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A need for building an ethical and trusting partnership between police officers and interpreters: Findings from South Korea

Jieun Lee
Ewha Womans University, Republic of Korea
jieun.lee@ewha.ac.kr

Jiun Huh
Ewha Womans University, Republic of Korea
huhjiun@ewha.ac.kr

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Abstract: Interpreting services are essential in policing in a multicultural society. The Korean National Police Agency employs over 3000 interpreters. However, there is no system for quality assurance in police interpreting, and anecdotal evidence indicates problems that may undermine procedural fairness in a globalized society. With the aim of understanding the current practice of police interpreting and ways to improve it for better partnership between police officers and police interpreters, this article examines the perspectives of experienced police officers and interpreters on the issues of professional ethics of interpreters and the challenges they face working with each other, and on the prospects for professional training and certification of police interpreters. A study based on semi-structured interviews with 21 police officers and 19 interpreters reveals ample room for improvement in engaging interpreters in police interviews and calls for enhanced understanding of professional norms and interpreter roles, as well as the complexities involved in conducting interpreter-mediated police interviews. Strong support for certification and professional training of police interpreters indicates that these are considered a pathway toward improvement of service quality.

Keywords: Police interpreting; police officers; interpreters; ethics; role; training

1. Introduction

Police interpreting primarily occurs in, but is not necessarily limited to, police interviews. In interviewing speakers with limited language-proficiency, interpreters serve as crucial linguistic go-betweens. Due to the upsurge of global mobility and migration, law enforcement officers often come into contact with people from diverse linguistic and cultural backgrounds; thus, interpreting has become a vital part of law enforcement activities in a multicultural society (Goodman-Delahunty & Martschuk, 2016).

This paper examines the working relationship between police officers and interpreters in South Korea and the issues involved in constructing a partnership between the two based on professional ethics as informed by interpreting theory and practice.

Given the increase in the number of the crimes committed by non-Korean nationals over the years (according to Korean National Police Agency, this number increased from 22,914 in 2012 to 41,044 in 2016[1]), the provision and

[1] In contrast, as of 2018 there were 3080 interpreters registered with the South Korean police.

quality of interpreting services has become a crucial mechanism for protecting due process in criminal investigations. However, under the current recruitment process used by police, interpreters are not subject to a proper screening or skills assessment process. This is a reflection of community interpreting practices in South Korea, where the majority of police interpreters used by the police are untrained non-professional interpreters, who occasionally work for the police and often do so without any contractual relationship being entered into between the two parties (Lee, 2014a). The police have access to a pool of interpreters who are available to undertake police interpreting assignments. The interpreters in this pool are contacted individually by investigating police officers who require the services of an interpreter. Notably, there is no coordination of interpreting services by local police organisations. Due to concerns about potential conflicts of interest and impartiality, police officers are not allowed to serve as interpreters during interviews. Consequently, the conflicts of interest that would arise if police interviewers or non-investigating police officers served as interpreters are largely avoided (Berk-Seligson, 2000, 2009). However, the engagement of untrained interpreters to provide this service gives rise to various quality issues related to the accuracy of the interpretations and the adherence of interpreters to professional ethical codes.

Accuracy, confidentiality and impartiality are the core principles in the professional code of ethics of interpreters (e.g., Australian Institute of Interpreters and Translators, 2012). Regardless of the setting, an interpreter's main role is to provide a faithful rendition of an original message. Additionally, in police interpreting, an interpreter must also serve as a competent and impartial communication link between both parties while respecting the primary relationship between a police officer and a suspect, victim or witness (Mulayim & Lai, 2017, p. 106). Thus, interpreters should not let their personal beliefs or ideologies affect their decisions about any interactions or renditions, which once again relates to the issue of impartiality. The assumption of an intermediary role by interpreters should be discouraged, not least because it interferes with the relationship between the interviewing police officer and the interviewee (Mulayim et al., 2015; Shepherd, 2007). Given the nature of police interpreting in interviews – which constitute the initial stage of criminal procedure – the importance of the ethical principles cannot be overemphasised. Thus, in addition to linguistic and interpreting competence, professional competence (i.e., knowledge and application of professional ethics and role) is an essential component of the interpreting competence required by legal interpreters (Hale, 2019, p. 58–59).

