



**Centre for
Forensic
Linguistics**

The 2nd Annual CFL Symposium

Investigative Interviewing: Applying Theory to Practice

Friday 19th May 2017

PROGRAMME & ABSTRACTS

The 2nd Annual Centre for Forensic Linguistics (CFL) Symposium
Investigative Interviewing: Applying Theory to Practice

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Programme

09.00-09.30	REGISTRATION AND COFFEE (Courtyard Lounge)
09.45-10.00	Welcome (Room 123, 1 st Floor): Prof. Tim Grant (Director, CFL)
10.00-11.00	Keynote 1: Marie Allen (South Yorkshire Police, UK) <i>Chair: Dr Krzysztof Kredens, Deputy Director, CFL</i> <i>These feet were made for talking: Achieving Best Evidence against all odds</i>
11.00-11.15	TEA BREAK (Courtyard Lounge)
Morning session (Room 123, 1 st Floor) <i>Chair: Dr Nicci MacLeod, CFL</i>	
11.15-11.45	Dr Tatiana Tkacukova (Birmingham City University, UK), Matt Gee, Prof. Fiona Gabbert, Dr Gordon Wright and Prof. Lorraine Hope <i>Investigating impact of training for frontline police officers: the PEACE-compliant 'Structured Interview Protocol' training</i>
11.45-12.15	Dr Alison Johnson (University of Leeds, UK) <i>"Are you saying you were stabbed...?" Multimodality, embodied action, and dramatised formulations in police interviews with suspects</i>
12.15-12.45	Dr Monwabasi K. Ralarala (University of Fort Hare, South Africa) and Dr Sue Ann Harding (Hamad bin Khalifa University, Qatar) <i>Social responsibility and ethical practices in the translation of complainants' narratives: the potential for change</i>
12.45-13.45	LUNCH (Courtyard Restaurant)
Afternoon session (Room 123, 1 st Floor) <i>Chair: Isobelle Clarke, CFL</i>	
14.00-14.30	Annie B Heini (Aston University, UK) <i>A comparative study of police interview discourse in investigative interviews with 17 and 18 year old suspects in England and Wales</i>
14.30-15.00	Dr Michelle Aldridge and Tina Pereira (Cardiff University, UK) <i>A case study of the impact of Alternative and Augmentative Communication in a police investigative interview</i>
15.00-15.30	Liz Martinez (Arizona State University, USA) <i>'You do not have to say anything'—but only if your I.Q. is normal</i>
15.30-15.45	TEA BREAK (Courtyard Lounge)
15.45-16.45	Keynote 2 (Room 123, 1 st Floor): Dr Frances Rock (Cardiff University, UK) <i>Chair: Prof. Tim Grant</i> <i>"It gives them the flavour": Metalanguage and toxic literacies in police interviews with witnesses</i>
16.45-17.00	Closing Remarks: Prof. Tim Grant (Director, CFL) (Room 123, 1 st Floor)

Abstracts

Keynote 1

Marie Allen (South Yorkshire Police, UK)

These feet were made for talking: Achieving Best Evidence against all odds

Registered Intermediaries have been facilitating communication with vulnerable witnesses in the criminal justice system in England and Wales since 2004 when the Registered Intermediary Scheme (RIS) was first introduced as a pilot project, through to the completion of national roll-out in 2008 and to the RIS as it is today. Since then the RIS has been implemented nationally and has been available in all 43 police forces and CPS areas in England and Wales since September 2008.

Registered Intermediaries were created by statute. The Youth Justice and Criminal Evidence Act 1999 Part 11 created the provision for a range of 'Special Measures' for cases involving vulnerable and intimidated witnesses to give their best evidence in court, one of which is the intermediary special measure. The RIS was set up by the Ministry of Justice's Better Trials Unit to implement the intermediary special measure. The RIS operates through a national database and Registered Intermediaries are recruited, selected, trained and accredited by the Ministry of Justice.

