

# A Critique of Translated (isiXhosa to English) Sworn Statements by the South African Police Service

By

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## Declaration

I declare that the thesis hereby submitted by Aviwe Mvabaza for the degree of Master of Arts completed at Rhodes University is my own independent work and has not previously been submitted at another University/Faculty. I furthermore cede copyright of the thesis in favour of Rhodes University.

The views expressed in this work are mine, and I take full and sole responsibility for this work.

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## Abstract

The thesis provides a critique of sworn statement translations in the South African Police Service. The study is a mixed method study, which is rooted in Translation and Forensic Linguistics. It focuses on translations of two languages, IsiXhosa and English, an activity that was observed by the researcher at the Ndevana Police Station under the Buffalo City Municipality near King William's Town in the Eastern Cape Province. In addition to the data collection strategies, among others, the study also collected data through the use of questionnaires responded to by the Ndevana Location's community members.

Furthermore, it used a method of consented interviews with the police officers. The main aim of these interviews was to unearth the police officers' views on whether they require Translators and Forensic Linguists to assist them. Moreover, the other data collection strategy used was the consented recordings of verbal statements made by complainants, facilitated by the capturing of translated written dockets after the reporting of an incident. The police officers involved and who were available in the precinct were Constables, Sergeants, Detectives, Warrant officers and the Captain.

The study period was 90 days, and the data presented in the form of graphs is contained in the relevant upcoming chapters. The findings of the study were that there was indeed a need for Translators and/or Forensic Linguists in the precinct, as the statistics revealed, by both the police officers and the community members. An analysis of the transcribed material, the interviews with the police and the verbal statements made by the complainants written by the police were evidence of the need for Translators and Forensic Linguists by the South African Police Services.

**KEYWORDS:** Forensic Linguistics, translation, precinct, statistics, transcription, back-translation, South African Police Service, qualifications, complaints, voice recording, dockets, statements, complainants, hierarchy, authority, compliance, inaccuracy, illiteracy questionnaires, interviews, community.

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#### List of acronyms

SAPS- South African Police Service  
LEP – Limited English Proficiency  
GBH – Grievous Bodily Harm  
FL – Forensic Linguistics  
SALRM – South African Language Rights Monitor  
SATI – South African Translation Institute  
SAPSLP – South African Police Service Language Policy  
FGI – Family Guide International  
PANSALB - Pan African South African Language Board

## Chapter 1

### Background of the study

#### 1.1 Introduction

This research shows that the use of English and Afrikaans as languages of record in High Courts is a violation of individual language rights. In proof of the statement, Section 35 (3)(k) of the Constitution stipulates that an accused person should be tried in their own language. Specifically, Section 35 (3)(k) states the following in relation to the accused: “To be tried in a language that the accused person understands or, if that is not practicable, to have the proceedings interpreted in that language” (South African Constitution, 1996:18). In relation to the Constitution and according to (Docrat 2017:282), “The progressive step towards ensuring implementation of the right in Section 35 (3)(k) was ephemeral, given the further *obiter* statement made by the judge on review, who suggested that one language be used as the language of record...English was implied as the sole language of record.”

Using a sole language in various state spheres therefore violates the language rights in Section 6 of the Constitution and Section 3 (1)(2) and 4 (1) of the Use of Official Languages Act, which recognises the use of all eleven languages for “National departments; national public entities; and national public enterprises. This Act takes precedence over any other law on the use of official languages by national government. Every national department must adopt a language policy regarding its use of official languages for government purposes...” (Use of Official Languages Act of 2012:2).

In response to this lack of implementation, the Use of Official Languages Act (2012) seeks;

To identify at least three official languages that the national department, national public entity or national public enterprise will use for government purposes; stipulate how

official languages will be used, amongst other things, in effectively communicating with the public.

This means that the South African Police Services (SAPS) needs to comply with the provisions of this Act. Generally, in accordance with the Act, it should be clarified and emphasized that all Official languages should be the ones used for communicating with the public rather than a sole language. Similarly, the issue of complainants' sworn statements translated from isiXhosa to English by police officers who are not professionally trained translators during legal proceedings might then be problematic.

In addition, Moeketsi (1998) stated that with regard to communication between complainants and police, "This dialogue is determined, very strictly, by the rules of law as to who may say what, when, how and to who. The interlocutors are then split into questioners and answerers. These roles are fixed by law and can therefore never be interchangeable. The speaker turns are also pre-allocated and fixed by law. This means that the questioners enjoy special institutional powers to demand responsive answers from the answerers, and answerers can do nothing but provide answers on demand" (Moeketsi 1998:72). As a result, such inconveniences and inconsistencies may therefore result in a poorly communicated criminal report. Similarly, (Mahlangu & Ndlovu 2010) on the same issue of flaws and inconsistencies in police work stated that, "Police statements and statements obtained from witnesses by the police, are notoriously lacking in detail, and are inaccurate and often incomplete." As a solution, it became important and relevant to employ and reason for introducing Forensic Linguistics as it works hand-in-hand with translating legal documents, in seeking to understand the message behind the texts. According to Gibbons (2008:3) "Legal interpreting is another important dimension of Forensic Linguistics."

The South African Police Service' recruitment and training colleges disregard Forensic Linguistics and Translation as part of their training. With that being said, (Ralarala 2015:6) noted that: "The police who are entrusted with the daily assignment are professional police officers who are employed by the South African Police Services...additional job requirements for one to be appointed as a police officer are a matriculation certificate, as well as a driver's licence" (Ralarala, 2015:6). There is no mention of language training."

In general, police translate statements that are presented by complainants who are victims and or witnesses of criminal occurrences who want justice. An analysis of the complainant's true narrative becomes vital as it depicts the events that take place prior, during and after the crime has been committed. This duty, completed by an untrained Translator and or Forensic Linguist who in this case is a police officer, may become problematic.

In relation to translated texts, Translation and Forensic Linguistics do not only look at legal texts, but also at other aspects, such as scenarios where the complainants' narrative becomes distorted due to the questioning, communication and handling of the interviews by those in authority. Specifically, Olsson (2008:9) attests that, "...the issue here relates to the conditions of authorship: a series of questions put by police to which answers are required, structures and even distortion of a narrative of events; answers which appear vague, ambiguous or reluctantly given may slant a narrative in a way which was disadvantageous to the defendant and ... the apparent truth of the narrative." To the complainant the way the police asks questions in relation to the crime or complaint may disturb or terrify the complainant leading to the shift of the context of the statement.

In relation to responses from complainants, their answers are translated in writing by police officers, which makes them legal texts. This is then where Forensic Linguistics comes in, as Forensic Linguists deal with the analysis of legal texts. All in all, the concern around Translation and Forensic Linguistics awakened the aspect of language in general, as verbal statements in the particular police precinct are usually translated from any language into English.

In continuation, the guiding idea for this research study is titled the Critique of Translated Sworn Statements from IsiXhosa to English by the Eastern Cape South African Police. The study was influenced by the scarce and yet vital discipline called Forensic Linguistics which was, according to Olsson (2008), established in the 1950s through the ground-breaking work by Jan Svartik's (1968) *The Evans Statements, a Case for Forensic Linguistic*, where an injustice was done to an innocent man (Timothy John Evans) being hanged for a double murder of his wife and his 14 month old child, murders that he never committed, which was judged based on police statements taken during the arrest of Evans.

The analysis of these inaccuracies was discovered by Jan Svartik (1968). Ultimately, the analysis led to a new suspect, which was a housemate (Christie) who was then hanged for the murder of his own wife after he confessed to strangling Evan's wife. A comparison of both their statements

revealed that he was the real criminal, due to the illiteracy of Evans and grammatical inconsistencies. Evan's name was cleared and he was declared innocent.

The Svartik's discovery had become a renaissance for the Forensic Linguistics discipline. Coulthard (2010) also attests to the birth of the field of Forensic Linguistics when explaining the Jan Svartik's founding of the truth through textual analysis when saying that:

It is now over forty years since Jan Svartvik published "The Evans Statements: A Case For Forensic Linguistics" in which he demonstrated that incriminating parts of a set of four linked statements – purportedly dictated to police officers by one Timothy Evans and which incriminated him in the murder of his wife and baby daughter – had a grammatical style measurably different from that of uncontested parts of the same statements. It was later discovered, after Evans had been convicted and executed for the double murder, that both victims had actually been murdered by Evans' landlord, John Christie.

The case was solved through the works of a Forensic Linguist (in this case Jan Svartik) who unearthed and gave birth to a whole new discipline of Forensic Linguistics. The current study related itself to the Evans case due to the nature, location and its strategic analysis of legal texts, which are done through police sworn statements that in this current study were analysed by the researcher for translation critique and inaccuracies. The research has a relationship with the Evans' case due to the conducting process, its discoveries of the case and its findings.

The ensuing scenario that required the works of Forensic Linguists was that of Gene Gibson an Aboriginal man who was unfairly convicted of the murder of Joshua Warneke, the case titled "Miscarriage of Justice in Western Australia: The Case of Gene Gibson":

On 12 April 2017, the Western Australian Court of Appeal overturned the conviction of Gene Gibson, a young Aboriginal man who had spent nearly five years in prison after pleading guilty to the manslaughter of Joshua Warneke. The Court of Appeal unanimously quashed Mr Gibson's conviction on the basis that he suffered a miscarriage of justice as, amongst other things, he did not adequately understand the legal process, the case against him, or the nature and implications of his plea of guilty because of his



cognitive impairments and English language difficulties. (Tulich, Blagg & De Monchaux 2017).

The case was that of a man who had little knowledge of the law and its processes. Currently, the research found itself located in the Gibson case, due to its nature and that of the complainant, police officer, a docket, a translation process, accuracy, language and outcome of the case. Specifically, my study deals with community members who know little about the law, and who only go to the police for assistance with their immediate issues and some police officers who (as observed in the data collected) have little knowledge of the second language in the Ndevana community, which is English. In addition, the police officers have no Translation background, but carry the community members' legal fate in their hands. Some of the current police translated (from IsiXhosa to English) cases, transcribed and back-translated as described in the upcoming chapters, show clearly that, even though Gibson's case took place almost a decade ago, there has not been any transformation, at least not in the South African context.

## 1.2 The focus of the study

The research addressed in depth the views of two stakeholders; the community members between the ages of 18 and 60; and the police personnel from constables to the last officer the police precinct affords. The research enquired whether there is a need to employ professional Translators and Forensic Linguists in the police precinct to assist the police with the Translations and analyses of legal documents. This study may not only aid the legal system and processes, but it may also help to open the South African Police Service up for more opportunities of employment. In addition, it will also increase levels of competence and professionalism, as well as address any community's lack of hope and trust in the police of the Republic.

## 1.3 Conclusion

The chapter begins by highlighting the point of departure for his research, founded within the paradigm and the discipline of Forensic Linguistics. The discipline was explained as one that concerns itself with analysing all legal documents to develop new knowledge. The chapter then introduced the focus of the study, which is critiquing police translated (IsiXhosa to English) sworn statements and whether the particular precinct needs Translators and Forensic Linguists. Moreover, the chapter also touched on the legal framework, which related to routes taken, work

studied and the understanding of the legal steps with an aim to grasp the legal stipulations with regards to language use in the law sphere in connection to the current research question and objective.

#### 1.4 Summary of Chapters

**Chapter 1** begins by highlighting a legal note in relation to language use in the legal sphere, against language usage per stipulations of the South African Constitution. It continues to introduce Forensic Linguistics as a founding discipline of the research and how the research located itself in the discipline and it touches on translation of legal documents and or complainant sworn statements. **Chapter 2** begins by generally introducing Forensic Linguistics, its origins and location in the study including its current position in academia. It also looks at Language and the Constitution where it broadly looks at the importance of language and also where it is placed in connection with the Constitution's stipulations. Another aspect being the Critique of the SAPS Language Policy where its sections are related to the current research and to each other. Lastly, the Occupational Translation Accuracy and Language Competence which looks broadly at the background of Translation, its meaning in relation to work environments is considered. **Chapter 3** introduces the methods, strategies and approaches used to gather the data for the study. It also touches on the Phenomenological Approach and how such an approach is used in this research. Ethnography is seen as another aspect adopted and how it locates and relates itself against the current methodology of the study.

**Chapter 4** is the data presentation that begins firstly by looking generally at the Types of Common Crimes the police deal with on a daily basis and it discusses those in a broader light by providing Definitions of Crimes that the police precinct deals and is familiar with. Through the use of charts, graphs and figures, the chapter gives ground-breaking data and findings that the research has collected from the Illiteracy and Translation Accuracy of the police officers, the Public's Views on Police Translations, Police Consented Interviews, Interviews with the Police concerning them having to be police officers, Translators and Forensic Linguists simultaneously. Lastly, the chapter closes off with Police Interview Transcriptions, giving an in-depth look and critique on their personal views in relation to their experience, educational background,

translation and forensic linguistics as disciplines they are untrained for, but compulsorily have to deal with on a daily basis.

**Chapter 5** begins by introducing and discussing the Reported Cases in the police precinct, in seeking to reveal cases that the police are familiar with translating and analysing. Following that is the Translation Process of these cases. I then pay close attention to particular cases that are of interesting to the current study. The Back-Translation of those cases looks at their correspondence to the original text. Furthermore, in the chapter the verbal material of cases is transcribed for a clear understanding as they were initially recorded. Following this is the Comparison Process of these Texts in relation to the research question. The Consented Police Interviews, on the other hand look at the police officers closely, in particular at their experiences, academic qualifications and at views on the management of their workload at the SAPS. **Chapter 6** entails the final stages of the study, containing a number of solutions, recommendations and concluding notes of the research. The chapter that follows contains a literature review that underpins the thesis.

## Chapter 2

### Literature Review

#### 2.1 Introduction

This chapter looked at published works, under the scope of Forensic Linguistics and Sociolinguistics. Secondly, the chapter generally looked at languages and how they are utilized and promoted in platforms such as the Constitution of the Republic of South Africa, the Use of Official Languages including the Language Policy of the South African Police Services. Specifically, it focused on how scholars such as Ralarala's (2015) work approaches the issue of language use at work, amongst other aspects such as, translation in connection with sworn statement, Forensic Linguistics in relation to translated sworn statements and how they were analysed and critiqued. The chapter continued to look at the literature related to the legal route studied by various scholars informing the research and also how language should be used when conducting such research. In addition, it looked at the concept of Translation together with Back-Translation, coupled with occupational environments.

Initially, the study was motivated by Ralarala's (2015) dissertation, which seemed to answer the question of whether police officers can competently fulfil their role of being Translators or Interpreters and Forensic Linguists.

#### 2.2 Forensic Linguistics

In terms of the background and history of Forensic Linguistics, it was derived from various disciplines, such as acoustics, phono-audiology and hand-writing analysis and it does not only

focus on legal texts. Specifically, the aspect of handwriting analysis was explained by (Coulthard, Grant & Silva 2009) as an “Analysis which focuses on the minimal units of writing – graphemes - in order to express an opinion about who physically produced an individual signature or a whole document...given a disputed handwritten will, the handwriting analyst could express an opinion about who wrote the text and the linguist about who actually composed it.” (Coulthard *et al.*, 2009:2).

In the same vein (Sinha 2015:154) in an article points out that, “It is difficult to pin-point a particular time as to when it started”. Sinha (2015:154) continues to point out that Forensic Linguistics dates back to when the, “Ancient Greek playwrights accused each other of plagiarism. Since the eighteenth century, several authors have tried to claim their authorship on some of the famous literary texts. However, the actual phrase ‘Forensic Linguistics’ was not used until 1968 when a professor of linguistics Jan Svartik recorded its first mention in an analysis of statements given to police officers in UK in 1953.”

Again, Sinha (2015:154) in the explanation of the coming to life of Forensic linguistics continues saying that, “Similarly, another professor of linguistics Malcolm Coulthard of Birmingham University helped in few other criminal cases applying discourse analysis. In USA, it began on a slightly different note in 1963.” In shedding more light, Sinha (2015:154) continues explaining more discoveries made by, “Professor Roger Shuy who was roped in to investigate the famous Miranda Case which led to the awareness regarding individual rights and the coercive methods of interrogation. In her work she chiefly discusses the vocabulary used by the drafters in a criminal proceeding. Certain phrases and lexicon make the information explicit while certain others make it inferential.” (Sinha 2015:154)

Sinha states that “In Australia it began in the 1980s to talk about the application of linguistics and sociolinguistics to legal issues. Australian research focused on how Aboriginal witnesses and defendants understood the legal processes in land claim hearings and examined the impact of cross-cultural differences.” In the article (Sinha 2015:154) carries on by quoting (Gibbons 1994: 198) revealing an important aspect that authorities disregard when it comes to interviews, arrests, and generally attending to daily complaints or reports brought forward by the community members to police precincts, stating that, In this context Gibbons (1994:198) observes “The system around interrogation in the courtroom is alien to Aboriginal culture”.

Finally, in the context of the history of Forensic Linguistics, Sinha (2015:154) then further explains the growth of the discipline as it began to develop and establish itself, indicating that,

“In the years since Forensic Linguistics began to establish itself as a discipline its scope has grown appreciably. Right from the outset as a means of questioning legal matters it has been called on to give evidence in many different cases including authorship attribution in terrorist cases, interpretation of legal documents and analysis of mobile text messages.”

What the discipline of Forensic Linguistics means or which text might be detected as forensic texts was explained clearly by Olsson (2008) when attesting that, “One way to answer the question ‘What is Forensic Linguistics?’ is by considering the kinds of texts forensic linguists were asked to examine...if a text was somehow implicated in a legal or criminal context then it was a forensic text” (Olsson, 2008:1). For instance, Shuy (1993:2) argues that, “All practitioners seem to agree that it is an area of applied linguistics that works in the legal arena but there has been considerably less consistent agreement about what this work involves.”

All importantly, texts that Forensic Linguists analyse are texts or documents that have to do with the law, as explained that, “A parking ticket could become a forensic text, a will, a letter, a book, an essay a contract, a health department – almost anything.” (Olsson, 2008:1). In emphasising the duties of Forensic Linguists, Shuy (1993:1) explains that, those who do this work analyse statutes, legal procedures, courtroom language, and language used as evidence in criminal and civil court cases. It was evident from this research that even technological facilities, such as phone calls and other crime proven resources could be named as tools of Forensic Linguistics:

Forensic linguistic evidence is any type of text (spoken, signed or written) that can be used in a criminal investigation or as evidence in court. These texts include emergency calls, ransom notes, anonymous letters/calls, suicide letters, text messages, police records, confession statements, etc. Although the most well-known task that forensic linguists undertake as expert witnesses might be author identification, they also deal with other crimes of language, such as threats, bribes, conspiracy, or perjury, among others. (Correa, 2013:5).

Similarly, it was also attested by Olsson & Luchenbroers, (2014:1) that, “Forensic Linguistics is the analysis of language that relates to the law, either as evidence or as legal discourse. What these specialists do is explained briefly by Shuy (2001:1) who initially asks that, “So what do forensic linguists do? Typically, they respond to requests of attorneys to help them with their law cases.” For instance, Forensic Linguists may be called in to solve legal matters, such as wills,

contracts and signatures among other documents, and as exemplified and explained further by Shuy (2001:1):

For example, a lawyer may have a law suit involving a trademark dispute. One company may feel that another company's trade name is too much like its own. The more generic or descriptive the name, such as Raisin Bran or Beer Nuts, the less likely such a name can be protected against use by other companies. The more unique or fanciful the name, such as the coined words, Kodak or Xerox, the more likely such protection will be. It's the names that fall between descriptive and fanciful that find their way to litigation.

Relevantly, Forensic Linguists may also play roles of being referees and can be called by consumer lawyers to solve and analyse various fine prints on products filed for law suits. With that in mind (Shuy 2001:2) touches on a similar scenario saying that,

Forensic Linguists are also being called in product liability law suits. It may seem surprising that linguistics has anything to do with a contention that a product has caused injury to a consumer. But suppose an attorney has a product liability law suit in which a person has suffered physical harm alleged to have been caused by inadequate package instructions or warning labels. A linguist is called upon to analyse the language of the warning label to determine whether or not the warnings follow the guidelines of the relevant regulatory agency and whether or not they are clear, unambiguous, and optimally effective.

Furthermore, Forensic Linguistics includes language in evidence which entails the attribution of authorship and the interpretation of meaning. In definition and more depth, Correa (2013:5-6) quotes (Mcmenamin 2010:487) who refers to the attribution of authorship aspect as, "Forensic stylistics (or stylometry) is a technique that utilizes the linguistic analysis of writing style for the purpose of authorship identification (McMenamin, 2010:487). Correa (2013:6) continues to clarify that, "Based on the premise that there is individual variation in the use of language and that much of this variation is unconscious (and thus difficult to disguise), in order to establish the linguistic fingerprint of a specific text, several methods of rigorous quantitative and qualitative analysis can be used." Correa (2013:6) states that, "As a general rule, the forensic linguist compares the text presented as evidence (questioned text) to other texts written/spoken by the presumed author (known writings) and determines the likelihood that the same (author identification) or different (authorship exclusion) person produced the questioned text" (Correa

2013:6). Again, Correa (2013:6) makes a practical example quoting Labov & Harris (1994) who attested that, “One famous example of forensic speaker identification is the Prinzivalli case (Labov & Harris, 1994:22):

Prinzivalli was an employee of Pan American Airlines suspected of making telephone bomb threats to his employer in Los Angeles because: a) he was known to be an unhappy employee, and b) he was a New Yorker (the caller making the threat was believed to have a New York accent). Labov was given a tape with the original threat and another one with samples produced by the suspect. Based on the distribution of certain vowels, he determined that the person who issued the threat was actually from Eastern New England and not from New York City (Prinzivalli was acquitted).

Correa (2013:6) makes use of yet another example quoting Shuy (2001) regarding a dialectic variation which gave information about the suspect’s identity in a case of a ransom note. Although the suspect included misspellings of words such as *dautter* for daughter or *kops* for cops, his correct spelling of more difficult words such as *precious*, *diaper* or *watching*, led Shuy to believe that the author of the note was trying to appear less educated than he was. However, what really helped determine the writer of the note was the uncommon use of *devil strip*, a term denoting the strip of grass between the sidewalk and the curb that is only used in the area surrounding Akron, Ohio. As there was only one educated man from Akron in the suspect list, the police did not take long to find other clues that also incriminated him.

Coulthard & Johnson, (2007:202) further explore author identification:

In the case of Danielle Jones, a girl who disappeared in 2001, two messages that were sent from her phone to her uncle after her disappearance were crucial in identifying her possible abductor and killer.

Coulthard (2007) was asked to compare the 65 texts that the girl had sent in the three days previous to her disappearance with those two last texts in question. Based on a series of linguistic choices absent from, or rare in, the Danielle corpus, he determined that “It was fairly likely” that she did not write them, which meant that someone else pretending to be her probably wrote them (her uncle, in this case).

Correa (2013:6) provides a further example: Another occasion in which a linguist could have been called to provide expert testimony was the case of four men convicted for having killed a paperboy. One of the four men, Patrick Molloy, made a confession admitting to killing the boy,



but he later said that the police forced him to confess. The police claimed that they had a recording of an interview prior to the confession in which he also admitted to the same crime. Molloy denied that this confession ever took place and alleged that the police had fabricated it after the fact.

In her conclusion Correa (2013:6) using (Coulthard 2005:49) states that, “Based on the uniqueness principle, which states that the same person telling the same story at two different points in time would select an overlapping but different set of lexicon-grammatical choices, both texts were too similar in vocabulary and phrasing to have been produced independently in two separate occasions: one was derived from the other or both were derived from a third one. This led to the conclusion that the written confession was indeed fabricated.”

In addition, these examples do confirm the requirement and relevance of Forensic Linguistics in the research and in the legal discipline as a whole, as Forensic Linguists also study other fields of work such as the law enforcement operations and case analyses. This was further explained by Olsson & Luchenbroers (2014:12) that, “Forensic Linguists have also studied a wide range of interactions, including those taking place in prisons and within the police service. Language as legal discourse includes the language of statutes, judicial deliberations, the discourse of the court room and the discourse of exchanges between lawyers outside the court room.”

Considering the concept of language as a legal discourse and crimes that get committed verbally, the latter is one other aspect that Forensic Linguists have been involved in. More to the point, the South African Department of Justice and Constitutional Development (2016:2) amended a Bill that combated hate crimes which deemed language crimes or hate speech as an offence. It stipulated that,

To give effect to the Republic’s obligations in terms of the Constitution and human rights instruments concerning racism, racial discrimination, xenophobia and related intolerance in accordance with international law obligations; to provide for the offence of hate crimes and the offence of hate speech and the prosecution of persons who commit those crimes; to provide for appropriate sentences that may be imposed on persons who commit hate crime and hate speech offences; to provide for the prevention of hate crimes and hate speech; to provide for the reporting on the implementation, application and administration of this Act; to amend certain Acts of Parliament consequentially; and to provide for matters connected therewith.

In relation to the language and or speech crimes and the Bill, Forensic Linguistics also has an aspect of crimes associated with language or verbal utterances. Specifically, Correa (2013:6) referring to Coulthard & Johnson, (2007); Fraser, (1998); Shuy, (1993), Shuy, (1993: 1) claims that, “There are a variety of crimes that are committed through language alone, such as solicitation, conspiracy, bribery, perjury, defamation, threatening, and plagiarism, among others.” (Correa 2013:6). The main difference between these and other types of crimes where linguistic evidence is involved is that: “[o]ne does not actually need to do harm to the person threatened, give the bribe, have the wife killed, or engage in sex with the prostitute. The language threat, offer, or solicitation is enough to constitute a crime” (Shuy, 1993:1).

With regards to these language crimes, it is of essence to diagnose the occurrence of a crime first, rather than any other aspect as accusations may lead Forensic Linguists astray. As claimed by (Correa 2013:6) who says that “In these cases, the issue generally is not determining authorship, but rather in identifying whether these crimes happened or not. As these crimes are, in essence, speech acts, it must be taken into account not only what has been said (locutionary act), but also what is meant (illocutionary act) and the effect it has on the listener (perlocutionary act). For example, although a threat, a promise or a warning might have the same effect on the listener (getting him to do something) it could only be considered a threat if there is intimidation involved.”

For instance, looking at the case of the *State of Western Australia v Gibson*, it could be deduced that Forensic Linguistics deals not only with theoretical explanations and solutions, but it also could be applied in practical matters that directly impact the society, more specifically the legal professionals, such as the police officers. Moreover, Forensic Linguistics was also explained that, “It is also an applied discipline, in that it has real-world applications and its findings can be applied in professional practice” (Coulthard, Johnson & Wright, 2017:14). Again, when encountering a text, Forensic Linguists were required to be vigilant and to proceed with caution and an open mind in order to identify similarities and differences between old and new texts and also to put their understanding of styles and text comprehension in the forefront of their minds, as clearly articulated by (Coulthard & Johnson 2007:14) who stated that, “When, as Linguists, we analyse a text, we draw on many diverse interpretive tools, methods and theories. In approaching a text in a forensic context, the analyst needs to consider how it is similar and what distinguishes it from other texts in other contexts and which theories and methods are most appropriate to analyse it.”

Fundamentally, Forensic Linguistics began when the discipline started off as a new field of linguistics and which located itself under the language field called linguistics. Coterill (2002:5) states that, “American courts have been generally agreeable to linguistics expertise about issues of dialect identification, linguistic proficiency, various language issues involved in trademarks, and the comprehensibility and clarity of warning labels in product liability cases. Linguistics has also been accepted in cases of defamation and the language of contracts.”

Eades (2010:4) stated that, “Language is central to the legal process: written laws, judicial decisions, police interviews, competing claims in a dispute, courtroom evidence, legal argument, mediation hearings, all of these events or products of the legal process are carried out through language whether written or spoken or both.” “Forensic Linguistics is a sub-field of linguistics that was particularly engaged with professional and institutional interaction in legal contexts” (Coulthard, Johnson, & Wright, 2017:13). In addition to the discipline, “Forensic Linguistics (FL) is a relatively new subfield within applied linguistics that studies the different intersections between language and the legal field, which is heavily linguistic by nature” (Correa, 2013:5). Forensic Linguistics has then grown to focus as well on the analysis of legal texts and documents as well in the quest to play a part in the justice system.

Shuy (2001:1) claims that,

Law had received previous attention from anthropologists, psychologists, sociologists and political scientists but now linguists also have begun examining such matters as voice identification, authorship of written documents, unclear jury instructions, the asymmetry of power in courtroom exchanges, lawyer-client communication breakdown, the nature of perjury, problems in written legal discourse, defamation, trademark infringement, courtroom interpretation and translation difficulties, the adequacy of warning labels, and the nature of tape recorded conversation used as evidence.

One apparent intention behind the discipline was to bridge the misunderstanding of the legal and literary languages and how they comprehend each other's worlds in order to limit and bring forward the two different fields - language and law - to mutual comprehension. This is supported by Gibson (1961:1) when he states that,

To the literary man, the language of the law is likely to seem abstract, cumbersome, and remote from life, though alarmingly powerful over the actions of human beings. On the other hand, the legal man, who often believes himself sympathetic to books and the arts, thinks of literary study nevertheless as irrelevant to his own profession, fuzzy in its definitions, and essentially a frivolous “escape.” Both these worlds are more than half wrong. The two worlds of discourse are certainly different, and should be, but they may have something to learn from one another, and an effort to open communications might actually provide some consequences for both parties.

Practically, the resultant and specific purpose of Forensic Linguistics was mainly to examine all legal texts, more especially those texts that were found in criminal incidents at Ndevana Police Station. Apparently, at some instances, it was done to have more insight about the legal documentation, the crime or legal occurrence, the suspects and more about the victims and the crime committed.

Furthermore, Forensic Linguists do not only analyse legal documents, but also strive to equip the legal professionals with sufficient tools to execute complaints that they encounter from the lay public. It was mentioned that, “Forensic linguists do not stop at describing and demonstrating powerful institutional practice, they also seek to transform it, whether by critiquing judicial language in law journals, working with police officers to increase their understanding of their own professional talk, or doing the difficult job of giving expert opinion as a witness in court” (Coulthard, Johnson & Wright, 2017:13). Furthermore, Forensic Linguists’ duty is important as they detect evidence that might solve or liberate or convict the accused. In addition to that, (Correa 2013:5) argues that, “The expert testimony of a linguist could contribute to the understanding or recognition of possible interpretations or points of view that might have gone otherwise unnoticed.”

In agreement, Correa (2013:7) explains further that: “...a forensic linguist, as in any case of forensic investigation, is to see what might not be evident to the naked eye”. Adding to it, Correa also quoted Shuy (2003:1) who agreed that,

Linguists know what to listen for in a conversation. They listen for topic initiations, topic recycling, response strategies, interruption patterns, intonation markers, pause lengths, speech event structure, speech acts, inferencing, ambiguity resolution, transcript accuracy, and many other things. Scientific training enables linguists to categorize

structures that are alike and to compare or contrast structures that are not. Linguists understand the significance of context in the search for meaning in a conversation and are unwilling to agree with interpretations wrenched from context by either the prosecution or the defence.

Ultimately these works are related to the current study in the sense that they locate the study and aided in shedding new knowledge concerning the critique of sworn statements, down to language, police education, their translation background, including the community members' view on the police being the ones who determine their legal liberties, without having any translation training and Forensic Linguistic background.

The current research attempted in a way to bridge the linguistic misunderstandings occurring between the legal professionals (police officers) and the community members. This was during the reports that took place at the Ndevana police precincts and any other places served by the South African Police Service through asking whether the intervention of Translators and Forensic Linguists to assist the police with the work of translating and analysing documents was required or not. Professionally, Forensic Linguists and police officers, as seen by Coulthard (2010) are difficult individuals and, "... insofar as they are academic, forensic linguists need to involve themselves much more actively in training both the interpreters and the legal professionals, with the latter group being the more difficult to access. In an ideal world all police and legal professionals who work in jurisdictions with a large proportion of non-native speakers should have as an integral part of their training a short course on working with an interpreter." In other words, this means knowing their first language, being fluent in the language of record which is English and knowing the Constitution of the Republic of South Africa back to back. This pertains directly to the research as conducted at Ndevana police station.

### 2.3 Languages and the Constitution

The Constitution of South Africa appears to be all inclusive, equating and upholding the rights of every citizen of the country. This often proves to be the opposite to the lay person who does not understand the Constitution's stipulations, clauses and sections, but who requires legal assistance and protection, as it is written in the Constitution that:

We, the people of South Africa, Recognise the injustices of our past; Honour those who suffered for justice and freedom in our land; Respect those who have worked to build and develop our country; and believe that South Africa belongs to all who live in it, united in our diversity. We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to — Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights; Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law (Constitution 1996: 2).

Similarly, the Constitution recognised 11 official languages as those that are of equal importance, development and utilization. These languages were stated in Section 6 (1) of the Constitution of South Africa as; “The official languages of the Republic are Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu.” Historically, (some) of these languages according to the Constitution were those languages that were ideologically marginalised with the exception of English and Afrikaans. Only English and Afrikaans were given priority at the expense of all 9 other official languages. Section 6 (2) of the Constitution states that: “Recognising the historically diminished use and status of the indigenous languages of our people, the state must take practical and positive measures to elevate the status and advance the use of these languages”. The latter Constitutional stipulation seems upractical to date and that which is stated in the Constitution is largely only visible in writing and not in reality.

An array of languages may be used in a few departmental spheres of the country as per stipulation in Section 6 (3)(a) of the Constitution, which states that, “The national government and provincial governments may use any particular official languages for the purposes of government, taking into account usage, practicality, expense, regional circumstances and the balance of the needs and preferences of the population as a whole or in the province concerned; but the national government and each provincial government must use at least two official languages”. In reality, even departments in provincial levels of government, departments such as that of police (Ndevana in particular), the language that was used for record was mainly English, inasmuch as the Constitution states otherwise.

Departments of the government (provincial and municipal), such as that of police should be mindful of all the members of the communities they serve and be linguistically flexible and transparent and perform their duties as per stipulations of the Constitution of South Africa. In agreement of the latter, Section 6(3)(b) of the Constitution states that; “Municipalities must take into account the language usage and preferences of their residents.” (South African Constitution 1996:4). All in all, language usage methods that take place in various governmental spheres should be in accordance with the stipulations in the Constitution.

In addition to the issue of language usage and their accordance with the Constitution, the governmental inspection of whether or not departmental language usage does correspond with the Constitutional stipulations giving other languages liberty or not, is not visible on the ground, but is only stated in writing. More to the point, according to Section 6 (4) of the Constitution, “The national government and provincial governments, by legislative and other measures, must regulate and monitor their use of official languages. Without detracting from the provisions of subsection (2), all official languages must enjoy parity of esteem and must be treated equitably”.

The Constitution further allows for a ‘language watchdog’ stating that, “A Pan South African Language Board established by national legislation must — (a) promote, and create conditions for, the development and use of — (i) all official languages; (ii) the Khoi, Nama and San languages; and (iii) sign language; and (b) promote and ensure respect for— (i) all languages commonly used by communities in South Africa, including German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telegu and Urdu; and (ii) Arabic, Hebrew, Sanskrit and other languages used for religious purposes in South Africa. Contrary to constitutional mandates, only two languages (English and Afrikaans) are given high priority in all departmental spheres of the country, including the department of police.

On the one hand, with regards to the police’ address when making an arrest, some details during this period were at times not read carefully and clearly by the arresting officer, if they were, they would be read in English. Linguistically, it becomes problematic when the officer who reads the accused their rights is not proficient in the language, which would additionally disregard whether the accused understands their rights or not, as they make it a routine instead of making it a legal aid option for the accused. On the side of those in authority, this shows some degree of ignorance and an element of thinking that the accused does not understand their rights as at times they resort to physical force during an arrest and leaving behind important Constitutional rights for

the accused to utilize. Legally, according to Section 35 (3) (f) of the Constitution it is stated that, “Every accused person has a right to a fair trial, which includes the right to choose, and be represented by, a legal practitioner, and to be informed of this right promptly”. Moreover, police officers disregard the important clauses (which, may be caused by laziness, ignorance and or linguistic impairments) that would help the accused with legal alternatives.

Having a legal alternative for the accused means having to know how to exercise their democratic right. It also means having to co-operate or assist the police and to have an option to choose to use available legal alternatives provided by the Constitution. Linguistically, having police reading incomplete rights or misinterpreting these rights means depriving the accused of the opportunity to be legally represented and also limits their chances of a fair trial, as it is required that an accused person must have a representative and having that right explained to them clearly. According to Section 35 (3) (g) “Every accused person has a right to have a legal practitioner assigned to the accused person by the state and at state expense, if substantial injustice would otherwise result, and to be informed of this right promptly”. Consequently, failure to completely with reading their democratic rights and Constitutional provisions by the police officer during an arrest may result in the accused having an unfair trial as some rights were not clearly articulated, through the use of an appropriate language for the accused to comprehend. Ultimately, being read their rights in a different language or having their rights incompletely read may end up getting the accused to testify unwillingly due to clauses provided by the Constitution that were unclearly read to the accused by the arresting police officer, more especially to illiterate individuals, these Constitutional provisions must be clear.

Furthermore, as mentioned earlier, police officers who used force when arresting an accused indirectly assume that the accused is already guilty. Specifically, according to Section 35 (3) (h) “Every accused person has a right to be presumed innocent, to remain silent, and not to testify during the proceedings.” This is a statement that the police should use during an arrest, using a language understandable to the accused, so as to aid the accused to be able to understand clearly and to be represented before they could make any statement with the police in order to not incriminate themselves any further.

