

The language of police interviewing: A critical analysis
Georgina Heydon (2005)

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Communicating rights: The language of arrest and detention
Frances Rock (2007)

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As part of an expanding field of study within forensic discourse, there has been an increasing focus on the process of the police interview. The analysis of such an exchange is important, due to the fact that this discourse is gathered in evidence which can be later used in court. How language is used within this setting can have very serious consequences for the suspect. This review compares and contrasts two books which deal with the language used by police officers during the questioning of suspects in the police interview. Both books are studies of data collected from police interviews. In Rock's case, it also includes interviews

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conducted by the researcher with the police officers to ascertain how they observe the impact of the language they use within the interview process.

Heydon's volume analyses thirteen interviews with police officers and suspects held in a rural Australian police station. She analyses her data through a combination of conversation analysis and critical discourse analysis. Her procedure is concerned with a three stage analysis: descriptive framework of police suspect interviews, descriptions of interviews and discursive practices and analysis of how underlying beliefs of police participation affect construction of police interviews. Her main objective for conducting this research was to examine what occurred within standard procedure of police interviews, adding to previous studies on forensic linguistics built of particularly problematic cases.

Chapter one begins with a description of the police interview and an overview of police institutional discourse. The outlines of the analytical approach of the study are detailed. Chapter two elaborates on this analysis and describes the framework used in the interviews. Chapter three begins the analysis of the interview structure and presents the initial phase of this analysis which builds the descriptive framework in this discourse. Chapter four examines the institutional embedding of authority, continuing the analysis with greater detail on the construction and maintenance of the police institutional role in interviewing suspects. Chapter five changes focus, looking at how children are interviewed and in particular, the Video Audio Taped Evidence (VATE) approach. This is based on earlier research by the author and contains a case study of police interviews with children, included here to provide a contrasting example of police discursive behaviour. Chapter six explores some of the myths regarding police interviewing and the effect that these myths have on the discourse. Heydon also combines this with a look at studies suggesting institutionally held beliefs about the process of police interviewing which require further study. The last chapter focuses on institutional power and combines a review of the initial textual analysis in relation to the construction of police power in the discourse structure. In conclusion, there is a discussion of the interdependent relationship between police discursive behaviour and the construction of the mythology about interviewing and policing as a social institution as discussed in chapter six.

Heydon's analysis covers the three key concepts within this research: Power-Discourse-Structure. From developing these concepts, it is seen that the institutional setting of this discourse has a direct bearing on the participation frameworks, forming a third party in addition to the interviewing officer and the suspect. These participation frameworks form the basis of analysis in the form of the tri-partite interview framework. The roles of Author, Principal and Animator are identified as the three different parties. The Animator is

responsible for the production of utterances, the Author is responsible for recording the interview and the Principal is responsible for the consequences of the utterances. These roles defined the process of the interview, which Heydon divides into the relevant sections labelled as opening, information gathering and closing. In the opening section, the police institution is the author and principal and the primary interviewing officer is the animator. During information gathering, the suspect is the author, principal and animator. In the closing section, the police institution is again author and principal and the primary interviewing officer is the animator. The participants display affiliation to this institutionally scripted discourse and therefore, the achievement of goals can be made explicit. In this way, it is seen that the information gathering section is critical to determining role alignment as it is at this point that topic initiation is formally accepted. Topic initiation is particularly important within this framework as it was found that suspects could only raise information through multi-component answers, indicating the power of the institutional framework. The role of the author is also important in this regard as it was found that the accusations and attributions would not be disregarded even if the suspect did not respond. The role of the author also contributes to the shifting of focus seen in the formulations within police talk in order to produce a summary of events. The police interviewers seemed to use utterances which would imply that their construction of events was a restating of the exact meaning uttered by the suspect. However, changes in the formality of the discourse were noted. The role of formality in the interview backs up previous research (Shuy 1998) when examining how the conversational style of speech may be used to gain voluntary confessions. The formality of the interview provides further importance of how the structure of this particular form of discourse operates. The study offers a clear structural analysis and indicating the different points within the interview.

Rock's study contains many similar elements to Heydon's but also provides data on how police officers themselves believe information is delivered during the police interview. The focus of the research was on how the caution was read and reinterpreted by the police officer for the suspect. This research was conducted with several different UK constabularies, and the interviews were with a number of different officers of varying rank and experience. The interviewing officer/suspect interviews used were recorded by the police.

