Interpreting intercepted communication: From talk to evidence

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Abstract: This paper examines the multi-layered translational process of intercepted conversations which appear as evidence in court files in the form of translated wiretap records. The translational challenge here is to transfer the multimodal content of a spoken text in the source language into a written text in the target language. Based on audio data from 17 original intercepted communications and case file documents from a Swiss criminal investigation, the multimodality of the resulting hybrid translational action is explored. In this paper, the process of interlingual decontextualisation and recontextualisation of intercepted communication is examined from the bottom up. The analysis shows that there are different levels of contextualisation that must be considered to achieve a fuller picture of the meaning of a wiretapped conversation.

Keywords: lawful wiretapping; intercept interpreters-translators; police interpreting; multimodality; hybrid translational activity; discourse analysis

1. Introduction

This research paper explores the translational activity of intercept interpreting during lawful wiretapping. Understanding intercepted communication is central to lawful interception of communications. An essential purpose of lawful wiretapping during a police investigation is to collect crime-relevant material based on audible information. If the intercepted persons speak in a language other than one understood by the investigating officers, intercept interpreters-translators (IITs)[1] are needed. The collected material is usually documented in written form and intended for use later in the proceedings, for example, as evidence for an indictment by the public prosecutor's office. IITs and police investigators collaborate closely in such matters, and the IITs contribution has been identified as a hybrid translational activity (Capus and Havelka, 2021; 2022). An important part of this activity is the interlingual contextualisation and recontextualisation of intercepted communication; however, in-depth research regarding this process is lacking. Research so far has focused on interpreting in police investigative interviews, where interpreters help gather evidence by conveying the communication between at least two primary participants (see, e.g. Filipović, 2021; 2022; Komter, 2005; Mulayim et al., 2015; Nakane, 2014). This activity requires specific interpreting strategies due to a wide range of

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[1] To reflect the hybrid nature of translational activities within the realm of communication surveillance, we use the term intercept interpreters-translators (IIT). This term covers both interpreting and translating intercepted communications, emphasizing the need for diverse skills in this field.

methods of rapport-building and questioning (Goodman-Delahunty et al., 2020, p. 88). In contrast, IIT work in the context of lawful wiretapping is not about enabling communication (Gamal, 2017). During wiretapping, the translational activity is primarily concerned with evidence gathering by covertly listening to the communication of others (Capus and Bally, 2020; Capus and Griebel, 2021; Capus and Havelka 2022; D. Gilbert and Heydon, 2021; Gradinčević-Savić, 2020; Salaets, Alsulaiman, and Biesbrouck, 2015).

IITs secretly listen to the communication of alleged offenders under surveillance, report to the investigators and produce written translations based on the audible information. As a result, the IIT's assignment requires not only translational but also specific forensic competences. It is particularly notable that IITs are not specifically trained in investigative techniques, which is surprising given the importance of their tasks. In most cases, they also have no relevant translational training (for more on the educational background see Capus & Havelka 2022).

IITs perform a number of different translational tasks:

1) Full or partial interpretation of the intercepted content of a conversation in real time from one language into another;
2) Summarised interpretation in real time;
3) Summarised translation of one or more conversations;
4) Translation into the target language based on the audio recording of an intercepted conversation.

Translations into the target language based on the audio recordings of intercepted conversations are central to lawful wiretapping. Although they only contain monosensory information (González Rodríguez, 2015), this audible information can also provide contextual clues. Not all this information, however, is relevant to the investigation. Furthermore, it is fundamental for IIT to understand which linguistic, non-linguistic, and extra-linguistic cues are important for comprehension and how these are represented in the final translational product.

From an interpreting studies perspective, there is a general lack of knowledge as to what translational work in intercepted communication looks like. Various reasons have led to a dearth of research in this area. Difficult access to police work due to a high level of confidentiality, and the fact that a heterogeneous group, mostly consisting of untrained bilinguals, work in this field, impede identification of the requirements and skills needed in this complex setting (Capus and Havelka, 2022). Bilingualism is often wrongly associated with interpreting skills, which may explain why the police engage untrained bilinguals to work as interpreters (Hale, Goodman-Delahunty, and Martschuk, 2019). Moreover, an unknown amount of collaborative co-constructing work jointly done by the investigators and the IIT remains undocumented (Capus and Griebel, 2021); first insights into this kind of cooperation have only recently been gained (Drugan 2020; Griebel and Hohl Zürcher, 2023). This crucial transdisciplinary collaboration in this very sensitive setting is still largely uncharted territory.

During lawful wiretapping, IIT produce translations based on audible information. As mentioned above, there is little clarity on what their working processes are and how they manage the variety of complex tasks involved. Furthermore, the translational and non-translational requirements for IIT conveying intercepted communication often vary greatly depending on the country, police station or even investigative team (for more on the requirements see Capus and Havelka, 2022). In this research paper, the focus is on "translated wiretap record" (in German-language Swiss court files "Wortprotokoll").

Following Capus and Griebel (2021), the term "translated wiretap record" (TWR) is used for the translation produced by the IIT based on audio recordings of an oral text.

This article will first present the complexity of hybrid translation activity and exploring the layers of the translational process (2), before reviewing the processes of contextualisation and recontextualisation (2.1). It will then aim to demonstrate that different resources in the translational process, such as linguistic, non-linguistic, and extralinguistic cues (2.2), can help to construct meaning. This will also involve considering text types and translational strategies (2.3). The method and data are presented in section 3. In section 4, the results of the analysis show the different resources of recontextualisation that can provide meaning and context. Finally, the strategies of translation identified are summarised and discussed.

2. Interpreting during wiretapping: A hybrid translational activity

IIT work at the intersection of oral and written language, translating and interpreting communication mediated by and intercepted through remote technology. This shift leads to hybrid translational action. At least three forms of hybridity can be identified: 1) hybridity of oral and written language, 2) hybridity of translational action combining the skills of interpreting and translation, and 3) hybridity of digital media, bringing together different kinds of digital media.