Interpreter training is crucial to the building of any such competence. Untrained interpreters often fail to preserve propositional content and tend to be oblivious to the pragmatic accuracy of original utterances, such as nuance, tone and the level of politeness communicated (Böser, 2013; Gallai, 2017; Hale et al., 2019; Krouglov, 1999; Liu & Hale, 2018; Lai & Mulayim, 2014; Nakane, 2014; Russell, 2002). Research has shown that the presence of interpreters in police interviews may alter the interactional dynamics of investigative interviews, including the rapport between interviewers and interviewees (Goodman-Delahunty & Howes, 2019; Goodman-Delahaunty & Martschuk, 2016; Houston et al., 2017; Nakane, 2014). Incompetent interpreters may diminish nonverbal communications with interviewees, slow the interview pace and result in a loss of control over the interview (Goodman-Delahunty & Martschuk, 2016). Further, such lapses in the quality of interpreting may compromise procedural fairness and thus may have negative consequences for criminal justice, lead to a loss of public trust, and have financial costs and psychological costs related to human rights breaches (Howes, 2018; Lee, 2018). These are the main reasons why the engagement of qualified interpreters is of vital importance in both the conduct of police interviews of limited language-proficient speakers, and the development of culturally competent policing

services in a multicultural society (Chui & Ip, 2005; Howes, 2019). Interpreter certification is another important element in ensuring the quality of interpreting services (Giambruno, 2014; Hlavac, 2013; Mikkelson, 2013). However, presently, there is no mandatory requirement that Korean police hire qualified and competent interpreters.[2]

This article is structured as follows: we first discuss the theoretical framework based on a brief review of the literature on interpreter ethics and role with respect to police interpreting. Secondly, we present the research methodology for the interview-based study. Thirdly, we present the results and discussion, with a focus on interpreters' and police officers' understanding of the interpreter role and ethics in police interviews, and the need for further training as a means of enhancing the current practice. We conclude that as things currently stand, departures from the norms of professional interpreting practice remain common – most obviously relating to impartiality, where there is an observable tendency to adopt a complicit role in the belief that it is appropriate to further the goals of the dominant authority. This in turn may feed a negative cycle of diminished professional respect for the interpreter profession. To address this problem, training must play an enhanced role to both increase interpreter adherence to professional ethics and improve police understanding of professional interpreting practice in interpreter-mediated interview settings.

2. Interpreter ethics and role in police interpreting

According to Benmaman (1997, p. 184), "the code of professional responsibility of the interpreter in any legal setting is the same," and the interpreter is required to maintain professional standards to enable the exchange of information without misrepresentation or interjection of personal biases. It is a premise of this paper that the primary role of the interpreter is to convey the original message faithfully as a neutral third party during police interviews. Although police interviews may be less formal than courtroom proceedings and may thus be considered as occupying a grey zone between community and legal (i.e. judicial) interpreting (Bancroft et al., 2013), they are nonetheless a criminal procedure which aims to gather evidence about matters under police investigation, and that evidence can be used to prosecute those involved in the crime. Because legal interpreting settings vary (e.g., police interrogation vis-à-vis lawyer-client conferences), interpreters need to be competent enough to exercise "sensitivity to varying situational needs" and work toward the goal of the communicative situation (Killman, 2020, p. 74).

In order to determine whether to intervene or not, interpreters take into account such factors as the nature of the interpreted event, the relationship between communicating parties, the goal of the communication, and the consequences of non-intervention (Mikkelson, 2008, p. 93-94). Interpreter mediation is a controversial topic in interpreting studies (e.g., Valero-Garcés & Martin, 2008). Some of the confusion about the role in the literature partly derives from a non-distinction between trained professional interpreters, and untrained interpreters engaged in diverse settings and contexts, from whom a professional norm is elicited (see Hale, 2008, p. 100-101 for other reasons for the role confusion). Intervention on the part of an interpreter or the exercise of discretion is sometimes necessary to avoid communication breakdown or to resolve misunderstanding, and these are appropriate strategies when they issue from the duty to interpret faithfully and accurately (Hale, 2014; Lee, 2009; Mikkelson, 2008). It is noteworthy however that expertise is needed for the

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[2] Presently, there is no legal interpreter certification requirement in South Korea; however, the Supreme Court of Korea recently conducted court interpreter tests to assess the skills of interpreters on a limited scale (Jeong et al., 2019; Lee et al., 2018).

interpreter to know how to navigate "the slippery slope" (Mikkelson, 2008, p. 93). Killman (2020) rightly calls for systematic training to address specific grey zones amidst the complexity of interpreting in various settings. Furthermore, we should not overlook the fact that "an ill-defined, confusing role or an absence of a clear, prescribed role can lead to negative consequences" (Hale, 2008, p. 101). Adoption of a uniform set of norms and standards that applies across areas of practice is a characteristic of professionalism in any occupation (Dam, 2017, p.237). But the scope for personal judgment cannot be too large because it would leave clients with uncertain expectations and eventually undermine their trust in the professional practitioner (Skaaden, 2019, p. 710). Interpreters therefore need to exercise discretion and judgment to make the appropriate decisions for each situation, in accordance with the general guidelines of the code of ethics (Hale, 2008, p. 101). Norms and standards, being general in nature, cannot be overly detailed (Skaaden, 2019, p.709), while a code of ethics for its part cannot be of much use without proper reflection and explanations of potentially very difficult concepts; accordingly, adequate training on that code – including elaboration on its meaning and implementation – is necessary to enable the interpreter to apply it to their practice (Hale, 2008, p. 100).

