

Working With Languages: A Guide for Law Enforcement Personnel

*Integrated Knowledge Institute for the
Greater Advancement of Interpreters*



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*USCCI = U.S. Courts-Certified Interpreter; NCJIT-S = Nationally Certified Judiciary Interpreter and Translator-Spanish; TxMLCI = Texas Master Licensed Court Interpreter

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by Janis Palma, M.A., NCJIT-S, USCCI

Introduction

Perhaps one of the most frustrating experiences for any human being is to be unable to communicate. This feeling may be exacerbated in a situation in which receiving and conveying information is essential to the business at hand, such as in law enforcement settings. Faced with a suspect or a witness whose language the officer cannot speak or understand, the process comes to a grinding halt. The communication we take for granted when everyone speaks the same language suddenly becomes an insurmountable obstacle. No one can make themselves understood. The solution, of course, is to bring in a third party who can speak both the officer's and the subject's language. But how reliable is that third party? How trustworthy?

Communicating with a witness or suspect in a law enforcement situation is a delicate matter, often involving confidential information. The third party called in to assist with the communication process cannot be just anyone. Some sensitive investigations may even require a certain security clearance level for the person who will be acting as a language mediator. The easy way out is to call in another law enforcement officer who can speak and understand both languages; but as you will see, speaking and understanding two languages is not always enough to be an *interpreter*.

The difference between a Translator and an Interpreter

There is a difference between interpreting and translating that few people outside the profession are aware of. A **translator** is someone who works with written documents. Translators need not necessarily speak a language in order to translate it. While it does require excellent language proficiency, translation is limited to the reading and writing of written texts; there is no speaking or listening involved. **Interpreters**, on the other hand, must not only have the knowledge and ability to convey ideas from one language into the same ideas in another language, but must do so orally, sometimes as another person speaks, sometimes taking turns, which requires special memory skills as well. Translators can take time during the language conversion process to consult dictionaries and other reference sources, until they arrive at the best choice of words and sentence structure, whereas interpreters must have all the grammatical and semantic information readily available in their long-term memory, so it can be retrieved instantly without interrupting the communication process.

Professional interpreters and translators specialize in particular disciplines because of the vast range of vocabulary and technical terminology inherent to each discipline and the peculiarities of language use in each field of knowledge. Lawyers have their own way of speaking, as do doctors, engineers, stock traders, computer programmers, chemists, physicists, fingerprint analysts, and law enforcement personnel, just to name a few. Anyone who tries to interpret or translate in every field of knowledge will have to conduct in depth research in order to be truly competent in all of them. Basic or general knowledge in a language is not enough for someone to perform competently as an interpreter or translator. How many lay persons know what it means to “mirandize” someone? And how many bilinguals would know how to translate it?

Interpreters can specialize in at least *three* general domains:

- Conference
- Judiciary
- Healthcare

Conference interpreters specialize in highly technical subjects, such as international relations or global markets, but must also be knowledgeable about a wide range of subject matters, including legal, social, and political issues. Conference interpreters generally work in a special soundproof booth with equipment that allows them to hear the speakers over a headset, while speaking themselves into a microphone that transmits to the intended listener through either a fixed or portable receiver. They may also interpret speeches or one-on-one meetings using special notetaking and delivery techniques. Conference interpreters work in teams of two or more, taking turns every 20-30 minutes, depending on the complexity of the subject matter being interpreted.

Judiciary interpreters specialize in legal and forensic subject matters, which may include related medical, scientific, or technical subjects. A judiciary interpreter must have an encyclopedic knowledge of world events, as do conference interpreters. However, the standard of accuracy for judiciary interpreters is higher than the standard for conference interpreters. Interpreting in legal settings involves issues of due process not required in healthcare, conference, or educational domains. Judiciary interpreters may often use special simultaneous interpreting equipment in or out of court, either fixed or portable, and engage in turn-taking during the interpreting process. Documents may sometimes have to be translated on the spot. Judiciary interpreters must have the highest level of skills, knowledge, and abilities to perform competently in legal and quasi-judicial settings, such as arbitrations, administrative and public hearings.

Healthcare interpreters specialize in medical terminology and related proceedings, such as emergency room intake at hospitals, physical

examinations, psychiatric or psychological evaluations, etc. They must have a certain level of cultural fluency to assist health services personnel understand a patient's complaint when it is expressed in culturally bound terms, or to make health service professionals aware that technical information must be conveyed in such a way that the patient and his or her relatives can understand it. Medical interpreters, like educational interpreters, seldom use interpreting equipment, as their interaction with the parties requires a closer one-on-one contact.

