Interpreting in Interrogations and in Court: Experimental Insights for Best Practice

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Why these questions require research attention

- Most prevalent global languages: English (76.8%), Mandarin (1.6%), Arabic (1.3%), Cantonese (1.2%), Vietnamese (1.1%), and Spanish (0.5%)
  - Australia: 20% speak a language other than English at home; 3% non-English
- Increased human mobility across national boundaries
- Increased demand to enhance national security, ensure justice processes, avoid miscarriages of justice
- Distance, time and efficiency, globalisation of legal practice
- Impact of interpreting on:
  - Right to confront accusers, to be heard
  - Quality of evidence adduced
  - Credibility of speaker
- Technological advances, remote interpreting without established criteria on need for interpreter; selection of interpreter; performance of interpreter
- Risks to justice: bias, miscarriage of justice
- Little known about ways to manage risks and limitations to guide policy
Absence of transnational legal standards

Case example:

Five Japanese nationals arrested for heroin importation.

• Suspect interviews conducted with the same interpreter for all 5 defendants, used simultaneous mode.

• All defendants convicted, appealed due to interpreting inadequacies.

• Prosecution: “merely grammatical errors,” defendants still gave their version, no denial of right to defend themselves.

• Transcripts showed interpreter summarised, omitted information, asked her own Qs, made errors in translation.

UN High Commissioner for Human Rights disagreed:

  Poor interpreting “unfairly undermined their credibility;” interpreters must be “fully competent for the task”

• Convictions overturned (Katsuno, Masaharu et al. v. Australia, 2006)
Need for policy reform in the justice sector

Recent UK legal interpreting crisis

• Justice Select Committee criticised the Ministry of Justice for failing to understand the complexity of interpreting.

• “Flagrantly disregarded“ need for appropriate qualifications and criminal record checks.

• A near-monopoly of courtroom interpreting in England and Wales by one company Applied Language Solutions that paid “lip service" to many regulatory obligations in order to cut costs.

• Privatisation of legal interpreting services "shambolic.”

• MPs say it caused suspects to be remanded unnecessarily in custody and trials to collapse.

• Ministry of Justice reported over 2,600 trials adjourned 2011-2015 due to failures in interpreting service.
Contextual research challenges

Misconceptions about interpreting skill
  • Verbatim literal vs pragmatic equivalence (close in meaning)
  • Confuse bilingual and interpreting skills

Failure to separate bilingual from cultural competence
  • Lack of matching terms between languages - interpreting skill

Established default practice modes not evidence-based
  • Habituation vs EBP; consecutive mode not universal in law

Interpreting is a new academic discipline within Applied linguistics
  • Professionalisation, ethics codes, accreditation

Difficulty assessing errors and accuracy, identifying risks
  • Errors in cases hidden; little consensus on
Police interview practice: physical environment
Questioning strategies associated with cooperation and disclosures

**Cooperation**

- **Effective strategies = positive values; ineffective strategies = negative values.**

- **Disclosure, admissions**

**Effective strategies = positive values; ineffective strategies = negative values.**


[https://www.tandfonline.com/eprint/PiuJUUnhmi4w6tAGSnEv/full](https://www.tandfonline.com/eprint/PiuJUUnhmi4w6tAGSnEv/full)
Context for research on interpreting

Right to a competent interpreter in interviews and in court:

• European Parliament and Council of Europe mandate interpreters “fully competent for the task assigned” (ImPLI Project, *Improving police and legal interpreting: Final report*. 2012, Institut de Management et de Communication Interculturels)

• Vulnerable persons at critical junctures in the justice process.

Interpreter skills vary:

• Bilinguals have uneven language competencies.

• No training prerequisites for interpreter practice and accreditation.

Nascent codes of professional and ethical practice:

• Unobtrusive; neutral; no opinions, summaries, edits, side-bars.

• Emerging specialisation in legal interpreting (Lai & Mulayim 2014).

Little rigorous testing of remote interpreter performance
Research on interpreter competence

• Interviewers in the field rate interpreter use as ‘high risk’: inaccuracies, loss of rapport, loss of control (Goodman-Delahunty & Martschuk, 2018).