Forms of translational action with a modal shift, from oral speech to written text or written text to oral speech, are known as hybrid modes. The discrepancies between spoken and written language have been discussed from a linguistic perspective (e.g. Halliday, 1989; Kress, 2020; Kress and van Leeuwen, 2001), in translation studies (e.g. Kaindl, 2012, 2020) and lately also in interpreting studies focusing on hybrid forms such as, for example, sight interpreting (e.g. Havnen, 2019, 2022), speech-to-text captioning (e.g. Platter, 2019) or subtitling through respeaking (e.g. Davitti and Sandrelli, 2020; Romero-Fresco, 2019).

Both decontextualisation and recontextualisation, as part of the translational process, represent the modal shift from oral to written language. Decontextualising can be understood as a process of isolating the linguistic content from its original non-linguistic and extra-linguistic context (Auer, 1996, p. 14; Bauman and Briggs, 1990, p. 73), whereas bringing this decontextualised content into a (new) written form by using the possibilities of orthography, punctuation, layout and written signs can be described as recontextualising (Auer, 1996, p. 14). It can be concluded, that recontextualisation is a constant process of re-evaluating the strategies during the translational activity (Pérez González, 2006, p. 393). That means that recontextualisation is a constant process of deciding how to use orthography, punctuation and written signs and what translational strategies to use in the translational process.

2.1 A multi-layered transfer

By observing the translational activity during intercept interpreting from a descriptive approach, taking a bottom-up perspective, a multi-layered translational process can be identified.

In a wider sense, the translational process during intercept interpreting can be understood as from one medium to another (transmediation), intersemiotic and interlingual translational activity, whereas in a narrower sense, an intermodal shift can be observed, as well as a shift of social and functional variation (register) and communicative form. The language of the persons

whose communication has been intercepted is conveyed into the language of the investigators (interlingual translation), ultimately the language of the institution.

During this translational process, not only is the language conveyed, but there is also a conversion of a dialogical conversation to a monologically organised official document accomplished by transferring the forms of the discursive features of bidirectional communication into the structure of a unidirectional documentation of evidence (Bucholtz, 2009, p. 505; Richardson et al., 2022, p. 7) which is part of the intersemiotic translational process. Police investigative interviews are a critical component of the criminal justice system and are transcribed to serve as essential evidence in investigations. However, there is a considerable alteration in the interview data from their origin in the interview room to their presentation in the courtroom, particularly due to the conversion of the data format from spoken to written text. (Haworth 2018; 2020, Filipović 2022).

Furthermore, this translational process also includes transmediation. The content shifts from digital communication media to print media, namely, a written document. Since the translational activity in lawful wiretapping takes place remotely by means of information and communication technology, the transmission of the intercepted conversation content takes place via the auditory information channel. Verbal, paraverbal, and non-linguistic contextual cues, or extra-linguistic cues such as background driving noises or street noise, are transmitted. The multimodal perception and interpretation of these cues are fundamental to intercepting communication, whether it is an intra- or interlingual translation.
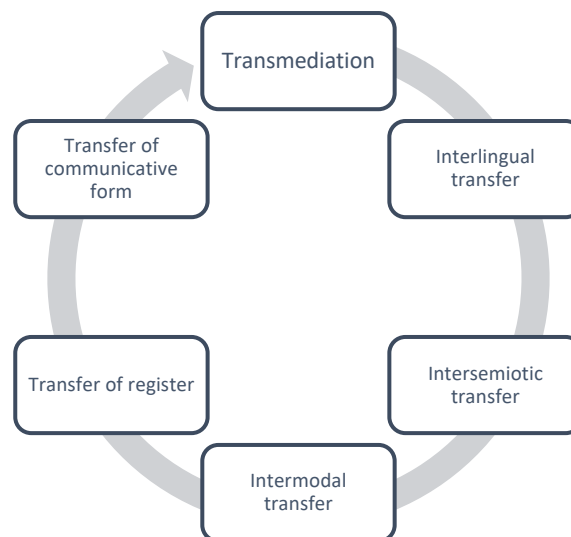

Figure 1: Multi-layered process of translational activity

The specific complexity of intercept interpreting, as shown in Figure 1, reveals the multi-layered translational activity.

Jakobson defines intersemiotic translation (transmutation) as an interpretation of verbal signs by the means of other signs or "nonverbal sign systems" (1959 p. 233). Building on Jakobson (1959), the translational activity, embedded in an interlingual, intersemiotic and transcultural process, taking into consideration the purpose of the final translational product, is central to this research paper. Jakobson (1959, p. 236) notes, however, that "languages differ

essentially in what they *must* convey and not in what they *may* convey". As information is transferred, there is an inevitable loss of detail, resulting in changes to the original content. This issue is pertinent to the current study, as it highlights the need to acknowledge the limitations of transferring information into the target language.

2.2   Embedding the translational process

Communication as social interaction is fundamentally dependent on the respective interlocutors and is constantly shaped by the circumstances of the communicative situation. What is said, and how, therefore depends strongly on the interlocutors in the conversation and their relationship. The social and functional variation (register), the dialect or the use of code switching or code mixing, but also milieu-related code language are closely linked to the interlocutors.

Many different modalities, such as gestures, positioning, and kinesics, play together alongside verbal language (Kress, 2020; Kress and van Leeuwen, 2001; Matoesian and K. E. Gilbert, 2020) making language a holistic phenomenon. Regardless of the linking of visual and auditory elements in linguistic expression, the superiority of verbal language in terms of intersemiotic representation ultimately becomes apparent when it is written down (Nevile, 2015, p. 132).

Following the purpose of this paper, audible linguistic, non-linguistic and extra-linguistic cues will be evaluated as cues of contextualisation (Baker, 2006; Gumperz, 1992) in the translational process in intercepting communication.

