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<b>Title</b>	Working with Interpreters & Translators – Standard Operating Procedures
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<b>Summary</b>	These procedures clarify roles, responsibilities and procedures, to ensure that interpreters and translators are deployed safely, efficiently, appropriately and consistently and that, wherever possible, only approved interpreters and translators are used.
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<b>1</b>	<b>INTRODUCTION</b> .....	<b>5</b>
<b>2</b>	<b>APPLICATION</b> .....	<b>5</b>
<b>3</b>	<b>GENERAL PRINCIPLES WHEN WORKING WITH INTERPRETERS</b> .....	<b>5</b>
3.1	Legislative grounds for the provision of an interpreter.....	5
3.2	Techniques .....	6
3.3	Transcriptions .....	7
3.4	Translations .....	7
3.5	Use of MPS IT systems by Interpreters or Translators .....	8
3.6	Disclosure of Interpreter's details to other parties.....	8
3.7	Claim forms.....	9
<b>4</b>	<b>ROLE OF INTERPRETER</b> .....	<b>9</b>
4.1	Interpreter's Code Of Ethics.....	10
<b>5</b>	<b>CONTACTING AN INTERPRETER</b> .....	<b>11</b>
5.1	The Data Protection Act 1984/1998.....	11
5.2	The Official List .....	11
5.3	Emergency Back-up Mechanisms .....	12
5.4	Unofficial interpreters .....	13
5.5	Selecting and Booking an Interpreter.....	13
<b>6</b>	<b>BOOKING INTERPRETERS ON BEHALF OF OTHER AGENCIES</b> .....	<b>15</b>
<b>7</b>	<b>ARRIVAL AT THE POLICE STATION</b> .....	<b>17</b>
7.1	Risk Assessments.....	18
7.2	Legal Consultation .....	19
<b>8</b>	<b>INTERVIEWS</b> .....	<b>19</b>
8.1	Making a written record of an un-taped interview .....	21
8.2	Interpreter's statement .....	21
<b>9</b>	<b>STATEMENTS</b> .....	<b>22</b>
9.1	Detainee .....	22

<b>9.2</b>	<b>Victim/witness .....</b>	<b>23</b>
<b>9.3</b>	<b>Witness Introductory Statement .....</b>	<b>25</b>
<b>9.4</b>	<b>Interpreter's Statement .....</b>	<b>25</b>
<b>10</b>	<b>TELEPHONE INTERPRETING .....</b>	<b>25</b>
<b>11</b>	<b>INTERPRETERS ASSISTING SCD/SO INVESTIGATIONS/OPERATIONS .....</b>	<b>27</b>
<b>12</b>	<b>INTERPRETERS &amp; TRANSLATORS WORKING AWAY FROM THE POLICE STATION 27</b>	
<b>12.1</b>	<b>Transcriptions of covert/surveillance material .....</b>	<b>27</b>
<b>12.2</b>	<b>Other materials for translation .....</b>	<b>28</b>
<b>13</b>	<b>THE POLICE AND DEAF PEOPLE .....</b>	<b>28</b>
<b>13.1</b>	<b>General .....</b>	<b>28</b>
<b>13.2</b>	<b>Legislative Framework.....</b>	<b>29</b>
<b>13.3</b>	<b>Methods of Communication .....</b>	<b>30</b>
<b>13.4</b>	<b>Finding an Interpreter .....</b>	<b>31</b>
<b>13.5</b>	<b>Emergency Back-up Mechanisms .....</b>	<b>32</b>
<b>13.6</b>	<b>The D/deaf Detainee or Witness .....</b>	<b>32</b>
<b>13.7</b>	<b>D/deaf Person's Arrival at the Police Station .....</b>	<b>33</b>
<b>13.8</b>	<b>Interpreter's Arrival at Police Station .....</b>	<b>34</b>
<b>13.9</b>	<b>Interviews with D/deaf Detainees or Witnesses .....</b>	<b>34</b>
<b>13.10</b>	<b>Statements from D/deaf Detainees or Witnesses .....</b>	<b>35</b>
<b>13.11</b>	<b>Interpreter's Statement .....</b>	<b>36</b>
<b>13.12</b>	<b>Contacting D/deaf people .....</b>	<b>36</b>
<b>13.13</b>	<b>Becoming more D/deaf Aware.....</b>	<b>37</b>
<b>14</b>	<b>PAYMENTS .....</b>	<b>37</b>
<b>14.1</b>	<b>Fees .....</b>	<b>38</b>
<b>14.2</b>	<b>Forms .....</b>	<b>38</b>
<b>14.3</b>	<b>Times .....</b>	<b>39</b>
<b>14.4</b>	<b>Expenses.....</b>	<b>39</b>
<b>14.5</b>	<b>Taxi fares.....</b>	<b>40</b>

<b>14.6</b>	<b>Parking Meters.....</b>	<b>40</b>
<b>14.7</b>	<b>Congestion Charges .....</b>	<b>40</b>
<b>14.8</b>	<b>Mileage .....</b>	<b>40</b>
<b>14.9</b>	<b>Translations .....</b>	<b>41</b>
<b>14.10</b>	<b>Special Projects.....</b>	<b>41</b>
<b>14.11</b>	<b>Telephone interpreting.....</b>	<b>41</b>
<b>14.12</b>	<b>Transcriptions .....</b>	<b>41</b>
<b>14.13</b>	<b>Minimum Charges .....</b>	<b>41</b>
<b>14.14</b>	<b>Travelling with interpreters for work elsewhere in the UK or abroad.....</b>	<b>42</b>
<b>14.15</b>	<b>Cost Centre Codes .....</b>	<b>43</b>
<b>14.16</b>	<b>LS Payments Schedule .....</b>	<b>43</b>
<b>14.17</b>	<b>Border &amp; Immigration Agency.....</b>	<b>44</b>
<b>14.18</b>	<b>Other non-MPS organisations.....</b>	<b>44</b>
<b>15</b>	<b>COMPLAINTS, COMMENDATIONS AND FEEDBACK.....</b>	<b>45</b>
<b>15.1</b>	<b>Principles Applicable to the Handling of Complaints .....</b>	<b>46</b>
<b>15.2</b>	<b>References .....</b>	<b>46</b>
<b>15.3</b>	<b>Commendations and Feedback .....</b>	<b>46</b>
<b>ANNEX A - Statement-taking Flowcharts</b>		

## 1 Introduction

This guidance for police officers and police staff has been written in an attempt to harmonise the engagement of interpreters across the Metropolitan Police Service and to ensure uniform implementation of the policy on the engagement of interpreters and translators by the Metropolitan Police Service. This manual is available on the MPS Language Services (LS) intranet site. Interpreters are issued with a similar manual. Many more experienced MPS personnel will already be familiar with the procedures for working with interpreters and also with the general content of this document. However, in this revised version we have incorporated solutions to some of the more recurrent problems referred to LS. We expect all MPS personnel to read and refer to this manual and to act in accordance with it.

## 2 Application

All police officers and police staff, including the extended police family and those working voluntarily or under contract to the MPA must be aware of, and are required to comply with, all relevant MPS policy and associated procedures.

However, this SOP applies in particular to officers and staff in the following roles:

- Custody officers and custody staff
- Criminal Justice Unit staff
- Central Communications Command staff
- Integrated Borough Operations staff
- Officers in the case/operational police officers
- Computer Aided Despatch operators
- Supervisors/line managers
- Finance & Resources Managers

NB. This list is not intended to be exhaustive.

Borough and non-borough Operational Command Unit ((B)OCU) Commanders, senior managers and Heads of Branches have a general responsibility for ensuring that this policy is complied with.

This SOP applies with immediate effect.

## 3 General Principles when Working with Interpreters

### 3.1 *Legislative grounds for the provision of an interpreter*

1. The principle that a non-English speaker is entitled to equal access to justice is well established and is enshrined in UK and EU legislation and case law. Public service providers are thereby under an obligation to ensure equality of provision of their services across language and culture.
2. Code of Practice C, paragraph 13 of the Police and Criminal Evidence Act (PACE), sets out the requirement for an interpreter for a deaf or non-English speaking detainee (or their appropriate adult). This requirement is strengthened by the Human Rights Act 1998, which incorporates the European Convention of Human Rights into UK domestic law (Articles 5 and 6 refer).

3. Of more general application are the provisions of the Race Relations Amendment Act 2000, the Disability Discrimination Act 1995/2005, which legislate against discrimination on grounds of language or disability. These obligations are supported by various decisions in European and domestic case law.
4. The following sections outline a guide to good practice, in the hope that the best possible use can be made of available resources in the future. They attempt to cover a variety of procedures, but should not be seen as exhaustive. The substance of any advice addressed to an 'officer' in the following paragraphs should be equally valid for police staff, circumstances permitting, and vice versa. Any questions, queries or suggestions should be addressed to LS Language Services branch ([contact details](#) for all LS staff are available on the [LS](#) intranet site).

### **3.2 Techniques**

1. Interpreters must be independent and impartial. Their position of independence should not be compromised in any way, either by their own actions, or by those of an officer. All interpreters are engaged in a freelance capacity, for which a fee is paid according to work done. There is no relationship of employment between linguists and the MPS, and they are free to offer their services to other organisations.
2. MPS Official interpreters and translators should have attended an Information Technology/Data security workshop, which outlines the Protective Marking Scheme and gives them guidance on the use of computers (their own and MPS systems) together with instructions on the secure treatment of MPS documentation and information. All MPS Official interpreters and translators are vetted to Counter Terrorism Check level and have signed the Official Secrets Act. Where appropriate, those with access to MPS computer systems will also have signed the relevant MetSec confidentiality statement and terms and conditions of use.
3. The interpreter should not be asked to give their own opinion on any matter unconnected with their expertise in the language or culture concerned. For instance they should not be asked to offer opinion as to whether the individual is telling the truth, or whether they come from where they say they do etc.
4. Direct speech should always be used by the parties participating in the interpreted exchange and should be maintained in the interpretation, e.g. the interviewing officer should ask "Were you at the bus stop at 10pm?" and not "Ask her if she was at the bus stop at 10pm". Replies should be communicated in the same manner, e.g. the interpreter will say "Yes, I was" and not "She says that she was". This method of working reduces the confusion which will otherwise arise concerning who said or did what, and re-establishes the rapport between officer and non-English speaker, reinforcing the role of the interpreter as a channel for communication rather than a participant in the dialogue. When questioning a suspect, the officer should look at the person, not at the interpreter.
5. Interpreters may interrupt the normal flow of the interview to ask the officer for repetition, clarification or to alert the officer to the possibility of a cultural inference (i.e. an item of culture-based information which has not been stated, but knowledge of which has been assumed) which might have been missed by the interviewee and which may require a re-phrasing of the question posed.
6. The interpreter may interrupt to ask the parties to accommodate the interpreting process, i.e. to speak more slowly or clearly or if one person habitually starts to talk

before another has finished. The interpreter must inform both parties of the reason for the intervention and should ask the officer to take remedial action. In all circumstances, officers should ensure that these interruptions are interpreted back to the non-English speaking party.

7. The officer should make sentences as short as possible, so as to accommodate the interpreting process, but should not necessarily pause mid-sentence as for some languages this can be counter-productive. If in doubt, the interpreter should be consulted prior to the beginning of the interview.
8. The interpreting process is lengthy and can be mentally tiring for the interpreter. Regular breaks should be built into the process and any reasonable request by the interpreter for a break should be accommodated wherever possible.

### **3.3 Transcriptions**

1. Officers should not routinely ask interpreters to prepare transcriptions of tape- or video-recorded interviews.
2. It is not the interpreter's role to produce records of taped interview (ROTIs), short descriptive notes (SDNs) or transcripts of interviews. The fact that an interview has been conducted through an interpreter does not affect the way in which the written record is prepared, or the type of record required. Only the questions and answers in **English** constitute the information to be recorded.
3. The requirement for full transcription of the foreign language element of an interview should occur only when doubt as to the quality of the interpreting is raised.
4. If it is considered necessary for operational reasons to have a foreign language interview fully transcribed, **and where the interpreting itself is not in question**, the interpreter may be asked to provide the transcription.
5. In circumstances where doubt has been raised as to the quality of the interpreting, the disputed sections should be identified and the tapes and English language record of interview should be delivered to Language Services, where an **independent** assessment will be organised. Interpreters should never be asked to comment on their own, or colleagues', work.

### **3.4 Translations**

1. Translators have training and qualifications which differ from those of an interpreter, and so the two are not interchangeable. Where the interpreter transfers meaning between language and culture in verbal exchanges, the translator works with the written word.
2. Officers should not ask interpreters to translate written documents, Except for short, non-complex ones, or statements that the interpreter has helped obtain.
3. Requests for translation of written documents should be submitted, with the documents, or copies wherever possible, to Language Services, with the authority of the Finance and Resources Manager (FRM), if required by local procedures.
4. The documents will then be logged, given a reference number, and assessed for technicality, urgency and security requirements relevant to the Protective Marking Scheme (PMS).

5. If documents carry a protective marking, which would affect the manner in which they should be transmitted to the translator, whilst LS staff will conduct risk assessments on documents as they pass through the branch, officers **must** notify LS of any relevant knowledge they have to assist in this process.
6. If an exhibiting statement is likely to be required for evidential purposes, this should also be requested at the time of requesting the translation, to avoid difficulty in providing these some months later.
7. A suitable translator will then be identified and commissioned with the translation work. Translators typically work at between 1,500 – 2,000 words per day, depending upon the language, the technicality of the subject matter and the type of translation required.
8. Translations can be 'gist' i.e. a summary or description of contents (but guidance must be given as to what is expected/required) a full translation will provide a full-text equivalent, and may contain footnotes or translators notes, a 'polished' translation will have undergone extra revisions and checks and is for very formal texts, or those for publication. The latter attract an extra surcharge, on top of those paid for technicality or urgency.
9. Officers should be particularly aware of urgency surcharges, which if not overtly requested, will be automatically applied to any work where deadlines are tight. Work is usually completed within timescales required by officers, but often they do not collect the work resulting in wasted resources.
10. On receipt of the completed translation work, LS personnel will contact the officer to confirm that the work is ready for collection, or to arrange another means of delivery, if appropriate. Officers collecting work will be asked to sign for it for LS records.
11. LS conducts random word count checks on translations for audit purposes and requests feedback from officers through a quality of service questionnaire.
12. Any officers wishing to have translation work done on site, for reasons of sensitivity, should refer to LS, where arrangements can usually be made.
13. All translators are engaged in a freelance capacity, for which a fee is paid according to work done. There is no relationship of employment between linguists and the MPS, and they are free to offer their services to other organisations.