The role of the Interpreter

The main role an interpreter plays in any situation where two or more people speak different languages is to enable those people to understand each other and communicate effectively. In order for this effective communication to take place the interpreter must be highly proficient in the interpreting skills required to mediate between those speakers of different languages: sight translation, consecutive and simultaneous interpreting. That interpreter must also be knowledgeable of the particular vocabulary and specialized terminology the speakers may use, including technical terms and street slang. It is just as important in a law enforcement setting for the interpreter to be equally fluent in "police talk" as in "street talk".

The interpreter must also be absolutely *impartial*, so that each participant in the communication event can rely freely on the interpreter's capacity to convey their every word and every thought fully and accurately.

A person acting as an interpreter who has a vested interest or has some sort of emotional involvement – for example, a family member – is at risk of coloring other people's words with his or her own thoughts and feelings. It is the natural tendency, particularly for persons without professional training as interpreters, to want to "help" those for whom they are interpreting when they believe the person is saying the wrong

thing. Those *ad hoc*, or non-professional “interpreters” may cause unwanted interference by adding explanations they think will be beneficial, or by omitting statements they believe may be harmful. Someone with an emotional involvement or some vested interest in a situation is an unreliable language mediator.

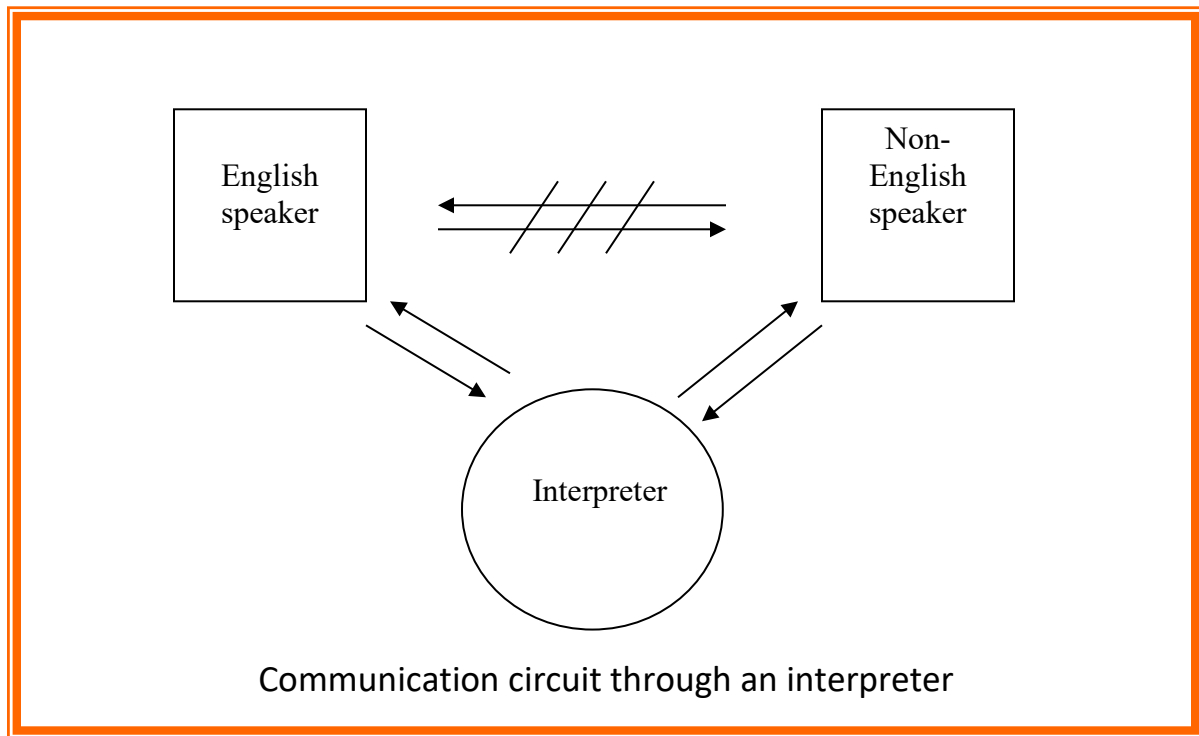
On the other hand, a bilingual fellow law enforcement officer or related personnel can also cause interference in the communication process. They may feel it is their duty to add extraneous information that the foreign-language speaking subject has not provided, or make a judgment call as to what is and is not important to convey. During questioning, fellow law enforcement officers acting as interpreters may even change the questions to what they believe is a better approach or wording, so that the answer received may not necessarily be in response to the question everyone else heard in English. Persons who have not been trained to remain neutral and impartial during language mediation have a difficult time overcoming the natural tendency to say things in their own words, rather than in the words of the person for whom they are interpreting. This can create false impressions, provide misleading information, and cause many problems that would be avoided through the use of professionally trained and impartial language mediators.