In legal settings, such as police interviews, it is important to engage trained interpreters who are capable of carrying out their professional duty in an ethical manner. In addition to lacking the requisite interpreting skills, untrained interpreters may also lack an understanding of the discourse and questioning strategies used by police, and the power asymmetry manifested by turn-taking and topic management (Hale, 2019, pp. 48–61; Mulayim et al., 2015, pp. 25–29). Police officers must also know how to properly conduct interpreter-mediated interviews in accordance with professional interpreter ethics and build effective partnerships with interpreters in communicating with limited language-proficient speakers. However, given the lack of professionalisation of police interpreting in South Korea, both interpreters and police officers often do not sufficiently understand the role of interpreters and how the professional norm of police interpreting should apply in interpreter-mediated police interviews (Lee, 2014a, 2015, 2018). Due to the lack of interpreter training, basic principles in police interpreter ethics, such as accuracy, impartiality and confidentiality, may not be well known by police interpreters.[3]

An earlier study based on a questionnaire-based survey of 38 interpreters indicated their lack of awareness as to their role in police interviews, with the majority of the interpreters believing that they were free to give explanations or advice, including eliciting confessions; only 18.7% identified impartiality as an important aspect in police interpreting (Lee, 2014a, p. 172–174). Another survey of 27 police officers revealed similar problems. They demonstrated limited awareness of the issue of conflict of interest in police interpreting and the role of the interpreter: 39.1% regarded interpreters as auxiliaries to law enforcement officers and 28.1% as either helpers or advocates for non-Korean speakers (Lee, 2015, p. 110–111). They also lacked understanding about the ethical principles of police interpreting, with only 29.5% considering accuracy and 34.4% nominating impartiality as important aspects in police interpreting (Lee, 2015, p. 111). Despite the limitations of the small sample sizes and their skewness in terms of limited first or second-hand interpreting experiences of the participants, the survey findings pointed to the need for interpreter training and served as a good starting point for further research in this area.

Drawing on a case of police interpreting, Lee (2018) demonstrated how an interpreter influenced the police interview process and its outcome, namely the police record of interview, and illuminated the negative implications of

[3] Some police officers ask interpreters to sign a form, indicating that they will comply with such ethical principles; however, this is not a standard practice.

engaging untrained interpreters for criminal justice by applying discourse analysis to the textual chains from interpreter-mediated witness statement to final court judgment. Neither the interpreters nor the police interviewers involved appeared to be aware of professional interpreting norms, and police officers did not know how to work with interpreters in a professional manner, often losing control over the interview.

In order to examine the status quo and identify areas for service improvement, it would be worthwhile to examine how acutely interpreters and the police officers working with them are aware of police interpreting norms (e.g., interpreter role and ethics issues), and to investigate their views on the need for training and certification of police interpreters. These issues are considered crucial to service quality improvement and the professionalization of interpreters.

3. The study

The present research aims to assess the current practice of police interpreting in South Korea, focusing on the perspectives of experienced police officers and interpreters regarding the issues and challenges they face in working with each other under the professional norms of police interpreting, and on their attitude toward the professional training and certification of police interpreters.

3.1 Methodology

In this study, semi-structured interviews were conducted with 21 police officers and 19 interpreters. Participants were recruited from across the nation through the regional police headquarters. Balanced regional representation was considered in the recruitment process.

All of the police participants were experienced police officers who had been conducting international crime investigations or working in the field of foreign affairs for several years. Their experience in cases involving non-Koreans and international crimes ranged from 3 years to 29 years of police service (with an average of 6.5 years). Of the 21 police officers, 19 were male and 2 were female. The interpreter participants had 3 to 18 years of experience in police interpreting (with an average of 8.2 years). Of the 19 interpreters, 2 were male and 17 were female. All but three of the interpreters were from migrant backgrounds. With the exception of two interpreters who held high school diplomas, all of the interpreters held bachelors' degrees. The working languages of the interpreter participants were Chinese, English, Russian, Uzbek, Kyrgyz, Indonesian, Thai, Mongol, Vietnamese and Japanese. Apart from one-off training sessions provided by the police, none of the interpreter participants had undergone professional interpreter training experience. Of the 19 interpreters, 14 stated that they had attended interpreter training sessions a few hours in length that had been offered by the police and 11 stated that they had completed training online.[4]

Face-to-face interviews were conducted from July to August 2018 in eleven cities across the nation. Some interviews were one-on-one, while others were in groups of two or three, depending on the availability and preference of interviewees. None of the police officers or interpreters were interviewed together in order to elicit honest and frank responses regarding their views and experiences. Each interview session lasted 1-1.5 hours and was audio-recorded with the permission of the participants. The audio recordings were transcribed

[4] Facing criticism about the quality of police interpreting, the National Police Agency has started to offer offline training programs for interpreters on an ad-hoc basis. Around 200 police interpreters in the Seoul metropolitan area received four to five hours training on police interpreting and criminal investigation in 2018 (Lee, 2019).

for analysis.

