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## **HELPING THE POLICE WITH THEIR ENQUIRIES: ENHANCING THE INVESTIGATIVE INTERVIEW WITH LINGUISTIC RESEARCH**

Since the UK Police and Criminal Evidence Act introduced tape recorders to police interview rooms in 1984, the insights gained from audio- (and, more recently, video-) recorded police interview data have enabled forensic psychologists to analyse the cognitive and behavioural processes of interview participants, leading to sweeping changes in the way that interviewing is taught and practised by British police officers. However, less attention has been paid to the language of police interviewing and police interviewing methods practised in other parts of the world, such as the Reid Technique, which is ubiquitous in North America. This paper seeks to address both these deficiencies by introducing a linguistic perspective to the analysis of data drawn from an Australian corpus of recorded police interviews. This analysis examined the 'roles' that speakers take up when producing talk as a way of showing how the speaker aligns to the content of the talk. It finds that voluntary confessions by suspects differ in role alignments from police assertions. When evaluating the quality of evidential information obtained in an interview, it is critical to the robustness of the case that the brief is prepared on the basis of volunteered information and not police suggestions. Linguistic theory about role alignments provides a simple tool for distinguishing between talk that is initiated by the suspect and represents new intelligence in the interview, and information that is introduced by the police.

**Keywords:** police investigative interviewing; forensic linguistics; sociolinguistics; questioning

### **Introduction**

The police investigative interview provides officers with a unique opportunity to obtain what is generally held by the judicial system to be one of the most important pieces of evidence in a criminal case: a first-person account of the events in question. The investigative interview is a 'central and significant aspect of the investigative and criminal justice process'

(Walsh, 1994) and interviews with witnesses as well as suspects have the potential to provide a wealth of information to the investigator. The significance of what is a relatively short interaction is matched by its singularity: opportunity, in the form of an evidentiary interview, rarely knocks twice.

In attempting to improve police interviewing techniques, it is fundamentally important that researchers are able to identify with a degree of reliability those interviews that are 'successful'. Linguistics, and more specifically an interactional sociolinguistic approach based on the work of Irving Goffman (1974; 1981; 1983), has the potential to provide a model for analysis which not only distinguishes voluntary confession from non-voluntary or co-opted statements, but can also be used as a teaching tool when developing guidelines for officers at a variety of levels. In this sense, the simple linguistic system of analysis presented here makes a valuable addition to the 'toolkit' currently provided to officers through their training and can be interpreted for use across a variety of interviewing methods.

The critical importance of understanding language use has emerged as a central concern for researchers developing cutting-edge models of police investigative interviewing in Britain, Canada and, more recently, Australia. Some of the most recent research to be published in the field of police interviewing states unequivocally that to elicit high-quality information in interviews, '[t]he most important factor . . . is the questioning techniques' (Powell & Snow, 2007). Powell and Snow find that a lack of research informing practice about the specific linguistic features of investigative interviews is exacerbating the difficulty many police practitioners experience in framing appropriate questions. This situation has arisen in part because the research which underlies many of the current models of police interviewing, while providing a sound foundation for both the *cognitive interview* (Clarke & Milne, 2001) and the Reid Technique (Inbau *et al.*, 2011), is heavily reliant on theoretical understandings of language as they have been advanced within the discipline of psychology. The vast resource of linguistic research, systematic explanations of 'how we do things with words' (Searle, 1969; Austin, 1975), has barely begun to be tapped in the pursuit of international best practice in police interviewing. Following a review of the current practices in police interviewing training, this paper presents an analysis of Australian police interview data from an interactional sociolinguistic perspective. The findings are then considered in relation to two of the most widely used interviewing training

methods, the cognitive interview (as it is used with the 'PEACE' model) and the Reid method, and compared to an existing model for the evaluation of interviewing behaviour which is used with cognitive interviewing training. I will demonstrate that the model of robust linguistic analysis presented here can be usefully applied to the development of police questioning techniques in both cognitive and Reid methods, and that as such it offers a simple, effective and more flexible tool for evaluating the eliciting of evidence and confessions than is currently available.

### **Current approaches to police interviewing**

#### *The influence of the British PEACE model*

There is a growing consensus among practitioners and researchers that investigative interviewing is an acquired skill which must be nurtured and developed through training that is firmly based upon empirical research (Baldwin, 1993; Bull & Milne, 2004; Clarke & Milne, 2001; Moston *et al.*, 1992; Pearse & Gudjonsson, 1996). Since the introduction of tape recorders in British police interview rooms with the Police and Criminal Evidence Act in 1984, British psychologists have worked with the Home Office (UK) to undertake large-scale surveys of interview data and identify improvements that can be addressed by research-based training materials (Central Planning and Training Unit, 1993).