Interpreters should never have a vested interest in the outcome of the matter in which they are interpreting.

In truth and in fact, interpreters are generally the only ones in the room who know what everyone else is saying. Most scenarios include a roomful for people who speak only one language or the other, and there is no one to oversee the interpreter’s performance. Therefore, no one can know to what extent an “interpreter” may be obstructing rather than enabling the communication process. Thus, being able to

rely on that interpreter's *neutrality* should be an essential requirement for all parties involved.

An interpreter in a law enforcement setting should not be expected to do anything other than convey what each person has said, exactly as said. An interpreter is not a social worker, psychologist, cultural anthropologist, dialectologist, advocate, teacher, or baby-sitter. Interpreters should not be expected or asked to counsel, explain, draw inferences or conclusions, analyze or provide further insight into an interpreting situation, or engage in any other activity above and beyond the scope of language mediation.



In some rare situations, the interpreter may have to provide information culturally implicit in a message, but not necessarily understood by the person or persons who does not speak that language. For example, when an English-speaker uses a social or political reference that everyone in the United States would understand (e.g., "Would you say she looked like Monica Lewinsky?")

“Read my lips!” “Is he the Larry King in your country?” “It ain’t over ‘till it’s over.”), the non-English speaker may not be familiar with the reference and the interpreter may be the only person who can clarify the communication gap caused by cultural differences. Likewise, if the non-English speaker makes a statement that does not seem to make sense to the English speaker (e.g., “she’s my wife but we are not married”), the interpreter may have to provide a “cultural bridge”. However, the proper way to do this is by informing the officer conducting the interview or asking questions about the *possibility* of a cultural gap. It would be improper for the interpreter to jump to conclusions – e.g., “he can’t understand what you mean” – or to simply add the cultural information as if it were part of the original message.

Here are some examples of proper and improper ways for an interpreter to provide useful and necessary culturally bound information, thereby avoiding undue interference:

Improper:

Witness: I heard Salvador Dos Santos talk about the case in the news.

Interpreter: I heard Salvador Dos Santos, *that’s a very well-known television news reporter in Brazil*, talk about the case in the news.

Proper:

Witness: I heard Salvador Dos Santos talk about the case in the news.

Interpreter: I heard Salvador Dos Santos talk about the case in the news. *To the examining officer: Agent Smith, as a point of information, Salvador Dos Santos is a very well-known television news reporter in Brazil.*

Improper:

Officer: If this case goes to trial the jury may not believe you.

Interpreter: If this case goes to trial the jury may not believe you. *A jury is a group of people from the community who decide your guilt or innocence during a trial.*

Proper:

Officer: If this case goes to trial the jury may not believe you.

Interpreter: If this case goes to trial the jury may not believe you. *To the examining officer: Officer Jones, you may want to explain to the witness what a jury is in the United States.*

Interpreter Qualifications

When no interpreter is present, each one of the parties involved in a communication event relies on their own understanding of their language and the cultural elements inherent to their customary language use. But when an interpreter is required, everyone depends on that interpreter's ability to understand and convey what others are trying to communicate.

The best assurance of the interpreters' competence is the type of **professional credentials** they hold, and **specialized training** received. Professional training can be offered by institutions of higher education or by professional associations, such as the National Association of Judiciary Interpreters and Translators (NAJIT). A professional interpreter working in the legal field may hold one or more of the following credentials:

- ❖ **NCJIT-S: Nationally Certified Judiciary Interpreter and Translator: Spanish.** The holder of this credential has taken and approved a criterion-referenced examination offered by the National Association of Judiciary Interpreters and Translators (NAJIT) that tests language proficiency and interpreting skills into and from English and Spanish.