2.2.1   Linguistic cues of contextualisation

Language provides us with verbal, nonverbal, and prosodic information to convey meaning. Linguistic elements such as prosodic and paraverbal cues are key for decoding the information. Prosodic cues include, for example, pitch, tempo, and conversational pauses (Delizée and Michaux, 2019, p. 275; Gumperz, 1992, p. 231; Halliday, 1989, p. 31). Paralinguistic elements include pauses, voice volume, and vocal features such as shaky or shrill voice. Considering that paralinguistic utterances, speech, and sign-emitting activities (e.g. gestures or any bodily expression of emotions) occur simultaneously to convey a message, paralanguage can provide complementary information (González Rodríguez, 2015, p. 117; Gumperz, 1992, p. 231; Poyatos, 1993, p. 13). Human bodies also produce such cues, for example, through movement (Poyatos, 1993, p. 16).[2] Moreover, paraverbal elements can not only clarify the meaning of messages but also express emotional states (Pöchhacker, 2020, p. 17).

As for the wide range of ways in which meaning can be transmitted via paraverbal elements, we can refer briefly to Poyatos' (1993, 1997) research, in which he distinguishes no less than ten categories of "realization of language, paralanguage and kinesics", specifying that gestures can occur independently, while audible expressions always show "a visual qualifying element": Body parts produce sound, for instance through action, biting, chewing, crunching (Poyatos, 1993, p. 29), or when engaging with objects; bodies produce sounds, for example, banging, beating, slapping or flapping (Poyatos, 1993, p. 31); meaning can also be conveyed through verbal hesitation, or sounds such as "uh-uh" as a negation or affirmative expression, a sigh or a click of tongue "tz"

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[2] Generally, behavioural and non-behavioural activities are perceived in six different ways: by means of vision, audition, olfaction, gustation, cutaneous and kinaesthetic sensation (Poyatos, 1993, p. 14).

(Poyatos, 1997, p. 254). Another way of expressing meaning is the absence of audible expressions – as silence and stillness. Combined with facial expressions and gesture, silence is used to convey meaning, for example, when stating a fragmented phrase such as "When in Rome, …" (Poyatos, 1997, p. 254). Where the silence suggests that the listener is expected to know the saying well enough to fill in what remains unspoken.

2.2.2   Non-linguistic cues of contextualisation

The communicative scope of an utterance cannot be reduced exclusively to the verbal elements. In addition to linguistic cues, non-linguistic cues must also be considered for conveying meaning. Non-linguistic elements, also referred to as indexical features, include certain features that can be attributed to an individual. These idiosyncratic markers may concern the resonance of the voice and include certain prosodic or paralinguistic person-related patterns (Halliday, 1989, p. 31). These cues can be related to the speaker, but they also include contextual cues that help to capture the communicative situation.

The translational transfer from spoken to written language is complex not only because of the linguistic and non-linguistic features of the language but also in terms of social and functional variation, or register (Halliday, 1989, p. 44). Social variation refers to features related to geographic origin and social class but also age group or other distinguishable social structures. Functional variation refers to the function of language. Language can also be used specifically to support action by choosing a code or lexical forms or expressions (Gumperz, 1992, p. 231). In this sense, the register provides information about the function of spoken or written content. The register gives form to the content. With the transfer from spoken to written language, writing acquires another function - that of documentation. Therefore, the transfer from a spoken, colloquial register to the register of an official language with the purpose of establishing evidence can also be seen as having an impact on the meaning of the contents. It is a form of contextualising.

2.2.3   Extra-linguistic cues of contextualisation and unknown resources

An audio recording can provide extra-linguistic cues about the speaker and the situation in which the communication is taking place. Besides such resources stemming from the audio recordings, there are also other forms that may provide IITs with contextual information. One possible source of knowledge that IITs can use to filter content is insights, briefings and what has been learnt from previous investigations, but in the course of daily business, the main source for forensic knowledge is close and informal cooperation with investigators (Griebel and Hohl Zürcher, 2023). Hence, IITs in wiretapping operations apply forensic strategies during their translational task, such as identifying different voices and producing a written rendition (Drugan, 2020; González Rodríguez, 2015; Gradinčević-Savić, 2020; Härdi, 2015; Salaets, Alsulaiman, and Biesbrouck, 2015).

2.3   Text types in the translational process

During the translation process, text types need to be taken into account when considering text functions and purposes. The meaning of a text is only complete within a context. Sense, as an expression of "what somebody means to say", is suited to the situation (Nord, 2016, p. 5). Translators use certain markers to ensure that the translations they produce can fulfil their intended functions. These are indicated to the receiver by means of function markers. Function markers can be verbal, nonverbal or paraverbal and are expressed by punctuation or other written signs (Nord, 2016, p. 5).

Moving away from the linguistic approach to a transcultural functionalist understanding of translation, Reiss and Vermeer (1984/2014, p. 182) define three basic communicative types that differ in the level of encoding and need to be considered when a text is translated: the informative, expressive and operative text types. The informative text type is encoded at the level of content, conveying knowledge, news or describing an event or facts. The expressive text type conveys content within the framework of its aesthetical features, while the operative text type conveys content in a "persuasively organized" manner, encouraging the recipient to behave in a specific way, intended by the sender (Reiss and Vermeer, 1984/2014, p. 182). The "identifying signals" for distinguishing the text types might be found in a source-text analysis (Reiss and Vermeer, 1984/2014, p. 184). Reiss and Vermeer (1984/2014, p. 188) state that the purpose of the source text needs to be considered when a text is translated into a target language, but there is no general rule that the source and target text should have the same communicative function (Kadrić, 2020, p. 506; Reiss and Vermeer, 1984/2014, p. 189). Reiss (1986, p. 49, 2014, p. 43) introduces a fourth category, "audio-medial" texts, representing a hybrid text type. Located in between oral and written language, "audio-medial" texts serve as a type that enhances the language with new signs. Nord (1997, p. 50) also adopts the three text functions (referential, expressive and appellative function) and introduces a different fourth category, the phatic text function (Nord, 1997, p. 51), describing a form of social manifestation (e.g. salutation, pause-filling device). Considering the text type(s) in the process of the translational action, "the target text should not only 'make sense' to its audience, it should also fulfil some communicative purpose, or rather: purposes or functions for the recipients." as Nord (2016, p. 5) states. In line with this, Kadrić (2020, pp. 506–507) provides a comprehensive classification of text types in legal settings: informative (e.g. reporting, declarative, descriptive function), expressive (e.g. narrative, evaluative, dubitative function) operative (e.g. persuasive, directive, recommending function) and phatic text types (e.g. fulfilling a social function). Fundamental to conveyance from one language and culture into another are two main translation strategies: customised and preserved translational action (Kadrić, 2020, pp. 511–512).[3]

3. Data and method

3.1 Audio files

As intercept interpreting is highly specific, access to original audio files of intercepted communication was crucial. By maintaining high security measures in keeping with the data protection regulations, original audio files were made available for research purposes for one case file from a German-speaking Swiss canton. The data was accessible in the form of six DVDs that could only be listened to at the premises of the cantonal criminal court with software directly playable on the DVD player.