By using only the two languages (English and Afrikaans) it is a clear that there is a visible deprivation of legal knowledge to the lay person and also deprivation of a Constitutional rights, both as a citizen and as a human being living in a democratic country such as South Africa. These



two languages, English and Afrikaans, as languages of record in High Courts was a violation of an individual's language rights. Section 35 (3)(k) of the Constitution stipulates that "An accused person should be tried in his or her own language".

In addition, du Preez & De Klerk (2013:1) added that what is stipulated in the Constitution of the country when it comes to the rights of the accused must be applied not only in writing, but in practice as well:

The right to a fair trial in South Africa was entrenched in section 35(3) of our Constitution and includes very importantly section 35(3)(k) which assures the right to be tried in a language that the accused person understands. This was essential to enable those charged with crimes to defend themselves adequately and answer properly to any charges levied against them by the State.

In addition, the aspect of language and law are very broad aspects of encoded language of high and knowledgeable individuals and that was somewhat exclusive to the elite and difficult for the public to understand, which needed to be explained with a language understandable to the accused. It is clearly put by Olsson & Luchenbroers (2014:1) when they attested that, "When we speak of the language of the law we are talking about a number of aspects of legal language." Again, they continually elaborated that, "We can divide the topic into two main sections: the professional language of the law and the language of the law encountered by the lay person. ...we should also bear in mind that a very important part of the language of the law is completely hidden from us: namely; the language used in the jury room." More to the point, in order to bridge this gap, there must be linguistic transparency, especially when dealing with the public, as they do not necessarily understand legal language, but they have no choice but to deal with it, as they needed legal assistance, for instance, when reporting or opening a case at a police precinct.

Moreover, the police translated sworn statements were earlier and still are found to be of high vitality when it comes to legal processes, from as early as the time the crime was still verbally reported by the complainant until the time the case was taken to the court to be concluded. It is agreed that:

Describing the critical importance of effective police writing skills as well as different purposes of police reports, quoting (Scaramella 2012) it was found that the report writing may be affected by a number of variables, such as supervisory likes and dislikes; formal

education, and the ability of the field training officer to instil in young officers the importance of the written report at the very beginning of their career. The people outside the police institution rely on the details provided in the reports; the prosecutor needs to understand the full range of the event simply by reading the police report and afterwards he/she will have to decide whether all of the elements of the crime have been properly presented, in order to provide solid grounds for a lawsuit, and eventually prove the case. In addition to the prosecutor, judges, other lawyers and juries will have to rely on specific information recorded in police reports to reach a decision about the guilt or innocence of the parties involved in the reported event (Cetkovic 2017:160).

In consideration of the aspect of language and law and/or legal language codification, Correa (2013:5) further argues that, “Law is codified in, and later mediated through, language. This means that without language, there is no law. However, the language of the law is very different from everyday language, which often results in disadvantages for the ordinary user. For this reason, the shades of meaning of legal language often have to be meticulously reviewed by forensic linguists, i.e., linguists who apply their knowledge of linguistic theory to the forensic context of the law.”

Generally, the Use of Official Language Act prioritises the use of all indigenous languages in all important domains. The Use of Official Languages Act (2000:1) seeks:

To provide for the regulation and monitoring of the use of official languages by national government for government purposes; to require the adoption of a language policy by a national department, national public entity and national public enterprise; to provide for the establishment and function of a National Language Unit; to provide for the establishment and function of language units by a national department, national public entity and national public enterprise; to provide for monitoring of and reporting on use of official languages by national government; to facilitate intergovernmental coordination of language units; and to provide for matters connected therewith. (Use of Official Languages Act, 2012:1).

In response to this lack of language implementation, the South African Use of Official Languages Act 12 of 2012 No. 4 (2) seeks, “To identify at least three official languages that the national department, national public entity or national public enterprise will use for government purposes;

stipulate how official languages was used, amongst other things, in effectively communicating with the public.”

Using a sole language in various state spheres therefore violates the language rights in Section 6 of the Constitution and Section 4 (3) of the Use of Official Languages Act which states that, “In identifying at least three official languages as contemplated in subsection (2)(b), every national department, national public entity and national public enterprise must take into account its obligation to take practical and positive measures to elevate the status and advance the use of indigenous languages of historically diminished use and status in accordance with section 6 (2) of the Constitution.”

Moreover, according to the Use of Official Languages Act Section 4 (4) (a) (b) “Every national department, national public entity and national public enterprise must- ensure that a copy of its language policy is available on request to members of the public at all its offices; and display at all its offices a summary of its language policy in such manner and place that it can be read by the public.” As observed by the researcher this was not the case as the language policy of the police precinct was not available anywhere or provided for the members of the public.

Furthermore, failure to implement the constitutional stipulations of prioritizing indigenous languages could lead to the diminished use of these languages and in turn disadvantage native speakers when taking part in legal proceedings. More closely, (Brohy *et al.* 2010: 31) who suggested that; “If a language was not given access to the political, legal or administrative spheres, it will gradually lose all terminological potential in that field and become a ‘handicapped’ language, incapable of expressing every aspect of community life.” Ultimately, apart from it decaying, it may put the complainant or the accused at a linguistic disadvantage during the process of sworn statement taking or reporting an incident at the police precinct.

The issue of complainants’ sworn statements translated from isiXhosa to English by police officers who are not professionally trained translators during legal proceedings are a problematic aspect when it comes to legal outcomes, because legally, this was an issue that was continuously ignored, amongst other language issues that took place in courts and police precinct settings and the justice system as a whole.

With regards to the justice system, the use of two languages in Courts of Law turns out to be a violation of language rights. As explained by Docrat in Ralarala *et al.* (2017:282), “The progressive step towards ensuring implementation of the right in Section 35 (3)(k) was ephemeral, given the further *obiter* statement made by the judge on the review, who suggested that one language be used as the language of record...English was implied as the sole language of record.” The English language bias defeats what the Constitution stands for; which is to uphold equal language rights and again is a violation of the rights of the citizens of South Africa.

In essence, the fact that English is the main language used does mean that its mother-tongue speakers get to be prioritized over non-mother-tongue speakers, as suggested by Lai & Mulayim (2016) who attest that “Equality before the Law for the non-English speaking background person means that he or she must be placed in the same linguistic footing as an English-speaking person within the system” (Lai & Mulayim, 2016).

Again, (du Preez & De Klerk 2013:1) stress the fact that,

Consistence in the courts and other places of government was what was needed in order for the implementation of these laws to be applied. This was important specifically in light of the fact that South Africa has 11 official languages, as well as a diverse range of communities. Two recent cases, both of them alarming, considering the constitutional imperatives concerning language use in our courts, illustrate that proper access to justice may depend on the consistent implementation of this right.

The South African government has promoted all languages in its corpus, although there was failure in the implementation of these on the ground. This issue was clearly mentioned by (Brohy *et al.* 2010:31), saying that, “Despite these positive gestures, multilingualism in government business had not progressed beyond paper promises.” In addition, these laws that were implemented were still not visible in reality, but were found in the Constitution. As (Brohy *et al.* 2010:31) put it, “The government had still not succeeded in passing the legislation necessary for putting the constitutional provisions into effect.” Constitutional stipulations have to be implemented in order to keep alive minority languages as per the amendments of the Constitution. Furthermore, failure to implement the Constitution amendments will lead to the vanishing of these languages and in turn disadvantaging its native speakers in legal proceedings. This was done to help its users to keep their minority languages afloat and to promote them in higher spheres of government.

Not only will the promotion of indigenous languages help its users but it will help maintain the language's status, "Allowing the use of regional or minority languages in relations with those authorities was fundamental to the status of these languages and their development and from a subjective standpoint... majority of the people speaking these languages were bilingual and able to use an official language in order to communicate with the public authorities" (Brohy *et al.* 2010:31).

## 2.4 A critique of the South African Police Service' Language Policy

The South African Police Service is the government department that is built to serve, protect, enforce and maintain the rule of law. More to the point, the Draft Language Policy of the SAPS Section 3(1) with regards to the transformation of the SAPS stipulates that,

South Africa became an internationally-accepted democracy in 1994. This new democratic order brought about many changes in the country and also had a substantial impact on policing. With the adoption of the interim Constitution in 1994, the Homelands and old development regions were abolished and integrated into a united South Africa with nine provinces. The new Constitution established a single Police Service for South Africa under the executive command and control of a National Commissioner who is appointed by the President.

This means that the South African Police Services (SAPS) needs to comply with the provisions of the South African Constitution, the SAPS Official Language Policy and the Use of Official Languages Act respectively. However, the recruitment as decided on by the National Commissioner is where the current issue and argument of the research starts.

The South African Police Services Act No. 68 of 1995 Section 32 states that, "The National Commissioner shall determine the training that members shall undergo." The section on training is problematic on its own as training is something that should also be stipulated not by an individual but by the other stakeholders together with the National Commissioners whom shall enforce its compliance. Furthermore, the police recruitment and training colleges did not consider translation as part of training.

On a more delicate note, National Commissioners will vary periodically, which means that training periods and processes may always change according to who a National Commissioner is. Supposedly, a training procedure should be amended in the SAPS Act rather than being decided on by an individual, as seen regarding other aspects such as issues of language policies, human and language rights.

Moving forward, the South African Police SAPS Language Policy of 2015 No. 994 7 (1)(a) in terms of language usage in police precincts per South Africa's 9 provinces, in the current research area which was in the Eastern Cape states that, "In promoting the use of indigenous languages, the Service will undertake the following process: Eastern Cape:- IsiXhosa, English and Afrikaans..." with regard to languages used for communicating with the public. Whereas the issue of complainants' sworn statements translated from isiXhosa to English by police officers did not comply with SAPS Language Policy. In reality, police precincts were mostly dominated by the English language in a majority of duties performed in a precinct. The duty was not performed by professionally trained Translators and Forensic Linguists during these legal proceedings, which might then be problematic.

The Use of Official Languages regulations Section 3(1)(a) as quoted on the Draft Language Policy of the South African Police Service Section 1(3)(a)(i)(ii)(iii)(b) states that, "Paragraph 3(1)(a) of the Use of Official Languages Regulations, 2013 provides that every national department must, in order to determine the official languages contemplated in section 4(2) of the Act, consider the factors stipulated in section 6(3) of the Constitution including- (a) language usage of members of the public that access the services of the national department, having regard to –(i) language needs of members of the public accessing the services; (ii) language statistics in the population census; and (iii) research that the national department may conduct; (b) expenses associated with adopting official languages for government purpose."

In contrast to the Constitution and Use of Official Languages Draft and Regulations with regards to the language issue in South African Police Services, the stipulated clauses were not visibly practical in the precinct, as the police used an encoded legal language. As a result of that, it disregarded the capabilities, ethnicities, language background, literateness and comprehension of the members of the community, members that required services from a precinct as stipulated on the Use of Official Languages regulations Section 3(1)(a). The latter meant that, the police officers opposed the Constitutional and Service stipulations, due to a language that they used

that was difficult for the members of the public, more especially senior citizens to understand. As experienced by the researcher, senior members of the community tended to be intimidated by police and the legal environment, which consequently made them decide impulsively. Ultimately, they ended up making regrettable decisions that made them come back to cancel their required services, such as cases and reports.

Ultimately, implementation failure may be attributed to a particular section in the Use of Official Languages that was responsible for the use and upholding of indigenous languages that may be used in the police precinct. According to the Draft Language Policy of the SAPS' Section 1(5) "Language Management, the national language unit of the Service, is responsible for all matters pertaining to language and language policies." According to the latter stipulation, the members of the SAPS have to comply with the Service's language policy and the Language Management has do its duty and which is to help maintain indigenous languages in order to keep them valued and visible, more especially in police precincts where an array of people seek legal assistance.

Specifically, the Draft Language Policy of the SAPS Section 7(3) with regards to people with language barriers and disabilities stated that "The Service will provide for the needs of people with language disabilities or language barriers. Employees and clients of the Service who are blind and those with hearing impairment must be provided for by using sign language and braille (a written language for blind people, in which characters are represented by patterns of raised dots) in all major projects. This may happen where practicable and assistance will be provided for in collaboration with the Section: Employee Health and Wellness, Division: Human Resource Development and Division: Disability Management of the Service." In reality, as it stands, recent research revealed that the SAPS is failing to cater for people with disabilities and language barriers.

The South African police precincts are the ones to approach when crimes occur or they were the places where there were direct reports of criminal offences taking place in societies. According to Docrat et al. "The SAPS was undoubtedly the first port of call for both complainants, arrested, accused and detained persons, within the criminal justice system." (Docrat *et al.*, 2017:271). This is where the foundation of a case is initiated. Therefore, a police precinct should be where thorough and precise investigations take place and to service people of every age, ethnicity, gender, make-up and culture, so as to eliminate questions of misunderstandings, prejudice and errors in courts. However, this is not the case when looking at the "State v Sikhafungana" where

the complainant was a deaf female who lives with a witness who was her sister and the perpetrator was a male who was accused of raping the complainant. Docrat et al. (2017:262) explain that “The facts of the Sikhafungana case (2012) were as follows:

The complainant and her sister were sleeping in separate rooms (in the same yard). The sister heard a commotion, but upon getting up and checking, he found out all was in order. She asked the neighbour to keep guard and went back to sleep. Later she was again woken up by a commotion. Upon re-emerging from her room she saw two men holding onto the accused. They said that the accused had entered through the complainant’s window. They had closed the window and forced the accused to come to the door whereupon they forcefully held him. According to the two, the accused was holding onto the complainant at some point....When asked what he was doing there, the accused confessed and responded by stating that he had come to rape whoever was in the room. The aforementioned incident took place between eleven and twelve o’clock at night. The police only arrived at five o’clock in the morning. They took they took a statement from the sister of the complainant, as the complainant cannot speak, though she can communicate with her sister as they have learned through lip reading, sounds and gesticulation to understand what the other is saying....When the case went to trial none of the witnesses (two men who had made the citizen’s arrest) were called before the court. The accused was found innocent of housebreaking and sexual assault. He was charged with minor crime of trespassing and sentenced to three months in prison or a fine of three thousand rand.

More to the point, the scenario shows that to this day there is still marginalization of particular languages in the country, in this case Sign language, as there was and still no sign language practitioner in police precincts to assist people with language barriers and disabilities, let alone police transpreters of such a language in police precincts. Inasmuch as the Constitution and the SAPS Language Policy maintain equal treatment for all official languages, in reality that is not the case as two languages still mainly dominate government spheres of South Africa. In support of this, Docrat et al. (2017:263) argued that, “There are many oral versions of sign language, but only one official version of SASL. As a result, it becomes difficult and at times disadvantageous to the language barred individual to access full legal might as there are no trained Sign language practitioners available.” Quoting Morgan, (2001), Docrat et al. (2017:263) further state that, “This further complicates matters in a court of law as effective sign language interpreters are



often not present or suitably qualified.” In advocating for it, there is a need for more transpreters in police precincts and courts of law.

The reason for that being the language barrier that takes place when people go to police precincts to ask for assistance, and find unsatisfactory help from the police and end up with no choice but to comply. According to Moeketsi (1998) who stated with regard to communication between complainants and police, “This dialogue is determined, very strictly, by the rules of law as to who may say what, when, how and to whom...” Inconsistencies can therefore result in such communication. Again as attested by Mahlangu & Ndlovu (2010) in Ralarala (2015) on the same issue of flaws and inconsistencies in police work, “Police statements and statements obtained from witnesses by the police, were notoriously lacking in detail, and were inaccurate and often incomplete” (Ralarala, 2015:3).

In addition, the South African Police Service had a number of tasks and responsibilities, of which language practise was not part of them, and this was also emphasised by Hiss et al. (2008) that; “The South African Police Service for security and crime prevention within South Africa...it was responsible for: preventing, fighting and investigating crime; maintaining public order; protecting and securing South Africans and their property and upholding and enforcing law” (Hiss *et al.*, 2008:138). The latter again connects to what Ralarala (2015) stated when analysing the police officer’s qualifications and/or requirements that, “There was no mention of language training.” (Ralarala, 2015:6).

Ingleton (1994:139) explains this as follows:

Where police recruits lack an adequate level of language skills, it is not practicable to inculcate such skills within the service other than in the case of a few specific posts. The process may be economically viable for the department to undertake and linguistic competence variables may be one of many factors that may further push the linguistic competence issue of police officers.

Moreover, the SAPS would not be wasting resources if it could invest in language training for its police officers, as it does not only need linguistically competent police personnel in border gates, but it also needed police officers who are trained translators, and who are linguistically trained in local police stations, as this is where the real requirement is needed, around people

who need it the most: “The answer in such had to be, firstly, to provide suitable, intensive training for clearly identified personnel engaged on specialist duties on or near the borders and to ensure the maximum use was made for these expensive trained officers” (Ingleton, 1994:139).

This consideration continuously makes language rights in the South African Constitution to be more visible, respected and to be less likely to be seen as ones that count for nothing but are just add-ons in the country’s Constitution. Ralarala & Kaschula (2004) put it clearly when they say that, “Language rights as enshrined in the South African Constitution of 1996 really amount to nothing but a variety of rights, which resemble privileges rather than fundamental rights in the real sense of the word (Kaschula & Ralarala, 2004).

Moreover, the discovery of the language issue in the legal system of South Africa was seen by Judge Yekiso quoted by Kaschula & Ralarala (2004) when stating that, “There is no doubt that, if one cannot express one’s point of view effectively in one’s mother-tongue within courts of law, the mother-tongue which was the language of one’s culture, the language which remains the vehicle of one’s worldview, then there can be no concept of a fair trial” (Kaschula & Ralarala, 2004).

The concept of language use in the workplace builds trust, transparency and equity between the management and the employees. According to McMenamin (2002:1), “Language was a system of communication,” which means that language becomes an aspect of importance for general and specific purposes such as legal issues. This was stated by (Olsson 2008:9) saying that, “In a broad sense to be an author was to possess the language you were using...It was the use of language to produce a text over which you as the author have control and whose course you were free to direct....disadvantaged speakers were scarcely in control of the authorship process when giving a statement to powerful authority figures.”

With regards to writing statements in a foreign language, this had its downfalls, some of which were time consumption and illiteracy from the complainants’ side: “In writing a statement in English first, the witness could not read it after it had been written down. The interpreter had to provide an oral translation of the statement in order for the witness to verify the content.” (Brunette *et al.*, 2001:204). The aspect of illiterate witnesses or complainants was problematic as they may be ignorant of the English translated version of the statement and only have interest in the fact that they have laid a charge in isiXhosa and that was all that matters, not regarding the fact that the case will depend on the English version that they were ignorant of. In other words,

“[t]he witness would then have had to either wait while the statement was translated into the foreign language, or, come to the police station to sign the translated statement” (Brunette *et al.*, 2001:204).

Apparently, police officers often used unverifiable information and turn it into facts when writing a witness statement. This may have implications as constraints such as time played a crucial role in evidence collection. As put by Mooney (2014:79), “While some of the words used by the witness do make it into the final statement, the clauses do not, for example, the witness seemed unsure about the timing of the argument, eventually ‘say about ten minutes’” (Mooney, 2014:79). Such uncertainty from the witness was not investigated further by the police officers. They take the witness’s word for it and use it as a precise and informed piece of information, and again Mooney (2014:79) suggests that, “It was included in the statement in a rather less hedged manner...what began as witness’s rough estimation had been turned into a fact; it was a fact which can now be used to challenge the witness in court.” Hence, police precincts need the services of translators in order to promote professionalism and accuracy.

The point for requiring professional translators to do the task of translating statements was not to undermine the police officers’ work, but it was for the professionalism and also for the two disciplines to perform what they were tasked or trained to do. Mooney, (2014:79), state that “Pointing out the difference between what the witness said and what was recorded in the statement was not about criticising what the police officers were doing.” Furthermore, a comprehensive witness statement had to be a pre-requisite for court proceedings as it might serve and aid the smooth running of the case down to its conclusion: “The statement serves a lot of purposes and thus the officer constructing it had to make sure that it was fit for all those users” Mooney (2014:79).

The reason for the research to be aiming for the employment of professional Translators and Forensic Linguists in the police workplace was to reduce the tasks that police officers find themselves doing, such as being translators, language practitioners and policemen at the same time. Such an example was made by Mooney (2014:79) when saying that, “A police officer putting a statement together was constantly shifting footing together, taking on different roles....she orients to the person in front of her, to the task of putting together a detailed and coherent narrative which complies with the rules of the statement genre, and also thinks ahead to the legal construction and understanding of the statement in an investigation and trial. All of these objectives were fused together in the final statement” (Mooney, 2014:79).

Poor police conduct may be caused by the number of duties and responsibilities put upon the police officers. These duties most probably take place “In a democratic setup, heavy duty was cast upon the police to protect its political leaders and head of the government from subversive forces...with heavier responsibilities and less time for actual policing, the police were really put into hardship to take all possible steps to prevent commission of crime which actually can only be dreamt of...” (Sithanan, 2014). Hence it was wise to employ other professionals to reduce the workload cast upon police, which was the admin of translating statements and the linguistics dimensions, which may lead to unsolved or re-trial cases: “Most of the criminal cases end in acquittal, not mainly because of the efficiency of the advocate alone, but mostly because of the loopholes found in the investigation” (Sithanan 2014).

According to Ralarala & Kaschula (2004) the concept of language in the workplace was more important than anything. They do this by utilizing works done by the Judges who serve the Republic of South Africa to prove that multilingualism plays a big role, without which no one can ever move forward and no law could ever be visible let alone amended or implemented. Hlophe & Yekiso (2004) prove it as cited by Kaschula & Ralarala (2004:20) when Judge Yekiso says that: “Law envelopes every facet of a person’s life. Birth was regulated by law; living...was regulated by law and even death is regulated by law. This law was expressed and communicated by means of language. Language and the law were inseparable, two phenomena that were indispensable of each other.” (Kaschula & Ralarala, 2004:20).

On the same subject of multilingualism in the workplace, Hlophe (2003:2) cited by Kaschula & Ralarala (2004:22) states that, “For all official languages to be promoted and used equitably, a professional interpretation service must be provided by the Department of Justice by all courts. The ideal situation would be, of course, the provision of a simultaneous interpretation service and should be investigated by the Department, and any accused person in criminal proceeding, applicant or respondent in civil proceedings.”

As agreed to by Kaschula & Ralarala, (2004:22) “As well as any witness in court, a person shall have access to a professional accredited interpreter.” Judge President Hlophe agreed with Neville Alexander in that there should be interpreters who were employed in assisting those who were not proficient in English and Afrikaans, languages that are dominant in South African courts of law.

This study explored the different language exchanges taking place in a working environment between the staff and the general public. In continuation, it sought to critically analyse whether

translated legal documents from isiXhosa to English by employees who are not trained translators yields the same meaning and contexts from the original context.

On the issue of language in the workplace, English specifically in the South African Police Service is known as the working language and each and every person used it for record-keeping. “Plain English is the main working language of the Service and it should be used in all official documents.” (SAPS Language Policy, 2015:5). Moreover, some police officials were not inclined to the monolingual pattern and a study done by Faull (2008) expressed the view that one:

Inspector Pieterse, who was aware of language tensions among his colleagues, had accepted the official SAPS view that English, as a widely spoken language, was the most practical medium for general communication. In contrast, Constable Breuners, also a first language Afrikaans speaker, believes it was up to members to make sure that they were educated in many South African languages to aid organizational functioning and Mr. Blom’s view that members should learn Xhosa was important in that it suggests a conceptualization of the area as peopled in a manner that contrasts with popular perception at the station (Faull, 2008:54).

In suggesting a solution, (Saohatse 2000) suggested that, “Doctors should have pocket books where they write down basic words and phrases that were likely to be used by their patients, also their walls should have those words on them and in turn this will minimize communication breakdown. These phrases can be written out on flashcards and pasted on the walls of consultation rooms to reinforce the learning. Doctors could carry these flashcards around with them” (Saohatse, 1999). Therefore, the same strategy should be applied by the police whereby in their case, they would assist the community members after laying a complaint by showing them offices or rooms where they would be assisted by Translators and Forensic Linguists in translating their verbal sworn statements before they come back to them for further investigations.

Moreover, Saohatse (2000:36) suggested that, “Instead of using nurses as interpreters, the department should hire professional interpreters to be the middle-man between the two parties.” Again, Saohatse (2000:36) made it clear when saying that, “Special posts need to be created for interpreters at Chris Hani Baragwanath Hospital. Nurses who have worked for a long time and were familiar with the situation, could be thoroughly trained by the hospital to become

interpreters” (Saohatse, 1999:20). With this point Saohatse agreed with the promotion of indigenous languages in all the important domains of a state. Similar initiatives should be applied in the SAPS whereby the department would be opened up for more opportunities for other professionals such as Translators and Forensic Linguists to practice duties they were trained for, all in seeking to smoothen the running of the police department for the sake of all stakeholders.

Apparently, the aspect of workplace language and client misunderstandings seemed to be taking place even in other spheres of government other than the hospitals. As also mentioned by Solan & Tiersma (2012:13), “All legal systems develop certain linguistic features that differ from those of ordinary language” (Solan & Tiersma, 2012:13). These features used by these professionals may be problematic when it comes to the complainants, clients, and/or community members’ comprehension of what was written, especially if it was their assumed version of what they said. Again, Solan & Tiersma (2012: 13) explained that “At the other extreme, lawyers and judges may develop language that was entirely different from ordinary speech.” This is the reason for the addition of Translators and Forensic Linguists in departments such as the police precincts, to eliminate the linguistic misunderstandings between the professionals and the community members.

The possibility of misunderstanding was there as the translated texts may be difficult for complainants to decipher as it was written for legal purposes, “Typically, the legal profession uses language that contains a substantial amount of technical vocabulary and a number of distinct features... as a result, the speech and to a greater extent, the text produced by such legal systems may be difficult for the lay public to understand” (Solan & Tiersma 2012: 13). In essence, the reason for the current research is to show the gap and diagnose the need for Translators and Forensic Linguists in police precincts that they are required to assist police officers with translating and analysing their dockets.

## 2.5 Translation, Back-Translation, Interviews and Language Competence

Translation is another important aspect that has its roots buried in language and how one understands it. This leads to this phenomenon of Translation with language in the law sphere being explored and defined which was what the research attempted to respond to. According to (Dukate 2009:19), “Translation was a very broad notion which can be approached from a multitude of angles and accordingly also interpreted in different ways” (Dukate, 2009:19). When it comes to the question of community members’ accuracy concerns for their statements being translated from isiXhosa to English by police who are not professional translators, one had to

ask a question of which particular method, from these mentioned by Dukate (2009:19), were police using to translate these complainants' statements.

This question became a really crucial one, as every reason for choosing a particular translation strategy needed to be accounted for. In essence, the word 'Translation' entails two very important aspects within it and as required per Translation activity that takes place in any particular setting. The author explained more, through mentioning two of these aspects, that; "In English the word Translation may be used to denote the process and product of a translation, as well as the two modes of this activity: written and spoken" (Dukate 2009:19). Furthermore, when one deals with Translation, one deals with certain different types of writings of texts. Specifically, these texts were mentioned again by (Dukate 2009:19) who said that, "Two general types of written Translations may be distinguished, namely, literary Translation and non-literary Translation."

The way translation was done by police officers was seen as an easy task and may be taken for granted, regardless of the fact that people's legal outcomes depend on it, as per the concern of Ralarala (2015:13) who says that, "In the main, it brought to question the current model of record construction used by police for pre-statement sessions, as well as the compilation of actual sworn statements, as the latter were the only apparent source of information that courts rely upon for legal proceedings" (Ralarala, 2015:3). This, therefore, meant that the task was very delicate and vital and it needed accurate and precise decision making when one takes part in it, thus professional Translators are a true requisite when it comes to such a legal activity. Thus according to Dukate (2009:22):

We think of translation as an activity that involves re-writing something that was said in one language into another language...this however, was a very simplified and general view and if things were so simple, translation theorists would not have been struggling for year, even centuries to formulate a suitable definition of translation" (Dukate, 2009:22).

In response to the aspect of accuracy and professionalism of the police officers in doing the job and them not being professionally trained Translators, Hatim & Munday (2004:3) approve this by saying that, "The term translation encompasses very distinct perspectives...first focuses on the role of the translator in taking the original text and the second sense centres on the concrete translation product produced by the translator" (Hatim & Munday, 2004:3). This therefore meant

that being a Translator was more than listening and putting pen to paper; it required quite a lot of technicalities and competences.

In addition, one of the aspects that a professional translator may possess is the concept of being true and or faithful to the original text at all times. According to Dukate (2009:22) “Fidelity was one of the central notions in translation study...the concept of fidelity in translation studies was taken over from our daily lives, namely, partnerships, marriages, and relationships between men and women.” The lack of fidelity to the original text and/or the task of Translation from police may sometimes lead to a negative attitude from police, as they sometimes dealt with complainants whom they know or with cases they were close to. Then according Dinan (2000:143) who focused on a case study of two Thai women who were held in custody in Japan for murder and robbery: “The women claim that they never received a Thai translation of their statement in writing, only a verbal translation which did not mention anything about conspiracy to commit murder or robbery” (Dinan, 2000:143). In some instances, suspects or complainants may be wrongly accused through mistranslation of statements:

Although the women claim that they never admitted to any premeditation nor intent to commit robbery, either, the robbery, either the translation was messed up or the police put in a different version of what happened...the final statement said both the women did not plan to murder the boss that they only wanted to take back their passports, not any money or jewellery, and to escape. (Dinan, 2000:143).

A properly translated statement aided the court proceedings and led them to a smooth running with no delays and or inconsistencies. Therefore, the first step was to have a proper translated and sound statement. Without such document, it becomes a challenge for the police who are tasked with the translation of the sworn verbal statement and this creates impatience for the accused, the witnesses and complainant who await legal outcomes. Hence, professionalism is required in this regard:

Correct and comprehensive sworn witness statements help court officials to follow and monitor the evidence that was being presented and allow them to ask explanations, if necessary...statements also serve as a measure for the prosecutor to determine whether the witness was consistent in his or her version of the events...According to the investigators working in the South African Police Service, a sworn witness statement also



helps the witness to present the facts correctly and in a clearly understandable manner. (Lochner, 2014:75).

Recommendations have been made regarding the language and law aspects. Specifically, they were looking at a case reported by the deaf and hearing impaired persons to the police and how the justice systems dealt with them. A recommendation suggested by Docrat *et al.* (2017:275) states that, “All levels of legal and police training, and modules on dealing with Deaf and hearing-impaired persons be designed and incorporated into their training alongside general language awareness programmes encapsulating the importance of interpreting across languages.” (Docrat *et al.*, 2017:275).

Secondly, language competence of the police becomes crucial in the part of the process where they had to deal with translating the witness, suspect and complaint’s statements. According to (Lochner 2014:75), “The main reason the facts contained in a sworn statement were presented in court was to give the accused an opportunity to test the validity of these facts....the sworn statements was taken to refresh the witness’s memory so that he or she can present the facts relating to the incident more accurately in court.”

Translation was problematic when it comes to police statement-taking sessions and failure to do the task of translating adequately and accurately may lead to criminals walking free. The South African Language Rights Monitor (2006:47) stated that, “In civil hearings- both in and out of court – translation and interpreting continued be a source of problems during 2006 as this was clear from the records in the database...alleged child rapist almost escaped trial as a result of poor police work, including an incomplete statement that was taken into English from the seven year old Afrikaans-speaking victim in the case” (South African Language Rights Monitor, 2006:47).

Such mistranslations may sometimes be caused by the police being illiterate and also them being familiar with the case and the complaint in hand. Their attitude after studying that the case was against one of their friends’ or family members or emotions and sympathy of the complainant, for example, gender lenience and/or patriarchy may influence their professionalism and may formulate a positive or negative attitude towards the complaint and the case as a whole. This was put clearly by Mulayim & Lai (2016) when suggesting that, “These issues in language can be a result of the level of literacy or education, or, emotional state of the speaker or author (of a text) or may be deliberate and intentional – an occurrence not uncommon in police interviews.” Hence,

the role of professional Translators and Forensic Linguists will be that of a mediator or a professional who will be neutral and only focuses on facts provided.

Similarly, on the issue of having problems with regards to translation errors due to being untrained, applying emotions, mixed feelings and attitudes by police towards particular complainants may be a cause of these delays or errors in translation. As explained by Vine (2017), “Numerous problems can arise when untrained individuals double as interpreters...it may be noted that interpreting by particular individuals, and in particular ways may also be less of an error and more of a strategic decision” (Vine, 2017). Again, Vine (2017) suggests that, “Police officers who double as interpreters create a speech situation that lends itself to coerced confessions, which is the linguistic equivalent of police misconduct.” Such misconduct may shake the public’s trust and may lead to the community members becoming hesitant to come and lay charges against their counterparts. These aspects were also noticed by (Seligson 2009:1) when stating that, “Institutional gatekeepers such as the police...create a speech situation that lends itself to coerced confessions” (Seligson, 2009:1).

Furthermore, translation does not only look at the text, but it also has something to do with capturing the meaning, context and facts contained by the original text because, “Translation was concerned with moral and factual truth...this truth can only be rendered only if it was grasped by the translated text and that was the purpose and the end of translation” (Newmark, 2004:3). The training of translators was of essence to the case, reputation and to the trust towards authority in handling such tasks. Lack therefore of managing the task may lead to the people losing trust towards police officers and they may ultimately take the law into their own hands. A case study on this issue was done by Hale (2004:14) who discovered that, “A cross-section of organisations and individuals with migrants were surveyed about issues relating to settlement...the survey found that not only were interpreting and translation services in Australia insufficient, the quality of interpreters and translators was deficient due a lack of training. Specifically, these inaccuracies may be found in specific government institutions where real issues take place and where people rely upon for their legal issues. The survey found deficiencies in interpreter services in the courts and the police” (Hale, 2004:17).

Translation and/or interpretation is being found in almost all spheres of government and other public and private institutions. The discipline was growing continuously which means that its need was becoming increasingly important as people need more precise and clear comprehension of their problems. Specifically, this was explained clearly by Baker & Saldanha (2011) when

saying, “Community interpreting refers to interpreting which takes place in the public service sphere to facilitate communication between service officials and lay people: at police departments, immigration departments, social welfare centres, medical and mental health offices, schools and other institutions” (Baker & Saldanha, 2011:43). Evidently the growth was also starting to show, as Baker & Saldanha (2011:43) again show that, “Increasingly, community interpreting seem to be further developing into a number of distinct areas of expertise, such as health-care interpreters, including court interpreting and interpreting at the police station.” Inasmuch as the discipline was growing, there were still some parts that were using unsophisticated styles of translating and interpreting, “Nevertheless, community interpreting continues to be performed by untrained individuals; what was called natural translators” (Baker & Saldanha 2011:43).

Parallel to the process of translating the statement was the aspect of interviews between police, suspect or witness and/or a complainant, which includes the type questions asked during an interrogation or a complaint statement-taking process. During these interviews, it was suggested by Oxburgh *et al.* (2010: 4) that, “The interviewer needs to gain as much detailed information as possible from the interviewee using effective, non-coercive, questioning techniques,” (Oxburgh *et al.* 2010:4). In addition, Oxburgh *et al.* (2010:4) quoted Fisher, Geiselman & Raymond (1987) which was one of the first critical analyses of police interview techniques which found that, “Interviewing officers frequently interrupted the interviewees, used an excessive question-answer format, and used inappropriate sequencing of questions.”

Studies conducted yielded important results which may be utilized during interviews, from any one of the parties involved in that particular case and investigation and they also revealed important lessons and loopholes that can aid investigations, which include a witness’s cooperation and eagerness to comply and serve justice. Oxburgh *et al.* (2010:4) suggested that, “These factors include the interviewee’s willingness to disclose information and the interviewer’s ability to elicit the information...the questions asked by the interviewer were viewed by many as being one of the most important variables ” (Oxburgh *et al.* 2010:4).

Attention to detail was very important during what was called according to Ralarala (2015:3) “Pre-statement sessions, as well as the compilation of actual sworn statements” and the police may be missing something in these processes. Lai & Mulayim (2016) suggested that, “In a police interview setting, all verbal and non-verbal features of speech were relevant and would need to

be conveyed as much as possible through a range of means available...and in legal settings this was not expected but often demanded” (Lai & Mulayim, 2016).

For one to be a professional translator, one has to have been recognised by the state as one and, in doing so, one has to be sworn in at the High Court of South Africa. According to the (South African Translator’s Institute 2007), “A sworn translator had sworn an Oath in the High Court of South Africa to translate faithfully and correctly to the best of their knowledge and ability... A sworn translation of a document is the legal equivalent of the original document for evidentiary purposes in a court of law.”

Inasmuch as the task of Translation may seem as a language cross-over, its importance was as serious as a legal prison sentence: “Sworn translators carry a heavy responsibility, because their work can have life changing consequences for the people involved” (South African Translator’s Institute, 2007). Moreover, having a legal document signed at a police station may not necessarily mean that the translation was accurate, as explained by the South African Translation Institute (2007): “Simply having a document stamped and signed at a police station, by a Commissioner of Oaths or by a lawyer does not make it a sworn translation...sworn translations must have been translated by a sworn translator.”

Equally relevant to the research was the account of the crime brought forth by a witness, which was also translated by a police officer from isiXhosa to English. The individual’s account may be the link to aiding and connecting the dots that may solve a case. As defined by Grainger (2016) “A witness statement is a format document containing an individual’s (witness) own account of the facts relating to issues arising in a dispute...the purpose of the witness statement is to provide written evidence to support a party’s case that will, if necessary, be used as evidence in court.”

