Queensland Police Services’ Vulnerable Persons Policy describes vulnerable people as those that may encounter difficulties in accessing and receiving equitable or fair treatment during interactions with police (Queensland Police Service, 2012b). The term vulnerability attempts to encapsulate those members of society seen as having a
disadvantage in their interactions with the criminal justice and other systems (Bartkowiak-Théron & Asquith, 2012). Vulnerable groups often contained within in policy documents include people with a mental illness or intellectual disability, Aboriginal and Torres Strait Islander persons in Australia, children, those affected by alcohol or drugs and people with limited or no ability to speak or understand English (Bartkowiak-Théron & Asquith, 2012; Queensland Police Service, 2012b).

Contemporary initiatives to improve relationships between vulnerable people and police include changes in policy, legislation, training and recruitment practices that are all more inclusive of diverse groups. There are also community run crime prevention initiatives to build cooperation and trust and conjecture about decisions on the delicate balance between over and under policing (Ben-Porat, 2008; Chan, 1995; Murphy & Cherney, 2012). The ability to facilitate communication is central to the success of all of these initiatives. Many vulnerable people are not fluent communicators of the native language used where they live, and government entities now acknowledge that interpreters are needed to ensure fair access to support services (Ozolins, 1993). This is laid out for example in an Australian context within the Queensland Government Multicultural Action Plan 2011-2014 (Queensland Government, 2013). The increase in diversity of populations encourages the need for government policy in relation to interpreter use. Across Australia alone, people now speak over 260 languages and one in four of its 22 million population are born overseas (Australian Government, 2014).

Guidelines on interpreter use for police exist to ensure interpreters are engaged when needed and provide guidance on how best to use them. Such guidelines are vitally important within the justice system where information obtained in interviews and police investigations can have drastic legal consequences. Police
officers are faced with a particular set of challenges working with interpreter services, including unusual business hours, diverse locations and complex investigations. Police relations with the public also vary in complexity from a person asking for directions on the street, delivering messages to the public during natural disasters, and progressing through to longstanding criminal investigations.

Contemporary interpreter guidelines for policing organisations vary; however, they tend to include a number of similar elements. Firstly, legislative requirements exist to ensure interpreters are provided when needed. For example, the Metropolitan Police (United Kingdom) abide by legislative interpreter requirements such as the Police and Criminal Evidence Act 1984 (PACE) (Code of Practice C, paragraph 13) (United Kingdom Government, 2014). This section aims to ensure that ‘suitably qualified interpreters’ are provided for people who are deaf or do not understand English. Guidance is also available on the kinds of interpreters that can be used. For example, in Australia, the New South Wales Police Force’s Code of Practice requires that officers use accredited professionals to interpret rather than someone known to the suspect or a member of the suspect’s family (NSW Police Force, 2012). Guidelines also exist on how a police officer should use an interpreter. For example, in Queensland, modest instructions guide a police officer to ask a question, the interpreter translates that question, and then translates the response back from the person being interviewed (Queensland Police Service, 2014). In the United Kingdom, there are also training packages, such as those used by the West Yorkshire Police (2012), to prepare interpreters for working within a policing environment.

Paucity of research on how police perceive and use interpreters during interviews provides little guidance for best practice. The oxford dictionary defines best practice as “Commercial or professional procedures that are accepted or
prescribed as being correct or most effective” (Oxford University Press, 2013). While
guidelines for police use of interpreter services often include fundamental principles
such as providing interpreters when needed, it is unclear whether such guidelines
inadvertently discourage police from using interpreters; whether they are practical
and decipherable for police; whether they align with the realities of operational
policing; whether they are robust enough to encompass the challenges of interviewing
with interpreters; whether they are likely to withstand the increasing need for
interpreters by police; and whether guidelines are in any way being informed by
empirical research. From a policing perspective, it is now generally accepted that the
need for an interpreter should be identified, a suitably qualified interpreter should be
arranged, and the interpreter should be used in any further interactions with that
person. Variation exists when guidelines specify how to identify whether a person
needs an interpreter; who is appropriate to use as an interpreter; and how police
should use an interpreter effectively during investigative interviews.

Police perceptions of interpreters: are negative perceptions deterring use?
Little empirical evidence exists that documents police perceptions of using interpreter
services and the effects of these perceptions on practice. Even with legislation in
place that ensures interpreters are provided before a suspect is questioned, police may
still fail to provide an interpreter (ALRC, 1992). Thus, police perceptions are vital to
effective interpreter practice and may dictate practice even if inconsistent with
legislation or policy.

A number of suggested factors may deter police from using interpreters.
Practical concerns include halting investigations to locate interpreters, which may be
difficult after normal working hours and at diverse locations (Gibbons, 2003). These
delays may cause police to believe accounts can be fabricated and that information from witnesses may be lost (Chan, 1995; Gibbons, 2003). Police may also choose to obtain accounts from English-speaking witnesses as it may seem easier or more time-efficient to do so (ALRC, 1992). By its very nature, communicating through an interpreter takes more time and Lai and Mulayim (2013) speculate it could be twice as much time. Perceived difficulties in arranging for interpreters may also encourage police to use inappropriate interpreters, such as friends or relatives, or police who speak the same dialect even though serious conflicts of interests may exist (Berk-Seligson, 2000). Police may also be more inclined to provide interpreters for suspects or serious offences where investigations are often protracted and interviews are recorded and less likely for victims, witnesses or crimes perceived less serious (ALRC, 1992; Chan, 1995). Police may be sceptical about the credibility of interpreters even though governing bodies exist to ensure and provide accredited interpreter services. Police may also believe the interpreter, being of the same cultural background, may side with and try to assist the person being interviewed (Gibbons, 2003; Venditto, 2000). Issues such as cost of interpreters as well as having to justify the need for an interpreter to more senior officers may also deter police from using interpreters in the first place (Gibbons, 2003). Although there is some evidence to suggest that negative police perceptions exist with respect to police use of interpreters, a lack of empirical evidence makes it difficult for police to take steps to address these perceptions. In response, this thesis empirically investigates police perceptions and practice of using interpreters within an operational environment. One place police frequently need to use interpreters is during investigative interviews.
**Impacts of interpreters on the investigative interview**

Investigative interviews by police are central to the functioning of the legal system. Russell (2002) contends that police believe the aim of an interview is to “give and obtain information and to ‘get to the truth’ in a manner which is robust, challenging and effective, as well as lawful and ethical” (p.112). Besides the quality of the interpretation given, research is only beginning to understand how the need for interpreter services could also affect the police investigation process. Simply providing an interpreter during a police interview does not guarantee a quality investigation or that the person has adequately understood the questions presented to them. Important interview elements when interviewing vulnerable people such as children, including establishing rapport with the interviewee and simplifying questions (Bull, 2010), are arguably adaptive to interpreter use. The delivery and understanding of the police caution, where the set of pre-determined rights are delivered to a suspect, provides particular difficulties. Research suggests that there is a need for improving of the wording of the caution to assist with translation and subsequent understanding (Eades, 2003; Gibbons, 2001; Nakane, 2007). Suggestions have also been made to provide translated written versions of the police caution to improve understanding for interviewees (Hughes, Bain, Gilchrist, & Boyle, 2013).

Police perceptions of interpreters may also affect interviewing practices, including officers’ perceived ability to detect deception (Gibbons, 2001; Venditto, 2000), giving the person more time to think up deceptive answers to questions, and disallowing police to focus on non-verbal cues that they believe help them to detect if someone is being deceptive. Police may feel they are also less able to focus on verbal cues like utterances and voice quality that they perceive can be used to detect deception (Gibbons, 1995; Venditto, 2000). When police interview with interpreters it
is relatively unknown whether the interview methodologies employed by their organisation such as the PEACE model (PEACE is a mnemonic for: P - Planning and preparation; E - Engage and explain; A – Account; C – Closure; and, E - Evaluation (of the interview and the interviewer’s performance)) used in the United Kingdom and Australia (Clarke & Milne, 2001; Hill & Moston, 2011) are also affected, and if they are, the skill level adopted and information and evidence obtained could also suffer.

Researchers have now turned attention to the impact of interpreter mediation on strategies associated with interview frameworks; for example, examining the efficacy of free-recall questioning associated with models such as PEACE. In a police interview environment, specific questioning methodologies are adopted, which include purposeful wording and strategies to obtain information from interviewees. There is evidence to suggest that police methodology may be lost when you include an interpreter. For example, Hale (1999) found interpreters had a tendency to omit or mistranslate important discourse markers, such as ‘well’, ‘now’, and ‘see’, in courtroom questioning. Lai and Mulayim (2013) used a mock police interview scenario to examine whether professional interpreters (representing eleven languages), who are unaware of specific wording of police questioning, employed a more meaning-based approach to their interpretation. They found that 55% of interpreters opted for a meaning-based approach, while 45% opted for a form-based (word-for-word or literal approach) approach. Thus, for police purposes and any importance of specific wording, approximately half of the time, it was found that there was a chance the verbal strategy would change. Lai and Mulayim (2013) also advocate the importance of consultation on linguistic properties of strategies being
developed and that specific training for interpreters who are engaged in police interviewing work incorporate an understanding of police strategy.

Heydon and Lai (2013) contend the strategy commonly used in police interviews i.e., eliciting a free-form narrative, conflicts with cognitive requirements and linguistic operations of the interpreting process. The very nature of eliciting free recall requires that the interpreter or the police officer take on the difficult task of managing the flow of conversation into manageable pieces, while still maintaining the free flow of information. Boser (2013) also investigated the impact of interpreting and free recall, and suggested that the aims of free recall and the interpreting-related strategies the interviewer and interpreter adopt are misaligned.

Some police jurisdictions provide specific guidelines and training for interviewing with interpreters to streamline these interviews and enhance their effectiveness. For example, in the United Kingdom, the Cambridgeshire Constabulary webpage includes six video modules that cover for example, meeting and briefing the interpreters, briefing interviews on the role of the interpreter, managing the flow of communication such as pausing between sentences and allowing for the interpreter or person interviewed to acknowledge if there is a lack of understanding (Cambridgeshire Constabulary, 2013). Guidelines however, appear inconsistent between police services, and a lack of empirical evidence of their effectiveness makes it difficult for police to know whether they need to improve processes and how this should be achieved.

The present thesis

Despite an acceptance that interpreters are needed for police interviews, and research attesting to extending and appreciating their role, continued reports of poor use by
police suggests interpreters are still used ineffectively. Fundamentally, this also highlights that vulnerable people may be at risk when coming into contact with police through limiting their access to communicate. There may also be a significant disconnection between guidelines for interpreter use by policing organisations, and the perceptions and practical considerations for police that are discouraging and resulting in poor use in the operational environment.

The current thesis aims to provide an evidence base for police best practice on the use of interpreters. The approach adopted for the thesis was based upon a triangulation methodology, which advocates that deficiency experienced in one methodology may be overcome by the strength provided in adopting additional alternative methods. The utilisation of multiple methods may help to reveal a new understanding of the reality of the issue at hand (Given, 2008). It is acknowledged that variations of triangulation theory and approaches have met with multiple criticisms such as the efficacy of its ability in reducing error or bias in research and practical concerns using more than one method to study one phenomenon (Blaikie, 1991; Given, 2008). However, in this circumstance the approach is used more broadly, in order to appreciate a practice concern for operational policing from different perspectives in anticipation of new or confirmed truths being revealed. The approach has also been used sequentially, so that each element, or indeed study, builds on the foundation of the previous.

This thesis proposes the consideration of the above elements will provide a much-needed expanded empirical evidence base of police use of interpreters, taking into account the police perspective. The results will assist with creating a platform for more informed guidelines and training of officers working in the operational policing environment. Each of the three major research components within this thesis makes
an original contribution to knowledge. The first of three studies examined the characteristics of police interviews with interpreters and provided much-needed empirical evidence of factors that may deter interpreter use. This was achieved through a survey of 413 operational police officers. Police were asked to describe the characteristics of their last interview involving an interpreter. Retrieving this information created a sizable sample of descriptions of the types of interpreted police interviews currently occurring, the crimes, and the people involved. Police were also asked a series of questions regarding their broad perspectives on the need to use interpreters, including how they made the decision to use interpreters as well as their views, for example, on the cost of interpreters and the ease of arranging for and utilising them during interviews.

The second study examined police practice of using interpreters during video recorded suspect interviews. The first study demonstrated reasons as to why police may be reticent to use interpreters and also that police agreed they had to change their preferred method of interviewing due to the presence of the interpreters. Given the concern for the use of interpreters it was important to then examine whether the skill level of police interviews with interpreters is being detrimentally affected in any way. The study utilised police footage of interviews of male suspects, comparing 20 interviews with interpreters and 20 interviews without. Skill levels of officers were examined based on the premise of what constitutes a skilled police interview as defined by the PEACE interviewing model (PEACE, developed in England and Wales, is the main interviewing model used by Australian police services and describes five stages to all interviews: P - Planning and preparation; E - Engage and explain; A - Account; C - Closure; and, E - Evaluation, for more details see Chapter 3). Interviews in this study were compared to assess for whether interpreted
interviews were carried out with the same skill level as those interviews where no interpreters were present. Interviews with interpreters were also examined in further detail to assess for how interpreters are used during interviews by police.

The third study utilised the evidence base provided from the first two studies and examined the consistency of these perceptual and practical considerations with current guidelines for police use of interpreters. Public policy and legislation documents as well as police operational manuals formed part of the assessment to examine how well guidelines matched with evidence of police perceptions of using interpreters and how interpreters are being used in the operational environment. This study formed an important part of the thesis, pinpointing specific areas for reform in order to achieve best practice.

Prior to the beginning of each chapter, quotes from different police officers who participated in the research were included to highlight police perspectives relevant to each study.
Chapter 2: Perceptions and profiles of interviews with interpreters: A police survey

To understand police perceptions, this first study provided a baseline for the triangulated methodology by establishing a record of police interviews with interpreters and the police perspective of their use. Reports suggest that police are hesitant to use interpreters for a variety of reasons, including the time taken to locate and find interpreters and concerns over costs involved (Gibbons, 2003; Venditto 2000). The study used a survey methodology to explore characteristics of interviews police had conducted with interpreters such as details of the person interviewed and the crimes involved, yielding 413 responses from officers. Police perceptions of those interviews were then examined, including the perceived length of interviews and views on arranging interpreters. Interviews predominantly involved suspects and interpreters present via the phone rather than in person. They also typically involved the serious crime types of sexual assault, assault and domestic violence. Indigenous Australians, victims of crime and witnesses to crimes were identified as potentially vulnerable to not being provided interpreters. Police were generally positive in many aspects of interpreter use including arranging for interpreters. However, length of interviews, a perceived lack of training and cost of interpreters may act as deterrents for police which need to be addressed to improve use.

Methodology notes

The survey used in this research was designed to encompass a number of themes present in the literature regarding police perceptions of using interpreters. Such themes included practical limitations and difficulties for police to find and locate interpreters (Gibbons, 2003), belief that time delays in interviews may lead to
fabricated accounts and may foster deceptive techniques from interviewees (Chan, 1995; Gibbons, 2003) and, that preferred interview methods of police may be lost or appear more difficult with an interpreter in the room (Lai & Heydon, 2013; Boser, 2013). Questions were also chosen for the survey to capture basic demographic details of interviews with interpreters such as the type of interviewee (suspect, witness, victim or informant) and the type of crime investigated. Statistics on the numbers and details of interpreted interviews are scarce, especially within an Australian context and these details provided a richness of information to lay foundations for further research and investigation and is discussed in further depth in the Chapter 2.

The approach taken to analyse the information collected included detailed reviews of the demographic information and statistical analysis of the themed data using the Statistical Package for Social Sciences (SPSS). Factor analysis was used to identify factors that accounted for variance and then these factors were each analysed separately. Analysis of variance techniques were then used to assess for differences between groups including, for example, differences between the people interviewed (e.g. suspects, witnesses and victims) and the different factors identified. A full breakdown of the analysis and corresponding results can be found in the Results section of Chapter 2.
I know interpreters have to be independent of the Police Service, but it is very difficult to conduct these interviews when you know that it is taking a long time and costing a lot of money. It takes twice as long to conduct an interview or take a statement when everything has to be repeated. If there was some way that the service could utilise interpreters in a more cost efficient manner, I think it would take the pressure off the operational police and more in depth interviews can be conducted instead of watching the clock.

— Police officer
Statement of contribution to co-authored published paper

This chapter is a co-authored paper accepted for publication. The bibliographic details of the submitted paper, including all authors, are:


My contribution to the paper involved the conception and design of the research project, the survey design and analysis of the data as well as the writing and revision of the article.

Mark Kebbell, acting as principal PhD supervisor, provided advice on the analysis of the statistical information and editing of the final article.

Stephen Moston, acting as initial PhD supervisor, provided advice on the design of the study as well as feedback on the final article.

Nina Westera, acting as associate PhD supervisor, provided advice on the preparation of the article for publication.

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Perceptions and profiles of interviews with interpreters: A police survey

Introduction

Non-English speaking people are now classified as ‘vulnerable’ in their dealings with the legal system appearing, alongside, people with intellectual or physical disabilities (Bartels, 2011). This vulnerability creates a responsibility for government organisations and support services to ensure appropriate processes are in place to support and facilitate communication. For example, the Minister for Disability Services and Multicultural Affairs stated that in 2008/2009 the Queensland Government Expenditure on interpreter related services (government services and government-funded services) was $5.8 million (Palaszczuk, 2009).

The provision of language interpreters is vital for police interviewing as poor communication can hinder the effectiveness of investigations and risks injustice for the people involved (Gibbons, 2001). Again, using Queensland as an example, reports from the Queensland Police Service (2013a) suggest the organisation had engaged the services of an interpreter more than 1000 times in the 2012/2013 financial year.

Dixon and Travis (2007) examined a sample of 262 suspect interviews in New South Wales, Australia and found that interpreters were present in five of those interviews but could also have been used in others. The importance of providing interpreters is reflected by many police agencies in the developed world now having legislation, policies and guidelines in place directing police to use interpreters (e.g. Working with Interpreters and Translators – Policy, Metropolitan Police Service, 2007a, England).

A critical issue then however, is how police perceive, use and interact with interpreters and whether negative police perceptions exist that impede their use.
Police use of interpreting services

The provision of interpreters poses a unique set of challenges for police, which may result in a reluctance to use them. For example, in Australia the 1992 Australian Law Reform Commission (ALRC) report *Multiculturalism and the law* identified that police were reluctant to use interpreters when interviewing suspects, particularly in cases involving relatively minor offences. The report revealed this may be the case even when there is legislation in place to ensure interpreters are provided before suspects are questioned.

Poor provision of interpreters may reflect a lack of police training in identifying interpreter need and a lack of understanding and application of relevant legislation (Venditto, 2000). Gibbons (1995) also noted that police were reluctant to use interpreters unless there were major communication problems. Police may find it difficult to recognise the level of English needed for a person to participate in a police interview and thus the need for an interpreter may not be recognised (ALRC, 1992). Interpreters are also crucial for people who have basic English skills to ensure understanding of the complex words and phrases found in police interviews (Dixon & Travis, 2007). In addition to people with limited English ability, people in remote communities or those who speak rare dialects may be at further risk of not being provided interpreters. For example, of concern within an Australian context is the poor provision and use of interpreting services for Indigenous people in both police interviews and the courts (Asher, 2011; Cooke, 2002). The report *Doing time - Time for doing* (2011) examined Indigenous youth in the criminal justice system and highlighted the lack of interpreting services available for Indigenous Australians. Other concerns were the ability to access services in remote areas, insufficient qualified interpreters for the diversity of indigenous languages and the lack of

The use, and need for interpreters creates challenges wider than the policing sphere. Government policy, priorities and funding arrangements play an important role in guiding agencies to use interpreters (Ozolins, 1993). Interpreter services are faced with many challenges including for example, the necessity to provide and train interpreters for new and emerging languages (Lai & Mulayim, 2010). Interpreter services are also used in a variety of environments and are commonplace in some countries in health, legal, social welfare and educational settings (Wadensjo, 1998). Different standards, regulations and expectations about the role of an interpreter can lead to errors. For example, in the justice system, poor interpreting may lead to false convictions (Wadensjo, 1998).

**Why police may be reluctant to use interpreters**

There are a number of factors that may contribute to a police reluctance to use interpreters. Firstly, Gibbons, (1995) suggested the availability of interpreters could be a deterrent as police may find it difficult to locate interpreters, particularly outside normal business hours in which they operate. Secondly, police may be cautious of interpreter need as they may need to call the interpreter to give evidence on the information obtained (ALRC, 1992). However this may not apply to suspect interviews, which are now routinely video recorded (Heydon, 2005; Police Powers and Responsibilities Act, 2000, s. 436). Thirdly, officers may find it difficult to demonstrate reasonable grounds needed to justify why they believe a person needs an interpreter (ALRC, 1992). Fourth, these difficulties may make police more likely to accept accounts from fluent English speakers as opposed to someone with poor or no
English speaking ability rather than locating interpreters (ALRC, 1992). Delaying an interview to locate an interpreter may also be perceived as being detrimental to the investigation (Chan, 1995; Gibbons, 2003), for instance, by allowing a suspect to fabricate an account or to lose evidential leads that might be supplied by a witness. Chan (1995) suggested qualified interpreters were unlikely to be used for minor offences and casual enquiries, where instead police choose to use friends or relatives or police who speak the same language. The use of unqualified interpreters however, may result in a person’s rights being jeopardised (Berk-Seligson, 2000). When police officers are used as interpreters, there are concerns about whether they are qualified to carry out the role, whether potential conflicts of interest exist and whether they can provide an impartial service (Berk-Seligson, 2011). The ALRC report was also critical of police themselves being used as interpreters because the suspect might not see a police officer as independent of the investigation (ALRC, 1992). Finally, the cost of interpreters is another potential restriction (Chan, 1995; Gibbons, 2003). Gibbons (2003), in examining New South Wales (Australia) police perceptions, found officers were hesitant to arrange interpreters because of the potential impact on their local budget.

**Effects of interpreters on police interviewing**

Difficulty with interpreters could also affect the police investigation process such as the quality of the interview and outcomes of cases. For example, research has highlighted specific difficulties in the delivery and understanding of the police caution and stressed the need for improvements of wording and delivery (e.g. Eades, 2003; Gibbons, 2001; Nakane, 2007) and alternative means of delivery such as providing a written version to aide comprehension (Hughes et al., 2013). Effectively
communicating legal requirements is critical for police to ensure legitimacy of the interview as evidence in court (Heydon, 2005). Research on interpreters has also examined the linguistic properties of testimony. For example, Hale (1999) investigated how interpreters treated discourse markers such as ‘well’, ‘now’, ‘see’ in courtroom questioning, finding that interpreters tended to omit or mistranslate these markers. The change or neglect of markers is important as they are said to have the potential to alter the linguistic force of the question being asked (Hale, 1999)².

Expectations and recognition of the role of the interpreter in legal settings can also vary from a machine that transfers one text or language to another, to a more dynamic entity that acts as mediator or cultural bridge to ensure effective communication (Laster & Taylor, 1994; Nakane, 2009; Wadensjo, 1998).

