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Interpreter-mediated Investigative Interviews with Minors - Setting the Ground Rules

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Abstract

When information is elicited from children in a criminal context both their ability and willingness to disclose is at stake. In law, the communicative vulnerability of children is manifest in forensic protocols for child interviewing. These are designed to retrieve information in a child-aware fashion, as well as to produce evidence with sufficient integrity to stand up under scrutiny of the criminal process.

This article will consider some of the added challenges of interpreter–mediated interviews for minors. Drawing on research into monolingual child interviewing, the article proposes how some of the interpreting related aspects of this challenge may be addressed through the adaptation of elements of reflexive coordination in the widely used NICHD child interviewing protocol. The authors call for the data based testing of these adaptations and suggests that modifications of institutional speech genres for bilingual use, may be a component of mainstreaming public service interpreting.

Child Interviewing, Interpreting, Interview Formats, Reflexive Co-ordination, Vulnerable Interlocutors.

Introduction

Eliciting evidence from a child in the context of criminal investigation is a singularly sensitive undertaking. The events at the center of such investigations will frequently be traumatic; they are to be retrieved from an apprentice in the art of communicating, and the resulting evidence must stand up to rigorous scrutiny in any criminal proceedings. The vulnerability of children in a criminal context due to age and level of development is widely acknowledged in law (Balogh and Salaets 2015, 6). Research into interaction with children in the context of criminal investigation has identified the particular communicative and linguistic challenges they face, and it has informed the design of child-aware strategies of questioning and interaction. These

underlie forensic formats for child interviewing which aim to elicit high quality information in a developmentally appropriate fashion, while protecting children from additional traumatization.

As yet, little is known about the particular challenges which children face in bilingual investigative contexts. There is evidence that interpreted interaction with children is a common occurrence in a criminal law context: the Europa Press-release of 6 June 2014 notes that 1,086,000 children are involved in legal proceedings, amounting to 12% of the total European population facing criminal justice (http://europa.eu/rapid/press-release_IP-14-636_en.htm). The results of a survey undertaken by the EU Co-Minor/INQUEST project on co-operation in investigative questioning of minors in six European jurisdictions, also point to the considerable frequency of pre-trial interpreted interaction involving children (see Balogh and Salaets 2015).

Our discussion of the challenges of bilingual child interviewing will focus on the initial, pre-substantive phase of the NICHD (National Institute for Child Health and Human Development) protocol (nichdprotocol.com), one of the most widely used research-informed formats of child interviewing. The pre-substantive phase of the NICHD protocol aims to build rapport with the young interviewee and to establish the ground rules for the subsequent communication. This article identifies potential trouble sources which are associated with achieving these aims under the altered conditions of interpreted talk. Drawing on the concept of "reflexive coordination" in interpreted interaction (Baraldi, Gavioli 2012) and on the findings of research into monolingual child interviewing the authors propose modifications of the NICHD for a bilingual context.

The constraints surrounding access to empirical data of interpreted face-to-face encounters in institutional settings (see Mason 2000, 226; Hale 2007, 79) are particularly pronounced where interactions involve vulnerable participants. This article provides an overview of findings from research into monolingual child interviewing which is based on experimental as well as authentic data. These, together with findings from a small body of data-based studies into child interpreting, allow us "to suggest sensible next steps for interpreters based on what we have learnt from investigative studies over the past three decades." (LaRooy, Ahern, Andrews 2015, 125). Incremental research will be needed to establish the ecological validity of our deductions.

The following discussion must be preceded by a clarification of the term "minor" or "child". As stipulated in the *UN Convention on the Rights of the Child* it refers to a person under the age

of 18 "unless under the law applicable to the child, majority is attained earlier" (http://www.ohchr.org/en/professionalinterest/pages/crc.aspx).

Further research on child interviewing in a forensic context may well consider the specific issues associated with particular stages of a child's emotional and cognitive development (Virág 2015, 88). The aim of the following discussion is to identify and outline issues for reflection across the age range encompassed by the term "child".

