

# GUIDE FOR FORENSIC INTERVIEWING OF SPANISH- SPEAKING CHILDREN

Second Edition

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## ABSTRACT

The purpose of this guide is to provide helpful insights and strategies for persons interviewing Spanish-speaking monolingual and bilingual children. It also includes useful information for interpreters and suggestions for how multi-disciplinary interview teams can work together to obtain the best results.



## **About This Document**

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## Resources

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# Introduction

The forensic interview, in the context of a Multi-disciplinary Interview Center (MDIC) or Multi-disciplinary Interview Team (MDIT), was uncommon in California two decades ago. In the early 1980s, some counties recognized that children were being subjected to multiple interviews and took steps toward multi-agency coordination. In 1984, a movement toward multi-disciplinary investigations for allegations of child sexual abuse began when California Attorney General John Van De Kamp established a Commission on the Enforcement of Child Abuse Laws. One task of the Commission was to recommend legislative and regulatory initiatives to improve efforts to prevent, identify, investigate and prosecute child abuse cases.

The current situation, with some form of MDIC in existence in almost every California county, is one result of legislative activity based on the recommendations of the Commission. It is now considered “best practice” to use MDICs to conduct one comprehensive interview (or as few as possible) for use by all agencies involved in investigating the crime. The MDIC provides a child-centered environment and a highly trained interviewer who understands the needs of the child as well as the requirements of the disciplines represented by the other team members.

In the interest of keeping training for Child Forensic Interviewers current, the Child Abuse Training and Technical Assistance (CATT) Center updated their Child Forensic Interview Training (CFIT) curriculum in 2009. One of the updates included the “10-Step Interview”, a semi-structured interviewing approach that maximizes children’s communicative competence and utilizes forensically sound interviewing practices and contains empirically-proven components. The “10-Step Interview” was developed by Tom Lyon, a psychologist, lawyer, and professor of law at USC. The 10-Step adapts and simplifies the rigorously researched and highly structured/scripted “NICHD Investigative Interview Protocol.” The NICHD (National Institute of Child Health and Human Development of the U.S. National Institutes of Health) Investigative Interview Protocol was developed by Michael Lamb and Kathleen Sternberg and their colleagues. These researchers applied knowledge from developmental psychology to investigative interviewing to develop a scripted protocol, data on which has been systematically collected and analyzed and tested nationally and internationally on culturally diverse populations. Many of the interview guidelines and structures in use today across the world have been informed by this model. CATT believes that the 10-Step interview approach combines the advantages of a structured interview approach yet allows the interviewer to follow a child’s lead. The 10-Step also allows incorporation of certain practices that are common to many jurisdictions in California.

Spanish-speaking children present special challenges for MDIC interviewers and others investigating crimes against children. Language differences and cultural issues need to be considered when working with this population. Educating the multi-disciplinary interview team on these differences and challenges is vitally important to the success of the interview.

The purpose of this guide is to provide helpful insights and strategies for persons interviewing Spanish-speaking monolingual and bilingual children. It also includes useful information for interpreters and suggestions for how multi-disciplinary interview teams can work together to obtain the best results.

The goal is to help interviewers, interpreters, and other MDIC team members conduct interviews that are culturally sensitive, linguistically correct, and forensically sound. To further this goal, this document discusses ways to prepare an MDIC team to work together more successfully in cases involving Spanish-speaking children. It examines some of the cultural issues that may arise, and the significant differences between Spanish and English that can affect an interview. It offers strategies to use when working with children who speak only Spanish, those who are bilingual, and those who are just learning both languages. Suggestions to help interviewers work effectively with interpreters and translators are also included. Awareness and education are key to doing the best job possible for the children and families whose lives have been forever changed by child sexual abuse.

## **Content Overview**

This manual is divided into five chapters. The following is an outline of topic areas contained in each chapter.

### **Preparing the Team**

- How to educate a team about the special issues that affect interviews with Spanish-speaking children.
- How to handle the logistical demands of working as a team.
- How to set policies and make team decisions.
- How to increase the team's comprehension of the Spanish interview.

### **Cultural Issues**

- How values and cultural factors may affect an interview.
- Cultural issues that may affect disclosure.
- How ethnicity, race, and country of origin may affect an interview.

### **Meeting the Child/Family**

- How to establish trust with the family and set an open, cooperative tone for interactions with them.
- What information to provide the family about the forensic interview and the criminal justice system.

### **Conducting the Interview**

- Specific examples of differences between Spanish and English that may affect an interview.
- How to make an informed choice between Spanish and English for an interview.
- Factors that affect the accuracy of transcription and translation.

### **The Role of the Interpreter**

- How to prepare as an interpreter.
- How to work with the child and family as an interpreter.
- Some ground rules for interpreters.
- How the forensic interviewer can work with and support an interpreter.
- Challenges when working with interpreters.



## Preparing the Team

A team consists of representatives of different agencies, which can present challenges with regard to coordination of meetings and agreement on protocol. Because members have their own agendas, their views of the needs of the center and interview will be different. All team members must agree on protocol, specifically as it relates to Spanish-speaking children. They must commit to doing what is best for the child and to being open to the viewpoints of the others.

### **All team members and observers need preparation.**

As this guidebook describes, there are differences between English, Spanish, and bilingual interviews. Law enforcement, district attorneys (DAs), interviewers, interpreters, and social workers should be educated on those differences. For example, they need to know: that a Spanish-language interview may be longer than an English-language interview; that it may be difficult to follow as an observer; that a thorough debriefing will be necessary to ensure that no one misses information due to language differences. Team members may not have had experience working with interpreters and translators and may not be aware of issues surrounding the translation of recorded interviews. Education is the key to having a well-prepared team.

### **Educate team members about Spanish interviews.**

Suggestions:

*Support all team members' participation in Child Forensic Interview Trainings.*

It is important to involve team members of all disciplines (including law enforcement and DAs) in team training, including those trainings directed towards interviewing Spanish-speaking children. The Child Forensic Interview (CFIT) training provides a good basic framework on forensic interviewing and allows for discussion of language issues. The Child Abuse Training and Technical Assistance Center (CATTa) provides a one-day Multi-disciplinary Team Response Training (MDT) followed by a three-day CFIT training specifically for interviewers which includes the "10-Step Interview" model. In addition to the CFIT Training, the California Network of Child Advocacy Centers (CNCAC) offers a two-day course that builds upon skills learned in CFIT. Their course, the CFIT II, is offered to interviewers who have conducted a certain number of interviews and can share a taped interview that they have conducted. Additional training for California forensic interviewers provided by CATTa and the CNCAC include: Peer Review sessions in English and in Spanish that happen regularly in Northern and Southern California, a yearly Summit that includes hot topics and national speakers, and occasional one-day trainings on child forensic interviewing topics as funding allows.

