'YOU ARE FOREIGN, YOU ARE NOTHING IN THIS COUNTRY': MANAGING RISK IN INTERPRETER-MEDIATED POLICE INTERVIEWS WITH VICTIMS OF DOMESTIC ABUSE*

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Abstract

This article examines approaches to police interviews involving limited language proficient victims of domestic abuse. The discussion critically examines the concept of risk in order to better understand how it is currently managed from procedural, translatorial and intercultural perspectives. The critique takes account of discourses relating to contemporary policing in England and Wales, and recent research in translation studies on cross-cultural communication as a risk management activity. I propose that risk management be viewed as an individual and interactional achievement, and explore the implications of both for the investigative interview through an analysis of current police guidelines. The analysis is supported by evidence of interpreter perceptions of police interviews elicited through a questionnaire and semi-structured interviews at one Constabulary in England. I conclude that the scope of the guidelines needs to be broadened and call for additional empirical research on 'what works' to support developments in authorised professional practice (APP).

Keywords: domestic abuse, police interpreting, police guidelines, risk assessment, risk management

Resumen

El presente artículo examina la manera en la que se conducen interrogatorios policiales en los que participan víctimas de violencia de género con un dominio limitado del idioma. El trabajo examina críticamente el concepto de riesgo a fin de comprender mejor cómo este es gestionado actualmente, examinándolo desde una perspectiva procedimental, traductológica e intercultural. El análisis considera los discursos de las prácticas policiales actuales en Inglaterra y Gales, y considera asimismo investigaciones recientes de traductología en el campo de la comunicación transcultural como actividad de gestión del riesgo. En este artículo se propone que la gestión del riesgo se considere como un quehacer individual y compartido, y se exploran las implicaciones de ambos para los interrogatorios policiales a través de un análisis de la normativa actual que regula la actuación policial. El análisis se sustenta en las percepciones del intérprete sobre interrogatorios policiales, que fueron recabadas mediante un cuestionario y entrevistas semiestructuradas en una comisaría de Inglaterra. Se concluye que hay que ampliar el alcance de la normativa y que se precisa de más investigación empírica sobre "lo que funciona" para así sustentar los avances en prácticas profesionales autorizadas (APP).

Palabras clave: directrices policiales, evaluación de riesgos, gestión de riesgos, interpretación en el ámbito policial, violencia de género.

1. INTRODUCTION

A review of extant literature on police interpreting reveals limited attention to the victim-witness interview. The timeliness of the focus here is supported by recent evidence of the range of challenges facing limited language proficient victims in reporting domestic abuse and engaging with the criminal justice system (e.g. Powell and Cauchi; Elliot, Thomas and Ogloff). It is further underscored by the 2013 inspection of the 43 constabularies by Her Majesty's Inspectorate of Constabulary (HMIC) with regard to the handling of domestic abuse-related cases. The inspection identified language provisions as an area for improvement in several cases as illuminated by the following extract from a focus group:

> Been here for seven and a half years. Called police after one and a half years. English not very good. Never asked me for interpreters. Would have made a difference. My ex always said you are foreign, you are nothing in this country —they won't believe you. I could have asked more questions with interpreter. Didn't ask me if help to interpret or translate. They didn't want to help. My ex is English. He said they would always believe him because he's English. (HMIC 32-33)

At a conceptual level, language provisions are discussed in relation to governmentality, which is understood, following Foucault, as the various practices involved in the government of others. The concept helps to foreground the role of language provisions in relation to the use of risk in the various technologies of government. It has also influenced analyses of contemporary policing in relation to its organisation, operations, techniques and accountability[1] among others, leading O'Malley to highlight its empirical value because "it attends to demonstrable plans and formal procedures" (126).

The contextual backdrop to the discussion also supports an emphasis on governmentality. The outsourcing of language provisions in the criminal justice system in England (since 2012) has led to the use of some semi- and unqualified interpreters in police and court settings and a failure to supply interpreters in some instances.[2] This has implications for procedural and distributive justice, and police accountability to victims and witnesses with limited language proficiency. However, a governmentality-informed approach to language provisions in policing needs to go beyond matters of interpreter supply —important though these are— and address

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[1] Accountability to whom and for what is the subject of much debate in policing (see for example Rowe and Lister).

[2] See the Justice Committee-Sixth Report (Volumes I and II).

issues of organisational practice and knowledge management.[3] The current guidelines on interviewing victims of domestic abuse (NICC 2008), for example, make only cursory reference to interpreter mediation. Wadensjö's assertion that the presence of interpreters transforms judicial proceedings but is seldom acknowledged in practice (45) resonates with these preliminary observations and therefore merits attention.