Despite the extensive body of literature on investigative interviewing (e.g. Griffiths, Milne, & Cherryman, 2011; Kassin, Appleby, & Perillo, 2010; Powell, Wright, & Clark, 2010; Walsh & Bull, 2010)³, little attention has been paid to the complexities of using interpreting services in police interviews from a police perspective. For example, during police interviews the presence of an interpreter may affect an officer’s perceived ability to detect deception; police may believe interpreter presence changes their control of the timing of the interview and this may give the

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² Discourse markers are an example of interpreters mistranslating information which may unduly influence communication within a courtroom setting. Understanding where these types of interpreting errors may occur, whether through psychological or linguistic research, is important in determining how interpreting may influence police practice.

³ The studies presented here represent multiple investigations of investigative interviewing. For example, one study compared interviewing skills against interviewing outcomes (Walsh & Bull, 2010). In this study, 142 suspect interviews involving fraud were investigated using the PEACE model of interviewing in comparison to other interviewing methodologies. The research found adopting the stages of the PEACE model of interviewing generally led to better interview quality. Another study (Griffiths, Milne & Cherryman, 2011) examined questioning skills of officers during an advanced interviewing training programme with a group of trained detectives. The study demonstrated improved ability in questioning techniques following training. These studies and the others cited, help to illustrate the breadth of literature on investigative interview and also highlight that the research rarely includes how interpreters influence these dynamics.
interviewee extra time to think of answers (Gibbons, 2003; Venditto, 2000). Thus, if a person is trying to be deceptive, they may have more time to create false answers to police questions. Hill and Moston (2011) suggested police believe they can detect deception. Of a sample of 2,800 police officers, 88.1% believed they could detect deception during suspect interviews. Overall, the most frequently reported assumption base for this was nonverbal behaviour (67.9%). Although research suggests nonverbal communication is an unreliable indicator of deceit (e.g. Vrij, Granhag, & Porter, 2010), officers may still perceive an interpreter to be detrimental to this need and this may affect their decision to use them. With there being an extra person between the interviewee and police, officers may feel less able to focus on non-verbal signs such as eye contact and facial expressions that may indicate the truthfulness of responses. Police may feel they are also less able to focus on verbal cues such as utterances and voice quality that they perceive can be used to detect deception (Gibbons, 1995; Venditto, 2000). It can be hypothesised the addition of an interpreter can affect the strategies employed by officers when conducting investigative interviews. Policing jurisdictions often adopt specific interviewing models and implement guidelines and training to support police to effectively conduct investigative interviews (Dixon, 2010; Hill & Moston, 2011; Kassin et al., 2010; Walsh & Bull, 2010). Officer strategies may change with respect to many variables,

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4 Police officers’ concerns about their ability to detect deception, with and without, the use of interpreters has been shown in multiple studies (see Gibbons, 1995; Hill & Moston 2011; Venditto, 2003). Hence, deception was investigated in this empirical study by asking police about interpreters and how they impact on their ability to detect deception (see Appendix B for survey questions relating to this study).

5 It was the intention of the authors to keep this hypothesis broader in nature due to the exploratory nature of the research and the lack of empirical evidence available on this topic. This specific hypothesis was examined from a police perspective within this study, meaning police were asked whether they believed the addition of an interpreter affected their preferred interviewing methodology. The findings of this investigation are also presented in the results and discussion sections of the chapter.
such as the nature of the crime and the characteristics of the person being interviewed (Griffiths et al., 2011). Arguably, guidelines are not always adhered to and may be poorly translated into practice, for example when interviewing children (Powell et al., 2010), and interviewing strategies might also then change due to the presence of an interpreter. Bull (2010) in examining investigative interviewing of children and other vulnerable witnesses suggested steps such as establishing rapport and setting ground rules, encouraging free narratives and minimising leading questions are important for good interviewer performance. For interpreted interviews, it could be hypothesised interviewing questions may be simplified to allow for ease of interpretation and flow of conversation, or repeated or reworded to aid understanding. Guidelines do exist in some police jurisdictions to assist police to use interpreters effectively during interviews. For example, a video package, available on the Cambridgeshire Constabulary (United Kingdom) webpage involves six video modules that include how to meet, greet and brief the interpreter, briefing the client on the role of the interpreter and obtaining information via an interpreter. Elements for interviewing include managing the flow of communication such as pausing between sentences and allowing for the interpreter or person interviewed to acknowledge if there is a lack of understanding (Cambridgeshire Constabulary, 2013).

Negative police perceptions of the credibility of interpreters could be affecting police interviewing and may affect their choice to use them. Some countries have governing bodies to ensure the provision of accredited interpreters for various services including police and the justice system (Wadensjo, 1998). Training for interpreters as well as expectations to attain accreditation for different interpreter roles can vary. For example, The National Accreditation Authority for Translators and Interpreters (NAATI) exists as an accreditation body in Australia, which provide
for multiple levels of interpreter credentials including language aides and professional interpreters (NAATI, 2013). Regardless of these efforts, within a courtroom environment, an interpreter can be viewed by some as an unwelcome intruder and there may be varied expectations of their ability or for their use (Fowler, 1997). Hale (2011) highlighted scepticism of the quality of interpreters within the courtroom context with a survey revealing judicial officers expressed concern about the poor quality of interpreter services. Most judicial officers relied upon a NAATI accreditation as opposed to any other qualification when deciding on interpreter quality however, participants also noticed variation in skill levels of interpreters with the same accreditation. Interpreters surveyed, expressed that little weight is placed on the quality of interpreters with the preference being for lower cost interpreters, giving little incentive to become trained. Both judicial officers and interpreters alike expressed the need for compulsory interpreter training in the legal sphere (Hale, 2011). Finally, police may also believe that, because the interpreter is of the same or similar cultural background as the person being interviewed, there is a possibility they would side with that person and try to assist them (Gibbons, 2003; Venditto, 2000).

To our knowledge, little research has been conducted to systematically examine a large number of police officers’ views about their use of interpreting services and the challenges identified above. Understanding the police perspective increases the ability for policing organisations to reduce negative police perceptions, create informed and practical interpreter guidelines and improve training. This prompted the following study.
Method

Survey design

In the current study we sought to extend the body of knowledge on police use of interpreting services with two aims. First, to collect information on the types of interpreted interviews conducted in Australia and second, to examine police perceptions of those interviews. The key variables identified in the survey were as follows.

Survey Part 1: Interview details

1. Demographic details of the person interviewed. Information was collected for example, on the reason for needing an interpreter and the age, gender and perceived language origin of the person interviewed.

2. Interview details. Information was collected regarding crime category (e.g. assault), interview type (suspect, witness, victim, and informant) and whether the interpreter was present in the room or via telephone.

3. Rank of officer. Participants were asked to report on their substantive police rank (constable, senior constable, sergeant, senior sergeant, inspector, superintendent and above).

Survey Part 2: Police perceptions

4. How police made the decision to use an interpreter. Participants were asked an open-ended question to describe their own methodology.

5. Police perceptions of interviews with interpreters. Participants were then asked 21 questions (see Appendix) relating to their perceptions of interviews with interpreters including: time taken to conduct interviews, credibility of the
person interviewed and interpreter, cost of interpreters, adequacy of training and interview difficulty. Response options were given on a five-point Likert scale ranging from ‘strongly disagree’ to ‘strongly agree’. Scales were then created from the original set of questions labelled interviewing with interpreters, organisational preparedness for interpreted interviews and cost of interpreters.

To better target potential areas for improvement, police perceptions were investigated for differences between the type of interview (suspect, victim, and witness), rank of the officer and whether the interpreter was present in the room or via the telephone. A pilot study was conducted consisting of 13 police officers from the police service utilised for the research, known to have had experience in using interpreter services. Following the pilot, changes were made to the questionnaire to enhance usability. For example, officers were asked to comment on questions they did not understand and these questions were amended.

Participants

Participants were officers from the Queensland Police Service who had utilised the services of an interpreter. Officers were identified through financial records (2008-2011) of the Translating and Interpreting Service (TIS), a common provider of police interpreter services in Queensland. Not all officers described their experiences in relation to working with a TIS interpreter, as the survey asked them to describe their most recent interview involving an interpreter, and, as such, a variety of services were utilised. Invitations to participate in the study were emailed to 1131 officers and
yielded 413 completed online surveys (36.5% response rate)\(^6\). Participants included 102 female (24.7%) and 311 male (75.3%) officers with a mean age of 38.15 (SD=7.53). The length of service of officers ranged between less than one year and 41 years (M=11.47, SD=8.24) and included a spread of ranks including 122 constables (29.5%), 174 senior constables (42.1%), 105 sergeants (25.4%) and 12 senior sergeants (2.9%).

**Results**

*Interview details*

First we provide detail on participant reports about their last interview with an interpreter including information on the person interviewed, the type of interpreter service used, the perceived language origin of the person interviewed and the most serious crime type involved.

*Person interviewed.* When participants were asked why they used an interpreter, 395 (95.6%) indicated it was because of an identified inability to speak or understand the English language. A further 16 people (3.9%) were identified as hearing impaired, one person as having an intellectual disability and one person was described as being illiterate or having a limited education.

Participants reported that the average age of persons interviewed was 34.8 (SD=12.9), with the youngest being six and the oldest being 80. There were 19 people aged 18 and under. A majority were suspects (N=208, 50.4%), followed by victims.

\(^6\) A 36.5% response rate is a relatively high response rate for police participants. Similar success was found with the same population of police officers in a study by Hill and Moston (2011), 9725 police officers were invited to participate and 2769 police responded (a response rate of 28.5%).
(N=109, 26.4%), witnesses (N=50, 12.1%) and informants (person who offers information to police) (N=33, 8.0%). The remaining 3.1% (N=13) included people identified as immigration cases and persons of interest. Of the 413\(^7\), 225 were males (54.5%). More victims were female (N=83, 76.1%) than male (N=26, 23.9%), with this reversed in the case of suspects, with more male (N=150, 72.1%) than female (N=58, 27.9%) suspects.

**Type of service.** Interpreter services were primarily utilised via telephone (N=268, 64.9%), which typically involved the officer and the person interviewed being in the same physical location and using a phone linkup to speak to the interpreter remotely. Other options for utilising interpreter services included in person services where the interpreter was present in the room (N=133, 32.2%), written translation (N=4; 1.0%) and ‘other’ interpreter service types (N=8; 2.0%; e.g. multiple types of interpreter services were used). In terms of the type of interview conducted, suspects, victims, and informant interviews utilised telephone interpreters more frequently than in person interpreters, with the exception of witnesses, where both types were utilised with equal frequency.

**Police perception of the person’s language origin.** Participants were given a list of possible countries associated with a number of defined groups and asked to give their perceptions of the person’s language origin. For example, the South East Asian category included Vietnamese, Cambodian, Indonesian, Philippine, Malaysian, Singaporean and Burmese. Police perception of the person’s language origin is

\(^7\) 413 was the total number of police participants.
presented Table 1. The highest represented groups were those categorised as Asian, African and European.

Table 1. Police perception of the person’s language origin

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Percentage of Total (N=413)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian</td>
<td>35.1% (N=145)</td>
</tr>
<tr>
<td>African</td>
<td>14.3% (N=59)</td>
</tr>
<tr>
<td>European</td>
<td>13.6% (N=56)</td>
</tr>
<tr>
<td>South East Asian</td>
<td>12.6% (N=52)</td>
</tr>
<tr>
<td>Indian</td>
<td>8.2% (N=34)</td>
</tr>
<tr>
<td>Middle Eastern</td>
<td>7% (N=29)</td>
</tr>
<tr>
<td>Latin American</td>
<td>4.4% (N=18)</td>
</tr>
<tr>
<td>Pacific Islander</td>
<td>1.2% (N=5)</td>
</tr>
<tr>
<td>Aboriginal</td>
<td>0.5% (N=2)</td>
</tr>
<tr>
<td>Aboriginal/Torres Strait Islander combined</td>
<td>0.2% (N=1)</td>
</tr>
<tr>
<td>Other, not otherwise classified</td>
<td>0.2% (N=1)</td>
</tr>
<tr>
<td>Unknown</td>
<td>2.7% (N=11)</td>
</tr>
</tbody>
</table>

Crime category. Table 2 illustrates the most serious crime type involved in the interview broken down by type of interview. Types of crimes reported were diverse and, based on that, all crimes reported here are where the total numbers of persons for that crime type equalled 10 or more. The most frequently represented crime types were sexual assault (N=63, 15.25% of total sample (N=413)), assault (N=57, 13.8%),
domestic violence related offences (N=47, 11.38%), theft and related offences (N=40, 9.67%), and traffic related offences (N=36, 8.72%).

Table 2. Most serious crime type involved and type of interview (percentage = percentage of total sample (N=413)).

<table>
<thead>
<tr>
<th>Type of interview</th>
<th>Witness</th>
<th>Suspect</th>
<th>Victim</th>
<th>Informant</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual assault</td>
<td>9</td>
<td>32</td>
<td>20</td>
<td>0</td>
<td>2</td>
<td>15.3% (N=63)</td>
</tr>
<tr>
<td>Assault</td>
<td>9</td>
<td>23</td>
<td>23</td>
<td>2</td>
<td>0</td>
<td>13.8% (N=57)</td>
</tr>
<tr>
<td>Domestic violence related offences</td>
<td>6</td>
<td>14</td>
<td>20</td>
<td>5</td>
<td>2</td>
<td>11.4% (N=47)</td>
</tr>
<tr>
<td>Theft and related offences</td>
<td>1</td>
<td>26</td>
<td>9</td>
<td>4</td>
<td>0</td>
<td>9.7% (N=40)</td>
</tr>
<tr>
<td>Traffic related offences</td>
<td>3</td>
<td>30</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>8.7% (N=36)</td>
</tr>
<tr>
<td>Other</td>
<td>3</td>
<td>7</td>
<td>2</td>
<td>10</td>
<td>5</td>
<td>6.5% (N=27)</td>
</tr>
<tr>
<td>Robbery</td>
<td>3</td>
<td>4</td>
<td>14</td>
<td>3</td>
<td>1</td>
<td>6.1% (N=25)</td>
</tr>
<tr>
<td>Prostitution offences</td>
<td>0</td>
<td>19</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4.6% (N=19)</td>
</tr>
<tr>
<td>Fraud/deception and related offences</td>
<td>1</td>
<td>10</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>2.9% (N=12)</td>
</tr>
<tr>
<td>Homicide</td>
<td>7</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2.4% (N=10)</td>
</tr>
<tr>
<td>Unlawful entry with intent</td>
<td>1</td>
<td>1</td>
<td>6</td>
<td>1</td>
<td>1</td>
<td>2.4% (N=10)</td>
</tr>
<tr>
<td>Total</td>
<td>43</td>
<td>169</td>
<td>97</td>
<td>26</td>
<td>11</td>
<td>83.8% (N=346)</td>
</tr>
</tbody>
</table>

_Police perceptions of interviews with interpreters_

_**Decision to use an interpreter.**_ First we examined how participants knew or came to the decision the person interviewed required an interpreter; an open ended question
that received 304 written responses. Responses were analysed revealing a number of central themes. The most common theme identified was where participants used initial observations, mentioned by 176 of officers or 42.6% of the total sample. An investigative process or line of questioning was mentioned by 51 officers (12.3% of the sample) and referencing the need to comply with legislation, policy or procedure was mentioned by 30 officers (7.3% of the total sample). The number of officers referencing the identified themes and examples of responses are presented in Table 3. A single officer within the sample may have mentioned more than one theme.

Table 3 includes a snapshot of quotes from the large number of responses and each were chosen as a representative response of the group of responses given. These responses were not filtered to ensure certain themes or articulation were present and are presented as stipulated by participants.

Qualitative analysis for this question first used a semantic thematic analysis approach, where words and phrases were collected into groups based on the ideas presented in participant responses. Braun and Clarke (2006) define the semantic analysis approach as “themes are identified within the explicit or surface meanings of the data and the analyst is not looking for anything beyond what a participant has said or what has been written” (p. 13). A latent approach “goes beyond the semantic content of the data, and starts to identify or examine the underlying ideas, assumptions, and conceptualisations – and ideologies” (Braun & Clarke, 2006, p.13). This approach was used secondary to identify themes connecting the responses found in the questions.
Table 3. Response themes for officer decision to use an interpreter (percentage = percentage of total sample (N=413)).

<table>
<thead>
<tr>
<th>Theme</th>
<th>Responses</th>
<th>Officer response examples</th>
</tr>
</thead>
</table>
| 1. Initial observations                    | 42.6% (N=176) | “after speaking to the witness it was obvious his English was limited”  
“victim’s complete inability to understand and communicate in the English Language” |
| 2. Investigative process/questioning       | 12.3% (N=51)  | “his inability to understand more complex sentences”  
“suspect started having trouble understanding some of the questions”  
“inability to converse about the required detail”  
“when asked simple questions…once they are unable to answer those simple questions” |
| 3. Compliance with legislation, policy or procedure | 7.3% (N=30)  | “was a necessary requirement in obtaining evidence”  
“to prevent any allegations he was at a disadvantage”  
“interview must be compliant with the PPRA [Police Powers and Responsibilities Act] and that the suspect must be treated fairly” |
| 4. Person initiated                        | 6.1% (N=25)  | “I was advised by the victim” |
| 5. Had prior or existing knowledge         | 5.1% (N=21)  | “the suspect and mother are known to police as hearing impaired” |
| 6. Identification through a third person (e.g. support person or family member) | 4.6% (N=19)  | “the interpreter called the station” |
| 7. Service initiated                       | 4.1% (N=17)  | “the interpreting service rang the police station” |
| 8. Used hand/body movements, interpreter card (identifies a person as needing an interpreter) or poster | 2.2% (N=9)  | “Interpreters hotline poster pinned up at station counter” |
Police perceptions of interviews. The survey asked participants 21 questions related to police interviewing with interpreters (see Appendix). All questions in the study were rated on a scale of agreement (strongly disagree to strongly agree). Negatively worded questions were reversed for consistency with a one to five scale so that a score of five indicated the most positive response.

The items were assessed as to whether they clustered into factors. These factors, examined through principle component analysis, represented groups of police perceptions on interviewing with interpreters. Appropriate statistical measures were undertaken to ensure confidence in the analysis including tests for sampling adequacy. A three factor solution was identified, explaining 49.5% of the variance. Factors were labelled interviewing with interpreters, organisational preparedness (for interpreted interviews) and cost of interpreters. Scales were constructed by summing and then averaging items that loaded together in the factor analysis. The factor analysis matrix which shows the breakdown of the individual items for the final solution (Table 4) and the means, standard deviations and Cronbach alpha reliability coefficients for each of the developed scales (Table 5) have both been included in the Appendix. Five items were eliminated because they failed to meet a set criteria (did not contribute to a factor structure, failed to meet a primary factor loading of 0.3 or higher and no cross-loading of 0.3 or above). These items were investigated separately, and described perceptions of time taken to conduct

---

10 Factor analysis was used in order to identify whether any themes had emerged from the responses within the data. A number of variables were utilised from the survey questions, these variables were then computed for correlations amongst variables, unrotated factors were extracted, factors were rotated and the resulting factors matrix was interpreted, revealing the themes presented. The aforementioned process is a commonly accepted formula for the process of factors analysis (see Comrey & Lee, 2013). The list of questions examined in the factor analysis is presented in the Article Appendix.
interpreted interviews, interview strategy and the credibility of the interpreter and the person interviewed.

Between-groups analysis of variance (ANOVA) and independent-samples t-tests were used to assess for significant differences between groups and scores on the three scales. Scores on items within the scales were also compared. Groups assessed for differences in scores were targeted to better pinpoint potential areas for improvement including the type of interview (suspect, witness or victim), the presence of the interpreter (present in the room or utilised remotely via a telephone) and the rank of the officer (constable, senior constable and sergeant).

Interviewing with interpreters. We were interested to examine whether scores on the interviewing with interpreters scale differed between the type of interview (suspect, victim or witness) and the presence of the interpreter (present in the room or via the telephone) however, no significant differences were found. This revealed officers had similar responses (moderately positive) on items regarding interviewing with interpreters regardless of the type of interview they had conducted or whether the interpreter was present in the room. The average score for the interviewing with interpreter scale was moderately positive ($M=3.5$, $SD=0.59$), with the mean response score based on participant responses to the five-point Likert scale (undecided equals three, therefore a score of 3.5 falls between undecided & four, a positive response).

Regarding individual items within the scale, officers were more likely to agree the presence of the interpreter made the interview difficult to conduct if they had interviewed a suspect compared to if they had interviewed a witness. Average scores for both types of interviews were still however positive, disagreeing that the interview was more difficult to conduct. A higher average score for suspect interviews may
indicate police believe suspect interviews to be a more difficult process in comparison to interviews of witnesses. A significant difference was found on the individual item regarding the effect of the interpreter on ease of interview (the presence of an interpreter made the interview difficult to conduct) ($M=3.42$, $SD=0.99$; $F(2, 364)=3.75$, $p=.02$). Post hoc comparisons (Tukey) indicated a significant difference at the .05 confidence level between witnesses ($M=3.7$, $SD=0.84$) and suspects ($M=3.29$, $SD=1.02$).

Our results also suggested officers feel they are more confident they conduct thorough interviews when the interpreter is present in the room rather than remotely via the telephone. A significant difference was found with the item the presence of the interpreter gave me more confidence to conduct a thorough interview ($t(399)=2.17$, $p=.03$). Interviews where the interpreter was present in the room were rated more positively ($M=3.88$, $SD=0.87$) compared to interpreters used remotely via telephone ($M=3.68$, $SD=0.85$).

Organisational preparedness for interpreted interviews. We were interested to assess whether scores for the organisational preparedness scale were consistent across the different ranks of officers (constable, senior constable and sergeant) however no significant differences were found. The average score for the organisational preparedness scale was moderately negative ($M=2.85$, $SD=0.59$) and this was consistent across ranks of officers.

With respect to individual item analysis, officers were more likely to agree training was adequate for them to be prepared for interviews when their designated rank was constable compared to a senior constable. This could suggest that constables may have been more recently exposed to new or improved early career training that
had an interpreter component. A significant difference was found between rank of officer and average scores on the item regarding whether their organisation’s *training is adequate for police officers to be prepared for interviews with interpreters* \( (F(2, 398) = 4.15, p=.02) \). Post hoc comparisons (Tukey) indicated a significant difference at the .05 confidence level between constables \( (M=2.78, SD=0.87) \) and senior constables \( (M=2.47, SD=0.94) \).

**Cost of interpreters.**

The average score for the *cost of interpreters* scale was moderately positive \( (M=3.28, SD=0.9) \) indicating police may be less concerned about the cost of interpreters than we had predicted. We were interested to assess whether perception of cost of interpreters differed if officers had interviewed a suspect as opposed to a victim or witness and whether views also differed between different rank levels of officers. Police may feel providing an interpreter for a suspect is more justifiable as opposed to a victim for example, as it may be a legislative requirement to do so. A significant difference was found between the scale and interview type (suspect, victim and witness), indicating more favourable views of interpreter cost for police who indicated their last interview was with a suspect as opposed to a victim \( (F(2, 364)=4.0, p=.02) \). Post hoc comparisons (Tukey) indicated a significant difference at the .05 confidence level between police who had interviewed a suspect \( (M=3.41, SD=0.88) \) and police who had interviewed a victim \( (M=3.12, SD=0.87) \).