Interviewers asked a series of open-ended questions related to the topic of the current research and introduced additional questions or changed the order of the questions asked depending on the interviewees' responses. Since the participants wanted to receive interview questions beforehand for preparation at least on the key points, the information about the purpose of the interview and a list of questions (15 to 18 questions depending on the profession) were emailed or texted to them several days prior to the interview. However, some questions relating to their interpretation and application of the norms of police interpreting were not disclosed before the interview with a view to eliciting unprepared, natural responses. There were some common questions for both groups of the participants – including personal information such as sex, age, and career length, opinions about interpreter roles and ethics, and police interpreter certification and training – but the questions were asked in a manner that fitted the interviewee's profession. The questions specifically designed for police officers concerned their experiences working with interpreters, their perspectives on the challenges of engaging them, and the overall quality of police interpreting. For interpreters, there was a wide range of questions, including the perceived benefits and challenges of police interpreting, their perception about the role of police interpreters and the day-to-day practice of performing their roles, their needs and experiences with police interpreter training, and their views on the prospect of police interpreter certification.

The transcribed interview data were coded and analysed thematically. A detailed transcript review was undertaken. All of the answers were compared and grouped into categories based on an open-coding approach. Three overarching themes were evident in participants' accounts of their experiences: (1) a lack of trust; (2) ambivalence towards the ethical norms in police interpreting; and (3) interpreter training. The survey was largely designed to obtain qualitative data; however, where possible, the number of responses falling under each category was tallied to obtain quantitative data. The authors and two research assistants conducted multiple checks of the coding and analysis to ensure reliability.

This study aimed to gather in-depth perspectives of the practitioners involved in police interpreting by conducting interviews with police officers and interpreters. This paper focuses on the results in relation to the police participants' and interpreter participants' understandings of the key issues related to roles and ethics in interpreting and the areas in need of improvement.

3.2 Results

The interviews indicated that there was shared understanding of the key principles of police interpreting in the two groups. Both police officers and interpreters were generally aware of the importance of interpreters' adherence to professional ethics such as accuracy, impartiality, and confidentiality. However, the results revealed a sizeable gap among both groups of participants between their proclaimed principles and their reported actions, as well as the lack of trust in their working relations. It appears that both participant groups lacked thorough understanding of the professional ethics of police interpreting and made compromises to cope with the reality of police interviews. In what follows, we discuss police officers and interpreters' divergent perspectives on professional norms, such as accuracy, impartiality, and confidentiality, and conflicting attitudes toward them, and their consensus on possible solutions for better practice, namely professionalization through training and certification.

3.2.1 Uncertainty about interpreting accuracy

Police participants had low regard for the quality of police interpreting. A majority of police officers (72.2%) reported that they were not certain whether everything was interpreted accurately, while one third of them complained

about interpreters' ignorance of very basic legal terms. Not knowing the languages involved, they said they felt reassured when they obtained relevant answers to their questions. Those with foreign language skills found it particularly frustrating when they could tell that the quality of interpreting was disappointing. Here are excerpts from some responses:

> Sometimes I suspect that my message is tweaked. There are a lot of interpreters not well versed with legal terminology, and meaning distortion occurs when they convey the concept in their own wording. I also feel that the suspect's answer is interpreted inaccurately. (Police officer 11)

> There are some expressions that police officers use often, such as "denial" and "the right to remain silent." Interpreters do not always understand these expressions well. In addition, even if they learn these words or phrases from us, they do not know the corresponding legal terms in their languages. So the message cannot be delivered accurately . . . It's completely different from interviewing Koreans. It's very inconvenient. It's a huge burden that you have to rely 100% on interpreters. I speak Chinese, and I could see many cases where the Chinese interpreting was a complete mess. (Police officer 4)

Almost half of the police officers (44.4%) were wary of inaccurate interpreting caused by lack of professional detachment. For example,

> Interpreters tend to mix their personal feelings when they interpret for people from the same country. They don't interpret as it is. They make value judgments and also mix in their feelings. (Police officer 13)