The potential transformative impact of interpreter mediation on victim interviews is evaluated in what follows in relation to Pym's analysis of risk in translation (understood in its written, signed, spoken and audiovisual modes). I propose to extend Pym's approach, based on an understanding of risk management as an individual *and* interactional achievement. In so doing, the possibility emerges of a distributed approach to risk management in interviews and co-responsibility is emphasised between officer and interpreter. This is particularly relevant to interviews with limited language proficient victims in which the credibility of both the officer and interpreter are often at stake.

The article firstly outlines developments in police responses to domestic abuse in England and Wales before examining specific features of risk management in general terms, and in relation to police interviews. The analysis of current police interview guidelines is supported in sections three and four by a review of extant literature on police interpreting and risk in translation, extending Pym's typology of risk management beyond the individual translator to all agents in the interaction. The final section examines relevant extracts from current guidelines, supported by interpreter accounts of their experiences in police interviews with victims of domestic abuse. I conclude by proposing the guidelines be extended in scope, and call for further empirical evidence to support enhancements to authorised professional practice (APP).

2. POLICE APPROACHES TO DOMESTIC ABUSE IN ENGLAND AND WALES

"For many years the police response to allegations of domestic violence was insensitive, ineffective and unprofessional" (Richards *et al.* 10); although it was an area of policing that some argue (e.g. Hallam) benefitted from the introduction of reforms in the 1990s and early 2000s (e.g. Police and Magistrates' Court Act 1994 and the Police Act 1996), the 2014 report by Her Majesty's Inspectorate of Constabulary (HMIC) expressed serious concerns that "it is often a poor relation to other policing activity."

The most recent Crime Survey for England and Wales (CSEW) published in 2016 provides an indication of the scale of the problem. The estimates are based on a relatively broad definition of domestic abuse "covering male and female victims

[3] Knowledge management is understood broadly speaking a systematic approach to identify, capture, structure, value, leverage and share an organization's knowledge base.

of partner or family non-physical abuse, threats, force, sexual assault or stalking" (Woodhouse and Dempsey 3). According to the report, 8.2% of women and 4% of men were estimated to have experienced domestic abuse in 2014/15. The CSEW, however, makes it clear that "[a]s domestic abuse as a whole is not a specific criminal offence, offences that are domestic abuse-related will have been recorded under the respective offence that has been committed, for example, assault with injury."

Ascertaining the number of people affected who do not have English as their first language is particularly difficult. Although research provides a mixed picture of prevalence of domestic abuse among immigrant groups (e.g. Morgan and Chadwick; Ghafournia), there is evidence that it is less likely to be reported (Bhuyan and Senturia; Keller and Brennan). The figures cited above may therefore at best only include a conservative estimate of the numbers of limited language proficient speakers affected.

In recent years, domestic abuse has been given greater priority in policing in England and Wales. This is reflected in risk management and risk assessment approaches designed with a view to medium-long term protection, and "the need to secure victims' safety, better manage potentially lethal situations, and to gather and make sensible use of intelligence" (Hoyle 326). Hoyle makes a connection between neoliberal discourses and shifts in approaches to policing (and other areas of public administration), through which victims are supported to take responsibility for their own future personal safety.

Developments in policing this area have been supported through the introduction of new legislation such as the Domestic Violence, Crime and Victims Act (2004), the Code of Practice for Victims of Crime, and risk assessment tools and models aimed at preventing serious injury or death through risk management plans. The Domestic Violence, Crime and Victims Act (Amended) 2012 and, at the European level, EU Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime have also supported developments, together with the government strategy on Violence Against Women and Girls (WAWG) in 2016.

3. RISK ASSESSMENT AND RISK MANAGEMENT IN POLICING AND POLICE INTERVIEWS

Whitty (2) asserts that "[o]ver the last decade, many areas of public administration in the United Kingdom, notably in the field of criminal justice, have been influenced by concerns about risk." In police services, risk management concerns both administrative and operational matters, from finance to fire arms, risk of trauma (to officers), risk assessment of sex offenders and mentally disordered offenders. Risk assessment in cases of domestic violence is also part of this trend and is a phenomenon described as "not only high volume but also high risk" (College of Policing).

