



The work of intercept interpreters in lawful communication surveillance: A daily trade-off between formal requirements and informal needs

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ABSTRACT

Intercept interpreters ensure the interlinguistic transfer from oral conversations wiretapped by the police into written evidence that is used in criminal proceedings. So far, this element of the criminal proceedings has received little attention in research, and knowledge on practical implementation of the formal requirements and the related informal practices is scarce. Using Switzerland as a case study, this article examines the daily practices of intercept interpreters within the legal framework. Theoretically, this study aligns with Lipsky's (1980/2010) concept of "street-level bureaucracy". It is based on 24 semi-structured interviews with intercept interpreters and police officers and on an observational study conducted at the intercept interpreters' workplace in a Swiss police department. The major finding of our qualitative content analysis is that the formal framework is felt as a corset by police officers, and that the police and the intercept interpreters are loosening it in their daily cooperation. However, this is not disclosed in the final production of the formal evidence. Furthermore, the findings show that both are aware of the daily trade-offs between formal requirements and the need for informal working processes.

1. Introduction

During secret communications surveillance, the police follow the activities of suspected criminals to collect information for their investigations and for public prosecutors and judges to use in later proceedings. These surveillance measures include interception of conversations on wiretapped mobile and landline telephones and in bugged premises and vehicles. When surveillance includes following foreign-language-speaking suspects, intercept interpreters are indispensable service partners. They listen to the foreign-language conversations live or on audio recordings and transfer the oral conversation in the source language into a written translation in the target language, that is, the language of the criminal proceeding (Capus and Havelka, 2021). In this context, there are three types of written translation: short notes (e.g., "irrelevant conversation"), summaries and literal translations (Capus and Griebel, 2021). Summaries are used by intercept interpreters to selectively record potentially relevant conversation for further investigation. In contrast, literal translations, or "translated wiretap records" (TWR), contain the largely verbatim transcribed conversations or, at least, sequences of the conversations. These TWR are reserved as important information that may be used in subsequent investigative interviews with the suspect and in court as evidence (ibid).

In Switzerland, where the present study was conducted, the law does only fragmentarily deal with intercept interpreters (for an in-

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depth review of these general legal rules, see [Capus and Bally, 2020](#)), and, hence, federal supreme court rulings (hereinafter abbreviated as FSC) had occasionally to supplement the legal framework ([Capus and Griebel, 2021](#)). In sum, the legal framework regulating the activity of intercept interpreters looks as follows: First, the division of tasks between the investigator and the intercept interpreter must be disclosed and documented in the case file. Second, the intercept interpreter must work exclusively as instructed by the investigator. Third, the triage of criminally relevant information is the exclusive concern of police investigators. Fourth, criminalistic interpretations regarding verbal and paraverbal messages must be clearly indicated in the TWR, and the instructions from the investigators to the intercept interpreters must be documented in the dossier. Furthermore, the FSC mandates that the interpretation of content is the sole responsibility of the investigators. Therefore, according to the current case law, when carrying out his or her activity, the intercept interpreter has no room to manoeuvre but is tightly bound to the instructions and work of the police investigators. If the TWR is used as evidence, it must show that the legal requirements have been met; otherwise, it may be disputed by the suspects and, consequently, no longer be relied upon in the criminal proceeding.

The lawful communication surveillance, particularly if intercept interpreters are involved, has so far received scant attention in the scientific community (but see [Bucholtz, 2009](#); [Gilbert and Heydon, 2021](#); [Taibi and Martin, 2012](#)). In legal TIS, previous research on interpreting in legal and judicial settings studies have focused on triadic communication situations, i.e., the interpreter as a third party in a communication situation enables mutual understanding and thus also guarantees the right to be heard (e.g., [Kadrić, 2019, 2021](#)).

Research on written legal translation including judicial translation mainly focus on the transfer of legal language and legal content i.e., regarding the differences between legal orders or to the particularities of translation in institutional contexts (e.g., [Svoboda et al., 2017](#)). An established theory used in legal translation research and teaching is Nord's functionalist theory ([Nord, 1991](#); see also [Capus and Griebel, 2021](#)) that is based on the groundbreaking *skopos theory* of Reiss and Vermeer from 1984 (2014). Nord postulates that the purpose of the translated target text and the translation brief given by the customer or "initiator" ([Nord, 1991](#), p. 93) determine the choice of the translation strategy. Nord distinguishes between a documentary translation strategy, which explicates linguistic, cultural and situational features of the source text, and an instrumental translation, in which the target text functions like an original text. In legal translation, the functional approach has been widely used, as a legal target text often needs to inform on specificities of the legal system of the source text, thus requiring a documentary translations strategy; in other cases, the target text may need to function as a legal instrument in the same way as the source text, as is the case in multilingual countries like Switzerland or multilingual institutions like the EU where, e.g., norm texts have the same validity and "function" in all the languages (see, e.g., [Dullion, 2000](#); [Šarčević, 1997, 2012](#)). In addition, instrumental translation is the strategy of choice for many other literary and professional text genres ([Nord, 2011](#)). In the case of communication surveillance, intercept interpreters translate communication between two or more parties solely for the purposes of criminal prosecution. Their most important task consists in the interlinguistic transfer of spoken everyday and milieu language, dialects, as well as coded language among offenders and in the analysis of the conversation's content with regard to its possible criminal relevance. Thus, for the police, prosecutors and judges to understand the conversations between the intercepted persons in their entire situational, cultural and contextual dimension, they need either a documentary translation with corresponding explanatory notes by the intercept interpreter or an instrumental translation that is appropriately formulated with regard to the target language idiom and socio-cultural language use (cf. [Capus and Griebel, 2021](#)).

Despite established theories on translation, professionals in the legal and judicial context up to the present are often convinced "that interpreters act as machines or conduits, repeating verbatim what they hear in one language in another" ([Hale, 2010](#), p. 8) and that translation and particularly interlinguistic interpreting consist of an interlingual 1:1 transfer of syntagms (e.g., [Angelelli, 2004](#); [Angelelli and Osman, 2007](#); [Hale, 2015](#)). This verbatim transfer, though, can also lead to serious misunderstandings or misinterpretations and thus influence the outcome of criminal proceedings ([Bucholtz, 2009](#); [Gilbert and Heydon, 2021](#); [Taibi and Martin, 2012](#)). This is all the more true as, unlike in triadic settings, in intercept interpreting the translational activity is performed without the presence of the communication parties who could exercise control ([Gradišćević-Savić, 2020](#)). The law enforcement authorities only get to see the translatum without recourse to the source text.

Having said this, the idea of a "conduit" is also reflected in the above-mentioned rulings of the FSC. The court stipulates the literal translation of the intercepted conversations and considers that the criminalistic interpretation can then be made exclusively by the police, the prosecutor or the judge. However, it is a matter of fact that these actors do not understand the source language and only the intercept interpreters can make certain decisions, such as whether a particular communication is relevant for the ongoing investigation and thus needs to be translated and recorded in writing. The obvious question then arises as to how the formal provisions of the FSC are understood and implemented in practice.