All the police participants agreed that interviewing foreign suspects through interpreters was quite different from interviewing Koreans. They stated that because interpreters were not competent enough in many cases, police had to adjust their questioning styles, asking fewer questions or making sentences short and simple enough for interpreters to handle. As one officer notes:

> You can't investigate like when you do with Korean suspects. It takes more time [with foreigners] and you need to reduce the number of questions and speak short sentences. Otherwise, interpreters have a hard time. (Police officer 2)

Not only police officers but also interpreters expressed concern about the overall quality of police interpreting. Some police interpreters expressed concern about observed lack of competence in others, but apart from the challenges of interpreting complex matters or sight translating legal documents without preparation, not many interpreter participants spoke about any difficulties arising from insufficient interpreting competence. It may be due to the fact that they had had at least a few years of police interpreting at the time of the interview.

3.2.2 Situational factors impacting interpreting accuracy

Police officers' lack of understanding of the interpreting process and the challenges interpreters face in working with different languages was a source of frustration for interpreters because it could affect their performance. One of the most frequent complaints among the interpreters was the lack of support from the police. They were rarely given any information on the assignment in advance, on the grounds that investigation-related information was very sensitive. Some interpreters (31.6%), who were mindful of the quality of their interpreting service, expected the police to provide them with relevant materials or information to prepare for the interpreting assignment.

> In most cases, I get urgent calls. I'm usually not briefed on the case in advance. It would help if I was briefed, at least for complicated cases. (Interpreter 2)

In fact, lack of institutional support is often mentioned as a source of job-related stress by community interpreters in many jurisdictions (Hale, 2007, p. 157). Research also indicates that in order to facilitate the interpreting task and achieve interpreting accuracy, it is important to provide advance briefing to interpreters so that they can adequately prepare for the assignment and grasp the context of the interview (Goodman-Delahunty & Howes, 2019, pp. 107-108; Howes, 2018, p. 10; JCCD, 2017, p. 90). Unfortunately, doubts about interpreter commitment to confidentiality appear to prevent police officers from providing information to interpreters prior to interviews – something which will be discussed below.

Despite awareness of the ethical principle of interpreting accuracy, the actual practice discussed during the interview revealed occasional infringements of professional ethics in favour of convenience and efficiency in the investigative interviews. While all the participants agreed on the importance of accuracy in interpreting, the acceptable level of accuracy and completeness of interpretations varied among them. Among the police respondents, while a little less than half (44.4%) stressed the importance of completeness in interpreting, 11.1% were of the opinion that edited or summarized interpreting was acceptable for typing up police records of interviews, and 16.7% mentioned that comprehensibility was preferred over an accurate rendition because of the practical need for producing type-written statements and facilitating the interview process. Such ambivalence toward accuracy in interpreting sends mixed signals to interpreters.

> I would like interpreters to organize sentences so that it's easier for me to understand. I want to elicit as much information as possible from the interview within the little time we have. (Police officer 1)

If interpreters were made aware of the practical needs of typing up the records of interview, they may be tempted to cooperate with the interviewing police officers and be more inclined to avoid interpreting faithfully by either summarising or editing. About twenty percent of interpreter participants (21.1%) said that they sometimes edited information based on their judgment about the importance of the case, thus assuming the role of a gatekeeper. This unorthodoxy appears to derive from the belief that their gatekeeping would assist police work by sorting out unimportant matters and thus lightening police workload. However, the practice goes against the ethical principle which forbids adding or omitting information, and mixing personal opinion with interpreting; it also blatantly conflicts with interpreter impartiality and professional conduct. Nevertheless, some participants interpreted and applied the principles somewhat arbitrarily, believing that this might contribute to improved collaboration and a better outcome in police investigation.

3.2.3 Police scepticism about interpreter impartiality and confidentiality

As well as doubts regarding interpreting accuracy, a majority of police officer participants (72.2%) expressed scepticism about interpreter commitment to confidentiality and impartiality.

> Sometimes, interpreters speak on behalf of foreign suspects instead of staying neutral. Last time when the foreign suspect tried to speak, the interpreter stopped him and told him to speak only when necessary. (Police officer 6)

> I have seen interpreters interpret on behalf of suspects. Many interpreters who are good at both languages are actively involved in social groups or migrants' communities, and they often know the people involved in cases under investigation. I suspect that some of them are acting as middlemen in those communities. (Police officer 11)

Recounting from their experiences, they suspected that some interpreters

spoke for suspects from the same ethnic backgrounds, and reported having actually caught interpreters leaking investigation-related information. For this reason, a number of police officers said they were even more reluctant to brief interpreters at all, thus denying them information that otherwise might have helped them better prepare for the interpreting assignment.