Assessing risk in order to predict the likeliness of an escalation of violence and abuse to which a victim is exposed has been the subject of considerable research (e.g. Bennett *et al.*; Campbell *et al.*; Robinson), although the reliability of such assessments

has been widely debated. This is despite significant improvements in intelligence collection (e.g. through the Domestic Violence and the National Intelligence Model from 2000) and evidence-based risk assessment models such as DASH (Domestic Violence, Stalking and Harrassment, and Honour-based Violence Risk Model from 2008). Problems have been identified in relation to staffing capacity and confidence in coding and interpreting information, and in particular understanding the nature of (often very subtle) coercive behaviours impacting victims (e.g. HMIC).

In relation to police interviews, Clarke and Milne (qtd in Mayfield 13) assert that interviewing victims and witnesses has "equal, if not more, importance than the interviewing of suspects"; however, in terms of police interview training, more time is devoted to interviews with suspects. In England and Wales, investigative interviews are conducted on the basis of the PEACE model that is supported by cognitive interviewing (CI) (e.g. Geiselman and Fisher) and conversation management (CM) (Shepherd). The PEACE interview model is a phased approach that places emphasis on planning and reviewing, whereas cognitive interviewing techniques concern a holistic approach to the interview and interviewee, promoting attention to issues of affect (verbal and non-verbal) as a means to generate rapport and encourage memory recall. Conversation management is an approach that maximises the spontaneous disclosure of information. According to Clarke and Milne (56) "[b]oth methods advocate that having explained the outline of the interview, the interviewee should be encouraged to give their account of events in an uninterrupted manner," suggesting that interpreter mediation in the account-giving process is likely to present challenges and potentially impact on Achieving Best Evidence (Ministry of Justice).

Several studies in Britain and beyond (e.g. Clarke and Milne; Yi *et al.*) have evaluated the way in which interviewers apply available guidelines, finding significant discrepancies between reported and actual practice. Although police training in investigative interviewing has developed considerably in England and Wales since Clarke and Milne's 2001 research (e.g. with the implementation of a tiered approach to interview training recommended in their report), there is a gap in relation to training and evaluations of interviews involving limited language proficient victims and interpreters.

Investigative interviews with victims of domestic abuse serve several purposes: they provide an opportunity for an account of events to be given (known as the witness statement) and scope for assessing the risk of an escalation in abuse and violence. Such interviews are increasingly shaped by the need to promote procedural justice and therapeutic justice (see Elliott, Thomas and Ogloff). This relates to the fairness of procedure and the effect of the law on the wellbeing of the individual, and means that special emphasis is placed on attending to the psychological needs of the interviewee in order to promote psychological health and maximise recollection.

The therapeutic interview requires due assessment of both verbal and non-verbal reactions on the part of the interviewee. The involvement of the interpreter in the exchange may limit the interviewing officer's access to critical cues, either because of the interpreter's omission or neglect of certain discourse features such as discourse markers (see Gallai), or because of a general lack of awareness of how interpreting impacts on interaction in such cases (Mayfield). The issue of the inter-

preter's wellbeing in investigative interviews has also been highlighted as an area that some senior police officers would like to improve, suggesting that the therapeutic interview could be more usefully conceived in terms of trauma-informed practice.[4]

In this regard, a study by Risan *et al.* in the field of forensic cognitive psychology provides valuable insight into preferred approaches of police interviewers to regulating distress, managing rapport and promoting the wellbeing of the victim-witness. Based on 21 interviews with officers involved in interviews following the gun rampage on the island of Utøya in Norway in 2011, the authors found that approximately 10% of interviewees reported finding the interview distressful, and 10% experienced strong emotional reactions during or afterwards (737). They recognise that the interview context itself may present a vulnerable context for interviewees who may experience flashbacks, disturbance in attention, feelings of shame and guilt (ibid).

The study shows that officers adopt different strategies in the course of the interviews, among which the following emerge as salient: showing acceptance and understanding, and affirming the experience of the interviewee; and increasing the interviewee's sense of control at critical moments (e.g. using breaks and artefacts to deflect attention away from the self to an external stimulus). The authors draw on research on emotional arousal (Siegel) to highlight the fact that during an interview about a traumatic event, processes can be triggered in the victim that block their capacity to adapt to the here and now. As a result, the challenge of providing a coherent account is acknowledged.

4. INTERPRETING STUDIES RESEARCH ON DOMESTIC ABUSE AND POLICE INTERVIEWS

Although police responses to limited language proficient speakers in cases of domestic abuse have been under-researched in interpreting studies, there is growing interest in the phenomenon, particularly in Spain through the SOS-VICS project (University of Vigo 2012-2015). In an article relating to the SOS-VICS project findings, Ortega Herráez *et al.* outline the institutional itinerary of victims in police services from the point of initial contact. The findings highlight parallels with research in other countries such as Australia (e.g. Menjivar and Salcido). Specifically, the authors show that where professional language provisions are available, the interpreter's lack of specialised knowledge about police procedure in domestic violence cases can and does impact on victim experience and understanding (e.g. of the consequences of their decisions). They also reflect reluctance on the part of many victims to report violence if their immigration status is uncertain.