• Lexical choices by interpreters shifted perceived guilt of suspect

• More credible in consecutive mode; monolingual like simultaneous (Hale et al., 2017).

• Most research on interpreted interviews examines propositional content, not key tasks such as rapport, coordination of turn-taking.

• Small scale discourse analyses show interpreters may interfere with police interviewing techniques to various degrees (Lai and Mulayim 2014; Nakane 2014).

• Practitioners disagree about the best placement of the interpreter in an interview; behind or adjacent to the suspect (Goodman-Delahunty et al. 2013).

• No study compared performance of trained interpreters vs. untrained bilinguals who are often called to interpret in police interviews, i.e., in house agents.

• Whether interpreters reproduce rapport-building strategies by interviewers is largely unknown (Goodman-Delahunty & Howes, 2017).
Diverse literatures may inform the research

Cognitive load theory
Credibility assessment in legal proceedings – deception detection
Criminal procedure
Cross-cultural differences
Decision making
Discourse analysis
Group decision making
Heuristic-systematic processing
Human rights

Interpreting modes
Investigative interviewing
Legal cases, within and across jurisdictions
Language policy
Medical interpreting
Presence
Procedural fairness
Rapport in communications
Social persuasion
Research questions and independent variables

• Factors that facilitate or impair accurate legal interpreting
  • Mode: no uniformity re consecutive v simultaneous interpreting
  • Duration: Fatigue, 30 vs 90 minute practice standards by mode
  • Cognitive load assumptions by interpreting mode, language type
  • Culture and language type (English, Mandarin, Arabic, Spanish)
  • Interpreter presence: in-person, videolink, telephone

• Independent and interactive effects of interpreting accuracy and perceived credibility on outcomes of legal proceedings
  • Tests of mode on accuracy limited and contradictory
  • Consecutive more accurate in court, simultaneous out of court
  • Performance drop in both modes for leading questions

• Comparative analyses in a live simulated interviews or trials
  • Qualitative and quantitative methods
Interpreting in police interviews

• Motivating cooperation in high stakes interviews is a central professional challenge.

• Interaction Process Model (Moston et al., 1992)
  Dynamic, interviewer and interviewee

• Predictor variables:
  - Legalistic (information gathering, accusatory)
  - Physical comfort (comfortable, neutral, uncomfortable)
  - Cognitive use of evidence (none, deliberate use of evidence)
  - Social (degree of use of rapport, reciprocity, procedural fairness)
  - Coercion (noncoercive, psychological, physical, both)

• Rational persuasion vs social influence:
  - low vs high context cultures

• Expanding research on rapport development
Pilot study on sensitisation to rapport

Method
• Developed 2-page guide for interpreters on rapport in police interviews.
• Mixed experimental design tested the helpfulness of the information sheet:
  • Intervention Group \((n = 35)\) was randomly assigned to read the information sheet before responding to short vignettes about police interviewing foreign non-English speaking suspects about international crimes
  • Control Group \((n = 37)\) responded to the vignettes.

Results
• Rapport cues perceived by the intervention group exceeded those of controls.
• Groups performed equally well at identifying appropriate methods to convey rapport or avoid obstructing rapport.
• Used feedback from the intervention group on the helpfulness of the information sheet to improve the information sheet before trials with interpreters.
Interpreting risks within interviewer control

Aims of study

• Empirically assess interpreting accuracy:
  • propositional content
  • maintenance of rapport, verbal and nonverbal markers
  • document common interpreting errors or miscommunications
• Compare performance of trained interpreters vs untrained bilinguals
• Test effectiveness of rapport information guidance
• Test effective placement of interpreter in interview setting
• Develop best practices to manage interpreted interviews
Research design

2 x 2 x 2 mixed factorial design

• **Within participants:**
  Physical placement of interpreter in interview:
  - triangular position vs. behind the suspect

• **Between participants:**
  Professional training in interpreting
  - trained interpreters vs. untrained ad hoc bilinguals
  Advance information guide on rapport maintenance
  - provided to half the participants (present/absent)
Experimental materials

