

TACIT

Language and Culture as Sources of Inequality in US Police Interrogations

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Introduction: I am a forensic psycholinguist

- ❖ **My educational background is in Linguistics and Psychology**
- ❖ **I study how language, culture and the mind interact and affect one another in the context of criminal investigation**
- ❖ **I analyse and assess empirical evidence: samples of speech & writing and experimental elicitations of memories and judgements that are relevant for solving and understanding crimes as well as rectifying miscarriages of justice**

The focus of my research program:

Miscommunications in multilingual police investigations & how to detect, resolve and prevent them



What is involved?



Identify

types of miscommunication that occur in investigative communication with language and/or cultural barriers



Understand

the cognitive and linguistic challenges faced by non-native speakers and interpreters during high-stakes interactions



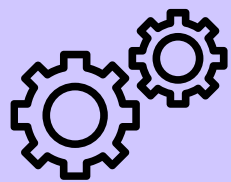
Prevent

misunderstandings and distortion of information that can ultimately lead to wrongful convictions



Recognize

the influence of cultural context on verbal and nonverbal communication and on judgements about speakers



Apply

best practices for legal communication with language barriers to ensure accurate understanding and minimize risks

Background

TACIT Lab

(Translation and Communication in Training)



WHAT WE DO



STUDY

Studying real-life interactions in policing and other investigative contexts



INFORM AND IMPROVE

Professional practice through continuing professional development (CPD) course provision for law enforcement, fraud investigators, medical professionals, and language service providers

www.tacit.org.uk

Our website provides direct and easy access to the latest research findings by the TACIT team relevant for professional practice, a manual with research-based practical tips and a quick-reference toolkit.

The TACIT Team



Data and Methodology

- 200+ cases of US police interrogations and UK police interviews with suspects & witnesses
- UK transcripts (monolingual) accompanied by audio or video recordings (bilingual)
- US transcripts (bilingual) with CD or tape recordings

Our research findings applicable to military, medical and business investigation:
The team has provided research-based consulting and training to the police forces in England and Spain, Ministry of Defense Police UK, EUROPOL and the European Anti-Fraud Agency OLAF

UK Transcript Example

Inter.	Drinking. I was drinking all day before that day and by then I was drinking on that day too, all day.
9019	So you were drinking all that day and all the previous day?
Inter.	Yes.
9019	Let's stick with the Saturday, what were you drinking that day?
Inter.	Some kind of Borgonis but it's very cheap and good.
9019	Sorry some kind of?
Inter.	Borgonis, I don't know how it's in English.