[4] Comments made by a serving police officer in the context of the Languages Working Group meeting 13 January 2017 organised by Cambridgeshire Constabulary.

Mayfield's study of interpreter-assisted investigative interviews with non-English speaking victims-witnesses and the witness statement-taking procedure also illuminates the challenges experienced by both interpreters and police officers. Although the study does not focus on domestic abuse specifically, it is one of the first surveys to incorporate interpreter and police officer perspectives: 138 investigators and 90 interpreters. Of particular interest to this discussion is the response by both groups to the question of whether any issues or challenges had ever occurred in the course of the investigative interview and the subsequent statement-taking procedure. Almost two thirds of interpreters, 69% (61 responses) answered "yes," whereas more than a half of the investigators, 53% (74 responses) answered "no" (29).

Issues reported by interpreters ranged from being left alone in the room with the victim-witness, being asked to take the statement on their own (and even being coerced into taking the statement), officers marginalising victims by only speaking to the interpreter directly, the lack of officer awareness of the complex linguistic trajectories of migrants as they travelled to the UK, among many others. By contrast, the officers raised issues such as interpreter bias, partial interpretation, instances in which emotions were expressed in an intrusive manner, but did not comment on specific challenges of interpreter mediation in interviews.

5. TRANSLATION, INTERPRETING AND RISK

Preliminary analysis of police guidelines on interviews involving interpreters shows an emphasis on practical issues of interpreter provision and limited attention to interview procedure and strategy. Research has shown that the involvement of interpreters in police interviews frequently creates many challenges in relation to rapport building (Houston *et al.*), narrative flow and free recall (Böser), cross-cultural understanding (Krouglov) and pragmatics (Nakane) among others; risk management, by contrast, is only indirectly addressed in such studies.

Given the centrality of risk assessment to interviews with victim-survivors of domestic violence, Pym's typology of risk supports a structured analysis of the actions of (or rather, as Pym emphasises, the distribution of efforts by) interpreters and translators. His approach is underpinned by an assumption that cross-cultural communication is to some extent an exercise in risk management. The three types of risk identified are: 'credibility risk,' 'uncertainty risk,' and 'communicative risk.' "Credibility" is concerned with issues of trust and belief in the process and product of translation/interpreting, "uncertainty" concerns the actions taken by translators/interpreters when faced with comprehension issues, and "communicative risk" concerns decisions taken to ensure the success of the interpretation as a communicative act.

Although Pym acknowledges the role of others in translation and interpreting events, he does not emphasise risk management as an interactional achievement. Taking a dialogical approach to interpreter-mediated interaction, that is one that "[foregrounds] *actions and interactions* taking place in *a concrete situation* which represents a mixture of linguistic and social conventions and personal preferences" (Wadensjö 44, original emphasis), Pym's focus is broadened here to take account

of the level of responsibility of each agent (police officer and interpreter) in relation to risk management.

"Credibility risk," according to Pym, concerns the manner in which trust is established and maintained in the translator and in the translated product. Research with (monolingual) victims on their experiences of the criminal justice system highlights the importance of credibility to the success of the interview. In interpreter-mediated interviews, credibility concerns both the interpreter and the officer, extending beyond the translated product. For instance, trust in officers can be diminished where there are perceptions that the victim's story is not being taken seriously, that the victim is not being treated as an individual with individual needs, among others (Powell and Cauchi; Elliot, Thomas and Ogloff). In interpreter-mediated interviews, victims often seek assurances about the interpreter's credibility before disclosing information, for example by seeking information about the interpreter's family and neighbourhood connections.

If Pym's emphasis on effort distribution is applied to interaction in the interview, it suggests that police officers need to take account of interpreter credibility in the early phases and how it may be achieved. For example, officers may be unaware of the challenges interpreters face by being asked questions about personal connections. They may not understand why an interpreter may reject such requests (i.e. out of concern to maintain impartiality). Officers also need to develop awareness of how an interpreter's delivery and intonation can impact on their (the officers') credibility. For instance, meta-discussions to guide the interpreter not just in *what* is being said but also *how* it is being said may help to establish the officer's credibility as a listener.