The sample that served as a dataset for this paper included audio files from lawful wiretapping. Parts of the lawful wiretapping were used in evidence to charge, and ultimately convict, two offenders with multiple counts of burglary and illegal trespassing. The audio files contained conversations in Serbian. Communications between the two male perpetrators were intercepted in the context of a preliminary investigation over a period of four months. Their *modus*

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[3] Nord (1997, pp. 51–52) addresses this centuries-old concept of the functional typology of translation by distinguishing the translation as documentary or as instrumental.

operandi was to break into garages and steal car rims and tyres. The offenders mainly used their mobile phones to communicate.

Only one of the DVDs contained actual usable audio data for the research project; the five others contained mainly meta-data and essentially technical information. For the purposes of our research, a selection of 17 conversations of the audio files were manually transcribed into Serbian by using transcription software (f4transkript 2020). The selected files represent a cross-section of the recorded conversations, with examples from different phases of the wiretapping and of different duration. Fourteen of the recorded conversations lasted less than three minutes each. One transcribed call lasted eight minutes, one call lasted eleven minutes, while the longest call was of 30 minutes' duration.

3.2 Method

The approach was divided into three major steps. Since auditory sources of information are central to intercepted communication, the first step was to produce an intralingual decontextualized transcript based on the recommendations set out by González et al., (2012, p. 967). In addition to linguistic and non-linguistic cues, extra-linguistic ones, including contextual information about the conversational situation, were also transcribed. The transcript in Serbian contained contextual information about the speaker(s) and the discourse. Sociolinguistic information, for example, gender (MS - male speaker) was provided for the speaker(s). Paraverbal and paralinguistic cues, such as cues of hesitation but also spitting, heavy breathing or sighing, sneezing, crying, or laughter were documented by means of discourse notes. Discourse notes also provided information about pauses or overlapping speech, code switching or code mixing. Additional textual cues provided information about background noises such as driving sounds or other sounds that could contribute to a better understanding of the situation. Editorial notes on inaudible speech or comments were provided as Forensic Transcript and Translation Supplements (FTTS); however, a transcript, as a written document based on spoken content, can never embody all linguistic and non-linguistic cues. Transcripts can represent but not copy the original utterances (Richardson et al., 2022, p. 2).

The second step was to produce a "true and faithful" translation into the target language based on the forensic transcription as recommended by González et al. (2012, p. 967).[4] Research into forensic linguistics has shown that the creation of transcripts is complex and strongly dependent on the communication goals of the person in charge (Bucholtz 2009; Nunn 2010; Richardson et al., 2022). The translational activity has a complexity which is partly caused by the hybrid nature of the tasks concerned: court interpreting and legal translation (González et al., 2012, p. 967).

The third step was to compare and analyse the forensic transcription (a) and translation (b) with the original TWR (c) from the court file that had been produced during the investigation and used during the proceedings. The TWR contains no forensic transcription in the source language but only the translations in the target language showing the conversation between the two offenders who had been under surveillance for four months.

Consequently, the analysed material includes three different translational products based on the same audio information:

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[4] The translation of the Serbian transcripts into German was done by the author of the paper, a university-trained and court-certified interpreter and translator for Bosnian, Croatian, Serbian and German. The translation was proofread by a colleague with the same educational background.

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forensic transcription of the conversation – verbatim orthographic transcription in Serbian produced by the researcher following the recommendations of González et al. (2012)
forensic translation – a functional and pragmatic translation into German produced by the researcher following the recommendations of González et al. (2012)
translated wiretap record (TWR) in German from the Swiss court file produced at the time of the investigation by unknown IIT(s)

The forensic transcript (a) and translation (b) were systematically compared with the corresponding authentic TWR (c) from the case files by applying a multimodal (inter)actional analysis (Norris 2004) using the qualitative data analysis software Atlas.ti (2022).[5] The analysis provides an understanding of the processes of decontextualisation and recontextualisation of incriminating utterances and how they are generated, transformed, and finally materialised in the TWR. The goal of the multimodal (inter)actional analysis was to understand how modes are used when applying translational strategies and the process of decontextualisation, and recontextualisation as part of the translational action.

4. Recontextualisation: From talk to evidence

Conversations can be understood as semiotic units within which the meaning of the communicative content is (co-)constructed. Communication relies on attention, as this determines which multimodal cues are detected, and can then be interpreted and responded to. In the case of intercepted communication, this process must be carried out by the IIT. The IIT derives meaning from the semiotic units, but the constructed meaning of codes is considered within the context of the preceding and following semiotic units (Kress, 2020, pp. 32–33).

Making and remaking meaning is closely related to the main task of interpreters: interpreters filter, contextualise, and (re-)contextualise content. Consequently, the question arises as to which translational transfer strategies are used by the IIT and which informational resources they can draw on in order to transfer the intercepted conversation content. The following qualitative analysis results revealed different levels of multimodal speech perception and recontextualisation (e.g. acoustic, linguistic, communicative, situative and forensic). For each individual level, an example is presented.