US Transcript Example

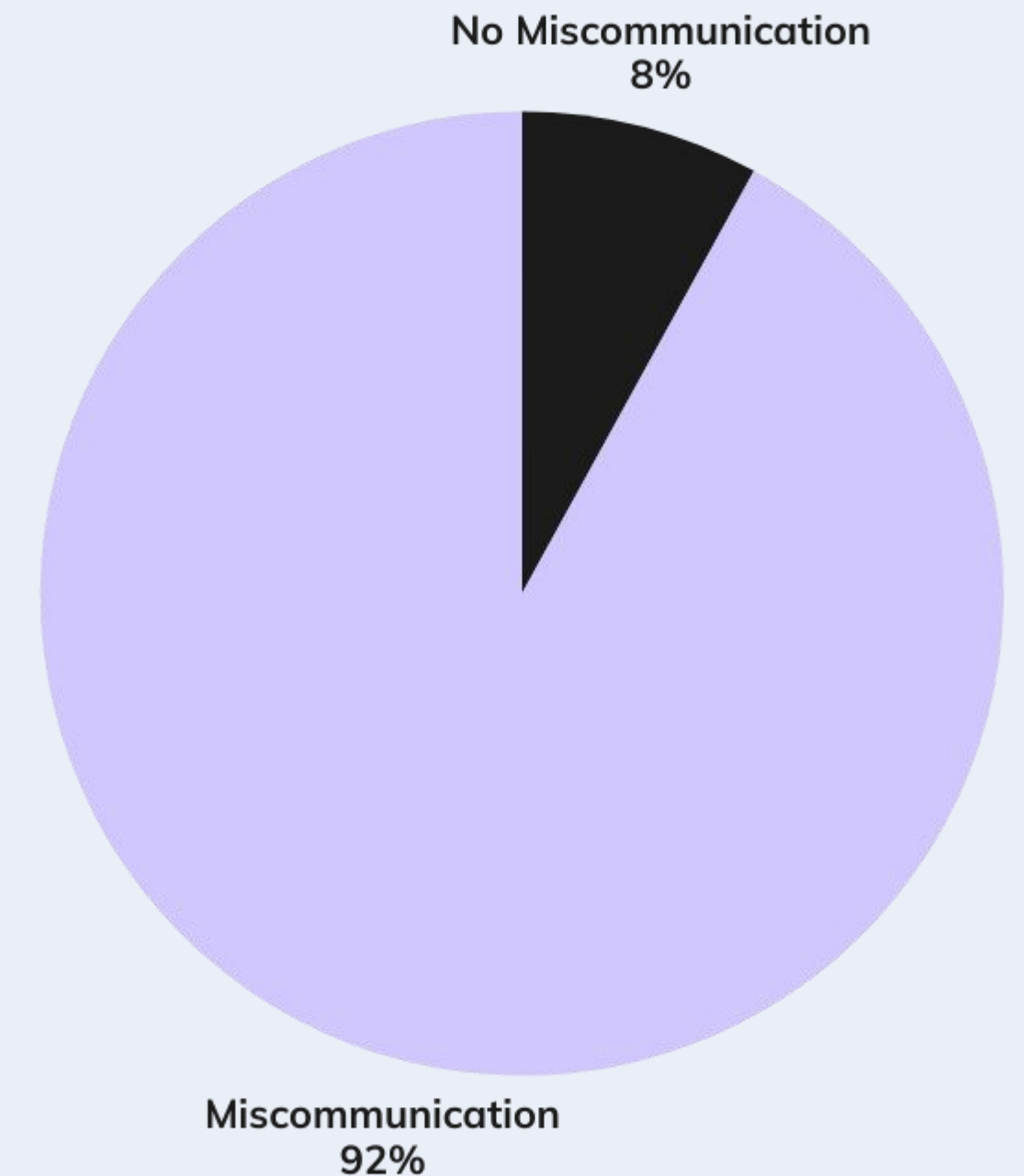
MV2	Okay. And did your friend José walk towards him?	Okay. And did your friend José walk towards him?
MV1	¿Y su amigo José se dirigió hacia él?	And did your friend José head towards him?
MV3	Sí, o sea que él fue para, como le hizo la pregunta se fue donde él ...	Yes, you know, he went to, since he asked him the question he, he went over to him ...
MV1	Since he asked him a question he went over to where he was	Since he asked him a question he went over to where he was at ...
MV3	... y ahí lo vi que lo tenía.	... and I saw that he had him there.
MV1	... and I saw that he had him.	... and I saw that he had him.
MV2	What do you mean by that?	What do you mean by that?
MV1	¿Qué quiere decir con eso?	What do you mean by that?
MV3	O sea que, que sacó la, la pistola, o sea que yo ...	Well, that, that he took out the, the gun, in other words that I ...
MV1	He pulled out, he pulled out the pistol, in other words ...	He pulled out, he pulled out the pistol, in other words ...
MV3	... yo me fui <u>atrás</u> de él I went <u>after</u> him ... [T.N.: or: <u>behind</u>]
MV1	... I went after him I went after him ...
MV3	... y cuando iba llegando así, cuando yo iba llegando me, me hizo el tiro a mí.	... and as I was approaching like this, as I was getting there he, he fired the shot at me.
MV1	and when I...when I'm there he shot at me.	... and when I .. when I'm there he shot at me.

Empirical Research on Miscommunication

- Miscommunication happens when interlocutors draw different inferences from the same exchange
- Miscommunications are frequent in police interrogations and police interviews
- **Miscommunications are significantly more frequent if the interviewed person is a LEP or ZEP speaker regardless of whether the communication was assisted by an interpreter or done in the speaker's native language!**

We detected at least one problematic instance in 92% of the cases and most remain unresolved.

(Filipović, 2021, 2022a, 2022b)



Complexity & Questioning Style



(A) **Investigator:** You commented that you knew yesterday when I wanted to speak to you what I was referring to, but if you thought that was all ok why would you know what I was talking about?

Response: I didn't understand, could you repeat that please?