There is some overlap here with the concept of "communicative risk." However, the important point is that the management of such risk often needs to be a joint enterprise. Lai and Mulayim, for example, found that when interpreters were asked to interpret "tell," "explain," and "describe" questions (i.e. open questions), in almost 55% of cases interpreters opted for a meaning-based interpretation. This was manifested by a change in the wording to a more accusatory "why." This research, coupled with reports of interpreter bias and victim blaming, suggests that interpreter impartiality is a particular challenge in these interviews, and is supported by findings from Mayfield's study. More research is needed, however, on why this arises, even among qualified interpreters.

"Uncertainty risk" in interpreter-mediated police interviews encompasses the kind of comprehension issues identified by Pym. Additionally, in this setting, the lack of specialist training for interpreters in police interviews leads to a deficit of knowledge about interview strategy, leading to uncertainty about the purpose of a question or the particular choice of phrasing, as seen in the example of open questions above.

Knowledge deficits manifest themselves in various ways. However, the extent to which officers take time to explain police procedure, manage expectations about how domestic abuse is handled by the police, and provide details on support available for victims has not been empirically verified. Anecdotally, it appears that very limited attention is given to such aspects in interpreter-mediated interviews.

The lack of contextualisation risks generating uncertainty for victims, impacting on their understanding of the consequences of decisions they take. This means that although interviewing officers may reasonably expect an interpreter to flag up a relevant cultural issue during the interview, they may under-estimate the need for pro-active cultural interventions on their part.

6. ARTEFACT ANALYSIS

In this section, I analyse current Authorised Professional Practice (APP) in relation to interviews with victims of domestic abuse. The analysis takes account of the conceptualisations of risk described above in relation to interpreter mediation and interpreters' reported experiences of police interviews with victims. The two artefacts concern the document *Major Investigation and Public Protection, Understanding Risk and Vulnerability in the Context of Domestic Abuse*, published by the College of Policing, and the National Police Chief's Council *Guidance on Investigating Domestic Abuse* (Checklists 12 and 16, see Appendix).

The first document (*Major Investigation and Public Protection*) provides officers with a clear and accessible list of factors often experienced by victims and witnesses from culturally and linguistically diverse backgrounds, reflecting the findings of research on barriers to reporting and accessing police services. However, the implications of the items for police interviews is not acknowledged in the document, leading to questions about how an issue such as a fear in the authorities might manifest itself discursively or how it might be handled effectively. There is also no mention of the difficulties faced by individuals from some language communities in expressing instances of sexual violence (see Pande), or the problems this might generate in terms of risk assessment. Finally, no connection is made between this list and the checklist on the use of interpreters in interviews, which perhaps serves to perpetuate the idea that interpreter-mediation is inherently unproblematic in interview procedure.

With regard to Checklist 12 (*Conducting the victim interview*) in the 2008 NPCC guidelines, reference to victims from linguistically and culturally diverse backgrounds is conspicuous by its absence. Furthermore, the extent to which interpreters have been involved on a case (e.g. during the initial response) is not highlighted, meaning that officers are likely to overlook its importance in considering how a case has been handled to date.

Checklist 16 (*Considerations when using interpreters in domestic abuse cases*) focuses almost exclusively on structural issues of interpreter provision, and pays minimal attention to interpreter mediation in the interview procedure. It is important to note that the guidelines do not reflect changes that have occurred since 2008, such as the outsourcing of language provisions, meaning that an officer's ability to 'select' interpreters no longer applies to the same extent. No mention is made of the potential involvement of the interpreter in interview planning phases or any of the police-compliant models of risk assessment that might be used in interviews. This suggests little or no scope is provided to address cultural issues in relation to risk

assessment prior to the interview. Finally, reference is made to the 'normal flow' of victim accounts in relation to interruptions by the interpreter to ask a question or clarification, but other salient features of interpreter mediation are absent.

These initial reflections are supplemented below by reference to the findings of a questionnaire and series of interviews that were conducted with Cambridgeshire Constabulary following relevant ethical approval processes at the University of Manchester. Cambridgeshire Constabulary was approached because of the high number of interpreter-mediated interviews conducted, and because of measures it had implemented to support victims, including a 'victim hub' and a dedicated training event in 2014 on interpreting in domestic abuse cases. Information was sought on the interpreters' experiences of the training event and the impact on subsequent practice. This explains why the circulation of questionnaires was limited to the population of registered interpreters at this Constabulary. Through the questionnaires, interpreters were invited to put themselves forward to take part in a one-to-one semi-structured interview with the principal investigator: 8 interpreters came forward for a one-to-one interview. An additional interview was undertaken with the Interpreting Services Manager.

