

Investigative interviewing – suspects requiring special consideration

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Executive summary

Purpose

This chapter outlines variations to standard interview procedures for suspects who because of their personal characteristics or the circumstances of the offending have been identified as requiring special consideration.

Key things to note:

- No two suspects are the same.
- All children and young persons who are suspects must be treated with special consideration due to their age and specific legal requirements.
- A suspect requires special consideration when their condition, disability, disorder or other characteristic may adversely affect the reliability of any statement that they make or make them susceptible to oppression at interview.
- Conditions and their effect may change over time and should be assessed on a case by case basis.
- Standard interviewing procedures may need to be adapted for suspects requiring special consideration to ensure their interview is conducted fairly.
- A judge must take into account the suspect's physical, mental or psychological condition when interviewed and their characteristics including mental, intellectual or physical disability, whether apparent or not, when deciding on admissibility issues.
- Decisions about special consideration and any additional procedures to be applied during interviews should be made on a case by case basis.

Related information

See these related chapters:

- [‘Hate crimes and hate incidents investigations’](#) chapter for information about recognising, recording and dealing appropriately with **hate crime**, **hate incidents** and **hate speech** within the context of scene attendance, investigations, applying proportionality and using discretion
- [Investigative interviewing suspect guide](#)
- [Investigative interviewing witness guide](#)
- [Investigative interviewing - witnesses requiring special consideration](#)
- [Investigative interviewing accreditation policy](#)
- [Investigative Interviewing Doctrine](#)
- [Interpreting Services - Connecting Now](#)

Which suspects require special consideration?

Types of suspects requiring special consideration

There is no single definition of which suspects require 'special consideration' - each will be identified on a case by case basis.

A suspect requires special consideration when their condition, disability, disorder or other characteristic may adversely affect the reliability of any statement they give or make them susceptible to oppression at interview. For example, the elderly, or suspects with learning disabilities or mental health problems may find the criminal justice process especially stressful, or even traumatic.

All [children and young persons](#) require special consideration because of their age and vulnerability and to ensure specific legal requirements are met.

Suspects intoxicated by alcohol or drugs and those who speak English as a second language also require special consideration.

Note that having a condition, disability, disorder or other characteristic does not in itself mean special consideration is required.

The issue of special consideration needs to be reviewed with each 'interview' as conditions and their effect may change over time.

Deciding if special consideration is necessary

Base your decision about whether a suspect requires special consideration on your judgement of what is fair to the suspect. Use the ten principles of investigative interviewing as a guide (see '[Interviewing principles](#)' in the main suspect interviewing guide) and consider what you need to do to get complete, accurate and reliable information from the suspect. If the suspect is disadvantaged in some way, think about what you can do to ensure they are treated as fairly as other suspects.

Under sections [28](#) and [29](#) of the Evidence Act 2006 a defendant's statement may be excluded because of unreliability or oppression. In relevant proceedings, the judge must take into account the suspect's physical, mental or psychological condition when interviewed and their characteristics including mental, intellectual or physical disability, whether apparent or not. These factors are all relevant to deciding whether suspects require special consideration and whether modifications need to be made to the usual interview process (for example, in relation to the nature of the questions asked and the manner and circumstances in which they are put) in order to obtain the most reliable statement.

Suspect's own views about their condition

Not all adults with conditions or disabilities require special consideration or wish to be treated differently. It will depend on the nature of the person's condition.

Consider how the suspect describes themselves and any difficulties they may have. Identification of a disability, disorder or other characteristic and need for special consideration, does not rest solely on the suspect's views, and is not determinative of your actions, but their opinions are important.

The court would take a suspect's views into account when determining admissibility, so it can be important to capture these opinions as an investigatively important topic.

Medication and its impacts

It can be particularly helpful to identify if the suspect is taking any medication, and if so what the impact of the medication is likely to have on them. Specifically, when they last took the medication, and how long the effects of it last. Also it is important to ascertain how the suspect responds to anxiety and any coping strategies/self-soothing behaviours they may use. Where possible, this information should be gained from the person themselves to engage them in the process.