Registered Intermediaries are professional people who have the skills to communicate with vulnerable witnesses. The majority of Registered Intermediaries are mainly Speech and Language Therapists but the register also includes psychologists, occupational therapists, play therapists, advocates, social workers, nurses and teachers. They are selected by the Ministry of Justice, attend an assessed course covering their role and the use of their skills in the criminal justice system and then registered with a requirement to demonstrate continuous professional development on an annual basis.

They are viewed as independent communication specialists in the criminal justice system whose only allegiance is to the court, in this sense they may be regarded as 'officers of the court' in the event that the case proceeds to trial.

On the 20th October 2015 a 13 year old girl was video interviewed at Sheffield Children's Hospital. Also present during the interview was a Registered Intermediary and a British Sign Language Interpreter and two police detectives and the young girl's mother. Communication was extremely limited as the victim could only speak through her feet using limited British Sign Language.

What unfolded during that interview highlighted how far the judiciary have come to capture the voice of society's most vulnerable victims.

Keynote 2

Dr Frances Rock (Cardiff University, UK)

"It gives them the flavour": Metalanguage and toxic literacies in police interviews with witnesses

Witness interviews can be seen simply as spoken exchanges through which a witness give an account of an incident and a police officer writes down what the witness says. However this paper joins several of my other publications in arguing that witness interviews are more accurately conceptualised as literacy events, a term coined by Heath (1983: 93). This term recognises the interweaving of spoken interaction, writing and reading in social encounters and foregrounds examination of what people accomplish with texts, rather than focussing only on the texts themselves. The term recognises the complex ways in which speech, writing and other meaning-making systems combine in the course of co-authoring written text.

Using naturally occurring data collected from a number of police forces over several years, this paper draws on Denny's (1996) concept of "toxic literacies" to examine the way that individual police officers confront the task of recording a witness' statement. Toxic literacies arise when the reading and writing practices of bureaucratic systems lead those who come into contact with them to feel oppressed, threatened and silenced. This paper argues that individuals within bureaucracies can reduce the toxicity of those systems' literacies.

Specifically, the paper focusses on the place of metalinguistic talk in the witness interview. Metalinguistic talk allows participants to examine both speech and writing. It provides ways to reflect retrospectively, on words said or written, or prospectively, on words planned. It can even combine with other forms of expression when speech and writing co-occur, for example. The paper examines how talk about speech and writing during and around witness interviews shapes those interviews and the texts which emerge through them, witness statements. The paper presents authentic examples in order to consider the interactional impact of metalanguage and closes by examining the implications of the research for police practice.

References

Taylor, D. (1996). *Toxic Literacies: Exposing the Injustice of Bureaucratic Texts*. Portsmouth, NH: Heinmann.

Heath, S.B. (1983). *Ways with Words: Language, Life, and Work in Communities and Classrooms*. Cambridge: Cambridge University Press.

Dr Michelle Aldridge and Tina Pereira (Cardiff University, UK)

A case study of the impact of Alternative and Augmentative Communication in a police investigative interview

We present here a case study of an adult who has a learning disability resulting in reduced communicative abilities. The data are from excerpts of her police interview following a disclosure of sexual abuse. We compare the witness' ability to verbally answer police questions with her responses supported by a Registered Intermediary using Alternative and Augmentative communication (AAC). Adopting a classification system based on Carlsson et al 2014, we analyse the AACs intervention to indicate that AACs successfully fill gaps in the witness' verbal narratives such as descriptive detail of colour and location, offer expansions of events and actions and provide clarifications when mis-communications occur. The addition of AACs result in a much richer, yet non leading, account of the witness' experiences. Our results indicate how the additional information elicited from AACs enabled the witness' evidence in chief (the police interview) to be presented in Court. Without this Special Measure, it is very likely that her case would not have proceeded.