Forensic Child Interviews

The question of how to provide the basis for the meaningful participation of children in investigative interviews has been addressed in research in forensic psychology (e.g. Lamb, LaRooy, Malloy et al 2011; Lamb, Hershkowitz, Orbach et al 2008; Lamb, Orbach, Hershkowitz 2007). As Michael Lamb and Deidre Brown note, children are "conversational apprentices" (2006, 215) whose linguistic, metalinguistic and memory abilities are still emerging. Research into monolingual interviewing of children shows that, nevertheless, children from the age of four can be competent informers in investigative procedures if these are designed to be developmentally appropriate. Lamb and Brown point to some of the obstacles that need to be overcome when they describe the forensic interview as an

> unique conversational context due to the roles assumed by the participants, the style and content of the conversations, the participants themselves, and the impetus for the conversation. In contrast to everyday conversations, forensic interviews require children to talk to unfamiliar adults about potentially sensitive […] topics in a formal and unfamiliar setting. The conversation may have far-reaching consequences for the lives of the children […] the children may not have been willing informants, and they may have been pressured to either disclose or recant. Furthermore, forensic conversations require elaborative reporting of past events, contrary to normal conversational conventions, and children may thus need support and guidance from interviewers to meet these expectations. (2006, 223)

The establishment of conversational rules, and of a framework of participation, underlies the explicit statement of ground rules in structured protocols and guidelines for child interview formats such as the NICHD protocol or The Ministry of Justice's Guidelines on Achieving Best Evidence (ABE, https://www.cps.gov.uk/publications/docs/best_evidence_in_criminal_proceedings.pdf),for England and Wales and Scottish Government Guidance on Joint Investigative Interviewing (JII

Guidance , http://www.gov.scot/Publications/2011/12/16102728/0). These ground rules inform children that they must tell all they know, and invite the child to disagree with interviewers or correct any mistakes they might make (Sternberg, Esplin, Orbach et al 2002).

An important aspect in determining the quality and reliability of the information retrieved in a child interview are his/her assumption about their own role and that of the interviewer. Children may view the interviewer as a figure of authority who already knows what happened and who may expect a preferred response (Ceci and Bruck 1995). This may also make the child acquiesce to suggestions or misconstructions of what happened (Carter, Bottoms, Levine 1996; Douglas, Hayes 1999).

The willingness of children to disclose information may also be affected by the knowledge that what they say may have significant consequences for themselves or others. These might be both close to them, as well as being perpetrators. The establishment of rapport with children before the topic of an alleged abuse is broached is therefore highlighted in research (Lamb, Hershkowitz, Orbach et al 2008). Research also identifies the importance of the child's engagement with the institutional aim of investigative questioning. As Lamb and Brown note,

> normal conversational conventions dictate that responses to questions such as 'what did you   do today?' will be brief *summaries* of the key activities that occurred during the day (Sternberg, Lamb, Esplin, Orbach and Hershkowitz 2002). Young children, in particular, typically respond to such questions with even greater brevity (e.g. 'I played')" (2006, 217)

In a forensic context, children are reliant on the interaction with adults to provide richer detail, retrieve memory content, and structure and report experiences (Lamb and Brown 2006). The task for interviewers is to allow children to be informative without compromising the accuracy of the information which is being elicited. A central linguistic device to achieve this is open prompts which "do not provide or specify any particular 'clues' about what response is required from children and do not include any information that the child has not already mentioned" (LaRooy, Ahern, Andrews 2005, 118). Open prompts have been shown to be yield higher quality information than option-posing or closed questions (Lamb, Sternberg, Orbach et al 2003). Practice interviews in the pre-substantive phase of an interview have been shown to enable children to respond to open prompts with elaborative responses (Teoh, Lamb 2010).

Interpreting in Investigative Settings with Minors

Interpreting in police settings is the subject of a small but growing number of studies. The main focus of this research is the clash of institutional assumptions and the reality of police interpreting. This clash reflects the prevalent perception of interpreters as invisible, a perception which in turn is grounded in the conceptualisation of languages as essentially isomorphic. Research highlights the changed dynamics of interpreted police interviews and the impact of these changes on the unfolding of institutionally situated interaction.

This impact is highlighted in the studies of challenges posed by interpreting the caution/Miranda Rights (Berk-Seligson 2000; Russell 2000; Nakane 2007; Pavlenko 2008), or the potentially grievous alterations of meaning in police interviews through the loss of pragmatic intention (Krouglov 1999). The analysis of turn-taking regimes in interpreted police interviews demonstrates inherent alterations of the interactive dynamics of interpreted police interviews (Russel 2000). Fabrizio Gallai (2013b) draws on the concepts of shifts of footing to investigate the impact of these shifts on rapport building and to expose the "myth of literalism" (57). The "myth" of the interpreter's "invisibility" is deconstructed in Ikuko Nakane's (2009) analysis of interpreters' role shifts as they undertake repairs when communication problems arise. Martha Komter (2005) illustrates how problems of understanding in interpreted pre-trial interaction can also be used as "interactional resources that are exploited for the management of institutional tasks and interests" (2033).