The dedicated training event attracted approximately 55 participants out of the approximately 300 registered, security-cleared and qualified interpreters at the Constabulary. The questionnaire was circulated using an online survey instrument and two reminders were sent via the Interpreting Service Manager. In total, 18 responses to the questionnaire were received, giving a very low response rate of 6 %. Nevertheless the responses represented different levels of interpreting experience and a wide range of languages and cultural backgrounds: Urdu/Punjabi (2), Arabic (2), Turkish (1), Lithuanian (1), Russian (2), Spanish (2), Hungarian (1), Portuguese (1), Polish (1), Romanian (1), Russian/Georgian (1), French/Romanian (1), Romanian/Moldovan (1), Italian/French (1). The purpose of the questionnaire was to identify issues encountered in practice as a support for the themes addressed in the semi-structured one-to-one interviews. The interviews involved interpreters who spoke Hungarian, Arabic (2), Russian, Romanian (2), Spanish, and Turkish.

The questionnaire and interviews focused on the following main themes: training experiences; interpreter perception of officer approach to victim/witness interviews; pre-interview briefing; use of artefacts (e.g. risk assessment models); interpreter involvement in trust/rapport building, handling of narrative flow; cultural issues and recommendations for service improvements. These themes were supplemented with others that emerged from the interviews, such as the issue of interpreters serving as an information link between different statutory services; funding cuts and implications for interpreting quality.

6.1. Policing culture and domestic violence

The findings suggest that domestic violence is taken more seriously by the police in Britain than in the cultures represented by the respondents where it was

typically described as a private matter for families. The interpreters were asked in the interviews whether, in light of this cultural difference, interviewing officers made efforts to contextualize the police response to domestic abuse. In this regard, one interpreter highlights how certain framing devices are used to reassure victims and create a culture of safety:

> ... things like, well, you know, erm, 'you're not going to be in trouble' or 'what happens next' or 'what happens now', you know that kind of thing, to give people a sense of the fact that now we've got to this stage, you'll be protected but equally this has to go further, it can't just be dropped, [that] kind of thing.

6.2. Training

The questionnaire sought to gauge how many of the respondents had attended the dedicated training offered by the Constabulary. Out of the 17 responses to this question only four confirmed that they had, leaving little scope for evaluating (perceived) impact on subsequent practice as intended. Nevertheless, what these participants were able to recall from the event provided a degree of insight into what is important in victim interviews and insight into how the police assess risk and handle victim wellbeing. One interviewee recalled:

> ... the forensic part and they actually got us into thinking about... how they are actually taking the statement and the video interview, achieving best evidence... and that was very useful because, getting to see the structure and rationale behind it... it makes much more sense.

> I remember correctly they talked to us about memory and about how it can be quite difficult to recall, especially if it's been a traumatic event, and how they would like the person to tell them about what happened, and how they would need to start asking specific questions to get the information, the necessary information.

The ability to make sense of an officer's approach is stressed as an enhancement to knowledge gained through participation in the specialised training event. This contrasts with an account from an interpreter who had not attended the training and who was therefore less able to contextualise the officer's approach:

> [the officer] might ask the same question like three times in a different way but it's still the same. So, that sort of thing either irritates or surprises the person who has already told them that. I just relate the message.

6.3. Pre-briefing

In terms of pre-briefing the interpreter prior to a victim interview, experience is mixed. Where briefings do occur, they are reported as being short, corroborating Mayfield's findings based on a much wider interpreter population. One respondent

comments: "Only if victim is reluctant to give written statement I would be told more details and explained that the aim is to convince victim that it is in their best interest" (sic).

This response is salient because of the emphasis on the aim of the interview. This will alert the interpreter to the need to pay attention to the language of persuasion and emerges as an area worthy of further attention, for example in analysing actual interview recordings.

6.4. Interpreter perception of officer approaches to victim interviews

The interview with the Interpreting Service Manager revealed that during the dedicated training event quite a number of interpreters had expressed surprise at how 'cold' and 'distant' officers appeared in the interviews, prompting the inclusion of a question on this subject in the one-to-one interviews. While some variability in the interpreter interviews was noted, most rejected the claim, although it must be acknowledged that the sample of interviewees is too small to be considered representative of the Constabulary's pool of interpreters. However, it is interesting to observe the differences in approach reported by two of the interpreters interviewed. The first proposes to mitigate issues of demeanour, whereas the second mimics the approach of the officer:

> So I always adopt a warm and friendly demeanour. I know that I must have understanding and empathy with all the parties involved, otherwise I cannot fulfill my obligations if I have a 'cold' attitude.
>
> To be fair the officers I have worked with in domestic violence cases are normally very empathic and supportive. However if they were not I would not try to imply a different tone to them to establish rapport.