*Keep focused as a team on the purpose and goals of forensic interviews.*

The forensic interview is performed to aid in the investigation of an allegation and can also have therapeutic benefits. One goal is to inflict less trauma on a child by performing fewer interviews. Therefore, having the best interviewers, interpreters, translators, and well-informed team members at every center is very important.

*Take advantage of teaching and learning moments.*

Case review can be a great setting to involve the whole team. Try to review Spanish-speaking interviews. Consider these questions:

- What did the team do well?
- What could have been done better, where did the interview go wrong?
- How can this information help the team next time?
- Is the interpreter working with the team?
- Is there need for further training?

As is standard in all case reviews, be sure that it is a positive experience, not an exercise in assigning blame.

*Be flexible during Spanish interviews.*

Team members need to be aware of the different dynamics and structures required when working with Latino families. These include:

- **Longer rapport building and trust.**  
Although team members' time is valuable, it is vital to spend time building rapport with the child. Time spent getting to know the child and assessing his or her comfort in the setting is not wasted, but rather essential to the success of the child's disclosure. Language complications may necessitate even longer rapport building than usual.
- **Longer interviews, especially when an interpreter is involved.**  
Interpretation can double the length of the interview. There tends to be more pauses, greater need for clarification, and sometimes the need to repeat things back, or ask the question again in the other language in order to compare the answers.
- **More breaks may be required.**  
Breaks are usually required more frequently when using an interpreter. This is to give the interpreter, child and/or interviewer a chance to "regroup". The child may be anxious and need to check on the family. The forensic interviewer, interpreter and team may need to discuss issues or approaches for the remainder of the interview. It is difficult work for all involved, and the team should be sensitive to the challenges for the child, the family and themselves.

- Discuss relevant cultural, gender and other diversity issues. Bilingual interviews go beyond the fact that they are in a different language. Discussion with the team should include relevant cultural and gender issues as well. Help the team to understand the impact of regional and cultural differences on not only language dialects but also on family practices and mannerisms.

*Agree on protocol*

Adopt a protocol for Spanish-speaking interviews. The following are some successful practices.

- Have bilingual/bicultural interviewers and/or interpreters available. If you are unable to have Spanish-speaking interviewers or interpreters on staff, contact nearby counties to ask about resources they might be able to share.
- Maintain a list of potential interpreters who have attended some type of CFIT training. Include District Attorneys, law enforcement, Child Protective Services (CPS), court reporters, and social workers who are bilingual.
- Have CFIT training available for all interviewers, interpreters and other team members. Include cultural issues in the training.
- Advocates should be bilingual if possible. They can translate for the family if the family has questions before or after the interview. They can remain with the family in the waiting room during the interview. They can explain the purpose of forms that the family needs to sign. The family can contact the advocate when they have questions, and the advocate can provide support through the trial. It is not appropriate for a bilingual interviewer to function as the interpreter outside of the interview room. Do not rely on a bilingual interviewer to interpret for an advocate. When an interpreter is not available have the interviewer take small breaks to come in and fill in the team with what the child has said so far, and to get direction and how to proceed from there.
- The District Attorney and law enforcement also need to have someone other than a bilingual interviewer available to help them speak with the family.
- If possible, have a member from each discipline on the team be a back-up interpreter. Decide what qualifications the interpreter must meet.
- If the interviewer is bilingual and the interview will be done in Spanish, it is recommended to have someone in the observation room to translate for the rest of the team members. This can make the interview flow smoothly for the team who is not bilingual. The child does not have to be concerned with what the interviewer is saying during the translation, and the team members will understand what is going on without any interruptions. However, there are things to be aware of when using this practice. An interpreter in the observation room may not be as useful for court as having the interviewer and interpreter repeat the child's statements out loud on tape. Additionally, some bilingual interviewers prefer to translate their own interview to insure the

questions they are asking are interpreted correctly. In cases where an interpreter is not with the team, the bilingual interviewer can take a break during the interview to discuss the disclosure or lack of disclosure and other issues that come up.

- Develop a protocol with your DA's office regarding the expectations of first responders. Many counties prefer that the child does not give an extensive detailed interview to the first responder (officer or CPS). Conduct frequent first-responder training within the counties to help first responders understand the expectations of the team.
- First responders should avoid using family members as interpreters. In the field, a family member may be the only person available to interpret, but exercise caution, since family members may not be objective. Leave the details of the crime to the forensic interview process to avoid contamination of testimony.

*Meet regularly.*

Regular team meetings are necessary to make and maintain policies and procedures. Representatives of each disciplinary component should be at the meetings to share information, express concerns, and give feed back.

*Have Spanish-speaking staff meet regularly with their peers.*

Have Spanish-speaking team members meet with each other or peers in other counties that have Spanish-speaking interviewers/translators. This is especially important if the bilingual interview isn't supervised by someone who is also bilingual. English speaking interviewers have the benefit of having a supervisor who can observe interviews and provide appropriate feedback. Add peer review to your protocol for Spanish-speaking interviewers and take advantage of feedback as a form of continuous improvement. The CATT Center collaborates with the CNCAC to provide no-cost Spanish-speaking interviewer peer review sessions, which are held regularly in Northern and Southern California.

# Cultural Issues

## Values and Norms

Being acquainted with the cultures and values of the populations that an MDIC serves will make team members more effective in achieving positive outcomes of forensic interviews. When possible, go beyond just knowing which cultures are served by having meaningful contact with various cultural groups; cultural learning in this fashion can lead to revising practices that will, in turn, improve bilingual and interpreted interviews. This chapter discusses cultural factors that may be relevant when interviewing Spanish-speaking children.

