

INTERPRETING TAPED INTERVIEWS

David Williamson

The author is a Police interpreter and translator of Polish in London dealing with marine and criminal cases. He lived in Łódź studying at the Film School and learning Polish from 1960 to 1968. This article tells about tape recordings of Police interviews of a suspect and the disputes as to what was actually said. Such disputes are usually reduced substantially. But when an interpreter is used the defence may not agree with the transcript. The procedure is discussed, and the time it requires, for agreeing a version before the case comes into Court.

It is well known that if you put the same text to a dozen translators - and academics who are never happier than when confirming the obvious have done exactly that - you will get a dozen different translations.

Some of us, who have listened for more than an hour to learned counsel debating the meaning of a single sentence in their own language, may wish that we could be given as much time to explain the nuances, the ambiguities and the cultural associations of words and phrases in our second language. They are so seldom identical with what will be assumed by the members of an English jury. Usually interpreters must count themselves lucky if they get time to correct a blatant misunderstanding, and even so we may have to present it as a failure on our own part if we are not to antagonise the Court unnecessarily.

But there is one way to at least reduce the scope for conflict. This is for the interpreter who acted at the interview and a checker called in by the defence to arrive at an agreed transcript of the tapes.

It should not be a matter of a barrister whose client insists on pleading not guilty in the face of incontrovertible evidence, so that it is difficult to find any way of defending him other than by attacking the interpreter. This article is designed to assist the defence solicitor in a criminal case who obtains a transcript of the Police interview, has some doubts, and very properly calls in a second interpreter to listen to the tape and comment on the transcript.

The Metropolitan Police of London, and I imagine others, have a strict rule that their interpreter at a taped interview and the person who prepares the transcript must be different persons. This is sound, because if I were typing out my own interpretation of an interview and I noticed a mistake that I had made in the heat of the moment, there would be a very strong temptation to correct it in the transcript. This could render the whole exercise unsafe: when I notice a mistake before the interview has been terminated I should mention it while the tape is still running, otherwise I should bring it to the attention of the interviewing officer as soon as possible.

The defence interpreter or checker will prepare a schedule of apparent discrepancies, line by line and page by page. A copy of this should be passed to the original interpreter at least two weeks before the case comes on, with a copy of the transcript, copies of the tapes, and a tape recorder capable of playing one track only: one of the precautions against tampering is to use twin track tapes, with the interview on one track and the speaking clock on the other.

If you call the original interpreter as a fully bound witness, then ask for comments half an hour before going into Court when the only tape recorder available is full track so that question and answer cannot be separated from continual repetitions of "At the third stroke ...", then you should be prepared for an explanation in open Court of why an adjournment is needed. I personally am reluctant to act unprofessionally and bodge a job which may be

reflected in the number of years which another human being spends deprived of his liberty. I have therefore started to decline acceptance of witness notices until I have been notified of the precise points which the defence wishes to challenge. It would be too cynical to suggest that nowadays I am fully bound less frequently merely because people realise that they will have to do some work themselves before they call me.

Of course if all that is required of me is, in effect, to recite my curriculum vitae from the witness box, I would not need time for preparation. But checking a transcript takes much longer than the original interview.

Many discrepancies are due not to disagreements as to how the original in the foreign language should be interpreted, but to mistakes on the part of the audio typist. But I must emphasize that I do not intend this as a criticism - at least, not a criticism of the typist. When an interview is interpreted there are at least three people in the room. Often there is more than one Police Officer, a lawyer, and if the interviewee is a child or has a mental problem which is not so severe as to make him unfit for interview, there will be an Appropriate Adult as well, giving a total of six. All these people have two ears, which enables them to disregard sounds which are not of interest to them. The tape recorder, and therefore in effect the audio typist, has only one ear. Many people, English as well as foreigners, behave as though speech in a language which they do not understand simply does not exist, so they keep on talking regardless. If two people are talking simultaneously into the microphone the quality of the resulting evidence is not as high as I would like if I personally were trying to defend myself against a charge of murder.