Special procedures for some suspect categories

Some suspects requiring special consideration will need additional procedures or variations to the usual interviewing procedures. These are outlined in:

- [Children and young people as suspects](#)
- [Interviewing suspects with physical, mental, psychological conditions](#) - Note that while these procedures are aimed at suspects with these conditions they may also apply to other suspects requiring special consideration, depending on the circumstances)

Investigative interviewing suspects requiring special consideration

Proactively released by New Zealand Police

- Intoxicated suspects
- Different linguistic, cultural or religious background
- Suspects in family violence incidents

General preparation and deciding what procedures to adopt

Take each suspect's unique circumstances into account when determining whether special consideration is required and if so which procedures to adopt.

Reliability at interview

Before you interview a suspect requiring special consideration, do background checks and, if possible, talk to family members or relevant health professionals to find out whether:

- full and fair communication with the suspect is possible, and
- the suspect and person being consulted understands the nature and reason for the interview.

It may be useful to speak with professionals involved with the person, e.g. speech and language therapists, psychologists, teachers, teacher aides, and the person's support person. Where practicable, consent should be gained from the young person or adult before speaking with those third parties.

If you believe full and fair communication is **not** possible, discuss this with your supervisor. Adopt appropriate procedures as outlined below.

Delaying the interview

In some cases (e.g. when the suspect is intoxicated) you may need to delay the interview until the suspect is in a suitable state for interview. If you believe it is unfair to interview the suspect at that time, give them the opportunity to be interviewed later.

Make sure you keep an accurate record in your notebook about their condition and the basis for your decision making in case you are asked about it later in court.

Explaining rights

It is crucial that suspects requiring special consideration understand their [caution/rights](#). Be aware that some suspects may be suggestible and tend to answer 'yes' when asked closed questions. Ensure they understand by:

- using simple language
- breaking it down into small parts and checking they understand by asking them to explain each part back to you.

You are responsible for ensuring suspects understand their rights. If in doubt try again until you are certain they understand. If they do, continue your interview. If they don't, follow the process below.

When suspects don't understand their caution/rights

If the suspect still does not understand their caution/rights, arrange for a [support person](#) to be present as their representative. Adopt procedures as you would with a [nominated person](#) for a child or young person by getting the support person to spend time alone with the suspect and explain to them their rights. Remember the support person's role is to support the suspect and ensure they are treated fairly.

If the suspect still does not understand their caution/rights, arrange with the assistance of the support person for the suspect to speak to a lawyer and/or consult with a supervisor.

Interview model

Make an assessment based on the individual's needs as to what is the best interviewing model to use. Free recall is usually the appropriate interviewing model for suspects requiring special consideration because it minimises the risk of influencing the suspect. At the end of the interview you should still challenge the suspect with any inconsistencies within their account and with other evidence. If the suspect is difficult or uncooperative, use the conversation management model.

If you believe the suspect may be unreliable at interview or easily influenced use the free recall questioning style as much as possible and minimise summarising.

For more information about the free recall and conversation management interview models see the [Investigative interviewing](#)

[doctrine](#).

Support person

Always consider using a support person when the suspect has a physical, mental or psychological condition including mental, intellectual or physical disability, whether apparent or not, and/or communication difficulty.

Appropriate support person

An appropriate support person is someone who:

- is an adult (of or over the age of 18 years)
- is not a suspect or witness in the matter under investigation
- you believe will not attempt to pervert the course of justice
- is available within a reasonable period of time (be flexible - to get the most out of the suspect it may be preferable to wait for someone they feel supported by).

Suspect usually chooses whether they want a support person present

Usually the suspect should be given the choice of whether they want a support person and, if so, who they want to be present. If they decline to have one present, and you believe one is required, discuss with your supervisor about what is fair for the suspect.

Procedures when using a support person

If a support person is used, adopt procedures similar to those you would use for a [nominated person with a youth](#).

Recording method

It is especially important, if possible, to video record all interviews with suspects requiring special consideration. This makes the interview process transparent to the court by allowing them to see that the interview was conducted fairly and reasonably without oppression.