- ❖ USCCI: U.S. Courts-Certified Interpreter. The holder of this credential (Spanish, Haitian Creole, and Navajo). The holder of this credential has taken and approved a criterion-referenced examination offered by the Administrative Office of the U.S. Courts (AOUSC) that tests language proficiency and interpreting skills into and from English and Spanish. There are some that have been certified into Navajo and Haitian Creole, although this exam is no longer offered by the AOUSC.
- ❖ State Courts: various states offer certification for state court interpreters in different languages, through different types of testing mechanisms, the most widespread being the exam offered by the National Center for State Courts
- ❖ Academic degree from an accredited college or university, for example, Miami-Dade Community College (Florida), the University of Texas at Rio Grande Valley (UTRGV) or the Monterey Institute for International Studies (California,) just to name a few.
- ❖ Certificate of Training received from a professional association or educational institution.

Please note that a *certificate of training* does not mean that the interpreter is *certified*. Certification means that the interpreter took and passed an exam, generally quite rigorous, consisting of a written portion that tests language proficiency, plus an oral portion that tests interpreting skills.

The best sources to find competent interpreters are professional associations, such as NAJIT. You may also contact local translation/interpreting services agencies, the Administrative Office of the U.S. Courts, or search the Internet to find independent contractors in your area.

The Importance of Interpreter Credentials

A professional credential, such as an interpreter's **certification**, provides the end user with an assurance of quality. Interpreters who have been certified have proven their ability to perform competently through rigorous testing procedures based on the standards set by the profession. More often than not, passing a certification exam implies that the candidate has ample experience in the field and is familiar with the proper performance protocols in judiciary settings.

Lack of professional credentials, on the other hand, call into question the person's ability to provide quality language services. The end user has no evidence of the interpreter's true competence in the field and must rely on other factors such as academic background or years of experience as an interpreter. Academic background, though helpful, is not always a reliable measure of proficiency as an interpreter unless the training has been specifically in this field. Experience can also be deceiving. If an interpreter has been working in isolation, for example, without the benefit of feedback from colleagues for self-improvement, and without the benefit of courses to further the skills and knowledge required in this field, experience is no assurance of quality. The person may have been making the same mistakes over and over for a number of years and not know about it, thus experience merely serves to perpetuates incompetence.

Qualifying a Bilingual Person to Act as an Interpreter

Evidently, the more credentials an interpreter has, the better. However, there are still some rare languages for which no professional credential exists. Should that be the case, the following steps should be taken:

Locating a viable candidate:

1. The federal courts have a database with interpreters in every language used in courts around the United States. Call your local federal court's Clerk's Office and ask for names from their national database of interpreters in the language combination you need.
2. Consult the Language Services Office at the U.S. State Department; they can also help you locate an interpreter in the language combination you need.
3. If you cannot find a candidate through the federal courts or the State Department, check with the consular offices in or near your city.

Minimum requirements:

1. A viable candidate should be able to speak and understand both languages and have at least a college degree either from the United States or a country where the foreign language you require is spoken. This will ensure that the candidate has a broad enough vocabulary to understand and convey everything that is said in either language.
2. If the candidate has no prior interpreting experience, or has limited experience in non-legal settings, inform the candidate about the following points:
 - a. They must be *impartial* and remain *neutral* at all times (see section IV, *Code of Ethics for Interpreters*);
 - b. Everything that is said must be conveyed in full, *exactly* as said (see section III, *Interpreting Modes*);
 - c. Everything that takes place while interpreting must be kept *confidential*, and cannot be discussed with anyone once the event has concluded (see section IV);

- d. If needed, they should download bilingual dictionary apps into their smart phones or bring dictionaries with them;
- e. Define for the interpreter who will be the key participants (e.g., Special Agent John Smith, Task Force Agent Jane Brown, suspect Juan García, witness Marie Fontaine, Court Reporter Richard Jones, etc.) and the role they will each play during the proceeding;
- f. Explain to the interpreter how the proceeding will take place, step by step;
- g. Answer any questions the interpreter may have before the proceedings begin.

Briefing:

Any interpreter contracted, whether or not experienced, should be briefed on the following points:

1. what is the setting in which their services will be required (e.g., an arrest & booking, taking of a sworn statement, an informal interview, surveillance monitoring, etc.);
2. where will the services be required (e.g., an office, a holding tank, a private home, etc.);
3. who will be participating in the activity;
4. will there be any specialized vocabulary or terminology that may be used by any of the participants, or uncommon names (e.g., names of foreign institutions).

Interpreting Modes

Should you have to recruit the services of a bilingual person who is not a professional interpreter, the following guidelines are provided to assist you and the *ad hoc* interpreter understand what is expected, and the proper way to mediate languages in a legal setting.

Consecutive Mode

When interpreters are called upon to assist in an interview situation, they will most likely use what is known as the **consecutive** mode of interpreting.