### **3.5 Use of MPS IT systems by Interpreters or Translators**

1. Arrangements should be made for interpreters or translators engaged on Special Projects within MPS premises, who will need access to MPS computer systems, to have a personal log-on allocated, provided they have received MPS IT/data security training. This can be arranged through LS, and interpreters will be asked to sign the MetSec confidentiality statement and terms and conditions of use before access will be granted.
2. Interpreters and translators must never be permitted access to MPS computer systems, unless they have their own user name and password.

### **3.6 Disclosure of Interpreter's details to other parties**

1. Green and pink copies of the interpreter's claim form 319 must be withdrawn from custody records or bundles disclosed to the defendant or the defence solicitor. This safeguards the security of the interpreter. Breaches of this duty have occurred,

including one interpreter being called by a defendant from prison. Form 5230 should be used to notify courts of interpreters and translators used during the police enquiries. This will prevent the same interpreter being appointed to appear at court to interpret for the defendant or witnesses. See also 5.1 Data Protection Act

### 3.7 **Claim forms**

1. Officers should check closely the times of arrival and departure of the interpreter and verify that these appear correctly on the claim form.
2. Officers should sign the form **only** when it has been fully completed, and is ready for submission to the FRM for authorisation. **Never** offer to pre-sign a claim form for later submission by the interpreter.
3. Officers should submit complete and approved claim forms to local Finance units **immediately**. Difficulties in making non-standard payments should be referred initially to the local FRM or to LS for advice. See also 14 Payments

## 4 **Role of Interpreter**

1. Interpreters and translators fulfil different functions within the MPS. Interpreters are primarily for call-out to police stations to facilitate the communication between officers and non-English speaking detainees, suspects and witnesses, whereas translators work on written documents (see 3.4, 12.2 and 14.9 on Translation).
2. Part of the interpreter's function includes the taking and translation of written statements, records of interview when tape-recording facilities are not available (except in the case of D/deaf people, when the statement and any record of interview is written by the police officer) and, where appropriate, transcription of covert surveillance tapes.
3. The role of the interpreter is strictly defined (see 4.1 Interpreters Code of Ethics)
4. Interpreters are called in to facilitate communication between two parties who do not share a common language. This they must do without addition of any message, omission of any part of the message, advice on any aspect of the message or the circumstances or personal opinion. They will interpret to each party **everything** which is said in the other language. Officers should not ask an interpreter to give personal opinions, nor should they ask the interpreter not to interpret anything which is said in the presence of the non-English speaker. The interpreter will restore the circumstances which would prevail if the parties shared a common language.
5. The interpreter should not take control of any situation in which they have been asked to interpret.
6. The police officer will always retain responsibility for the exchange. Any situation where the interpreter appears to conduct discussion with either party, the content of which is not communicated to the other, should be challenged and/or reported to LS.
7. Interpreters are expected to be punctual, courteous, independent and impartial.
8. LS makes every effort to ensure that the Official list provides a source of high-class, professional interpreters and wishes to be given every opportunity to maintain this standard. Interpreters are professionals who provide the MPS with a valuable and essential linguistic resource.

9. Any instance where an interpreter has not complied with the professional standards, or who has otherwise brought the MPS into disrepute, should be referred to LS.
10. Interpreters should not be asked to provide transport for detainees/witnesses, either by using their own cars or by providing fares. Similarly, it is not the interpreter's responsibility to ensure the detainees/witnesses are offered refreshment while at the police station. An interpreter should not be expected to act as a chaperone, companion or Appropriate Adult.
11. When not actually interpreting, the interpreter should be offered a place to wait away from contact with the interviewee.

#### **4.1 *Interpreter's Code Of Ethics***

1. Interpreters will only work in language combinations in which they are competent and qualified to work, i.e. between English and the other language(s) for which their name appears on the Official List of Metropolitan Police Interpreters.
2. Interpreters will interpret and translate accurately and faithfully between their listed languages to the best of their ability, without any addition, omission, advice or personal opinion tainting the message.
3. Interpreters will at all times observe the concept of impartiality, and will withdraw from any assignment where this is compromised.
4. Interpreters will treat MPS officers, police staff and members of the public with dignity and respect, regardless of nationality, gender, race, colour, ethnic or national origin, disability, sexual orientation or marital status.
5. Interpreters will observe the concept of confidentiality and will not disclose any information which they may acquire in the course of their work as official Interpreters for the Metropolitan Police, except in anonymity for the purposes of professional support and training. Nor will any interpreter exploit for gain any information encountered in the course of working for the Metropolitan Police Service.
6. Interpreters will assist both parties to understand the message of the other language speaker and their cultural background, especially where this impacts upon comprehension of the message.
7. Interpreters will under no circumstances commence or continue the interpreting process in the absence of a police officer, except where the interpreter is required to assist in the private consultation between a detainee and his/her legal representation.
8. Interpreters will notify officers of their expected time of arrival when asked to attend at a police station. If unavoidable delay is experienced, the officer should be alerted and reasons given.
9. Interpreters will disclose any limitation as to professional competence with regard to linguistic knowledge e.g. dialect or with regard to subject matter encountered in any assignment. Interpreters should then withdraw from the assignment or continue only with the informed consent of all parties.
10. Interpreters will disclose any conflict of interest, whether personal or financial, which arises from an assignment and will withdraw from the assignment or continue only with the informed consent of all parties.

11. Interpreters will not delegate assignments or accept delegated assignments without consulting with LS . In an emergency, interpreters may suggest that colleagues act in their place, only if such colleagues are also official interpreters approved by LS as competent to accept assignments in the language required.
12. Interpreters cannot accept any gift, favour or any other financial benefit other than agreed fees and expenses in connection with any official assignment. Similarly, interpreters will not offer any gift, favour or other benefit, financial or otherwise to anyone involved with an assignment.
13. Interpreters will not publicise their services within Metropolitan Police premises, including the distribution of personal business cards or publicity material. Where interpreters breach this instruction, a report should be sent to Language Services.
14. Interpreters are appointed on an individual, freelance basis. They will not use their position on the Official List to conduct any business through an agency.
15. Interpreters will not profess to represent the Metropolitan Police Service in any communication with any third party, without the prior written authorisation of the Director of Human Resources, or his representative.
16. Interpreters will act with due regard for professionalism and integrity at all times, and will not conduct themselves or their service in a manner which would discredit the Metropolitan Police Service, or jeopardise its interests.
17. In signing the letter of engagement issued by Language Services, interpreters agree to abide by the terms of this Code and by any other reasonable instruction issued by LS.

## **5 Contacting an Interpreter**

### **5.1 *The Data Protection Act 1984/1998***

1. It is important to remember that the personal details held on the Official List are subject to the Data Protection Acts 1984 and 1998 and are restricted information. They must not be disclosed to any third party, except in accordance with procedures outlined below and at 6.11.
2. LS must be consulted whenever police officers or police staff intend to disclose interpreters' details outside the MPS, so that branch personnel can ensure disclosure falls within the Data Protection Act registration criteria.
3. Green and pink copies of the interpreter's claim form 319 must be withdrawn from custody records or bundles disclosed to the defendant or the defence solicitor. This safeguards the security of the interpreter. Form 5230 should be used to notify courts of interpreters and translators used during the police enquiries. This will prevent the same interpreter being appointed to appear at court to interpret for the defendant or witnesses.

### **5.2 *The Official List***

1. The Official List of Metropolitan Police Interpreters is held on the LS intranet site on Aware. This can be found within the A-Z index under L-Linguist or Language Services, I-Interpreter, T-Translator. It can also be accessed on the CAD system

2. Language Services Branch (LS) is responsible for keeping the list and interpreters' personal records updated.
3. When booking an interpreter, **all** telephone numbers listed on the Official list should be tried before resorting to Back-Up Procedures.
4. Within each language list, details of the residential postcode of the interpreter are given. Primary consideration should be given to booking those interpreters living in closest proximity to the location where the service is required, unless there are practical reasons for calling someone from further afield e.g. continuity, specialist expertise, non-availability of more local interpreters, need to source interpreters from outside a specific local community etc. Officers should attempt to contact all Official interpreters for a particular language. They may be working within the MPD and may be closer than their residential postcode might indicate.
5. In addition, interpreters who have been regularly used by a station, but whose details have been temporarily removed from the list for any reason, should neither be contacted by officers, nor persuaded to take on assignments. Such work is contrary to the guidelines issued to interpreters and may leave the investigation vulnerable and the MPS open to criticism.
6. There are currently some 400 interpreters on the MPS official list, covering 82 languages. If difficulty is experienced in securing coverage for a given language, this should be reported to Language Services, where it will be used, in addition to regular monitoring of the use of unofficial interpreters, to help to inform priorities for expanding the official list.
7. Concerns about individual interpreters who are temporarily suspended should be addressed to LS.
8. Periods of annual leave or other non-availability will be marked on the Official list in order to save officers' time when searching for an interpreter. Interpreters should always be appointed from the Official List (subject to Emergency Back-Up arrangements – see 5.3). This is the only up-to-date source of Met-approved linguistic resources. The list should be consulted on-screen each time an interpreter is required, as people may join the list or withdraw from it, contact numbers may change, and periods of non-availability may be marked on it, thus avoiding wasted time. Only interpreters on the Official list have been security cleared and tested in accordance with MPS policy.
9. If an interpreter cannot fulfil a booking s/he has made, the Official List must be consulted again. Reasons for the broken assignment should be sought and, if necessary, referred to LS.

### **5.3     *Emergency Back-up Mechanisms***

1. If all listed interpreters have been tried and it is not possible to obtain one from the Official list for the language required, officers should refer to Contact Desk, where names and telephone numbers of alternative interpreters can be obtained.
2. A ring-back system will be in operation, and officers will be asked to confirm that attempts have been made to contact all Officially listed interpreters for the language required, but that none were able to attend.

3. **N.B. All interpreters on the Official list should be called, regardless of location, before referral to Contact Desk, as this is an emergency back-up system only. Messages should be left for Official interpreters and a reasonable time left for them to respond, where time allows.**

**See also section 13.5 for alternative sources of supply for BSL/English interpreters, lipspeakers and other Language Service Professionals for D/deaf people.**

4. LS monitors the languages and areas in which the Official List is failing to provide the service officers require, and so identify 'recruitment' priorities.

#### **5.4 Unofficial interpreters**

1. Old printouts of the Official list, 'little black books' or personal business cards are not approved sources of interpreters. Use of such contacts may result in unofficial interpreters attending MPS stations. This can, in turn, result in the MPS being vulnerable to criticism and can delay the payment of claims by LS, except where exceptional circumstances apply.
2. Where officers have been compelled to use an unofficial interpreter, a short report/memo should accompany the claim form, detailing the circumstances, together with the source from which the service was obtained and telephone contact numbers for both the interpreter and the officer concerned.
3. Fees will be paid in accordance with those payable by the MPS at the time the work was performed. These are available on the LS intranet site. Officers must ensure these fees are accepted by the unofficial interpreter, BEFORE the booking is made
4. Commercial interpreting/translation agencies should not be used, as agency fees tend to be very high and the interpreters provided will vary widely in competence and experience and will almost certainly not be vetted.
5. Use of unofficial interpreters, wherever they are sourced, may leave the MPS open to severe criticism. Furthermore, it undermines the integrity of the Official list.

#### **5.5 Selecting and Booking an Interpreter**

1. Only interpreters whose names appear on the Official list should be engaged for MPS assignments. Where this is not possible, approved back-up arrangements should be utilised (see 5.3 Emergency Back-up Mechanisms)
2. Interpreters should not be asked to interpret in languages for which they do not appear on the approved list.
3. Official interpreters are instructed not to give out names of colleagues, if they are unable to accept an assignment themselves. In exceptional circumstances only, and where they have been specifically asked to assist, they may offer names of other Official interpreters, if known. If in doubt, the Official list should be checked or, during office hours, LS can be contacted to confirm Official status. Interpreters should never be asked to make bookings on behalf of officers.
4. Officers should not use one interpreter in a given language as an 'agent' for colleagues i.e. to distribute work to colleagues. This practice is actively discouraged as it allows the 'agent' to cherry pick and disadvantages other Official interpreters. If one interpreter

consistently accepts work, then sends others to attend in his/her place, officers should refer details to LS.

5. Official interpreters should be asked to show an **MPS security pass**. This ensures that unofficial interpreters do not attend in the place of official ones.
6. From time to time, interpreters are offered familiarisation training in procedures connected with some types of investigation. Where interpreters have invested their time in attending such seminars, their names are marked on the Official List. For instance, SOIT/CPT is used for interpreters who attended a joint training day on statement-taking from child victims and victims of serious sexual offences, delivered by officers from the Sexual Offences Investigation Team (SOIT) and the Child Protection team (CPT), DOM is used for interpreters who attended a half-day seminar in the investigation of offences of domestic violence, MD for interpreters who have attended Mass Disaster familiarisation. This will assist officers in selecting interpreters for these types of investigation.
7. Interpreters should be called according to where they live in relation to the location where they are needed. Normally, the interpreter living closest should be called first, unless there are operational or security reasons for selecting an interpreter from a different area.
8. When booking an interpreter the name and rank of the officer in the case should be given, along with the name of the case and details of the police station including a telephone contact number.
9. When booking the interpreter, it is also advisable to notify him/her as to the background of the case. This will allow the interpreter to prepare for the assignment, or to refuse an assignment which is outside their competence, in accordance with their code of ethics.
10. The name of the person requiring the interpreter should also be given, in case the interpreter knows them and has to decline the assignment. If this is not discovered until the interpreter arrives at the police station, a claim for attendance will be payable at the minimum charge rate.
11. The interpreter and the officer should agree an estimated time of arrival at the station and the interpreter should be made aware that significant delay beyond this time may result in another interpreter having to be called.
12. If delay should occur, the interpreter is expected to telephone to inform the officer in the case. If another interpreter has to be called in, the first should be told not come to the police station as attendance will not be authorised for payment by the officer.
13. In addition, officers should check that the interpreter will be available to assist for the whole time s/he will be required. If the interpreter will only be available for some of the estimated time, the officer can attempt to call another interpreter.
14. When booking an interpreter to attend custody, officers should ensure OVER THE TELEPHONE that the interpreter speaks the same language and dialect as the non-English speaker, and can write it in the form understood by the non-English speaker (there may be more than one written form, e.g. Punjabi), and that there are no cross-cultural issues which would impact on the suitability of the interpreter, such as gender or political affiliation. If possible, pass the telephone to the non-English speaker to ensure language compatibility.