No significant differences were found between the different ranks of officers and the *Cost of interpreters* scale however differences were found on one individual item. Officers were more likely to agree *I generally try to keep interviews with interpreters as short as possible so as to not incur higher interpreter fees if their...*
designated rank was a constable as opposed to a senior constable. This could suggest for example, junior officers may be more concerned about justifying the cost of interpreters or that cost concerns may affect how officers carry out their interviews. Analysis revealed a significant difference between rank of officers and the item \( (F(2, 398)=3.95, p=.02) \). Post hoc comparisons (Tukey) indicated a significant difference at the .05 confidence level between constables \( (M=3.29, SD=1.12) \) and senior constables \( (M=3.62, SD=1.08) \).

Although views of cost of interpreters were moderately positive, when asked if participants wanted to provide any further comments regarding the survey there were multiple comments regarding the concern over the cost of interpreters. Comments included: “I think the [police service] is overcharged for interpreter services”, “police are deterred from getting an interpreter due to the large cost involved”, “there is an idea in the [police service] that interpreters cost too much money and should only be used in exceptional circumstances with defendants... I was harshly criticised for using an interpreter for this victim” and “I believe the cost of using an interpreter is a huge impost for investigators”.

**Individual item questions: time, interview strategy and person and interpreter credibility.**

We examined officers’ perception of the time taken to conduct interviews with interpreters when the last interview they had conducted was with a suspect, victim or witness. No significant differences were found between the types of interviews and participants generally agreed their last interview involving an interpreter had taken longer on average than other interviews I have conducted of a similar nature due to the presence of an interpreter \( (M=2.0, SD=0.88) \).
Officers were asked whether they had to change their preferred way of interviewing due to the presence of the interpreter. Having to change their preferred way of interviewing could contribute to negative police perceptions on using interpreter services and also deter their use. Scores were moderately negative, with officers agreeing, on average, I had to change my preferred way of interviewing because of the interpreter ($M=2.88$, $SD=0.93$). No significant differences were found when examining differences between scores on this item and the type of interview conducted (suspect, witness or victim) or presence of interpreter (whether present in the room or via telephone).

Three questions in the survey examined police perceptions of the credibility of the interpreter and the person interviewed. Participant scores were moderately positive concerning organising interpreters ($M=3.44$, $SD=1.07$), and were generally positive about the interpreter services provided being adequate ($M=3.93$, $SD=0.83$). Officers were more likely to believe the person interviewed misunderstood the questions being asked of them, even though an interpreter was present, if they interviewed a victim compared to when they interviewed a suspect. It is possible that police feel a greater need to justify that the suspect has understood what has been said to them, especially when a decision has been made as to the outcome of the investigation. Participant scores were moderately positive overall however, and on average disagreed with the item ($M=3.22$, $SD=.91$). A significant difference was found between the type of interview ($F(2, 364)=8.27$, $p=.00$) with post hoc testing (Tukey) revealing a significant difference between suspects ($M=3.36$, $SD=0.89$) and victims ($M=2.94$, $SD=0.95$).
Discussion

Findings from this study support a number of concerns held about police use of interpreting services that can be pinpointed for further investigation and improvement\textsuperscript{11}. This study also profiled the characteristics of interviews with interpreters so that we could better understand and cater for the needs of these potentially vulnerable interviewees.

*Profiling interviews with interpreters*

Interpreters were frequently used for more serious crimes such as sexual assault, assault and domestic violence related offences, and thus there are likely to be significant criminal justice system consequences for how interpreter services are used. These results also support ALRC (1992) findings that police were reluctant to use interpreters for minor offences. By increasing the use of interpreting services for all crime types, policing agencies could both improve the quality of investigations and access to justice for vulnerable people. Providing interpreters could also foster future reporting and cooperation from the community.

The highest represented ethnicities in our sample could also be used to target crime prevention programs and predict the need for the availability of qualified interpreters. It was noted, however, that Indigenous persons (Aboriginal and Torres Strait Islander people) made up a very small portion of the people interviewed despite evidence they experience higher rates of contact with the criminal justice system than non-Indigenous Australians and are over-represented in prison populations (Australian Institute of Criminology, 2013). The nature of identifying the sample for

\textsuperscript{11} These concerns are discussed in detail in the paragraphs of the Discussion that follow.
this study (financial records pertaining to a specific service provider) might have resulted in not identifying officers who utilised an interpreter provider specific to Indigenous Australians. Nevertheless, reports suggest that, unlike for more established migrant communities, interpreter services do not meet the needs of Indigenous Australians (Asher, 2011). Although not the focus of this study, the sample also revealed people who were hearing impaired, had an intellectual disability or a limited literacy and education, and required interpreters to communicate. There are likely to be unique issues for these groups of people that warrant further exploration than we are able to give here. For example, unlike language interpreters, sign language interpreters need to be visible, and placed so they can be viewed by the person interviewed. Due to the nature of sign language interpreting, interviews may also require adequate rest periods or multiple interpreters (see Ozolins & Bridge, 1999).

The study found that interpreters were used in higher proportions for suspects than victims and witnesses, and within these categories predominantly male suspects and female victims. Victims and witnesses are crucial to the outcomes of investigations (Kebbell & Milne, 1998), yet our data suggests these people are more likely to be neglected when it comes to the provision of interpreters. These findings may also reflect heightened concerns about police practices being open to scrutiny. In Queensland, by legislation, suspect interviews are video recorded where practicable (Police Powers and Responsibilities Act 2000 s. 436, Queensland Parliamentary Counsel, 2012), creating a complete and transparent record of what is said by the interviewer, suspect and the interpreter. This may not be the case for victims and witnesses for example, where interviews are often recorded by way of written statements and can take place in less controlled environments such as the home,
rather than the police station (Schollum, 2005). We also found interpreters were often used for offences such as sexual assault and assault where there are arguably high stakes for the complainant and defendant in the prosecution process. Compliance with legislation, policy or procedure for the use of interpreters was mentioned by thirty officers in our study when describing how they came to the decision of using an interpreter. Venditto (2000) suggested that a major benefit of using interpreter services is to ensure the information obtained will hold up to further scrutiny. Finally, victim interviews may not lend themselves to interpretation as easily as suspect interviews, which could deter their use. For example, victim interviews can involve open-ended questioning techniques to evoke a long narrative explaining the course of events (see Milne & Bull, 1999) and police officers may find it difficult to manage the flow of information. In contrast, suspect interviews might involve more of a ‘question and answer’ format where a variety of responses may be anticipated including questions that evoke a yes/no response (see Milne & Bull, 1999). Police in our study were more likely to believe that, even with the interpreter present, people might have misunderstood the questions being asked of them in the case of victims compared to suspects. An explanation for this could be police may feel more of a need to justify if a suspect has understood the questions, as this may be scrutinised in the prosecution process.

Telephone interpreting was the predominant means of communicating with non-English speakers during interviews. Police work occurs at all times of day, in all locations, and with people from diverse backgrounds, which may necessitate using telephone interpreters. If telephone interpreting is the preferred format, how this format can affect the continuity of the investigation (e.g. whether interpreters are changing within the same investigations), the quality of the translation and
perceptions thereof, and how supported the interviewee feels without the interpreter physically present warrants further investigation. Telephone interpreting relies upon the quality of the conversation and audio equipment provided. The interpreter operating via the phone typically has no access to non-verbal communication or interview documentation that would normally assist with the interaction (Wadensjo, 1998). Potential challenges for the use of telephone interpreters is the evidence in our results that officers were more positive, the interpreter gave them confidence to conduct a thorough interview when the interpreter was present in the room compared to being used remotely.

Decision to use an interpreter

When deciding whether to use an interpreter, a number of officers adopted their own investigation strategy such as the use of simple everyday questions followed by subsequently more complex or difficult questioning. Empirical research could help to establish whether prescribed methods (e.g., a pre-designed set of questions) can help officers to reliably identify if an interpreter is required. Specific approaches to identifying interpreter need are explored by authors such as Cooke (2002) when examining interpreter need for Indigenous Australians for court purposes. A prescribed method may be particularly useful for more inexperienced officers or in difficult situations where officers are unsure about interpreter need. Changes to wording of police process may also improve understanding, especially research investigating ways to improve the wording and delivery of the police caution, which is particularly complex but important to ensuring the process is fair (e.g. Gibbons, 1998; Nakane, 2007). A theme identified in only a small number of instances was where officers used visual prompts, such as a poster, to identify interpreter need.
Having posters in all police stations that include numbers for interpreter services as well as maps to identify where people originate from may therefore assist with quickly identifying language needs. The ALRC report noted: “There should be a multilingual notice prominently displayed in every police station, telling people what to do if they need an interpreter” (ALRC, 1992, s 3.60).

**The impact of negative police perceptions**

Police perceptions of interviewing with interpreters were generally positive. Some perceptions outlined by previous researchers (Gibbons, 1995; Gibbons, 2003; Venditto, 2000) were not explicitly found within our study. This included the perceived ability to detect deception being hindered with interpreters present, a police belief that interpreters may side with the person interviewed and widespread concern regarding the cost of interpreters. Officers did, however, tend to agree they had to change their preferred way of interviewing due to the presence of the interpreter. The ways in which interpreters are potentially affecting the processes police adopt during investigative interviewing and how this may affect the outcome of interviews is an area of research we are currently examining.

Officers were generally supportive of the need for further training regarding interpreters. There was some differentiation of responses, with constables more likely than senior constables to perceive training has adequately prepared them for interviews with interpreters. It could be that constables who are earlier in their careers were recently exposed to training compared to senior constables. Alternatively, higher ranking officers may be involved in more serious or complex interviews, and hence may feel they require further training. Senior constables may also feel their training is inadequate as they may be more critical of the police process. Given that officers also
perceived they had to change their preferred way of interviewing because of the presence of the interpreter, training could focus on providing strategies to ensure that the underlying interviewing methodology remains consistent. Schollum (2005) notes inexperienced officers may benefit from awareness training in identifying vulnerable people, while officers who have received advanced training might be better placed to carry out interviews effectively.

Another issue identified by officers was that their interviews using an interpreter took longer compared to interviews without an interpreter. Considering all that is said within the interview needs to be interpreted and thus repeated, this result was not surprising. Time however, should not be a deterrent for interpreter use; rather, police need to be adequately prepared for and plan for lengthier interviews and take the time to interview properly. Comments received by officers, rather than results from the survey items, also described serious concerns about the costs in relation to deterrence for use of interpreters, scepticism of the costs involved, and pressure from management to justify their choices. Constables were also more likely than senior constables to agree they tried to keep their interviews short, as to not incur higher interpreter fees. To ensure people with language barriers have equal access to the legal system, cost cannot be a barrier and this should be reflected in the procedures and guidelines of respective police jurisdictions as well as in training provided to officers.

Conclusion

This study has provided a detailed understanding of the characteristics of interpreted interviews and police perceptions of those interviews. We have started to map out what is needed for an improved and consistent approach to police use of interpreting
services including what groups are less likely to receive interpreter services, why police perceptions of using interpreters are sometimes negative and the need for the training of police. Training, policy and guideline development may benefit from research that enables a better understanding of the issues facing police officers who work in the difficult operational environment. By working together, police and interpreters can help to overcome the respective challenges for each profession. Effective implementation of *best practice* recommendations will require the support and endorsement of police agencies and the leaders of these agencies.
Survey items and Factor Analysis (Article Appendix)

Police perception survey questions

1. I found with the presence of an interpreter it was difficult to concentrate on other aspects of the person such as non-verbal cues that would normally serve as indication of their deceptiveness

2. I believe that, in the time that the interpreter was talking, the person had more time to conjure answers, and so, to deceive the interviewer(s)

3. The presence of an interpreter made the interview difficult to conduct

4. I believe the interpreter may have sided with the person being interviewed because they were of the same or similar cultural background (i.e. Interpreter may have tried to help them or acted inappropriately)

5. The presence of an interpreter gave me more confidence to conduct a thorough interview

6. It would have been much easier to conduct the interview without the interpreter

7. I believe interviews with interpreters provide evidence that is less likely to hold up in court compared to interviews without an interpreter

8. I believe interpreters have a negative effect on police interviews

9. QPS training is adequate for police officers to be prepared for interviews with vulnerable persons

10. Training has adequately prepared me to deal with interviews with interpreters

11. More training from the QPS in dealing with interviews with interpreters is needed.

12. The QPS is provided with adequate interpreter services
13. I am comfortable during interviews involving non-English speaking people and interpreters.

14. I worry about using interpreters because of the financial cost it might have on the QPS or my District's budget.

15. I generally try to keep interviews with interpreters as short as possible so as to not incur higher interpreter fees.

16. I generally try to include a lot of information in the interviews with interpreters to decrease the likelihood of needing interpreter services again.

17. The interview had taken longer on average than other interviews I have conducted of a similar nature due to the presence of an interpreter.

18. The interpreter services provided were adequate.

19. I had to change my preferred way of interviewing because of the interpreter.

20. It was difficult to organise an interpreter.

21. Even though the interpreter was present, I still believe the person may have misunderstood the questions being asked of them.
### Table 4. Factor analysis differentiating study variables

**Factor analysis differentiating study variables**

<table>
<thead>
<tr>
<th>Rotated component matrix</th>
</tr>
</thead>
<tbody>
<tr>
<td>Component</td>
</tr>
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</tbody>
</table>

#### Interviewing with interpreters

<table>
<thead>
<tr>
<th>Item</th>
<th>Component 1</th>
<th>Component 2</th>
<th>Component 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interviews no more difficult</td>
<td>.730</td>
<td>.137</td>
<td>.090</td>
</tr>
<tr>
<td>Interviewees did not get opportunity to fabricate answers</td>
<td>.713</td>
<td>.003</td>
<td>.004</td>
</tr>
<tr>
<td>No difficulty focusing on non-verbal cues</td>
<td>.706</td>
<td>.042</td>
<td>.071</td>
</tr>
<tr>
<td>Interpreter did not side with interviewee having same/similar cultural background</td>
<td>.691</td>
<td>-.045</td>
<td>.028</td>
</tr>
<tr>
<td>Interpreters have a positive effect on police interviews</td>
<td>.654</td>
<td>-.026</td>
<td>.252</td>
</tr>
<tr>
<td>Harder to conduct interview without interpreter</td>
<td>.634</td>
<td>-.007</td>
<td>.019</td>
</tr>
<tr>
<td>More confidence to conduct thorough interview</td>
<td>.515</td>
<td>.166</td>
<td>-.050</td>
</tr>
<tr>
<td>Evidence likely to hold up in court</td>
<td>.460</td>
<td>.069</td>
<td>.170</td>
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#### Organisational preparedness

<table>
<thead>
<tr>
<th>Item</th>
<th>Component 1</th>
<th>Component 2</th>
<th>Component 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prepared for interpreted interviews</td>
<td>-.040</td>
<td>.851</td>
<td>-.028</td>
</tr>
<tr>
<td>Training is adequate</td>
<td>-.066</td>
<td>.843</td>
<td>-.096</td>
</tr>
<tr>
<td>No more training is needed</td>
<td>-.035</td>
<td>.739</td>
<td>.029</td>
</tr>
<tr>
<td>Adequate interpreter services</td>
<td>.224</td>
<td>.480</td>
<td>.076</td>
</tr>
<tr>
<td>Comfortable during interviews with interpreters</td>
<td>.194</td>
<td>.369</td>
<td>.198</td>
</tr>
</tbody>
</table>

#### Cost of interpreters

<table>
<thead>
<tr>
<th>Item</th>
<th>Component 1</th>
<th>Component 2</th>
<th>Component 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do not shorten interviews to reduce interpreter time</td>
<td>.121</td>
<td>-.013</td>
<td>.875</td>
</tr>
<tr>
<td>Not concerned about interpreter costs on district budgets</td>
<td>.224</td>
<td>.130</td>
<td>.810</td>
</tr>
<tr>
<td>Do not try to include a lot of information to prevent further interpreter need</td>
<td>-.037</td>
<td>-.003</td>
<td>.632</td>
</tr>
</tbody>
</table>

Table 5. Means, standard deviations, and Cronbach alpha reliability coefficients.
Means, standard deviations, and Cronbach alpha reliability coefficients.

<table>
<thead>
<tr>
<th>Scale</th>
<th>Mean</th>
<th>SD</th>
<th>Cronbach alpha coefficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Interviewing with interpreters</td>
<td>3.5</td>
<td>.59</td>
<td>(.8)</td>
</tr>
<tr>
<td>2. Organisational preparedness</td>
<td>2.85</td>
<td>.59</td>
<td>(.7)</td>
</tr>
<tr>
<td>3. Cost of interpreters</td>
<td>3.28</td>
<td>.9</td>
<td>(.71)</td>
</tr>
</tbody>
</table>
Chapter 3: Police interviews with suspects: What happens when a language interpreter is added to the mix?

From the findings of the first study we have started to map out the issues and complexities involved in police use of interpreters. To recognise current practice, the next study built on the perceptions of police officers by conducting observations of what is really happening in the operational environment. This study involved comparing police interview footage of suspects with and without interpreters. Skill elements in the ‘PEACE’ model of interviewing in video recorded suspect interviews (N=20) were compared with interviews without interpreters (N=20)\textsuperscript{12}. Findings revealed interpreted interviews took much longer, reflecting police frustrations, and showed that this extended time occurred especially before the start of the interviewing related to the crime, when the interview process and rights were explained to suspects. Minor differences in the interview skills used by officers were found, with officers tending to omit some elements in interpreted interviews and using fewer open questions in comparison to interviews without interpreters. Findings also revealed that there was general inconsistency in the way interpreters were being used, including occasions where unqualified interpreters were present. Ground rules for how interpreters will be used during interviews were rarely mentioned by police. Based on these findings, a means of improving interviews would be to include a simplified or written translation of the police caution and to streamline guidance processes for more effective and efficient use.

\textsuperscript{12} Video recordings of interviews were limited to that which was made available by the police service used for sampling. As such, a matched sample, where cases within the interpreter group could be exactly matched with variables presented in the non-interpreter group, was not possible. Every effort was made to request cases of similar age, gender and crime type. Further details regarding sampling methodology are presented within the chapter.
Although essential for the rights of the persons to have an interpreter, the whole method and legal intention of the interview is lost as soon as it is translated into another language (especially when I cannot understand the question as it is being put to the person). I have used interpreters for both witnesses and suspects over the past 11 years and I always get the same feeling during and after the interview.... that I have lost control of the interview and have been left not knowing how the result would be received by a jury or legal system.

— Police officer
Statement of contribution to co-authored published paper

This chapter is a co-authored paper submitted for publication. The bibliographic details of the submitted paper, including all authors, are:


My contribution to the paper involved the conception and design of the research project, coding design and analysis and the writing and revision of the article.

Mark Kebbell, acting as principal PhD supervisor provided advice on the design of the study as well as the preparation of the article.

Nina Westera, acting as associate PhD supervisor provided advice on the design of the study and preparation of the article, as well as acting as inter-rater for the coding of interviews.

(Signed) _________________________________

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Police interviews with suspects: What happens when a language interpreter is added to the mix?

Introduction

Suspect interviewing is important. If a guilty suspect admits to a crime, this is strong evidence and obtaining a confession may preclude the requirement for further enquiry (Baldwin, 1993). Substantial literature also points to the very real possibility that if an innocent suspect makes a false confession this can lead to a false conviction (for a review see Kassin & Gudjonsson, 2004). A police interview is a challenging discursive environment for an interviewee, arguably more so for vulnerable people (Haworth, 2013). Identifying a person as potentially “vulnerable” in their interactions with justice system is also a difficult task for police, often guided by a well-intentioned maze of government policy and guidelines (Bartkowiak-Théron & Asquith, 2012). False confessions have been associated with vulnerability of the suspect, which can include not speaking the same language as the interviewer as well as many other factors such as intellectual disability, fear of police, and aggressive questioning (Gudjonsson & Henry, 2003; Kassin & Gudjonsson, 2004). False confessions may create mistrust of authority figures and a community divide that may result in unwillingness to report crime and participate in interviews (Murphy & Cherney, 2012). Similarly, treating a suspect unfairly can create community tensions and reduce community cohesion (Murphy & Cherney, 2012). Therefore, extra steps need to be taken by police to foster trust and cooperation and ensure fairness, including the use of interpreter services for those that need them.

Many people do not speak the national language of the country that they live. In Australia for example, 2% of people (aged 5 years and over) on the 2011 census didn’t speak English (Australian Bureau of Statistics, 2012b). In England and Wales,
the 2011 census indicated 1.7% of the population (785,000) reported speaking English ‘not well’ or ‘not at all’ (usual resident population aged 16 and over) (Office for National Statistics, 2014). A proportion of these people, as well as others not captured by census data, will find themselves involved in the justice system – including those suspected of committing criminal offences. Along with non-English speakers, interpreter services are needed for other vulnerable people including people who are hearing impaired, have learning difficulties or require special assistance.

The potential for unfair practices and false convictions means that interviews with suspects have legal protections. Although varying between countries, guidelines exist to attempt to prevent coerced confessions (Kassin & Neumann, 1997; Kassin & Gudjonsson, 2004). Legal warnings in countries like Australia, England and the United States, include that the suspect should be informed they do not have to talk to police, if they talk, what they say can be used as evidence and they have a right to legal advice or representation. It is not enough for officers to just inform the suspect of these rights, suspects must also understand what these rights mean. If the initial rights are not understood the evidence obtained from the interview may be rendered inadmissible (Berk-Seligson, 2000).

Informing a suspect of his or her rights in an interpreted interview may be difficult for a number of reasons including the competence of the interpreter to interpret the rights and the interpreters understanding of the meaning of the rights (Nakane, 2007). Having an interpreter present may also influence the main body of the interview, the suspect’s account of what happened. As examples, interpreters are faced with a number of challenges including where corresponding languages may not have equivalent terminology or expressions for words, phrases and actions, and different meanings and expectations of nonverbal communication (Laster & Taylor,
There is also conjecture on the role of the interpreter during interviews including appropriate use of interpreters as translation machines or as entities with the capacity to have the power to influence communication; they may act as a mediator or cultural bridge between the people and provide assistance with conveying meaning and understanding (Nakane, 2007). Laster and Taylor (1994) suggest interpreters not only perform the role of translating words but also concepts and ideas from one culture context to another.

The use of interpreters within the justice system has moved beyond ensuring they are provided when needed and requires a greater understanding of the complex interplay of cultural and linguistic factors (Laster & Taylor, 1994). Interviewing may be more effective for officers if steps are taken to accommodate for and work effectively with interpreters. For example, when interviewing with interpreters, police should consider introducing the interpreter, clarifying the interpreter’s role and explaining how the interpreter will be used during the interview (Venditto, 2000). Venditto (2000) also suggests the interview should be spoken and interpreted in first person, that police should avoid jargon and slang and speak slowly, use short sentences, splitting information where appropriate and reinstate the rules and procedures of the interview when necessary. In addition, the “mirroring technique” is recommended, whereby the person interviewed is asked to explain what they have understood of the interview (Venditto, 2000). A better understanding of the complexity of interpreting within the policing environment may also lead to an enhanced ability for police to obtain information. For example, an interviewer understanding that literal translations of words and concepts do not necessarily translate to the suspect understanding what was said, may use the interpreter more effectively to identify when this might happen during the interview (Laster & Taylor,
1994). If such highlighting occurs, officers may have the opportunity, for example, to reframe questions.