> We recently removed one interpreter from our pool because she leaked sensitive information on social media. I called and confronted her about it, telling her she should know better than that because I had taught her about interpreter ethics. She said she thought that the information was useful for her community… We cannot sever ties with those interpreters even if we have suspicion about their lack of commitment to confidentiality. Some of them serve us as informants. (Police officer 4)

Surprisingly, although some police officers (23%) report that even if they are suspicious or aware of ethical problems, they cannot always take strict measures against interpreter breach of trust because interpreters in that particular language are in short supply in policing and may be needed in the future. According to a couple of police officers, some interpreters serve as informants because they have insider information about their language communities, and this also seems to stop police from taking stern measures against problematic interpreters. Although it may not be standard practice adopted nationwide, this practice of engaging the same people either as informants or interpreters does pose a question about interpreter impartiality.

Meanwhile, interpreters felt they were wrongly accused of siding with the suspects.

> This may be just my subjective feeling, but I felt that the police officer was thinking that interpreters were somewhat similar to the suspects they were interviewing. He seemed to suspect I might be doing something illegal behind his back. (Interpreter 9)

However, a number of interpreters (15.8%) were candid about advocating for people in need, either suspects or victims. An interpreter involved in advocacy for migrant workers as his full-time job said that he often played a dual role as an advocate and an interpreter while interpreting:

> Aside from the fact that I majored in language at school, the reason I became a police interpreter was mainly because I thought it would give me a good opportunity to serve society. I want to help so that foreigners are not treated unfairly just because they are foreigners. Last time, I even tipped off a media outlet about the police officer because he was negligent in his duty. (Interpreter 6)

Under the current circumstances, where the majority of police interpreters are non-professional interpreters, the question of whether, when and how to blow the whistle may be unfamiliar for most of them, but it is a complex moral and ethical concern for interpreters in community interpreting settings and deserves further investigation (see Phelan 2020, pp. 132-137).

3.2.4 Double standards on professional ethics of impartiality and confidentiality

Police officers underlined the importance of impartiality in police interpreting, but there was an apparent laxity by police about this ethical principle when seeking advice from interpreters during interviews. While criticising interpreters' taking sides with suspects, police participants seemed to be more tolerant toward interpreters taking the police's side and offering opinions or cultural advice.

> One of my colleagues tries to tell whether suspects are lying or not just by

> watching their conversation with interpreters and often asks the interpreters whether the suspects are lying or not because they speak the same language and are in a better position to tell than we are. (Police officer 17)

As the only bilingual involved in police interviews, the police interpreter often bears the burden of explaining differences in the legal systems to both police officers and suspects – sometimes even informing the latter of their Miranda rights. However, seeking advice from interpreters warrants caution as any advice they give could be personal, inaccurate, or biased.

In fact, while all the police officers interviewed emphasised that they tried to discourage interpreters from being too aggressive or involved in the interrogation, a third of them admitted that they would condone such interpreter behaviour if they thought it might help their investigation. In other words, they were likely to be somewhat willing to condone interpreters' deviations from the norm when it was deemed to favour police interest.

> Some interpreters speak harshly as if they were interrogators. We tell them not to interrogate the suspects. Sometimes, the interview process is facilitated through such aggressive attitude. But we keep saying to the interpreters, "Don't cross the line. Just interpret, and don't be misunderstood as a police officer." (Police officer 11)

> There are some interpreters who behave like police interviewers when they interpret. One interpreter tipped me off about a suspect who was lying. Interpreters should not behave this way. But I don't interrupt them because it actually helps my work. (Police officer 17)

Some interpreters (26.3%) actually believed that eliciting confessions on behalf of police officers benefited both police and suspects. Here are some of their responses:

> Interpreters say things [to the suspects] that police investigators dare not say… Police only ask questions directly related to the case, and the suspect doesn't confess, believing that he will be released after a week. I read their minds and tell them what will happen to them if they do not cooperate. With these few comments, things begin to move smoothly. Then the police officer thanks me for a good job. (Interpreter 9)

> For cases involving foreigners, interpreters should step in and act like a lawyer, spokesperson, or police interviewer. Otherwise, the interview will go on and on. Of course, I do understand that there are limits as to what interpreters can do as they are not police officers. (Interpreter 6)

As mentioned above, some interpreters occasionally assumed an advocate's role based on their own judgment. While acknowledging that they should stay neutral, about a quarter of interpreters (26.3%) tried to build rapport with interviewees to the point of losing the impartiality expected from interpreters. According to the interpreters, foreign suspects may refuse to open up if they think interpreters are on the side of or affiliated with the police, and so they try to present themselves as helpers for the suspects to facilitate the interview. Here are some of their comments.