15. Officers will wish to consider carefully the most appropriate interpreter to attend in a given set of circumstances. For instance cultural or gender considerations may be relevant. Such choices should be put to the non-English speaker, and their requests fulfilled wherever reasonable and practicable.
16. However, officers are reminded of the requirement for an interpreter to be impartial and independent – the detainee or witness does not have a right to the assistance of a specifically named interpreter.
17. Where security passes are clearly displayed, local arrangements should be established which will allow interpreters to enter the station without having to waste time standing in a queue with members of the public. These arrangements should be similar to those implemented on the arrival of independent custody visitors (lay visitors).
18. Front desk staff should always observe MPS vetting policy

## 6 Booking interpreters on behalf of other agencies

1. The **Agreement on the Arrangements for the Use of Interpreters, Translators and Language Service Professionals in Investigations and Proceedings within the Criminal Justice System (as revised January 2007)** clarifies the responsibilities of agencies of the criminal justice system with regard to the booking of interpreters.
2. The main principles of this agreement are as follows:
  - Where the police or other investigating agency charge a person with an offence and detain or bail that person for a court hearing within two working days of charge (eg the following day or over a weekend or a Bank Holiday), because of shortage of time the police or other investigating agency will arrange the interpreter for the court hearing. **It is important that so far as possible the interpreter arranged for court is not the one who interpreted at the police station either for the police or the defendant's solicitors at any stage prior to the court appearance. If however it is not possible to find another interpreter (for example where the language is rare) then the Court and all parties must be notified of the intention to use the same interpreter for the court proceedings and agree to that course of action.**
  - The appointment and payment of interpreters for prosecution witnesses is the responsibility of the CPS or other prosecuting agency. But in practice the police will often book interpreters on behalf of the CPS. Where the interpreter is required by the CPS for a prosecution witness or as a prosecution witness, the police will continue to make the formal warning, whether or not the CPS have already 'booked' that interpreter. In these circumstances, the CPS will ensure that the details of the interpreter they have already booked are passed on for formal warning.
  - In principle, the police will no longer be responsible for booking interpreters on behalf of any other agency of the criminal justice system (including crown courts) except in the circumstances described above.
  - Where the prosecuting authority is other than the CPS, that authority will be responsible for both booking and warning its own interpreters for court.

- Where this is the case, care should be taken to explain to the interpreter that the MPS will not be responsible for payment of fees, and that these must be claimed from the appropriate organisation, at rates payable by that organisation
3. These principles are not affected by the changes brought about by the Narey Report (***Review of Delay in the Criminal Justice System: A Report*** Home Office 1997. When a defendant is charged and bailed to return to a Magistrates' Court on a certain date, details are sent to the relevant court to list a hearing for that date. At this time, notification will also be given that an interpreter will be required for the defendant, and the court will make the necessary arrangements as above. Even in the event of a late decision to NFA, the defendant will still be required to attend court in line with his bail conditions, and therefore an interpreter will still be required at Court.
  4. Where MPS personnel book interpreters on behalf of the CPS or the Magistrate's Court, in accordance with the above arrangements, it should be made clear to the interpreter that they are being booked to interpret for the defendant or for a prosecution witness, and are NOT being warned to appear themselves as a witness.
  5. This distinction is important. Only if they are required as a witness, to give their own evidence on previous interpreting assignments, will they be considered fully bound. Interpreters should be warned as far as possible in advance that they will be required to interpret at court.
  6. MPS personnel booking interpreters on behalf of the Magistrate's Court or the CPS MUST inform interpreters that these agencies pay different rates to those paid by the MPS. The rates payable by these agencies can be found <http://commercial.homeoffice.gov.uk/doing-business/terms-and-conditions/>
  7. Bookings should be confirmed in writing and copies put on file. This would minimise double booking, saving valuable interpreter time and thus resources, both financial and linguistic.
  8. If the same interpreter is required for subsequent court hearings, bookings should again be confirmed in writing, even if a verbal booking is made at the first hearing.
  9. Except in cases where a rare language is used, or in urgent, 'overnight' cases, the interpreter at court should not be the same interpreter who assisted at the police station in the same case. The latter may well be called as a witness and this position should not be compromised, except where absolutely necessary. The consent of all parties must be obtained if necessity dictates the use of the police station interpreter in court. Form 5230 can be used to notify the court of the details of any interpreter used in the investigation prior to the court date, so that the court can avoid instructing an interpreter with prior involvement.
  10. Interpreters should be briefed as much as possible on the case in advance. This will allow for adequate preparation of specialist vocabulary, where appropriate, and would also ensure language and dialect compatibility from an early stage. Such briefings will not necessarily incur conflicts of interest or issues of confidentiality, as official interpreters are committed to the concept of confidentiality and impartiality.
  11. All MPS personnel are reminded that interpreters' details are restricted and must not be disclosed to other agencies without proper authority, except to notify Courts of the names of interpreters previously used in the same case.

12. In the event that a hearing is adjourned, delayed or cancelled, warned interpreters should be advised accordingly as soon as possible. With increasing regularity, interpreter time and resources are being wasted due to fundamental breakdowns in communication. Interpreters claiming cancellation fees for cancelled court bookings should be referred to the relevant court.
13. The arrangements set out in the 2007 Agreement are tabulated in the Excel file 'Booking Interpreters: Who Books? Who Pays?' which sits on the LS intranet site.
14. Where interpreters are called by MPS personnel to attend an MPS station or any other location for a detainee, victim or witness, but will in fact be working for another agency e.g. Border & Immigration Agency (BIA), other police forces etc, this fact should be highlighted when the booking is made, as arrangements for payment, and the rates paid, will be the responsibility of that other agency.
15. Where this occurs the other agency should have their own claim forms and these should be completed and taken by the officers of the other agency, for payments to be made through their own channels.
16. In exceptional circumstances, fees can be paid by the MPS and subsequently reclaimed from the requesting agency/force. However, in this case, fees will always be paid at MPS rates and are subject to an administrative surcharge. Where the representative of the requesting agency/force accepts this, care should be taken to ensure the relevant section on the form 319 is completed and authorised by signature.
17. A Memorandum of Understanding exists between the MPS and the Border & Immigration Agency (BIA), which allows for the reclaiming of a set sum, where the MPS has called an interpreter, who subsequently assists BIA. BIA officers will usually bring their own interpreters to a police station for an immigration interview. Where they do, they are entirely responsible for effecting payments to that interpreter and should do so on their own forms.
18. Only where an MPS interpreter is already in attendance should the terms of the MOU come into play. This avoids incurring delays by dismissing one interpreter, only to wait for another.
19. MPS officers and police staff should not authorise payments to BIA interpreters on MPS forms, if they have not made the booking. The rates payable by the MPS are higher than the BIA, and the MOU will not always allow for full recovery of interpreters' fees.
20. Furthermore, officers are reminded that MPS official interpreters should always be called in for MPS assignments. Other agencies may not have the same standards of qualification or vetting as that required by the MPS. Therefore an interpreter brought along by another agency to assist their work on MPS premises, should not be retained for MPS work, unless they are also on the MPS Official List.

## **7 Arrival at the police station**

1. When the interpreter arrives at the police station, the officer they report to should ask to see their ID, to ensure the interpreter in attendance is the interpreter who was booked.
2. Brief details of the case should be given to the interpreter on arrival, if they have not already been given. The interpreter should be asked to declare whether they know the non-English speaker in anything other than a professional capacity. According to the

response, the officer can decide whether it would be better to call in another interpreter. If in doubt, reference should be made to senior officers or to LS, if appropriate. Obviously, it is better to err on the side of caution.

3. This prior briefing is also essential as it affords the interpreter another opportunity to prepare key words, or to decline to interpret in an area where the highly specialised vocabulary is beyond his/her expertise.
4. It is important to establish once again that the interpreter does in fact speak, read and write the appropriate language, and that s/he can write it in the appropriate form, if there is more than one written form.
5. The officer in the case should greet the interpreter and introduce him/her to the detainee. The officer should, at this stage, ask the interpreter if they have any prior knowledge of the detainee, in order to establish any potential conflict of interest.
6. The interpreter and detainee will have a short conversation to confirm mutual comprehension and then the officer should explain through the interpreter that the service is provided at no cost to the detainee and that the interpreter is an independent party.
7. It should also be explained at this time that the interpreter will interpret all that is said in the other language into English and vice versa.
8. If there is to be any delay before commencing the interview the interpreter should be offered somewhere quiet to wait and refreshment, where possible. Reasons for the delay should be explained to the detainee, as some communities mistrust police and so the MPS must demonstrate the transparency of our processes.
9. Officers should inform the interpreter of the location of toilet facilities and of the fire evacuation procedures. Should the interpreter have any disability which impacts upon safe escape, the officer should be aware of this, so that appropriate measures can be taken, such as the completion of a personal evacuation plan.

### **7.1 Risk Assessments**

1. If it appears to the custody officer, or they are told, that a detainee may be suffering from an infectious disease of any significance, steps must be taken to isolate the person and their property until medical advice has been obtained as to where the detainee should be taken, whether fumigation should take place and what precautions should be taken by officers who have been or will be in contact with the person.
2. Under such circumstances, the interpreter should be given the same consideration as officers who have been or will be in contact with the detainee. Similarly, if there is any other risk of harm to the interpreter, this should be assessed and managed in accordance with MPS Health and Safety policy.
3. If it appears to the custody officer that the detainee may be suffering from a mental illness, or if the detainee appears to have a limited ability to respond to questions, then a Forensic Medical Examiner should be called and, following examination and advice the custody officer can decide whether an Appropriate Adult should be engaged.
4. The Appropriate Adult should be someone who is able to communicate effectively with the detainee, and who is able to protect the interests of the detained person and who is NOT the interpreter.

5. The officer in charge must carry out a risk assessment in relation to any interpreting assignment, whether in the custody suite or elsewhere, on or off MPS premises and should ensure that the interpreter is aware of any hazards and the control measures in place.
6. The officer in charge must conduct a risk assessment in relation to any MPS information or documentation entrusted to the interpreter. Only where the risk of loss of documentation has been assessed as low, should documents be allowed off MPS premises. Where computer systems are used, the risk assessment must take into consideration the MetSec code. Interpreters with access to secure e-mail systems (such as Aware or Criminal Justice Secure Mail (CJSM) accounts) can be asked to e-mail documents with a protective marking of Restricted and below. Under no circumstances should documentation protectively marked above restricted be transmitted by e-mail.

## **7.2 Legal Consultation**

1. It is Law Society policy that it is the solicitor's duty, where possible, to secure, at their own expense, the services of an interpreter different to that arranged to interpret any interview conducted by the police. However, if all parties are in agreement, the official interpreter may also assist with the private consultation. The interpreter's code of ethics will safeguard any concerns about involvement in the legal consultation 'prejudicing' the interpreter. **Interpreters must not divulge anything of this consultation to any third party (including the police). Furthermore, any notes taken by the interpreter should only include details necessary to facilitate the interpreting process and should be given to the solicitor, to be kept with the case-file.** The Association of Chief Police Officers (ACPO) and the Law Society have issued agreed guidance on this issue.
2. If, however, as a result of the legal consultation, the interpreter considers him/herself unable to maintain the impartiality required by his/her profession, s/he will withdraw and another interpreter must be called.

## **8 Interviews**

1. Consideration should be given to the position of the interpreter in the interview room, i.e. for spoken language interpreting a triangle arrangement may be suitable, with the officer and interviewee opposite each other on the 'long' sides of the table and the interpreter between them on the 'short' side. This ensures that the interpreter can hear properly what is occurring in each language. Interpreters may well have preferred methods of working which differ from this, so they should be consulted.
2. The position of the interpreter is also important from the point of view of protection from potential attack and the ability to escape from the room.
3. When the taped interview commences the interpreter should be asked to introduce him/herself on the tape. They may describe themselves simply as 'Official interpreter'.
4. Officers should make clear that the interpreter's role is to interpret faithfully and impartially anything which is said, and that the interpreter cannot give advice or discuss any matters put to the detainee. They may wish to use a set introduction, such as:

*(Interpreter's name) is an interpreter. He/she is not a police officer. The interpreter is independent. He/she is a professionally qualified interpreter.*

*Interpreters have strict rules about how they work. The interpreter will interpret everything we say. He/she will not add, leave-out or change the meaning of our words. The interpreter will not help you. The interpreter will not give his/her ideas. You must not talk privately to the interpreter. I will decide what the interpreter does.*

*If we know the interpreter has broken any of these rules, we will take action to make sure it does not happen again.*

5. Detainees should be asked to respond clearly in the language of the interview.
6. The interview is the responsibility of the officer in the case and must be conducted by him/her, through the interpreter, at all times.
7. At no point should an interpreter be left alone with a detainee, as this places them in a potentially vulnerable position. If the officer(s) must leave the interview room, the interpreter should be given a short break.
8. Interpreters are instructed to leave the room if the officer does, to avoid this situation.
9. When an interpreter is called to assist in the interview of a detained person, the police officer should brief the interpreter in advance of how it is intended to conduct the interview and what form the record of interview will take, as per the guidelines for investigative interviewing, which advise officers to consider the role of the interpreter in their preparation and planning. If officers intend to adopt a certain style, the interpreter should be informed.
10. An illogical answer to a question may be the result of genuine misunderstanding of the question (as can happen even with English-speaking interviewees) and not necessarily of misinterpretation. Questions should be re-phrased accordingly.
11. Officers should also remember that languages can expand and a relatively concise expression in English may take longer to interpret into another language. This should not be accepted in isolation as a sign of incompetence on the part of the interpreter.
12. Officers should also bear in mind that interpreted interviews may take twice as long as monolingual ones and that patience will be appreciated by both the detainee and the interpreter.
13. Where the interview is recorded on audio or videotape, there is no requirement to make a separate written note of the interview, unless the suspect is D/deaf or hearing impaired, in which case it is recommended that the interview is video-recorded. If this is not possible, the officer should make a contemporaneous written record in addition to the tape recording.
14. Where the interview is recorded on audio or videotape, any record of the interview should be made by the officer in English. It is not the interpreter's responsibility to prepare the written summary.
15. Officers are reminded that they should not routinely ask interpreters to prepare transcriptions of interview tapes. The fact that an interview has been conducted using an interpreter does not affect the way that the written record of interview is produced, nor the type of record required. It is the questions and answers in English that provide

the information required. Claims for transcription of interview tapes will only be met in exceptional circumstances, and where the correct authority has been granted. Interpreters may refer requesting officers to LS.