The most influential research in the field of investigative interviewing has been in the area of the Cognitive Interview (CI), the Enhanced Cognitive Interview (ECI) and other techniques which focus on enhancing the interviewee's ability to recall and relate the relevant details about an event they have witnessed (Baldwin, 1993; Clarke & Milne, 2001). In Britain, such research underlies the current training regime, the PEACE model, where officers are introduced to increasingly complex interviewing techniques as their training and experience progresses (Clarke & Milne, 2001). PEACE is an acronym created from the phases of interviewing that are taught in the British model:

- P - Planning & Preparation
- E - Engage & Explain
- A - Account
- C - Closure
- E - Evaluation

A tiered approach was used to roll out the 'PEACE model' across British police forces whereby senior police investigators are trained to provide support to recruits and more junior officers in using the new approach to investigative interviewing. This tiered design of the PEACE model was intended to address the difficulty of challenging police practices established over generations of peer-to-peer communication, as identified in various reviews of police interviewing training (Baldwin, 1993; Clarke & Milne, 2001).

It is noteworthy that while the systematic introduction of PEACE interviewing in Britain promotes best-practice ethical interviewing across all levels of service, the focus of the psychological research into interviewing has been predominantly confined to behaviour and cognitive processes. As indicated above, the research underlying the PEACE training concentrates heavily on the neuropsychology of memory function, and the impact of questioning methods on the witnesses' ability to recall details of a crime scene accurately. Where the training relates to the interviewing of suspects, officers are taught to apply the same principles of cognitive interviewing as for witnesses, but append challenge questions that address inconsistencies between the suspect's version of events and police evidence, or anomalies within the suspect's narrative. Thus, the cognitive interview approach, while broadly satisfying suspects' rights, does not directly address concerns about procedural or sociological aspects of justice and policing as enacted through the investigative interview. One major advantage of developing interviewing strategies based on sociolinguistic analytic frameworks is that it permits the consideration of sociological factors influencing the interaction, such as social class, race, gender and ethnicity. For example, in Australia, a number of studies by linguists such as Diana Eades (1994) and John Gibbons (1994; 1996) have demonstrated that linguistic analysis can highlight relationships of power and inequality in police interviews and courtroom interactions, and that these relationships can be used to manipulate the contributions made by lay, and especially vulnerable, witnesses and suspects.

#### *The Reid Technique<sup>1</sup> and the North American experience*

The Reid Technique of investigative interviewing is used across the United States of America and Canada, and is also widely used as a basis for training in those law enforcement institutions either where the cognitive interview has not been introduced, or where cognitive interviews are restricted to use in specialised

situations (e.g. children and vulnerable adults). This technique, sometimes referred to as the Inbau and Reid method, after the authors of the original guidelines, is based on a two-stage process of engagement with a suspect or witness, in addition to a factual analysis. In the initial stage, the investigator undertakes a non-accusatory interview with the person of interest. During this interview, investigators assess the credibility of the interviewee by observing their behaviour and demeanour. At the completion of this process, which includes specific behaviour-provoking questions, the investigator makes an assessment of the person's guilt. If the person is identified as guilty or deceptive in relation to the events under investigation, then the investigator commences the second stage of the process, which is the nine-step interrogation.

Although the second, interrogation stage has attracted a great deal of criticism and commentary from a variety of academics and practitioners,<sup>2</sup> I am presenting a tool to analyse the source of information that is gained from the interviewee, and thus I am explicitly concerned with that part of the Reid Technique that deals with interviewee contributions, that being the initial non-accusatory interview. The purpose of this interview is 'to gather information' (Inbau *et al.*, 2011: 4) as well as to develop rapport with the subject; assess their general attitude and demeanour; give them an opportunity to tell their story; and develop insight into possible interrogational approaches.

'The opportunity to tell their story' necessarily involves a process that is equivalent in linguistic terms to the elicitation of a free narrative in the PEACE interview model described above. In order to obtain a subject's version of events, the investigator must endeavour to elicit statements from the subject that are freely provided and in the subject's own words. It is these qualities of the Reid non-accusatory interview that make it suitable for consideration here.