Room set up

It may be necessary for the room set up to be altered to better accommodate a suspect's needs. Ensure all people present are visible on camera.

Changes may also be required if there is to be a lawyer, support person or interpreter present depending on the type of interpretation being provided, e.g. a NZSL interpreter would require a different set up to one interpreting between two spoken languages.

Thorough planning will assist with any changes that may be required to the room.

Communication aids

Communication aids might be required for certain people and whilst these can be effective, they should be treated with caution. The purpose of a communication aid is to facilitate communication to either clarify questions, or assist the person in expressing themselves. However, when used inappropriately, aids can confuse or impede communication.

The use of communication aids should be explored further during the '[planning and preparation](#)' phase and advice on their use sought from experts or other professionals working with the suspect.

When using any communication aids during an interview, they must be visible on camera and their use should be explained verbally as appropriate to ensure transparency. An explanation of any communication aids should be introduced during the '[Engage and Explain](#)' phase.

Further information on using communication aids can be sourced from [The Advocate's Gateway](#).

Children and young people as suspects

Children and young persons defined

A child is defined by the [Oranga Tamariki Act 1989 \(OT Act\)](#) as a boy or a girl under the age of 14 years.

A young person is a boy or girl of or over the age of 14 years but under 18 years (not including anyone that is or has been married or in a civil union).

Entitlement to special protection during investigations

The vulnerability of children and young persons entitles them to special protection during any investigation relating to the commission or possible commission of an offence by that child or young person.

(s208(h) OT Act - youth justice principles)

Strict legal requirements

There are strict legal requirements in the Oranga Tamariki Act 1989 that apply if you are interviewing a child or young person suspect/offender. You must be aware of and comply with the requirements of sections [215](#) to [231](#). Specifically, section 221 provides that for a child's or young person's statement to be admissible:

- Police must advise them of their rights in accordance with sections 215 in a manner and language appropriate to the age and level of understanding of the child or young person.
- Where the child or young person wishes to consult with a lawyer, nominated person or both (depending on the child or young person's wishes) before being interviewed, they can do so.
- The interview must be conducted in the presence of a nominated person or lawyer or both.

Before the interview, you also need to inform their parents or guardian that they are at the station for questioning or interview ([s229](#)).

As with other interviews, you will need to:

- comply with the [Chief Justice Practice Note on Police Questioning](#) requirements
- inform the child or young person of the reason for the interview.

Children and young people suspected of committing an offence must be dealt with fairly and the courts adopt a strict approach to confessions obtained outside the spirit of the Act.

Nothing in section [221](#) prevents the admissibility of an oral statement spontaneously made before you have had a reasonable opportunity to comply with the rights of the child or young person set out in section 221 ([s223](#))

Note that there are limitations on the arrest of children and young persons in sections [214](#) and [214A](#) of the OT Act. See '[Arresting a child or young person and explaining rights](#)' in the Youth justice chapter.

Youth Aid Section Advice

Your local Youth Aid staff are able to provide expert advice on all matters relating to youth. Consider seeking their guidance on how the offending should be dealt with (e.g. release, arrest, seeking a declaration that the child or young person is in need of care or protection or a custody order in the Family Court, or whether to commence proceedings in the Youth Court), and advice regarding special considerations for interviewing.

Nominated persons

A child or young person can consult with before interview, and have present during interview, a lawyer or any person nominated by them, or both, of their choice. The nominated person must be:

- the child or young person's parent or guardian, or
- an adult member of the child or young person's family, whanau or family group, or
- any other adult (of or over 20 years) selected by the child or young person.

([s221](#) and [s222](#) Oranga Tamariki Act 1989).

You may only refuse to use the chosen nominated person if you believe on reasonable grounds that:

- if they are permitted to consult with the child or young person they would attempt or be likely to attempt, to pervert the course of justice, or
- they cannot with reasonable diligence be located, or will not be available within a period of time that is reasonable in the circumstances. (Courts have held waits in excess of an hour are not unreasonable and you must be able to demonstrate reasonable and diligent enquiries were made).