In addition, a witness statement was equally important to a case that was in progress as it may provide answers to unsolved questions to an investigation; therefore, the police may use and find the witness’s narration of the events leading to the crime helpful given a clear and understandable translation of the statement. According to a suggestion made by Grainger (2006), “The witness statement is a crucial part of the case designed to show it in its strongest light...it is important therefore to ensure that the statement is accurate and comprehensive and it accurately reflects their account of the facts.”

Statements collected from witnesses do not only aid criminal cases, but they also help in catching the mastermind behind such acts. Noticing and underlining the behaviour and trends or techniques the criminal used become the criminal's own weakness, which ultimately leads the police or investigators straight to their doorstep. Lochner (2014:75) stated that, "Facts contained in sworn witness statements can help to compile a profile of a suspect and can also be used as a source of information about the modus operandi of criminals ... For example about how access was obtained in cases of housebreaking can determine whether the same suspect was responsible for all incidents" (Lochner, 2014:75). For accuracy purposes, one can never talk of Translation without mentioning its twin, Back-Translation, as they always go together.

Another aspect that was utilized in the research was the back-translation method, which was mentioned by Presser *et al.* (2004:468) as, "A procedure proposed originally to help researchers to assess questionnaires in languages they could not read...The translated questionnaires was translated back into the source questionnaire language, and the two versions in the source language were then compared." Back-translation was accurate for undertaking mixed method research, as mentioned by Presser *et al.* (2014:486) that, "Back-translation combines mechanistic steps with qualitative procedures." Similarly, Chan & Pollard (2001:35) mentioned that, "Back-translation can guide the final decisions about the wording of the original language version through the decentring process which determines the changes that must be made."

The work in this thesis revealed how evidence presented by the witnesses got lost through the translation process done by police officers. In addition, another point raised by Ralarala (2015) citing Jarmolowska (2011:209-210) was clear when saying that "Translators of witness statements and other court documents need to read with caution and remember that somebody's liberty hinges on their work" (Ralarala, 2015:1).

In addition, the work done by Ralarala (2015) arose from one of the well-known trials in South Africa, the trial of the late Eugene Terreblanche. Seemingly, in this trial there were translation errors that were made by police officers during statement taking in the opening of the trial. As it was clearly put in the dissertation that, "Terreblanche's trial within a trial, to an extent, motivated the researcher to pursue the current research focus" (Ralarala, 2015:2).

Another point that motivated the study was the observation of some work done by others in the same trial, which showed incomplete translated work of the police as the people who were responsible for the translation of the evidence during the process of the trial. This observation by Ralarala (2015) shows that there was ignorance when it comes to the translation of the witness

statements done by the police. According to Ralarala (2015:4), “Translation was an important aspect of the law that was often underestimated, as it was regarded as a simple and a straightforward task”. This taken-for-granted work becomes another story when it comes to those who do the actual translation work practically.

It was not an easy task to do, due to language differences which may cause difficulties in translating statements for the court from one language to another language, usually from isiXhosa to English or Afrikaans. As it was clearly put by Ralarala, “For the researcher, the actual translation of police sworn statements as reconstructions of complainants’ narratives had far-reaching and serious consequences and implications, not only for the complainants and perpetrators, but also for the law enforcement personnel who might find it more difficult to gather accurate evidence as a result of a language barrier” (Ralarala *et al.*, 2015:13). The research for this thesis also talks to the translation accuracy on translated sworn statements and documents done by police officers at work, including the views of the community members with regards to the issue of having untrained translators having to decide on their legal outcomes.

## 2.6 Conclusion

In concluding the chapter, it has looked at issues and aspects raised by various scholars and authors in and around the scope of sociolinguistics. These writers looked at language and legal practices, Translation, Back-Translation and usage of language in the workplace. The literature basically looked at language in the police precinct and how its practice and language policy corresponded to the Constitution of South Africa. The chapter provides a broad legislative language framework, which takes into account the South African Constitution, the language act pertaining to the police service, as well as the official languages act pertaining to the country as a whole. This is done against the backdrop of an analysis of seminal works in the field of Forensic Linguistics and Translation. The chapter that follows outlines the methodology that was used in the thesis.

## Chapter 3

### Methodology

#### 3.1 Introduction

This chapter looks at methods, techniques and strategies that were used when conducting the research. This is where the researcher describes the methodology that was utilized for gathering the data, the steps applied and also accounting for the routes chosen for the resultant data. In addition, it further explored other aspects such as ethnography which looked at the social and life issues and how the research sample lives their lives, which then required the researcher to live the life and experiences that the sample experienced in order to have first-hand experience about the phenomenon studied. Again, it uses a Phenomenological Approach which responds to experiences endured by the participants when seeking assistance from the police. This chapter sets out the steps the researcher took and applied during the collection of data. Holistically, it clarifies how the research was undertaken and how the researcher went about using required, related, and relevant methods for the research.

#### 3.2 Phenomenological approach

The research made use of the Phenomenological Approach as discussed by Willig (2013:16). This approach looked at the experiences of the participants and the narratives about their life experiences. This approach played a role in the research as a whole as it located the study on an epistemic route. The phenomenological approach looked at these experiences from the participants' point of view and attempted to develop new knowledge and inventions from those real and original experiences. Specifically, Willig (2013:16) explained the approach saying that:

Here the aim of the research was to produce knowledge about the subjective experience of research participants. Although the Phenomenological research still aspires to capture something that exists in the world – namely the participants' feelings, thoughts and perceptions which constitutes their experience she/he does not make any claims about what causes these thoughts, feelings or perceptions.

Phenomenological research is concerned with the quality and texture experience (what was like to have the experience). As such it aims to understand experience rather than to discover what was really going on what causes social and/or psychological events to take place.

The aim of this type of research was to get as close as possible to the research participants experience and to enter their experimental world by stepping into their shoes and looking at the world through their eyes (Willig 2013:16).

A theoretical methodology was explained clearly by the DLibrary (2015:166) as one that:

Relates to the philosophical basis on which the research takes place and forms a link between the theoretical aspects and practical components of the investigation undertaken.”

The theoretical framework was based on the observation resulting from the qualitative and quantitative research approaches, through the utilization of questionnaires and transcribed voice recordings from light cases, such as theft, assault and housebreaking. The reason for using questionnaires was the sensitivity, ethical and confidentiality of the translation aspect under research and the reason for using voice recordings and transcribing them; was due to the seeking of originality of the complaints statements and to use the translated dockets as the source text.

The researcher used both quantitative and qualitative research methods for collecting the data and for observing in the research field. Generally, and “Broadly speaking, research methods are the techniques used by researchers to structure a study and to gather and analyse information relevant to the research question...The two alternative paradigms have strong implications for the research methods to be used” (Polit, Tatamo & Lippincott, 2004:15). In defining the terms separately, Maruster & Gijzenberg (2013:5) state that, “Some writers define qualitative in terms of what it was not... For example, quoting Strauss & Cobin (1988) delineate qualitative research as any research not primarily based on counting or quantifying empirical material.” In other words, “By the term qualitative research we mean any type of research that produces findings not arrived at by statistical procedures or other means of quantification” (Maruster & Gijzenberg 2013:5). According to other writers, “A qualitative study was here defined as a study that focuses on understanding the naturalistic setting, or everyday life of a certain phenomenon or person...Moreover they were studies that include the context in which the studied phenomenon



was embedded” (Neergaard & Porm 2007:383). Moreover, “Qualitative research was an umbrella term for a wide variety of approaches to and methods for the study of natural life...The data collected and analysed was primarily non - quantitative in character, consisting of textual materials such as interview transcripts, field notes and documents, and or visual materials such as artefacts, photography, video recordings, and internet sites that document human experience about others and or one’s self in social action reflexive states” (Saldana 2011:3).

Again, “Qualitative researchers study things in their natural settings, attempting to make sense of, or to interpret, and phenomena in terms of the meanings people bring to them...In particular, there was a fairly wide consensus with understanding the meanings which people attach to phenomena within their social worlds” (Maruster & Gijsenberg, 2013:5). In addition, quoting Bryman (1988:8), “The way in which people study, understand and interpret their social reality was one of the central motifs of qualitative research.” (Bryman 1988:8)

Various data collection methods were employed by researchers and continue to yield qualitative results: “Certain data collection methods have also been identified as qualitative research such as: observational methods, in-depth interviewing, group sessions, narratives and the analysis of documentary evidence” (Maruster & Gijsenberg 2013:5). Again, Morrison *et al.* (2002:46) added that, “In all qualitative research, natural settings were preferred over artificial ones...A natural setting could be a bar, tavern, at a grocery store, in an airplane or a playing field...Qualitative research believes in going to where their research participants were, rather than bringing the research participants into the researcher’s domain” (Morrison *et al.*, 2002:46). The qualitative research methods were explained by the Family Guide International Website as the “Methods that were typically more flexible – that was they allow greater spontaneity and adaptation of the interaction between the researcher and the study participant. For example, qualitative methods ask mostly ‘open-ended’ questions that were not necessarily worded in exactly the same way with each participant. With open-ended questions, participants were free to respond in their own words, and these responses tend to be more complex than simply ‘yes’ or ‘no’ ” (fhi.org, 2016).

Quantitative research, also known as the positivist approach/method, was initiated as a method to study and objectify philosophies. According to McNabb (2015):

The positivist approach to scientific inquiry emerged as a reaction to the metaphysically based philosophy of science that characterized science up to the Age of Enlightenment, which lasted from roughly 1600 to 1800. This science

was fashioned on a belief that everything in the world was created by God and everything in the world was as God wanted it to be. The positivist reaction to metaphysical science was empiricism. Empiricism means that all knowledge must sense to be real, faith alone – the idea of knowing something was true because you believe it to be true – was an insufficient basis for explaining a phenomenon or as a foundation for knowledge. Positivist proposed caused and effect theories about phenomena and then framed those theories in a way that they could be stated as hypothesis, which could then be tested (McNabb 2015).

A study conducted by the University of Southern California Website (2016:2) defined quantitative research methods as ones that “Empathise objective measurements and the statistical, mathematical or numerical analysis of data collected through polls, questionnaires and surveys or by manipulating pre-existing statistical data using computational techniques” (libguide, 2016:1). Another definition of a quantitative research approach was explained by (Ivankova 2015:411) who said that, “Quantitative methods refer to the methods that collect and analyse numeric data expressed in numbers or scores” (Ivankova, 2015:411). Furthermore, “Quantitative research – the traditional, positivist scientific method - refers to a general set of orderly, disciplined procedures used to acquire information” (Polit, Tatamo & Lippincott 2004:15).

In addition, O’Dwyer & Bernauer (2014:12) stated that the, “Objectivist-quantitative theory sees the world and reality as stable predictable and generalizable where phenomena can be measured accurately.” The purpose of the approach was to make a particular point in order to put emphasis on the goal of the research. O’Dwyer & Bernauer (2014:12) state that, “Analysis in qualitative research had the same purpose as in quantitative studies – to make sense of data in relation to research questions. However whereas data in quantitative studies comprise numbers, data in qualitative studies comprise primarily words, pictures and artefacts” (O’Dwyer & Bernauer, 2014:12). The quantitative methods acted as the main point of departure of the study and research as stated by Polit, Tatamo & Lippincott (2004:15).

Quantitative researchers use mechanisms designed to control the study...Quantitative researchers gather empirical evidence – evidence that was rooted in objective reality and gathered directly or indirectly through the senses. Usually, the information in such a study was quantitative – that was numeric, information that results from some type of formal

measurements and that was analysed with statistical procedures (Polit, Tatamo & Lippincott 2004:15).

There is also the third type of research, namely mixed methods. This type was explained by Creswell (2009:203) as, “The strategy that utilizes both the strengths of qualitative and quantitative research methods research” (Creswell, 2009:203). In addition, “Mixed methods research was growing in its applications across social, behavioural and health sciences. Originated to overcome the dichotomy of conventional quantitative and qualitative methods mixed methods has become a popular research approach due to its ability to address the research more comprehensively” (Ivankova, 2015:3). This research and thesis made use of mixed methods as the nature of the research required this method: the statistical and verbal or narrative perspectives of methodology. A mixed method had to recount and interpret the methods of the research: “At its most integrated form, the mixed analysis might involve some form of cross-over analysis wherein one or more analysis types associated with one tradition were used to analyse data associated with a different tradition” (Onwuegbuzie, 2011:3). These approaches were both found by the researcher to be appropriate as both questionnaires and complainants’ voices/narrative recordings contributed to the ultimate goal of the research.

Similarly, the research was also based and dependant on additional comments made by the respondents in their responses in the questionnaire. This meant that the qualitative research method was used to measure or to represent the transcribed information provided by the complainants, whereas the quantitative approach was used to analyse and report the data from the questionnaires from the community members about their views on the translations done by police personnel. In definition, a quantitative research approach was the kind of approach looking at the evidence, its objectiveness, scientific proof and balance of the data gathered.

Generally, there were reasons for taking this decision, as there were variances when it came to the conversations and/or narratives from the complainants to the police officers. According to Olsson (2008:9), “In any case, the asymmetric nature of the relationship between authority figures (the police) and the defendant who may be - (i) illiterate, (ii) a speaker of another language than the language of interview, (iii) young/disabled/culturally disadvantaged etc., can result in a text (such as record of interview, video or audio recording or written statements) which was considerably at variance with what the suspect would have said had he/she been given the opportunity to make a statement in a non-coercive or less threatening environment.”

Again, during the narrative the complainant technically gives power to the police officer, which meant they lose possession of their side of the language that they were using and giving it to the police officer. This was stated by (Olsson 2008:9), “In a broad sense to be an author was to possess the language you were using...It was the use of language to produce a text over which you as the author have control and whose course you were free to direct....disadvantaged speakers were scarcely in control of the authorship process when giving a statement to powerful authority figures.”

### 3.3 Ethnography

Ethnographically the researcher spent time with police officers, where they were observed during the day until the time their shift ended which was at 6 o'clock in the evening. Genzuk (2003:1) cites Van Maanen (1996) who explains ethnography as the “Fieldwork conducted by a single investigator who lives with and like those who were studied.” (Genzuk, 2003:1). In addition, ethnography also contributed in cultural discoveries such as detection of which culture the respondents belong to. Moreover, “Other language teachers use ethnographic interviews specifically as a form of intercultural investigation” (Hinkel, 2011:11). As Genzuk (2003:8) explained, “Since ethnography takes place among real human beings, the researcher must make sure that research does not harm or exploit those among whom the research was done.” Ethically, in the questionnaires the names of the participants have been censored for confidentiality reasons. Furthermore, the approach of ethnography can be found in various dimensions within the social research.

With that being said, ethnography can also be explained in other disciplines as well. It is used in variety of disciplines, and again Hammersley and Atkinson (2007:1) explained ethnography as explained anthropologically is known as, “An integration of both first hand empirical investigation and the theoretical and comparative interpretation of social organization and culture.” (2007:1). Ethnographically, the researcher was at times constrained by time as the day shift ended at 6 in the evening and had to vacate the police precinct. In explanation, this was due to the lack of the researcher's own transportation from the police precinct to the researcher's home and was not conducted with the officers who were on night shift. This meant that, for the officers in the night shift to be observed, the researcher had to wait for four working days in order for their rotation to change and be able to interview them during the day.

The study took place at the Ndevana Police Station, King William's Town. It was to determine, gather and interpret the information through questionnaires, which was completed by a minimum of 100 respondents from the community, from the ages of 18 to 60 years. Interviews were conducted with 30 police officers; this then became another method under the qualitative dimension. A qualitative interview was defined as "A face-to-face interaction between a researcher and a participant, usually conducted in a location where the behaviour of interest occurs" (Morrison *et al.*, 2002:46). Translated legal statements, for instance minor complaints, were checked against the initial voice recorded original source. This included a minimum of 50 minor cases, for example cases of theft, to analyse the translation practice of the police officers and the accuracy or otherwise that the process affords.

The qualitative dimension was covered using a voice recorder to capture the voice of a complainant by the consenting police officer and not by the researcher. The voice clip was transcribed to capture the narrative dimension and in turn it was used as the original isiXhosa transcribed text for the analysis of the translation process. The quantitative approach was covered by questionnaires, which were filled in by community members addressing their views about their sworn statements being translated into English by untrained police officers. Open-ended interview questions were also posed to community members as part of the narrative process.

A back-translation method was mentioned by Presser *et al.* (2004:468) as, "A procedure proposed originally to help researchers to assess questionnaires in languages they could not read...The translated questionnaire was translated back into the source questionnaire language, and the two versions in the source language were then compared, as pointed out in chapter 2. Back-translation was accurate for undertaking mixed method research." Presser *et al.* (2004:468) added, "Back-translation combines' mechanistic steps with qualitative procedures." The English translations were professionally back-translated into isiXhosa and then compared for accuracy with the original transcribed isiXhosa texts.

There were also certain methodological limitations to the study that are discussed below.

### 3.4 Limitations

Similar to any research endeavour, there were downfalls and limits. This chapter looks at those aspects, starting with the community members, the police officers, the recording of verbal statements, and capturing of statements, including the interviews conducted with the police

officers concerning the research question. Lastly, the chapter will then conclude with other technical and climatological limitations that also took place during the conducting of the research from the commencement to its culmination.

### 3.5 The community members

The community residents of Ndevana Location, situated in the Eastern Cape outside King William's Town, under the Buffalo City Municipality, is one of the biggest rural settlements, dominated by isiXhosa mother-tongue speakers. Among these residents are literate and illiterate young and old. Approximately 99% of the community are Xhosa speakers and 1% are made up of foreign nationals.

Furthermore, the limitations from the sample were that as open as it was to every adult, the illiteracy of some of the community members delayed the required time for administering the questionnaire process. Secondly, some of the participants required extra explanations of the questionnaire after they had completed it due to the interest they developed on the study and its objectives, also with more inputs about the issue. Some participants did not alert the researcher to their lack of proficiency in the English language as the questionnaire had not been translated into isiXhosa.

### 3.6 The police officers

Police personnel were both commissioned officers and those who were uncommissioned. The commissioned officers included warrant officers, captains and beyond. As observed by the researcher, the South African Police Service is a hierarchical setting. Everyone requests assistance and also reports to a superior for any action about to take place, orders are followed and feedback given after every action. In addition, the place was a place of work that employs human beings who fall ill, ask for leave, maternity leave, study leave and transfers.

With that in mind, this notion, as observed by the researcher, caused limits to conducting the research. The limitations included absence of some police members in the police precinct due to illness, injuries on duty, maternity, study and sick leave. The officers available would take part in the research, whereas others would not agree at first, but in time, observing the research goals, aims objectives and getting to understand its participant protection, mindfulness and anonymity, as well approval from the superior with proper documentation from the researcher, it was then that they would participate fully. However, others would not agree to participate on record, but

freely and randomly comment on its elements. Those were the limitations caused by the police officers.

### 3.7 Recording of verbal statements

Recording of voices of complainants who come to open cases was one of the most difficult parts of the research. After hearing the type of crime reported and whether a case was opened by the complainant, the researcher had to request some moments with the complainant and do formal introductions, and request to record the process. During the process, as expected, the complainant would divert from the statement and end up giving irrelevant information, but, through patience, they would come back to the statement and continue. Apart from that, fortunately, no participant resisted to be on record, and all of the complainants assented to the researcher's request.

These voice recording go hand-in-hand with the capturing of the dockets by the researcher. The researcher would take a picture of only the written part of the statement due to the personal information filled in on the front cover of the statement. There was no problem from the police's side. After the completion of the translation of the verbal statement, the researcher would then take a picture of the written side of the docket.

### 3.8 The consented interviews with police officers

These interviews were consented to by the police after reading a statement written by the researcher concerning the study before the interview commenced. After reading and understanding the statement the police officer signed the consent form. This form also included a clause whereby the police officer could withdraw from the interview whenever they pleased.

### 3.9 Environmental limitations

Lastly, weather conditions during the research were partly a limitation as they would cause issues when it came to the arrival of the researcher at the station on time. Sometimes the researcher would not arrive at the police station at all due to bad weather conditions as it was the winter season at the commencement of the research. Night shifts at the police station were rarely attended by the researcher due to reports by the police that it becomes rather quiet at times.

In conclusion the research was for the most part smoothly done. Obstacles were natural ones mostly, caused by climate changes. The South African Police Service was a highly hierarchical place where junior officers report and ask assistance from superior officers. The S.A.P.S was

classified into two divisions namely; the Commission and Uncommission Officers. Uncommission include Constables, Sergeants, Detectives, whereas Commission Officers include Warrant Officers, Captains, Lieutenant, Colonel and beyond. All participants were complying, except for a few ones who were uneducated, not interested and those who were only fearing of their identities. All in all the research yielded fruitful data and results.

In arbitration of the diagnosed problems of the study, this section of the study looks at possible aiding methods or strategies to resolve the problematic aspects that were unearthed by the data gathered. These issues that were explained look deeper at the solutions to the issues revealed by the data presented and analysed. In addition, the discrepancies the study revealed have led to these recommendations and, in turn, they might be helpful on the smaller scale and eventually on a bigger scale.

### 3.10 Conclusion

This chapter explores the methodology of the research that was undertaken and how one should look for accepted strategies and methods to achieve the desired results amongst an array of research methods, for example qualitative and quantitative strategies. In addition, the chapter acted as the guideline for the researcher to have a clear understanding of how to conduct the study. Certain limitations to the research and research challenges are also outlined as part of the methodology. The chapter provided an ethnographic background, as much of the research was observed by the researcher as someone who was immersed in the Ndevana community, their feelings and desires as well as their need for social justice in a language they understand best, namely isiXhosa. In the chapter that follows the data that was collected is presented.



## Chapter 4

### Data Presentation

#### 4.1 Introduction

This chapter presents the data that was gathered from the field, which was in the police precinct of Ndevana in the Eastern Cape. The various crimes are also defined in this chapter. The data in this chapter is presented and shown statistically through graphs, figures, interview transcriptions, statement presentations and charts including questionnaires utilized. It shows the raw data that the study was based upon. Initially, it shows a table of common crimes that the police officers were familiar with. These crimes were dealt with on a daily basis. In closing, the chapter looks at the interview transcriptions that were then analysed in further detail in the data analysis stage in the chapter that follows.

#### 4.2 The types of common complaints experienced by police officers

The following Table 1.1 presents the various types and number of cases reported in the police precinct during the three-month research period.

**Table 1.1: The various types and number of cases reported in the police precinct**

<b><u>Types of Cases Reported</u></b>	<b><u>Number of most Cases Reported</u></b>
House-breaking and theft	10
Domestic violence	3
Theft	1
Defamation of character	1
Murder	1
Assault and robbery	3

Stock theft	4
Arson	1
Business burglary	6
Assault with grievous bodily harm	11
Assault	3
Road accident claim	1
Loss of state property	1
Missing person	1
Contravention	2
Gunpoint	1

The Table 1.1 above presented the array of cases reported on a daily basis in the police precinct for the past three months. According to Ralarala (2015) who quoted Geldenhuys, (2001), “In the South African experience, sworn statements from members of the public were frequently translated (mostly from African languages into English and, in some cases, into Afrikaans) and eventually these were used in court as evidence for proceedings.” These cases included, house-breaking and theft, domestic violence, theft, defamation of character, murder, assault and robbery, stock-theft, arson, business burglary, assault with grievous bodily harm, assault, road accident claim, loss of state resources, missing person, contravention and gun pointing. Similarly, Ralarala (2015) claims further that, “Typical cases brought to local police stations involve a variety of crimes, such as theft, assault, domestic violence and murder, to mention but a few” (Ralarala, 2015:6).

Figure 1.1 below represents the number of cases reported in the three-month period in the precinct.

### Number of cases reported in the three-month period in the precinct

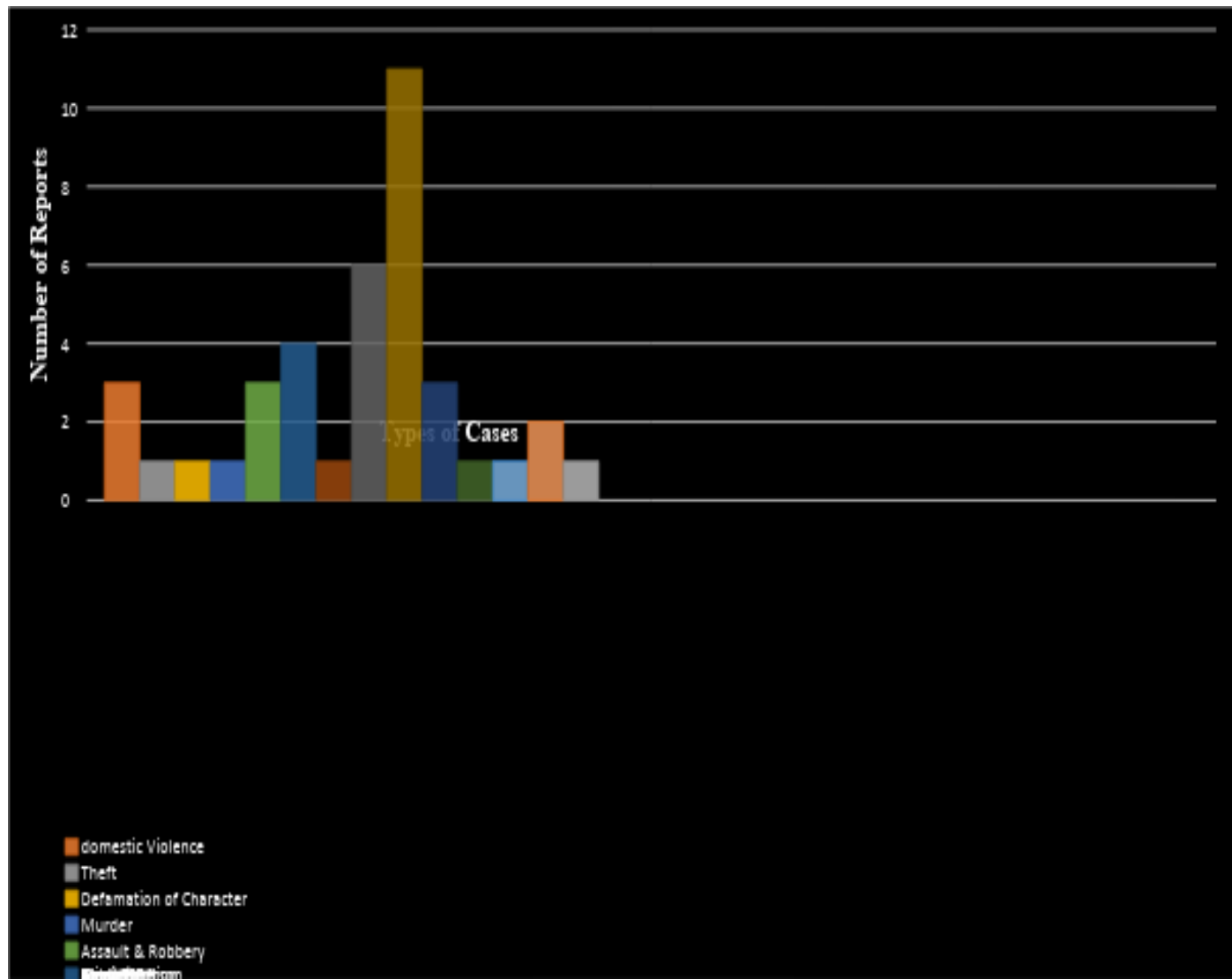


Figure 1.1 number of cases reported in the three-month period in the precinct.

#### 4.3 Definition of crimes

By definition, cases that entailed house-breaking and theft were those whereby the perpetrator broke in and entered the victim's locked house and stole the complainant's belongings. According to the (SAPS Common Law Offence Definitions 2014), "Housebreaking with intent to commit a crime consists of unlawfully and intentionally breaking into and entering a building or structure with the intention of committing some crime in it." Domestic violence referred to family feuds, whereby the perpetrator was the husband or son beating or violating other family members.

Cases of theft entailed stealing of anything that was in the perpetrator's sight, including getting inside an unlocked victim's house and stealing their possessions or even stealing electricity cables from outside the house. The SAPS Common Law Offences Definitions (2014:1) refers to theft as "The unlawful appropriation of moveable corporeal property belonging to another with intent to deprive the owner permanently of the property."

Defamation of character entailed situations whereby the complainant was accused of a crime or a myth due to their age; these include witchcraft and/or being a thief due to how they appear or dress. According to the SAPS Common Law Definition (2014:1), "Defamation consists of the unlawful and intentional publication of matter that impairs another person's reputation." Cases of murder included those of killing, specifically a person and the accused laid a charge of killing another person. The SAPS Common Law Offences Definitions (2014:1) claims that, "Murder was the unlawful and intentional killing of a human being." Robbery and assault included scenarios where the victim was attacked by perpetrators and dispossessed of their belongings. The SAPS Common Law Offences Definitions (2014:1) explained that, "Robbery consists of the theft of property by intentionally using violence or threats of violence to induce submission to the taking of it from another."

Assault was referred to as crimes that included injuring others, and, according to the SAPS Common Law Offences Definitions (2014:1), "Assault consists of unlawfully and intentionally applying force to the person of another and inspiring a belief in another person that force was to be immediately applied to him or her." Cases of assault to cause grievous bodily harm involved injury to another person. According to the SAPS Common Law Offences Definitions (2014:2), "This was another form of assault, however, committed with the intention to cause serious bodily injury".

Those of stock-theft involved the stealing of livestock. According to the Stock Theft Act 57 of 1959 4 (1): "Any person who in any manner enters any land enclosed on all sides with a sufficient fence or any kraal, shed, stable or other walled place with intent to steal any stock or produce on such land or in such kraal, shed, stable or other walled place, shall be guilty of an offence."

Furthermore, cases of business burglary entailed incidents whereby a person was found guilty of unlawfully entering a place of business or place of work and commits a crime. According to Reuters (2018:1), "Burglary was the unauthorized breaking and entry into a building or occupied structure with the intent to commit a crime inside. Burglary was typically defined as the unlawful

entry into almost any structure (not just a home or business) with the intent to commit any crime inside (not just theft/larceny).”

Crimes of loss of state property or negligence involved an officer of the law losing state property, for instance, the loss of a state firearm, ammunition, vehicular tools and or spare wheels. Crime reports on police officers being careless when it comes to state resources were done frequently. As a result, an online article by the Daily Dispatch newspaper in East London reported that, “A 36 year old Warrant Officer will appear in Court tomorrow on charges of theft of state property and negligent loss of a firearm crime of theft of state property and negligent loss of a firearm” (Dispatch Live 17 September 2017).

Reports of missing persons have become very crucial, as before one was expected to be reported as missing after a waiting period of 24 hours. However, people were currently expected to report the missing person as soon as the person disappears; there were no longer waiting periods. According to the South African Government (2018:1), “If someone close to you goes missing, you should go to the police as soon as you know they were missing ...you do not need to wait for 24 hours.”

One of the cases reported in the police station was that of gun pointing. This offence is a life-threatening one as it shocked the victim as they see their lives flashing before their eyes. According to The Free Dictionary (2018:1), being held at gunpoint means, “The point or aim of a gun or being under threat of being shot.” Similarly, according to the Collins Dictionary (2018:1), at gunpoint meant, “If you were held at gunpoint, someone was threatening to shoot and kill you if you do not obey them.”

Lastly, cases of contravention include the recipients of Court Orders who violated the terms of the Court. According to the Department of Justice and Constitutional Development (2018:2):

When a person against whom a protection order was made contravenes the order, the person who requires protection can go to the nearest police station, lodge a complainant against the respondent and make an affidavit. The police officer shall then judge the danger in which the complainant appears to be and do either of the following.....arrest the respondent for allegedly having contravened the protection order; immediately give the respondent a written notice to appear before the court for allegedly having contravened the protection order.

As proven and indicated by Ralarala (2015:13), cases typically reported in the community Service centres of the South African Police Service were:

Typical cases brought to local police stations involve a variety of crimes, such as theft, assault, domestic violence and murder, to mention but a few. In some (if not most) of these cases, the people laying the charge or suing (that was, ‘the complainant’) were generally economically disadvantaged and have Limited English Proficiency (LEP). Additionally, the system (institutional norms) forces them to rely solely on a police officer to represent them in crafting their sworn statement, as the means of building their ultimate evidence for the court.

#### 4.4 Illiteracy and translation accuracy

These crimes defined above are the crimes that the researcher has seen translated (sworn statements related thereto) by police officers during the three-month period spent by the researcher in the precinct. In addition, he discovered a number of elements during this period. One of the elements discovered by the researcher was that of illiteracy and translation inaccuracy. As pointed out by Ralarala (2015:14):

Translation was an important aspect of the law that was often underestimated, as it was regarded as a simple and straightforward task; but, for the researcher, the actual translation of police sworn statements as reconstructions of complainants’ narratives had far-reaching and serious consequences and implications, not only for the complainants and the perpetrators, but also for the law enforcement personnel or police officers who might find it more difficult or even impossible to gather accurate evidence as a result of a language barrier.

These aspects were highlighted by Lochner (2014:85) when stating that, “The statement must be an accurate version of events” (Lochner, 2014:85). Accuracy and illiteracy in complaint translation in the South African Police Services was one aspect that was problematic as police officers were required to improve their vocabulary. This fact is attested to again by (Lochner (2014:85) who makes a practical example using a notorious case involving a South African athlete:

Every word used in the statement must unequivocally reflect the meaning intended. In the Oscar Pistorius case, for example, sounds that emanated from the house on the night of the murder were initially described as ‘shots’ but were later called ‘banging’.

This fact gave reason for improving terminology, so as to synchronise the old terms with new ones. Times, terms and the types of crimes added to the South African Police Service database evolve frequently. The fact was that with time vocabulary changes and so may the way words are interpreted. As pointed out by (Ralarala 2015:7) who cites Geldenhuys, (2001):

In the South African experience, sworn statements from members of the public were frequently translated (mostly from African languages to English and, in some cases, into Afrikaans) and eventually these were used in court as evidence for proceedings.

Therefore, accuracy, English Literacy and English Language Proficiency (ELP) were vital as the justice system depends upon English to conduct court proceedings. In addition, what the complainant says should be interpreted exactly how they say it and not altered by the police officer who was attending the complainant, which becomes problematic if the officer in attendance was incompetent in both languages. According to (Lochner 2014:85):

The witness’s words must be written down verbatim...there must be no confusion about concepts and the witness’s words must convey what he or she wants to say. The investigator taking the statement may not tweak the language to make it sound better or to say what he or she thinks the witness wants to say; the witness statement must say what the witness understood and experienced.

The following photos in Figures 1.2 and 1.3 below have been taken in the presence of the researcher by a police officer and it was a representation of an actual translated verbal statement from isiXhosa to English narrated by a complainant and translated into English by a police officer. Individual identifying information has been hidden for ethics and confidentiality purposes:

Actual verbal statement(s) translated from IsiXhosa to English by a Police Officer

Shale under both in xhosa to english  
9  
[redacted] tell me [redacted]  
[redacted] riding at no [redacted] Nkkelana  
[redacted] I am a taxi driver [redacted]  
On Thursday 2018-07-05 at about 07:2 driving  
a taxi coming on the direction of Githa  
to King William's Town loading a passenger  
going to King William's town.  
On the side of uncing trying to make a  
U-turn on the stop. I noticed that there  
is a vehicle coming at the back I stop  
to make a U-turn I waiting to passed  
to me. I make a U-turn after passed to  
me take again Githa t/ship.  
On the same time I noticed the car  
passed came back again. I stop my self  
because I want to know about this vehicle  
coming back again. The vehicle stop next  
to me at Driver door. Start asking me  
I you going to pay this vehicle if I  
bumped. I told them know I not Bumped  
you. All the time I am in the vehicle  
All the time on the drive city.  
The driver of the vehicle took the fire<sup>arm</sup> out  
on the waist. After took the fire arm  
on the waist. I going out on the the out  
and spray me three time on the face taxi  
left me. The passenger came back. After

Figure 1.2: An example of an actual verbal statement translated (in the presence of the researcher) from IsiXhosa to English by a Police Officer



P-S. 01/02 P. 21 (81/143198)

Saw me I am better that time I  
 am not straight after spray me with  
 a paper spray. The drive after spray me with  
 a paper spray they phone the rank manager.  
 I spray someone driving a taxi- They told  
 me after spray me with a paper spray you  
 can go to the police and open a case against  
 me. I don't care. And the passenger also  
 can say that what saying in the statement

Figure 1.3: A continuation of the translated verbal statement (in the presence of the researcher) by a Police Officer from IsiXhosa to English.

The scans of the translated statement above were what the research was all about and were the basis of the study as a whole, together with extra works that have fuelled the whole study and the reason for its initiation. The pictures above clearly show that the police officers were indeed responding to the question posed by the research of, “Can police officers competently fulfil their role of being crime preventers and translators simultaneously?” These scans also respond to a similar question posed by Ralarala (2015), “Can Police Officers fulfil their role competently as translators?”

Indeed, it was clear and evident that accuracy and illiteracy aspects were ones that the police officers find problematic in their line of work. Specifically, accuracy was one aspect that seemed to damage the whole context and content of the target text. This occurs more especially when the interpreter was incompetent in the target language. Lochner (ibid) alludes to thisw inaccuracy when stating that, “Accuracy also manifests in the correct use of words, sentences, names and titles” (Lochner, 2014:85).