In what is part of the most comprehensive body of research on police interpreting to date, Nakane (2011, 2014) analyses how the interpreting may impact on the power relationship in the discourse between the professional as representative of the police institution and the lay person that is the suspect. Combining a relevance theoretical approach with the discussion of the function of discourse markers on Free Indirect Style in literature (Blakemore 2010), Gallai (2016) investigates the impact which the use and rendering of discourse markers by interpreters have on the contact between interlocutors (see also Blakemore and Gallai 2014). A number of studies demonstrate how underlying principles of interview formats come under pressure in bilingual contexts. This includes Wadensjö's (1997) research on the impact of interpreting on police officers questioning strategies and the impact of lexical choices on interviewing

techniques (Lai and Mulayim 2014). Alterations in the realisation of a continuous narrative or free recall in interpreted police interviews (Böser 2013) and of different stages of cognitive interviews (Heydon and Lai 2014) are other aspects discussed in this context.

   The hazardous consequences of deploying insufficiently qualified interpreters in investigative interviews is a recurring theme in the research. Susan Berk-Seligson (2009) demonstrates this on the basis of the coercive impact of bilingual policemen who act as interpreters.

   A small number of studies address interpreting for children in a legal context (Keselman, Cederborg, Lamb et al 2008; Keselman 2009; Keselman, Cederborg, Linell 2010; Keselman, Cederborg, Lamb et al 2010, Gallai 2013a, Fontes and Tishelman 2016). In the following, our focus will be on studies in a legal context; however reference will also be made to relevant findings from medical (Wadensjö 1998), as well as informal settings (Nilsen 2013) [1].

The use and interpretation of open information-seeking prompts, identified in the research as an essential device of child interviewing, is addressed by Olga Keselman, Ann-Christin Cederborg, Michael Lamb et al (2008). Their study of interviews with unaccompanied asylum-seeking children between the ages of thirteen and eighteen shows that case workers make very limited use of open prompts and rely predominantly on option posing question. She observes frequent "misrepresentations" (112) in the interpretation of questions as content is changed and question types altered (see also Keselman, Cederborg, Lamb et al 2010). In the data, open prompts are more likely to be translated accurately than focused questions and the modification of question formats is most frequent when interpreters simplify compound questions. The authors suggest that their findings may inform the linguistic behaviour of primary speakers in interpreted encounters with children.

   The collaborative construction of children's participant status in twenty-six interpreted interviews with asylum-seeking fourteen to eighteen year old children is the focus of Keselman, Cederborg and Linell's study (2010). The analysis of recurring monolingual side-sequences between the interpreter and the asylum officer, and between the interpreter and the youthful asylum seeker, show how these are used to undermine the minors' rights to

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[1] In an educational context, interpreting for minors is also the focus of a number of studies in the field of Sign Language Interpreting, see e.g., Marschark, Marc and Patricia Sapere 2005.

participation. They are left out of the interaction as interpreting is simply suspended, or their voice is distorted as insufficiently qualified interpreters steer the negotiation of meaning towards preferred conclusions. Furthermore exchanges during these side sequences between the interpreter and minor, and also the interpreter and the caseworker all call the minor's credibility into question. Here the "misalignment" to a framework of participation which would allow the child's voice to be heard leads to "miscommunication" and ultimately disempowerment of the child (90). Even where instances of misalignment are recognised by either the child or the case worker, they go unchallenged. The authors suggest that the cross-cultural nature of the interaction may give legitimacy to interpreters' expression of their own opinion and that it may reflect the fact that caseworkers see children as less able interlocutors.

This suggestion is supported by Wadensjö's (1998) observation of a medical encounter with a seven year old child. It leads her to conclude that since children who may be, or may be expected to be, "unskilled in the art of following or maintaining the common focus of interaction", frequently assume a "highly flexible status as co-interlocutors" as they can "abruptly be transformed/transform her or himself from a person talked and listened to, into an object talked about and vice versa." (185). Wadensjö's study shows an interpreter who is able to engage in considerable coordination initiatives to create rapport, and thus to ensure the continued cooperation of the child during the process of a medical examination.

Wadensjö's observations point to the significance of rapport building on the part of the interpreter. An interesting insight into how a discussion about language use in a police interview with a minor undermines the establishment of rapport comes from Gallai's unpublished PhD (2013a) which contains data from an investigative child interview. The interpreter conveys the police officer's question concerning the child's particulars. When the child asks in Portuguese whether he should do this in English or in Portuguese the interpreters replies "As you wish!". When the child "tentatively speaks English" the interpreter advises him to change to Portuguese and thus prevents "a longer narrative regarding the child's level of knowledge and linguistic competence" (66) as well as establishing a particular mode of interaction at the outset of the interview.