#### *Interviewing in Australia and elsewhere*

In a wide variety of jurisdictions, ranging from Germany to Mauritius, the PEACE cognitive interview model is used as the basis for investigative interviewing training, though it is often limited to specialist units. In Australia, for example, training schemes have been implemented for specialist investigators dealing with child and vulnerable witnesses in the states of Victoria and Queensland, and these training schemes are framed by the same cognitive interviewing methodology that underlies PEACE (Powell & Snow, 2007).

However, in Australia, as in other parts of the world, the application of psychological research to interviewing practices is not yet fully developed in the broader area of interviewing adult suspects and witnesses. For example, serving officers trained in Australian police services during the 1990s were taught using a non-specific investigative interviewing approach, but the main emphasis was on the legislative components, such as the caution and related legal procedures. In detective training schools, workshops were presented by American or Canadian interviewing instructors which delivered Reid Technique training; in addition, a variety of other methods were also available to officers in an *ad hoc* manner, such as the deception detection tool, Scientific Content Analysis or SCAN. (See Heydon, 2000 for a critique of SCAN.) Prior to this, the standard interviewing training for Australian officers was a version of the Reid Technique which had been adapted to the Australian environment, and was apparently stripped of many of the more coercive and deceptive tools of persuasion used in the nine-step interrogation (Ord *et al.*, 2004). This is because many of these techniques would produce evidence that would be ruled inadmissible by the courts on the basis that the interviewing methods used to obtain the evidence from suspects were overly oppressive.

At present the tide is turning in Australia, and in other countries such as Sweden, Germany and even Canada (Snook *et al.*, 2010), where some form of the cognitive interview is beginning to replace the interviewer-focused Reid Technique. In New Zealand, the PEACE model has been implemented nationally following a rigorous evaluation process (Schollum *et al.*, 2006; and see below).

As a result of these shifts in police training practices, PEACE and the cognitive interview are prominently positioned as the current models of best practice in specialised interviewing, and to a lesser extent as appropriate for broader investigatory interviewing training.

### **Applying linguistics to the evaluation of interviews**

#### *The case for linguistic analysis*

Language-based analysis of police interviewing has a clear advantage over the existing cognitive models in that it can be applied to a wider range of interviewee types, including uncooperative interviewees. The use of a multidisciplinary method of analysis has the power to reveal the structure of a sound confessional narrative in an interview, and thereby enable the

researchers to identify those language strategies that are most effective in eliciting reliable evidentiary material, whether or not the interviewee is a willing participant in the interaction. As discussed above, most of the contributions to the field made in cognitive psychology have focused on issues concerning the enhancement of recall by interviewees, but memory may in fact be a less significant barrier to a successful interview than the willingness of the interviewee to cooperate. This is clearly an important factor in managing investigations that involve high-stakes interviews with members of politically or socially marginalised minority ethnic groups. The approach described in this paper provides an opportunity to expand substantially the set of interviewing tools for investigators approaching *unwilling or distrustful* interviewees.

Thus, as one example of the usefulness of this linguistic tool, we can acknowledge a gap in the current PEACE-based model that is highlighted by a 2007 study of PEACE training by the New Zealand Police in Manurewa (Schollum *et al.*, 2006). The study found that, while police trainees were generally confident about conducting witness interviews using the established cognitive interview structure, they scored much lower for their comprehension and confidence in using the 'Conversation Management' techniques (Shepherd, 2007) designed for the interviewing of suspects or uncooperative witnesses. In other words, the training provided a firm basis for interviewing cooperative witnesses where cognitive function was the key to eliciting good responses, but coped less well with the challenge of providing guidance to interviewers of uncooperative interviewees.

The experience of the New Zealand Police in the Manurewa PEACE trial provides a strong case for the significance and timeliness of a linguistic approach to addressing the needs of police interviewers faced with uncooperative suspects or witnesses.

A further example of the difference of perspective between psychology and linguistics, and the value of a linguistic approach, can be seen in an analysis of police training interviews with children (Heydon, 2005). In this Australian study involving the Video and Audio-Taping of Evidence (VATE) unit of the Victoria Police, it was known that police officers should 'establish rapport' with the child witnesses and use 'open-ended' questions to elicit substantive information (not just 'yes/no' answers). However, a linguistic approach to the data was able to reveal that this was resulting in the use of indirect requests for information, such as 'Do you know . . .?' and 'Can you tell



me . . .?’ by the police officers in the study. While both of these types of request would invariably be considered open-ended by adults, those of the ‘Do you know . . .’ type were in fact being interpreted as ‘closed’ (yes/no) requests by the children, whereas ‘Can you tell me . . .?’ types were found to be unproblematic and in fact supported the development of police–child rapport. The use of these question types was closely related to pragmatic interpretation of politeness and other sociolinguistic frameworks, and this analysis provided useful insights into the way that officers were interpreting specific aspects of their training under the VATE scheme.