Although guidelines exist for appropriate use of interpreters, these guidelines are inconsistent across police jurisdictions and can be enmeshed with other policy that aims to provide assistance with identifying and interacting with vulnerable people (Bartkowiak-Théron & Asquith, 2012; Metropolitan Police Service, 2007a; Queensland Police Service, 2014). Scant evidence exists of the effectiveness of guidelines for interpreter use by police and this may also be contributing to a lack of a widely accepted best practice model. Criticisms of police use of interpreters also continue to be highlighted in court case transcripts (Australian Legal Information Institute, 2012) as well as government review documents such as an Ombudsman’s review of interpreter use in Australia (McMillan, 2009). Such criticisms suggest that inconsistent use of interpreters may stem from poor training for police on how to identify when interpreters are needed and a lack of understanding and application of legislation (Venditto, 2000). It could also reflect that well-intended guidelines do not translate well into practice and could be improved for police use.

Wakefield, Kebbell, Moston and Westera (2014) surveyed 413 Australian police officers regarding their last interview with an interpreter (i.e., witness, suspect, victim, and informant interviews), as well as their perceptions of those interviews. Officers felt they had to change their preferred way of interviewing due to the presence of the interpreter and cost, inadequate training and time taken to conduct interviews were identified as potential deterrents to not provide interpreters. It is important to test the validity of these perceptions, where possible, by examining

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13 This study refers to the research presented in Chapter 2 of this thesis.
actual police practice. For example, reality may be different between police officers’ perceptions of using interpreters and how well they are being utilised in practice. This raises the question of what a ‘good’ interview with a suspect and an interpreter should be like.

The PEACE approach was developed in England in Wales (again see Gudjonsson, 2003). In 1981, a Royal Commission on Criminal Procedures took place following a number of miscarriages of justices became evident in the 1970s, many of which stemmed from poor interviewing practice (Hill & Moston, 2011). As a result of this enquiry the Police and Criminal Evidence Act (PACE) was introduced in 1984. The PACE Act meant that interviews with suspects now needed to be electronically recorded, evoking transparency of interviewing processes that revealed ineffective police interviewing practices (Hill & Moston, 2011; Irving & Hilgendorf, 1980). For example, an enquiry by Baldwin (1993) for the Home Office found that after listening to four hundred interviews with suspects, Baldwin (1993) concluded that police interviewing was characterised by: a lack of preparation; general ineptitude; poor technique; assumption of guilt; repetition; persistent or laboured questioning; failure to establish relevant facts; and, too much pressure.

The response of the police service to this research and a growing criticism from the judiciary came in the form of the training, which later became known as the PEACE interview framework (Clarke & Milne, 2001). PEACE is a mnemonic for: P - Planning and preparation; E - Engage and explain; A – Account; C – Closure; and, E - Evaluation (of the interview and the interviewer’s performance). Underlying the principles of the PEACE model of interviewing was the need for ethical interviewing of suspects, but also the witnesses and victims that interact with the legal system (Hill & Moston, 2011). The PEACE model typically uses Conversation Management.
for suspect interviews, which involves encouraging a suspect to give their account events, exploring this account and any investigatively important issues and gaining a suspect's explanation for any contradictions between his or her account and the evidence (Clarke & Milne, 2001). The PEACE model is accompanied by a robust amount of empirical research. Evidence attests to the effectiveness of the approach, for instance, Walsh and Bull (2010) examined 142 suspect interviews in the area of social security benefit fraud and found good interviewing in the stages of the PEACE model generally led to better interviews and, was associated with obtaining full accounts that included confessions.

*Police interviewing with interpreters: Contemporary research*

Research examining police interpreting has received less attention than court interpreting (Boser, 2013) and research specifically examining how interviewing methodology is affected when an interpreter is present during real police interviews is also limited. One example is a recent study by Lai and Mulayim (2013) involving a mock police interview scenario to examine whether professional interpreters (eleven of various languages) who are unaware of specific wording of police questioning, employed a more meaning-based or form based (word-for word or literal type interpretation) approach to their interpreting. Results revealed 55% of interpreters opted for a meaning-based approach, whilst 45% opted for a form-based approach. Thus, for police purposes where specific wording may hold importance, they study revealed approximately half of the time, there was a chance that the verbal strategy would be changed. Lai and Mulayim (2013) advocated for the need for specific training for interpreters engaging in police interviewing work which provides an understanding of police strategy.
The present study

In this study we examined whether investigative interviewing skills of police officers demonstrated during suspect interviews differed between interviews with and without interpreters. Specifically, we wanted to conduct a quantitative between-subjects comparison in the use of ‘PEACE’ interviewing skills for suspect interviews with and without interpreters present. We also wanted to qualitatively examine how interpreter services are being used in interviews. This analysis included for example, whether interpreters are qualified or are friends and family of the suspect and whether police explain to the interpreter and suspect how the interpreter will be used during the interview. In the last decade, there has been significant reform in Australia as well as New Zealand in police interviewing and in particular, interviews of suspects (Cain, Westera & Kebbell, 2016). In Australia, various police jurisdictions have adopted PEACE model interviewing training or at a more minimal level, adopted elements of the training models and associated ideals into their operational practice (Cain, Westera & Kebbell, 2016). However, there is likely to be considerable variation between jurisdictions. For example, in Queensland, elements of the PEACE model of training have been implemented by the Queensland Police Service since 2010. The training models are now more fully established within the police service and as such, dedicated training programmes have been enhanced since the first elements were adopted (Gardner, 2015). It cannot however, be assured that the officers reviewed within the tapes of this study have received a certain level PEACE model interviewing training but it is very likely they have had some type of PEACE training.

It was anticipated that the study would be highly informative to police policy and training, if indeed findings revealed significant differences in the way police
carry out interpreted interviews and in revealing how interpreters are being used by police during interviews.

Method

Interview sample

Video recorded interviews were collected from an Australian police service and met specific criteria. All interviews involved male suspects aged fifteen years and over and interviews in most cases were for violent crimes\textsuperscript{14}. The rationale for this was that this specified age limit and violent crimes were sufficiently frequent to gather the number of interviews required and the seriousness of violent crimes meant that police would have enough time and resources to investigate thoroughly. The offence types recorded for each non-interpreter case included 10 classified as assault, seven serious assaults (included grievous bodily harm, wounding, serious assault and assault occasioning bodily harm charges) and three sexual assaults (included indecent assault, sexual assault and rape charges). Interpreter cases included nine assaults, four serious assaults, six sexual assaults and one traffic related offence.

Cases were identified for a time period from 2005 – 2013 because interview tapes from this period were available. The 20 non-interpreter cases were selected at random from the police databases filtering for assault charges. Cases that used an interpreter were identified at random within the same period from those already flagged on the police database for having an interpreter present at the interview.

\footnotesize{\textsuperscript{14}Cases were limited to those which were available and provided by the police service and the researchers had limited control over these factors. Every effort was made to adequately match the samples. For example, The authors requested specific age ranges, crime types and gender in relation to suspects.}
Cases were discarded if they failed to meet the selection criteria or if the tapes of the interview were not available. Suspect ages ranged from 15 to 64 (\(M=32.15, SD=12.38\)). Languages identified in the interviews with interpreters were diverse including: Arabic, Mandarin, French, Korean, Mandarin, Persian, Punjabi, Samoan, Swahili, Sign Language, Vietnamese and Kirundi. The remaining 20 non-interpreted interviews were spoken fully in English and the suspects did not require interpreter services. Interviews involved 28 male and 12 female police officers as the primary interviewer.

**Coding**

A coding system was designed to assess three specific areas of police interviewing in addition to the demographic details of the interviews including:

**Time.** First the ‘introduction’ time was calculated (this included discussion about how the interview will be conducted, the suspect’s name and background details, and the police caution (e.g., the suspect’s rights). Next the interview time was calculated (this is the time spent questioning the suspect about the alleged offence) and included the final closing time (this is the police officer’s closing statements and a final police caution). Originally the final closure phase was recorded separately. However, final cautions were often short (between one and five minutes) and officer closing statements were not easily defined at the end of the interview, for example, the interview may continue for some time following closing statements. Times were rounded to the nearest minute.

**Characteristics of interviews with interpreters.** We coded how interpreters were used. This included whether the interpreter was present physically or interpreted via a
telephone, how the interpreter’s role was introduced to the suspect and whether how the interpreter would be used in the interview was explained.

**Interviewing skills.** Interviewing skills were examined, with and without the presence of interpreters, using the ‘PEACE’ elements found in Clarke & Milne (2001). PEACE is the interviewing framework used by the police service sampled. Questions were coded using the skill structures of the PEACE model. Key elements investigated were *Engage and Explain,* identified in the ‘introduction’ phase of interviewing in our results. This examined delivery of administrative items and suspect’s rights as well as evidence of rapport building between the officer(s) and the suspect. The *Account* section of the PEACE model identified in the ‘interviewing’ phase of our results involved assessing the skill in questioning and obtaining information from the suspect. For example, items within the interviewing phase included giving the suspect the opportunity to give an open account and using open and closed questions. Within the PEACE model of interviewing training, emphasis is placed on interviewees having an opportunity to give an open account of the events in question and then officers may choose to break these accounts down into smaller topic areas for further investigation (Clarke & Milne, 2001). For example, an open question might ask the suspect to explain what happened in their own words in regards to the even in question. A closed question may confirm details, such as, “so you mentioned that the person was wearing a red hat, is this correct?” We also tested for evidence of planning and preparation and skills demonstrated by officers when closing the interview. A comprehensive list of the individual assessment items for coding purposes can be obtained from the first author (see Appendix C).

Coding items were examined on either a yes/no scale, a three point Likert scale, with three being demonstrated ‘Totally’ and one ‘Not at all’ or a five point
performance scale ranging from ‘needs training’ to ‘highly skilled’. Likert scales were based upon scales used in other investigations of the PEACE model including the Clarke and Milne (2001) investigation of interviews in England and Wales. While there is variation in the number of different response options for Likert scales in the evaluation of skills, evidence suggests reliability and validity are likely independent of the scale size utilised (see for example, Jacoby & Matell, 1971). The initial coding was carried out by the first author. Twenty percent of interviews were also coded by the third author who was skilled in investigative interviewing training and interviewing coding and had previously been a police officer. Agreement between the raters was tested using the Kappa statistic and was reasonably high ranging between .69 and .81. When examining scores between raters demographic details of cases as well as timing were omitted as these traits were not an examination of interview performance. Scores were assessed on each skill test as represented in the PEACE model.

Results
Interviews with and without the presence of interpreters were compared on a number of variables. We assessed whether interviews with interpreters took longer on average than interviews without interpreters, and specifically looked for differences between the phases of the investigative interview (introduction and interviewing phases).

15 The first author of the article has a background in Psychology with Honours in Forensic Psychology. At the time of writing the article the author had five years’ experience working full time within a police service in Australia as well as a role at the police service academy providing training to police on improving interpreter use during investigative interviewing. The author conducted the coding under the supervision of an academic supervisor (author two) whom had previous experience coding police interviews.

16 These scores reflect the range of Kappa statistics for each of the twenty percent of cases compared between raters with the lowest score and highest score represented.
Detailed comparisons of the interview timings are present in Figure 1, which shows that in both phases interpreted interviews took longer on average than interviews without interpreters. To examine these differences statistically, we collected the recorded timings of each of the two interview phases (introduction and interviewing) and compared interviews with and without interpreters with a 2 X 2 Mixed between repeated measures ANOVA (interpreter present/not present X introduction time/interviewing time). A significant repeated measures effect was found for phases of the interview, \( F(1, 38)=48.79, p=<.0001, \eta^2=.56 \). Paired samples \( t \)-tests \( p<.05 \) were carried out to determine whether the difference between each of the separate interview phases was significant. A significant difference was found between the phases, introduction \( (M=13.83, SD=9.45) \) and the interviewing phase \( (M=52.45, SD=40.09) \). A significant between groups effect was found, \( F(1, 38)=8.66, p<.05, \eta^2=.19 \), indicating the interviews were significantly longer when interpreter services were utilised for the introduction time (with interpreter= \( M=19.85, SD=9.46 \), without \( M=7.80, SD=4.19 \)) and interviewing time (with interpreter: \( M=66.11, SD=38.17 \), without: \( M=38.8, SD=38.1 \)). The interaction effect did not reach statistical significance \( [F(1,38)=1.9, p>.05, \eta^2=.05] \) showing that the additional time necessary for an interpreted interview was consistent across interview phases.
Note: Yes – Interpreter used, No – No interpreter

Figure 1. Average interview phase time in minutes

Characteristics of interviews with interpreters

Next we explored the 20 interpreted interviews to assess the frequency of a number of specific details. First we investigated whether it was identified within the interview that the interpreter was accredited (interpreter identified themselves as accredited or were identified as by police). In 14 of the interviews the interpreter was identified as accredited (affiliated with an interpreter service), with three interviews identified as involving a non-accredited interpreter including two family members and one friend. There were three interviews where the interpreter’s accreditation was unknown or was not made clear on the video recording. Two cases highlight some of the difficulties in arranging for appropriate interpreters. In the first case, the suspect had a female interpreter who was accredited, but with whom he appeared uncomfortable at

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17 Total interview time is equal to the sum of the introduction time and interviewing time and is calculated in minutes.
certain points of the interview explaining details of the alleged sex crime. The second case example, also an alleged sex crime, was where initially the partner of the suspect was present as a support person until it was revealed an interpreter was needed. Instead of using the partner present, the police paused the interview and arranged for an accredited interpreter to be present. This also demonstrates police taking appropriate action, when the need for an interpreter was identified.

Of the interviews, in 17 the interpreter was present in the room and three where they were used via the telephone. Third, we assessed whether the officer provided ground rules for how the interpreter would be used during the interview. There was only one example of an officer setting ground rules during the interview by saying:

As the interpreter during the interview, I’ll just ask you for the purpose of accuracy that you can, to the best of your ability, relay (interviewee’s) responses as close to the original meaning as possible, and I’ll also ask for you to be impartial in relaying (name of interviewee’s) responses to me, by this I mean that your personal preferences, opinions or interests must not be relayed to me but it must be (name of interviewee’s) response.

We examined whether the interpretation was given in full (i.e., no English was spoken by or with the suspect) or whether it was partially interpreted and some English was spoken. There were nine interviews where the interview was given totally in the interviewee’s language and eleven where some English was spoken. We then explored whether the interpretation given by the interpreter for the interviewee was given mostly in the first person (spoke as if the person was speaking, for example, “I went into my house”) mostly third person (e.g. included words such as he/she said, for example, “He says he went into his house”) or a mixture of both.
Results revealed eight interviews where the interpretation appeared to be given in first person, ten interviews with a mixture of first and third person and two interviews delivered in third person.

*Interviewing skills*

Interviewers’ skills were examined for each interview phase and then compared between interpreted and non-interpreted interviews.

*Introduction phase.* When we compared the *introduction* phase with and without interpreters present, we found irrespective of an interpreter’s presence, the officer provided the basic administrative information including the date, time and location to the suspect. All identified elements of the police caution (right to silence, explanation that evidence provided may be used in court, rights to have a lawyer present, right to telephone a friend or relative and whether there has been any threat or inducement to participate in the interview) were also posed to suspects with the exceptions of one interpreted case where the right to silence and the right to telephone a friend or lawyer was not posed, as well as whether there was any threat or inducement to participate in the interview. There was also one non-interpreted case where threat or inducement clause was not posed to the suspect. Also, nine interviews with interpreter services and 10 without involved officers asking the suspect to repeat back in their own words what was meant to them by their right to silence. Therefore in about half of each group of interviews the officer involved clarified the suspect understood what was happening in this instance.

When examining skill scores of officers for the category *checks understanding of caution*, both interpreted and non-interpreted interviews on average scored below
the midpoint (Scale: 1=Not present, 2=Partially present and 3=Totally present)
(interpreted interviews $M=1.75, SD=.44$, non-interpreted interviews $M=1.85,
SD=.49$). There was no significant difference between the two groups ($p>.05$). There
were some examples of officers checking the understanding of the caution. For
example, in regard to the suspect’s right to silence, in one interpreted case the officer
asked “does he understand that?” Another example, arguably of a higher standard,
was a non-interpreted case where an officer said “do you understand” the suspect said
“yes” and the officer asked “what do you understand that to mean?” following which
the suspect responded by describing it in his own words “um, that whatever I say,
could be used in a court.” Further evidence of confusion in some interpreted
interviews with the understanding of the suspect’s rights was found. For example, in
one case the officer was explaining the suspect’s right to telephone a friend or relative
and the right to speak to a lawyer. Following the interpretation the suspect replied “so
officer, are you saying I cannot leave until my solicitor, or my friend or relative come,
is that correct?” The officer then replied “no, what I am saying is if he wants someone
here while I question him, then we can arrange that, but at the moment, he is under
arrest, for this, for assault, in relation to the assault.” The suspect then replied
“officer, are you saying that, I have been charged by the police for bodily harm, and
assault?” The officer then went on to explain the difference between arresting for the
purpose of the investigation and charging someone for an offence.

In all the interpreted cases and all but three of the non-interpreted cases,
officers asked further administrative questions beyond the caution elements including
questions such as the suspect’s level of education, next of kin details and whether
they were injured, intoxicated or taking medication. When examining for significant
differences between interpreted and non-interpreted interviews on these extra
questions, a significant difference was found concerning whether the interviewer asked if the suspect was intoxicated (Kruskal-Wallis test revealed there was a significant difference between groups ($\chi^2=5.48, p<.05$)). This question was more likely to be asked in the non-interpreted group, which occurred in 19 of the 20 interviews, compared with 13 of the 20 interviews with interpreters. An example is one interpreted case, where the officer asked “is he under influence of any liquor or drugs at the moment” and the suspect replied “no.” Officers were also more likely to ask about the person’s level of education in the non-interpreted group with this question asked in 19 interviews compared to 14 of the interviews with interpreters (Kruskal-Wallis, ($\chi^2=4.22, p<.05$)). For example, in one interpreted case, the officer asked “what level of schooling did he reach?” and the suspect replied “high school, senior high.” The officer then asked “and graduated?” and suspect replied “graduated.”

Two items in the introduction phase, rated on a 3-point Likert scale (1=Not present 2=Partially present and 3= Totally present) were found to be statistically different for interpreted and non-interpreted interviews. Officers were more likely to be awarded a higher score for explaining the reason the interview was being conducted when interpreters were not present (interpreted interviews $M=2.65$, $SD=.59$, Non-interpreted $M=3, SD=.0$) (Kruskal-Wallis, ($\chi^2=6.86, p<.05$)). Also, scoring for the level of caution given was higher for non-interpreted interviews. Both groups received reasonably high scoring numbers overall indicating officers did well on performing these skill elements (interpreted interviews $M=2.8, SD=.41$, Non-interpreted $M=3, SD=.0$) (Kruskal-Wallis, ($\chi^2=4.33, p<.05$)).
Interviewing phase. As displayed in Table 1, for all but one item within the account phase there were no significant differences found between interviews with and without interpreters. In regard to questioning, we found that officers were more likely to score higher on uses open questions in the interviews without interpreters. Tests revealed a significant difference between groups (Kruskal-Wallis, $\chi^2=5.29, p<.05$) for interpreted interviews ($M=1.4, SD=.5$) compared to non-interpreted interviews ($M=1.8, SD=.52$). For most interviewing items officers were likely to receive a score of two or above in both interpreted and non-interpreted interviews indicating an average standard or above. Although we only have small sample sizes, Table 6 shows the means and standard deviations for each of the interview items to help demonstrate the average scores (out of three) for officers in each condition.

Table 6. Interviewing elements (3 point Likert scale)

<table>
<thead>
<tr>
<th>Account</th>
<th>Int.</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$M$</td>
<td>$SD$</td>
</tr>
<tr>
<td>Uses open questions*</td>
<td>1.80</td>
<td>0.50</td>
</tr>
<tr>
<td>Uses closed questions</td>
<td>2.05</td>
<td>0.22</td>
</tr>
<tr>
<td>Adapts question style according to suspect needs</td>
<td>2.10</td>
<td>0.45</td>
</tr>
<tr>
<td>Avoids multiple choice and leading questions</td>
<td>2.10</td>
<td>0.55</td>
</tr>
<tr>
<td>Challenges inconsistencies in a problem solving manner</td>
<td>2.10</td>
<td>0.55</td>
</tr>
<tr>
<td>Communication skills</td>
<td>2.35</td>
<td>0.67</td>
</tr>
<tr>
<td>Develops investigative topics</td>
<td>2.20</td>
<td>0.41</td>
</tr>
<tr>
<td>Development of suspect topics</td>
<td>Evidence of following model</td>
<td>Given opportunity to give open account</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>2.30 0.57 2.20 0.41</td>
<td>2.45 0.51 2.20 0.62</td>
<td>2.60 0.75 2.75 0.44</td>
</tr>
</tbody>
</table>

*Kruskal Wallace Test, p<.05

Officers were also assessed for a few items concerning the closing of the interview including the officer providing the date and time as well as giving the suspect an opportunity to add or correct the information obtained from them. There were no significant differences between groups for these items.

*Overall assessment of skill.* Interviews were given an overall assessment of skill ranging from a score of one (needs training), two (adequate), three (satisfactory), four (skilled) and five (highly skilled). Scores were based on an assessment of skill demonstrated by combining and averaging assessments of abilities for: listening, rapport building, questioning and observed evidence of planning and preparation. Overall scores for interviews with and without interpreters hovered about the three (satisfactory) score mark. Statistical analysis did not reveal a significant difference.
between conditions [using Kruskal-Wallis, $\chi^2=.04$, $p>.05$; interpreter present $M=3.1$, $SD=.76$, not present $M=3.03$, $SD=0.6$].

Interview outcomes. Interview outcomes were rated as partial admission, confession or denied offence. The number of interviews with and without interpreters present in each of these categories is presented in Table 7. There were no significant differences found between the interview outcomes when interpreters were and were not present ($p>.05$).

Table 7. Interviews by interview outcome (with and without interpreters)

<table>
<thead>
<tr>
<th>Account</th>
<th>No Interpreter</th>
<th>Yes Interpreter</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$N$</td>
<td>%</td>
<td>$N$</td>
</tr>
<tr>
<td>Partial admission</td>
<td>8</td>
<td>40.0</td>
<td>6</td>
</tr>
<tr>
<td>Confession</td>
<td>2</td>
<td>10.0</td>
<td>2</td>
</tr>
<tr>
<td>Denied offence</td>
<td>10</td>
<td>50.0</td>
<td>12</td>
</tr>
</tbody>
</table>

Discussion

We sought to examine how having interpreters present in police suspect-interviews affects the interview process. We identified some different interviewer behaviours when an interpreter is used including lower scores in the use of open questioning and

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18 It should be noted that presenting outcomes of interviews in terms of confessions in no way suggests that the main operative of the investigative interview is to obtain such a determination. As mentioned, a key focus for interviewing is the collection of quality information (Hill & Moston, 2011). The information presented in Table 7 represented the researcher’s assessment of the outcome of the interview. The coders were limited by the video footage alone and did not have access to police notes, information or outcomes of charges with which to further assess the outcomes of cases.
length of time for the introduction phases of the interviews. Addressing these areas provides an opportunity to improve the way officers’ conduct interpreted interviews to allow for efficiencies in interviews such as time and overall interview quality; both areas of critical value to police, the wider justice system and the people involved.