So far, not only research on translation and interpreting but also social science research on institutions and bureaucracies has neglected this topic.¹ The present study, therefore, aims to contribute to this research gap. Based on a qualitative content analysis of data from 24 semi-structured interviews and from field notes of an observational study, this article describes and analyses the actual practice of intercept interpreters and police officers in lawful interception of communications and thus of a sensitive field that is difficult to access for research. We will show that there are several patterns of practice that allow intercept interpreters and police officers to produce translations that are suitable for evidence despite the challenging legal framework.

Theoretically, our study is aligned with the concept of "street-level bureaucracy", which goes back to Lipsky (1980/2010) and is an established concept for the study of the behaviour of employees at the front line of all areas of public administration (for an overview,

¹ This is also the case for translation and interpreting studies (TIS). Although TIS have increasingly turned to sociological approaches in recent years (e.g., [Angelelli, 2014](#); [Pym et al., 2008](#)), research has, to our knowledge, never considered the work of translators and interpreters for public authorities and especially for the police and the judiciary from the theoretical perspective of the street-level bureaucracy.

see [Hupe et al., 2015](#); [Maynard-Moody and Portillo, 2010](#); [Portillo and Rudes, 2014](#)). Lipsky considers “street-level bureaucrats” (SLBs) to be employees of public services, such as police officers or social workers who work at the operational level, “[...] who interact directly with citizens in the course of their jobs, and who have substantial discretion in the execution of their work” (Lipsky, 1980/2010, p. 3). According to [Lipsky \(1980/2010\)](#) and later street-level bureaucracy researcher (e.g., [Hupe, 2013](#); [Wagenaar, 2020](#)), the substantial discretion of SLBs is both an indispensable necessity for the SLBs to adapt the official rules and regulations to each specific case and a prerequisite for the rise of informal practices. Therefore, our study differs in two ways from existing studies on street-level bureaucracies. In our context, police and intercept interpreters do not interact directly with citizens, obviously, as the interception of communication is a secret action. Still, they both work on the front lines and have, as we will show, discretionary powers. Further, the fact that police and intercept interpreters are involved allows to include the aspect of inter-professionalism. In doing so, we extended previous studies on street-level bureaucracies, which mainly referred to one profession, such as police officers in police organisations (e.g., [Loyens, 2014](#); [Cohen and Cohen, 2021](#)) or officials in the administration of migration and asylum (e.g., [Borrelli, 2021](#); [Dahlvik, 2016](#); but see [Halliday et al., 2009](#), for an exception).

Section 2 describes key aspects of Lipsky’s concept of “street-level bureaucracy” and the further development in relation to our specific topic, and section 3 explains the data and methods applied in our study. The empirical findings of our analysis are presented in section 4 and are discussed in section 5 that also includes our main conclusions.

2. “Street-level bureaucracies” as theoretical framework

The functioning of bureaucracies is governed by legal and administrative rules, directives and procedures. Though, formal rules enacted by the legislation and management of bureaucracies are often incomplete and imprecise, or even “opaque” and “inscrutable” ([Hoag, 2011](#), p. 82). Consequently, they contain considerable room for manoeuvring. According to Lipsky’s seminal theory from 1980, room for manoeuvring, that is discretion, allows SLBs to apply the formal rules to a wide variety of individual cases, as they encounter unique situations that cannot be covered even by a comprehensive set of rules (Lipsky, 1980/2010, p. 15). [Brodkin \(2008, p. 319\)](#) formulated the need for discretionary behaviour more radically: “Between ‘great expectations’ and ‘ruined hopes’ lay the uncharted terrain of implementation, the so-called ‘black box’ into which policy ideas disappeared only to re-emerge in unrecognizable form, if at all”. Thus, SLBs decide how exactly the formal rules are to be understood and applied in each specific case. In some cases, the room for manoeuvring is even deliberately created by the legislature’s unwillingness to enact regulations on complicated matters: “A typical mechanism of legislative conflict resolution is to pass on intractable conflicts for resolution (or continued irresolution) at the administrative level” (Lipsky, 1980/2010, p. 41). SLBs, as members of the lowest hierarchical level, must solve these problems. Therefore, the importance of discretion in bureaucracies is “fairly obvious” (*ibid.*, p. 14) not only for SLB as professionals but also for less-qualified employees, although their room for manoeuvring is smaller and their supervision is greater (*ibid.*).

Discretionary behaviour, be it called “coping mechanism”, “informal routine” or “pattern of practice” (Lipsky, 1980/2010) is valued differently. From a normative perspective, the abidance by formal rules in bureaucracies is important because “laws, as well as the by-laws, regulations and administrative rules based on that body of law, represent the rule of law of a country” ([Wagenaar, 2020](#), p. 259; see also [Maynard-Moody and Musheno, 2003](#)). Accordingly, the use of discretion is often viewed sceptically and, especially in police work, is associated with arbitrary or even corrupt behaviour ([Loyens, 2014](#); [Wagenaar, 2020](#)). In contrast, according to the SLB research, discretion of SLB cannot be eradicated (Lipsky, 1980/2010, p. 28) as the formal rules are an abstraction that are only defined in its implementation, i.e., in the interaction state-citizen (Lipsky, 1980/2010; [Portillo and Rudes, 2014](#)). [Wagenaar \(2020, p. 261\)](#) argues even, that rules cannot be separated from its implementation, as “rules and their ‘application’ are part of the same practice”. SLB research, thus, elevates the SLBs to the “ultimate policy makers” ([Portillo and Rudes, 2014](#); see also [Hupe and Hill, 2007](#); Lipsky, 1980/2010).

Given the importance of discretion, numerous studies examined discretionary behaviour in bureaucracies including that of police officers (e.g., Lipsky, 1980/2010; [Cohen and Cohen, 2021](#); [Loyens, 2014](#); [Oberfield, 2010](#)). Lipsky described how compliance with rules in the daily work of SLBs is associated with various tensions and dilemmas due to factors at the organisational level such as work conditions, e.g., time constraints, cost pressure, and inadequate personal resources (Lipsky, 1980/2010, p. 29–31) or conflicting claims and goals of the SLBs and management (*ibid.*, p. 19–24; see [Oberfield \(2010\)](#) for a more recent study on the effect of the organisational influence). [Loyens \(2014\)](#) shows that the use of discretion is also situation dependent. For example, a police officer will refrain from handcuffing a suspect during an arrest, which is a breach of the rules, in order to create goodwill towards a potential informant and, thus, ensure the success of the investigation.