> I try to calm down suspects and tell them that I really want to help them. I tell them that if they lie, they might be at a disadvantage and that I cannot help them. I try to understand them and make them feel comfortable. Then they begin to open up and speak the truth. (Interpreter 6)

> I think interpreters should speak for both the police and the suspects. Interpreters do not just deliver words. I try to understand what both sides need as I interpret. Suspects may be in constant denial. But eventually, when they turn to me for help, I say, "I can help you if you tell the truth. I am not a judge. I want to help you." If

> they trust the interpreter, they begin to confess their crime. (Interpreter 7)

Some of the interviewed interpreters' rapport-building efforts raise an important issue of professional ethics of police interpreters, and pose the question of whether these interpreters are truly as helpful as they claim, because they are in fact giving police interviewees a false sense of security and indirectly inducing a confession or, at best, facilitating their cooperation. Interpreters need to maintain professional rapport through the features of accurate interpreting rather than add their own for their own personal rapport building (Hale et al., 2019, pp. 115–119).

Rapport has to be built first and foremost between interviewers and interviewees, and only when there is enough trust between a police interviewer and an interpreter, based on their inter-professional teamwork, can the interpreter be trusted in turn to build rapport with an interviewee (Goodman-Delahunty & Howes, 2019, p. 111).

3.2.5 Training and certification – Possible solutions

Both police officers and interpreters strongly agreed that more training was needed to improve interpreting quality and support their work. A large majority of police officers (77.8%) put a priority on interpreter training in legal terminology and interpreter ethics. They suggested that police interpreter training should include an overview of common criminal matters and related terms. Nearly one half of the police participants (44.4%) suggested practicums and on-the-job training for less experienced interpreters so as to familiarise them with the actual work and working environment.

An experienced police participant suggested basic counselling training for interpreters because they would be engaged in interviewing not only suspects but also victims of sexual assault or child abuse. Developing the professional competence of interpreters should therefore include developing sensitivity toward victims, which is essential to foster a supportive atmosphere. This would also help interpreters address their own mental stress from dealing with others' traumatic experiences (see Cambridge, 2004; Lai et al., 2015).

> Interpreters should know bilingual police terms in order to interpret. We need to help them interpret terms correctly . . . We sometimes deal with child abuse cases and sexual assault cases. In these cases, interpreter attitudes are very important. If interpreters are not sensitive enough, they might hurt victims' feelings. So interpreters should also receive training on counselling. (Police officer 4)

All the interpreter participants were interested in training in subject knowledge and terminology related to criminal investigation, while some interpreters were confident of their ability and not interested in training for improving interpreting skills. Nonetheless, more than half of the interpreters (57.9%) were eager to attend medium- to long-term training programs for skill development and enhancement (see also Lee, 2019).

There was a consensus on the need to introduce a testing and certification program for police interpreters. In other words, practitioners agreed that police interpreting needed to be a regulated profession. An overwhelming majority of the participants, both police officers (83.3%) and interpreters (84.2%), supported the idea, albeit with caveats attached. While most of the police officers were in favour of screening competent police interpreters through certification, and supported the privileging of certified interpreters over uncertified ones, a third of police participants were somewhat cautious about a potential imbalance between supply and demand for certified interpreters.

> If it's implemented properly, then it's OK. I think it would make a good system if candidates take the certification test after getting familiar with police or legal terminology first. Jobs can be assigned to certified interpreters first. But I don't

> think jobs should be given to them only. However, interpreting fees should be differentiated between certified and non-certified interpreters. (Police officer 10)

> We need to verify interpreting competency. I don't think having great overseas experience or foreign language skills is enough. We need interpreters to be equipped with legal knowledge as well. Only then can we see for sure whether a person is qualified as an interpreter. Once we have an established certification system, we would no longer have to worry whether the interpreting is done correctly or whether the interpreter has close ties with the suspect. (Police officer 11)

> I've been an advocate for a certification system for a long time. It's long overdue, and we really need professional interpreters. (Interpreter 17)

While supporting the need for certification of police interpreters, about a quarter of the interpreters (26.3%) stated that they preferred to have oral skill tests only because written tests would not match real-life police interpreting and might unfairly exclude competent interpreters.

4. Discussion and conclusions

Drawing on interviews with 21 police officers and 19 interpreters, this paper examines issues concerning some of the key ethical principles in police interpreting. It also outlines some possible solutions that could be introduced via police interpreter training and certification programs. The results revealed that a lack of professional trust (and in some instances, a mistrust of interpreters' professionalism) appeared to have a negative effect on interpreter-mediated police interviews and interpreter performances. The participants' responses also revealed ambivalence towards the ethical norms of police interpreting. Notably, while the participants stated that they were aware of the importance of accuracy and impartiality in interpreting, their responses revealed a lack of understanding about important ethical principles and how these applied to their work.