Officers in both interpreted and non-interpreted interviews scored satisfactorily in their adherence to the PEACE interviewing process; not being especially good but not being especially bad either regardless of whether an interpreter was present. While interviews with interpreters don’t appear to be carried out with considerably less skill by police, concerns were raised regarding the length of the interview process and the legitimacy of the delivery of the police caution. Interpreted interviews tended to be much longer on average than the other interviews, especially for the introduction phase of the interview (almost three times as long). This suggests elements in the introduction phase such as delivering the suspects rights may be more complicated with the addition of an interpreter and need for translation, and that suspects may not have adequate understanding of their rights.

Streamlining the introduction phase of the interview allows for time efficiencies, potentially allowing for more time to focus on the interviewing phase of the interview. If you revise or simplify the caution (see Clare, Gudjonsson, & Harari, 1998; Gibbons, 2001) or encourage officers to understand or be able to explain the meaning behind it (see Russell, 2002), you may also increase the chances of officer’s conveying the caution to an interpreter who can more accurately translate it in to other languages. However, the understanding of the caution is paramount, and checking of understanding is especially important in interpreted interviews where there may be a higher chance of the person having difficulty with terminology. In our study, officers across conditions tended to score average, or below, for checking the
understanding of the caution and when it did occur, checking terminology varied. In interview’s they reviewed, Milne and Clarke (2001) also found 45.4% of officers had scored below the median point for checking the understanding of the caution. Russell (2002) suggests standard translations of the police caution should be made available and a standard explanation. If the caution alone is pre-translated, police cannot assume the suspect has understood it. How officers check understanding and convey meaning is also important, for example, simply asking a suspect if they understand something may be very different to getting them to explain it in their own words.

We documented some cases in interpreted interviews where officers made omissions of important elements including overlooking parts of the caution and a failure to ask questions that assess a person’s capacity to undertake the interview. Officers also used friends and family or unqualified interpreters for suspects in some circumstances which means the interpreter may not have been qualified to perform the role or impartial in relaying information (Berk-Seligson, 2000)19. In Berk-Seligsons’ (2000) review of appellate cases in the United States, the use of unqualified interpreters revealed Miranda rights were being jeopardised. Interpreters may be hard to locate, and urgency and lack of availability, especially in rural or remote areas may increase the likelihood of unqualified interpreters being used. In these circumstances qualified phone interpreter, if available, would be the better option.

19 In Australia, the National Accreditation Authority for Translators and Interpreters (NAATI) (2013) provides different levels of training to interpreters. In Queensland, the police service recommends a certain level of training be attained to be considered ‘qualified’ to perform the role of an interpreter for interviews. The operational guidelines specify ”[i]nterpreters and translators accredited by NAATI at the level of ‘interpreter’ or ‘translator’ or higher, should be used when investigating criminal offences, complex legal matters and during court proceedings” (QPS, 2014).
Our study results also revealed officers were less likely to ask the person’s level of education in an interpreted interview. In describing characteristics of police interviews with deaf suspects, Vernon, Raifman, Greenberg and Monteiro (2001) highlighted suspects who are hearing impaired may face many different challenges in a police interview depending on their individual circumstances. These include limited literacy skills if they have had significant hearing impairment from an early age, as well as different levels of experience with sign language. If education impairment is established, then officers could provide extra assistance if needed, tailor questions for interpretation using simple language and ensure they are checking for understanding on a regular basis. Vernon et al. (2001) suggest police often wrongly assume for example, deaf suspects understand Miranda warnings just because a sign language interpreter is present and even if they are provided it in writing.

It is important to also consider the effects this extra time may be having on police and their perceptions of interpreted interviews. Time is of critical importance to police, and this extra time taken to interview is added to by the need to locate and may deter police from using them in the first place (Gibbons, 2003). We have now confirmed interpreted interviews do take more time, and where this time is spent during the interview process, and have a basis for looking into this important issue further. Wakefield et al. (2014) found some officers; particularly more junior officers were more likely to agree they tried to obtain as much information in the interview as possible so as to not need the services of an interpreter again. Thus, cost of interpreter or the perceived difficulty of having to arrange the interpreter for another point in time may also be factors in officers taking extra time during the interview. Officers may also be more prepared for interviews with interpreters, if indeed there has been a planned time for the interview as opposed to some other suspect interviews which
may occur more immediately. Preparation may also explain why officers in our study were less likely to ask whether the person was intoxicated, if the suspect has been forewarned of the interview occurring. There appears to also be a risk then that interviewers are spending considerable time on the introduction phase, which could potentially divert attention from the quality of information obtained during the interviewing. Obtaining information and testing that information is of key importance in police interviews (Haworth, 2013). Officers may also feel because of the longer time taken to conduct the interview, that a comprehensive account has been obtained.

In our study however, it was revealed the additional time for interpreted interviews was consistent across the interview phases and that interviews skills were of similar quality. For example, scores for officer skills on the category ‘interview produces leads’ were not significantly different between interviews without interpreters ($M=2.25$) and with interpreters ($M=1.95$), although these were some of the lowest scores received from across the different skills elements. Also, under the category ‘given opportunity to give open account’ both groups received similar scores, that were relatively high on the three-point Likert scale (without interpreters $M=2.60$, with interpreters $M=2.75$) and again there were no significant differences found between the groups. Further research is needed to better understand this issue.

Conversation Management within an investigative interview is a complex task that requires the interviewer to manage both verbal and nonverbal behaviours of themselves, the interviewee and others in the room (Milne & Bull, 1999). For interviews with interpreters, there is the added complexity of an extra person in the mix, which may affect conversation variables such as turn taking and overlapping of speech. Managing communication with an interpreter, including turn taking requires a high level of discipline and may not always be easy maintain (Russell, 2002). There
can however, be benefits of trying to monitor the conversation, for example Nakane (2007) demonstrated that turn taking behaviour during interpreted interviews can affect the transfer and understanding of information. For example, the accuracy of translation may improve when cautions are interpreted in smaller segments (Nakane, 2007). The management of language transfer appeared inconsistent within our study with a mixture of English and the person’s interpreted language being spoken, a mixture of first and third person interpreting from the interpreter and ground rules for how the interview will be conducted rarely established. Having the suspect and the interpreter understand their roles during the interview are important to ensure all the information is translated and the conversation is maintained between the suspect and the officer (Venditto, 2000). It is difficult to assess whether the conversation should be managed solely by the police officer, or at least assisted by the interpreter, who will ultimately be the one who can identify when information is being misunderstood.

How police frame their questions during the interview is very important for interpreted interviews to both ensure understanding as well as manage the flow of much information (Venditto, 2000). We found interviews without interpreters received lower scores for the use of open questions. On the face of it, it would appear police in interpreted interviews may avoid open questions where the management of information may be more difficult. This may also reflect police are frustrated with the interview processes that are more cumbersome with an interpreter. However, as Bull (2010) notes when describing methodologies for effectively interviewing vulnerable witnesses, it is important to use initial open questions and minimise questioning that would lead a person to a given answer. The difficulty with an interpreted interview is that the flow of information needs to be adequately managed, for example, pausing after smaller chunks of information, to ensure the interpreter can carry out their role.
Whether the need to manage information discourages the free-flow of information from a suspect, and how to overcome this, requires further exploration if open questioning is to be maintained. Thus whilst, translating information in smaller chunks may be productive for elements such as the police caution, when interviewing suspects about the crime, an uninterrupted flow of information from the suspect, and the interpreter taking continuous notes may be more effective. Of course, this may also increase the likelihood some information may be lost (see Köhnken, Thürer, & Zoberbier, 1994).

Given the complexities identified for interviews with interpreters, officers may benefit from clear guidelines for interpreter use and specialist training or skills to undertake interpreted interviews. Interviewing with interpreters may benefit from the system of interviewing, as built upon the PEACE model, whereby interviewing training model equips officers for different levels of interviewing relevant to their experience levels and the seriousness of the crime (Griffiths & Milne, 2006). Early career officers may benefit from training in how to identify interpreter need and conduct initial interview procedures. More advanced interviewers might be used to interview with interpreters, as they may have an appreciation of the extra care needed for questioning vulnerable people. Lai and Mulayim (2013) also advocate for specialised interviewing training with interpreters for both police and interpreters.

Limitations

In this study we were limited to what was recorded on the tape for the interview. As Baldwin (1993) suggests, tapes can provide a limited picture of the formal interview, without the ability to reveal everything that has occurred whilst the person is in custody. One of the real challenges of people with whom police have difficulty
communicating is deciding whether an interpreter is needed in the first place (see Wakefield et al. 2014). Such a task can be difficult if a person speaks some English, or if an appropriate dialect or impartial interpreter cannot be located (Dixon & Travis, 2007). We were also unable to cover every element of the PEACE interviewing model, such as the planning and preparation for interviewing and debriefing following the interview. We aimed to cover a wide range of skills elements represented in this interviewing paradigm however, future research may expand on these elements and also seek to obtain further information from interviews.

The sample size limited our analysis of different cultures. Future research may like to speculate on the effects these variables may have had on the interview process. These numbers of cases still provide a unique perspective on how police use interpreters during interviewing and provide a platform for future research. Heydon and Lai (2013) emphasise there is still no official data source in Australia showing just how many interviews involve the assistance of interpreters.

We focused solely on the information being relayed to and from the police officer to the interpreter and did not extend to the translations of the interpreted information. Although the focus of this study was not on the translated communication, this information would have provided insight into the accuracy of information being transferred from the interpreter to the suspect and back to the police officers involved. We can also not be certain of the suspects understanding of the information. As we have focused on a police skill perceptive, there are also other specific aspects of the interpreted police interview we haven’t focused on. For example, the accuracy of the transfer of information and the implications of translating tone and meaning of what is being said are also important areas of
research on understanding and improving interviews with interpreters (see for example Lai & Mulayim, 2013; Russell, 2002).

**Concluding comments**

This study provides a platform for future research that examines the complexities of interviewing with language interpreters from the police perspective. We have highlighted some differences for interpreted interviews and potential concerns such as the delivery and understanding of the police caution and ideas for streamlining interpreter use. We have also demonstrated that interviewing suspects with interpreters is not carried out with considerably less skill than interviews without interpreters, providing some assurance that police are treating these vulnerable suspects fairly during the interview process. Guidelines for police use of interpreters however, may be improved by helping to bridge the gap between policy and practice, particularly if a lack of consistent or efficient use of interpreters may be deterring their use. Information in this study will be beneficial for police services trying to enhance their policy and training for interviewing with interpreters having documented what is happening with these interviews in the operational environment. Effective use of interpreters through a best practice standard grounded by empirical support from operational officers’ perceptions and practice is necessary to improve the uptake of police using interpreters and ensure effective interviewing with people needing language service support.
Chapter 4: Police interviews with language interpreters: matching policy and practice and improving use.

The third study in this research was designed to connect the two previous studies with police policy and guidelines in order to inform best practice, the final phase of the triangulated methodology. This was achieved by examining the policy and guidelines in place for police use of interpreters. An investigation was undertaken to examine how these documents matched with what is considered best practice for police using interpreters and how they match with the main findings from the two previous studies that aimed to understand police perceptions and recognise current practice. This investigation covers essential elements of interpreters in policing with the Queensland Police Service (QPS) as the case study subject and includes a review of its current policy and guideline documentation. Consideration was also given to the fundamental reasons underpinning a person’s right to have an interpreter present and the police role in achieving this. The findings from the investigation are used to develop practical and theoretical recommendations for policy and guidelines that better connect with police perceptions and use of interpreters in the operational environment.
Police need to be more aware/trained in the ability to use an interpreter service, to enable them to know: the service to call, the costs involved, what circumstances allow use of interpreters, the procedure to follow to enable interpreters, details of whose approval to seek prior, who can do interpreting (Police Liaison Officer's or not etc.). These are still very grey areas and officers are reluctant to request them due to their lack of knowledge.

— Police officer
Police interviews with language interpreters: matching policy and practice and improving use.

Introduction

The landscape of policing in Australia and other countries has changed dramatically in recent years, influenced by the migration of people, advances in technology and widespread media. Policing organisations need to continually evolve and adapt to these changes to conduct business and maintain their role in society (Chan, 1995; Ransley & Mazerolle, 2009). One particular challenge for police is communicating with diverse members of the community. With this diversity comes the need for organisations to adapt and facilitate communication so people can participate fully and equitably in society. The use of interpreters, translators and police liaison officers is the vital glue facilitating communication between people who do not speak the same language and is commonplace in health, legal, social welfare and educational settings (Wadensjo, 1998).

Police providing an interpreter can ensure non-English speakers and other people requiring language assistance have equal access to justice within the legal system. This means organisational guidelines that facilitate the use of interpreter services are crucial to ensuring interpreters are provided when needed and are used effectively by police. Guidelines may vary dramatically across organisations depending on business needs (Ozolins, 1993). Differing standards and expectations about the role of an interpreter may result in varied consequences. For example, in the justice system environment, poor interpreting may lead to the conviction of an innocent person (Wadensjo, 1998) and an inability to obtain information critical to an investigation. Interpreter services themselves are also challenged to provide and train
interpreters for very different environments and for new and emerging languages (Lai & Mulayim, 2010).

Even when legislative provisions are in place, for example, to provide interpreters before interviewing suspects, police may still be reluctant to use interpreters (see ALRC, 1992). Although interpreter guidelines do exist for some police organisations, evidence continues to surface of police failing to use interpreters or using them poorly. For example, complaints documented in a report from the Commonwealth Ombudsman in Australia relating to interpreter use by government agencies included: failure to provide an interpreter, using an interpreter of the wrong language or dialect, using a family member as an interpreter, lack of awareness about the need for an interpreter and lack of training for agency staff in how to work effectively with interpreters (McMillan, 2009). Practice guidelines for police use of interpreters often vary and limited research on how police perceive interviews with interpreters also contributes to a lack evidence in this area, leaving the concept of best practice largely intangible (Wakefield et al., 2014).

**Fundamental rights to access interpreters**

As summarised by Laster and Taylor (1994), the right to an interpreter has been protected for some time now by international covenants including the Universal Declaration of Human Rights (1948) (United Nations, 2015a). Article 3 states that “[e]veryone has the right to life, liberty and the security of person” and Article 9 “[n]o one shall be subjected to arbitrary arrest, detention or exile” (United Nations, 2015a). In addition, the International Covenants on Civil and Political Rights (ICCPR) (1966) (United Nations, 2015b), Article 9 provides that “[e]veryone has the right to liberty
and security of person. If arrested, a person has a right to be informed of the reasons for the arrest and of any charge against them.” The ICCPR also specifies that:

*In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equity:*

*To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him; (Art 14(3)(a))*

*To have the free assistance of an interpreter if he cannot understand or speak language used in court.* (Art 14(3)(f)) (United Nations, 2015b).

Without the provision of interpreters in many cases, access to these rights could not be fulfilled (Laster & Taylor, 1994).

The provision of interpreters by police is not only about providing access to justice for a person at the time of the interview or statement, but also about building relationships with people and communities for future interactions with the legal system. Within *procedural justice* literature importance is placed on people in the community finding the police as trustworthy and legitimate entities (Mazerolle, Antrobus, Bennett & Tyler 2013; Mazerolle, Bennett, Davis, Sergeant & Manning 2013) and providing interpreters and creating effective policy and practice directives is a means of achieving this. In the United States people’s perceptions of fairness of the justice system were found more significant in shaping legitimacy than those perceptions that it is effective (Tyler, 2003; Tyler, 2007). In Australia, Hinds and Murphy (2007) investigated whether *procedural justice* influences a person’s judgement of police legitimacy in Australia and whether increasing legitimacy also increased public satisfaction. They surveyed 2611 people from a medium sized city
in Australia and examined: levels of satisfaction with police services, perceptions of police responsiveness to community concerns, police effectiveness at dealing with crime, people’s fear of crime and public safety concerns and problems. The survey also examined views on police legitimacy, procedural and distributive justice. The research found that people who believe police use procedural justice when they exercise their authority are more likely to view police as legitimate and are therefore more satisfied with police services.

Murphy and Cherney (2011) also examined procedural justice in the context of ethnic communities in Australia and how ethnic minorities respond to procedural justice-based policing. Surveying a sample of 1204 people in Australia, an important finding was that procedural justice was found to be less effective for nurturing cooperation among ethnic minorities when compared to a majority group. It was hypothesised previous poor relations between and poor experiences in their countries of origin may contribute to mistrust in police. Given previous poor experiences, any future experiences may also be affected by prior learned beliefs. Thus police have a more difficult task to engage minority groups, if indeed they need to overcome previously held notions about how police act and behave (Murphy & Cherney, 2011). Arguably, engaging in fair processes, such as providing interpreters when needed, is a means of bridging this gap.

Police duty of care

Police are guided to use interpreters through legislation, policy and guidelines and not doing so is a breach of their own protocols but also a breach of fundamental human rights. An examination of the efficacy of the different documents which guide police to use interpreters is discussed at length in this chapter. There are also multiple
examples of breaches involving police including the aforementioned case of *The Queen v D Bastos De Frietas* (Australian Legal Information Institute, 2012). Duty of care for police as well as other professionals such as health services is necessary to ensure people can adequately communicate with the services they need to.

In order for police to remain accessible to the people and retain efficient practice, it is essential interpreters be provided for the rights of the person involved but also so that police themselves can effectively carry out their role in society. Modern ethical principles and guidelines for police continue to stress the importance of upholding core values that ultimately ensure police are providing the best service in their communities. For example, the Queensland Police Service has an *Integrity Framework* based upon three principles: Values, Leadership and Accountability. A key feature in the framework includes values of integrity and impartiality, courage by doing the right thing and fairness in making objective, evidence-based, consistent decisions and by treating people with respect (Queensland Police Service, 2014). The act of engaging an appropriate interpreter and providing a supportive service for people in their community to communicate align intrinsically with these core values.

**Best practice for use of interpreters**

Police and other community service agencies are guided by legislation, policy and guidelines to use interpreters to communicate with people of diverse language backgrounds. These documents need to encourage the provision and appropriate use of interpreters relative to the needs of the organisation and the people they serve. The Ombudsman’s report (McMillan, 2009), instigated by complaints received relating to interpreter provision and use, provides a useful framework to examine important areas for consideration for an organisation working with interpreters. The report
provided insight for how agencies (the Australian Federal Police (AFP), Centrelink, the Department of Education, Employment and Workplace Relations (DEEWR) and the Department of Immigration and Citizenship (DIAC)) use policy to guide staff on: how and when to use interpreters, staff training about the use of interpreters, interpreter issues relating to recordkeeping, complaints handling and overcoming challenges. The Ombudsman provided best practice principles to inform Australian Government agencies, including promoting access to the use of interpreters, providing staff training, specifying who can be used as an interpreter and providing an accessible complaint-handling mechanism (McMillan, 2009).

It is important that policy and guidelines cover considerations for providing interpreters, especially within a policing context. For example, it needs to be acknowledged that people who speak some English may require interpreters and that they may not understand the complex legal terminology needed for police interviews. The New South Wales (NSW) Police Force (Australia) Code of Practice (NSW Police Force, 2012) includes: “Just because someone can speak English to do everyday tasks does not mean they can cope with the added stress of a police interview. If in doubt, get an interpreter (p.69).” Policy also needs to dictate which interpreters can be used and police also need to know upfront that some interpreters may be inappropriate. For example, policy may dictate the level of accreditation needed when choosing an interpreter and ensuring the interpreter is not known to the person being interviewed (see Queensland Police Service (QPS) Operational Procedures Manual, s. 6.4, 2014). Other considerations include arranging for the appropriate dialect and gender of a person with whom the interviewee is comfortable speaking through. The NSW Police Force Code of Practice for example includes that officers should advise (the interpreter agency) if the case is of a sensitive nature (e.g. a sexual assault or incest),
to ensure an interpreter of the appropriate sex, cultural or religious background is provided (NSW Police Force, 2012).

Due to increasing demands for interpreters, policing jurisdictions are developing new strategies to enhance their communication capabilities. For example, the Cambridgeshire Police (United Kingdom) guidelines for using interpreters cover the whole process of interviewing to ensure proper use of interpreters and prevent problems occurring during the interview. There is also an aide memoire, including 15 important steps when conducting an interview with an interpreter, which is outlined in a video package. The video package, available on the Cambridgeshire Constabulary webpage, involves six video modules that include how to meet, greet and brief your interpreter, briefing the client on the role of the interpreter and obtaining information via an interpreter (Cambridgeshire Constabulary, 2013). The aide memoire clearly defines the role of the interpreter and the interviewee and lays down the ground rules for how the interview will be conducted. It also ensures the interpretation is given in full in the person’s fluent language and that if there is any confusion from the interviewee or suspected by the interpreter, this will be conversed with the police officer. The aide memoire ensures the interviewee knows the interpreter is impartial and confidential. The interpreter also knows the conversation should be managed in the first person, but that they can advise the officer if they suspect confusion. Although the previous example points to progress in police use of interpreters, continued reports of poor use and lack of provisions mean that training programmes may still fail to adequately prepare officers and there is a definite need for significant improvement.

The importance of interpreter training specific to a policing environment is highlighted by the West Yorkshire police (United Kingdom), who offer their own
interpreter training package (West Yorkshire Police, 2012). The training aims to introduce potential interpreters to police interpreting, how police interpreting works, circumstances where they are required and specific skill areas required of a police interpreter. The focus in the training also appears to be interpreting in the criminal justice sector and providing an understanding of the standards needed for police interpreting. It is unknown whether formal evaluations of these programs have been conducted. NSW Police Force guidelines also encourage officers to conduct a pre-interview session with the interpreter to: brief them about the cases, tell them about the objectives of the interview, find out cultural background information from them, and decide the method of interpreting, e.g. simultaneous or consecutive. NSW police also suggest a structure for the interview with the interpreter including establishing roles, explaining how the interview will be done, speaking in first person and maintaining control of the interview. They also provide a suggested script officers can use to cover these and other points (NSW Police Force, 2012). Maintaining the integrity of the investigation process is also of critical importance and this occurs under the guidance of investigation methodologies in use by different police organisations.

Advances in technology are also influencing the way police do business. Particularly evident in America is the development and implementation of electronic interpreter systems that connect police directly with interpreter services. Multiple police forces in the United States have reportedly begun using a device named "ELSA" which stands for "Enabling Language Services Anywhere" and can connect services with more than a hundred different language sources (Wilson, 2013). The actual cost of the device as well as its accuracy is unknown. It is also unknown
whether the police are using the device for daily interactions or initial interactions, or whether they are using them during police interviews, for example, with suspects.