However, these studies on police practice focus on SLB behaviour of single professions. SLB studies on interprofessional relations address important aspects of our research topic. For example, [Halliday et al. \(2009\)](#) found out that “relative professional status” and “status anxiety” lead social workers to anticipate and adapt their output to presumed assessments of their work by a professional group with the higher status, that is, the judges. Likewise, [Miaz and Achermann \(2022\)](#) state that “interprofessional influence” affects decision-making on immigration detention and, thus, SLBs exercise “relational discretion”. Anticipation of the practices of other actors and experiences from cooperation lead to an internalisation of the practices of those actors of higher status. Another important aspect is examined by [Thomann et al. \(2018\)](#), who investigate “for-profit SLBs”, whose coping strategies vis-à-vis clients and contracting authorities may also be influenced by their own financial interests. Their results suggest that under “certain circumstances, ‘for-profit street-level bureaucrats’ have particular difficulties reconciling rule pressure with market incentives and client demands” ([Thomann et al., 2018, p. 299](#)). Nevertheless, [Nielsen \(2006\)](#) criticises that in SLB studies based on Lipsky it is often assumed that coping strategies are essentially negatively motivated (never-ending and indefinite demands from clients, insufficient resources, tensions).

In communication surveillance, the desired result – i.e. the success of the investigation and the production of valid evidence – can

only be achieved through interprofessional collaboration. Our topic differs from previous studies on interprofessional street-level bureaucracy in two key points: First, although intercept interpreters are equated to other experts in criminal proceedings under Swiss law, the same rules do not apply to them. As explained above, they are only allowed to work on the instruction of the police and – formally – have no authority of their own to interpret the contents of conversations with regard to their criminal relevance (Capus and Bally, 2020; Capus and Griebel, 2021). Second, a large part of intercept interpreters has no vocational training in translation and/or interpreting, i.e. they are only bilinguals without translational background (Capus and Havelka, 2021). While the above-mentioned studies assume cooperation on an equal footing despite the possible relative professional status of the various professional groups, and while all those actors can refer to their respective professional rules, standards and theories, the intercept interpreters lack any common ground. Therefore, the definition of the tasks, rules, professional ethical and deontological standards of this group with low “relative professional status” is in the hands of other SLBs, that is, the police, prosecutors and judges.

3. Data and methods

The data in our study comprise 24 semi-structured interviews with intercept interpreters and police officers and field notes of an observational study conducted at the workplace of intercept interpreters in a Swiss police department.² The interviews mainly occurred on police premises, generally in the offices of the intercept interpreters or police officers. Because of measures taken due to the Covid-19 pandemic, five interviews were conducted online via a secured video-conferencing platform. All interviews were conducted either in German or French and were subsequently transcribed by respective native speakers. Features of the oral dialogue, such as sentence breaks, repetitions, overlaps, and grammatical errors, were slightly adjusted solely to improve the readability of the statements. The quotations used in this article have been anonymised where applicable and translated into English by the authors.

Of the 24 participants interviewed, 14 were intercept interpreters and 10 were police officers who work in different Swiss cantons. All police officers have experience with secret communication surveillance and, hence, with collaboration with intercept interpreters. The latter also work in different cantons within communications surveillance, translating from one or more first languages (either mother tongue [s] or language [s] of education) into the respective procedural language. Except for one person, the interviewed intercept interpreters had not received academic training in translation and/or interpreting. However, before or during their work as intercept interpreters, most had completed an official accreditation process or participated in special training courses and thus received basic legal, translation, and interpretation training. In Switzerland, intercept interpreters commonly work on a freelance basis and are recruited by the police for specific investigations. The duration of all interviews was around 30 h, and the total amount of interview transcriptions was 901 standard pages (1500 characters per standard page).

Informed consent was obtained from all interviewees whose interviews were audio-recorded or video-recorded for this study. Consent was given orally at the beginning of the interview. In agreement with the respective police authorities, participation in the interviews was allowed during paid working hours. If this was not the case, as for the intercept interpreters, the interview was remunerated with CHF 70, which corresponded to the intercept interpreters’ rate for one working hour. Additionally, this study was approved by the police authorities involved. To ensure confidentiality, we do not name the institutions.

The work of intercept interpreters was also observed for five days in a Swiss police station in August 2020. In March 2021, another short, 2-h selective observation was conducted in another cantonal police department following an interview to clarify open questions from the first observation (Spradley, 1980). During the first field study, the first author had free access to the premises, and she observed intercept interpreters in their offices during their daily monitoring and translation work, accompanied them to investigative interviews, discussed specific translation-related questions and problems, and participated in coffee and lunch breaks. She recorded her observations, analysis, and interpretations in research diaries. These observations allowed us to cross-check the statements from the interviews (i.e., to confirm or falsify them).

Analysis of the data was based on the qualitative content-structuring approach (Kuckartz, 2016; Mayring, 2015) and was performed using Atlas.ti software. According to this approach, we performed two rounds of data coding. In the first round, we identified all sequences that, according to Lipsky (1980/2010), described (a) formal rules, (b) work conditions, (c) tensions, (d) coping mechanisms, and (e) formal practices. In the second round, we restructured the results into three main categories with respective subcategories. Some examples of the subcategories relevant to this study are displayed in Table 1.

Both authors coded the data. To ensure inter-coder reliability, four interviews were double-coded in a first step, and in the event of disagreements, the codes were defined more precisely using conventions. The coding for the remaining data was then cross-validated, and disagreements were resolved by discussion among the two coders, who applied the qualitative approach of “subjective assessment” (Guest et al., 2012) or “consensual coding” (Kuckartz, 2016, pp. 211–212).

4. Data analysis: Police’s and intercept interpreters’ daily trade-offs between formal rules and work conditions

The FSC rulings presented in the introduction aim to guarantee that the prosecutor’s office and police have full authority over an investigation. As a result, intercept interpreters’ contribution to investigations remains largely invisible (Capus and Griebel, 2021). One of the fundamental formal rules is that intercept interpreters work exclusively as instructed by the police. According to Capus and

² The interviews were conducted by the first author (in collaboration with Damian Rosset), and the observation was performed by the first author. The data were collected as part of the research project “Intercepting with interpreters” directed by Nadja Capus at the University of Neuchâtel and funded by the Swiss National Science Foundation (project no. 100011_184896).

Table 1
Overview of coding.

Main category	Subcodes	Examples for Subcodes
Formal rules and work conditions	11	Formal rules (FR) instructions, FR interpretations, FR triage, Work condition (WC) time/cost/advocate pressure, WC inter-professional work
Tensions	6	Tension (TE) dependency, TE triage
Practices	28	Practices formal (PF) triage, PF interpretations, Practices coping (PC) triage, PC interpretations, PC oral information police-interpreter, PC oral information interpreter-police, Practices coping of intercept interpreters (PCSM) triage, PCSM interpretations

Griebel, 2021), this FSC provision concerns all activities of the process of the surveillance of communication. A second crucial rule directly related to the first one clearly divides tasks between police and intercept interpreters. These instructions regarding the work division must be transparent in the criminal file, or the TWR can be contested by the defence lawyer of the accused.

There are lawyers who have become more and more specialised in criminal law and who are starting to ask questions during trial. How do you translate, why do you translate, in what form do you translate, who interprets, etc. (Police officer 7)

As a consequence, it must be verifiable in the case file which parts of the conversations are deemed criminally relevant and are, therefore, recorded within writing in the computer system. Additionally, the case file must also clearly show in what form the translated content is made accessible—that is, what kind of written document or “translatum” (Reiss and Vermeer, 2014) is to be produced (e.g., a short summary or a “1:1 record”, i.e., TWR). Additionally, it must be recognisable who has made the interpretation of the conversations.