In the consecutive mode, interpreters wait for each speaker to complete a thought, and then render it out loud for everyone else in the room to hear. This is the preferred mode for witness testimony in court. It is also used in every question-and-answer situation.

In the consecutive mode, interpreters must render every utterance and every word spoken, even when they seem nonsensical or repetitive, if they are interpreting for the record—as would be the case during a deposition or in court. In those instances, it is not up to the interpreter to decide what should and should not be interpreted, therefore, an interpreter's capacity to retain the original message accurately and completely is essential to a competent performance. Consecutive interpreting can be assisted by note-taking to enhance retention and, thus, accuracy and completeness in the final rendition.

During informal question-and-answer exchanges when it is more important for the parties to communicate clearly and information to flow unhindered back and forth, the interpreter must make every effort to facilitate such mutual understanding. This requires a keen perception of verbal and nonverbal elements of language in order to identify when any miscommunication could be taking place and correct it right away.

While interpreting in the consecutive mode, interpreters must focus all their attention on the speaker and retain everything said in short-term

memory so it can be translated and conveyed accurately for the listener in the other language. That means that when a speaker says, for example, “I was at home watching television”, the interpreter repeats “I was at home watching television”, rather than “He says he was at his house watching television.” The use of the first person makes it clear for everyone that the voice heard when the interpreter speaks is the voice of the person for whom they are interpreting, not their own. Likewise, when asking questions through an interpreter, the speakers should address each other directly, rather than addressing the interpreter, such as saying, “ask him if he saw anything on the table.” Although interpreters help people communicate who would otherwise be unable to understand each other, they always strive to be as unobtrusive as possible.

Participants must make an effort to speak **through** the interpreter, not **to** the interpreter.

During the consecutive mode, bilingual persons with no interpreting training will be able to retain only **very short utterances**, so it is important that all participants speak slowly and break down their questions and answers into brief phrases that the *ad hoc* interpreter can retain comfortably and relay accurately. A professional interpreter will be able to retain and convey lengthier questions and answers and will know how to signal the participants when needed for them to stop and allow for the interpreting to be completed before proceeding with their next thought.

The *ad hoc* interpreters should feel free to stop a speaker whenever they feel they will no longer be able to remember what has been said, that way they can render everything without loss of content or meaning. If everyone understands that they may continue to speak after the interpreter has finished, the process will move along with greater ease.

It is important for participants to understand that when they become anxious and refuse to stop, even after interpreters have signaled for them to stop, there is a very high probability that information will be lost so it's important for everyone to pay attention to the interpreter's signals. Bear in mind, especially with *ad hoc* interpreters, that their short-term memory capacity for consecutive renditions is going to be very limited.

When asked to repeat, people seldom repeat exactly what they said before. They will paraphrase, tack on an explanation, or simply change their minds and say something totally different. That is why it is extremely important that the interpreter be allowed to control how long a person speaks. It is equally important for everyone to understand why interpreters must interrupt, and why they require everyone's full cooperation.

If someone has been talking for a while and the interpreter conveys only a few words, that should be a red flag that something is amiss. If the interpreting event has been going on for an extended period of time, the interpreter may be getting tired and that will affect the individual's capacity to concentrate, retain and render information faithfully and fully. No interpreter should be engaged for more than 30 or 45 minutes without a break. For events that are expected to last more than an hour, it is advisable to engage two interpreters so they can alternate every 30 to 45 minutes and prevent the mental fatigue that can seriously compromise the accuracy of their interpretation.

Simultaneous Mode

Sometimes it may be necessary for the interpreter to convey everything someone is saying at the same time the person is speaking. This is known as the **simultaneous** mode. It may be used, for example, during a wiretap intervention, when law enforcement officers need to know what the people are saying during the course of a telephone

conversation conducted in a language other than English. In court, the simultaneous mode is used to interpret proceedings for non-English speaking defendants. Due process rights entitle non-English-speaking defendants to hear and understand everything that is said during a proceeding against them, so it is incumbent upon the interpreters to convey everything everyone says rather than summarize. This is a highly specialized skill that requires the ability to listen to a message in one language and transform it into another language at the same time so it can be transferred in its entirety and correctly to someone else who is the intended listener.

A person with no training cannot be expected to perform in the **simultaneous** mode. Simultaneous interpreting requires the ability to listen to what someone is saying, understand it, translate the message mentally, and convey the translated message almost instantaneously, with a lag of only a few seconds. This skill requires special training.

When more than one person is listening to the interpreter, special equipment may be used; the interpreter will have a direct feed to the audio, with a microphone to transmit the interpretation through headsets to the multiple listeners.