• Scripted suspect interview 25-30 mins, rated “very realistic”
• Adapted from a drug importation case:
  1kg methylamphetamine at suspect’s home
• Interview: 60 Q & A exchanges, 1650 words
• In-built interpreting challenges:
  propositional content
  legal terminology
  illocutionary force
  turn-taking management
  ethical conduct
  bias
  side-conversations
Verbal and nonverbal rapport markers

**Verbal markers** (7)
- Express solidarity, commonality
- Self-disclosures by interviewer
- Strategic use of interviewee first or last name
- Ease attempts to make the suspect comfortable
- Check interviewee understanding
- Acknowledge replies, active listening
- Direct approach (1st or 2nd person vs 3rd person)

**Nonverbal markers** (4)
- Pace
- Tone of voice
- Emotional variation
- Facial expression
## Examples of types of verbal rapport markers

<table>
<thead>
<tr>
<th>Category</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solidarity</td>
<td>‘We understand how it is in your country’</td>
</tr>
<tr>
<td>Ease attempts, colloquialisms</td>
<td>Assurances to make the suspect more comfortable, e.g., ‘trust me,’ ‘don’t worry’</td>
</tr>
<tr>
<td>Politeness</td>
<td>Please, thank you, indirectness, e.g., ‘Could you please tell me what they found’</td>
</tr>
<tr>
<td>Acknowledgement</td>
<td>‘Okay,’ ‘right,’ ‘that’s right.’</td>
</tr>
<tr>
<td>Suspect name</td>
<td>Carlos; Mr Lopez</td>
</tr>
<tr>
<td>1st and 2nd person</td>
<td>‘I would like to ask you’; ‘What do you say...’</td>
</tr>
<tr>
<td>Self-disclosure</td>
<td>‘I have a 6 year old son, too’</td>
</tr>
</tbody>
</table>
Procedures

• Recruited 100 English-Spanish interpreters in Sydney area
• Pre-experiment questionnaire: interpreter’s role; formal training, accreditation, experience
• Attended NSW Police facility/university, paid $100 for time
• Video-recorded, transcribed, nonverbals rated live
• Scored accuracy of verbal and nonverbal markers of rapport

Participant sample:

45% trained interpreters
55% untrained bilinguals

Professional actors role-played interviewer and suspect – blind to interpreter background
Trained interpreters more likely than bilinguals to perceive role as neutral and duty to report everything said (89 vs 57%).

An interpreter should reproduce ...

- Manner of speech
- Repetitions
- Obscenities
- Ambiguities
- Grammar errors

Alert re...

- Cultural adaptation
- Cultural differences
- Translation inequivalence

Results: Perceived role of interpreters

Percent ‘agree’ and ‘strongly agree’

- Trained interpreter
- Untrained bilingual
## Attributes of interpreting proficiency

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Mark out of 10</th>
<th>Weighted mark</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accuracy of propositional content</td>
<td>10</td>
<td>30</td>
</tr>
<tr>
<td>Accuracy of style</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>Maintain verbal rapport markers</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>Use correct interpreting protocols</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Legal discourse and terminology</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Management and coordination skills</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Bilingual competence</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total mark</strong></td>
<td><strong>70</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>
Interpreting performance of trained vs untrained interpreters: Mean marks out of 10
Attributes of interpreting proficiency by untrained bilinguals, TAFE and university-trained interpreters
Mean maintenance of verbal rapport by group
## Examples of failure to maintain rapport markers

<table>
<thead>
<tr>
<th>Marker</th>
<th>Error</th>
</tr>
</thead>
<tbody>
<tr>
<td>Change of “footing”</td>
<td>Interpreter aligns with interviewer, changes ‘I’ to ‘We’</td>
</tr>
<tr>
<td>Indirect, change of grammatical person</td>
<td>‘I would like to ask you’ to ‘He would like to ask you’</td>
</tr>
<tr>
<td></td>
<td>‘What do you say…’ to ‘He wants to know what you say…’</td>
</tr>
<tr>
<td>Side conversation</td>
<td>Interpreter has a conversation without interpreting to the other party; excluding ruptures rapport</td>
</tr>
<tr>
<td>Omission</td>
<td>Interviewer: ‘Can you please ask him what they found?’</td>
</tr>
<tr>
<td></td>
<td>Interpreter omits preface ‘What did they find?’</td>
</tr>
</tbody>
</table>
Results: Verbal rapport markers