It is clear that the investigators have a strong interest in ensuring that the TWRs are not attacked by lawyers. At the same time their discretion in daily cooperation processes “gives fluidity” to the work (Brodkin, 2020, p. 68). Our data analysis, therefore, focused on those *patterns of practice* that are related to: the triage of information, the type of translatum to be produced (section 4.1), and the interpretation of conversation content (section 4.2). We explored the work steps, instructions, and divisions of task and addressed the work conditions and tensions arising from the legal framework’s conditions and goals. The analysis revealed one central *coping mechanism* or *pattern of practice*, that is, the oral transfer of information between police and intercept interpreters (section 4.3).

4.1. Triage of information and production of *translata*

When communications surveillance is used, all intercepted conversations must be documented. We will show, though, that triage is indispensable due to limited time and cost and in order to guarantee efficient investigations, and that police filter out those conversations that will not further their investigations. They are also aware that the recordings they choose as evidence can be contested by the defence.

Even if we talk about family, the weather, the car—which has nothing to do with the case—or the, or the (...) family conversations that are totally unproductive for the investigation, they have to be recorded in writing, because lawyers had said, “But who, who interprets the fact that it is not useful for our clients?” We had to answer, “But it’s the police”. We told them that it’s not interesting for the investigation, but the lawyer said, “But that’s what you say, and somehow, you are perhaps not objective”. (Police officer 7)

To comply with documentation requirements and efficiency constraints, only conversations relevant to the case are documented in the dossier, while all other tapped conversations are stored as audio files in the database of the police and the public prosecutor’s office. Regarding the division of tasks between the police and the intercept interpreters, the intercept interpreters have to listen exclusively to the conversations in their first language(s) and translate them into the respective official language. As they listen to the conversations, they directly produce the translation as necessary. Intralingual transcription does not occur. Conversations conducted in the official language are to be listened to and transcribed by the police themselves.

Thus, at the very beginning of the triage process, only police have access to all conversations recorded on the monitored lines or in bugged vehicles or homes. The intercept interpreters have access only to information that the police officers make available to them in the computer system. The police can assign respective conversations to specific intercept interpreters either based on telephone numbers, if they know that calls made from certain telephone numbers are in a certain language, or based on the conversations, if they can recognise the conversation’s language. Both ways assure that intercept interpreters are assigned only those audio recordings in the computer system that are to be translated by them, and thus, both ways are in line with the formal requirements. Consequently, in practice, some police officers grant interpreters only limited access to intercepted conversations:

What we want to avoid is that the interpreter, while he/she is alone in his/her office, during the day, goes to listen to conversations in [official language] or in [foreign language], and then he/she can listen to things that do not concern him/her, so we will give the interpreter in a specific file, in the machine, only the translations that concern him/her. (Police officer 7)

Other police officers give the intercept interpreters more responsibility for triage of information by allowing them to “listen to everything to know who [the suspects] are dealing with and who the contacts are, and then afterwards, the investigators sort out what is most important” (Intercept interpreter 13). If the police provide limited access, the initial triage of information and distribution of

tasks lie exclusively with the police; if the intercept interpreters are granted access to all conversations from the beginning, they take an active role in the initial triage of information.

The second phase of triage begins with the selection of conversations potentially relevant to the investigation. While listening to the audio recordings, the intercept interpreters sort the conversations into those that are potentially relevant and those that are irrelevant. They then summarise potentially relevant conversations in written form in the target language while storing non-relevant conversations in the computer system with a short note (e.g., “irrelevant”).

The third triage step is, in general, performed by the police. Based on the summarising translations produced by the intercept interpreters, the investigators decide whether the conversation is relevant or not. If they consider the conversation to be important for further investigation, they instruct the intercept interpreters to produce a TWR of the entire conversation or of its relevant parts. In urgent cases, the investigator can mark certain calls as priority in the computer system so that the intercept interpreter immediately creates a TWR of those that are potentially important for the investigation. However, intercept interpreters, especially those who are experienced and regularly work with the police, sometimes produce TWRs at their own discretion, or at least suggest which conversations should be fully translated. In these instances, they identify criminally relevant conversation content.

[...] Then they also come and say/make the suggestion right away: “Should I write this 1:1?” Because they themselves know that this is very important. They have the experience and know, here they are speaking so clearly now, or that it is really about the drug business, he/she certainly needs that, the investigator or so. Then they already come with the suggestion, “Should I write it like this?” and then we discuss it briefly: “Yeah, sure”. [...] Or if he/she already knows, “Hey, I already wrote this 1:1”. Then I’m happy; then I don’t have to read through it and sort out, “Do the 1:1 please”, and there I’m super happy, and then he/she knows that and then, “Hey, cool work”. (Police officer 5)

Fig. 1 illustrates the triage process with the two different starting points: either the police select conversations according to “objective” criteria, such as the telephone number or the language used, and the intercept interpreter only has access to the selected audio recordings, or the intercept interpreter is instructed in the beginning to listen to all the audio recordings and sort them out.

The figure reveals that although, according to the FSC, information triage must be the responsibility of the investigators, the intercept interpreters can be involved in the triage process from the beginning. In Fig. 1, all triage stages in which the responsibility is shifted to the intercept interpreter are highlighted in grey. This shift of triage responsibility is mainly due to two reasons. First, the police cannot understand the conversation’s content because they do not understand the conversation’s language. This lack of language competence is a crucial work condition that generates tensions within the entire work process. As the police do not understand the conversation’s language, they completely depend on the prior production of the conversation’s summary in a language they understand in order to sort out criminally relevant content. This summary can only be produced by intercept interpreters, and the police must also rely on it to decide which conversations should be subject to a TWR.

Since the investigators only understand the conversations in their language, they are cut off from part of the information. However,