There are other sources of interference. On one of my tapes at regular intervals half a sentence was blotted out completely by a very loud noise, almost a screech. It could have been someone blowing their nose right on top of the microphone, or dragging a piece of furniture, except that it was too uniform. I was completely puzzled until I interpreted another interview, where the duty solicitor was present and kept tearing a page off her notepad: sitting in the room I could still hear what the suspect was saying, and even not notice the background noise. It was a different matter for the typist.

If that sort of a screech masks something said in English, the transcript will contain a blank space. But the defence interpreter will understand what was said in the equivalent passage in the foreign language. This provides one sort of discrepancy where it is easy for the two interpreters to get together and prepare an agreed version. Sometimes a small word gets lost, either on tape or at the outset. If the word in question is "not", this can be crucial. Luckily it is a standard technique in police interviews to ask the same question more than once, so this sort of problem usually becomes apparent when the interviewee appears to contradict himself.

Then there are disagreements which arise because the interpreter at the interview is working as fast as he can without losing accuracy, trying to keep the flow going, while the interpreter carrying out the check on behalf of the defence can play the tape over and over again and consult a dictionary or Roget's Thesaurus. It is not surprising that the rendering can sometimes be improved, even if the original version cannot be said to have been erroneous. This sort of correction should be accepted with a good grace.

A different source of discrepancies can be found when the checker is a native speaker who has learnt English while the interpreter at the interview was an Englishman who has learnt the foreign language. A suspect who was alleged to have raped a prostitute in the rubbish chute area of a block of council flats to which she had led him, was describing in detail everything which had happened. No doubt this helped his lawyers to put forward a defence on the basis of consent. At one point I was able to use an idiom for a particular action which was accurate, appropriate given the sordid surroundings, but not so strong as to

count as bad language. In fact I had not heard that idiom used since I finished my National Service, so I was not surprised when the nicely brought up young lady who was checking the transcript suggested a change. She substituted a term which was technically correct, but would have been used by a doctor rather than a labourer still suffering from a hangover. We went back to my original expression without very much argument.

Always hitherto, with one exception, discussion with my opposite number has enabled us to prepare an agreed version of the transcript of an interpreted Police interview to place before the Court. The exception was a reply in which the suspect used a word which can mean "School" but has a wider range of meanings in Polish. I was convinced he was talking about the sort of establishment which used to be called "Polytechnic" in England, so I interpreted it as "Institute of Higher Education". The other interpreter would not agree to this, and I could not agree to "School", which would have implied that the suspect had been educated to a lower level than he said was the case. Finally the two sets of solicitors decided that the point was not crucial either for or against the suspect, and it was agreed not to use that passage.

Even a negative agreement such as this is vastly preferable to a dispute in Court as to the meaning of a sentence. It is as difficult to get an accurate understanding of what has been said in a foreign tongue as it is to know "what really happened" on the basis of statements by witnesses. But the techniques that have been developed for arriving at an acceptable version of an event may not be equally useful when trying to find an adequate interpretation of a statement.

When I was new to the interpreting profession I tried to efface myself as far as possible. I still did so when tape recorded interviews replaced the old technique of "contemporaneous notes" - until the first time that I heard a play-back of a tape where I had interpreted. Since then I have realised that somebody must exercise a degree of control to stop people talking simultaneously and to limit background noise. In theory this is the job of the interviewing officer, but if he does not act I feel I have to do so myself, with his permission. And if neither the officer nor the interpreter raises the subject, perhaps the solicitor who is monitoring the interview might tactfully mention that if everyone speaks at the same time, rips pages out of their notebooks, scrapes their chairs, coughs, blows their nose, turns up the air conditioning or opens the windows to let in the noise of the traffic, then what is left will not be much use as evidence.

On the other hand, how often does a solicitor feel that what his client says is actually going to help him ?