### **A strong cultural admonition against telling family secrets may inhibit Spanish-speaking children and families from discussing abuse.**

Many families will not report abuse due to the fear of what society might say. Children are told to keep family secrets to avoid bringing shame upon the family.

In some cultures, it is considered shameful if a female in the family is sexually abused or raped. Fathers in particular may feel ashamed for failing to protect their children, and may be unwilling to shame the family more by making the abuse public.

Family members may blame the child and not the accused offender, especially if it is the child's stepfather or the mother's boyfriend. You may hear comments such as "She should have stayed away from him" or "She was always flirting with him." It may also be that the family feels neglected by the legal system due to the language barrier. If the family feels law enforcement will not pursue the case, they might consider it unnecessary to cause more shame to the family by reporting the abuse.

### **A child's familiarity with sex acts could be due to a shared bedroom, not to sexual abuse.**

Many migrant families do not have a large income, but do have large families. At times, you will find a family of eight living in a two-bedroom home. Boys and girls might have to share a bedroom, and even a bed. These kids may see nothing wrong with dressing and undressing in front of each other. Many children might also have to sleep in the same bed as their parents due to lack of space and income.

As with any other child, ask questions pertaining to income and living situations. Ask if they have ever seen anyone perform the sexual acts they have described (do not mention anything the child has not described, to avoid the risk of planting images they might later "disclose"). Many times children will tell you that their parents thought the children were asleep when they were engaging in a sexual act. Also ask the children about pornographic videos or magazines. Is the child describing something experienced, or something observed?

**In some Spanish-speaking cultures, non-sexual touching of children's private areas may be customary.**

This is not always the case, but be aware that in Spanish-speaking cultures some men may show their pride in their son's size of penis. They will show off by touching their son's penis, especially around other men. The touching is not sexual. Some men will make statements such as "Ese es mijo" ("That's my boy") as they touch the boy. This is never the case with females (female genitals are not to be touched). Again, try to understand the culture. This is not to say that Latino men do not sexually abuse children, but be aware of the difference when speaking with children and family.

Conversely, don't accept as "cultural difference" an excuse for what is clearly unacceptable touching ("I was checking to see whether she was a virgin.").

**The age at which sexual activity for females is acceptable is lower in some Spanish-speaking cultures.**

In many cultures, not all, females are expected to find a husband at a very young age. In these situations, the family might not feel that a relationship between a girl aged 13-16 and a male in his 20s or 30s is child abuse. Instead, they might push for marriage. They might not see the need to involve law enforcement and might even see the team as interfering.

## **Cultural Issues that Affect Disclosure**

**Spanish-speaking communities tend to be tightly knit, and disclosure could result in members becoming outcasts.**

When a child from a large extended family discloses abuse within the family, some family members may turn against the child or other family members that are supportive to the child and blame them for the arrest of the accused suspect. The child and supportive family members might be cast out from the immediate family or even from the larger community. These children feel responsible for breaking up the family. A family that has just migrated from their homeland might be living with, or are otherwise dependent on, the suspect or family. The fear of being homeless might keep them from reporting.

**Economic repercussions of disclosure are likely to be profound.**

As with other cultures, the alleged suspect might be the main (or only) provider for the family. This might be a reason for the child not to disclose or to be told not to disclose. Be sensitive to these issues. Many of these children will blame themselves for breaking up the family and not having enough income to survive. Assess the living situations with the children. Assess for any domestic violence at home. Is the mother able to find a job to support the children? Does the mother drive? The suspect might be the only legal resident or citizen in the family. Have they ever heard the suspect threaten family members with deportation? Have they applied for relocation fees from Victims of Crime Program?

**Cultural and socio-economic factors will affect the child's vocabulary.**

It is important for the interviewer and for the rest of the team members to understand the child's cultural background. Not all Spanish-speaking children speak the same type of Spanish or have the same educational opportunities. When describing body parts, some might use proper terms, while others use street slang. The words being used by the child should guide the words chosen by the interviewer. When the interviewer doesn't understand a word or term they should ask the child to clarify the meaning either verbally or by using a tool such as a drawing.

**Ethnicity and Country of Origin**

**Country of origin can affect dialect and culture.**

Although Latinos are often referred to as if they were a homogeneous group, in fact nothing could be further from the truth. There are wide culture and language variants between countries, as well as regionally and among classes and ethnic groups within a country. Educate yourself about the cultural and linguistic differences among the Spanish-speaking peoples in your area, and take the time to learn about the individuals with whom you will work. Don't assume that their attitudes or behavior will conform to your ideas of a "typical" Latino.

**Culture is distinct from ethnicity.**

Don't assume two children with the same ethnicity share the same culture. Other factors such as socio/economic status, education, and religion may have a stronger influence on culture than ethnicity.

**Ethnicity is distinct from national origin.**

Don't assume that people from the same country share an ethnic heritage. Many Spanish-speaking countries are "melting pots" much like the U.S. Various ethnic groups provide a great deal of cultural diversity within national boundaries. Indigenous peoples may be linguistically as well as culturally distinct from the dominant culture. Some ethnic groups maintain the culture of their country of origin, which might be European or Asian for a Spanish-speaking child



## Meeting the Child/Family

Due to their prior experiences, many Spanish-speaking families fear and distrust people in law enforcement or social services. Fear of deportation and the fear of having their child taken away may also contribute to their reluctance to trust a total stranger to speak with their child. The following are suggestions to help you gain the child and the family's trust, provide them with the information they need, and build and maintain a positive and productive relationship.

### **Acquaint the family with the team.**

Allow the family to meet and question the team members before the interview. Take your time and answer all questions about the MDIC. Many families feel more at ease when the District Attorney introduces him- or herself to the family. A basic greeting in Spanish, such as *Buenos días* or *Buenas tardes*, can make a big difference.

### **Demonstrate genuine warmth and compassion to the parents and the child.**

Many Latinos describe the Anglo professionals with whom they have contact as cold and distant. To work effectively with them, be warm and demonstrate caring. Listen carefully to the parent's concerns.

### **Recognize the importance of respect in the Latino community.**

Latino families often feel shame when confronted by law enforcement or Child Protective Services (CPS), especially if the allegation involves child sexual abuse. Professional competence, caring, and cultural sensitivity are essential. Building rapport with the family leads to better rapport with the child. Understand that the demonstration of respect is highly valued in the Latino community.