If either of these grounds exist, ask the child or young person to nominate another person.

When the nominated person arrives:

- introduce them to the child or young person and explain why you want to interview them
- explain (in the child or young person's presence) that their role is to:
 - take reasonable steps to ensure the child or young person understands their rights
 - support the child or young person before and during interview or questioning (if they agree to answer questions). Make sure they understand they cannot answer questions on behalf of the suspect
- give the nominated person a copy of the 'Guidance for Nominated Persons' POL 388A and go through each point with them
- if the first or preferred language of any parent or guardian or other person having care of the child is not English, the services of an interpreter should be provided (s9)
- explain the suspect's rights and ask the nominated person to go through these with the child or young person to ensure they understand
- leave them alone together for a reasonable time to discuss the rights and when you return, ask the nominated person to sign a copy of the 'Guidance for Nominated Persons' leaflet POL 388A to certify they have explained the contents to the suspect.

Conversations between the nominated person and child or young person are not to be recorded or monitored.

Refusal or failure to nominate a person

If the child or young person refuses or fails to nominate a person, ask them to nominate someone from the schedule of nominated persons held at the station. If they are unable or unwilling to do that, select the person yourself from the schedule.

Potential witnesses

If the nominated person selected by the child or young person is also a potential witness:

- interview them before interviewing the child or young person
- assess their response to determine whether there are reasonable grounds to believe they would, or are likely to, attempt to pervert the course of justice. For example, if a person states that their son was at home and you have contrary evidence, determine whether this is a genuine belief or whether they are deliberately misleading you.

Informing parents or guardians

If a child or young person is at a Police station for questioning or arrest you must inform their nominated person. If that nominated person is not a parent or guardian or other person having care of the child or young person (or the child or young person fails/refuses to nominate a person) you also need to inform the parents or guardians or other person having care of the child or young person that the child is being questioned or has been arrested unless it is impracticable to do so.

(s229 OT Act)

Use a checklist to ensure legal requirements are met

Complete a POL 388 'Youth Checklist' (Police forms > Children and Young Persons) when interviewing children or young people as suspects so you have an accurate record of events. Attach the original to the file or tape it in your notebook at the time of interview (to avoid defence counsel alleging it was completed at a later time). If a checklist is not available, make a detailed record of events in your notebook.

The checklist:

- can be referred to in court as your notes made at the time
- is usually the first document defence counsel and prosecutors examine when determining whether a suspect's confession may

be ruled inadmissible.

Procedures when interviewing children and young people

Follow the standard procedures for interviewing suspects (see [Investigative interviewing suspect guide](#)) when interviewing children and young people, but with these variations -

Investigatively important topics

Consider ingredients and probable defences as you would for any other interview. However, for a suspect under 14 (a child) you must include topics to ensure you cover that they knew the act or omission constituting the offence was wrong or contrary to law.

Covering investigatively important topics in children's interviews

When planning and preparing for the interview, an investigatively important topic to cover is whether the child had knowledge that the acts were wrong or contrary to law at the time of offending. (This information is necessary to rebut the 'doli incapax' presumption discussed in the "[Criminal responsibility of children and young persons](#)" section of the 'Youth justice' chapter).

The questions you ask will depend on the requirements of your investigation and the child's account of events, if given. When attempting to establish whether the child has the requisite knowledge of wrongfulness during the interview, it may be helpful to check their understanding at the time of offending of:

- the likely consequences of the criminal act, e.g. what they thought would happen to the victim/property, what would happen to the child themselves if they got caught, how they would feel if someone did the same thing to them
- what other family members or members of the community would think of the criminal act, e.g. a respected family member such as an aunty or uncle, or their teacher
- why they did what they did, e.g. why throw away the knife they threatened Joe with
- any rules or laws about the criminal act.

Covering these topics may be of use in other suspect interviews as well.

Children are susceptible to suggestion, so use open TEDS type questions (tell me, explain, describe, show) to encourage them to do most of the talking. Keep questions short and simple. For example, to find out what the child thought the likely consequences were for the victim, you could ask a question like "You said you kicked Johnnie in the head, What did you think would happen to him when you did that...".