16. The officer should make sentences as short as possible, so as to accommodate the interpreting process, but should not necessarily pause mid-sentence as for some languages this can be counter-productive. If in doubt, the interpreter should be consulted prior to the beginning of the interview.
17. The interpreting process is lengthy and can be mentally tiring for the interpreter. Regular breaks should be built into the process and any reasonable request by the interpreter for a break should be accommodated wherever possible.

### **8.1 *Making a written record of an un-taped interview***

1. In the unlikely event of tape recording facilities not being available, the interview may go ahead at the discretion of the Duty Officer.
2. The interpreter should write in the other language each question and/or caution put by the officer as soon as it is put, read the question or caution aloud to the suspect, take down the reply in the other language and then translate the reply to the officer before the next question is put.
3. The officer will invite the interviewee to initial each answer recorded by the interpreter at the end of the interview, or as it progresses, and each page is signed by the interviewee, the officer and the interpreter.
4. If the interviewee declines to sign or initial, this fact will be recorded on the form in English by the officer, and, if appropriate, in the other language by the interpreter. The officer takes down in English the questions posed and the replies translated by the interpreter and the interpreter initials them to confirm accuracy.

### **8.2 *Interpreter's statement***

1. When a written record of interview has been made, the interpreter is required to produce an exhibiting or administrative statement on form MG11. Electronic templates of this form are available on Aware, through the desktop icon 'MG Forms'.
2. This statement may be worded as follows: "On (DAY) (DATE) (TIME) at (PLACE) I was employed as an interpreter by the Metropolitan Police Service. I was present at an interview of (NAME OF INTERVIEWEE) conducted by (OFFICER[S]) in the presence of (ANY OTHER PERSON, E.G. SOLICITOR/APPROPRIATE ADULT). I wrote down on forms MG15/MG(c) in (LANGUAGE) the questions asked by the officer before putting them to the interviewee. I then wrote each reply as it was given on forms MG15/MG(c) before interpreting the reply for the interviewing officer. I produce the original written interview in (LANGUAGE) as exhibit (NUMBER)."
3. Exhibit numbers should bear the interpreter's initials/1, 2, 3 etc. Exhibit labels should be made out for attachment to the exhibits.
4. It is best to ask the interpreter to produce an exhibiting/administration statement and exhibit label as a matter of course, as time and resources are wasted in gathering them after the event.

5. The interpreter should be reminded to complete the back of the MG11. For any interview, the interpreter may also be asked to make a statement noting that an interview was conducted with his/her assistance and giving the date, times, place etc., identifying the tape and him/herself.

## **9 Statements**

1. The taking of any statement is ALWAYS the responsibility of the interviewing officer. Under no circumstances should the interpreter be asked or left to take statements in the absence of the officer.
2. The flowcharts at Annex A have been developed as a guide for officers on how different types of statements should be taken with the assistance of an interpreter. These have been endorsed by Centrex and ACPO.

### **9.1 Detainee**

1. If the detainee declines to write their statement themselves, or if they cannot write, the interpreter will be asked to write the statement on the detainee's behalf.
2. Statements must be taken in the other language and subsequently translated into English.
3. Statements should be guided at all times by the officer in the case.
4. Each question and answer should be translated back to the speaker of the other language, in order that the police officer can retain absolute control of the statement making and taking, e.g. to pick up on inadmissible evidence, to put questions in clarification, etc.
5. The interviewee is given the opportunity to make alterations, corrections and additions to the non-English language statement.
6. S/he should sign the bottom of each page and should initial any amendments or crossing-out appearing within the statement.
7. The interpreter will tell the officer of the nature of any amendments made.
8. Copies of statements are then taken home by the interpreter for translations to be made into English.
9. In exceptionally urgent circumstances, an interpreter can be requested to translate the statement at the police station, but prior warning should be given, wherever possible, to allow interpreters to bring reference materials, if necessary and for diary management purposes.
10. The detainee should be asked to sign a translation into the other language of the opening caution, before beginning to make the statement, and it should be noted on the top of the English translation of the statement that this caution was given in the other language.
11. At the end of the statement the detainee should be asked to write and sign the closing caution in the other language. As these declarations are both types of caution, it is imperative that the detainee signs below the other language versions (if they are also written out in English).

12. The interpreter will usually witness these signatures.
13. The interpreter's exhibiting statement and exhibit label should be returned with the translation.
14. The interpreter must produce the original, non-English language statement and the translation as his/her exhibits.
15. Copies and translations of statements taken away from the police station should be returned by post or collected by the officer, as payment will not be made to interpreters returning translations in person. For this reason, risk assessments should be conducted and interpreters should only take home copy statements where the risk of loss of the information has been assessed as low. Otherwise, the interpreter should be asked to produce a translation prior to leaving the police station,
16. If a detainee is to be charged with an offence, the charging officer must ensure that all information on the charge sheet is brought to his/her attention through the interpreter.

## **9.2 Victim/witness**

1. Interpreters should never be sent alone to a witness' home/work address or left alone in a police station to take statements.
2. The general procedure for taking a statement from a victim or witness reproduced in flow-chart format at Annex A.
3. The original statement must always be made in the other language, for the victim to understand and certify as the original.
4. The interpreter's role is to act as an impartial and independent channel of communication between the police and the witness. The interpreter must interpret everything that is said.
5. It will be important, wherever possible, to involve the interpreter in any planning or other preparatory meetings.
6. Where applicable, the free recall process must be facilitated by the interpreter, so it will not be possible to provide for an uninterrupted account by the witness, as the interpreting process must be accommodated. A pragmatic, common sense approach must be adopted in all cases.
7. The notes made prior to production of the first written statement are the officer's notes of the victim's account of the incident and are written by the officer in ENGLISH, so that the officer can read them.
8. The note-taking process is conducted as for any statement, with or without an interpreter. The process is facilitated by the interpreter, who interprets everything that is said.
9. The end product is a set of notes in ENGLISH, in whatever format the officer chooses, which comply with ABE (Achieving Best Evidence), PEACE (Preparation; Engage and Explain; Account, Clarification and Challenge; Closure; Evaluation) and disclosure protocols.

10. The officer and the interpreter then work together to produce a statement in the foreign language, from the officer's notes. The statement produced is for use within the court process. The original statement must be in the LANGUAGE OF THE WITNESS, for them to understand, amend as necessary and certify as the original. There is domestic and European case law to support this.
11. The declaration, printed in English on the MG11 form must be translated orally to the witness making the statement by the interpreter and also written out in the other language beneath the printed declaration.
12. This original statement (i.e. the first WRITTEN version) is written in the LANGUAGE OF THE WITNESS by the interpreter. The process by which this is achieved is that the information to be recorded is stated verbally by the officer from their own notes, the information is interpreted by the interpreter for verification by the witness (if present), after which time it is recorded in the LANGUAGE OF THE WITNESS by the interpreter.
13. If the witness is not present when their evidence is reorganised into statement format, the interpreter and the officer must work together to prepare the statement from the tape. The officer will identify from the English-language content of the tape, which information is required for the statement, and the interpreter will write this information in the LANGUAGE OF THE WITNESS.
14. The statement must be signed by the person making the statement (not the interpreter) and the signature witnessed, usually by the interpreter.
15. It would be a breach of this procedure to write a statement in English and then ask the interpreter to translate it into the other language, whether or not the witness is present. Furthermore, an interpreter should NEVER be left alone with the witness to take the statement. An interpreter is an impartial and independent professional practitioner and should not be asked to perform the role of a police officer.
16. When the statement has been made in the LANGUAGE OF THE WITNESS, the interpreter will take away a photocopy and produce an ENGLISH translation. If necessary, they may be asked to produce the translation immediately, on the premises. The interpreter exhibits the translation.
17. The interpreter will also make an administration statement, detailing their facilitation of the process, the recording and subsequent translation of the original statement and identifying the translation as an exhibit.
18. Where a Language Service Professional (LSP), such as a British Sign Language Interpreter, has been used for a D/deaf person, the statement is made in English, but only after it has been signed back to the D/deaf person, for them to adopt. The written version is recorded by the police officer.
19. If a transcript is required of the ABE interview, this should be prepared in accordance with the policy on transcription (see 3.3, 12.1 and 14.12 on Transcription).
20. The translation, along with the interpreter's exhibiting statement and exhibit label should be posted back to the station, or collected by an officer as payment will not be made for delivery of translations to the station by the interpreter.

### **9.3 Witness Introductory Statement**

1. Officers may wish to consider using the Witness Introductory Statement below to clarify for some witnesses the exact role of the interpreter.
2. This statement is available on the LS intranet site translated into 7 languages: Gujarati, Kurdish (Sorani), Punjabi, Urdu, Bengali, Turkish, Somali.

*(Interpreter's name) is an interpreter. He/she is not a police officer. The interpreter is independent. He/she is a professionally qualified interpreter.*

*Interpreters have strict rules about how they work. The interpreter will interpret everything we say. He/she will not add, leave-out or change the meaning of our words. The interpreter will not help you. The interpreter will not give his/her ideas. You must not talk privately to the interpreter. I will decide what the interpreter does.*

*If we know the interpreter has broken any of these rules, we will take action to make sure it does not happen again.*

*If you want advice or help, at the end of this meeting I will tell you where you can go for help.*

*This is your statement. If you are not happy with what we are doing, please tell me. We can stop and try to do things a different way.*

*If you wish to stop, please let me know by indicating this box, by pointing to  or ticking it.*

### **9.4 Interpreter's Statement**

1. The interpreter's exhibiting statement and exhibit label should be returned with the translation.
2. The interpreter must produce only the translation into English as his/her exhibit. The original, non-English language statement will be referred to in the interpreter's own statement, but this is not his/her exhibit.
3. Statements should be returned by post or collected by the officer, as payment will not be made to interpreters returning translations in person.
4. For reasons of personal security, interpreters may be reluctant to record addresses and other personal details on witness statement forms and may offer their address as c/o the appropriate police station. The officer in the case should not normally have reason to object to this. Such details are required for searches to be performed, although officers are reminded that all interpreters on the MPS Official List are subject to security checks in accordance with MPS vetting policy managed by the Personnel Security Group.

## **10 Telephone interpreting**

1. Telephone interpreting is sometimes required to assess the nature of a visit to the station front desk of a non-English speaker, to make appointments for victims/witnesses to attend the station, to enquire after witness availability or to clarify other preliminary or urgent enquiries.

2. Where telephone interpreting has been used via an Official interpreter, the interpreter will submit a claim for payment on form 319a. This will be sent initially to the police officer who has requested the telephone interpreting, who will check all the details on the form for accuracy, before submitting the form to the local Finance Unit (see 14 Payments).
3. However, it is recognised that telephone interpreting can provide a valuable time-critical interpreting service and that this may be used for the purposes of reporting crime on emergency numbers, making preliminary investigations through Telephone Investigation Bureaux (TIBs) and in some other situations where it may not be practical to await the attendance in person of an Official interpreter, e.g. when conducting drink/drugs driving procedures or on the street.
4. In such situations where it has not been possible or practical to secure the attendance of an official interpreter to assist in the investigation or procedure, the services of an official interpreter may be used over the telephone. Where this is not possible, approved back-up systems should be used to secure the services of an alternative interpreter.
5. Where telephone interpreting has been used in circumstances such as those described above, every effort should be made to tape-record both ends of any telephone-interpreted exchange, so as to be able to answer any subsequent challenge. This will be especially relevant for the drink/drugs driving procedures.
6. Where such procedures have been facilitated by an Official interpreter over the telephone, that interpreter should be offered any attendance arising from the telephone assignment, where practical and reasonable. **NB. This does not apply where procedures have been facilitated by interpreters through Language Line (see below).**
7. **Protective marking of any information conveyed over the telephone should not be higher than 'restricted'.**
8. Some (B)OCUs will have individual arrangements with Language Line, a commercially available telephone interpreting service.
9. Language Line should not be used to convey any information relating to evidence or criminal procedures, such as booking-in, 57M etc, as the interpreters are not security cleared. Wherever possible, an Official interpreter should be engaged for this purpose.
10. Language Line should only be used where this, too, is not possible or practical, and where BOCUs have their own Language Line account. In all cases, efforts to secure the attendance of an official interpreter at the station or other location, or over the telephone, should be documented.
11. Officers are reminded that Language Line interpreters should never be used for face-to-face victim, witness or suspect interviews, for reading rights or taking statements.
12. Where (B)OCUs have an account with Language Line, officers will be required to give the following information:
  - an account code,
  - details of the station, unit etc to which they are attached,
  - their own name or shoulder number,
  - the language for interpretation, if known
  - their own contact number

- details of any special requirement (eg interpreter of a specific gender etc)
13. Language Line will then put the caller on hold whilst they locate the relevant interpreter, and make the connection.
  14. If the individual is at the police station, a 3-way conversation should be set-up using a dual handset phone or using 2 telephones and a Y-socket. This allows the police officer to retain control and authority over the interaction.
  15. The decision on whether to open an account with Language Line currently rests with local Finance & Resources Managers, or Business Managers.

## 11 Interpreters assisting SCD/SO investigations/operations

1. In addition to working with victims, witnesses and detainees in the police station environment, interpreters will be required to assist in a variety of other situations, relating to specialist crime and specialist operations, such as working alongside Family Liaison Officers (FLOs) in communicating with bereaved families, intelligence gathering, human trafficking etc
2. Officers should be aware that awareness training sessions have been delivered in a range of specialist areas to assist interpreters in supporting these investigations. Where possible, the Official list has been noted with the names of the interpreters who have attended such training sessions, to assist officers in their selection of an interpreter for a specific operation/deployment.
3. Language Services keeps a record of interpreters who have been deployed on SCD operations, where this is notified.
4. No adverse inference should be drawn from an interpreter who declines to engage on and SCD/SO assignment.
5. It is more significant for interpreters deployed with SCD/SO teams to be properly briefed and de-briefed, along with other members of the team. Where appropriate, interpreters should be offered access to the on-call Occupational Health Advisor for Trauma Support for further assistance in managing trauma related to MPS work.
6. In order to safeguard the interpreter's personal security, and to guard against improper and inappropriate contact being made by third parties, SCD/SO units should give consideration to the loan of a mobile phone to interpreters engaged in long-term deployments. Further advice can be sought from the Family Liaison Advisory Team.
7. Language Services should be contacted for further advice and guidance on how interpreters can assist SCD/SO teams. Please also refer to relevant SCD/SO policy and SOPs, such as SCD's **Interviewing of significant or key witnesses policy** and SO's policies: **Security of the MPS Estate, Parking Prohibitions and Travel to Politically sensitive countries**.