Don't assume the parent or guardian does not understand the system simply because of the language barrier. Many parents are highly educated but unable to work in their field of expertise due to language barriers or legal status. At the same time, don't assume they know the system. Never assume, and always clarify. Show respect in your non-verbal communication through your demeanor and tone of voice.

Be cautious about your language, body language and voice. Because of prior experiences, many Latinos involved with the social service system or law enforcement are sensitive to perceived demonstrations of disrespect. This can be as simple as calling a parent by the first name ("Lucía") instead of by title and surname ("Señora Alarcón") or the tone in which you speak to them. Something as simple as a hand shake goes a long way in showing your respect.

**Educate families about the process.**

Provide the child and family with the information they need to understand the interview process. Here are some suggestions:

**Effective Communication**

- Talk to the family about the team and what to expect during the interview.
- Some families may be uncomfortable with the elements of technology involved in the interview process. Allowing extra time for the family to be familiar with two-way mirrors and video equipment (if applicable) will put them at ease and help build necessary trust.
- Have someone who speaks fluent Spanish explain to the family about the legal process. They might not be aware of the amount of time required for the investigation and prosecution.
- A bilingual interviewer should not be the only Spanish-speaking person when meeting the family. The family might have many questions for the DA or law enforcement, and it might not be appropriate for the interviewer to be the interpreter.

**Ensure Understanding**

- Make sure the family understands that they will not be deported for making a report (see details under next heading).
- If a plea bargain is being discussed, make sure the family understands why. If the case will not be prosecuted, make sure they understand why. Some families may feel that their case is not being prosecuted because they are Latinos.

**Link to Resources**

- Make the family aware of the need for both child and parents to attend counseling. You may find that many Latinos do not access counseling, but it can be extremely helpful for parents who blame themselves for the abuse.
- Keep in mind that transportation might be a problem. Many parents may rely on public transportation or need to arrange with others to provide transportation for them.
- Give the family a bilingual contact to call if they have any questions.
- Make the family aware of all the resources available to them.

**Make Accommodations**

- It can be difficult for parents to get the time off to bring their child to the interview, counseling or court. Try to make the appointment during a time that's convenient for parents. Many do not have child care or permission from work to take the time off without repercussions. Be understanding of these issues and try to accommodate them.

**Deal with fear of deportation when immigration status is an issue.**

The alleged suspect might threaten a non-offending parent with deportation if abuse is reported, or make a non-offending parent believe that CPS will take their children away

from them. It is important to educate the family that immigration status is not considered during these cases, and that Social Services does not report to Immigration and Naturalization Services (INS). In fact, families might be able to get protection during the trial. If possible, get information about deportation laws and have it available at your center. Make sure this information is available in Spanish.

An important caveat: Before offering these assurances, make sure you are aware of your particular MDIC's stance on INS reporting, and the attitudes of its members.

**Acknowledge the difficulty of the situation.**

Help remove blame or guilt. Latino families may be especially protective of their children and feel an overwhelming sense of guilt when their child is abused out of their care. Furthermore, when dealing with sexual abuse, families may perceive their child as "ruined." For instance, they may believe their daughter is no longer a virgin in the eyes of God, or that their son is likely to become homosexual because of sexual abuse by a man.

**Be prepared to deal with strong emotions.**

The family may not have had someone to talk to about these or other profound issues. Floodgates may open. Traditionally, many Latino families are taught to keep personal issues in the family and maintain silence, causing isolation. When giving them permission to talk about these issues, you may find yourself overwhelmed. Sometimes, a parent's own abuse history may add complexity to the emotional content as well.

**Acknowledge strengths.**

Reinforce that the child and family are survivors, that healing is possible, and that resources are available to help them be whole and healthy again.

**Be aware of personal cultural biases and work on changing them.**

Every person holds preconceptions about "different" cultures. We all need to examine the cultural misinformation that affects our attitudes. This is called developing "cultural sensitivity." To develop cultural sensitivity, one must:

- Learn to reject generalized assumptions about a culture
- Avoid classifying or labeling persons with cultural names
- Focus on understanding the information provided by individuals
- Strive for cultural sensitivity in each individual case through educating yourself about the culture and attempting to become free of preconceptions.

**Always be honest with the family.**

Families facing child abuse traumas have been betrayed by the perpetrator, by institutions they trusted, or by both. Be aware that the family is going through the stages of grief. It is essential that you are honest with the family. Telling them honestly what you can and cannot do for them is important to begin healing.

**Keep the focus on the child's well-being.**

Alleviate much of the overwhelming sense of hopelessness the family may be feeling by focusing on the positive. Use phrases such as, "I only want what is best for your child, as I know you do, too." Remind the family that this is the first stage to healing and that the primary concern is for their child.

# Conducting the Interview

This chapter discusses specific language considerations that can affect an interview of a Spanish-speaking child.

## Differences Between Spanish and English that May Affect an Interview

### Interviews with Spanish-speaking children tend to take more time.

Spanish interviews can be longer due to several reasons:

- The Spanish language itself tends to use more words to express an idea than does English.
- The interviewer may take more time in asking a question due to his or her own limitations with the language.
- More repetition and clarification of questions and answers may be required, and possibly translation for observers.
- The child who is learning two languages may take more time to think before speaking.

### Some terms are concise in one language but ambiguous in another.

Assuring a child, “You’re not in trouble” is a concept that is important to convey, but does not translate concisely from English into Spanish. In English, a child will understand the statement, “You are not in trouble” without much more explanation. There is no similar sentence in Spanish to convey the same message. It will take a few sentences to convey it (one reason why a Spanish interview will tend to take longer than one in English). Some possible ways to convey the concept:

“No voy a pensar mal de ti.” (I am not going to think badly of you.)

“No estás aquí porque has hecho algo mal.” (You are not here because you have done something wrong.)

“No has hecho nada mal.” (You have done nothing wrong/bad.)

“No te vas a meter en problemas con migo.” (You are not going to get into problems/trouble with me.)

### Understanding Personal Limits

All interviewers are aware of the various dialects there are in the Spanish language. For the integrity and accuracy of the interview, be ready to admit personal limits to your own language ability. If a child is speaking in a dialect that may not be your strongest, take a break from the interview and consult the team. Interviewing a child in a language dialect that stretches your comfort zone may harm the investigation and the child.