#### *Analytic framework*

A comprehensive framework for the linguistic analysis of police interviews with adult English-speaking suspects was established by Heydon (2005), and one of the tools developed within this framework will be presented here and illustrated with police interview extracts. At its broadest level, it is a framework that facilitates the identification of effective questioning practices in tape-recorded interviews and situates the development of best-practice questioning within a broader research agenda of police accountability and the minimisation of risk to all participants. The specific theoretical approach that we are concerned with here has been constructed from the micro-level diagnostic tools of Interactional Sociolinguistics (Heydon, 2005; Gumperz, 1981; 1982; 1999; Goffman, 1974; 1981; 1983; Levinson, 1988) and provides a framework to analyse the way that speakers align to the things they say. The salient features of this theoretical approach and the specific way in which it contributes to the broader conceptual framework of the research methodology are covered in the following section.

#### *Micro-level linguistic analysis*

Linguists’ understanding of the way in which participants in a verbal interaction ‘orient to’ the talk they are producing was greatly advanced by Goffman’s description of a participation role framework (Goffman, 1981). Erving Goffman was a sociologist who wrote extensively on face-to-face interactions, and his books covered a variety of distinct themes, beginning with *The presentation of self in everyday life* (1959), which was followed by his work on *Asylums* (1961) and the dramaturgical understanding of social order in which he described social interaction as a stage play, where interactants took up various roles. His work on *Frame Analysis* (1974) continued to develop

this notion of roles and alignments, but was more concerned with the analysis of situations and how people organise their experiences according to their immediate and changing environments (framing their talk), rather than with the organisation of society.

The present research draws on Goffman's notion that people take up roles in order to manage their social identity during interactions, and thus combines the concepts of the interaction-as-stage-play and frame analysis. The arrangement of the different roles is referred to as a 'participation framework'. This participation framework enables stretches of a verbal interaction to be categorised according to the speaker roles involved.

More specifically, Goffman's speaker roles refer to the way in which participants align themselves to utterances produced in an interaction (Goffman, 1974). When the conversation (or interview) is analysed in this way, roles are assigned to speakers that reflect their 'orientation' to the words uttered. Three roles that are crucial to the analysis of confessional or informative talk are the roles of: 'Author' (the utterance was 'written' by the participant); 'Principal' (the participant takes responsibility for the impact or effect of the utterance); and 'Animator' (the participant actually physically produces the utterance). In ordinary conversation, it is relatively unremarkable that all three roles would be assigned to one speaker simultaneously, where one speaker is relating a personal story, for example. However, in a police interview, this arrangement of participant roles has a special significance to the voluntariness of a statement produced by an interviewee: when a stretch of talk in a police interview is produced by the interviewee (they are the animator of the statement), it is produced in their own words (they are the author), and they are prepared to take responsibility for the content of implications of the statement (they are the principal), then the statement can truly be considered voluntary and contributing talk that the interviewee has initiated without suggestion or coercion from the interviewer.

Of course, other participation frameworks are also possible. If one speaker quotes another, for instance, then the role of author is assigned to that other speaker, but the first speaker is still the animator, and if they choose to use the quoted speech to make their own argument or proposition, then they are the principal of the utterance as well. If, on the other hand, they quote another speaker and do not claim any responsibility for that utterance ('that's just what she said – I couldn't tell you if that's right or not'), then the role of principal is assigned to the

quoted speaker and the current speaker retains only the role of animator.

In a police interview, speaker roles can be assigned in a number of different ways, sometimes according to the function of the talk (police officers reading a caution are not authors, for example – see below), but sometimes according to the motives of the speakers to ‘own’ the talk.

The assignment of speaker roles in police interviews can be demonstrated by examining this extract from an interview (INT2) which forms part of the data corpus used in an earlier study (Heydon, 2005).