Overall:

71% of the verbal rapport markers maintained; 29% omitted

Effect formal training in interpreting:

Trained interpreters significantly more likely to maintain verbal rapport markers $M = .85$ ($SD = .16$) than untrained bilinguals $M = .60$ ($SD = .16$); $F(1, 90) = 59.10$, $p < .001$
Accuracy of nonverbal rapport maintenance

![Bar chart showing mean nonverbal rapport maintenance for different nonverbal cues such as pace, tone of voice, emotional variation, and facial expression. The chart compares trained vs. non-trained interpreters.]
Results: Nonverbal rapport markers

Trained interpreters significantly more accurate than untrained bilinguals at maintaining:

- Pace \( (d = 1.48, p = .001) \)
- Variation in tone of voice \( (d = 1.54, p = .001) \)
- Vocal emotion \( (d = 1.18, p = .001) \)
- Mimic facial expressions \( (d = 0.87, p = .022) \)

Cohen (1988) \( d = .22 \) is interpreted as a “small”, \( d = .51 \) as a “medium”, and \( d = .83 \) as a “large” effect size. Effect size \( d \) indicates by how many standard deviations two groups differ from each other.
Errors by untrained bilinguals

50% of attempts to build rapport omitted

• Indirect rather than direct style
• First person to second person (‘I/we’ vs ‘you’)
• Alignment with a party, police or suspect
• Respond personally to suspect, alienating the interviewer from the interviewee
• Omit acknowledgments
• Omit ease attempts, empathy
Summary of interpreting by training level:

**Ad hoc interpreters and untrained bilinguals:**
- Less aware of verbal and nonverbal rapport markers
- Maintained about half of the rapport markers
- Used inappropriate colloquial and powerless speech styles
- Failed to explain their role or establish ground rules that all statements would be interpreted
- Use of first and second person
- Breached ethical guidelines on impartiality
- Did not interpret all utterances
- Less confident

**Trained interpreters:**
- Sensitive to rapport, maintained 4 out of 5 rapport markers
The rapport intervention increased verbal rapport and correct protocol use among bilinguals, had no effect on trained interpreters. Trained interpreters outperformed bilinguals on rapport maintenance irrespective of presence of rapport guide.
Overall summary

**Formally trained interpreters:**
- more likely to perceive their role as neutral
- outperformed bilinguals on all measures of accuracy

**Understanding of the role** accounted for 37% of observed differences in proficiency.

**Training predicted:**
- fewer errors and omissions ($d = -1.98$)
- better maintenance of verbal rapport ($d = 1.56$),
- better nonverbal communication on all four measures:
- maintenance of 4 out of 5 rapport strategies (80%)

**Interpreter placement** of less concern than formal training and familiarity with legal interpreting
Sources of conflicting findings on interpreter use

• Tasks lack realism, or speech sample is too brief
• Training and proficiency of interpreters not considered (Hale et al, 2018)
• Context, e.g., medical vs legal: interpreters for asylees questioned about prior convictions used “robo” for juvenile shoplifting, armed robbery, grand larceny, but not all crimes were grounds for exclusion
• Unimodal, or mode and presence confound (Hornberger et al 1996, FTF consecutive vs remote simultaneous, fewer additions in remote)
• Multidimensional features of interpreting task not assessed:
  - propositional content
  - manner of delivery
  - legal terminology
  - protocol and management
Practical questions from the field?

• In US, UK and Australia, the default interpreting mode in legal settings is consecutive; simultaneous is reserved for conferences, often from a remote booth. Many European legal proceedings use simultaneous mode.  
  Which mode is optimal for investigative interviews?

• Remote interpreting is popular, convenient, less costly. How acceptable is telephonic interpreting, especially for rapport-based interview strategies? What are the risks?
  Is phone and video interpreting as reliable as in-person interpreting?