Manner and language

All communication with a child or young person must be in a manner and language they understand. This includes the caution/rights, all questions and challenges.

You are not required to explain sections [215-217](#) to a child or young person if you have done so within the last hour ([s219](#)). However, if the child or young person requests their rights to be explained within the hour timeframe, do not hesitate informing them again as it may avoid any subsequent legal arguments in court.

Exceptions

Nothing in the provisions of section 215-219 limits or affects the powers of an enforcement officer under:

- Land Transport Act 1998, sections 68 - 72 (Breath alcohol and blood alcohol provisions) ([s233](#) OT Act)
- Immigration Act 1987, other than sections 126(4) and 142) ([s244](#) OT Act)

Caution/rights

When giving children and young persons the [caution/rights](#) under section [215](#), ensure they understand by explaining in an appropriate language and manner, e.g.:

- using simple language
- breaking it down into small parts and checking they understand by asking them to explain each part back to you.

Remember they can consult before interview, and have present during interview, a lawyer and nominated person of their choice. Arrange a lawyer if requested.

Written statements

Adopt the usual process when taking a written statement. Include:

- youth rights in detail and in the language used
- nominated person and lawyer details
- events that occurred prior to the interview's commencement.

Both the suspect and nominated person should read over the statement and the suspect should:

- make and initial any alterations
- endorse that the statement is true and correct and that they have nothing further to add.

If there are any doubts as to the suspect's ability to read, their nominated person should read the statement to them and endorse the statement accordingly. The suspect should endorse the statement as having been read to them and that is true and correct.

More information on Youth Justice matters

See the [Youth Justice](#) chapter for more guidance on the youth justice provisions of the Oranga Tamariki Act 1989.

Interviewing suspects with physical, mental or, psychological conditions

This topic covers the five phases of the interviewing framework for suspects with physical, mental or psychological conditions including mental, intellectual or physical disability.

Planning and preparation

Planning and preparation is an important part of the interview process and vital in maximising the opportunities for the person to provide a complete and accurate account.

Follow the usual procedures (see [Investigative interviewing suspect guide](#)) when planning interviews with a suspect with physical, mental or psychological conditions but also take these **additional** factors or variations into account. **(Note that some of these factors will be relevant to consider when interviewing other categories of suspects requiring special consideration).**

Investigatively important topics

Consider...

- 'Fitness to plead' in the [Criminal Procedure \(Mentally Impaired Persons\) Act 2003](#)
- 'Insanity' under section 23 Crimes Act 1961.

There is still a requirement to prove your case even where a person may be subsequently found to be suffering from a mental impairment.

Suspect profile: identity factors

Consider...

- If relevant, sexual knowledge and experiences.
- Any learning or physical disabilities, specialist health and/or mental health needs.
- Effect of disorder or disability on the suspect's cognitive, linguistic and physical behaviour.
- Cognitive abilities (e.g. memory, attention, concept of time).
- Linguistic abilities (e.g. understanding and use of spoken language), English as a second language, cultural and religious beliefs.
- Family members/carers and nature of the relationship. Potential support persons.
- Current or previous contact with public services (including previous allegations of abuse, previous experience of an investigative interview).
- Employment and routines (particularly important in institutional or community care settings).
- Special needs the suspect may have when providing their account and to avoid any suggestion of oppression, e.g. support person or interpreter.

Suspect profile: current state

Consider...

- Emotional state, e.g. trauma, distress, shock, depression, fear of intimidation/recrimination.
- Likely impact of recalling traumatic events on the suspect's behaviour.
- Recent significant stress (for the suspect and/or family, e.g. bereavement, sickness, domestic violence, job loss, moving house, divorce).
- Whether currently in a safe environment.
- Conduct a pre-interview assessment of the suspect to supplement information referred to above in identity profile. Based on this information consider the suspect's level of competency. If you are unsure, consult your supervisor.