**Table 1** Extract from the Opening of INT2

---

13.	pio2:	I intend to interview you in relation to an
		assault that occurred in Bigtown
14.		on ah New Year’s Eve and the early hours of
		er New Year’s Day
15.		nineteen ninety-eight
16.		→ before continuing I must inform you that
		you are not obliged to say or do anything
17.		but anything you say or do may be given in
		evidence do you understand that
18.	IN2:	Yes

---

This exchange from the opening section of INT2 demonstrates how participants display to each other the roles that they are occupying in relation to their verbal contribution. In line 16, marked with the right arrow, we see pio2 displaying to IN2 that while he (pio2) occupies the role of animator for the caution, he does not occupy the role of author or principal. This is expressed with the phrase, ‘before continuing I must inform you that’. Anything that follows this phrase is uttered by pio2 because he is legally bound to utter certain words, not because he personally creates an utterance and decides to use it. It should be evident that this is in fact a standard or required participation framework for this part of the interview where the legal cautions are enacted.

Various combinations of role alignments represent different types of talk, but the combination, or participation framework, that represents authentic confessional or informative talk is one where the suspect or witness participant takes up all three roles of author, animator and principal. This is referred to here as the

S3R framework, and represents an interaction where the suspect animates an utterance that he or she has written and for which he or she is willing to take ‘responsibility’. The micro-analysis of police interview data – further samples of which are presented below by way of demonstration – reveals that evidence obtained within this participation framework will be more reliable in subsequent legal proceedings because the informant, whether suspect or witness, will be less able or inclined to distance themselves from their statements. If the evidence is obtained using alternative role alignments it will be less reliable. For example, as will be familiar to those working in this field, it is common for a police officer to make a claim and ask the witness or suspect to agree to it, as in the following example from an interview between a detective (pio11) and a suspect (SPT11).

**Table 2** Extract from INT11 (Information Gathering)

---

190.	pio11	and what did Bob initially say to you
191.		did he say anything initially to you
192.		did he say he wanted to come or he didn't want to come
193.	SPT11	aw he wasn't sure
194.		then he went inside and he grabbed his coat
195.		and he come up
196.		[7.5 seconds silence]
197.	pio11	would this be right
198.		or would this be wrong
199.		you kept trying to persuade him to go
200.	SPT11	not persuade
201.		I asked him twice

---

In relation to the central claim ‘you kept trying to persuade him to go’, we can observe that the witness did not ‘write’ the words (was not the author), nor produce the statement (was not the animator), but is being asked to take responsibility for the effect of the words (be the principal). The research indicates that under these circumstances, interviewees resist the principal role, as in this case, and if they do accept it, are able to realign themselves later against the utterance on the grounds that it was not in their own words and they did not choose to produce the utterance in the first place. This realignment can take place during the interview but, of course, the much greater risk is that it will take place under examination in court, undermining the

case and exposing the police organisation to the costs of losing the case.

The following pair of extracts (Extract 3 and Extract 4) from another interview illustrates a clear case of realignment by the suspect during the course of the interview. A brief analysis of the speaker roles used by the police officer and the suspect will demonstrate how a linguistic perspective exposes the underlying *interactional* cause of the realignment.

**Table 3** Extract from INT1 (Information Gathering)

---

422.	pio1:	so you pretty much slammed it the first time
423.	SPT1:	Yeah
424.	pio1:	very hard
425.		and it's cracked all the gra- all the glass
426.	SPT1:	yeah that's right
427.	pio1:	you've reopened it
428.		to get your jacket out
429.	SPT1:	ja- yeah
430.	pio1:	and you've slammed it shut again
431.		causing all the glass to shatter to the ground
432.	SPT1:	that's right

---

In a series of speaking turns between lines 422 and 431, the police officer presents an assertion by taking up the roles of author (she writes the words) and animator (she is the physical source of the talk). While she is successful in getting the suspect to agree to the assertion, it is clear from his contributions to the interaction that he does not himself take up the roles of author and animator in relation to the content of the statement. Nonetheless, to the police officer, his agreement markers in lines 423, 426, 429 and 432 look very much like an admission. This could, no doubt, be the source of some confusion when, a short time later, a contrary assertion is produced by the suspect and vigorously defended, in spite of the evidence presented by the police officer in support of the earlier police version:

These extracts appear to show the suspect simply changing his story. But the extensive empirical research on the subject (Baldwin, 1993) has established that suspects rarely change their stories – a finding strongly supported by detailed qualitative linguistic analysis of these and similar interview data. In fact, Heydon (2005) finds that these apparent shifts by suspects in their story are always associated with an earlier attempt by the

**Table 4** Extract from INT1 (Information Gathering)

---

485.	SPT1:	but I didn't slam it the second time
486.		I just sort of normally closed it and it just shattered
487.	pio1:	all our witnesses say that
488.		you slammed it the second time again
489.	SPT1:	aw well if that's what they say
490.	pio1:	you've got nothing to say to that
491.	SPT1:	Nup

---

police officer to have the suspect align to the police version without the suspect taking up the author and animator roles. It is clear that, having never authored or animated the original statement, the suspect is now able to animate a new, re-authored version which looks quite different to the version to which he earlier agreed.