In terms of more general experiences of interpreting for victims of domestic abuse, one interpreter provides valuable insight into the impact of emotional distress on the statement giving process:

> All the victims, whom I interpreted for, were females. With memories of abuse still being fresh, they were in distress. Obtaining a victim-witness statement is often a lengthy process. It can be difficult for police officers to keep the victims focused on the questions, the victims can be very emotional and mention too many details, which are, obviously, important to them, but can be very distracting and unnecessary for the police officers and for the purpose of the statement. Sometimes, victims can change their mind on whether to give a statement or not, a few times in the course of statement taking, thus putting pressure on both the police officer and the interpreter.

The 'pressure' mentioned in the above quote appears to relate to the pressure to try to persuade the interviewee that it is in his/her best interest to provide a statement. This is an area requiring further research, since the success or otherwise

of persuasive techniques requires attention to pragmatic competence, something reported as often lacking in legal interpreter training.

6.5. Artefacts

The interviews elicited information on interpreters' knowledge of risk assessment processes and models. Despite not mentioning a particular approach by name (e.g. DASH), several interpreters made reference to a 'pack' used by officers to structure the interview, which was viewed positively in terms of helping to shape the victim's understanding of the police's role:

> ... going through the pack... the officer is giving more information and telling them about the services that could be helpful for them. And the victims understanding of "I'm not alone," I think that has slightly changed.

6.6. Timing of interpreter involvement in a case

The difficulty in ascertaining language proficiency and managing variability of proficiency in interviews is highlighted in the interview accounts. One account details how an interpreter had not been involved at all stages of the investigation and where different types of interpreting had been used (e.g. family member/telephone interpreter). In such cases, it was suggested that the victim's grasp of the situation and wider context of the police approach can be quite poor, despite appearances to the contrary. The involvement of an interpreter was felt to change the dynamic significantly:

> ... because once you have an interpreter, there will be much more reflection about what is happening —when you're actually taking a statement in writing— but sometimes you can get... if they haven't had an interpreter, the case can be quite advanced and [the victims] don't know those things... it can be so different.

This comment clearly suggests that officers may overestimate linguistic competence in early phases of dealing with a case, and may therefore require more support in obtaining timely interpreting services.

6.7. Code switching

The one-to-one interviews present interesting examples of code-switching (i.e. attempting to speak in English and bypass the interpreter):

> [code switching] is a very, very difficult moment. It is because you feel helpless. You can't really help them because you should not really correct what they're saying because it's their words, but you see that they don't sometimes make sense at

> all because they use the wrong order, and what they're trying say is completely different. Yes, it's very, very difficult. So you wait, and you just look at the officer, and you wait for the officer to say 'could you please answer in your language.' So you kind of give the officer the signal that if you want to know what the person really says, tell them to...

There seem to be certain trigger points for code switching as one interpreter explains:

> Also, there is sometimes, there's words which is very difficult to explain in Russian. For example, National Insurance Number, we don't have it. So instead of saying whatever it is in Russian, which will be four or five words, they just say "National Insurance." And as soon as they say "National Insurance" they will follow it with more English words.

Another example from the same interview exchange shows a suspect intervening to clarify language use in order to defend actions taken:

> It's interesting, and in Russian we don't have different words for "punch," "kick," and, well we have "slap," but we don't have "punch" and "kick," so we say "hit with the foot," "hit with the...fist." So sometimes they confuse it, and all of a sudden [the suspect] will switch into English and he will say 'I just punched her once'. And the officer will say 'so you punched her?,' 'Yes! But it was open palm so it's not punch.'

What do these limited findings tell us about the quality and user-friendliness of the current guidance available to officers on working with interpreters? As mentioned earlier, the guidance contains very little attention to the interview process aside from brief mention of the interpreter being able to interrupt proceedings to ask for repetition or seek clarification. However, the interpreter experiences presented above suggest that particular strategies are needed for handling emotional distress, rapport-building, the explaining the purpose of certain questions and why repetitions are needed, identifying linguistic features that can impact on the assessment of abuse, and the use of risk assessment models. Given the difficulties in assessing the level of coercion a victim may be under at the time of the interview, reference to the interview strategies used in assessing risk appear particularly conspicuous by their absence in the available guidelines.