(B) **Investigator:** So it is not a case from what I can see it is not just a case of somebody saying can I use your bank details, that is not what they have done to you they are using your name if this is what happened they are using your name they have got email addresses with your name that is not the only one is it there is an email address, all is in your name leaving you sitting here with us having to answer questions for all of those having been arrested for fraud this is the person who has done that to you can you give us that person's name so we can look at this and sort this out?

Response: No.

General Reliance on Inferencing



(A)

Police: Did you threaten to kill her?

Suspect: Her brother threatened to kill me.

Police: When did he threaten you?

(B)

Police: I know you are a Sureño, it is no secret to me.

Suspect: Well, it is your job.

Police: Where did you meet the others?

Solution



- Ask better questions!
- Plain Language Recommendation: Peter Tiersma's seminal work (Loyola Law School <https://web.archive.org/web/20240412135613/https://languageandlaw.org/>)
- Check understanding explicitly [e.g. *Please help me make sure I understood you well because I do not want to misrepresent what you said in my report*]

**Why are linguistic
and cultural minorities
additionally
disadvantaged before
the law?**



Spoiler:



Main sources of disadvantages in the United States Policing:

- i) Asymmetry in meanings and structures between languages
- ii) Unprofessional interpreting or inadequate heritage language competency
- iii) Manipulation through *cultural anchoring*

We judge through our linguistic and cultural lens!



ANTS DO NOT SLEEP.

- This sentence is judged to be more believable if read by a native than a non-native speaker.
- Language as a social identifier is stronger than skin colour because our ancestors had more chance to encounter different accents than different skin colours!
- We pay less attention to the details of the non-native speech and focus more on communicative attention (not what they say but what they mean) – our memory more accurate regarding exact words when the speech is native!
- See Rodolfo Mendoza-Denton's Work & Blog on <http://www.psychologytoday.com/blog/are-we-born-racist/201012/linguistic-forensics>

Language Contrasts: Intentionality



Police: Did **you drop her** or did she fall?

Interpreter: La **botaste** o se cayó?

[Did you **throw her** or did she fall?]

Suspect: Si, **se me cayó**.

[Lit. Yes, to-me-it-happened-that she fell]

Interpreter: Yes, **I dropped her**.

(Filipovic 2021)

 **This is an inadvertent confession!**

Language Contrasts: Evidentiality & Witness Reliability



Example: Turkish translation for *Mary missed her flight*.

Meryem uçağı kaçırdı.

[I witnessed this personally]

Meryem uçağı kaçırmış.

[I have heard/read about it/inferred it]

Why this matters: It is important to know if somebody witnessed something personally or got the information indirectly. (Tosun & Filipovic, 2022, 2025)



Death by the Definite Article

The Derek Bentley Case: Famous Miscarriage of Justice in England

I did not know he was going to use **A** gun.

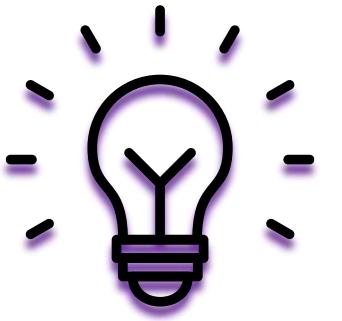
VS.

I did not know he was going to use **THE** gun.

- Comparison with Serbian (and almost all Slavic languages):

- Nisam znao da ce izvaditi **X** pištolj.
- Translation: I did not know he was going to use **X** gun] (Filipovic, in press)

Suspect: My ex was shouting at me while I was chopping cheese in the kitchen, and at some point, I turned and he walked into the knife



And he walked into the knife

A: *Le clavé el cuchillo accidentalmente*

B: *Se abalanzó sobre el cuchillo y se lo clavó*

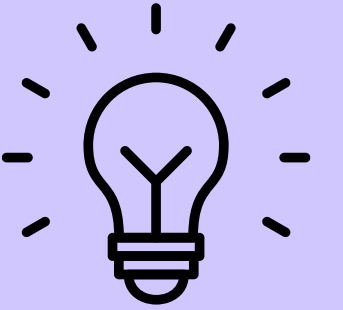
C: *Se acercó de más hacia el cuchillo*

Change of Agency

Change of Manner and Force Dynamics

Omitted result of the action

What if there is no perfect equivalent?



What is an interpreter to do?

- i) Stop interview and explain what is going on to the police officer?
- ii) Ask for clarification from the witness/victim/suspect?
- iii) Decide what version is closer to the equivalent?
- iv) Something else/none of the above?