The complexities of rapport building in a triadic context are also identified in an experimental study by Nilsen (2013). This involved children of three to six and a half years old. Nilsen wants

to ascertain whether children are able to successfully engage in interpreted conversation. The setting for her experimental study is entirely informal. It is the continuation of triadic interaction which ultimately is the goal. While the maintenance of communication with the child requires the interpreter to establish rapport, she also seeks to ensure the inclusion of the adult in this experiment without slipping into the role of primary participant. In asserting her role as mediator, the interpreter also has to ensure that this is not seen as sign of rejection by the child. She therefore continuously needs to display" behaviour that serves to counteract communicative incidents that threaten face, or self-esteem." (23). Non-verbal language such as gaze seems to play an important role in maintaining the desired participation framework, thus reflecting findings about the importance of gaze patterns in the establishment of participant status in interpreted interaction with adults (see Davitti 2013, Mason 2012, Bot 2005).

The studies discussed above provide examples of how children may be empowered as well as disempowered in interpreted interaction. In the legal context of Keselman, Cederborg, Linell's study (2010), the side sequences undermine genuine participation, and this disempowerment ultimately jeopardizes the integrity of procedurally crucial information. In the medical context the interpreter also expands normative role boundaries, however, this enables the child to collaborate with institutional procedure. As Wadensjö (1998) notes, "circumstances tied to the overarching activity type, and its associated activity role are indeed intimately and reciprocally connected to the distribution of responsibility between the participants, including the interpreter, for the progression and the substance of interaction" (179).

The above studies highlight ways in which the actual or perceived profile of minors as interlocutors whose "repertoire of communicative practices is limited by his or her lack of command over the linguistic resources or contextualization cues salient for the achievement of shared understanding of the event" (Keselman 2009, 17), may impact on the framework of participation in an interpreter mediated interview setting.

The perspective of the institutional user of forensic child interviews is highlighted in an interview-based study by Fontes and Tishelman (2016). An awareness of the lack of qualified interpreters as well as the impact of interpreting through increasing the overall duration of

interviews, the perceived distracting presence of the interpreter and the potential loss of forensic integrity of information are drawbacks which underpin a preference for bilingual interviewers.

The Pre-substantive Phase of the NICHD Protocol

The NICHD protocol for child interviewing is one of the most widely used research based formats for child interviewing. This is used in in parts of the USA, Canada and Israel. It is part of formal guidelines in Sweden, Norway, England and Wales, and Finland, and it is being adopted in Korea, Japan, and Portugal. Available in nine languages, as well as a Hebrew version for interviewees with learning disabilities, it has been designed to dovetail with existing interviewing procedures developed in many jurisdictions, and it has informed the development of interviewing methods which are based on its underlying principles (e.g., Ten Steps Investigative Interview, 2005; Achieving Best Evidence, 2011).

As research-based forensic interview format the NICHD protocol contrasts with a number of alternative interview systems which do not draw on supporting research. These may, for example, incorporate techniques that are known to contaminate children's accounts such as recommending the use of anatomical dolls and other interviewer 'aids' (Poole, Bruck, Pipe 2011). The stated aim of the NICHD protocol is to apply research to enhance the retrieval of informative, complete, and accurate accounts of alleged incidents from minors who are victims or witnesses.

The aims of the NICHD are pursued by creating a supportive interview environment (before substantive rapport building), adapting interview practices to children's developmental levels and capabilities (e.g. minimizing linguistic complexity and avoiding interruptions), preparing children for their tasks as information providers (by clarifying the rules of communication and training children to report event-specific episodic memories), and by maximizing the interviewers' reliance on utterance types (e.g. invitations) that tap children's free recall.

It is worth noting at this juncture that the treatment of child suspects within the legal system in the UK is markedly different from that of witnesses and victims. In general, child suspects are subjected to interview procedures which lack developmentally appropriate adaptations and which can render any information open to legal challenges. Suspects who are minors are also

vulnerable to making false confessions in expectation that 'grown ups' will sort things out later (Kassin, Drizin, Grisso, et al 2010). The little research that has been conducted indicates that youthful suspects would benefit from similar procedures as are used with reluctant victims that aim to overcome reluctance by using rapport based methods (Lamb, Hershkowitz, Orbach et al 2008).