**Literal translation may be different from usage.**

There are words and concepts in both English and Spanish that do not translate very well. Some words may require further investigation and clarification, or explanation of context. For example, in Spanish the verb “molestar” means to bother, without necessarily carrying the sexual connotation “molest” carries in English. The sentence “Mi hermano me molesta” could be translated as, “My brother bothers me” or “ My brother molests me.” A transcription might be word-for-word but still not capture the correct meaning. Whenever this particular verb is used, scrutinize it carefully to make sure the translation carries the intended meaning. Ask the child to describe the activity.

**Spanish-speakers tend to use more endearments than do English-speakers.**

It is important to note that Spanish speakers often use endearments. What would seem as offensive in English can be a common nickname in Spanish, not intended to offend. An example of this is the nickname “Gordito” which means, “fat” or “Prieto” and “Negrito” which mean “dark-skinned one.” Additionally, it is common for adults to use a sweet, sing-song manner with children (called Motherese); using this tone with young children may put them at ease and show that the interviewer is not angry.

The team needs to know that these nicknames are often not offensive to those named and that speaking in this manner is culturally appropriate.

**Choosing English or Spanish for the Interview**

Inform the child that the interviewer or the interpreter can speak and understand both languages if this is the case. The following are factors that should be considered in choosing a language for the interview when a child speaks both Spanish and English. You may have additional considerations, depending on protocols in your area and what is required by the court.

**Consider the language spoken at home.**

Assessing which is the stronger language can be done by asking the parents, as well as the child, what they speak at home. During rapport building, the interviewer can ask about family members and events, and what language they speak at that event. Also, rapport building is a good opportunity for the interviewer to ask questions in both languages to assess the child’s ability in each one. If the interviewer has already used both languages, a child who is more comfortable with English may provide answers in English to questions that were asked in Spanish.

**Length of residence in the United States may be a factor in language selection.**

The length of time that the child has been exposed to the English language will play a big part in his or her fluency in the language. The age at which the child started learning English will also be a major factor. If a child came to this country at the age of three and speaks Spanish in the home but has been attending school in the United States for several

years, he or she will most likely be fluent in both languages. If a child has only been in the United States for a year or less and the home is monolingual Spanish, then his or her English may be very weak.

**The strongest language is not necessarily the first language.**

Whether a child's strongest language is English or Spanish depends on many of the factors mentioned above. The child's age when he or she started learning the second language, length of time exposed to English, language spoken in the home and neighborhood, and family members who are bilingual all contribute to the child's fluency in both languages. An assessment by the interviewer should be done to ascertain the strongest language.

**Fluency of speech may not indicate equal fluency of understanding.**

A child who appears to be bilingual might not understand equally well in both languages. Most children have a higher level of understanding in one language or another, often times it is usually their first language. If it appears that the child does not fully understand questions in one language, the interviewer may decide to ask the questions in the other.

**A child may not be fully bilingual, but may speak English to please.**

Some children may be stronger in Spanish but choose to speak English to prove that they know it. They are proud to demonstrate their knowledge of English and think that it pleases the interviewer.

When assessing the child, listen carefully to how the child answers the questions. If the answer does not seem to match the question, ask again in Spanish, and repeat the child's answer in Spanish. Pay close attention to sentence structure. If a child uses English words but structures sentences using Spanish syntax it can indicate that the child is translating Spanish to English. Consider changing the interview to Spanish.

Be prepared to do the interview in Spanish and have interpreters on hand. This is an especially important precaution if the child has been exposed to English for only a short time. The interviewer or interpreter needs to be skilled enough to guide the interview to the appropriate language when the child is struggling.

**Limited English vocabulary may prevent the child from providing an exact description of events.**

When English is a second language, the child's English vocabulary may not be as developed as the child's Spanish vocabulary. The child may take a longer time searching for the right way to say or describe something and may not be able to be specific about details because of limited vocabulary. When forced to speak English, some children have been known to recant and say that nothing happened because it is too difficult to describe in English.

## **When the Interview Switches Between Spanish and English**

### **The team may have difficulty understanding an interview that mixes Spanish and English.**

Some children may flip from Spanish to English several times within a single sentence. The interviewer or the interpreters need to be very fluent in order to understand the child. It is important that the interviewer repeat the child's statements to help those who are observing and taking notes.

As was mentioned before, it is not good practice to force a child to speak English only, even if the child speaks it well. Information may be lost if the child is not allowed to express him- or herself in the most comfortable way. If the interviewer is not bilingual, she or he can reassure the child by saying, "It's okay to answer in the language you want. Someone is here to help me understand your words."

Some children have difficulty speaking fluently in either language. Some young children aren't even aware that they know two languages. They mix them as if they were one, resulting in what is sometimes called "Spanglish". This mixing of languages is not uncommon even among adults. A child who mixes the two may be unable to identify which language he or she knows best. This can make it difficult for the interviewer to decide which is the stronger language. When in doubt, use the language spoken in the child's home.

Team members need to understand that more information will be gathered by allowing the child to use both languages, even if it makes the interview harder to follow. More time will be needed in the debriefing and sharing of information to ensure that the whole team understands what the child has disclosed.

### **Summarize and clarify if the interview switches between Spanish and English.**

When the interview changes from one language to another it becomes crucial for the interviewer to clarify and summarize the content of what was said and get confirmation from the child. The observing team members will need that clarification and extra time for better understanding.

### **Have the child repeat anything that the perpetrator said during the assault in the language it was originally spoken.**

A bilingual child may have difficulty translating a quote from one language to the other. Therefore it is important to have the child repeat any quotes in the language in which they were spoken. Ask the child if the perpetrator said anything, and if so, ask the child to say it exactly as the perpetrator said it.

Example:

Interviewer: "Tell me what he said."

Child: "He said he would hurt me."

Interviewer: "Did he say it in Spanish or English?"

Child: "Spanish."

Interviewer: "Tell me in Spanish what he said."

Child: "'Si le dices a tu mamá, te voy a matar!'"

Which translates as, "If you tell your mom, I will kill you."

There is more detail and emotion when recounted in the language in which it was originally spoken.