Engage and explain

During this phase, suspects requiring special consideration may require additional time before moving to the 'Account' phase. This additional time might be to allow a more detailed explanation of the interview process and rights. Some people may also need longer due to anxiety, and the suspect and interviewer needing additional time to fully understand each other.

Account

Research has shown that people with mild and moderate intellectual disabilities can provide accurate accounts and a clear interview plan is important to assist with this.

Also consider memory, understanding of what has taken place and communication needs so that people are supported to provide as accurate and complete an account as they are able.

If a person is using [communication aids](#) with which the interviewer is unfamiliar, consider using an intermediary who can assist with interpreting. This should be assessed on a case by case basis.

Questioning

It is important to attempt to primarily use open questions during the interview. This is in line with international research around the general use of questions within interviews and people with disabilities should not be underestimated in their ability to provide information.

Questions should remain **simple and short, avoiding abstract concepts**, multiple questions and long summaries.

Challenge

You can challenge special consideration suspects but remember the reasonableness of your challenge will be determined by the suspect's characteristics and vulnerability.

Remember that the [Practice Note on Police Questioning](#) requires that where the suspect being interviewed is in custody or for whom Police have sufficient evidence to charge, then questions asked must not amount to cross-examination.

Closure

The closure phase should be completed as normal in line with the interview model being used.

Written statements

Follow the usual processes for suspect written statements (see 'The interview record: statements and notes' in the [Investigative interviewing suspect guide](#)) but also:

- include the support person's details if present
- ask both the suspect and support person to:
 - read over the statement (the suspect should also be given the opportunity to make any alterations)
 - endorse the statement as true and correct

If there are any doubts as to the suspect's ability to read, have their support person read the statement to them and endorse the statement as having been read to the suspect. The suspect should endorse the statement as having been read to them, and as true and correct.

Closure and evaluation

Make sure you advise the support person and suspect about what will happen now and give them both your contact details. Close and evaluate the interview in the usual manner.

Intoxicated suspects

Procedures when interviewing intoxicated suspects

Standard suspect interviewing procedures (see [Investigative interviewing suspect guide](#)) apply when interviewing intoxicated suspects having regard to the matters below.

Consider the best time to conduct the interview

When suspects have consumed alcohol or drugs it is important you consider when to conduct the interview.

Consider these factors:

- whether full and fair communication is possible
- the degree to which their recall was impaired
- the practicality of delaying the interview
- the impact on the investigation of delaying the interview
- the seriousness of the offence.

Suspects must understand their rights /caution

Do not conduct a formal interview if the level of intoxication prevents the suspect from understanding their [rights /caution](#).

Different linguistic, cultural or religious background

Different cultural or religious backgrounds

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

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

Using interpreters

Use a suitably qualified interpreter when you consider the suspect:

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

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

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

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

Risks of using unqualified interpreters

Using unqualified interpreters can be risky for investigation and prosecution outcomes. Although it sometimes may be convenient to use them, unqualified interpreters (e.g., bilingual police employees, unqualified community volunteers, or children and family members of the person being interviewed) are unlikely to have been tested for their technical and personal skills required of an interpreter.

The following risks apply to any session with an unqualified interpreter:

- confidentiality and privacy (fear of personal information could be relayed to the client's family)
- accuracy of interpretation (unqualified interpreter may have less of a command to the two languages and cultures involved)
- the unqualified interpreter may:
 - be worried by the role
 - lack the confidence to ask for clarification
 - omit vital information
 - add extra information of their own accord, thus altering the message (for example, by allowing the interpreter's own values to intrude or change the interpretation)
- bias or distortion, for example an unqualified interpreter may:
 - have no knowledge of or commitment to a code of ethics followed by qualified interpreters
 - lead to involvement with 'protection', 'taking sides', censoring or abusing their position, allowing cultural differences to influence their interpretation.

Risk of using Police employee as interpreter

Before using a Police employee to interpret, the investigator and their supervisor need to consider the risks (to both the investigation/prosecution and the member).