A contrasting example can be found in this interview with a suspected sex offender, who is being questioned about an incident involving indecent exposure with his 13-year-old step-daughter. The following extract indicates that although the detective appears to be using a closed questioning style initially, and elicits responses that do not have the desired S3R framework, he is able to shift quickly to more open questions and achieves a significant change in the suspect's role alignments.

This section of the interview occurs close to the beginning of the information-gathering stage and follows a few establishing questions about the date of the alleged offence. In the first few lines shown here, the officer is attempting to have the suspect commit to the specifics of the incident, without moving too far into a closed questioning interaction. After establishing that the suspect is aware of the day in question, the detective, PO10, uses a 'tell me' question (lines 43–44) to elicit a free narrative from SPT10. The suspect moves quickly into an S3R framework such that the subsequent description of the events is produced by the suspect, using his own words, and he is not eschewing responsibility for it in any way – it is very clearly his own version of events.

In evaluating the likelihood of a prosecution in this case, the police interviewer and his advising senior sergeant, as well as the Director/Department of Public Prosecutions (DPP), would be able to identify the key admissions in the case and through a brief analysis of the participation framework establish their

**Table 5** Extract from INT10 (Information Gathering)

---

31.	pio10	right
32.		well do you remember watching a tv show with Zoe
33.	SPT10	yes
34.	pio10	do you know what that show was called
35.	SPT10	no I don't
36.		know what the show was called
37.		but um Zoe put a video on
38.		one of her mother's videos she'd found
39.	pio10	right
40.	SPT10	and um she was sitting there watching it
41.		and I just come in and was sitting there watching it
42.	pio10	right
43.		just tell me
44.		tell me what happened
45.	SPT10	we were watching it and she was talking about
46.		oh different things
47.		and you know we just joking around
48.		you know what they were doing and all that
49.		and then she asked about the circumcision

---

reliability as confessional evidence. Although it might seem obvious that the prosecution could simply look at 'who says what', an analysis of the roles can help to identify more complex instances of alignment and commitment. Take the following example from earlier in the same interview:

In line 106 the detective produces the proposition that Zoe, the alleged victim, is a 'pretty mature' 13-year-old. The suspect agrees with this, but in his following turn, line 108, PO10 then provides a gloss of what 'pretty mature' means – that Zoe is 'well developed'. Given that this physical interpretation of maturity is entirely produced by PO10, who takes up author and animator roles in relation to the relevant utterance, SPT10's commitment to the substance of the proposition is questionable. Although SPT10 offers an agreement token in line 109, it is important to note the subsequent contribution of SPT10 in the S3R framework: that 'she acts like a eighteen year old' (line 111). This is not at all the same as being 'well developed' – i.e. physically well developed – but instead is an interpretation of maturity based on behaviour.

**Table 6** Extract from INT10 (Information Gathering)

---

106.		is she a pretty mature thirteen year old
107.	SPT10	yes
108.	pio10	so she's fairly well developed
109.	SPT10	yes
110.	pio10	right
111.	SPT10	she acts like a eighteen nineteen year old
112.	pio10	right
113.		is she ah obviously interested in sexual things
114.	SPT10	//mm*
115.	pio10	or not*
116.	SPT10	well she's always spoke about it
117.		pretty well openly
118.		and when we've been around she's always spoke about it openly
119.		even with me her other sister
120.		we're just casually sitting around
121.		you know just talking general

---

This analysis could have been used to great advantage in preparing the brief of evidence and anticipating the possible motives and defences of the accused. Were the prosecution to try to mount a case that the suspect had been engaging in predatory sexual behaviour in relation to Zoe because she had the physical attributes of an older woman, they would not be able to show that the suspect had himself described the alleged victim as physically mature. Rather, the sections of this part of the narrative that are produced by the suspect in the S3R framework are supportive of a possible defence: that SPT10 believed Zoe was adult enough to understand his act of indecent exposure (showing Zoe his circumcised penis) as a non-sexual act of demonstration (of what circumcision means). Separating the talk produced in S3R from police-produced talk flags at once that the suspect has been able to maintain his own interpretation of Zoe's maturity and does not actually align with the police version of physical maturity during this stretch of talk.