On the other hand, inaccuracy also manifests in instances of sentences and words from the target text. These examples were what was stipulated in the scans above and the fact that they were used as evidence in court. Ralarala (2015:4) states that, “Such translated documents were ultimately used in court as evidence for proceedings.” Furthermore, on the aspect of accuracy, it was clear from the scans above (Figure 2.1 and 2.2) that inaccuracy was what was taking place as a voice recording clearly states otherwise, as well as the back-translation of the particular statement that indicates a different version of the above written statement. According to (Lochner 2014:85):

Spelling errors and using the wrong words create the impression that the investigator was untrained, unprofessional and laissez faire. Full sentences in a logical sequence that paint the full picture of what happened add to the accuracy of the statement. The choice of words should be exact and say exactly what was meant. Ambiguous language that allows for assumption should be avoided because it could create confusion.

In addition to accuracy, the aspects of ‘completeness’ and ‘conciseness’ were added which go hand-in-hand with ‘accuracy’, ‘competence’ and ‘translation into English language proficiency’ which were what was lacking from the police officers in the study. This is explored further in the data analysis in chapter 5.

According to (Lochner 2014:86) “The statement should contain all the details about the crime that was committed.” Moreover, what the witness said verbally should be written clearly and logically, as indicated by Lochner (2014:86):

The testimony of the witness must be clearly set out in the statement. No material information may be omitted...Complete sworn witness statements not only promote the criminal justice process but give a positive reflection of the investigator’s training, education competence and professionalism during the trial.

In terms of conciseness, the witness’s verbal statement was what the witness would appreciate hearing when read to them by the police officer after the translation process between the complainant and the police officer attending to the complainant. They would not want to hear and see an unclear English version of their verbal version. An indication was given by Lochner (2014:86) who said that, “The statement should be concise and to the point. This did not mean that details should be omitted, but irrelevant words and phrases should be avoided.” A witness statement was the most vital piece of information required to begin the rule of law. However, lack of adequate information, omission of

some facts, inaccurate translations, lack of proficiency, and incorrect wording and sentencing may result in criminals walking free or the conviction of innocent people. This was supported by Ntuli & Bruce (2001:3) saying that, “Good quality witness evidence is one of the key resources which may be used to come to the understanding about the truth regarding the facts of individual cases, and to secure convictions against perpetrators.”

Presented below is (Figure 1.4 and 1.5) another statement from the 50 translated verbal statement by the police officers (collected in the presence of the researcher). This translated statement revealed the aspect of wording in line with tampering with the facts and the context of the crime that was being reported by the complainant.

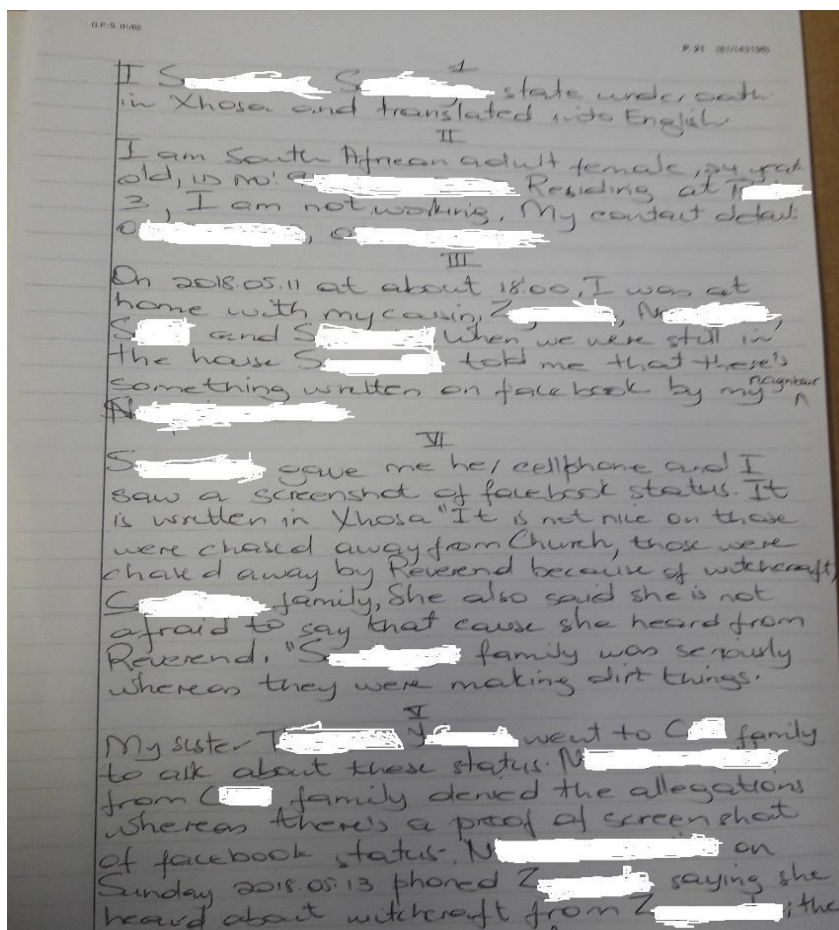


Figure 1.4 Inaccurate IsiXhosa to English statement (in the presence of the researcher) spelling, wording and sentencing changed due to the lack of English language proficiency.

± S. [redacted] S. [redacted] state further under oath in Xhosa.  
day that they were sitting under the tree with L. [redacted] - N. [redacted] also said she is going to police station. As a [redacted] family we need police assistance in this case.

VI

I know the lady that written about my family as my neighbour. We do not see eye to eye because of we are serving different parties on politics.

S.S. [redacted]

Figure 1.5 Example of additional evidential elements lost in translation.

1.  
I AM AN ADULT AFRICAN MALE WITH 42 YEARS OF AGE RESIDING AT 2 TSHABO BLOCK WITH CONTACT NUMBER [REDACTED] AND I AM UNEMPLOYED.

2.  
ON SUNDAY 2018-05-27 AT ABOUT 14:30 I LEFT TSHABO BLOCK PROCEEDED TO NDEVANA LOCATION TO MY COUSIN BROTHER "M. O. TOZAMA". ON MY ARRIVAL AT [REDACTED], [REDACTED] TOLD ME THAT HE IS GOING TO SWEETWATERS SO I MUST BORROW HIM TWENTY RANDS AND I MUSTN'T GO BACK TO TSHABO I MUST SLEEP OVER AT HIS PLACE. M. [REDACTED] CAME BACK AT ABOUT 18:00 AND HE TOLD ME TO SLEEP AGAIN. I SLEPT WITH HIM ON THE BED AND ON THE FLOOR ANOTHER AFRICAN MALE WAS SLEEPING ON THE FLOOR KNOWN AS BATISTA.

3.  
ON MONDAY 2018-05-28 AT ABOUT 08:15 WE WOKED UP AND NOTICED THAT B. [REDACTED] IS NOT INSIDE THE HOUSE AND THE DOOR WAS OPENED. B. [REDACTED] CAME BACK AFTER SOMETIME AND M. [REDACTED] ASKED US ABOUT HIS HUNDRED RAND WHICH WAS ON THE TABLE BOTH ME AND BA [REDACTED] TOLD HIM THAT WE KNOW NOTHING ABOUT HIS MONEY, M. [REDACTED] TOLD ME THAT B. [REDACTED] COULD NEVER STOLE FROM HIM. SO HE SUSPECTS ME. M. [REDACTED] TOLD ME TO UNDRESS AND STARTED TO ASSAULT ME WITH STICKS, TREES TOGETHER WITH B. [REDACTED]. MY WITNESSES ARE (1) MS. [REDACTED] Z. [REDACTED] AND (2) SUSPECT'S MOTHER. THAT IS ALL I WANT TO SAY.  
'M Sa [REDACTED]

Figure 1.6 An isiXhosa to English translated sworn statement.

FURTHER STATE'S UNDER OATH

4.  
AS A RESULT OF THIS I SUSTAIN MULTIPLE BRUISES ON MY UPPER BODY AND I WOULD LIKE POLICE TO INVESTIGATE THIS MATTER AS I DID NOT GIVE PERMISSION TO ANYONE TO ASSAULT ME. THAT IS ALL I WISH TO SAY.  
M Sa [REDACTED]

Figure 1.7 Continued sworn statement.



NDEVANA

Cas 6/1/2018

I [redacted] Vo [redacted] STATES UNDER OATH IN ENGLISH

①  
I am an African woman 37 years of age, residing at [redacted], Ndevana. I am working for [redacted] Security Company at B1 [redacted]. My cell no is 06 [redacted]. My home language is Xhosa.

②  
On Friday 2018/04/27 at about 8:45 I received a call from No [redacted] S [redacted], she wanted to see me and No [redacted] No [redacted].

③  
At about 09:00 Sunday No [redacted] and No [redacted] arrived as I was at home together with my mother. They wanted to assist me because No [redacted]'s husband had been missing for a week and they alleged that No [redacted] did not get assistance at the police station when she reported that her husband was missing. I contacted the station commander and informed her about the complaint. Few minutes later the police van arrived and took No [redacted] and No [redacted] to the police station.

*[Signature]*

Figure 1.8 An example of police mistranslation and incompetence in a case of missing persons that turned homicide.

DOEVANA Case 6/1/2018

Fa [redacted] states further under oath:

(4)  
On the [redacted] at about 19:30  
I met with [redacted] to [redacted]  
next to Ma [redacted] [redacted] as I  
was together with my sister Ay [redacted]  
She informed us that there was  
a body found floating on  
the river. I went to the river  
and I contacted No [redacted] to  
locate her. I found her nearby  
the river, she was crying, she  
informed me that the person  
found in the river is her husband  
Fa [redacted] / M3 [redacted] [redacted] and  
he was dead.

(5)  
I went to the scene and Ay [redacted]  
and No3 [redacted] drove to the police  
station to inform the police.  
The police arrived, I informed the  
station telephonically to organize  
the divers to remove the body from  
the river, she reported back and  
the divers together with the station  
commander arrived. The body was  
identified as that of No3 [redacted]'s  
husband, a wallet and his phone  
were taken from the deceased and  
handed over to the police. I went physically  
inspected the body for possible injuries.  
That is all I wish to say.

*[Signature]*

Figure 1.9 Above case continued.

TEL (W): \_\_\_\_\_

AGE: 034 OCCUPATION: Unemployed PERSAL NUMBER: \_\_\_\_\_

STATES UNDER OATH IN ENGLISH:

-2-

I am an adult/minor, male/female On Monday 2018-07- [redacted] at about 16:00 I was coming out of my home to my friend's place Ma [redacted] B [redacted], when approaching his place I saw Ng [redacted] Ng [redacted] talking with another black male unknown by me. They were standing next to the yard of that black male.

Before I passed them I heard Ng [redacted] mentioning my name and that was when I asked him what he was saying about

[redacted]  
SIGNATURE

Figure 1.10 Indicates Limited Language Proficiency (L.E.P)



my name. He said I must asked him what he was saying about my name not to asked others, I said to him I am asking him. He moved away from where he was standing and entered M[redacted]'s place where I was going.

I entered after him and he was in front of me, he just turned and stabbed me with a knife once on my left side of the body.

After he stabbed me he ran away to his cousin's place To [redacted] Nd [redacted]. Because of his action I sustained open wound of  $\pm 6$  cm on my left side next to my heart I was taken to Cecilia Makhiwane Hospital by a private vehicle for treatment. I was admitted for the night and my wound is stitched. That is all I wish to say.

No one had a right to assault me

Figure 1.11 The case above continued.

NAME: [REDACTED]  
 ADDRESS (H): [REDACTED]  
 TEL (H): [REDACTED]  
 ADDRESS (W): [REDACTED]  
 TEL (W): [REDACTED]  
 AGE: 76  
 ID NR/DATE OF BIRTH: 18 [REDACTED] 12-1 [REDACTED]  
 PERSAL NUMBER: [REDACTED]  
 OCCUPATION: [REDACTED]  
 STATES UNDER OATH IN ENGLISH:

-2-

I am an adult/minor, male/female [REDACTED] RESIDING AT 3 [REDACTED] TSHABO BLOCK [REDACTED]  
 ON SATURDAY 2018-01-20 AT ABOUT 15:30 I WAS AT [REDACTED]  
 MY HOUSE WITH MY SON P [REDACTED] I THEN  
 INSTRUCTED HIM TO CLEAN THE HOUSE AS IT WAS  
 DIRTY. HE ANSWERED BY SAYING I WILL NOT DO THAT  
 SHIT (KAKA) WHY I ALWAYS INSTRUCT HIM NOT MY  
 YOUNGER BROTHER AND HE WILL NOT DO THAT.

(3)

THEN LATER ON THE SAME DAY HE HAD AN  
 ARGUMENT WITH HIS SISTER AND I STOP THAT FIGHT.  
 THEN AT ABOUT 19:30 HE SAID HE WILL DO SOMETHING

[REDACTED] 4  
 SIGNATURE

Figure 1.12 An example of police Limited English Proficiency context lost in translation.

THAT I NEVER SEE. HE KNOCK HARD ON THE  
WINDOWS WITH BOTH OPEN HANDS. I TRIED TO STOP  
AND HE SAID HE WILL BREAK THOSE WINDOWS INTO  
PIECES BUT FORTUNATELY HE DID NOT MANAGE TO  
BREAK THEM. I HAVE A PROTECTION ORDER AGAINST  
HIM THAT CLEARLY STATE THAT HE MUST NOT  
KNOCK HARD ON THE WINDOW AND HE BREACH  
THAT ORDER. I NOW WISH POLICE CAN ARREST HIM  
BECAUSE OF HIS BAD BEHAVIOUR. THAT IS ALL I  
WISH TO STATE. [REDACTED]

Figure 1.13 The case continued with blank half page and tippex corrections.



P. 21 (81/143198)

Na [REDACTED] Ma [REDACTED] STATES UNDER OATH IN [REDACTED] HOSA  
TRANSLATED TO ENGLISH

①

I AM AN ADULT FEMALE RESIDING AT 690 GIESINI LIT  
NDEVANA WITH I.D. NO 5 [REDACTED] 81 AGED 65 YRS  
WITH CONTACT NUMBERS OF [REDACTED] AND I AM THE  
COMPLAINANT IN THIS CASE

②

ON SUNDAY 2018/10/10 @ 11:00 I HAD VISITED MY  
MARRIAGE HOUSE TO DISCUSS THE MATTER OF MY LATE  
SON SW. S. [REDACTED] TOGETHER WITH MRS WHO PASSED  
AWAY ON 2018/1/11 TOGETHER WITH MY HUSBAND  
MO. S. [REDACTED]

③

THEN MY HUSBAND LOCKED THE GATE AND HE ASKED ME  
WHAT IS MY PROBLEM, AND HE TOLD ME THAT I MUST TAKE  
THE DECEASED BODY TO THE VULTURES OR I MUST TAKE  
HIM TO MUNICIPALITY SO THAT HE CAN BE BURIED,

④

HE SAID THAT I MUST GO AT HIS HOUSE WITH THESE  
MIN'S WE'RE TRAVELLING OTHERWISE HE CAN DO SOMETHING  
WITH THEM, I.E. BAD SOMETHING, THEN THE CARS OF WHICH  
WE WERE TRAVELLING WITH WE THEN DROVE THEM TO THE  
POLICE STATION.

⑤

THE ABOVE MENTIONED HUSBAND HAVE GOT INSTRUCTIONS  
FROM THE COURT THAT SAID HE MUST NOT INSULT ME  
AS AN APPLICANT, NOT TO CHASE ME AWAY OF OUR HOUSE  
AND NOT TO THREATEN ME.

⑥

I DID NOT GIVE ANY PERSON TO CONTRAVENE MY PROTECTION  
ORDER SO I DESIRE FURTHER POLICE INVESTIGATION.

Figure 1.14. Example of Limited English Proficiency and mistranslation.

P. 21 (81/140)

SI [REDACTED] / K [REDACTED] STATES UNDER OATH IN XHOSA  
AND TRANSLATED TO ENGLISH

①  
I AM AN ADULT MALE RESIDING AT 212 N.W. [REDACTED]  
MIDWINTER WITH I.D. 84 [REDACTED] 81 AGED [REDACTED] YEARS AND  
MY CONTACT NUMBER IS 07 [REDACTED] AND I AM THE  
COMPLAINANT IN THIS CASE

②  
ON FRIDAY 2018/01/05 @ 11:00 I HAVE VISITED THE TOWER  
AND EVERYTHING WAS IN ORDER, WHEN I VISITED ON  
2018/01/05 @ 12:30 I AGAIN VISITED THE TOWER THAT I  
HAVE NOTICED THAT TRUE PALSIDE POLE HAS BEEN CUTTED  
AND BURNT.

③  
I PROCEEDED ENTER INSIDE THE TOWER AND I DISCOVERED  
THAT THE CONTAINER DOOR WAS WIDE OPEN AND DAMAGED  
TO GAIN EXCESS, INSIDE THE CONTAINER, THE MOVEMENT  
CENSURE AND THE DOOR CENSURE I.E. ALARMS WERE  
DAMAGED, AND 08 SUPER SAVE BATTERIES WERE STOLEN,

④  
THE COLOURS OF THE BATTERIES ARE READ ON THE SIDE [REDACTED]  
THE MAIN COLOUR IS BLACK, D.B. BOX WAS CUT DOWN  
AND THE DIESEL BELONGS TO M.T.N HOT VODACOM, AND THE  
LIST OF THE STOLEN AND DAMAGED ITEMS ATTACHED AS  
PER A1

⑤  
I DID NOT GIVE ANY PERSON A PERMISSION TO BREAK-IN  
AND DAMAGED ITEMS INSIDE THE TOWER SO I DESIRE  
FURTHER POLICE INVESTIGATION.

Figure 1.15 An example of a badly written and misspelled translated theft case.

TEL (W): 070 ID NR/DATE OF BIRTH:                     

AGE: 7 OCCUPATION: Self Employed PERSAL NUMBER: N/A

STATES UNDER OATH IN ENGLISH:

-2-

I am an adult/minor, male/female On 20/8/16 Wednesday at @ 16:15  
I left my business that is No 1 Spaze Shop  
at everything was in order and the door container  
was locked with padlock.

3.

On 20/8/16 Monday at @ 11:30 I arrived at  
my Spaze Shop that is my container and I opened  
the padlock with my keys and I opened the door  
and when I entered the container I saw  
that everything that was in my Spaze was upside  
down.

M. S. D.  
SIGNATURE

Figure 1.16 Inaccurate translation of a house breaking and theft.



No. [redacted] A. [redacted] FURTHER STATE THAT :

When I checked I notice that a 3kg gas cylinder (yellow) in colour, a flame stove (pouder blue), one white plate, four packets of yoghurt sweets, four packets of sweets, three cabbages, one bag of oranges was missing and when I look inside the container I saw a hole on the roof of the container and the perpetrators gained entrance through the roof of the container. The value of the stolen items is ₹ 106-00. I also notice a flowered pot and the spoon were on the floor and there is ash inside the pot.

5.

I did not give anyone permission to take my belongings without my permission. I request police investigation in this matter. I did not know the suspect or perpetrators in this incident. That is all I can say.

M. [redacted]

Figure 1.17 Above translated statement continued

I Co. Gw. states under oath that.

I am a b/male with ID no Gw. 5  
 residing at D. A/Area. I am 18 yrs of  
 age. I am unemployed my contact number  
 078 5 I am the complainant in this  
 case.

On Wednesday 2018-05-03 at about 10:00 when  
 I got home I was reported by the man I  
 have hired to herd my cows that my one  
 cow has never come back from the grazing  
 land.

I instructed to go and lookout for it to the  
 other grazing field ~~be~~ he could not find it  
 I assisted him by looking for it even to the  
 veld where it used to graze on but with no  
 luck. I couldn't find it.

The description of it; it is a (ENTSUNDU) brown  
 with dark extremities

I request police to invest and arrest person who  
 stole my cow.  
 That ALL.

C. Gw. 5

Figure 1.18 An example of a stock-theft and mistranslated statement.



I [redacted] G [redacted] state under Oath that:

I am the black male with ID no. 73 [redacted] 82, residing at house no. [redacted] G [redacted] Extension Ndubana. Location. I am unemployed and the complainant in this case.

On Sunday 2018-01-14 I was at Gesini Tavern consuming some liquor. Together with T [redacted] and Z [redacted] I then left them to toilet, when I came back from the toilet on the way I met with S [redacted] T [redacted] known as [redacted]. I greet at him by saying Hola he did greet me back <sup>no answer me</sup> instead he became angry at me and further said "Fuck OFF. you look like these two from outside those who hate me" by these two he was referring to P [redacted] B [redacted] and P [redacted] A [redacted].

I lost my temper and asse slapped him with an open hand, he ran outside of the yard I then remained inside the tavern watching TV. After sometime whilst was still watching I heard someone assaulting with a fist on my back and people in the tavern crying. I <sup>later</sup> then realised that S [redacted] is stabbing me.

I did not give S [redacted] a right to assault me I therefor request police to arrest him for assaulting him. As I sustained five stab wound on my back because of him.




Figure 1.19 An example of a mistranslation of an assault with grievous bodily harm case (G.B.H)

The above 10 various translated (isiXhosa to English) statements obtained from isiXhosa speaking complainant's translated scans show that the Ndevana police officers were finding forensically analysing and translating the English language very problematic. The inaccuracy in English from the figures above was due to the lack of proficiency in the English language and no expertise in translation. The researcher spent three months in the precinct and 50 cases were observed and recorded, which begs the question of how many cases of this nature have been concluded and judged where an injustice leading to perpetrators walking free or innocent citizens not being afforded justice due to these inaccuracies?

Furthermore, an article by the Press Reader (2018:1) indicated that, "A significant number of South African Police Services officers cannot read or write, putting a hurdle in the implementation of the police's 'turnaround plan', which includes stabilising crime hotspots, preventing and combating gangsters, implementing the national security strategy and the drug master plan." The plan may be hard to implement due to the illiterate police officers of South Africa. This is clear if one reads the translated sworn statement scans above.

Similarly, an online article published by Independent Media (2018:1) also touched on the issues of illiteracy from the South African Police Service's side claiming that:

Cape Town Members of Parliament were dumbfounded after police top brass revealed that another skills audit was on the cards after the discovery of illiteracy in the ranks of the SAPS...The police portfolio committee heard that inspection of police officer's pocket books led to the discovery....Pocket books were used as a personal duty record to show all police work performed by a member of the SAPS.

It was found that these were illegible or not recorded at all.

#### 4.5 Public views on police services

The research also interviewed 100 community members who were serviced by the precinct. They completed the questionnaires to hear their views about their legal outcomes being decided by police officers who were untrained for the job of translating the public's legal documents without professional translators and forensic linguists to analyse them. A newspaper article published by the IOL Website (2008) indicated the issue of the community members expressing their views on police officers saying that, "Members of the public were losing faith in the police, citing late responses to incidents, not taking their jobs seriously and not protecting whistle-blowers, among

other reasons.” As a result, this notion may result in some people of the community taking the law into their own hands if police do not respond to complaints rapidly.” Consequently, the IOL Website (2008:1) continued indicating that, “Many have turned to neighbourhood watches, Community Police Forums (CPF) and the Metro Police to respond to incidents, instead of the SAPS.” In addition, even the authorities have heard the reports brought in by the community members to the Provincial Head Office, that of police officers taking time to respond to complaints. Evidently, even in some parts of South Africa it was a similar issue of service delivery from the side of the police as stated by the IOL Website:

Western Cape police ombudsman Vusi Pikoli said his office had received more than 1000 complaints against the police, which range from poor communication to poor response time and general bad behaviour...Pikoli said the majority of the complaints, about 65%, were from the Cape metro.

Questionnaires were given to members of the community. After a formal introduction, an explanation of the purpose and aim of the research, and after they agreed to assist with the filling in of the questionnaires, the administration commenced. The following table 1.1 presents the gender, ages, and types of services required from the specific police precinct in the research as well as their opinion on whether a translator or a forensic linguist was required in the precinct or not. Opinions on why Translators and Forensic Linguists were required was analysed in the next chapter.

All community members were African and were isiXhosa mother-tongue speakers.

**Table 1.2 Types of services required by the community of various police personnel**

Gender	Age group	Service required from the precinct (Affidavit, opening a case, etc.)	Personnel in assistance (Self/Police Officer)	Duties that need translators/f/linguists	General view on the need for translators/forensic linguists in the precinct

Male	25-35	Wrongfully accused	Police Officer	Case	Yes
Female	18-25	Affidavit	Police Officer	Case	Yes
Female	25 -35	Affidavit	Police Officer	Affidavit	Yes
Male	18-25	Affidavit	Police Officer	Case	Yes
Male	18-25	Reporting a complaint	Police Officer	Case	Yes
Male	18-25	Affidavit	Police Officer	Case	Yes
Male	18-25	Laying a complaint	Police Officer	Affidavit	Yes
Male	18-25	Laying a complaint	Police Officer	Affidavit	Yes
Female	18-25	Affidavit	Self	Case	Yes
Female	Above 45	Affidavit	Self	Case	Yes
Male	25-35	Laying a complaint	Police Officer	Affidavit	Yes
Male	25-35	Convicted	Police Officer	Case	Yes
Female	25-35	Affidavit	Police Officer	-	No
Male	18-25	Making agreement for a purchase	Police Officer	Case	Yes
Female	25-35	Affidavit	Self	Affidavit	Yes
Female	35-45	Certify a document	Police Officer	Case and Affidavit	Yes
Female	25-35	Affidavit	Police Officer	A minor complaint	Yes

Female	45 and above	Making an agreement	Police Officer	Case	Yes
Male	25-35	Affidavit	Police Officer	Case	Yes
Male	25-35	Affidavit	Self	Affidavit	Yes
Male	18-25	Affidavit	Police Officer	Affidavit & Minor Complaint	Yes
Male	25-35	Laying a complaint	Police Officer	Case	Yes
Female	18-25	Affidavit	Self	Case	Yes
Male	18-25	Laying a complaint	Police Officer	Case	Yes
Male	35-45	Affidavit	Police Officer	Case	Yes
Female	35-45	Affidavit	Self	Case & Affidavit	Yes
Male	18-25	Laying a complaint	Police Officer	Case	Yes
Male	35-45	Laying a complaint	Police Officer	A minor complaint	Yes
Male	25-35	-	-	Case & Affidavit	Yes
Female	18-25	Affidavit	Self	Case	Yes
Female	35-45	Laying a complaint, Affidavit, Assaulted a person	Police Officer	Case, Affidavit, a Minor Complaint	Yes
Male	35-45	Affidavit	Police Officer	Affidavit	Yes
Female	18-25	Affidavit	Self	Case	Yes

Male	Above 45	Laying a complaint	Police Officer	Case	Yes
Female	25-35	Affidavit	Self	Case	Yes
Male	25-35	Affidavit	Police Officer	Case	Yes
Male	25-35	Give witness statement	Police Officer	Case	No
Male	25-35	Laying a complaint	Police officer	Case & Affidavit	Yes
Female	Above 45	Laying a complaint	Police Officer	Case & Affidavit	Yes
Female	25-35	Affidavit	Self	A minor complaint	Yes
Male	25-35	Affidavit	Police Officer	Case	Yes
Male	18-25	Making an agreement	Self	Case	Yes
Male	18-25	Make an agreement	Self	Case	Yes
Male	18-25	Affidavit	Police Officer	Cases, Affidavits, Minor complaints	Yes
Male	25-35	Affidavit	Police Officer	Minor Complaint	Yes
Male	18-25	Affidavit	Self	Case & Affidavit	Yes
Female	25-35	Affidavit	Self	Case & Affidavit	Yes
Male	25-35	Laying a complaint	Police Officer	Case	Yes
Male	18-25	Laying a complaint	Police Officer	Case	Yes

Male	25-35	Laying a complaint	Police Officer	Case	Yes
Female	25-35	Affidavit	Self	Case	Yes
Male	Above 45	Affidavit	Police Officer	Case	Yes
Female	18-25	Called in as a witness	Police Officer	Case	Yes
Female	18-25	Affidavit	Self	Affidavit	Yes
Female	18-25	Laying a complaint	Police Officer	Case	Yes
Female	18-25	Affidavit	Self	Case	No
Female	18-25	Affidavit	Self	Affidavit	Yes
Female	18-25	Affidavit	Self	Case	Yes
Male	35-45	Affidavit	Self	Case	Yes
Female	18-25	Affidavit	Police Officer	Case, Affidavit, Minor Complaints	Yes
Male	45 and Above	Affidavit	Self	Affidavit	No
Male	25-35	Affidavit	Police Officer	Case	Yes
Female	45 and Above	Affidavit	Police Officer	Affidavit	Yes
Female	35-45	Affidavit	Police Officer	Case	Yes
Female	18-25	Making an agreement	Police Officer	Case	Yes
Male	45 and Above	Apply for firearm license	Police Officer	Case	Yes

Female	18-25	Affidavit	Police Officer	Case	Yes
Male	45 and Above	Affidavit	Police Officer	Case	Yes
Male	18-25	Affidavit	Self	Affidavit	Yes
Male	35-45	Affidavit	Police Officer	Case	Yes
Male	25-35	Accused	Police Officer	Case	Yes
Male	18-25	Accused	Police Officer	Case & Affidavit	Yes
Male	25-35	Laying a complaint	Police Officer	Case	Yes

Male	25-35	Affidavit	Self	Case	Yes
Male	35-45	Accused	Police Officer	Case	Yes
Female	45 And Above	Affidavit	Police Officer	Case	Yes
Male	25-35	Affidavit	Police Officer	Case	Yes
Male	45 and Above	Affidavit	Police Officer	Case	Yes
Female	45 and Above	Affidavit	Police Officer	Case	Yes
Female	35-45	Affidavit	Self	Case	Yes
Female	25-35	Affidavit	Self	Case, Affidavit & Minor complaints	Yes

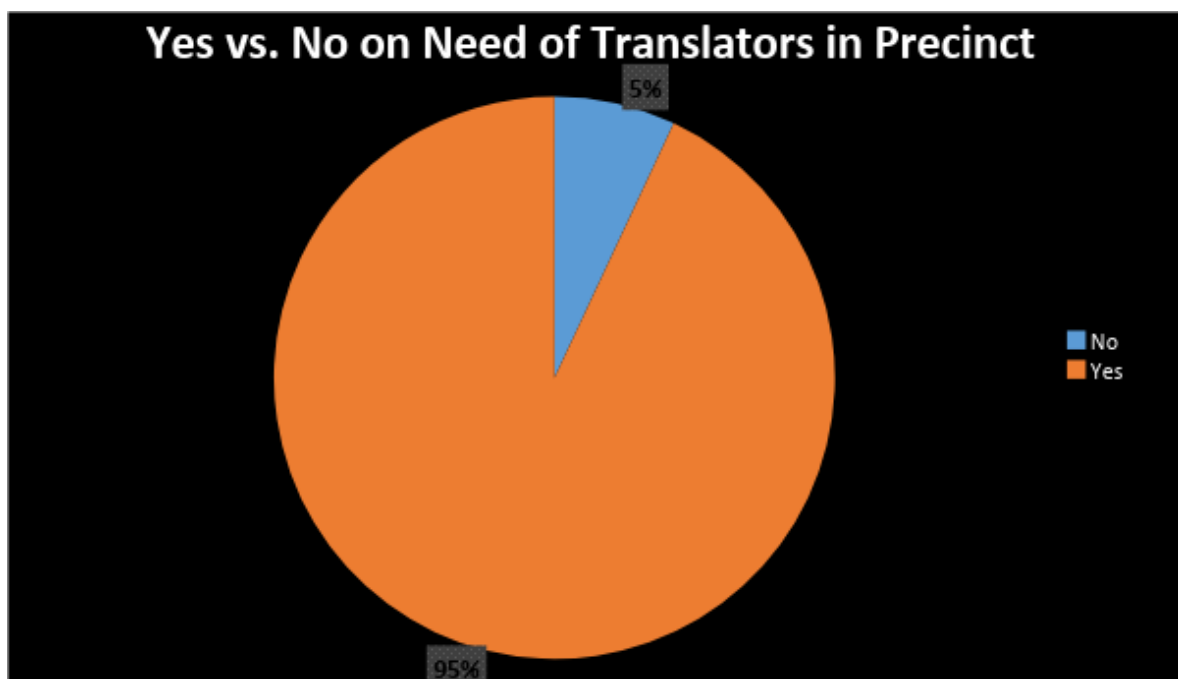


Female	18-25	Affidavit	Self	Case & Affidavit	Yes
Female	35-45	Laying a complaint	Police Officer	Case	Yes
Male	18-25	Affidavit	Police Officer	Case	Yes
Male	25-35	Affidavit	Police Officer	Case	Yes
Male	18-25	Affidavit	Police Officer	Affidavit	Yes
Female	18-25	Affidavit	Self	Case	Yes
Female	35-45	Make an agreement	Police Officer	Case	Yes
Male	18-25	Affidavit	Self	Case	Yes
Female	35-45	Affidavit	Police Officer	Case	Yes
Female	18-25	Laying a complaint	Police Officer	Case	No
Female	35-45	Affidavit	Self	Case & Affidavit	Yes
Female	35-45	Affidavit	Self	Case	Yes
Female	35-45	Affidavit	Self	Case	Yes
Male	18-25	Served Court Order	Police Officer	Case	Yes
Male	35-45	Affidavit	Self	Case	Yes
Male	18-25	Making an agreement	Police Officer	Case	Yes
Male	18-25	Laying a complaint	Police Officer	Affidavit	Yes
Male	35-45	Laying a complaint	Police Officer	Case	Yes
Female	25-35	Laying a complaint & minor complaint	Police Officer	Case & Minor Complaint	Yes

It is clear from the table above that in all cases the complainants indicated that they could have benefitted from having a trained Forensic Linguist to assist in any translation process. This is consistent across all the various reported cases.

This is supported in figure below specifically presented a particular aspect, which answered the main research question: The opinion of whether the police precinct needed the assistance of translators and Forensic Linguists or not (represented by a ‘yes’ or ‘no’ in the table(s)) followed by an explanation from each participant, which is included at a later stage.

#### **Yes versus No pie chart on the police’s need for translators**

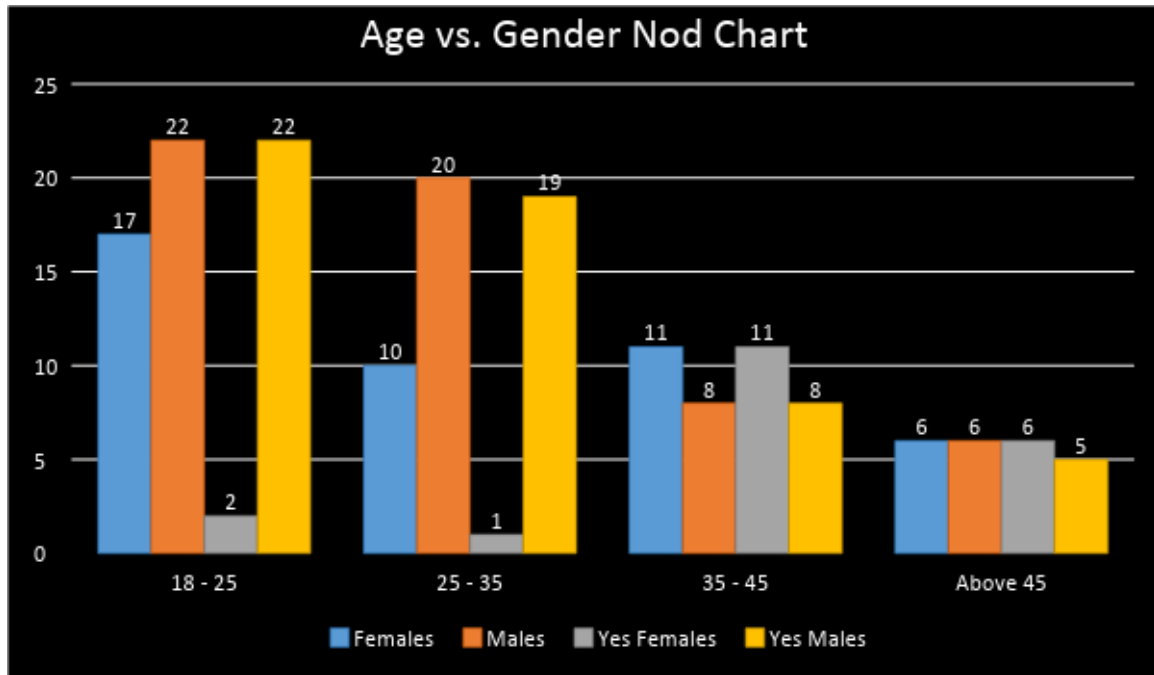


*Figure 1.20: Yes/no pie chart on the police’s need for translators*

The data represented above clearly shows that there were two aspects and opinions shown by the community members. Specifically, 95% of the community members revealed that the police officers do need translators and forensic linguistic assistance. These aspects were shown clearly in the chart on (Figure 1.20) above. This notion meant that inasmuch as the people in the community go to the police for assistance, they have no hope of leaving the precinct satisfied with the results. Secondly, other members have no confidence towards the police, meaning that the chances that their complaints being attended successfully were slim.

Figure 1.21 Below presents the age(s) versus gender from the random participants (community members) who suggest that translators were needed in the precinct.