• Often interviewers are from low-context cultures, suspects and interpreters from high-context cultures.  
  Beyond language competence, what types of cultural factors affect interpreting performance?
Advancing best practice in interpreted interviews

Methods and samples
• Interviews, surveys, experimental simulations with fixed scripts
• Asia Pacific: multicultural, military and civilian policing
• Language pairs: English-Spanish, English-Mandarin, English-Arabic

Measures
• Accuracy, communication management, expressivity, relational skills
• Rapport transmission: verbal, para-verbal, non-verbal
• Interpreting training, experience, accreditation, specialties
• Cognitive load: eye-tracking: gaze, blink rates, pupillometry

Interpreting context
• Presence (face-to-face, videolink, phone); mode; placement
Research challenges: Arabic-speaking communities

Cross-cultural differences
• People speak the same language and live in the same country

Recruitment of Arabic-speaking actors, interpreters, coders, raters
• Australian interpreters use Modern Standard Arabic or dialect
• 90% accredited in Lebanese or in Egyptian dialects
• MSA not a common lingua franca, legal documents are in MSA
• In our study 86% used dialects, as in Arab countries.
• When suspect and interpreter dialects differ, miss cultural cues

Coding agreement
• Arabic dialect variations, retaining Arabic-speaking coders
Types of interpreting pragmatic failures

Two types of failures: pragmalinguistic and sociopragmatic

• Misunderstand differences between languages in **pragmatic intent expression**. Apply intent from L1 to L2, producing a mismatch.

• Misunderstand differences in appropriate **cultural behaviours in different settings**, e.g., verbal taboo, significance of direct gaze, or silence. Errors regarding cooperativeness or politeness. Literal focus on responses, not linguistic-contexts which give them meaning.

Opposing views by interpreters on "cultural broker" role:

• Faithful mechanical conduit only of WHAT is stated

• Duty to be neutral, avoid partisanship, advice or guidance

• Censor and adapt as advocates and gatekeepers - untrained ad hoc
Endo-group vs exo-group interpreters

Endo group:
• Mainstream community native (English) speaker, studied target language, do not share its culture, do not belong to its culture, speak standardised dialect.
• Culture gap: understand what is said, not what is meant.
• Risk of miscommunication, serious interpreting errors: party thinks they have understood, but have not; only interpreter may know.

Exogroup:
• Migrant/migrant family in community where interpret for detainees from their native language and culture. Cultural competence.
• Risk of cultural brokerage: if speaker uses euphemisms or indirect speech, may over-interpret, or replace with face-saving terminology.

Taboo:
• In certain Arabic cultures, in conversation STDs are referred to as “a cold” to avoid stigma

• “Tell him he’s an idiot” vs “He won’t accept your offer”

Gratuitous concurrence: non-comprehending “yes” taken as compliance to waive right to silence
Interpreting profanity by interpreter presence

Maintenance of profanity
(N = 98)

“Don’t I have the bloody right to visit other countries?”

“I was thinking of getting rid of my f***ing Facebook account. It’s nothing but a nuisance, and now this confirms it!”
Differences in cultural values?

• Individualism-collectivism
• Cooperative-competitive (nurturing-achieving)
• Direct-indirect communication (Low-high context)
• Time orientation (short-long-term)
• Expressiveness (neutral/non-emotional - share emotions)
• Focus (monochronic, linear - polychronic, nonlinear)
• Universalism (rules apply to all) - particularism (unique relationships)
• Low - high uncertainty avoidance
• Low - high power distance
• Doing (meeting goals) - being (quality of life)
Verbal and nonverbal expressivity: presence and language

**Maintenance of verbal pragmatic force** \((N = 103)\)

**Maintenance of non-verbal and paraverbal behaviour**
Duration of interpreting by mode and presence

- **Length**: 22-44 min
- **Spanish > Mandarin**
- **Spanish > Arabic**

Independent of interpreter training or experience

**Monolingual**: Parts 1 and 2 combined: 16 min

**Simultaneous**: Part 1: 12 min; Part 2: 14-26 min (26 – 38 mins combined)

**Consecutive**: Part 1: 16 min; Part 2: 17-33 min (33 – 49 min combined)

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![Graph](image)
Best practice: interpreting face-to-face

Remote interpreting magnifies linguistic and cultural problems
  • terminological issues, culture-bound references
  • problems with regional accents, culture-specific behaviour
  • can’t appraise attitudes and emotions that affect meaning
  • interpreters say more (use more words) but convey less (info units)
    to compensate for lack of visual cues, takes longer for less