Summary Mode

Law enforcement activities may sometimes require a lesser-used mode of interpreting in court settings, which is the **summary** interpreting mode. During a surveillance, for example, officers may not want to know everything that is being said, but they will want to have a general idea of the conversation taking place. The summary mode relies on the interpreter's capacity to analyze what is and what is not important in what the speakers are saying and should be used only when the interpreter has the capacity to discern when omissions will not distort the meaning of the original message.

In order to provide effective assistance using the summary mode, interpreters must be thoroughly briefed on what is relevant and what is not relevant to the officers listening, so the interpreters have some solid elements on which to base their judgment calls and the investigating officers can be assured that they are receiving the information they need. For example, if a monitoring room has been set up for an undercover drug buy, interpreters should be briefed thoroughly on code words that may be used, so they are aware that what may seem like an innocent conversation about cars or shirts could actually be referring to drugs, or that talk about papers and documents could be coded language for money. Otherwise, it would be extremely difficult for the interpreter to know what is and is not important to include in a summary mode interpretation.

Sight Translation

Finally, an interpreter may have to convey orally in one language the contents of a written document in a different language. This is known as **sight translation**. Officers may have evidence in writing that they would want to show someone who cannot read English, in which case the interpreter will “read” the contents of document to the person in the foreign language, or vice-versa; there may be a document in a foreign language that officers need to know the contents, so the interpreter will “read” it in English.

The interpreter should be given an opportunity to read the document in full before rendering the translation in order to understand its contents thoroughly and have a context in which to place any special or technical terms it may contain. If necessary, the interpreter should be afforded an opportunity to consult one or more dictionaries before the sight translation is rendered. Preferably, if time allows, the document should be translated in writing beforehand, so everyone can have the best possible translation.

Code of Ethics for Interpreters

The National Association for Judiciary Interpreters and Translators (NAJIT) promulgates a **Code of Ethics and Professional Responsibility** that guides an interpreter's performance. No code of ethics can cover every single situation professionals may encounter during the course of their practice. What we offer here are some highlights of what constitutes ethical and unethical conduct on the part of an interpreter.

Canon 1 - Accuracy

Source language speech should be faithfully rendered into the target language by conserving all the elements of the original message while accommodating the syntactic and semantic patterns of the target language. The rendition should sound natural in the target language, and there should be no distortion of the original message through addition or omission, explanation or paraphrasing. All hedges, false starts and repetitions should be conveyed; also, English words mixed into the other language should be retained, as should culturally bound terms which have no direct equivalent in English, or which may have more than one meaning. The register, style and tone of the source language should be conserved.

Guessing should be avoided. Court interpreters who do not hear or understand what a speaker has said should seek clarification. Interpreter errors should be corrected for the record as soon as possible.

This is a basic principle of judiciary interpreting. Nothing can be added to or omitted from the original message, particularly when the

interpretation is going on the record, such as during in court testimony or during out of court statements under oath. Accuracy requires an understanding of how native speakers use language, so renditions sound natural. It is also inextricably linked to language proficiency, as well as the mastery over interpreting or translating skills.

A person who does not have a broad enough vocabulary will not always understand what someone is saying (also known as the **source language**) or may not always find the proper equivalent in the language into which the message must be conveyed (also known as the **target language**.) This may lead to confusion, misunderstandings, or mistranslations.

For example, a person with limited knowledge of Spanish may hear the word “actual” –as in “su condición actual” – and render that as “his *actual* condition” rather than “his *current* condition”. Some words in different languages have the same form, but different meanings. These are known as **false cognates**. Translating a word using its false cognate can have very serious consequences in a legal setting. If someone says in Spanish “me asaltó” and it is translated as “he assaulted me”, the meaning is completely distorted. The terms “asaltar” *sounds* like “assault” but it actually means “to rob, mug, or hold up” someone, whereas to “assault” would be “agredir” in Spanish. If someone were to say “asaltaron la cafetería”, no one would think that the “cafeteria was assaulted.” It would be clear by the context that the proper term would be “to rob”, yet those with a limited knowledge of both English and Spanish often confuse the term when used in reference to a person.

When we look up a word in the dictionary, it seldom has a single meaning. The various meanings of a word will depend on the context in which it is used. No word can ever be translated accurately without this context. When someone asks, “what does this mean?”, or “how do you translate this?”, what they are really asking is “in the most common context in which this word is used, what does it mean or how

is it translated?" Even simple words, like table or chair, need a context: do you mean a dinner table, or a table of contents? Do you mean a chair on which you sit, or a committee chair?