**Make it clear that the interviewer, not the child, takes the responsibility for lack of understanding.**

The interviewer should make sure that the child feels no burden for any misunderstandings that occur. To keep a child from feeling embarrassed and shutting down when there is a misunderstanding, say something like, "I'm sorry that I didn't understand what you were saying to me. That was my fault; let me try again." As in all interviews, the child is reassured that he or she has done nothing wrong and is given permission to correct the interviewer. Because of possible misunderstandings due to language, it is even more important for a child in a Spanish interview to be comfortable correcting misunderstandings without hesitation or embarrassment.

## **Transcription and Translation Issues**

### **Qualifications of Translators**

When transcription is done from an audiotape or videotape, the person doing the transcribing must be proficient in both languages in order to be able to pick up which language is being used and in what manner. If a transcriber does not have the skills needed, the interview may be questioned in court. These problems are reduced if certified translators are used.

### **During transcription, words that are lost, misunderstood, or taken out of context can alter the child's meaning.**

As is the case with all interviews, the team members who observe and take notes must be attentive during the interview in order to catch the meaning of what is being said and to clarify ambiguity. In Spanish interviews it is especially important for the team to be

attentive because the language and cultural differences may cause more need for clarification. If someone is serving as an interpreter for the team, he or she must be able to follow along quickly so that very little is lost. It is also important for the interviewer to repeat what the child has said. It provides both the team and the transcriber another opportunity to understand.

Literally translated words can at times lose their meaning and context. Since transcription is done from an audio source, mistakes can be made when some words sound like others. For example: a child was being asked to name their body parts. The child answered “ombigo” for the bellybutton but the transcriber translated it as “un libro” which means “a book.”

**Interviewers and interpreters should review all translations and transcriptions of the interview.**

Many interviewers and interpreters are only asked to review a transcript when called into court. It is also ideal for interviewers and interpreters to be able to review all transcripts to clarify, fill in gaps, and make corrections so that the transcripts are accurate.

**Transcripts convey information to juries less accurately than would a videotaped interview with subtitles.**

In court, the jury is usually given a transcript of the interview to review. Showing a videotape of the interview allows the jury to see the child’s demeanor at the time of the interview and hear the child’s own voice. It demonstrates how the child was feeling at the time by showing body language and facial expressions.

If an interpreter’s translation is audible on the videotape, no subtitles are needed. However, if the interview is conducted all in Spanish, the video can be subtitled.

**Educate transcriptionists and translators about interviewing so that transcriptions and translations are more accurate.**

Not only do transcriptionists and translators need to be aware of the variances and nuances of the Spanish language, they also need a basic understanding of the interview process. This will help them understand the sense of what was said, not just the literal translation of the words.

**Devote resources to ensure quality of transcription.**

Use agency resources and/or trained volunteers to make sure your translators and transcribers are the highest quality possible. Double-check the transcripts to ensure they are accurate and that they meet the needs of the courts. If your county is not able to devote adequate resources, collaborate with nearby counties to build quality regional services for Spanish-speaking children.

# The Role of the Interpreter

This chapter focuses on the role of the interpreter within the team. It offers suggestions on how the interpreter can be better prepared to perform his or her role effectively, and how the forensic interviewer can maximize positive results when working with an interpreter.

## Preparing as an Interpreter

**Be aware of dynamics of child abuse and anticipate the emotional responses to disclosures that may be made.**

Forensic interviews of children often reveal very private, shocking and disturbing details. Oftentimes, the child shows little or no emotion about an event that others may be horrified to hear. If this lack of affect or contradictory affect causes an interpreter to question the validity of the disclosure the tone of the interview may be negatively impacted.

As with other professionals in the field, interpreting the child's disclosure of an abuse event may trigger the interpreter's own childhood abuse issues or related history. This response is dangerous to the interview process and should be acknowledged and addressed before the role of interpreter is accepted. Hearing details of abuse may be very difficult for the interpreter and may cause secondary trauma for him or her. This work is not for everyone. An interpreter may come to the realization that working with child victims is too difficult and choose to assist in another way.

## Selecting an Interpreter

In Lisa Aronson Fontes' book *Interviewing Clients Across Cultures, A Practitioner's Guide* she recommends the following areas to keep in mind when selecting an interpreter:

- Proficiency in two languages
- Interpreter training and certification/licensing, where applicable (with proof)
- Interpreting experience (with proof or references, when possible)
- Knowledge of the topics to be discussed and comfort with them
- Ability to maintain confidentiality
- Familiarity with the interviewee's dialect/national origin
- Willingness to work as part of a team
- Professionalism and willingness to observe professional boundaries
- An understanding of the appropriate role of the interpreter

**Attend CFIT or a comparable course in child forensic interviewing.**

As an interpreter, participating in a basic child forensic interviewing course is extremely valuable in understanding the forensic team concept. The training provides a framework for the process of interviewing, and an overview of such topics as question design, psychodynamics, child development, and basic interview skills. It introduces interpreters to

all elements of a child abuse investigation (investigation, prosecution, protection, advocacy, and therapy).

**Attend a training or orientation in the MDIC where you will be assisting with interviews.**

Ideally, MDICs should provide training for potential interpreters and keep a reserve list of qualified, court certified trained interpreters who can be called for a crisis/emergency interview.

The training should include a tour, orientation to the facility and the equipment, an opportunity to meet the forensic interviewers in the program, and a review of the protocols for forensic interviews at the center. It may also provide an opportunity for role-playing exercises, for practicing seating arrangements, and for other strategies to be used during an interview.

**Meet with the forensic interviewer before the interview.**

- The interpreter should arrange to meet with the lead interviewer before the scheduled interview, if only for 15 minutes. This provides an opportunity for the interviewer and the interpreter to share their expectations, and provide answers to questions such as:  
Will a break be taken?
- Introduction of self on tape, interpreters name and where they're employed.
- Does the interpreter need to leave at a specific time?
- What is the plan for communication if something is not clear to the child, interpreter, interviewer or team?
- What is the comfortable length of sentences for the interpreter?
- Is a literal interpretation expected? What if a word or expression cannot be translated literally?
- What if the child switches between English and Spanish during the interview?
- How fast or slow should the questions/answers be?
- Inform the interpreter of any special circumstances such as audio or video taping or one-way mirrors.