Unprofessional Interpreting:

FV1	Tú pushastes a la muchacha?	Did you push the young lady?
MV2	Sí, le empujé las <u>manos</u> .	Yes, I pushed her <u>hands</u> . [T.N.: or: coll.: <u>arms</u>]
FV1	La pushastes?	Did you push her?
MV2	Sí.	Yes.
FV1	Yes, he did.	Yes, he did.

Cultural Contrasts



MV2	Con quién, uh, usas el locker?	Who, uh, who do you use the locker with?
MV1	Con otro amigo pero no, su nombre sí no sé.	With another friend but I don't, I don't know his name. <i>Translator Note: amigo: or guy</i>
MV2	No sabés el nombre de él?	You don't know his name?

Cultural Contrasts Continued



The Amanda Knox Case

Certo. Ci vediamo più tardi. Buona serata!
Sure. See you later. Have a nice evening!



- ✓ In Italian → commissive: We will meet later today.
- ✓ In English → not commissive: We may or may not meet at some unspecified point in time.

[Truth Be Told Podcast - The Day Everything Changed: Experiencing a Wrongful Conviction with Amanda Knox. | Free Listening on Podbean App](#)

TWO POINTS:
 Cultural Anchoring
 Confession
 through
 Concurrence

A:	Um hum.	Do you think that I don't know my race.
Q:	Tu crees que no conosco mi raza?	Yeah.
A:	Yeah.	I know them. I was like that.
Q:	La conosco. Yo era asi.	Yeah, yes.
A:	Ey si.	Eh? I was like that. I was very wild. Eh.
Q:	Eh? Yo era asi. Era bien volado. Eh.	This is, that is a normal feeling.
	Este es, ese es un sentimiento natural.	
A:	Um hum.	Um hum.
Q:	Eso, te estoy dando la oportunidad de hablar. Ya se que es penoso. Ya se que no estas acostumbrado a decir ay que hice esto, que hice lo otro, no. Este se, te entenderia yo mas, el juez te entenderia si escribis lo que hicistes y si sentistes, y si sentistes que te, te este, que te sentistes mal pues eso es, es un sentimiento muy natural. Eh. Si este, si el alcohol tambien fue parte de lo que te causo que hicistes eso, pues y, y, y la muchacha te hizo algo, y reaccionastes y parastes y te fuistes, eso para mi, yo, yo pienso que eso es algo bueno en tu parte.	That, I am giving you an opportunity to talk. I know that it is embarrassing. I know that you are not accustomed to saying oh that I did this, that I did the other, no. I know, I would understand you more, the judge would understand you more if you would write what you did and if you felt, and if you felt that you, if you felt bad well that is, is a very natural feeling. Eh. If, if the alcohol was also a part of what caused you to do that, well, and, and, and the girl did something to you, and you reacted and stopped and you left, to me that is, I, I think that that is something good on your part.
A:	Um hum.	Um hum.
		For me. That is my opinion. Do you





Bueno, es decisión, uh, si quieres hablar conmigo está bien, si no quieres hablar conmigo está bien también, es el derecho de usted, pero yo tengo, es la ley que tengo que leerte los derechos que tienes usted porque muchas veces, uh, veces, vienen personas que no son de los Estados Unidos y no entienden los derechos y eso es parte de, uh, el trabajo de nosotros que ustedes, la, las personas que están aquí con nosotros entienden la ley, es, eh, el parte que, una cosa que tengo que hacer y aquí es ... la ... carta ... mia Has tenido problemas con la niña?

Well, it's a decision, uh, if you want to talk to me that's fine, if you don't want to talk to me that's fine too, it is your right, but I have to, the law says that I have to read you your rights that you have because a lot of times, uh, times, people who are not from the United States come and they don't understand the rights and that is part of, uh, our job, that you, the, the people who are here with us understand the law, it's, uh, the part that, it's a thing that I have to do and here is ... my ... letter Have you had problems with the girl?

No.

No.

Uh-uh ...

Uh-uh ...

Ninguno.

None.

From Powerless to Powerful Speech:



Witness: No sé, o sea que, que que yo la veía y un poco asustado, yo no la puedo describir, así, como, como era, pero si sé que era negra y, y, y como verde, así, no?