While most of us take language for granted, an interpreter must have a keen awareness of all the possible meanings words can have in different contexts and has to be making decisions constantly as to the most accurate equivalent for any given word at any given time.

Canon 2 - Impartiality and Conflicts of Interest

Court interpreters and translators are to remain impartial and neutral in proceedings where they serve, and must maintain the appearance of impartiality and neutrality, avoiding unnecessary contact with the parties.

Court interpreters and translators shall abstain from comment on cases in which they serve. Any real or potential conflict of interest shall be immediately disclosed to the Court and all parties as soon as the interpreter or translator becomes aware of such conflict of interest.

To be impartial and unbiased at all times is essential to an interpreter's credibility. When interpreters favor one side or the other, their trustworthiness becomes seriously impaired. Law enforcement officers should not view the interpreter as "part of the team". While the services rendered by interpreters may be essential to an investigation's success, engaging them as team players may compromise the results of that investigation. If interpreters are trying to be "helpful" by slanting their interpretation in a way that they believe will be favorable to the investigating agent, at a later stage another interpreter with no vested interest may reveal that the

interpreting was inaccurate. A single mistake may then bring into question everything else that took place through that interpreter who was trying to be “helpful”.

The principle of impartiality is inextricably linked to the avoidance of any *real* or potential conflicts of interest, as well as the *appearance* of any bias or conflict while the interpreter is engaged in a professional activity. Interpreters who socialize with their clients, for example, will raise questions about their ability to remain neutral during an interpreted event. Hence the importance of avoiding the use of friends, relatives, or persons with emotional or social ties to one of the parties – for example, a member of the same church attended by the defendant in case – to act as interpreters. A person tied to the law enforcement agency requiring the services of an interpreter would also be an unsuitable candidate for language mediation.

Finally, interpreters should never offer their opinion about a case or an investigation. Law enforcement officers should refrain from asking the interpreter questions such as: “what do you think?” “Is he telling the truth?” “Do you think she is mentally stable?” These types of questions necessarily engage interpreters in a role outside the scope of their expertise as language mediators. Whatever the interpreter’s opinion may be should be of no consequence to the law enforcement agent since the interpreter is not an expert in human behavior, mental health, or other specialized fields of knowledge. Questions to the interpreter should be limited to language issues. If there is some doubt about the meaning of a particular word in a particular country, the interpreter can certainly conduct the necessary research to arrive at the correct answer. Bear in mind, however, that a person who is not a professional interpreter will not necessarily know how to conduct terminological research.

Be aware that non-professionals tend to provide impressionistic solutions to language questions--i.e., "In my country we say this and that", "I have heard this word used to mean such-and-such", "I've never heard that word used, so I'm sure it does not exist." This amounts to hearsay and does not constitute a reliable source of information. Should you require research about a particular term and do not have a professional interpreter assisting you, go to a Foreign Languages or Linguistics Department at a college or university. If you don't have one nearby, access one on the Internet, and recruit the assistance of a person with the proper academic background to provide you with reliable data.

Canon 3- Confidentiality

Privileged or confidential information acquired in the course of interpreting or preparing a translation shall not be disclosed by the interpreter or translator without authorization.

Most of the work in which an interpreter will be involved when contracted by law enforcement agencies will be confidential. Professional interpreters are aware of this and will know to refrain from talking to anyone about a case in which they are working or have worked. When you recruit a person who is not a professional, however, you will need to provide specific instructions to this effect. You may even want to consider drafting a confidentiality agreement and having the *ad hoc* interpreter sign it to stress the importance of not divulging anything heard or seen in the course of an interpreting assignment.

Many professional interpreters have a minimum level of security clearance to work with law enforcement agencies or prosecutors.

Conducting a background check on the person you contract to act as an interpreter in a sensitive situation may be advisable, as well.

Canon 4- Limitations of Practice

Court interpreters and translators shall limit their participation in those matters in which they serve to interpreting and translating and shall avoid giving advice to the parties or otherwise engaging in activities that can be construed as the practice of law.

Interpreters who work often in legal settings learn a lot about the law and legal procedure. Part of a professional interpreter's responsibility is to become thoroughly familiar with the proceedings, language and terminology involved in those situations in which they will be interpreting. It is not unusual for non-English speaking defendants or their relatives to approach the interpreter to ask questions about a pending matter because that is the one person they have identified who can speak their language. The same may happen in a law enforcement setting in which the witness or other non-English speaking parties views the interpreter as their sole link to information otherwise unavailable to them. Should this happen, the interpreter is to refer the inquiry immediately to the English-speaking officer in charge, while advising the non-English speaker that the interpreter cannot answer any questions.