4.1 Acoustic level

During intercept interpreting, the acoustic content must be identified and contextualised within a few seconds (González Rodríguez, 2015, p. 114). Speech perception is made possible by the processing of phonemes bottom-up based on the acoustic signal and top-down processing based on prior knowledge or the meaning of a speech signal when a speech signal is perceived (Goldstein and Brockmole, 2017, p. 329).

The semantic significance of a word within a sentence is embedded in the context; therefore, a word within a sentence can be syntactically correct but semantically meaningless. In this case, we speak of semantically anomalous sentences. If the words are semantically correct but syntactically incorrect, the meaning of the sentence is also incomplete. Where a phoneme is missing, the

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[5] For better understanding, an English translation (d) is provided by the author of the paper and proofread by a colleague with the same educational background.

phoneme restoration effect replaces it with semantically close phonemes (Goldstein and Brockmole, 2017, pp. 324–326). Here, the expectations of the person who is hearing and their perception of the acoustic signals interact to form speech perception. The following data material shows that speech perception happens at the auditory level and is constructed with the rest of the context into a possible meaning.

Example 1: Where were the garages

Forensic transcript (a)	Forensic translation (b)	TWR (c)	English translation of TWR (d)
4 MS1: #00:00:09-0# [FH] Je li? Gde su beše one garaže, znaš ono gde sam uzeo kod onog soli [-] de je ona škola, tamo kod onog **solitera**, gde ima, gde sam uzeo 3-4 kompleta. To beše Bern? #00:00:19-1#	4 MS1: #00:00:09-0# [FH] Tell me? Where were the garages, you remember where I took those, by the soli[-] where the school is, there by the **tower block**, where it, where I took 3-4 sets. Was that Bern? #00:00:19-1#	A: Sag, wo waren diese Garagen, weisst du, dort wo ich genommen habe, bei diesem **Solitär** (wohl ein Denkmal/Kunst-werk gemeint), dort wo diese Schule ist, dort wo ich 3-4 Complete genommen habe? War das Bern?	A: Tell me, where were these garages, you know, where I took them, by this **solitaire** (probably a monument/work of art), where this school is, where I took 3-4 sets? Was that Bern?

In Example 1[6], the translation of a crucial piece of information stays very close to the source text in Serbian: "soliter".[7] It can only be assumed that the IIT was not able to provide a rendition into the target language. In order to give more contextual information, the IIT puts in brackets an additional explanation by saying "(probably a monument/work of art)". By providing this comment, additional information about the possible meaning is conveyed. In the sense of the functionalist approach, using an expression close to the source language, the IIT applied the preserved translation strategy. The interlocutors in the conversation, however, were talking about a tower block. In Serbian, "soliter" means "a stand-alone building" or "tower block".

While in court, any ambiguities or misunderstandings during an interpretation can be clarified immediately, this is not possible in the case of covert investigative work. The TWRs of intercepted communication are not subject to control, so the person whose communication is intercepted cannot clarify or correct the content of the resulting interpretation or translation.

In an intercepted conversation situation, the interlocutors are not aware of the interception and therefore do not take into account any possible hidden listeners. This circumstance can pose particular difficulties for the work of interpreters in the context of intercepted communications, especially with regard to pragmalinguistics (Hale, 2014). Covert listeners in intercepted communication have no opportunity to ask questions or clarify any linguistic uncertainties. Bell's framework of *Audience Design* (1984, p. 159) addresses the different listening roles and describes how speakers respond to their recipients and adapt their speaking style and register to them but it does not take

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[6] For data protection reasons, the real names of places or persons were anonymised.
[7] The word 'soliter' was emphasised for analysis purposes.

hidden listeners – 'eavesdroppers' – into account. This is particularly relevant as IIT act as eavesdroppers and convey the communication into the language of the officers for investigative purposes regardless of the spatial and temporal context of the communication.

4.2 Linguistic level

On the linguistic level, sociolinguistic cues such as gender, age or educational background, but also geographical and linguistic classification may be deduced from the speaker's accent, dialect or through the use of a specific variety of a polycentric language. A linguistic profile can be established by defining idiosyncratic elements, which can help a listener determine who is currently speaking.

Discourse markers, such as speaker changes, are indicated in all TWRs (c) from the court file. However, no TWR contained timestamps, therefore, someone reading it is not able to know how long a single utterance lasted.

Example 2: So what can one do?

Forensic transcript (a)	Forensic translation (b)	TWR (c)	English translation of TWR (d)
MS1: #00:00:43-9# Pa šta ću? [..] napravim. Odoh još jednom ovde da napravim jedan krug. Kad bi jedan uzeo, brate. Ne mogu da uđem nigde.	MS1: #00:00:43-9# So what can one do? [..] do. I'm going here once more to make a round. If I can take one, bro. I can't come in anywhere. [..]	A: ja was will ich......, mache ....., ich gehe und mache noch einen Kreis........., wenn einer nur nehmen würde........., ich kann nirgends rein, Bruder	A: yes what do I want......, make ....., I go and make another round........., if one would only take........., I can't get in anywhere, brother

Prosodic and paraverbal cues can put information into context. In Example 2, the TWR contains no question marks or paraverbal cues to express questions or surprise. Punctuation is only used to denote pauses, while the length of the pauses stays undocumented. Comparing the TWR (c) with the forensic translation (b), the difference in the construction of the syntax is evident. This example shows that punctuation is not used in one standardised way but rather depends on the IIT.

Example 3 shows the necessity of function markers representing paraverbal and nonverbal elements (Nord, 2016, p. 5). Prosodic cues can lead to a shift in meaning depending on punctuation. This is an example of the need for correct punctuation.

Example 3: Punctuation

MS2: #00:01:06-4# Ma, ne ostaju.	MS2: #00:01:06-4# No, they are not staying.
MS2: #00:01:06-4# Ma ne, ostaju.	MS2: #00:01:06-4# No, they are staying.

In the example above, a different form of prosody, represented by the comma in written form, results in a shift in the intended meaning of the utterance.