The results of this qualitative study may not be directly comparable with those of previous surveys, and our findings may not be generalisable due to the small number of participants. However, the data here indicate that the ethical principles involved in police interpreting, including those related to accuracy, impartiality and confidentiality, appear to be better known among interpreters now than before, but are still not being fully adhered to for a variety of reasons. Despite the emphasis placed on quality and ethical standards, the experiences shared by the interviewed police officers and interpreters indicated that breaches of norms commonly occurred in police interpreting. Such deviations may not be prevalent or pervasive, but they still pose threats to the quality of police interpreting services and could give rise to issues of transparency and due process in interpreter-mediated police interviews. This is particularly concerning given that the interpreter participants in this study were all actively practising, and the police officers engaged frequently with interpreters in their work. Further research needs to be conducted to document cases and practices through observations or analyses of police interviews in diverse settings, as it is insufficient to rely only on self-reports and individuals' accounts of their perceptions of their experiences.

The results suggest that quality police interpreting is hindered by both systemic issues and the situational aspects of police interviews. Since police officers have little experience of working with trained interpreters or professional interpreters, they tend not to trust interpreters' competence and professionalism, nor do they know how to work with them in a professional manner. The data analysis suggests that interpreters might easily be swayed by expectation or pressure, be it spoken or unspoken, and become agents of

institutional efficiency. Furthermore, some interpreters wrongly believe that their individual strategies, such as taking sides or serving as self-appointed gatekeepers, facilitate the interview process and help achieve a common goal: facilitating police interviews or investigations. Such misbelief or departure from norms can be attributed to the absence of professional training and experience on the part of interpreters. It can also feed a negative cycle of disinclination to treat interpreters as professionals, with resultant poor service quality. In fact, this phenomenon is not confined to police interpreting settings. Community interpreting research findings indicate that interpreters are often partial to a more authoritative party or the party affiliated with the entity hiring them (e.g., Kolb & Pöchhacker, 2008; Pöllabauer, 2004). On the other hand, some interpreters may choose to advocate for minority language speakers (e.g., Angelelli, 2004; Inghilleri, 2005; Lee 2014b; Lee et al. 2016). Because untrained interpreters may be more easily tempted than trained ones to go beyond the normative role as laid down in standards of professional practice, the need for establishing a professional framework underpinned by interpreter training and certification is widely supported in the literature. It is encouraging that in this study both police officers and interpreters were supportive of training and certification programs. Trained and qualified interpreters can build better professional rapport with interviewees, are better prepared for assignments, and are treated respectfully by both police and interviewees, all of which contributes to ensuring fairness in the criminal procedure (Howes, 2018).

A well-designed training course should be introduced to ensure that police interpreters develop their interpreting skills and understand the guiding principles of legal interpreting, including those related to professional ethics. Specialist training should be provided to police interpreters to ensure that they have an understanding of police interview strategies and questioning techniques, including the purpose of a question or the particular choice of words and expressions. Any such training could also illustrate how inaccurate interpreting practices can compromise police strategies and techniques, which in turn can lead to a breakdown in communication or the adoption of substandard practices. Any such training should seek to produce interpreters who are trained and empowered to stay neutral, less vulnerable to external pressure, and able to navigate real-life complexities. If long courses cannot be conducted for logistical reasons, then non-language-specific short courses with a focus on enhancing interpreting skills and ethical awareness-building could be offered in collaboration with police and interpreter trainers (see Hale & Ozolins, 2014). Further, given that a large number of interpreters do not work full time, interpreters should be provided with incentives to invest in training that seeks to enhance their skills and ethical awareness.

Just as interpreting quality can improve through mutually supportive working relations between police interviewers and interpreters, ensuring interpreter impartiality is also a joint enterprise. For their part, police officers should also strive to support this goal. The finding that with police officers' tacit approval interpreters may depart from the principle of impartiality to expedite matters underscores the need for a more nuanced approach in training the two groups to work together. More effective training should demonstrate how deviations create a vicious cycle of distrust, and how they are potentially damaging to officers' own careers (in terms of liability) and to the administration of justice in general (in terms of placing suspects and witnesses at a potential disadvantage). They would clearly benefit from training opportunities to equip themselves with the ability to work effectively with interpreters based on enhanced understanding of the interpreter's role and professional ethics, and to develop interviewing skills for interpreter-mediated interviews, including rapport building with suspects, witnesses, and interpreters. This would enable them to achieve the best possible outcome from interpreter-mediated interviews through best practices.

Systematic training for police interpreters and police officers, and police interpreter certification programs would therefore contribute to building trust between police and interpreters and trust from the general public, including migrant language speakers. It is hoped that the findings of this study can contribute to overall improvements in police interpreter hiring practices and to the introduction of systematic training and certification programs that would empower both police and interpreters in a multicultural society.

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