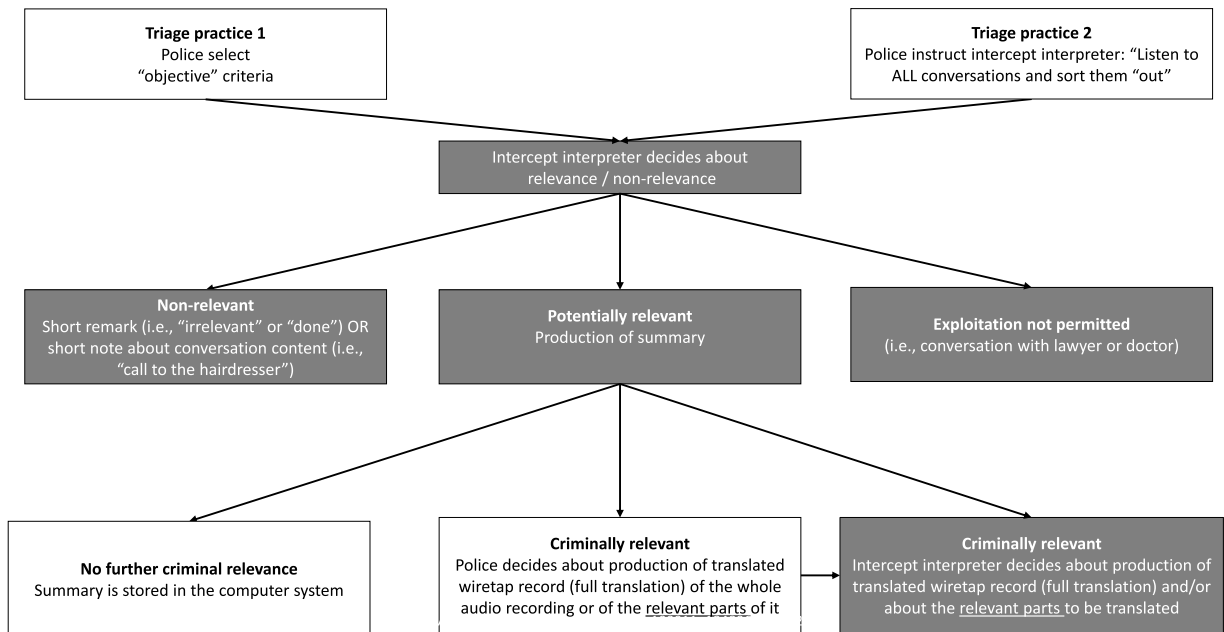


Fig. 1. Information triage: Processes and work division, with white text boxes indicating police officer responsibilities and grey text boxes indicating interpreter responsibilities.

the same applies to the intercept interpreters if the police allow them to listen only to selected recordings during the first step of the triage process. This makes it difficult for intercept interpreters to establish logical links between conversations and, therefore, to understand the tapped conversations. Thus, the loss of information affects both sides and causes mutual dependence in the triage process: the police can only assess the relevance of conversations based on prior translation, but the intercept interpreters can only identify relevant conversations if they receive contextual information from the police. Therefore, the police sometimes instruct the intercept interpreters to listen to all tapped conversations:

Yes, but that's why we have to listen to ALL [the conversations] of the people. Because sometimes the investigator overhears something, because he [the suspect] speaks to his girlfriend and SUDDENLY he says, "You know, you have to receive the man". Then we know, from this moment it is no longer the girlfriend, but she participates. But the investigators sometimes don't hear/they don't/they don't hear that. [...] That's why they insist on the fact that those of us, who do 'operative interpreting' [A.n.: listen to live conversations and orally translate or summarize them in real time], listen to all // conversations. // (Intercept interpreter 2)

Another reason for granting the intercept interpreters access to all recordings may be the fact that the police officers do not understand strong accents in conversations held in their language, so they delegate the intralingual transcription of these conversations to the intercept interpreters:

They have to do it themselves. We are not allowed to do that. Although (...) 99 percent we do because we understand the accents. And the investigator understands that/even though it's in [official language], he [the suspect] say, "Hey, bro. You, y'u". So without verbs sometimes, but we add the verbs because we know/it's our countrymen, we know what they want to say. So the [official] language is also sometimes not easy to translate for the investigator. (Intercept interpreter 2)

As a second reason, time pressure and cost efficiency play important roles in decisions about shifting triage-related tasks to the intercept interpreters; while listening to the recordings, the intercept interpreters summarise and thus make conversation content quickly accessible. The investigators can analyse the summaries directly in the computer system when they need quick information or read through it later. TWRs may also be produced in a later stage of the criminal proceedings and are generally not needed to further the investigation. Instead, they are needed later in the proceeding for investigative interviewing or in court. Thus, time and cost pressure not only concern the police but also the intercept interpreters, who have to organise their daily work.

Because there is a very large volume of phone calls, of (...) otherwise data that you also have to evaluate quickly, and what we do for example is just [...] a quick summary and then you have to move on. [...] When the operation is done, then you have ENOUGH time. (Intercept interpreter 3)

In summary, information triage is a multi-level process that begins with the delegation of recordings to be processed by intercept interpreters and is entirely based on the translational activity. Therefore, responsibility for triage does not lie exclusively with the police, but either with the police or the intercept interpreters. Relational discretion, as [Miaz and Achermann \(2022\)](#) describe it, is thus inherent in the system. In the course of the triage process, the police decide whether a TWR is needed—that is, whether a piece of evidence should be produced. Sometimes, the intercept interpreters anticipate this decision and produce a TWR upon their own discretion. The police do not see this as an infringement of competences, but as an efficient support in their own work. Some of the interviewed police officers mentioned such proactive behaviour as particularly positive. Thus, if intercept interpreters make use of their discretion, this can also be positively motivated and positively sanctioned, as described by [Nielsen \(2006\)](#).

It turned out that in every stage of the process, responsibility for triage is shifted to the intercept interpreters, who in turn develop common interpreter-specific, but also very individual, coping strategies. These personal strategies refer to, for example, the content of their summaries, for which it "is quite selective what we mention in the summary" (Observation, day 4). Other individual coping mechanisms relate to how the intercept interpreters deal with the responsibility to sort out irrelevant recordings:

But there is a record of every conversation. I do never write only "irrelevant". Never. I always leave a trace. (Intercept interpreter 13)

By assuming their specific responsibility in the triage process, the intercept interpreters are aware that their task extends beyond that of linguistic transfer according to the instructions from the police.

"It's much more than translating, one has to admit it honestly". [Name of interpreter] further reflects, "The moment you write 'irrelevant', you haven't just translated". He thinks about another, more appropriate job title, and says that maybe "analyst" would be more appropriate. (Observation, day 5)

4.2. Authority to interpret criminally relevant content

Swiss case law clearly stipulates that the authority to interpret the content of conversations lies only with the police. From the FSC's perspective, the term *interpretation* refers to coded language used among the suspects; to sociolects, dialects, or culturally specific idioms; and to the classification of statements in the overall context of the investigation. Any notes providing interpretations of coded messages or paralinguistic utterances must be clearly labelled as such in the criminal file, and which instructions were given to the intercept interpreter must be transparent ([Capus and Bally, 2020](#), p. 358). As explained in section 4.1, these requirements collide with police dependence on the prior interlinguistic and intercultural transfer of the conversation to interpret what is spoken between

suspects. This dependence on the intercept interpreters affects several important police tasks. First, they need the basic linguistic support of the intercept interpreters to understand the conversations. Second, they need information on how codes, sociolects, dialects, or culturally specific idioms are to be understood because the conversations and behaviour of the suspects can only be assessed with this information. Third, the fact that the police only have indirect access to a portion of the information hinders their overall view of the suspects, their behaviour, and therefore, the case.

If interpretations are fixed in writing, their amount and extent seem to vary according to the translation product. Summaries that primarily provide investigators an overview of the conversation's content and that are then stored in the computer system leave more room for interpretation of the intercept interpreter, while in the TWR, i.e., the piece of evidence, such interpretations are less frequent and must be clearly marked.