## 12 Interpreters & Translators working away from the police station

### 12.1 *Transcriptions of covert/surveillance material*

1. Transcriptions of covert investigation audio or videotapes are sometimes required to be made and translated as part of on-going surveillance/investigative operations. These

are highly labour-intensive activities and interpreters are expected to work on these tapes within police premises, except where a risk assessment has been carried out and low risks assumed in respect of IT/data security.

## **12.2 Other materials for translation**

1. In addition to the translation into English of a statement taken by police, and facilitated by an interpreter, 'gist' summaries or translations of short, non-complex written documentation can be requested of interpreters either at the police station, or at home, if they have appropriate facilities. Appropriate account must be taken of the protective marking of the documents and officers must be satisfied of measures in place to ensure security of MPS information.
2. Interpreters are often called to the station to translate documents which do not fall into the above criteria, e.g. letters, longer technical documents etc.
3. All such requests for translation work must be forwarded to LS where they will be passed to an official translator. This avoids restricting interpreter cover in any language or area.
4. If there are exceptional operational reasons for requiring a translation to be made by a particular interpreter (e.g. for reasons of confidentiality or consistency), and where the interpreter holds appropriate qualifications or security clearance, officers should telephone LS to take a reference number. The interpreter's name should be given and arrangements for payment will be explained.
5. If translations of witness warnings are needed, these should be sent to LS, not to an interpreter. The reason for this is twofold; firstly, this preserves interpreters for work in the domain in which they are most urgently required, and secondly, each request will be fed into central 'library' of such translations which may be needed on many occasions.

## **13 The Police and Deaf People**

### **13.1 General**

1. References to interpreters should be taken to include other Language Service Professionals (LSPs), such as lipspeakers. In case of ambiguity or incompatibility, please refer to LS.
2. LS considers it necessary to include some guidance on police interaction with D/deaf people, both because of specific legislative provisions in this area, and because there are some issues which are particular to the methods of communication used by deaf or deafened people. This chapter seeks to highlight best practice and has been written with specific consultation from the MPS Consultative Group on Language Service Professionals for Deaf People (MPS CG LSPDP).
3. The guidance contained in this chapter should be used **in addition** to that outlined in the preceding chapters. References to British Sign Language (BSL) in this guidance also covers other modes of communication used by D/deaf people e.g. lipreading, deafblind manual alphabet.
4. Communication support for D/deaf people is provided by Language Service Professionals (LSPs). These may be BSL/English interpreters, lip-speakers, Deafblind Manual interpreters or others, as described above. There are prescribed levels of qualification for LSPs working within the criminal justice system and those appearing on the Official list comply with these standards.

5. The form 'D/deaf' is used to refer to the whole range of deaf people. The word 'Deaf' with upper case 'd' denotes those who consider themselves to be linguistically and culturally deaf through the use of a shared language (BSL) and culture. The word 'deaf' with lower case 'd' denotes those who have a hearing loss and so may not use sign language.

### **13.2 Legislative Framework**

1. Approximately one in every 1,000 cases will involve someone who uses British Sign Language. There will be others who are deaf or who have a hearing impairment and who will need special provision to aid communication. Part 3 of the Disability Discrimination Act (DDA) 1995, which came into force on 1st October 1999, protects the right of individuals with any specified disability to equal access to goods and services.
2. The majority of police officers would draw a real sense of satisfaction from managing with understanding and sensitivity a situation which involved a D/deaf person. It is not to show a D/deaf person preferential treatment, but to recognise that the person has an equal right to understand and to receive the same level of treatment that a hearing person would.
3. The legal basis for this principle lies in the Police and Criminal Evidence Act 1984, the Human Rights Act 1999 and the Disability Discrimination Act 1995.
4. This means that service providers are under an obligation to make reasonable adjustment to facilitate the provision of their service to disabled individuals. D/deaf and hard of hearing individuals are covered by the DDA. It was thought a chapter dedicated to deaf issues would be useful to promote good practice within the MPS. In addition to the provisions for calling an interpreter incorporated in Section 13 of the Police and Criminal Evidence Act (PACE) Code of Practice C, other arrangements for interviewing D/deaf detainees are outlined.
5. PACE also provides in Code C, paragraph 1.6 that any person in custody who appears to be blind or seriously visually handicapped, D/deaf, unable to read etc. should be treated as such in the absence of clear evidence to the contrary, and that should the detained person appear to be D/deaf, or there is doubt about his hearing or speaking ability or ability to understand English...the custody officer must as soon as practicable call an interpreter.
6. An interpreter is required for a D/deaf person, a person who appears to be deaf, or about whom there is doubt regarding his/her hearing ability, whether that person is a detainee or an appropriate adult, unless written agreement is given by the detainee or appropriate adult to proceed to interview without one or unless certain provisions apply. These identify deaf and hard of hearing suspects, as well as those who have difficulty in understanding English, as vulnerable suspects for the purposes of PACE.
7. Officers should be aware of the fact that Deaf people may have reduced literacy skills, and may not read well enough to understand written material. Therefore, it may be necessary to make absolutely sure that the person is fluent in written English (and is therefore able to give meaningful written consent to proceed with the interview in the absence of an interpreter) by posing 'open' as opposed to 'closed' written questions, such as "Tell me why you do not want an interpreter for the interview?"

8. In this way, any confusion arising from the Deaf person being able to recognise individual words e.g. "interpreter", and nodding comprehension of this word, will be avoided.
9. Code E (which refers to Tape-Recording Interviews with Suspects) provides for contemporaneous notes to be taken in an interview with a person who is deaf or hard of hearing. These notes should be taken by a police officer.
10. At the end of the interview, the officer should invite the suspect to read and place their signature appropriately.
11. If there is doubt about the suspect's ability to read, the officer should offer to read the interview notes aloud, with the interpreter interpreting to the suspect. The officer should then invite the suspect to place their signature appropriately, with the interpreter countersigning to verify the account from their perspective.
12. This attempts to provide equivalent rights of first hand access to a full record of interview. However, this is impossible unless a D/deaf person has proof of what they actually said, and the only way of ensuring this is to video-record the interview.

### **13.3 Methods of Communication**

1. There are many different methods of communication used by people who are deaf or hard of hearing. These include British Sign Language, Sign Supported English, lip-reading, hands-on signing, deafblind signing etc. It is good practice to ask the D/deaf person how they prefer to communicate. Do not assume that all D/deaf people have good enough literacy skills for interview purposes. Deaf people may have limited literacy if they have not mastered spoken English. Having said this, negative assumptions should not be made either about a D/deaf person's intellectual capacity or their linguistic competence. Use of the expression 'deaf and dumb' causes offence to many D/deaf people because of the negative and insulting undertone of the word 'dumb'. Many Deaf people have a high level of linguistic and intellectual ability, which is merely expressed in a language unfamiliar to most hearing people. Ask the Deaf person how they wish to be described e.g. 'deaf Sign Language user', 'deaf without speech', 'deaf', 'BSL user' etc. (See also 13.12 Contacting Deaf People and 13.13 Becoming More Deaf Aware)
2. **British Sign Language (BSL)** is used by at least 50,000 people in the UK. It is useful to know a little about how the language works. BSL uses signs, facial expressions and body movements within a three-dimensional frame. Meaning is achieved by 'reading' the location of those signs, and their speed, direction and type of movement, supported by non-manual information carried by the face, head and body. BSL is not a visual encoding of the spoken language; BSL operates with different grammatical rules. BSL may be very much more precise in the information conveyed than an equivalent English sentence would be, e.g. whereas in English direction and means of travel would be left vague with the use of verbs such as 'to go' or 'to leave', BSL requires the user to specify whether they walked, drove, took a bus etc. To open a door in BSL would require description of how the door opened (i.e. direction, type of handle/knob etc.).
3. **Sign Supported English** combines BSL signs with spoken English and is used where the deaf person uses spoken English as a first language. The signing will be an aid to lipreading and/or listening with a hearing aid. The deaf person may speak for him/herself, or may use an interpreter to 'voice' for them.
4. **Lipspeaking**

Some deaf people use lipreading and not Sign Language, particularly if they are deafened later in life. Lipreading is made a more difficult task if speakers speak unclearly, quickly, or use complex or unusual language forms. A lipspeaker will silently and clearly repeat what is said to the deaf person. The lipspeaker may fingerspell or initialise some words, or even modify the language used. This will depend upon the requirements of the deaf person. Usually the deaf person will speak for himself or herself.

#### 5. **Hands On/Visual Frame Signing**

Deaf people who are Sign Language users, and who have become visually impaired, may continue to use Sign Language in a modified form. In Visual Frame Signing, the person signing to the Deaf person will sign within a restricted signing space and distance, to suit the Deaf person's remaining vision. In Hands-On Signing, the Deaf person places his/her hands on the signer's hands, so that they can sense the shape and movement of the hands.

#### 6. **Deafblind Manual**

Other Deafblind people may use the Deafblind Manual Alphabet. Words are spelled onto the hand of the Deafblind person, letter by letter, by a communicator, using a modified form of the deaf fingerspelling alphabet.

#### 7. **Deaf Interpreters**

There may be occasions when a BSL/English interpreter is not sufficient to achieve communication. For example if the Deaf person uses a sign language from another country or they have limited signed or spoken communication or use their own sign system (idiolect).

A Deaf interpreter is usually a Deaf person who can interpret between, for example:

BSL and English (written)  
BSL and another sign language  
BSL and International Sign  
English/BSL and Deafblind Hands-on BSL  
English/BSL and Deafblind Manual Alphabet

Language Services and the MPS CGLSPDP are working towards establishing a list of Deaf Interpreters who will be security cleared and accredited to work within the MPS.

### **13.4 Finding an Interpreter**

1. For various reasons, qualified LSPs for the D/deaf and hard of hearing who are able, willing and available to work in police and court settings are in relatively short supply. Officers requiring an LSP should, therefore, be flexible in ensuring that they make the best possible use of this scarce resource.
2. Details of approved interpreters appear on the Official list held on CAD (under 'int/s' for BSL/English interpreters) and on the Language Services intranet site on Aware.
3. Officers should only call Trainee BSL/English interpreters if no fully qualified MRSLI (Member of the register of Sign Language Interpreters – professional interpreter level) interpreter can attend. Trainee interpreters will have achieved a good level of BSL and have received interpreter training, but are not yet fully qualified as interpreters.
4. Be sure to work down the **whole list** of BSL/English interpreters, lip-speakers or deafblind manual interpreters before making alternative arrangements, as often MPS listed interpreters are available, but requests to attend are received through agencies.

This costs extra money in booking fees, and is not consistent with the MPS position on the use of agencies (see 5.4 Unofficial Interpreters).

5. The working patterns of Language Service Professionals (LSPs) mean that their mobiles are often switched off, but messages checked every 20-30 minutes. Officers requiring immediate assistance should not rule out leaving a message on a voicemail system, as LSPs will usually check their messages when they break, and are often available at short notice.
6. Sign Language interpreting and other forms of communication support for D/deaf people are recognised as being particularly intensive, and it is therefore more likely that LSPs will need to work in teams. This will depend upon the projected length and complexity of an assignment. Where an LSP requests a co-worker, efforts should be made to appoint one, where requested, but the first LSP should be asked to attend the station and commence the assignment whilst another is identified, if necessary.

### **13.5 Emergency Back-up Mechanisms**

1. If no interpreter from the MPS Official List can attend, reference should be made **during office hours** to LS (Language Services) on **781286** and **781287**, where alternative sources of interpreters are held.
2. **ONLY outside office hours and ONLY after having exhausted the MPS Official List of interpreters**, officers can refer to the following:

RNID: [www.rnid.org.uk](http://www.rnid.org.uk)

RAD: [www.royaldeaf.org.uk](http://www.royaldeaf.org.uk)

Sign Solutions: [www.signsolutions.uk.com](http://www.signsolutions.uk.com)

3. Other sources of assistance with BSL/English interpreters or other LSPs should be sought from Language Services.
4. In exceptional circumstances, where no interpreter can be identified, the Cultural & Communities Resources Unit (CCRU) may be able to identify an officer or member of police staff who has sign-language skills which will be of a standard to assist with communication. Such an individual should not, however, be used for evidential interviews or statements.
5. Some Boroughs have Deafink schemes in operation, whereby officers and police staff with BSL skills are available to assist with communication.

### **13.6 The D/deaf Detainee or Witness**

1. When police officers encounter D/deaf people where perhaps they may not expect to, problems can be created or exacerbated by not stopping to think why something is happening. For instance, shouted orders during a raid will be meaningless to somebody who cannot hear - they will not exit a building when asked to do so, especially when the request is made from behind them, or in a darkened room, where there is little opportunity to lipread. Furthermore, the D/deaf person may feel more confused by the situation than will a hearing person.
2. When dealing with a D/deaf person, either 'on the street' or within the police station, these and other general points should be borne in mind:

- if trying to communicate with a D/deaf person at night or in other dimly lit surroundings, try to find the best light possible, so that he/she may be able to lipread, read notes or understand gestures.
- Lipreading is difficult in the best of circumstances. Many words and phrases can be confusing and ambiguous.
- do not assume that somebody who wears a hearing aid can hear. It may be worn to give some environmental information, filter out some sounds, amplify others or to help the D/deaf person's own speech. It cannot restore what is not there.
- do not shout or raise your voice to a D/deaf person wearing a hearing aid. This does not help the person to hear well. It may add to confusion.
- without compromising personal safety, do not assume that somebody who does not speak and who seems to be using their arms in a gesticulatory fashion is being belligerent or violent. They may be Deaf and simply attempting to communicate. BSL movements may be much more exaggerated than those used by the non-deaf population.
- consider the need for, and effect of, handcuffing Deaf people who sign. The original decision to handcuff may be perfectly justifiable, but given the extra impact this has upon the Deaf person, it should be considered whether there is a continuing need for handcuffs. Other options should be explored, which do not compromise safety, but which allow the person the chance to communicate.
- many D/deaf people may have lives which are largely focussed on the deaf community, which may have many of the features of a cultural/ethnic minority. Deaf cultural norms, perspectives and expectations need to be understood if police officers are to work effectively with D/deaf people.