The NICHD commences with a pre-substantive phase designed "to help children be more competent informants by explicitly communicating their roles and expectations" (Teoh, Lamb 2010, 155). The inclusion of a pre-substantive phase in child interviewing has been shown to correlate to an improvement in the quality of accounts (Lamb, Hershkovitz, Orbach et al 2008). The pre substantive phase of the NICHD protocol includes four sections. In section *A, Introduction,* the interviewer introduces him/herself and explains the presence and function of the video-camera. This is followed by section B, *Rapport Building and Narrative Training.* It features the open prompts which are an essential linguistic device of the NICHD protocol, such as "Tell me all about that" or "Tell me more about that". These seek to elicit more extended, information-rich responses from the child reflecting findings which show that extensive uninterrupted narratives yield good quality evidence (Sternberg, Lamb, Orbach, 2001). In section C, *Explaining and Practicing Good Rules,* interviewers are advised to adjust language in line with the child's developmental level and the ground rules of how the communication between interviewer and child should work are explained. The child is told that s/he should say if s/he does not know or does not understand something, or if the interviewer says something that is wrong. Section C provides an opportunity to rehearse these rules and check whether the child understands the difference between truth and untruth. Section *D, Further Rapport Building and Episodic Memory*, continues the building of rapport and centers upon the description of a recently experienced, neutral event which has been identified prior to the interview. This concludes the pre-substantive phase. At this stage behavioral guidance, which forms an integral part of the protocol, advises the interviewer to end and reschedule an interview if the child has been un-cooperative or unwilling to engage.

If the transition to the substantive interview phase is made, the event which has led to the interview will become subject to questioning. The questioning will adopt a funnel approach in which open–ended questions are used before interviewers go on to cued invitations, that is non-leading specific questions. This serves to clarify any information that has remained unclear, or

that needs to be addressed so an investigation can proceed. The substantive part of the interview is followed by section *F, Disclosure Information,* which explores the disclosure process and section *G, Ending the Interview,* in which the minor is engaged in discussing a neutral topic.

   Within individual phases and sections, the protocol not only suggests specific formulations for questions, but also strategies of interaction with children, depending on the take-up of information, avoidance or resistance to engagement which they may display. The excerpt from section *C, Explaining and Practicing Ground Rules,* below gives an impression of the overall organisation and the scope of its interactional recommendations. It follows upon the interviewer's encouragement to the child to speak up when the interviewer says something that is wrong or inaccurate:

> And if I say things that are wrong, you should tell me. Okay, [child's name]?
> *Wait for an answer*
> So if I said that you are a 2-year-old girl [when interviewing a 5-year-old boy, etc.], what would you say?
>
> If the child only denies and does not correct you, say: What would you say if I made a mistake and called you a 2-year-old girl [when interviewing a 5-year-old boy, etc.]?
> *Wait for an answer*
>
> *Reinforce the child if s/he gives the right answer:* That's right, [child's name]. Now you know you should tell me if I make a mistake or say something that is not right.
> *Pause*
> *Correct a wrong answer:* No, [child's name], you are not [wrong age], you are [real age].
>
> (nichdprotocol.com/the-nichd-protocol/)

The NICHD protocol is accompanied by three appendices which offer further guidance on how to interact with the child if s/he takes up the offer in Section B, *Rapport Building,* to do drawings. Appendix Two covers the scenario where another interview is scheduled in the interest of better rapport building. Appendix Three outlines a number of interview techniques which are described as being supportive without being suggestive.

Reflexive Co-ordination in Interpreted Interaction

Studies of face-to-face interpreting with adults in diverse institutional settings have highlighted varying degrees of asymmetry in the distribution of institutional and interactional power amongst participants (Mason and Ren 2012; Maryns 2006; Angelelli 2004; Hale 2004; Pöllabaur 2004; Inghillerie 2003; Davidson 2000). As the studies discussed above have shown, this asymmetry may be further exacerbated in situations involving particular groups of participants such as children. As Claudio Baraldi and Laura Gavioli note, in these "active participation cannot be taken for granted" (2012, 2). They provide examples for how "reflexive coordination" by interpreters and institutional representatives affect participants' chances to make an active contribution by giving them space to talk and by empowering or, conversely, failing to empower them as agents. Building on Wadensjö's (1998) analysis of "implicit" and "explicit" coordination, they distinguish between "basic coordination", as the "smooth achievement of self-reference, without any emergence of problems of understanding and/or acceptance of utterances meanings". By contrast, "reflexive coordination" implies "the achievement of self-reference through actions that aim to improve (encourage, expand, implement, etc.), question or claim understanding and/or acceptance of utterances and meanings". It is aspects of these "systemic features of interaction which establish the sense of the contributions and the processes taking place in the interaction" (2012, 12) which we will focus on in discussing the pre-substantive phase of the NICHD protocol in bilingual contexts.