Rock's book is in four parts. Part one is entitled *Rights and Research: Orientation and Theory* and begins with an introduction outlining the focus of the book and the practice of explaining rights through legal language. Chapter two outlines the shortcomings of transmission-based views of comprehension and examines whether transmission should figure in the notion of comprehensibility and questions what part repetition plays in how the information is received and understood. Part two concentrates on written rights and begins

with chapter three, an introduction examining how these texts can formulate the suspects' rights and the duties of the police officer. Chapter four looks at how syntax and lexis are used in legal written discourse. These features are usually attributed with making the legal language behind of the notices 'difficult'. Chapter five continues with an examination of the higher-level features such as the organisation within and between sections of texts. The last two chapters of this section examine the context of the words used within custody and the detainees' reading practices. Rock concentrates on how the revision of the rights by the interviewing officer was received by detainees and how this illustrates the police officer's intentions. Part three concerns itself with spoken rights and particularly, how the caution is delivered by the interviewing officer. Chapter nine examines working with lexis within speech and the lexical items highlighted within the caution. Rock explains that these items were recommended by the data for particular scrutiny as they often formed parts of the reformation of the caution wording. Chapter ten includes an analysis of the organisation within speech and in particular, the organisation of resequencing and the implications of this resequencing. Chapter eleven examines how officers checked comprehension and what the officer hoped to achieve by checking comprehension in a particular way, such as the asking of yes/no questions. Chapter twelve focuses on how the caution was used during the interview to provide 'linguistic scaffolding', creating boundaries in the discourse to produce a successful outcome to the interview. The last section concludes with a summary of how the transformation of texts exists in police work, and the tensions that surround this transforming.

From speaking to the police about the caution, Rock was able to ascertain how aware they were of their role as interpreters of the law, because of their experience and how that affects their reinterpretations. As the caution was given through its formal wording, there was encouragement from official guidelines to reinterpret this and reformulate for the suspect. In addition to this, parts of the caution were revisited during the interview itself, in order to reassert the prominence of the institutional setting and also as a means of guiding the interview along a particular route. This reinterpretation would be subject to the officer's selection of language which could be influenced by the use of technical terms, training, interactions with detainees or other officers and previous exposure to cautioning. Officer interview selections may be intertextually motivated, contextually motivated or discursively motivated. This transformation of legal jargon maintains that the functionality of the interview operates in a certain way, accommodating expertise, knowledge and the message suited to meet the needs and expectations of the interviewing officer and suspect. Added to this, Rock discovered that the act of reading out the official wording altered the environment of the interview room and set a definite agenda for the

interrogation aims. How the caution was reformulated would often be subject to the officer's impression of the suspect and there were different formulations for different people which sometimes resulted in suspects believing that the caution did not affect them personally, indicated through the comprehension checking questions. Apart from how the caution was received by the suspect, there would also be a certain amount of resequencing of the formal wording of the caution in the transformations in the caution and the officers would use different forms, omitting some of the material on occasion, resulting in confusion for the suspect.

Rock's study also directly tackles the question of comprehension by the suspect, examining the ways in which comprehension checking was found to be useful by the police officers themselves. This was not usually fully appreciated within legal interviews and the decision to make obvious the level of comprehension may be retained for particular reasons. Many police officers had mixed views on asking yes/no questions as it did not guarantee whether the suspect was actually comprehending the caution as given. The danger was that many of the suspects would agree too readily, for various reasons, including face.

Though Heydon's and Rock's studies analyse similar subject matter, the methodology and nature of how they tackle their data is different. Both offer invaluable readings of this important area of sociolinguistic research and complement each other on many of the findings. The tripartite interview framework that Heydon uses indicates how this discourse is framed, the concentration being on the roles of author, animator and principal that the interviewing officer and the suspect assume. As Rock points out, the manner in which the caution operates within these interviews is also an important means of framing the discourse and maintaining the presence of the institutional setting within the interview. Both studies also indicate that the interviewing officer felt it was their role to interpret the law for the lay person and that they would alter their language, such as changes in formality and segmenting important features, in order to do this. Within Rock's research, how the caution was reproduced and constructed in a reinterpreted form was not purely a question of whether the wording of the caution itself is comprehensible, as covered by other research (Clare, Gudjonsson and Harari 1998, Cotterill 2000), but how it affected the interview process. In this way, Rock's research offers a continuing analysis of the operation of legal language within the police interview context. Heydon's research offers a generalised view of the interview process, how the interview is structured and how this is of direct importance to the information gathering process. Suspects were clearly given certain roles in exchanges, often meaning they conformed and gave information in a particular way.

Both books provide crucial and important overviews of the police interviewing process. They complement existing work on the comprehensibility of

legal language, offering insights into the routine of police interviews and how transformations of this language are actually delivered by the interviewing officer. The books also highlight the power that the institution has within this discourse, providing further lines of study on the exact nature of how language itself exerts power within law.

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