**Age versus gender participants who suggest that translators were needed in the precinct**

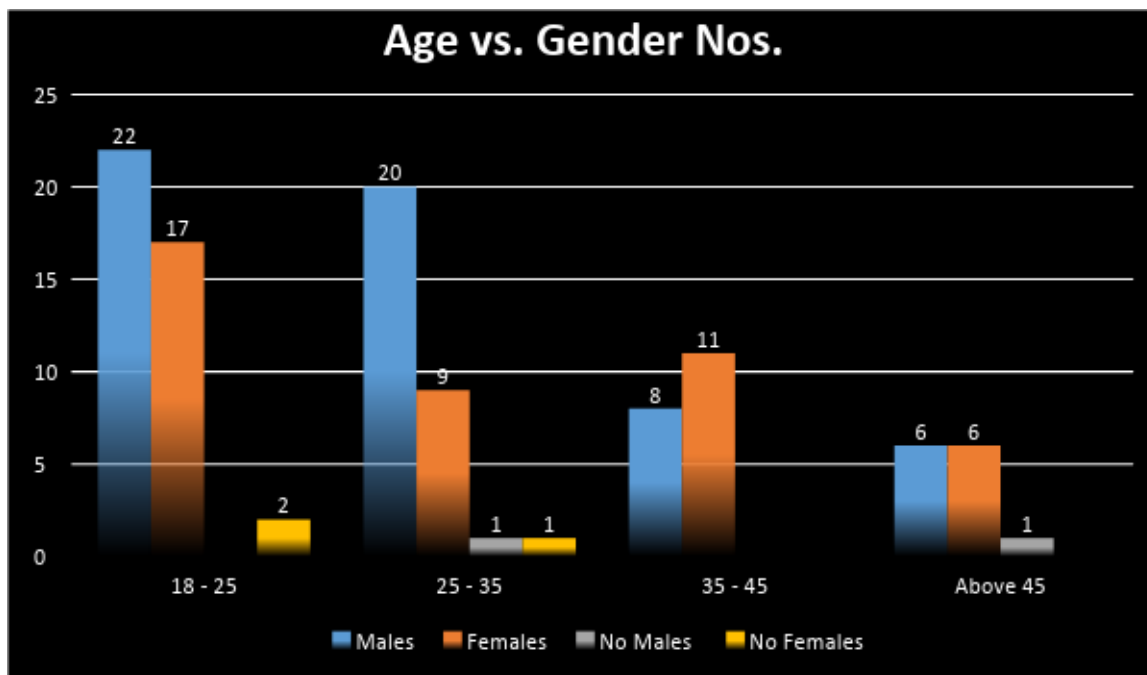


*Figure 1.21 Age versus gender: Community that suggested (Yes/No) on police officers who require assistance from translators and forensic linguists.*

The age versus gender chart above shows that there was a variety of views among different ages and genders with regards to whether the police needed translators to assist them in their precinct. What is important to note is that the view that translators and more effective translation was required is across all ages and genders, with the exception of older members as indicated below.

Figure 1.22 Below presents the age and the gender numbers given by the community members for no need of translators in the precinct to assist the police officers.

**Age and gender of community members of no need of translators in the precinct to assist the police officers**

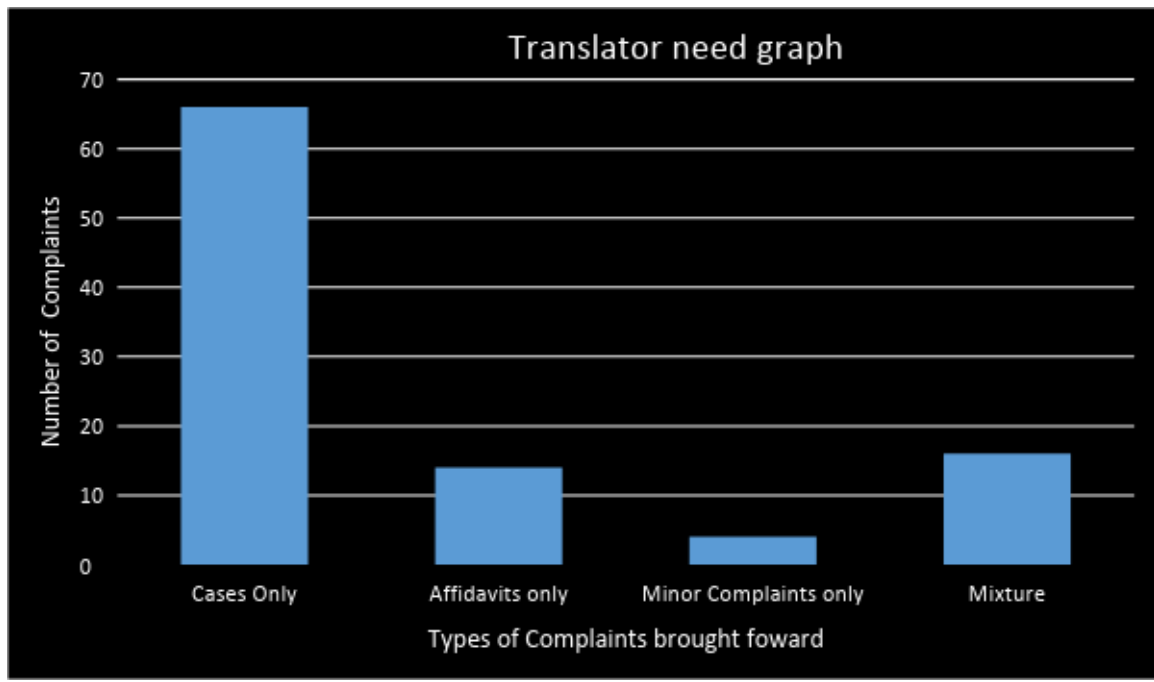


*Figure 1.22 Age versus Genders that suggested a “No”*

The figure is a representation of the data and the fact that the community members as they grew older became less interested and disregarded the need for translators in the police precinct. The reason for this is unclear, but is probably related to a sense of complacency and acceptance of the situation after years of experiencing the same service.

Figure 1.21 presented the community members who suggested that translators were needed for various duties in the precinct, from writing up cases, affidavits, minor complaints, a combination of complaint and so on.

### **Translators needed for various duties in the precinct**

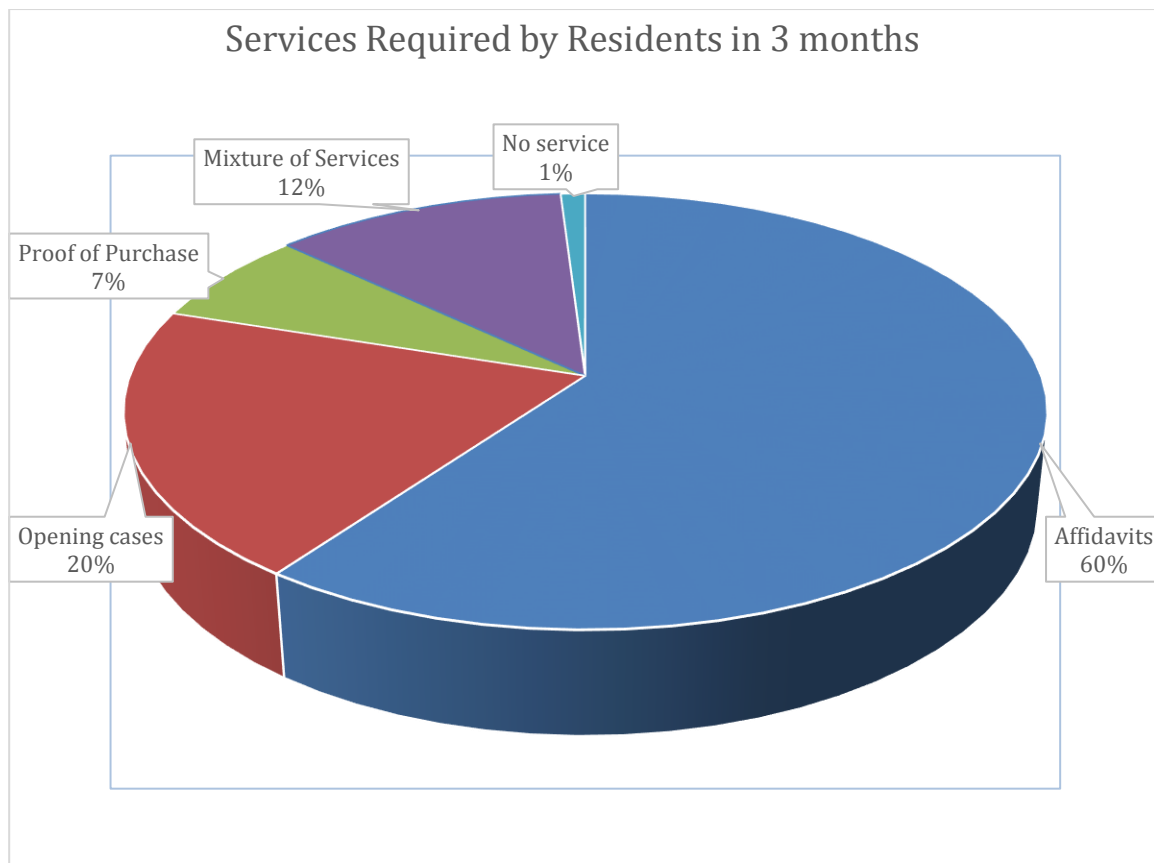


*Chart 1.23 A chart on which types of complaints were suggested need translators and forensic linguists the most.*

It is shown in the graph that a translator is required in most cases in the police precinct.

The ensuing figure 1.22 below presents the number of services that the community require and go to enquire assistance about in the police precinct.

**The number of services that the community require and enquire assistance about in the police precinct**



*Figure 1.24 A chart on services that were required by the community members in the last 3 months.*

The data above shows that the community members suggested that the police need translators for these services for which they go to the police precinct on a daily basis, particularly the request for affidavits, which requires linguistic accuracy.

#### 4.6 Police consented interviews

These interviews were conducted in a way where the interviewee was reminded frequently that they were allowed to withdraw at any point of the interview. According to the Rape Law Reform in South Africa by (Artz & Smythe 2008:32), “Consent means the voluntary agreement of the complainant or participant to engage in the activity research in conduction,” Similarly, in medical terms the same rule or law applies (Robinson & Bird, 2013:16): “The concept of informed consent was based on the idea that it was the patient who must pay and endure the pain and

suffering that may result from treatment. Therefore, the patient had the right to know all-important facts about the proposed treatment.” Both within the medical and legal context then, informed consent is important on the part of the interviewee.

Moreover, in the police precinct there were interviews that were done by the researcher with 22 police officers from the lowest to the highest rank. These interviews were to detect whether the police officers felt that they require a Translator and or a Forensic Linguist assistance in the precinct. Obviously, their responses would be related to the workload they experience in the police precinct.

The following table presented the number of interviews conducted by the researcher with the police officers and whether they reflected the need for a Translator for assistance or not (Yes/No).

**Table 1.4 A table on police personnel’s qualifications and rankings**

Rank	Qualification	Period of Service	Translation Training (Yes/No)	Need of Translator/ F/Linguist in SAPS (Yes/No)
Constable	Diploma in Policing	12 years	No	Yes
Warrant Officer	Grade 11	33 years	No	Yes
Warrant Officer	Grade 12	29	No	Yes
Constable	Grade 12	11 years	No	Yes
Constable	Grade 12	12 years	No	Yes
Constable	Grade 12	11 years	No	Yes
Sergeant	Grade 12	12 years	No	Yes
Constable	Grade 12	6 years	No	No
Constable	Grade 12	12 years	No	Yes
Constable	Grade 12	6 years	No	Yes
Sergeant	Grade 12	15 years	No	Yes
Constable	Grade 12	12 years	No	No

Warrant Officer	Grade 12	29 years	Yes	Yes
Constable	N3 Technical Engineering	11 years	No	No
Constable	Grade 12	7 years	No	Yes
Sergeant	Diploma in Travel and Tourism	15 years	No	Yes
Sergeant	National Diploma in I.T	15 years	No	Yes
Sergeant	Grade 12	15 years	No	No
Sergeant	National Diploma in H.R	15 years	No	Yes
Constable	Grade 12	7 years	No	Yes
Constable	Grade 12	9 years	No	Yes
Constable	Grade 12	10 years	No	Yes

Most of the interviewees reflect the need for assistance though there are those minority views who do not.

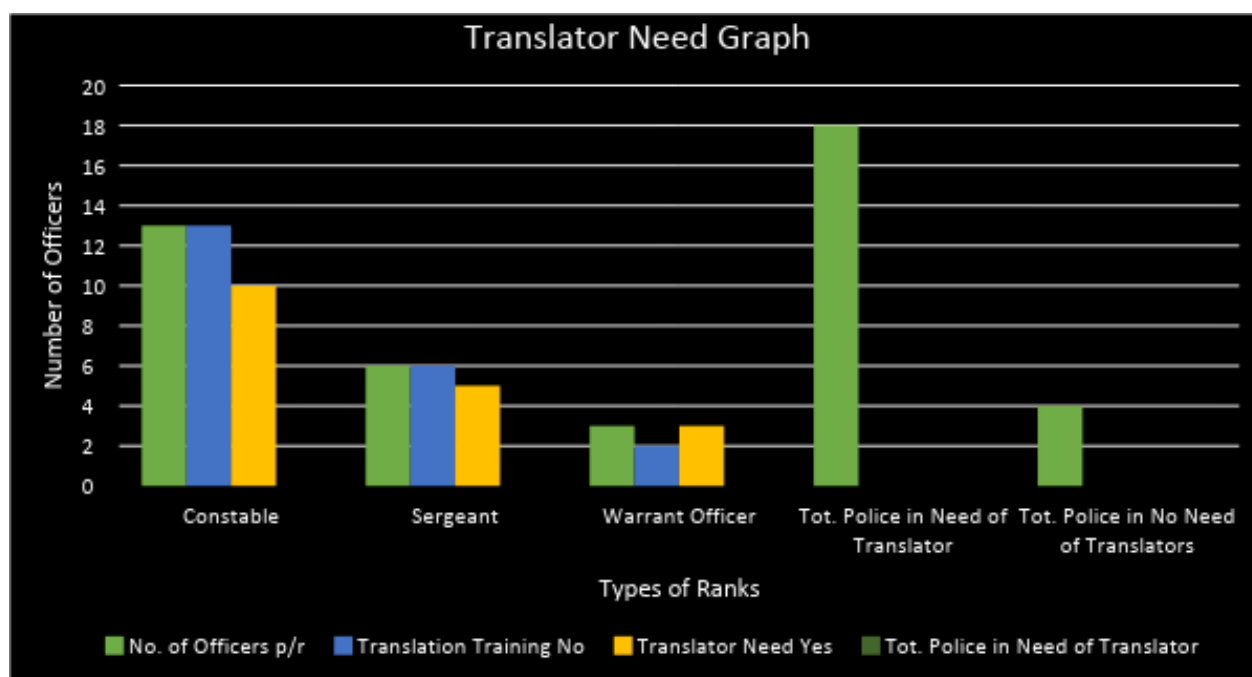




Figure 1.25 A graph depicting those police officers that need and do not need translators in the precinct.

The graph shows that 81% of the police officers do require assistance from translators in order to interpret documents.

Figure 1.26 presents graphically the police officers and their qualifications.

#### **The number of police officers against their qualifications**

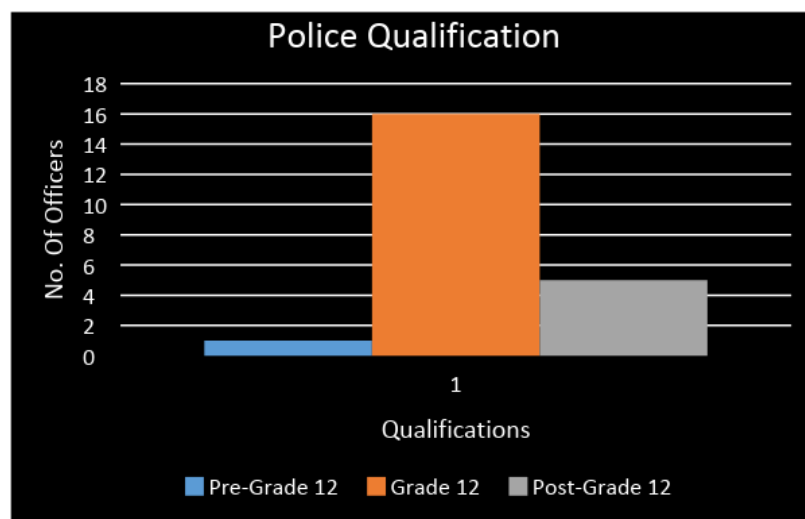


Figure 1.26 A chart showing police personnel's qualifications.

It is clearly shown by the graph through the third bar shown above that there is still a low 22% for post-matric qualification obtained by police officers.

## **4.7 Interviews**

In the study interviews were structured and utilized as a supplement and support for questionnaires that were used a method to collect data. The interviews were relevant in this study as they helped shed new knowledge on the topic from a different dimension. They looked specifically at the police's point of view and to respond to the question of whether they thought Translators and Forensic Linguists were required in the precinct or not. These interviews spoke

to the research through an array of samples as they focused on a new sample of the same research. Comparatively, the questionnaires that looked at the community members' opinions on whether police require a Forensic Linguist's assistance or not, concentrated on seeking new knowledge from a different sample in the same study. The interviews also played a role of testing whether both methods yielded the same result or not. Consequently, results from the data gathered did yield similar results.

Concerning interviews, questionnaires were used as a method for data collection and interviews played a role. According to Edwards & Holland (2013:3) "Briefly, the structured interview is based on a questionnaire with a sequence of questions asked in the same order and the same way of all subjects of the research, with little flexibility to the researcher." Furthermore, Edwards & Holland (2013:3) continued to suggest that, "The major objective is for neutral interviews to obtain comparable information from a potentially large number of subjects." The interviews were composed of a large number of participants consisting of 100 community members who filled in questionnaires and 22 police officers who were interviewed.

The following interview transcriptions were a sample taken from 22 more transcriptions that were conducted by the researcher with police officers. The police precinct consisted of 22 officers (in the period the researcher was in the precinct) and 21 of the police officers were isiXhosa mother-tongue speakers, and one was Coloured whose mother-tongue was Afrikaans.

#### 4.8 Police Interview Transcriptions

##### **Interview 1**

1. What is your rank?

Response: "Constable"

2. How long have you been serving the South African Police Service?

Response: "12 years now"

3. What education or qualification do you have?

Response: "Ndinee nton kanen?! Ndine Diploma in Policing"

What is your mother-tongue?

Response: "Xhosa"

4. What is your second language?

Response: "English"

5. Which language do you translate to during complaint's statement taking?

Response: "Ndin-translate to English"

6. Do you have a translation training qualification or any equivalent language practice?

Response: "No"

7. Do you think the South African Police Service needs translators for statement taking?

Response: "Ewe"

8. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

Response: "Yes"

9. What is your take on police officers being translators and being crime preventers simultaneously?

Response: "Ngumsebenzi kalok lowo, ngumsebenzi onzima for thina mapolisa"

## **Interview 2**

1. What was your rank?

Response: "Warrant Officer."

2. How long have you been serving the South African Police Service?

Response: "33."

3. What education or qualification do you have?

Response: "Standard 9"

4. What is your mother-tongue?

Response: "Ithini ke?"

Interviewer: Luthini ulwimi lwakho lwaswekhaya, lweenkobe?

Response: "Ooh sisiXhosa"

5. What is your second language?

Response: I-second language?

Interviewer: "Ewe i-second, eyesibini"

Response: "I-second yesbini yii-English"

6. Which language do you translate to during complaint's statement taking?

Response: "Ndwasebenzwaswa IsiXhosa ndwasi-translate kwi-English."

7. Do you have a translation training qualification or any equivalent language practice?

Response: Nday'funda nje ngela xesha e-college zang'be kuphinde k'thwa kuguqulwa into, kukufunda pha e-college kukwenza ii-course nton nton"

Interviewer: Alright, otherwwase, zange kuthwe yi-translation lena niyayfundwaswa, zange ibekhona into enjalo?"

Response: "Hayi"

8. Do you think the South African Police Service needs translators for statement taking?

Response: "Injalo, iyazidinga kwiindawo ezithile"

9. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

10. What was your take on police officers being translators and being crime preventers simultaneously?

Response: "Omnye umntu akazi nto, kwinto zonke funek umcacwasele, abantu baphinde baxhomekeke kwakuthi ekutheni sibase nase-court, yonke into ixhomekeke kuthi"

Intevierer: So tata uthi lowo ngumsebenzi omninzi ngoba wenza eminye imwasebenzi uphinde ubeyiyo ne-translator?

Response: "Ewe"

### **Interview 3**

1. What is your rank?

Response: "Warrant Officer"

2. How long have you been serving the South African Police Service?

Response: "29 years"

3. What education or qualification do you have?

Response: "Standard 10"

4. What is your mother-tongue?

Response: "Xhosa"

5. What is your second language?

Response: "English"

6. Which language do you translate to during complaint's statement taking?

Response: "English"

7. Do you have a translation training qualification or any equivalent language practice?

Response: "No"

8. Do you think the South African Police Service needs translators for statement taking?

Response: "Yes, particularly with those foreigners, you see, those people mos cannot speak English, those Somalians. Sometimes we struggle when they come here to lay a charge, they need someone to interpret. Even in our courts mos, we've got one translator there ne?! That translator is for, the King Cluster, Peddie Cluster, which kenene?! But 4 clusters, one person, one translator and as a

result of that a lot cases are being postponed time and again ya. So we need a lot of ii-translators yes”

9. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

Response: “Yes”

10. What is your take on police officers being translators and being crime preventers simultaneously?

Response: “No, no! That can’t be! Because that is time consuming, by the time they are busy translating, the crime is taking place outside. That is why we come to a decision that there should be other personnel other than police officials, like your civilian people that must be employed, because we had police officers that were doing these jobs of uku- typer, we said no, no, no we should remove those people. We must employ the civilians that are going to do the civilian thing like uku-typer. So we can’t be translators and crime prevention, it can’t be! Translators mazibe zodwa, police officers zibe zodwa.”

#### **Interview 4**

1. What is your rank?

Response: “Constable”

2. How long have you been serving the South African Police Service?

Response: “11 years”

3. What education or qualification do you have?

Response: “Grade 12”

4. What is your mother-tongue?

Response: “Xhosa”

5. What is your second language?

Response: “Tswana”

6. Which language do you translate to during complaint’s statement taking?

Response: “English”

7. Do you have a translation training qualification or any equivalent language practice?

Response: “No”

8. Do you think the South African Police Service needs translators for statement taking?

Response: “Yes”

9. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

Response: “Yes”

10. What is your take on police officers being translators and being crime preventers simultaneously?

Response: “Yo! Iyasisokolisa loo nto leyo, because sometimes kuba-busy, ungakwazi kengoku uku-translate. Mhlawubu uza kufumana umntu omdala, ngoku awkwaz, umhlawumbi athethe into nges’Xhosa ufune ukuyithetha nge-English, sometimes iba-complicated. And kengoku siba mbalwa, ngapha zii-afidavits, so iya xakekisa.”

#### **Interview 5**

1. What is your rank?

Response: “Constable”

2. How long have you been serving the South African Police Service?

Response: “12 years”

3. What education or qualification do you have?

Response: “Matric”

4. What is your mother-tongue?

Response: “Xhosa”

5. What is your second language?

Response: “English”

6. Which language do you translate to during complaint’s statement taking?

Response: “English”

7. Do you have a translation training qualification or any equivalent language practice?

Response: “No.”

8. Do you think the South African Police Service needs translators for statement taking?

Response: “Yes.”

9. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

Response: “Yes”

10. What is your take on police officers being translators and being crime preventers simultaneously?

Response: “Andizenzi ezo zinto, ngoba andikwazi ukuhamba” (Disability).

#### **Interview 6**

1. What is your rank?

Response: “Constable”

2. How long have you been serving the South African Police Service?

Response: “Past 11 years”

3. What education or qualification do you have?

Response: “Standard 10”

4. What is your mother-tongue?

Response: "IsiXhosa"

5. What is your second language?

Response: "English"

6. Which language do you translate to during complaint's statement taking?

Response: "From Xhosa"

7. Do you have a translation training qualification or any equivalent language practice?

Response: "No, but ndiyazenzela"

8. Do you think the South African Police Service needs translators for statement taking?

Response: "Yes."

9. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

Response: "Yes."

10. What is your take on police officers being translators and being crime preventers simultaneously?

Response: "There must be another support, intsebenziswano."

#### **Interview 7**

1. What is your rank?

Response: "Ngu-Sergeant"

2. How long have you been serving the South African Police Service?

Response: "12 years"

3. What education or qualification do you have?

Response: "National Diploma"

4. What is your mother-tongue?

Response: "Xhosa"

5. What is your second language?

Response: "English"

6. Which language do you translate to during complaint's statement taking?

Response: "EsiNgesini"

7. Do you have a translation training qualification or any equivalent language practice?

Response: "No"

8. Do you think the South African Police Service needs translators for statement taking?

Response: "Ewe, if inga-possible loo nto, yabo, ya, because kukhe kufike abantu abadala apha, awnawyenza yonke laa nto ube yi-translator."

9. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

10. What is your take on police officers being translators and being crime preventers simultaneously?

Response: "Inzima laa nto broer, inzima because as'naw'zenza zonke eza nto, ngokuqinisekileyo likhona icala eliza kusilela, likhona icala eliza kush' yekela."

#### **Interview 8**

1. What is your rank?

Response: "Constable"

2. How long have you been serving the South African Police Service?

Response: "6 years now"

3. What education or qualification do you have?

Response: "Grade 12"

4. What is your mother-tongue?

Response: "Xhosa"

5. What is your second language?

Response: "English"

6. Which language do you translate to during complaint's statement taking?

Response: "English"

7. Do you have a translation training qualification or any equivalent language practice?

Response: "No"

8. Do you think the South African Police Service needs translators for statement taking?

Response: "No"

9. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

Response: "Yes"

10. What is your take on police officers being translators and being crime preventers simultaneously?

Response: "I don't see any problem with that, No".

#### **Interview 9**

1. What is your rank?

Response: "I'm a constable"

2. How long have you been serving the South African Police Service?

Response: "12 years"

3. What education or qualification do you have?

Response: "Financial Management"



4. What is your mother-tongue?

Response: "Xhosa"

5. What is your second language?

Response: "English"

6. Which language do you translate to during complaint's statement taking?

Response: "I translate Xhosa into English"

7. Do you have a translation training qualification or any equivalent language practice?

Response: "No"

8. Do you think the South African Police Service needs translators for statement taking?

Response: "Yes"

9. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

Response: "Yes, it does"

10. What is your take on police officers being translators and being crime preventers simultaneously?

Response: "I'm uncomfortable with the question, let's end here."

#### **Interview 10**

1. What was your rank?

Response: "Constable"

2. How long have you been serving the South African Police Service?

Response: "12 years"

3. What education or qualification do you have?

Response: "Grade 12 and other courses that the SAPS gave me."

4. What is your mother-tongue?

Response: "Afrikaans"

5. What is your second language?

Response: "English"

6. Which language do you translate to during complaint's statement taking?

Response: "I don't translate, I uhm just speak in English, at the station I just take it to English."

7. Do you have a translation training qualification or any equivalent language practice?

Response: "No"

8. Do you think the South African Police Service needs translators for statement taking?

Response: "I don't think so, because uhm most of the people here, if you were, if an Afrikaans person comes to me, I was able to translate that Afrikaans statement into English, if a Xhosa person comes, there's a Xhosa person always here."

9. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

10. What was your take on police officers being translators and being crime preventers simultaneously?

Response: "If they want to do that, they can do that, I cannot tell you, you must not be a translator, especially these uuhm, the foreigners, speaking foreign languages can, can, can be uuhm translators, because English and Afrikaans were normal languages here it's fine, but if you come with eerrr the Somalian languages those things, then we will need translators"

### **Interview 17**

1. What was your rank?

Response: "I-Rank yam ndiyi-Sergeant"

2. How long have you been serving the South African Police Service?

Response: "15 years"

3. What education or qualification do you have?

Response: "Ndino-grade 12, okay ndine-National Diploma kwi-I.T e-Border Technikon"

4. What is your mother-tongue?

Response: "Swas'Xhosa"

5. What is your second language?

Response: "Swas'Ngesi, that was English"

6. Which language do you translate to during complaint's statement taking?

Response: "To English, ndwasusa kwwas'Xhosa to English"

7. Do you have a translation training qualification or any equivalent language practice

Response: "No"

8. Do you think the South African Police Service needs translators for statement taking?

Response: Yes

9. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

Response: "Yes"

10. What was your take on police officers being translators and being crime preventers simultaneously?

Response: "Funeka ndikhumshe okanye ndithethe nges'Xhosa?"

Interviewer: "Ha.a noba uphendule ngeyiphi"

Response: “Hayi andiboni nto inzima pha andiboni nanto ingamandla, because umsebenzi wethu ne was to prevent, eyona nto iyi-main aim yethu kuku-preventer i-crime, lena kengoku yoku-translator kengoku inton to ntonton, itoliki, it’s not a big deal, no, no, no ayonto ingamandla, andiyiboni iyingxaki mna.”

The eight interviews transcriptions above, present interviews that were done by the researcher with police officers with various ranks and experience. These interview transcriptions will be analysed further and in greater detail in the data analysis chapter ensuing. However, it is clear that assistance is needed with translation.

#### 4.9 Conclusion

In this chapter the researcher presented all the data gathered from the research field and all the elements and aspects discovered. The data was presented in the form of tables, scans, graphs and transcribed interviews. In addition, definitions of the types of crimes that were reported and those crimes that the police officers were mostly used to working on were then presented. In the chapter that follows the data presented in chapter 4 is analysed further.

## Chapter 5

### Data Analysis

#### 5.1 Introduction

This chapter is an in-depth look into the data that has been presented in the previous chapter. This is done by analysing and discussing all the elements connected to it, and dwelling on all the causes and effects of the findings, from the researcher's point of view. The chapter also unearthed the rationality behind particular results, discussing why the results are as they were giving opinions of the researcher on particular findings. In addition, all charts and figures, including interview transcriptions were critiqued, analysed and explained in greater detail.

This chapter helped create connections and links with the theory or literature in chapter 2 that was a building block and a foundation for the research. Statistically, it also helped formulate the argument of the research in a more clear light, with the use of figures and tables that it analysed.

#### 5.2 Reported cases

As per police precincts nationwide, there are reports of criminal activities that are made on a daily basis. The police precinct's community service centre was and is always open 24 hours for community assistance as these crimes may occur at any given time. These types of crimes were those crimes that may be highly anticipated to be reported to the police officers. The researcher also spent time during night shifts at the Ndevana precinct. Consequently, this has helped the researcher shed more light on occurrences in and around the precinct at night. Specifically looking at these occurrences, during a night shift spent by the researcher in the middle of the week the community service centre becomes less busy, it may go a night with no reported case or complaint, making it open and easy for the officers to find time to perform internal duties.

In addition, the police precinct is composed of 99% isiXhosa mother-tongue police officers and the 1% is a coloured police officer, and the precinct is built in an isiXhosa mother-tongue speaking community. Therefore, the cases reported were reported mostly by isiXhosa speakers. This meant that the cases that were mostly anticipated by police officers were from isiXhosa speakers. Consequently, Translators and Forensic Linguists dealing with them will have to be isiXhosa mother-tongue speakers who will be transferring the statement to English.

As indicated in chapter 4 the cases mostly reported in the police precinct were cases of assault with grievous bodily harm. These cases resulted from incidents that took place in spaces of enjoyment, for instance, taverns and braai spots. Evidently, complainants and witnesses who came and reported (in the presence of the researcher) at the community service centre under oath consisted of evidence of the grievous bodily harm that was done and that had really taken place. They show wounds to the police officer (in private) unless they were injured on the face. Statistically, with 16 reported cases of assault with grievous bodily harm recorded for this research, they are all resulting from alcohol influence related incidents, as observed by the researcher in the precinct, the police were tasked to translate and analyse their verbal statements into written ones.

Furthermore, there were other common offences that occurred and were reported at the precinct. Specifically, the second most reported common offence was burglary. These types of common crimes occur due to the need of earning money by selling the stolen goods after the crime, often in order to buy drugs. The reason for this observation was the fact that, during the capturing of the suspects, they do admit to the above reason that they bought drugs after the stolen goods were sold.

In addition, there were other crimes that take place occasionally. These occasions may depend on seasons, times and the particular demand for that item or good stolen at the time. Ideally, this may be the reason that tempted the criminals to impulsively steal a particular item due to the need for the item that they thought was high. This meant that the item would be easy to sell due to its need. In addition, the third common crime that was frequently reported was stock theft.

### 5.3 Translation process of the cases

One of the main aspects of the research was to look at the translation process and product of the cases (sworn statements) that were brought in by the community members. Secondly, the procedure that was followed by police officers to translate and decide people's legal liberties was analysed as they are untrained translators. Moreover, the critique of police translated sworn statements and the idea of whether professional Translators and Forensic Linguists are required or not in the police precinct is where the research is mainly located. The types of translation are explicated in chapter 2 from a theoretical point of view.

In addition, the main aim of translation is a successful transfer of information from one language to another. This begs the question: what happens if this process is performed by people who are not trained for it? And for these people (the police) who do it on daily basis, what does it mean for the legal outcomes and liberties of those community members who seek the police's legal assistance? The fact that the police are not qualified Translators is an issue that cannot be evaded. Instead of evading it, there has to be professional Translators and Forensic Linguists who would assist the police officers in translating and analysing sworn statements. With regards to professionalism in the police precinct, of the 25 police personnel working in various divisions (Community Service Centre, Administration and Detective Division) that the researcher worked with regarding interviews and in translating cases, only five of the personnel have post-matric qualifications. Statistically, 80% of the police officers have matric and only 20% of them have studied after their matric, not even a language or translation module and or course studied was found by the researcher.

From a translation perspective, it was indeed evident that, inasmuch as the researcher views the task as a vital one, in helping the community's legal ills, translation on the other hand, was overlooked and undermined by the police or even looked at it as an easy task to perform. Regarding the police translation issue, currently, the country's quest into finding justice and prosecuting those found guilty. Regarding the present case of State Capture, according to the South African Broadcasting Corporation News (SABC News, 28 August 2018) that broadcast the Commission of Enquiry into State Capture proceedings live, one of the respondents, Ms. Vytjie Mentor, claimed that, "The police tampered with the report she made to them; that she was called to a meeting with the Guptas and the former President's son, Duduzani Zuma." This highlights the importance of translation in legal outcomes, and how people depend on the accuracy of police translations for their legal liberties. Language should not be tampered with in any way, but accurately presented.

Similarly, this fact was stated by Ralarala (2015:4) who argued:

Translation was an important aspect of the law that was often underestimated, as it was regarded as a simple and straightforward task; but, for the researcher, the actual translation of police sworn statements as reconstructions of complainants' narratives had far-reaching and serious consequences and implications, not only for the complainants and the perpetrators, but also for the law enforcement personnel or police officers who

might find it more difficult or even impossible to gather accurate evidence as a result of a language barrier (Ralarala 2015:4).

In addition, the researcher has proved this in a number of ways that translation as part of record keeping is an important task. Firstly, looking at the recorded (isiXhosa) voice clip of complainant X and a translated version (from isiXhosa to English) done by police officer Q was evidence that limited English proficiency was one of the issues facing the police officers. In continuation, the second issue was an inadequate translation background or training of the police. Inasmuch as the police tend to take it as a simple task, in most cases court proceedings and sentencing depends upon the translated sworn statement. In a practical sense, complainant X arrived at the police precinct's community service centre (CSC) (in the presence of the researcher) to open a case and was attended by Warrant Officer Q who was alone at the help desk.

The process which entailed the complainant's name, details and what assistance they were seeking proceeded. Following that, the officer took out a docket to record the incident translating (interpreting) the verbal statement (in the presence of the researcher) from the complainant. Formally, this procedure helps connect the various languages, namely, language of the law and the language of the lay person together with the criminal incident that has taken place. This process can be flawed and ultimately means that someone's rights were violated and an offence has occurred. Again and again, the process has occurred in the same manner for years, both old and new police recruits are taught this in the same way in training colleges. Similarly, Ralarala (2015: 4) seems to be touching on the same aspect, attesting that:

It was apparent, therefore, that an encounter with the police with the intent of laying a charge at a local police station in South Africa was a classic example of a language event that connects language, law and crime. This was one of the fundamental components of the administration of criminal justice that initiates the function of the courts; and this was made possible through translating sworn statements presented by members of the public (mostly from African languages into English, and in some cases, into Afrikaans).

The researcher then introduced himself to the complainant, telling him/her about the research and about how and what the study could help with. In addition, consenting to participate the

complainant is then assured confidentiality, anonymity and protection of the case (as the researcher did with each and every complainant who came to open a case).