Annie B Heini(Aston University, UK)

A comparative study of police interview discourse in investigative interviews with 17and 18 year old suspects in England and Wales

In this talk, I will be presenting preliminary findings from my PhD research, which is concerned with the language used in police interviews with 17 and 18 year old suspects. English and Welsh legislation sees a line between childhood and adulthood between the ages of 17 and 18. In the context of police investigative interviews, this line is linked to differences in the treatment of the interviewees by the police, with children up to 17 being entitled to various special measures when questioned. However, as soon as a person turns 18, these special measures cease. Police interviews are by nature predominantly linguistic events. Forensic linguists have previously researched police interview discourse (e.g. Haworth, 2009; MacLeod, 2010); however, little attention has been given to interviews with adolescent suspects. This comparative study of the linguistics in interviews with the two age groups aims at filling this gap. In terms of methodology, I am drawing on my corpus of police interviews with 17 and 18 year old suspects from England and Wales. The corpus comprises interviews with male and female suspects, accused of a range of offences of different levels. They are all from recent, but closed cases. The recordings are transcribed in great detail, and analysed qualitatively using a Conversation Analysis approach to examine differences in terms of the conversational structure, including patterns of turn-taking, interruptions, overlaps, as well as the construction and maintenance of rapport.

Such linguistic observations can reveal issues in current legislation. While the law deems it appropriate to treat 17 year olds as children and 18 year olds as adults, individual personality traits, and cognitive and linguistic ability could call this into question. Observations in terms of the conversational structure in the two age groups are embedded into the legislative background, but also interpreted with regards to the wider social context of legal discourse.

References

- Haworth, K. (2009). *An analysis of police interview discourse and its role(s) in the judicial process*. PhD Thesis. Nottingham: University of Nottingham.
- MacLeod, N. (2010). *Police Interviews with Women Reporting Rape: A Critical Discourse Analysis*. PhD Thesis. Birmingham: Aston University.

Dr Alison Johnson (University of Leeds, UK)

“Are you saying you were stabbed...?” Multimodality, embodied action, and dramatised formulations in police interviews with suspects

Interviewers in criminal investigations engage suspects in forensic questioning in an attempt to transform from unsettled to settled (Kozin 2008) “the facts” of events, behaviour and speech in relation to alleged crimes. In questions such as “Are you saying X?” or “Xxxx. Is that what you’re saying?” officers challenge suspects to accept a summarised police version of events in an attempt to “fix” the facts (Kozin 2008) for the record. Combining insights from previous research on reported speech (Clift and Holt 2007) and formulations (e.g. Drew 2003), I look not just at what is done in these questions - blame allocation, moral evaluation – but how actions of settling on agreed evidential facts are accomplished through the coordination of the reported talk with bodily interaction such as posture, gesture, gaze, and the manipulation of objects. A small corpus of video-taped police interviews is examined, to show how institutional practices of evidence production are multimodally accomplished. Focusing on the micro-analysis of the linguistic and non-linguistic environment of the verb SAY, I show how facts or their denial are multimodally co-constructed to create an interview record that can be productively used in the future case. Embodied talk (Goodwin 2000) is seen as an important interactional tool that combines with metadiscursive formulating questions to produce institutionally powerful evidence.

Liz Martinez (Arizona State University, USA)

‘You do not have to say anything’—but only if your I.Q. is normal

The police caution, or *Miranda* warning in the United States, is well known to criminals and television-watchers alike. Yet despite its ubiquity, intellectually disabled persons can fail to appreciate the warning or the consequences of not heeding it. They are particularly vulnerable to speaking with police rather than giving a ‘no comment’ interview, which can result in false confessions and subsequent wrongful convictions.

Whether a mentally disabled person can make a legally valid decision to forego silence and speak with the police—waive the right to remain silent—is based on several elements: the reasonable person standard—the suspect’s level of understanding of the crime, the ability to leave or end the interview, etc.; whether the waiver is made voluntarily, knowingly and intelligently—a lack of coercion to confess; and the totality of the circumstances—the suspect’s comprehension of the consequences of talking.