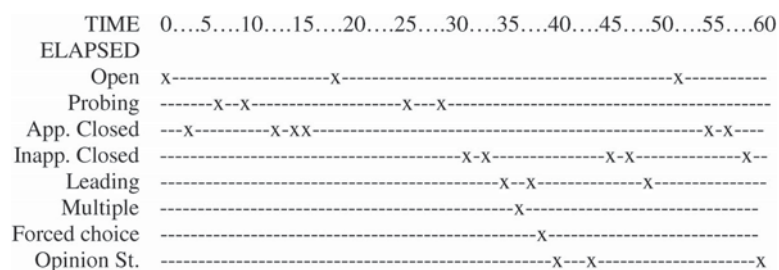
In practice, this method could be as simple as using a colour-coded set of highlighter pens to indicate the different role alignments. Analysts could be trained and the training system tested for inter-rater reliability in a very short space of time, with the aid of linguists specialising in conversation analysis and participation frameworks.



### Using linguistic analysis in current models of interviewing

The findings presented above are, of course, consistent with the cognitive psychology view that every interviewer should strive to elicit a free narrative. More specifically, the tool described has the potential to be used to evaluate the quality of an investigator's interview for training and development purposes, as well as in the preparation of a brief of evidence in high-stakes cases.

This potential can be demonstrated by comparing the application of this linguistic tool with the application of a similar tool, such as the Griffiths Question Map (GQM), developed by psychologists for the purposes described above. The GQM operates by first categorising the questions or utterances produced by interviewers according to a defined set of 'question types'. These question types are more broadly defined as either productive and appropriate, or unproductive and associated with bad questioning (Griffiths & Milne, 2006). The interview is then represented as a kind of graph with each question plotted along an x-axis that indicates time elapsed, and on a y-axis that indicates the different question types (see Figure 1, below).



**Figure 1** Diagram showing the format of a Griffiths Question Map

However, it is very clear from the definitions of these question types provided by the authors that a distinguishing feature of the three categories of productive and appropriate questions is that they are designed to elicit interviewee responses that will be produced within the S3R framework. For instance, the questions that fall into the 'open questions' category at the very top of the GQM, in the position of maximum 'openness', are described as questions that allow 'a full range of responses . . . These questions encourage longer and more accurate answers from interviewees.' These are also very often characterised as 'tell, explain, describe' (or 'TED' questions) and typically take

the form 'tell me everything that happened ...' or similar (Griffiths & Milne, 2006).

The second type of productive question is a probing question, which is 'more intrusive and requiring a more specific answer, usually commencing with the active words "who", "what", "why", "where", "when" "which" or "how" ... These are appropriate when obtaining further detail following an initial account' (Griffiths & Milne, 2006).

Finally, appropriate binary or 'yes/no questions' may be used 'at the conclusion of a topic where open and probing questions have been exhausted' (Griffiths & Milne, 2006). In other words, the definition of a productive question is one that elicits maximum detail from the interviewee, and the definition of appropriateness is that the question does not assume or provide details that have not already been provided by the interviewee.

This is entirely consistent with the discriminatory power of the linguistic tool for evaluative analysis described here, with one key difference: the linguistic analysis can be applied to both interviewer and interviewee utterances. The analysis of speaker roles discriminates evidentially useful information provided freely by the suspect or witness from non-voluntary information introduced by the police interviewer. Where the GQM can be used to evaluate the quality of interviewer questioning strategies, the application of speaker-role analysis can be used to evaluate the evidential value of the information elicited. Moreover, the identification of participation frameworks is a simpler analysis involving fewer categorisations than the GQM. However, the GQM provides the innovative format of the x-axis timeline, tracking the interviewer behaviours as a dynamic process, and, while there is no reason that a similar process might not work for the analysis of speaker role alignments, such an analysis has not yet been tested on a large corpus of interview data.