An example of an advanced professional framework for "reflexive co-ordination" is provided in Helen Tebble's (2012) analysis of the AUSIT (Australian Interpreters and Translators) Code of Ethics (2009) and its annotations in the Code of Practice. Tebble identifies three ways in which, in a medical context, the Code sets out a professional framework for "reflexive co-ordination" in the briefing, the contract and operational guidance. The briefing takes place prior to the actual interaction between institutional user and interpreter. It serves to impart background information which is significant for the imminent interaction, and, where required, also provides an opportunity to appraise the institutional user of how interpreting works. The contract, which generally is verbalised before the substantive part of the interaction, states the core ethical principles permeating the performance of professional interpreters: it includes the explanation that interlocutors can assume that what they say will be conveyed "accurately, completely,

impartially and held in confidence by the interpreter, but that the client is responsible for what they say." (33). It also comprises a short account of how interpreting works. Typically this includes an explanation that primary participants will speak <u>through</u> the interpreter but <u>to</u> the other interlocutor, and that they should align their position and gaze with each other. More specific guidance will include an explanation that interlocutors should pause to let the interpreter speak, and that it will be pointed out to them that the interpreter will speak in the first person when putting across what other speakers have said. Lastly, the operational guidance outlines "how to cope with the actual interpreting process" (35), and, in particular, "uncertainties in transmission and comprehension" (36). The aim of these components are - in the words of the Code – to "promote ease of participation and full participation in an interpreted dialogue" and to "diminish[ing] potential interference and the need for communication repairs and clarification" (31). In the following we will consider how their inclusion into the NICHD protocol may serve to enhance the participation of minors in interpreted interaction.

Modifying the NICHD Protocol for Bilingual Interaction

Guidance on child interviewing in a UK context makes provision for the briefing of interpreters. Thus *Guidance on Joint Investigative Interviewing of Child Witnesses in Scotland* (JII, http://www.gov.scot/Publications/2011/12/16102728/0 2011) states that interpreters "should be fully briefed as to their role and remit during the interview and to the principles of the phased interview" (43). The Ministry of Justice's *Achieving Best Evidence in Criminal Proceedings. Guidance on Interviewing Victims and Witnesses, and Guidance on Using Special Measures* for England and Wales (ABE, https://www.cps.gov.uk/publications/docs/best_evidence_in_criminal_proceedings.pdf 2011) advises an early involvement of interpreters in the planning and consultation process to ensure that they "have a clear understanding of the objectives of the interview, its structure and the function served by any specific techniques used."(58). Research on public service interpreting has emphasised the need to provide preparation for interpreters (Tribe and Sanders 2003). The analysis of survey results by Amalia Amato and Gabriele Mack (2015) on the briefing and debriefing of interpreters for child interviews in six jurisdictions (Italy, France, UK, Belgium, Norway, Netherlands, Hungary) suggests that there may be a considerable discrepancy in the

understanding of what actually constitutes a briefing between interpreters and "other professionals" (252).

The NICHD structured interview protocol does not cover any briefing between participants for child interviews. In a bilingual context, briefings may not just provide an opportunity for preparatory interaction with the interpreter and the other professionals present, but also for an interaction with the young interviewee which may benefit from a degree of guidance. As outlined above, the NICHD dedicates part of its pre-substantive phase to the establishment of rapport. This is designed to ensure that the child feels relaxed by the time the interview substantive topics are broached. The significance of a relationship of "trust" between interpreters and adult users in face-to-face interpreting has been highlighted (Tipton 2010). As outlined above, the particular need to establish rapport and trust with a minor to facilitate their engagement with the communicative framework is acknowledged throughout the research into monolingual as well as bilingual child interviewing. In the words of an interpreter with regard to working in child interviews: "If it is not possible to build up trust or rapport, then it may be more productive to arrange for another interpreter in order to carry out the interview." (King 2015, 72). The studies discussed above show that the vulnerability of children in institutional interaction makes the building of rapport particularly acute and complex. As LaRooy, Ahern and Andrews note, "The dynamics of rapport between children, interpreters, and forensic interviewers" therefore" presents a unique social context" (2015, 124).