In addition to the risks of using an unqualified interpreter, these specific risks also need consideration:

- any conflict of interest (real or perceived) in relation to any party
- the employee's language fluency
- is the employee a qualified interpreter

- the employee's understanding of the Police interpreting process
- facing a challenge by defence as to accuracy and lack of impartiality.

How to access qualified interpreters and related information

See the following resources:

- Ministry of Business, Employment and Innovation provide information about [how to access telephone and video interpreting services](#) with 'Connecting Now'
- 'Interpreting Services - Connecting Now' chapter in the Police Manual for guidance about 'Connecting Now' as a [Government service](#) delivering telephone and video interpreting to approved government agencies, through a syndicated agreement.

Procedures when using interpreters at suspect interview

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

Interview phase

Planning and preparation

- Establish whether an interpreter is required. Find out the country they come from and the exact language they speak (e.g. a Chinese person may speak Mandarin or Cantonese).
- Arrange for an interpreter using the contracted interpreting service or your station's list of interpreters (ideally you should use a professional interpreter rather than a Police employee). Provide the interpreter with an outline of the nature of the incident and the reason for interview, e.g. suspect for a family violence incident.
- Ascertain whether the interpreter is an appropriate person to assist. They must be:
 - able to write and speak the suspect's language fluently (or in the case of hearing impaired, to sign - see [Interpreting for the deaf](#))
 - impartial and independent, e.g. has no prior knowledge of the suspect or witnesses involved in the investigation.
- If they know any of the parties involved in the investigation (including the suspect and victim), they should only be used in exceptional circumstances, i.e. no one else is available and the interview cannot be delayed. The extent of the connection should also be taken into account when making this decision. If you use an interpreter who knows the parties involved, keep a record of your rationale in your notebook or on a jobsheet.
- Ask the interpreter for their qualifications and contact details or those of their organisation. Record these in your notebook.
- Video record the interview if possible. This makes the process more efficient and provides an accurate record of what was said if the quality of interpretation later becomes an issue.
- Prepare for the interview in the usual manner.
- When the interpreter arrives:
 - allow the interpreter the opportunity to brief both you and the suspect on their professional role and how they will conduct themselves
 - if necessary, inform the interpreter their role is to interpret your questions and the suspect's answers back to you
 - their interpretation should be as direct as possible in 'first person'.
 - ensure the interpreter understands the importance of the caution/rights.
- Answer the interpreter's questions about the interview process.
- Consider seeking advice from the interpreter about any communication issues that may arise.
- Discuss the interpreter's needs in regard to size of blocks for interpretation. This will vary between interpreters, and may particularly impact on the free narrative phase of an account.
- Discuss the interpreter's needs for breaks during the interview (interpreting may be tiring, especially signing. Quality interpreting means quality information).

Breaks during interviews

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

Written statements

With written statements ensure:

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

Example for a written statement with an interpreter

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

At the end, invite:

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

Endorse the statement as you usually would.

Transcription

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

Suspects in family violence incidents

Interview model

Interviews for suspects in family violence incidents should be conducted using the conversation management interview model (see 'Account' in the '[Investigative interviewing suspect guide](#)').

Investigatively important topics

Cover the following during the '[account](#)' interview phase under investigatively important topics (in no particular order):

- most recent episode(s) should be covered first
- history, current status, any future intentions regarding the relationship between the suspect and victim, relevant information for bail considerations
- witnesses to episode, including children exposed to family harm
- relationship with other family members (especially those who might be witnesses, or where there may be cultural dynamics which see a co-offender enabling family harm within the same family group, e.g, mother/mother-in-law assisting suspect with power and control or placing pressure on the victim not to leave)
- suspect's character and motive for committing the offence(s)
- circumstances leading up to the offence(s)
- previous episodes of violence or abuse in the relationship (to obtain episodic context and identification of other potential offending)
- future residence
- relationship with children, potential offending against children including neglect and contact agreements if applicable.

Where a suspect has previous family violence convictions including against former partners, consider use of propensity evidence to assist with evidential sufficiency.

Note: This section will be updated further during 2017 to reflect changes being made to response and investigation of family harm or family violence investigations.

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