[I don't know, I mean, I I could not see it and I was scared, I can't describe it, like like that, what it was like, but what I know is that it was black, and, and like green, like this, you know?]

Interpreter: Eh, I ...cannot describe it fully because at that moment I was frightened, it all happened so suddenly, I do remember the colour though, it was black, sort of greenish black.

From Powerful to Powerless Speech:



A)

Witness: Una avioneta pequeña blanca con rayitos azules.

Interpreter: It was a small airplane, white, with a sort of, a sort of blue lines, blue stripes.

B)

Attorney: Approximately how many?

Interpreter: ¿Aproximadamente cuántos?

Witness: Un promedio de veintiuno.

Interpreter: Uh, probably an average of twenty-one people.

[Berk-Seligson 2002; Mendoza, Hosch; Ponder and Carillo 2000; Filipovic, forthcoming]

With great power comes great responsibility 😊



- ❑ Law enforcement, juries and judges may judge the speaker based on the linguistic expression and demeanor of the interpreter (Berk Seligson, [1990]2002); Hale 2002; Krouglov 1999; Filipović, forthcoming)
- ❑ (Berk-Seligson ([1990] 2002): Mock jurors rate the witness more favourably when the interpretation was **hyperformal** [e.g. interpreting *si* as *yes, sir*] and polite and vice versa: less favourably when politeness markers were omitted from the original speech
- ❑ When interpreters add **hedges** [e.g. *kind of, sort of, probably, etc.*] and **fillers** [e.g. *you know, I mean, in fact, really, basically*], this reflects negatively on the original speakers who did not hedge, though not for all jurors - **Hispanic participants are not swayed by hedging but Anglo Americans are [cultural trait!]**

Why does this matter?



“The maintenance of hedges and fillers in the interpretation of the original answers is very important for the evaluation of witness credibility as they modify the force of the utterance and give an indication of the level of commitment to the truthfulness of the statement by the speaker. By being non-committal in their answers, witnesses can avoid taking responsibility for the reliability of their answers and at the same time not be accused of lying.” (Hale 2002)