7. CONCLUSION

This article has brought to prominence the lack of research on interpreter-mediated victim interviews in police settings, specifically in relation to domestic abuse. It has also highlighted the role of language provisions as salient to issues of governmentality in policing. The tendency to treat provisions as largely peripheral and unproblematic is seen as a potential consequence of outsourcing, since it draws attention away from what the organisation needs to do to effectively accommodate

such provisions in its practice. The analysis of current guidelines highlights a number of gaps in institutional knowledge about interpreter mediation and how such knowledge is managed, particularly in investigative interviews.

Eliciting experiences of interpreters helps to shed light on the challenges of victim interviews, which are usefully viewed through the lens of risk management. The proposed emphasis on co-responsibility between officer and interpreter in victim interviews is not intended to elevate the interpreter's position to co-interviewer, but is simply a means to highlight the extent to which risk management needs to be co-managed in the interaction.

From the preliminary analysis above, it would appear that there is scope to expand the guidelines to address issues such as interpreter involvement in pre-interview planning, code-switching, artefact use, and bias. This would need to be accompanied by a simple list of strategies that officers can employ to mitigate the impact of such issues on interviews. The limited scale of this study means that it can only provide a starting point for improvements to practice in the longer term. Furthermore, authorised professional practice (APP) in this area would need to be supported by a broader evidence-base drawing on analysis of interpreter-mediated interviews, as this would enable a comparison between reported and actual practice.

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APPENDIX

Extracts taken from

1. College of Policing, Authorised Professional Practice, *Major Investigation and Public Protection, Understanding Risk and Vulnerability in the Context of Domestic Abuse.*
2. National Police Chief's Council *Guidance on Investigating Domestic Abuse*, 2008.

1. Victims from different cultural backgrounds (N.P.)

A person's cultural background or immigration status may make them more vulnerable to domestic abuse and create barriers to leaving an abusive partner.

Possible issues a victim may face include the fact that:

- They may not speak much English or know where to turn to for help.
- They may be reliant on their partner or partner's family for financial support and be isolated from people outside their immediate family or community.
- They may have an insecure immigration status and fear contact with the authorities.
- Their right to remain may depend on their relationship with the abuser continuing.
- They may have been forced into marriage or be subjected to honour-based abuse (HBV).
- Certain forms of domestic abuse, eg, between husband and wife or father/uncle and daughter/niece, may be accepted in some families or households and cultural background may be a factor —if it is considered normal by the victim, perpetrator and their community, the victim may not seek help or be aware of what help is available.
- The police in the victim's country of origin may not enforce laws against domestic abuse effectively or at all, resulting in a lack of trust by victims.
- The police may be mistrusted by the community as a whole due to involvement in persecution in the country of origin.
- Police attendance may be viewed as shameful, discouraging those involved as well as neighbours from calling the police.

2. NPCC Checklist 12 Conducting the Victim Interview (50)

Interviewers should elicit the following information, depending on the individual circumstances of each case:

- Full details of the current incident, including evidence to support the alleged offence;
- Details of witnesses present during the incident;
- Nature and seriousness of the victim's injuries (physical and emotional);
- Details of family members;
- History of the relationship and any other incidents;
- Reference to previous incidents including those with previous partners;
- Whether a weapon was used (how and what type) and whether any attempt at choking, suffocation or strangulation was made;
- Details of any threats made before or since the incident;
- Whether any children were present and, if so, the effect that the incident has had on them;

– Whether the suspect planned the incident;
– Whether the parties are separated;
– Whether any civil action has been taken by the victim or any previous partners;
– Whether any sexual offences have been disclosed;
– Points to prove;
– Victim's view of the likelihood of further abuse and victim's views about their own safety and that of any children;
– Victim's view of the future of the relationship.

NPCC Checklist 16 Considerations when Using Interpreters in Domestic Abuse Cases (61)

– Checking the identity of the interpreter and whether they have a Criminal Records Bureau (CRB) disclosure certificate and can show it;
– That the suspect, victim or witnesses are not known to the interpreter, where possible;
– If the interpreter is known to the victim, witness or suspect, this should not be in anything other than a professional capacity;
– Check that the interpreter has no other interest in the case, whether personal, financial or commercial;
– Where possible, select the interpreter to conform to reasonable criteria set by the suspect, victim or witnesses, which may include a preference for specific sex, religion, regional origin, political affiliation and cultural background;
– General guidance is that interpreters live in close proximity to the interview premises, but in domestic abuse and HBV cases it might be prudent to use interpreters that meet the criteria of the suspect, victim or witness but who do not live within the immediate community;
– Interpreters should be allowed to interrupt the normal flow of the interview to ask the officer for repetition, clarification or to alert the officer to the possibility of a cultural inference that might have been assumed. Interruptions should be explained to all parties.