[...] And the summary, I'll say, the summary ((laughs)) leaves a bit more room for manoeuvre. ((laughs)) So there is more leeway in favour of the accused and in favour of us, of course, that we can somehow, I say, paraphrase a conversation with two sentences about what it is about, and in which perhaps, yes, it is summarised somewhat boldly [...]. (Police officer 6)

As for summarised translations, this room for manoeuvre grants discretion to intercept interpreters to note what seems important and omit what seems irrelevant according to their understanding and state of knowledge. As described in section 4.1, however, the intercept interpreters' decoding and interpretation depend on the quantity of information they have acquired about the specific case and are considered difficult tasks.

... because we listen, we translate at the same time, we write at the same time, we transcribe live and then we also sort out. At that point, the interpreter's job becomes much more interesting because it's up to us to sort out what's important and what's not, and what is important for the investigator who is going to read it afterwards. Because, as an interpreter, a conversation may not tell me anything at all, but it can be a coded conversation, and for the investigator, who has much more information because there has also been observation from outside, there are many things that he manages differently. To put myself in the monitoring position and say, "This is an interesting conversation; I'm going to translate it word for word", or "This is not an interesting conversation; I'm not going to translate it word for word"—it's difficult to make that difference. It's very difficult. (Intercept interpreter 13)

If discretion is granted to intercept interpreters as it is the case for summarised translations, they develop different summarising and translation strategies for facilitating policework.

[Name of interpreter] says, "It's about the economy of language. You have to try to use as few words as possible to express something. The investigators come in the morning, have x intercept interpreters in the team, and have to read a lot. So, it has to be formulated economically". (Observation, day 5)

Yes, // hm ((thinking)), for me some things are actually logical. You always have to put yourself in the other person's shoes. I hear something, for me it's logical; I heard it, right? But I always have to think about it, if a second or a third person hears it, then they also have to understand what it's about. Above all, he/she doesn't know the foreign language. That's why I always have to explain in detail in the summary what it's about. (Intercept interpreter 4)

Interviewer: And all these elements—hard breathing, the sound of money counting or rustling or whatever [...]—how do all these elements then appear in the written record?

Interviewee: Yes, okay. For example, I among other interpreters in / in our room / we write this, we write this down: "heavy breathing". That's already an indication, isn't it? I mean also for the one who reads, he/she says "Aha, okay, something is not okay there", or/but, these are then very short summaries. (Intercept interpreter 3)

Different rules apply to the TWRs included in the criminal file because the police aim to provide incontestable evidence and consider interpretation an "open door" for potential challenges from lawyers who check the written evidence for formal procedural errors.

[...] and in particular when wiretapping, this is one of the doors, in my opinion, that have been opened to say "attention, phone tapping: interpretations of the interpreter, of the translator, maybe of the police", you know? (Police officer 7)

To resolve the tension between formal requirements and the need for interpretation, all interpretations—those of the police and those of the intercept interpreters—are included within parentheses and marked as "note of the translator/interpreter". This is because the interpretation "has to be recognisable" (Police officer 1). However, merely making the interpretation identifiable is insufficient; interpretations annotated by an intercept interpreter can generally be attacked as a transgression of the formally assigned competencies.

That is all [...] an agreement between the interpreters and the investigator. They taught us that way in the first years when we did it. Or every now and then, if something is interpreted, they bring the text back and say, "Complaint. That shouldn't be in there. Can you do it differently?" Then I say, "Tip-top, that will be deleted, that will be deleted, that will be deleted. The lawyer should make his own porridge". (Intercept interpreter 5)

The formal answer to the dilemma between the need for interpretation and the risk of inadmissibility of the piece of evidence is the literal translation of the statements (see also Capus and Griebel, 2021). Thus, the intercept interpreter

[...] has to write what he/she hears, okay. And if he/she now/ so if they talk about cars and we know/ let's say, we know or assume with great probability, these are drugs, but then he/she still has to write "cars". (Police officer 1)

Formal provisions vary depending upon the parties involved. For example, "the head of the service meets with the principal investigator and explains to him what difficulties were encountered in court and how to avoid them in the future" (Intercept interpreter 2). Conversely, intercept interpreters often receive information directly from the individual police officer for whom they work:

Interviewee: We are allowed/we are always warned that we are not allowed to interpret. So, to write down anything that we assume.

Interviewer: Who warns you?

Interviewee: That's what the investigator says. (Intercept interpreter 5)

Discretion and varying rules lead to different practices that are not always derived from police instructions. Thus, the practices are the intercept interpreters' coping strategies, based on experiences of cooperation with the police, knowledge about preferred practices of certain investigators or prosecutors, or individual conceptions of the translation task. This is what [Miaz and Achermann \(2022, p. 647\)](#) label as "interprofessional influence". Drawing on their experience, the intercept interpreters anticipate what might be required of them and – it is worth stressing, in the absence of adequate translation training – arrive at different strategies. Furthermore, intercept interpreters have no control over the outcome of their work (Lipsky, 1980/2010), that is, they don't know what will happen to their TWR after their part of the cooperation is done. One strategy consists of avoiding any interpretation in the TWR:

Interviewer: And you don't note that in a parenthesis either, that you say, "Presumably it's about drugs"?

Interviewee: No. Why should I do that? Why? Is that what I'm supposed to do? I don't do that. I really try to make VERY few comments, like I said. And thus/ thus I've gotten through very well, okay. I have almost never had any difficulties [...]. And certainly, no interpretations. I am here not to/ to interpret conversation. I am [here] to translate. I am interpreter. I have to put what he/she says, I have to put it on paper, okay. (Intercept interpreter 1)

Other intercept interpreters prefer providing interpretations within brackets, with or without the remark "note of the translator/interpreter".

Interviewee: Well, when it comes to narcotics, then/ so one does the summary. One writes it as he/she says it. And then one can/ write in brackets "interpreter's note". That/ for example "it could be about drug extender" or "these bananas are not bananas", just/.

Interviewer: Then do you write in brackets? And then you add "note // of the interpreter" to it? //

Interviewee: // Yes, "note of the interpreter," exactly// // Yes. (Intercept interpreter 4)

In summary, interpretations are an integral part of the triage process, because triage itself is a form of interpretation. Interpretations are also an integral part of investigative work, as only language-, culture-, and content-related interpretation of conversations allows the police to derive reliable indications of criminal offences. However, since police can only understand translated conversations, part of the investigative work and thus the power of interpretation is passed to the intercept interpreter. As this is not permissible according to the formal rules, the communication of interpretations occurs not only through references in the summaries, which, again, influence the triage process, but also, and predominantly, through oral transfer (section 4.3).

4.3. *Ways out of the dilemmas: oral information transfer and close cooperation*

The interviews with both the police and intercept interpreters revealed that the oral transfer of information within a close, interprofessional collaborative relationship is the central coping strategy for solving the tensions between formal requirements and working conditions. This transfer enables effective investigative work and the preparation of rule-abiding TWRs. The data showed an oral information transfer in two directions: from the police to intercept interpreters to pass on, for example, contextual information about the case or ongoing investigations, and from the intercept interpreters to the police to communicate important, often urgent information and interpretations. Additionally, we identified different modalities of oral transfer: "door-to-door" transfers during the workday (including phone calls, short messages) and meetings of the investigation team on an occasional or a regular basis.

