

DECIPHERING INMATE COMMUNICATION

The critical role of monitoring accurate language translation

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Communication is the cornerstone of correctional management, and much of the training, effort and time in corrections is spent promoting effective communication between staff and between staff and inmates. An essential part of correctional management and intelligence systems is also developing sources and methods to monitor communications among the inmate population. Additionally, a critical piece of maintaining safety and security involves monitoring inmate communication with the outside world, which becomes significantly more difficult when the inmate communicates in a foreign language.

The need to monitor inmate external communication

To prevent contraband introduction, thwart escape plans and hinder potential assaults, violence and security threat group activity, prisons and jails manage and monitor inmate communication with parties in the community. Additionally, in recent years, the corrections industry has become a more central player in outside law enforcement efforts and investigations, and data sharing between correctional and law enforcement entities has become more common.¹ It is clear that some inmates continue to participate in and direct criminal enterprises in the community, threaten victims and tamper with witnesses, maintain ties to terrorist and radical groups throughout the world and project and exercise power on the streets from inside correctional facilities. At the same time, the avenues for inmate communication to the outside world have expanded beyond traditional visiting and written correspondence with less costly access to telephones and the increased use of email and video visiting. To meet these challenges, most correctional systems have improved their communication monitoring capabilities through more sophisticated telephone monitoring, recording and storing capabilities; email system monitoring that flags select messages based on key word identification; and enhanced training for intelligence staff. While inmates are aware and informed that their calls, emails and letters can be monitored, they are also aware that the sheer number of calls and outside contacts means that the odds of detection of inappropriate outside communication is low. So, correctional managers manage this flow with limited intelligence staffing by concentrating efforts on identified high-risk inmates.

Monitoring foreign language communications

What complicates monitoring efforts further is the growing diversity in the inmate population in terms of country of origin and related increased use of foreign languages due to immigration trends and the growing number of foreign nationals incarcerated in U.S. prisons and jails.² While in some cases courts have allowed systems to restrict the language used in incoming and outgoing mail, they have not generally permitted blanket restrictions on non-English communications (e.g. see *Kikumura v. Turner*, U.S. Court of Appeals, Seventh Circuit, 1994). Even when such restrictions are permitted, they are difficult to enforce in live conversations via the telephone or visiting. Additionally, maintaining family and community ties is critical to offender re-entry preparation, and the ability to speak with others in their native language is a key piece of maintaining these relationships. So, language translation and access to translation services have become a more central part of the communication monitoring and intelligence gathering in prisons and jails.

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While Spanish is the second-most used language in the inmate population, and most systems have taken great efforts to improve the Spanish language skills of staff through hiring more bilingual staff, paying language incentives, offering Spanish immersion programs and other efforts, correctional systems are now more than ever faced with monitoring communications from a broad spectrum of languages from Mandarin Chinese to Arabic, and within each of these languages are a variety of

dialects. Despite the fact that many staff bring bilingual skills to the workplace, their skills are no match to monitoring the variety of languages and volume of communications within their facilities. Additionally, “knowing how to speak two languages is not the same thing as knowing how to translate.”³

The complexity of language translation

Correctional systems can gain easy access to commercial language lines for telephone calls. For email or other digitally captured messages, there are web-based and other machine translation systems. These systems may be sufficient for a rapid “first take” at a message, but there are issues associated with many of these systems. First, there is the question of whether the translator has a security clearance to handle law enforcement-sensitive information. Second, there is a question of whether the translator has a national certification that ensures sufficient competence in the language being translated. Third, and most importantly, is that these services, such as language lines and machine translations, are mainly literal or direct translations word by word. What is clear, in an extensive literature in the broader linguistic field, is that simple conversion of words from one language to another provides little understanding and insight into what is actually being communicated nor does it convey a sense of the original whole message.³ Language is a holistic activity where an understanding of context of the communication from the speaker’s perspective is critical to converting a message into an accurate interpretation of the message and, ultimately, a useable piece of correctional intelligence. Language occurs within the cultural, social, political and religious context of the message sender, and so without conducting the language translation with an understanding of these contexts means that the accuracy, meaning and relevance of the message is



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lost.^{4,5} Additionally, each culture may place emphasis on certain words to express different meaning through inflection. Inflection is important because a change in the form of a word (typically the ending) to express a grammatical function or attribute, such as tense, mood, person, number, case and gender may make a huge difference in how intelligence operations in the institution may perceive an inmate or assess if a situation is evolving.