Remoteness increases interpreter cognitive load
  • Cognitive load is higher for aural tasks (hesitations, repairs, omissions)
  • Environmental load is reduced by visibility of speakers
  • Cognitive load on interpreters is cumulative
**Eye-tracking method**

**Unobtrusive**, screen-based eye tracker at the bottom of the screen:
- Tobii Pro X2-60 with a sampling rate of 60 Hz (±0.1);
- Degree of accuracy at 0.4°;
- Freedom of head movement to allow for authentic interpreting process.

**Data processing:**
- Use of Tobii I-VT filter to identify established eye movements for:
  - Visual attention in scene perception and language processing (*fixation count, fixation duration, shifts of attention, scan paths*);
  - Cognitive load (*pupillometry*).
- Combination of internal and external quality checks for data quality with attrition rate within normal range (12%).

**Data analysis:**
- Analysis of variance (ANOVAs) for individual measures with mixed-effects modelling on completed dataset.
Best practice: simultaneous vs consecutive mode?

**Interpreter cognitive load by interpreting mode**

*(N = 28 interpreters).*

**Gaze time by interpreting mode**

*(N = 28 interpreters).*
Eye-tracking results

Across all languages:

• Participants spent significantly more time ($d = .53$) on their notes (mean = 61%) than on the interviewer (25%) and interviewee (14%);
• Participants allocated significantly more on-screen visual attention ($d = .49$) to the interviewer (68%) than the interviewee (32%);
• Accumulative cognitive load identified against individual baselines of pupil diameter, i.e., load kept increasing until end of experiment.
• Consecutive interpreting mode resulted in significantly more cognitive load ($d = .39$) than simultaneous interpreting;
• Visual attention was typically allocated away from the speaker when cognitive load was higher.
Visual attention by interpreting mode

(a) Consecutive mode

(b) Simultaneous mode
Pearson’s $r$ correlation coefficients for eye tracking measures and interpreting performance

<table>
<thead>
<tr>
<th></th>
<th>Gaze time</th>
<th>Fixation count</th>
<th>Fixation duration</th>
<th>Shifts of visual attention</th>
<th>Accuracy</th>
<th>Rapport</th>
<th>Management</th>
</tr>
</thead>
<tbody>
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<td>Gaze time</td>
<td></td>
<td>-.414**</td>
<td>-.793**</td>
<td>-.840**</td>
<td>.282*</td>
<td>.246*</td>
<td>-.252*</td>
</tr>
<tr>
<td>Fixation count</td>
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<td>.399**</td>
<td>.254*</td>
<td>.206*</td>
<td>.323*</td>
</tr>
<tr>
<td>Fixation duration</td>
<td>-.793**</td>
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<td></td>
<td>.865**</td>
<td>.231*</td>
<td>.212*</td>
<td>.291*</td>
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<td>Shifts of visual attention</td>
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<td>.865**</td>
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<td>.264*</td>
<td>.289*</td>
<td>.381*</td>
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<tr>
<td>Accuracy</td>
<td>.282*</td>
<td>.254*</td>
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<td>.381*</td>
<td>.770*</td>
<td>.492*</td>
<td></td>
</tr>
</tbody>
</table>
Visual gaze and interpreting proficiency

• Each of the eye tracking measures correlated with each measure of interpreting performance:

• Accuracy had the strongest correlation with gaze time \( (r = .282) \), and both rapport \( (r = .289) \) and management \( (r = .381) \) with shifts of attention

• The longer interpreters fixated gaze on the speakers (as opposed to looking away from speakers to take notes or use notes) the more accurate they were.

• The more they shifted visual attention between speakers (as opposed to looking away from speakers to make notes or use notes), the better the rapport and interaction management scores.
Simultaneous and consecutive interpreting
Accuracy in simultaneous vs consecutive mode

Mixed between-within participants ANOVA with interpreting mode as a within-participant variable and language as a between-participant variable

• Main effect for interpreting mode ($F(1, 67) = 7.03, \ p = .010, \ \eta^2_p = .10, \ \text{Wilks’ Lambda} = .905$), showing more accurate interpreting in simultaneous mode ($M = 69.15, \ SD = 10.71, \ 95\% \ \text{Confidence Interval, CI} \ [66.44, 71.87]$) than consecutive mode ($M = 67.03, \ SD = 11.08, \ 95\% \ \text{CI} \ [64.21, 69.86]$).