The only exchange an interpreter may have with the parties involved, particularly suspects, defendants, or witnesses, must be in the course of an interpreting event. There should never be any *ex parte* conversations between the interpreter and any of the parties. This is so in order to (1) maintain the interpreter's impartiality, (2) avoid

potential conflicts of interests, and (3) prevent the accidental acquisition of knowledge that turns the interpreter into a witness.

Even when interpreters hold a law degree, they can only wear one hat when contracted to act as an interpreter, so they cannot be giving legal advice. Likewise, law enforcement officers who become engaged as *ad hoc* interpreters must limit their intervention to the language mediating requirements, and not try to be both a law enforcement officer *and* an interpreter.

Canon 5- Protocol and Demeanor

Court interpreters shall conduct themselves in a manner consistent with the standards and protocol of the court, and shall perform their duties as unobtrusively as possible. Court interpreters are to use the same grammatical person as the speaker. When it becomes necessary to assume a primary role in the communication, they must make it clear that they are speaking for themselves.

Professionalism entails a certain demeanor while performing official duties. Interpreters must be aware of the particular demands of the setting in which they are rendering their services. These demands can range from how to dress properly, to the way in which they must address the record during a formal proceeding.

The interpreter's image must convey professionalism, even when the person engaged to act as an interpreter has never done this type of work before. In the case of *ad hoc* interpreters, they should be briefed on the proper demeanor and dress code for the specific situation in which they will be working. For example, if the work is going to be done in an office, proper office attire should be worn; if the work is

going to take place outdoors, jeans and tennis shoes may be more suitable.

Additionally, *ad hoc* interpreter should be instructed on the use of the first person when interpreting in the consecutive mode, the third person when referring to themselves on the record, never addressing the parties directly without the knowledge of the other parties, and never drawing undue attention to themselves.

Canon 6 – Maintenance and Improvement of Skills and Knowledge

Court interpreters and translators shall strive to maintain and improve their interpreting and translation skills and knowledge.

The purpose of this ethical canon is to provide assurance to the language services end users that they will always receive the best possible service from the interpreter or translator contracted. Beware of those claiming they never need to consult a dictionary or have already learned all there is to learn about the profession. Languages are living, ever-changing entities reflecting the way in which cultures and societies change. The importance of technology in the developed world, for example, has made technology-related terms more and more common in everyday speech.

Ad hoc interpreters who want to continue to improve in order to become professionals must take skills-enhancing courses that will enable them to achieve the competency levels required to attain certification.

Professional interpreters must take continuing education courses to improve both skills and knowledge, particularly in the technical fields related to legal practice, such as forensic chemistry, fingerprint analysis, handwriting exemplars, psychological evaluations, etc.

Canon 7 - Accurate Representation of Credentials

Court interpreters and translators shall accurately represent their certifications, accreditations, training, and pertinent experience.

Every professional has an obligation to be truthful when representing his or her qualifications and credentials. Having taken and passed the written portion of a two-part written and oral certification exam cannot be represented as a certification or qualification until the candidate has taken and passed both portions of the examination. Likewise, having taken a course for which the interpreter received a *Certificate of Attendance*, or any such similar recognition of their participation does not mean the person is “certified”, either.

Persons engaged in language mediation may have additional qualifications, such as a law degree or a Ph.D. in linguistics. However, the mere fact that someone is an interpreter does not, by extension, qualify that person as a dialectologist or phonologist, just like being a judiciary interpreter does not qualify the person to be a paralegal or legal counsel.

Law enforcement personnel contracting the services of interpreters should become thoroughly familiar with the different types of credentials an interpreter may hold, what constitutes a qualified interpreter and what does not. A degree in foreign languages, for instance, is very helpful for someone who pursues further training in the special skills required to be an interpreter or a translator, but in and of itself is not enough. Having been born and raised in a foreign country is equally helpful but cannot be considered in isolation as a qualification to perform the functions of an interpreter without additional training, education, and experience.

Canon 8- Impediments to Compliance

Court interpreters and translators shall bring to the Court's attention any circumstances or condition that impedes full compliance with any Canon of this Code, including interpreter fatigue, inability to hear, or inadequate knowledge of specialized terminology, and must decline assignments under conditions that make such compliance patently impossible.

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