Of greater significance is that, unlike the GQM, the application of the linguistic speaker-role analysis is not restricted to the PEACE model of interviewing.<sup>3</sup> The analysis presented above can be applied equally to the Reid Technique, as there, too, investigators are trained to elicit an account which is 'free-flowing and relatively unstructured' (Inbau *et al.*, 2011: 4). With the Reid method, as with the PEACE model, there is the potential for a simple tool such as the speaker-role analysis to be applied to the record of an interview in order to evaluate the strength of the interviewee's alignment or commitment to his or her statements.<sup>4</sup>

In some cases, investigators can find themselves reliant on information or evidence that they believe formed a core part of the suspect's confession only to find later that the suspect never volunteered this information freely and only agreed to a statement made by the investigator. For instance, there have been a number of high-profile cases of false confession, including the Central Park jogger case, where suspects have apparently revealed in their confessions details of the crime scene that only the perpetrator could possibly have known. In such cases, it is often found later that in fact the information was 'leaked' to the suspect during the interview through the investigator's own questioning. A tool such as that presented here has the capacity to identify the source of intelligence that emerges in the course of an interview and avoid the potentially catastrophic contamination of evidence described above.

In summary, the analysis of speaker roles reveals at the micro-level just how much of the information can be attributed to the suspect, by identifying which statements he or she made using the three speaker roles of principal, author and animator. These statements can be more reliably used as confessional evidence in court or in police operations. Conversely, information that has been produced in an alternative framework, such as one where the police interviewer takes up the roles of animator and author, and attempts to have the interviewee align to the statements as principal, is less reliable as confessional evidence and may even be responsible for the creation of a false confession.

The participation framework approach is therefore not only a powerful tool for the identification of reliable statements produced by interviewees, but can in fact be used by trained police members, or consulting linguistic experts, to identify weaknesses in the interview evidence that might undermine an important and potentially high-risk case. The notion of speaker roles and their application can be incorporated into either the PEACE model of cognitive interviewing or the Reid Technique, providing another instrument in the toolkit for officers to help understand the characteristics of 'free narrative'.

### **Future directions for investigative interviewing research and practice**

For those law enforcement agencies that are moving towards the PEACE model of cognitive interviewing, a linguistic form of investigative interviewing training and practice – such as the example presented in this paper – should embrace the successes

of the cognitive psychology approach but seek a new and innovative pathway to address the increasingly complex questions of language use and cross-cultural communication in police interviews. Where psychology has provided a map of the interview process, linguistics can detail the features which link and develop specific participant behaviours.

For those agencies that continue to employ the Reid Technique, the value of linguistic methods of analysis should not be underestimated, especially given the critical importance of obtaining a free account during the non-accusatory phase of the investigation process.

Thus, an important 'next step' is a large-scale linguistic research project that would be aimed at quantifying potential language strategies and providing a wider range of training and interviewing techniques for law enforcement agents. For instance, when the data features a police interviewer attempting to elicit a narrative, the linguistic analysis can identify language features or 'triggers' that are successful in such an elicitation. Such triggers can be coded and quantified across the broad range of interview data and this process then repeated for the variety of language behaviours that psychologists have, through their extensive research, found to be critical in an investigative interview. The identification and coding of such features relies on a number of frameworks of analysis developed by linguists, including the interactional sociolinguistics approach demonstrated here, and incorporating aspects of conversation analysis (Sacks, 1987; Sacks *et al.*, 1974) and politeness and face theories (Brown & Levinson, 1987). These can be combined in the locally relevant methodology to provide a unique set of tools to achieve a practical yet theoretically sound outcome for police practitioners.

This paper illustrates how just one of these sociolinguistic approaches can be utilised to identify voluntary talk in a police interview: talk that might constitute a confession or otherwise reliably contribute crucial information to the investigation. It is intended that the theoretical framework employed in this analysis will enable the development of language-based interviewing strategies that can be incorporated usefully into police and law enforcement officer training. As indicated, it is my belief that this would be achieved most fruitfully through a cooperative approach between linguists and psychologists working within both the cognitive interview model and the Reid model, and therefore this paper represents a further step on the path towards such a joint venture.

## Notes

1. 'Reid Technique' is a registered trademark of John E. Reid and Associates.
2. For a critique of the nine-step interrogation technique, see Snook *et al.*, (2010).
3. The GQM is intended to evaluate the success of investigator training in use of the question types described, which is specifically the PEACE model of interviewing taught in England and Wales.
4. Of course, it is necessary to have an audio or video recording of the interview, and it is recognised that this is not always available under USA and Canadian interviewing standards.

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