In addition to these forms of oral exchange, a special form of oral information transfer served a specific purpose: The police and the intercept interpreters together listen to conversations live, and the intercept interpreters immediately orally translate the suspects' conversation. These urgent situations may require practices abiding formal rules—that is, the intercept interpreter works on direct instructions from the police, such as the case of an important target or when police must react quickly.

If we are listening to an offence being committed, of course I work with the investigators around me, because we have had cases, for example, of burglary, and they were stealing. So, there I am live, the investigators are next to me; I translate orally for them, in the first phase, and I tell them, "They say this, they do that, you have to go". (Intercept interpreter 12)

Although intercept interpreters work on direct instruction of the police, they assume a high responsibility regarding the course of the investigations and feel that "someone has to give the direction" (Intercept interpreter 2) regarding police action, such as the arrest of the offender during live interception.

Apart from this specific situation, oral information transfer from the police to the intercept interpreters usually occurs at the beginning of their cooperation and during the investigations. In these instances, the transfer provides the intercept interpreters with information on the case, perpetrators, and context. The interviewees agreed that the intercept interpreters need this information to perform their translation tasks. Although the intercept interpreters basically “only have to translate”, they need the assistance from the investigators to gain better intuition. They need to be “sensitised” to “get a feel a little bit” and recognise types of perpetrators, seeing through “how they work” (Police officer 6).

And basically, the intercept interpreter only has to translate. Only to translate. S/he has no other function, and yet it is sometimes important for the intercept interpreters to visualize /for the film in their head, which is why it can happen [...]. Principally we are not allowed to do that, but we show him a photo, for example. (Police officer 3a)

Time pressure and investigation efficiency also play a role; with more comprehensive background knowledge, intercept interpreters can filter relevant information more quickly, as they have a more holistic view of the suspect (cf. section 4.1 regarding access to partial information).

Our interview partners reported different practices and attitudes towards the flow of information that seemed to be related to the confidence level (as well as the duration of the cooperation) of individual police officers and different cantonal police departments. For example, in offices that did not employ intercept interpreters regularly or continuously over many years, greater importance seemed to be attached to the police’s maintaining strict control over the work of the intercept interpreters. Importance was also attached to the intercept interpreters’ working in an instruction-driven manner. In these departments, division of work and hierarchy were clearly defined. In others with “permanent” intercept interpreters, this control occurred at the beginning of the cooperation, insofar as the intercept interpreter was provided with “as much [information] as necessary, as little as possible” (Police officer 3a). However, the more the police relied upon the intercept interpreters, the more information was given and the more the police trusted the interpreters’ appraisal of offenders or situations. Additionally, well-known intercept interpreters were given more freedom to organise their work and filter relevant information.

Nevertheless, the police seem to use reduced information transfer to control the quality of the intercept interpreters’ performance. The intercept interpreters only receive case-specific information that the police deem necessary for the fulfilment of their translation task but, for example, no additional information about the preliminary investigations. Only after the intercept interpreters have reported what they infer and presume from the conversations do the police confirm the interpretations and provide additional information. In doing so, the police gain certainty that the intercept interpreters are interpreting correctly.

The transfer of information from intercept interpreters to the police in the daily work routine provides both quick communication of urgent information and the exchange of information important for the investigation. However, according to the formal rules, this transfer should not appear in the TWR. These door-to-door conversations occur continuously during the day, for example, when the intercept interpreter suspects that “something might be going on” (Intercept interpreter 7) or when important conversation content, like the arrangement of a meeting, has to be communicated immediately. Furthermore, oral communication also serves to clarify uncertainties, for example, when the intercept interpreter cannot interpret statements in conversations and needs additional information. On the other hand, also police rely on the assessments and additional information from the intercept interpreter.

The third, perhaps more time-consuming form of oral transfer is the intercept interpreter’s participation in investigation team meetings. In these discussions, information flows in both directions—that is, the intercept interpreters are asked explicitly for opinions on suspect profiles, evaluation of the actual situation, and interpretation of conversations, and they are called in as cultural mediators. In turn, the intercept interpreters gain better insight into the case and the investigation. If the intercept interpreters are involved in team meetings on a regularly basis, both sides obtain a better overview of the ongoing investigations, as the loss of information mentioned in section 4.1 is compensated. Several interviewees used the image of having to “put the puzzle together”. The intercept interpreters judged the importance of this participation differently: some considered that they only gave their opinion, while others attributed more decisive importance to their cooperation. The importance of the oral transfer of information, again, shows the dependence of the police on the intercept interpreters and the high responsibility of the latter.

Because for us it is very important, or that is my conviction, that the intercept interpreters know the investigation as well as we do. Because only then they are able to recognise the interconnections. [...] Because without the intercept interpreters, our procedure is worth nothing. Because if they don’t hear it, if/ we don’t hear it anyway, because we don’t understand the language. So, the intercept interpreters, they are more important than we actually are when it comes to investigating the offences, because THEY tell us, “Eh, there is something wrong”. (Police officer 6)

The police expect the intercept interpreters to pass on or obtain important information proactively, in a timely manner, and in a way that actively seeks cooperation. This proactive attitude is adopted by the intercept interpreters who often feel that it is their duty to ask questions to obtain information. Some of them are also willing to research independently to expand their knowledge, for example, about international drug trafficking or even certain groups of offenders. Another coping strategy specific to the intercept interpreters is the flow of information among colleagues, who on their own initiative exchange information to obtain a better overview.

Regarding cooperation, the intercept interpreters feel that they are part of the team. They often used the pronoun “we” when talking about the investigative work. This confirms the findings of Halliday et al. (2009) and Miaz and Achermann (2022) that close interprofessional cooperation ensures that intercept interpreters with lower status also feel more secure in their work and do not feel they lose control over the output of their work (Lipsky, 1980/2010) or work in a “social vacuum” (Halliday et al., 2009, p. 422). Besides, they understand themselves also as being part of the investigation. Because they have an overall view on the intercepted conversations, they not only make their own assessments, but also correct possible erroneous assessments made by the police, for

example, when the police have different opinions about if, when, or where meetings of suspects will take place. They also perceive their involvement in the teamwork as providing positive feedback; the mutual trust “spurs you on” (Intercept interpreter 3).

You have to work closely with the investigators [...]. You can't just sit in your bubble, do the transcripts, and then when you're done, you hand over the file. You really have to be a team. (Intercept interpreter 12)

Similarly, the police want the intercept interpreters to be “in the loop”, flexible, and “willing to discuss” (Intercept interpreter 9). However, the police also avoid too much influence from the intercept interpreters, who “sometimes almost have to be stopped” when they are too motivated in giving their appraisal (Police officer 1).