A case which the researcher chose in relation to translation, was a case of pointing a gun and use of pepper spray. The incident was reported by a taxi driver (complainant X) to a Warrant Officer (Police Officer Q). The details of the case between the Complainant X and Warrant Officer Q unfolds in the transcription below:

Original Xhosa transcribed verbal statement:

X: *“Ngolwesine kule veki iphelileyo, it was, ixesha past seven ndingakwa (name of place withheld) ndiya laywasha umntu, ndiya e (name of town withheld) so ndith kwi-passeger yam akukho bantu ezantsi (last exit to town), so ndiza kwenza i-U-Turn (back to the location, to collect more people to fill the taxi up before going to town), ndijonge espilini. Xa ndithi ndiza kungena, ndiza kujika, nantsi i-moto sey’fikile, ndphinde ndbuyele - back, hayi igqithe, asagilwasana asathini akho-moto ndiphazamwasana nayo. Ndjike ndigqibe kuba ndinyuka. Xa ndiphinda ndijonga espilini njeng’ba ndinyuka?! Nants’iyaphinda iyandileqa. Hay’ke ndime izokuma kengoku –straight aph’ecal’kwam straight necango eli, aphume u (the accused) ndivule ifestile, abuze uk’ba “mfondin’ yinton’ le uyenzayo? Ubuza’yibhatala na i-moto yam?” Ndithule. Athi hee mfondini ndibuza’ ba ubuzay’bhatala na i-moto yam? Ndithi ey mfondini akusekho nto yenzekileyo, yinton mfondin ude’ske ujikele loo nto. Khang’enz’ enye into, wakhuph’ i-firearm yakhe, straight, wandikhomba, ndaycima ke i-moto, ndath’ hay’ke sow’senza sowundigqibile, ndavul’icango ow’kwam, way’faka kengoku i-pepper spray, 3 times, 3 times, wand’faka i-pepper spray. Gqiba wangena emotweni waphinda wahamba, wandwashiya nje, ndinee-passenger ndilay’shile. II-passengers zabe seziphumile zibalekile ikhona i-passenger, andyaz noba ibisiza namanzi na ndath hayi wayek’amanzi kwabe kufika i-moto, kwabe kubuzwa hayi fondin abantu uza kubathini ndathi yeka ndiza kuhamba nabo ndayiqhubaolo hlobo linjalo, ndahamba nabo phofu ke sephinde wacela i-number phone yase – ofwasini, wayifumana ku-rank manager wathi uqhutyelwe ndim kakubi undifake i-pepper spray. Ndeza apha ndazo kuvula i-case kengoku.”*

The translated text (written from isiXhosa to English) by Warrant Officer Q follows:



State under oath in Xhosa to English

9

Riding at no [redacted] tell me [redacted] Ndlovana.

I am a taxi driver [redacted]

On Thursday 2018-07-05 at about 07:2 driving a taxi coming on the direction of Itittha to King William's Town loading a passenger going to King William's town.

On the side of unicing trying to make a U-turn on the stop. I noticed that there is a vehicle coming at the back I stop to make a U-turn I waiting to passed to me. I make a U-turn after passed to me take again Itittha t/ship.

On the same time I noticed the car passed same back again. I stop my self because I want to know about this vehicle coming back again. The vehicle stop next to me at Driver's door. Start asking me I you going to pay this vehicle if I bumped. I told them know I not Bumped you. All the time I am in the vehicle All the time on the drive city.

The driver of the vehicle took the fire<sup>arm</sup> out on the waist. After took the fire arm out on the waist. I going out on the fire out and spray me three time on the face taxi left me. The passenger came back. After

Figure 1.24

Saw me. I am better that time. I  
am not straight after spray me with  
a paper spray. The drive after spray me with  
a paper spray they phone the rank manager.  
I spray someone driving a taxi. They told  
me after spray me with a paper spray you  
can go to the police and open a case against  
me. I don't care. And the passenger also  
can say that what saying in the statement.

[REDACTED]

Figure 1.25

The original version of the case clearly shows that it was the original, due to the unavailability of scratched out writings on it. Grammatically, the incident was narrated clearly and done through a step-by-step process by the complainant, making the task doable and comprehensible

for the translator (transpreter) to follow the incident. In contrast, the translation performed, the grammatical errors, context and content of the source text, the grammatical errors and the elements of limited English proficiency (LEP) on the translated version, were evidence that the police officer (transpreter in this case) translating the source text was having a difficult time translating the verbal statement. With this in mind, a question that stands now is, how many police officers go through this process on a daily basis? What about the complainant who trusted and relied on the police to transfer the verbal situation to another language successfully? Given this situation, who were proceedings going to favour in a court trial on this case, with such inadequacies in the translation? The complainant is clearly at a disadvantage and there is no mention of the pepper spray in the translated version as it is incorrectly stated as 'paperspray' and in all probability making it ineligible for admission.

Most cases may therefore end up going nowhere. Often the Officer is also protected by their colleagues. In the cover up, their initial translated document ended up being shredded. However, in this case, the officer did everything (capturing the case in the SAPS database) meaning they have confirmed that they have worked on the document thoroughly. Procedurally, all cases received at the police precinct were recorded and given case numbers (to categorise and identify them). Thereafter they are captured in the SAPS system, which shows progress of the police precinct.

Ralarala (2015) supports the above findings when he states that "Such translated documents were ultimately used in court as evidence for proceedings" and obviously such documents are easy for lawyers to criticise, thereby disadvantaging those who made the sworn statements (Ralarala 2015:5). Moreover and critically, on the note of courts, Moeketsi (1998:72) touched on the issue of language in the justice system and a critique of court judges, saying that:

...no less than 90% of the criminal cases heard in the magistrates' courts of South Africa employ African languages as used by undefended, uneducated, unsophisticated, ineloquent and poor litigants...Ironically, the cases were adjudicated by magistrates, most of who, even after having been in the service for close to 29 years, still do not know what 'courtroom' was in an African language.

Even translators/interpreters who were approved also need proper training and to be updated due to the dynamics and evolution of situations such as cases, as well as language and social issues.

Lack of professionalism and proper training led some community members that experience unsatisfactory service to reporting their queries about the precinct to the Provincial Office of the SAPS for solutions. The professionalism issue then led to a question of how much more difficult is the task to the police who have no background or foundation of the discipline if those who have the qualification also need more improvements? It simply meant that there needs to be an intervention in the SAPS. Something need to be changed, new language sections in the department needed to be introduced. Ultimately, the intervention may open the SAPS up for more opportunities as there were few available translators even in courts.

Similarly, this was attested to by (Moeketsi 1998) when looking at court translators who interpreted cases in courts, contending that, “The court, therefore, depends on the services of an interpreter who was ill-trained, over-worked, unsupervised, generally undermined and was, therefore, bound to be erratic” (Moeketsi 1998). With the idea of introducing Translators and Forensic Linguists in police precincts, there should also be an important point to be kept in mind. The point is that it is necessary to earn trust from the society, restore and increase the community’s integrity, trust and faith in the police, eliminate doubt, and to produce a water-tight law procedure and to naturalize professionalism in the South African Police Services, rather than to undermine and to question the police professionalism and authority. This fact was clarified by Mooney (2014) when attesting that, “While some of the words used by the witness do make it into the final statement, the clauses do not, for example, the witness seemed unsure about the timing of the argument, eventually ‘say about ten minutes’ ” (Mooney, 2014:79). This was pointed out previously in this thesis in chapters 1 and 2.

Such uncertainty from the witnesses was not investigated further by the police officers. They take the witness’s word for it and use it as a precise and informed piece of information. Again Mooney (2014:79) suggests that, “It was included in the statement in a rather less hedged manner ...what began as witness’s rough estimation had been turned into a fact; it was a fact which can now be used to challenge the witness in court.” This is the reason for requiring professional Translators and Forensic Linguists to do the task of translating statements. As it may be believed, the required intervention is not to undermine the police officer’s work, but it was for the professionalism and also for the two disciplines to do what they were tasked or trained to do and to run the legal more fluidly. In agreement, according to Mooney (2014:79) “Pointing out the difference between what the witness said and what was recorded in the statement was not about criticising what the police officers were doing.” More directly, a comprehensive witness



statement has to be a pre-requisite for court proceedings as it might serve and aid the smooth running of the case down to its conclusion. “The statement serves a lot of purposes and thus the officer constructing it had to make sure that it was fit for all those users,” (Mooney 2014:79). Translation, therefore, plays a crucial role in the justice system, although it is currently undermined by the legal authorities such as police. It is clear from the sworn statements presented in chapter 4 that there are inaccuracies, many tippex deletions and simply bad use of English in the translated versions.

#### 5.4 The back-translation process

In confirming the accuracy of these translations there was an accurate process that was always required. Specifically, the process is called Back-translation, which was of high importance when dealing with the already translated documents. As the name suggested, it is a process used by Translators to diagnose translation inaccuracies. It is relevant to translation. This aspect is a twin-aspect to translation as they are interdependent on one another. It is formally explained by Weiner *et al.* (2003:107) who quotes Brislin (1970:201) and Wenner & Campbell (1970:90) as:

This technique is sometimes called the translation/back-translation technique and is an initial attempt to advance the test adaptation beyond a direct test translation. In this approach, an initial translator or team of translators alters the test materials from the original language to the target language. Then a second translator or team, without having seen the original test, begins with the target language translation and renders this form back to the original language (Weiner *et al.*, 2003:107).

Back-translation has been utilized in the current research to detect whether the police translated sworn statements were accurate or inaccurate. This was also mentioned by Presser *et al.* (2004:468) as, “A procedure proposed originally to help researchers to assess questionnaires in languages they could not read...The translated questionnaires were then translated back into the source language, and the two versions in the source language were then compared.” The process of Back-translation was also explained by Bradley (1994) when saying that “Back-translation was a very important second step in the translation process that other writers have noticed was frequently omitted...Whether the initial translation was produced by a single translator or by a committee, back-translation was needed to identify any discrepancies between the meaning of the translation and that of the original questionnaire....The back-translations were then compared

with the original to identify any linguistic inaccuracies” (Bradley, 1994:44). It was also known as, “One procedure that dealt with complexities in translating instruments from one language into another,” (Rubin & Babbie, 2009:283). Again, “One useful exercise of ensuring accuracy when written materials were translated from one language to another was back-translation,” (Mayer *et al.*, 2007:206).

Back-translation was accurate for undertaking mixed method research, as mentioned by Presser *et al.* (2004:468) that, “Back-translation combines mechanistic steps with qualitative procedures.” Similarly, Chan & Pollard (2001:35) mentioned that, “Back-translation can guide the final decisions about the wording of the original language version through the decentring process which determines the changes that must be made.”

The police precinct clearly did not only lack translators, but also it used the complainants as back-translators of their verbal statements. In this case, the elderly and youth who are not proficient in English may feel restricted to re-read these dockets in English, yet they were used as proof readers and/or back-translators. “Additionally, the system (institutional norms) forces them to rely solely on a police officer to represent them in crafting their sworn statement, as the means of building their ultimate evidence for the court” (Ralarala, 2015:6). This on its own defeats the ends of justice, because victims or complainants who were uneducated, under pressure, in a state of paranoia and who have Limited English Proficiency (LEP) may see no mistranslation in the translated document and may find it quite problematic to relive the experience of what brought them to the police precinct. They end up agreeing that what was translated was exactly what they had said. Hence, the works of a professional Translator and a Forensic Linguist was required in police precinct in order to avoid this type of unprofessional scenario.

The figures 1.26 and 1.27 below are scans of the translated (isiXhosa to English) versions of the verbal isiXhosa statements in a gunpoint case.

Translated (isiXhosa to English) sworn statements

Shale under oath in xhosa to english  
9  
Riding at no [redacted] tell me [redacted] Nkkelana  
I am a taxi driver [redacted]  
On Thursday 2018-07-05 at about 07:2 driving  
a taxi coming on the direction of Githa  
to King William's Town loading a passenger  
going to King William's town.  
On the side of uncing trying to make a  
U-turn on the stop. I noticed that there  
is a vehicle coming at the back I stop  
to make a U-turn I waiting to passed  
to me. I make a U-turn after passed to  
me take again Githa t/ship.  
On the same time I noticed the car  
passed came back again. I stop my self  
because I want to know about this vehicle  
coming back again. The vehicle stop next  
to me at Driver door. Start asking me  
I you going to pay this vehicle if I  
bumped. I told them know I not Bumped  
you. All the time I am in the vehicle  
All the time on the same city.  
The driver of the vehicle took the fire<sup>arm</sup> out  
on the waist. After took the fire arm out  
on the waist. I going out on the the out  
and spray me three time on the face taxi  
left me. The passenger came back. After

Figure 1.26 Translated sworn statements

Saw me. I am better that time. I  
am not straight after spray me with  
a paperspray. The drive after spray me with  
a paperspray they phone the rank manager.  
I spray someone driving a taxi. They told  
me after spray me with a paperspray you  
don go to the police and open a case against  
me. I don't care. And the passenger also  
can say that what saying in the statement.

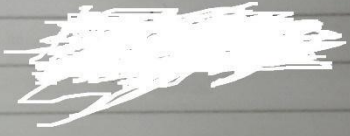


Figure 1.27 Continued translated sworn statement



## 5.5 The back-translation of the above docket

*“Ngolwesine umhla wama- 2018-07-05 ngezithuba zentsimbi yesi-7 qhuba i-taxi (comming) kwicala lase-Litha eya e-King William’s Town jonge umkhweli oya e-King (Wiam’s) Town.*

*Kwicala le (coming) ndizama ukwenza i-U-Turn eStophini. Ndaqaphela ukuba kukho wasithuthi (comming) ngasemva ndiyama ukwenza i-U-Turn ndilindile ukugqitha kum ndenza i-U-Turn emva gqithile kum thatha kwakhona Ilokwashi Ilitha.*

*Kwixesha elinye ndaqaphela wasithuthi gqithileyo sabuya kwakhona. Ndimile mna siqu ngoba ndifuna ukwazi malunga (comming) kwakhona wasithuthi sema ecaleni kwam kwicango lomqhubi. Qala ukubuza mna mna wena uza kubhatala ukuba ndikugilile. Ndabaxelela yayazi andikutshaywasanga. Maxa onke. Ndwasesithuthini. Maxa onke kwidolophu yokuqhuba.*

*Umqhubi wesithuthi wakhupha umkhono wekati esinqeni. Emva khuphile umkhono wekati esinqeni ndyaphuma kwi-taxi wanditsitsa wasihlandlo ezithathu ebusweni emva washiya mna. Umkhweli wabuya emva bone mna ngcono elo xesha Ndikwwasimo esingesihle emva tsitswa mna nge-papespray. Ukuqhuba emva tsitsa mna papespray batsalela umnxeba umphathi we-rank. Nditsitse umntu oqhuba i-taxi. Bandixelela mna emva tsitsa mna nge-papespray ungahamba emapolwaseni uyokundimanagalela. Andikhathali. Nomkhweli naye angayithetha into thethayo kwintetho.”*

## 5.6 Transcribed original statement

*“Ngolwesine kule veki iphelileyo, it was, ixesha past seven ndingakwa (name of place withheld) ndiya laywasha umntu, ndiya e (name of town withheld) so ndith kwi-passeger yam akukho bantu ezantsi (last exit to town), so ndiza kwenza i-U-Turn (back to the location, to collect more people to fill the taxi up before going to town), ndijonge espilini. Xa ndithi ndiza kungena, ndiza kujika, nantsi i-moto sey’fikile, ndphinde ndbuyele - back, hayi igqithe, asagilwasana asathini akho-moto ndiphazamwasana nayo. Ndjike ndigqibe kuba ndinyuka. Xa ndiphinda ndijonga espilini njeng’ba ndinyuka?! Nants’iyaphinda iyandileqa. Hay’ke ndime izokuma kengoku –straight aph’ecal’kwam straight necango eli, aphume u (the accused) ndivule ifestile, abuze uk’ba “mfondin’ yinton’ le uyenzayo? Ubuza ’yibhatala na i-moto yam?” Ndithule. Athi hee mfondini ndbuza’ ba ubuzay’bhatala na i-moto yam? Ndithi ey mfondini akusekho nto yenzekileyo, yinton mfodnin ude’ske ujikele loo nto. Khang’enz’ enye into, wakhuph’ i-firearm yakhe, straight, wandikhomba, ndaycima ke i-moto, ndath’ hay’ke*

*sow'senza sowundigqibile, ndavul'icango ow'kwam, way'faka kengoku i-pepper spray, 3 times, 3 times, wand'faka i-pepper spray. Gqiba wangena emotweni waphinda wahamba, wandwashiya nje, ndinee-passenger ndilay'shile. II-passengers zabe seziphumile zibalekile ikhona i-passenger, andyaz noba ibwasiza namanzi na ndath hayi wayek'amanzi kwabe kufika i-moto, kwabe kubuzwa hayi fondin abantu uza kubathini ndathi yeka ndiza kuhamba nabo ndayiqhuba olo hlobo linjalo, ndahamba nabo phofu ke sephinde wacela i-number phone yase – ofwasini, wayifumana ku-rank manager wathi uqhutyelwe ndim kakubi undifake i-pepper spray. Ndeza apha ndazo kuvula i-case kengoku.”*

#### 5.7 The comparison process between the two texts (original and the written)

It is clear that this process was part of the translation and was set in motion by the availability of the original text and the target text, whereby the translator compared the target text against the original text for error analysis. Thereafter, “The back-translations were then compared with the original to identify any linguistic inaccuracies.” (Bradley, 1994:44). Again it was said that, “Back-translation was a very important second step in the translation process...” (Bradley, *ibid.*). Moreover, it was said that, “One useful exercise of ensuring accuracy when written materials were translated from one language to another was back-translation” (Mayer *et al.*, 2007:206).

Looking at the case in question, which was the original statement above, the case opened was of pointing a gun, brought to police's attention by the complainant.

The Table 1.3 below contains the inaccuracies found from the target text compared with the original text:

**Table 1.3 the comparison process of the isiXhosa original text and isiXhosa back-translated text.**

Original/ Source Text (ST)	Back-Translated Target Text (TT)
<i>ndingakwa (name of place withheld) ndiya laywasha umntu so ndith kwi-passeger yam “akukho bantu ezantsi (last exit to town)”</i>	<i>qhuba i-taxi {comming} kwicala lase-Litha eya e-King William's Town jonge umkhweli oya e-King {Wiam's} Town.</i>

<p><i>so ndiza kwenza i-U-Turn (back to the location, to collect more people to fill the taxi up before going to town), ndijonge espilini. Xa ndithi ndiza kungena, ndiza kujika, nantsi i-moto sey'fikile, ndphinde ndbuyele - back, hayi igqithe, asagilwasana asathini akho-moto ndiphazamwasana nayo.</i></p>	<p><i>Kwicala le (umcing) ndizama ukwenza i-U-Turn eStophini. Ndaqaphela ukuba kukho wasithuthi (comming) ngasemva ndiyama ukwenza i-U-Turn ndilindile ukugqitha kum ndenza i-U-Turn emva gqithile kum thatha kwakhona Ilokwashe Ilitha.</i></p>
<p><i>Ndijike ndigqibe kuba ndinyuka. Xa ndiphinda ndijonga espilini njeng'ba ndinyuka?! Nants'iyaphinda iyandileqa.</i></p>	<p><i>Kwixesha elinye ndaqaphela wasithuthi gqithileyo sabuya kwakhona.</i></p>
<p><i>Hay'ke ndime izokuma kengoku –straight aph'ecal'kwam straight necango eli, aphume u (the accused) ndivule ifestile, abuze uk'ba “mfondin' yinton' le uyenzayo?</i></p>	<p><i>Ndimile mna siqu ngoba ndifuna ukwazi malunga (coming) kwakhona wasithuthi sema ecaleni kwam kwicango lomqhubi. Qala ukubuza mna mna wena uza kubhatala ukuba ndikugilile.</i></p>
<p><i>Ubuza'yibhatala na i-moto yam?” Ndithule. Athi hee mfondini ndbuza' ba ubuzay'bhatala na i-moto yam? Ndithi ey mfondini akusekho nto yenzekileyo, yinton mfodnin ude'ske ujikele loo nto.</i></p>	<p><i>Ndabaxelela yayazi andikutshaywasanga. Maxa onke. Ndwasesithuthini. Maxa onke kwidolophu yokuqhuba.</i></p>
<p><i>Khang'enz' enye into, wakhuph' i-firearm yakhe, straight, wandikhomba,</i></p>	<p><i>Umqhubi wesithuthi wakhupha umkhono wekati esinqeni.</i></p>
<p><i>straight, wandikhomba, ndaycima ke i-moto, ndath' hay'ke sow'senza sowundigqibile, ndavul'icango ow'kwam, way'faka kengoku i-pepper spray, 3 times, 3 times, wand'faka i-pepper spray. Gqiba wangena emotweni waphinda wahamba, wandwashiya nje, ndinee-passenger ndilay'shile.</i></p>	<p><i>Emva khuphile umkhono wekati esinqeni ndyaphuma kwi-taxi wanditsitsa wasihlandlo ezithathu ebusweni emva washiya mna.</i></p>
<p><i>II-passengers zabe seziphumile zibalekile ikhona i-passenger, andyaz noba ibwasiza namanzi na ndath hayi wayek'amanzi kwabe kufika i-moto, kwabe kubuzwa hayi fondin abantu uza kubathini ndathi</i></p>	<p><i>Umkhweli wabuya emva bone mna ngcono elo xesha Ndikwasimo esingesihle emva tsitswa mna nge-papespray.</i></p>

<i>yeka ndiza kuhamba nabo ndayiqhuba olo hlobo linjalo,</i>	
<i>ndahamba nabo phofu ke sephinde wacela i-number phone yase – ofwasini, wayifumana ku-rank manager wathi uqhutyelwe ndim kakubi undifake i-pepper spray.</i>	<i>Ukuqhuba emva tsitsa mna papespray batsalela umnxeba umphathi we-rank. Nditsitse umntu oqhuba i-taxi. Bandixelela mna emva tsitsa mna nge-papespray ungahamba emapolwaseni uyokundimanagalela. Andikhathali. Nomkhweli naye angayithetha into thethayo kwintetho.”</i>

Looking at the table above, a few linguistic and translation-related elements may be noticed. Firstly, from the source text the complainant mentioned the initial location where they picked up a passenger, telling them that there were no people at an exit nearby and that they were going to make a U-turn to collect some more people and then go to town. This was before they met the accused. The warrant officer in the target text mentioned the direction and that the driver was looking at a passenger going to town making a misspelling of the town’s name from “William’s” to *Wiam’s* and “coming” to *comming*. Secondly, the complainant (ST) mentions that when they were about to make a U-turn, they checked the mirror and saw an oncoming vehicle, then reversed to their lane, then the car passed safely with no harm or accident occurring. The officer (TT) mentioned and made grammatical errors when saying that “They stop themselves” making a misspelling of the word “oncoming” to “umcing”.

On the other hand, the officer changed the context of the incident as they used the complainant as a pedestrian with no vehicle. They translate the incident as, “*Ndaqaphela ukuba kukho wasithuthi (comming) ngasemva ndiyama ukwenza i-U-Turn ndilindile ukugqitha kum ndenza i-U-Turn emva gqithile kum thatha kwakhona Ilokwashi Ilitha.*” This statement may be problematic even for the Translator in court to back-translate it to the complainant as it lacks context and semantics. Especially, when the complainants, “In some (if not most) of these cases, the people laying the charge or suing (that was, ‘the complainant’) were generally economically disadvantaged and have Limited English Proficiency (LEP),” (Ralarala, 2015:6).

In addition, it made it even more problematic for the Translator to make it sensible and sound natural for the complainant when in court to agree that it was what they said in the statement back at the

police precinct. Moreover, some of the residents have claimed in the questionnaires that when they get to court, they hear statements they never made with the police. Basically, the target text (TT) had translation and grammatical errors that make it complicated to grasp the context of the incident. This meant that there was Limited English Proficiency (LEP) from the officer's side. Ultimately this indeed calls out for some help from professional Translators and Forensic Linguists to assist police officers in such linguistic and Forensic linguistics incidents.

The statement is used as a point of departure in court, meaning that the legal outcome might advantage the accused inasmuch as they may be the guilty one, this is due to the loss of context in the statement. As the case is observed and captured by the researcher it is noted that the officer has 33 years as a Warrant Officer in the South African Police Services. However, the department had overlooked that fact and how it could affect legal outcomes and the performance of the officer in the precinct, as the officer had a standard 9 (Grade 11) as a qualification.

In continuation, there were mixed responses when it came to the community that was served by the precinct on a daily basis and whether they do indeed need Translators and Forensic Linguists or not. Ultimately, from every question there was an answer and from every request and application there were replies. These questionnaires looked at the community members' approval and disapproval of Translators and Forensic Linguists in the police precinct. Consequently, from the 100 community members 95% of them agreed that Translators and Forensic Linguists were needed in the police precinct, whereas 5% of them disagreed.

There is clearly a need to transform the system as this was a huge concern when it came to the police and the government holistically. It is therefore necessary for Translators and Forensic Linguists to offer assistance to the police officers. Regarding the stature of a court officer (the Warrant Officer's former post), it is mentioned by the Learn.org Website (2013) that, "Court Officers are law enforcement officers who maintain order in the courtroom." This on its own did not include any duties that include translating documents or any relevant duties related to the duties of a translator. In addition, they have limited English proficiency (LEP) as indicated by the written sworn statement above and they cannot facilitate accurate translation, leading to grammatical errors. Their academic qualifications also show that they do not meet the minimum requirements of being a translator and a determinant of a legal liberty of the citizens of South Africa, going against the Constitution's stipulations of depriving people of their right to be protected by the law. Losing the case (due to mistranslation by the police officer) may end up violating their rights, making them live in fear of the perpetrator and the police.

It is interesting to note that the warrant officer had always been supervised by the junior police officers on their shift, except for this particular case due to the unavailability of other officers. They were only unsupervised for minor assistance, such as certifying documents and helping out with escorting prisoners to court and feeding them and other lighter duties. Some police officers covered for one another in such instances. It was puzzling for the researcher to find police officers who were unable to write properly after such a long period of time in the Service. This meant that after police officers were admitted to join the South African Police Service, some of them did not continue with their studies to widen their knowledge about the Service. The merging of the Bantustan police forces to become the SAPS may have also contributed to this as different criteria applied within the different territories.

Initially 100 participants in total filled out the questionnaires as indicated in chapter 4. The data indicated that the youth of the community saw that change that was needed, that. Translators and Forensic Linguists indeed were needed in the precinct. Mostly, Males seemed most in favour of the transformation as they become the most convicted or reported gender due to crimes they commit in places of enjoyment in the community.

In relation to the research, the various police ranks came with an array of choices when it comes to whether a Translator or a Forensic Linguist was required or not. The total constabularies in the precinct who agreed to be part of the research sample were 22. The number is made up of 13 Constables, 6 Sergeants, and 3 Warrant Officers. According to the interviews that were conducted by the researcher with the 22 police personnel. Statistically, from the 13 constables, 100% of them have no translation training. In addition to that alarming statistic, a huge 77% of the constables desired assistance from professional Translators and Forensic Linguists in translating and analysing legal documents. This meant that the constables (new and young) do see the need to transform the South African Police Services (SAPS) and they were the ones who mostly are sent to attend to these crimes, patrols and complaints that are brought to the Community Service Centre (CSC). Ultimately, they are the personnel who mostly translated the dockets and who understand and see the need for assistance in comparison to the senior officials who only took records of police activities. Therefore, most of the translation work rests upon them.

From the total of 6 sergeants available for sampling, 100% of them had no translation training and 99% of them agreed that they need a Translator and a Forensic Linguist in the precinct to assist them. As discussed, these police personnel were the ones who played senior roles in the

precinct and who take some of the vital decisions on important matters to be undertaken by junior members. The South African Police Service is a hierarchical workplace where each police officer is obliged to report to the senior officer or commander available. For these officers the need for assistance for linguistic and analytical changes was of paramount importance.

Lastly, warrant officers are senior and the first level of commissioned officers. Some of these personnel included a percentage of the long-standing and semi-illiterate individuals who were recruited to join the South African Police Services (SAPS) during the apartheid era. In the precinct, there were 3 of them who took part in the study. From the 3 of them, only 2 have no Translation training and all 3 of them need assistance from Translators and Forensic Linguists. For them, transformation was partly needed and also they were oblivious to it. They were senior officers who were affected less by the issue as they perform the duty of translating and analysing dockets less, as compared to their juniors (sergeants, detectives and Constables) who dealt with it more frequently.

Statistically, the total number of police officers in need of Translators and Forensic Linguists in the precinct spoke volumes, shedding new knowledge and speaking to an element of obliviousness of both parties; the South African Police Service and partly the Ndevana community. The reason for this obliviousness is the fact that this activity has been occurring for decades without being questioned. On that note, it goes against the core founding values of the South African Constitution that elevates the supremacy of the Constitution and the rule of law. Furthermore, the reason was derived from the fact that, the precinct was mostly utilized (as seen in the statistics) by senior citizens who depend and who trust on the police' judgement, abilities and privileges. Added on that was the availability of Community Police Forums (CPF), where such issues of the community and police were divulged.

Overall, a massive 82% of the police officers suggested that assistance from professional Translators and Forensic Linguists was needed to help the community with their legal matters. On the other hand, merely 18% of the police officers suggested that they do not need assistance from Translators and Forensic Linguists.

Specifically, from the total number of police officers who were sampled, 72% of them have grade 12. This implied that, immediately after they passed matric, they applied for recruitment or applied to other places of employment which included the SAPS. This proportion included the

majority of the police officers on any rank or level. The reason for this was unemployment and regime recruitment purposes. A mere 22% of the police have post-matric qualifications. Some of these resulted from continuation of their studies, which was done in search of employment before joining the South African Police Service. In addition, this was shown after an observation that their post-matric qualifications were not police related. These qualifications include Mechanical Engineering, Diploma in Travel and Tourism, National Diploma in I.T, National Diploma in Human Resource. Lastly, the lowest qualification, an under-qualification was a grade 11 qualification held by 4% of the police. This was due to police recruitment in an early regime period where educational qualifications were not considered.

These various qualifications among the police officers may lead to complications when it came to police work and performance rates. More to the point, police officers with grade 12 only may be less knowledgeable when it comes to linguistic constraints and may end up underperforming at work. Consequently, these underperformances may lead to inaccuracies in translations and analyses as previously observed in the translated and back-translated statements in chapter 4 and earlier in this chapter.

## 5.8 Consented police interviews

In total, the consented interviews were done by the researcher with 22 police officers. This aspect was one of the most important elements of the research as it was looking at the views of the police concerning the research question and also helping the research by shedding light on the police points. According to Artz & Smythe (2008: 32), “Consent means the voluntary agreement of the complainant or participant to engage in the activity research in conduction.” Similarly, in medical terms the same rule or law applies. According to (Robinson & Bird 2013:16), “The concept of informed consent was based on the idea that it was the patient who must pay and endure the pain and suffering that may result from treatment. Therefore, the patient had the right to know all-important facts about the proposed treatment.”

In continuation, an analysis of some of the respondents’ interviews looks at and connects with the research as a whole to see if they complement the other elements of the research information gathered and already analysed. The following were three transcribed interviews from interviews 2, 12 and 17. The reason for selecting these specific interviews arose from the fact that they were the most outstanding and distinct in terms of the responses given by the interviewees. This builds on the data as presented in chapter 4.



## **Interview 2**

1. What is your rank?

Response: "Warrant Officer."

2. How long have you been serving the South African Police Service?

Response: "33."

3. What education or qualification do you have?

Response: "Standard 9"

4. What is your mother-tongue?

Response: "Ithini ke?"

Interviewer: Luthini ulwimi lwakho lwaswekhaya, lweenkobe?

Response: "Ooh sIsiXhosa"

5. What is your second language?

Response: I-second language?

Interviewer: "Ewe i-second, eyesibini"

Response: "I-second yesibini yii-English"

6. Which language do you translate to during a complaintant's statement taking?

Response: "Ndisebenzisa IsiXhosa ndisi-translate kwi-English."

7. Do you have a translation training qualification or any equivalent language practice?

Response: Nday'funda nje ngela xesha e-college zang'be kuphinde k'thwa kuguqulwa into, kukufunda pha e-college kukwenza ii-course nton nton"

Interviewer: Alright, otherwise, zange kuthwe yi-translation lena niyayfundwaswa, zange ibekhona into enjalo?"

Response: "Hayi"

8. Do you think the South African Police Service needs translators for statement taking?

Response: "Injalo, iyazidinga kwiindawo ezithile"

9. Do you think the South African Police Service needs forensic linguists for analysing legal documents?

10. What was your take on police officers being translators and being crime preventers simultaneously?

Response: "Omnye umntu akazi nto, kwinto zonke funek umcacwasele, abantu baphinde baxhomekeke kwakuthi ekutheni sibase nase-court, yonke into ixhomekeke kuthi"

Interviewer: So tata uthi lowo ngumsebenzi omninzi ngoba wenza eminye imwasebenzi uphinde ubeyiyo ne-translator?

Response: "Ewe"

The interviewees' responses are of interest and a few aspects were picked up by the researcher. The initial element the researcher considers was the under qualification of the interviewee which was grade 11 whereas the standard qualification to join the South African Police service was grade 12. In addition to the qualification was the problem of experience, inasmuch as the interviewee was a senior officer who joined the South African Service earlier, the question which was then begged was whether the translation was accurate and whether they had English competence as one of the pre-requisites for a police officer. On a question of whether they think translators were needed the interviewee replied they were needed and carried on that it was a lot of work to do as a police officer. Therefore, professional Translators and Forensic Linguists were required to assist the police.

The second interview was equally stimulating as it also highlighted some important elements. The transcribed interview follows:

### **Interview 12**

1. What is your rank?

Response: "Constable"

2. How long have you been serving the South African Police Service?

Response: "12 years"

3. What education or qualification do you have?

Response: "Grade 12 and other courses that the SAPS gave me."

4. What is your mother-tongue?

Response: "Afrikaans"

5. What is your second language?

Response: "English"

6. Which language do you translate to during a complainant's statement taking?

Response: "I don't translate, I uhm just speak in English, at the station I just take it to English."

7. Do you have a translation training qualification or any equivalent language practice?

Response: "No"

8. Do you think the South African Police Service needs translators for statement taking?

Response: "I don't think so, because uuhm most of the people here, if you were, if an Afrikaans person comes to me, I was able to translate that Afrikaans statement into English, if a Xhosa person comes, there's a Xhosa person always here."

9. Do you think the South African Police Service needs forensic linguists for analysing legal documents?

10. What is your take on police officers being translators and being crime preventers simultaneously?

Response: "If they want to do that, they can do that, I cannot tell you, you must not be a translator, especially these uuhm, the foreigners, speaking foreign languages can, can, can be uuhm translators, because English and Afrikaans were normal languages here it's fine, but if you come with eerrr the Somalian languages those things, then we will need translators"

The interview was done by the researcher with a constable who was coloured and whose mother-tongue was Afrikaans. The constable's languages (first and second) seem to exclude the community member's first language, which is isiXhosa, and seemed to oppose the Section 2(a) on Use of Official Languages of 2012 stipulation on "Facilitating equal access to services and information of national government". In addition, the officer was heard making a problematic statement in question 6 of the interview (conducted by the researcher) when asked:

6 Which language do you translate to during complaint's statement taking?

Response: *"I don't translate, I uhm just speak in English, at the station I just take it to English."*

The statement might be problematic as a police officer assumed a number of roles when attending to a complaint. One of the roles was that of being a isiXhosa mother-tongue speaker or a isiXhosa proficient and fluent speaker. More closely, as per the observation, being a translator (isiXhosa to English) was problematic, as the police officers were untrained for the particular duty. The role of police officers included that of being mindful of legal aspects, and compassionate and being professional. These, among others, were the roles that police officers were expected to use as they deal with people on a daily basis. Without a knowledge of the language spoken in the community this would be difficult to achieve.

In addition, the officer attests to another problematic statement during the interview. According to the officer, the statement he made was viewed as a solution to his isiXhosa non-proficiency. Question number 9 of the interview and the response was:

Do you think the South African Police Service needs translators for statement taking?

Response: *"I don't think so, because uhhm most of the people here, if you were, if an Afrikaans person comes to me, I was able to translate that Afrikaans statement into English, if a Xhosa person comes, there's a Xhosa person always here."*

They ostensibly rely on other members for isiXhosa complaints that emerge, which is not fair on those officers. This eliminated the element of professionalism and promoted dependence at work. This may lead to a lack of trust and a negative attitude from both the particular police officer to the community and from the community towards the police officer. In terms of being assisted by the officer, the community members may develop preferences and which may ultimately cause favouritism.

Finally when the police officer was asked:

What was your take on police officers being translators and being crime preventers simultaneously?

Response: "If they want to do that, they can do that, I cannot tell you, you must not be a translator, especially these uuhm, the foreigners, speaking foreign languages can, can, can be uuhm translators, because English and Afrikaans were normal languages here it's fine, but if you come with eerrr the Somalian languages those things, then we will need translators"

The reply by the police officer clearly shows ignorance when it comes to languages. This was shown by the reply that, there seemed to be a misunderstanding of the question asked, which raised a question about the English proficiency they claimed they had in previous questions in the interview. Again, when thinking about translation, the officer became less considerate about the South Africans who supposedly should be prioritized in this instance, which opposes Section 6(5)(b)(i) of the Constitution's stipulation that, "Promote and ensure respect for— all languages commonly used by communities in South Africa, including German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telegu and Urdu." This shows linguistic ignorance on the police officer's side for someone who had been working in the station for 12 years.

#### **Interview 17**

1. What is your rank?

Response: "I-Rank yam ndiyi-Sergeant"

2. How long have you been serving the South African Police Service?

Response: "15 years"

3. What education or qualification do you have?

Response: "Ndino-grade 12, okay ndine-National Diploma kwi-I.T e-Border Technikon"

4. What is your mother – tongue?

Response: "Sis'Xhosa"

5. What is your second language?

Response: "Sis'Ngesi, that is English"

6. Which language do you translate to during complaint's statement taking?

Response: "To English, ndisusa kwis'Xhosa to English"

7. Do you have a translation training qualification or any equivalent language practice

Response: "No"

8. Do you think the South African Police Service needs translators for statement taking?

Response: Yes

9. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

Response: "Yes"

10. What is your take on police officers being translators and being crime preventers simultaneously?

Response: "Funeka ndikhumshe okanye ndithethe nges'Xhosa?"