**Is the interpreter available if a follow up interview needs to take place?**

Best practice in interviewing calls for a consistent interview team if the interview needs to be done in two parts.

**Become comfortable with language and expressions of a sexual nature, and learn the Spanish words or phrases specific to sexual abuse.**

Interpreters for forensic interviews involving suspected child sexual abuse need to become comfortable saying words or expressions that might be considered crude or inappropriate. They may wish to take a list of slang words and descriptive names for sexual acts and practicing saying these words in a mirror. This will help them get over the negative connotations of the words and allow them to use the words as necessary. It is also helpful

for interpreters to become familiar with current slang as much as possible. If the child detects discomfort from the interpreter it may inhibit her or him from fully disclosing.

**Be familiar with forensic justifications for the manner in which questions are asked.**

Forensic interviews are very different from interrogations or therapeutic interviews. They use open-ended, fact-finding, non-leading, non-suggestive questions that are designed to meet the needs of the court. Therefore, the question in a forensic interview may be worded differently than a question would ordinarily be. The goal of the interview is to ask open-ended questions in order to elicit narrative responses.

For example, an interviewer might ask,

“What happened that day?”

Or, she might choose a somewhat different approach,

“Tell me about the very first thing that happened that day.”

Another example:

Interviewer: “Tell me why you came to talk to me.”

Child: “To tell you what my stepfather did.”

The interviewer could then say,

“Tell me everything that happened.”

Or, she could say,

“Tell me everything about that. Tell me everything you can remember, even if you don’t think it’s important.”

Another common strategy used when designing questions for a forensic interview is to get information by asking very open-ended questions and following up with step by step questions that walk the child through the incident(s). This may be used to get more detail of the abuse event.

Example:

“I heard that someone may have done something to you that wasn’t right. Tell me everything about that.”

“What happened next?”

“Tell me more about that.”

When interpreting during a forensic interview, the manner in which the questions are asked may seem awkward or unnecessary when interpreting them back to the child. Keep in mind, however, that the wording is important. Forensically sounds questions are designed to increase the accuracy of the child's statement and the validity of the interview.

**Be prepared to sign a confidentiality statement.**

Interview centers have confidentiality forms as part of their protocol whenever a guest or non-team member observes the interview. Interpreters may be part of an existing MDIC team or they may work as outside contractors. If the interpreter is not a team member, he or she should be prepared to sign a confidentiality form. This should be discussed with the program director or the interviewer prior to the interview.

## **Working with the Family**

**Introduce the roles of the team.**

Take the time to learn and understand the roles of each member of the team so that you can explain the roles well to the family and the child. Make sure that the family understands that conversation is the role of the interviewer, and that you will just be interpreting what the interviewer says.

**Do not engage in conversation with the family about the allegations while the team is not present.**

It is important that you do not share anything you may know about the case with the family. If they should approach you with questions about the case, explain that you have been instructed not to speak about the allegations without the team. This demonstration of your professionalism will increase their confidence that you will maintain confidentiality in other situations.

**Be careful not to form alliances.**

An interpreter provides neutral passage for information rather than acting as an advocate for the family or the child. Be clear that the interpreter's role is to interpret, nothing more.

## **Ground Rules for Interpreters During an Interview**

Every MDIC has its own protocol for use of an interpreter. Discuss with the team what they do and do not want you to do when conducting a forensic interview. Here are some basic guidelines:

- Do not edit questions or responses from the forensic interviewer, the family or the child.
- If one party does not understand, convey the misunderstanding rather than try to explain it yourself. Let the interviewer know if the child or family does not understand something.
- Do not omit portions of questions or responses; do not add or embellish on them either.
- Translate in the first person, rather than adding, "He said/she said."
- Do not alter the phrasing as questions are translated.
- Convey the content and spirit of what was said – the real meaning, not just the literally translated word. Convey the cultural framework if that is appropriate.
- Interpret accurately, without comment. Even if you disagree with what is said, believe it is a lie, or feel that it is immoral, do not let your biases show.
- Do not ask the child your own questions.
- Interpreters should keep in mind their tone and body language. Some of what they hear can be shocking, so tone and body language needs to remain neutral to maintain the integrity of the interview and not cause damage of the child.

Adapted from a handout by Kathy Burton and Martha Corona-Goldstein of Child Abuse Response and Evacuation Services (CARES) Northwest, a medical child abuse assessment center in northeast Portland, operated by OHSU Doernbecher Children's Hospital, Legacy Emanuel Children's Hospital and Kaiser Permanente.

## **After the Interview**

**Interpreters may be asked to testify in court as witnesses. Be prepared for and understand the interpreter's role in court.**

While many interpreters spend much of their career in the courtroom, testifying still invokes fear and uneasiness in some of the most experienced professionals. However, careful preparation and review of the expectations of interpreters and their testimony can relieve some of the apprehension. Here are some guidelines for the interpreter:

- Always respond to a subpoena immediately by notifying the attorney whose name appears on the subpoena.
- Ask the attorney what is expected and what questions you can anticipate in the cross-examination.
- Prepare a resume including education, experience, and the number of interviews you have assisted with.
- Ask for a copy of the interview transcript and be familiar with the details of the interview.
- When possible, ask to review the videotape of the interview. Review written translations.
- Arrive at court on time, dressed professionally.
- Try to remain as comfortable and relaxed as possible. Keep in mind that the interpreter's adult testimony will help take some of the pressure off the child in court.

**Review translated transcriptions, especially if called to court.**

When possible, the interpreter should request and review a copy of the translated interview that is transcribed for the courtroom. The prosecutor should be immediately notified of any errors or misinterpretations. If possible, it is extremely helpful to follow along with the videotaped interview in order to double-check the transcripts.

**How the Forensic Interviewer Can Work with the Interpreter**

**Invite the interpreter to the pre- and post-interview meetings to meet team members and to review the specifics of the case.**

If a center's protocol calls for a pre-interview staff meeting, invite the interpreter to be present as a team member. This enables the interpreter to understand the roles of the different team members and gives the interpreter an idea of specific language that may be used. It also provides an opportunity for team members to build trust and establish a good working relationship with the interpreter.

After the child's interview, take time with the interpreter to provide him or her with feedback about the interview. Also, make available an opportunity for the interpreter to process some of the feelings that the interview may have elicited.