Conclusions and Practical Suggestions

Sources of Strain in Legal Interpreting

Procedural

Cognitive

Emotional

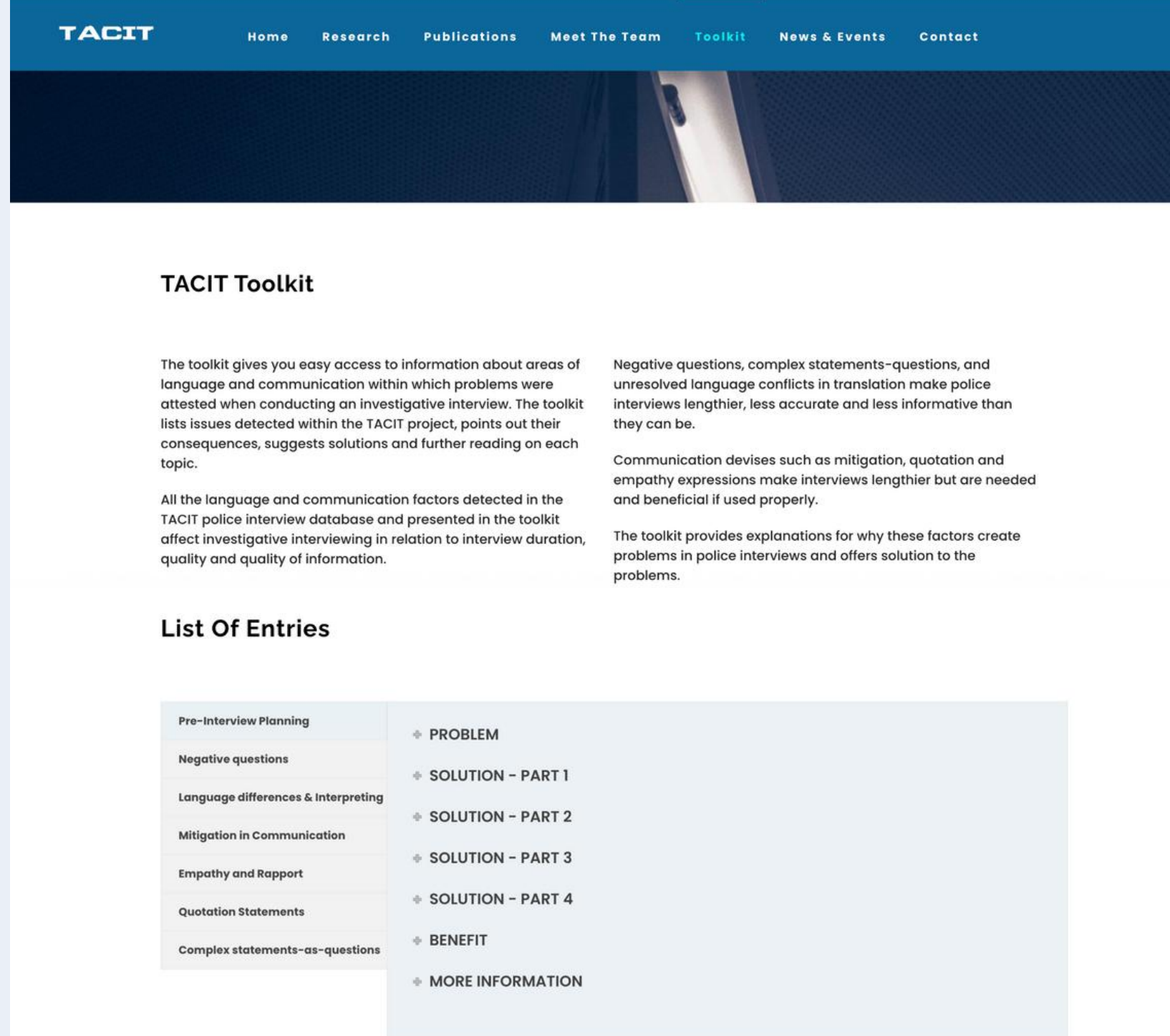
Linguistic/Cultural

Practical Tips

- Investigators and law professionals to alert the interpreters about key terms, perceptions, mannerisms & cultural norms beforehand and discuss with interpreter if any may be problematic in the other language
 - Define them with the interviewee before using them in the interview
 - E.g. “What do you think X means exactly in your language?” “In English X means...”
 - E.g. Do you understand what is meant by the word “assault” or the phrase “incriminating behavior”?
- Agree to rephrase questions if interpreter signals problems in rendering the current phrasing
- Decide conversation management strategies (e.g. how to signal if a pause or rephrasing is needed)

Free Sample Toolkit

- Quick reference best used post training
- Written in an accessible, user-friendly style
- Intended for:
 - Investigators that conduct interviews
 - Interpreters that work with them
- When undertaking interviews in monolingual and multilingual contexts



The screenshot shows the TACIT Toolkit website. At the top, there is a navigation bar with the TACIT logo and links for Home, Research, Publications, Meet The Team, Toolkit, News & Events, and Contact. The main content area is titled "TACIT Toolkit" and contains three columns of text. The first column describes the toolkit's purpose and lists issues detected. The second column explains that all language and communication factors detected in the TACIT police interview database are presented in the toolkit. The third column discusses how negative questions and complex statements can make interviews lengthier and less accurate, and how communication devices like mitigation and empathy can be beneficial. Below the text is a "List Of Entries" section with a table listing various topics and their corresponding solutions or benefits.

Pre-Interview Planning	❖ PROBLEM
Negative questions	❖ SOLUTION - PART 1
Language differences & Interpreting	❖ SOLUTION - PART 2
Mitigation in Communication	❖ SOLUTION - PART 3
Empathy and Rapport	❖ SOLUTION - PART 4
Quotation Statements	❖ BENEFIT
Complex statements-as-questions	❖ MORE INFORMATION

<http://www.tacit.org.uk/toolkit/>

It's a Wrap: The Takeaways



Matters of language and culture can be crucial for a case where minority groups are involved

Raise awareness about the sources of disadvantages and the explain the mechanisms behind them as well as prevention and mitigation measures



Have procedures in place for when problems arise and brief all interview participants

E.g. Manage interruptions and agree on signals that there is a problem without risking interpreter neutrality; make interpreters understand that crucial interventions are welcome



Ensure best practice through science based-training and inclusion of real-life case studies

Train together: Legal and Language Professionals, Investigators and Evaluators need to be aware of each others concerns and difficulties so they can work better together

TACIT

Thank you for your attention!

Lab: www.tacit.org.uk

**Comments and questions
welcome now or later via email:**

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