Aside from the premise that interpreters should be provided, a high level of variation appears to exist for how best to guide police to use interpreters effectively in the operational environment. The need for language support also finds itself embedded in a maze of other policy attempting to help police identify “vulnerable” people (Bartkowiak-Théron & Asquith, 2012). Other vulnerability characteristics that potentially overlap for different people and are difficult to decipher in policy include identifying special needs for children, women, people who are intoxicated or affected by drugs, and people with learning difficulties (Bartkowiak-Théron & Asquith, 2012; Queensland Police Service, 2012b).

The present investigation was designed to examine police policy and guidelines with a view to inform best practice. This was achieved by examining the policy and guidelines in place for police use of interpreters, to investigate how these documents match with what is considered best practice for police using interpreters and how they match with the main findings from two studies that investigated police perceptions and practice. Using the Queensland Police Service (QPS) as the case study subject, a review is undertaken of current policy and guideline documentation. The findings are then used to provide recommendations for policy and guidelines that better connect with police perceptions and use of interpreters in the operational environment.
Method

Case study

This paper analyses the policy and practice of the Queensland Police Service (QPS). The QPS is the state of Queensland’s law enforcement agency in Australia. As outlined in the QPS Annual Statistical Review 2011-2012 (p. 157) the QPS consists of about 11,000 officers spread across a number of regions and sub-districts (Queensland Government, 2012). The QPS also employs a network of Police Liaison Officers (PLO); 136 as at 2011/2012. A PLO is a person employed by the QPS to assist with establishing and maintaining rapport with diverse cultural groups in the community. They wear a form of the police uniform but do not have police powers and can assist police during investigations and interactions with the community (Queensland Police Service, 2013b). The QPS may call on a PLO or any other bilingual staff member of the QPS as a language aide in some circumstances, which will be discussed later in the paper. QPS officers and civilian employees (about 4000 people) utilise interpreters to assist them in their daily business, including everyday interactions with the public, taking statements and carrying out interviews for investigations (Queensland Government, 2012; Queensland Police Service, 2013b).

Policy examples

and also help to identify their specific needs and the appropriate support mechanisms needed for interviewing including interpreters. For example, specific requirements may be needed for a person needing a sign language interpreter, such as providing a second interpreter in case of fatigue during lengthy interviews. Interviewees may also require support for other vulnerabilities such as intoxication and learning difficulties and police need to accommodate for these needs.

**Practice examples**

Two studies conducted using the QPS as participant have investigated police use of interpreters. These studies have been used as practice examples for comparison with policy in this article. The first study, (Wakefield et al., 2014) examined a sample of 413 officer views on interviewing with interpreters. The study specifically focused on how police came to the decision an interpreter was needed as well as reasons why police may be reluctant to use interpreters. The second study (Wakefield, Kebbell & Westera, 2014, in submission) examined 40 video recorded suspect interviews and compared investigation skills demonstrated by officers between interviews with (20) and without (20) interpreters.

**Procedure**

This study compared QPS policy and practice in regard to three areas:

1) **Deciding when to use an interpreter**: This examined the policy on deciding when an interpreter is needed, who is qualified to perform the role of interpreter and means of accessing interpreter services. Policy information
was also compared with results found by Wakefield et al. (2014) when surveying police perceptions of using interpreters.

2) *Using interpreters effectively during interviews:* This examined policy and guidance on how to use interpreters effectively during interviews. Policy information was also compared with the results gained from Wakefield et al. (2014, in submission) when examining police interview skills with interpreters.

3) *Organisational preparedness for interviewing with interpreters:* This section examined information in regards to the organisation’s preparedness for interpreted interviews, including evidence of employee training programs and resources.

**Results**

QPS policy and guidelines were compared in regards to three areas: deciding when to use an interpreter, using interpreters effectively during interviews and organisational preparedness for interviewing with interpreters. These areas are explored in detail below.

**Deciding when to use and interpreter**

**Procedural Guidelines**

In Queensland, legislation exists to guide QPS officers to use interpreters when needed before questioning a person. The Police Powers and Responsibilities Act (PPRA) stipulates in *s. 433 Right to an interpreter:*
(1) … if a police officer reasonably suspects a relevant person is unable, because of inadequate knowledge of the English language or physical disability, to speak with reasonable fluency in English.

(2) Before starting to question the person, the police officer must arrange for the presence of an interpreter and delay the questioning or investigation until the interpreter is present.

This legislation applies to a “relevant person” which s.415 describes as a person being questioned about their involvement in an indictable offence. The critical words within this section of the Act appear to be “reasonably suspects”. Schedule 6 (Dictionary) of the PPRA states that reasonably suspects “means suspects on grounds that are reasonable in the circumstances”. Without a specific definition in the context of interpreters however, it is difficult to assess what this may actually mean for officers. It appears to imply that it is at the officer’s discretion as to whether a person requires an interpreter, but that if the need is identified, an officer “must” supply one. How to essentially identify whether a person needs an interpreter appears to be supported by other legislation including the Police Powers and Responsibilities Regulation 2000 (PPRR). Section 512 of the PPRA, Matters relating to performing forensic procedures, states:

… if a police officer reasonably suspects a relevant person is unable, because of inadequate knowledge of the English language or physical disability, to speak with reasonable fluency in English.
Before the qualified person performs a forensic procedure under a forensic procedure consent or a forensic procedure order, the police officer must arrange for the presence of an interpreter and delay performing the procedure until the interpreter is present.

The PPRR s. 39, Right to an interpreter, stipulates:

(1) This section applies for deciding whether to arrange for the presence of an interpreter during questioning of a relevant person.

(2) A police officer may ask the relevant person a question, other than a question related to the person’s involvement in the offence for which the person is to be questioned, that will help the police officer decide if an interpreter should be present.

(3) In particular, the police officer may ask questions that may help the police officer decide whether or not the relevant person –

a. Is capable of understanding the questions put to him or her, what is happening to him or her, and his or her rights at law; and

b. Is capable of effectively communicating answers to the questions; and

c. Is aware of the reason the questions are being asked.

Section 39 of the PPRR encourages officers to widen the scope of their questioning to help decide whether a person understands what they are trying to communicate and, importantly, ascertain whether the level of communication will be sufficient to continue the investigation. The decision-making processes by police in this instance appear to be the critical point of the initial investigation with regards to identifying language or communication problems. Failing to identify this need can lead to consequences further along the investigation, including a failure to gather vital
information, and a failure to provide access to justice and possibly rendering obtained material inadmissible if it is identified later that an interpreter was needed.

The QPS has a Vulnerable Persons Policy (Queensland Police Service, 2012b), which identifies non-English speakers alongside other potentially vulnerable people such as the mentally ill and hearing impaired. The policy attests to the QPS commitment to improve services for vulnerable people and provides guidance on identifying people more likely to encounter difficulties accessing or receiving equitable or fair treatment. The QPS also has a Language Services Strategy (Queensland Police Service, 2011). The strategy seeks to ensure the QPS engages with communities, meets the communication needs of the community (e.g. ensures information is presented in basic English, is unambiguous and culturally appropriate), provides appropriate education and training to QPS members (e.g. how and when to work with interpreters and disseminating relevant information to members) and encourages development and use of multilingual and sign language skills and resources to enhance QPS delivery.

The Operational Procedures Manual (OPM) contains policy and procedures for officers (QPS, August 25, 2014). The OPM s6.3.7 states:

“Officers should provide professional, accessible and equitable services in response to the communications requirements of people from non-English speaking backgrounds, Aboriginal and Torres Strait islander persons, the deaf and hearing/speech-impaired persons”.

Section 6.3.7 also outlines accreditation specifications for interpreters, how to arrange for an interpreter, describes the policy on communications and interviews
using interpreters, and describes interpreter cards. It also specifies that a person may hold a language card that indicates he or she requires an interpreter, and the language needed. There are also cards available that may assist in identifying a person’s language and with contacting interpreting services. Section 6.4 of the OPM is titled “Cross cultural issues” and holds that:

“Officers may have contact with people from diverse communities and backgrounds in the execution of their duties and should remain aware that many people will have cultural or religious beliefs which may impact on their practices and behaviours.”

The section provides some examples of such situations including:

“Officers may require confirmation of identification from a Muslim female wearing a full faced hijab, burka or hijab. Such persons may find it objectionable to reveal their face to male officers or in public places as the Islamic dress code requires women to dress modestly, and to cover certain parts of the body.”

This section also advocates for training being available to all members to improve service to indigenous and multicultural community groups as well as the availability of cross-cultural liaison officers in every region “to identify the needs of communities and enable appropriate policies and strategies to be developed to ensure the delivery of an equitable service within the district or region.” The documents mentioned above are likely to be reviewed at varying intervals by the QPS to ensure compliance with whole-of-government policy and strategic directions, and to ensure continued relevance.
**Practice evidence**

Wakefield et al (2014) examined police perceptions of using interpreters during interviews by documenting 413 officers’ views on their last interview involving interpreters. One of the questions asked of the officers was how they came to the decision the interpreter was needed, in which 304 officers provided a response. Most who responded said they used initial observations in their decision to use an interpreter (176 officers), such as detecting a person’s inability to speak English. Others mentioned using an investigative process or line of questionings (51 officers) and this was followed by the need to comply with legislation, policy or procedure (30 officers). Given the above responses, it appears a standard methodology could not be wholly established. Officers provided some evidence of consistency with guidelines where perhaps questions, other than those related to the investigation were posed to determine a person’s level of English capabilities.

Evidence was also provided that suggested interpreters may be less likely to be provided for minor offences, with the higher numbers of cases in the study identified as domestic violence, assault and sexual assault. Sexual assault, assault and domestic violence-related offences comprised about 40% of the total sample. Interpreters were also more likely to be provided for cases interviewing suspects as opposed to victims, witnesses and informants. Of the sample of officers surveyed, most had interviewed a suspect (50.4%) and this was followed by victims (26.4%), witnesses (12.1%) and informants (8%). These results suggest that officers may require further guidance on ensuring interpreters are provided for all interviewees, as well as crimes not considered as serious.
Using interpreters effectively during interviews

Procedural guidelines

The addition of an interpreter in a police investigation and/or interview situation creates a new level of complexity and evokes a need for police to change ordinary processes and techniques to accommodate this need. When carrying out an investigation, the PPRA (s. s 419(3), 402(6), 421(3), 424-426 and 441) provides direction on how to use an interpreter. When using an interpreter officers should ensure that:

(i) the interpreter is identified to the person;
(ii) the interpreter and the person fully understand each other;
(iii) the interpreter is acceptable to the person; and
(iv) the interpreter is not seen as exercising authority over the person.

In regards to questioning:

(i) electronically record the questioning in compliance of s. 436 of the Police Powers and Responsibilities Act;
(ii) have the interpreter translate and ask the question;
(iii) listen to the answer;
(iv) have the interpreter translate and repeat the answer; and
(v) record the answer (if written record of interview).

There is some information provided for officers on QPS internal webpage on how to use interpreters (by telephone and on site) as well as a one-page document of
helpful hints for working with interpreters. For example, the guidelines suggest that during telephone interpreter sessions, officers should brief the interpreter and describe the telephone equipment they are using and where the interview is taking place, speak clearly, and modify the speed of their speech, taking into account the need for the interpreter to interpret what they are saying and make allowances for the interpreter as they have no visual cues as to what is happening in the interview. For onsite interpreting it is suggested, for example, that officers should speak directly to the client in first person. A lot of the information in these guidelines is comparable in general and not always specific to telephone or on site interpreted interviews. Some of this information is also again replicated in the fact sheet on how to use an interpreter. These guidelines also include that officers need to consider that people under pressure may tend to agree or say yes to questions in an effort to appear helpful.

Outside the scope of this guidance, there does not appear to be specific instruction on how police should use an interpreter effectively during an interview. Areas of importance specified in policies, for example, of the New South Wales (NSW) police force (Australia) and the Metropolitan Police Service (United Kingdom), identify the need to brief your interpreter before the interview and to set the ground rules at the beginning of the interview for how the interpreter will be used (Metropolitan Police Service, 2007b; NSW Police Force, 2012).

**Practice evidence**

Research evidence suggests that police practice of conducting interviews with interpreters may be inconsistent with guidelines provided to them. Practice evidence also provides concern regarding inefficient use of interpreters during interviews, or
points of deterrence for police to use interpreters, such as length of interviews. In the survey study by Wakefield et al (2014), officers overall gave moderately positive responses on items that made up the *interviewing with interpreters* scale with an average score of 3.5 on a 1-5 scale of agreement. Officers were more likely to agree interpreters made the interviews difficult to conduct if they interviewed a suspect compared with a witness. (3.29 scored for suspects and 3.7 witnesses with 5 being the most positive response score). Officers were also more confident they had conducted a thorough interview when the interpreter was present in the room rather than via the telephone (scores for interpreters present in the room were 3.88, and via the telephone 3.68). Officers moderately agreed they had to change their preferred way of interviewing due to the presence of the interpreter (scoring 2.88 out of a positive score of 5).

The study by Wakefield et al (2014, in submission) examined differences between officer skill levels when comparing interviews with and without interpreters, with twenty interviews in each condition. It was found that interviews with interpreters took longer on average than interviews without interpreters, and particularly took longer in the beginning part of the interview where the introductions and the suspect’s rights were explained. In only one of the interpreted interviews was there evidence of the officer establishing ground rules for how the interpreter would be used during the interview. During the interpreted interview examples there were nine where the total interview was given in the suspect’s first language and no English was spoken and 11 where some English was spoken. There was also inconsistency in how the interpreter provided the interpretation in that the interpretation was given in a mixture of first and third person (spoke as if the suspect was speaking or used words such as “he said”) or a mixture of the two. This
contradicts guidelines that appear to indicate that the officer should speak as if speaking directly to the suspect and use the first person throughout the interview. The guidelines also suggest to officers that some vulnerable people may have a tendency to say yes to questions and that officers should be mindful of this. In regards to delivering the suspect’s rights in the police caution, Wakefield et al found that in nine of the 20 interviews with interpreters, the officer asked the suspect to repeat back in their own words what was meant by their right to silence. Officers in both the interpreted and non-interpreted groups score below the midpoint of scoring for checking the understanding of the caution.

Organisational preparedness for interpreted interviews

Practical Guidelines: access, accreditation and cost

The Commonwealth Ombudsman report identified that agencies should be promoting access to interpreter services (McMillan, 2009). The QPS promotes the use of interpreters both externally to members of the public and internally to police. The external or “public” QPS website directs people to use interpreters through an “other languages” tab at the bottom of the webpage (Queensland Police Service, 2013b). Clicking on the link takes a person to a Queensland Government website with details in a number of languages about how to contact an interpreter. The OPM also includes a section for police on arranging for an interpreter or translator. In summary, members of the QPS can contact an interpreter service directly (this may be a person or service provider). Some agency information is provided to assist with locating an appropriate interpreter, including the National Accreditation Authority for Translators and Interpreters (NAATI) and Deaf Services Queensland.
Telephone, teleconference and face-to-face interviews. Where local services are not appropriate (usually a situation occurring in regional, rural or remote locations), it appears police are firstly directed to using telephone interpreters, which appears to imply that an in-person interpreter is the preferred option. However, under the policy section *Communications and interviews using interpreters* of the OPM, it states officers “should arrange for an accredited on-site or telephone interpreter”. This statement suggests either option is appropriate in the first instance. The OPM document specifies that a NAATI-qualified person at the rank of “interpreter”, “translator” or above should be used “when investigating criminal offences, complex legal matters and during court proceedings” and this is the case for sign language interpreters also. When such a person is not available, someone from an associated accredited body can be used.

The use of teleconferencing for interviews is gaining support for different facets of the justice system including police interviewing as well as courtroom activity. Interpreters can also be used via telephone or video link when the police officer and interviewee are at the same location. Such methodology can assist police and other legal professionals in reducing delays to interviews and also in reducing costs of conducting the interviews (Kuivaniemi-Smith, Nash, Brodie, Mahoney & Rynn, 2014). Although the use of telephone and teleconferencing for interviewing has cost efficient and timeliness benefits, it may not be beneficial in all types of interviewing scenarios. For example, Rombouts (2011) cautions the use of videoconferencing for conducting first thorough questioning of suspects for investigations such as drug smuggling, indecency offences and violent crimes and when interviewing vulnerable witnesses and victims, minors and psychopaths.
Reasons for difficulty during conferenced interviewing can include difficulty for the interviewer to express empathy, build rapport and adjust communication and interviews may also become superficial and sterile which can impact on the information gathered (Rombouts, 2011). In some instances videoconferencing can be very useful such as when re-interviewing suspects after new evidence has come to light or following up topics with victims and witnesses (Rombouts, 2011).

Empirical research studies have also examined the efficacy of conducting interviews remotely via means such as videoconferencing. When examining the effects of face-to-face versus videoconference cognitive interviews Kuivaniemi-Smith et al. (2014) found some advantages and disadvantages for remote interviewing. Their study investigated whether interviewing a witness remotely would affect the production of facial composite sketches of suspects. The researchers found that some results were considered poorer in the remote interviews however, some positive results indicated that remote interviews yielded situations of less pressure and improved concentration. Another study by Nash, Houston, Ryan and Woodger (2014) tested whether video-mediation affected the memory reports of witnesses. In this study, 77 participants (university students) were asked to view a film of a crime (non-violent car theft) and were then subsequently interviewed one day later by video-link, one-day later by face-to-face or 1-2 weeks later face-to-face. Participants were interviewed via a modified Cognitive Interview type platform. No significant differences were found across conditions, meaning that videoconferenced interviews did not result in significant impairment of reported information. Those participants who were interviewed via videoconference performed better than participants who were interviewed face-to-face at a later date. This research supported
the use of video-linking for interviews as a means of shortening the delay time between incident and interview (Nash et al. 2014).

*Appropriate interpreters and cost implications.* The QPS OPM contains information regarding who can/should be used as an interpreter. It clearly specifies at the beginning of the section that NAATI is the accepted interpreting and translating qualification in Australia. It also describes the eight levels of NAATI qualifications including those for translating documents and for interpreting general conversations, through to high-level or advanced interpreters and translators. A sub-paragraph of the OPM text, however, states that when the above qualifications are not met or unable to be met, paraprofessional interpreters and translators, those without NAATI accreditation (“who may be known as communicators”) but who are screened by the Translating and Interpreting Service (TIS), may be used. Although not specifically connected within the document, reasoning for justifying the use of perhaps “sub-qualified” people can be seen in the beginning of the section, which notes that not all languages spoken or signed are tested under NAATI. It could be further inferred this would be the case, for example, for indigenous languages. In these cases, the “best” qualified person would be identified, which would be arguably better than no person at all, but not as good or arguably as consistent as the primary qualification needed or specified. In regards to the provision of interpreters for sign language (for deaf or hearing or speech-impaired people), NAATI also has accreditation for AUSLAN (Australian Sign Language) which should be used first. When such a person is not available, those without accreditation but screened by another professional body, the Coordinator of Interpreting Services at Deaf Services Queensland, can be used.
Information on the QPS internal webpage regarding the use of interpreters suggests that Police Liaison Officers (PLO), bilingual staff or “other” persons (e.g. family members) may be utilised in the initial stages of an interaction, to essentially assist with deciding whether a person requires an interpreter. This person may be useful to provide critical information at the outset of an investigation and/or to obtain information quickly (QPS, 2013). There is expressed caution in using children to interpret as well as male and/or female persons where there is a gender issue involved, for example a domestic violence situation or incident of sexual assault.

The OPM, in the Communications and interviews using interpreters section, states that the person being questioned should be given the opportunity to select an interpreter of his or her choice, with restrictions. Restrictions include that a person may not be appropriate if they are unable to be impartial, are deemed not competent by officers to undertake the task and/or if they are unable to provide evidence of their qualifications. Where the officers do not believe the person requested is an appropriate interpreter they may still permit them to attend an interview as an “observer” if in doing so it bears no cost to the QPS. Guidance is provided as to those people who might be considered inappropriate to use as interpreters during interviews, in the form of the list below:

(1) Co-offenders or other persons suspected of involvement in the matter, the subject of questioning;
(2) Relatives of the person to be interviewed;
(3) Police officers;
(4) Complainants or witnesses; or
(5) Other parties with an interest in the outcome of the investigation.
Similar to the QPS, other jurisdictions have policies on who can (and cannot) be used as an interpreter. For example, Australian Federal Police policy provides that only independent and accredited interpreters should be used for communication for evidentiary purposes and not family or friends (McMillan, 2009).

Where a telephone interpreter is not available, officers are encouraged to arrange for an appropriate person to travel to their destination at “Service expense”. It is then inferred that the telephone option is preferred over paying for an interpreter to travel, and that emphasis is placed on the fact that arranging for an interpreter to travel incurs a cost to the QPS? It is also noted in the section Arranging an interpreter or translator that “In accordance with Queensland Government policy, it is the responsibility of the QPS to pay for the services of an accredited interpreter” and that rates or costs can be obtained from respective services or interpreters. It is not clear whether the costs of interpreters should be a consideration for their use and whether this leads to a deterrent for use. The Australian Immigration Department website provides cost information for interpreters under its Translating and Interpreting (TIS) service cost information (Department of Immigration and Border Protection, 2013). Costs, however, are not consistent across other commonly used service providers. For example, in Queensland there is the Queensland Interpreting and Translating Service (QITS), which quotes alternative pricing for hourly rates and call-out fees (QITS, 2010).

Record keeping and future planning. Within QPS policy there does not appear to be a compulsory direction to record a person’s need for a language interpreter. The Ombudsman’s report states that “a failure to provide access to an interpreter is often
due to a lack of awareness by agency staff about the need to provide one” and “the fact that an agency has a policy in place … does not always result in fair and responsive services being provided” (McMillan, 2009, p.12). If this need were recorded this would no doubt assist future officers and people involved with the person to know that provisions for interpreters need to be made when interacting with the person.

If a person or an organisation has a problem with the delivery of service by the QPS they can make a complaint to the QPS or to the Crime and Corruption Commission. The QPS provides information on how to make a complaint concerning an officer, and this is available on the QPS website.

General information is provided within QPS policy documents (as previously discussed) on how to locate and provide interpreters, and presumably this applies to all forms of staff within the QPS, including both sworn and unsworn members (Queensland Police Service, 2014). Specialist interpreter needs come into play when police, specifically, have identified the need for, and access, interpreter services for investigations. It is unknown whether unsworn staff members are given any training on the use of interpreters as this information is not publicly available. This training would be highly valuable, particularly for those people who hold client service roles and have direct contact with the public, such as front-counter staff at stations and people who receive emergency calls. How the QPS utilises information regarding interpreter services in its training methodologies is unknown.