The added issue of prison language

In addition to cultural and other contexts, an inmate’s message also occurs in the context of the prison culture. Literal translations limit authentic and useful translations for law enforcement. Most intelligence officers are at a disadvantage in developing strategies for combating contraband introduction or intercepting criminal activity when the translated inmate phone call or email does not provide a conversational context to the translation. The literal translation can overlook key phrases or slang used in a prison setting, which then becomes useless. Language translation in the context of prison intelligence requires a joint effort. It requires a linguist with the ability

to translate a foreign language within the broader cultural and religious contexts, teamed with a correctional intelligence analyst who understands the context of that correctional facility, inmate population, background on security threat and other groups and a history of the individual inmates of interest. Prison inmates, many times, use a phrase or slang to explain their desires to introduce contraband, for example, by using common names for the drug of choice or the method of introduction. Additionally, some inmates may use code or encrypted messages. A language line or web-based translation service would not have the ability to understand the types of codes and slang that are derived through prison inmates and their gangs. Rather, translators need to work closely with prison-intelligence staff and have experience in translating correctional messages, as well as understanding the cultural, religious and other contexts in which the message exists. While linguists cannot cross the line from translator to intelligence analyst, they do have a unique opportunity to convey potential red flags to the analyst, and so it is imperative that the linguist and analyst take a team approach to translation and analysts take the opportunity to develop correctional expertise in the translators they are using.

Misleading translations

There are a number of examples where literal translation from a foreign language to English, in a correctional setting, could be misinterpreted. For example, there have been cases when prison intelligence officers, viewing literal translations from Arabic communications, believed that the message posed a significant threat due to its content, but upon review by a translator, with an understanding of the religious and cultural context of the message, it was revealed that the message simply contained verses from the Quran. These may include verses which have references to the words “Kafir (non-Muslim),” “Azab (punishment)” and even “Qatl (killing).” For example, in the story of Joseph (Chapter 12 in the Quran), where his brothers are plotting to kill him but instead decide to leave him in a pit in the middle of nowhere (see Quran; Chapter 12; Verse 9), the verse reads, “Kill Yûsuf (Joseph) or cast him out to some (other) land, so that the favor of your father may be given to you alone, and after that you will be righteous folk (by intending

repentance before committing the sin).” Without context, if one were to intercept this message, one could easily assume that this is some code or a plot to harm someone named Yûsuf (Joseph) where they may just be discussing the plight of the prophet Joseph (Yûsuf) in the Quran.

Conclusion

Translation is a key piece in monitoring inmate communications with the outside world and gathering intelligence for both internal safety and security issues, and for assisting outside law enforcement agencies in criminal investigations. What is critical to understand is that such translations do not occur in a vacuum, but require translators who understand the cultural, religious, social and correctional contexts of the message; can provide timely translations in order to react quickly to actionable intelligence; are nationally certified; and have the proper security clearance to best assist correctional managers and intelligence officers in putting the message in the proper context. The context of a translation from a conversational intent may have different meanings than what a literal intent indicates and so the translation must be understood from the mindset of the sender to better inform intelligence staff of the relevance and importance of the message to their work.

ENDNOTES

¹ Vanyur, J.M., Nink, C.E., Upchurch, J.R., Bodman, J. & Greenwald, D. 2009. Investigating Violence in Prison. In: Understanding Correctional Violence, eds. N.E. Fearn & R. Ruddell, 143-176. Richmond, KY: Newgate Press.

² Criminal Alien Statistics: Information on Incarceration, Arrests and Costs. Washington, D.C., U.S. Government Accountability Office (March, 2011).

³ Okrent, A. 2013. 9 little translation mistakes that caused big problems. The Week, February 11, 2013.

⁴ Mahadi, T.S.T. & Jafari, S.M. 2012. Language and culture. International Journal of Humanities and Social Science, 2, 230-235.

⁵ Gou, H. 2012. A brief analysis of culture and translation. Theory and Practice in Language Studies, 2, 343-347.

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