Interpreters' ability to establish rapport in a forensic interviews is constrained by professional standards of neutrality and impartiality. Thus the ABE guidelines emphasise the need for the interpreter "to be independent, impartial and unbiased" (6). The JII guidelines notes that "bias" may be introduced into an investigation by *inter alia* interpreters (15). Consequently, interpreters should "be fully aware that they must interpret exactly the interviewer's questions and the child's responses, and that they should avoid making inferences. Moreover, interpreters should understand their role is not to add in or omit anything, but just report what has been said." (44). An NICHD protocol which accommodates interpreted interaction can provide the interpreter with the opportunity to interact with the child prior to the interview to establish informal contact. The linguistic and interpersonal approach taken in such a pre-meeting would usefully be

integrated into a bilingual protocol and such meetings should be subject to approval by the lead interviewer and form part of the filmed record of the interaction.

As discussed above, the pre-substantive phase of the NICHD protocol features the explanation and the practice of ground rules. As Lamb and Brown note such ground rules are made explicit to the child because "all conversations are guided by implicit rules. When the rules are not specified, children (like adults) follow those that guide most other conversations" (2006, 216). In the triadic constellation of interpreted child interviews, the rules of communication are subject to further changes. In essence, consecutively interpreted face-to-face talk is qualitatively different from monolingual multi-party talk since:

> the communication between primary parties is made more indirect by the introduction of a mediating party (the interpreter). It will be more difficult for each of the former participants to address the other with his contributions (respond directly, address initiatives directly, provide direct feedback) and for the two to develop and display signs of mutual understanding (e.g. in their patterns of asking for and giving feedback). (Linell, Jönsson, Wadensjö 1992, 134)

An explanation of this changed dynamics should therefore complement the statement of ground rules in order to set the desired framework of participation. The reality of interpreted interaction, at times, is such that it falls to the interpreter to explain his or her role to the non-institutional user prior to the commencement of formal interaction. In the context of Sign Language interpreting, Metzger considers the significance of who should provide such an explicit statement. She notes the impact of this on the perception of a "certain participant alignment within the interaction from that point on" (2002, 163). In the case of child interviews this should therefore originate from the lead interviewer to demonstrate the appropriate alignment. This, however, presumes an understanding of the interpreter's role on the part of the lead interviewer and thus raises a dilemma succinctly captured in an interpreter's experiential report: "Whilst it is preferable for the lead interviewer to introduce the interpreter and describe the role of the interpreter, this may be fraught with danger given that officers can deeply misunderstand that role." (King 2015, 163).

The following suggests a modification to the NICHD protocol for bilingual contexts to address the above issue. After, as proposed by the protocol, the interviewer has stated "Hello my name is X and I am a police officer", the following may be added to accommodate a bilingual set-up:

> This is X. S/he is an interpreter. An interpreter is a person who helps people understand each other when they do not speak the same language. You speak Y, I speak Z. The interpreter can speak Y and Z, so s/he can help us understand what we say to each other each other. S/he will say everything that you and I say and she will say exactly what we have said. The interpreter will not tell anybody about any of the things we will be talking about.

The need to explain conversational rules in interpreted interviews is all the more acute given the commonly adhered to convention in public service interpreting, and in particular legal interpreting (Colin and Morris 1996) to convey utterance made by primary speakers in the first person. Designed to mark the interpreter's footing, and to signal that they are not a primary participant, this convention introduces a potential "trouble source" (Wadensjö 1998, 235) as it may cause uncertainty about the "interpreter's share in the substance of current talk" (239). This risk is exacerbated in the context of interpreted interaction with a minor. However, the use of the first person also fulfils an interactional function in building rapport in child interviews. As LaRooy, Ahern, Andrews point out, the willingness of children is likely to be increased by supporting comments, and this includes addressing children in a personalised fashion such as "I want to know you better, thanks for letting me listen to you." (2015, 115). Following the above section on conversational ground rule the following explanation should therefore be provided:

> When you speak, please look directly at me and I will do the same, because this is a conversation between the two of us. When the interpreter says "I" she repeats what you have said and I have said.

As Keselman, Cederborg and Linell note with a view to interpreted interaction which children, this is "partially conditioned by… the way the child and the adult appear to each other in turn-by-turn interaction" (2010, 86). While the initial explication of ground rules may set the tone for the dynamics of an interpreted interview the need for a more collaborative form of reflexive coordination is likely to arise in the course of any interpreted interview with a child. According to the AUSIT code, the ability to "cope with the actual interpreting process" which is the subject of operational guidance, includes the following self-reflexive initiatives: self-correction and

asking for explanation or repetition where things are unclear
(http://ausit.org/AUSIT/Documents/Code_Of_Ethics_Full.pdf.)