*Practice Evidence: access accreditation and cost*

Investigations into police perceptions of their capacity to, and their agencies’ capacity to, undertake interviews with interpreters and access interpreters services is a
good indication of whether interpreter guidelines are facilitating effective use and providing an effective service to the community. Wakefield et al (2014) examined officers’ views on arranging interpreters, whether they feel training has adequately prepared them for interpreted interviews and whether they feel their agency is prepared for interviews with interpreters. Officers’ responses included that officers at a constable compared to a senior constable level were more positive that training had prepared them for interviews with interpreters. Explanations given for the response were that more junior officers may have been more recently exposed to early career training with an interpreter component, or alternatively that more senior officers appreciate the need for further training to conduct complex interviews. Although scores in relation to cost of interpreters were moderately positive, a number of officers comments referred to concern over costs including the views that police services are overcharged for interviews with interpreters and that police may be criticised for using an interpreter in some circumstances. Officers’ views were moderately positive regarding organising interpreters and generally positive about interpreter services being adequate. It appears that officers showed some concern in regards to organisational preparedness for interviews with interpreters as well as cost being a potential concern.

Discussion

The purpose of this study was to examine how policy and procedural guidelines for police use of interpreters matched with what is considered best practice and how they match with findings from two previous studies that reviewed police perceptions and practice of interpreter use. A number of safeguards in place within the QPS encourage police and the community to engage the services of interpreters. Yet, there are a
number of areas of ambiguity that may inadvertently discourage police from using interpreters, encourage police to use unqualified interpreters, and do not give adequate guidance to be able to use interpreters effectively.

When deciding when to use an interpreter, guidelines appear ambiguous and there is a lack of clear direction for officers on how to navigate the process. For example, from the onset of an investigation, police may be reticent to provide interpreter services when the case involved does not appear serious or when the person speaks some English (ALRC, 1992, R.57, s.s 3.51, Dixon & Travis, 2007, Gibbons in Eades 1995). This is not specifically catered for in police policy. In Wakefield et al’s, (2014) study of police perceptions of interpreters, the majority of cases where an interpreter was used involved suspects, as opposed to witnesses, victims and informants. It was hypothesised that because the suspect interviews are formal and video recorded, officers may be more likely to use interpreters in these scenarios. Thus police are following legislation provisions by providing interpreters for suspects but perhaps not considering policy provisions, for example, providing interpreters to all vulnerable people. If there is ambiguity in the policy as to whether a qualified interpreter is needed and under what circumstances, it may encourage police to use unqualified interpreters, which raises the important issues of interpreter ability and impartiality. The focus in the guidelines needs to be that unqualified interpreters such as family and friends should only be used as a last resort in police interviews and that they need to be extensively briefed on their role during the interview. From the policy it is difficult to say exactly when an interpreter should be used and when a family member or PLO officer can be used. To ensure that an interpreter is qualified to carry out the role as well as be impartial, for police interviewing purposes any use
of an alternative would need to be considered a deviation from policy and not be done or indeed need a high level of justification for doing so.

It is also important that policing organisations explicitly discourage misconceptions that deter interpreter use. If police are concerned about the costs involved and time it takes to conduct interviews with interpreters (see Wakefield et al, 2014) they may be less likely to arrange for an interpreter when needed, especially in cases where the person speaks some English. If cost for interpreters is not an issue for police, if the money is allocated for that specific purpose and the use of an interpreter is a legislative requirement, this should clearly be communicated to officers and reflected in operational policy documents. If cost is an issue, an investigation into ways to reduce or minimise those costs should be undertaken such as identifying which services provide qualified interpreters at a lower cost. Factors to consider with cost appear to be whether it is a standard or after hour’s requirement and whether the person has to travel. Perhaps the government also needs to look at developing police-specific interpreting services, relative to their costs and needs, as it is likely that these interpreters will be needed after hours and in remote locations. Such service requirements would also apply to entities such as the ambulance service and hospitals. Support for interpreters needs to come from all levels of the organisation, including the modelling of good practice by senior officers.

Organisational preparedness for interpreted interviews

The fact that the QPS provides some guidance on the use of interpreters during investigations suggests the agency appreciates the importance of its provision and proper use to the outcomes of investigations. This also needs to be reflected in training. The Ombudsman’s report mentions that the Australian Federal Police
provides training on interpreters during their official recruit training including the client’s right to an interpreter and how to contact a telephone interpreter. Similar training could be utilised (if it is not currently) in the recruit training at the QPS and would educate officers at the beginning of their policing careers and encourage good practice. The report also mentions that the AFP suggests further skills are developed through on the job training: this may indeed exist but would be difficult to enforce and streamline. Interpreter training should be provided and available for police at all levels, including recruits and investigators or those interviewing with interpreters as well as unsworn members of staff who interact with members of the public. Such training should include, at a minimum, the basics of: how to identify when a person needs an interpreter, accessing interpreters and using interpreters. More advanced training should be provided for officers who might be expected to conduct interviews with interpreters, such as those conducting investigations into serious crime (McMillan, 2009). Rombouts (2011) states

“[c]onducting a police interview on a high-quality level (which is what the justice department expects of its police forces) with respect for the interviewee and convinced of the fact that this interview will be used to give the legal professionals an objective and clear idea of the circumstances requires thorough and continuous training and coaching of police officers (p. 138).

Interpreter specific training is needed as a dedicated topic for officers, noting the unique complications and needs of the people involved.

It appears currently that other than costs estimates, no accurate data for the QPS is available on interpreter use including how many people have required an
interpreter and whether they will need them in the future or representations of cultural
groups and language types. Compulsory recording of interpreter need and use would
help with future planning of interpreter needs and costing. For police to utilise
interpreters via the telephone, an appropriate telephone system is required so that the
officers involved, the person being interviewed and the interpreter can all be heard
and can interact during the conversation. Sections 436 and 437 of the PPRA requires
questioning of persons in custody to be recorded. As written in the OPM
(Communications and interviews using interpreters) this requirement means that
officers need to ensure that the interpreter, whether in-person or via the telephone,
can be heard on the recording of the interaction and that this may need to be taken
into consideration when deciding on the appropriate form of interpreter to use. It is
unsure whether all police stations are fitted with equipment to undertake phone
interviews with interpreters. It is suggested however, that the cost of providing
suitable telephones, with appropriate speakers/microphones would be minimal.

Recommendations for the future

The QPS has a number of guidelines available to encourage police to use
interpreters. To ensure understanding and application of these guidelines, a document
connecting policy, procedures and legislation into a simplified framework is
recommended. This document should also act as a platform for officers to access
further information, such as links to services specifically for the hearing impaired or
access to full copies of legislation. I have found no evidence that such a document
exists at this time. The document must cover a best practice model for police that
stems from the relevant sections of the legislation that specify when interpreters are
required. Information in the document should then adequately cover: identifying the
need for an interpreter, when an accredited interpreter is required, how to find and utilise an accredited interpreter and which information is to be collected, such as making a record of the person’s interpreter need for future reference. A simplified framework that is practical and user friendly for officers is necessary for the operational policing environment where there are many other competing guidelines and processes. Furthermore, small changes to guidelines for the QPS mean criticisms that prompted the Ombudsman’s investigation, such as a failure to provide interpreters when needed, are addressed. Improved guidelines for police use of interpreters during the interview process will then safeguard for consistency across interviews and assist officers to gather the case-related information they need.

Interpreter use by police and other organisations is evolving and will continue to advance with the introduction of new technology that can assist with the interpreting process. There are likely to be further impacts on police and other community, systems when numbers of people who do not speak the native language where they reside continue to rise. Such reviews necessary to improve, streamline and future proof interpreter use.
Chapter 5: General discussion and conclusion

The purpose of this thesis was to provide an empirical and practical platform to facilitate improved police use of interpreters. Using multiple methodologies, three studies explored police use of interpreters. The first, which examined police perceptions of using interpreters, confirmed that police are frustrated by issues such as the cost of interpreters. This study also profiled a large number of interpreted interviews, contributing to the limited data available. The second study, which examined the interview skills of police officers by using video footage of suspect interviews, demonstrated the inconsistent use of interpreters but not necessarily poorer interviewing skills. The third study, which examined the documents that guide police use of interpreters, showed their inconsistencies with the perceptions and practice considerations of police found in the first two studies. In this chapter, the main findings of the three studies are explored and drawn together so as to understand police perceptions, recognise current practice, and inform best practice. Some theoretical issues are discussed and a structured professional judgement approach to interpreter use is proposed, which would include guidance on assessing the need for interpreters and the effective use of interpreters during interviews. Finally, the strengths and limitations of the research are discussed.
Police at all levels, especially on the front lines as investigators and when providing service delivery should be empowered to feel confident when making the decision to use an interpreter. This comes through education and training.

— Police officer
Summary of findings

Understanding police perceptions

The first study in the thesis mapped out issues of concern from police that may deter their use of interpreters for interviews. Documenting police interviews that use interpreters was important since such data scarcely exists. Indeed, Heydon and Lai (2013) assert there is still no official data source to ascertain how many interpreter-assisted interviews are being carried out in Australia. Such information is important in order to adequately accommodate interpreter needs required by the government and other service providers. For example, efficiencies may be obtained through providing written translation of documents in popular languages, and encouraging interpreter services to recruit and train interpreters based on demand for specific languages, or languages that are more obscure.

An important finding of this study was that there may be some groups of people less likely to be provided with interpreters. About 40 percent of all the interviews, which comprised those with suspects, witnesses, victims and informants, involved the serious crimes of sexual assault, assault and domestic violence. Police reported that suspects comprised the majority of people interviewed, just over 50 percent of the sample. Indigenous people were noticeably absent from the sample. The results indicated that people involved in less serious crimes may be at risk of not being provided interpreters. While it may be seen as cost and time-efficient for police to concentrate their resources on more serious criminal activities, it is inadequate from a social justice perspective. Such a process also carries many risks, not limited to wrongful convictions and the risk of fracturing relationships with community members in need of support. Police agencies need to focus on and find support for
ways to encourage the uptake of interpreters for more minor offences, reiterating the principles of social justice and the rights of individuals to have an interpreter present.

The police officers in this study provided information on the various methods they use to decide whether an interpreter is needed, indicating a predefined methodology, such as asking simple and then more complex questions, may assist other officers in making this important decision. Improving guidance for police may increase the uptake of interpreter use and create efficiencies and consistency for police in making sometimes difficult decisions. A consistent approach will support officers, especially when they find it difficult to justify their decisions for interpreter use. Concerns over cost of interpreters was confirmed in the first study and reiterated in the the ALRC report in Australia (ALRC, 1992).

An encouraging overall finding for the first study was that police perceptions of interviewing with interpreters were generally positive, especially their support of processes for arranging and utilising interpreters. The two points of concern raised included the perceived length of interpreted interviews, which the second study confirmed as being considerably longer than interviews without interpreters, and perceived concerns regarding interpreter cost. Both of these factors may form as primary deterrents for police in choosing to use interpreters. Officers also reported the majority of their interviews with an interpreter were carried out via the telephone. The convenience of telephone interpreting, especially for regional and remote areas of Australia, as well as the likelihood of reducing costs, means this method of interpreting will likely continue and possibly increase. Further research on police use of interpreters via the telephone is necessary, especially since the surveyed police reported that interpreters gave them more confidence to conduct a thorough interview when the interpreter was present in the room rather than assisting them through the
telephone. It should also be noted that interpreting via telephone is reliant upon adequate resources being available for police stations and interpreter services. The requirement to record suspect interviews in Queensland, where practicable, also needs to take into consideration the ability to hear the interpreter.

Officers who participated in the survey also reported they had to change their preferred way of interviewing due to the presence of the interpreter. They were generally supportive that training had adequately prepared them for interviews with interpreters; however, results showed that this was more likely the case for constables than senior constables. So that perceptions could be matched with practice, it was necessary to evaluate real interviews in the operational environment.

Recognising current practice

The second study investigated the current practice of police use of interpreters by reviewing video recorded interviews of suspects. Unsurprisingly, it confirmed police perceptions in the first study that police interviews with interpreters were longer than non-interpreted interviews. Moreover, the second study revealed that the initial part of interpreted interviews, which included administrative elements and conveying the suspect’s rights, were almost three times longer than other interviews. This finding provides a window of opportunity for improvement to police use of interpreters. Research confirms particular difficulties with the translation and understanding of the police caution and the need to improve it (Eades, 2003; Nakane, 2007). Therefore, improvements to wording and providing assistance to interpreters, such as written translation, have the potential to streamline processes for police and to improve understanding for interviewees.
The second study also revealed that police interviews with interpreters were carried out with much the same skill level as those without interpreters. Of concern was that police used interpreters inconsistently during interviews, which indicated a need for improvement. The streamlining of interpreter processes during interviews could include establishing ground rules for interviews so the interviewee, interpreter and police present are aware of their roles and how the interview will be conducted, and encouraging the use of open questions when interpreters are present. Such changes could also result in more efficient use of police time and provide police with the opportunity to use the interpreter in an extended capacity. For example, police might encourage the interpreter to advise them of misunderstandings and provide extra assistance with the transfer of concepts relevant to a particular culture. Researchers such as Laster and Taylor (1994) have been advocating such appreciation of the interpreter for some time. In the absence of translations of the interpreted interviews, one can also only speculate on any errors occurring in the transfer of information. A more open and accountable interview platform may work to discourage such errors, especially if the police communicate the importance of the wording in questioning techniques and interpreters find close equivalents. Using the interpreter in an extended capacity may also provide the extra assistance needed for understanding during this aspect of the interview process.

The first and second studies of this thesis helped to establish police views of using interpreters as well as concerns of their use in the operational environment. A substantial amount of the responsibility for police use of interpreters, as well as capacity for change in this area, rests in the guidance provided by policing organisations to their officers. Consequently, the third study aimed to examine the
guidance given to officers, and assess the consistency of this guidance with police perceptions and actions.

**Informing best practice**

A critical theme became apparent when examining the findings of this thesis: research, policy and practice on interpreter use are often in conflict with one another. Improved use of interpreters by police will likely remain a difficult task without the understanding and cohesion of these different elements. The third study demonstrated that the wealth of information and somewhat conflicting guidelines available for police for interpreter use are not well integrated into the operational environment. Streamlining policy and legislation has the capacity to improve the consistency and efficiency of police use of interpreters.

Effective use of interpreters is essential to the success of the investigative interview, where evidence collection is paramount (Coulthard & Johnson, 2010), as is the ability to obtain that evidence as accurately and as fairly as possible (Haworth, 2013). Collecting evidence in an interview is a challenging process, more so when interviewing vulnerable people (Haworth, 2013). Policing organisations need to decide whether their guidelines view interpreters as information-transfer machines or in an extended capacity. The third study in this thesis revealed that, to some extent, police policy appears to still support the first view. This is consistent with originating views of interpreters in the court system, where restrictions were placed on interpreters in order to improve perceived accuracy (Laster & Taylor, 1994). Employing such a simplistic view of an interpreter’s role, combined with limited information on using interpreters in any extended capacity (such as allowing them to interject when necessary) may limit effective communication in practice.
The third study found that although practice guidelines do exist for police, some of which are quite detailed (Cambridgeshire Constabulary, 2013), there are often some critical missing elements, such as guidance when choosing to use an interpreter service. Guidelines could also be used to target concerns of police when using interpreters for interviews, such as the extra time needed and concerns over cost. Furthermore, such guidelines could encourage police to view the interpreter as a useful part of the investigative process, prepare for lengthier interviews, and consider dispensing with the notion of mechanistic interpreting. Collaboration between police and interpreter services may assist with ensuring interpreters are available for longer time periods, which would provide for consistency within cases. Authors such as Heydon and Lai (2013) similarly advocate such collaboration to achieve the best outcomes in investigative interviewing, since it facilitates a mutual understanding of the goals, strategies and wording of police interview techniques.

**Practical recommendations for the future: A case for a structured professional judgement model**

The adoption of a triangulation approach to this thesis has resulted in a clearer path for practical recommendations to improve police use of interpreters. Recommendations may not have been possible without approaching this issue from alternate perspectives. Moreover, building this analysis from the base layer of the police perceptive has been important, since it has largely been discounted in research on this topic. Police often need to make decisions about the immediate needs of people, which becomes complicated when these needs are not obvious and if time, resources and evidence are at stake. Some of the decisions police officers need to make are if a person can communicate effectively during a police interview, the
appropriate dialect and accreditation of the interpreter to use, and whether they will interview with an interpreter in the room or via the telephone. This research proposes that a document that connects policy, procedures and legislation into a simplified framework for police, and a platform to access further information, may assist understanding and application of guidelines for interpreter service use. Some international jurisdictions, such as the Cambridgeshire Constabulary, are attempting similar approaches, with their interactive interpreter video packages made available for government bodies using interpreters (Cambridgeshire Constabulary, 2013).

Further, documents such as the standard operating procedures of the Metropolitan Police Service (United Kingdom) provide detailed descriptions of instructions for police, as well as guidelines for appropriate behaviour of interpreters (Metropolitan Police Service, 2007b).

Police play a crucial role in identifying and responding to risk under the guidance of ethical decision making and legislation. Indeed, in the first study of this thesis, officers mentioned the need to follow legal requirements for the provision of interpreters. However, evidence in this thesis suggests that some people, such as witnesses and victims may be at further risk of not being provided with interpreters, which is supported by other literature that suggests that police may be hesitant to provide interpreters even though legislation instructs them to do so (ALRC, 1992).

Police decision making is a complex process that often centres on the decision to charge a person for a criminal offence or take other action in the hope of restoring order (Schulenberg, 2014). Police discretion plays an important part in decision making, notwithstanding the existence of legislation which makes taking action possible (Schulenberg, 2014) and providing an interpreter when needed. Indeed, even though a level of discretion is necessary for criminal justice officials, community
perception of whether police have the right amount of discretion varies (Cihan & Wells, 2011). In order to assist police decision making regarding interpreter use, importance needs to be placed on how to guide them to use interpreters and then use them effectively during the interview process.

Although police may be aware and responsive to evidence of risk, a structured evidence-based framework may ensure risk can be consistently identified. Various police jurisdictions in Australia and around the world are using or trialling risk assessment processes for various crime areas, including domestic and family violence, decisions to use force, child safety and ethical decision making (Kropp, 2008). Risk assessment tools in a policing context can be utilised in various ways: as frontline tools administered by police; as decision making models for training purposes; and as research tools to examine cases in police systems and statistical databases. As a frontline police tool, the validity of the tool and the ease and timeliness of administration are significant priorities (Hilton et al., 2004).

It is proposed that a structured professional judgement model for interpreter use would help to mitigate the risk of not using interpreters when needed by its ability to support police when making decisions on using interpreters. A structured professional approach to the assessment of risk generally comprises researched factors, but also involves the ability to collect case-specific qualitative information when making decisions (Braaf & Sneddon, 2007; Kropp, 2008). The approach carries some predictive reliability in fields such as domestic and family violence (Kropp, 2008). A set of predetermined risk factors is typically used to make an assessment, and weight is also placed on factors relevant to the case such as the type of violence experienced in an incident, or the support available for the victim. Using structured
professional judgment, professionals have some flexibility to design safety and intervention strategies relevant to the needs of the circumstance.

A structured approach for police use of interpreters could comprise an information tool that lays out a decision-making pathway for the assessment of people having difficulty communicating. Whether the tool was used as a guide for training purposes or as an operational assessment at each incident would be at the discretion of the police jurisdiction and these options could be tested for best practice. A structured method for interpreters would be a useful addition to police training, with the underlying premise being that officers have a reference point when making decisions regarding interpreter service use and the needs of vulnerable people. Therefore, guidance for interpreter service use should include a section with criteria relating to deciding when to use an interpreter. This section would involve a summary of requirements for needing an interpreter, including legislation and policy documentation in brief, and links to further information as appropriate. It would also contain information regarding the importance of using interpreters for interviews, including the accurate collection of information and risks of dismissing a person’s right to an interpreter. Making such a decision may require the input of a senior officer for approval, as may be the case, for example, in Queensland, when an officer decides to not take action at an incident of domestic and family violence (Queensland Police Service, 2014). Assistance for police when assessing a person’s language competence is required. For example, a police officer should look for any identifying information (such as an interpreter card, travel documents, or seek advice from the person as to their language origin via a map), or they should consider asking simpler then more complex questioning to ascertain the level of understanding needed for an interview.
To streamline and improve the interviewing-with-an-interpreter process, guidelines could include *guidance on using interpreters effectively during interviews*. This guidance would involve information on the importance of establishing the ground rules and introducing the roles of the person interviewed and the interpreter at the beginning of the interview. Guidance for police engaging with an interpreter prior to an interview is needed. This time could be used to encourage the interpreter to retain, to the best of their ability, the terminology used in questioning as well as to acknowledge when concepts are difficult to translate, or if there is evidence of misunderstanding, or evidence of cultural aspects that are influencing communication. Information is also needed that encourages officers to ascertain how communication will be managed during the interview and how pauses will be taken by the interpreter. Moreover, guidance is necessary on the importance of maintaining the integrity of the investigation process with an interpreter present.

*Government and interpreter service providers*

While government policy encouraging interpreters does exist, it may not alleviate deterrence in the workplace if issues such as costs and scepticism over the need for interpreters are present. Therefore, any new government policy on the use of interpreter services should include targeting aspects that deter police and other professionals from using them. Consideration should also be given to the delivery of legislation and policy that encourages the provision of interpreters for purposes other than if a person is being questioned for an offence (e.g. witnesses and victims). The simplification of the terminology used in legal proceedings, such as in the police caution, also deserves attention and is an argument that appears to be ongoing (see Gibbons, 2003).
It may be advantageous for governments to also consider and advocate for specialist interpreters services specific to police and emergency services to overcome such barriers that can deter use; for example, the availability of interpreters outside of normal business hours, the perceived costs of interpreters, and competence of interpreters specific to the field. Heydon and Lai (2013) suggest there is an absence of specialised police interview training for Australian interpreters and advocate collaborative training for police and interpreters.

**Theoretical implications**

The findings from this thesis have important theoretical implications to the disciplines of both psychology and criminology. To criminology, for example, how police use interpreters plays a significant role in how police treat and are perceived to treat diverse and vulnerable members of the community. According to principles of *procedural justice*, if a person believes in a fair and just police service, and that they will be treated fairly, they are more likely to cooperate with police, provide support to investigations and abide by rules of the authority (see Mazerolle, Antrobus, Bennett & Tyler 2013; Mazerolle, Bennett, Davis, Sergeant & Manning 2013). The current research is congruent with the underlying principles of procedural justice in that it proposes the competent and consistent use of interpreter’s may result in future positive interactions between the public. The use of interpreters also arguably shows that the police are choosing to act in a legitimate manner and are a legitimate entity which facilitates equal access to justice. As Tyler (2007) proposes, if people perceive an entity to act legitimately there is a perception it is deemed permissible for them to be supported or obeyed. In contrast, the inconsistent or poor use of interpreters fundamentally provides implications for access to justice and may discourage people
from interacting with the legal system, if in fact they don’t believe they will be heard, or treated fairly.

There is also potential division between the perceived legitimacy of the authority in question, and the perceived legitimacy of their laws or practice (Tyler, 2007; Murphy & Cherney 2011). Thus, while a police service may be seen as a legitimate entity in the community, their practice, particularly with people from vulnerable groups or diverse backgrounds, may isolate or cause disengagement with certain members of the community. Indeed Murphy and Cherney (2011) found that procedural justice was less effective for nurturing cooperation among ethnic minorities when compared to a majority group. Different factors are believed to affect ethnic minority group beliefs in procedural justice such as previous poor treatment from police in countries of origin and a lack of provision of interpreters could be a further contributing factor.