Given that auditory information forms the basis for further translational actions, listening competence is a core skill for IIT. During the act of listening, we employ various filters and focus on specific cues, which is crucial for this demanding cognitive task (see Viljanmaa 2020). External and internal listening filters can be identified as significant interference factors impacting the perception and processing stages of the listening process. External filters can be influenced by speaker-specific elements (such as dialect or sociolect), environmental conditions (including ambient noise and acoustics), and situational constraints (like the lack of visual cues in remote interpreting). Conversely, internal filters stem from the listener themselves, influenced by their physical health, psychological state, prior knowledge, and personal experiences. These filters can play a crucial role in how information is received and processed during the translational process in intercept interpreting.

4.3 Communicative level

The communicative level provides a bigger picture of the conversation. The number of primary participants and the strands of conversation, as well as the purpose of the conversation (e.g. establishing contact, arguing or discussing how to proceed) in the communicative event itself, are of paramount importance. At this level, text types, such as informative, expressive, appellative or phatic text, need to be considered (Kadrić 2020).

In Example 2, "male speaker 1" (MS1) uses phatic communication (*pa šta ću?* in the original) which could be understood as "So, what can one do?", but in the TWR, it has been rendered as "What do I want?". This has a different meaning and makes no sense with regard to the semiotic unit, because the original meaning, which is the social function of the phatic text type, is lost with the literal translation (Kadrić 2020, p. 508). This example shows that the different text types are not considered in the translation into the target language - rather, semantic shifts occur due to literal translation.

Example 4: What's up?

Forensic transcript (a)	Forensic translation (b)	TWR (c)	English translation of TWR (d)
#00:00:03-3# [FrZ] #00:00:06-8# MS1: #00:00:04-8# Eh Slavko, #00:00:12-0# MS2: #00:00:07-0# E, brate. #00:00:09-3# MS1: #00:00:09-3# Šta bi?// #00:00:11-3# MS2: #00:00:09-7# //Ništa ja sam [-] Ma na pumpi sam, brate. Ne mogu, poludeću i ja ovde. #00:00:14-8# MS1: #00:00:13-8# [lacht] [..] Na kojoj	#00:00:03-3# [FrZ] #00:00:06-8# MS1: #00:00:04-8# Hey Slavko, #00:00:12-0# MS2: #00:00:07-0# Hey, brother. #00:00:09-3# MS1: #00:00:09-3# What's up? // #00:00:11-3# MS2: #00:00:09-7# //Nothing, I'm [-] I'm at the petrol station, brother. I cannot, I, too, am going crazy here. #00:00:14-8# MS1: #00:00:13-8# [laughs] [..] Which #00:00:17-6#	 A: Was ist B: nichts, bin an der Tankstelle A: welche?	 A: What's up? B: Nothing I'm at the gas station

			A: which one?
#00:00:17-6#	MS2: #00:00:17-2# [inaudible.] #00:00:17-6#		
MS2: #00:00:17-2# [unv.] #00:00:17-6#			
MS1: #00:00:17-4# //pumpi si? [..] #00:00:22-6#	MS1: #00:00:17-4# //petrol station are you at? [..] #00:00:22-6#		
MS2: #00:00:20-2# Ja sad krećem, brate. #00:00:24-1#	MS2: #00:00:20-2# I'm leaving now, brother. #00:00:24-1#	B: ich fahre jetzt los, muss mich noch mit dem Türken treffen	B: I'm leaving now, have to meet the Turk
MS1: #00:00:22-1# Dobro. A de? //#00:00:23-5#	MS1: #00:00:22-1# Good. Where to? //#00:00:23-5#		
MS2: #00:00:23-5# Treba da se vidim sa Turkinom, treba sa Arapinom. Odoh za Pariz. Šta ću? #00:00:29-8#	MS2: #00:00:23-5# I have to meet the Turk, the Arab. I'm going to Paris. What should I? #00:00:29-8#		
MS1: #00:00:28-8# **Pa piči. Ja ću još malo. Ako ništa. Ništa. Šta da radim.** #00:00:32-2#	MS1: #00:00:28-8# **Then go ahead. I'm staying a little longer. If there's nothing. Nothing. What should I do.** #00:00:32-2#	A: **ich warte noch etwas**	A: **I'll wait a little**
MS2: #00:00:32-2# [unv.] #00:00:33-6#	MS2: #00:00:32-2# [inaudible] #00:00:33-6#		
MS1: #00:00:33-6# Ajd pa se vidimo. #00:00:38-9#	MS1: #00:00:33-6# Ok, I'll see you. #00:00:38-9#	B: aber wir sehen uns	B: but I'll see you

Discourse cues (e.g. code switching, code language, pauses, and incomplete sentences or overlapping speech): the speakers are represented in the translation with the alternating A and B utterances. The strands of the conversation become visible through the back-referential communication. On the communicative level, the representation of the discourse cues, such as the change of speaker, is necessary for the classification of the utterances. The change of speaker is not always correctly represented in the translation; as shown in Example 4, the utterance "I'll wait a little" shows crucial omissions. Often, instances of affirmative or negative feedback are not reproduced in the translation and merge with the preceding or subsequent speech contributions. Similarly, overlaps are often omitted and not documented, as in Example 5, shown in the utterance "Where are you now, in which part (geographical area)?". In Example 4, utterances were left out and content was reduced. "B: I'm leaving now, have to meet the Turk". Since there is no editorial note on inaudibility, it can only be assumed that the omitted content was either not perceived or not considered relevant.

4.4 Situative level

Contextual references to the locality, for instance mention of place names, provide information on the location of the interlocutors, as in Example 1 and Example 5 by naming the places or in Example 4 by indicating the whereabouts. In Example 5, we can assume that it was the IIT who provided contextual information to clarify "part" by putting in brackets "geographical area".

Example 5: Where are you now?