Interviewer: "Ha.a noba uphendule ngeyiphi"

Response: "Hayi andiboni nto inzima pha andiboni nanto ingamandla, because umsebenzi wethu ne is to prevent, eyona nto iyi-main aim yethu kuku-preventer i-crime, lena kengoku yoku-translator kengoku inton to ntonton, itoliki, it's not a big deal, no, no, no ayonto ingamandla, andiyiboni iyingxaki mna."

Ironically, an interest emerged when the sergeant who has been serving the South African Police Service for 15 years agreed that Translators and Forensic Linguists were needed to assist them in the precinct. Adding to that irony and confirming that they did not have translation training, again the sergeant saw no problem with performing the translation process on documents, opposing their earlier statement that Translators and Forensic Linguists are needed by the SAPS. This was a problematic response with regards to complainants who come to the precinct for assistance and how their concerns will be attended to and how they will be translated and ultimately be dealt with and judged in the court of law. The sergeant was obviously ignorant and inconsiderate of the complainants and their reports. The sergeant seemed to forget that the legal

liberties of the community members who come to ask for assistance in the CSC depend on these sworn statements. When asked about experience in translation the sergeant replied that:

1. "Do you have a translation training qualification or any equivalent language practice

Response: "No"

2. Do you think the South African Police Service needs translators for statement taking?

Response: Yes

3. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

Response: "Yes"

4. What is your take on police officers being translators and being crime preventers simultaneously?

Response: "Funeka ndikhumshe okanye ndithethe nges'Xhosa?"

Interviewer: "Ha.a noba uphendule ngeyiphi"

Response: "Hayi andiboni nto inzima pha andiboni nanto ingamandla, because umsebenzi wethu ne is to prevent, eyona nto iyi-main aim yethu kuku-preventer i-crime, lena kengoku yoku-translator kengoku inton to ntonton, itoliki, it's not a big deal, no, no, no ayonto ingamandla, andiyiboni iyingxaki mna."

There is a certain irony and ignorance in the way the question was answered as it clearly indicates that the police office does not have the requisite language experience.

## 6.0 Conclusion

This chapter began and concluded with an analysis of the data collected. The chapter analysed further the data presented in chapter 4.

Transcribed verbal statements and interviews were analysed and emerged with interesting results. These discoveries included translation inaccuracies, limited English proficiency among other elements. The graphs all pointed to one aspect, the fact that professionally trained Translators and Forensic Linguists were a prerequisite in the police precinct in order to prevent the issue of mistranslations when it comes to affidavits and dockets. It was also clear that the community at large, 99% of them who are isiXhosa speaking, required the assistance of professional linguists within the Ndevana police station precinct. The transcribed police interviews and the overall data

indicate the need for Translators and Forensic Linguists in the Ndevana Police precinct. The chapter that follows concludes the thesis with some recommendations.

## Chapter 6

### Conclusion and Recommendations

#### 6.1 Recommendations

The first recommendation of the study, looking at the South African Police Service, is to employ professional translators and Forensic Linguists lecturers in the South African Police Service Training and Recruitment Facilities. These lecturers who will be under the SAPS (i.e. other personnel, administrators, human resource personnel, forensic scientists, social workers, psychologists, etc.) may help new recruits with translation and documentation analysis basics. Translation and Forensics Linguistics must form part of the training programme.

The second recommendation is that professional translators and forensic linguists should be employed in the police precincts of the Republic in order to assist the police officers. These professionals could be housed separately from the Community Service Centre where they have their own offices. The complainants who want to open cases could be escorted by the police to these offices. This is where they would be helped to translate their dockets, and then they could be escorted back to the Community Service Centre by that particular translator or forensic linguists who was assisting them for further questioning and investigation by the detectives.

This may help make the law run smoothly, with all personnel performing their duties effectively. There will be less unprofessionalism and fewer duties done inaccurately, as every member will be doing the job they were salaried to do. Implementation of this recommendation may help decrease unemployment rates in South Africa and help solve cases accurately and bridge the comprehension, hope and trust fissure between the police and the community members.

## 6.2 Conclusion

This research study questions the accuracy of police translations and an analysis of sworn statements clearly shows inaccuracies. It is concluded therefore that there is a need for professional translators in the police training facilities and/or police precincts.

This can be seen against the backdrop of the broader transformation that is required in South Africa, in all spheres of South African life but particularly within the policing system. Central to this notion of transformation is the role of language, it can either liberate police officers to perform their work more effectively, or it can shackle them in the way that it presently does as illustrated in this thesis. The end result is that presently it is difficult to obtain social justice for speakers of languages other than English. If one considers the English sworn statement contained in the appendices that follow it becomes clear that there is a need to rethink the way in which these sworn statements are presented in English only. Ultimately the need for trained Translators and Forensic linguists is what is required in the South African multilingual policing context. This thesis shows that both the community and many police officers themselves would welcome such an initiative.



## References

Artz, L. & Smythe, D. 2010. *Should We Consent? Rape Law Reform in South Africa*. London. SAGE Publications.

Baker, M., & Saldanha G. 2011. *Routledge Encyclopedia of Translation Studies*. 2<sup>nd</sup> ed. London. Routledge Publishers.

Bhattacharyya, D. K. 2006. *Research Methodology*. 2<sup>nd</sup> Eds. New Delhi: Excel Printers.

Brunette, L., Bastin, G., Hemlin, I., Clarke, H. 2001. *The Critical Link: Interpreters in the Community. Selected Papers from the Third International Conference on Interpreting in Legal, Health and Social Service Settings*. Montreal. John Benjamin Publishing.

Ćetković, S. 2017. *The Language of Police Reports: A Quest for Precision or a Bureaucratic Exercise of Language Degradation*. En *Círculo de Lingüística Aplicada a la Comunicación*, 71, 159-176. University of Montenegro.

Correa M. 2013. *Forensic Linguistics: An Overview of the Intersection and Interaction of Language and Law*. Fort Collins. Colorado University, Studies about Languages No. 23.

Coulthard M., Sousa-Silva R. 2009. *Forensic Linguistics*. Birmingham. Centre for Forensic Linguistics.

Coulthard, M., Johnson, A. 2007. *An Introduction to Forensic Linguistics: Language in Evidence*. New York. Routledge

Coulthard, M., Johnson A., Wright, D. 2017. *An Introduction to Forensic Linguistics: Language in Evidence*. New York: Routledge.

Coulthard, M. 2010. *Forensic Linguistics: The application of language description in*

*Legal Contexts: Language and Society. Vol. 132, No. 2 p. 15-33.*

Creswell, J.W. 2009. *Research Design: Qualitative, Quantitative and Mixed Methods*. London: SAGE Publications.

Dinan K. 2000. *Owed Justice: Thai Women Trafficked Into Debt Bondage in Japan*. U.S.A. Human Rights Watch.

Dukate, A., 2009. *Translation, Manipulation and Interpretation*. New York. Peter Lang Publication.

Faull, A. 2008. *Policing Diversity: An analysis of a Diversity Intervention and its Effects on a South African Police Service Station*. Kenthurst. Rozenberg Publishers

Genzuck, M. 2003. *A Synthesis of Ethnographic Research*. Los Angeles: University of Southern California.

Gibbons, J., & Turell, M.T. 2008. *Dimensions of Forensic Linguistics*. Philadelphia: John Benjamin Publishing Company.

Gibson, W.W. 1961. *Literary Minds and Judicial Style*. New York. Institute of Judicial Administration Publications

Government Gazette. 2015. *Use of Official Languages Act 2012 Draft Language Policy of the South African Police Service Police Language Policy. Vol. 1 No. 994 Department of Police*.

Grainger, S., 2016. *Making False Statements under Oath*. News 24, viewed 2940.

Hammersley, M., & Atkinson, P. 2007. *Ethnography: Principles in Practice*. New York: Routledge.

Hale, S. B. 2004. *The Discourse of Court Interpreting: Discourse Practices of the Law, the Witness and the Interpreter*. London. John Benjamin Publishing.

Hatim, B., Munday, J. 2004. *Translation: An Advanced Resource Book*. New York: Routledge.

Hammersley, M., & Atkinson, P. 2007. *Ethnography: Principles in Practice*. New York: Routledge.

Hinkel E. 2011. *Handbook of Research in Second Language Teaching and Learning, Volume 2*. New York. Routledge.

Hiss, D., Horner, B., Pressler R., Swanepoel, G. 2008. *FCS Principles of Criminal Justice L2*. Cape Town. Pearson Education.

House of Commons Justice Committee. 2013. *Interpreting and Translation Services and the Applied Linguistics. Vol. 1, p. 94*.

Ingleton, R.D. 1994. *Mission Incomprehensible: The Linguistic Barrier to Effective Police Cooperation in Europe*. Philadelphia. Multilingual Matters.

Ivankova N. V. 2010. *Mixed Methods Applications in Action Research: From Methods to Community Action*. California. SAGE Publications.

Khokhlova, I.N. 2015. *Global English: Africanisation of the English Language*. Canadian Centre of Science and Education, 7(6), pp. 201-202.

King, N. & Horrocks, C. 2010. *Interviews in Qualitative Research*. London. SAGE Publications.

Kirsch, G., & Sullivan, P. A., 1992. *Methods and Methodology in Composition Research*. Chicago: Southern Illinois University Press.

Lai, M. & Mulayim S. 2016. *Ethics for Police Translations and Interpreters*. Florida. CRC Press Taylor & Francis.

Monetti, G.M., Halewijn, E., Holland, C. 2003. *Odysseus: Second Language at the Workplace, Language Needs for Migrant Workers: Organising Language Learning for the Vocational/Workplace Context*. Europe. Council of Europe Publishing.

Moeketsi, R.H. 1998. Statements about Sesotho questions used in the South African courtroom. *South African Journal of African Languages*, 18(3), p. 72.

Mooney A. 2014. *Language and Law*. Melbourne. Palgrave McMillan Publishing Co.

Newmark, P. 1991. *About Translation*. Canada: Canadian Centre of Science and Education.

Onwuegbuzie, A.J. & Combs, J. P. 2011. Data Analysis in Mixed Research: A Primer. *International Journal of Education*, 3(1), pp. 2-4.

Olsson, J. 2008. *Forensic Linguistics: An Introduction to Language and Crime*, 2<sup>nd</sup> Edition. New York: Continuum.

Olsson, J., & Lechjenbroers, J. 2014. *Forensic Linguistics*, 3<sup>rd</sup> Edition. United Kingdom: Bloomsbury Publishing.

Peak K. J. 2013. *Encyclopedia of Community Policing and Problem Solving*. Los Angeles. SAGE Publications.

Ralarala, M.K. 2015. Implications and Explications of Police Translation of Complaints' Sworn Statements: Evidence Lost in Translation? Unpublished PhD Thesis. Mangaung, University of Free State.

Ralarala, M.K., Barris, K., Ivala, E., & Siyepu, S. 2017. *African Languages and Language Practice Research in the 21<sup>st</sup> Century*. Cape Town: Centre for Advanced Studies of African Society Publishers.

Robinson, D.S. & Bird, D.L. 2008. *Essentials of Dental Assisting*. St. Louis, Missouri. Elsevier Book Aid International.

Sann, L.H., Duignan, P. 1991. *Hope for South Africa?* Stanford University, Stanford: Hoover Institution Press.

Saohatse, M.C. 1999. Solving Communication Problems in Medical Institutions. *South African Journal of African Languages*, 1, pp. 95-102.

Seligson S.B. 2009. *Coerced Confessions: The Discourse of Bilingual Police Interrogations*. Berlin. Mutton De Gruyter Publication.

Sithannan, V. 2014. *Police Investigation – Power, Tactics and Techniques*. Nadu. eBooks2go.

Solan, L., Tiersma, P.M. 2012. *The Oxford Handbook of Language and Law*. New York. Oxford University Press.

Terrel, S.R. 2012. Mixed-Method Research Methodologies. *The Qualitative Report*, 17(1), p. 2.

Tiersma, P.M., Tiersma, P., Solan, L. 2012. *The Oxford Handbook of Language and Law*. New York. Oxford University Press.

Tulich, T.S., Blagg, H. & de Monchaux, AH. 2017. Miscarriage of Justice in Western Australia: The Case of Gene Gibson. *Griffith Journal of Law and Human Dignity*, 5(2), 118-142.

*Use of Official Languages Act*. 2012. No. 12 pp. 2.

Venuti, L. 2008. *The Translator's Invisibility: A History of Translation*. 2nd Edition. New York: Routledge.

Vine, B. 2017. *The Routledge Handbook of Language in the Workplace*. New York. Routledge Publication Handbooks.

Williamson, T. 2012. *Investigative Interviewing*. New York. Routledge Publications.

### **Online websites**

[www.collinsdictionary.com](http://www.collinsdictionary.com) 2018

[www.hierarchy.com](http://www.hierarchy.com) 2017

[www.independentmedia.com](http://www.independentmedia.com) 2018

[www.lama.hypotheses.org](http://www.lama.hypotheses.org). 2017

[www.Learn.org](http://www.Learn.org). 2003

[www.iol.co.za](http://www.iol.co.za). 2008

[www.saps.gov.za](http://www.saps.gov.za) 2014


[www.freedictionary](http://www.freedictionary) 2018

[www.Translegal.com](http://www.Translegal.com). 2017

## Appendices

### 6.31 The police consented forms

Appendix 6.31

  
**RHODES UNIVERSITY**  
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**A consent form for the Police Officers**

I Aiviwe Myabazi a Rhodes University Master's Candidate is conducting research on Complainant's Translations and their accuracy in the Ndeyana Police station. The information that will be gathered is one of methods of the study that will form part of the assessment of the study, its critique and analysis. If the study becomes successful it will be presented in conferences and possibly be published in articles for public awareness. It will help the police precinct, the community and the researcher gain knowledge. Certain of the findings may also be shared more generally with the South African Police Service in the hope of positively influencing language policy formulation.

In addition, if the information is found fruitful to be implemented it will help the precincts' linguistic and translation practices run smoothly, create job opportunities, become more efficient for the community members and create possible changes, such as unlimited trust and informed confidence as well as in the justice system of the country.

The identities or names of the participants or interviewees will be highly protected and anonymised, by using a process of anonymity and the utilization of alphabetic characters during analysis and critique in the thesis.

I therefore would like your assistance in participating in an interview that I will be conducting. This is to confirm your assistance with the interview. **N.B: You can withdraw from the interview at any point as you please.**

Participant's Signature: BS 2019/03/3  
BS 2019/03/3



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**A consent form for the Police Officers**

I Avriwe Mvabaza a Rhodes University Master's Candidate is conducting research on Complainant's Translations and their accuracy in the Ndlovana Police station. The information that will be gathered is one of methods of the study that will form part of the assessment of the study, its critique and analysis. If the study becomes successful it will be presented in conferences and possibly be published in articles for public awareness. It will help the police precinct, the community and the researcher gain knowledge. Certain of the findings may also be shared more generally with the South African Police Service in the hope of positively influencing language policy formulation.

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I therefore would like your assistance in participating in an interview that I will be conducting. This is to confirm your assistance with the interview. **N.B: You can withdraw from the interview at any point as you please.**

Participant's Signature.....

*[Handwritten signature]* sgt





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**A consent form for the Police Officers**

I Awiwe Mvabaza a Rhodes University Master's Candidate is conducting research on Complainant's Translations and their accuracy in the Ndlovana Police station. The information that will be gathered is one of methods of the study that will form part of the assessment of the study, its critique and analysis. If the study becomes successful it will be presented in conferences and possibly be published in articles for public awareness. It will help the police precinct, the community and the researcher gain knowledge. Certain of the findings may also be shared more generally with the South African Police Service in the hope of positively influencing language policy formulation.

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I therefore would like your assistance in participating in an interview that I will be conducting. This is to confirm your assistance with the interview. N.B: You can withdraw from the interview at any point as you please.

Participant's Signature.....

54608319  
CST  
M. J. J. J.



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**A consent form for the Police Officers**

I Ayiwe Myabaza a Rhodes University Master's Candidate is conducting research on Complainant's Translations and their accuracy in the Ndlevana Police station. The information that will be gathered is one of methods of the study that will form part of the assessment of the study, its critique and analysis. If the study becomes successful it will be presented in conferences and possibly be published in articles for public awareness. It will help the police precinct, the community and the researcher gain knowledge. Certain of the findings may also be shared more generally with the South African Police Service in the hope of positively influencing language policy formulation.

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Participant's Signature 



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I therefore would like your assistance in participating in an interview that I will be conducting. This is to confirm your assistance with the interview. **N.B:** You can withdraw from the interview at any point as you please.

Participant's Signature.....



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**A consent form for the Police Officers**

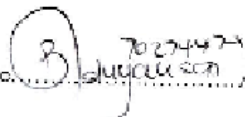
I Awiwe Mvabaza a Rhodes University Master's Candidate is conducting research on Complainant's Translations and their accuracy in the Ndevana Police station. The information that will be gathered is one of methods of the study that will form part of the assessment of the study, its critique and analysis. If the study becomes successful it will be presented in conferences and possibly be published in articles for public awareness. It will help the police precinct, the community and the researcher gain knowledge. Certain of the findings may also be shared more generally with the South African Police Service in the hope of positively influencing language policy formulation.

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I therefore would like your assistance in participating in an interview that I will be conducting. This is to confirm your assistance with the interview. N.B: You can withdraw from the interview at any point as you please.

Participant's Signature: .....

 70234474  
Awiwe Mvabaza



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**A consent form for the Police Officers**

I Avlwe Mvabazani Rhodes University Master's Candidate is conducting research on Complainant's Translations and their accuracy in the Ndevana Police station. The information that will be gathered is one of methods of the study that will form part of the assessment of the study, its critique and analysis. If the study becomes successful it will be presented in conferences and possibly be published in articles for public awareness. It will help the police precinct, the community and the researcher gain knowledge. Certain of the findings may also be shared more generally with the South African Police Service in the hope of positively influencing language policy formulation.

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Participant's Signature..........





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**A consent form for the Police Officers**

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Participant's Signature.....



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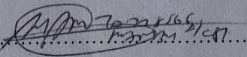
**A consent form for the Police Officers**

I Aviwe Myabaza a Rhodes University Master's Candidate is conducting research on Complainant's Translations and their accuracy in the Ndevana Police station. The information that will be gathered is one of methods of the study that will form part of the assessment of the study, its critique and analysis. If the study becomes successful it will be presented in conferences and possibly be published in articles for public awareness. It will help the police precinct, the community and the researcher gain knowledge. Certain of the findings may also be shared more generally with the South African Police Service in the hope of positively influencing language policy formulation.

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Participant's Signature...  .....





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I therefore would like your assistance in participating in an interview that I will be conducting. This is to confirm your assistance with the interview. **N.B: You can withdraw from the interview at any point as you please.**

Participant's Signature.....

*Handwritten signature of M. Mvabaza*



### 6.32 Example of Ndevana community members' questionnaires

  
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**A QUESTIONNAIRE ON TRANSLATION ACCURACY IN THE WORKPLACE**

**SECTION 1: PERSONAL DETAILS**

1. GENDER:

MALE	<input type="checkbox"/>
FEMALE	<input checked="" type="checkbox"/>

2. AGE:

BETWEEN 18 AND 25	<input type="checkbox"/>
BETWEEN 25 AND 35	<input type="checkbox"/>
BETWEEN 35 AND 45	<input checked="" type="checkbox"/>
45 AND ABOVE	<input type="checkbox"/>

3. RACIAL CLASSIFICATION:

AFRICAN	<input checked="" type="checkbox"/>
COLOURED	<input type="checkbox"/>
INDIAN	<input type="checkbox"/>
WHITE	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

4. HOME LANGUAGE:

ISIXHOSA	<input checked="" type="checkbox"/>
ENGLISH	<input type="checkbox"/>
AFRIKAANS	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

**SECTION 2: LANGUAGE TRANSLATION PREFERENCE**

1. WHICH OF THE FOLLOWING SERVICES HAVE YOU EVER REQUIRED AT THE POLICE STATION?

LAYING A COMPLAINT	<input type="checkbox"/>
FILLING IN AN AFFIDAVIT	<input checked="" type="checkbox"/>
MAKING AN AGREEMENT	<input type="checkbox"/>
OTHER PLEASE SPECIFY	<input type="checkbox"/>

2. WHO FILLS IN THESE DOCUMENTS?

SELF	<input checked="" type="checkbox"/>
POLICE OFFICER	<input type="checkbox"/>

3. WHICH LANGUAGE DO THEY (POLICE OFFICERS) USE WHEN WRITING A LEGAL DOCUMENT/COMPLAINT AT THE POLICE STATION?

ISIXHOSA	
ENGLISH	✓
AFRIKAANS	
MIXED LANGUAGES (ALL THE ABOVE)	
OTHER (PLEASE SPECIFY)	

4. WHICH DOCUMENTS DO YOU THINK NEED A PROFESSIONAL TRANSLATOR AT THE POLICE STATION?

A CASE	✓
AN AFFIDAVIT	
A MINOR COMPLAINT	
OTHER (PLEASE SPECIFY)	

5. DO YOU PERSONALLY THINK THERE IS A NEED FOR A TRANSLATOR AT THE POLICE STATION TO TRANSLATE SUCH DOCUMENTS FROM ONE LANGUAGE TO THE OTHER?

Yes. Amapolisa amaningi ayebethekela kwi si ngesi.





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**A QUESTIONNAIRE ON TRANSLATION ACCURACY IN THE WORKPLACE**

**SECTION 1: PERSONAL DETAILS**

1. GENDER:

MALE	
FEMALE	✓

2. AGE:

BETWEEN 18 AND 25	
BETWEEN 25 AND 35	
BETWEEN 35 AND 45	✓
45 AND ABOVE	

3. RACIAL CLASSIFICATION:

AFRICAN	✓
COLOURED	
INDIAN	
WHITE	
OTHER (PLEASE SPECIFY)	

4. HOME LANGUAGE:

ISIXHOSA	<input checked="" type="checkbox"/>
ENGLISH	<input type="checkbox"/>
AFRIKAANS	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

**SECTION 2: LANGUAGE TRANSLATION PREFERENCE**

1. WHICH OF THE FOLLOWING SERVICES HAVE YOU EVER REQUIRED AT THE POLICE STATION?

LAYING A COMPLAINT	<input type="checkbox"/>
FILLING IN AN AFFIDAVIT	<input checked="" type="checkbox"/>
MAKING AN AGREEMENT	<input type="checkbox"/>
OTHER PLEASE SPECIFY	<input type="checkbox"/>

2. WHO FILLS IN THESE DOCUMENTS?

SELF	<input checked="" type="checkbox"/>
POLICE OFFICER	<input type="checkbox"/>



3. WHICH LANGUAGE DO THEY (POLICE OFFICERS) USE WHEN WRITING A LEGAL DOCUMENT/COMPLAINT AT THE POLICE STATION?

ISIXHOSA	
ENGLISH	✓
AFRIKAANS	
MIXED LANGUAGES (ALL THE ABOVE)	
OTHER (PLEASE SPECIFY)	

4. WHICH DOCUMENTS DO YOU THINK NEED A PROFESSIONAL TRANSLATOR AT THE POLICE STATION?

A CASE	✓
AN AFFIDAVIT	✓
A MINOR COMPLAINT	
OTHER (PLEASE SPECIFY)	

5. DO YOU PERSONALLY THINK THERE IS A NEED FOR A TRANSLATOR AT THE POLICE STATION TO TRANSLATE SUCH DOCUMENTS FROM ONE LANGUAGE TO THE OTHER?

Yes At Police Station NEE FOR TRANSLATOR  
Xhosa to English For understanding to old  
person dont understand the forms for  
Affidavit and other forms like Firearm and  
liquor



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A QUESTIONNAIRE ON TRANSLATION ACCURACY IN THE WORKPLACE

SECTION 1: PERSONAL DETAILS

1. GENDER:

MALE	<input type="checkbox"/>
FEMALE	<input checked="" type="checkbox"/>

2. AGE:

BETWEEN 18 AND 25	<input checked="" type="checkbox"/>
BETWEEN 25 AND 35	<input type="checkbox"/>
BETWEEN 35 AND 45	<input type="checkbox"/>
45 AND ABOVE	<input type="checkbox"/>

3. RACIAL CLASSIFICATION:

AFRICAN	<input checked="" type="checkbox"/>
COLOURED	<input type="checkbox"/>
INDIAN	<input type="checkbox"/>
WHITE	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

4. HOME LANGUAGE:

ISIXHOSA	<input checked="" type="checkbox"/>
ENGLISH	<input type="checkbox"/>
AFRIKAANS	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

**SECTION 2: LANGUAGE TRANSLATION PREFERENCE**

1. WHICH OF THE FOLLOWING SERVICES HAVE YOU EVER REQUIRED AT THE POLICE STATION?

LAYING A COMPLAINT	<input checked="" type="checkbox"/>
FILLING IN AN AFFIDAVIT	<input type="checkbox"/>
MAKING AN AGREEMENT	<input type="checkbox"/>
OTHER PLEASE SPECIFY	<input type="checkbox"/>

2. WHO FILLS IN THESE DOCUMENTS?

SELF	<input type="checkbox"/>
POLICE OFFICER	<input checked="" type="checkbox"/>



3. WHICH LANGUAGE DO THEY (POLICE OFFICERS) USE WHEN WRITING A LEGAL DOCUMENT/COMPLAINT AT THE POLICE STATION?

ISIXHOSA	<input checked="" type="checkbox"/>
ENGLISH	<input type="checkbox"/>
AFRIKAANS	<input type="checkbox"/>
MIXED LANGUAGES (ALL THE ABOVE)	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

4. WHICH DOCUMENTS DO YOU THINK NEED A PROFESSIONAL TRANSLATOR AT THE POLICE STATION?

A CASE	<input type="checkbox"/>
AN AFFIDAVIT	<input checked="" type="checkbox"/>
A MINOR COMPLAINT	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

5. DO YOU PERSONALLY THINK THERE IS A NEED FOR A TRANSLATOR AT THE POLICE STATION TO TRANSLATE SUCH DOCUMENTS FROM ONE LANGUAGE TO THE OTHER?

Ewe uyadingeka soba kungeko matwu omdala. NDANDIYOKWENZA I AFFIDAVIT ndance dwa ngupotwana.



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**A QUESTIONNAIRE ON TRANSLATION ACCURACY IN THE WORKPLACE**

**SECTION 1: PERSONAL DETAILS**

1. GENDER:

MALE	<input checked="" type="checkbox"/>
FEMALE	<input type="checkbox"/>

2. AGE:

BETWEEN 18 AND 25	<input checked="" type="checkbox"/>
BETWEEN 25 AND 35	<input type="checkbox"/>
BETWEEN 35 AND 45	<input type="checkbox"/>
45 AND ABOVE	<input type="checkbox"/>

3. RACIAL CLASSIFICATION:

AFRICAN	<input checked="" type="checkbox"/>
COLOURED	<input type="checkbox"/>
INDIAN	<input type="checkbox"/>
WHITE	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>



4. HOME LANGUAGE:

ISIXHOSA	<input checked="" type="checkbox"/>
ENGLISH	<input type="checkbox"/>
AFRIKAANS	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

**SECTION 2: LANGUAGE TRANSLATION PREFERENCE**

1. WHICH OF THE FOLLOWING SERVICES HAVE YOU EVER REQUIRED AT THE POLICE STATION?

LAYING A COMPLAINT	<input checked="" type="checkbox"/>
FILLING IN AN AFFIDAVIT	<input type="checkbox"/>
MAKING AN AGREEMENT	<input type="checkbox"/>
OTHER PLEASE SPECIFY	<input type="checkbox"/>

2. WHO FILLS IN THESE DOCUMENTS?

SELF	<input type="checkbox"/>
POLICE OFFICER	<input checked="" type="checkbox"/>

3. WHICH LANGUAGE DO THEY (POLICE OFFICERS) USE WHEN WRITING A LEGAL DOCUMENT/COMPLAINT AT THE POLICE STATION?

ISIXHOSA	<input checked="" type="checkbox"/>
ENGLISH	<input type="checkbox"/>
AFRIKAANS	<input type="checkbox"/>
MIXED LANGUAGES (ALL THE ABOVE)	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

4. WHICH DOCUMENTS DO YOU THINK NEED A PROFESSIONAL TRANSLATOR AT THE POLICE STATION?

A CASE	<input checked="" type="checkbox"/>
AN AFFIDAVIT	<input type="checkbox"/>
A MINOR COMPLAINT	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

5. DO YOU PERSONALLY THINK THERE IS A NEED FOR A TRANSLATOR AT THE POLICE STATION TO TRANSLATE SUCH DOCUMENTS FROM ONE LANGUAGE TO THE OTHER?

No Abngnke so Abok Dingeto ma police





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**A QUESTIONNAIRE ON TRANSLATION ACCURACY IN THE WORKPLACE**

**SECTION 1: PERSONAL DETAILS**

1. GENDER:

MALE	<input checked="" type="checkbox"/>
FEMALE	<input type="checkbox"/>

2. AGE:

BETWEEN 18 AND 25	<input checked="" type="checkbox"/>
BETWEEN 25 AND 35	<input type="checkbox"/>
BETWEEN 35 AND 45	<input type="checkbox"/>
45 AND ABOVE	<input type="checkbox"/>

3. RACIAL CLASSIFICATION:

AFRICAN	<input checked="" type="checkbox"/>
COLOURED	<input type="checkbox"/>
INDIAN	<input type="checkbox"/>
WHITE	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

4. HOME LANGUAGE:

ISIXHOSA	<input checked="" type="checkbox"/>
ENGLISH	<input type="checkbox"/>
AFRIKAANS	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

SECTION 2: LANGUAGE TRANSLATION PREFERENCE

1. WHICH OF THE FOLLOWING SERVICES HAVE YOU EVER REQUIRED AT THE POLICE STATION?

LAYING A COMPLAINT	<input type="checkbox"/>
FILLING IN AN AFFIDAVIT	<input type="checkbox"/>
MAKING AN AGREEMENT	<input checked="" type="checkbox"/>
OTHER PLEASE SPECIFY	<input type="checkbox"/>

2. WHO FILLS IN THESE DOCUMENTS?

SELF	<input type="checkbox"/>
POLICE OFFICER	<input checked="" type="checkbox"/>



3. WHICH LANGUAGE DO THEY (POLICE OFFICERS) USE WHEN WRITING A LEGAL DOCUMENT/COMPLAINT AT THE POLICE STATION?

ISIXHOSA	<input checked="" type="checkbox"/>
ENGLISH	<input type="checkbox"/>
AFRIKAANS	<input type="checkbox"/>
MIXED LANGUAGES (ALL THE ABOVE)	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

4. WHICH DOCUMENTS DO YOU THINK NEED A PROFESSIONAL TRANSLATOR AT THE POLICE STATION?

A CASE	<input checked="" type="checkbox"/>
AN AFFIDAVIT	<input type="checkbox"/>
A MINOR COMPLAINT	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

5. DO YOU PERSONALLY THINK THERE IS A NEED FOR A TRANSLATOR AT THE POLICE STATION TO TRANSLATE SUCH DOCUMENTS FROM ONE LANGUAGE TO THE OTHER?

Ewe ngoba abakhathali uncedwun kudala



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**A QUESTIONNAIRE ON TRANSLATION ACCURACY IN THE WORKPLACE**

**SECTION 1: PERSONAL DETAILS**

1. GENDER:

MALE	<input checked="" type="checkbox"/>
FEMALE	<input type="checkbox"/>

2. AGE:

BETWEEN 18 AND 25	<input type="checkbox"/>
BETWEEN 25 AND 35	<input type="checkbox"/>
BETWEEN 35 AND 45	<input checked="" type="checkbox"/>
45 AND ABOVE	<input type="checkbox"/>

3. RACIAL CLASSIFICATION:

AFRICAN	<input checked="" type="checkbox"/>
COLOURED	<input type="checkbox"/>
INDIAN	<input type="checkbox"/>
WHITE	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>



4. HOME LANGUAGE:

ISIXHOSA	<input checked="" type="checkbox"/>
ENGLISH	<input type="checkbox"/>
AFRIKAANS	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

SECTION 2: LANGUAGE TRANSLATION PREFERENCE

1. WHICH OF THE FOLLOWING SERVICES HAVE YOU EVER REQUIRED AT THE POLICE STATION?

LAYING A COMPLAINT	<input type="checkbox"/>
FILLING IN AN AFFIDAVIT	<input checked="" type="checkbox"/>
MAKING AN AGREEMENT	<input type="checkbox"/>
OTHER PLEASE SPECIFY	<input type="checkbox"/>

2. WHO FILLS IN THESE DOCUMENTS?

SELF	<input type="checkbox"/>
POLICE OFFICER	<input checked="" type="checkbox"/>

3. WHICH LANGUAGE DO THEY (POLICE OFFICERS) USE WHEN WRITING A LEGAL DOCUMENT/COMPLAINT AT THE POLICE STATION?

ISIXHOSA	
ENGLISH	<input checked="" type="checkbox"/>
AFRIKAANS	
MIXED LANGUAGES (ALL THE ABOVE)	
OTHER (PLEASE SPECIFY)	

4. WHICH DOCUMENTS DO YOU THINK NEED A PROFESSIONAL TRANSLATOR AT THE POLICE STATION?

A CASE	<input checked="" type="checkbox"/>
AN AFFIDAVIT	
A MINOR COMPLAINT	
OTHER (PLEASE SPECIFY)	

5. DO YOU PERSONALY THINK THERE IS A NEED FOR A TRANSLATOR AT THE POLICE STATION TO TRANSLATE SUCH DOCUMENTS FROM ONE LANGUAGE TO THE OTHER?

Yes. The police station is busy some times.





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1. GENDER:

MALE	<input type="checkbox"/>
FEMALE	<input checked="" type="checkbox"/>

2. AGE:

BETWEEN 18 AND 25	<input type="checkbox"/>
BETWEEN 25 AND 35	<input type="checkbox"/>
BETWEEN 35 AND 45	<input checked="" type="checkbox"/>
45 AND ABOVE	<input type="checkbox"/>

3. RACIAL CLASSIFICATION:

AFRICAN	<input checked="" type="checkbox"/>
COLOURED	<input type="checkbox"/>
INDIAN	<input type="checkbox"/>
WHITE	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

4. HOME LANGUAGE:

ISIXHOSA	<input checked="" type="checkbox"/>
ENGLISH	<input type="checkbox"/>
AFRIKAANS	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

SECTION 2: LANGUAGE TRANSLATION PREFERENCE

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LAYING A COMPLAINT	<input type="checkbox"/>
FILLING IN AN AFFIDAVIT	<input checked="" type="checkbox"/>
MAKING AN AGREEMENT	<input type="checkbox"/>
OTHER PLEASE SPECIFY	<input type="checkbox"/>

2. WHO FILLS IN THESE DOCUMENTS?

SELF	<input type="checkbox"/>
POLICE OFFICER	<input checked="" type="checkbox"/>



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ISIXHOSA	<input checked="" type="checkbox"/>
ENGLISH	<input type="checkbox"/>
AFRIKAANS	<input type="checkbox"/>
MIXED LANGUAGES (ALL THE ABOVE)	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

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A CASE	<input checked="" type="checkbox"/>
AN AFFIDAVIT	<input type="checkbox"/>
A MINOR COMPLAINT	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

5. DO YOU PERSONALLY THINK THERE IS A NEED FOR A TRANSLATOR AT THE POLICE STATION TO TRANSLATE SUCH DOCUMENTS FROM ONE LANGUAGE TO THE OTHER?

Ewe, ke uhlala/uhcedwe lipolizo elijenge  
intlanga ukwazi ukuchazisa nokwazi ukacacisa  
ukucaciswa.



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MALE	<input type="checkbox"/>
FEMALE	<input checked="" type="checkbox"/>

2. AGE:

BETWEEN 18 AND 25	<input type="checkbox"/>
BETWEEN 25 AND 35	<input type="checkbox"/>
BETWEEN 35 AND 45	<input checked="" type="checkbox"/>
45 AND ABOVE	<input type="checkbox"/>

3. RACIAL CLASSIFICATION:

AFRICAN	<input checked="" type="checkbox"/>
COLOURED	<input type="checkbox"/>
INDIAN	<input type="checkbox"/>
WHITE	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

4. HOME LANGUAGE:

ISIXHOSA	<input checked="" type="checkbox"/>
ENGLISH	<input type="checkbox"/>
AFRIKAANS	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

**SECTION 2: LANGUAGE TRANSLATION PREFERENCE**

1. WHICH OF THE FOLLOWING SERVICES HAVE YOU EVER REQUIRED AT THE POLICE STATION?

LAYING A COMPLAINT	<input type="checkbox"/>
FILLING IN AN AFFIDAVIT	<input type="checkbox"/>
MAKING AN AGREEMENT	<input checked="" type="checkbox"/>
OTHER PLEASE SPECIFY	<input type="checkbox"/>

2. WHO FILLS IN THESE DOCUMENTS?

SELF	<input type="checkbox"/>
POLICE OFFICER	<input checked="" type="checkbox"/>



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ISIXHOSA	
ENGLISH	✓
AFRIKAANS	
MIXED LANGUAGES (ALL THE ABOVE)	
OTHER (PLEASE SPECIFY)	

4. WHICH DOCUMENTS DO YOU THINK NEED A PROFESSIONAL TRANSLATOR AT THE POLICE STATION?

A CASE	✓
AN AFFIDAVIT	
A MINOR COMPLAINT	
OTHER (PLEASE SPECIFY)	

5. DO YOU PERSONALLY THINK THERE IS A NEED FOR A TRANSLATOR AT THE POLICE STATION TO TRANSLATE SUCH DOCUMENTS FROM ONE LANGUAGE TO THE OTHER?