### **13.7 *D/deaf Person's Arrival at the Police Station***

1. Wherever possible, the D/deaf person should be asked how they wish to communicate before an LSP is called. BSL may not be the preferred method of communication for all D/deaf people.
2. It is important to tell the D/deaf person that the LSP will be called by the police, but that they are independent and will not cost the D/deaf person anything.
3. If this can be effectively communicated in writing then so be it. However, many Deaf BSL users have reduced levels of literacy, so officers may wish to play the custody video produced by Derbyshire Constabulary, which explains the procedures, the rights and entitlements, the caution and the fact that an interpreter has been called and there may be some delay before they arrive.
4. If there is an MPS officer or member of the police staff on duty who has adequate sign language skills, they could be asked to explain these procedures to the D/deaf person whilst waiting for an interpreter. Some Boroughs have Deaflink schemes in operation, whereby officers and police staff with BSL skills are available to assist with this initial contact.

5. However, police officers or police staff with language skills should not be used for taking witness statements or for PACE interviews, as they are not perceived as sufficiently impartial or independent.

### **13.8 *Interpreter's Arrival at Police Station***

1. It is important to establish that the LSP can in fact communicate with the D/deaf person. BSL has both regional and social variations. Some D/deaf people use an idiosyncratic or very localised signing system. BSL is not used in the Republic of Ireland, the rest of Europe or the USA, for example. Sign Language is not a universal language amongst the Deaf people of the world.
2. The LSP should be asked if communication is successful and, if not, may be able to advise on any special requirements.
3. It is essential to remember that the LSP and the appropriate adult **MUST** be two separate people. The LSP is not there to advise the D/deaf person or to look after his/her interests - that is the role of the appropriate adult. The LSP should never be asked to perform the dual function, as this does not sit within the impartial role he/she must fulfil, any infringement of which may have serious consequences for the outcome of the case.
4. Although identifying and calling an appropriate adult may delay the detention of the D/deaf person, it is a matter of right that this must be the case. The appropriate adult should be someone who can communicate with the D/deaf person, or who knows the person well.

### **13.9 *Interviews with D/deaf Detainees or Witnesses***

1. LSPs for D/deaf people should be seated in a well-lit position, but not in front of a window or a source of backlighting.
2. The LSP should sit opposite the D/deaf person, so that he/she can clearly see the interpreter's face and hands. The D/deaf person should also be able to see what the police officer is doing. Inevitably the LSP will be sitting close to the police officer. This may give the impression that the interpreter is siding with the police. Police officers should emphasise the independence of the LSP if this becomes an issue.
3. In the case of deafblind manual interpretation, the LSP will need to be seated next to the D/deaf person.
4. Wherever possible, LSPs should not be positioned against a 'busy' background, people passing to and fro, activity in the background etc. This can reduce the standard of communication achieved, as it distracts the D/deaf person from the face and hands of the LSP. D/deaf people have to concentrate very hard, as looking away or blinking will result in words being missed.
5. Both the D/deaf person and the LSP may require more regular breaks than might otherwise be expected. Either may experience strain from concentration. The LSP should be given the opportunity to relax the muscles of the arms and shoulders to avoid work-related upper limb disorders, which are an occupational hazard, particularly for BSL/English interpreters. Both parties should be offered regular breaks, but if either the D/deaf person or the LSP requests breaks, they should be accommodated wherever possible.

6. Nodding of the head by a D/deaf person **does not necessarily indicate agreement** with what is being communicated through the LSP - it usually means that the D/deaf person **understands** the BSL or the lipspeaking. It is a signal to the interpreter to 'keep going'.
7. The Metropolitan Police Service has issued guidance on the use of video interviewing suites (item 6, Notices 41/04 – Vulnerable and Intimidated Witness policy). This guidance states the types of cases where consideration should be given to the use of video interviewing suites. One example states: *'any other case where the investigating officer considers that it is appropriate to carry out the interview on video (for example, multiple clear-up interviews, interviews with juveniles..., cases of particular public interest or sensitivity and ones **involving vulnerable persons**).'* (emphasis added)
8. D/deaf people are considered 'vulnerable' under PACE - a perspective that is supported to some extent by the Youth Justice and Criminal Evidence Act 1999.
9. This would include the D/deaf suspect or witness who requires the attendance of a BSL/English interpreter or other LSP.
10. It is strongly recommended that officers offer the suspect the opportunity to be video-interviewed, wherever the possibility exists. This should fully capture both the D/deaf person and the interpreter, in order to provide an unquestionable record of what the D/deaf person actually said, and is not dependent upon the accuracy of the interpreter.
11. This will be a meaningful method of providing the suspect with a copy of the PACE interview in order for a defence to be prepared and will save the requirement for a contemporaneous record to be taken, thus facilitating the interview process for the officer while complying with the principle of fairness in respect of the suspect. To provide a copy of an audio tape to a D/deaf suspect is worthless. As such, it is not anticipated that defence solicitors will adopt the practice of objecting to the video interview of their client.
12. Where no video interviewing suite is available PACE places a requirement upon the police officer to make a contemporaneous note of the interview. There have been reported instances where the D/deaf person's legal representative has attempted to waive this requirement. **This would be in breach of the Code and, since responsibility is placed upon the police officer, the solicitor has no authority to waive his client's right in this way.**

### **13.10 Statements from D/deaf Detainees or Witnesses**

1. In the case of a D/deaf detainee, the relevant caution will be given, before any statement is given (PACE code C annex D).
2. The LSP will communicate this and it will be noted on the top of the written English translation of statement that this caution has been given and interpreted.
3. The detainee will be asked to confirm by signature that this caution has been understood.
4. **Officers should make certain that the detainee has truly understood the intent behind the caution.**

5. At the end of the statement the detainee will be given the closing declaration through the LSP. He/she will then be asked to confirm by signature that this declaration has been understood.
6. As these declarations are both types of caution, it is imperative that the detainee confirms by signature below the written note that they have been interpreted and understood. The LSP will usually witness these signatures.
7. Where the detainee cannot read English the relevant provisions of PACE will apply. PACE allows for those who cannot read to have assistance from a solicitor, relative or appropriate adult in checking documentation.
8. The person assisting may be asked to sign instead of the D/deaf person, where required, if the detainee so wishes.
9. PACE (Code C 11.7-14 and Code E 4.7) also states that for the purposes of written records of interview, the senior police officer present shall read the record, through the LSP, and the officer will then ask the person concerned whether he/she wishes to sign or make their mark or to indicate respects in which it is inaccurate. The officer will mark on the interview record itself what has occurred.
10. The appropriate adult or solicitor will also be allowed to read and sign an interview record or written statement. Any refusal by a person to sign will itself be recorded.
11. Where a statement is taken from a D/deaf detainee or witness, or a contemporaneous note made of the interview, that statement or note will be written in English by a police officer. This is obviously necessary because the LSP will not have his/her hands free during interpretation.

### **13.11 Interpreter's Statement**

1. The LSP will be asked to make an administrative statement. This may be worded along the following lines:
2. *"On (DAY) (DATE) (TIME) at (PLACE), I was engaged as a BSL/English interpreter/Language Service Professional by the Metropolitan Police Service. I was present at an interview of (NAME OF INTERVIEWEE) conducted by (NAME[S] OF OFFICER[S]) in the presence of (ANY OTHER PERSON, E.G. SOLICITOR OR APPROPRIATE ADULT). I interpreted the questions asked by the officer, and then interpreted the interviewee's response. Both the questions and the responses were written in English by (OFFICER) on form (MG11 for detainee's statement or MG15 for record of interview). The officer then read back the notes/statement, which I interpreted to the interviewee. The interviewee was then asked to sign the statement, which I countersigned."*
3. LSPs may wish to include in this statement any special circumstances relevant to the interpretation, e.g. the fact that the detainee used Sign Supported English and read the statement themselves, or was a native user of Irish Sign Language, who understood BSL as a second language etc.

### **13.12 Contacting D/deaf people**

1. See item 1 Notices 16-07 - Communicating with deaf, deafened and hard of hearing people.

2. Consideration should be given to the means of warning D/deaf witnesses for court. Warning a D/deaf witness may be possible by letter, fax, using a text phone or by mobile phone SMS.
3. It should be established at the time of interview how well the D/deaf witness can read written English. Care should be taken that written communication is brief and to the point.
4. If a D/deaf witness cannot read, he/she will have to be warned by other means i.e. by visiting the person with an interpreter.
5. If the police station does not have a text phone, officers should consider the use of Typetalk.
6. **Typetalk** is a fully confidential relay service, run jointly by RNID and BT, which facilitates communication between D/deaf and hearing people. There is no start-up fee for using Typetalk - just the call cost.
7. The D/deaf person should be addressed directly, even though the officer will be speaking to a third party - that third party is solely an intermediary.
8. To make a call using Typetalk, simply use the following prefixes, then dial the full telephone number.
9. To call from a voice phone to a text-phone, call 18002 + full number, or to call from a text-phone to a voice phone, call 18001 + full number.
10. Officers using Typetalk should be aware that conversations will take longer than usual, as BT operators type spoken messages onto textphones and typed responses are relayed in speech.

### **13.13 *Becoming more D/deaf Aware***

1. The foregoing are a few ways in which MPS personnel can improve upon current practice when dealing with D/deaf people, which is perceived by some D/deaf people as being characterised by lack of understanding, cultural unfamiliarity and sometimes suspicion.
2. Many things could be easily done to facilitate communication with D/deaf people; textphones can be purchased at prices from £99 - £367 (+ VAT), stations having personnel who can use BSL could consider establishing those people as Deaflink officers, non-emergency points of contact, as Westminster Borough has done.
3. More information on these initiatives can be obtained from the MPS Diversity Central Team, Disability Strand or from LS Language Services.

## **14 Payments**

1. Acceptance to the Official List of Metropolitan Police Interpreters is not employment. It constitutes an engagement for which a fee will be paid for work done.
2. Interpreters are treated as self-employed for tax and National Insurance purposes - no deductions or statutory contributions are made from payments at source. This is the responsibility of the individual interpreter.

#### **14.1 Fees**

1. Fees to interpreters and translators will be paid in accordance with those set by Language Services (LS).
2. Travel time is paid at 80% of the relevant interpreting rate.
3. Current interpreting and translation fees are posted on the LS intranet site.
4. Details of fees relating to periods outside the current period can be obtained from Language Services.

#### **14.2 Forms**

1. Books of forms (Book 319) should be located in each custody suite. This is available from stores, through EBP.
2. Another book of forms (Book 319a) is issued to each official interpreter. LS will always issue Book 319a, as records of issue need to be kept.
3. Both books are controlled stationery.
4. Book 319 is to be used for claiming payment for an interpreter attending the custody suite.
5. Book 319a is intended to be used for claiming payment for any work undertaken away from the custody suite, or where a Book 319 is not available.
6. Unofficial interpreters, i.e. those whose names do not appear on the MPS Official List, will not be issued with a Book 319a, as they are not vetted and, therefore, should not be asked to perform work away from the police station.
7. In circumstances where this is unavoidable, the officer in the case must ensure a form 319 is completed at the custody suite on completion of the work.
8. If it is not practicable for the Interpreter to accompany the officer to the custody suite the Interpreter should be asked to submit an invoice for the work done to the officer who, on receipt, will approve the details, complete a form 319 and submit that, with the invoice, to the FRM.
9. Fees will be paid in accordance with those applicable at the time the work is performed. Officers must ensure these fees are accepted by the unofficial interpreter BEFORE the booking is made.
10. FRMs responsible for HQ branches should ensure that Books 319 are available at any premises where they consider it practical and useful to store a form 319, bearing in mind the requirements for storing and handling controlled stationery.
11. Item 4 of Notices 14/03 introduced the changes to the claim forms procedure for interpreters and included sample copies of the Books 319 and 319a with the integral instructions for completion.
12. These should be read by any officer or member of police staff responsible for authorising interpreters' claim forms and must be complied with at all times. A summary of these instructions appears at the front of each Book 319/319a.
13. Once signed, forms should not be returned to interpreters under any circumstances.

### **14.3 Times**

1. Some Boroughs may wish to use the station ATR (Automatic Time Recording) machine on Book 319 forms to evidence police station arrival and departure times.
2. This is recommended best practice but is a matter for local control and imposed at the discretion of each S/FRM.
3. ATR should only be used in support of attendance times and not as a substitute. Where it is used, both time recordings should be initialled by the officer, who must be the person who authorises the claim in section 3 of form 319/319a.
4. Correctly completed claims will be processed, regardless of whether they include an ATR reading.
5. S/FRMs must be aware that the calculation of time for payment purposes starts as soon as the interpreter arrives at the police station. Therefore, if the interpreter has been kept waiting before the custody suite ATR is used, an earlier time of arrival will be recorded in the input box, and payment will be based on this earlier time.
6. Officers should be reminded that they must only sign off claims for times of arrival and departure **that they have evidenced**. This is particularly important where the attendance of an interpreter spans different shifts and, in these situations, arrival and departure times cannot be completed by the same officer.
7. Officers should check all details carefully before signature.
8. Interpreters should not be asked to travel to stations simply to collect work, nor to deliver completed work.
9. Claim forms from interpreters whose details do not appear on the Official List, but who have nevertheless been called must be accompanied by a short report/memo detailing the circumstances under which it was necessary to use an unofficial interpreter and the source by which their services were obtained. Claims without such reports may be returned to the counter-signing officer before payment will be authorised. Extra enquiries will need to be made in order to effect payment, which may be delayed as a result.

### **14.4 Expenses**

1. All claims for reimbursement of expenses **must** be accompanied by tickets or receipts.
2. The only exception to this is where interpreters purchase multi-use tickets/period travelcards, in which case a **photocopy** has been agreed as acceptable by Internal Audit.
3. Only in exceptional circumstances should it be necessary to authorise expenses without supporting documents, in which cases an explanation for non-production must be recorded on the claim form.
4. The claim form (319 or 319A) is to be checked against the receipt and payment authorised, as appropriate.