• This effect held across three languages ($p > 0.10$) for the overall accuracy scores out of 100.
Credibility: context overrides content

The diagram shows the comparison of guilty verdicts and perceived credibility between monolingual and interpreting modes (simultaneous and consecutive) for Mandarin and Spanish. The guilty verdicts are represented on the left y-axis, with values ranging from 0 to 100, while the perceived credibility is shown on the right y-axis, ranging from 1 to 7. The data points indicate a higher perceived credibility for Mandarin compared to Spanish across all modes, with a notable difference in guilty verdicts between monolingual and interpreting modes.
Best practice implications

• To avoid the risk of error and miscommunication, and to safeguard the communication rights of those who come in contact with the law and do not share the same language, police interviewers and practitioners are advised to secure the services of trained and accredited interpreters, preferably at a university-level with specialized legal interpreting training.

• The higher the level of training, the better the interpreter performance.

• Proficient interpreters require far more than bilingual competence. Exercise caution about using untrained bilinguals to interpret in investigative interviews.

Implications for practice, cont.

• Few language differences - main effects centred on paraverbal maintenance of emotional variation, speech pace and vulgar language maintenance. Associated with presence (more in person), and for Mandarin interpreters, with mode.

• A brief rapport information guide is useful to sensitize interpreters who are unfamiliar with rapport-building strategies to attend to these markers in verbal and nonverbal communication.

• Give interpreters guidance on interview techniques, e.g., rapport-building, cognitive interview
Implications for practice, cont.

Culturally competent interpreting

• Bicultural interpreters who are exogroup members are best equipped.
• Familiarity with interpreters’ Code of Ethics
• Give interpreters clear directions on:
  expressivity maintenance, verbal and nonverbal
  profanity
  taboo topics
  dialect differences
• Discuss how to address cultural gaps and misunderstandings
Implications for practice, cont.

Optimal interpreting is simultaneous in-person/videolink:
• Gaze is associated with greater **accuracy**
• Visual shifts between speakers are associated with better **rapport maintenance**
• **Rapport and expressivity** are optimised face-to-face
• Interpreter placement should **maximise visual attention** to the speakers.
  • Avoid placement next to interviewer or behind suspect.
  • Triangular placement with clear sightlines to both speakers is best.
• Allow interpreters **frequent breaks**, every 20 mins
Future research paradigms and approaches

**Transdisciplinary**: share solutions, not just problems

**Multidisciplinary**: interpreting, forensic linguistics, law, experimental legal psychology

**Yoked designs**: inter-related studies are cost effective

**Live simulation** in real time with professional interpreters, mock-jurors

**Mixed qualitative and quantitative empirical methods:**

- Randomized controlled experiments with pre-test-posttest measures
- Inter-rater and intra-rater reliability: Panel of experienced interpreting assessors comment on the rubric and double mark 20% of the interpreted testimony (Krippendorff’s alpha for natural language).
- Error analysis (inaccuracy of propositional content, style, question type, register, legal terminology and legal discourse strategies)
- Competency-based assessment rubric used in interpreting courses.
- Discourse analysis of accuracy in interpreting
- Multi-level analyses of juror and jury decisions; sense-making by jury groups to reach a collective verdict, abductive reasoning
- Text-mining of natural language data with Leximancer, Tiny Textminer
Future policy and reform guidance

Evidence-based guidelines on best practice:

• Modes of interpreting, pitfalls of consecutive vs simultaneous
• Ground-rules for in-person vs remote interpreting
• Ground-rules for video displays in legal proceedings
• Policies on accreditation of interpreters for legal proceedings
• Screening tests on need for interpreters in interviews and in court
• Standards for court and interview interpreter selection and use
• Protocols for interpreting in legal proceedings, procedural fairness
• Rapport maintenance training for interpreters
References