**Explain your expectations to the interpreter before the interview.**

Teams should schedule annual (or more frequent) check-ins with current and prospective interpreters. Holding a meeting with the core interpreters provides an opportunity to discuss what the team expects during the interview, what the program coordinator expects, and any concerns or issues that the interpreter may have.

However, if an annual training of interpreters is not part of the center's protocol, or if a new interpreter is being used for the interview, make time during the pre-interview meeting to discuss roles and expectations with all members present.

**Introduce the interpreter to the child and family and explain the interpreter's role in the interview.**

Children and families can be confused about who is conducting the interview. They may tend to want to talk directly to the interpreter without allowing time for the interpreter to relay their questions and concerns to the forensic interviewer. Prior to beginning the forensic interview, the interviewer should introduce her- or himself and the interpreter to the child and the family. Set the tone of the interview immediately by having the interpreter explain that his or her role is to relay information as accurately as possible.

Once introductions are made and roles explained to all involved, give the family time to establish rapport with the interpreter. It is beneficial for the child to observe that the parents/caretakers regard the interpreter as competent, caring, and culturally sensitive. Many Latino cultures place a premium on family, loyalty, and cooperation. Their deep sense of commitment to family may make it more difficult for them to disclose abuse to someone outside their family. Spending a brief time connecting with the family can prove invaluable later.

**Use short units of speech, not long phrases or sentences. Discuss one topic at a time.**

When working with an interpreter during a forensic interview, it is helpful to avoid sentences and phrases that are long. Be alert for awkward sentence structure when designing the questions for the interview. Stick to one topic at a time to avoid confusing the interpreter and the child. Remember to use bridges in your sentences to introduce new subjects.

Example: "Now we are going to talk about bodies."

**Set up interview room seating to minimize distractions.**

It is preferable to seat the interpreter next to the forensic interviewer directly across from the child. The child should be able to look at both the forensic interviewer and the interpreter easily, without having to look back and forth. This also communicates that the interviewer and the interpreter are united and working together.

The interviewer should look at the child when posing a question rather than directing the questions to the interpreter. The child being interviewed may look mainly at the interpreter to hear the question and give a response. But looking at the child shows that the interviewer is interested in what the child has to say, even if he or she may not understand the child's language.

The seating arrangement described above may not work in some centers. In that case, try to find another arrangement that will help put the child at ease. The goal is to create a safe, child-friendly environment that lessens the trauma to the child.

**Assessing the child’s most comfortable language for the interview.**

Discuss at the pre-interview staff meeting which language the child speaks at home and at school, and when the initial disclosure was made. The interpreter may need to help with a language assessment of the child. For more information, see “Choosing English or Spanish for the Interview” on pages 18-19.

If a child’s language skills in English appear to be strong during the rapport/competency building phase, it is still best to have the interpreter available in case the child begins to have trouble with communication or cannot describe abuse events without using Spanish.

If unsure about what language to use, the interviewer and interpreter may take a short break to get recommendations from the team.

**Repeat in English what the child or the interviewer says in Spanish for benefit of English-only team members.**

Some centers have Spanish-speaking forensic interview specialists and team members who speak and understand Spanish. This is ideal for the Spanish-speaking child. However, those resources are not available in the majority of centers, which consequently must rely on interpreters.

If possible, these centers should have an interpreter in the observation room to interpret for observing team members. If this isn’t possible the interviewer should take a break to discuss with the team the child’s statement and what the next steps are. This will give the team members details of the abuse, help the forensic interviewer with follow-up questions and simplify the task of translation when the interview is transcribed for court purposes.

## **Challenges When Working with Interpreters**

**It can be difficult to find an interpreter who is familiar with the child’s particular culture and dialect.**

Advance preparation is essential for a successful forensic interview of a non-English speaking child. Try to elicit as much background information as possible about the child and family’s culture, language, and vernacular. Draw upon partners in the community who may be able to assist in finding the best fit for an interpreter according to the child’s particular dialect. It is best to have these resources and relationships available beforehand in case of emergency interviews.

Resources may be found in a county's:

- Domestic violence centers
- Child abuse prevention councils
- Mentoring clubs
- Service clubs
- Medical facilities
- Law enforcement agencies
- Courts

**Interpreters are often unwilling to go to court.**

It is important to be honest with the interpreter about the fact that he or she may be subpoenaed if the case goes to court. While one of the goals of the videotaped forensic interview is to present a competent child witness and lessen the likelihood of a trial, testifying in court is the reality of child sexual abuse investigations. Being up-front about this possibility before the scheduled interview will help assess the level of commitment the interpreter is able to make as a team member. The fear of the unknown may be a factor for an interpreter without courtroom and testimony experience. Providing training and role-playing through the help of the prosecutor's office can be valuable for both the interpreter and the team.

**Provide training for interpreters on the forensic interview process.**

As previously noted, an acute challenge is that many interpreters do not understand the forensic interview process. It is extremely helpful for interpreters to attend a Child Forensic Interviewing Training. This lays a good foundation and overview of basic interviewing skills for forensic purposes and increases their effectiveness in their role as a team member.

**Many interpreters work part-time and without benefits. They lose income if they take time for training.**

Due to limited resources and training, and the unpredictable needs of the courts, it is difficult for MDICs to maintain a consistent list of court-certified interpreters. Turnover tends to be high; in light of the irregular hours and lack of benefits, interpreters may have little motivation to commit to a career of interpretation services.

Not all MDICs require interpreters to be court-certified. MDICs should have a protocol that establishes the qualifications required of interpreters, consistent with the expectations of the prosecutor and the standards of the community.



## Closing Thoughts

In the last 27 years there has been a lot of growth in the movement towards multi-disciplinary investigations. Not only have teams learned about the importance of working together and staying current on interview strategies but teams continually work to help children to feel safe, secure and supported in their disclosure. Considering that 15 years ago, using Spanish-speaking interviewers was a relatively new concept, we still need to train more MDIC teams to be culturally sensitive to children and families. All children need to feel safe, secure and supported in their disclosure of abuse and parents and families need to feel heard and respected. Centers who have culturally sensitive teams help to conduct more accurate assessments and help victims and families rebuild their lives and recover from these traumatic events.