5. The original receipt should be retained by the FRM, together with a copy of the original claim, and filed securely. Once authorised by the FRM, the claim form is to be forwarded to LS for processing without delay.
6. On claims where expenses are rejected, it is important that the authorising FRM ensures that this is made clear by drawing a line through the relevant section and initialling the cancellation.
7. Advice from Internal Audit is that the need to file the receipts securely is increasingly important as they may be needed for examination at a future date and they recommend retention for seven years.

#### **14.5 Taxi fares**

1. Taxi fares can be authorised in some circumstances and at the discretion of the officer in the case. Taxis should usually only be authorised for night calls and officers should encourage interpreters to use licensed taxis at all times. Specific authorisation must always be given on the claim form where taxis are used and receipts should be checked and attached to the claim.

#### **14.6 Parking Meters**

1. Many Boroughs have stations located in areas where car parking is metered. Parking meters do not as a rule provide the motorist with a receipt.
2. Such costs are considered legitimate expenses incurred by interpreters undertaking MPS business and should be authorised for payment accordingly.
3. Where stations are situated in metered zones the cost of parking should be ascertained and any expenses incurred can be checked by a simple calculation based on the time spent at the station x metered unit price.

#### **14.7 Congestion Charges**

1. Interpreters are not currently reimbursed for congestion charges incurred by attending police stations within the congestion charge zone.

#### **14.8 Mileage**

1. There is a recognised difficulty in auditing the accuracy of mileage claims and it is therefore not unreasonable for a credibility check to be made, perhaps by use of an electronic mile master.
2. However it should be borne in mind that a journey longer than the direct route may result in a quicker attendance, thus saving travelling time costs and delays in the delivery of the service being provided.
3. Finance unit personnel should bear in mind time of travel and any extenuating circumstances described on the form when considering claims for travel expenses and times.
4. Excessive questioning of travel expenses can be counter-productive and may result in interpreters refusing work on Boroughs where this occurs, producing a reduced quality of service to police officers and public, and a greater reliance on unofficial interpreters.

#### **14.9 Translations**

1. Translations completed away from MPS premises, including translations of statements completed at the interpreter's home, are paid by exact target language word-count only, time is not paid additionally. Word-counts can be accurately performed by computers and should include counts made for administrative or exhibiting statements.
2. If the translation is needed urgently, the time allowed should be marked on the form 319 and endorsed by the officer, in which case a supplement may be payable.
3. In circumstances where significant time is to be put into illegible texts or research, with relatively little in terms of output, the officer in the case must refer to Language Services for advice on appropriate payment terms.
4. Minimum charges for translations do not apply to statements translated by interpreters.
5. Translations completed within MPS premises are remunerated as part of the attendance claim, i.e. paid on a time basis only.

#### **14.10 Special Projects**

1. Long-term use of interpreters by branches on special projects should be referred to LS for advice on policy and arrangements for payment of special fees PRIOR to making arrangements with interpreters.

#### **14.11 Telephone interpreting**

1. Telephone interpreting will be paid for at the relevant interpreting rate, rounded to the next 15 minutes, even if a visit to the police station was not made. The cost of calls made on private telephones will be reimbursed on production of an itemised telephone bill.

#### **14.12 Transcriptions**

1. Transcriptions may be required of covert, surveillance or telephone tapes. It is assumed that transcriptions will be undertaken on MPS premises and payment made in accordance with normal rules. Where a risk assessment has identified the risk to the MPS of such work being undertaken off-premises, interpreters may conduct this at home. In such circumstances, payment is made according to the time taken for transcription at the daytime rate subject to supplements for special circumstances, i.e. poor audibility, unusual dialect etc.

#### **14.13 Minimum Charges**

1. A minimum fee is paid to interpreters when an appointment is cancelled once they have already left home. Interpreters should therefore be informed as soon as possible of a cancellation.
2. An interpreter presenting at a police station for an assignment which has been cancelled will ask for confirmation that they attended, in order to be able to claim a cancellation fee. This should be given by a signed statement confirming the time and date of their presence at the station. Unless local arrangements apply, there is no restriction on the level of authority for this signature, as it is simply to confirm the interpreter's presence at the station.

#### **14.14 Travelling with interpreters for work elsewhere in the UK or abroad**

**(See also Standard Operating Procedures for the MPS Overseas Travel Policy)**

1. Occasionally, MPS operations will take officers away from the Metropolitan Police area. Even more occasionally, officers will require MPS interpreters to travel with them if, for operational reasons, it is important to retain consistency or confidentiality, or if there are limited qualified interpreters available at the destination.
2. Payment for fees (hours worked and travelled), accommodation, travel and subsistence in respect of travel within the UK or overseas should be made in accordance with this guidance.
3. Where it is necessary for an interpreter to travel elsewhere in the UK or overseas in support of MPS officers or staff, the officer in overall charge of the operation must complete a comprehensive risk assessment and implement a risk management process in respect of travelling with an interpreter.
4. Where interpreters are deployed overseas in support of MPS officers or staff, the person authorising the deployment is responsible for ensuring that arrangements have been made to cover the interpreter's travel and subsistence expenses and accommodation costs. The person authorising the deployment will also be responsible for making sure that adequate travel and medical insurance cover, compatible with that available for other members of the group, is in place for the interpreter and that all parties understand and agree the fees payable to the interpreter in advance. The officer(s) travelling must also include the interpreter's details when completing form 9750 and when registering their overseas travel with the International Crime Coordination Team, ICCT. Further information can be obtained at <http://intranet.aware.mps/SC/iccu/>
5. Travel days and working days are paid at a minimum of 8 hours at the relevant rate. This is to compensate interpreters for the fact that they are unable to make-up their income by fitting other work around shorter jobs.
6. Any travel days or working days over 8 hours in length will be paid according to actual hours spent.
7. Claims for excess hours spent travelling or working whilst away must be endorsed by the officer responsible for the assignment in the usual way.

#### **Deployment within the UK:**

8. **UK Fees:** Fees for all hours worked and travelled are claimed by the interpreter on form 319/319a.
9. **UK Travel:** Air travel within the UK is arranged by Travel Services. Arrangements for all other means of transport within the UK are made by the local FRM, as for officers travelling. Any mileage incurred in the interpreter's own vehicle is claimed by the interpreter on form 319/319a.
10. Interpreters should not normally be expected to meet up-front costs for non-local travel expenses. However, where an interpreter has incurred reasonable costs relating to travel, these should be reimbursed via the 319/319a form in the usual manner, i.e. on production of tickets or receipts.

11. **UK Accommodation:** UK accommodation should be arranged through the MPS authorised contractor, Expotel.

#### **Deployment Overseas:**

12. **Overseas Fees:** Fees for all hours worked and travelled are claimed by the interpreter on form 319/319a.
13. **Overseas Travel:** All overseas travel arrangements are made by Travel Services.
14. **Overseas Accommodation:** All overseas accommodation arrangements are made by Travel Services.
15. **Overseas Subsistence:** Temporary imprests are arranged by Exchequer Services according to FCO subsistence rates
16. Where travelling abroad requires the interpreter to obtain recommended vaccinations for the area to be visited, interpreters may reclaim the costs of obtaining such vaccinations. Such costs will be met from the budget of the branch organizing the travel, as for MPS officers or police staff.
17. Officers authorising claims are expected to ensure that the claim is reasonable and supported by appropriate documentation.

#### **14.15 Cost Centre Codes**

1. The payments system used by the MPS to calculate interpreters' fees relies upon each MPS site (call-sign) being allocated a single, default Cost Centre Code (CCC) to which spend against devolved allocations will be recorded.
2. For Boroughs, all spends on interpreter allocations will be recorded against CCC 911 for that Borough. It is imperative that, where this is not the case, e.g. for individual claims incurred under a partnership project, that the correct CCC is recorded in the relevant field on the claim form. If this field is blank, the spend will be recorded against CCC 911 for the Borough, which will be the default CCC held by LS.
3. If FRMs require spends on interpreters' and translators' fees to be allocated against a different default CCC, they should notify LS immediately.

#### **14.16 LS Payments Schedule**

1. Once Finance Unit personnel are satisfied that claim forms have been fully completed and comply with the above principles, each form must be authorized by signature in section 4, before being submitted to LS for aggregate MF2 payment requests to be issued, in respect of each individual claimant.
2. FRMs are requested to submit regular, weekly batches of authorized claims, ready sorted alphabetically by surname, and within that by date of claim. Ready-sorted batches will greatly improve processing efficiency at LS.
3. **FRMs are reminded that unjustified delay in the submission of these forms may leave the MPS vulnerable to claims under the Late Payments of Commercial Debts (Interest) Act 1998. Non-contested claims should be submitted in time to be processed in accordance with the schedule published by Directorate of Finance, Accounts Payable and available on the Budget devolution intranet site.**

4. If claims have not been fully completed, or if the FRM wishes to challenge any aspect of a claim, the relevant interpreter should be informed without delay and the issue resolved locally as soon as possible.
5. Any forms received at Accounts Payable, which do not bear requisite signatures, or which are not sufficiently complete for a payment to be generated, will be returned to local Finance Units for exploration.
6. Accounts Payable will NOT routinely notify interpreters of such returns. Interpreters are instructed to refer payment queries to local finance units, in the first instance, and only approach Accounts Payable if local finance staff are able to confirm that a particular claim has already been submitted.
7. If in doubt, local finance staff should ask the interpreter to submit a copy claim to them for authorization by original signature, and subsequent payment. **N.B. Submission of copy claims will not result in duplicate payments, as the LS payments system automatically prohibits this.**
8. Contact details of MPS Official interpreters, together with their creditor numbers, are published on the LS intranet site.

**Reclaims** (See also 6 Booking Interpreters on behalf of Other Agencies)

#### **14.17 Border & Immigration Agency**

1. Where MPS interpreters are booked for assisting with immigration prisoners, instructions issued by Business Support (Finance), under a Memorandum of Agreement reached with the BIA, should be followed. That is, that the fact that an interpreter has been used should be recorded on the form MPS/IS 1 and the standard charge entered for reclaim against the interpreters fees actually incurred.
2. This is a one-off charge per prisoner regardless of the length of time the prisoner is accommodated by the MPS, and the number of times an interpreter attends for that prisoner.
3. The management information reports issued by Language Services will show where a claim has been submitted to the MPS by an interpreter who attended for a BIA prisoner, so long as the 'Immigration Services' box in part 1 of the form 319/319A has been ticked by the police officer. It is imperative that officers are aware of the need to indicate each instance where the fee is recoverable. Immigration officers who arrive with their own interpreter, who has not been arranged by police, are responsible for paying that interpreter directly at BIA rates. Police officers should not sign MPS 319/319A forms in these circumstances.

#### **14.18 Other non-MPS organisations**

1. Where interpreters are called by MPS personnel to attend an MPS station or any other location for a detainee, victim or witness, but will in fact be working for another agency e.g. BIA, other police forces etc, this fact should be highlighted when the booking is made, as arrangements for payment, and the rates paid, will be the responsibility of that other agency.

2. Where this occurs the other agency should have their own claim forms and these should be completed and taken by the officers of the other agency, for payments to be made through their own channels.
3. In exceptional circumstances, if claim forms are submitted by MPS interpreters, whose services have been engaged on MPS premises by other non-MPS organisations, such as BTP, City of London Police, SOCA, other constabularies, etc., checks should be made to ensure that all the detail necessary to effect a reclaim is contained in the box at the end of Part 1 of the form 319/319A, or is attached to it in some way.
4. The form should then be checked, authorised by the FRM as complete and compliant with audit requirements, and submitted to Accounts Payable, where payment will be made to the interpreter, and an invoice for reclaim issued to the organisation responsible for payment.
5. The location attended should appear on the form, and the form should be clearly marked for reclaim.
6. LS cannot be held responsible for mis-postings against local allocations, if forms are not clearly marked.
7. It should be understood that payments made in this way will be made according to MPS fees and payment practices only. Interpreters claiming fees other than the MPS standard, or which have been pre-agreed with the other organisation, should be asked to submit claim forms directly to the organisation concerned.
8. Officers are reminded that wherever possible when interpreters are working on MPS premises for another agency, arrangements for payment should be made directly with that agency.
9. If interpreters are booked on behalf of other Government departments or other police constabularies, they should be reminded that fees paid by other organisations will vary and that they should discuss this with the client before work is undertaken.
10. Any interpreter engaged by a non-MPS organisation outside MPS premises should agree fees, expenses and payment arrangements in advance of the assignment and submit claims forms/invoices directly to the organisation concerned.

## **15 Complaints, Commendations and Feedback**

1. Many comments and complaints received by LS result from a fundamental misunderstanding of the role of the interpreter, which this document seeks to address.
2. However, more serious complaints do occur from time to time and LS will make enquiries into these in an effort to eliminate unprofessional conduct, wherever it occurs.
3. Only when the standard of interpretation is questioned should a full foreign language transcript of an interview tape be required, in which case advice should be sought from LS. Under such circumstances, LS will make arrangements for the interpretation to be assessed by an independent professional organisation.
4. It is essential to the high standards expected of the service provided by interpreters, that the standards of professional conduct outlined in this document and in the interpreter's letter of engagement are rigidly adhered to.

5. Cases can be jeopardised by the quality of the interpreting used and by breaches of impartiality and confidentiality.
6. LS is responsible to the Director of Human Resources for the management of the Metropolitan Police Official List of interpreters.
7. LS should be advised in writing of all complaints and issues arising in respect of services provided by interpreters. This can be done in the form of a letter, file or 728, or via the feedback form available on the LS intranet site.
8. Interpreters are engaged on a freelance basis, there are no contracts of service or contracts for services, and the engagement of interpreters by the Metropolitan Police Service will not imply any such contract.

### **15.1 Principles Applicable to the Handling of Complaints**

1. The Metropolitan Police Service is committed to the early resolution of substantiated complaints in a way which, wherever possible, achieves a real improvement of performance.
2. Complaints about individuals providing interpreting services can either be linguistic or non-linguistic in nature and may arise from a variety of sources including persons in custody, victims or police.
3. The following principles will govern how complaints are handled;
  - matters will be handled fairly and openly;
  - wherever possible, complaints will be resolved as soon as possible;
  - all matters will be recorded;
  - the individual subject of the complaint will be informed of the nature of the complaint and given a copy of it, where appropriate; in linguistic matters, advice will be sought from independent sources of linguistic expertise;
4. All substantiated complaints or concerns notified to LS will be subject to further enquiry.
5. This will normally entail a written communication to the interpreter concerned, seeking further information on the incident and offering a right of reply.
6. Where allegations are of a potentially serious nature, the interpreter's details will be removed from the Official List while further enquiries are made.