But we have to be careful not to integrate them too much into the team. They should remain neutral. It's always a balancing act. (Police officer 3a)

Regardless of how close the cooperation between individual police officers and intercept interpreters is, our study reveals that informal oral information transfer is, in general, an important pattern of practice as it aims at the exchange of crucial details that should not appear in the TWR that are, however, indispensable for further criminal investigation and for court.

5. Discussion and conclusions

This study aimed to investigate the actual practices, that is the “uncharted terrain of implementation” or “black-box” (Brodkin, 2008, p. 319) of lawful interception of communications with intercept interpreters in the context of the Swiss legal framework. As earlier SLB research has demonstrated for different areas of public administration (see, e.g., Lipsky, 1980/2010; Maynard-Moody and Musheno, 2003), our study shows that formal rules in practice confront SLBs with numerous dilemmas and that SLBs have developed different patterns of practice that overcome the dilemmas and define the abstract norms more precisely. According to our analysis, there are two central dilemmas. The first dilemma consists in, on the one hand, the complete dependence of the police on the intercept interpreter regarding access to information from foreign-language telephone conversations, while, on the other hand, the police is requested to instruct the intercept interpreters in their daily work. This lack of linguistic authority is an insoluble dilemma which is, as Lipsky describes, not due to the insufficient qualifications of the police but “attributable to the nature of the job” (Lipsky, 1980/2010, p. 31). This is why, according to Art. 182 of the Swiss Criminal Procedure Code, the police are allowed to bring in external professionals for their investigative work in the first place. The second dilemma is created by the pressure from lawyers who screen the proceedings for possible procedural errors that might disadvantage their clients. Consequently, police officers face the dilemma that evidence can only be produced using coping strategies, while the final product must comply with formal rules in order not to be disputed by the suspect and his or her lawyer.

Against this background, a variety of coping mechanisms have been identified in our analysis that allow intercept interpreters to overcome these dilemmas and to produce translations for the police that are considered to be valid evidence. The essential coping mechanism lies in oral communication processes. The intercept interpreters and police use the oral communication to ensure the transfer of information that is indispensable for successful investigation, even if this implies interpretations in which the intercept interpreters—from a legal point of view—exceed their competencies. This legal perspective corresponds to the traditional understanding of the interpreter as a “conduit” (Angelelli, 2004; Hale, 2015; Nakane, 2009) who mechanically transfers words from one language into another. From a translational perspective, however, these interpretations are not an excess of competence. Rather, they simply show that the intercept interpreters are “doing their job” (Angermeyer, 2013) as within this perspective, interpretation is an inherent part of translational activity (Chesterman, 2016; Reiss and Vermeer, 2014). Moreover, orality is considered a suitable form of communication because oral communication is ephemeral and leaves no traces in the case files and, therefore, hampers later objections on the part of lawyers, or even makes them impossible. The relevance of such informal means of communication has been demonstrated by earlier research. In Loyens (2014), for example, a police officer “legalized” information of an illegitimate source by passing on the information informally to another police officer who then made an official report based on the information of the first police officer. Besides, with the oral transfer of relevant information, intercept interpreters in our study overcome challenging time constraints, which are a major determinant of their work, especially in ongoing police actions.

With regard to the aspect of interprofessionalism, our study reveals how much practices in the context of lawful surveillance of communication depend on interprofessional relations and that both police officers and intercept interpreters have a room for manoeuvre. In fact, contrary to the FSC's view expressed in its landmark decisions, intercept interpreters do represent a distinct group of SLBs, that is “for-profit SLBs” (Thomann et al., 2018) with their own interests, dilemmas and coping strategies. We have shown that at many points in the process of translation and evidence production, intercept interpreters are granted considerable discretion by the police that they use to decide on the selection of relevant and non-relevant conversation content. In some cases, only intercept interpreters can decide when a piece of information is urgent and of importance to be conveyed orally to the investigators. The specific dilemma of for-profit SLBs mentioned by Thomann et al. (ibid.) are also apparent, because intercept interpreters work on a freelance basis. They have a strong economic interest in being commissioned again and to satisfy the police as their contracting authority. Thus, it is important for them to be both an efficient partner of the police and to anticipate the individual wishes of single investigators and prosecutors (Miaz and Achermann, 2022).

Furthermore, our results suggest that trust plays a key role with regard to the “delegation” of discretion to the intercept interpreters by the police: If intercept interpreters and police officers work together for a long period of time and a relationship of trust has been established, the intercept interpreters are granted more autonomy that allows them to generate own coping strategies. This is the case, for example, in the triage of information and the associated selection of the appropriate type of translatum. Generally speaking, if the

collaboration is closer and more familiar, the police officer tends to grant discretion to the intercept interpreter. In contrast, the more urgent the case and the more unknown the intercept interpreter, the more likely that police officers will instruct intercept interpreters and uphold formal requirements. The result confirms Halliday et al. (2009, p.416) who find greater self-assurance among SLBs with a lower “relative professional status” when they work more closely with SLBs at a higher level. When intercept interpreters are more closely integrated into the team, we can recognise what Miaz and Achermann (2022) call “relational discretion”. The assessment of suspects and their actions and the production of evidence become a collaborative process in which police and intercept interpreters combine their knowledge. The final result is the TWR, which does no longer reveal these informal practices.

As we noted in section 2, intercept interpreters are a particular group of for-profit SLBs, as they are often bilinguals without a translational background (Capus and Havelka, 2021). They lack a common professional ground and a distinct definition of tasks, rules, ethical and deontological standards as other SLBs such as the police or legal professionals have. The fact that they have a low status in the cooperation is therefore not only due to the matter that police officers are official SLBs and intercept interpreters are “only” for-profit SLBs, but it is also a matter of low professional status *per se*. This is reflected in the current case law. Although they are legally equal to other expert witnesses such as forensic psychiatrists, only in the case of intercept interpreters does the law require them to work under the instruction of the police. It seems that the FSC does not consider translational expertise to be equal to other expertise. Thus, future research should investigate the role of intercept interpreters more closely and their necessary competencies (Griebel and Havelka, submitted) in order to enhance their professional status.

In addition to contributing to the theoretical understanding of discretion in interprofessional relations, these findings have two practical implications. First, these findings reinforce the importance of a sound training for intercept interpreters and for interpreters working in triadic settings, e.g., at the police or in courts. Many police officers and legal professionals still believe that bilingualism is a sufficient competence. As a result, many untrained bilinguals are employed, especially for rare languages or in urgent cases. Translational competence, however, goes far beyond pure language knowledge and includes extra-linguistic, strategic, instrumental and theoretical sub-competences (Griebel and Havelka, submitted). Therefore, training programmes are fundamental to improve the quality of work and the professional status of intercept interpreters. Second, from our point of view, a rethinking is necessary in the judiciary. Only when judges recognise that translation is more than the mechanical transfer of words from one language to another, will they actually elevate intercept interpreters to expert witnesses and granting them their own room for manoeuvre – as police officers necessarily already do in their daily work with intercept interpreters.

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