Along these lines, the findings from this thesis suggest that the act of providing an interpreter itself is not sufficient for access to justice, if indeed the quality and consistency of interviewing practice or factors such as the qualifications of the interpreter and the quality of the interpretation given come under question. A policy for provision of interpreters without the underlying support of consistent guidelines and training may contribute to false legitimacy; on the surface a person has access to justice, but underlying faults within the system degrade that legitimacy. Beyond the scope of the quality of the interpretation given, police continue to have concerns over initiating and using interpreters. Examining the use of interpreters from both the perspective of the community as well as the police would likely provide useful evidence for procedural justice theory development as well as policy development. For example, research on procedural justice principles can typically
focus on the public’s perceptions of the legitimacy of organisations, such as the police, however the police themselves may not see the link in the process. For example, if police don’t see the connection between interpreter use and building trust and cooperation within the community then the process becomes moot.

The influence of interpreters on the memory recall of interviews is largely unstudied, however the current research shows a number of factors that have implications for theory in this area. As discussed in Chapter 4, government entities are increasingly utilising video technology to conduct their business, including videolink interviewing people in remote and regional locations. Remote interviewing is both a cost and resource efficient practice but it has also been demonstrated empirically that shortening the delay time between incidents and interviews, for example with witnesses, may be beneficial for memory recall (e.g. see Nash et al. 2014). More theoretical development is required to better understand the implications of using videolink technology for interviews compared to face-to-face interviews.

For example, findings from the research revealed police reticence in using telephone interpreters as opposed to face-to-face, as they believed in their confidence to conduct a thorough interview when the interpreter was in the room (see Chapter 2). But we need to gain a better understanding of the impact of an interpreter on memory retention when the interpreter is in the room versus when the interpreter is available remotely. For example, the presence of an interpreter can result in changes in the tone and language of the wording of the interviewee or police officer (Mendoza et al. 2000), but how might this impact on how the information is recalled and reported? Memory recall may also be affected by the way in which the interview is carried out. For example, as was found in the study in Chapter 4, during interviews a mixture of persons first language and English may be a common practice and not discouraged.
The quality of the interpretation is also likely to suffer when friends, family or bilingual police officers, untrained as interpreters are used in the place of accredited service providers (Chan, 1995). Interpreted interviews have the added complexity of persons with various vulnerabilities and interpretation needs such as interviewees with learning difficulties as well as special requirements for sign language interpreters (Ozolins & Bridge, 1999). The findings of the current studies provide an important platform for evidence-based practice as currently policy, in Queensland, Australia, as well as other locations, relies on the guidelines facilitated by governments and heresy from police officers on the ground. As previously mentioned in this thesis, there is empirical support for efficacy of structured risk models for use by police such as is evident in the area of domestic violence (Kropp, 2008). Risk assessment models are also used in other areas such as use of force and ethical decision making. A structured empirically tested model to identify interpreter need as well as interpreter use during interviewees it yet to be tested. Such factors such as the impact of negative police perceptions could be taken into consideration within the model. While previous research that has had a major focus on linguistic underpinnings of testimony is important, new models could consider the quality of the interpretation in the wider context of the operational environment in which the interactions take place.

Limitations and directions for future research

A major strength of this thesis is its utilisation of three different methodologies aimed at understanding police use of interpreters. This has allowed for three different perspectives relating to the topic—perceptions, practice and policy—which has
uncovered critical elements and areas to be improved. In the following, limitations of the research will be identified as well as areas for future research.

The first study yielded a robust police sample of 413 responses and a 36.5 percent response rate. As responses were voluntary, it could be argued that a sampling bias existed, whereby police who did respond were likely to be those with the motivation to speak out for change or those who may have had particular difficulty with interpreters, which may cause skewed responses. However, many offered positive responses in regards to interpreter use, including positive responses when organising interpreters and that the interpreter services provided were adequate. Officers may have also been motivated to give appropriate or positive answers to questions when their own personal integrity came under question. Examples of this may include where officers believed a person may have misunderstood the questions, evident less so in the case of suspects. Further research may benefit from utilising open answer formats, allowing officers to respond more freely. For example, cost of interpreters was evident as a significant concern for officers in their unprompted qualitative responses; however, when asked to rate on a Likert scale, officers appeared generally undecided on the issue.

The second study reviewed video recorded footage of police interviews. The small sample size of 20 interviews with and 20 interviews without interpreters made it difficult to generalise across all suspect interviews and interviews with victims and witnesses. However, it is not uncommon to see reviews of interviews, especially those involving interpreters in small number samples (e.g Lai & Mulayim, 2013; Nakane, 2009). It was also difficult to control for certain variables, such as particulars of the crime and the people being interviewed. Nevertheless, the findings of general inconsistency of interpreter use as well as evidence of cases where inappropriate
people were used as interpreters provide an important platform for further investigation and reform. It would also have been beneficial to obtain English translations of the interpreters’ translations to ascertain further evidence of understanding and errors of communication. While interpreter research is highly concentrated on linguistic properties of testimony (e.g. Hale, 1999; Nakane, 2007), it was not the focus of this particular thesis. The inability to obtain data, particularly data involving interpreter-mediated interviews for police, also highlights an important limitation to research moving forward. Steps to improve data retention and access are suggested as key recommendations for police and other agencies to improve their processes.

The studies were based on one particular policing jurisdiction in Australia, the Queensland Police Service, and it is acknowledged other policing jurisdictions across Australia and throughout the world would be faced with their own unique set of challenges when interacting with diverse communities. In addition, this research was carried out by a researcher embedded within a policing organisation, which may have influenced the trajectory of the work. As described by Schulenberg (2014), researchers embedded in work with police “going native” are no doubt affected by the learnings within that organisation, and may adopt increasingly sympathetic and empathetic attitudes towards officers. Informed by the researcher’s knowledge and experiences gained from working within the organisation, this thesis also benefitted from the researcher’s ability to appreciate challenges that the police face in using interpreters in the operational environment and provide practical outputs for change. The thesis was also limited to the police approach to interpreters and did not take into account the perspective of lawyers and other justice professionals, interpreters and interviewees that would, no doubt, add to the depth of understanding on this topic.
There are also unique challenges for using interpreters in alternate environments, such as health care, which were not the focus of this research.

This thesis has provided an empirical platform for further research on the police perspective of using interpreter services. Further research is needed to test whether training and guideline development can influence police perceptions of using interpreters and whether perceptions of police are consistent across other policing jurisdiction and other countries. As suggested, improvement to police use of interpreter services may lie in developing and adopting a structured professional judgement approach. Research examining the efficacy of this approach in experimental and real world settings is needed to examine the predictive validity and usefulness of the model from both a police perspective as well as the perspective of the person interviewed. The investigation of the police use of interpreter services for the deaf and hard of hearing community is encouraged as is the use of language services for indigenous Australians. It was not in the capacity of this thesis to adequately cover unique challenges for these groups, including the lack of interpreters available for particular dialects, the particular needs of interpreters for specific languages and important considerations for police relevant to specific sub-populations.

**Conclusion**

Interpreter use by organisations, including police, is evolving and will continue to advance with the introduction of higher volumes of non-native-speaking people to various societies. Continuing reports and anecdotal evidence of the poor use of interpreters by police reveals it to be an ongoing issue and empirical evidence is needed to confirm these claims and lay a pathway in order to reform and mitigate this
deterrence. The findings here revealed that police in Queensland and other jurisdictions now have various documents available to encourage and inform the use of interpreter services. This thesis proposes that the key to improving police use of interpreter services lies in connecting and improving these documents with real practice considerations that can both encourage and improve interpreter use. With further research, such an objective has the capacity to create efficiencies for police as well as ensuring vulnerable people, particularly those needing interpreter services, have equal access the justice system where they reside.
Appendix A: Abstracts from papers presented in chapter 2, 3 & 4

Chapter 2: Perceptions and profiles of interviews with interpreters: a police survey

Policing organisations across the developed world increasingly need language interpreters to communicate with non-native speaking people. Little research has investigated police perceptions of using interpreter services, despite their growing need, documented concerns and lack of a widely accepted best practice. A survey of 413 police officers documented interpreted interviews in Australia and assessed police perceptions of those interviews. Interviews carried out by police included a higher number of suspect interviews and interviews via telephone interpreters. Cases more often involved sexual assault, assault and domestic violence. Indigenous people, victims and witnesses were identified as potentially vulnerable to not being provided interpreters. Police views on the use of interpreting services were generally positive; however, length of interviews, cost and inadequate training were identified as potential deterents. Implications for police are discussed, as are ways to reduce negative police perceptions, create informed guidelines and improve interpreting service use.

Keywords
Interpreter, translator, language, police, interviewing, investigation
Chapter 3: Police interviews with suspects: What happens when a language interpreter is added to the mix?

Police use of interpreters during interviews is critical to fairly obtaining reliable information where a suspect requires language services support, yet there is little empirical research on this topic. In this study, we compared skill elements in the PEACE interviewing model in video recorded suspect interviews with \(N=20\) and without interpreters \(N=20\) present. Interview skills were found to be generally consistent across groups. Interpreted interviews took much longer, especially at the start when the interview process and suspects rights were explained. Interpreters were used inconsistently by police and ground rules for communication through an interpreter were rarely established. Areas identified for improvement included simplifying or providing written translations of the police caution and streamlining processes to make the interviews more time efficient. Findings provide a platform for further research and reform of police processes for using interpreters.

**Keywords:** Police; interviews; interpreter; suspect; investigation; translator, investigative interviewing
Chapter 4: Police interviews with language interpreters: matching policy and practice and improving use.

Police need to engage interpreter services to communicate with people in their communities. This article provides an analysis of policy regarding use of language interpreters for interviewing by police in Queensland and the extent to which it is congruent with operational practice. Operational practice was identified through two studies which had examined police perceptions of using interpreters and police practice through the review of video recorded police interviews. Results show that although policy is in place for interpreter use, there are identifiable inconsistencies between perceptions, policy, practice, and what is considered best practice. Guidelines appear ill-equipped to cover concerns of officers that potentially deter use of interpreters and the lack of logical guidance, particularly for investigative interviewing practice, is likely contributing to poor or inefficient use.

Recommendations for improvement are provided to better marry police policy with operational practice and prevent deterrence. Future research is needed to provide an improved empirical evidence base for best practice and for future policy enhancement.
Appendix B: Example police survey

Welcome to the "Vulnerable People in the Justice System: Challenges for the Queensland Police Service” survey.

What is the purpose of this survey?

The purpose of this evaluation is to collect information regarding police officer experiences of vulnerable people in the justice system; in particular, interviews requiring interpreters. Where possible, the information will be used to enhance training and information for police officers and members of the public in their dealings with vulnerable people in legal settings. Therefore, we are seeking your honest feedback.

How will the information be used?

The information you choose to provide will be used for the information of the Queensland Police Service, and the PhD of Shellee Wakefield (Senior Policy Officer, Domestic and Family Violence Unit). The information you choose to provide will be stored in a manner consistent with the Information Privacy Act 2009.

Am I required to identify myself?

You are not required to identify yourself, therefore, your anonymity is assured. However, you are requested to provide demographic type information regarding your gender, rank, etc. Be assured, the information you choose to provide will be treated confidentially and you will remain anonymous; the information will not be linked or traceable to you as an individual. However, please be aware that under certain circumstances, legislation such as the Right to Information Act 2009 (Qld) and Judicial Review Act 1991 (Qld) may mean that guarantees of confidentiality and anonymity are difficult to maintain.

Are there other methods available for completing the evaluation?

Yes, please contact the researcher, Shellee Wakefield on telephone 3364 4240 and a hard copy of the
evaluation will be sent to you via post. Please return it via the QPS internal mail system to:

Shellee Wakefield  
Domestic and Family Violence Unit  
Policing Advancement Branch  
Operations Support Command  
200 Roma St, Brisbane, 4000.

Are there any risks associated with participation?  
If you choose to participate, you are reminded of our obligations under Section 7.2 of the Police Service Administration Act 1990 to report any alleged breaches of discipline or misconduct which may arise.

Where can I obtain further information?  
Should you require any additional information before participating in this evaluation, or at any other stage, please contact the researcher.

Do I have to participate?  
No, participation in this survey is voluntary and you may choose to withdraw at any time.

Who will be invited to participate in this evaluation?  
This survey will be sent to various police officers of all ranks in Queensland.

How long will the evaluation take to complete?  
The evaluation should only take about 15 minutes of your time to complete.

An Important Message about this Survey  
If you fail to provide an answer to some questions in this evaluation, you may not be able to progress. Should this occur, the following Microsoft Internet Explorer message will appear on your computer screen, "You have entered incomplete or invalid data. Please see specific messages below each question". Click OK and this will take you back to the evaluation survey screen.
Check each question and the question/s you failed to answer will have the following message in red text below the question, "Required Field". Provide an answer/s and continue the survey.

**Can I obtain a summary of the results in relation to this evaluation?**

Please contact the researcher for more information.

* I have read the information above and:

  - [ ] Agree to participate
  - [ ] Do not agree to participate

* What is your gender?

  - [ ] Female
  - [ ] Male

* Do you identify with any of the following groups?

  - [ ] Non-English speaking background
  - [ ] Person with a disability
  - [ ] Aboriginal and Torres Strait Islander people
  - [ ] None of the Above

* What is your current rank?

  - [ ] First Year Constable
  - [ ] Constable
  - [ ] Senior Constable
  - [ ] Sergeant
  - [ ] Senior Sergeant
Inspector

Superintendent and above

*Are you appointed to a Plain Clothes position?

☐ Yes

☐ No

☐ Acting in position

☐ Other [ ]

*Have you received a Detective's designation?

☐ Yes

☐ No

☐ Other [ ]

*What is your age in years?

[ ]

*How many years' experience have you had as a Queensland Police Officer?

[ ]

*Please indicate the current Region/Command in which you work?

☐ Central Region

☐ Metropolitan North Region

☐ Metropolitan South Region

☐ North Coast Region
Southern Region
South Eastern Region
Northern Region
Far Northern Region
State Crime Operations Command
Ethical Standards Command
Operations Support Command
Office of the Commissioner
Education and Training Command
Information and Communications Technology
Other

* Which of the following best describes your current duties?

General Duties
Traffic
Prosecutions
Criminal Investigations
Child Protection Investigation Unit (CPIU)
Watchhouse
OIC Station
Special Response Unit (e.g., PSRT, SERT, etc.)

Administration

Specialist (e.g., SOC, Dog Squad, Water Police, etc.)

Other: ________________

Please think back to your very last interview where the service of an interpreter was required.

* What was the approximate date the interview was conducted?

* The person interviewed was a:

Witness

Suspect

Victim

Informant

Other: ________________

* Please indicate on the below list the primary reason why the person needed the assistance of an interpreter:

Inability or limited ability to speak or understand the English language

Intellectual disability

Infirmitiy/health condition
Illiteracy or limited education which impaired the person's capacity to understand questions

Hearing Impaired

Other: 

* Was a support person required for the person other than the interpreter? (Note: if there was more than one please choose the primary or main support person).

No support person required

Parent or Guardian

Other family member

Friend of person interviewed

Female police officer (female presence needed)

Extra police officer required (assistance required)

Yes, support person was required but not provided

Other

Please use the space below to elaborate on the support person required for this person or if there was more than one support person needed.

* Please indicate the primary type of interpreter service utilised.

In person (interpreter participated in interview face to face)
Telephone (interpreting service was provided via the telephone)

Written (interpreter provided written translations)

Other

Please use the space below if you would like to elaborate on the interpreter services utilised (e.g. if you needed more than one type of service).

* If known, which language service provider was utilised?

- The Commonwealth’s Translating and Interpreting Service (TIS)
- The Queensland Interpreting and Translating Service (QITS)
- On-Call Interpreters and Translators Agency
- Bridge U & I Co
- Multilink Community Services Inc.
- Deaf Services Queensland
- Don’t Know
- Other

How did you know (or come to the decision) the person required an interpreter?
Please take a moment to think about this same interview and answer the following questions.

This section collects details about the "person" interviewed.

* What was the approximate age (in years) of the person interviewed?

* What was the gender of the person interviewed?

  - Female
  - Male

* To the best of your knowledge what was your perception of the person's racial background?

  - Aboriginal (e.g. Australian Aboriginal)
  - Torres Strait Islander
  - Aboriginal/Torres Strait Islander Combined
  - African/Negro (e.g. Africa, U.S, Caribbean, West Indies, Latin American, etc. but of African Negro racial appearance)
  - Caucasian (e.g. Northern or Eastern European descent (light/white skin))
  - European (e.g. Southern European descent or Mediterranean appearance)
  - Indian Subcontinent (e.g. Asian Indian, Pakistani, Bangladeshi, Sri Lankan, Tibetan)
  - Latin American (e.g. Latin American descent or Spanish appearance)
  - Mid East/Arab (e.g. Arabian (Iranian, Iraqi, Saudi, etc.), Turkish, Uzbek, Israeli (if Semitic in appearance), Armenian, Azerbaijani)
  - Oriental/Asian (e.g. Chinese, Japanese, Korean, Mongolian, Eskimo, Siberian, other Central Asian)
  - Other (e.g. American Indian, other not elsewhere classified)
Pacific Islander (e.g. Maori, Melanesian, Fijian, Polynesian, Hawaiian, Papua New Guinean)

SE Asian (e.g. Vietnamese, Cambodian, Indonesian, Philippine, Malaysian, Singaporean, Burmese)

Unknown

Other

* Which category best describes the most serious offence involved?

○ Homicide

○ Assault

○ Sexual Assault

○ Exploitation of Children

○ Kidnapping/Abduction

○ Offences Against Children – Other

○ Dangerous or Negligent Acts Endangering life (includes stalking)

○ Robbery

○ Blackmail

○ Unlawful Entry with Intent

○ Fraud/Deception & Related Offences

○ Motor Vehicle theft

○ Theft and Related Offences

○ Arson/Non Suspicious Fires
Which category best describes the outcome of the case for the primary suspect and primary offence?

- Charges substantiated
- Charges unsubstantiated
- Matter withdrawn
- Matter yet to appear before the court
Please take a moment to think about the way in which the interview was conducted and the people that were involved. For each of the following questions, please check the box beside the question that most closely represents your response.

1. I found with the presence of an interpreter it was difficult to concentrate on other aspects of the person such as non-verbal cues that would normally serve as indication of their deceptiveness
2. I believe that, in the time that the interpreter was talking, the person had more time to conjure answers, and so, to deceive the interviewer(s)
3. The presence of an interpreter made the interview difficult to conduct
4. I believe the interpreter may have sided with the person being interviewed because they were of the same or similar cultural background (i.e. Interpreter may have tried to help them or acted inappropriately)
5. The presence of an interpreter gave me more confidence to conduct a thorough interview
6. It would have been much easier to conduct the interview without the interpreter
7. I believe interviews with interpreters provide evidence that is less likely to hold up in court compared to interviews without an interpreter
8. I believe interpreters have a negative effect on police interviews
9. QPS training is adequate for police officers to be prepared for interviews with vulnerable persons
10. Training has adequately prepared me to deal with interviews with interpreters
11. More training from the QPS in dealing with interviews with interpreters is needed.
12. The QPS is provided with adequate interpreter services
13. I am comfortable during interviews involving non-English speaking people and interpreters

14. I worry about using interpreters because of the financial cost it might have on the QPS or my Districts budget

15. I generally try to keep interviews with interpreters as short as possible so as to not incur higher interpreter fees

16. I generally try to include a lot of information in the interviews with interpreters to decrease the likelihood of needing interpreter services again

17. The interview had taken longer on average than other interviews I have conducted of a similar nature due to the presence of an interpreter

18. The interpreter services provided were adequate

19. I had to change my preferred way of interviewing because of the interpreter

20. It was difficult to organise an interpreter

21. Even though the interpreter was present, I still believe the person may have misunderstood the questions being asked of them
### Appendix C: Example interview coding

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   |                  | African |
   |                  | Asian |
   |                  | Caucasian |
   |                  | Chinese |
   |                  | Indian |
   |                  | Indigenous |
   |                  | Iranian |
   |                  | Korean |
   |                  | Maori |
   |                  | PNG |
   |                  | Samoan |
| 16| Others Present   | 1
   |                  | None |
   |                  | Interpreter |
   |                  | Partner |
   |                  | Support person |
   |                  | Other |
| 17| Interpreter Language | 1
   |                  | Arabic |
   |                  | Burundi |
   |                  | Chinese |
   |                  | French |
   |                  | Korean |
   |                  | Mandarin |
   |                  | Persian |
   |                  | Punjabi |
   |                  | Samoan |
   |                  | Sign language |
   |                  | Vietnamese |
   |                  | Not Applicable |
| 18| Interpreter Qualifications | 1
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   |                  | Family |
   |                  | Friend |
   |                  | Unknown |
   |                  | Not applicable |
| 19| Interpreter Presence | 1
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|                  | Telephone |
|                  | Not Applicable |</p>
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Appendix E: Ethics

GRiffith University Human Research Ethics Committee

08-Sep-2011

Dear Ms Wakefield

I write further to the additional information provided in relation to the conditional approval granted to your application for ethical clearance for your project "Prior Review: Vulnerable people in the Justice system: Challenges for the Queensland Police Service (QPS)" (GU Ref No: PSY/85/11/HREC). This is to confirm receipt of the remaining required information, assurances or amendments to this protocol. Consequently, I reconfirm my earlier advice that you are authorised to immediately commence this research on this basis. The standard conditions of approval attached to our previous correspondence about this protocol continue to apply.

Regards

Gary Allen
Manager, Research Ethics
Office for Research
G39 room 3.55 Gold Coast Campus
Griffith University
ph: 3735 5585
fax: 5552 9058
email: g.allen@griffith.edu.au
December 2011

Ms Shellee Wakefield
Domestic and Family Violence Unit
Queensland Police Service
Police Headquarters
5 / 200 Roma Street
Brisbane QLD 4000

Dear Ms Wakefield

Re: EXTERNAL APPLICATION AMMENDMENT REQUEST – Vulnerable people in the justice system: Challenges for the Queensland Police Service (QPS)

I refer to your application received 15 November 2011 for permission to amend the methodology of your previously approved research. The application has been carefully considered by the QPS Research Committee and is approved subject to the following conditions:

a) you comply with the Conditions for Approval (attached);
b) you negotiate the terms of data access and storage in consultation with your QPS liaison officer; and
c) you carefully read, sign and return the Deed of Agreement (attached) to the QPS Research Committee.
Your liaison officer within the QPS is Inspector John Fox of the Cultural Advisory Unit (phone [redacted]), and you should make contact with him before proceeding.

Should you have queries about the research approval process, please contact Ms Emma Earl, Acting Manager, Review and Evaluation Unit on [redacted]. I wish you well in your research.

Yours sincerely

P L DOYLE APM

ASSISTANT COMMISSIONER

ETHICAL STANDARDS COMMAND
References


http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/qld/QDC/2012/354.html?stem=0&synonyms=0&query=title(R%20and%20D%20Bastos%20De%20Frietas%20);