### **15.2 References**

1. LFMS is sometimes asked by interpreters to supply references. It is not possible to supply detailed references, but a general letter confirming the length of service and confirming the existence of previous or outstanding complaints can be provided.
2. Officers or other personnel receiving such requests should pass these on to LS.

### **15.3 Commendations and Feedback**

1. Where officers consider that they have received particularly good service from an interpreter or translator, this should be notified to Language Services in the form of a letter, short report on a form 728 or via the feedback form on the LS intranet site.

2. Where positive feedback has been received for any interpreter, this will be passed on to that interpreter or translator, and a copy kept on their personal file.
3. Officers who have counter-signed interpreters' claim forms may be sent a feedback questionnaire from this branch, requesting information for quality control purposes.
4. Officers who receive such forms are requested to take a few minutes to complete and return the form, as it will greatly assist this branch in managing and improving the Official List.

**INTERVIEW/WITNESS STATEMENT PROCESS – FOR FOREIGN LANGUAGES WITH A WRITTEN FORM - page 1/3**

*This guidance is aimed at all police officers (Tier 1 and Tier 2) interviewing non-English speakers, regardless of the offence.*

*The police officer interviews the witness through the interpreter. The police Officer dictates the statement to the interpreter who records the statement in the witness' own language (the witness may or may not be present). This statement forms the evidence.*

*In cases where the Police judge that the witness is vulnerable or likely to be intimidated, the Police may decide to follow the process for Vulnerable or Intimidated (when enacted)/sec 137 CJA 2003 (when enacted) witnesses on video tape, rather than a written statement, which will be the evidence in chief at court.*

*Consideration should be also given for the ACPO significant witness process to be used, which recommends audio-recording for significant witnesses, but which recording would not be admissible as evidence-in-chief.*

Police Officer	Interpreter
<b>1. Briefing and Preparation</b>	
<ol style="list-style-type: none"> <li>1. Introduce yourself to interpreter and give them brief information on the nature of the case.</li> <li>2. Introduce any documentation that you intend to use in the course of your interview.</li> <li>3. Inform the interpreter on the interviewing technique you intend to use e.g. cognitive, conversation management etc and discuss practical aspect of the chosen method.</li> </ol>	<p>Introduce yourself to police officer and explain interpreter's role if necessary.</p>



<b>2. Introduce witness to Interview/Statement Process</b>	
<ol style="list-style-type: none"> <li>1. Introduce the interpreter to witness and explain their role to the witness.</li> <li>2. Explain witness interview/statement process.</li> <li>3. Explain special measures process, if appropriate.</li> </ol>	<ol style="list-style-type: none"> <li>1. Interpret, using simultaneous or consecutive interpreting.</li> <li>2. Establish that you and the witness speak the same language.</li> <li>3. Notify officer of any conflict of interest or issues affecting the statement process.</li> </ol>

**WITNESS STATEMENT PROCESS – FOR FOREIGN LANGUAGES WITH A WRITTEN FORM (contd. page 2/3)**

15.3.1.1 Police Officer Interpreter	
<b>3. Personal Details</b>	

Ask for the witness' personal details.	Interpret, using consecutive interpreting: make notes and write the information requested by the officer on form MG11.
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<b>4. Obtain Witness Account</b>	
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<ol style="list-style-type: none"> <li>1. Ask the witness to tell you everything that happened during incident.</li> <li>2. Take notes, to identify as many topic areas as possible.</li> </ol>	Interpret, using consecutive and/ or simultaneous interpreting, making notes to assist your interpreting as appropriate.
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<b>5. Detailed Questions on Topic Areas</b>	
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Ask witness to elaborate each topic area to ensure you retrieve all information required for a full and complete statement.	Interpret, using consecutive interpreting.
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## 6. Production of written statement

1. Police officer formulates verbal statement in English, according to prescribed statement format, and based upon notes taken during stages above
2. Officer dictates statement in English to interpreter.

NB There can be no written version in English at this stage. See **R v Raynor** (Times Law Reports 19.09.2000) and **R v Governor of Brixton Prison and Another, ex parte Saifi** (Times Law Reports 24.01.01)

The formulation of a statement in this way need not necessarily be done in the presence of the witness. It is done by the police officer, by reference to their English language notes and written out in the witness' own language by the interpreter. However, the witness must be given the opportunity to alter/add/amend the statement before signature.

Write down statement, as dictated by police officer, in the witness' own language.

This must be the first written version of the statement.

**WITNESS STATEMENT PROCESS – FOR FOREIGN LANGUAGES WITH A WRITTEN FORM (contd. page 3/3)**

<b>Police Officer</b>	<b>Interpreter</b>
<b>7. Witness checks Statement</b>	
<ol style="list-style-type: none"> <li>1. Ask witness to read statement and indicate if s/he disagrees with any part of the statement.  If the witness has low literacy ask the interpreter to read the statement to the witness.</li> <li>2. Instruct interpreter to make any additions, omissions or amendments to the statement as the witness sees fit.</li> <li>3. Read statement certification to the witness and ensure they understand what it means.</li> <li>4. Request witness to sign Witness Statement on each page if s/he wishes.</li> </ol>	<ol style="list-style-type: none"> <li>1. Interpret request from officer using consecutive interpreting.</li> <li>2. Hand statement to witness for them to read  OR <b>Read it to them if they cannot read themselves if instructed by officer.</b></li> <li>3. Make any additions, omissions or amendments to the statement as requested by witness after s/he has read/heard the statement.</li> <li>4. Interpret officer's explanation of the statement certification then write it on MG11 in witness' own language.</li> <li>5. Interpret request from officer to witness to sign statement</li> <li>6. Countersign each page of the statement after the witness' signature</li> </ol>

## 8. Translation into English

1. Ask interpreter to complete translation whilst at Police Station  
**OR**  
Agree secure handling, specific deadline and how statement will be returned to you.
2. Ensure interpreter has appropriate forms (MG11) for both translation of witness statement into English and their own exhibiting statement

1. Translate witness statement into English.  
  
If leaving police station, take *photocopy* of Witness Statement (not original).
2. Complete translation into English.
3. Complete and sign exhibiting statement to show that you have been the interpreter for this Witness Statement and have completed the translation into English of the witness statement.
4. Return both documents to police by agreed deadline and method of delivery.

## INTERVIEW/WITNESS STATEMENT PROCESS – BRITISH SIGN LANGUAGE AND LANGUAGES WITH NO WRITTEN FORM (page 1/3)

*This guidance is aimed at all police officers (Tier 1 and Tier 2) interviewing users of British Sign Language, Lipspeakers and users of languages with no written form, regardless of the offence.*

*All interviews with Deaf people or people speaking languages which have no written form, should be recorded on video / audio-tape (as appropriate). The police officer's written statement in English forms the evidence. In cases where the Police judge that the witness is vulnerable or likely to be intimidated, the Police may decide to follow the process for Vulnerable or Intimidated (when enacted)/sec 137 CJA 2003 (when enacted) witnesses on video tape, rather than a written statement, which will be the evidence in chief at court.*

Police Officer	Interpreter
<b>Briefing and Preparation</b>	
<ol style="list-style-type: none"> <li><b>1. Introduce yourself to interpreter and give them brief information on the nature of the case.</b></li> <li>2. Introduce any documentation that you intend to use in the course of your interview.</li> <li>3. Inform the interpreter on the interviewing technique you intend to use eg cognitive, conversation management etc and discuss practical aspect of the chosen method</li> </ol>	<p>Introduce yourself to police officer and explain interpreter's role if necessary.</p>



<b>Introduce witness to Interview/Statement Process</b>	
<ol style="list-style-type: none"> <li>1. Introduce the interpreter to witness and explain their role to the witness.</li> <li>2. Explain witness interview/statement process.</li> <li>3. Explain special measures process, if appropriate.</li> </ol>	<ol style="list-style-type: none"> <li>1. Interpret, using simultaneous or consecutive interpreting.</li> <li><b>2. Establish that you and the witness speak the same language</b></li> <li>3. Notify officer of any conflict of interest or issues affecting the witness statement process</li> </ol>



Police Officer	Interpreter
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<b>Personal Details</b>	
Ask for the witnesses' personal details and write them on the witness form MG11.	Interpret, using consecutive interpreting

**WITNESS STATEMENT PROCESS – BRITISH SIGN LANGUAGE AND OTHER FOREIGN LANGUAGES WITH NO WRITTEN FORM**  
(contd. –page2/3)



<b>4. Obtain Witness Account</b>	
<ol style="list-style-type: none"> <li>1. Ask the witness to tell you everything that happened during incident.</li> <li>2. Take notes, to identify as many topic areas as possible.</li> </ol>	Interpret, using consecutive and/or simultaneous interpreting, making notes to assist your interpreting as appropriate.



<b>5. Detailed Questions on Topic Areas</b>	
Ask witness to elaborate each topic area to ensure you retrieve all information required for a full and complete statement.	Interpret, using consecutive interpreting.



<b>6. Production of written statement</b>	
Police officer writes witness statement in English, according to prescribed statement format, and based upon notes taken during stages above.	



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### 7. Witness checks Statement

<ol style="list-style-type: none"><li>1. Read statement to witness, asking witness to indicate if s/he disagrees to any part of the statement.</li><li>2. Make any additions, omissions or amendments to the statement as the witness sees fit</li><li>3. Read statement certification to the witness and ensure they understand what it means.</li><li>4. Request witness to sign Witness Statement on each page if s/he wishes.</li><li>5. Countersign each page of the statement after the witness' signature</li></ol>	<ol style="list-style-type: none"><li>1. Interpret statement as it is read by the police officer, using <b>consecutive</b> interpreting (simultaneous interpreting for BSL)</li><li>2. Interpret any additions, omissions or amendments to the statement</li><li>3. Interpret request from officer to witness to sign statement</li></ol>
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### WITNESS STATEMENT PROCESS – BRITISH SIGN LANGUAGE AND OTHER FOREIGN LANGUAGES WITH NO WRITTEN FORM

(contd. – page 3/3)



### 8. Interpreter Signs Exhibiting statement

Ensure interpreter has appropriate forms for their own exhibiting statement	Complete and sign exhibiting statement to show that you have been the interpreter for this Witness Statement.
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**STATEMENT PROCESS – FOR INTERVIEWS AND SUSPECT STATEMENTS  
UNDER CAUTION - page 1/3**

*A statement under caution will not normally be taken if a full interview record is made, unless a suspect elects to make a written statement.*

*The only way in which a valid original copy of an interview with a Deaf person may be recorded is through the use of videotape.*

*The suspect dictates the statement to the interpreter who records the statement in the suspects' own language. This statement forms the evidence.*

<b>Police Officer</b>		<b>Interpreter</b>	
<b>1. Briefing and Preparation</b>			
<ol style="list-style-type: none"> <li><b>1. Introduce yourself to interpreter and give them brief information on the nature of the case.</b></li> <li>2. Introduce any documentation that you intend to use in the course of your interview.</li> <li>3. Inform the interpreter on the interviewing technique you intend to use eg cognitive, conversation management etc and discuss practical aspects of the chosen method.</li> </ol>		<p>Introduce yourself to police officer and explain interpreter's role if necessary.</p>	
↓			
<b>2. Introduce suspect to Interview Process</b>			
<p>Introduce the interpreter to suspect and explain their role to the suspect.</p>		<ol style="list-style-type: none"> <li>1. Interpret, using simultaneous or consecutive interpreting.</li> <li><b>2. Establish that you and the suspect speak the same language</b></li> <li>3. Notify officer of any conflict of interest or issues affecting the statement process</li> </ol>	
↓			

<b>3. Taped Interview Notices</b>	
Explain taped interview notices to suspect and others present.	Interpret, using consecutive interpreting: make notes to assist your interpretation.



**STATEMENT PROCESS – FOR INTERVIEWS AND SUSPECT STATEMENTS  
UNDER CAUTION - page 2/3**

<b>4. Interview with Suspect</b>	
Conduct interview as you would normally interview a suspect.	Interpret, using consecutive interpreting and / or simultaneous interpreting as appropriate.

**If the suspect elects to make a written statement:**

<b>5. Production of written statement</b>	
<ol style="list-style-type: none"> <li>1. Ask the suspect if they wish to write the statement themselves.</li> <li>2. If the suspect cannot read or write, or states that they would prefer the statement to be written for them, instruct the suspect to dictate their statement to the interpreter.</li> <li>3. <b>Instruct the interpreter to write the statement in the suspect's own language, exactly as dictated by the suspect.</b></li> </ol>	<ol style="list-style-type: none"> <li>1. Interpret for the police officer using consecutive interpreting.</li> <li>2. If the suspect does not wish to write their own statement themselves, write down the statement exactly as dictated by suspect in the suspects' own language.</li> </ol>



## 6. Suspect checks Statement

1. Instruct interpreter to read to you in English the contents of the statement.

2. Ask suspect to read statement and indicate if s/he disagrees with any part of the statement.

If the witness has low literacy ask the interpreter to read the statement to the witness.

3. Instruct interpreter to make any additions, omissions or amendments to the statement as the witness sees fit.

4. Request suspect to sign statement on each page if s/he wishes.

1. Sight translate the statement into English as instructed by the police officer.

2. Interpret request from officer using consecutive interpreting.

3. Hand statement to suspect for them to read  
**OR**  
Read it to them if they cannot read themselves if instructed by officer

4. Make any additions, omissions or amendments to the statement as requested by suspect after s/he has read/heard the statement.

5. Interpret request from officer to witness to sign statement.

6. Countersign each page of the statement after the witness' signature.



## 7. Translation into English

1. Ask interpreter to complete translation of the statement whilst at Police Station

**OR**

- Agree secure handling, specific deadline and how statement will be returned to you.
2. Ensure interpreter has appropriate forms (MG11) for both translation of suspect statement into English and their own exhibiting statement.

1. Translate suspect statement into English.

If leaving police station, take *photocopy* of suspect Statement (not original).

2. Complete translation in English.
3. Complete and signs exhibiting statement to show that you have been the interpreter for this suspect statement and have completed the translation into English of the statement.
4. Return both documents to police by agreed deadline and method of delivery.

