

Different linguistic, cultural or religious background

Different cultural or religious backgrounds

Suspects come from different linguistic, cultural or religious backgrounds. English may not be their first language and they may behave differently and have different needs at interview.

Be sensitive to the suspect's needs and if necessary, seek advice from someone else of the same culture or religion (e.g. a Police employee with the same background or who is an expert in that area e.g. Iwi liaison officer, Asian crime investigator, an interpreter or a person known to the suspect. Note the interpreter can only provide information about additional measures for effective communication, common customs or usage and should not be treated as a cultural expert.

Using interpreters

Use a suitably qualified interpreter when you consider the suspect:

- does not have sufficient proficiency in the English language to understand and convey their answers clearly if the interview is conducted in English
- has a communication disability, e.g. a hearing impairment.

If English is not the suspect's first language, ask them what language they prefer to be interviewed in.

See '[Interpreting for the deaf](#)' for guidance on selecting and engaging interpreters for the deaf and the procedures for using interpreters in interviews with deaf persons.

Interpreters must not enter into general discussion with the suspect on or off camera.

Procedures when using interpreters at suspect interview

Follow the standard suspect interviewing procedures (see [Investigative interviewing suspect guide](#)) with the variations below when it is necessary to interview a suspect through an interpreter.

Interview phase

Planning and preparation

- Establish whether an interpreter is required. Find out the country they come from and the exact language they speak (e.g. a Chinese person may speak Mandarin or Cantonese).
- Arrange for an interpreter using the contracted interpreting service or your station's list of interpreters (ideally you should use a professional interpreter rather than a Police employee). Provide the interpreter with an outline of the nature of the incident and the reason for interview, e.g. suspect for a family violence incident.
- Ascertain whether the interpreter is an appropriate person to assist. They must be:
 - able to write and speak the suspect's language fluently (or in the case of hearing impaired, to sign see '[Interpreting for the deaf](#)')
 - impartial and independent, e.g. has no prior knowledge of the suspect or witnesses involved in the investigation.
- If they know any of the parties involved in the investigation (including the suspect and victim), they should only be used in exceptional circumstances, i.e. no one else is available and the interview cannot be delayed. The extent of the connection should also be taken into account when making this decision. If you use an interpreter who knows the parties involved, keep a record of your rationale in your notebook or on a jobsheet.
- Ask the interpreter for their qualifications and contact details or those of their organisation. Record these in your notebook.
- Video record the interview if possible. This makes the process more efficient and provides an accurate record of what was said if the quality of interpretation later becomes an issue.
- Prepare for the interview in the usual manner.
- When the interpreter arrives:
 - allow the interpreter the opportunity to brief both you and the suspect on their professional role and how they will conduct themselves

- if necessary, inform the interpreter their role is to interpret your questions and the suspect's answers back to you
- their interpretation should be as direct as possible in 'first person'.
- ensure the interpreter understands the importance of the caution/rights.
- Answer the interpreter's questions about the interview process.
- Consider seeking advice from the interpreter about any communication issues that may arise.
- Discuss the interpreter's needs in regard to size of blocks for interpretation. This will vary between interpreters, and may particularly impact on the free narrative phase of an account.
- Discuss the interpreter's needs for breaks during the interview (interpreting may be tiring, especially signing. Quality interpreting means quality information).

Breaks during interviews

For safety and impartiality reasons make sure the interpreter leaves the room with you if you take any breaks – never leave an interpreter in a room alone with a suspect.

Written statements

With written statements ensure:

- the interpreter's name and role is included in the statement
- the statement contains a complete record of the interview in English and the suspect's language.

Example for a written statement with an interpreter

1. You write the question in English.
2. The interpreter writes directly under each question:
 - translation of the question in the suspect's language
 - suspect's response in their language
 - the English translation of the suspect's response is recorded directly below.

At the end, invite:

- the suspect to:
 - read the statement in their own language and make corrections or additions
 - endorse the statement by writing in their own language: "This statement is true and correct. I have nothing further to add" and signing the statement
- the interpreter to certify the translation as accurate i.e. "I have accurately translated this statement to the best of my ability."

Endorse the statement as you usually would.

Transcription

Any transcript prepared from the interview should include the English questions and the interpreter's English reply. Refer to the video record if there are concerns about the accuracy of the interpretation.

Different linguistic, cultural or religious backgrounds

Different backgrounds

Witnesses come from different linguistic, cultural or religious backgrounds. English may not be their first language and they may behave differently and have different needs at interview.

Be sensitive to the witness's needs and if necessary, seek advice from someone else of the same culture or religion (e.g. a Police employee with the same background or who is an expert in that area e.g. Iwi liaison officer, Asian crime investigator, an interpreter or a person known to the witness. Note the interpreter can only provide information about additional measures for effective communication, common customs or usage and should not be treated as a cultural expert.

Using interpreters

Use a suitably qualified interpreter when you consider the witness:

- does not have sufficient proficiency in the English language to understand and convey their answers clearly if the interview is conducted in English
- has a communication disability, e.g. a hearing impairment.

If English is not the first language of the witness, ask them what language they prefer to be interviewed in.

See '[Interpreting for the deaf](#)' for guidance on selecting and engaging interpreters for the deaf and the procedures for using interpreters in interviews.

Written statement when interpreter used

If a written statement is made from the interview:

- at the beginning of the statement include the interpreter's name, role (to interpret directly from the interviewee's language to English and vice versa) and languages they are interpreting
- using your notes as an aid, write down the statement in English
- instruct the interpreter to make a written translation of the statement into the witness's own language, this is preferably completed by leaving a space under each line written in English and writing the translation for each line in the space
- in all cases, invite the witness to read the statement in their own language and make corrections or additions
- the witness should then endorse the statement by writing in their own language: *'I confirm the truth and accuracy of this statement. I make the statement with the knowledge that it is to be used in court proceedings. I am aware that it is an offence to make a statement that is known by me to be false or intended by me to mislead.'*
- ask the interpreter to certify the translation of the full statement as accurate i.e. *'I have accurately translated this statement to the best of my ability'* and sign their name.
- endorse the statement as you usually would.