Forensic transcript (a)	Forensic translation (b)	TWR (c)	English translation of TWR (d)
21 MS2: #00:01:22-6# //A de si sad? U kojem si delu? #00:01:27-7# 22 MS1: #00:01:25-7# Ovde u Zirihu [FTTS: Zürich] #00:01:30-1#	21 MS2: #00:01:22-6# //Where are you now? What part are you in? #00:01:27-7# 22 MS1: #00:01:25-7# Here in Zurich [FTTS: Zürich] #00:01:30-1#	B: wo bist du jetzt, in welchem Teil **(Gebiet)**? A: hier in Zürich ....,	B: Where are you now, in which part **(geographical area)**? A: here in Zurich ....,

In Example 6, extra-linguistic cues (e.g. driving noises) provide understanding of the situation itself. In the translation (b), the reference to the driving sounds heard in the background [FH] makes it possible to reconstruct the repetitive greeting calls in the court file translation. It can only be assumed that the contextual information about the driving noise was known to the IIT at the time but not considered relevant enough for documenting the contextual information.

Example 6: Hey, bro

Forensic transcript (a)	Forensic translation (b)	TWR (c)	English translation of TWR (d)
2 MS1: #00:00:15-7# E. #00:00:17-4# 3 MS2: #00:00:17-4# E, brate. #00:00:18-4# 4 MS1: #00:00:18-4# [FH] Alo? #00:00:19-9# 5 MS2: #00:00:19-9# Halo? #00:00:22-1# 6 MS1: #00:00:22-1# [FH] Ništa. Još. #00:00:25-0#	2 MS1: #00:00:15-7# Hey. #00:00:17-4# 3 MS2: #00:00:17-4# Hey, bro. #00:00:18-4# 4 MS1: #00:00:18-4# [FH] Hello? #00:00:19-9# 5 MS2: #00:00:19-9# Hello? #00:00:22-1# 6 MS1: #00:00:22-1# [FH] Nothing. So far.#00:00:25-0#	A: eh? B: eh? A: hallo? B: hallo? A: noch nichts	A: hey? B: hey? A: hello? B: hello? A: nothing yet

Paraverbal cues (e.g. intonation, laughter, crying, spitting, burping or sneezing) can provide crucial information about the communicative situation by means of editorial cues, such as indications of pauses in speech or emotions. In Example 6 punctuation is not shown in the last utterance "nothing yet", so the intonation is not indicated.

4.5 Forensic level

To be used in criminal proceedings, the content of TWRs must meet certain requirements to be used in evidence. Audio recordings of intercepted surveillance communications that do not meet such requirements will not be transferred into the official language. Detecting linguistic references to incriminating acts is of paramount importance for the work of the police investigation and can be considered the core task of IITs. The following example contains an indication of a criminal offence.

Example 7: If one would only take?

Forensic transcript (a)	Forensic translation (b)	TWR (c)	English translation of TWR (d)
MS1: #00:00:43-9# Pa šta ću? [..] napravim. Odoh još jednom ovde da napravim jedan krug. **Kad bi jedan uzeo, brate.** Ne mogu da uđem nigde.	MS1: #00:00:43-9# So what can one do? [..] do. I'm going here once more to make a round. **If I could take one, bro.** I can't get in anywhere. [..]	A: ja was will ich......, mache ....., ich gehe und mache noch einen Kreis........., **wenn einer nur nehmen würde**........., ich kann nirgends rein, Bruder	A: yes what do I want......, make ....., I go and make another round........., **if one would only take**........., I can't get in anywhere, brother

In Example 7, the forensic level is revealed through the incriminating content. Speaker MS1 talks to MS2 and tells him in Serbian *Kad bi jedan uzeo, brate*. which could be understood as "If I could take one, bro", meaning in the given context "If I could steal one" but the court file TWR provides a different understanding of this rendition. The translation "if one would only take" has significantly fewer incriminating elements than the original. The pragmatic equivalence is lost. Still, the short exchange indicates incriminating acts, as in the rendition "I can't get in anywhere, brother".

The translational analysis of the TWR revealed that incorrect renderings, as in the case of the "luggage rack" below, can occur not only due to a lack of language skills but also because of interference from the source language or acoustic deficiencies.

In addition, confusion can be caused by non-unified editorial notes, as in Example 8, where the IIT leaves a comment. The TWR (c) in German provides a very concise note – *flucht* – which can, on the first sight, cause significant confusion due to the ambiguous meaning of the word. Depending on whether it is written with an upper or lower case, it can mean "escape" or "he swears". A significant number of examples show a systematic use of lower case, which makes decoding this difficult. The forensic transcript in Serbian (a) shows that the original was a swear word, however there is no explanation why the swear word in the TWR itself is not translated.

Example 8: Well, I am here

Forensic transcript (a)	Forensic translation (b)	TWR (c)	English translation of TWR (d)
8 MS1: #00:00:32-1# Pa evo. Já sam ovde. Čekaj čas! [..] **U pičku mater.** Otvoren mi gepek. [unv.] [..] O::vaj ja sam tamo za desetak minuta. #00:00:48-8# 9 MS2: #00:00:48-6# Važi #00:00:50-6# 10 MS1: #00:00:50-6# Ajd. #00:00:51-8# 11 MS2: #00:00:51-8# Važi. Ajd. Ćao.	8 MS1: #00:00:32-1# Well. I am here. Wait a minute! [..] **Holy shit.** My trunk is open. [inaudible] [..] S::o i will be there in approximately 10 minutes. #00:00:48-8# 9 MS2: #00:00:48-8# That's alright. #00:00:50-6# 10 MS1: #00:00:50-6# Ok. #00:00:51-8# 11 MS2: #00:00:51-8# Alright. Ok. Bye.	A: ja, jetzt bin ich hier, wart kurz ….........., **flucht**…........., mein Gepäckträger ist offen….., -uverst.- ….................., also............, ich bin dort in 10 Minuten B: in Ordnung A: ajd B: in Ordnung, ajd, ciao ====	A: yes, I'm here now, wait a minute ……., **swears**……., my luggage rack is open. -inaudible- ……., so ………., I'll be there in 10 minutes B: all right A: bye B: all right, bye, ciao