Making a knowing and intelligent waiver is almost impossible for the intellectually disabled because of the complex vocabulary and syntax of the warnings. Tests for evaluating *Miranda* comprehension show that about 70 percent of mentally disabled subjects fail to understand the caution. Posing particular difficulty are six typically-used words: “consult, attorney, interrogation, appointed, entitled, and right.” Among the twenty-one different warnings that exist, reading levels vary from grade four to third year in university. Efforts to construct warnings with simplified wording have not been successful, resulting in seemingly simpler warnings that are still linguistically complex and remain on a grade-seven reading level.

The reasons for the failure to address the problem are manifold. While some attempts have been made to educate police and prosecutors, protections for the intellectually disabled are scattershot and scarce and do not incorporate the requirement for an ‘Appropriate Adult.’

Dr Monwabasi K. Ralarala (University of Fort Hare, South Africa) and Dr Sue-Ann Harding (Hamad bin Khalifa University, Qatar)

Social responsibility and ethical practices in the translation of complainants' narratives: the potential for change

A civilian complainant's first encounter with an officer at a local police station in South Africa is an example of a language event in which language, translation, narrative, power, law and criminal justice are all interconnected. Statements written by police officers during these sessions form the basis of any further legal action and are a critical aspect of the law. In discharging this function, police officers act as both intra-lingual and inter-lingual translators. By transcribing these (usually discarded) recordings of the complainants' narratives, our research enables a textual comparative analysis between the original oral isiXhosa and the written English statement. Drawing on social narrative theory, this paper interrogates these translations and translation practices, noting omissions of events, actors and descriptions which result in a significant reconfiguration of the original narrative. We argue that the step of inter-lingual translation should be omitted at this stage of the statement-taking process, and that raising awareness of the manipulations inherent in these practices can form the basis for developing an ethical approach to police training that, even in difficult and stressful encounters, promotes and enables a culture of institutional responsibility, ethical translation, and the provision of social and criminal justice.

Dr Tatiana Tkacukova (Birmingham City University), Matt Gee (Birmingham City University), Prof. Fiona Gabbert (Goldsmiths University), Dr Gordon Wright, (Goldsmiths University) and Prof. Lorraine Hope (Portsmouth University)

Investigating impact of training for frontline police officers: the PEACE-compliant 'Structured Interview Protocol' training

The paper draws on the ESRC project *Promoting justice: Professionalising frontline policing with an evidence-based Structured Interview Protocol* awarded to Goldsmiths University, Portsmouth University, and Royal Holloway University in cooperation with the College of Policing in August 2014. The aim of the project is to raise the quality of investigative interview skills and performance of frontline uniformed officers by offering training on an evidence-based Structured Interview Protocol (SIP©). SIP is an investigative interview protocol designed to efficiently and effectively promote the conduct of ethical best practice interviews to elicit high quality evidence. The protocol, which is consistent with PEACE, draws on relevant memory theory and principles of memory, current psychological theory on the strategic control of memory reporting, and cutting-edge psychological developments in investigative interviewing research.

As part of the project, frontline police officers conducted interviews before and after they were given training on the mechanics of the SIP. Upon presenting the main principles of the SIP and the scope of training, the paper takes a corpus-based approach to comparing the turns by frontline officers in the two stages of the data collection, i.e. interviews before and after the training. As will be shown in Key Word (Scott 1997) and n-gram analyses, the two datasets show an improvement of the participants' use of questioning turns to elicit information in compliance with aid memory retrieval techniques. For example, post-training interviews have more attestations of establishing structure, building rapport and providing positive reinforcement, as well as a more open questioning style, on the part of the interviewers. The paper explores the intersections between forensic psychology and forensic linguistics and concludes by discussing potential routes for further cooperation.

References

Scott, M. (1997) 'PC Analysis of Key Words – and Key Key Words.' *System* (25:1), 1-13.