In the context of an investigative interview such initiatives are likely to become necessary once a child embarks on an account of events which led to the interview. As discussed above, research shows that extensive, uninterrupted narratives yield a better quality of information than the elicitation of information through cued, option–posing or closed prompts. The pre-substantive section of the NICHD protocol seeks to train the child's ability to deliver more detailed answers and responses and thus to deliver longer turns. If the interpreter is to relay the legally significant detail of longer responses, such longer turns and accounts will become subject to segmentation. Interpreting research points to a correlation between long turns and interpreter induced errors in legal settings (Heydon and Lai 2013, 90). Leaving the segmentation of an account to primary participants has been shown to be problematic as their understanding of how utterances may be divided up to allow for interpretation is often vague (Englund Dimitrova 1993, 19). It can reasonably be assumed that this is all the more the case where minors are concerned. Giving control over turn-duration to the interpreter raises other issues in child interviews: the interruption of children's accounts has been identified as one of the drawbacks of the consecutive mode since it may make them lose the thread of what they want to say (Colin, Morris 1996, 57). Interruptions by the interpreter to regulate turn durations may affect the cooperativeness of the child (Wadensjö 1998; Nilsen 2013). This assumption is reflected in ABE guidance which states that interviewers should not interrupt children when they are providing a narrative account, as "interrupting the witness may suggest to them that only short answers are required." (82).

In an effort to address these potential pitfalls, Colin and Morris (1996) propose a mixed mode interpreting set-up in which the interviewer's statements are interpreted consecutively and the child's interventions are interpreted simultaneously from outside the interviewing suite (see also Solm 2015). However, many features of a single consecutive mode ultimately make this the more child-aware approach in the context of spoken language interpreting: it preserves greater transparency of how a statement is made with regard to audibility and visibility. Features such as prosodic patterns and non-verbal forms of expression are also essential for the establishment of rapport. Consecutive interpreting also obviates the need for technology, a feature which is likely to exacerbate the strangeness of the interview situation. Crucially, the consecutive mode is

commensurate with the statutory requirement for recording of child interviews (see also Jacobsen 2012; Mikkelson 2010).

The pre-substantive phase of the NICHD interview provides not only an opportunity to make ground rules for interpreted communication explicit. It also offers the possibility to practice participation in an unfamiliar communicative format. This is particularly useful when it comes to ensuring smooth transitions of turns to facilitate a sustained account. The rapport phase may therefore necessitate a resetting of the child user's communicative behaviour along the lines of the following wording and guidance (in italics):

> **Police officer/Interviewer**: It is difficult for X (the interpreter) to remember everything we say, so she can tell us this in your language or my language. To allow her to speak we must make pauses like I am doing now.
>
> **Interpreter:** (Interpretation into FL)
>
> **Police officer/Interviewer**: It is easy to forget to make pauses. So when the interpreter makes this sign *(e.g. raising hand)* she reminds you to make a pause so she can speak. After she has done that please continue to speak.
>
> *The /interviewer may use non-verbal means such as gaze or gesture to cue continuation of the child's account.*

Conclusion

The aim of the NICHD protocol is to elicit uncontaminated information in a child-aware fashion. The pre-substantive phase of the interview aims to provide the basis for a form of interaction which is conducive to this: it serves to build rapport and thereby ensure the minors engagement with the interview process. It also makes explicit the ground rules of the interaction and it provides an opportunity to practice forms of engagements which are have been shown to be associated with the retrieval of good quality information. In interpreter mediated interaction with minors, the pre-substantive phase provides an opportunity to state and rehearse ground rules of the altered dynamics when communication takes place via an interpreter. This article has focussed on forms of reflexive co-ordination designed to assist the setting of a participation framework at the outset of the interview, and suggests adaptations to the NICHD forensic format which support the participation rights of minors in bilingual settings. While existing research on the basis of authentic data has afforded insights into monolingual child interviewing, access to data of interpreted interactions with minors in investigative settings has been constrained by

issues of confidentiality and the considerable sensitivies involved in this. Further empirical research is needed to test and extend the recommendations made above.

As noted above, research into police interpreting has highlighted the fact that forensic formats, and the research-based central strategies they employ, may be altered due to the interactional dynamics of interpreted encounters (Böser 2014; Heydon and Lai 2013; Wadensjö 1995). The adaptation of such formats for bilingual use is of particular significance where vulnerable groups of non-institutional users, such as unaccompanied asylum seeking minors, communicate in critical and sensitive contexts. Access to justice for this group of users, is after all, intrinsically linked to securing their right to participate meaningfully in legal interaction. At a broader level, such adaptations could ultimately make a valuable contribution to the mainstreaming of public service interpreting in the highly diverse societies which we increasingly live in.

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