5. Discussion

Drawing on the results of the multimodal (inter)actional analysis, examining the layers of perception during wiretapping shows the complexity of the process of recontextualisation. The suggested visualisation as shown in Figure 2 gives an insight into how multi-layered the process is and provides us with vital understanding of how "meaning" can be (co-)constructed.
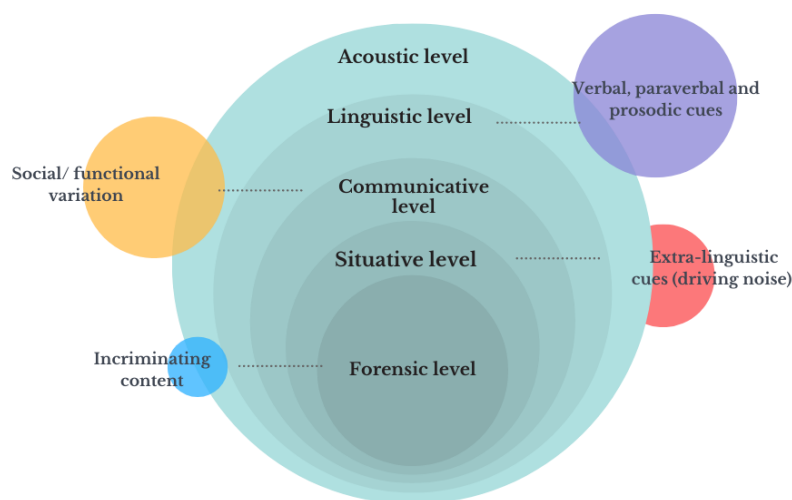

Figure 2: Levels of perception during wiretapping

The multimodal analysis provides an understanding of the translational process of incriminating utterances and how they are generated, transformed and finally come together in the translations by using a microlinguistic approach but still considering the macrosocial context.

Considering TWRs as a multi-layered transfer in which multimodal contents and meanings are integrated into the communicative context following a functional purpose (Kress, 2020), it is of paramount importance to understand how the transfer between languages, media and modes is mediated (Kaindl, 2020).

The intercepted communication is put into written form for the purpose of documentation, as is customary in the case of investigative interviews in many countries. Its meaning should be comprehended in the context of the respective communicative situation. In this regard, discourse as a socio-constructivist concept can be understood in the context of a conversational situation. Nevertheless, the data show frequent semantic shortcomings in the TWR, mainly caused by omitting sentence parts. The lack of these parts of sentences, in the form of phonemes or whole words or word groups, does not allow for a complete semantic development of the spoken utterances. Semantic shortcomings due to interference from the source language were also found. The TWR shows the communication between the two alleged offenders, however, its contents do not appear sufficient for subsequent use in the proceedings. The language is fragmented and although the sentences as rendered in the TWR carry information they do not mirror the actual communication. They reduce information and do not reflect the interpersonal relationships or the context. Instances of transcoding, i.e., literal transfer or adoption of utterances (as *ajd*), cause semantic gaps to occur in the target text.

A standardised forensic transcription in the source language together with a translation into the target language that takes into account the functional transcription and contextual editorial notes, both of which contain function markers, could significantly increase the quality of translations based on intercepted communication.

Translational work can provide key leads for investigative work, and in some cases perhaps the only compelling evidence. It is also highly complex, not only because of the hybrid translational forms. It is, therefore, surprising that a considerable number of bilinguals without any translation or interpreting related educational background take on this delicate and highly sensitive task (Capus and Havelka 2022; González et al., 2012, p. 966). Professional requirements include methodological competences such as listening competence and text comprehension, as well as general text production skills. Attention is central to this demanding cognitive task. Translational skills are also required in order to use adapted and target-oriented translational strategies. If considered non-relevant to the investigation, parts of conversations might deliberately not be translated.

Forensic translation needs to be considered in a wider context. Spoken text should be translated into written text with the awareness that it is not only an interlingual but also an intermodal translation. Forensic translation, therefore, should not only render verbal signs but also non-linguistic and extra-linguistic cues if they contribute to conveying the original meaning of the utterances.

The transition from spoken to written mode inevitably brings about a change at the level of meaning; thus, specifically for the written form of discourse in a public document, the addition of another level of meaning is to be expected. The pragmatic and function-oriented text production also means making choices regarding the selection of information. The extracted reproduction of the original statement implies a selection of information with regard to the target product. By putting the discourse in a written form, a notion

of order and structure is introduced, because there is an assumption that written language comes with order and structure while oral renditions are spontaneous and impulsive. Taking all this together, loss of information must be accepted (Halliday, 1989).

6. Conclusions

Examining translational strategies and practices of decontextualisation, as well as the processes involved in recontextualisation of intercepted communications, yielded the following results:

The multi-layered and multimodal perception of communication, reconstructed by showing the layers of perception, demonstrated the high complexity of the translational task. Examples from original court files displayed the shortcomings in the intermodal transfer from spoken text to written translations, loss of information and misleading translations due to a lack of translational strategies or conveying the function of the source text in the target text.

To ensure higher quality, a purpose-driven and pragmatic translation approach is needed. Also, a standardisation of forensic transcripts and translations needs to be applied. Due to the "profound impact that FTT documents have on the legal outcome of cases" (González et al., 2012, p. 965), it is surprising that there are no unified (national or regional) standards for providing forensic transcriptions and translations or TWRs; at least, there seem to be none in most European countries. What is certain is that the lack of a uniform forensic transcription procedure is a major obstacle to quality assurance and traceability of the translation-related processes (Capus and Havelka 2021, p. 183).

IITs engaged in legal wiretapping filter incriminating information, find facts by (co)constructing meaning and produce evidence that is used throughout the criminal investigation, up to and including court proceedings. Forensic transcripts and translations are central to the IIT's output. They reflect the great complexity of hybrid translation and interpreting tasks. The high level of confidentiality required in covert investigative work should not hinder standardisation of the translational process. Improved transparency and clear quality criteria are imperative for the recruitment of IIT. Furthermore, unambiguous and uniform translational procedures are essential to ensure the accuracy and quality of evidence during court proceedings.

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