Ewe. Iyandingeka i-Translator ukuzo  
umntu emke ecelwe exolile  
yinkcazelo.



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MALE	<input checked="" type="checkbox"/>
FEMALE	<input type="checkbox"/>

2. AGE:

BETWEEN 18 AND 25	<input checked="" type="checkbox"/>
BETWEEN 25 AND 35	<input type="checkbox"/>
BETWEEN 35 AND 45	<input type="checkbox"/>
45 AND ABOVE	<input type="checkbox"/>

3. RACIAL CLASSIFICATION:

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COLOURED	<input type="checkbox"/>
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WHITE	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

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ENGLISH	<input type="checkbox"/>
AFRIKAANS	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

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FILLING IN AN AFFIDAVIT	<input checked="" type="checkbox"/>
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OTHER PLEASE SPECIFY	<input type="checkbox"/>

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POLICE OFFICER	<input type="checkbox"/>



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ENGLISH	✓
AFRIKAANS	
MIXED LANGUAGES (ALL THE ABOVE)	
OTHER (PLEASE SPECIFY)	

4. WHICH DOCUMENTS DO YOU THINK NEED A PROFESSIONAL TRANSLATOR AT THE POLICE STATION?

A CASE	✓
AN AFFIDAVIT	
A MINOR COMPLAINT	
OTHER (PLEASE SPECIFY)	

5. DO YOU PERSONALLY THINK THERE IS A NEED FOR A TRANSLATOR AT THE POLICE STATION TO TRANSLATE SUCH DOCUMENTS FROM ONE LANGUAGE TO THE OTHER?

YES, so that in court they could understand.  
for a translator can write what people say when  
they are in Police Station.



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**A QUESTIONNAIRE ON TRANSLATION ACCURACY IN THE WORKPLACE**

**SECTION 1: PERSONAL DETAILS**

1. GENDER:

MALE	<input type="checkbox"/>
FEMALE	<input checked="" type="checkbox"/>

2. AGE:

BETWEEN 18 AND 25	<input checked="" type="checkbox"/>
BETWEEN 25 AND 35	<input type="checkbox"/>
BETWEEN 35 AND 45	<input type="checkbox"/>
45 AND ABOVE	<input type="checkbox"/>

3. RACIAL CLASSIFICATION:

AFRICAN	<input checked="" type="checkbox"/>
COLOURED	<input type="checkbox"/>
INDIAN	<input type="checkbox"/>
WHITE	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

4. HOME LANGUAGE:

ISIXHOSA	<input checked="" type="checkbox"/>
ENGLISH	<input type="checkbox"/>
AFRIKAANS	<input type="checkbox"/>
OTHER (PLEASE SPECIFY)	<input type="checkbox"/>

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FILLING IN AN AFFIDAVIT	<input checked="" type="checkbox"/>
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2. WHO FILLS IN THESE DOCUMENTS?

SELF	<input checked="" type="checkbox"/>
POLICE OFFICER	<input type="checkbox"/>



3. WHICH LANGUAGE DO THEY (POLICE OFFICERS) USE WHEN WRITING A LEGAL DOCUMENT/COMPLAINT AT THE POLICE STATION?

ISIXHOSA	✓
ENGLISH	
AFRIKAANS	
MIXED LANGUAGES (ALL THE ABOVE)	
OTHER (PLEASE SPECIFY)	

4. WHICH DOCUMENTS DO YOU THINK NEED A PROFESSIONAL TRANSLATOR AT THE POLICE STATION?

A CASE	✓
AN AFFIDAVIT	
A MINOR COMPLAINT	
OTHER (PLEASE SPECIFY)	

5. DO YOU PERSONALLY THINK THERE IS A NEED FOR A TRANSLATOR AT THE POLICE STATION TO TRANSLATE SUCH DOCUMENTS FROM ONE LANGUAGE TO THE OTHER?

Yes i think there is a need for a translation at the police station to ensure that a document from all the languages for a case in affidavit and minor complaints.



6.33 Example of censored and translated (from isiXhosa to English) sworn statements

G.P.-S. 01/02

P. 21 (81/143198)

MAEVANA Cas 61/11/2018

I, [REDACTED] STATES UNDER OATH IN ENGLISH

①

I am an African woman 37 years of age, residing at [REDACTED], Maevana. I am working for [REDACTED] Security Company at B1 [REDACTED]. My cell no is 06 [REDACTED]. My home language is Xhosa.

②

On Friday 2018/04/27 at about 8:45 I received a call from No [REDACTED] S [REDACTED], she wanted to see me and No [REDACTED] No [REDACTED].

③

At about 09:00 [REDACTED] Sunday No [REDACTED] and No [REDACTED] arrived as I was at home together with my mother. They wanted to assist me because No [REDACTED]'s husband had been missing for a week and they alleged that No [REDACTED] did not get assistance at the police station when she reported that her husband was missing. I contacted the station commander and informed her about the complaint. Few minutes later the police van arrived and took No [REDACTED] and No [REDACTED] to the police station.

[Signature]

DOEVANN CDE 6/1/2018

FA [redacted] STATES [redacted] UNDER [redacted]

④  
On the [redacted] at about 19:30  
I met with [redacted] Ta [redacted]  
next to Ma [redacted] Tavor. as I  
was together with my sister Ay [redacted]  
she informed us that there was  
a body found floating on  
the river. I went to the river  
and I contacted No [redacted] to  
locate her. I found her nearby  
the river, she was crying, she  
informed me that the person  
found in the river is her husband  
for [redacted] / M3 [redacted] Ston [redacted] and  
he was dead.

⑤  
I went to the scene and Ay [redacted]  
and No [redacted] drove to the police  
station to inform the police.  
The police arrived, I informed the  
station telephonically to organize  
the divers to remove the body from  
the river, she reported back and  
the divers together with the station  
commander arrived. The body was  
identified as that of No [redacted]'s  
husband, a wallet and his phone  
were taken from the deceased and  
handed over to the police. I even physically  
inspected the body for possible injuries.  
That is all I wish to say.

Victim

1.  
I AM AN ADULT AFRICAN MALE WITH 42 YEARS  
OF AGE RESIDING AT 2 TSHABO BLOCK  
WITH CONTACT NUMBER [REDACTED] AND I AM  
UNEMPLOYED.

2.  
ON SUNDAY 2018-05-27 AT ABOUT 14:30 I  
LEFT TSHABO BLOCK PROCEEDED TO NDEVANA LOCATION  
[REDACTED] TO MY COUSIN BROTHER "M [REDACTED]  
TOZAMA". ON MY ARRIVAL AT [REDACTED],  
TOLD ME THAT HE IS GOING TO SWEETWATERS  
SO I MUST BORROW HIM TWENTY RANDS AND  
I MUST'NT GO BACK TO TSHABO I MUST SLEEP  
OVER AT HIS PLACE. M [REDACTED] CAME BACK AT ABOUT  
18:00 AND HE TOLD ME TO SLEEP AGAIN. I SLEPT  
WITH HIM ON THE BED AND ON THE FLOOR  
ANOTHER AFRICAN MALE WAS SLEEPING ON THE  
FLOOR KNOWN AS BATISTA.

3.  
ON MONDAY 2018-05-28 AT ABOUT 08:15 WE WOKE  
UP AND NOTICED THAT B [REDACTED] IS NOT INSIDE  
THE HOUSE AND THE DOOR WAS OPENED. B [REDACTED]  
CAME BACK AFTER SOMETIME AND M [REDACTED] ASKED  
US ABOUT HIS HUNDRED RAND WHICH WAS ON  
THE TABLE BOTH ME AND BA [REDACTED] TOLD HIM  
THAT WE KNOW NOTHING ABOUT HIS MONEY.  
M [REDACTED] TOLD ME THAT B [REDACTED] COULD NEVER  
STOLE FROM HIM. SO HE SUSPECTS ME. M [REDACTED]  
TOLD ME TO UNDRESS AND STARTED TO ASSAULT ME  
WITH STICKS, TREES TOGETHER WITH B [REDACTED]. MY  
WITNESSES ARE (1) MS [REDACTED] Z [REDACTED] AND (2) SUSPECT'S  
MOTHER. THAT IS ALL I WANT TO SAY.  
M Sa [REDACTED]

FURTHER STATE'S UNDER OATH  
4.  
AS A RESULT OF THIS I SUSTAIN MULTIPLE  
BRUISES ON MY UPPER BODY AND I WOULD  
LIKE POLICE TO INVESTIGATE THIS MATTER AS  
I DID NOT GIVE PERMISSION TO ANYONE TO ASSAULT  
ME. THAT IS ALL I WISH TO SAY.

M Sa [REDACTED]



I [redacted] G [redacted] state under Oath that:

I am the black male with ID no. 73 [redacted] 82, residing at house no. [redacted] G [redacted] Extension Ndabana. Location. I am unemployed and the complainant in this case.

On Sunday 2018-09-04 I was at Gesini Tavern consuming some liquor. Together with T [redacted] and Z [redacted] I then left them to toilet, when I came back from the toilet on the way I met with S [redacted] T [redacted] known as [redacted]. I greet at him by saying Hola he did greet me back <sup>no answer me</sup> instead he became angry at me and further said "Fuck OFF. you look like these two from outside those who hate me" by these two he was referring to P [redacted] B [redacted] and P [redacted] A [redacted].

I lost my temper and asse slapped him with an open hand, he ran outside of the yard I then remained inside the tavern watching TV. After sometime whilst was still watching I heard someone assaulting with a fist on my back and people in the tavern crying. I <sup>later</sup> then realised that S [redacted] is stabbing me.

I did not give S [redacted] a right to assault me I therefore request police to arrest him for assaulting him. As I sustained five stab wound on my back because of him.



I Co [redacted] Gw [redacted] states under oath that.

I am a b/male with ID no G0 [redacted] 5  
residing at D [redacted] A/Area. I am [redacted] yrs of  
age. I am unemployed my contact number  
078 [redacted] 5 I am the complainant in this  
case.

On Wednesday 2018-05-03 at about 10:00 when  
I got home I was reported by the man I  
have hired to herd my cows that my one  
cow has never come back from the grazing  
land.

I instructed to go and lookout for it to the  
other grazing field ~~to~~ he could not find it  
I assisted him by looking for it even to the  
veld where it used to graze on but with no  
luck. I couldn't find it.

The description of it; it is a (ENTSUNDU) brown  
with dark extremities

I request police to invest and arrest person who  
stole my cow.  
That All.

C. G. [redacted]



TEL (W): 010 ID NR/DATE OF BIRTH: AGE: 7 OCCUPATION: Self Employed PERSAL NUMBER: N/A  
STATES UNDER OATH IN ENGLISH:

-2-

I am an adult/minor, male/female On 20/8/18 Wednesday at @ 16:15  
I left my business that is No 1 Spaza Shop  
at everything was in order and the door container  
was locked with padlock.

3.

On 20/8/18 Monday at @ 11:30 I arrived at  
my Spaza Shop that is my container and I opened  
the padlock with my keys and I opened the door  
and when I entered the container I saw  
that everything that was in my spaza was upside  
down.

M. S. [Signature]  
SIGNATURE

NDEVANA CAS 01/01/2018

No. [Redacted] FURTHER STATE THAT:  
When I checked I notice that a 3kg gas  
cylinders (yellow) in colour, a flame stove (powder blue),  
one white plate, four packets of yoghurt sweets, four  
packets of sweets, three cabbages, one bag of oranges  
was missing and when I look inside the  
container I saw a hole on the roof of  
the container and the perpetrators forced entrance  
through the roof of the container. The value  
of the stolen items is ± R1 106-00. I also  
noticed a flowered pot and the spoon were on  
the floor and there is ashes inside the pot.

5.

I did not give anyone permission to take  
my belongings without my permission. I request police  
investigation in this matter. I did not know  
the suspect or perpetrators in this incident. That  
is all I can say.

M. S. [Signature]

S1. [REDACTED] / K. [REDACTED] STATES UNDER OATH IN XHOSA  
AND TRANSLATED TO ENGLISH

①  
I AM AN ADULT MALE RESIDING AT 212 N.W.  
MIDWINTER WITH I.D. 84 [REDACTED] 81 AGED [REDACTED] YEARS AND  
MY CONTACT NUMBER IS 07 [REDACTED] AND I AM THE  
COMPLAINANT IN THIS CASE

②  
ON FRIDAY 2018/10/10 @ 11:00 I HAVE VISITED THE TOWER  
AND EVERYTHING WAS IN ORDER. WHEN I VISITED ON  
2018/10/11 @ 12:30 I AGAIN VISITED THE TOWER THAT I  
HAVE NOTICED THAT TRUE PALESIDE POLE HAS BEEN CUTTED  
AND BURNT.

③  
I PROCEEDED ENTER INSIDE THE TOWER AND I DISCOVERED  
THAT THE CONTAINER DOOR WAS WIDE OPEN AND DAMAGED  
TO GAIN EXCESS. INSIDE THE CONTAINER, THE MOVEMENT  
CENSURE AND THE DOOR CENSURE I.E. ALARMS WERE  
DAMAGED, AND 08 SUPER SAVE BATTERIES WERE STOLEN.

④  
THE COLOURS OF THE BATTERIES ARE READ ON THE SIDE BAR,  
THE MAIN COLOUR IS BLACK. D.B. BOX WAS CUT DOWN  
AND THE DIESEL BELONGS TO M.T.N HOTVODACOM. AND THE  
LIST OF THE STOLEN AND DAMAGED ITEMS ATTACHED AS  
PER A1

⑤  
I DID NOT GIVE ANY PERSON A PERMISSION TO BREAK-IN  
AND DAMAGED ITEMS INSIDE THE TOWER SO I DESIRE  
FURTHER POLICE INVESTIGATION.



No. [REDACTED] MA [REDACTED] STATES UNDER OATH IN XHOSA  
TRANSLATED TO ENGLISH

①  
I AM AN ADULT FEMALE RESIDING AT 690 GESINI EXT  
NDEVANA WITH I.D. NO. 5 [REDACTED] 81 AGED 65 YRS  
WITH CONTACT NUMBERS OF [REDACTED] AND I AM THE  
COMPLAINANT IN THIS CASE

②  
ON SUNDAY 2018/10/10 @ 11:00 I HAD VISITED MY  
MARRIAGE HOUSE TO DISCUSS THE MATTER OF MY LATE  
SON SW. S. [REDACTED] TOGETHER WITH THE WHO PASSED  
AWAY ON 2018/5/1 [REDACTED] TOGETHER WITH MY HUSBAND  
MO. S. [REDACTED]

③  
THEN MY HUSBAND LOCKED THE GATE AND HE ASKED ME  
WHAT IS MY PROBLEM, AND HE TOLD ME THAT I MUST TAKE  
THE DECEASED BOSS TO THE VULTURES OR I MUST TAKE  
HIM TO MUNICIPALITY SO THAT HE CAN BE BURIED,

④  
HE SAID THAT I MUST GO AT HIS HOUSE WITH THESE  
MIN'S WE'RE TRAVELLING OTHERWISE HE CAN DO SOMETHING  
WITH THEM, I.E. BAD SOMETHING, THEN THE CARS OF WHICH  
WE WERE TRAVELLING WITH WE THEN DROVE THEM TO THE  
POLICE STATION.

⑤  
THE ABOVE MENTIONED HUSBAND HAVE ~~GO~~ GOT INSTRUCTIONS  
FROM THE COURT THAT SAYS HE MUST NOT INSULT ME  
AS AN APPLICANT, NOT TO CHASE ME AWAY OF OUR HOUSE  
AND NOT TO THREATEN ME.

⑥  
I DID NOT GIVE ANY PERSON TO CONTRAVENE MY PROTECTION  
ORDER SO I DESIRE FURTHER POLICE INVESTIGATION.

NAME: \_\_\_\_\_  
ADDRESS (H): \_\_\_\_\_  
TEL (H): \_\_\_\_\_  
ADDRESS (W): \_\_\_\_\_  
TEL (W): \_\_\_\_\_  
AGE: 76 OCCUPATION: \_\_\_\_\_  
STATES UNDER OATH IN ENGLISH: \_\_\_\_\_  
ID NR/DATE OF BIRTH: 19 \_\_\_\_\_ 12-1 \_\_\_\_\_  
PERSAL NUMBER: N/A

-2-

I am an adult/minor, male/female \_\_\_\_\_ RESIDING AT 3 \_\_\_\_\_ TSHABO BLOCK \_\_\_\_\_  
ON SATURDAY 2018-01-20 AT ABOUT 15:30 I WAS AT \_\_\_\_\_  
MY HOUSE WITH MY SON P \_\_\_\_\_ I THEN  
INSTRUCTED HIM TO CLEAN THE HOUSE AS IT WAS  
DIRTY. HE ANSWERED BY SAYING I WILL NOT DO THAT  
SHIT (KAKA) WHY I ALWAYS INSTRUCT HIM NOT MY  
YOUNGER BROTHER AND HE WILL NOT DO THAT.

(3)

THEN LATER ON THE SAME DAY HE HAD AN  
ARGUMENT WITH HIS SISTER AND I STOP THAT FIGHT.  
THEN AT ABOUT 19:30 HE SAID HE WILL DO SOMETHING

\_\_\_\_\_  
SIGNATURE

THAT I NEVER SEE. HE KNOCK HARD ON THE  
WINDOWS WITH BOTH OPEN HANDS. I TRIED TO STOP  
AND HE SAID HE WILL BREAK THOSE WINDOWS INTO  
PIECES BUT FORTUNATELY HE DID NOT MANAGE TO  
BREAK THEM. I HAVE A PROTECTION ORDER AGAINST  
HIM THAT CLEARLY STATE THAT HE MUST NOT  
KNOCK HARD ON THE WINDOW AND HE BREACH  
THAT ORDER. I NOW WISH POLICE CAN ARREST HIM  
BECAUSE OF HIS BAD BEHAVIOUR. THAT IS ALL I  
WISH TO STATE. D. S. [REDACTED]

TEL (W): \_\_\_\_\_

AGE: 034 OCCUPATION: Unemployed PERSAL NUMBER: \_\_\_\_\_

STATES UNDER OATH IN ENGLISH:

-2-

I am an adult/minor, male/female On Monday 2018-07- [redacted] at about 16:00 I was coming out of my home to my friend's place Ma [redacted] B [redacted], when approaching his place I saw Ng [redacted] Ng [redacted] talking with another black male unknown by me. They were standing next to the yard of that black male.

Before I passed them I heard Ng [redacted] mentioning my name and that was when I asked him what he was saying about

[redacted]  
SIGNATURE



my name. He said I must asked him what he was saying about my name not to asked others, I said to him I am asking him. He moved away from where he was standing and entered M2's place where I was going.

I entered after him and he was in front of me, he just turned and stabbed me with a knife once on my left side of the body.

After he stabbed me he ran away to his cousin's place To Nd. Because of his action I sustained open wound of  $\pm 6$  cm on my left side next to my heart. I was taken to Cecilia Makhiwane Hospital by a private vehicle for treatment. I was admitted for the night and my wound is stitched. That is all I wish to say.

No one had a right to assault me

### 6.34 Interview questions



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MASTER'S RESEARCH INTERVIEW QUESTIONS FOR THE S.A.P.S ON COMPLAINANT'S SWORN  
STATEMENTS' TRANSLATION ACCURACY.

1. What is your rank?
2. How long have you been serving the South African Police Service?
3. What education or qualification do you have?
4. What is your mother – tongue?
5. What is your second language?
6. Which language do you translate to during complaint's statement taking?
7. Do you have a translation training qualification or any equivalent language practice?
8. Do you think the South African Police Service needs translators for statement taking?
9. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?
10. What is your take on police officers being translators and being crime preventers simultaneously?



## 6.35 Transcribed Interviews with police officers

### **Interview 1**

10. What is your rank?

Response: "Constable"

11. How long have you been serving the South African Police Service?

Response: "12 years now"

12. What education or qualification do you have?

Response: "Ndinee nton kanen?! Ndine Diploma in Policing"

13. What is your mother – tongue?

Response: "Xhosa"

14. What is your second language?

Response: "English"

15. Which language do you translate to during complaint's statement taking?

Response: "Ndin-translate to English"

16. Do you have a translation training qualification or any equivalent language practice?

Response: "No"

17. Do you think the South African Police Service needs translators for statement taking?

Response: "Ewe"

18. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

Response: "Yes"

19. What is your take on police officers being translators and being crime preventers simultaneously?

Response: “Ngumsebenzi kalok lowo, ngumsebenzi onzima for thina mapolisa”

## **Interview 2**

11. What was your rank?

Response: “Warrant Officer.”

12. How long have you been serving the South African Police Service?

Response: “33.”

13. What education or qualification do you have?

Response: “Standard 9”

14. What was your mother – tongue?

Response: “Ithini ke?”

Interviewer: Luthini ulwimi lwakho lwaswekhaya, lweenkobe?

Response: “Ooh sIsiXhosa”

15. What was your second language?

Response: I-second language?

Interviewer: “Ewe i-second, eyesibini

Response: “I-second yesbini yii-English”

16. Which language do you translate to during complaint’s statement taking?

Response: “Ndwasebenzwasa IsiXhosa ndwasi-translate kwi-English.”

17. Do you have a translation training qualification or any equivalent language practice?

Response: Nday'funda nje ngela xesha e-college zang'be kuphinde k'thwa kuguqulwa into, kukufunda  
pha e-college kukwenza ii-course nton nton"

Interviewer: Alright, otherwase, zange kuthwe yi-translation lena niyayfundwaswa, zange ibekhona  
into enjalo?"

Response: "Hayi"

18. Do you think the South African Police Service needs translators for statement taking?

Response: "Injalo, iyazidinga kwiindawo ezithile"

19. Do you think the South African Police Service needs Forensic Linguists for analysing legal  
documents?

20. What was your take on police officers being translators and being crime preventers  
simultaneously?

Response: "Omnye umntu akazi nto, kwinto zonke funek umcacwasele, abantu baphinde  
baxhomekeke kwakuthi ekutheni sibase nase-court, yonke into ixhomekeke kuthi"

Interviewer: So tata uthi lowo ngumsebenzi omninzi ngoba wenza eminye imwasebenzi uphinde  
ubeyiyo ne-translator?

Response: "Ewe"

### **Interview 3**

11. What is your rank?

Response: "Warrant Officer"

12. How long have you been serving the South African Police Service?

Response: "29 years"

13. What education or qualification do you have?

Response: "Standard 10"

14. What is your mother – tongue?

Response: "Xhosa"

15. What is your second language?

Response: "English"

16. Which language do you translate to during complaint's statement taking?

Response: "English"

17. Do you have a translation training qualification or any equivalent language practice?

Response: "No"

18. Do you think the South African Police Service needs translators for statement taking?

Response: "Yes, particularly with those foreigners, you see, those people mos cannot speak English, those Somalians. Sometimes we struggle when they come here to lay a charge, they need someone to interpret. Even in our courts mos, we've got one translator there ne?! That translator is for, the King Cluster, Peddie Cluster, which kenene?! But 4 clusters, one person, one translator and as a result of that a lot cases are being postponed time and again ya. So we need a lot of ii-translators yes"

19. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

Response: "Yes"

20. What is your take on police officers being translators and being crime preventers simultaneously?

Response: “No, no! That can’t be! Because that is time consuming, by the time they are busy translating, the crime is taking place outside. That is why we come to a decision that there should be other personnel other than police officials, like your civilian people that must be employed, because we had police officers that were doing these jobs of uku- typer, we said no, no, no we should remove those people. We must employ the civilians that are going to do the civilian thing like uku-typer. So we can’t be translators and crime prevention, it can’t be! Translators mazibe zodwa, police officers zibe zodwa.”

#### **Interview 4**

11. What is your rank?

Response: “Constable”

12. How long have you been serving the South African Police Service?

Response: “11 years”

13. What education or qualification do you have?

Response: “Grade 12”

14. What is your mother – tongue?

Response: “Xhosa”

15. What is your second language?

Response: “Tswana”

16. Which language do you translate to during complaint’s statement taking?

Response: "English"

17. Do you have a translation training qualification or any equivalent language practice?

Response: "No"

18. Do you think the South African Police Service needs translators for statement taking?

Response: "Yes"

19. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

Response: "Yes"

20. What is your take on police officers being translators and being crime preventers simultaneously?

Response: "Yo! Iyasisokolisa loo nto leyo, because sometimes kuba-busy, ungakwazi kengoku uku-translate. Mhlawubu uza kufumana umntu omdala, ngoku awkwaz, umhlawumbi athethe into nges'Xhosa ufune ukuyithetha nge-English, sometimes iba-complicated. And kengoku siba mbalwa, ngapha zii-afidavits, so iya xakekisa."

### **Interview 5**

11. What is your rank?

Response: "Constable"

12. How long have you been serving the South African Police Service?

Response: "12 years"

13. What education or qualification do you have?

Response: "Matric"

14. What is your mother – tongue?



Response: "Xhosa"

15. What is your second language?

Response: "English"

16. Which language do you translate to during complaint's statement taking?

Response: "English"

17. Do you have a translation training qualification or any equivalent language practice?

Response: "No."

18. Do you think the South African Police Service needs translators for statement taking?

Response: "Yes."

19. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

Response: "Yes"

20. What is your take on police officers being translators and being crime preventers simultaneously?

Response: "Andizenzi ezo zinto, ngoba andikwazi ukuhamba" (Disability).

## **Interview 6**

11. What is your rank?

Response: "Constable"

12. How long have you been serving the South African Police Service?

Response: "Past 11 years"

13. What education or qualification do you have?

Response: "Standard 10"

14. What is your mother – tongue?

Response: "IsiXhosa"

15. What is your second language?

Response: "English"

16. Which language do you translate to during complaint's statement taking?

Response: "From Xhosa"

17. Do you have a translation training qualification or any equivalent language practice?

Response: "No, but ndiyazenzela"

18. Do you think the South African Police Service needs translators for statement taking?

Response: "Yes."

19. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

Response: "Yes."

20. What is your take on police officers being translators and being crime preventers simultaneously?

Response: "There must be another support, intsebenziswano."

### **Interview 7**

11. What is your rank?

Response: "Ngu-Sergeant"

12. How long have you been serving the South African Police Service?

Response: "12 years"

13. What education or qualification do you have?

Response: "National Diploma"

14. What is your mother – tongue?

Response: "Xhosa"

15. What is your second language?

Response: "English"

16. Which language do you translate to during complaint's statement taking?

Response: "EsiNgesini"

17. Do you have a translation training qualification or any equivalent language practice?

Response: "No"

18. Do you think the South African Police Service needs translators for statement taking?

Response: "Ewe, if inga-possible loo nto, yabo, ya, because kukhe kufike abantu abadala apha, awnawyenza yonke laa nto ube yi-translator."

19. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

20. What is your take on police officers being translators and being crime preventers simultaneously?

Response: "Inzima laa nto broer, inzima because as'naw'zenza zonke eza nto, ngokuqinisekileyo likhona icala eliza kusilela, likhona icala eliza kush' yekela."

## **Interview 8**

11. What is your rank?

Response: "Constable"

12. How long have you been serving the South African Police Service?

Response: "6 years now"

13. What education or qualification do you have?

Response: "Grade 12"

14. What is your mother – tongue?

Response: "Xhosa"

15. What is your second language?

Response: "English"

16. Which language do you translate to during complaint's statement taking?

Response: "English"

17. Do you have a translation training qualification or any equivalent language practice?

Response: "No"

18. Do you think the South African Police Service needs translators for statement taking?

Response: "No"

19. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

Response: "Yes"

20. What is your take on police officers being translators and being crime preventers simultaneously?

Response: "I don't see any problem with that, No".

## **Interview 9**

11. What is your rank?

Response: "I'm a constable"

12. How long have you been serving the South African Police Service?

Response: "12 years"

13. What education or qualification do you have?

Response: "Financial Management"

14. What is your mother – tongue?

Response: "Xhosa"

15. What is your second language?

Response: "English"

16. Which language do you translate to during complaint's statement taking?

Response: "I translate Xhosa into English"

17. Do you have a translation training qualification or any equivalent language practice?

Response: "No"

18. Do you think the South African Police Service needs translators for statement taking?

Response: "Yes"

19. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

Response: "Yes, it does"

20. What is your take on police officers being translators and being crime preventers simultaneously?

Response: "I'm uncomfortable with the question, let's end here."

#### **Interview 10**

9. What was your rank?

Response: "Constable"

10. How long have you been serving the South African Police Service?

Response: "12 years"

11. What education or qualification do you have?

Response: "Grade 12 and other courses that the SAPS gave me."

12. What was your mother – tongue?

Response: "Afrikaans"

13. What was your second language?

Response: "English"

14. Which language do you translate to during complaint's statement taking?

Response: "I don't translate, I uhm just speak in English, at the station I just take it to English."

15. Do you have a translation training qualification or any equivalent language practice?

Response: "No"

16. Do you think the South African Police Service needs translators for statement taking?

Response: "I don't think so, because uhhm most of the people here, if you were, if an Afrikaans

person comes to me, I was able to translate that Afrikaans statement into English, if a Xhosa

person comes, there's a Xhosa person always here."



9. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

10. What was your take on police officers being translators and being crime preventers simultaneously?

Response: "If they want to do that, they can do that, I cannot tell you, you must not be a translator, especially these uuhm, the foreigners, speaking foreign languages can, can, can be uuhm translators, because English and Afrikaans were normal languages here it's fine, but if you come with eerrr the Somalian languages those things, then we will need translators"

#### **Interview 17**

5. What was your rank?

Response: "I-Rank yam ndiyi-Sergeant"

6. How long have you been serving the South African Police Service?

Response: "15 years"

7. What education or qualification do you have?

Response: "Ndino-grade 12, okay ndine-National Diploma kwi-I.T e-Border Technikon"

8. What was your mother – tongue?

Response: "Swas'Xhosa"

9. What was your second language?

Response: "Swas'Ngesi, that was English"

10. Which language do you translate to during complaint's statement taking?

Response: "To English, ndwasusa kwwas'Xhosa to English"

11. Do you have a translation training qualification or any equivalent language practice

Response: "No"

12. Do you think the South African Police Service needs translators for statement taking?

Response: Yes

13. Do you think the South African Police Service needs Forensic Linguists for analysing legal documents?

Response: "Yes"

14. What was your take on police officers being translators and being crime preventers simultaneously?

Response: "Funeka ndikhumshe okanye ndithethe nges'Xhosa?"

Interviewer: "Ha.a noba uphendule ngeyiphi"

Response: "Hayi andiboni nto inzima pha andiboni nanto ingamandla, because umsebenzi wethu ne was to prevent, eyona nto iyi-main aim yethu kuku-preventer i-crime, lena kengoku yoku-translator kengoku inton to ntonton, itoliki, it's not a big deal, no, no, no ayonto ingamandla, andiyiboni iyingxaki mna."

### 6.36 South African Police Service Provincial Office Approval Letter



**SOUTH AFRICAN POLICE SERVICE**

Reference	018AA4300
Enquiries	Brig Ntsabo
Tel no:	040-6088 668
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 **SUID-AFRIKAANSE POLISIEDIENS**

OFFICE OF THE PROVINCIAL COMMISSIONER  
SOUTH AFRICAN POLICE SERVICE  
ZWELITSHA  
EASTERN CAPE

2016-07-06

**THE STATION COMMANDER  
NDEVANA SAPS  
SOUTH AFRICAN POLICE SERVICE  
EASTERN CAPE**

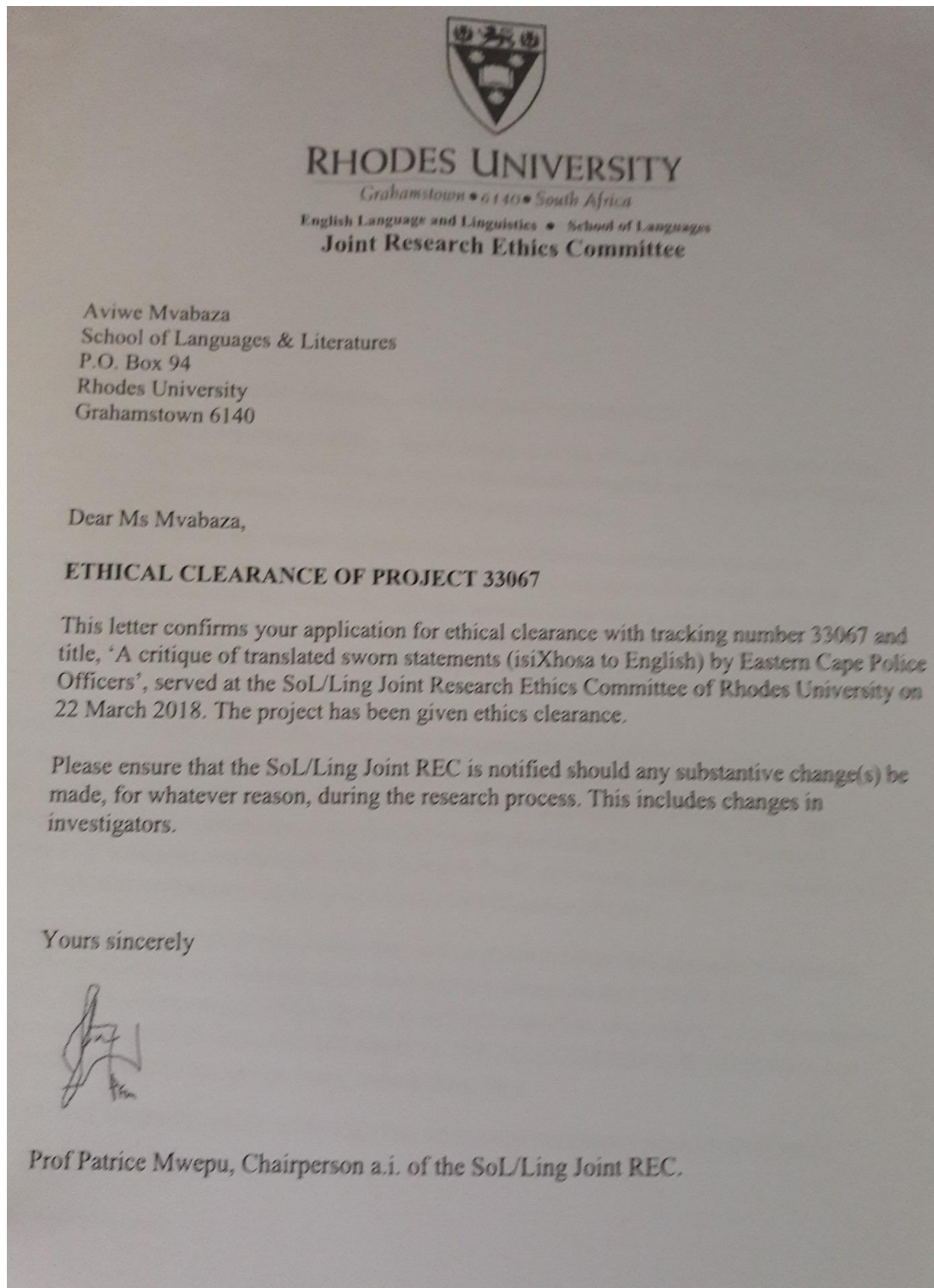
**RESEARCH ON MULTILINGUALISM IN THE NDEVANA POLICE STATION.**

1. Mr Aviwe Mvabaza is hereby granted permission to conduct research at Ndevana Police Station.
2. Your kind cooperation in this matter will be highly appreciated.
3. Regards




..... BRIGADIER  
PROVINCIAL HEAD: VISIBLE POLICING  
EASTERN CAPE  
M.W NTSABO

## 6.37 Research Ethics Clearance Letter





### 6.38 Candidate's Permission Request Letter



**RHODES UNIVERSITY**  
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To whom it may concern

RESEARCH – MR AVIWE MVABAZA – STUDENT NUMBER G16M4500

I am Aviwe Mvabaza a registered full-time Master's student in the African Languages Section of the School of Languages at Rhodes University. As part of the Master's Programme I, Mr Aviwe Mvabaza is required to conduct a research on any aspect of language studies.

I have proposed to focus my research on the accuracy of translations performed on sworn statements from IsiXhosa to English by police officers from the members of the public. The aim of the research is to determine the level of translation between these interlocutors. With the aim of determining the level to the translation aspect in the workplace and whether a professional translator to translate complaints and a forensic linguist to analyse statements are required in the precinct.

I Aviwe Mvabaza would sincerely like assistance and support of your personnel at the Ndevana Police Station, King William's Town to gather and interpret the relevant information through questionnaires working with a minimum of 100 respondents, a comparison of translated legal documents i.e affidavits and minor complaints with voice recordings as the original source, a minimum of 10 affidavits and 10 minor cases i.e family feuds, drunk and walking, petty crimes and to analyse its translation practice including interviews with 30 police officers.

I wish to assure you that all the information that will be gathered from this process will solely be used for the purposes of my research study. Furthermore we assure that PRIVACY AND CONFIDENTIALITY will be respected during and after the completion of my study. I am required by the Research Ethics NOT TO DISCLOSE THE NAME OF THE POLICE STATION AND PERSONNEL and COMMUNITY MEMBERS from which I have collected my data.

Finally, I AM ARE HAPPY TO SHARE WITH YOU THE RESEARCH FINDINGS FROM MY RESEARCH.

Thank you in anticipation

Kind regards

Aviwe Mvabaza.